

BYLAW NO. 2010-MC-10

**A BYLAW OF THE TOWN OF MAPLE CREEK, SASKATCHEWAN, TO PROVIDE FOR THE RESTRAINING, REGULATING AND IMPOUNDING OF PETS , DANGEROUS ANIMALS AND THE LICENSING THEREOF**

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The Council of the Town of Maple Creek, in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as "The Pet Bylaw".
2. Definitions:
  - A) "Animal" means all species of fauna that are allowed within the boundaries of the town of Maple Creek but excluding humans, fish and aquatic invertebrates.
  - B) "Animal Control Officer" means a Bylaw Enforcement Officer, RCMP, Peace Officer or any person appointed by Council for the purpose of enforcing the provisions of this Bylaw.
  - C) "Council" means the Council for the Town of Maple Creek.
  - D) "Owner" means:
    - i) the person who keeps, possesses or harbours an animal; or
    - ii) the person responsible for the custody of a minor if the minor is the owner.
  - E) "Dangerous animal" means any animal that:
    - i) without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
    - ii) has a propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
    - iii) without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal; or
    - iv) is owned primarily or in part for the purpose of fighting or is trained for fighting; or
    - v) is attack trained, but shall not include:
      - a) any dog acting in the performance of police work;
      - b) any dog working as a guard dog on a commercial property:
        - securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of the tender years;
        - defending that property against a person who was committing an offense.
  - F) "Town" means the Town of Maple Creek, Saskatchewan.
  - G) "Pet" means either male or female dog, male or female cat.
  - H) "Pound" means a place that has been designated by Town Council as the place where stray cats and dogs are kept.

- I) "Pound keeper" means the person, persons or association designated by the Town to maintain and administer the pound.
- J) "Running at large" means an animal which is off the premises of its owner and is not restrained by means of a leash and under immediate control of some competent person.

#### Licensing

- 3. A) Every owner of a pet within the Town shall cause each said pet to be registered with and obtain a license for it from the Town Office. When applying for the license, the applicant shall provide the Town Office with a physical description of the pet, the breed in case of a dog, the sex, the name, and any other relevant information and shall provide the name, address and telephone number of the owner of the pet.
  - B) Every applicant, at the time of making an application for a license for a neutered pet, may be required to provide the Town Office with a certificate from a veterinary surgeon that said pet has been neutered.
  - C) The license year shall be from January 1 to December 31 of the same year.
  - D) Every owner of a pet six (6) months or older shall no later than February 1<sup>st</sup> in each year obtain a license for said pet from the Town Office.
  - E) A dog owned by a sightless person and used as a guide, or "seeing eye" dog shall be licensed as provided by this bylaw, but without charge.
  - F) License tags must be securely attached to the pet's collar which must be fixed around the neck of the pet at all times when said pet is not on the owner's property.
  - G) Subsection F) shall not apply while an animal is participating in a recognized show, obedience trial or field trial.
4. Any person who gives false information when applying for a license is guilty of an offense.

#### Responsibility of Pet owners

5. No person within the Town shall harbour or keep more than two (2) pets, over the age of four (4) months, on any one property.
- A) Any person who wishes to keep or harbour more than two (2) pets on any one property shall apply to the Town for a permit that grants permission to do such a thing. The maximum allowable pets per property if a permit is granted shall then be five (5).
  - B) Should a permit be granted, the owner of said pets shall pay license fees on a graduated scale per number of pets and a permit fee as referred to in Schedule 'A' of this bylaw.
  - C) The Town may refuse any application or revoke any permit to harbour more than two (2) pets should there be indication of violation(s) to the provisions of this bylaw.
6. The maximum number of harboured pets mentioned in section 5 shall not apply to veterinary clinics or boarding kennels registered with the Canadian Kennel Club.
7. The owner of a pet shall ensure that such pet is not running at large.
8. A pet will be considered to be running at large when a leash longer than three (3) meters in length is used to restrain a pet that is not on the owner's property.

9. If a pet defecates on any public or private property other than the property of its owner, whether it is running at large or not, the owner shall remove feces immediately.
10. Any person owning a dog and occupying property in the Town of Maple Creek shall remove any and all defecation from the said property on a weekly basis and shall dispose of the excreta in a sanitary manner.
11. Animal pens, runs or structures must be no less than one (1) meter from Property lines and no less than three (3) meters from a neighboring dwelling unit.

#### Unattended Animals

12. The owner of an animal shall ensure that such animal is not left unattended while tethered or tied up on premises where the public has access, whether the right of access is expressed or implied.
13. The owner of an animal shall ensure that such animal is not left tethered or tied up in a residential yard when no one at the residence is home unless
  - A) the yard is securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the animal and the entry of children of the tender years; or
  - B) the animal is kept in a secure enclosure that prevents the escape of the animal.
14. No pet shall be left unattended in any motor vehicle unless the pet is restricted so as to prevent access to a person.
15. Any person leaving an animal unattended in a motor vehicle shall ensure that suitable ventilation is provided for the Animal.
16. No person shall leave an animal unattended in the open box area of a truck or an open trailer without suitable restraint so as to prevent access to a person while the truck or trailer is parked.

#### Threatening and Nuisance Behaviors

17. Any owner of an animal which:
  - A) bites a person or other animal whether on the property of the owner or not;
  - B) does any act that injures a person or other animal whether on the property of the owner or not;
  - C) chases or otherwise threaten a person or other animal whether on the property of the owner or not, unless the person or animal chased or threatened is a trespasser on the property of the owner;
  - D) barks at, or chases other animals, bicycles, automobiles, or other vehicles;
  - E) barks, howls/hisses at night or otherwise disturbs any person;
  - F) causes damage to property;
  - G) defecates or sprays on private property
  - H) digs in flowerbeds and gardens or waste receptacles
  - I) upsets waste receptacles or scatters the contents thereof
  - J) trespasses on private property whether or not the animal is running at large;is guilty of an offense.

Nuisance Animals

- 18. An Animal Control Officer may, on having reasonable and probable grounds to believe an animal is a Nuisance Animal, direct the owner in writing to take such actions as deemed necessary to ensure this bylaw is not further contravened.
- 19. The owner of a Nuisance Animal who fails to comply with the written direction pursuant to section 18 is guilty of an offence.

Dangerous Animals

- 20. No person shall keep or harbor a dangerous animal within the boundaries of the Town of Maple Creek except;
  - A) as provided for in Section 375 of *The Municipalities Act*; and/or
  - B) the animal has been declared dangerous within the guidelines provided for in this Bylaw; and
  - C) the owner abides by all rules and regulations set forth by this Bylaw in the keeping of an animal that has been declared as a Dangerous Animal
- 21. A) If an Animal Control Officer believes on reasonable and probable Grounds that an animal has:
  - i) displayed itself as defined in Section 2 E) of this Bylaw; or
  - ii) the animal has previously been declared to be a Dangerous Animal under Section 375 of *The Municipalities Act*,the Animal Control Officer may seize and impound the animal and declare the animal to be a Dangerous Animal.
- B) If an Animal Control Officer has declared an animal to be a Dangerous Animal, the officer shall provide written notification of the declaration to the animal's owner.
- C) A person who receives a notice from an Animal Control Officer pursuant to subsection A) may appeal the declaration by giving written notice of the Appeal and the reasons therefore to the Town Administrator within ten (10) days of receiving the declaration from the Animal Control Officer.
- D) Upon receipt of an appeal pursuant to subsection C), Council shall Establish an appeal committee by resolution.
- E) The appeal committee, upon hearing the appeal, may uphold the decision of the Animal Control Officer or allow the appeal.
- 22. A) The owner of an animal that has been deemed as dangerous shall:
  - i) keep the animal in an enclosure having:
    - a) secure sides and a secure top;
    - b) the bottom secured to the sides or the sides embedded in the ground to a minimum depth of (30) centimeters;
    - c) minimum dimensions of 1.5 meters by 3.0 meters and a minimum height of 1.5 meters
    - d) said enclosure must be no less than 1.0 meter from property lines and no less than 5.0 meters from a neighboring residence; and
    - e) must provide the animal shelter from the elements.

- ii) muzzle and leash the animal when the animal is removed from the enclosure and keep it under the owner's direct control and supervision;
  - a) the leash of which must not exceed (1) one meter in length
- iii) obtain and keep in effect liability insurance in the amount of not less than \$300,000.00 specifically covering any damages for the personal injury and property damage caused by the dangerous animal.
  - a) proof of insurance is required to be produced to the Town Administrator and/or his designate no later than (15) fifteen days after the animal has been declared as a Dangerous Animal.
- iv) display signs, in a prescribed form as directed by the Animal Control Officer, on the owner's property warning of the animal's presence and shall continue to display the signs in good condition so long as the animal is present on the property
- v) inoculate the animal for rabies and provide proof of same to the Town Administrator and/or his designate within (10) days of the animal being declared as a Dangerous Animal. Inoculations must be maintained every 12 months for the life of the animal.
- vi) have the animal tattooed or micro chipped.
- vii) have the animal spayed or neutered
- viii) take any other measures as Town Council sees fit; or
- ix) destroy or otherwise dispose of the animal at the owner's expense

Destruction of an Animal

- 23. A) A peace officer or designated officer may destroy any animal that he or she finds injuring or viciously attacking a person or a domestic animal.
- B) A peace officer or designated officer who, acting in good faith, destroys an animal pursuant to section 23 A) , is not liable to the owner for the value of the animal.

Interference with Animals

- 24. No person shall:
  - A) tease, torment, annoy, entice, bait, throw objects or cause discomfort to any animal
  - B) untie, loosen, or otherwise free an animal which has been tied or otherwise restrained
  - C) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow the animal to run at large in the Town.

### Impoundment of Pets

25. An Animal Control Officer may capture and impound any pet which:
- A) is found running at large.
  - B) is not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.
  - C) is named or described or designated in a complaint as a dangerous animal.
  - D) is actually or apparently affected with Rabies or any other contagious disease.
26. An Animal Control Officer may enter onto the land surrounding any building in pursuit of any pet which has been observed to be at large or has been received in complaint as being dangerous.
27. For the purpose of impounding any pet found at large in the Town, a pound shall be established at such place as may be designated by resolution of Council as a pound.
28. The Town may from time to time appoint a Pound keeper to carry out the provisions of this bylaw.
29. The pound keeper shall receive and detain in the pound any pet found running at large and shall detain same until disposal of it in accordance with the provisions of this bylaw.
30. The pound keeper shall keep a record of all pets impounded and of the time and manner of their disposal.
31. The pound keeper or such other person as may be designated by the Town Administrator shall supply to each pet impounded under the authority of this bylaw sufficient food and water during its confinement in the pound, and to maintain clean and properly vented enclosures for impounded pets.

### Release of Impounded Pets

32. All pets impounded shall be confined for a period of seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and statutory holidays, during which time the owner shall have the right to repossess said pet upon paying the Town any applicable fines plus the amounts set forth in Schedule A of this bylaw.
33. A) No pet shall be released from the pound unless:
- ii) a certificate is produced that the pet has been vaccinated against rabies within two years of the date of release, and
  - iii) a license is obtained for said pet should a license be required under this bylaw.
- B) The requirements of clause 33 A) i) may be met by a prospective owner signing a declaration as provided in Schedule C that the vaccination will be obtained within 30 days from the date of possession of the pet.
- C) Failure to carry out the requirements specified on a declaration made pursuant to subsection 33 B) shall constitute a breach of this bylaw.
34. The owner of any pet impounded, in order to have the same released from the pound, shall satisfy the pound keeper by reasonable evidence, that he is the lawful owner or person entitled to the possession of said pet and pay all applicable fees set forth by this bylaw.

35. Any animal suspected of having rabies or other life threatening disease shall be isolated and may not be claimed from the pound, destroyed, or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the direction of the Medical Health Officer.

#### Disposal of Unclaimed Pets

36. If an impounded pet is not claimed within seventy-two (72) hours from the time said pet is received at the pound (excluding Saturdays, Sundays and Statutory holidays), and the fees if any, paid as herein provided, said pet may be disposed of by the Pound keeper without further notice in the following manner:
- A) disposal by adoption where in the opinion of the Pound keeper the dog is suitable for adoption.
  - B) disposal by euthanasia where in the opinion of the Pound keeper the pet is not suitable for adoption.
  - C) disposal by euthanasia if the pet cannot be sold for adoption within a reasonable time.
37. Any impounded animal that has been declared dangerous may not be offered for adoption.

#### General Penalty Provisions

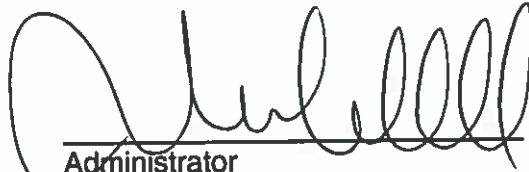
38. Unless otherwise provided for in this bylaw, any person who contravenes any of the provisions of this bylaw or fails to comply therewith shall be liable on summary conviction to a penalty of not less than \$50.00 and not more than \$2500.00
39. A) Where the Animal Control Officer believes that a person has contravened any provision of this bylaw, they may serve upon such a person a Bylaw Violation Notice as provided by this section.
- E) Such notice shall be deemed to have been served:
- i) on the expiration of twenty-four hours after it is posted, if the notice is mailed;
  - ii) on the day of actual delivery, if the notice is served personally or left at their last known address; or
  - iii) on the business day following the transmission, if given by facsimile.
- C) The person named on a Bylaw Violation Notice may make a voluntary payment in the specified amount set out in schedule B of this bylaw, and upon making the voluntary payment, that person shall not be liable for prosecution for the contravention stated on the Bylaw Violation Notice.
- D) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- E) The Town may deny or restrict pet ownership within town limits to a person with recurring violations of this bylaw.
40. No person shall do anything where such an act or omission may have the effect of obstructing, hindering or impeding a designated Officer from carrying out any of the provisions of this Bylaw.
41. Bylaws 95-MC-13 and 2005-MC-10 are hereby repealed.

42.

This bylaw shall come into force and effect upon third and final reading of the Council of the Town of Maple Creek.

  
\_\_\_\_\_  
Mayor

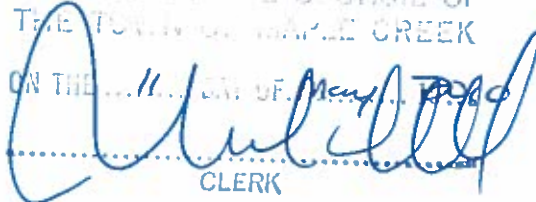
SEAL

  
\_\_\_\_\_  
Administrator

CERTIFIED A TRUE COPY OF

BYLAW NO. 2010-MC-10  
ADOPTED BY THE COUNCIL OF  
THE TOWN OF MAPLE CREEK

ON THE 11 DAY OF May, 2010

  
.....  
CLERK



**SCHEDULE "B"**  
**OFFENCE PENALTIES**

<b>Section</b>	<b>Offence</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third Offence</b>
3 A)	Fail to acquire Pet license	\$100.00		
3 F)	Animal not wearing License Tag	\$50.00	\$75.00	\$100.00
4	Providing false information	\$100.00		
5 A)	Harbor more than 2 pets without permit	\$100.00		
7 & 8	Running at Large	\$100.00	\$150.00	\$200.00
9	Failure to clean up after animal	\$100.00	\$150.00	\$200.00
10	Failure to keep property clean of feces	\$100.00		
12	Unattended animal in public	\$100.00		
13	Unattended animal in residential yard	\$100.00		
14	Unattended animal not restricted in vehicle	\$100.00		
15	Unattended animal left with unsuitable ventilation in vehicle	\$100.00		
16	Unattended animal on truck box or trailer without restraint	\$100.00		
17 A) 17 B)	Animal bites or injures a person or another animal	\$250.00		
17 C)	Chases or threatens a person or another animal	\$100.00		
17 D)	Barks at or chases vehicles	\$100.00		
17 E)	Barking, howling, hissing at night, disturbing any person	\$50.00	\$100.00	\$200.00
17 F) 17 H)	Damages property	\$100.00		
17 G)	Defecates or sprays on private property	\$100.00		
17 I)	Upsets waste receptacle, scatters contents thereof	\$150.00		
17 J)	Trespasses	\$100.00		
20	Harbor Dangerous Animal	\$1000.00		
22 A) i)	Failure to keep Dangerous Animal under controlled confinement	\$1000.00		
22 A) ii)	Failure to keep Dangerous Animal muzzled and properly secured on a leash	\$1000.00		
22 A) iii)	Failure to obtain and maintain insurance	\$1000.00		

22 A) iv)	Failure to display signs	\$1000.00		
22 A) v)	Failure to obtain and maintain inoculations	\$1000.000		
22 A) vi)	Failure to tattoo or micro chip	\$1000.00		
22 A) vii)	Failure to spay or neuter	\$1000.00		
22 A) viii)	Failure to obey other measures	\$1000.00		
24 A)	Tease, annoy animal	\$150.00		
24 B) 24 C)	Purposely cause an animal to run at large	\$150.00		
33 C)	Failure to vaccinate	\$50.00		
40	Obstructing a designated Officer	\$500.00		

**SCHEDULE "A"**

**LICENSE AND IMPOUNDMENT FEES**

Yearly license fee for:	Number of Pets			
	1 <sup>st</sup> & 2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>
Male or female dog or cat – spayed or neutered	\$10.00	\$15.00	\$20.00	\$25.00
Male or female dog or cat – not spayed or neutered	\$50.00	\$60.00	\$70.00	\$80.00

Permit to harbour more than 2 pets	\$20.00
Nuisance Animal as defined in Bylaw	\$150.00
Dangerous Animal as defined by this Bylaw	\$500.00
Replacement Tag	\$5.00
Impoundment of dog or cat – spayed or neutered	\$10.00 per day
Impoundment of dog or cat – not spayed or neutered	\$20.00 per day
Impoundment of a dangerous animal	\$50.00 per day

**SCHEDULE "C"**

**DECLARATION TO HAVE DOG VACCINATED**

I, \_\_\_\_\_ of \_\_\_\_\_

hereby declare that the animal which is released to me by the Town of Maple Creek on this date, will be vaccinated for rabies as required by the Town of Maple Creek Pet Bylaw within 30 days.

I acknowledge that failure to comply with this declaration may result in prosecution under section 33 C) of the Pet Bylaw.

\_\_\_\_\_  
Dog Owner

\_\_\_\_\_  
Description of Dog

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date