

**TOWN OF NIPAWIN
BYLAW NO. 1130/21**

**A BYLAW RESPECTING THE REGULATION, LICENCING, CARE AND CONTROL OF ANIMALS, LIVESTOCK,
AND POULTRY**

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

1. Short Name

1.1 This Bylaw may be cited as *The Animal Control Bylaw*.

2. Governing Legislation

2.1 *The Municipalities Act* prevails in all circumstances where there might arise a conflict between *The Municipalities Act* and *The Animal Control Bylaw*.

2.2 *The Animal Protection Act, 1999* prevails in all circumstances where there might arise a conflict between *The Animal Protection Act, 1999* and *The Animal Control Bylaw*.

2.3 *The Veterinarians Act, 1987* prevails in all circumstances where there might arise a conflict between *The Veterinarians Act, 1987* and *The Animal Control Bylaw*.

2.4 *The Wildlife Act, 1998* prevails in all circumstances where there might arise a conflict between *The Wildlife Act, 1998* and *The Animal Control Bylaw*.

3. Definitions

3.1 In this Bylaw, the following definitions apply:

- (a) **Animal** means all dogs, cats, and/or any type of common household pet that is deemed permissible by the bylaw to harbour within the municipality of the Town of Nipawin, but shall exclude:
 - (i) fish, small amphibians, and reptiles which are normally contained in an aquarium;
 - (ii) hamsters, gerbils, mice, guinea pigs, and other small rodents normally kept in a cage; and
 - (iii) any Prohibited Animal;
- (b) **Animal Run** means an enclosure or structure outside of a residential dwelling unit used for the harbouring or containment of a dog or dogs, or a cat or cats;
- (c) **Animal Control Officer** means any person appointed by the Council to restrain and impound any animal running at large in the Town of Nipawin or any person authorized to act on the Animal Control Officer's behalf;
- (d) **Bylaw Enforcement Officer** means a person appointed by the Council for the enforcement of Town of Nipawin bylaws, including Animal Control Officers;
- (e) **CAO** means the Chief Administrative Officer of the Town of Nipawin or designate;

- (f) **Cat** means any domestic bred cat, male or female, neutered or spayed, of the feline family over the age of six (6) months; excluding hybrid, wild, and exotic cats;
- (g) **Council** means the Council of the Town of Nipawin;
- (h) **Dangerous Animal** means any animal declared to be dangerous by a Judge pursuant to *The Municipalities Act*.
- (i) **Dog** means any dog, male or female, neutered or spayed, of the canine family over the age of six (6) months;
- (j) **Hunting** means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently captured, wounded or killed;
- (k) **Judge** means a judge of the Provincial Court of Saskatchewan or a Justice of the Peace;
- (l) **Leash** means a chain, rope, or strap attached to the collar or harness of an animal, especially a dog, and used to lead or hold the dog in check;
- (m) **Livestock** includes, but is not limited to:
 - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat
 - (ii) domestically reared or kept deer, reindeer, moose, elk, or bison
 - (iii) animals of the bovine species
 - (iv) animals of the avian species including chickens, turkeys, ducks, geese, or pheasants, and
 - (v) all other animals that are kept for agricultural purposes but does not include cats, dogs, or other domesticated household pets;
- (n) **Medical Health Officer** means the Medical Health Officer or designate, and shall include the Senior Public Health Inspector and anyone under the instructions of the Medical Health Officer for that Health Region containing the Town of Nipawin; in carrying out the provisions of this Bylaw;
- (o) **Microchip Implant** means an identifying integrated circuit placed under the skin of a dog, cat, or other animal by a Licensed technician, usually a Veterinarian. The chip, about the size of a large grain of rice, uses passive RFID (Radio Frequency Identification) technology to store information about the animal, and may also be known as a PIT tag (for Passive Integrated Transponder);

- (p) **Nuisance Animal** means an animal that has repeatedly exhibited Threatening and Nuisance behaviors and/or declared to be a Nuisance Animal by the CAO in accordance with Section 14(d);
- (q) **Owner** means the person who has custody and/or control of an animal, but shall not include:
 - (i) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harbouring an animal for the prevention, diagnosis, or treatment of a disease or of an injury to the animal;
 - (ii) an urban municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals, a local Society for the Prevention of Cruelty to Animals, or a Humane Society operating pursuant to *The Animal Protection Act*, with respect to an Animal shelter or impoundment facility operated by any of them.
- (r) **Pet** means animals, fish, birds, or reptiles that are:
 - (i) domesticated or tamed and kept as a companion and deemed permissible by this bylaw to harbour within the Town;
 - (ii) not raised for profit;
 - (iii) not customarily raised for human consumption;
 - (iv) not used for the purpose of transportation;
- (s) **Pound** means such premises and facilities as may be designated by Council for the purpose of safely lodging and securing animals;
- (t) **Pound Keeper** means the person designated by the Town of Nipawin to administer the pound;
- (u) **Prohibited Animal** means any animal as listed in Schedule "D";
- (v) **Town** means the Town of Nipawin in the Province of Saskatchewan.

4. Application

- 4.1 This bylaw applies to the ownership of all animals within the Town of Nipawin.
- 4.2 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 4.3 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or license.
- 4.4 Where this Bylaw refers to another Act, Bylaw, regulation, or agency, it includes reference to any Act, Bylaw, regulation, or agency that may be substituted therefor.

4.5 All schedules attached to this Bylaw shall form a part of this Bylaw.

5. Licencing of Animals

5.1 Obtaining a License

- (a) Every owner of a dog or cat six (6) months old or older shall obtain a Town issued license.
- (b) The holder of a license must be at least eighteen (18) years of age.
- (c) The provisions of this section shall not apply to any dog or cat kept in the ordinary course of business by the proprietors of the following premises:
 - (i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
 - (ii) a public Animal Pound;
 - (iii) any incorporated business that includes the sale of pets;
 - (iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals;
 - (v) a recognized animal show or obedience training.
- (d) When issuing a license for a dog or cat, the Town shall supply the applicant with a license number plate or tag, the form of which and lettering or numbers inscribed or imprinted thereon as may be determined by the Town, and a receipt for payment of the license.
- (e) The annual fee for a license shall be as set out in Schedule "A".
- (f) Any license issued pursuant to the provisions of this Bylaw shall not be transferable to any other animal.
- (g) 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.
- (h) The owner of a dog shall ensure that the dog wears a collar to which is attached a current license tag whenever the dog is off the premises of the owner. The owner of a cat shall ensure that the cat wears a collar to which is attached a current license tag whenever the cat is off the premises of the owner, unless the cat bears a visible tattoo or identifiable microchip that has the owner's current information. This provision shall not apply while an animal is participating in a recognized show, obedience trial or field trial.
- (i) Every owner of a dog or cat within the Town shall, on demand by the Bylaw Enforcement Officer, Peace Officer, or designate, produce and show a license receipt or other evidence that a license has been obtained for the current year.
- (j) The onus of proving a person has a valid and subsisting license is on the person alleging the license.
- (k) The onus of proving the age of an animal is on the person alleging the age.
- (l) An owner shall forthwith notify the Town Office of any change with respect to any information provided in an application for a license under this Bylaw.
- (m) Licenses issued under this Bylaw shall expire on December 31st of the year issued.
- (n) No person shall be entitled to a license rebate under this Bylaw.
- (o) No person shall give false information when applying for a license.

5.2 Information Required to Obtain a License

When applying for a license the applicant shall provide the Town with:

- (a) a physical description of the animal;
- (b) the breed or type of the animal;
- (c) the sex, and information regarding whether the animal is spayed/neutered or intact;
- (d) the name of the animal;
- (e) any other relevant information such as a tattoo, microchip, unique markings, or medical conditions required with respect to the animal;
- (f) the animal's history of rabies vaccinations;
- (g) the name, address, and telephone number(s) of the owner of the animal; and
- (h) any other information a license Inspector may require.

5.3 Duration of the License

The license shall be in effect from January 1st to December 31st of the calendar year in which the license was purchased.

5.4 Validity of Existing Licenses

An existing license issued under Bylaw 1119/21, A Bylaw Respecting the Regulation, Licensing, Care and Control of Animals, Livestock , and Poultry and Bylaw 1064/48, A Bylaw Respecting the Regulation, Licensing, Care and Control of Animals, Livestock , and Poultry ,remains valid until the term of such license expires.

5.5 Replacement of Lost Licenses

Upon losing a license, an owner of a licensed animal shall present the receipt for payment of the current year's license fee to the Town Office, and a new tag will be issued to the owner for the fee set out in Schedule "A" of this Bylaw.

6. Livestock, and Poultry

6.1 No person shall keep livestock, or poultry within the Town except for the following areas:

- (a) in a stockyard, where the same is a permitted use under the Zoning Bylaw, provided that all Federal and Provincial regulations relating to stockyards are complied with;
- (b) or with special permission of Council;

6.2 On its own initiative, or after having reviewed a report from the Medical Health Officer, Council may revoke the privilege of any person to keep livestock, or poultry in the areas designated in Section 6.1.

6.3 Where Council revokes the privilege to keep livestock, or poultry, the Bylaw Enforcement Officer shall serve the owner by registered mail or in person, a notice stating the reason for Council's decision. The owner shall have 30 days from the notice to comply.

- 6.4 Sections 6.1 and 6.2 do not apply to the following places or circumstances:
- (a) in a veterinary clinic under the care of a licensed veterinarian;
 - (b) by anyone holding a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions;
 - (c) a zoo or travelling circus, provided a valid license has been obtained from the Province of Saskatchewan or the Government of Canada, and a business license issued by the Town.

7. Prohibited Animals

7.1 The ownership or harbouring of any Prohibited Animal, as outlined in Schedule "D", is strictly prohibited.

7.2 No person or corporation shall operate a pet shop that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kinds listed in Schedule "D".

8. Maximum Number of Animals Allowed:

8.1 No more than ten (10) animals over the age of six (6) months shall be owned and/or harboured in a single dwelling, excluding:

- (a) a veterinary hospital, clinic, boarding kennel, or grooming parlor;
- (b) a public Pound;
- (c) a shop whose business includes the sale of pets and is licensed as such;
- (d) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals;
- (e) a recognized animal show or obedience training.

9. Animal Runs & Fencing

9.1 Where an animal is kept in an animal run the owner shall ensure that the animal run is kept in a sanitary and structurally sound condition protecting the health and safety of the animal.

9.2 The following should be taken into consideration for the construction of an animal run:

- (a) light;
 - (b) ventilation;
 - (c) protection from the elements including adequate roofing and flooring (if used) that is secured firmly to the sides of the enclosure to ensure stability;
 - (d) use of weather resistant wood or materials;
 - (e) a latch or fastener to prevent the animal from escaping, and which may prevent the entry of unauthorized persons and young children.
- (f) Where an animal is kept in a fenced portion of a yard the owner shall ensure that the fence is in a structurally sound condition protecting the health and safety of the animal. The fence must also be of appropriate height and structure to keep the animal confined within the boundaries of the fence.

10. Restraints

10.1 Animal Restraint Specifications:

- (a) An animal which is restrained on private property by leash or means other than an approved animal run shall be restrained in the following manner:
 - (i) the restraint shall be of sufficient strength and kept in a state of good repair so that the animal will not escape, and that it cannot be chewed through, and;
 - (ii) the restraint shall be securely situated in the yard such that it will not allow the animal to approach closer than two (2) metres of any street or lane.

10.2 Leash Specifications:

Dogs must be on a leash no longer than 1.8 metres in length at all times when in any public area, unless it is a designated off-leash area.

10.3 Running at Large

- (a) The owner or any other person having care or control of an animal shall at no time allow the animal to run at large.
- (b) When not on the owner's private property, dogs must be under a person's control at all times.
- (c) The animal will be considered to be at large when:
 - (i) the animal is beyond the boundaries of the land occupied by the owner or any other person having care or control of an animal;
 - (ii) beyond the boundaries of any lands where the animal may be with the permission of the owner or occupant of the said land not securely confined within an enclosure;
 - (iii) not securely fastened or leashed, thereby enabling the animal to roam at will.

10.4 Swimming in Parks Prohibited

The owner of an animal shall ensure that such animal does not enter or swim in any body of water within a Park, including but not limited to any wading pool area, splash park area, or swimming area unless specifically allowed by the Town of Nipawin.

10.5 Dogs are not allowed in any play structure area, golf course, or cemetery.

10.6 Unattended Animals

- (a) The owner of an animal shall ensure that such animal shall not be left unattended while tethered or tied on premises where the public has access, whether the access is express or implied.
- (b) No person shall tether, fasten, chain, tie, or restrain an animal, or cause an animal to be tethered, fastened, chained, tied, or restrained on public or private property unless the owner or custodian is outside with the animal and the animal is in sight view.
- (c) The owner of an animal left unattended in a motor vehicle shall ensure:

- (i) the animal is restrained in a manner that prevents contact between the animal and any member of the public; and
- (ii) the animal has suitable ventilation.
- (d) The owner of an animal shall not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal.

10.7 Securing Animals in Vehicles

- (a) No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
 - (b) Notwithstanding subsection 10.7(a), a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck if the animal is:
 - (i) in a fully enclosed trailer;
 - (ii) in a topper enclosing the bed area of a truck;
 - (iii) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - (iv) securely tethered in such a manner that the animal is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- 10.8** For the purpose of this Section, “roadway” means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or Parking of vehicles.
- 10.9** The owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle owner satisfies the Court that the vehicle was:
 - (a) not being driven or was not parked by the owner; and
 - (b) that the person driving or parking the vehicle at the time of the offence did so without the vehicle owner’s express or implied consent.

11. Off-Leash Dog Parks

- 11.1** The Town is not responsible in any way for supervision of the off-leash park, the patrons thereof, or animals, and the Town shall bear no liability whatsoever in respect of any damage to personal property or injury or death to any individuals or animals using the off-leash area.
- 11.2** Notwithstanding Sections 10.1, 10.2, and 10.3 an owner of a dog is not required to have the dog on a leash in a Park or portion of a Park which has been designated as an “off-leash area” by the Town of Nipawin.
- 11.3** All persons shall comply with the regulations of off-leash areas as determined by the Town from time to time.
- 11.4** The owner of a dog in an off-leash area shall ensure that such dog is under control at all times.

- 11.5 An Animal Control Officer or Bylaw Enforcement Officer may:
- (a) order that a dog be put on a leash; and
 - (b) order that a dog be removed from an off-leash area.
- 11.6 Whether a dog is under control is a question of fact to be determined by the Provincial Court hearing a prosecution pursuant to this Section of the Bylaw, having taken into consideration any or all of the following:
- (a) Whether the dog is at such a distance from the owner so as to be incapable of responding to voice, sound or sight commands;
 - (b) Whether the dog has responded to voice, sound or sight commands from the owner;
 - (c) Whether the dog has bitten, attacked, or done any act that injures a person or another animal;
 - (d) Whether the dog chased or otherwise threatened a person;
 - (e) Whether the dog caused damage to property.
- 11.7 An owner who fails to immediately restrain and remove the dog upon the dog engaging in any of the activities listed in Section 11.6, by restraining the dog on a leash not exceeding two (2) metres in length and removing the dog from the off-leash area, is guilty of an offence.
- 11.8 Nothing in this Section relieves a person from complying with any other provisions of this Bylaw.

12. Animals Prohibited in Off-Leash Areas

No person shall allow an animal other than a dog to enter into or remain in an area that has been designated by the Town of Nipawin as an "off-leash area".

13. Defecation

13.1 Any person having care or control of an animal, shall immediately remove any defecation left by the animal on public or private property other than the private property of the animal's owner and dispose of it in a sanitary fashion.

13.2 The owner or any other person having care or control of an animal, shall ensure that defecation on the property of the owner does not accumulate to such an extent that it may cause a nuisance and/or health risk to others.

14. Threatening and Nuisance Behavior Offences

- 14.1 No animal shall, without provocation:
- (a) bite a person or other animal whether on the property of the owner or not;
 - (b) engage in an act that injures a person or other animal, whether on the property of the owner or not;
 - (c) chase or otherwise threaten a person or other animal whether on the property of the owner or not, unless the person or animal being chased or threatened is a trespasser on the property of the owner;

- (d) bark at, or chase people or other animals, bicycles, automobiles, or other vehicles;
- (e) bark, howl, or hiss in such a manner or duration that disturbs any person acting reasonably;
- (f) cause damage to property;
- (g) defecate, urinate, or spray on private property, except with respect to the private property of the animal's owner;
- (h) dig in flowerbeds and gardens or waste receptacles that are not that of the owner;
- (i) upset waste receptacles or scatters the contents thereof;
- (j) trespass on private property whether or not the animal is running at large or is leashed;
- (k) Attack a person or persons, whether on the property of the owner or not, causing severe physical injury;
- (l) Cause death to another animal.

14.2 No owner shall use or direct an animal to attack, chase, harass or threaten a person or animal.

14.3 The owner of an animal shall take all measures to prevent any nuisance behaviour.

14.4 Nuisance Animals

- (a) The CAO may declare an animal to be a Nuisance Animal.
- (b) The declaration of an animal as a Nuisance Animal shall be reviewed annually by the CAO.

15. Dangerous Animals

15.1 No person shall keep or harbour an animal that has been declared by a judge to be a Dangerous Animal within Town limits, except as permitted by the Town.

15.2 Sections 374 - 380 of *The Municipalities Act* applies in all circumstances.

15.3 Where an animal has been declared dangerous pursuant to Section 375 of *The Municipalities Act*, the owner of the animal shall:

- (a) within ten (10) days of the date of the order of the judge declaring the animal to be dangerous, or within ten (10) days of the animal becoming kept or harboured within the Town of Nipawin in accordance with subsection (a), at the owner's expense, display a sign on the owner's premises warning of the presence of the animal in the form illustrated in Schedule "G".
- (b) ensure a sign required by subsection (i) shall be placed and maintained, in good condition, at each entrance to the premises and residence where the animal is kept and on the enclosure in which the animal is confined.
- (c) A sign required by subsection (i) shall be clearly visible and capable of being read from any adjacent public road.

16. Seizure and Impounding

16.1 Authority to Seize and Impound

- (a) If any animal has acted in contravention, or if the Bylaw Enforcement Officer believes on reasonable grounds that the animal has acted in contravention of this Bylaw, then that animal may be seized and impounded.
- (b) The Bylaw Enforcement Officer may enter onto any land surrounding any building in pursuit of any animal observed behaving contrary to the provisions of this Bylaw.

16.2 Notification of Seizure or Impounding by Authorized Person

- (a) If a Bylaw Enforcement Officer, Pound Keeper, or Animal Control Officer knows or can ascertain the name of the owner of any impounded animal, the Officer shall serve the owner with a copy of the Notice in Schedule "E" of this Bylaw, either personally or by leaving it, or by mailing it, to the last known address of the owner as soon as is feasibly possible. The Bylaw Enforcement Officer, Pound Keeper, or Animal Control Officer shall also try to contact the owner of the impounded animal by telephone if a telephone number is known.
- (b) An owner of an animal to whom a Notice is mailed pursuant to this section is deemed to have received the Notice within forty-eight (48) hours from the time it is mailed.
- (c) If an impounded animal is unlicensed, the Pound Keeper shall cause a notice to be posted at the Town Office and Pound, giving a description of the animal, the date and time when the animal was impounded, and the date and hour when the animal will be sold or euthanized. Such notice shall be posted at least 72 hours before the said sale or euthanization takes place.

16.3 Interfering with the Seizure or Impounding of an Animal

- (a) No person, whether or not the person is the owner of an animal, shall:
 - (i) interfere with, or attempt to obstruct, the Bylaw Enforcement Officer who is attempting to seize or has seized any animal in accordance with the provisions of this Bylaw;
 - (ii) intentionally allow any animal to escape by opening any vehicle or facility in which an animal has been seized or impounded under this Bylaw; or
 - (iii) remove or attempt to remove an impounded animal.

16.4 When an impounded animal is wearing a license tag, the Bylaw Enforcement Officer or Pound Keeper shall make every reasonable effort to contact the owner registered in the Town licensing records.

16.5 It shall be the duty of the Bylaw Enforcement Officer or Pound Keeper to provide each impounded animal with an adequate supply of food, fresh water, and shelter from the elements during confinement in the Pound.

- 16.6 Any animal seized pursuant to this Bylaw shall be impounded until such time that any fines are paid. Impoundment fees will be charged to the owner as set forth in Schedule "B".
- 16.7 Any unlicensed animal which is impounded shall not be released until the outstanding fees and fines are paid and the owner meets the requirements set out in Section 5, Licensing of Animals. Where an animal is claimed, the owner shall provide proof of ownership of the animal.
- 16.8 Any animal seized pursuant to this Bylaw shall be impounded for a period of up to seventy-two (72) hours excluding the day of impoundment, weekends, and statutory holidays.
- 16.9 Where an animal has not been reclaimed within seventy-two (72) hours as indicated in Subsection (h), or where the owner of the animal has failed or refused to comply with Subsections (f) and (g), the owner forfeits all ownership rights and the animal shall become the property of the Town.
- 16.10 The Town may, before selling an unclaimed animal, require that the animal be spayed or neutered.
- 16.11 Notification of Animal Seizure or Impounding
- (a) A person, other than an authorized person under this Bylaw, who takes control of any stray animal shall forthwith notify the Pound Keeper, Town, Animal Control Officer, or a Bylaw Enforcement Officer and provide any required information.
 - (b) A person, other than an authorized person under this Bylaw, who takes control of any stray animal shall forthwith surrender the animal to the Pound Keeper, Town, Animal Control Officer, or a Bylaw Enforcement Officer.
- 16.12 Notwithstanding Section 22 (b), all animals impounded under the provisions of this Bylaw and which have not been claimed or sold as herein provided or become part of the Trap Neuter Return Program may be euthanized after 120 hours from the time the animal is received at the Pound if the animal is unlicensed or from the time notice is served to the owner of the animal if the owner is known, excluding any days in which the pound is not open to the public.
- 16.13 An animal shall not be sold or transferred, with or without consideration, to any person, hospital, educational or commercial institution, laboratory, or animal dealer for purposes of medical or biological teaching, research, study or experimentation of any kind.

17. Pound

- 17.1 For the purpose of impounding any dog or cat found running at large in the Town, a Pound is hereby established at the Honeywood Veterinary Hospital, 309 Timber

Drive, or such other place or places as may from time to time be designated by the CAO as a Pound.

- 17.2 The CAO may from time to time appoint a Pound Keeper to carry out the provisions of this Bylaw.
- 17.3 The Pound Keeper shall receive and detain in a Pound any dog or cat found running at large and shall detain that animal until the animal has been returned to the owner, sold, or euthanized in accordance with the provisions of this Bylaw.
- 17.4 Any person of the full age of eighteen (18) years may restrain any dog or cat found running at large in Town and shall deliver the dog or cat so restrained to the Pound Keeper. The person shall leave the Pound Keeper a statement in writing, describing the name of the owner of the dog or cat (if known) and the place and time of restraint.
- 17.5 The Pound Keeper shall keep a record of all dogs and cats impounded and of the time and manner of disposal and shall make monthly returns to the License Inspector of all fees received. The record book shall be open for inspection at any time the Pound Keeper is in attendance at the Pound.
- 17.6 Any Pound Keeper appointed under the provisions of this Bylaw is hereby empowered to collect all necessary charges and fees in connection with the impounding of dogs and cats and for the keeping of such animals at the Pound.
- 17.7 The Pound Keeper is required to scan all animals received at the Pound for a microchip and examine all animals for a tattoo. The Pound Keeper shall serve notice to the registered owner as outlined in Section 16.2. The Town will provide a microchip scanner to the Pound Keeper for use.

18. Kennels

- 18.1 Kennels for the purpose of breeding, boarding, and/or selling dogs or cats are prohibited within the limits of the Town of Nipawin.
- 18.2 Notwithstanding Section 18.1, a licensed veterinarian, may as part of business operations, maintain a kennel within the business establishment and property for the purpose of boarding dogs and cats.
- 18.3 Notwithstanding Section 18.1, a pet daycare or pet grooming facility may as a part of its business operation maintain kennels for the temporary boarding or management of dogs and cats, provided the dogs and cats are not housed overnight in the facility. The pet daycare or pet grooming facility must adhere to the regulations and definitions set out in the Town of Nipawin Zoning Bylaw.
- 18.4 All such kennels shall follow standards established in accordance with the Code of Practice adopted by the Canadian Veterinary Medical Association.

19. Cat Trap

- 19.1 Upon complaint from a resident and upon request, the Animal Control Officer, or any other person authorized by Council, is hereby authorized to provide the said resident with a trap to seize and capture any cat creating a nuisance.
- 19.2 Before a trap is issued, the complainant shall be required to obtain a "Cat Trap Permit" as set out in Schedule "F" to this Bylaw. The complainant shall abide by the terms of the Permit and personally monitor the trap on a regular basis to ensure that no harm comes to any cat trapped.
- 19.3 Cat traps authorized by the Town and obtained from the Town are the only cat traps to be used within the Town of Nipawin municipal boundaries and the person setting the trap assumes full responsibility for the well-being of any cat trapped therein.
- 19.4 The trap shall be placed in such an area that shall not allow the cat to be exposed to any harmful elements (i.e. direct sun, harsh wind or rain, and any other harmful elements).
- (a) Traps shall be checked at least every:
- (i) four (4) hours when the temperature is between 6 and 27 degrees C;
 - (ii) two (2) hours when the temperature is between 0 and 5 degrees C.
- 19.5 No trap is to be left operational when the temperature is above 27 degrees C or below 0 degrees C.
- 19.6 Trap-Neuter/spay-Return (TNR) Program
- (a) Any cat impounded and not redeemed by the owner that is determined by a licensed veterinarian to be feral, unadoptable, and in good health shall be spayed or neutered by the Town as part of the Trap-Neuter-Return (TRN) Program, and released at the location the cat was picked up.

20. Conservation Officer Privileges

- 20.1 The Town awards provincial Conservation Officers the authorization to discharge a firearm within Town limits when:
- (a) an animal is threatening the life of an individual or another animal;
 - (b) wildlife has entered the Town limits and is causing a nuisance and cannot be safely removed through other means, or;
 - (c) a sick or injured animal that is found within the Town and immediate euthanizing of the animal is required in order to avoid unnecessary suffering of the animal.

21. Animal Bites and Rabies

- 21.1 **When** an animal has bitten an individual or another animal, the individual shall provide the full details of the animal(s) and the owner(s) to the Bylaw Enforcement Officer. **When an animal has bitten a person or domestic animal, the owner of**

the animal shall, unless the animal is ordered destroyed, quarantine the animal, within a secure enclosure, for observation for symptoms of rabies for a period of not less than ten (10) days.

- 21.2 An owner of an animal suspected of having rabies, or has been in contact with a rabid animal, shall immediately report the matter to the Medical Health Office, Conservation Office, and/or the veterinary clinic and the CAO of the Town. All instructions given to the owner from the aforementioned authorities shall be carried out.
- 21.3 An owner of an animal suspected of having rabies shall confine or isolate the animal, in such a manner as prescribed so as to prevent further spread of the disease.
- 21.4 An owner of an animal suspected of having rabies shall keep the animal confined for not less than ten (10) days at the cost of the owner.

22. Communicable Disease, Grave Injuries, and Euthanasia

- 22.1 If an animal is suspected to have a communicable disease, the owner must:
 - (a) isolate the animal in a manner that will prevent further spread of the disease;
 - (b) seek an assessment by a veterinarian; and
 - (c) follow the orders of such veterinarian, the Bylaw Enforcement Officer, and any government officials who have authority to issue such orders.
- 22.2 The Veterinarian located at the Pound, or any Veterinarian may take immediate action to euthanize any sick or gravely injured animal found within the Town where, in the opinion of a Veterinarian, immediate euthanizing of the animal is required in order to avoid unnecessary suffering of the animal.
- 22.3 Reasonable efforts shall be made to contact the owner of an animal before the animal is euthanized. No liability lies against the Town, the CAO, the Bylaw Enforcement Officer or Veterinarian if the owner cannot be contacted.

23. General Violations

- 23.1 *Teasing and Enticing Animals*
Any person teasing, enticing, baiting, or throwing objects at an animal confined within the owner's property shall be in violation of this Bylaw.
- 23.2 *Unsanitary Conditions*
Any person who keeps an animal in an unsanitary condition shall be in violation of this Bylaw. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

23.3 *Releasing Animals*

Any person who unties, loosens or otherwise frees an animal which has been tied or otherwise restrained, or who negligently or willfully opens a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town shall be in violation of this Bylaw.

24. Continuing Offences

24.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

25. Penalties and Notices of Violation

25.1 Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder is guilty of an offence and is liable to the penalties as hereinafter provided. Said offence and penalties shall be listed on Schedule "C".

25.2 Any person who contravenes the provisions of this Bylaw as NOT specifically set out in Schedule "C" or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and is liable on summary conviction to a fine in an amount not exceeding \$10,000.00 and in default of payment of any fine imposed, to imprisonment of not more that six (6) months.

26. Payment of Notices of Violation

26.1 Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, notice, or summons may be served on such person by a Police Officer, Bylaw Enforcement Officer, or any person duly authorized by Council. Such person served with a ticket or notice may voluntarily pay same at the Nipawin Town Office between the hours of 8:30 a.m. and 4:30 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is be made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.

26.2 Service of a ticket, notice, or summons pursuant to this Bylaw may be made by:

- (a) by personally delivering the ticket, notice, or summons to the person committing the breach of the provision of this Bylaw; or
- (b) by mailing such ticket, notice, or summons to the last known address of the owner of said animal by registered mail.

26.3 A person to whom a Notice of Violation is being issued pursuant to this Section shall, upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction

to a fine in an amount not exceeding \$10,000.00 and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

27. Authority of Director

27.1 The Chief Administrative Officer may:

- (a) receive animals into protective care pursuant to fire, flood, or other reasons;
- (b) retain the animals temporarily;
- (c) charge the owner fees pursuant to Schedule B for costs of impoundment; and
- (d) at the end of the protective care period, if no other arrangements are made between the owner and the CAO, treat such animals as impounded animals.

28. Repeal and Coming into Force

28.1 Town of Nipawin Bylaw no. 1119/21 is hereby repealed.

28.2 This Bylaw shall come into force and be in effect on the final passing thereof.



Read a third time and finally
Adopted this 25 day of
October, 2021 A.D.



Mayor



Chief Administrative Officer

**Schedule A
ANIMAL LICENSE FEES**

| | <u>2019</u> | <u>2020</u> | <u>2021</u> | <u>2022</u> |
|---|-------------|-------------|-------------|-------------|
| Male or Female Unaltered Dogs | \$35 | \$36 | \$37 | \$38 |
| Neutered Male or Spayed Female Dogs | \$15 | \$16 | \$17 | \$18 |
| All Unaltered Dogs Under the Age of 6 Months at the Time the License is Purchased | \$15 | \$16 | \$17 | \$18 |
| Nuisance Animal License Fee | \$100 | \$105 | \$105 | \$110 |
| Male or Female Unaltered Cats | \$35 | \$36 | \$37 | \$38 |
| Neutered Male or Spayed Female Cats | \$15 | \$16 | \$17 | \$18 |
| All Unaltered Cats Under the Age of 6 Months at the Time the License is Purchased | \$15 | \$16 | \$17 | \$18 |
| Replacement Tag | \$5 | \$5 | \$5 | \$5 |

**SCHEDULE B
COSTS OF IMPOUNDING AND MAINTAINING ANIMALS**

1. The cost of impounding and maintaining animals shall be determined by the Town of Nipawin.
2. The fees for impounding an animal shall be as defined below, on a per day basis.
3. In addition to the above costs, if an animal does not have a current and valid license issued pursuant to Section 6 of this bylaw, an additional charge of \$20.00 per day shall be added to the amounts below to cover additional costs incurred by the Town in attempting to determine the name of the owner of the animal for the purpose of notifying the owner that the animal has been impounded.
4. If a seized and impounded cat does not have a license tag attached, but is found to have a microchip or tattoo, the fine as set out in Schedule "C" for failure to attach tag shall be waived. Regardless of whether an animal has a microchip or not, all animals require a license within the Town and are subject to licensing fees as per Schedule "A".
5. In addition to the above costs, any actual costs of veterinary care provided to the animal while it is impounded shall be added to the fees and/or fines.

| | <u>2019</u> | <u>2020</u> | <u>2021</u> | <u>2022</u> |
|---|---|---|---|---|
| Dog Impoundment Fees, per day | \$36.50 plus GST | \$38 plus GST | \$39.50 plus GST | \$40 plus GST |
| Cat Impoundment Fees, per day | \$26.50 plus GST | \$28 plus GST | \$29.50 plus GST | \$30 plus GST |
| Dangerous Animal Impoundment Fees | \$260 plus GST | \$265 plus GST | \$270 plus GST | \$275 plus GST |
| Animal Care and Sustenance. (To Commence on the Day of Impoundment, per day) | Current boarding rate plus PST & GST | Current boarding rate plus PST & GST | Current boarding rate plus PST & GST | Current boarding rate plus PST & GST |
| Veterinary Fees | Amount Expended | | | |

**SCHEDULE C
PENALTIES**

| SECTION | OFFENCE | PENALTY (Fine) | | |
|------------|---|--|-------------------------|---|
| | | 1 st Offence | 2 nd Offence | 3 rd Offence & subsequent offences |
| 5(a)(i) | Failure to license an animal | \$100 | \$200 | \$300 |
| 5(a)(viii) | Failure to attach a valid License tag when an animal is off the premises of the owner (with exception to micro-chipped animals) | \$50 | \$100 | \$200 |
| 5(a)(xv) | Giving false information when applying for license | \$250 | \$500 | \$750 |
| 7 | Owning or harbouring any prohibited animal | \$100 | \$250 | \$500 |
| 15(a) | Failing to obtain Town approval before keeping or harboring an animal declared dangerous by a judge | \$500 | \$750 | \$1,000 |
| 15(c) | Failing to display and/or maintain signage warning of the presence of a dangerous animal at the owner's premises | \$500 | \$750 | \$1,000 |
| 8 | Exceeding limit of allowable animals on any one property (harbouring) | \$100 for each animal exceeding the limit and incurred removal costs | | |
| 10(a) | Failure to properly restrain animal on private property | \$75 | \$150 | \$300 |
| 10(c) | Animal running at large | \$75 | \$150 | \$300 |
| 11(c) | Failure to comply with regulations of off-leash areas. | \$50 | \$150 | \$500 |
| 11(d) | Dog not under control at off-leash area | \$50 | \$100 | \$200 |
| 11(g) | Failure to restrain/remove dog from off-leash area | \$100 | \$200 | \$300 |
| 12 | Animal other than dog in off-leash area | \$50 | \$100 | \$200 |
| 10(b) | Dog leash inappropriate length | \$75 | \$150 | \$300 |

| | | | | |
|------------|---|-------|--------|--------|
| 10(d) | Animal in water where prohibited | \$75 | \$150 | \$300 |
| 10(e) | Animal in play structure area, golf course, or cemetery | \$75 | \$150 | \$300 |
| 9 | Failure to provide proper sanitary and structural conditions for an animal in an animal run | \$100 | \$200 | \$300 |
| 10(f)(i) | Animal left unattended while tethered in a public place | \$75 | \$150 | \$300 |
| 10(f)(ii) | Animal left unsupervised while tethered on private property | \$100 | \$200 | \$300 |
| 10(f)(iii) | Animal left unattended in vehicle improperly | \$100 | \$200 | \$300 |
| 10(f)(iv) | Animal left unattended in vehicle when weather conditions not suitable | \$100 | \$200 | \$300 |
| 10(g)(i) | Animal outside cab of vehicle | \$100 | \$200 | \$300 |
| 21(b) | Failure to report suspected case of rabies | \$500 | \$1000 | \$2000 |
| 21(c) | Failure to confine animal suspected of having rabies | \$500 | \$1000 | \$2000 |
| 21(d) | Failure to confine animal suspected of having rabies for 10 days | \$500 | \$1000 | \$2000 |
| 13 | Failure to immediately remove an animal's excrement from public or private property other than the property of the animal's owner | \$150 | \$300 | \$500 |
| 14 | Animal creating a nuisance or acting in a threatening manner | \$50 | \$150 | \$500 |
| 14(a)(i) | Animal biting a person or other animal | \$300 | \$600 | \$1000 |
| 14(a)(ii) | Animal injuring a person or other animal | \$300 | \$600 | \$1000 |
| 14(a)(iii) | Animal chasing or threatening a person or other animal | \$200 | \$400 | \$800 |
| 14(a)(iv) | Dog barking at or chasing livestock, animals, bicycles or vehicles | \$50 | \$100 | \$200 |
| 14(a)(v) | Barking, howling, or hissing causing a disturbance or otherwise disturbing the peace | \$50 | \$100 | \$200 |
| 14(a)(vi) | Causing damage to property or another | \$250 | \$500 | \$1000 |

| | | | | |
|-------------|--|--------|--------|--------|
| | animal | | | |
| 14(a)(vii) | Defecating, urinating, or spraying on private property | \$50 | \$100 | \$200 |
| 14(a)(viii) | Digging in flowerbeds and gardens or waste receptacles | \$50 | \$100 | \$200 |
| 14(a)(ix) | Scattering garbage | \$50 | \$100 | \$200 |
| 14(a)(x) | Trespassing on private property | \$100 | \$200 | \$300 |
| 14(a)(xi) | Animal attacking a person | \$500 | \$1000 | \$2000 |
| 14(a)(xi) | Animal Attacking a person causing severe injury | \$750 | \$1500 | \$3000 |
| 14(a)(xii) | Causing death to an animal | \$1000 | \$2000 | \$3000 |
| 14(b) | Directing animal to attack, chase, harass or threaten a person or animal | \$1000 | \$2000 | \$5000 |
| 6(a) | Keeping Livestock in prohibited area | \$100 | \$200 | \$300 |
| 16(c)(i)(A) | Obstructing or interfering with officer | \$300 | \$600 | \$1000 |
| 16(c)(i)(B) | Open vehicle | \$300 | \$600 | \$1000 |
| 16(c)(i)(C) | Removing or attempting to remove impounded animal | \$300 | \$600 | \$1000 |
| 23(c) | Untying, loosening, or freeing restrained animal | \$300 | \$600 | \$1000 |
| 23(c) | Open gate, door or opening allowing animal to run at large | \$300 | \$600 | \$1000 |
| 23(c) | Enticing an animal to run at large | \$300 | \$600 | \$1000 |
| 23(c) | Teasing an animal in an enclosure | \$300 | \$600 | \$1000 |
| 23(c) | Throwing or poking at animal in an enclosure | \$300 | \$600 | \$1000 |
| 19 | Improper use of a cat trap | \$300 | \$600 | \$1000 |

Any person who fails to pay a ticket, summons, or notice within ten (10) days of the issue date of ticket, summons, or notice, the amount owing shall double.

**SCHEDULE D
PROHIBITED ANIMALS**

It is prohibited in the Town of Nipawin to own the following:

- (a) Wildlife as defined in *The Wildlife Act*, which means a vertebrate animal of any species, excluding fish that is wild by nature in Saskatchewan and includes:
- (b)
 - (i) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life; and
 - (ii) any exotic wildlife found in Saskatchewan.
 - (a) all Arachnids dangerous to humans (i.e. scorpions and tarantulas except tarantulas of the genera *Aphonopelma*, *Avicularia* and *Grammostola*)
 - (b) all Artiodactylus Ungulates (i.e. deer and giraffes)
 - (c) all Vespertilionidae (i.e. bats)
 - (d) all Canids, except the domestic dog
 - (e) all Crocodylians (i.e. alligators and crocodiles)
 - (f) all Edentates (i.e. anteaters and armadillos)
 - (g) all Elephants
 - (h) all Felids, except the domestic cat
 - (i) all Hyaenidae (i.e. hyenas)
 - (j) all Marsupials (i.e. kangaroos and opossums)
 - (k) all Mustelids (i.e. skunks, weasels, otters and badgers) except the domestic ferret
 - (l) all non-human Primates (i.e. gorillas and monkeys)
 - (m) all Perissodactylus Ungulates (i.e. horses)
 - (n) all Pinnipeds (i.e. seals and walruses)
 - (o) all Procyonids (i.e. raccoons)
 - (p) all Raptors, diurnal and nocturnal (i.e. eagles, hawks and owls)
 - (q) all Ratite Birds (i.e. ostriches and emus)
 - (r) all snakes of the families Pythonidae (i.e. pythons) and Boidae (i.e. boa-constrictors)
 - (s) all Ursids (i.e. bears)
 - (t) all Venomous Reptiles (i.e. rattle snakes and cobras)
 - (u) all Venomous Amphibians (i.e. toxic toads and toxic salamanders)
 - (v) all Viverrids (i.e. mongoose, civets and genets)

SCHEDULE E

FORM OF NOTICE OF ANIMAL SEIZURE

You are hereby notified that an animal bearing License No. for 20 _____
registered under the above name and address, was impounded on _____, A.D. 20 _____
pursuant to the provisions of Bylaw No. _____ of the Town of Nipawin, and that, unless the said
Animal is claimed and all impoundment charges are paid, on or before _____, 20 _____,
the said animal will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

SCHEDULE F

CAT TRAP PERMIT

DATE: _____

TRAP NO. _____

The undersigned agrees to the following terms and conditions:

- to place the cat trap on his or her property;
- to personally monitor the cat trap on a regular basis where it is set to ensure that no harm comes to any cat trapped;
- In the event a cat is trapped, to immediately contact the Animal Control Officer at 862-6853 or the Town Office at 862-9866. The cat may be held until picked up by the Town official. Where a cat is held, the undersigned is responsible for the humane treatment and shelter of the cat including feeding and watering. A captured cat should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do no attempt to remove an unfamiliar cat from the trap, this will be done by the Town Personnel. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
- to ensure that no harm comes to any trapped cat while in his or her possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below 0 degrees Celsius or rises above +27 degrees Celsius;
- any Animal Control Officer, Bylaw Enforcement Officer, Bylaw Enforcement Officer, or Peace Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Town of the ownership of any cat trapped, if known;
- to be responsible for the trap, including the cost of repair and replacement if damaged, lost or stolen.

ADDRESS OF INTENDED LOCATION OF TRAP: _____

I understand and accept all liability which may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Nipawin for all such liability.

TRAP MUST BE RETURNED BY: _____ (Date)

SIGNATURE: _____ WITNESS: _____

NAME OF COMPLAINANT: _____

TRAP RETURNED: DATE: _____ REC'D BY: _____

REMARKS:

SCHEDULE G

SIGN TO BE DISPLAYED BY OWNER OF DANGEROUS ANIMAL

If the animal that has been declared dangerous is a dog, the following sign must be used:



If the animal that has been declared dangerous is any animal other than a dog, the following sign must be used:

