

## **Town of Shellbrook Bylaw No. 2013-11**

A Bylaw of the Town of Shellbrook to regulate the running at large of animals and to impose a tax on the owners of animals:

The Mayor and Council of the Town of Shellbrook in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1. This bylaw may be cited as the Animal Control Bylaw.

### **DEFINITIONS**

2. (a) The term "dog" shall also refer to male cats and the term "bitch" shall also refer to female cats for the purposes of this bylaw.  
(b) The term "animal" shall refer to all dogs and cats, male and female.

### **LIMIT NUMBER OF ANIMALS**

3. (a) No more than 3 animals shall be harboured in each residential unit within the limits of the town.  
(b) Any person within the limits of the Town who owns, possesses or harbors more than three animals shall be deemed to be guilty of an infraction of this bylaw and upon conviction will be charged a penalty as set out in the **GENERAL PENALTY** section of this bylaw.

### **LICENSING**

4. Every person within the Town of Shellbrook who owns, possesses or harbors an animal within the town shall obtain a license from the Town.
5. (a) The license fees as set out in Section 4 shall be paid on or before the 31<sup>st</sup> day of January of each year, or within thirty (30) days after a person becomes the owner, possessor or harborer of an animal.  
(b) All licenses under this bylaw shall expire on December 31st of each year.  
(c) For the licensing purposes of this bylaw the words "dog", "bitch" or "animal" shall mean a dog, bitch or animal of the age of two (2) months or more, but all animals shall be presumed to be the age of two (2) months or more unless the contrary is established by the owner, possessor or harborer.  
(d) Any person within the limits of the Town who owns, possesses or harbors an animal and neglects or refuses to take out a license as set forth in Section 5(a) above, therefore shall be deemed to be guilty of an infraction of this bylaw and will be charged a penalty as set out on the attached Schedule "A".

### **RUNNING AT LARGE**

6. No animal shall run at large in the Town at any time whether it is licensed or not, and for the purpose of this bylaw, an animal shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner, possessor or harborer of the said animal, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and when it is not under control by being:
  - (a) in direct and continuous charge (on a leash or in a cage) of a person competent to control the animal; or
  - (b) securely confined within an enclosure; or
  - (c) securely fastened so that it cannot roam at will.
  - (d) A person who owns, possesses or harbors an animal found running at large shall be deemed guilty of an infraction of this bylaw and will be charged a penalty as set out in the attached Schedule "A".

7. Any person who owns, possesses or harbors an animal for which a license fee has been obtained under this bylaw shall cause such animal to wear around it's neck a collar, to which shall be attached a metallic plate, having raised, stamped or cast thereon the name "SHELLBROOK" and the figures indicating the year for which such license has been paid, together with the number of the license, and a rabies tag for the current year.
8. Any person within the limits of the Town who neglects or refuses to attach a license as set forth in Section 8 above, shall be deemed to be guilty of an infraction of this bylaw and on conviction will be charged a penalty as set out in the **GENERAL PENALTY** section of this bylaw.
9. Any animal running at large contrary to the provisions of this bylaw may be taken by any person to the Town Pound or it may be captured by any person appointed by the Council and placed in the Town Pound where it shall be kept for seventy-two (72) hours, unless in the meantime the owner, possessor or harbinger redeems such animal from the pound by:
  - (a) taking out the proper license for such animal, if not properly licensed under this bylaw; and
  - (b) paying to the Pound Keeper as per amounts outlined on Schedule A.
10. Any animal running at large four or more times shall be disposed of by the police, pound keeper, dog catcher or other person appointed by Council.
11. Any animal which is not redeemed as provided in Section 11, within seventy-two (72) hours after it is captured or taken to the pound, may be sold or disposed of by the police, pound keeper, dog catcher or other person appointed by Council.
12. Where an animal has been impounded pursuant to this Bylaw, no person shall take it out of the possession of the person making the seizure or remove it from the pound in which it has been placed unless they are accompanied by the pound keeper, or a police officer or they have received written authorization from the Town.

### **VICIOUS ANIMALS**

13. It shall be the duty of the RCMP, or other persons appointed by resolution of Council, to kill any vicious animal running at large in the Town of Shellbrook regardless of whether the said animal is licensed or unlicensed.

### **DEFECATION**

14.
  - a. If a dog or cat defecates on any public or private property, other than the property of the owner, the owner of the dog or cat shall remove the defecation immediately.
  - b. All owners or harbourers of dogs and cats shall clean their property of animal defecation on a regular basis.
  - c. A person who does not remove defecation left by their dogs or cats as required in Subsection 14(a), shall be deemed guilty of an infraction of this bylaw and will be charged a penalty as set out in the attached Schedule "A".
15.
  - a. No one shall permit any dog or cat under their control to enter on the grounds of either the Shellbrook Elementary School or W.P Sandin High School.
  - b. A person who permits a dog or cat under their control to enter on the grounds of the Shellbrook Elementary School or W.P Sandin High School, contrary to subsection 15(a), shall be deemed guilty of an infraction of this bylaw and will be charged a penalty as set out in the attached Schedule "A".

### **CREATING A NUISANCE**

16. Should an animal repeatedly create a nuisance by barking, defecating on property without the permission of the owner, running at large, digging on property without the permission of the owner or other such actions, the Town shall be at liberty to have any other person appointed by resolution of Council, dispose of the animal.

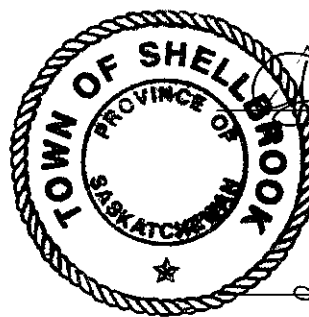
17. The Town may appoint, by resolution of Council, a person to issue a "Notice of Violation" in regard to contravention of this Bylaw.
18. The said "Notice of Violation" shall be in the format as set out on the attached Schedule "B".
19. Every person who contravenes any of the provisions of this bylaw, or fails to comply therewith, or with any Notice or Order given hereunder, shall be guilty of an offence and liable to the penalty as herein provided.

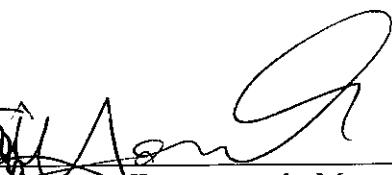
#### **VOLUNTARY PENALTIES**

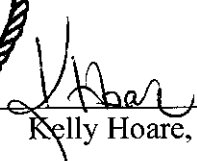
20. (a) (i) A violator of sections 5, 6, 14(a), or 15(a) upon being served with a Notice of Violation, may voluntarily pay the prescribed penalty in Schedule "A" to this Bylaw at the office of the administrator.
  - (ii) Where the administrator receives voluntary payment of the prescribed amount, the person receiving the Notice of Violation shall not be liable to prosecution for that alleged contravention.
  - (iii) Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of the Bylaw.
- (b) Any person violating any provision of Sections 5 or 6 of this bylaw who does not pay the voluntary penalties set out in Schedule "A" to this Bylaw, or does not make the appropriate payment within the required time, shall be charged under The Summary Offences Procedure Act.

#### **GENERAL PENALTY SECTION**


21. Any person who is found guilty of a violation of any provisions of this bylaw, for which no other penalty is imposed, is liable on summary conviction for the first offence to a fine of not more than two hundred fifty (\$250.00) dollars and for a subsequent offence to a fine of not less than two hundred fifty (\$250.00) dollars nor more than one thousand and eighty (\$1,080.00) dollars.
22. Bylaw No. 5-2008 is hereby repealed.
23. This Bylaw shall come into effect on the date of final approval by the Council of the Town of Shellbrook.



  
George Tomporowsk, Mayor

  
Kelly Hoare, Administrator

Certified a True and Accurate Copy  
of Bylaw 2013-11 passed by resolution  
of Council this 25<sup>th</sup> Day of November, 2013.

  
\_\_\_\_\_  
Kelly Hoare

**Schedule A**

**Dogs**

| <u>Annual Fees</u>              | <b>Before January 31</b> | <b>After January 31</b> |
|---------------------------------|--------------------------|-------------------------|
| Altered dog                     | \$10.00                  | \$20.00                 |
| Unaltered dog                   | \$20.00                  | \$40.00                 |
| Replacement tags – All licenses | \$5.00                   | \$5.00                  |

**Penalties**

| <b>Infraction</b>   | <b>1<sup>st</sup><br/>Offence</b> | <b>2<sup>nd</sup><br/>Offence</b> | <b>3<sup>rd</sup><br/>Offence</b> |
|---|-----------------------------------|-----------------------------------|-----------------------------------|
| Fail to obtain a license  | \$110.00                          | \$220.00                          | \$440.00                          |
| Dog runs at large   | \$110.00                          | \$220.00                          | \$440.00                          |
| Fail to ensure collar and tag worn on dog   | \$85.00                           | \$175.00                          | \$325.00                          |
| Fail to confine dog in heat   | \$110.00                          | \$220.00                          | \$440.00                          |
| Fail to immediately remove dog's defecation   | \$110.00                          | \$220.00                          | \$440.00                          |
| Dog on school property  | \$110.00                          | \$220.00                          | \$440.00                          |
| Dog in playground or sand area  | \$110.00                          | \$220.00                          | \$440.00                          |
| Dog barks or howls so as to disturb any person  | \$110.00                          | \$220.00                          | \$440.00                          |
| Dog damages public or private property  | \$270.00                          | \$540.00                          | Court                             |
| Dog chases any person, animal, bicycle or motor vehicle   | \$220.00                          | \$440.00                          | Court                             |
| Dog bites any person or animal  | \$540.00                          | \$1,080.00                        | Court                             |
| Dog attacks or injures any person or animal   | \$540.00                          | \$1,080.00                        | Court                             |
| Fail to provide identification  | \$220.00                          | \$440.00                          | Court                             |
| Providing false or misleading information   | \$220.00                          | \$440.00                          | Court                             |
| Harbouring, suffering or permitting more than three pets at a residence                         | \$110.00                          | \$220.00                          | \$440.00                          |
| Interfering with a Bylaw Enforcement/Peace Officer  | \$220.00                          | \$440.00                          | Court                             |
| Unlocking or unlatching a vehicle with an impounded dog   | \$220.00                          | \$440.00                          | Court                             |
| Removing or attempting to remove a dog from the possession of a Bylaw Enforcement/Peace Officer | \$220.00                          | \$440.00                          | Court                             |

**Cats**

| <u>Annual Fees</u>              | <b>Before January 31</b> | <b>After January 31</b> |
|---------------------------------|--------------------------|-------------------------|
| Altered Cat                     | \$10.00                  | \$20.00                 |
| Unaltered Cat                   | \$20.00                  | \$40.00                 |
| Replacement tags – All licenses | \$5.00                   | \$5.00                  |

**Penalties**

| <b>Infraction</b>   | <b>1<sup>st</sup><br/>Offence</b> | <b>2<sup>nd</sup><br/>Offence</b> | <b>3<sup>rd</sup><br/>Offence</b> |
|---|-----------------------------------|-----------------------------------|-----------------------------------|
| Fail to obtain a license  | \$110.00                          | \$220.00                          | \$440.00                          |
| Cat runs at large   | \$110.00                          | \$220.00                          | \$440.00                          |
| Fail to ensure collar and tag worn on dog   | \$85.00                           | \$175.00                          | \$325.00                          |
| Fail to confine cat in heat   | \$110.00                          | \$220.00                          | \$440.00                          |
| Fail to immediately remove cat's defecation   | \$110.00                          | \$220.00                          | \$440.00                          |
| Cat in playground or sand area  | \$110.00                          | \$220.00                          | \$440.00                          |
| Cat stalks or kills birds on Public or Private Property   | \$110.00                          | \$220.00                          | \$440.00                          |
| Cat damages public or private property  | \$270.00                          | \$540.00                          | Court                             |
| Cat bites any person or animal  | \$540.00                          | \$1,080.00                        | Court                             |
| Cat attacks or injures any person or animal   | \$540.00                          | \$1,080.00                        | Court                             |
| Fail to provide identification  | \$220.00                          | \$440.00                          | Court                             |
| Providing false or misleading information   | \$220.00                          | \$440.00                          | Court                             |
| Harbouring, suffering or permitting more than three pets at a residence                         | \$110.00                          | \$220.00                          | \$440.00                          |
| Interfering with a Bylaw Enforcement/Peace Officer  | \$220.00                          | \$440.00                          | Court                             |
| Unlocking or unlatching a vehicle with an impounded cat   | \$220.00                          | \$440.00                          | Court                             |
| Removing or attempting to remove a cat from the possession of a Bylaw Enforcement/Peace Officer | \$220.00                          | \$440.00                          | Court                             |

**Voluntary Payment (as provided for in Section 20(a))**

- a. If paid within 10 calendar days of receiving a "Notice of Violation", the voluntary payment as per Schedule A will be reduced by (50%) fifty percent.

**Town of Shellbrook  
Bylaw No. 2013-11  
Schedule "B"**

**Notice of Violation**

**Re: Animals**

This Official Notice is issued for breach of  
Bylaw No. 2013-11

You may avoid prosecution for this offence by paying to the office of the administrator, during regular office hours, the penalty stated hereinafter within ten calendar days. Failure to do so will result in prosecution in Provincial Court. Penalty may be remitted by mail to: Town of Shellbrook, Box 40, Shellbrook, Sask. S0J 2E0, but must be accompanied by this notice.

Name of Violator: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Violation: \_\_\_\_\_

Nature of Violation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1<sup>st</sup> Offence

2<sup>nd</sup> Offence

3<sup>rd</sup> Offense

Violation Fine \_\_\_\_\_

If paid by \_\_\_\_\_, pay this amount \_\_\_\_\_  
Date (50% of original penalty)

Date of Violation \_\_\_\_\_

Date of Notice \_\_\_\_\_

Issued by \_\_\_\_\_