

## TOWN OF WILKIE

### BYLAW NO. 2021-03

#### **A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING, REGULATING AND PROTECTION OF ANIMALS AND THE BEING AT LARGE OF ANIMALS WITHIN THE TOWN OF WILKIE.**

**WHEREAS** Section 8(1) of the Municipalities Act includes authorization for Council to license, regulate, prohibit and protect any animal or class of animals and activities in relation to them;

**NOW THEREFORE**, the Council of the Town of Wilkie, in the Province of Saskatchewan, enacts as follows:

#### **SHORT TITLE:**

1. This bylaw may be referred to as "The Animal Protection Bylaw."

#### **PURPOSE:**

2. The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Wilkie, to ensure the humane treatment and protection of animals, to regulate the ownership or harborage of any animals and to prohibit animals being at large.

#### **DEFINITIONS:**

3. In this Bylaw:
  - a) "Animal" includes dogs, cats, exotic animals, wild animals and all domestic animals
  - b) "Animal Control Officer" shall mean any person designated by the Town of Wilkie for the enforcement of this Bylaw and shall include Town employees, Bylaw Enforcement Officers, their duly authorized representatives, and any member of the Unity/Wilkie/Macklin Detachment of the RCMP.
  - c) "Animal Shelter" means such premises and facilities as may be designated by the Town from time to time.
  - d) "Being at Large" means that an animal shall be at large if it is off the premises and boundaries of the land occupied by the owner, possessor, or harbourer or beyond the boundaries of any lands where the animal may be with the permission of the owner or occupier of the lands and is not under proper control by being tied or secured to a leash or chain or other similar restraining device not exceeding 1.5 meters.
  - e) "Boarding" means keeping or harbouring of an animal or animals belonging to another person.
  - f) "Cat" means and includes every cat of either sex over the age of three months and shall include any female cat that has been spayed and any male cat that has been emasculated.
  - g) "Council" means the Council of the Town of Wilkie.
  - h) "Dangerous Dog" means:
    - i) Any dog that without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
    - ii) Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
    - iii) Any dog that, without provocation has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
    - iv) Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
  - i) "Dog" means and includes every dog of either sex over the age of three months and shall include any female dog that has been spayed and any male dog that has been emasculated.
  - j) "Dog Run" means any enclosure or structure of any kind whatsoever, designed or used for the harbouring or containment of a dog or dog(s).
  - k) "Exotic Animal" means those set out in Schedule "D & E".
  - l) "Keep Under Proper Control" shall mean keeping an animal in such a manner that it is unable to attack, bite or injure a person or another animal.
  - m) "Kennel" means an establishment for the breeding or boarding of dogs
  - m) "Owner" means:
    - i) any person, partnership, association or corporation owning, possessing, harbouring or having charge of, control over, or responsibility for the protection of any animal; or
    - ii) the person responsible for the custody of a minor where the minor is the owner of an animal but does not include:
      - iii) 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 an animal;

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- iv) the Town of Wilkie or any Animal Control Officer in respect of an Animal Shelter or impoundment facility operated on behalf of the Town.
- n) "Town" means the Town of Wilkie
- o) "Working Days" means days on which a shelter as established from time to time is open to the public and does not include Sundays and statutory holidays.

**LICENSING:**

4. a) The dog and cat licence year shall be from January 1<sup>st</sup> to December 31<sup>st</sup> of the same year.
- b) Every owner of a dog or cat 3 months or older shall, no later than January 31<sup>st</sup> in each year, and upon payment of the prescribed fee, obtain a licence for the said dog or cat, with failure to do so constituting an offence under the Bylaw. Such license shall not be transferable to any other dog or cat.
- c) When applying for a licence, the applicant shall provide a description of the dog or cat, the name and address of the owner or the keeper of the dog or cat, the breed of the dog or cat and any other relevant information that may be required.
- d) Every owner of a dog or cat who satisfies the Animal Control Officer that he has recently moved to Town or that his dog or cat has recently been purchased or that his dog or cat has recently reached the age of three months, shall not be subject to any penalty for later registration of the dog or cat. However, the onus of proof as to the exact date when the owner became the owner of the dog or cat shall be on the owner.
- e) A person who owns and physically relies on a guide dog trained and used to assist such person shall obtain a licence for the dog, however, the licence shall be issued without requesting payment of the prescribed licence fee.
- f) The annual licence fee for all dogs and cats shall be as set out in Schedule "A as amended from time to time by resolution of Council.
- g) The number of animals allowed per home shall be established at a maximum of two (2) cats and a maximum of two (2) dogs. If an owner desires to have more than the maximum allowable number of animals, he/she must first make written application to Council for approval. No owner, household, property or residence shall be permitted to have more than five cats or dogs, or combination thereof, over the age of three months.
5. a) When a licence is issued for a dog or cat, the applicant shall be provided with a tag with lettering or numerals inscribed or imprinted thereon as may be determined by the Town and a receipt for the licence fee.
- b) The owner of a dog or cat shall ensure that the dog or cat wears a collar to which is attached a valid licence tag whenever the dog or cat is off the premises of the owner.
- c) No person other than the owner of the dog or cat, or a person, with the permission of the owner, shall remove the collar or tag of a dog or cat licensed pursuant to this Bylaw.
- d) In the event a tag is lost or destroyed, a duplicate tag will be issued, upon presentation by the owner of a receipt showing payment of the licence fee for the current year and upon payment of the duplicate tag replacement fee.
6. a) Where a person becomes an owner of a dog or cat after the 31<sup>st</sup> day of January in any year, he shall immediately thereafter cause such dog or cat to be licensed pursuant to this Bylaw.
- b) All dog and cat licences issued after Jan 31<sup>st</sup> of any year shall be subject to a late payment fee as set out in Schedule "A" where the dog or cat was owned prior to Jan 31<sup>st</sup> and the owner has not just recently moved to the Town.
7. a) Every owner of a dog or cat within the town shall, on demand of the Animal Control Officer, produce his licence receipt or other evidence that he has paid the fee provided for in the Bylaw for the current year.

**RUNNING AT LARGE**

8. a) No owner of a dog or cat shall permit his/her dog or cat to be at large.
- b) If a dog or cat is found to be at large, the owner shall be deemed to have permitted the dog or cat to be at large unless the owner proves to the satisfaction of the Animal Control Officer, that at the time of the offence the owner did all that was reasonable to prevent the dog or cat from being at large.
- c) No owner of an animal shall permit his animal on any public playground, park or public area without a leash except for a specific activity approved by the Parks & Recreation Department of the Town
- d) Where a dog or cat is found to be running at large, the owner or occupant of the property on which the animal is running at large may make a written complaint to the Animal Control Officer.

**IMPOUNDING**

9. a) The Animal Control Officer may seize and impound any animal found at large
- b) The Animal Control Officer may enter onto the land surrounding any building in pursuit of any animal, which has been observed at large.

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10. a) All animals impounded pursuant to Section 9 shall be confined in a Shelter for a period of 72 hours or three working days, whichever is greater, from the time of capture during which time the owner thereof shall have the right to repossess the said animal upon paying the Animal Control Officer the pound fee set forth in Schedule "B" to this Bylaw as amended from time to time by resolution of Council.
- b) No unlicensed animal, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee is paid, a licence has been purchased for it, and any fines or penalties have been paid in full.
11. a) When an animal impounded is wearing a collar to which is attached a licence tag valid for the current year, the Animal Control Officer shall immediately give written notice, by registered mail or personal service, to the owner of the animal as shown in the records made when the licence was purchased at the address shown therein, that unless the said animal is claimed and the fees, as provided for in the Bylaw, are paid within 72 hours or three working days from the date of the notice, the said animal shall be dealt with pursuant to the provision of this Bylaw.
- b) All impounded animals which are not claimed within 72 hours or three working days, as applicable, may be sold to any person paying for such animal and procuring a licence for such animal as provided for in this Bylaw. In the event, the animal is not sold within a reasonable period of time, the animal may be given to a shelter in another community willing to accept the animal or the animal may be disposed of in the most humane way possible.
12. The Animal Control Officer shall keep a record of all animals impounded in accordance with the provision of this Bylaw and the disposal of such animals and shall supply the Town with a monthly report and any other information which may, from time to time, be required by Council respecting the enforcement of the provisions of this Bylaw.
13. It shall be the duty of the Animal Control Officer to provide to each animal impounded under the authority of this Bylaw an adequate supply of food and fresh water during its confinement.
14. When the owner of a dog or cat, impounded for failure to have a tag and for no other reason, has applied to the Animal Control Officer to obtain the said dog or cat out of the pound before it has been sold or disposed of, as provided for in this Bylaw, no fee shall be charged if the owner satisfies the Animal Control Officer that the collar and tag for the current year has been lost or stolen and that he had notified the Animal Control Officer within 24 hours after the discovery of the loss.
15. Any animal found in any public street, lane, park, boulevard, cemetery or other public place or otherwise being at large contrary to the provisions of this Bylaw, may be captured by methods authorized by Town Council.
16. No person, whether or not he is the owner of an animal which is being or has been pursued or seized shall:
  - a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to seize or who has seized any animal in accordance with the provisions of this Bylaw.
  - b) unlock, unlatch or otherwise open a vehicle or receptacle in which animals seized under the Bylaw have been placed, so as to allow or attempt to allow any animal to escape therefrom; or
  - c) remove or attempt to remove any animal from the possession of the Animal Control Officer or from the Animal Shelter.

**EXOTIC ANIMALS**

17. All exotic animals to be harboured in or on property with the limits of the Town of Wilkie shall firstly be approved by resolution of Council on an individual basis upon application by the owner.
  18. a) All exotic animals for which approval is obtained from Council shall be registered by the owner at the Town Office upon payment of the registration fee set out in Schedule "A"
  - b) Notice of all registrations of potentially dangerous exotic and/or wild animals shall forthwith be provided in writing by the owner to all of the following:
    - i) Wilkie and District Fire Department
    - ii) Royal Canadian Mounted Police – Unity/Wilkie/Macklin detachment
    - iii) Ambulance responders/providers for the Town of Wilkie
  19. Exotic animals shall be maintained in a humane manner within the boundaries of the owner's property and shall not be at large.
  20. The provision of Sections 9 through 16 applies with necessary modifications to any exotic animal found at large.
  21. Schedule "D" contains the list of Exotic Animals that are prohibited in the Town of Wilkie.
  22. Schedule "E" contains the list of Exotic Animals that require a Provincial Captive Wildlife license under *The Captive Wildlife Regulations*.
- OTHER DOMESTIC ANIMALS**
23. a) No person shall keep, possess or harbour any cattle, horses, chickens, pigs, hogs, turkeys, mules, asses, sheep, or goats (all of which are hereinafter referred to as domestic animals) with the exception of those referred to in Bylaw No. 19/17, in any part of the Town without first obtaining the written permission of Council.
  - b) Any person found in breach of this Section shall be liable to the penalties set out in Schedule "C" as if the domestic animal were an unlicensed dog or cat.

**LITTER CLEAN UP**

- 24. a) If any animal defecates on any public park, playground, public area or private property other than the property of its owner, the owner of the animal shall remove the defecation immediately and dispose of it in a sanitary fashion.
- b) This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

**ACCUMULATION OF ANIMAL FECES**

- 25. a) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard or which unreasonably interferes with the use and enjoyment of adjoining premises by owners or occupants.
- b) If requested to do so by an Animal Control Officer, an owner or occupant of private property must remove all animal feces from the property within 72 hours of the time the request was made
- c) The owner of a cat shall not permit the cat to urinate on, defecate on, or otherwise damage or interfere with any property other than the property of the owner of the cat.

**NUISANCE**

- 26. a) No owner of an animal shall permit the animal to be or become a nuisance by barking or howling or by making any other offensive noise to the annoyance or discomfort of any person at any time of day or night. For the purpose of this section, an animal is creating a disturbance if a person not situated on the property where the animal is located can easily hear the disturbance.
- b) The owner of a female animal in heat shall keep such animal confined to a house or outdoor shelter.
- c) If a complaint is made that a dog has bitten or attempted to bite a person, has acted without provocation in a vicious or menacing manner, has chased or approached a person or domestic animal in an apparent attitude of attack, then Section 375 of the Municipalities Act shall apply.

**COMMERCIAL PURPOSES:**

- 27. a) No person shall harbour or keep animals for:
  - i) commercial breeding purposes or
  - ii) boarding on a commercial basis

**DOG RUNS:**

- 28. a) No person shall construct or cause to be constructed, a dog run in the Town of Wilkie within one (1) meter of the property line or within five (5) metres of a neighbouring dwelling unit.
- b) A dog run shall be constructed of only impervious materials or wood. No person shall place, or allow to be placed, any pervious materials within a dog run.
- c) A dog run shall be at all times, in a sanitary condition and the removal and disposition of all refuse shall be done in a regular and sanitary manner.

**DOG RESTRAINTS**

- 29. A dog which is restrained on private property by means other than an approved dog run, shall be restrained in the following manner:
  - a) The restraint shall be of sufficient strength and in a state of repair so that the dog will not be able to escape.
  - b) The restraint shall be constructed of a material that will not allow the dog to chew through
  - c) The restraint shall be securely situated in the yard such that it will not allow the dog to approach closer than two (2) meters to any adjoining property, street, lane or sidewalk.

**RABIES AND OTHER DISEASES**

- 30. a) In the case of an emergency for any cause, but more particularly for the infectious disease, the Medical Health Officer is authorized to order that no owner shall suffer or permit his dog or cat to be on any place beyond or outside the boundary of the place of residence of the owner at any time, whether on a leash or under property control until such order is revoked.
- b) The Medical Health Officer may order the compulsory inoculation of a dog or cat
- d) An owner of a cat or dog who neglects or refuses to comply with any order of the Medical Health Officer made under the provisions of this Section shall be guilty of a breach of this Bylaw.

**FEEDING STATIONS FOR CATS**

- 31. a) Feeding stations shall not be permitted at any time.

**ENFORCEMENT**

- 32. a) Except as otherwise provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
  - i) in the case of an individual, to a fine of not more than \$2,000; and
  - ii) in the case of a corporation, to a fine of not more than \$5,000.

- b) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.
- 33. a) Notwithstanding Section 29, where an Animal Control Officer has reason to believe that a person has contravened the provisions of any of the Sections of the Bylaw, he may serve or cause to be served upon such person a Summary Offense Ticket
- b) The Ticket shall indicate thereon the amount of the penalty to be paid pursuant to Schedule "B" or "C" of this Bylaw.
- c) A person to whom a ticket is being issued pursuant to this section shall furnish any Animal Control Officer, upon request, with his name, address and date of birth.
- 34. The Council may, by resolution enter into an agreement with any person or organization for the purpose of participation in the enforcement of this Bylaw or for the purpose of providing pound keeping and animal control services.

**REPEALED BYLAWS**

- 35. Bylaw No. 2020-10 is hereby repealed

**EFFECTIVE DATE OF BYLAW**

- 36. This Bylaw shall come into force and take effect on the date of the final passing thereof.



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Dan Geerin

\_\_\_\_\_  
Administrator

A certified true copy of Bylaw No. 2021-03  
adopted by resolution by Council of the  
Town of Wilkie on the 10 day of May, 2021.

\_\_\_\_\_  
Dan Geerin  
Administrator



**SCHEDULE "A" - FEES**

**TO Bylaw No 2021-03**

1. Annual license fees for permitted animals shall be as follows:

(a) for the first and second cat or dog in each household:

Animal Type	Gender	Spayed/Neutered	Fee (if paid by Jan 31 <sup>st</sup> )	Fee (if paid after Jan 31 <sup>st</sup> )
Dog	Male	Neutered	\$15.00	\$20.00
		Unneutered	\$20.00	\$25.00
	Female	Spayed	\$15.00	\$20.00
		Not spayed	\$20.00	\$20.00 <i>25</i>
Cat	Male	Neutered	\$10.00	\$15.00
		Unneutered	\$15.00	\$20.00
	Female	Spayed	\$10.00	\$15.00
		Not spayed	\$15.00	\$20.00

(b) for the third or more cat or dog in the same household, \$100 per cat or dog.

(c) Registration Fee for an Exotic Animal is \$100

2. If an owner requires a replacement license for a cat or a dog, a fee of \$5.00 for the first occurrence and a fee of \$10.00 for each subsequent occurrence within the same calendar year.

3. No owner, household, property or residence shall be permitted to have more than five cats or dogs, or combination thereof, over the age of three months old.

**Schedule "A" shall come into effect on January 1, 2022.**

**SCHEDULE "B"**

**TO Bylaw No. 2021-03**

**POUND FEES AND FINES**

**Cats and Dogs**

	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>
Impoundment	\$75.00	\$100.00
No License	\$75.00	\$75.00
Running at Large	\$75.00	\$100.00
Care of animal/day	\$30.00	\$30.00
Feeding animal/day	\$5.00	\$5.00

## SCHEDULE "C"

### TO Bylaw No. 2021-03

	1 <sup>st</sup> Offence	Each Offence Thereafter
1. Failure to obtain a dog or cat license (Section 4(b) and 21)	\$75.00	\$100.00
2. Harboring more than two dogs or two cats (Section 4(g))	\$75.00	\$100.00
3. Animal being at large – each offense (Section 8 and 19)	\$75.00	\$100.00
4. Unleashed animal in public area or park – each offense (Section 8)	\$75.00	\$100.00
5. Failure to immediately remove an animal's excrement (defecation public or private property other than the property of its owner (Section 24)	\$75.00	\$100.00
6. Failure to register an exotic animal (Section 18)	\$75.00	\$100.00
7. Allow animal feces to accumulate on private property (Section 25(a))	\$75.00	\$100.00
8. Cat creating damage or interference (Section 25 (c))	\$75.00	\$100.00
9. Animal creating nuisance by barking or howling (Section 26(a))	\$75.00	\$100.00
10. Failure to comply with a dangerous dog order (Section 26(c))	\$200.00/day	
11. Failure to comply with the order to discontinue a feeding Station (Section 31)	\$75/week	



## SCHEDULE "D"

### TO Bylaw No. 2021-03

#### PROHIBITED EXOTIC ANIMALS:

- all Marsupials (such as Wallaby and opossum)
- all Felids except the domestic cat
- all Canids, except the domestic dog
- all Viverrids (such as mongooses, civets and genets)
- all Mustelids (such as skunks, weasels, otters, badgers) except the domestic ferret
- all Ursids (bears)
- all Artiodactylus Ungulates, except domestic goats, sheep and cattle
- all Procyonids (such as raccoons, coatis and cacomistlies)
- all Perissodactylus Ungulates, except the domestic horse, mule and ass
- all Pinnipeds (such as seals, fur seals and walruses)
- all venomous Reptiles and amphibians
- all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the general Aphonopelma, Avicularia and Grammostola)
- all Ratite birds (such as ostriches, rheas and cassowaries)
- all Edentates (such as anteaters, sloths and armadillos)
- all Bats

Note: Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group

**SCHEDULE "E"**

**TO Bylaw No. 2021 -03**

**EXOTIC ANIMALS REQUIRING LICENSES**

- All Diurnal and Nocturnal raptors (such as eagles, hawks and owls)

Note: Examples of animals in parentheses are examples only and shall not be construed as limiting the generality of the group.