

# RURAL MUNICIPALITY OF THE GAP NO. 39

## BYLAW 01/09

### A BYLAW OF THE RURAL MUNICIPALITY OF THE GAP NO. 39 TO PROVIDE FOR THE CONTROL OF DOGS AND CATS.

THE COUNCIL OF THE RURAL MUNICIPALITY OF THE GAP NO. 39 IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. **Title:**  
This Bylaw shall be called **"The Animal Control Bylaw"**.
2. **Definitions:**
  - a) **"Council"** means the Council of the Rural Municipality of The Gap No. 39.
  - b) **"Dog"** means any dog, male or female, over 3 months of age;
  - c) **"Cat"** means any cat, male or female, over 3 months of age;
  - d) **"Animal Control Officer"** means the person appointed by Council for the enforcement of the provisions of this Bylaw, or any person authorized to act on his behalf.
  - e) **"Kennel"** means any structure used by any person for boarding or otherwise caring for, training or whelping dogs in exceeding two dogs/cats in number over the age of six months, whether or not for reward, but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of his profession.
  - f) **"Owner"** means anyone owing, possessing or harboring a dog or cat.
  - g) **"Pound"** means the premises designated by the R.M. as the impoundment facility.
  - h) **"Public Nuisance"** means with respect to the activities of any dog including but not limited to: repeated barking, howling, whining, yelping; chasing of vehicles, persons or other animals; scattering of garbage or debris; defecating on public or private property; digging in public or private flowerbeds or gardens; and with respect to the activities of any cat including but not limited to any of the following harmful, offensive, annoying, troublesome and/or pest, fighting with other cats, defecating or spraying on private property or on any public property, and digging in garbage.
  - i) **"Running at Large"** means it is beyond the boundaries of the land occupied by the owner, possessor, or harbinger of the said dog or cat, or beyond the boundaries of any land where it may be with permission of the owner or occupant of the said land, and when it is not under control by being:
    - i) In direct control and continuous charge of a person competent to control said dog or cat; or
    - ii) Securely confined within an enclosure; or securely fastened so that said dog or cat cannot roam at will.
3. **Kennels:**  
No person shall operate a kennel within the boundaries of the Rural Municipality of The Gap No. 39 without approval of the Council. This approval shall be obtained on an annual basis.
4. **"Dangerous Dogs:**  
"Dangerous Dogs" shall mean:
  - a) Any dog with a known propensity, tendency or disposition to attack without provocation, other domestic animals or humans or;
  - b) Any dog which has bitten another domestic animal or human without provocation.

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- c) No person shall keep, possess or harbor a dangerous dog within the Rural Municipality of The Gap No. 39.
- d) If upon information or complaint it is alleged that s dog has bitten or attempted to bite any person, and if it appears to a Judge or Justice of the Peace having disposition of the information or complaint that the dog is dangerous, the Judge or Justice of the Peace may make an order (a) directing that the dog be kept by the owner or keeper under proper control, or (b) directing that the dog be destroyed.
- e) A person failing to comply with such an order shall be liable of a fine of not less than \$50/day not more than \$250 for each day during which the failure continues. When a dog~~x~~ is ordered to be destroyed, the Judge may by the same order direct a named person to destroy the dog; provided that in the event the owner or keeper of the dog cannot be ascertained by the Judge or Justice of the Peace, the Judge or Justice of the Peace may direct any person to seize and destroy such dog.

**5. Control and Care of Dogs and Cats:**

- a) No person being the owner or a person in charge of a dog or cat shall permit such dog or cat to be running at large within the The Rural Municipality of The Gap No. 39.
- b) No person, being the owner, or a person in charge of a dog or cat shall permit the dog or cat to be a public nuisance.
- c) In the event a complaint is received that a dog or cat is being a public nuisance, the RCMP or Bylaw Enforcement Officer shall investigate the complaint and if the complaint is justified, shall notify the owner of the dog or cat of the complaint, and shall request the owner to prevent the dog from doing those things that create a public nuisance.
- d) In the case where a cat has bitten or attempted to bite a person, the owner or harbinger of such cat, on complaint being made, may be required , it if appears that the cat is dangerous, to have the cat destroyed at the expense of the owner, possessor, or harbinger.

**6. Impounding of Dogs and Cats:**

- a) A dog or cat may be seized and impounded if the animal is at large.
- b) A Bylaw Enforcement Officer or Peace Officer may enter onto land surrounding any building in pursuit of any dog or cat which is found at large.
- c) The pound shall keep all impounded dogs and cats for a period of at least seventy-two (72) hours, excluding the day of impounding. Statutory holidays shall not be included in the seventy-two (72) hour period.
- d) During this period, the owner may reclaim the dog or cat from the pound upon payment to the R.M. Office the fees as set out in this Bylaw.

**7. Penalties:**

Unless otherwise specified in this Bylaw, any person committing a breach of this Bylaw or neglecting or refusing to comply therewith, is guilty of an offence and liable on summary conviction to the penalties as herein provided and in the event that the amount of the fine had not been paid with respect to the dog or cat in connection with which the breach or neglect or refusal was committed, the amount of such fine shall be assessed and directed to be paid by the summary

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conviction court and the same shall be enforced and recovered of not more than seven (7) days in the nearest jail.

- a) Any person convicted of an offence under Section 6 and/or Section 7 of this Bylaw, shall forfeit, and pay a fine of Two Hundred dollars (\$200.00) for the first conviction and any subsequent convictions, exclusive of costs.
- b) Any person charged with Section <sup>JPP. KK</sup> 8 of this Bylaw, shall pay to the R.M. Administrator or Animal Control Officer the sum of Fifty Dollars (\$50.00) in addition to an impoundment fee of Ten Dollars (\$10.00/day) in addition to any license fees or other costs that may be charged and levied by the R.M.

**8. Notice of Violations:**

The Notice of Violation is attached hereto and forms part of this Bylaw as known as "Form A".

9. This Bylaw shall come into force and take effect on the 14<sup>th</sup> day of January, 2009.



*Keith C. Kauf*  
REEVE

*Alphonse D. Dumas*  
ADMINISTRATOR

Certified a true copy of Bylaw No. 01/09 passed  
By resolution of Council of the R.M. of The Gap  
No. 39 on the 14<sup>th</sup>, day of January, 2009.

*Keith C. Kauf*  
Reeve

*Alphonse D. Dumas*  
Administrator

**FORM A**  
**NOTICE OF VIOLATION**  
**DOG & CAT CONTROL BYLAW TICKET**

This ticket has been issued for breach of provisions of the Animal Control Bylaw:

**OWNER'S NAME:** \_\_\_\_\_

**OWNER'S ADDRESS:** \_\_\_\_\_

**DETAILS OF OFFENCE**

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ a.m./p.m.

**DESCRIPTION OF DOG OR CAT:** \_\_\_\_\_

**LICENSE NO.:** \_\_\_\_\_

**LOCATION OF VIOLATION:** \_\_\_\_\_

**SERVED BY:** \_\_\_\_\_  
(To be signed by Compliant or person impounding the dog)

You are charged with violation of Bylaw No. 01/09

Section(s) \_\_\_\_\_

The penalty for violation of Section (s) \_\_\_\_\_ is \$ \_\_\_\_\_

You may make voluntary payment of the above penalty at the Rural Municipality of The Gap No. 39 Office, Ceylon, Sask., or mail the fine amount to the Rural Municipality of The Gap No. 39, Box 188, Ceylon, Sask. S0C 0T0 within (5) days from the date of service of the Notice of Violation or otherwise prosecution proceedings may be commenced.

If you do not make a voluntary payment within the time set out above, you shall be liable under prosecution and upon summary conviction; you shall be liable to penalties provided under Section 7 of the said Bylaw.

\_\_\_\_\_  
Enforcement Officer