



**TOWN OF ESTON  
BYLAW NO. 2021-03  
ANIMAL CONTROL BYLAW**

A BYLAW OF THE TOWN OF ESTON, IN THE PROVINCE OF SASKATCHEWAN, TO REGULATE AND CONTROL ANIMALS

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

**1. GOVERNING LEGISLATION**

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

**2. DEFINITIONS**

**2.1** In this Bylaw

- (a) **Act** – *The Municipalities Act*.
- (b) **Animal** – Male or female cat/kitten, dog/puppy.
- (c) **Animal Control Officer** – A person, corporation, society, or organization as may from time to time be appointed by the Municipality for the purpose of retaining impounded animals pursuant to this Bylaw.
- (d) **Animal Tag/Dog Tag/Cat Tag** – A device bearing a distinctive serial number intended to be attached to the collar of the dog/cat or dangerous animal and issued by the Town upon payment of license fee as prescribed in the Bylaw.
- (e) **Bylaw Enforcement Officer** – The person or persons appointed or contracted by the Council of the Town of Eston for the purpose of enforcing the provisions of the Bylaw.
- (f) **CAO** – Chief Administrative Officer – The person appointed as CAO pursuant to Section 111 of *The Municipalities Act*.
- (g) **Chicken** – A domesticated fowl that is kept for egg or meat production or as a pet, but does not include a turkey, goose, duck, artificially reared grouse, partridge, quail, pheasant or ptarmigan.
- (h) **Council** – The mayor and councilors of the Town of Eston elected pursuant to the provisions of *The Local Government Election Act*.
- (i) **Dangerous Animal** – An animal declared dangerous in accordance with Section 375 of *The Municipalities Act*.
- (j) **License** – The registration of an animal with the Town of Eston accompanied by the required payment.
  - i. The license fee for dog/cat or dangerous animal license shall be set out in Schedule “A”, attached hereto.
  - ii. In case of a lost license tag, a replacement tag may be issued upon satisfactory proof that the original license tag has been lost, and that the fee for such tag shall be two dollars (\$2.00).
- (k) **Kennel** – Any structure or place situated within the Town including any premises used by any person for boarding or otherwise caring for, training, or breeding of animals exceeding two in number, whether or not for reward but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of his/her profession.
- (l) **Municipality** – The Town of Eston
- (m) **Owner** – Includes:
  - i. A person, persons partnership, association or corporation who keeps, possesses, harbors, or has care of or control of a dog or cat.

- ii. The person responsible for the custody of a minor where the minor is the owner of a dog or cat.
- (n) **Owner's Property** – Any property in which the Owner has legal or equitable interest or which is otherwise under the control or in the possession of the Owner, and which property shall include land, buildings and vehicles.
- (o) **Pound** – Such a premises and facilities as may be designated by the Council for the purpose of safely lodging and securing animals seized pursuant to this Bylaw.
- (p) **Person** – Includes an individual(s), partnership, association, or corporation.
- (q) **Restricted Dog** – Any dog declared a restricted breed by resolution of Council as listed on Appendix "A"
- (r) **Rooster** – A domesticated male chicken.
- (s) **Running at Large** – When a dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbored, or keeper of the said dog or cat, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:
  - i. On a leash or harness and in direct continuous charge or a person competent to control it.
  - ii. Securely confined within an enclosure; or
  - iii. Securely fastened so that it cannot roam at will.

### 3. LICENSING & REGISTRATION OF ANIMALS

- 3.1 Every owner of an animal within the Municipality shall cause such animal to be registered with the Town Office. At the time of registering, the applicant shall provide the Town Office with a physical description of the animal, the breed of the animal, a rabies certificate valid for the registration year, a photo of the animal, and the name, address, and telephone number of the owner of the animal, as set out in Form "A" of this Bylaw. The owner will be required to pay a one-time fee to register their animal with the Municipality.
- 3.2 Any animal registration certificate or applicable fee issued pursuant to the provisions of this Bylaw by the Municipality shall not be transferable to any other animal.
- 3.3 Every person to whom an animal license tag issued under this Bylaw shall cause the animal to wear a collar to which the license tag issued by the Municipality is attached.

### 4. RUNNING AT LARGE

- 4.1 The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Municipality.
- 4.2 When the dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this Section, unless the owner proves to the satisfaction of the court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large.
- 4.3 Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office.
- 4.4 The Bylaw Enforcement Officer or any other person designated by the Municipality will attempt to capture any animals found running at large and place them in the Pound.

### 5. PROHIBITED ANIMALS

- 5.1 No person shall own or harbor any animal, or hybrid of any animal, for any purpose, of the kind listed in Schedule "C" of this Bylaw.
- 5.2 Section 5.1 shall not apply to livestock and poultry brought into the Municipality for the duration of special events at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

### 6. LIMITS – ANIMALS

- 6.1 No person within the Municipality shall harbor or keep more than three (3) dogs or three (3) cats over the age of six (6) months, on any one property. If an owner fails or refuses to comply with the provisions of this Section, they shall be subject to penalties as set out in Schedule "B" of this Bylaw.
- 6.2 As of this bylaw coming into force and furthermore the animals being registered with the Town of Eston.

### 7. SEIZURE AND IMPOUNDING

- 7.1 A Bylaw Enforcement Officer/Animal Control Officer may seize and impound any dog or cat observed to be at large.
- 7.2 A Bylaw Enforcement Officer/Animal Control Officer may enter into land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- 7.3 The Bylaw Enforcement Officer is hereby authorized to seize and capture by any method authorized by resolution of council, and impound any dog or cat running at large contrary to the provisions of this Bylaw.
- 7.4 Any person may take any dog or cat found running at large contrary to the provisions of this Bylaw to the Pound.
- 7.5 Any person may be issued a cat trap upon request.
- 7.6 No person, whether or not they are the owner of a dog or cat which is being or has been pursued or seized, shall:
  - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.
  - (b) Unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this Bylaw have been placed so as to allow or attempt to allow any dog or cat to escape.
  - (c) Remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.

## **8. POUND**


- 8.1 The Council shall endeavor to appoint a Pound keeper.
- 8.2 All dogs and cats impounded in the Pound shall be so confined therein for a period of seventy-two (72) hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Town Office the amount set forth in Schedule "A" of this Bylaw.
- 8.3 No dog or cat which is impounded shall be released to its owner or to any other person until the appropriate pound fee is paid, and in the case of a dog, until it has been registered.
- 8.4 When a dog or cat has been impounded, the Town Office shall immediately attempt to contact the owner as shown in the records made when the dog or cat was registered at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for in this Bylaw are paid within seventy-two (72) hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of the Bylaw. Failing to find said owner by the internal records, the Town Office shall immediately post notice in a visible place containing a description of the dog or cat along with the terms for release.
- 8.5 All impounded dogs or cats not claimed within seventy-two (72) hours as aforesaid, may be sold by the Town Office to any person paying for such dog or cat, a sum of not less than \$25 for the use of the Pound, and registering the dog or cat as provided for by this Bylaw. In the event any dog or cat is not sold after expiration of the said seventy-two (72) hours, it shall be disposed of by either:
  - (a) Humane destruction;
  - (b) Transfer to an Animal Rescue / Shelter
- 8.6 It shall be the duty of the Pound keeper to provide each dog or cat impounded under the authority of this Bylaw an adequate supply of food, fresh water, and proper shelter during its confinement in the Pound on a daily basis.

## **9. LITTER – DOGS AND CATS**

- 9.1 If a dog or cat defecates on any public or private property other than the property of the owner, possessor, or harbored of said dog or cat, the owner, possessor, or harbored of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction set forth in Schedule "B" of this Bylaw.
- 9.2 Defecations deposited on the private property of the owner, possessor or harbored of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly basis. The owner, possessor, or harbored of a dog or cat shall not allow defecations to accumulate on their property so as to create a health hazard.

## **10. NUISANCE**

- 10.1 The owner, possessor, or harbinger of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite, or biting anyone or any domestic animal, chasing vehicles, or bicycles, and any owner, possessor or harbinger who contravenes this Section commits an offence as per Schedule "B" of this Bylaw.
- 10.2 The owner, possessor or harbinger of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise making disruptive noises or by ruining, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbinger. Any owner, possessor or harbinger who contravenes this Section commits an offence as per Schedule "B" of this Bylaw.
- 10.3 Where a dog or cat is creating a nuisance may make a written complaint to the Town Office.
- 11. RABIES AND OTHER DISEASES**
- 11.1 When an animal has bitten a person and/or is suspected of being rabid, the Medical Health Office of the region and a Veterinarian of the Health of Animals Branch, Canada Department of Agriculture shall be notified immediately.
- 12. GENERAL**
- 12.1 Every female animal or dangerous animal in heat shall be confined to a house (or kennel).
- 12.2 Any person teasing an animal or dangerous animal, enticing an animal or dangerous animal, baiting or throwing objects at an animal or dangerous animal, confined within its owner's property, shall be in violation of this Bylaw.
- 13. DANGEROUS ANIMALS**
- 13.1 Where a complaint is received by the Town Office that an animal with the Municipality is dangerous, Section 374-380 of *The Municipalities Act* shall apply
- 14. OWNING AND HARBORING OF DOGS**
- 14.1 At all times while a dog is on the premises of its owner and left unattended, the owner shall either keep such dog confined indoors, or confined in a securely enclosed and locked pen or other structure built (i.e. fence) to prevent the escape of the dog and capable of preventing the entry of young children.
- 14.2 When any dog is off the premises of the owner, the owner shall harness it or leash it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person.
- 15. URBAN HENS.**
- 15.1 Requires applying to Council for approval via the Town Office.
- 16. GENERAL PENALTY**
- 16.1 A person who contravenes any provision of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00.
- 17. PENALTY**
- 17.1 Where any person has committed or alleged to have committed a breach of any of the provisions of this Bylaw, a ticket in the form designated Form "B" forming a part of this Bylaw may be served on such person by the Bylaw Enforcement Officer.
- 18. SEVERABILITY**
- 18.1 A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this Bylaw.
- 19. REPEAL OF BYLAW – 03-2011**

  
Chief Administrative Officer

  
Mayor

A certified true copy of Bylaw 2021-03  
adopted by resolution of Council of the  
Town of Eston on May 26, 2021



  
Chief Administrative Officer

**TOWN OF ESTON  
SCHEDULE "A"  
BYLAW 2021-03**

**ANIMAL LICENSE FEES**

DESCRIPTION	FEE
Dogs – Not Vaccinated or Spayed/Neutered (one-time fee)	\$20.00
Dogs – Vaccinated and Spayed/Neutered (one-time fee)	\$5.00
Cats (one-time fee)	\$5.00
Lost License Replacement Fee	\$2.00
Urban Hens (Upon Approval)	\$25.00
Restricted Dogs (annual fee) upon approval	\$100.00
Dangerous Animal (annual fee) upon approval	\$500.00
Annual Kennel License	\$100.00

**POUND FEES**

DESCRIPTION	FIRST OFFENCE	SUBSEQUENT OFFENCE
Impound Fees: Spayed/Neutered Dog/Cat	\$25.00	\$50.00
Impound Fees: Not Spayed/Not Neutered Dog/Cat	\$50.00	\$100.00
Care and Sustenance	\$20/day + \$2.50 food	
Veterinary Expense	Amount Expended	
Destroying a dog or cat	Amount Expended	
Pick up fee	\$50.00	\$100.00
Impounding a Dangerous Animal	\$50/day	\$100.00
Travel – As determined by expense policies of the Town of Eston		

**SCHEDULE "B"**

**PENALTIES – NON-RESTRICTED ANIMALS / RESTRICTED**

DESCRIPTION	FIRST OFFENCE	SUBSEQUENT OFFENCE
Failure to Register Animal	\$50.00	\$100.00
Running at Large	\$100.00	\$200.00
Exceeding Limits on Any One Property (for each animal exceeding limits)	\$150.00	\$300.00
Neglects or Refuses to Clean up Defecation	\$100.00	\$200.00
Nuisance Dogs	\$150.00	\$300.00
Nuisance Cats	\$75.00	\$150.00
Dog or Cat Bites (per bite) or is aggressive to a Person or other Animals	\$150.00	\$300.00
Enter Floral area or Disturb or Destroy Vegetation or Animal Habitat in a Park	\$100.00	\$200.00
Upsets Waste Receptacle or Scatters Waste	\$100.00	\$200.00
<b>RESTRICTED</b>		
Restricted Animal (if council denies the request have 24 hours to remove the animal from the community)	\$1000.00	\$5000.00

**TOWN OF ESTON  
SCHEDULE "C"  
BYLAW 2021-03**

**PROHIBITED ANIMALS**

The following is a list of animals the keeping of which is prohibited within the Town of Eston:

- (a) All Animals being reared for the bearing of fur or food;
- (b) All animals whose normal habitation is outside of urban centers (such as fox and deer);
- (c) All Arachnids dangerous to humans (such as scorpions and tarantulas);
- (d) All Artiodactylous Ungulates (such as goats, sheep, cattle, pigs, and llamas);
- (e) All bats;
- (f) All bees;
- (g) All Canids, except the domestic dog;
- (h) All Crocodilians (such as alligators and crocodiles);
- (i) All Edentates (such as anteaters, sloths, and armadillos);
- (j) All Elephants;
- (k) All Felids, except the domestic cat;
- (l) All Hyenas;
- (m) All Insects being raised for the purpose of profit or gain;
- (n) All Livestock;
- (o) All Marsupials (such as kangaroos and opossums);
- (p) All Mustelids (such as skunks, weasels, otters, and badgers), except the domestic ferret;
- (q) All Non-Human Primates (such as gorillas and monkeys);
- (r) All Perissodactyls Ungulates (such as horses, donkeys, mules, and asses);
- (s) All Pigeons;
- (t) All Pinnipeds (such as seals, fur seals, and walruses);
- (u) All Procyonids (such as raccoons);
- (v) All Raptors, diurnal and nocturnal (such as eagles, hawks, and owls);
- (w) All Ratite Birds (such as ostriches and cassowaries);
- (x) All Galliformes, (such as roosters, turkey, grouse, quails, and pheasants), except the female chicken (on approval of Council);
- (y) All Anseriformes (such as ducks and geese);
- (z) All Snakes of the families Pythodidae and Boidae;
- (aa) All Urid's (bears);
- (bb) All Venomous Reptiles and Amphibians;
- (cc) All Viverrids (such as mongooses);

**TOWN OF ESTON  
APPENDIX "A"  
BYLAW 2021-03**

**RESTRICTED DOG/CAT OR DANGEROUS ANIMALS IN THE TOWN OF ESTON**

The following is a list of animals in the keeping of which is restricted within the Town of Eston:

- (a) Pit Bull Terrier;
- (b) American Pit Bull Terrier;
- (c) Pit Bull;
- (d) Staffordshire;
- (e) Bull Terrier;
- (f) American Staffordshire Terrier;
- (g) Dobermann Pinscher;
- (h) Rottweiler;
- (i) Wolf Hound;
- (j) Wolf Cross;
- (k) Coyote Cross
- (l) Husky

Any dog/cat or dangerous animal of mixed breeding which includes any of the aforementioned breeds and can be identified by its physical characteristics.

If a dog/cat or dangerous animal is considered a restricted dog/cat or dangerous animal under this bylaw the onus is on the owner to prove by documentation or other acceptable method that the dog/cat or dangerous animal should not be considered restricted. The decision of Council will be considered as final.

This appendix can be amended by resolution of Council.