

**TOWN OF ESTON
BYLAW NO. 03-2011**

A BYLAW OF THE TOWN OF ESTON TO ESTABLISH REGULATIONS FOR THE CONTROL OF DOG/ CAT OR DANGEROUS ANIMALS, CATS AND OTHER ANIMALS.

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

- 1) This Bylaw shall be known as the "ANIMAL CONTROL BYLAW".
- 2) DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- a) "*Administrator*" - shall mean the Town Administrator of the Town of Eston.
- b) "*Animal*"- shall mean any animal including dog, cats or any type of household pet that is permissible to harbor within the municipality.
- c) "*Animal Control Officer*" - shall mean the person appointed by:
 - (1) The Council including all employees of the Town of Eston
 - (2) An organization, Company or person which has an Agreement with the Town and/or is retained by the Town, to catch and control animals and for enforcement of provisions of this Bylaw or a member of the Royal Canadian Mounted Police.
- d) "*Council*"- shall mean the Council of the Town of Eston.
- e) "*Cat*"- shall mean any cat, male or female, neutered or spayed, of the feline family over the age of three (3) months.
- f) "*Controlled Confinement*" - shall mean the confinement of a dog/ cat or dangerous animal in a pen, cage or other structure having four sides and a secure top; the bottom secured to the sides or the sides embedded in the ground to a minimum depth of thirty (30) centimeters; minimum dimensions of 1.5 meters by 3.0 meters; and a minimum height of 1.5 meters.
- g) "*Dog*" - shall mean any dog, male or female, neutered or spayed, of the canine family over the age of six (6) months.
- h) "*Dangerous Animal*" - shall mean:
 - 1) Any animal, that without provocation, in a vicious or or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;

- 2) Any animal whatever its age 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;
 - 3) Any animal that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - 4) Any animal which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- i) *"Dog Tag"* – shall mean a device bearing a distinctive serial number intended to be attached to the collar of a dog/ cat or dangerous animal and issued by the Town upon payment of license fee as prescribed in the Bylaw.
 - j) *"Kennel"* – means 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 profession.
 - k) *"Leash"*- shall mean a leash that is not longer than three (3) meters, adequate to control the animal to which it is attached and securely attached to the animal by the collar, choke collar or harness.
 - l) *"License"* – shall mean the registration of an animal with the Town of Eston accompanied by the required payment.
 - m) *"Livestock"* - shall mean cattle, goats, sheep, buffalo or any other animal normally raised for sale of the animal or products from the animal.
 - n) *"Magistrate"* – shall mean a judge of the Magistrate's Courts.
 - o) *"Owner"* – shall mean and include any person owning, possessing or harbouring a dog/ cat or dangerous animal.
 - p) *Owner* includes:
 - i. The actual owner of an animal, whether a natural person or a body corporate; and
 - ii. A person acting on behalf of the actual Owner of an animal, where such person furnishes proof to the satisfaction of the Control Officer of his authority to deal with the Control Officer on behalf of the actual Owner in respect of the animal.
 but does not include:
 - iii. A veterinarian registered pursuant to The Veterinarian Act, 1987 who is keeping or harbouring an animal for the prevention, diagnosis or treatment of a disease of an injury to the animal;
 - iv. An urban municipality, the Saskatchewan Society for the Prevention of Cruelty to Animals or a Humane 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.

- q) *“Owner’s Property”* – shall mean 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.
- r) *“Park”* – shall mean a Park or Recreational Area.
- s) *“Permitted Property”* – shall mean private property upon which the Owner of an animal has the express permission of the owner of the property or a person in control or possession of the property to allow the Owner's animal.
- t) *“Pets”* – shall mean animals or birds that are:
 - i. Domesticated or tamed and kept as companion;
 - ii. Not raised for profit;
 - iii. Not customarily raised for human consumption; and
 - iv. Not used for the purpose of transportation.
- u) *“Poultry”* - shall mean any bird normally raised for the consumption of the meat, eggs or other products from the animal.
- v) *“Restricted Dog”*- shall mean any dog declared a restricted breed by resolution of Council as listed on Appendix D.
- w) *“Running at Large”* – shall mean, when used to describe an animal, being on any property other than the Owner’s Property or Permitted Property and not securely restrained by a leash held by a person capable of properly restraining the animal.
- x) *“Town”*– shall mean the Town of ESTON.

5) LICENCES:

- a) Every person who owns or harbours a dog/ cat or dangerous animal within the Town shall cause such dog/ cat or dangerous animal to be registered with and obtain a license for the dog/ cat or dangerous animal(s) from the Town of ESTON. Failure to do so shall constitute an offense under this Bylaw.
- b) When applying for a license the applicant shall provide a description of each dog/ cat or dangerous animal owned by him including its breed, color and age.
- c) The license fee for dog/ cat or dangerous animal license shall be set out in Schedule “B”, attached hereto.
- d) All licenses issued under this Bylaw shall be for the period indicated in Schedule “B” and shall be in a form and of a size which can be conveniently be attached to a dog/ cat or dangerous animal collar.
- e) 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 dollar (\$2.00).
- f) The license tag shall bear a number and a record shall be kept by the Town showing the tag number, the owner’s name and a description of the dog/ cat or dangerous animal.

- g) Any license issued pursuant to the provisions of this Bylaw shall not be transferable to any other dog or cat.
- h) A dog that is used as a guide or "seeing eye" dog by a blind person shall be registered and licensed with the Town and the Town shall issue a license without the prescribed fee.
- i) Every applicant, at the time of making an application for a license for a neutered dog or cat, may be required to provide the Town Office with a certificate from a veterinary surgeon that such dog or cat has been neutered.
- j) The owner or possessor of a kennel whose kennel is registered in the Register of The Canadian Kennel Club may in lieu of procuring a license for each dog as hereinbefore require, pay the Town the sum of \$100.00 as a license fee for all dogs in such Kennel.
- k) Every owner of a dog or cat within the Town shall on demand by the Animal Control Officer or Peace Officer produce and show his/her license receipt or other evidence that he/she has a license for the current year.

4) WEARING TAGS

Every person whom a license has been issued under this Bylaw shall cause his or her dog/ cat or dangerous animal to wear a collar to which shall be attached the license tag issued by the Town.

5) KENNELS

A kennel license may be granted to an applicant that satisfies the Town that he is in the animal raising business, that he has been assessed therefore or has paid a business license fee with respect thereto and that proper books for recording of animals raised, boarded and /or sold are being maintained by him.

6) RUNNING AT LARGE

No dog/ cat or dangerous animal shall run at large in the Town, and for the purpose of this Bylaw, a dog/ cat or dangerous animal shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said dog/ cat or dangerous 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 of being:

- 1) On a leash and in direct and continuous charge of a person competent to control it: or
- 2) Securely confined within an enclosure: or
- 3) Securely fastened so that it cannot roam at will.

Any dog/ cat or dangerous animal found running at large shall be in violation of this Bylaw.

7) SEIZURE OF DOG/ CAT OR DANGEROUS ANIMALS

- a) Except as provided by Section 10 of this Bylaw any dog/ cat or dangerous animal found running at large contrary to the provisions of this Bylaw may be taken by any person of legal age to a Control Officer.
- b) The Control Officer, or any other person authorized by the Council, may seize, capture, and impound any dog/ cat or dangerous animal running at large contrary to the provisions of this Bylaw.

8) POUND

For the Purpose of impounding animals, a place may be designated by Council from time to time.

9) POUNDKEEPER

- a) Council may appoint a Poundkeeper who shall hold office at pleasure of the Council.
- b) Whenever any animal is impounded the Control Office shall as soon as reasonably possible notify the owner in person or by telephone. If the Owner is unknown a notice shall be posted in the Town Office giving a general description of the animal.
- c) To redeem an impounded animal the owner shall pay the Town the fees as set out in Schedule "A" as attached to and forming part of this Bylaw.
- d) Any animal impounded shall be kept confined till redeemed; if not redeemed in 72 hours (statutory holidays and Sundays not included) from the time of personal, telephone or posted notice the animal may be destroyed, sold or given to another person.

10) RABIES

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.

11) GENERAL

No Unauthorized person shall:

- a) Remove from a dog/ cat or dangerous animal a collar or License tag.
- b) No person shall own, possess or harbour any dog/ cat or dangerous animal which by loud and frequent barking, howling, yelping, or chasing motor vehicles, or in any other manner or way, creates a disturbance to the annoyance or discomfort of any other person residing in the neighborhood or to the public at large: or which causes injury to any person so doing shall be in violation of this Bylaw.
- c) Every female dog/ cat or dangerous animal in heat shall be confined to a house (or kennel).

- d) No person shall break open or assist in breaking open any pound in which a dog/ cat or dangerous animal may be impounded or hinder or delay or obstruct any person in the performance of his duties hereunder.
- e) Any person teasing a dog/ cat or dangerous animal, enticing a dog/ cat or dangerous animal, baiting or throwing objects at a dog/ cat or dangerous animal, confined within its owner's property shall be in violation of this Bylaw.

11) GENERAL CONT.:

- f) Any owner of an animal, or any person having responsibility for or custody of an animal which:
 - i. bites or chases a person or other animal;
 - ii. bites, barks at, or chases any motor vehicle or bicycle;
 - iii. barks, howls or otherwise comports itself in such a fashion as to disturb any person;
 - iv. causes any damage whatsoever to any property or any injury whatsoever to any person or other animal;
 - v. is at anytime within the floral area of any Park or disturbs or destroys any vegetation or animal habitat in any Park.
 - vi. defecates on private or public property without the owner or person in control of the dog/ cat or dangerous animal removing the defecation immediately in a sanitary manner;
 - vii. upsets any waste receptacle or scatters the contents thereof; whether or not the dog/ cat or dangerous animal is then Running at Large, shall be in violation of this Bylaw.

12) CONTROLLED CONFINEMENT:

Means the confinement of an animal in a pen, cage or other structure having:

- i. secure sides and a secure top;
- ii. the bottom secured to the sides or the sides embedded in the ground to a minimum depth of thirty (30) centimeters;
- iii. minimum dimensions of 1.5 meters by 3.0 meters; and
- iv. a minimum height of 1.5 meters.

13) ANIMALS

No person shall keep any animal designated by resolution of Council as indicated in Appendix B.

14) HUMANE DESTRUCTION OF SICK AND INJURED ANIMALS:

- i. The animal Control Officer, Veterinarian or other person appointed by Control may take immediate action to humanely destroy any sick or injured animal if found within the Town where, in the opinion, immediate destruction of the animal is necessary in order to avoid unnecessary suffering by the animal.

- ii. Reasonable efforts shall be made to contact the owner of an animal before it is destroyed pursuant to section 14(i). However, no action lies against the Animal Control Officer, Veterinarian or other person appointed by Council solely because the owner of the animal was not contacted.

15) PENALTY

Unless otherwise specified in the Bylaw, a person committing a breach of this Bylaw or neglecting or refusing to comply therewith, is guilty of an offense and liable on summary conviction to the penalties as herein provided, whether or not the dog/ cat or dangerous animal in connection with which the breach or neglect or refusal was committed has been impounded or destroyed; and in the event that the amount of the fine has not been paid with respect to the dog/ cat or dangerous animal in connection with which the breach or neglect or refusal was committed that amount of such fine shall be assessed and directed to be enforced and recovered and in default of payment of the fine, plus costs to a term of not more than thirty (30) days in the nearest jail.

16) PAYMENT OF PENALTIES:

- a) (i) Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket in the form appearing as Schedule "A" to this Bylaw, may be served on such a person.

Such person may pay to the Treasurer of the Town Office during regular business hours, in the lawful Money of Canada, an amount equal to the fine fixed for the respective Sections specified in subsection (a) of Section 14, provided that payment must be made within a period of Seventy-two (72) hours from the service of the said ticket. If payment is made within such time and accepted, then the person shall not be liable to prosecution for the offense.

- (ii) Service of such ticket may be made by mailing such ticket to the owner, possessor or harbourer of the animal in respect of which the ticket has been issued; or by personal service upon such person; or by delivery to an adult person at the home of such person.
- b) If the person who has committed or is alleged to have committed a breach of this Bylaw hereof, fails to pay the specified fine within the time allowed following service of the ticket, then the provisions of this Section shall no longer apply and the person shall be liable to prosecution for the offense in the ordinary way, provided that nothing in this Section shall prevent any person served with such ticket from exercising his right to defend any of those particularized offenses.

17) LEGAL ACTION UPON VIOLATION

- a) Any person convicted of an offense under this Bylaw shall forfeit and pay a fine as set out in Schedule "D" as attached and forming part of this Bylaw.

b) In any proceedings before a Magistrate under the provisions of this Bylaw, Ownership established by submission to the Magistrate a Certificate of the Control Officer stating on his information and belief as to who is the owner of the animal in question, and upon receipt of such certificate by the Magistrate, the onus of proof of ownership shall be shifted to the person named in the certificate to show that he or she is not the owner of the animal in question.

18) BYLAW NO. 04/2007 is hereby repealed.

19) COMING INTO FORCE

This Bylaw comes into force on the date of third and final reading by the Council of the Town of ESTON.



MAYOR



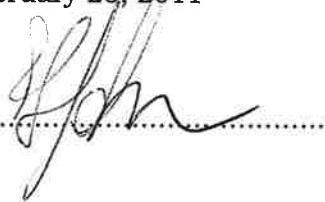
TOWN ADMINSTRATOR

S E A L

Read a third time and hereby adopted this
23rd day of February, 2011.

Certified as a true copy of Bylaw 3-2011
approved by resolution of Council on
Wednesday February 23, 2011

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Administrator





TOWN OF ESTON
SCHEDULE "B"
BYLAW NO.03-2011

ONE TIME LICENSE FEES FOR NON RESTRICTED DOGS:

- | | |
|-------------------------------------|---------|
| 1. For each male or female dog | \$ 5.00 |
| 2. Lost Dog License Replacement Fee | \$ 2.00 |

ONE TIME LICENSE FEES FOR CATS:

- | | |
|-------------------------------------|---------|
| 1. For each male or female cat | \$ 5.00 |
| 2. Lost Cat License Replacement Fee | \$ 2.00 |

ANNUAL LICENSE FEES FOR RESTRICTED DOGS

- | | |
|--|----------|
| 1. Any dog considered by the Town to be restricted | \$100.00 |
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ANNUAL LICENSE FEES FOR DANGEROUS ANIMAL:

- | | |
|----------------------------------|----------|
| 1. Any animal declared dangerous | \$500.00 |
|----------------------------------|----------|

ANNUAL KENNEL LICENSE	\$100.00
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TOWN OF ESTON
BYLAW NO. 03/2011
SCHEDULE "C"

Amounts payable to the Town of ESTON for care and sustenance, reclaiming or destroying, or to have a dog/ cat or dangerous animal picked up by the Control Officer:

- A) Impoundment Fees:
 - i. Spayed/Neutered Dog/Cat \$25.00
 - ii. Not Spayed/Not Neutered Dog/Cat \$50.00

- B) Care and sustenance: \$20.00 per day
Plus \$2.50 per day for food

- C) Veterinary Expenses: Amount expended

- D) Destroying a dog or cat: Amount expended

- E) Pick up fee: \$50.00

- F) Cost for impounding a dangerous animal will be \$50.00 per day.

- G) Travel – As determined by the expense policies of the Town of Eston.

**TOWN OF ESTON
BYLAW NO. 03/2011
SCHEDULE "D"**

SPECIFIED PENALTIES:

Section	Offence	Amount
3(a)	Failure to purchase Dog Tag	\$ 50.00
6	Running at Large	\$ 100.00
11(a)	Removal of dog collar or Dog tag	\$ 50.00
11(b)	Nuisance Dog/at: loud & frequently barking, howling and yelping to disturb or cause a person discomfort	\$ 150.00
11(e)	Teasing, tormenting or annoying a dog/cat	\$ 50.00
11(f)	Dog or Cat bites or chases a Person or other animals	\$ 150.00
	Subsequent violations	\$ 300.00
11(f)	Enter floral area or disturb or destroy vegetation or animal habitat in a Park	\$ 100.00
11(f)	Defecates in a private or public location where the owner fails to remove	\$ 100.00
11(f)	Upsets waste receptacle or scatters waste	\$ 100.00

**TOWN OF ESTON
BYLAW 4/2011
APPENDIX A**

Restricted Dog/ cat or dangerous animals in the Town of Eston

Pit Bull Terrier

American Pit Bull Terrier

Pit Bull

Staffordshire

Bull Terrier

American Staffordshire Terrier

Doberman Pinscher

Rottweiler

Wolf Hound

Wolf Cross

Coyote Cross

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

If a dog/ cat or dangerous animal is considered as 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 as restricted. The decision of Council will be considered as final.

This appendix can be amended by resolution of Council.

**TOWN OF ESTON
BYLAW 03/2011
APPENDIX B**

The following animals may not be housed within the Town of Eston without prior approval by resolution of Council.

Arachnids dangerous to humans.

Canids with the exception of a domestic dog/ cat or dangerous animal

Crocodylians

Edentates (Anteaters, sloths, armadillo)

Elephants

Felids with the exception of a domestic cat

Hyenas

Livestock (Cattle, buffalo, sheep, goats)

Marsupials

Mustelids (Skunks, weasels, badgers with the exception of ferrets)

All non human Primates (Monkeys, apes)

Ungulates (Mules, deer, horses)

Pinnipeds (Seals)

Poultry (Chickens, turkeys, peacocks)

Procyonids (Raccoons)

Raptors (Eagles, hawks, owls)

Ratite Birds (Ostrich, emu)

Snakes

Ursids (Bears)

Venomous reptiles and amphibians

Viverrids (Mongoose, civets)

This appendix may be amended by resolution of Council