

BYLAW 2003-1650

A BYLAW OF THE CITY OF ESTEVAN FOR LICENSING DOGS AND CATS AND REGULATING AND CONTROLLING PERSONS OWNING OR HARBOURING DOGS AND CATS.

Section 8 of *The Cities Act* authorizes a Council to licence, regulate and control any animal or class of animals; and

The Council of the City of Estevan in Council assembled enacts as follows:

TITLE AND PURPOSE

1. (a) this Bylaw may be referred to as “THE ANIMAL CONTROL BYLAW”.

(b) The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the City of Estevan, to ensure the humane treatment and control of animals and to regulate and prohibit the keeping of dangerous animals within the City.

PART 1 – DEFINITIONS

2. In this Bylaw, unless the context otherwise requires, the expression:

- a) “**Animal Control Officer**” means that person(s) appointed by the **Estevan Board of Police Commissioners and the Estevan Police Chief** for the purposes of this Bylaw;
- b) “**assist dog**” means a dog used to assist persons with disabilities or dogs used by the Estevan City Police Service;
- c) “**Cat Trap Permit**” means a permit in the form set out in Form B, issued by the Animal Control Officer to a person to trap a cat being at large;
- d) “**Dogs**” or “**Cats**” includes all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds;
- e) “**dog run**” means a structure designed and/or used for the keeping or containment of a dog;
- f) “**Kennel**” means any structure used by any person for boarding or otherwise caring for, training or whelping dogs or cats exceeding three (3) dogs or (3) cats in number over the age of three (3) months, whether or not for reward, but does not include:
 - i) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession; or,
- g) “**Treasurer**” means the Treasurer of the City of Estevan, and such person or persons as he may from time to time appoint in writing to act on his behalf in the enforcement of the licensing provisions of this

- bylaw;
- h) **“License Year”** means the period from January 1st to December 31st of the same year, both dates inclusive.
 - i) **“Judge”** means a Provincial Court Judge;
 - j) **“Medical Health Officer”** means the Medical Health Officer for the **Sun Country Health Region**;
 - k) **“Owner”** means any persons, partnership, association, or corporation owning, possessing, harbouring, having charge of or control over any dog or cat, and includes a keeper of a dog or cat;
 - l) **“Pound Keeper”** means that person, corporation, society or organization as may from time to time be appointed by the Mayor and City Manager for the purpose of retaining impounded dogs and cats pursuant to this Bylaw;
 - m) **“Running at Large”** means being on:
 - (i) public property unaccompanied by any person,
 - (ii) public property accompanied but not under the “complete” control of a person by means of a leash suitable to the animal’s size and strength.
 - n) **“Pests” shall mean anything that causes trouble, annoyance, nuisances, discomfort, or destruction, including but not limited to, skunks, rabbits and raccoons.**
 - o) **Dangerous Dog shall mean any dog, which in the opinion of a Peace Officer, or Animal Control Officer:**
 - (i) **without provocations, shows a propensity, or disposition, and has potential to attack and injure humans or other animals; or**
 - (ii) **without provocation attack, bit or injure any human or animal.**

PART 2 – LICENSING OF DOGS AND CATS.

- 3. No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed for the current license year. No dog or cat under the age of 3 months shall require a license.
- 4.
 - a) The annual license fee charged for various kinds, species or breeds or dogs or cats owned, possessed or harboured by any person while resident in the City of Estevan, excepting “assist dogs and any dog used for police work by the Estevan City Police Service and R.C.M.P., shall be in accordance with the schedule of fees prescribed in Schedule “A” attached to this Bylaw.
 - b) Notwithstanding anything contained in this Bylaw, “assist dogs” shall be licensed, and the Treasurer shall issue the license without payment of the license fee.

5. The owner of every dog or cat shall apply to the Treasurer or an appointed person on or before January 1 of each year for a license to keep such dog or cat within the City, tendering with such application, the required annual fee therefore, according to Schedule "A" attached to this Bylaw and upon the receipt thereof the Treasurer shall issue a license and a tag for each dog or cat owned by the owner.
6.
 - a) Every applicant for license for a neutered dog or cat, shall produce to the Treasurer or appointed person at the time of making application, a certificate of a Veterinary Surgeon, that such cat or dog has been neutered.
 - b) Every applicant for a license for a dog or cat that has been vaccinated for rabies within the previous twelve (12) months shall produce to the Treasurer a Certificate of A Veterinary Surgeon, that such dog or cat has been vaccinated for rabies within the previous twelve (12) months.
7. All license fees required to be paid under this Bylaw shall be paid to the Treasurer of the City or the appointed person, located at the City Hall, Estevan.
8. The tag issued by the Treasurer shall bear a serial number and the year in which it is issued and a record shall be kept by the Treasurer showing the name and address of the owner along with a Residential and Business Phone number and a description of each dog or cat owned by him including its breed, colour, sex, age and name and the serial number of the tag issued for each dog or cat.
9. The owner shall ensure that a collar, and the tag issued by the Treasurer, are worn by the dog or cat when the animal is off the premises of the owner.
10. No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.
11. **All guard dogs and dangerous dogs shall be housed as follows:**
 - (a) **chain link covered run and covered top on a strong frame, i.e. 2 x 4 or pipe.**
 - (b) **a flooring substance that cannot be dug**
 - (c) **a child-proof latch on gate**
 - (d) **the covered run and shelter is subject to the Animal Control Officer's approval.**
12. **All guard dogs and dangerous dogs shall only be out on a leash and under adult supervision.**
13. **If an Animal Control Officer determines that a dog is a dangerous dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:**

- (a) **inform the owner that the dog has been determined to be a dangerous dog and**
 - (b) **require the owner to keep such dog in accordance with the provisions of this bylaw.**

- 14. An owner of a dangerous dog shall maintain in force a policy of liability insurance in form satisfactory to the City Manager providing third party liability coverage in a minimum amount of \$500,000.00 for injuries cause by the owners dog.**
 - (a) **the liability policy shall contain a provision requiring the insurer to immediately notify the City, in writing, should the policy expire or be cancelled or terminated.**
 - (b) **upon cancellation or expiry or termination of the liability policy, the dog license is null and void.**

PART III – IMPOUNDING OF DOGS AND CATS.

- 15. a) No owner shall permit any dog or cat to be running at large in the City of Estevan;

- 16. For the purpose of impounding any dog or cat found running at large in the City of Estevan, a pound shall be established at such place or places as may from time to time be designated by the Mayor and City Manager and the Mayor and City Manager shall from time to time appoint one or more Pound Keepers, and fix their remuneration.

- 17. Section 10(1) of the Animal Protection Act of Saskatchewan states that a Humane Society may sell or give the animal to any person if the person responsible for the animal.
 - a) is not located and notified within three business days after the day on which the animal was delivered; or
 - b) is located and notified but does not, within three business days after the day on which the animal was delivered;
 - (i) in accordance with section 12, pay the expenses incurred with respect to the animal; or
 - (ii) enter into an agreement for the payment of the expenses that is satisfactory to the humane society.

When any dog or cat is captured and impounded, the Pound Keeper shall post a notice on the Notice Board at the Humane Society, and at the City Police Service Building and City Hall giving a description of the said dog or cat, the date when it was impounded and the date and hour when it will be sold or destroyed. Such notice shall be posted seventy-two (72) hours before the said sale or destruction.

18. Pound Fees shall be as prescribed in Schedule “A” and shall be in addition to any charges for food or otherwise, that the Pound Keeper may impose.

PART IV – DUTIES OF DOG AND CAT OWNERS

19. a) No owner or keeper of a dog or cat shall permit their dog or dogs or cat or cats on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training his dog or cat.
- b) Section 15 a) shall not apply to an owner who is using the dog in question for an “assist dog”.
20. Any owner whose dog or cat chases any pedestrian, vehicle ~~horse~~ or any other animal, on a public thoroughfare shall be in violation of this Bylaw.
21. a) A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat or taken to a licensed kennel during the whole period that the dog or cat is in heat; except that a female dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and urinates on the premises of the owner.
- b) A kennel owner shall not locate a dog run closer than 2 meters to a property line.
22. a) If a dog or cat defecates or urinates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.
- b) Where, under Section a) of this Section, the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.
- c) Section 19 a) and b) shall not apply to an owner who is using the dog in question for an “assist dog”.
23. No owner or keeper shall permit his dog or dogs or cat or cats to damage public or private property.
24. a) Every owner of a dog or cat shall:
- (i) provide his or her dog or cat with a collar; and
- (ii) keep the tag issued by the Treasurer under the provisions of this Bylaw securely fixed on the dog’s or cat’s collar at all times until he procures a tag for the following year.
- b)

- i) No owner shall use a choke chain on a dog or cat except when walking a dog/cat on a leash.
 - ii) No person shall keep an animal within the city tethered on a chain, rope or similar restraining device of less than 3 metres in length.
 - iii) Every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.
- 25. Every person requested by the Treasurer or appointed person to do so shall forthwith deliver to him a statement in writing of the number of dogs or cats owned by him.
- 26. No person operating a motor vehicle within the city limits shall allow an animal to be on the drivers lap while the vehicle is in motion.
- 27. No person operating a motor vehicle with an exposed cargo area, shall allow an animal to be untethered in the exposed cargo area, while the vehicle is in motion.

Dog Runs

- 28.
 - a)
 - (i) Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog and any other living being.
 - (ii) An Owner shall ensure a dog run on the Owner's property is located no closer than 2 meters to a property line.
 - (iii) An Owner shall ensure that a dog run on the Owner's property is constructed of material of sufficient strength and in a manner adequate to:
 - a) confine the dog; and
 - b) prevent the entry of children of tender years.
 - b)
 - (i) If, in the opinion of a **Building Official** or a Police Officer the condition or location of a dog run is not in accordance with this Bylaw, the Animal Control Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
 - (ii) The person to whom an order is issued pursuant to subsection (i) shall comply with the order within the time specified in the order.
 - (iii) An order to relocate a dog run issued pursuant to subsection (i) will allow the owner of the property on which the dog run is located, at least 30 days to relocate or remove the dog run.

Cat Traps

- c)
 - (i) A person, who has been bothered by a cat being at large, may apply to the Animal Control Officer to receive a Cat Trap Permit and a cat trap. **Only traps approved and distributed by the Animal Control Officer may be used.**
 - (ii) The Animal Control Officer shall only approve a Cat Trap Permit and issue a cat trap to a person making an application pursuant to subsection (i) when that person:
 - (a) agrees to all the terms included in the Cat Trap Permit;
 - (b) executes a Cat Trap Permit.
- d) Where a cat trap is issued pursuant to section 20. the permittee shall:
 - (i) abide by the terms of the Cat Trap Permit;
 - (ii) place the cat trap only on the permittee's property located within the City;
 - (iii) personally check the trap at least once each hour while the trap is set;
 - (iv) when a cat is trapped, contact the Animal Shelter:
 - (a) immediately, if the Animal Shelter is open; or
 - (b) as soon as the Animal Shelter re-opens;
 - (v) not use the trap when the temperature is:
 - (a) 0° C or less; or
 - (b) 28° C or more.
 - (vi) return the cat trap to the Animal Shelter within 72 hours of the cat trap being issued; and
 - (vii) pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen;
- e)
 - (i) When a cat has been trapped in a cat trap, the permittee shall, for as long as and until an Animal Control Officer can collect the cat or the cat can be conveyed to the Animal Shelter:
 - (a) hold the cat for no longer than 24 hours;
 - (b) treat the cat humanely;
 - (c) provide shelter for the cat in a warm, dry and secure area; and

- (d) provide water and food for the cat.
- (ii) If a permittee cannot comply with the conditions in subsection (i), the permittee must release the trapped cat unharmed.
- (iii) When a cat has been trapped in a cat trap and the Animal Control Officer can collect the cat, or the cat is conveyed to the Animal Shelter, the permittee shall provide the Director with:
 - (a) the name of the Owner of the cat, if known; and
 - (b) the location of the cat trap when the cat was trapped.

PART V – GENERAL

- 29. Any person teasing a dog or cat, enticing a dog or cat, baiting or throwing objects at a dog or cat confined within its owner’s property shall be in violation of this Bylaw.
- 30. The operation of any kennel within the City shall be subject to approval from the Medical Health Officer for the **Sun Country Health Region**, and the kennel shall comply with the provisions of any City of Estevan Zoning Bylaw relating to the operation of kennels within the City.
- 31. The Pound Keeper shall keep a record of all dogs and cats impounded and of the disposition made of same and shall make a monthly return to the Treasurer.
- 32. The City Treasurer shall institute a proper accounting system to ensure that official receipts are issued in respect of any license fees, pound fees or charges, or other monies received or collected in respect of this Bylaw, and that all records in respect of same are audited at the same time as other City records.
 - a) Any owner whose dog or cat has bitten or attempted to bite any person in the City of Estevan is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.
 - b) If a person is convicted of an offence under Section 32 a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the Judge or Justice of the Peace may make an order:
 - i) directing that the dog or cat be kept by the owner or keeper under proper control; or
 - ii) directing that the dog or cat be destroyed; or
 - iii) when a Judge or Justice of the Peace orders that a dog or cat be destroyed, he may, by the same order direct the appropriate authority to destroy the dog or cat;
 in addition to assessing any fine upon conviction.

33. a) Any owner whose dog or cat has bitten, killed or destroyed any other animal in the City of Estevan is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.
- b) If a person is convicted of an offence under Section 33 a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the Judge or Justice of the Peace may make an order:
- i) directing that the dog or cat be kept by the owner or keeper under proper control; or
 - ii) directing that the dog or cat be kept be destroyed; or
 - iii) when a Judge or Justice of the Peace orders that a dog or cat be destroyed, he may, by the same order direct the appropriate authority to destroy the cat or dog;
- in addition to assessing any fine upon conviction.
34. Notwithstanding Section 32 and 33 of this Bylaw, where any dog or cat is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to the Medical Health Officer for the **Sun Country Health Region** whose instructions shall be carried out.
35. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs or cats, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his or her dog or cat to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs or cats.
36. No owner of a dog or cat shall permit his dog or cat to be or become a nuisance by barking or howling or emitting other animal sounds.
37. No person, whether or not he is 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 Pound Keeper, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any dog or cat in accordance with the provisions of this bylaw;
 - b) Unlock or unlatch or otherwise open the van or vehicle which the dog or cat seized under this bylaw has been placed so as to allow or attempt to allow any dog or cat to escape therefrom; or
 - c) Remove or attempt to remove any dog or cat from the possession of the Pound Keeper, Animal Control Officer or Peace Officer.

- 38. The Animal Control Officer may capture pests within the corporate limits of the City of Estevan and impound, destroy, or otherwise dispose of such pests according to his judgment.**

PART VI DANGEROUS DOGS

39.

- (1) If a complaint is made that a dog in the City of Estevan is dangerous, a judge shall on hearing the complaint declare the dog to be dangerous where it proved that:
- a) the dog, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - b) the dog has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - c) the dog has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - d) the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.
- (2) No dog shall be declared dangerous where an action described in clause (39) a), b) c), or d) occurred while the dog was:
- a) acting in the performance of police work; or
 - b) working as a guard dog on commercial property:
 - (i) securely enclosed on the property by a fence or other barrier sufficient to prevent the escape of the dog and the entry of children of tender years; and
 - (ii) defending that property against a person who was committing an offence.
- (3) The owner of a dog complained of, if known, shall be served with notice of a hearing pursuant to subsection (1)., but the judge may make an order pursuant to subsection (4) in the absence of the owner if he fails to appear.
- (4) Where a judge declares a dog to be dangerous, the judge shall make an order embodying all of the following requirements:
- a) the owner shall keep the dog in an enclosure which complies with prescribed criteria;
 - b) if the owner removes the dog from the enclosure, he shall muzzle and leash it in accordance with prescribed criteria and

keep it under his direct control and supervision;

- c) the owner shall obtain and keep in effect liability insurance in the prescribed amount to cover damage or injury caused by the dog;
 - d) the owner shall display a sign, in the prescribed form and manner, on his or her property warning of the presence of the dog and shall continue to display that sign in good condition so long as the dog is present on the property;
 - e) the owner shall comply with the regulations and the *Animal Disease and Protection Act* (Canada), as amended from time to time, with respect to the detection and control of rabies;
 - f) the owner shall report a sale or other disposition of the dog to the person appointed for the purpose in the bylaw;
 - g) where the dog is moved to a different municipality, the owner shall notify the clerk of that municipality;
 - h) where the dog is to be sold or given away, the owner shall:
 - i) notify any prospective owner that the dog has been declared dangerous, before it is sold or given away; and
 - (ii) notify the clerk of the municipality or person designated by the municipality of the name, address and telephone number of any new owner of the dog.
- (5) An order issued pursuant to this section continues to apply if the dog is sold or given to a new owner or is moved to a different municipality.
- (6) An order pursuant to subsection (5) may also include any or all of the following terms:
- a) the owner shall have the dog tattooed in the prescribed manner;
 - b) the owner shall have the dog spayed or neutered;
 - c) the owner shall take any other measures the judge considers appropriate.
- (7) Notwithstanding subsection (4), where the judge is a judge of the Provincial Court for Saskatchewan or a justice of the peace, he may, in the alternative, order that the dog be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
- (8) Where an order has been made pursuant to subsection (4) against an owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause 4. be waived.

- (9) On an application pursuant to subsection (8), the judge may waive compliance with clause (4), on any terms and conditions that he considers reasonable, where he is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than his financial circumstances.
- (10) An owner or complainant who feels aggrieved by an order made pursuant to subsection (4) or (7) may appeal the order:
- a) to a judge of the Provincial Court of Saskatchewan by way of a trial de novo where the order was made by a person designated in the bylaw or by a justice of the peace; or
 - b) on the grounds that it:
 - (i) is erroneous in point of law;
 - (ii) is in excess of jurisdiction; or
 - (iii) constitutes a refusal or failure to exercise jurisdiction; to the court where the order was made by a judge of the Provincial Court of Saskatchewan.
- (11) A person desiring to appeal an order pursuant to subsection (10) shall, within seven days of the order being appealed from, file a notice of appeal with the judge or court being appealed to and the provisions of Part XXVII of the *Criminal Code*, as amended from time to time, apply *mutatis mutandis* to the appeal.
- (12) A person who feels aggrieved by a decision of a judge of the Provincial Court of Saskatchewan made in respect of an appeal pursuant to clause (10) a) may appeal the decision to a judge on any grounds set out in clause (10) b) and the provisions of subsection 11. apply to the appeal.

Offences and penalties, destruction etc., of dogs

- (1) Any person who owns a dog for the purpose of dog fighting, or trains, torments, badgers, baits or otherwise uses a dog for the purpose of causing or encouraging the dog to make unprovoked attacks on persons or domestic animals is guilty of an offence.
- (2) Any person who displays a prescribed sign warning of the presence of a dangerous dog and who is not acting on an order made pursuant to subsection 38.4. or has not received the permission of a council to display the sign is guilty of an offence.
- (3) Any person who does not comply with any part of an order made against him or her is guilty of an offence.
- (4) Any person who owns a dog that, without provocation, attacks, assaults,

wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.

- (5) A person who is guilty of an offence pursuant to this section is liable on summary conviction to:
 - (a) a fine of not more than \$10,000;
 - (b) imprisonment for not more than six months;
 - (c) an order imposing the requirements of subsections 38.4 and .5;
 - (d) an order that the person's dog be destroyed or otherwise disposed of in accordance with the terms and conditions ordered by the judge; or
 - (e) a penalty consisting of any combination of clauses (a) to (d).
- (6) A person desiring to appeal an order or conviction pursuant to this section shall, within seven days of the order or conviction being appealed from, file a notice of appeal with the Provincial Court of Saskatchewan or the court, as the case may be, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.

Destruction order

- (1) Unless the owner otherwise agrees, every order for destruction of a dog shall state that it shall not be implemented for **eight days**.
NOTE: This time frame to be discussed with the Estevan Humane Society.
- (2) Where an appeal is taken against an order for the destruction of a dog, the application of the order is stayed pending the disposition of the appeal.

Return of dog

Where the judge on appeal overturns the order for destruction of the dog, the dog shall be released to the owner after the owner has paid the costs of impoundment of the dog ending the hearing.

Actions for damages

In an action brought to recover damages for injuries to persons or property caused by a dog, it is not necessary for the person injured to prove that the dog is, or that the owner knew that the dog was, of a dangerous or mischievous nature or is accustomed to doing acts causing injury.

Destruction by peace officers

- (1) A peace officer as defined by the *Criminal Code*, as amended from time to time, may destroy any dog that he finds injuring or viciously attacking a person or domestic animal.
- (2) Where he acted in good faith, a peace officer who destroys a dog pursuant to subsection (1) is not liable to the owner for the value of the dog.

Entry and search

- (1) Where a peace officer as defined by the *Criminal Code*, as amended from time to time, or a municipal official designated in a bylaw passed pursuant to item 38 has reasonable and probable grounds for believing that a dog is dangerous or has been ordered to be destroyed and is:
 - (a) in or on any premises other than a dwelling house; or
 - (b) in any vehicle or other chattel;

the peace officer or official may, with or without a warrant and by force if necessary, enter the premises, vehicle or chattel, search for the dog and impound it or, if there is an order to destroy or otherwise dispose of the dog, deliver the dog to the person appointed in the order to destroy or otherwise dispose of it.

- (2) Where it appears to a judge, on information laid before him on oath, that there are reasonable and probable grounds for believing that a dog that has been ordered to be destroyed or otherwise disposed is in any dwelling place or any other premises or vehicle or chattel, the judge may issue a warrant authorizing a peace officer to enter, by force if necessary, the dwelling place or other premises or vehicle or chattel specified in the warrant and search for the dog, and the peace officer may impound and deliver the dog to the person appointed by the judge to destroy or otherwise dispose of it.

Charges may be added to property taxes:

If a dog has been the subject of a complaint or hearing pursuant to sections 37 and the dog has been impounded, declared dangerous, ordered to be destroyed or otherwise disposed of, or has been returned to the owner pursuant to section 39.4 and the owner of the dog does not pay the costs of impoundment or destruction or disposal of the dog, the costs:

- a) are a debt due to the municipality;
- b) may be recovered as a debt due to the municipality or may be added to the owner's property taxes;
- c) are a lien on the land that has priority over all other liens or charges except for those of the Crown; and
- d) are a charge on the goods and chattels of the owner of the dog and may be levied and collected in the same manner as taxes are recoverable.

PART VII – PENALTY PROVISIONS

40. a) Pursuant to Section 32 of this Bylaw, any owner whose dog or cat has bitten or attempted to bite any person in the City of Estevan is liable on summary conviction to the following penalties;

- i) where the Judge has directed that the dog or cat be kept by the owner or keeper under proper control a fine of not more than \$2,000.00 **and no less than:**
\$100.00 First Offense
\$200.00 Second Offense
\$300.00 Third or Subsequent Offences
 - ii) where the Judge has directed that the dog or cat be destroyed, a fine of not more than \$2,000.00 **and no less than:**
\$100.00 First Offense
\$200.00 Second Offense
\$300.00 Third or Subsequent Offences.
 - b) Any person who fails to comply with an order made under Subsection 33b) is guilty of an offence and is liable to a fine of not more than \$250.00 per day for each day during which the offence continues.
41. a) Pursuant to Section 33 of this Bylaw, any owner whose dog or cat has bitten, killed or destroyed any animal in the City of Estevan is liable on summary conviction to the following penalties;
- i) where the Judge has directed that the dog or cat be kept by the owner or keeper under proper control a fine of not more than \$2,000.00 **and no less than:**
\$100.00 First Offense
\$200.00 Second Offense
\$300.00 Third or Subsequent Offences
 - ii) where the Judge has directed that the dog or cat be destroyed, a fine of not more than \$2,000.00 **and no less than:**
\$100.00 First Offense
\$200.00 Second Offense
\$300.00 Third or Subsequent Offences
 - b) Any person who fails to comply with an order made under Subsection 33b) is guilty of an offence and is liable to a fine of not more than \$250.00 per day for each day during which the offence continues.
42. a) Every person who contravenes any provision of this Bylaw where no other penalty is provided, is guilty of an offence and liable on summary conviction and to a fine of not more than:
- (i) \$2,000.00 in the case of an individual;
 - (ii) \$5,000.00 in the case of a corporation.
- b) All fines, penalties and forfeitures mentioned in this Bylaw may

be recovered and enforced with costs by summary conviction before a Judge and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty are paid sooner.

- c) This bylaw may be enforced, and the contravention of any provision of the bylaw restrained, by any court on action brought by the City of Estevan, whether or not any penalty is imposed for the contravention.
 - d) Conviction of a person for a contravention of any provision of this bylaw does not relieve him from compliance with the bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the contravention of bylaw.
 - e) A person who fails to comply with an order made pursuant to subsection d) hereof within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250.00 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.
43. a) Notwithstanding Sections 37, 38 and 39, where an animal control officer or peace officer believes that a person has contravened the provisions of Sections 3,10,15,16,17,18,19,20,21, 22, 23, 34 and 35 hereof, he may by personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.
- b) The notice of violation in Form A shall be in a form similar to that provided as Form A of this bylaw and shall indicate thereon the Section of the bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "B" of this bylaw.
 - c) Upon production of the notice of violation in Form A issued pursuant to subsection a) within seven (7) days from the date of service together with payment as indicated on the notice of violation in Form A to the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form A was given.
 - d) If payment is not received as provided in subsection c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this section shall not apply with respect to that offence. A person to whom a notice of violation in Form A is being issued pursuant to this section shall furnish any Animal Control Officer or Peace Officer, upon request, with his name and address.

PART VII – BYLAWS REPEALED AND EFFECTIVE DATE OF THIS BYLAW

44. Bylaw 2003-1636 is hereby repealed.
45. This Bylaw comes into force and effect on the date of final reading.

CITY OF ESTEVAN

Tim Perry,
Mayor.

Yvette Wright.
City Clerk.

Read a first time this 8th day of September, 2003.
Read a second time this 8th day of September, 2003
Read a third and final time, approved and adopted for use by the City of Estevan this
22nd day of September, 2003.

SCHEDULE “A” TO BYLAW 2003-1650

<u>DOGS AND CATS</u>	<u>LICENSE FEE</u>
1. All dogs/cats not vaccinated for rabies and not spayed or neutered.	\$110.00
2. All dogs/cats vaccinated for rabies within the past 12 months & spayed or neutered	\$ 10.00
3. Assist dogs	No charge
4. Duplicate license	\$ 5.00
License Transfer	\$ 5.00

POUND FEES

All dogs or cats spayed or neutered	
• first offence in a calendar year	\$ 40.00
• second offence & every offence thereafter in a calendar year	\$ 80.00
All dogs and cats not spayed or neutered – per offence	\$100.00

All owners of dogs or cats with City licenses shall receive one waived impound fee per year provided the animal is claimed by the owner within 24 hours. Pursuant to Section 4 and Section 13 of Bylaw 2003-1365, the License Fees and Pound fees prescribed in this Schedule are in addition to \$10.00 per day or portion thereof for food or otherwise, that the Pound Keeper may impose.

Schedule “B”.

1. The penalty; pursuant to Section 42, for a person who has contravened the provisions of Section 3,10,15,16,17,18,19,20,21, 22, 23, 34 and 35 shall be \$40.00.
2. The penalty, pursuant to Section 42 for a person who contravened the provisions of Section 15 Running and Large and Section 22 Defecation and Urination without removal shall be \$40.00 for the first offence in a calendar year and \$80.00 for Second offence and every offence thereafter in a calendar year.

FORM "A"

Notice of Violation of Bylaw 2003-1650

CITY OF ESTEVAN

Voluntary Payment of Fine

DETAILS OF VIOLATION

Name of Owner _____

Address of Owner _____

On the ____ day of _____, ____ at Estevan, Saskatchewan at
_____ did unlawfully commit the following offence under the
(time)

City of Estevan Animal Control Bylaw No. 2003-1650, Section No.

Description of Offence: _____

Location of Violation: _____

Description of Dog or Cat: _____

Please pay as indicated:

Penalty for the above infraction - \$ _____

Issued by: _____

Date of Issue: _____

The Voluntary Penalty may be paid at the Police Station, Estevan, Saskatchewan.

Voluntary Payment of the fine within seven (7) days after service of this

Notice of Violation upon the owner results in the owner not being liable for
prosecution for the offence.

Failure to remit the fine within seven (7) days after service of this Notice of Violation
may result in issuance of a Summons.

FORM "B"
CAT TRAP PERMIT

Date: _____

Trap #: _____

Address of intended location of Trap: _____

Deposit: \$ _____

I, the undersigned, agree to the following terms and conditions:

- The cat trap will be place only on my property within the City of Estevan;
- I will personally check the cat trap at least once every hour while the trap is set;
- When a cat is trapped, I will contact the Animal Shelter immediately. If the Animal shelter is closed when the cat becomes trapped, I will not hold the cat for longer than 24 hours until the Animal Shelter re-opens;
- When a cat is trapped, I will treat the cat humanely; I will also provide shelter, food and water for the trapped cat. I will leave the cat in the trap and I will place the trap in a warm, dry and secure area (such as a shed, garage or basement) with a blanket placed over the trap to pacify the cat. **If I cannot comply with these conditions, I will free the trapped cat unharmed;**
- I will not allow harm to come to any trapped cat while in my possession including Exposure to inclement weather;
- I will not use the cat trap when the temperature falls below 0° C or rises above +28°C;
- I give my permission to an Animal Control Officer to enter onto my property to Ensure the cat trap is being used properly;
- I will advise the Animal Control Officer of the name and address of the owner of the cat trapped, if known;
- I will pay the cost to repair or replace the cat trap if the cat trap is damaged, lost or stolen while in my possession;
- I will not set the trap on statutory holidays or days when the Animal Shelter is closed, and;
- I will return the cat trap to the Animal Shelter within 3 days after the cat trap was issued.

IT IS A SERIOUS OFFENCE TO HARM ANY DOMESTIC ANIMAL

I understand and accept all liability that may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the City of Estevan for all such liability.

Signature: _____

Name and Address of Permittee: _____