

**BYLAW NO. 2-10**

**A BYLAW OF THE VILLAGE OF NEVILLE, SASKATCHEWAN, PROVIDING FOR THE REGISTRATION AND LICENSING OF ANIMALS, THE RESTRAINING AND REGULATING ANIMALS RUNNING AT LARGE AND FOR THE DESTRUCTION, SALE OR OTHER DISPOSITION OF IMPOUNDED ANIMALS IF NOT CLAIMED FROM THE POUND WITHIN A SPECIFIED TIME.**

THE Council of the Village of Neville in the Province of Saskatchewan enacts as follows:

Part 1: General

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Short Title

1. This Bylaw may be referred to as the "Dog and Cat Bylaw".

DEFINITIONS

2. (a) "Animal" shall mean cats and dogs.

(b) "Cat" shall mean and include every cat of either sex over the age of three months, and shall mean and include any female cat that has been spayed and any male cat which has been emasculated.

(c) "Constable" shall mean a member of the Royal Canadian Mounted Police or a special constable appointed by the Village.

(d) "Council" shall mean the Council of Village of Neville.

(e) "Dogs" shall mean and include every dog of either sex over the age of three months, and shall mean and include any female dog that has been spayed and any male dog which has been emasculated.

(f) "Animal Catcher" shall mean the animal catcher appointed by the Council of Village of Neville to enforce the provisions of this bylaw, or any person authorized to act in his behalf.

(g) "License Inspector" shall mean the Village Clerk or his/her designate, who will be responsible for the issuing of animal tags and or licenses.

(h) "Owner" shall mean and include any person owning, possessing or harboring an animal.

(1)

(I) "Person" includes any company, corporation, owner, partnership, firm,

association, society or party.

(j) "Poundkeeper" shall mean a person, agency or organization so appointed by a resolution of Council for the purpose of establishing and or maintaining a suitable accommodation (pound) for the keeping of impounded animals.

(k) "Running at Large" - Where this term is used in this Bylaw it shall mean an animal which is off the premises of its owner and is not tied up or on a leash or in the immediate continuous effective control of some competent person.

DESTRUCTION IS NO DEFENSE

3. It shall not be a defense to a charge under this Bylaw that the animal in connection with which such breach or neglect or refusal was committed, has been impounded or destroyed.

ADMINISTRATIVE NON-COMPLIANCE WITH BYLAW

4. Non-compliance with this bylaw by the Village of Neville shall not render any proceedings void, but the same may be amended or may be set aside as irregular or otherwise dealt with as may be just.

PART 11: ADMINISTRATION\_  
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RABID ANIMALS

5. Notwithstanding any other provisions of this bylaw, an animal suspected of having rabies shall not be killed, but shall be secured and isolated for ten (10) days and the matter immediately reported to the appropriate authorities\_employed by the Department of Health for the Province of Saskatchewan, whom instructions shall be carried out.

DESTRUCTION OF TROUBLESOME ANIMALS

6. Where one particular animal has been the subject of two convictions and or voluntary payments regarding violations under this Bylaw, then if that same animal is the subject of any further convictions and or voluntary payments regarding violations of this Bylaw, it shall be impounded and destroyed.

LICENSES

7. Every owner of an animal shall obtain a license for such animal and shall cause the animal to wear around the neck a collar to which shall be attached a license plate or tag issued by the License Inspector.

(2)

8. The License plate or tag shall bear the wording "Animal Tag" and the wording

"Village of Neville", shall bear figures to indicate the number of the tag.

9. The License Inspector shall record in a register to be kept for that purpose a description of the animal for which the license is issued, the name of the owner thereof and the number of the license tag supplied to the licensees.

10. The license fees payable by owners shall be in accordance with Schedule "A" attached hereto, which said schedule may be amended from time to time.

(a) When applying for a license the applicant shall provide the License Inspector with a description of the animal, the name and address of the owner and any other relevant information that may be required by the License Inspector.

(b) When applying for a license the applicant shall provide the License Inspector with a certificate of a veterinarian indicating that the animal has been vaccinated against rabies within two years (24 months) of the date of the application for a license.

11. All licenses shall expire on the 31st day of December next following the date of issue thereof. **(Bylaw 3-2017 replaced with – Licenses are for the life of the animal and are non-transferable)**

#### IMPOUNDING

12. For the purpose of impounding any animal found running at large in the Village of Neville, a pound shall be established at such place or places as may from time to time be designated by resolution of Council as a pound.

13. The Village may from time to time appoint a Poundkeeper or Poundkeepers to carry out the provisions of this Bylaw.

14. Every Poundkeeper shall receive and detain in a pound any animal found running at large and shall detain same until s/he shall have disposed of it in accordance with the provisions of this Bylaw.

15. The Village Clerk or Council Member is authorized to appoint an animal catcher or animal catchers. Such animal catcher(s) shall restrain and impound any animal which is running at large or unlicensed animal, and to issue violation notices and to carry out additional duties in the enforcement of this Bylaw.

16. Notwithstanding the provisions of section 14 hereof, any person of the full age of 18 years may restrain any animal running at large in the Village of Neville and shall deliver the animal so restrained to the Poundkeeper or the Animal Catcher. Such person shall leave with the Poundkeeper a statement in writing, describing the animal restrained, the name of the owner (if known) and the circumstances, place and time of restraint.

(3)

17. The Animal Catcher shall not respond to any complaints except those which come through the Village Clerk or Council Member, or by virtue of Section 16 thereof.

18. The Poundkeeper shall keep a record of all animals impounded and of the time and manner of their disposal and shall make monthly returns to the License Inspector of all fees received by him and shall pay to the License Inspector all said fees. Said record book shall be open for the inspection at any time that the Poundkeeper is in attendance at the pound.

19. Any Poundkeeper appointed under the provisions of this bylaw is hereby empowered to collect all necessary charges and fees in connection with the impounding of animals and for the keeping of such animals at the pound.

20. Where the animal impounded is wearing a collar to which is attached a license tag valid for the current year, the Poundkeeper or the Village Clerk shall, within 24 hours, forward to the said owner a notice in writing by mail advising such owner of such impounding and setting forth the amount required to be paid in order to have the animal released. Failure of the owner to receive such notice shall attach no liability whatsoever to the Village, and shall not be a defense available to the owner in respect to charges under this bylaw.

21. The Pound Keeper of such other person as may be designated by the Village Clerk shall provide and supply to each and every animal impounded under the authority of this bylaw sufficient food and fresh water during its confinement in the pound, and to maintain clean and properly vented pens or enclosures for impounded animals.

#### RELEASE FROM POUND

22. All animals impounded in the pound shall be so confined therein for a period of 72 hours from the time of capture, excluding Saturdays, Sundays and statutory holidays, during which time any person, who shall satisfy the Poundkeeper by reasonable evidence that s/he is the lawful owner of person entitled to the possession of the animal, shall have the right to repossess the said animals upon paying the Poundkeeper of Village License Inspector:

- a) The amount set forth in Schedule "B" to this bylaw, which schedule may from time to time be amended.
- b) The Animal Catcher's fee which shall be calculated in accordance with Schedule "C" of this bylaw.

23. In case an animal is impounded and is not claimed within 72 hours from the time such animal is received at the pound, excluding Saturdays, Sundays and statutory holidays, said animal may be disposed of by the Poundkeeper without further notice in the following manner:

(4)

- a) Disposal by adoption, where in the opinion of the Poundkeeper the animal is suitable for adoption, upon the payment by the adopter of the sale price as set out in Schedule "D", and the fees and charges, if any, as herein

provided.

- b) Disposal by euthanasia where in the opinion of the Poundkeeper the animal is NOT suitable for adoption.
- c) Disposal by euthanasia if the animal cannot be sold for adoption within a reasonable time period, at the discretion of the Poundkeeper.

24. No animal may be released from the pound or disposed of by adoption until a certificate is produced that the animal has been vaccinated against rabies within two years of the date of release or disposal by adoption.

25. No animal may be released to a person who already owns two (2) other animals of the same species.

26. No animal may be released from the pound or disposed of by adoption until that animal is licensed.

27. The proceeds from the disposal of the animal from the pound, if any, shall inure to the party as provided for in the agreement between the Village and the Poundkeeper.

#### GENERAL

28. The Village Clerk or his/her designate shall be responsible for the general administration of this bylaw.

#### PART III: OFFENSES

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#### LICENSES

- 29. a) No person shall own, keep, have in his possession or harbor any unlicensed animal, or any licensed animal which is not wearing a collar to which is attached a valid and current license plate or tag.
- b) No unauthorized person shall remove a collar or animal tag which was provided in accordance with section 3.
- c) Notwithstanding anything herein contained no person shall be required to obtain a license for any animal under the age of three (3) months, provided that the onus of proving the age of any animal to be under three (3) months shall rest upon the person owning the said animal.

(5)

#### PRODUCING DOCUMENTS

30. Every owner of an animal shall, on demand by any constable or the Animal Catcher

or the Poundkeeper or the License Inspector or the Village Council, show his license, receipts or other evidence that s/he has paid the license fee for the animal for that particular year.

RUNNING AT LARGE

31. No owner of an animal shall permit that animal to run at large.

32. A person who owns an animal found running at large shall be deemed of an infraction of this Bylaw.

VICIOUS ANIMAL

34. No person shall keep or harbor any animal deemed vicious.

NOISE

35. No person being the owner of any animal shall allow such animal to create a noise or a disturbance by barking, biting, howling or in any other manner to annoy and discomfort any person.

TEASING

36. No person shall tease, entice, bait, or throw objects at an animal confined within its owner's property.

BREEDING

- 37. a) Subject to Subsection (b), every owner of a female animal in heat shall keep such animal housed at all times during the whole period such female animal shall be in heat.
- b) Every owner who keeps animals, whether male or female, for breeding purposes, must provide and use a suitable enclosure wherein the animals shall be confined during the breeding season, which enclosure shall completely hide the animal from the public view. Compliance with this subsection (a). Keeping animals for the purpose of breeding will only be allowed with the approval of Village Council.

(6)

PART IV: PENALTIES

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DANGEROUS ANIMAL

38. Every person who contravenes any of the provisions of Part III of this bylaw or any order of the court pursuant to this bylaw, shall be guilty of an offense and liable to the penalty as herein provided.

39. If upon information of complaint, it is alleged that an animal has bitten or attempted to bit any person, it appears to the Judge of the Provincial Court having cognizance of the complaint that the animal is dangerous, the Judge of the Provincial Court may take an order directing that the animal be kept by the owner or keeper under proper control or destroyed, and that a person failing to comply with the order shall be liable, in addition to any other penalties imposed under this bylaw, to a fine not exceeding \$50.00 for every day during which the failure continues. when an animal is ordered to be destroyed, the Judge of the Provincial Court may by the same order direct any person to destroy the animal.

PROVIDED that in the event the owner or keeper of such animal not being known or not being before the Court the Judge of the Provincial court may direct any person to seize and destroy any such animal.

#### VOLUNTARY PAYMENT

40. a) Every person who is charged under this bylaw shall be served a Notice of Violation by:

- (i) Personal service; OR
- (ii) Placement of the Notice of violation in the mailbox or attachment to the entrance door, at the residence of the person charged; OR
- (iii) Sending it to the person charged by registered mail.

b) The Notice of Violation shall be in Form "A" attached hereto and forming part of this bylaw.

c) Any person charged under this bylaw shall be free from prosecution for that offense if s/he makes Voluntary Payment, within seven days after receipt of the Notice of Violation, by paying at the office of the Village Clerk, the following applicable penalty:

\$15.00 for the first offense and \$30.00 for any or subsequent offense under the same section, in addition to any other fees and penalties imposed under this bylaw.

(7)

#### SUMMARY OFFENSE

41. a) If a violator does not pay the voluntary Payment within seven (7) days of being serviced with a Notice of Violation, then the Village of Neville may commence legal action against the alleged violator, and all proceedings shall be governed by the provisions of the Summary Offenses Procedures Act, R.S.S. Chapter S-63 as amended from time to time, except where inconsistent with the provisions of this bylaw, whereupon the provisions of this bylaw shall prevail.
- b) Upon a conviction under a proceeding under subsection a) of this section, the Judge shall impose a penalty of not less than \$100.00 and not more than \$200.00 and costs, and the Judge's Order shall provide that in default of payment of said period not exceeding thirty (30) days.
- c) The convicting Judge, in a proceeding under subsection a) of this section, may, in addition to the fine imposed under Subsection b) of this section, make any just Order to prevent the recurrence of the offense. This Order may contain, inter alia, an Order that the animal in question be destroyed.

Bylaw No. 4-00 is hereby repealed



ANNUAL LICENSE FEE FOR ANIMALS

SCHEDULE "A"

- |     |                                    |         |
|-----|------------------------------------|---------|
| (a) | Male or female, new tags           | \$10.00 |
| (b) | Replacement of lost or stolen tags | \$ 5.00 |

CHARGES FOR THE RELEASE OF IMPOUNDED ANIMALS

SCHEDULE "B"

- (a) First Offense
- 1) Unlicensed animal - \$10.00 plus annual license fee as per Schedule "A" plus \$5.00 per day or part thereof.
  - 2) Licensed animal - \$10.00, plus \$5.00 per day or part thereof.
- (b) Second Offense
- 1) \$20.00, plus \$5.00 per day or part thereof.
- (c) Third Offense
- 1) \$50.00, plus \$5.00 per day or part thereof and the animal shall not return to the same community.

ANIMAL CATCHER'S FEE

SCHEDULE "C"

Animal catcher's fee shall be calculated by adding the following costs to receive the total fee:

- 1) Mileage calculated at \$30 per mile traveled by the animal Catcher in the course of his/her duties.
- 2) Time expended by animal Catcher in the course of his/her duties in regard to subject animal at \$8.00 per hour or portion thereof, minimum of three hours including travel.

Minimum sale price of unclaimed animal	\$25.00
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SCHEDULE FORMING PART OF BYLAW