

# **BYLAW NO. 43-2017**

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## **A BYLAW OF THE TOWN OF HEPBURN IN THE PROVINCE OF SASKATCHEWAN TO LICENSE, REGULATE, CONTROL AND PROHIBIT THE OWNERSHIP AND POSSESSION OF CERTAIN ANIMALS**

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

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1. This bylaw may be cited as **“The Animal Control Bylaw”**.

### **DEFINITIONS**

#### **2. IN THIS BYLAW:**

**“Animal”** means dogs, cats and all other domestic animals;

**“Annual License”** means an exterior metal tag which shall be affixed to the collar of a cat or dog, and includes a registered identification number that is kept in the Town records as issued by the Town;

**“Bylaw Enforcement Officer”** is any corporation, person or persons engaged by or appointed by the Town for the purposes of checking for licenses, capturing and impounding animals under the provisions of this bylaw;

**“at large”** means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding two metres in length and is under proper control;

**“Bee”** means any of certain insects which store up the pollen of flowers for food or that makes honey and wax;

**“CAO”** is the person appointed as the Chief Administrative Officer for the Town or his/her duly authorized representative or designate;

**“Dog Run”** shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog;

**“Hen”** shall mean a domesticated female chicken that is at least four months old;

**“Judge”** shall mean a provincial court judge or a justice of the peace;

**“Livestock”** shall mean cattle, goats, horses, swine, and all other fur bearing animals domesticated or wild, not including hens, dogs, cats or other caged household pets;

**“Municipality or Town”** means the corporation of the Town of Hepburn and the area contained within the boundaries of the Town of Hepburn, as the context requires;

**“Owner”** includes:

A person who owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor, where the minor is the owner of the animal;

**“Poundkeeper”** means 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;

**“Public Playground”** means the area containing playground equipment in any park or Municipal Reserve owned by the Town or under the management and control of the Town;

**“SPCA”** means the Saskatoon Society for the Prevention of Cruelty to Animals.

### **PART III – GENERAL**

#### **3. LICENSES AND LICENSE FEES**

3.1. Every person within the municipality who owns or keeps an animal shall obtain an animal license from the Administration of the Town;

3.2. The license fees are set out in Schedule “A” attached. The Town of Hepburn will offer a free registration period for any new animal registrations and during the month of January in any given year;

3.3. A registration form for the animal shall be completed as set out in Schedule “B” attached;

3.4. The license is in effect from the date of purchase until the animal is deceased or permanently removed from the municipality and is not transferable from one animal to another;

3.5. Every person to whom an animal license has been issued under this bylaw shall cause the animal to wear a collar to which the license tag issued by the municipality is attached; and

3.6. A person residing in the municipality, who owns, possesses or harbours an animal and neglects or refuses to take out a license shall be deemed guilty of an infraction of this bylaw.

#### **4. DOGS BARKING OR HOWLING**

4.1. No person who owns or keeps a dog or allows it to stay in the owner’s premises shall allow such dog to bark excessively or howl excessively;

4.2. Any person who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;

4.3. Any person who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw;

4.4. The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;

4.5. The municipality may apply to a judge to have a dog that barks or howls excessively muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality at the owner’s expense; and,

4.6. The municipality may issue a written infraction notice, in the appropriate Municipal form, under this Bylaw or the Municipal Noise Bylaw.

#### **5. RUNNING AT LARGE AND PROHIBITED AREAS**

5.1. No animal shall run at large in the municipality;

5.2. If an animal is found to be running at large the owner shall be deemed to have permitted the animal to be at large 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;

5.3. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw;

5.4. 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 Municipal pound; and,

5.5. Any animal found running at large that attacks or bites a person shall be dealt with under the Dangerous Dogs Act, at the owner's expense and;

5.5.1. Destroyed in accordance with any order or recommendation by a medical health officer;

or,

5.5.2. Permanently removed from the municipality.

## **6. ANIMAL LIMITS**

6.1. No person within the Town of Hepburn shall harbour or keep more than a total of four (4) dogs or cats combined, on any property. The Town will allow existing pets in excess of four (4) prior to the passing of this bylaw, subject to a requirement that all pets must be licensed. This clause will apply for the lifetime of the registered animal. If an owner fails or refuses to comply with the provisions of this section, the penalties are as set out in Schedule 'E' attached hereto and which may be amended from time to time by resolution of Council;

6.2. The number of Hens shall be limited to five, in aggregate, on any parcel. It is recommended that the minimum number of Hens is three.

6.3. Livestock is not permitted within the Municipality with the following exceptions:

6.3.1. Horses – one horse per 2 acres of pasture area within the RA – Residential Acreage and FUD – Future Urban Development Zoning Districts.

## **7. PROHIBITED ANIMALS**

7.1. No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule D for any purpose.

## **8. DANGEROUS ANIMALS**

8.1 Control of dangerous dogs in Saskatchewan is governed by provincial legislation and all owners must comply with this statute or any orders under this statute.

## **9. OWNING and HARBOURING OF HENS**

9.1. A person who keeps hens must:

9.1.1. provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;

9.1.2. provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;

9.1.3. provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;

9.1.4. keep each hen in the enclosed area at all times;

9.1.5. provided each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;

9.1.6. maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;

- 9.1.7. construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
  - 9.1.8. keep a food container and water container in each coop;
  - 9.1.9. keep each coop locked from sunset to sunrise;
  - 9.1.10. remove leftover feed, trash, and manure in a timely manner;
  - 9.1.11. Store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
  - 9.1.12. remove all other manure not used for composting or fertilizing;
  - 9.1.13. follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
  - 9.1.14. keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
  - 9.1.15. not slaughter, or attempt to euthanize, a hen on the property;
  - 9.1.16. not dispose of a hen except by delivering it to a farm, abattoir, veterinary, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; and
  - 9.1.17. not keep a hen in a cage.
- 9.2. An accessory building or other enclosure for keeping one or more hens:
- 9.2.1. must be no more than 2 m in height;
  - 9.2.2. must be no more than 9.2 m<sup>2</sup> in floor area;
  - 9.2.3. must be no closer than 3 m from any door or window of any dwelling;
  - 9.2.4. must be situated only in a rear yard;
  - 9.2.5. must be at grade level;
  - 9.2.6. must be no less than 1 m from any property line; and
  - 9.2.7. may be situated in any zoning district.

## **10. OWNING and HARBOURING OF DOGS**

10.1. Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property;

and;

10.2. Where a dog displays aggressive behavior as described in subsection 10.1, the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog;

10.3. Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection 10.2, the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality;

10.4. An order written under subsection 10.3 is not limited to the following but may contain any or all of the following requirements:

- 10.4.1. Repair or construction of a property line fence;
- 10.4.2. Repair or construction of a dog run;
- 10.4.3. Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
- 10.4.4. Locking of perimeter fences or dog runs; and
- 10.4.5. Posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

## **11. LITTER CLEAN UP**

11.1. If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the animal shall remove the defecation immediately;

11.2. Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection 11.1 shall be deemed guilty of an infraction of this bylaw.

## **12. ACCUMULATION OF ANIMAL FECES**

12.1. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard;

12.2. Any person who owns, possesses, or harbours an animal and fails to clean up as set out in Subsection 12.1 shall be deemed guilty of an infraction of this bylaw;

12.3. The Bylaw Enforcement Officer may serve an owner or occupant of private property with a written order to remove all animal feces from the property within seventy-two(72) hours of service of notice;

12.4. The municipality may remove the feces from the property at the cost of the property owner's if:

12.4.1. The person to whom the notice is made fails to remove the feces within seventy-two (72) hours; or,

12.4.2. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

## **13. ORDERS TO REMEDY CONTRAVENTIONS**

13.1. Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with the Municipalities Act;

13.2. Orders given under this Bylaw shall comply with the Municipalities Act;

13.3. Orders given under this Bylaw shall be served in accordance with the Municipalities Act;

13.4. A person may appeal an order given under this Bylaw in accordance with the procedure set forth in the Municipalities Act;

13.5. The municipality may, in accordance with the Municipalities Act, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with;

13.6. In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the Municipalities Act;

13.7. Any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either:

13.7.1. By civil action for debt in a court of competent jurisdiction in accordance with the Municipalities Act; or,

13.7.2. By adding the amount to the taxes on the property on which the work is done in accordance with the Municipalities Act.

#### **14. POUND/POUND FEES**

14.1. The Bylaw Enforcement Officer may take any animal found running at large, contrary to the provisions of this bylaw, to the municipal pound where it shall be kept for Seventy Two (72) hours unless the owner, possessor, or harbourer redeems the animal by paying to the Town:

14.1.1. The applicable pound fee as set out in Schedule "C" for the care and keep of each animal; and,

14.1.2. All related fines assessed against the animal; and,

14.1.3. In the case of a dog over the age of six months being impounded, a dog license fee if one has not yet been purchased;

14.2. The municipality may, in its sole discretion, destroy, find a suitable home for, or turn over to the SPCA any animal which has not been redeemed within seventy two (72) hours. The Town may turn an animal over to the SPCA before this period expires if it is determined that the municipality cannot sufficiently provide for the animal's well being or security.

#### **15. VIOLATIONS**

15.1. Except as otherwise provided in this bylaw, every person who contravenes any of the provisions of this bylaw is guilty of an offense and liable on summary conviction:

15.1.1. In the case of an individual, to a fine of not less than the mandatory minimum fine prescribed in Schedule E and not more than \$2,000; and

15.1.2. In the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule E and not more than \$5,000.

15.2. Notwithstanding Subsection (1), if no Notice of Violation has been issued for a period of three years or more in relation to a contravention, then a subsequent contravention of the section of the bylaw is deemed to be a first offence;

15.3. Any person convicted of an offence under Section 7 shall, within ten days thereafter, deliver all animals of the kind listed in Schedule D owned, kept or harboured by that person to the Bylaw Enforcement Officer and they shall become the property of the municipality and shall be donated to an approved agency or humanely euthanized;

15.3.1. Any person who fails to deliver an animal as required in Subsection 15.3 is guilty of an offence and liable on summary conviction to the penalty contained in Subsection 15.1.

15.4. At the discretion of the Bylaw Enforcement Officer, a warning ticket may be issued for contravention of any of the provisions of this bylaw.

15.5. A violator of this bylaw, upon being served with the municipality's standard Notice of Violation may, during office hours, voluntarily pay the penalty at the office of the municipality.

15.6. Voluntary payment of a penalty within fourteen (14) days of the issuance of a Notice of Violation will reduce the penalty by 50%.

#### **16. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

#### **17. REPEAL**

Bylaws 80-93, 82-93, 139-02, 151-04, and 19-2014 are hereby repealed.

**18. COMING INTO FORCE**

This bylaw shall come into force and take effect on the day of its final passing.

Read a first time this 15th day of March, 2017.

Read a second time this 15th day of March, 2017.

Read a third time and adopted this this 15th day of March, 2017.

[SEAL]

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Mayor

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Clerk / Administrator

*Section 8 of The Municipalities Act*

Certified a true copy of Bylaw No. 43-2017  
Passed by resolution of Council this 15<sup>th</sup>  
day of March, 2017

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Administrator

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**SCHEDULE "A"**  
**LICENSE FEES FOR EACH ANIMAL**  
**(License fees are waived if the animal is registered in January of the given year or for a new animal registration at any time during the year)**

CAT – not spayed or neutered	\$15.00
CAT – spayed or neutered	\$10.00
DOG – not spayed or neutered	\$30.00
DOG – spayed or neutered	\$15.00
HENS	No Charge
New tag replacement	\$5.00



**SCHEDULE "B"**  
**TOWN OF HEPBURN**  
**ANIMAL LICENSE REGISTRATION FORM**

Name of Owner: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Phone No: \_\_\_\_\_

Cat

Dog

Spayed or Neutered

Hens – Number \_\_\_\_\_

For Dogs and Cats:

Name of Animal: \_\_\_\_\_

Breed/ Description of Animal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is recommended that a photo be provided (attached if available):

For Office Use Only: Receipt No: \_\_\_\_\_ Tag No: \_\_\_\_\_

**SCHEDULE "C"**  
**POUND FEES**

**A. IF HOUSED BY THE MUNICIPALITY ONLY**

- a. DOGS - \$50.00 per dog plus \$25.00 per day with a minimum fee of \$75.
- b. CATS - \$50.00 per cat plus \$25.00 per day with a minimum fee of \$75.
- c. ANIMALS OTHER THAN DOGS OR CATS - \$50.00 per animal plus \$25 per day with a minimum fee of \$75.

**B. IF HOUSED BY THE SPCA**

All municipal pound fees shall apply, \$100.00 transportation fee and any fees charged by the SPCA.

**SCHEDULE "D"**  
**PROHIBITED ANIMALS**

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

- i all animals being reared for the bearing of fur or food;
- ii all animals whose normal habitation is outside of urban centers (such as fox, deer)
- iii all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- iv all Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- v all Bats;
- vi all Bees;
- vii all Canids, except the domestic dog;
- viii wild fowl or poultry including roosters (notwithstanding Hens in accordance with this Bylaw);
- ix all Crocodylians (such as alligators, crocodiles and caimans);
- x all Edentates (such as anteaters, sloths and armadillos);
- xi all Elephants;
- xii all Felids, except the domestic cat;
- xiii all Hyenas;
- xiv all Insects being raised for the purpose of profit or gain;
- xv all Livestock (notwithstanding Horses in accordance with this Bylaw);
- xvi all Marsupials (such as kangaroos and opossums);
- xvii all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- xviii all non-human Primates (such as gorillas and monkeys);
- xix all Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- xx all Pigeons (unless specifically approved by Council);
- xxi all Pinnipeds (such as seals, fur seals and walruses);
- xxii all Procyonids (such as raccoons, coatis and cacomistles);
- xxiii all Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- xxiv all Ratite Birds (such as ostriches, rheas, and cassowaries);
- xxv all Galliformes (such as turkeys, grouse, quails and pheasants);
- xxvi all Anseriformes (such as ducks and geese);
- xxvii all snakes of the families Pythonidae and Boidae;
- xxviii all Ursids (bears);
- xxix all venomous Reptiles and Amphibians;
- xxx all Viverrids (such as mongooses, civets and genets)

**SCHEDULE "E"**  
**MINIMUM FINES PURSUANT TO SECTION 14**

<u>DESCRIPTION OF OFFENCE</u>	<u>1st OFFENCE</u>	<u>2nd OFFENCE</u>	<u>SUBSEQUENT</u>
(a) Failure to License Animal (Section 3)	\$100	N/A	N/A
(b) Excessive Barking or Howling(Section 4)	\$100	\$200	\$200
(c) Running at Large (Section 5)	\$100	\$200	\$200
(d) Neglets or Refuses to Clean Up Defecation (Sections 11 & 12)	\$100	\$200	\$200
(e) Failure to obey order of Bylaw Enforcement Officer	\$100	\$200	\$200

**FORM 1 – COMPLAINT  
TOWN OF HEPBURN**

The Town has bylaws relating to animal control, noise, parking, nuisance, etc. Understanding that it is important for individuals to be clear with respect to the concerns raised that relate to town bylaws or legislation, we would ask that you identify the type of concern and the time frame in which it occurred. No action will be taken unless a form is completed. It may be necessary to share this information with other individuals, Council or Enforcement Agencies.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

*Please check applicable box(s)*

Noise

Animal

Nuisance

Parking

Other (Specify) \_\_\_\_\_

Date & Location of Infraction: \_\_\_\_\_

Concern: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any Suggestions you may have:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Today's Date: \_\_\_\_\_

***For Office Use Only:***

Date Concern Received: \_\_\_\_\_

Staff Member Receiving Concern: \_\_\_\_\_

\_\_\_\_ Received by phone      \_\_\_\_\_ Delivered in Person      \_\_\_\_\_ Emailed / Mailed

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Action Taken: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

Signature of Staff Member: \_\_\_\_\_

\_\_\_\_\_