

**City of Yorkton
Saskatchewan**

Bylaw No. 23/2011

**A Bylaw to Provide for the Licensing, Prohibiting,
Regulating and Controlling of Animals and the Being at Large of Animals Within the City
of Yorkton**

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

Therefore, the Council of the City of Yorkton in Council assembled enacts as follows:

Title and Purpose

1. (1) This Bylaw may be referred to as “THE ANIMAL CONTROL BYLAW”.
- (2) 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 Yorkton, to ensure the humane treatment and control of animals and to regulate or prohibit the keeping of vicious animals within the City.

Part 1 – Definitions

2. In this Bylaw, unless otherwise specified;

“**Animal Control Officer**” means the City Pound Keeper, any person appointed by Council for the purpose of bylaw enforcement, any member of the Yorkton Detachment of the RCMP and any other person or agency appointed by Council to restrain, receive or impound dogs;

“**Animal Shelter**” means any facility designated as such by the City, and shall include the Pound;

“**Business Day**” means any day that the City Office is open for business;

“**City**” means the municipal corporation of the City of Yorkton and the area contained within its boundaries;

“**Council**” means the Council of the City of Yorkton;

“**Dog**” means and includes every dog of either sex; and, shall include pups under six (6) months not spayed or neutered and any female dog that has been spayed and any male dog that has been neutered;

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

“Excessive Barking” means barking or any noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the comfortable enjoyment of life or property in the neighbourhood.

“Judge” means a Provincial Court Judge; or a Justice of the Peace designated to hear Bylaw hearings.

“Kennel” means any structure used by any person for boarding or otherwise caring for, training or whelping dogs exceeding three (3) dogs in number over the age of three (3) months, whether or not for payment, but does not include:

- (a) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession; or
- (b) the dwelling house of an ordinary member of the Canadian Kennel Club, or any other Bona fide Kennel Club, where the total number of dogs kept by the member does not exceed five (5) in number.

“Leash” means a chain or other material capable of restraining the dog on which it is being used;

“License Inspector” shall mean Bylaw Officers or their designates who are responsible for the issuing of dog tags and/or licenses;

“License Year” means the period from January 1 to December 31 of the same year, both dates inclusive;

“Livestock” shall mean cattle, horses, mules, asses, sheep, goats, or swine;

“Non-sterilized dog” means a dog which is capable of reproducing;

“Nuisance” means a dog which is behaving in a manner that interferes with the personal comfort or amenities of a neighborhood.

“Owner” includes:

- (a) a person(s) who keeps, possesses, harbours or has charge of or control over an animal;
- (b) the person(s) responsible for the custody of a minor where the minor is the owner of an animal; but does not include;
- (c) a veterinarian registered pursuant to *The Veterinarians Act, 1987*;
- (d) the City or the Saskatchewan Society for the Prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it;

“Person” includes an individual, partnership, association or corporation;

“Poultry” means a chicken, turkey, duck, goose, or other domestic fowl;

“Pound” means such premises and facilities as may be designated by the City, from time to time, as the City pound;

“Pound Keeper” means a person, persons, or association designated by the City from time to time to maintain and administer the pound;

“Provocation” means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.

“Public Health Officer” means a public health officer appointed under the *Public Health Act*;

“Public Playground” means the immediate area containing playground equipment in a park or municipal reserve owned by the City or under the management and control of the City, excepting Jaycee Beach;

“Running at Large” means if the animal is off the premises of its owner, and/or not being under immediate, continuous and effective control of its owner;

“Service Dog” means an animal that is trained to be used by:

- (a) a person with a disability for reasons relating to his or her disability;
- (b) a peace officer in the execution of his or her duties; or
- (c) a person who is authorized by a peace officer to assist peace officers in their duties

“Treasurer” means the Director of Finance for the City of Yorkton, and such person or persons as he or she may from time to time appoint in writing to act on his or her behalf in the enforcement of the licensing provisions of this bylaw;

“Vicious dog” means any dog, whatever its age, whether on public or private property which has without provocation;

- (a) exhibited threatening behavior which creates a reasonable threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion; and/or
- (b) caused serious injury which means a physical injury to another domestic animal or person that results in lacerations that may require sutures and/or
- (c) bitten a person or persons whether on the property of the owner or not and/or;
- (d) done any act to injure a person or persons whether on the property of the owner or not; and/or
- (e) chased or otherwise threatened a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner; and/or
- (f) caused death to an animal/or person.

Part 2 – Dog Licensing

Dog Licenses Required

3. No person shall have the care and control of a dog unless it has been licensed for the current year as provided in this Bylaw.

Licensing

4. (1) Every owner of a dog must immediately obtain a license, and pay an annual fee as set out in Schedule “A” of this Bylaw. The license will not be transferable to any other dog or other owner. Proof of ownership of the dog in question will be the responsibility of the

owner. The owner must, on demand of an Animal Control Officer, show proof that the license fee for the dog for the current year has been paid.

(2) When applying for a license, the applicant must provide the following information:

- (a) description of the dog;
- (b) name and address of the owner or the keeper of the dog;
- (c) breed of the dog;
- (d) a certificate from a veterinary surgeon if the dog has been neutered;
- (e) proof that the dog has been vaccinated against rabies within two (2) years of the date of application for the license;
- (f) and other relevant information that may be required for the Animal Control Officer or appointed representative.

(3) The provisions of this section will not apply to dogs kept in the ordinary course of business by the proprietors of the following premises, namely:

- (a) a veterinary hospital, clinic, boarding kennel, or grooming parlor,
- (b) a public pound,
- (c) a shop whose business includes the sale of pets and is licensed as such,
- (d) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals,
- (e) RCMP – Police Service dogs acting in performance of Police work.

(4) A license issued pursuant to this bylaw is non-refundable, and automatically revoked if the payment is returned to the City of Yorkton for any reason.

(5) A Service Dog, pursuant to Section 3(e), must be licensed as provided by this bylaw, but without charge.

(6) No person shall give false information when applying for a dog license.

Dog Tag

5. (1) When issuing a license for a dog, the City of Yorkton will provide the applicant with a tag and a receipt for the license fee.

(2) The owner must ensure that the dog wears the current dog tag when the dog is off the property of the owner.

(3) The Owner must notify the City immediately if the dog tag is lost.

(4) The Owner must notify the City immediately if address changes.

(5) The City of Yorkton will provide an authorized dog tag which is valid from January 1 to December 31 of the year which the license is issued.

Part 3 – Responsibility of Dog Owners

6. All dogs, when off the premises of its owner, must not be running at large.

7. The owner of a dog must ensure that his dog will not:
 - (a) upset any waste receptacles or scatter the contents on a street, lane, or other public property, or on property not belonging to the owner of the dog;
 - (b) be left unattended in any motor vehicle unless the dog is secured, and is provided with suitable ventilation.

8. The owner of a dog must ensure that his dog will not:
 - (a) bite a person or persons whether on the property of the owner or not;
 - (b) do any act to injure a person or persons whether on the property of the owner or not;
 - (c) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner or not;
 - (d) cause damage to property
 - (e) cause death to people or other animals

9. (1) No owner of a dog shall allow the animal to become a nuisance by the sound of howling, whining or excessive barking, which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest enjoyment, comfort or convenience of that person.

(2) A Judge, after convicting the owner of a dog of an offence under Section 9(1) may, in addition to any other penalties impose the following:
 - (a) direct the Animal Control Officer to give notice to such owner requiring the nuisance complained of to be abated so as to prevent the recurrence of any nuisance, or;
 - (b) removal of the dog from city limits; or
 - (c) if such nuisance continues, order said dog to be destroyed upon notice being given to the owner, unless the owner voluntarily agrees to dispose of the dog.
(3) Failure to comply with this section will constitute an offence under this Bylaw.

10. (1) If a dog defecates on any property other than the owners, the owner shall remove such feces immediately.

(2) Any dog owner shall remove any and all dog feces on a daily basis and shall dispose of the feces in a sanitary manner.

11. (1) An owner or occupant of private property must not allow animal feces to accumulate on the property.

(2) An Animal Control Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 24 hours of service of the notice in accordance with Section 36.

- (3) The City may remove the feces from the property if:
 - (a) the person to whom the request is made fails to remove the feces within 24 hours; or
 - (b) after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- (4) If the City carries out the work under subsection (3), the costs and expenses incurred are a debt due to the City and the City may recover the costs and expenses by adding the costs and expenses to the taxes on the land on which the work was done.

12. Every female dog in heat must be housed or confined to a kennel.

Part 4 – Impoundment of Dogs

13. (1) The Animal Control Officer may seize and impound:
 - a) any dog found running at large
 - b) any unlicensed dog found to be subject of a complaint
 - c) any dog that has caused or alleged to have caused injury to a person or domestic animal
 - (2) The Animal Control Officer may enter onto the land surrounding any building in pursuit of any dog which has been observed running at large.
 - (3) No person, including the person who is the owner of a dog which is being impounded or has been impounded, shall interfere with a Pound Keeper or, Animal Control Officer who is impounding any dog in accordance with the provisions of this Bylaw.
14. Any person may restrain any dog running at large in the City and must deliver such dog so restrained to the Animal Control Officer or Pound Keeper for impoundment. The Animal Control Officer or Pound Keeper may request a statement in writing describing the dog restrained, the name of the owner (if known) and the place and time of restraint.
15. (1) When an impounded dog is wearing a collar to which is attached a dog tag, valid for the current year, the Pound Keeper and/or appointed representative must immediately give telephone and/or hand delivered written notice to the address of the owner of the dog as shown in the records made when the license was purchased. Unless the said dog is claimed and the fees as provided by this Bylaw are paid within 72 hours from the date of the Notice, the said dog may be dealt with pursuant to the provisions of this Bylaw and no liability whatsoever will be attached to the City or Animal Control Officer or appointed representative by reason of the failure of the owner to receive such notice.
 - (2) The Pound Keeper must keep a record of all dogs impounded in accordance with the provisions of this Bylaw and the disposal of such dogs and supply the City with an annual report and any other information which may, from time to time, be required respecting the enforcement of the provisions of this Bylaw.
16. It shall be the duty of the Pound Keeper to provide to each dog impounded under the authority of this Bylaw, an adequate supply of food and fresh water during its confinement in the animal shelter and to maintain clean and properly ventilated pens or enclosures for impounded dogs.

17. When a dog has been impounded and is not wearing a tag, no fee shall be charged if the owner had advised the City of the missing tag as per Section 5(3).
18. (1) All dogs impounded in the Animal Shelter will be confined for a period of 72 hours from the time of capture during which time the owner, subject to Section 19, shall have the right to repossess the said dog upon paying to the Animal Control Officer or appointed representative, the violation ticket and the amount set forth in Schedule "C" to this Bylaw.
- (2) No unlicensed dog, which is impounded, shall be released to its owner or to any other person until the appropriate pound fee and violation notice ticket is paid and a license has been purchased for it.
19. (1) Subject to subsection (2), no dog shall be released from the pound unless:
- (a) a certificate is produced that the dog has been vaccinated against rabies within the last two years, and
 - (b) a license is obtained for such dog should a license be required under the Bylaw.
- (2) The requirements of clause (a) and/or (b) may be met by a prospective owner signing a declaration as provided in Schedule "D" that the vaccination must be obtained within 30 days from the date of possession of the dog.

Disposal of Unclaimed Dogs

20. If an impounded dog is not claimed within seventy-two (72) hours from the time the dog is received at the pound, excluding Sundays and Statutory Holidays, and the fees, if any, are not paid, the dog may be disposed of by the Pound Keeper without further notice in the following manner:
- (a) subject to Section 17, disposal by adoption, where in the opinion of the Pound Keeper the dog is suitable for adoption;
 - (b) disposal by euthanasia where in the opinion of the Pound Keeper the dog is not suitable for adoption;
 - (c) disposal by euthanasia if the dog is not adopted within a reasonable time, at the discretion of the Pound Keeper.
21. The proceeds received from the adoption are kept by the Pound Keeper as provided for in the agreement between the City and the Pound Keeper.
22. The Council may, by resolution, enter into an agreement with any person or organization for the purpose of participation in the enforcement of this Bylaw or for the purpose of providing pound keeping services.

Part 5 – General

Dog Runs

23. (1) Where a dog is housed or kept in a dog run, the Owner must ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog.

- (2) An Owner must ensure the dog run on the Owner's property is not located in the front yard and is no closer than 1 metre to a property line and no closer than 5 meters from a dwelling unit located on an adjacent property.
- (3) An Owner must 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.
- (4) If, in the opinion of the Animal Control 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.
- (5) The person to whom an order is issued pursuant to subsection (4) must comply with the order within the time specified in the order.
- (6) An order to relocate a dog run issued pursuant to subsection (4) will allow the owner of the property on which the dog run is located, at least 15 days to relocate or remove the dog run.

Kennels

24. The operation of any kennel within the City will be subject to approval from the Medical Health Officer for the City, and the kennel must comply with the provisions of all Bylaws regulating the operation of kennels and businesses within the City.

Number of Dogs Permitted

25. (1) Unless otherwise provided for in the Bylaw (Section 4) or as the owner of a kennel registered with The Canadian Kennel Club or any other bona fide kennel club, no person shall keep more than three (3) dogs over the age of three (3) months within the City of Yorkton, or;
- (2) Any resident who is registered with the Canadian Kennel Club or any other bona fide kennel club shall keep no more than five (5) dogs.

Humane Destruction of Sick and Injured Animals

26. An Animal Control Officer or a Veterinarian shall take immediate action to humanely destroy any sick or injured animal found within the City where, in his/her opinion immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal.
27. Reasonable efforts will be made to contact the owner of an animal before it is destroyed; however no action lies against the Animal Control Officer or Veterinarian solely because the owner of the animal was not contacted.

Prohibited Areas

28. (1) The areas listed in Schedule “G” are designated as areas where dogs are not permitted, or as a leash only area.
- (2) This section does not apply to a person who owns a service dog.

Miscellaneous

29. No person may:

- (1) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- (2) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the City;
- (3) Tease, entice, bait or throw objects at a dog confined within its owner’s property.

Part 6 – Vicious Dogs

30. (1) The City may deem any dog vicious where it feels it is in the best interest of public safety.
- (2) Any owner of a vicious dog must ensure that:
- (a) it does not bite, injure, chase or attack a person or other animal whether on the property of the owner or not;
 - (b) when it is on the property of the owner it is confined in:
 - (i) an enclosed area or in a fenced yard as described in Appendix “B” marked with a sign as illustrated in Appendix “A” indicating the presence of a vicious dog, or
 - (ii) a dwelling and under the control of a person over the age of sixteen (16) years, and
 - (c) when it is off the property of the owner it is securely:
 - (i) muzzled, and
 - (ii) harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or other animal and
 - (iii) harnessed or leashed in a manner that prevents it from causing death to a person or other animal.
- (3) The City may order any dog removed from city limits for the benefit of public safety.
- (4) After a period of two years after a dog has been deemed to be ordered a “vicious dog” the owner may apply to a Judge for an Order declaring the dog to no longer be deemed vicious. This Order can only be granted after a hearing during which the owner shall have the onus of proving the following:
- (a) that the City was provided with at least two weeks written notice of the hearing;
 - (b) that the dog did not during the preceding twenty four months:
 - (i) bite a person or persons whether on the property of the owner or not;

- (ii) do any act to injure a person or persons whether on the property of the owner or not;
 - (iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - (iv) cause damage to property or other animals
 - (v) cause death to an animal or person
 - (c) provide proof the dog has successfully completed an obedience training class.
- (5) Where the vicious dog is moved to a different city or municipality, the owner shall notify the municipality where the vicious dog is being moved to.
- (6) Where the vicious dog is to be sold or given away, the owner shall:
- (a) notify any prospective owner that the dog has been declared vicious, before it is sold or given away; and
 - (b) notify the City of the name, address and telephone number of any new owner of the vicious dog.
- (7) An approved enclosure must be erected or in place within 15 days of receiving a vicious dog order. Failure to erect an enclosure within the time period allowed is an offence under this bylaw.
- (8) For the purposes of this section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

Exemption For Guard Dogs

31. No dog shall be considered vicious 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 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.

Dangerous Animal Hearings

- 32.(1) If a complaint is made, or in the opinion of the City, an animal is dangerous, a Judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.
- (2) Notice of the hearing referred to in subsection (1) shall be served upon the owner of the animal in accordance with Section 36.
- (3) Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time or place, the judge may proceed *ex parte* to hear and determine the proceedings in the absence of the owner as fully and effectively as if the

Quarantine of Animals

33. Where an animal has bitten a person, the owner of the animal shall, unless the animal is ordered destroyed, quarantine the animal for observation for symptoms of rabies for a period of not less than ten days in accordance with the *Animal Disease and Protection Act* (Canada).

Rabies Test of Animals

34. Any animal suspected of having rabies or other life threatening disease will be isolated and may not be claimed from the pound, destroyed or otherwise disposed of except after notice to the Medical Health Officer, and then only in compliance with the direction of the Medical Health Officer.

35. (1) Every person who destroys an animal following the non-fatal biting of a person or domestic animal, whether the destruction is pursuant to an order of a judge or court or at the decision of the owner of the animal, shall, if the destruction is carried out before the completion of the quarantine period mentioned in Section 33, retain the head of the animal in a manner usable for testing the animal for rabies.

(2) Where a person destroys an animal in the circumstances described in subsection (1), the person shall immediately notify a Veterinarian or a Peace Officer that he is in possession of the head of an animal to be tested for rabies.

Service of Orders

36. (1) Except where otherwise provided in this Bylaw, any notice, order or other document required by this Bylaw to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the fifth day after the date of its mailing.

(3) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the day after the date of its delivery of posting.

(4) If service cannot be effected in accordance with subsection (1):

- (a) the notice, order or other document may be served by publishing it in two (2) issues of a newspaper circulating in the city; and
- (b) for the purposes of clause (a), the second publication must appear at least three (3) days before any action is taken with respect to the matter to which the notice, order or document relates.

Part 7 Control and Regulation of Exotic and Wild Animals

Owning and Harboursing Exotic and Wild Animals

37. (1) No person may own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule "F" for any purpose.
- (2) No person, may buy, sell, trade, or exhibit any animal or hybrid of any animal of the kind listed in Schedule "F".
- (3) Any person found responsible for allowing an animal or hybrid of any animal of the kind listed in Schedule "F" to run at large will be guilty of an offence and liable on summary conviction to the penalty contained in Schedule "B".

Exemptions to Owning and Harboursing Exotic and Wild Animals

38. Section 37(1) does not prohibit the harbouring of an animal or a hybrid of an animal of the kind listed in Schedule "F" in the following places or circumstances:
- (a) on the premises of the Yorkton Society for the Prevention of Cruelty to Animals;
 - (b) in a veterinary hospital under the care of a licensed veterinarian;
 - (c) by anyone holding a license under any statute of the Legislature of Saskatchewan or the Government of Canada, which permits the keeping of animals under stated conditions.
39. It shall be unlawful to keep pigeons, live poultry, livestock, and/or bees, within the boundaries of the City of Yorkton, except:
- (a) on the premises of a recognized industry in the business of handling livestock;
 - (b) on the premises of the Yorkton Agricultural and Industrial Exhibition Association Ltd. in connection with shows, fairs, and/or exhibitions held with the permission of, or under the auspices of such association;
 - (c) upon receiving written approval from the Council or the City Manager for periods not to exceed 24 hours;

Part 8 – Penalties

General Penalty

40. (1) Any person convicted of an offence under Section 28 shall, within ten days , deliver all animals of the kind listed in Schedule "F" owned, kept or harboured by that person to the Pound Keeper and the impounded animal will become the property of the City and be donated to an approved agency or humanely euthanized.
- (2) Any person who fails to deliver an animal as required by subsection (1) is guilty of an offence and liable on summary conviction to the penalty contained in Section 40.

Voluntary Payment Tickets

41. (1) Where an Animal Control Officer or Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice (Schedule E) as provided by this section either personally or by mailing or leaving same at his last known address and such service will be adequate for the purpose of this Bylaw.

- (2) A Bylaw Violation Notice may be served;
 - (a) in person or
 - (b) by hand delivery or mail to the last known address

The notice is deemed to have been received when served, or twenty four (24) hours after hand delivered or mailed.

- (3) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - (a) in the case of an individual, to a fine of not less than \$100.00 and not more than \$10,000.00 or imprisonment for not more than one (1) year or both; and
 - (b) in the case of a corporation, to a fine of not less than \$100.00 and not more than \$25,000.00 or imprisonment of the directors of the corporation for not more than one (1) year or both.
- (4) Bylaw violation notices as shown in Schedule 'E' must state the section of the Bylaw being contravened and the amount of the fine.
- (5) If payment is made within 20 days from the date of the ticket being issued, a summons to appear in court will not be issued.
- (6) Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, the penalty payable in respect of the subsequent contravention is double the amount shown in Schedule "B" of this Bylaw.
- (7) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

Summary Conviction

42. (1) Any person who contravenes any provision of this Bylaw, or neglects or refuses to comply therewith, is guilty of an offence, and is liable on summary conviction to:
 - (a) a fine in the amount set out in Schedule "B"; or
 - (b) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one (1) year, or both; and not less than \$100.00
 - (c) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one (1) year, or both
- (2) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw will not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- (3) A Judge, in addition to the penalties provided in this section, may if he or she considers the offence sufficiently serious, direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the City, or have the animal destroyed.

(4) A Judge, after convicting the owner of a dog of an offence under Section 30(1) may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog a dangerous dog.

Severability

43. 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 will be deemed a separate, distinct and independent provision and the holding of the Court will not affect the validity of the remaining portions of the Bylaw.

Repeal of Former Bylaw

44. Bylaw No. 3/2003 passed on the 13th of January 2003 and all amendments thereto are hereby repealed.

Effective Date of Bylaw

45. This Bylaw shall come into force and take effect on the day of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this 31st day of October, A.D. 2011.

Read a second time this 31st day of October, A.D. 2011..

Read a third time and adopted this 31st day of October, A.D. 2011.

SCHEDULE "A"

Section 4

THE ANIMAL CONTROL BYLAW ANNUAL LICENSE FEE

<u>DOG LICENSE</u>	<u>AMOUNT</u>
1. Male or Female	\$20.00
2. Male or Female declared Vicious	\$50.00
3. Neutered male or spayed female	\$10.00
4. All dogs between the age of 1 and 6 months at the time the license is purchased; such dog license purchased being valid for the current licensing period	\$10.00
5. Service dog	no charge
6. Replacement Dog Tag	\$5.00

SCHEDULE "B"

AMOUNTS WHICH WILL BE ACCEPTED BY CITY IN LIEU OF PROSECUTION

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 4 (1)	Unlicensed dog	\$100.00
	Failure to show evidence of payment of license fee	\$100.00
	(6) False information	\$100.00
Section 5 (2)	Dog was not wearing dog tag off the owner's property	\$100.00
Section 6	Dog at large	\$100.00
Section 7 (a)	Upset waste receptacle	\$100.00
	(b) Dog unattended in motor vehicle	\$100.00
Section 8	(a) Biting a person(s)	\$200.00
	(b) Injure a person(s)	\$200.00
	(c) Chase or otherwise threaten a person(s)	\$150.00
	(d) Cause damage to property or other animals	\$200.00
	(e) Cause death to a person or other animal	\$400.00
Section 9 (1)	Permitting a dog to become a nuisance	\$100.00
	(3) Disobeying Judges order	\$200.00
Section 10 (1)	Defecation – property other than owner	\$100.00
	(2) Defecation – owner's property not cleaned daily	\$100.00
Section 11 (1)	Allowing animal feces to accumulate on property	\$150.00
Section 12	Failed to keep female dog in heat housed	\$100.00
Section 13 (2)	Interference with enforcement	\$500.00
Section 19 (2)	Fail to license or vaccinate dog pursuant to Section 19(1)	\$100.00
Section 23 (4)	Failure to clean, alter, demolish or relocate dog run	\$200.00

*Subsequent Offence committed within twelve (12) months of the first offence –
DOUBLE THE ABOVE SCHEDULE*

SCHEDULE “B” *Continued*

**AMOUNTS WHICH WILL BE ACCEPTED BY CITY
IN LIEU OF PROSECUTION**

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 25	Exceeding maximum number of dogs	\$100.00
Section 28 (1)	Permitting a dog in prohibited areas	\$100.00
Section 29 (1)	Untie or free an animal	\$100.00
(2)	Willfully open gate or door	\$100.00
(3)	Tease; throw things at dog	\$100.00
Section 30 (2)(a)	Vicious dog biting, injuring, chasing or attacking a person or animal whether on the property of the owner or not	\$400.00
(b)(i)	Vicious dog not fenced and chained or signed	\$400.00
(ii)	Vicious dog in dwelling not under control by person over 16 years of age	\$400.00
(c)(i)	Vicious dog not muzzled	\$400.00
(ii)	Vicious dog not harnessed or leashed	\$400.00
(iii)	Vicious dog killing person or other animal	\$500.00
(5)	Failure to notify change of address	\$300.00
(6)	Failure to report sale, move or giving away of vicious dog	\$300.00
(7)	Failure to erect enclosure within 30 days	\$300.00
Section 34	Failure to allow dog to be isolated	\$100.00
Section 37 (1)	Owning and harbouring Exotic and Wild Animals	\$400.00
(2)	Buying, selling, trading or exhibiting Exotic and Wild Animals	\$500.00
(3)	Exotic and Wild Animals running at large	\$200.00

*Subsequent Offence committed within twelve (12) months of the first offence –
DOUBLE THE ABOVE SCHEDULE*

SCHEDULE “C”

Section 18

CHARGES FOR THE RELEASE OF IMPOUNDED DOGS

- a) First Offence:
\$50.00 plus minimum \$10.00 per day or part thereof, as may be amended from time to time, plus license fee if unlicensed.

- b) Second and Subsequent Offences Within One 12 Month Period:
\$100.00 plus minimum \$10.00 per day or part thereof, as may be amended from time to time.

*Subsequent Offence committed within twelve (12) months of the first offence –
DOUBLE THE ABOVE SCHEDULE*

SCHEDULE "D"

Section 18

DECLARATION TO HAVE DOG LICENSED AND VACCINATED

I, _____ of _____
Hereby declare that the dog, which is released to me by the SPCA on this date, will be vaccinated for rabies and licensed as required by the City of Yorkton Animal Control Bylaw within 30 days.

I acknowledge that failure to comply with this declaration may result in prosecution under Section 19(2) of the Animal Control Bylaw.

Dog Owner

Description of Dog

Address

Date

Witness

SCHEDULE "E"

Section 41

BYLAW VIOLATION NOTICE



TICKET NO. 053

City Of Yorkton
Bylaw Violation Notice

NAME _____
(PRINT) (LAST) (FIRST) (OTHER)

ADDRESS _____
(PRINT) (STREET)

(CITY) (PROVINCE) (POSTAL CODE)

On, or about the _____ day of _____, _____ at YORKTON, at _____
(YEAR) (SASKATCHEWAN) (TIME)

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SEC. NO. _____ OF THE

- Animal Control - Bylaw # _____
- Business License - Bylaw # _____
- Cat Control - Bylaw # _____
- Junk Vehicle - Bylaw # _____
- Other _____
- Noise Abatement - Bylaw # _____
- Snowmobile Trail - Bylaw # _____
- Traffic - Bylaw # _____
- Unsightly Premises - Bylaw # _____

Description of Offence _____

Vehicle Description (If Related To Violation)				
Make	Model	Colour	Licence	Prov.
_____	_____	_____	_____	_____

\$ _____ (Amount)	PAY AMOUNT INDICATED OR: IF PAYMENT IS MADE WITHIN _____ DAYS OF ISSUE DATE PAY →
	PAY PENALTY AMOUNT INDICATED, WITHIN TWENTY DAYS, OR A SUMMONS WILL BE ISSUED AND A COURT APPEARANCE WILL BE REQUIRED

Distribution: White - Treasurers, Canary - Violator, Pink - File Copy

 (Dept. No.)

Peace Officer / Bylaw Control Officer

 (Signature)

SCHEDULE “F”

Section 37

BEING A LIST OF ANIMALS THE KEEPING OF WHICH IS PROHIBITED WITHIN THE CITY OF YORKTON

- All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- All Artiodactylus Ungulates, (such as domestic goats, sheep, cattle, and pigs)
- All Bats
- All Canids, except the domestic dog
- All Crocodylians (such as alligators, crocodiles, and caimans)
- All Edentates (such as anteaters, sloths, and armadillos)
- All Elephants
- All Felids, except the domestic cat
- All Hyaenas
- All Marsupials (such as kangaroos and opossums)
- All Mustelids (such as skunks, weasles, otters, and badgers) except the domestic ferret
- All non-human Primates (such as gorillas and monkeys)
- All Perissodactylus Ungulates, except the domestic horse, mule, and ass
- All Pinnipeds (such as seals, fur seals, and walruses)
- All Procyonids (such as raccoons, coatis, and cacomistles)
- All Raptors, diurnal and nocturnal (such as eagles, hawks, and owls)
- All Ratite Birds (such as ostriches, rheas, and cassowaries)
- All snakes of the families Pythonidae and Boidae
- All Ursids (bears)
- All venomous Reptiles and Amphibians
- All Viverrids (such as mongooses, civets, and genets).

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

SCHEDULE “G”

Section 28

PROHIBITED AREAS FOR DOGS

- Kinsmen Century Field
- All Public Playgrounds
- Deer Park Municipal Golf Course (April 1st to October 31st of each year)

LEASH ONLY AREA

- Ravine Ecological Preserve

BEWARE



Vicious Dog
on
Premises

APPENDIX "B"

Section 30

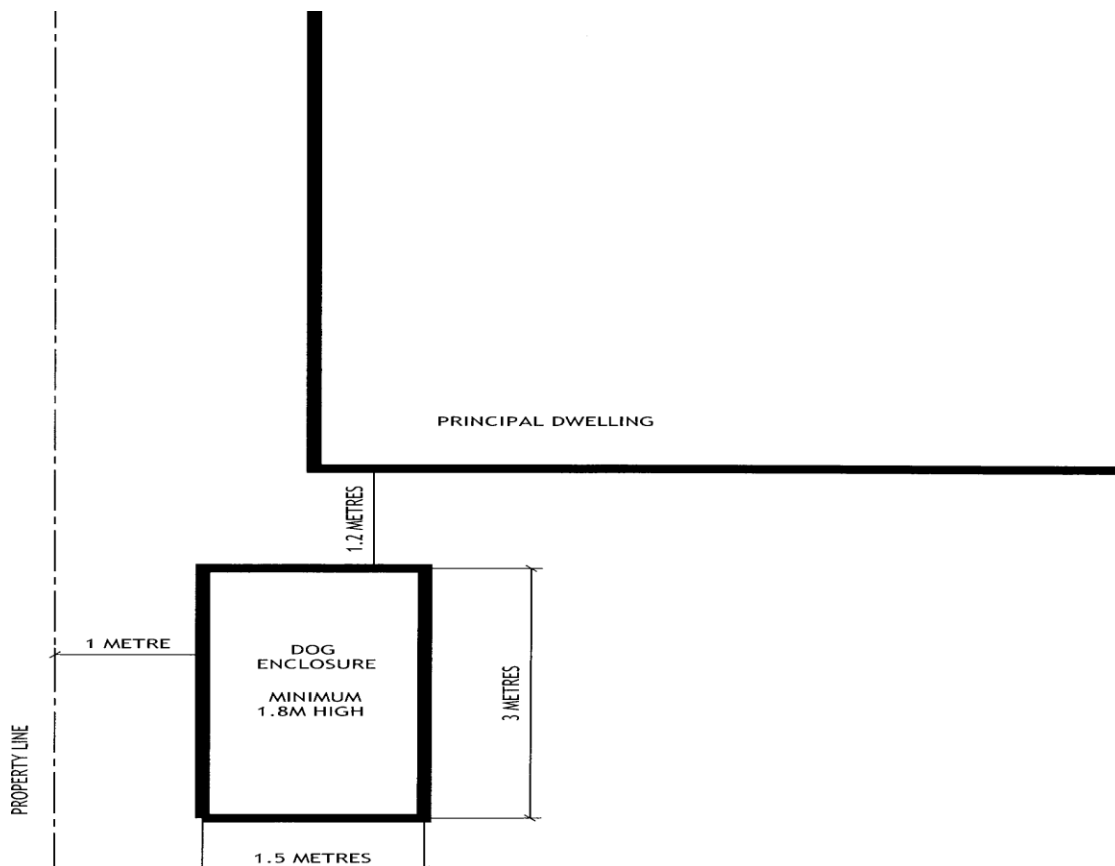
ENCLOSURES FOR VICIOUS DOGS

DIMENSIONS (minimum dimensions)

- 3 meters in length
- 1.5 meters in width
- 1.8 meters in height

LOCATION OF ENCLOSURE

- located in rear yard only
- no closer than 1 meter to the property line
- no closer than 1.2 meters from any other building on your property
- no closer than 5 meters from a dwelling unit located on an adjacent property



ADDITIONAL REQUIREMENTS

- must be constructed of wood or any other building material of sufficient strength and in a manner adequate to prevent the animal from jumping, climbing or digging out of the enclosure
- the roof and floor must be secured to the sides of the enclosure
- the sides of the enclosure must be embedded in the ground to a depth of at least .6 meters
- the entrances to the enclosure must be locked or fastened in a manner adequate of prevent the animal from escaping, and prevent the entry of unauthorized persons
- must provide adequate light, ventilation and protection from the elements for the animal must be kept in a sanitary and clean condition