

TOWN OF WOLSELEY
BYLAW NO. 01-2021
ANIMAL CONTROL BYLAW

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The Council of the Town of Wolseley hereby enacts as follows:

PART I: Interpretation and Definitions

1. Interpretation:

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

(a) The purpose of this Bylaw is as follows:

- i. to provide for the licensing of cats and dogs;
- ii. to control and regulate cats, dogs, and exotic and wild animals;
- iii. to provide for the impounding of cats and dogs that are at large;
- iv. to ensure the humane treatment of domestic animals;
- v. to regulate and prohibit the keeping of dangerous animals within the Town of Wolseley; and
- vi. to prohibit dog fighting.

(b) Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may amend or be substituted from time to time.

(c) All the Schedules attached to this Bylaw shall form a part of this Bylaw and through Council resolution, are subject to change from time to time.

2. Definitions

In this Bylaw:

(a) “**Animal Control Officer**” or “**ACO**” means a person employed by the Town of Wolseley or Pound Keeper to enforce this Bylaw;

(b) “**At large**” means, with respect to an animal, not being on the premises of its owner unless the animal is on a leash not exceeding two metres in length and under proper control;

(c) “**Council**” means the Council of the Town of Wolseley;

(d) “**Chief Administrative Officer**” or “**CAO**” means the administrator of the municipality appointed pursuant to Section 110 of *The Municipalities Act*.

(e) “**Court**” means the Provincial Court of Saskatchewan continued pursuant to *The Provincial Court Act, 1998*;

(f) “**Owner**” includes:

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

but does not include:

- iii. a veterinarian registered pursuant to *The Veterinarians Act, 1987* who has possession of or control over an animal for the purposes of preventing, diagnosing or treating a disease of or injury to the animal; or
- iv. an animal shelter or pound operated by the Town.

(g) “**Peace Officer**” means a person engaged by the Town as a Bylaw Enforcement Officer or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw;

(h) “**Pound**” means the premises designated by the Town as the impoundment facility;

(i) “**Pound Keeper**” means a person designated by the Town to maintain and administer the Pound;

- (j) **“Provocation”** means an act done intentionally for the purpose of provoking an animal in any manner to which this Bylaw applies;
- (k) **“Service animal”** means an animal that is determined by the CAO or designate to have been legitimately trained and certified to provide assistance to a person with a disability that relates to that person’s disability;
- (l) **“Town”** means the Town of Wolseley.

PART II: Licensing and Permits

3. Required Licensing of Cats and Dogs

- (a) No person shall own or keep any cat or dog within the Town unless such cat or dog is licensed as provided in this Bylaw.
- (b) No person shall abandon any animal within the borders or outlying properties of the Town.
- (c) Every owner of a cat or dog that is over four months old shall, within 30 days of becoming the owner, obtain a licence for each cat or dog.
- (d) The licence mentioned in Subsection 3(c) is non-transferable and expires on December 31st of the year of purchase.
- (e) When applying for a licence under this section, the owner shall provide the following:
 - i. a description of the cat or dog, including breed, coloring or significant markings, name, gender and age;
 - ii. a history of any rabies vaccinations for the animal and whether the animal has been spayed or neutered;
 - iii. the name, address and telephone number of the owner; and
 - iv. any other relevant information which may be required.
- (f) When a licence is issued, the owner shall be supplied with a current licence tag and a receipt for payment of the licence fee.
- (g) The owner shall be issued a replacement licence tag if the current licence tag is lost or destroyed, and the owner shall be responsible for payment of the Tag Replacement fee as set out in Schedule 1.
- (h) The licence fees for each cat or dog shall be as set out in Schedule 1.

4. Valid Licensing Tag Attached

- (a) The owner of a cat or dog shall ensure that the cat or dog wears a collar to which a valid licence tag is attached whenever the cat or dog is off the premises of its owner.
- (b) This section shall not apply:
 - i. while a cat or dog is participating in a recognized cat or dog show, obedience trial or field trial;or where:
 - ii. an electronic identification microchip has been implanted in the cat or dog; and
 - iii. the identification information related to the microchip has been provided to the Town.

5. Licensing Exemptions

- (a) The following are exempt from the licensing provisions in Section 3:
 - i. the Pound and Pound Keeper;

- ii. animal shelters incorporated for the purpose of the protection and humane treatment of animals;
 - iii. RCMP and Police dogs who are in active service; and
 - iv. kennels.
- (b) A person who owns and physically relies on a service animal trained and used to assist such person shall obtain a license for the service animal and there shall be no fee payable by the owner for the license.

6. Required Permit for Hobby Breeders for Dogs

- (a) No person residing within the Town of Wolseley shall keep or harbor more than three (3) dogs on any premises with a municipal address, unless such person is a valid holder of a subsisting Hobby Breeder permit as set out in Schedule 2 and as approved by this Bylaw.
- (b) No Hobby Breeder within the Town of Wolseley shall keep or harbor more than six (6) dogs on any one location with a municipal address, as approved by this Bylaw. All Hobby Breeders shall supply the Town with a CKC (“Canadian Kennel Club”) Member Number.
- (c) Any person applying for a Hobby Breeder permit shall be over the age of 18 years and pay the non-refundable application fee as set out in Schedule 1, and:
- i. own the property where the Hobby Breeder permit pertains to; or
 - ii. have written permission from the property owner if applicant is not the owner of the property where the Hobby Breeder permit pertains to.
- (d) Applicants for a Hobby Breeder permit shall provide information as may be required to the Town, including but not limited to:
- i. number of dogs to be harbored;
 - ii. name, description, breed, gender and age of dogs harbored;
 - iii. name, street/physical address and postal address of the property where the dogs are to be harbored;
 - iv. such other relevant and necessary information as may be required by the Town in respect to the application.
- (e) To ensure relevancy, all Hobby Breeder permits expire December 31st in the year which it was issued.
- (f) Persons issued a Hobby Breeder permit in accordance with this Bylaw shall apply to renew the Hobby Breeder permit and shall pay the applicable cost set out in Schedule 1 of this Bylaw to the Town prior to the permit expiring.
- (g) Persons issued a Hobby Breeder permit in accordance with this Bylaw shall also license each dog pursuant to Section 3 and pay the applicable costs as set out in Schedule 1 of this Bylaw.
- (h) Hobby Breeder permits are not transferable from one property to another or from one person to another.
- (i) Persons issued a Hobby Breeder permit in accordance with this Bylaw shall notify the Town immediately of any changes to the permit application information.
- (j) The person(s) named on the Hobby Breeder permit is responsible to ensure all conditions of a permit are complied with. Failure to do so is deemed a violation of this Bylaw.

7. Notice of Decision for Hobby Breeder Permit

- (a) The Town shall consider all applicants for a Hobby Breeder permit, and using its discretion may:
- i. grant a permit;
 - ii. grant a permit, with conditions; or

- iii. deny a permit.
- (b) The decision of the Town on an application for a Hobby Breeder permit shall:
- i. be in writing;
 - ii. contain any conditions of approval or reasons for refusal;
 - iii. be immediately mailed or delivered to the applicant.
- (c) After the Town makes a decision to approve or conditionally approve a Hobby Breeder permit, the Town shall:
- i. issue a notice of decision to the applicant;
 - ii. deliver or mail a written notice to adjacent property owners and to any others who in the Town's opinion may be affected.

8. Revoke or Cancel Hobby Breeder Permit

- (a) The Town may revoke or cancel a permit if:
- i. the permit was issued on the basis of incorrect information or misrepresentation by the applicant;
 - ii. the applicant fails to comply with the conditions of the permit;
 - iii. the applicant fails to comply with the Federal or Provincial laws or Town Bylaws;
 - iv. complaints and resulting investigation received by the Town warrants revocation.

9. Permit Exemptions

- (a) The following are exempt from the Hobby Breeder permit provisions in Section 6:
- i. Licensed Veterinary Clinics;
 - ii. Persons granted a development permit to operate a kennel within the Town.

PART III: Regulations and Prohibitions

10. Regulation of Cats and Dogs

- (a) Residents may own up to five (5) adult pets per household, but no more than three (3) of those pets can be dogs.
- (b) *The Animal Protection Act, 2018*, as amended, applies to all species of animals in the legislation. If any animals are kept in unsanitary conditions, with lack of proper quality and quantity of food, show extreme neglect, this would be reportable to Animal Protection Services.
- (c) No owner of a cat or dog shall permit the cat or dog to be at large.
- (d) If a cat or dog is found to be at large, the owner shall be deemed to have permitted the cat or dog 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 cat or dog from being at large.

11. Transportation of Animals

- (a) No person shall transport a cat or dog in a motor vehicle unless the animal is:
- i. inside a motor vehicle, fully enclosed trailer or truck bed cap; or
 - ii. confined or properly restrained in a manner that will prevent the animal from:
 - I. falling from the motor vehicle;
 - II. being injured during transport; or

III. causing hazard to the safe operation of other motor vehicles.

- (b) No person shall tether a cat or dog to a motor vehicle that is in operation unless the animal is confined or secured as described directly above.

12. Litter Cleanup

- (a) If a cat or dog defecates on any public or private property other than the premises of its owner, the owner of the cat or dog shall remove the defecation immediately.
- (b) This Section shall not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

13. Accumulation of Animal Feces

- (a) An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard or a nuisance.
- i. for the purposes of Subsection 13(a), an accumulation of feces becomes a nuisance if it is unsightly, odorous or of a quantity that is likely to annoy or aggravate others.
- (b) 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 72 hours of service of the notice.
- (c) If a notice under Subsection 13(b) is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Town.
- (d) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- (e) The Town may remove the feces from the property if:
- i. the person to whom the request is made fails to remove the feces within 72 hours; or
- ii. after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- (f) If the Town carries out the work under Subsection 13(e), the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
- i. by action in a court of competent jurisdiction;
- ii. in the same manner as municipal taxes; or
- iii. by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

14. Barking or Howling

- (a) No owner of a cat or dog shall permit the cat or dog to bark or howl so as to create a nuisance.
- (b) For the purposes of this Section, the factors for determining whether the barking or howling of a cat or dog has become a nuisance are as follows:
- i. the proximity of the barking or howling to sleeping facilities;
- ii. the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
- iii. the time of day or night the barking or howling occurs;
- iv. the duration of the barking or howling;
- v. whether the barking or howling is the result of provocation;
- vi. the volume of the barking or howling; and

- vii. whether the barking or howling is recurrent, intermittent or constant.
- (c) Barking or howling in a residential area is deemed to be a nuisance if the barking or howling:
 - i. occurs between the hours of:
 - I. 11 p.m. and 6 a.m. on a day other than a Sunday or holiday; or
 - II. 11 p.m. and 8 a.m. on a Sunday or holiday; and
 - ii. persists for a period of:
 - I. 15 consecutive minutes or longer; or
 - II. 1 hour or longer, intermittently.

PART IV: Impoundment

15. Impounding of Cats and Dogs

- (a) An Animal Control Officer, Pound Keeper or Peace Officer may seize and impound any cat or dog that is at large.
- (b) An Animal Control Officer, Pound Keeper, or Peace Officer may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.
- (c) No person, including the person who is the owner of a cat or dog which is being impounded or has been impounded, shall interfere with a Pound Keeper, Animal Control Officer, or Peace Officer who is impounding any cat or dog in accordance with the provisions of this Bylaw.

16. Impounded Cats and Dogs

- (a) The Pound Keeper shall keep all impounded cats and dogs for a period of at least seventy-two (72) hours, excluding the day of impounding. Statutory holidays shall not be included in the computation of the seventy-two (72) hour period.
- (b) During this period, the owner may reclaim the cat or dog from the pound upon payment to the Town of the fees set out in Schedule 3.
- (c) No unlicensed cat or dog which is impounded shall be released to its owner until a license has been purchased.
- (d) If a cat or dog impounded is wearing a valid license tag, the Pound Keeper shall immediately notify the owner, by telephone or in writing, of the seizure of the cat or dog at the telephone number or address shown in the records. No liability whatsoever shall attach to the Town or the Pound Keeper by reason of the failure of the owner to receive such notice.
- (e) If a cat or dog is not reclaimed within the period set out in Subsection 16(a), or if the owner of a cat or dog fails or refuses to comply within this period with the conditions set out in Subsections 16(b) and 16(c), the Pound Keeper may dispose of the cat or dog.
- (f) The owner who reclaims a cat or dog from the pound is deemed to have been the owner of the cat or dog at the time the cat or dog was at large.

PART V: Dangerous Animals

17. Animals Considered Dangerous

In this Section, the term “**animal**” shall refer to domestic cats and dogs.

- (a) An animal is dangerous where it is proved that:
 - i. the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;

- ii. the animal 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;
- (b) The animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.
- (c) For the purposes of this Section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

18. Exemption for Guard Dogs

No dog shall be considered dangerous where an action described in Subsections 18(a) or 18(b) 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 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.

19. Fighting Dogs Considered Dangerous

Notwithstanding the generality of Section 18, a dog is dangerous where it is proved that the dog is owned primarily or in part for the purpose of dog fighting or is trained for dog fighting.

20. Dangerous Animal Hearings

- (a) If a complaint is made that 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.
- (b) Notice of the hearing referred to in Subsection 20(a) shall be served upon the owner of the animal. The notice shall be served:
 - i. in the case of an owner who is an individual:
 - I. by delivering it personally to the owner; or
 - II. if the owner cannot conveniently be found by leaving it for the owner at the owner's residence with a person at that residence who appears to be at least 18 years of age;
 - ii. in the case of an owner that is a corporation:
 - I. by sending it by registered mail to the registered office of the corporation; or
 - II. by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
- (c) 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 owner had appeared.
- (d) If the judge is satisfied, on the evidence, that the animal is dangerous, the judge shall make an order embodying all of the following terms:
 - i. if the owner removes the animal from the owner's property, the owner shall muzzle and leash it in and keep it under direct control and supervision;
 - ii. the owner shall inoculate the animal against rabies at the owner's expense within ten days of the date of the order of the judge declaring the animal to be dangerous and provide proof to a designated officer that the animal has been inoculated;

- iii. the owner shall report the sale or other disposition of the animal to a designated officer appointed pursuant to Section 35;
- (e) Where the animal is moved to a different municipality or City, the owner shall notify:
 - i. the clerk of that municipality or city; and
 - ii. the CAO.
- (f) Where the animal is moved to a different address within the municipality, the owner shall provide the clerk and CAO of that municipality with the owner's new address;
- (g) Where the animal is to be sold or given away, the owner shall:
 - i. notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
 - ii. notify a designated officer appointed pursuant to Section 35 of the name, address and telephone number of any new owner of the animal;
- (h) The owner shall, before a person handles the animal, notify the person that the animal has been declared dangerous and:
 - i. disclose the terms of the order to any person who has possession of or control over the animal;
 - ii. instruct any person who has possession of or control over the animal to comply with the terms of the order; and
 - iii. ensure that any person who has possession of or control over the animal complies with the terms of the order.
- (i) If the animal is unlicensed, the owner shall, at the owner's expense and within ten (10) days of the date of the order, purchase the requisite license for the animal;
- (j) The owner shall have the animal micro chipped at the owner's expense and within ten days of the date of the order, cause the animal to be micro chipped by the Pound Keeper.
- (k) An order pursuant to Subsection 20(e) may also include any or all of the following terms:
 - i. the owner shall keep the animal in an enclosure which complies with the criteria prescribed in Section 29;
 - ii. the owner shall display a sign, which complies with the criteria prescribed in Section 30, on the owner's property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
 - iii. the owner shall have the animal spayed or neutered;
 - iv. the owner shall take such other measures as the judge considers appropriate.
- (l) After a complaint has been made pursuant to Subsection 20(a) and a proceeding has been initiated, a judge may, pending a determination of the matter or pending an appeal, make an interim order including, with any necessary modification, any of the terms set out in Subsections 20(e) to 20(k), inclusive.
- (m) Notwithstanding Subsection 20(e), a judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.
- (n) A person desiring to appeal an order pursuant to this Section, other than an interim order pursuant to Subsection 20(m), shall, within seven days of the order being appealed from, file a notice of appeal with Her Majesty's Court of Queen's Bench, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.

21. Offences

- (a) 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.
- (b) Any person who displays a prescribed sign warning of the presence of a dangerous animal and who is not acting in accordance with an order made pursuant to Section 16 or has not received the permission of the Town to display the sign is guilty of an offence.
- (c) Any person who owns an animal that, without provocation, attacks, assaults, wounds, bites, injures or kills a person or domestic animal, is guilty of an offence.
- (d) Notwithstanding any other provision of this Bylaw, any person who was an owner of an animal at any time within the 30 days preceding the date of an offence mentioned in Subsection 21(c) involving that animal may be charged with and convicted of that offence where the person:
 - i. knew or reasonably ought to have known that the animal has a past history of dangerous behaviour; and
 - ii. failed to disclose that knowledge to the person to whom the animal was given or sold.
- (e) Any person who sells or gives away an animal without disclosing any knowledge of the animal's past history of dangerous behaviour is guilty of an offence.
- (f) For the purposes of Subsections 21(d) and 21(e), "dangerous behaviour" includes any of the following actions:
 - i. the animal, without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - ii. the animal 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;
 - iii. the animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked and killed a person or domestic animal; or
 - iv. the animal is owned primarily or in part for the purpose of fighting or is trained for fighting.

22. Penalties

- (a) A person who is guilty of an offence pursuant to Subsection 21(c) or does not comply with any part of an order made against them pursuant to Section 20 is liable on summary conviction to a fine of not less than the minimum penalty shown in Schedule 6 and:
 - i. in the case of an individual, not exceeding \$10,000.00 or imprisonment for not more than one year, or both; and
 - ii. in the case of a corporation, not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one year, or both.
- (b) A person who is guilty of an offence for which a minimum penalty is not prescribed in Schedule 6 is liable on summary conviction:
 - i. in the case of an individual, to a fine not exceeding \$10,000.00 or imprisonment for not more than one year, or both; and
 - ii. 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 year, or both.
- (c) In addition to imposing the penalty under Subsection 22(a) or 22(b), the convicting judge shall make an order embodying the requirements of Section 20.
- (d) An order pursuant to Subsection 22(c) may also include the requirements of Subsection 20(1).
- (e) Notwithstanding Subsection 22(c), the judge may, in the alternative, order that the animal be destroyed or otherwise disposed of at the owner's expense and shall give directions with respect to the destruction or other disposition.

- (f) 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 Court, and the provisions of Part XXVII of the *Criminal Code* apply with any necessary modification.

23. Order Binds Subsequent Owner

- (a) An order issued pursuant to Section 20 continues to apply if the animal is sold or given to a new owner or is moved to a different municipality.

24. Execution or Destruction Order

- (a) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight (8) days.
- (b) Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.
- (c) Regardless of the outcome of the appeal, the owner shall be responsible for payment of the following costs pending the hearing:
- i. the pound fee and care and sustenance fee of the animal, as set out in Schedule 3; and
 - ii. any other costs of impoundment of the animal, including any veterinary costs.

25. Return of Animal

- (a) Where the judge on appeal overturns the order for destruction of the animal, the animal shall be released to the owner after the owner has paid:
- i. the pound fee and care and sustenance fee of the animal, as set out in Schedule 3; and
 - ii. any other costs of impoundment of the animal, including any veterinary costs.

26. Destruction by Peace Officers

- (a) A Peace Officer as defined by the *Criminal Code* may destroy any animal that the officer finds injuring or viciously attacking a person or domestic animal.
- (b) Where the officer acted in good faith, a Peace Officer who destroys an animal pursuant to Subsection 26(a) is not liable to the owner for the value of the animal.

27. Entry and Search

- (a) If a Peace Officer as defined by the *Criminal Code* or a designated officer has reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in or on any premises, the Peace Officer or designated officer may enter the premises and search for and impound the animal in accordance with Section 378 of *The Municipalities Act*.

28. Charges May be Added to Property Taxes

- (a) If a person owes the Town for costs incurred by the Town with respect to a dangerous animal, the Town may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person.
- (b) If an amount is added to the tax roll of a parcel of land pursuant to Subsection 28(a), the amount:
- i. is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act* from the date it was added to the tax roll; and
 - ii. forms a lien against the parcel of land in favor of the Town from the date it was added to the tax roll.

29. Enclosures for Dangerous Animals

- (a) If a judge orders pursuant to Subsection 20(1) that an animal be kept in an enclosure, the enclosure must comply with the following criteria:

- i. the enclosure shall be constructed of wood or any other building material of sufficient strength and in a manner adequate to:
 - I. confine the animal; and
 - II. prevent the entry of children of tender years;
- ii. entrances and other areas by which entry to or exit from the enclosure may be made shall be locked or fastened in a manner adequate to prevent the animal from escaping from the enclosure;
- iii. the enclosure shall be at least 3 meters in length, 1.5 meters in width and 1.8 meters in height;
- iv. the enclosure shall have a top secured to the sides of the enclosure;
- v. the enclosure shall:
 - I. have a floor secured to the sides of the enclosure; or
 - II. the sides of the enclosure shall be embedded in the ground to a depth of at least 0.6 meters;
- vi. the enclosure shall:
 - I. provide protection from the elements for the animal;
 - II. provide adequate light and ventilation for the animal; and
 - III. be kept in a sanitary and clean condition.

30. Signs

- (a) Where an animal has been declared dangerous pursuant to Section 20, the owner of the animal shall, within ten days of the date of the order of the judge declaring the animal to be dangerous, display a sign on the owner's premises warning of the presence of the animal in the form illustrated in Schedule 5.
- (b) A sign required by Subsection 30(a) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is confined.
- (c) A sign required by Subsection 30 (a) shall be clearly visible and capable of being read from any adjacent public road.

PART VI: Regulation of Exotic and Wild Animals

31. Owning, Renting and Selling Exotic and Wild Animals

No person shall:

- (a) Harbor livestock, except where specifically authorized in *The Zoning Bylaw*;
- (b) Buy, own or harbor an animal or hybrid of an animal listed in Schedule 4, except where specifically authorized in *The Zoning Bylaw*;
- (c) Operate a pet store that owns, buys, trades, exhibits, harbors, rents or sells an animal or hybrid of an animal listed in Schedule 4;
- (d) Trade, exhibit, harbor, rent or sell an animal or hybrid of an animal listed in Schedule 4; or
- (e) Keep, harbor, or raise Galliformes, Anseriformes and Columbidae in any Residential, Commercial and Industrial zoned areas within the municipal boundaries of the Town of Wolseley.

Subsections 31(a) through 31(e), inclusive, do not apply when the animal is:

- i. in the possession of the Animal Control Officer or on the premises of the Pound Keeper;

- ii. on the premises of a legitimate animal rescue;
 - iii. in a veterinary hospital under the care of a licensed veterinarian;
 - iv. used in an agricultural display sponsored by a 4-H Club or similar organization, a petting zoo, a pony ride for children, or a similar activity; or to any person who:
 - I. holds a license under any statute of the Legislature of Saskatchewan or the Government of Canada which permits the keeping of animals under stated conditions; or
 - II. holds a license or permit from the Town which permits the owning of animals under stated conditions.
- (f) The owner of the animal and the owner of the property on which the animal is harbored shall:
- i. comply with the requirements and directives of the Saskatchewan Health Authority respecting public health, sanitization and waste removal, including:
 - I. providing a hand sanitization station with either hand sanitization gel or soap, running water and paper towels;
 - II. regularly removing animal waste products so they do not accumulate to cause a health hazard; and
 - III. posting a clear and visible sign indicating the location of the hand sanitization station, advising that hand washing is recommended and indicating that food, drink, bottles, pacifiers and toys are prohibited within the enclosure or around the animals;
 - ii. comply with *The Animal Protection Act, 2018*;
 - iii. maintain supervision and control over the animal;
 - iv. obtain public liability insurance in an amount of at least two million dollars;
 - v. not sell or give the animal to a member of the public.

PART VII: Offences and Penalties

32. Penalty

- (a) Except as otherwise provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of at least the minimum amount set out in Schedule 6 and:
- i. in the case of an individual, not more than \$2,000; and
 - ii. in the case of a corporation, not more than \$5,000.
- (b) A person who is guilty of an offence for which a minimum amount is not set out in Schedule 6 is liable on summary conviction:
- i. in the case of an individual, to a fine of not more than \$2,000; and
 - ii. in the case of a corporation, to a fine of not more than \$5,000.
- (c) Notwithstanding Subsection 32(a), 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 that section of the Bylaw is deemed to be a first offence.
- (d) Any person convicted of an offence under Part VI shall, within ten (10) days thereafter, deliver all animals of the kind listed in Schedule 4 owned, kept or harbored by that person to the Pound Keeper and they shall become the property of the Town and shall be donated to an approved agency or humanely euthanized.

- (e) Any person who fails to deliver an animal as required by Subsection 32(d) is guilty of an offence and liable on summary conviction to the penalty contained in Subsection 32(b).
- (f) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one (1) year.

33. Voluntary Payment to Avoid Prosecution

- (a) Notwithstanding Section 32, a person who contravenes this Bylaw upon being served with a Notice of Violation as specified in Schedule 6 may voluntarily pay the prescribed penalty in Schedule 6 to Town of Wolseley, PO Box 310, Wolseley, Saskatchewan S0G 5H0.
- (b) For the purpose of determining the prescribed penalty required by Subsection 33(a), the number of prior offences shall be determined by the number of prior Notices of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.
- (c) If the Town receives voluntary payment of the prescribed penalty within the time limit specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- (d) Nothing in this Section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw.
- (e) A Notice of Violation as specified in Schedule 7 may be issued by a Peace Officer, the Animal Control Officer or the Pound Keeper.
- (f) A person to whom a Notice of Violation is being issued under this Section shall, upon request by the person issuing the Notice of Violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 32.

PART VIII: Miscellaneous

34. Aggression Scale Classification

The Animal Control Officer investigating a complaint involving any behavior of an Animal shall classify the behavior by means of reference to the Dr. Ian Dunbar's Aggression Scale, which is set out in Schedule 8 of this Bylaw.

35. Appointment of Designated Officers

- (a) The Pound Keeper and the Animal Control Officer shall be designated officers for the purposes of this Bylaw.
- (b) The Town of Wolseley is authorized to delegate enforcement of this Bylaw to its employees.

36. Repeal of Bylaws

- (a) The following Bylaws are hereby repealed:
 - i. Bylaw No. 1989-01 *The Cat Bylaw*
 - ii. Bylaw No. 2005-02 *The Dog Bylaw*
 - iii. Bylaw No. 2005-03 *Amendment to The Cat Bylaw*
 - iv. Bylaw No. 2005-05 *Amendment to The Cat Bylaw*
 - v. Bylaw No. 2005-06 *Amendment to The Dog Bylaw*

37. Coming Into Force

(a) This Bylaw shall come into force and take effect on the date of final reading thereof.

READ A FIRST TIME this 20TH day of JANUARY, 2021.

READ A SECOND TIME this 19TH day of MAY, 2021.

READ A THIRD TIME and ADOPTED this 4TH day of AUGUST, 2021.

[S E A L]

Gerald Hill

Mayor

Candice Cieckiewicz

CAO

Schedule 1: License and Permit Fees for Cats and Dogs

CAT LICENSE	ANNUAL FEE	ACQUIRED AFTER JUNE 30TH	LIFETIME
Cat under 12 months old	\$18.00	\$9.00	N/A
Cat spayed or neutered	\$18.00	\$9.00	\$80.00
Cat not spayed or neutered	\$40.00	\$20.00	\$240.00

DOG LICENSE	ANNUAL FEE	ACQUIRED AFTER JUNE 30TH	LIFETIME
Dog under 12 months old	\$18.00	\$9.00	N/A
Dog spayed or neutered	\$18.00	\$9.00	\$80.00
Dog not spayed or neutered	\$40.00	\$20.00	\$240.00
Dog declared Aggressive or Dangerous	\$300.00	N/A	N/A

TAG REPLACEMENT	FLAT FEE \$5.00
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HOBBY BREEDER PERMIT	APPLICATION FEE \$100.00	RENEWAL FEE \$100.00
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Schedule 2: Hobby Breeder Permit



This permit is granted to the following applicant(s) pursuant to Section 6 of The Animal Control Bylaw
expiring on December 31, 20____.

Conditions:

Fees: *(Check One)*

\$100.00 Application

\$100.00 Renewal

- PLUS -

Fees for Licensing each of Dogs listed in the below table

of Dogs to be Harbored: _____

Applicant CKC ("Canadian Kennel Club") Member #: _____

Name of Applicant(s): _____

Address of Applicant(s): _____

Phone Number of Applicant(s): _____

DOG INFORMATION:

NAME	DESCRIPTION	BREED	GENDER	AGE

Applicant(s):

Print Name

Signature

Print Name

Signature

Town of Wolseley

Date

Schedule 3: Impoundment Fees for Cats and Dogs

Pound Fee	\$50.00
Care and Sustenance Fee	\$15.00 (plus GST) per day or portion thereof commencing on 12:00 a.m. on the day immediately following the day of impoundment.

Schedule 4: Prohibited Animals

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

1. all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
2. all Bats;
3. all Canids, except the domestic dog;
4. all Crocodylians (such as alligators, crocodiles and caimans);
5. all Edentates (such as anteaters, sloths and armadillos);
6. all Felids, except the domestic cat;
7. all Marsupials (such as kangaroos and opossums);
8. all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
9. all non-human Primates (such as gorillas and monkeys);
10. all Pinnipeds (such as seals, fur seals and walruses);
11. all Perissodactylus (such as horses, donkeys, mules and asses);
12. all Procyonids (such as raccoons, coatis and cacomistles);
13. all Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
14. all Ratite Birds (such as ostriches, rheas, and cassowaries);
15. all Anseriformes (such as ducks and geese);
16. all snakes of the families Pythonidae and Boidae;
17. all Galliformes (such as chickens, turkeys, grouse and pheasants)
18. all Columbidae (such as pigeons and doves)
19. all Ursids (bears);
20. all venomous Reptiles and Amphibians;
21. 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.

BEWARE



DANGEROUS DOG
ON PREMISES

TOWN OF WOLSELEY BYLAW NO. 01-2021

Schedule 6: Mandatory Minimum Penalties

Section	Offence	1st Offence	2nd Offence	Subsequent
3(a)	Failure to license cat or dog	\$200.00	\$250.00	\$300.00
4(a)	Failure to attach a valid tag when cat or dog is off the owner's premises	\$25.00	\$50.00	\$100.00
10(c)	Cat or dog being at large	\$100.00	\$150.00	\$200.00
11(a)	Failure to confine or restrain a cat or dog during transport	\$100.00	\$200.00	\$300.00
12(a)	Failure to immediately remove a cat or dog's excrement (defecation) from public or private property other than the property of the cat or dog's owner	\$100.00	\$150.00	\$200.00
13(a)	Allowing animal feces to accumulate on private property	\$100.00	\$200.00	\$300.00
14(a)	Creating a nuisance by barking or howling	\$100.00	\$200.00	\$300.00
21(a) 21(c)	Owning an animal that attacks, assaults, wounds, bites, or kills	\$250.00	\$500.00	\$750.00
22(a)	Failure to comply with Court Order	\$500.00	\$1,000.00	\$1,500.00

Schedule 7: Notice of Violation



NOTICE OF VIOLATION

This official Notice of Violation is issued for breach of Bylaw No. 01-2021 (*The Animal Control Bylaw*)

Offence

- | | |
|---|--|
| <input type="checkbox"/> Section 3 – failure to license an animal | <input type="checkbox"/> Section 12 – failure to remove excrement |
| <input type="checkbox"/> Section 4 – failure to display license | <input type="checkbox"/> Section 13 – accumulation of animal feces |
| <input type="checkbox"/> Section 10(c) – being at large | <input type="checkbox"/> Section 14 – barking or howling |
| <input type="checkbox"/> Other (specify) | |

Penalty

\$ If the penalty indicated is not received by _____, a Summons requiring your appearance at Provincial Court will be issued.

DATE	TIME	LICENCE NO.
DESCRIPTION OF ANIMAL		<input type="checkbox"/> MALE _____ <input type="checkbox"/> FEMALE _____
LOCATION OF OFFENCE		
NAME OF OWNER		
LAST	FIRST	MIDDLE
STREET ADDRESS		
CITY/ TOWN	PROV.	POSTAL CODE
ISSUER	DATE OF BIRTH	

Payment may be made in person at the municipal office, on week days during regular business hours (8am-12pm and 1pm-5pm), not including statutory holidays.

PENALTY DUE BY _____

Schedule 8: Dr. Ian Dunbar's Aggression Scale

ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN OBJECTIVE EVALUATION OF WOUND PATHOLOGY	
Level 1	Dog growls, lunges, snarls – no teeth touch skin. Mostly intimidation and/or threatening behavior.
Level 2	Teeth touch skin but no puncture. May have red mark and/or minor bruise from dog's head or snout, may have minor scratches from paws and/or nails. Minor surface abrasions or lacerations.
Level 3	Punctures one (1) to three (3) holes, single Bite. No tearing or slashes. Victim not shaken side to side. Bruising
Level 3.5	Multiple Level 3 Bites.
Level 4	Two (2) to four (4) holes from a single Bite, typically contact and/or punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple Bites at Level 4 or above. A concerted, repeated Attack causing Severe Injury.
Level 6	Any Bite resulting in death of an Animal.

This Scale was developed by Dr. Ian Dunbar PhD. B VetMed, MRCVS, of Berkeley California. From his studies Dr. Dunbar has been able to separate and classify bites into a generalized six-level assessment protocol. This Scale is used as a standard throughout the world in canine aggression investigations and behavior assessment.