

**CITY OF MELVILLE
BYLAW NO. 21/2016**

**BEING A BYLAW TO PROVIDE FOR THE LICENSING, PROHIBITING,
REGULATING AND CONTROLLING OF ANIMALS AND BEING AT LARGE OF
ANIMALS WITHIN THE CITY OF MELVILLE**

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

Therefore, the Council of the City of Melville 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 the of people and the protection of people and property in the City of Melville, 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:
 - (1) “**Animal Control Officer**” means any person appointed by Council for the purpose of Bylaw enforcement, any member of the Melville Detachment of the R.C.M.P. and any other person or agency appointed by Council to restrain, receive or impound animals;
 - (2) “**Animal Shelter**” means any facility designated as such by the City and shall include the Pound;
 - (3) “**Business Day**” means any day that the City Office is open for business;
 - (4) “**Cat**” means and includes ever cat of either sex; and shall, include kittens and six (6) months not spayed or neutered and any female cat that has been spayed and any male cat that has been neutered;
 - (5) “**City**” means the municipal corporation of the City of Melville and the area contained within its boundaries;
 - (6) “**Council**” means the Council of the City of Melville;
 - (7) “**Dog**” means and includes ever dog of either sex; and shall, include puppies und six (6) months no spayed or neutered and any female dog that has been spayed and any male dog that has been neutered;

- (8) **“Dog Run”** means a permanent structure outside of a residential dwelling unit, used for the containment of a dog;
- (9) **“Excessive Barking”** means barking or any noise that persistently occurs or continues to such a degree or extent that it unnecessarily interferes with the comfortable enjoyment of life or property in the neighbourhood;
- (10) **“Judge”** means a Provincial Court Judge; or a Justice of the Peace designated to hear Bylaw hearings;
- (11) **“Leash”** means a chain or other material capable of restraining the dog on which it is being used;
- (12) **“License Inspector”** shall mean Bylaw Officers or their designates who are responsible for issuing of dog tags and/or licenses;
- (13) **“License Term”** means the period from the date the license was purchased to the date the license expires, both dates inclusive;
- (14) **“Livestock”** shall mean cattle, horses, mules, asses, sheep, goats, or swine;
- (15) **“Non-sterilized dog”** means a dog which is capable of reproducing;
- (16) **“Nuisance”** means a dog which is behaving in a manner that interferes with the personal comfort or amenities of a neighbourhood.
- (17) **“Owner”** includes;
- (a) a person(s) who keeps, possess, 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;
- (18) **“Person”** includes an individual, partnership, association or corporation;
- (19) **“Poultry”** means a chicken, turkey, duck, goose, or other domestic fowl;
- (20) **“Pound”** means such premises and facilities as may be designated by the City, from time to time, as the City pound;
- (21) **“Pound Keeper”** means a person, persons or association designated by the City from time to time to maintain and administer the pound;

- (22) **“Provocation”** means an act done for the purpose of provoking an animal to which this Bylaw applies;
- (23) **“Public Health Officer”** means a public health officer appointed under the *Public Health Act*;
- (24) **“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;
- (25) **“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;
- (26) **“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
- (27) **“Vicious dog”** means any dog, whatever its age, whether on public or private property which has without provocation;
 - (a) exhibited threatening behaviour 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 and Cat Licensing

Dog and Cat Licenses Required

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

Licensing

4. (1) Every owner of a dog or cat must immediately obtain a license, and pay a license fee as set out in Schedule “A” of this Bylaw. The license will not be transferable to any other dog or cat or other owner. Proof of ownership of the dog or cat 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 or cat, on the date of demand, has been paid.
- (2) When applying for a license, the applicant must provide the following information:
 - (a) description of the dog or cat;
 - (b) name and address of the owner or keeper of the dog or cat;
 - (c) breed of the dog or cat;
 - (d) a certificate from a veterinary surgeon if the dog or cat has been spayed or neutered;
 - (e) proof that the dog or cat 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 proprietors of the following premises, namely;
 - (a) a veterinary hospital, clinic, boarding kennel, or grooming parlour,
 - (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 Melville for any reason.
- (5) A Service Dog, pursuant to Section 2(26), must be licensed as provided by this Bylaw, but without charge.
- (6) No person shall give false information when applying for a dog or cat license.

Dog and Cat Tag

5. (1) When issuing a license for a dog or cat, the City of Melville will provide the applicant with a tag and a receipt for the license fee.
- (2) The owner must ensure that the dog or cat wears the current tag when the animal is off the property of the owner.

- (3) The Owner must notify the City immediately if the dog or cat tag is lost.
- (4) The Owner must notify the City immediately if the address changes.
- (5) The City of Melville will provide an authorized dog or cat tag which is valid for the remainder of the current year for which the license is issued, expiring December 31 or that year.

Part 3 – Responsibility of Dog and Cat Owners

6. All dogs and cats, when off the premises of its owner, must not be running at large.
7. The owner of a dog or cat must ensure that the animal 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 animal;
 - (b) be left unattended in any motor vehicle unless the animal is secured, and is provided with suitable ventilation.
8. The owner of a dog or cat must ensure that his animal 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 the property;
 - (e) cause death to people or other animals.
9. (1) No owner of a dog or cat 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 or cat 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 or cat from City limits; or
 - (c) if such nuisance continues, order said dog or cat 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 or cat defecates on any property other than the owners, the owner shall remove such feces immediately.
- (2) Any dog or cat owner shall remove any and all animal 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 35.
 - (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 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 and Cats

13. (1) The Animal Control Officer may seize and impound:
- (a) any dog or cat found running at large
 - (b) any unlicensed dog or cat found to be subject of a complaint
 - (c) any dog or cat 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 or cat which has been observed running at large.
- (3) No person, including the person who is the owner of a dog or cat which is being impounded or has been impounded, shall interfere with a Pound Keeper or Animal Control Officer who is impounding any dog or cat in accordance with the provisions of the Bylaw.
14. Any person may restrain any dog or cat running at large in the City and must deliver such animal 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 animal restrained, the name of the owner (if known) and the place and time of restraint.

15. (1) When an impounded dog or cat is wearing a collar to which is attached a tag valid on the current date, 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 animal as shown in the records made when the license was purchased. Unless the said animal is claimed and the fees are provided by this Bylaw are paid within 72 hours from the date of the Notice, the said animal 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 and cats impounded in accordance with the provisions of this Bylaw and the disposal of such animals 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 or cat 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 animals.
17. When a dog or cat 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 or cats impounded by the Animal Control Officer 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 animal 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 or cat, 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.
19. (1) Subject to subsection (2), no dog or cat shall be released from the pound unless:
 - (a) a certificate is produced that the animal has been vaccinated against rabies within the last two years, and
 - (b) a license is obtained for such animal 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 or cat.

Disposal of Unclaimed Dogs and Cats.

20. If an impounded dog or cat is not claimed within seven (7) days from the time the dog or cat is received at the pound, excluding Saturdays, Sundays and Statutory holidays, and the fees, if any, are not paid, the dog or cat may be disposed of by the Pound Keeper without further notice in the following manner:
- (a) subject to Section 17, disposal by adoption, where the opinion of the Pound Keeper the dog or cat is suitable for adoption;
 - (b) disposal by euthanasia where in the opinion of the Pound Keeper the dog or cat 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 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

22. (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 metres 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 timer 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

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

Number of Dogs or Cats Permitted

24. (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 five (5) dogs or cats over the age of three (3) months, or any combination of dogs/cats within the City of Melville, 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 or cats.

Humane Destruction of Sick and Injured Animals

25. 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.
26. Reasonable efforts will be made to contact the owner of an animal before it is destroyed; however no actions lies against the Animal Control Officer or Veterinarian solely because the owner of the animal was not contacted.

Miscellaneous

27. No person may:
- (1) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- (2) Negligently or wilfully 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 or cat confined within its owner's property.

Part 6 – Vicious Dogs

28. (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 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” and in accordance with Section 22(2) 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 and
 - iv) comply with the criteria for muzzle and leash in accordance with Section 37.
- (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 subject to Section 22 must be erected or in place within 30 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

29. 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.

Part 7 – Dangerous Animals

30. (1) An animal is dangerous where it is proved that:
 - (a) The animal, with or without provocation, in a vicious or menacing manner, chased or approached a person or domestic animal in an apparent attitude of attack;
 - (b) The animal has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety or persons or domestic animals;
 - (c) The animal has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.
- (2) For the purposes of this Section, an animal is presumed not to have been provoked, in the absence of evidence to the contrary.

Dangerous Animal Hearings

31. (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 35.

(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 owner had appeared.

(4) 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:

- (a) if the owner removes the animal from the owner's property, the owner shall muzzle and leash it in accordance with the criteria prescribed in Section 37 and keep it under direct control and supervision;
- (b) the owner shall inoculate the animal against rabies;
- (c) the owner shall report the sale or other disposition of the animal to the City;
- (d) where the animal is moved to a different city or municipality, the owner shall notify the clerk of that city or municipality;
- (e) 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 the Animal Control Officer of the name, address and telephone number of any new owner of the animal;
- (f) if the animal is unlicensed, the owner shall, at the owner's expense and within ten days of the date of the order, purchase the requisite licence for the animal;
- (g) the owner shall have the animal microchipped in accordance with Section

(5) An order pursuant to subsection (4) may also include any or all of the following terms:

- (a) the owner shall keep the animal in an enclosure which complies with the criteria prescribed in Appendix "B";
- (b) the owner shall obtain and keep in effect liability insurance in an amount of not less than \$300,000.00 for any bodily injury to or death of any person or domestic animal, or for damage to property, caused by the animal;
- (c) the owner shall display a sign, which complies with the criteria prescribed in Appendix "A" 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;
- (d) the owner shall have the animal spayed or neutered;
- (e) the owner shall take such other measures as the judge considers appropriate.

(6) Notwithstanding subsection (4), 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.

(7) Where an order has been made pursuant to subsection (5) against the owner, the owner may apply to the judge who made the order for an order that compliance with the provisions of clause (5)(b) be waived.

(8) On an application pursuant to subsection (7), the judge may waive compliance with clause (5)(b), on any terms and conditions that the judge considers reasonable, where the judge is satisfied that the owner is unable to comply with the requirements of that clause for a reason other than the owner's financial circumstances.

(9) A person desiring to appeal an order pursuant to this Section 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 provision of Part XXVII of the *Criminal Code* apply with any necessary modification.

Quarantine of Animals

32. 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

33. 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.

34. (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 32, 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

35. (1) Except where otherwise provided in the 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.

Microchipping of Dangerous Animals

36. Where an animal has been declared dangerous pursuant to Section 31, the owner of the animal shall, at the owner's expense and within ten days of the date of the order, cause the animal to be microchipped.

Criteria for Muzzle and Leash for Dangerous Animals

37. Where an animal that has been declared dangerous pursuant to Section 31 is removed from the owner's property, the animal shall be equipped with a muzzle and be secured by a leash in accordance with the following criteria:
- (a) the animal shall be fitted with a collar or harness for the body that is properly placed and fitted on the animal;
 - (b) the movement of the animal shall be controlled by a person by means of a leash attached to the collar or harness of the animal;
 - (c) the lease shall not exceed 1.2 metres in length and shall be constructed of a material having a tensile strength of at least 40 kilograms;
 - (d) the muzzle on the animal shall be properly fitted on the animal to prevent it from biting any animal or person;
 - (e) the muzzle shall be fitted on the animal in a manner that it will not interfere with the vision or respiration of the animal.

Signs

38. (1) Where an animal has been declared dangerous pursuant to Section 31, the owner of the animal shall, within ten days of the date of the order judge declaring the animal to be dangerous, display a sign on his or her premises warning of the presence of the animal in the form illustrated in Appendix “A”.
- (2) A sign required by subsection (1) shall be placed at each entrance to the premises where the animal is kept and on the enclosure in which the animal is kept.
- (3) A sign required by subsection (1) shall be clearly visible and capable of being read from any adjacent public road.

Execution of Destruction Order

39. (1) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight (8) days.
- (2) 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.
- (3) Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.
40. 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 the costs of the impoundment of the animal pending the hearing.

Fighting Dogs

41. A dog is dangerous where it is proved that the dog is owned primarily or in part for the purposes of dog fighting or is trained for dog fighting.

Part 8 - Control and Regulation of Exotic and Wild Animals

Owing and Harboring Exotic and Wild Animals

42. (1) No person may own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule “E” 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 “E”.
- (3) Any person found responsible for allowing an animal or hybrid of any animal of the kind listed in Schedule “E” 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 Harboring Exotic and Wild Animals

43. Section 42 (1) does not prohibit the harbouring of an animal or hybrid of an animal of the kind listed in Schedule “E” in the following places or circumstances:
- (a) in a veterinary hospital under the care of a licensed veterinarian;
 - (b) by anyone holding a license under any statute of the Legislature of Saskatchewan of the Government of Canada, which permits the keeping of animals under stated conditions.
44. It shall be unlawful to keep pigeons, live poultry, livestock and/or bees within the boundaries of the City of Melville, except:
- (a) on the premises of a recognized industry in the business of handling livestock;
 - (b) on the premises of the Agripark in association 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 9 – Penalties

General Penalty

45. (1) Any person convicted of an offence under Section 44 shall, within ten days, deliver all animals of the kind listed in Schedule “E” 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 in Section 47.

Voluntary Payment Tickets

46. (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 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 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

47. (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 Scheduled “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 levy and payment of any fine or the imprisonment for a 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

48. 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

49. Bylaw No. 2/03 passed on the 6th of January, 2003 and all amendments thereto are hereby repealed.
50. Bylaw No. 09/08 passed on the 20th of May, 2008 and all amendments thereto are hereby repealed.

Effective Date of Bylaw

INTRODUCED and READ A FIRST TIME this 15th Day of May, 2017.

READ A SECOND time this 15th Day of May, 2017.

READ A THIRD TIME AND PASSED by consent of members present this 15th Day of May, 2017.

MAYOR

CITY MANAGER

SCHEDULE "A"

Section 4

THE ANIMAL CONTROL BYLAW ONE YEAR LICENSE FEE

<u>DOG OR CAT ONE YEAR 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. Service dog	No charge
5. Replacement dog tag	\$ 5.00

* All licenses are valid from January 1 through to December 31 of each year.

SCHEDULE "B"

AMOUNTS WHICH WILL BE ACCEPTED BY THE CITY

IN LIEU OF PROSECUTION

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 4(1)	Unlicensed dog or cat	\$100.00
	Failure to show evidence of payment of license fee	\$100.00
Section 4(6)	False information	\$100.00
Section 5(2)	Dog or cat was not wearing tag off the owner's property	\$100.00
Section 6	Dog or cat at large	\$100.00
Section 7(a)	Upset waste receptacle	\$100.00
(b)	Dog or cat 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 animal	\$400.00
Section 9(1)	Permitting a dog or cat 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 a female dog in heat housed	\$100.00
Section 13(2)	Interference with enforcement	\$500.00
Section 19(2)	Fail to license or vaccinate dog or cat pursuant	

	to Section 19(1)	\$100.00
Section 22(4)	Failure to clean, alter, demolish or relocate dog run	\$200.00

SCHEDULE "B" *Continued*

<u>OFFENCE UNDER</u>	<u>OFFENCE</u>	<u>AMOUNT</u>
Section 24	Exceeding maximum number of dogs or cats	\$100.00
Section 27(1)	Unite or free an animal	\$100.00
(2)	Wilfully open gate or door	\$100.00
(3)	Tease; throw things at dog	\$100.00
Section 28(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
(b)(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
(c)(ii)	Vicious dog not harnessed or leashed	\$400.00
(c)(iii)	Vicious dog killing person or other animal	\$500.00
(c)(iv)	Muzzle or leash not complying with Criteria of Section 38	\$100.00
(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	\$100.00
Section 33	Failure to allow dog or cat to be isolated	\$100.00
Section 38	Failure to comply with sign requirements	\$100.00
Section 44(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

SCHEDULE "C"

Section 18

CHARGES FOR THE RELEASE OF IMPOUNDED DOGS OR CATS

- 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.

SCHEDULE "D"

Section 18

DECLARATION TO HAVE DOG OR CAT LICENSED AND VACCINATED

I, _____ of _____

Hereby declare that the dog or cat which is released to me by the Animal Control Officer on this date, will be vaccinated for rabies and licensed as required by the City of Melville 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/Cat Owner

Description of Dog/Cat

Address

Date

Witness

SCHEDULE “E”

Section 42

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

- 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 Hyenas
- 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.

APPENDIX "A"

Section 28

BEWARE



Vicious Dog
on
Premises

APPENDIX "B"
Section 28

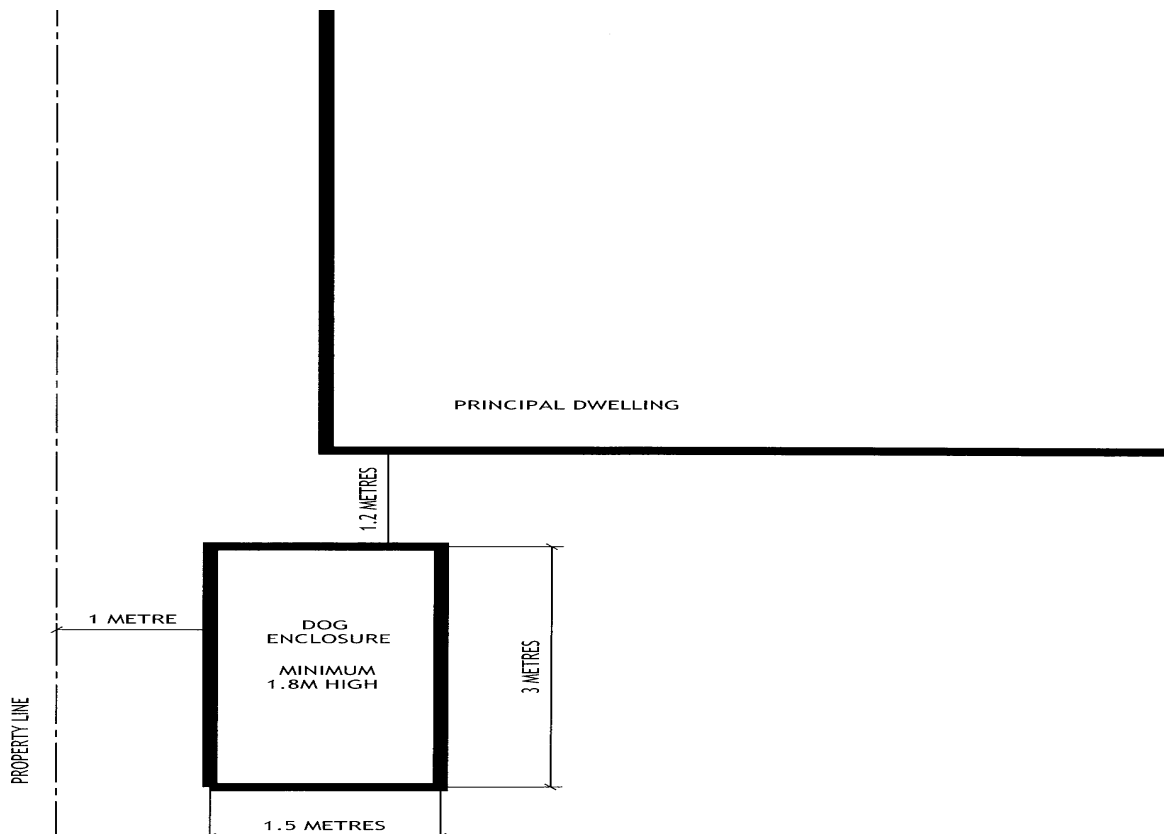
ENCLOSURES FOR VICIOUS DOGS

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