

**TOWN OF COLONSAY**  
**BYLAW 2021-03**  
**A BYLAW TO LICENSE AND REGULATE ANIMALS**

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

**PART I – TITLE & PURPOSE**

1. This bylaw shall be cited as “The Animal Control Bylaw”.
2. The purpose of this Bylaw is:
  - a) To provide for licensing of cats and dogs;
  - b) To control and regulate cats and dogs;

**PART II – DEFINITIONS**

3. In this Bylaw:
  - a) “Animal Control Officer or Warden” or “Bylaw Enforcement Officer” is any corporation, person or persons engaged by or appointed by the Town of Colonsay for the purposes of bylaw enforcement and to restrain, receive or impound animals under the provisions of this bylaw;
  - b) “Service dog” means a dog used to assist persons with disabilities or used by the police service;
  - c) “At large” means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding two meters in length and is under proper control.
  - d) “CAO” is the person appointed as the Chief Administrative Officer, or the Administrator for the Town of Colonsay or his/her duly authorized representative or designate;
  - e) “Cat” is every cat or kitten of either sex of the feline family.
  - f) “Dog” is every dog or puppy of either sex of the canine family.
  - g) “Dog Run” shall mean a permanent structure outside of a residential dwelling unit, including a fence used for the containment of a dog.
  - h) “Grandfathered” shall mean a provision used as a compromise or out of practicality to existing conditions, prior to this bylaw coming into force on the number of dogs and cats until the limits on the number of dogs and cats are met as per this bylaw.
  - i) “Judge” shall mean a provincial court judge or a justice of the peace.
  - j) “Municipality” shall mean the Town of Colonsay;
  - k) “Municipal Office” shall mean the office of the Town of Colonsay, located at 100 Jura Street.
  - l) “Owner” includes: A person who owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor where the minor is the owner of the animal.
  - m) “Pound” shall mean any property, area, or establishment, as deemed by Council for the temporary housing of stray animals or animals running at large.
  - n) “Pound keeper” means a person, corporation, society or organization as may from time to time be appointed by the municipality for the purpose of capturing, and/or retaining any impounded animals pursuant to this Bylaw;
  - o) “Public Playground” means the area containing playground equipment in any park or any Municipal Reserve owned by the Town or under the management and control of the Town;
  - p) “SPCA” shall mean the Saskatoon SPCA or the Humboldt & District SPCA.

**PART III – GENERAL**

**4. SEVERABILITY**

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

**5. QUARANTINE OF SICK ANIMALS**

Notwithstanding any other provision of this Bylaw, where any cat or dog is suspected of having rabies or other life-threatening disease, it shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the Medical Health Officer and then only in compliance with the directions of the Medical Health Officer.

## 6. LIABILITY

No liability whatsoever shall be attached to the Town of Colonsay, the Bylaw Enforcement Officer, Animal Warden, Animal Control Officer, Pound Keeper, Peace Officer or any other person acting under this Bylaw and in good faith, arising out of the capture, seizure, retaining, impounding, failure to contact the owner, sale or destruction of any cat or dog.

## PART IV – LICENSING

### 7. LICENSES AND LICENSE FEES

- a) Every person within the municipality who owns or keeps a dog over three months old shall obtain an animal license from the Municipal Office.
- b) Every person within the municipality who owns or keeps a cat over three months old shall obtain an animal license from the Municipal Office.
- c) The license fees are set out in Schedule “A” attached;
- d) The registration of the dog or cat will be recorded on an Animal License spread sheet, a numbered tag will be issued and recorded, the payment receipt will be the license and shall state Dog or Cat License, animal name, owner name and address, and the tag number:
- e) License fees are due annually on January 1<sup>st</sup> of each year, licenses shall be in effect from the date of purchase until the 31<sup>st</sup> day of December of the year purchased, and shall not be prorated.
- f) The license is not transferable from one animal to another.
- g) Every person to whom an animal license has been issued under this bylaw shall cause the animal to wear a collar to which the license tag issued by the municipality is attached; and
- h) A person residing in the municipality, who owns, possesses or harbours an animal and neglects or refuses to take out a license shall be deemed guilty of an infraction of this bylaw.

## PART V – REGULATION OF ANIMALS

### 8. Dogs barking or howling

- a) No person who owns or keeps a dog or allows it to stay in the owner’s premises shall allow such dog to bark excessively or howl excessively;
- b) Any person who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;
- c) Any person who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw;
- d) The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;
- e) The municipality may by written order or apply to a Judge to have a dog that barks or howls excessively, at the owner’s expense, muzzled, fitted with a collar or device that deters barking or permanently removed from the Municipality, and;
- f) The Municipality may issue a written infraction notice, in the appropriate Municipal form, under this bylaw or the Municipal Noise Bylaw.

### 9. RUNNING AT LARGE AND PROHIBITED AREAS

- a) No animal shall run at large in the municipality;
- b) If an animal is found to be running at large the owner shall be deemed to have permitted the animal to be at large unless the owner proves to the satisfaction of the court that at the time of the offence the owner did all that was reasonable to prevent the animal from being at large;
- c) Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include the information as set out in Form 1 attached to this bylaw;
- d) The Animal Warden/Bylaw Enforcement Officer or any other person designated by the municipality will attempt to capture any animals found running at large and place them in the municipal pound, and;
- e) Any animal found running at large that attacks or bites a person shall be dealt with as per the requirements of Part XII Division 5 of *The Municipalities Act 2006 Dangerous Animals*.
- f) No person shall permit a dog or cat to be:

- i. On any public playground
- ii. On public Ball Diamonds or Soccer Fields
- iii. On school grounds
- iv. This section does not apply to a person who owns and is physically reliant on a trained service dog used to assist such person.

#### 10. DANGEROUS ANIMALS

- a) Dangerous Animals in Saskatchewan are governed by provincial legislation and all owners must comply with this statute or any orders under this statute. For provincial regulations please refer to *The Municipalities Act*, Part XII, Division 5.
- b) Any animal declared dangerous, pursuant to *The Municipalities Act*, Part XII, Division 5 shall be licensed according to Schedule A attached.
- c) The owner of any animal declared dangerous, pursuant to *The Municipalities Act*, Part XII, Division 5 shall
  - i. Display a sign on each entrance to their premise and on any animal enclosure on the property warning of the presence of a dangerous animal, the dimensions of the sign to be no less than 8 X 10 and to resemble that found in Schedule D attached.
  - ii. Ensure that the animal is fitted with a proper muzzle and controlled by a properly fitted body harness and leash on every occasion that the dog is off of the owner's property.
  - iii. When the dog is on the owners' property it must be contained in an enclosure with the following criteria:
    - a) The enclosure must be constructed of wood or any other material of sufficient strength to confine the animal and ensure the prevention of entry by children or youth.
    - b) The entrance to the enclosure shall be locked or fastened in a manner that prevents the animals from escaping and prevents the entry by children or youth.
    - c) The enclosure shall have a top secured to the sides.
    - d) The enclosure shall have a floor secured to the sides or the sides must be embedded into the grounds at a depth of no less than ½ meter.
    - e) The enclosure shall provide protection from the elements, provide adequate light and ventilation, and be kept sanitary at all times.

#### 11. NUISANCE PROHIBITED

- a) No owner shall permit or allow their dog to become a nuisance to a person or another animal. For the purposes of this subsection a nuisance includes, but is not limited to, the following:
  - i. Running at such a distance from its owner so as to be incapable of responding to voice or sight commands.
  - ii. Doing any act that injures a person or another animal.
  - iii. Chasing or otherwise threatening a person or another animal.
  - iv. Biting, barking at or chasing bicycles or motor vehicles.
  - v. Excessive barking or howling or otherwise disturbing any person or another animal.
  - vi. Causing damage to property.
- b) No owner shall permit or allow their cat to become a nuisance to a person or another animal. For the purposes of this subsection a nuisance includes, but is not limited to, the following:
  - i. Howling, hissing or making other disruptive noises.
  - ii. Biting, scratching, or clawing a person or another animal.
  - iii. Urinating, defecating or spraying on any property other than the property of the owner.
- c) Any owner who fails to immediately restrain or rectify the nuisance situation as required by clause 11(a) and 11(b) is guilty of an offence and in such an event, an Animal Warden, Bylaw Officer, Pound Keeper or Peace Officer may seize and impound the animal.
- d) Any contravention of clause 11(c) shall also be guilty of an infraction under this bylaw.

#### 12. OWNING OR HARBOURING OF DOGS AND CATS

- a) Duties of Owner – a person who has ownership, possession or control of an animal
  - i. Shall ensure that the animal has an adequate source of food and water.
  - ii. Shall provide the animal with adequate medical attention when the animal is wounded or ill.
  - iii. Shall provide the animal with reasonable protection from injurious heat or cold, and;

- iv. Shall not confine the animal to an enclosure or area with inadequate space or ventilation, unsanitary conditions, or without an opportunity for exercise, so as to significantly impair the animals' health or well-being.
- b) Limits on number of dogs and cats per household.
  - i. Two (2) dogs per household
  - ii. Two (2) cats per household
  - iii. A maximum of two (2) dogs and two (2) cats per household
  - iv. After 8 weeks of weaning of puppies and kittens the puppies and kittens are to be removed from the household; the keeping of a puppy or kitten has to meet the two-limit criteria as set out in 12(b)ii and 12(b)iii above.
- c) Owners that have more than the limits specified under section 12(b) prior to this bylaw coming into force are deemed "Grandfathered" until the limits under section 12(b) are met either through the death or removal of the animal or animals.
- d) The appointed Pound Keeper is exempt from the limit on dogs and cats impounded; but is subject to comply under section 12(b) for ownership of their own dog(s) and/or cat(s).
- e) Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained, contained or muzzled whether it is on or off its own property, and;
- f) Where a dog displays aggressive behavior as described in subsection 12(e), the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog;
- g) Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection 12(f), the Municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the Municipality;
- h) An order written under subsection 12(g) is not limited to the following but may contain any or all of the following requirement:
  - i. Repair or construction of a property line fence;
  - ii. Repair or construction of a dog run with a secure top/roof;
  - iii. Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
  - iv. Locking of perimeter fences or dog runs, and;
  - v. Posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

### 13. LITTER CLEAN UP

- a) If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the cat or dog shall remove the defecation immediately.
- b) Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection 13(a) shall be deemed guilty of an infraction of this bylaw;
- c) This section does not apply to a person who owns and is physically reliant on a service dog trained and used to assist such person.

### 14. 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.
- b) Any person who owns, possesses or harbors an animal and fails to clean up as set out in Subsection 14(a) shall be deemed guilty of an infraction of this bylaw;
- c) The Animal Warden or Bylaw Enforcement Officer may serve an owner or occupant of private property with a written order to remove all animal feces from the property within seventy-two (72) hours of a service of notice.
- d) The Municipality may hire a service to remove the feces from the property if:
  - i. The person to whom the notice is made fails to remove the feces within seventy-two (72) hours, or;
  - ii. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined;
  - iii. The hire of a service shall be billable to the owner or occupant of the property; failure to pay for the service is subject to penalty, see Schedule C, Section E.

15. ORDERS TO REMEDY CONTRAVENTIONS

- a) Inspections to determine if a written order should be issued under this bylaw shall comply and be carried out in accordance with *The Municipalities Act*.
- b) A person may appeal an order given under this bylaw in accordance with the procedure set forth in *The Municipalities Act*.
- c) The Municipality may, in accordance with *The Municipalities Act*, take whatever actions or measures necessary to ensure that an order given under this bylaw is fully complied with.
- d) In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with *The Municipalities Act*.
- e) Any unpaid expenses and costs incurred by the Municipality that an order given under this bylaw is fully complied with may be recovered either:
  - i. By civil action for debt in a court of competent jurisdiction in accordance with *The Municipalities Act*, or;
  - ii. By adding the amount to the taxes on the property on which the work is done in accordance with *The Municipalities Act*.

PART VI – SEIZURE, IMPOUND AND DESTRUCTION OF ANIMALS

16. POUND/POUND FEES

- a) The Animal Warden/Bylaw Officer may take any animal found running at large to the municipal pound where it shall be kept for a maximum of forty-eight (48) hours unless the owner, possessor or harbourer redeems the animal by paying to the Town:
  - i. The applicable pound fee as set out in Schedule “B” for the care, food, water and keep of each animal, and;
  - ii. All related fines assessed against the animal, and;
  - iii. In the case of an unlicensed animal, the required license fee for the impounded animal.
- b) The Municipality may, in its sole discretion, euthanize, find a suitable home for or turn over to the SPCA any animal which has not been redeemed within a maximum of forty-eight (48) hours. The CAO or Bylaw Enforcement Officer may turn an animal over to the SPCA before this period expires if it is determined that the Municipality cannot sufficiently provide for the animal’s wellbeing or security.

PART VII – VIOLATIONS

17. Violations

- a) Except as otherwise provided in this bylaw, every person who contravenes any of the provisions of this bylaw is guilty of an offense and liable on summary conviction.
- b) In the case of an individual, to a fine of not less than the mandatory minimum fine prescribed in Schedule C and not more than \$2,000 and;
- c) In the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule C and not more than \$5,000.
- d) Notwithstanding Subsection 17 (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 the section of the bylaw is deemed to be a first offence.
- e) Any person who fails to deliver an animal as required in Subsection 17(e) is guilty of an offence and liable on summary conviction to the penalty contained in subsection 17(b) and 17(c).
- f) At the discretion of the Bylaw Enforcement Officer, a warning ticket may be issued for contravention of any of the provisions of this bylaw.
- g) A violator of this bylaw, upon being served with the Municipality’s standard Notice of Violation may, during office hours, voluntarily pay the penalty at the office of the Municipality.

PART VIII – REPEAL OF PREVIOUS BYLAWS

18. REPEAL AND COMING INTO FORCE AND EFFECT

- a) Bylaw 3/02 of the Town of Colonsay is hereby repealed.
- b) This bylaw shall come into force and effect upon third reading and adoption by Council.

Read a third time and finally passed this  
14<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

SCHEDULE "A"  
LICENSE FEES FOR EACH ANIMAL

CAT – not spayed or neutered	\$30.00
CAT – spayed or neutered	\$15.00
DANGEROUS ANIMAL	\$250.00
DOG – not spayed or neutered	\$30.00
DOG – spayed or neutered	\$15.00

SCHEDULE "B"  
POUND FEES

A. IF HOUSED BY THE MUNICIPALITY ONLY

- a) DOGS - \$50.00 per dog plus \$10.00 per day with a minimum fee of \$60.
- b) CATS - \$50.00 per cat plus \$10.00 per day with a minimum fee of \$60.
- c) ANIMALS OTHER THAN DOGS OR CATS - \$50.00 per animal plus \$10.00 per day with a minimum fee of \$60.

B. IF HOUSED BY THE SPCA

- a) All municipal pound fees shall apply in addition to any fees charged by the SPCA.

TOWN OF COLONSAY

A BYLAW TO LICENSE AND REGULATE ANIMALS

SCHEDULE "C"

MINIMUM FINES PURSUANT TO SECTION 13

	DESCRIPTION OF OFFENCE	1 <sup>ST</sup> OFFENCE	2 <sup>ND</sup> OFFENCE	EACH SUBSEQUENT OFFENCE
(A)	Failure to License Cat or Dog (Section 7)	\$100	\$200	\$300
(B)	Running at Large (Section 9)	\$100	\$200	\$300
(C)	Nuisance Animal (Section 12)	\$200	\$400	\$500
(D)	Neglects or Refuses to Clean Up Defecation (Sections 14 & 15)	\$100	\$200	\$300
(E)	Failure to obey order of Animal Warden or Bylaw Enforcement Officer	\$200	\$400	\$500
(F)	Failure to comply to limits on dog & cat numbers (Section 13 (b)(i&ii))	\$100	\$200	\$300



ANIMAL COMPLAINT FORM 1  
Complainant Information

Date reports: \_\_\_\_\_

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

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

Email: \_\_\_\_\_

Nature of Complaint

Details of Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Complaint: \_\_\_\_\_

Location: \_\_\_\_\_

Reported to: \_\_\_\_\_

Signature: \_\_\_\_\_

Action Taken

Administrator Notified?                      YES              NO

Person Responding: \_\_\_\_\_

Date of Action: \_\_\_\_\_

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Outside Agency Notified: \_\_\_\_\_

Date of Notification: \_\_\_\_\_