

## TOWN OF MAIDSTONE

### BYLAW NO. 2018 – 02

#### A BYLAW OF THE TOWN OF MAIDSTONE, IN THE PROVINCE OF SASKATCHEWAN TO RESTRAIN, REGULATE, PROHIBIT AND LICENSE ANIMALS

##### 1. DEFINITIONS

- a. **“Peace Officer”** shall mean such person or persons as are appointed and authorized by the Town to carry out the provisions of this Bylaw;
- b. **“Council”** shall mean the Council of the Town of Maidstone;
- c. **“Current Year”** shall mean an animal of male or female sex that is over the age of three (3) months;
- d. **“Animal License”** shall mean a receipt issued by the Town of Maidstone for the payment of the required fee for a dog/cat tag for the current year;
- e. **“Animal Tag”** shall mean a dog/cat tag issued by the Village with a dog/cat license for the then current year;
- f. **“Kennel”** shall mean any structure used by any person for boarding or otherwise caring for, training, or whelping dogs exceeding two (2) in number, whether or not for reward but shall not include any premises occupied by a duly qualified veterinarian for the practice of his/her profession;
- g. **“Owner of land”** means a person who has any right, title, estate, or interest in land or improvements other than that of a mere occupant, tenant, or mortgagee;
- h. **“Owner of a Dog/Cat”** or **“Owner of Dogs/Cats”** includes:
  - i) any person who owns, possesses, harbors, confines or permits such dog/cat (s) to remain about his house, dwelling, premises, or land owned, used or occupied by such person but shall not include the operator of a kennel or a duly qualified veterinarian or;
  - ii) the person responsible for the custody of a minor where the minor is the owner of a dog/cat to remain about his house, dwelling, premises, or land owned, used or occupied by such person but shall not include the operator of a kennel or a duly qualified veterinarian;
- i. **“Cat”** shall mean all species of animal commonly known as cats and includes the female as well as male of every breed or classification or mixture of breeds over the age of three months;
- j. **“Replacement Dog/Cat Tag”** shall mean a tag issued by the Town to replace a lost or destroyed dog/cat tag;
- k. **“Town”** shall mean the Town of Maidstone;
- l. **“Administrator”** shall mean the person or persons appointed to that position from time to time by Council;
- m. **“Dog Breeder”** means a person engaged in breeding dogs and offering the sale or trade to the general public. Individuals must be able to verify their status as a registered breeder by providing the Town of Maidstone with proof of membership in the Canadian Kennel Club, or American Kennel Club.

##### 2. RESTRICTIONS

- a. No kenneling or operation of a dog kennel of any kind is permitted within the Town limits unless that person is a Peace Officer obtained under the Bylaw as the Animal Catcher;
- b. No residence shall own, possess, harbor or allow to remain in its care, more than two (2) cats and/or two (2) dogs at any given time without Council approval unless that person is a Peace Officer obtained under the Bylaw as the Animal Catcher;
- c. **“Restricted Dog”** means any dog, whatever its age, as declared by the Courts to be restricted;

- d. No owner shall keep, possess, or harbor a restricted dog within the boundaries of the Town of Maidstone;
- e. Any owner who keeps, possesses, or harbors a restricted dog within the boundaries of the Town of Maidstone is guilty of an offense and liable on summary conviction to a fine not exceeding the amount as set out in the General Penalty Bylaw of the Town of Maidstone, and in default of the fine, to imprisonment for a term not more than 90 (ninety) days, unless the fine or penalty of fine is sooner paid;
- f. In the case of a conviction under the provisions of this Bylaw, the convicting justice shall order the convicted owner to cause the restricted dog within 10 (ten) days of the date of the order, to be removed from within the boundaries of the Town of Maidstone;
- g. Upon the owner of a restricted dog being summoned to appear before a Provincial Court Judge in accordance with this Bylaw, the Provincial Court Judge may make any interim order he deems appropriate pending a full hearing of the complaint, including an order restricted dog be removed from within the boundaries of the Town of Maidstone.

**3. DOGS/CATS TO BE LICENSED**

- a. The owner of a dog/cat shall obtain a dog/cat license for such dog/cat;
- b. The owner of a dog/cat shall take reasonable steps to ensure that a collar is securely attached about the neck of such dog/cat whenever such dog/cat is beyond the boundaries of the house, dwelling premises or land owned, used or occupied by such owner;
- c. The owner of a dog/cat shall take reasonable steps to ensure that the dog/cat tag issued with the dog/cat license for such dog/cat is at all times attached to the collar of such dog/cat whenever such dog/cat is beyond the boundaries of the house, dwelling, premises or land owned, used or occupied by such owner;
- d. No person other than the owner of a dog/cat shall remove the collar of such dog/cat;
- e. No person other than the owner of a dog/cat shall remove a dog/cat tag from the collar of such dog/cat;
- f. On demand of a Peace Officer, the owner of a dog/cat shall produce a dog/cat license and/or dog/cat tag for such dog/cat;
- g. No registration shall be required under this Section for a dog/cat accompanying a person, if such a dog/cat is not permitted to run at large, and if such person does not remain in the Town for a period in excess of thirty (30) days, the proof of which shall be on that person;
- h. The license tag shall bear a number, the year in which it is issued, and whether it is a dog or cat and a record shall be kept by the Town showing the tag number, the owner's name and a description of the animal.

**4. NO KEEPING OF DOG/CAT WITHOUT A LICENCE**

- a. A person must not keep a dog/cat that is older than three months unless such person has acquired an annual licence for the dog/cat, and has paid the annual licence fee.
- b. A person who keeps a dog/cat must apply for an annual license, when the person acquires the dog/cat, on the form and in the manner specified by the Town of Maidstone, and must renew the license annually on or before the expiry of the one year anniversary of issuance of the previous license.

**5. NUMBER OF ANIMALS PER RESIDENCE**

- a. No person shall own, possess or harbor more than two (2) cats and/or two (2) dogs per residence in the Town of Maidstone

**6. APPLICATION FOR ANIMAL LICENSE OR REPLACEMENT DOG/CAT TAG**

- a. All applications for a dog/cat license or replacement dog/cat tag shall be made to the Town of Maidstone;
- b. Applicants for a dog/cat license or a replacement dog/cat tag shall provide such information required by the Town;

- c. The fee payable for a dog/cat license or replacement dog/cat tag shall be as follows:
  - i) each dog                      \$25.00
  - ii) each cat                      \$25.00
  - iii) each replacement tag   \$10.00
- a. Applicants for a dog/cat license or a replacement dog/cat tag shall pay the appropriate fee to the Town of Maidstone prior to a dog/cat license or replacement dog/cat tag being issued;
- b. Upon an Applicant for an animal License or a replacement dog/cat tag providing all required information and paying the required fee, the Town of Maidstone, in his/her sole and absolute discretion, may issue a dog/cat license upon such condition as deemed appropriate;
- c. Any dog/cat which is captured by the appointed Peace Officer without dog/cat tags will be penalized. The penalty for a captured dog/cat with no tags is outlined in Schedule "B" Schedule of Offenses, and is payable by the owner of the captured dog/cat.

**7. ANIMALS RUNNING AT LARGE**

- a. The owner of a dog/cat shall not allow such dog/cat to run at large;
- b. Any dog/cat found within the Town shall be deemed to be running at large unless:
  - i) such animal is within the boundaries of the house, dwelling, premises or land owned, used or occupied by the owner of the dog/cat;
  - ii) such animal is within the boundaries of a house, premises, or land owned, used or occupied by a person who has given express permission for such animal to be within such boundaries;
  - iii) such animal is on a leash and in direct continuous charge of a person competent to control it;
  - iv) such animal is securely confined within an enclosure;
  - v) such animal is securely fastened so that it cannot roam at will
- c. An owner of an unlicensed dog/cat found running at large, will not be contacted. The said dog/cat will be impounded, sold or destroyed at the discretion of Council, the Peace officer, or the pound keeper, provided that dog/cat does not relocate to the Town of Maidstone;
- d. In the event a dog/cat is found running at large, and it is not impounded, a fine will be levied by the Peace Officer as outlined in Schedule "B", and is payable by the owner of the dog/cat.

**8. RESTRICTED, VICIOUS AND RABID DOGS**

- a. An owner of a restricted dog shall maintain in force and provide a copy of liability insurance policy in a form satisfactory to the Village providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog;
- b. If a Peace Officer determines that a dog is a vicious dog, either through personal observation, or after an investigation initiated by a complaint, he or she may, in writing:
  - i) inform the owner that his/her dog has been determined to be a vicious dog; and
  - ii) require the owner to keep such dog in accordance with Section 3 of the Bylaw; and
  - iii) inform the owner, that if the vicious dog is not kept in accordance with Section 3 of this Bylaw, the owner will be fined or subject to enforcement action to this Bylaw

**9. REMOVAL AND DISPOSAL OF DOG FECES**

- a. If a dog deposits feces on land other than within the boundaries of land owned by the owner of such dog, or within the boundaries of land owned by a person who has given express permission for such dog to deposit feces on his land, then the said owner shall immediately remove and dispose of the said feces by securely wrapping them in a paper or plastic bag, or placing them in a sealed container and depositing the same in a garbage receptacle.

**10. COMPLAINTS**

- a. Any person alleging that a dog has :
  - i) bitten any person; or
  - ii) attempted to bite any person/animal; or

- iii) deposited feces on land other than within the boundaries of land owned by the owner of such dog, or within the boundaries of land owned by a person who has given permission for such dog to deposit feces on his land; or
  - iv) been barking, howling, spreading debris, scavenging, making a nuisance; or
  - v) chasing any person, horse, vehicle or motor vehicle;

may within ninety (90) days after the alleged incident occurs, lay a complaint before a Provincial Court Judge having territorial jurisdiction over the place of the occurrence of the same, and such Provincial Court Judge, after giving due notice to the owner of such dog, may determine whether or not the dog is a danger or a nuisance;
- b. Upon receiving written notice from the Town, by way of violation ticket or otherwise, the owner of a dog alleged to have bitten or attempted to bite any person/animal shall immediately remove the said dog from the Town pending any interim or final order of a Provincial Court Judge under this section;
- c. Upon the owner of such dog being summoned to appear before a Provincial Court Judge in accordance with Clause a), such Provincial Court Judge may make any interim order he deems appropriate pending a full hearing of the said complaint;
- d. If a Provincial Court Judge determines that a dog is a danger or a nuisance, he may;
  - i) levy a fine against the owner of such dog in accordance with the General Penalties section of the Bylaw; and/or
  - ii) order the owner of such dog to keep the dog under proper control; and/or
  - iii) order the owner of such dog to deliver such dog to the Peace Officer to be destroyed; and/or
  - iv) make such other order as he deems appropriate
- e. In the event that the owner of a dog is not known, then the Provincial Court Judge may proceed under this section without due notice to the owner of such dog;
- f. Any person failing to comply with an order made by a Provincial Court Judge under this section, is guilty of an offence punishable on summary conviction and shall be liable to a fine not more than Two Thousand (\$2,000.00) Dollars.

## **11. IMPOUNDING**

- a. The Peace Officer may capture any animal found running at large within the Town and confine such animal to the pound of the Town or at such location as may be designated by the Town from time to time;
- b. The Peace Officer may use a tranquilizer gun to capture and/or impound any animal found running at large;
- c. The Peace Officer may destroy any animal found running at large when it is impossible or impractical to capture and/or impound such animal;
- d. If an animal wearing a dog/cat tag is captured and confined pursuant to this section, the Peace Officer shall make reasonable efforts to notify the person who is found by the records of the Village of Maidstone to be the owner of the dog/cat;
- e. The owner of such animal captured and confined pursuant to this section may redeem it by paying the Town of Maidstone the Schedule Fees outlined in Schedule "B" Schedule of Offenses";
- f. In the event a dog/cat is not sold within twenty-four (24) hours of the expiration of the said seventy-two (72) hours after its capture and confinement, it may be destroyed by the Peace Officer in the most merciful manner practical, or may be shipped to either of the Universities of Saskatchewan or Alberta for scientific purposes, or may be dealt with in any other manner directed by the Council. The Mayor and Council have the final say as to whether the dog/cat is to be returned to the Village;
- g. The Peace Officer shall keep a record of all animals captured, impounded, redeemed, sold, destroyed, or otherwise disposed of under the provisions of this Bylaw with particulars endorsed thereof, and shall make a monthly report to the Council showing the cost of

maintaining the pound and enforcing the provisions of the Bylaw, the amount of fees collected, the proceeds from the sale of the animals, and licenses and any other information that may be required from time to time by the Council of the Town of Maidstone;

- h. The Peace Officer shall supply an animal impounded under the provisions of this Bylaw with sufficient food and water and other necessities.

## **12. PROSECUTIONS**

- a. A person shall be deemed to be the owner of an animal that frequents or remains about such person or about any house, dwelling, premises or land used or occupied by such person, unless such person establishes that he is not the owner of such animal;
- b. An animal which does not have a dog/cat tag attached to its collar shall be deemed not to have a dog/cat license issued in regard to it unless the owner of such dog/cat establishes otherwise;
- c. A dog/cat shall be deemed to be running at large unless the owner of such dog/cat establishes otherwise;
- d. A dog/cat shall be deemed to be over the age of three (3) months unless the owner of such dog/cat establishes otherwise;
- e. A dog shall be deemed to be a restricted dog unless the owner of such dog establishes otherwise.

## **13. TRAPS**

- a. Private animal traps may be used to capture animals running at large. Such traps and/or trapping methods shall receive approval from the Peace Officer prior to implementation.

## **14. POWERS OF OFFICERS**

- a. A Peace Officer may capture and impound any animal in respect of which he believes an offense is being or has been committed under this Bylaw;
- b. A Peace Officer may enter onto private property without loss of jurisdiction while pursuing an animal at large and should the animal attain the safety of its home, the owner, possessor, or harbor may be charged for allowing an animal to run at large whether possession of the dog is obtained by the Peace Officer or not;
- c. A Peace Officer, in order to enforce the provisions contained herein, may enter onto land surrounding any dwelling/house in pursuit of any animal which has been in violation of this Bylaw irrespective of any "No Trespassing" signs posted on the premises;
- d. Where an animal located on private property is suspected of violating any provisions of the Bylaw, and the owner cannot be located, and in the interest of the public to stop a continuation of an offense, a Peace Officer may enter onto the property and take the animal into his possession and cause it to be impounded for which the owner of the animal shall bear all costs of impoundment and penalties therein;
- e. Where an animal cannot be captured and the owner cannot be ascertained or located, a Peace Officer may destroy the animal. A form shall be completed by the Peace Officer stating the efforts made to catch the animal and ascertain the owner, and shall be kept for one calendar year and thereafter may be destroyed;
- f. Where an animal is deemed to be repeatedly running at large, and the owner of the animal has been fined on two previous occasions; a Peace Officer may destroy the animal;
- g. Where a Peace Officer reasonably believes that an animal has attacked, is attacking, or is about to attack, injure or menace any person, the Officer may destroy such animal forthwith;
- h. In the event that an animal causes damage to another person's property, a Peace Officer may direct the owner of the animal to pay compensation to the aggrieved party, or may direct the owner of the animal to restrain or destroy the animal;

- i. A Peace Officer may delegate his powers to any person for the purposes of assisting the Peace Officer in the apprehension of any animal that is in contravention of this Bylaw.

**15. GENERAL PENALTIES**

- a. Any person who is in violation of the following provisions of this Bylaw may, upon being served with a Notice of Violation, pay a voluntary penalty of \$50.00 to the Town of Maidstone within seven (7) days of the date of being served with the Notice of Violation:
  - i. 2 (a), (b), (c), (d), (e);
- b. Any person served with a Notice of Violation as set out in a) above and who does not pay the penalty as described therein, may be served with a Summons to Court, and upon being served with the Summons, pay a voluntary penalty of \$125.00 to the Town of Maidstone within seven (7) days of being served with the summons;
- c. Any person who is in violation of the provisions of this Bylaw or who has not availed themselves to the voluntary penalties contained in subsections 14(a) and 14(b) shall be guilty of an offense punishable on summary conviction by a Provincial Court Judge having territorial jurisdiction over the place of the occurrence of the offense and is liable to a fine of not more than \$2,000.00

**16. REPEAL AND EFFECTIVE DATE**

Bylaw No. 2015-07 hereby repealed.

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Mayor

SEAL

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Administrator



**TOWN OF MAIDSTONE  
ANIMAL BYLAW NO. 2018-02  
SCHEDULE "B"**

**SCHEDULE OF OFFENSES**

**1. Animals at large:**

**Animals at Large Fines will be payable by the owner of the animal and are as follows:**

- a) **\$50.00 for the 1<sup>st</sup> offense for an animal at large**
- b) **\$150.00 for the 2<sup>nd</sup> offense for an animal at large**
- c) **\$200.00 for the 3<sup>rd</sup> offense for an animal at large and the animal removed from premises**

**2. No Animal Tags Offense Fines:**

- a) **No extra fine if animals are wearing a Town of Maidstone animal tag attached to its collar**
- b) **\$50.00 for no tags**

**The owner is responsible to pick up the current year's animal tags at the Town of Maidstone Office.**