

BYLAW NO. 97-04

A BYLAW FOR THE TOWN OF MIDALE FOR LICENSING DOGS  
AND CATS AND REGULATING AND CONTROLLING PERSONS  
OWNING AND HARBORING DOGS AND CATS

The Council of the Town of Midale enacts as follows:

1. For the purpose of this Bylaw:
  - (a) "Animal Control Officer" means that person or persons appointed by the Mayor and Town Administrator for the purpose of this Bylaw;
  - (b) "Dog" or "Cat" includes all species of the animals commonly known as dogs or cats, male or female, spayed or neutered, and of every breed or classification or mixture of breeds;
  - (c) "Judge" means a Judge of the Provincial Court;
  - (d) "Treasurer" means the Town Administrator of the Town of Midale;
  - (e) "Owner" means any person or persons, partnership, association or corporation owning, possessing, harboring, having charge or or control over any dog or cat, and includes a keeper of a dog or cat;
  - (f) "Pound Keeper" means the person or persons appointed by the Mayor and Town Administrator for the purpose of retaining impounded dogs or cats pursuant to this Bylaw;
  - (g) "Running at Large" means off the premises of the owner when not on a leash held by a person able to control the dog or cat.
2. No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed by the Town of Midale. No dog or cat under the age of three months shall require a license.
3.
  - (a) The license fee charged for dogs and cats owned, possessed or harbored by any person while resident in the Town of Midale, excepting seeing eye dogs, shall be in accordance with the Schedule of fees prescribed in Schedule "A" attached to this Bylaw;
  - (b) Notwithstanding anything contained in this Bylaw, seeing eye dogs used as a guide by a blind person shall be licensed, and the Treasurer shall issue the license without payment of the license fee.
4. The owner of every dog or cat shall apply to the Treasurer for a license to keep such dog or cat within the Town, tendering with such application, the required fee therefore, according to Schedule "A" attached to this Bylaw and upon receipt thereof the Treasurer shall issue a license and a tag for each dog or cat owned by the owner.
5.
  - (a) Every applicant of license for a spayed dog or cat or emasculated male dog or cat shall produce to the Treasurer, at the time of making the application, a certificate of a Veterinary Surgeon, that such dog or cat has been spayed, or that such dog or cat has been emasculated;
  - (b) Every applicant for a license for a dog or cat that has been previously vaccinated for rabies within the previous twelve (12) months shall produce to the Treasurer a Certificate of a Veterinary Surgeon, that such dog or cat has been vaccinated for rabies within the previous twelve (12) months.

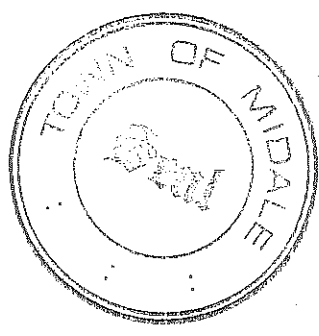
6. All fees required to be paid under this bylaw shall be paid to the Treasurer of the Town, located at the Town Office, Midale.
7. The tag issues by the Treasurer shall bear a serial number and a record shall be kept by the Treasurer showing the name and address of the owner and a description of each dog or cat owned by him including its breed, color, sex, age and name and the serial no of the tag issued for each dog or cat.
8. The owner shall ensure that a collar, and the tag issued by the Treasurer, are worn by the dog or cat at all times.
9. No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.
10. (a) No owner shall permit any dog or cat to be running at large in the Town of Midale.  
(b) No owner or other person shall use a leash greater than two (2) meters in length on a dog or cat, when such dog or cat is off the premises of the owner, and where a leash greater than two (2) meters in length is used by the owner or any other person, the dog or cat is deemed to be running at large.
11. For the purpose of impounding any dog or cat found running at large in the Town of Midale, a pound shall be established at such place or places as may from time to time be designated by the Mayor and Town Administrator and the Mayor and Town Administrator shall from time to time appoint one or more Pound Keepers, and fix their remuneration.
12. The Animal Control Officer or any peace officer may capture or seize any dog or cat found running at large contrary to the provisions of this Bylaw, and shall deliver such dog or cat to the pound, and it shall be kept for seventy-two hours (72) and if not claimed and redeemed by the owner, the dog or cat may be sold for the cost of boarding, vaccination against rabies and if applicable license fees, but if such impounded dog or cat is not claimed and redeemed or sold within a period of ninety-six (96) hours, from the time of impoundment, the said dog or cat may be destroyed or disposed of by the Pound Keeper. When any dog or cat is captured and impounded, the Pound Keeper shall post a notice on the Notice Board at the Midale Post Office, giving a description of the said dog or cat, the date when it was impounded and the date and hour when it will be sold or destroyed. Such notice shall be posted seventy-two (72) hours before the said sale or destruction.
13. Pound Fees shall be as prescribed in Schedule "A".
14. (a) No owner or keeper of a dog or cat shall permit their dog or dogs or cat or cats on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training his dog or cat;  
(b) Section 14(a) shall not apply to an owner who is a blind person who is using the dog in question for a guide or "seeing-eye" dog.
15. A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat or taken to a licensed kennel during the whole period that the dog or cat is in heat; except that a female or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate on the premises of the owner.

- 16 (a) If a dog or cat defecates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.
- (b) Where, under Subsection (a) of this Section, the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.
- (c) Section 16 (a) and (b) shall not apply to an owner who is a blind person and who is using the dog in question for a guide or "seeing-eye" dog.
17. No owner or keeper shall permit his dog or dogs or cat or cats to damage public property.
18. (a) Every owner of a dog or cat shall:
- (i) provide his or her dog with a collar;
  - (ii) keep the tag issued by the Treasurer under the provisions of this Bylaw securely fixed on the dog's or cat's collar at all times.
19. Every person requested by the Treasurer to do so shall forewith deliver to him a statement in writing of the number of dogs or cats owned by him.
20. Any person teasing a dog or cat, enticing a dog or cat, baiting and throwing objects at a dog or cat confined within its owner's property shall be in violation of this Bylaw.
21. The Pound Keeper shall keep a record of all dogs and cats impounded and of the disposition made of same and shall make a monthly return to the Treasurer.
22. The Treasurer shall institute a proper accounting system to insure that official receipts are issued in respect of any license fees, pound fees or charges, or other monies received or collected in respect of this Bylaw, and that all records in respect to same are audited at the same time as the other Town records.
- 23 (a) Any owner whose dog or cat has bitten or attempted to bite any person in the Town of Midale is guilty of an offence and liable on summary conviction of the penalties prescribed in this Bylaw.
- (b) If a person is convicted of an offence under Section 23 (a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the Judge or Justice of the Peace may make and order:
- (i) directing that the dog or cat be kept by the owner or keeper under proper control; or
  - (ii) directing that the dog cat be destroyed; or
  - (iii) when a Judge or Justice of the Peace orders that a dog cat be destroyed, he may, by the same order direct the appropriate authority to destroy the dog or cat;
- in addition to assessing any fine upon conviction.
24. (a) Any owner whose dog and cat has bitten, killed or destroyed any other animal in the Town of Midale is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.

- (b) If a person is convicted of an offence under Section 24 (a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the Judge or Justice of the Peace may make an order:
- (i) directing that the dog or cat be kept by the owner or keeper under proper control; or
  - (ii) directing that the dog or cat be destroyed; or
  - (iii) when a Judge or Justice of the Peace orders that a dog or cat be destroyed, he may, by the same order direct the appropriate authority to destroy the cat or dog;
25. Every dog or cat that is found off the premises upon which it is habitually kept, without a tag and not under the control of any person, may be destroyed by the Chief of Police or his designate.
26. No owner of a dog or cat shall permit his dog or cat to be or become a nuisance by barking and howling or emitting other animal sounds.
27. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:
- (a) interfere with or attempt to obstruct a Pound Keeper, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any dog or cat in accordance with the provisions of this Bylaw.
  - (b) unlock or unlatch or otherwise open the van or vehicle which the dog or cat seized under this Bylaw has been placed so as to allow or attempt to allow any dog or cat to escape therefrom; or
  - (c) remove or attempt to remove any dog or cat from the possession of the Pound keeper, Animal Control Officer or Peace Officer.
28. Notwithstanding any other provision of this Bylaw, no person shall own, possess or harbor any dog of the Pit Bull Terrier breed, whether such dog is pure blood or part blood Pit Bull Terrier.
29. (a) Where an animal control officer or peace officer believes that a person has contravened the provisions of Sections 2, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 23, 24, 26, 27, & 28 hereof, he may be personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.
- (b) The notice of violation in Form A shall be in a form similar to that provided as Form A of this Bylaw and shall indicate thereon the Section of the bylaw which was contravened and the amount of the penalty to be paid as provided in Schedule "B" of this Bylaw;
- (c) Upon production of the notice of violation in Form A issued pursuant to subsection (a) within seven (7) days from the date of service together with payment as indicated on the notice of violation in Form A to the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form A was given.

(d) If payment is not received as provided in subsection (c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provision of this section shall not apply with respect to that offence. A person to whom a notice of violation in Form A is being issued pursuant to this section shall furnish any Animal Control Office or Peace Office, upon request, with his name and address.

30. Bylaw No. 4-90 is hereby repealed.



*Verna Douglas*  
\_\_\_\_\_  
Mayor Verna Douglas

*Bonnie Bjorndalen*  
\_\_\_\_\_  
Administrator B. Bjorndalen

Certified a true copy of  
Bylaw No. 97-04 passed by  
resolution of Council,  
April 8, 1997

*Bonnie Bjorndalen*  
\_\_\_\_\_  
Administrator

Schedule "A" to Bylaw No. 97-04

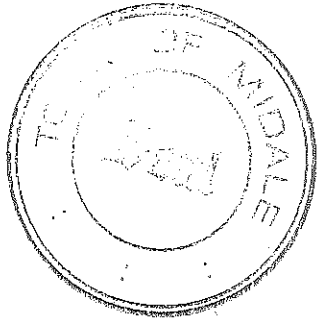
DOGS AND CATS

LICENSE FEE

- |   |         |
|---|---------|
| 1. All dogs and cats not spayed/neutered and not vaccinated | \$10.00 |
| 2. All dogs and cats spayed/neutered OR vaccinated          | \$10.00 |
| 3. All dogs and cats spayed/neutered AND vaccinated         | Free    |

FOUND FEES

- |                               |         |
|-------------------------------|---------|
| All dogs and cats, licensed   | \$10.00 |
| All dogs and cats, unlicensed | \$30.00 |



Schedule "B" to Bylaw No. 97-04

The penalty, pursuant for a person who has contravened the provisions of Sections 2, 8, 9, 10, 14, 16, 17, 18, 19, 20, 24, 26, and 27 shall be as follows:

LICENSED DOGS AND CATS

\$ 30.00 for first offence  
\$ 60.00 for second offence  
\$ 90.00 for third offence

UNLICENSED DOGS AND CATS

\$ 60.00 for first offence  
\$120.00 for second offence  
\$180.00 for third offence

The penalty, for a person who has contravened the provisions of Sections 23 and 28 shall be:

\$50.00

