

BYLAW NO. 2022-10

ANIMAL CONTROL BYLAW

A Bylaw of the Town of Midale in the Province of Saskatchewan for the Purpose of Licensing, Prohibiting, Regulating and the Controlling of Animals.

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

1) SHORT TITLE

This bylaw shall be cited as "The Animal Control Bylaw".

2) PURPOSE

The purpose of this Bylaw is to promote the safety, health and welfare of people and the protection of people and property in the Town of Midale, and to ensure the humane treatment and control of animals.

3) DEFINITIONS

In this Bylaw:

- a) "Animal" means any animal other than a human being.
- b) "Animal Control Officer" means that person(s) appointed by the Council for the Town of Midale for the purposes of this Bylaw.
- c) "Animal in Distress" means an animal that is experiencing one of the following conditions:
 - i. deprived of adequate food, water, care or shelter;
 - ii. injured, sick, in pain or suffering; or
 - iii. abused or neglected
- d) "Assist Dog" means a dog used to assist persons with disabilities or dogs used by the Royal Canadian Mounted Police.
- e) "Cat Trap" means a device used for the humane capture of a cat.
- f) "Dogs" or "Cats" include all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds.
- g) "Dog Run" means a structure designed and/or used for the keeping or containment of a dog.
- h) "Kennel" means any structure used by any person for boarding or otherwise caring for, training or whelping dogs or cats exceeding three dogs or three cats over the age of three months whether or not for reward, but does not include any premises occupied by a duly qualified veterinary surgeon for the practice of his profession.
- i) "Owner" means any persons, partnership, association, or corporation owning, possessing, harboring, having charge of or control over any animal, and includes a keeper of a dog or cat.



- j. "Pound Keeper" means that person, corporation, society or organization as may from time to time be appointed by the Council for the Town of Midale for the purpose of retaining impounded dogs and cats pursuant to this Bylaw.
- k. "Running at large" means:
 - i. being on public property unaccompanied by any person; or
 - ii. being on public property accompanied but not under the "complete" control of a person by means of a leash suitable to the size and strength of the animal; or
 - iii. being on private property unaccompanied or accompanied by any person but not under the complete control of a person by means of a leash suitable to the size and strength of the animal where the property owner has not given permission to the owner of the animal.
- l. "Vicious dog" means any dog, whatever its age, whether on public or private property which has without provocation:
 - i. exhibited threatening behavior which creates a reasonable threat of physical injury which may include, but not limited to growling, lunging, snarling or chasing in a menacing fashion; and/or
 - ii. caused serious injury which means a physical injury to a person or another domestic animal that results in lacerations that may require sutures; and/or
 - iii. bitten a person or persons whether on the property of the owner or not; and/or
 - iv. done any act to injure a person or persons whether on the property of the owner or not; and/or
 - v. 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 person; and/or
 - vi. caused death to a person and/or another animal.

4) LICENSING OF DOGS AND CATS

- a) No owner of any dog or cat shall be in possession of a dog or cat unless such dog or cat has been licensed. No dog or cat under the age of three months shall require a license.
- b) The license shall be a one-time fee good for the life of the dog or cat. In the event the license tag is lost, the owner must obtain another license tag at the prescribed fee.
- c) Registration of dogs and cats and payment of pet license fees shall be made at the administration office of the Town of Midale.
- d) The license fee shall be in accordance to "Schedule A".
- e) Upon payment of the license fee, the Town of Midale will issue a tag that bears a serial number. The owner shall ensure that a collar and the tag issued are worn by the dog or cat when the animal is off the premises of the owner.
- f) No unauthorized person shall remove a collar or tag from a dog or cat.

5) IMPOUNDING OF DOGS AND CATS

- a) No owner shall permit any dog or cat to be running at large in the Town of Midale.
- b) The Town Council is authorized to appoint an animal control officer or bylaw enforcement officer to restrain and impound any dog or cat found running at large in the Town of Midale.

c) When any dog or cat is captured, impounded or in violation by running at large, the Town of Midale shall post a notice on the Notice Board at the Town Office and websites maintained by the Town of Midale, giving a description of the said dog or cat. The Town of Midale shall charge fines as prescribed in "Schedule D" before the release of the said dog or cat. On the third occurrence, the said dog or cat will be transported to a Humane Society with no notice.

d) Pound Fees shall be all charges that the Pound Keeper may impose, as prescribed in "Schedule A".

6) DUTIES OF DOG AND CAT OWNERS

a) No owner or keeper of a dog or cat shall permit their dog(s) or cat(s) on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training the dog or cat.

b) No owner or keeper shall permit their animals to chase any pedestrian, vehicle or any other animal on a public thoroughfare.

c) 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 dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and urinate on the premises of the owner.

d) A kennel owner shall not locate a dog run closer than two meters to a property line.

e) If a dog or cat defecates on any public property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately. Where the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this bylaw.

f) No owner or keeper shall permit his dog(s) or cat(s) to damage public or private property.

g) Every owner of a dog or cat shall provide his or her dog(s) or cat(s) with a collar.

h) No owner shall use a choke chain on a dog or cat except when walking a dog or cat on a leash.

i) No person shall keep an animal within the town tethered on a chain, rope or similar restraining device of less than three meters in length.

g. Every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.

7) DOG RUNS

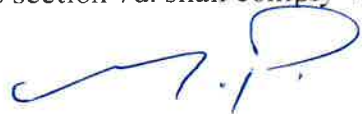
a) Where a dog is housed or kept in a dog run, the owner shall ensure that the dog run is kept in a sanitary condition, to protect the health and safety of the animal.

b) An owner shall ensure a dog run on the owner's property is located no closer than two meters to a property line.

c) An owner shall ensure that a dog run on the owner's property is constructed of material of sufficient strength and in a manner adequate to confine the dog and prevent the entry of children under twelve years of age.

d) If, in the opinion of a building official or police officer the condition or location of a dog run is not in accordance with this bylaw, the owner of the property on which the dog run is located may be ordered to clean, alter, demolish or relocate the dog run within a specified time period.

e) The person to whom the order is issued pursuant to section 7d. shall comply with



the order within the time specified in the order.

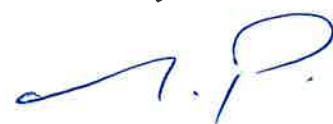
- f) An order to relocate a dog run issued pursuant to section 7d. will allow the owner of the property on which the dog run is located at least 30 days to relocate or remove the dog run.

8) LIVE CAT TRAPS

- a) A person bothered by a cat being at large may make application with the Town of Midale to receive a cat trap. Application for cat traps must be made by completing Schedule "B", attached hereto and forming a part of this bylaw. Only traps approved and distributed by the Town may be used.
- b) Where a cat trap is issued, the permittee shall:
- i) Place the cat trap only on the permittee's property;
 - ii. Personally check the trap at least once each hour while the trap is set;
 - iii. When a cat is trapped, contact the Town Office;
 - iv. Not use the trap when the temperature is:
 1. 0°C or less; or
 2. 28°C or more
 - v. Return the cat trap to the Town of Midale within 72 hours of the cat trap being issued; and
 - vi. Pay for the cost of repair or replacement of the cat trap if the issued cat trap is damaged, lost or stolen.
- c) When a cat has been trapped in a cat trap, the permittee shall, for as long as and until the Town of Midale can collect the cat or the cat can be conveyed to the pound:
- i) Hold the cat for no longer than 24 hours;
 - ii. Treat the cat humanely;
 - iii. Provide shelter for the cat in a warm, dry and secure area; and
 - iv. Provide food and water for the cat
- d) If a permittee cannot comply with the conditions in section 8b, the permittee must release the trapped cat unharmed.

9) GENERAL

- a) No person shall possess or harbor more than four dogs or four cats or a combination of both, for a total of four animals over the age of six months, except for dogs or cats kept in the ordinary course of business by the proprietors of the following premises:
- i) A veterinary hospital, clinic, or boarding kennel or grooming parlor
 - ii. A public pound
 - iii. A shop or breeder whose business includes the sale of pets
 - iv. A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals
- b) No person shall tease, entice, bait, or throw objects at a dog or cat confined within its owner's property.
- c) The operation of any kennel within the Town of Midale shall be subject to approval from the Medical Health Officer for the Saskatchewan Health Authority, and the kennel shall comply with the provisions of any Town of



Midale bylaws.

- d) Where any dog or cat is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten days and the matter immediately reported to the Medical Health Officer for the Saskatchewan Health Authority whose instructions shall be carried out.
- e) In cases of emergency for any cause, but more particularly for infectious disease caused by dogs or cats, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his dog or cat to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs or cats.
- f) No owner of a dog or cat shall permit his or her animal to be or become a nuisance by barking or howling or emitting other sounds continuously for a period exceeding ten minutes.
- g) The Animal Control Officer, Bylaw Enforcement Officer or any authorized Town of Midale representative may capture pests within the corporate limits of the Town of Midale and impound, destroy or otherwise dispose of such pest according to the Animal Protection Act of Saskatchewan.
- h) No person shall knowingly own, harbour, or leave an animal in distress.
- i) Any animal in distress within the Town of Midale shall be subject to *The Animal Protection Act, 1999*.

10) VICIOUS DOGS

- a) The Town of Midale may deem any dog vicious where it feels it is in the best interest of the public safety.
- b) Any owner of a vicious dog must ensure that:
 - i) The dog does not bite, injure, chase or attack a person or another animal whether on the property of the owner or not;
 - ii) When it is on the property of the owner it is confined in:
 - (1) an enclosed area or in a fenced yard clearly indicating the presence of a vicious dog, or
 - (2) a dwelling and under the control of a person over the age of sixteen (16) years, and
 - iii) When it is off the property of the owner, it is securely:
 - (1) muzzled, and
 - (2) harnessed or leashed in a manner that prevents it from biting, chasing or attacking a person or another animal, and
 - (3) harnessed or leashed in a manner that prevents it from causing death to a person or another animal.
- c) The Town of Midale may order any dog removed from town limits for the benefit of public safety.

11) OTHER ANIMALS

- a) It shall be unlawful to keep poultry, livestock and/or bees within the boundaries of the Town of Midale.
- b) Notwithstanding subsection 10 (a), and upon approval by Council, livestock may be allowed on Town of Midale rodeo grounds, or another area of the Town of Midale



for events that do not exceed 72 hours in length such as:

1. rodeo or fair
 2. agricultural display such as 4H or similar organization;
 3. petting zoo;
 4. pony ride, horse display or camp;
 5. parade; or
 6. activity similar to those described in subclauses 1-5
- c) No person shall own or harbor any animal, or hybrid of any animal, of the kind listed in "Schedule C" for any purpose.
- d) No person, partnership or corporation, whether operated separately or in connection with another business, shall operate a pet store that buys, sells, trades, exhibits or harbors any animal or hybrid of any animal of the kind listed in "Schedule C".

12) VIOLATIONS

- a) Where the administration or any authorized Town of Midale representative believes that a person has contravened any provisions of this Bylaw, he/she may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
- b) Such notice shall be deemed to have been served:
- i. On the expiration of twenty-four hours after it is posted, or the notice is mailed;
 - ii. On the day of actual delivery, if the notice is served personally; or
 - iii. On the business day following the transmission, if given by facsimile.
- c) A Bylaw Violation Notice shall state the section of the Bylaw, which was contravened, and the amount, which is provided in "Schedule D" that will be accepted by the Municipality in lieu of prosecution.
- d) Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in "Schedule D" to the Administration Office of the Town of Midale, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- e) Where any person contravenes the same provision of this Bylaw two or more times within one twelve-month period, specified payment payable in respect of the second or subsequent contravention is double the amount shown in "Schedule D" of this bylaw in respect of the provision.
- f) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice 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.
- g) Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 in the case of an individual or \$5,000 in the case of a corporation.
- h) Every person who contravenes any provision of Section 10c is guilty of an offense and liable on summary conviction:
- i. In the case of an individual, to a fine of not more than \$2,000.00.
 - ii. In the case of a corporation, to a fine or not more than \$5,000.00; and
 - iii. In the case of a continuing offence, to a maximum daily fine of not more than \$500.00 per day.



- 13) REPEAL OF FORMER BYLAWS
That Bylaw No. 2020-02, and all previous animal control bylaws be hereby repealed.
- 14) COMING INTO FORCE
This bylaw shall come into force and takes effect on the date of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 27th DAY OF OCTOBER, 2022.

READ A SECOND TIME THIS 27th DAY OF OCTOBER, 2022.

READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT ON THIS 27th DAY OF OCTOBER, 2022.




Deputy Mayor Gregg Prawdzik


Administrator Dena Scott

Certified a true copy of Bylaw No. 2022-10
adopted by resolution of the council present at the
special meeting on the 27th day of October, 2022.


Administrator

SCHEDULE A

TO BYLAW NO. 2022-10

1. The licensing fee for Assist Dogs shall be no charge.
2. The licensing fee for all Dogs and Cats, other than Assist Dogs shall be a one-time \$10.00 fee.
3. The fees for impounding Dogs and Cats are all applicable pound fees due upon the release of the dog or cat, as well as any recovery costs directly associated with the keeping of said dog or cat.



SCHEDULE B

TO BYLAW NO. 2022-10

CAT TRAP APPLICATION FORM

Date: _____ Trap#: _____

Civic address of intended location of Trap:

I, the undersigned, agree to the following terms and conditions:

- The cat trap will be placed only on my property within the Town of Midale.
- I will personally check the cat trap at least once every hour while the trap is set.
- When a cat is trapped, I will contact the Town Office immediately if it is during regular office hours.
- When a cat is trapped, I will treat it humanely. I will also provide shelter, food and water for the trapped cat. I will leave the cat in the trap and I will place the trap in a warm, dry and secure area (such as a shed, garage or basement) with a blanket placed over the trap to pacify the cat. If I cannot comply with these conditions, I will free the trapped animal unharmed.
- I will not allow harm to come to any trapped cat while in my possession including exposure to inclement weather.
- I will not use the cat trap when the temperature falls below 0°C or rises above 28°C.
- I give my permission to the Town of Midale to enter onto my property to ensure the cat trap is being used properly.
- I will advise the Town of Midale of the name and address of the owner of the trapped cat, if known.
- I will pay the cost to repair or replace the cat trap if it is damaged, lost or stolen while in my possession.
- I will not set the trap on statutory holidays or days when the Town Office is closed.
- I will return the cat trap to the Town of Midale within 72 hours after the cat trap was issued.

It is as serious offence to harm any domestic animal.

I understand and accept all liability that may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the Town of Midale for all such liability.

Signature: _____

Name of Permittee: _____



SCHEDULE C

TO BYLAW 2022-10

ANIMALS PROHIBITED FROM BEING KEPT WITHIN THE TOWN OF MIDALE

- All arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola)
- 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 even-toed ungulate (such as pigs)
- All felids, except the domestic cat
- All hyenas
- All marsupials (such as kangaroos and opossums)
- All mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret
- All non-human primates (such as gorillas and monkeys)
- 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.



SCHEDULE D
TO BYLAW NO. 2022-10

VOLUNTARY PAYMENT SCHEDULE

Section of Offence:	Offence:	Amount
Section 4a	Unlicensed Animal	\$100.00
Section 4e	Removing License Tag	\$50.00
Section 5a	Running at Large	\$200.00
Section 6b	Chasing Other Animals or Vehicles	\$100.00
Section 6c	Failure to Keep Animal in Heat Housed	\$100.00
Section 6e	Failure to Remove Defecation	\$100.00
Section 6f	Damage to Public/Private Property	\$100.00
Section 7a	Unsanitary Dog Runs	\$100.00
Section 7c	Failure to Clean, Alter, Demolish, or Relocate Dog Run	\$250.00
Section 8b	Inhumane Treatment of Trapped Cats	\$250.00
Section 9b	Teasing an Animal	\$100.00
Section 9f	Causing a Nuisance to Others	\$50.00
Section 9h	Animal in Distress	\$250.00
Section 10a	Other Animals	\$100.00
	Any Other Section of this Bylaw	\$50.00

For any second offense by one animal owner in a twelve (12) consecutive month period:

2 times listed penalty

For any third occurrence of running at large by one animal owner in a twelve (12) consecutive month period:

The animal will be transported to a Humane Society

