

CITY OF MELFORT

BYLAW NO. 2019-28

A BYLAW OF THE CITY OF MELFORT TO REGULATE & CONTROL THE OWNERSHIP AND POSSESSION OF DOGS WITHIN THE CITY.

WHEREAS the City of Melfort is empowered by Sections 8 (1) (k) of the Cities Act to regulate and control persons owning or harbouring any animal within the City of Melfort:

The Council of the City of Melfort, in the Province of Saskatchewan, in open assembly, enacts as follows:

1. In this bylaw unless the context otherwise requires, the expression:
 - (a) “Animal Control Officer” means any person authorized by Council to enforce the provisions of this Bylaw, any member of Melfort RCMP and any other person or agency appointed by Council to restrain, receive or impound animals;
 - (b) “Council” shall mean the Council of the City of Melfort;
 - (c) “Dog” includes a puppy and any adult male or female dog;
 - (d) “Dog run” shall mean any enclosure or structure of any kind whatsoever, designed or used for the harbouring or containment of a dog or dogs;
 - (e) “Owner” shall mean any person owning, possessing, or harbouring a dog;
 - (f) “Running at Large” shall mean a dog found upon any street, lane, sidewalk, or within any park, school ground, or other public place within the City of Melfort, unaccompanied by any person or accompanied but not under the complete control of any competent person by means of a leash, or being on private property without the permission of the owner or occupant of such property.
2. (1) In this Bylaw, words in the singular include plural and words in the plural include the singular.
 - (2) This Bylaw may be referred to as the “Dog Control Bylaw”.

Licensing of Dogs

3. (1) (a) Every dog owner shall apply to the City Treasurer for a license to own and harbor a dog in the City of Melfort. The dog owner will be issued a dog tag after paying the appropriate license fee as shown in

Schedule "A" of this Bylaw. The owner shall cause the dog to wear a collar to which shall be attached the dog license tag issued by the City Treasurer.

- (b) A person being the owner of a dog which is not licensed according to subsection (1)(a) of this section or is found not wearing the license tag issued under subsection (1)(a) shall be guilty of an offense.
- (2) No person other than the owner shall remove a collar or license tag, provided in accordance with subsection (1) of this Section, from a licensed dog.
- (3) A dog used by an individual, as a special needs guide and specifically trained for that purpose shall be licensed. Notwithstanding subsection (1), no license fee shall be payable by the owner of a dog used as a special needs guide.
- (4) Licenses issued pursuant to this section are non-transferable and non-refundable.

Dogs Running at Large

- 4. Every person being the owner of a dog found running at large is guilty of a breach of this Bylaw.
- 5. The North East SPCA is hereby designated as the City's official dog pound. If the situation warrants the designation of an additional or alternate dog pound facility, such designation shall be approved by resolution of Council.
- 6. The City Council hereby appoints the North East SPCA the Poundkeeper to carry out the provisions of this Bylaw.
- 7. The Poundkeeper shall receive and detain in a Pound any dog found running at large and shall detain that dog until he shall have disposed of it in accordance with the provisions of this Bylaw.
- 8. Any person of the full age of eighteen (18) years may restrain any dog found running at large in the City of Melfort and shall deliver the dog so restrained to the Poundkeeper. The person shall leave with the Poundkeeper a statement in writing, describing the name of the owner of the dog (if known) and the place and time of restraint.
- 9. The City Council shall appoint an Animal Control Officer whose duty is to restrain and impound any dog found running at large in the City of Melfort.
- 10. The Poundkeeper shall keep a record of all dogs impounded and of the time and manner of their disposal and shall make monthly returns to the License Inspector of all fees received. The record book shall be open for inspection at any time the Poundkeeper is in attendance at the Pound.
- 11. Any Poundkeeper appointed under the provisions of this Bylaw is hereby empowered to collect all necessary charges and fees in connection with the impounding of dogs and for the keeping of such dogs at the Pound.
- 12. If an impounded dog is licensed, the Poundkeeper shall within twenty-four (24) hours forward to the owner a notice by telephone or in writing advising such owner of the

impounding and setting forth the amount required to be paid in order to have the dog released.

13. The owner shall provide reasonable evidence that he is the lawful owner or person entitled to the possession of any impounded dog and shall pay to the Poundkeeper an impoundment charge, as set out in the Schedule "A" to this Bylaw plus any and all costs associated with such impoundment.
14. Where an impounded dog is required by Bylaw to be licensed and a license fee has not been obtained, that license fee shall be paid in addition to the impoundment charge and applicable costs before the dog is released from the Pound.
15. If an impounded dog is not claimed within seventy-two (72) business hours from the time the dog is received at the Pound, the dog may be given away without further notice after the expiration of the said period, provided all fees, charges and costs are paid prior to release.
16. All dogs impounded under the provisions of this Bylaw and which have not been claimed or given away as herein provided may be destroyed at the expiration of the time mentioned in Section 15.

Defecation

17. (1) If a dog or other animal defecates on any public or private property within the City of Melfort other than on the property of its owner, the owner of the animal shall cause the defecation to be removed immediately.
- (2) Any person owning or occupying property in the City of Melfort shall remove any and all dog defecation from the said property on a daily basis and shall dispose of the defecation in a sanitary manner.
- (3) Failure to cause the removal of defecation as required by subsection (1) or (2) of this section shall be a breach of this Bylaw.

Female Dogs

18. Every owner of a female dog in heat shall keep the dog housed at all times during the whole period that the dog shall be in heat. Failure to do so shall be a breach of this Bylaw.

Dog Runs

19. (1) No person shall construct or cause to be constructed a dog run on any property in the City of Melfort within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- (2) A dog run shall be constructed of only impervious materials or wood, and no person shall place or allow to be placed any pervious materials within a dog run.
- (3) A dog run shall be kept at all times in a sanitary condition, and the removal and disposition of all refuse shall be done in a regular and sanitary manner.

Dog Restraints:

20. A dog which is restrained on private property by means other than an approved dog run, shall be restrained in the following manner:
- (a) The restraint shall be of sufficient strength and kept in a state of repair so that the dog will not be able to escape.
 - (b) The restraint shall be constructed of a material which will not allow the dog to chew through.
 - (c) The restraint shall be securely situated in the yard such that it will not allow the dog to approach closer than one meter (1 metre) to any adjoining property, street or lane.

Harbouring

21. (a) No person in the City shall harbour or keep more than three (3) dogs in any one location.
- (b) Section 21(a) shall not apply to any person harbouring or keeping dogs:
- (i) For commercial breeding purposes.
 - (ii) For boarding on a commercial basis.
 - (iii) For a period not exceeding 12 weeks following the birth of a litter of puppies, to provide an opportunity for dispersal of the litter.
- providing the harbourage or keeping, in the opinion of the Animal Control Officer, does not constitute a nuisance.

Penalties

22. Every person who contravenes any of the provisions of this Bylaw, or fails to comply therewith, or with any notice or order given hereunder, shall be guilty of an offence and liable to the penalty as herein provided.
23. (1) Any person convicted of a breach of this Bylaw shall forfeit and pay at the discretion of the Provincial Magistrate or Justice of the Peace having jurisdiction in the City of Melfort the penalties as provided in the Schedule to this Bylaw, and upon default of payment thereof the person convicted may be committed to jail, the guard room of the Royal Canadian Mounted Police, or to a public lockup for any time determined by the Provincial Magistrate or Justice of the Peace, not exceeding thirty (30) days, unless the penalty or penalty and license fee, as the case may be, and the costs of committal and conveyance of the person convicted to jail, guard room or lock up, are sooner paid.
- (2) (a) a violator of sections 3(1), 4 upon being served with a Notice of Violation may voluntarily pay the prescribed penalty in the Schedule to this Bylaw to the Poundkeeper.
- (b) where the Poundkeeper receives voluntary payment of the prescribed amount, the person receiving the notice of violation shall not be liable to prosecution of the alleged contravention.

(c) nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this Bylaw.

Repeal of Previous Bylaws

24. That Bylaw No's 2003-05, 2012-24, 2013-26 and 2015-03 are hereby repealed.

25. This Bylaw shall come into force and take effect on January 1, 2020.

INTRODUCED AND READ a first time this 9th day of December, 2019.

READ a second time this 9th day of December, 2019.

READ a third time and passed this 9th day of December, 2019.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2019-28
adopted by resolution of Council on the 9th
day of December, 2019.

City Clerk

SCHEDULE "A"

To Bylaw No. 2019-28

A. Penalties

1. The 1st penalty for violating sections of this Bylaw is \$50.00.
2. The penalty for the second violation of this Bylaw in the same calendar year is \$125.00.
3. The penalty for the third or subsequent violations of this Bylaw in the same calendar year is \$250.00 per violation.

B. License Fee

1. (a) The license fee for each year under Section 3(1)(a) shall be Thirty-one (\$31.00) Dollars.
2. Where, upon application for a license, the owner provides a certificate from a certified veterinarian stating that the dog has been neutered/spayed, the license fee for that year and each year after shall be Eleven (\$11.00) Dollars.

C. Impoundment Fee

1. The impoundment fee under section 13 shall be Fifty (\$50.00) Dollars per occurrence.

D. Housing/Boarding Charges

Per day or Part Thereof

Actual cost charged by pound