

CITY OF HUMBOLDT

BYLAW NO. 29/2013

A BYLAW OF THE CITY OF HUMBOLDT TO REGULATE AND CONTROL THE OWNERSHIP AND POSSESSION OF DOGS AND CATS WITHIN THE CITY

WHEREAS the City of Humboldt is empowered by Section 8(1)(k) of the *Cities Act* to regulate and control persons owning or harboring any animal within the City of Humboldt; the Council of the City of Humboldt enacts as follows:

TITLE

1. This Bylaw may be referred to as “The Dog and Cat Control Bylaw”.

DEFINITIONS

2. In this Bylaw unless the context otherwise requires:
 - a) “**Animal Control Warden**” shall mean the Bylaw Officer and/or any such person or persons as may be designated by the City, from time to time, to enforce the provisions of this Bylaw and includes the agents or employees of that person or those persons so designated.
 - b) “**Cat**” means either male or female cat of the Family Felis Domestica.
 - c) “**Council**” means the Council of the City of Humboldt.
 - d) “**Dog**” means either male or female of the Family Canidae.
 - e) “**Dog Run**” means any enclosure or structure of any kind whatsoever, designed or used for the harboring or containment of a dog or dogs.
 - f) “**Medical Health Officer**” means a veterinarian registered to practice in the Province of Saskatchewan, who is appointed by the City of Humboldt for the purposes indicated in Section 8 of this bylaw.

- g) “**Owner**” includes:
- i) a person, persons, partnership, association or corporation who keeps, possesses, harbors; or has care of or control of a dog or cat;
 - ii) the person responsible for the custody of a minor where the minor is the owner of a dog or cat;
- but does not include:
- iii) a veterinarian registered pursuant to *The Veterinarians Act, 1987* who is keeping or harboring a dog or cat for the prevention, diagnosis or treatment of a disease or an injury to the cat or dog;
 - iv) an urban municipality or the Saskatchewan Society for the Prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it;
- h) “**Pound**” means such premises and facilities as may be designated by the City, from time to time, as the pound.
- i) “**Poundkeeper**” means a person, persons, or associations designated by the City, from time to time, to maintain and administer the pound.
- j) “**Running At Large**” means off the premises and boundaries of the land occupied by the owner, possessor or harbinger or beyond the boundaries of any lands where the dog or cat may be with the permission of the owner or occupier of the lands and is not under control by being tied or secured to a leash or chain or other similar restraining device not exceeding two meters in length.

PART I: CARE, CONTROL AND LICENSING

3. LICENSING

- a) Every owner of a dog or cat three months old or older shall, not later than the 1st day of February in each year, or within 10 days after becoming an owner of a dog or cat, obtain a license for the dog or cat from the City. The license shall not be transferable to any other dog or cat or other owner. The onus of proof as to the exact date when the owner became the owner of the dog or cat shall be on the owner.
- b) The license year for dogs and cats shall be from January 1 to December 31 of the same year.

- c) When applying for a license under this section, the applicant shall provide the City with a description of the dog or cat, the name and address of the owner, and any other relevant information that may be required by the City.
- d) When issuing a license for a dog or cat, the City shall supply the applicant with a tag, the form of which and lettering or numerals inscribed or imprinted thereon as may be determined by the City and a receipt for payment of the license, and the owner shall attach the tag to the collar to be worn around the neck of the dog or cat.
- e) The annual license fee shall be the fees set out in Schedule “A” of this Bylaw, provided that where a dog has been declared to be a dangerous dog under the provisions of City of Humboldt Bylaw No. 08/2003, the annual license fee shall be \$200.00.
- f) A dog that is used as a guide or “seeing eye” dog by a blind person shall be licensed with the City and the City shall issue the license without the prescribed fee.
- g) In the event that a tag is lost or destroyed, a duplicate will be issued by the City upon presentation by the owner of a receipt showing payment of the license fee for the current license year and upon payment of the sum of \$5.00 for the issuance of the duplicate.
- h) The provisions of this section shall not apply to dogs and cats kept in the ordinary course of business by the proprietors of the following premises namely:
 - i) a veterinary hospital, clinic, boarding kennel or grooming parlor;
 - ii) a public pound;
 - iii) a shop whose business includes the sale of pets and is licensed as such;
 - iv) a shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals;
- i) The owner of a dog or cat shall ensure that the dog or cat wears a collar to which is attached a current license tag whenever the dog or cat is off the premises of the owner, provided that this provision shall not apply while a dog or cat is participating in a recognized show, obedience trial or field trial.

PART II: OFFENSES

4. RUNNING AT LARGE

- a) No owner of a dog or cat shall permit his dog or cat to run at large in the City of Humboldt.
- b) When a dog or cat is found running at large, its owner shall be deemed to have failed or refused to comply with the requirements of the previous subsection.

5. SEIZURE AND IMPOUNDING

- a) An Animal Control Warden, Poundkeeper, or Peace Officer may seize and impound any dog or cat running at large.
- b) An Animal Control Warden, Poundkeeper or Peace Officer may enter onto the land surrounding any building in pursuit of any dog or cat that has been observed running at large.
- c) No person, whether or not they are the owner of a dog or cat which is being or has been pursued or seized shall:
 - i) interfere with or attempt to obstruct an Animal Control Warden, Poundkeeper, or Peace Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.
 - ii) unlock or unlatch or otherwise open the van or vehicle in which dogs or cats seized under this Bylaw have been placed, so as to allow or attempt to allow any dog or cat to escape therefrom.
 - iii) remove or attempt to remove any dog or cat from the possession of the Animal Control Warden, Poundkeeper, or Peace Officer.
- d) The Poundkeeper shall keep all impounded dogs and cats for a period of at least 72 hours, excluding the day of impounding. Sundays and statutory holidays shall not be included in the 72 hour period. During this period the owner may reclaim the dog or cat from the pound upon payment to the City of the fees set out in Schedule "B" of this Bylaw.
- e) No unlicensed dog or cat that is impounded shall be released to its owner or to any other person until a license has been purchased for it.

- f) Where the dog or cat impounded is wearing a collar to which is attached a license tag valid for the current year, the Poundkeeper or the Animal Control Warden shall immediately contact the owner by telephone, or in writing, of the seizure of the cat or dog at large at the telephone number or address shown in the City of Humboldt licensing records or property tax assessment records. No liability whatsoever shall attach to the City, the Animal Control Warden or the Poundkeeper by reason of the failure of the owner to receive such notice.
- g) Where a dog or cat has not been reclaimed within the period set out in Subsection (d) hereof, or where the owner of a dog or cat has failed or refused to comply, within said period, with the conditions set out in Subsections (d) and (e) hereof, the Poundkeeper may sell or destroy the dog or cat or give the dog or cat to the Society for the Prevention of Cruelty to Animals.

6. LITTER

- a) If a dog or cat defecates on any public or private property other than the property of its owner, the owner of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be a breach of this Bylaw.

7. NUISANCE

- a) No owner of a dog or cat shall permit the dog or cat to bark, howl, meow or otherwise make noise so as to create a nuisance. For the purposes of this section, a dog or cat is creating a nuisance if a person not situated on the property where the dog or cat is located can easily hear the noise being made by the animal.
- b) On a complaint made in writing to the Animal Control Warden that any dog or cat has been causing a nuisance, the Animal Control Warden, upon being satisfied of the truth of the complaint, may notify the owner of such dog or cat to abate the nuisance within 48 hours after receipt of the notice. The notice shall be in writing and shall be served personally upon the owner or left with some adult person at the residence of the owner.
- c) An owner shall be deemed to be in breach of section 7(a) if the City receives a second or subsequent written complaint that any dog or cat has been causing a disturbance, within 30 days after the expiry of the 48 hour period set out in the notice served on the owner under subsection (b).
- d) The owner of a female dog or cat in heat shall keep such dog or cat confined to a house or kennel.

8. RABIES AND OTHER DISEASE

- a) In the case of an emergency for any cause, but more particularly for the infectious disease, the Medical Health Officer is authorized to order that no owner shall suffer or permit his dog or cat to be on any place beyond or outside the boundary of the place of residence of the owner at any time, whether on a leash or under proper control, until such order is revoked.
- b) The Medical Health Officer may order the compulsory inoculation of any dog or cat.
- c) An owner of a dog or cat who neglects or refuses to comply with any order of the Medical Health Officer made under the provisions of this section shall be guilty of an infraction of this Bylaw.

9. DOG RUNS

- a) No person shall construct or cause to be constructed a dog run on any property in the City of Humboldt within one (1) meter of the property line or within five (5) meters of a neighboring dwelling unit.
- b) 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.
- c) 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.

10. DOG RESTRAINTS

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 that 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 (1) meter to the owner's property line or any other property line.

11. PENALTIES

- a) A person who contravenes a provision of Part I or Part II of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and shall be liable, upon conviction to a fine of not less than the mandatory minimum fine prescribed in Schedule D.
- b) Conviction of a person for breach of any provision of this Bylaw does not relieve him/her from compliance with the Bylaw, and the convicting Justice of the Peace or Judge of the Provincial Court may, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of this Bylaw or to remedy any breach thereof.
- c) A person who fails within the period specified in an Order under Subsection (b) to comply with the Order is guilty of an offence and liable upon summary conviction to a fine of \$200.00 for each day during which the breach continues.

12. PENALTY NOTICE

- a) Where an Animal Control Warden or Peace Officer believes that a person has contravened the provision of this Bylaw, he/she may by personal service, serve or cause to be served upon such person a notice as provided by this Section.
- b) The Notice shall be in a form similar to that provided in Schedule "C" of this Bylaw and shall indicate thereon the Section of the Bylaw that was contravened and the amount of the penalty to be paid.
- c) Upon production of the Notice issued pursuant to Subsection (a) within ten (10) days from the date of service together with payment as indicated on the Notice from the Animal Control Warden, the person to whom the Notice was issued shall not be liable for prosecution for the contravention in respect of which the Notice 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 provisions of this Section shall not apply with respect to that offence.

13. REPEAL OF BYLAW

Bylaw No. 07/2003 is repealed.

14. This Bylaw shall come into force and take effect on January 1, 2014.

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli

Read a first time this 9th day of December, 2013.

Read a second time this 9th day of December, 2013.

Read a third and final time this 9th day of December, 2013.

SCHEDULE "A"

Pursuant to Section 3 subsection (e) of Bylaw No. 29/2013, of the City of Humboldt.

LICENSE FEES: DOGS AND CATS

a)	Neutered Male.	\$ 15.00
b)	Spayed Female.	\$ 15.00
c)	Male.	\$ 40.00
d)	Female.	\$ 40.00
e)	Dangerous Dog.	\$200.00

Any new license issued on or after the 1st day of September of each year shall pay one-half of the applicable license fee listed above.

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli

SCHEDULE "B"

Pursuant to Section 5 subsection (d) of Bylaw No. 29/2013, of the City of Humboldt.

IMPOUNDMENT FEES

First Impoundment (In the calendar year).	\$ 50.00
Second Impoundment (In the calendar year).	\$ 75.00
Third Impoundment (In the calendar year).	\$100.00
Fourth & Subsequent Impoundment (In the calendar year).	\$125.00

Plus

Care and Sustenance Fee - \$10.00 per day

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli

SCHEDULE "C"

Pursuant to Section 13, subsection (b) of Bylaw No. 29/2013, of the City of Humboldt.

**CITY OF HUMBOLDT
BYLAW ENFORCEMENT DEPARTMENT**

Date of Issue: _____

This Official Notice is issued for breach of Bylaw No. 29/2013 The Dog And Cat Control Bylaw.

OFFENCE

- Section 3 – Failure to obtain a dog or cat license.
- Section 4 – Running at large.
- Section 6 – Failure to remove animal feces on private property.
- Section 7 – Nuisance by barking, howling, meowing or other noise.
- Other – Specify: _____

Penalty: \$ _____

If the penalty indicated is not received by: _____

A summons requiring your appearance in Magistrate’s Court will be issued.

License No.	Date	Time

Description of () dog () cat () female () male

Location of Offence

Owner Name

Address

Issued By

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli

SCHEDULE "D"

Minimum Fines Pursuant to Section 12

Offence	Minimum Fine		
	<u>1st Offence Per Calendar Year</u>	<u>2nd Offence Per Calendar Year</u>	<u>Subsequent Per Calendar Year</u>
(a) failure to license cat or dog [Section 3]	\$100	N/A	N/A
(b) cat or dog being at large [Section 4]	\$100	\$200	\$300
(c) failure to immediately remove a dog or cat's excrement(defecation) from public or private property other than the property of the dog or cat's owner [Section 6]	\$100	\$200	\$300
(d) cat or dog creating a nuisance by barking, howling, meowing or making some other noise [Section 7]	\$100	\$200	\$300

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli