

**TOWN OF ASQUITH
BYLAW NO. 2-2024
ANIMAL CONTROL BYLAW**

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

Title

1. This bylaw may be referenced as the “Animal Control Bylaw”.

Purpose

2. The purpose of this Bylaw is as follows:
 - a. to provide for the licensing of cats and dogs;
 - b. to control and regulate cats and dogs;
 - c. to provide for the impounding of cats and dogs that are at large; and
 - d. to control and regulate exotic and wild animals.

Definitions

3.
 - a. “dogs” shall mean a male or female dog or a male or female puppy over eight (8) weeks of age, members of the *canis genus species*;
 - b. “cats” shall mean a male or female cat or a male or female kitten over eight (8) weeks of age, members of the *felis catus species*;
 - c. “Council” shall mean the Council of the Town of Asquith;
 - d. “Owner or Keeper” includes
 - i. any person who owns or suffers any dog or cat to remain about his house, home, place of residence or premises;
 - ii. the person responsible for the custody of a minor where the minor is the owner of a dog or cat.
 - e. “Animal Control Agency or Animal Control Officer” shall mean the Animal Control Agency/Officer appointed by the Town of Asquith;
 - f. “Municipality” shall mean the Town of Asquith;
 - g. “Dog/Cat Catcher” shall mean any person or persons engaged by the Town of Asquith for the purpose of enforcing this Bylaw;
 - h. “Poundkeeper” shall mean the person appointed as poundkeeper by the municipality
 - i. “Running at large” shall mean off the premises and boundaries of the land occupied by the owner, possessor or harbourer 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.
 - j. "Bylaw Enforcement Officer" means the person or persons appointed or contracted by the Council of the Town of Asquith for the purpose of enforcing the provisions of this bylaw.
 - k. "Dangerous Animal" – means
 - i. any animal, that without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - ii. any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animals;
 - iii. any animal which is owned primarily or in part for the purpose of animal fighting or is trained for fighting;
 - iv. any animal that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.
 - l. "Working Guide Dog" means any dog whose primary purpose is to guide and aid individuals who are visually or physically impaired and who have successfully completed a recognized training program for use as a service dog.

Licensing

4. Licenses

- a. Every person who owns, possesses, shelters, feeds, or waters a dog and/or cat that is over four months old within the Town of Asquith shall obtain a license from the Town Office, and failure to do so shall constitute an offence under this Bylaw;
- b. Any person who contravenes Subsection 4 (a) is guilty of and is liable to a fine of \$150.00;
- c. The license referred to in Subsection 4 (a) shall not be transferable;
- d. The license shall be in effect from January 1 to December 31 of a calendar year and shall be obtained before February 1;
- e. The annual license fee for each cat and/or dog shall be:
 - a. neutered or spayed dogs and cats \$10.00
 - b. unneutered or unspayed dogs or cats > 1 year of age \$50.00Unless a veterinarian has recommended delay of neuter in writing.
The onus of proof of neutering shall be on the person registering their cat or dog;
- f. Every person to whom a license has been issued under this Bylaw shall cause his or her dog to wear a collar to which the license tag shall be attached. Upon satisfactory proof that the license originally issued has been lost, the Administrator shall issue a replacement tag for two dollars (\$2.00);
- g. A dog registered by a sightless person and used as a guide, shall be registered and licensed as provided in this Bylaw, but without charge;
- h. Photos of the dog or cat must be provided at the time of licensing to aid in identification of the animal. One photo must clearly show the face, and one must show the entire body with any distinguishing features displayed.

Regulation and Control of Cats and Dogs

5. Running at Large

- a. The owner or keeper of a dog or cat shall not at any time allow his or her dog or cat to run at large in the Town of Asquith, and for the purposes of this Bylaw, a dog or cat shall be deemed to be running at large when it is beyond the boundaries of the land occupied by the owner or keeper of the said dog or cat, or beyond the boundaries of any land where it may be with the permission of the owner or occupant of the said land, and when it is not under control by being:
 - i. on a leash and in direct and continuous charge of a person competent to control it; or
 - ii. securely confined within an enclosure; or
 - iii. securely fastened so that it cannot roam at will.
- b. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office.
- c. Any animal found running at large that attacks or bites a person shall be, at the owner's expense:
 - i) destroyed in accordance with any order or recommendation by a medical health officer; or
 - ii) permanently removed from the municipality

6. Cat Traps

- a. A person may obtain a cat trap from the Town Office or from the Dog/Cat Catcher and when requesting a cat trap shall provide the Town Office or Dog/Cat Catcher with the name, address, and telephone number of the person requesting the trap.
- b. A person requesting a trap for a cat shall comply with the terms and conditions for the use of the trap, including the treatment and disposition of any trapped cat, as established by the Town of Asquith. Any person who fails to comply with the terms and conditions is guilty of an offence and liable on summary conviction to the penalty contained in Section 12.

Impounding of Cats and Dogs

7. Seizure of Dogs and Cats

- a. Any dog or cat found running at large contrary to the provisions of this Bylaw may be taken by any person to the pound;
- b. The Dog/Cat Catcher or any other person authorized by the Council is hereby authorized to seize and capture; by the use of tranquilizer or other humane method, and impound any dog running at large contrary to the provisions of this Bylaw; or where the owners or keepers thereof have not complied with the provisions of this Bylaw;
- c. No person, including the person who is the owner of the cat or dog which is being impounded or has been impounded, shall interfere with the Dog/Cat Catcher, Pound Keeper, animal protection officer or peace officer impounding any cat or dog in accordance with the provisions of this Bylaw;
- d. If a dog or cat is impounded wearing a valid license tag, the Municipality shall immediately notify the owner, by telephone or in writing, of the seizure of the cat or dog at the telephone number or address shown in the records. No liability whatsoever shall attach to the Municipality by reason of the failure of the owner to receive such notice;
- e. Where any dog or cat not wearing a license as provided in this Bylaw is impounded, the Administrator shall immediately post notice in the Town Office, on the Town website and on the outside bulletin board, giving a description of the dog or cat, the date and time when it was impounded;
- f. The Town of Asquith shall pay for the boarding of an animal that has been impounded for five days. Thereafter, it will be rehomed or euthanized.

Nuisance Prohibited

8. Nuisance Prohibited

- a. Dogs Barking or Howling
 - i. No person who owns, keeps, shelters, feeds, waters, or allows a dog to stay in his premises shall allow such dog to bark excessively or howl excessively;
 - ii. Any person who allows a dog to bark excessively or howl excessively shall be deemed guilty of an infraction of this bylaw;
 - iii. The Municipality may issue a written order under Section 8 if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling excessively or that would lessen its nuisance factor;
 - iv. The Municipality may apply to a judge to have a dog that barks or howls excessively, at the owners expense, muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality.
- b. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
 - i. The Town of Asquith may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice.
 - ii. If a notice under Subsection 8 (b)(i) is not served personally on an owner or occupant of private property, than a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the Town.
 - iii. The Town may remove the feces from the property if:
 1. the person to whom the request is made fails to remove the feces within the 72 hours; or
 2. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
 3. If the Town carries out the work under Subsection 8 (b)(iii) the costs and expenses incurred are a debt due to the Town and the Town may recover the costs and expenses:
 - a. by action in a court of competent jurisdiction;
 - b. in the same manner as municipal taxes; or

- c. by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

Dangerous Dogs/Cats

9. Dangerous Dogs/Cats

- a) Subject to the Public Health Act and any regulations thereunder providing that when, upon complaint that a dog or cat has bitten or attempted to bite a person, it appears to the Justice of the Peace or Provincial Court Judge having cognizance of the complaint that the dog or cat is dangerous, the Justice or Judge may make an order directing that the dog or cat be kept by the owner, possessor or harbourer under proper control or be destroyed; and that person failing to comply with the order shall be liable to a fine not exceeding twenty dollars (\$20.00) for every day during which the failure continues; and providing that, when a dog or cat is ordered to be destroyed, the Justice or Judge may, by the same order, direct any person to destroy the dog or cat.
- b) Where an owner possesses a dog that displays outward signs of aggression such as threatening barking, growling, snapping, lunging, frothing at the mouth, etc. such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property.
- c) Where a dog displays aggressive behavior as described in subsection (b), the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog.
- d) Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in Subsection 9 (c), the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality.
- e) An order written under Subsection 9 (d) is not limited to the following but may contain any or all of the following requirements:
 - i. repair or construction of a property line fence;
 - ii. repair or construction of a dog run;
 - iii. physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
 - iv. locking of perimeter fences or dog runs;
 - v. posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

Entry and Search

10. Entry and Search in relation to Dangerous Animals

- a) If a peace officer as defined by the Criminal Code or a designated officer has reasonable grounds to believe that an animal that is dangerous or has been ordered to be destroyed or otherwise disposed of is in or on any premises, the peace officer or designated officer may enter the premises and search for and impound the animal in accordance with Section 378(1) of *The Municipalities Act*, and as amended from time to time by the Act:

378(1) A peace officer or a designated officer who has reasonable grounds for believing that an animal is dangerous or has been ordered to be destroyed or otherwise disposed of and is in or on any premises other than a private dwelling may, with or without a warrant:

- a. enter the premises;*
- b. search for the animal; and*
- c. either impound the animal or, if there is an order to destroy or otherwise dispose of the animal, deliver the animal to the person appointed in the order to destroy or otherwise dispose of it.*

(2) Notwithstanding subsection (1), a peace officer or designated officer shall not enter any place that is a private dwelling without:

- a. the consent of the owner or occupant of the private dwelling; or*
- b. a warrant issued pursuant to subsection (3) authorizing the entry.*

Control and Regulation of Exotic and Wild Animals
11. Owning and Harboursing Exotic and Wild Animals

- a) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule “B”.
- b) No person, partnership or corporation, whether operated separately or in connection with other business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid of any animal of the kind listed in Schedule “B”.

Charges May Be Added to Property Taxes
12.

- a) If a person owes the Town for costs incurred by the Town with respect to a dangerous animal, the Town may add the amount owing to the tax roll of any parcel of land for which the person is the assessed owner.
- b) If an amount is added to the tax roll of a parcel of land pursuant to Section 11(a), the amount:
 - i. is deemed for all purposes to be a tax imposed pursuant to Section 369 of *The Municipalities Act* from the date it was added to the tax roll;
 - ii. forms a lien against the parcel of land in favour of the Town from the date it was added to the tax roll.

Offences and Penalties
13. General Penalty

- a) Every person who commits a breach of any section of this Bylaw shall be guilty of an offence and upon conviction shall be liable to
 - i. a penalty of one hundred and fifty dollars (\$150.00) for the first offence; a person in contravention of this Bylaw, upon being served the first notice of violation may, within seven (7) days, voluntarily pay a reduced penalty of twenty-five dollars (\$25.00).
 - ii. a penalty of three hundred dollars (\$300.00) for the second offence; a person in contravention of this Bylaw, upon being served the second notice of violation may, within seven (7) days, voluntarily pay a reduced penalty of one hundred fifty dollars (\$150.00).
 - iii. a penalty of six hundred dollars (\$600.00) for the third and every subsequent offence.
- b) Payments to be made at the Asquith Town Office during regular working hours.
- c) The Notice of Violation shall be as in Schedule “A”, attached to and forming part of this Bylaw;
- d) Service of a Notice of Violation may be made by mailing such to the owner, possessor or harbourer of the dog or cat in respect of which the Notice of Violation has been issued; or by personal service upon such person; or by delivery to an adult person at the home of such person.

14. Bylaw No. 13-2019 is hereby repealed. Bylaw No. 2-2024 will come into effect November 6th, 2024.

Mayor

Chief Administrative Officer

Read a third time and adopted this 6th day of November 2024.

Certified a true copy of Bylaw No. 2-2024 passed
on the 6th day of November 2024.

{SEAL}

Chief Administrative Officer

Schedule “A”

Town of
ASQUITH

ASQUITH MUNICIPAL ENFORCEMENT

NOTICE OF VIOLATION
AVOID PROSECUTION BY PAYING PROMPTLY

TICKET NO. 003

NAME:

(Last)

(First)

(Other)

DATE OF BIRTH

YEAR

MONTH

DAY

ADDRESS:

(Street)

(Box)

(City)

(Province)

(Postal Code)

On or about the day of , 20 at at

(Saskatchewan)

(Time)

M

Did unlawfully commit the following offence under:

Bylaw No. at or near

(Location)

Section No.

Short Title:

☐ Animals

☐ Snowmobiles

☐ Waste

☐ Fire Prevention

☐ Parking/Traffic

☐ Licence

☐ Snow Removal

☐ Zoning

☐ Parks/Forestry

☐ Noise

☐ Abatement of Nuisances

☐ Other:

Description of Offence:

☐ Violation *To Avoid Prosecution, payment must be made.

☐ Warning Only
*No further payment or judicial action required.

If the Town of Asquith receives your payment within 10 calendar days from the date above, the amount to be paid is: \$

PENALTY: After 10 days the Penalty Sum that must be paid for the above infraction is: \$

If payment is not received within 30 days from the issue date a summons will be issued.

Drivers Licence No.

Class

Province:

Other:

Make

Model

Color

Year

Vehicle Plate or VIN No.

Prov.

Exp.

OWNER'S NAME
(if different from above)

(Last)

(First)

(Other)

OWNER'S ADDRESS
(if different from above)

(Address)

(City/Town)

(Province)

(Postal Code)

DRIVER

VEHICLE

I, a sworn Officer authorized to issue this ticket for this jurisdiction,
CERTIFY that I did:
on the day of , 20 , issue this ticket.

Signature of Officer

PAYMENT OPTIONS:

Payment can be made in person or by mail at the following address:

• Payment in Person or Mail:

Town of Asquith, Box 160, 535 Main Street, Asquith, SK S0K 0J0

Attention: FINE PAYMENTS

* If paying by mail, please reference your ticket number.

* Cheques must be made payable to the Town of Asquith.

* The Town of Asquith assumes no responsibility for cash sent through the mail.

If you have any questions relating to this ticket, please call the Bylaw Enforcement Officer for the Town of Asquith at 306-329-4341.

Schedule “B”
Prohibited Animals

The following is a list of animals, the keeping of which is prohibited within the Town of Asquith:

- a) All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera *Aphonopelma*, *Avicularia*, and *Grammostola*);
- b) All Artiodactyl Ungulates (such as goats, sheep, cattle, pigs, and llamas);
- c) All Bats;
- d) All Canids, except the domestic dog;
- e) All Crocodilians (such as alligators, crocodiles and caimans);
- f) All Edentates (such as anteaters, sloths, and armadillos);
- g) All Elephants;
- h) All Felids, except the domestic cat;
- i) All Hyenas;
- j) All Marsupials (such as kangaroos and opossums);
- k) All Mustelids (such as skunks, weasels, otters, and badgers) except the domestic ferret;
- l) All non-human Primates (such as gorillas and monkeys);
- m) All Perissodactyl Ungulates (such as horses, donkeys, mules, and asses);
- n) All Pinnipeds (such as seals, fur seals, and walruses);
- o) All Procyonids (such as raccoons, coatis, and cacomistles);
- p) All Raptors, diurnal and nocturnal (such as eagles, hawks, and owls)
- q) All Ratite Birds (such as ostriches, rheas, cassowaries);
- r) All Galliformes (such as chickens, turkeys, grouse, quails, and pheasants);
- s) All Anseriformes (such as ducks and geese);
- t) All Snakes of the families Pythonidae and Boidae;
- u) All Ursids (bears);
- v) All venomous Reptiles and Amphibians;
- w) 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.