

## **TOWN OF KINISTINO**

### **BYLAW NO. 03/10**

A Bylaw of the Town of Kinistino to Regulate & Control the Ownership and Possession of Dogs Within the Town.

Whereas the Town of Kinistino is empowered by Section 8 (1) (k) of the Municipalities Act to regulate and control persons owning or harboring any animal within the Town of Kinistino.

The Council of the Town of Kinistino, in the Province of Saskatchewan, in open assembly, enacts as follows:

1. In this bylaw unless the context otherwise requires, the expression:
  - a) “Municipality” shall mean the Council of the Town of Kinistino;
  - b) “Dog” means a puppy that is at least 6 months of age and any adult male or female;
  - c) “Dogcatcher” shall mean any person appointed by Town Council to restrain and impound any dog running at large in the Town of Kinistino;
  - d) “Dog Run” shall mean any enclosure or structure of any kind whatsoever, designed or used for the harboring 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 Town of Kinistino, 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 Town Administrator for a license to own and harbor a dog in the Town of Kinistino. 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 Town Administrator.  
  
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 offence.

(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 Mohawk Animal Clinic is hereby designated as the Town'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. Any person of the full age of eighteen (18) years may restrain any dog found running at large in the Town of Kinistino and shall deliver the dog so restrained to the Dogcatcher. The person shall leave with the Dogcatcher or the Town Administrator a completed and signed Form "A" – Complaint Form.

7. Council shall appoint a dogcatcher whose duty is to restrain and impound any dog found running at large in the Town of Kinistino.

8.(1) If an impounded dog is licensed, the Town Administrator 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.

8. (2) If a dog is running at large that can not be caught, and the owner is still able to be identified, the Town Administrator shall within twenty-four (24) hours forward to the owner a notice by telephone or in writing advising such owner of the violation of this Bylaw and setting forth the amount required to be paid as set out in Schedule "A" to this Bylaw. Should the owner refuse or neglect to pay the penalties, or the owner not be determined, the municipality may, upon the next occurrence of the dog running at large, have the animal destroyed.

9. 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 Town Administrator an impoundment charge, as set out in the Schedule "A" to this Bylaw plus any and all costs associated with such impoundment.

10. 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.

11. 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.

12. 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 11.

### Defecation

13. (1) If a dog or other animal defecates on any public or private property within the Town of Kinistino 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 Town of Kinistino 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

14. 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

15. (1) 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.

(2) 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

16. A dog which is restrained on private property by means other than an approved dog run, shall be restrained in the following manner:

(1) The restraint shall be of sufficient strength and kept in a state of repair so that the dog will not be able to escape.

(2) The restraint shall be constructed of a material which will not allow the dog to chew through.

(3) 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 any adjoining property, street or lane.

(4) The restraint shall be of sufficient length to allow the dog to be kept in a humane manner.

### Penalties

17. 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.

18. (1) Any person convicted of a breach of this Bylaw shall forfeit and pay the penalties as provided in Schedule "A" to this Bylaw.

(2) A violator of this Bylaw, upon being served with a Notice of Violation – Form "B", may, during office hours, voluntarily pay the penalty at the Town Office and upon payment as so provided, that person shall not be liable to prosecution of the offence.

(3) 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

19. That Bylaw No's 1/90 and 9/96 are hereby repealed.

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Mayor

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Town Administrator

## **SCHEDULE A**

### **To BYLAW NO. 03/10**

#### **A. Penalties**

1. The 1<sup>st</sup> 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 \$100.00.
3. The penalty for the third or subsequent violations of this Bylaw in the same calendar year is \$200.00 per violation.

#### **B. License Fee**

1. The license fee for each calendar year under Section 3 (1) a) shall be Thirty (\$30.00) Dollars.
2. Whereby a dog has been neutered/spayed, the license fee for that year and each year after shall be Twenty (\$20.00) Dollars.

#### **C. Impoundment Fee**

1. The impoundment fee under Section 9 shall be the amount of One Hundred (\$100.00) Dollars.

**FORM A**  
**TO BYLAW NO. 03/10**  
**COMPLAINT FORM**

Name of Complainant \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Complaint and general area of infraction

Name and address of owner of dog (if known)

Dated this        day of        , 20    .

\_\_\_\_\_  
Signature of complainant

**FORM B TO BYLAW NO. 03/10**

**TOWN OF KINISTINO**

**NOTICE OF VIOLATION**

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Details of Offence:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Nature of Offence:

Description of Dog:

Served by: \_\_\_\_\_

You are charged with violation of Bylaw No. 03/10 sections \_\_\_\_\_.  
The penalty for violation is \_\_\_\_\_; license fee \_\_\_\_\_; other costs \_\_\_\_\_. You  
may make payment of \_\_\_\_\_ at the town office at 212 Main Street within 72 hours  
of the date of offence.

\_\_\_\_\_  
Town Administrator