

Village of Tompkins

Bylaw No. 2018-2

Animal Control Bylaw

A Bylaw of the Village of Tompkins in the Province of Saskatchewan to Control Animals.

The Council of the Village of Tompkins in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be known as the “Animal Control Bylaw”

PART I - DEFINITIONS

2. In this bylaw, the following definitions apply:
 - a) "**Administrator**"- means the administrator for the Village of Tompkins.
 - b) "**Council**"- means the Council of the Village of Tompkins.
 - c) "**Animal Control Officer**" – means an Animal Control Officer as appointed by the Council of the Village of Tompkins.
 - d) "**Animal**" - means a dog, cat, or any other animal;
 - e) "**Dog**"- means either male or female of the canidae family;
 - f) "**Cat**" - means either male or female of the feline family;
 - g) "**Owner**" includes:
 - i. a person who keeps, possesses, harbors or has charge or control over an animal;
 - ii. the person responsible for the custody of a minor where the minor is the owner of an animal;
 - h) "**Pound**" – means such premises and facilities as may be designated by Council, from time to time as the pound.
 - i) "**Excessive Noise**" - means any and all sources of noise from domestic pet(s) that is found to be unnecessary or unreasonable, including but not limited to continuous barking of a dog.

PART II - LICENSING

3. LICENSING

- 1) Every owner of a dog or cat (6) six months old or older within the Village shall cause each such animal to be licensed with the Municipal Office. At the time of registering, the applicant shall provide the Municipal Office with a physical description of the animal, the breed of the animal, and the name, address and telephone number of the owner of the animal, as set out in the form designated Form “A” and attached hereto.
- 2) The registration year for dogs and cats shall be from January 1 to December 31 of the same year.
- 3) Every owner of a dog or cat shall, no later than February 28 in each year, or within (30) thirty days of becoming an owner, register said dog or cat at the Municipal Office, and failure to do so shall constitute an offence under this bylaw.

- 4) In addition to the registration requirements laid down in Section 3(1)(2)(3), the owner of a dog or cat shall pay an annual registration fee as set out in Schedule "A" of this Bylaw. Said license shall not be transferable to any other animal or owner.
- 5) Failure to pay the annual registration fee shall be deemed an infraction of this bylaw, and subject to the penalties as set out in Schedule "B" attached hereto.
- 6) Any unpaid registration fees and registration fee penalties as at December 31, shall be added to the property taxes of the owner of the property the animal resides on.
- 7) The sum payable for a registration fee required after July 1 in a calendar year shall be calculated at (50%) fifty percent of the annual fee and shall expire on the December 31 in the same calendar year.
- 8) No person shall give false information when applying for a license.
- 9) When issuing a license, the Village shall supply the applicant with a tag, the form of and lettering or numerals inscribed or imprinted thereon shall be as determined by the Village.
- 10) The owner shall ensure that the cat or dog wears the current licence tag when off the owners property. However, a cat that has been tattooed or micro chipped for identification need not wear it's license tag.
- 11) Every owner of a cat or dog shall, on demand of an Animal Control Officer, show the license, receipt, or other evidence that the licence fee has been paid for the current year.
- 12) No person shall be entitled to a licence rebate under this bylaw.

PART III- RESPONSIBILITY OF DOG OWNERS

4. RUNNING AT LARGE

- 1) No person shall allow their dog to be at large within the Village without being restrained by a leash or harness. Owners should ensure that their dog/s remain on their property by either the means of a leash, harness or adequate enclosure.
- 2) In this section, a dog shall be "at large" if it is off the premises of its owner, unless the dog is both:
 - i. on a leash not exceeding two (2) metres in length; and
 - ii. under the proper control of its owner.
- 3) Where the owner of a dog that has been reported to the Village office of being at large, unrestrained and/or of causing excessive noise has been identified, the following procedures will be followed:
 - a) For the first offence, the owner will be sent a letter from the Village informing them that their dog has been reported to the Village of being at large and/or causing excessive noise and that they are in non-compliance with the Village Bylaw and warned that they will be liable to a fine of not less than fifty (\$50.00) dollars for the second offence and not less than one hundred (\$100.00) dollars for a third and any subsequent offence.
 - b) For the second offence, the owner will receive a second letter and will be liable to a fine of fifty (\$50.00) dollars in way of Form "C" as part of this bylaw, and attached hereto.
 - c) For any third and subsequent offence, the owner will receive a letter and will be liable to a fine of one hundred (\$100.00) dollars in way of Form "C" as part of this bylaw, and attached hereto.

- d) Any dog running at large four or more times shall be disposed of by the police or other person appointed by the Council.

5. NUISANCE

- 1) The owner of a dog shall ensure that such dog shall not:
 - a) bite a person or persons whether on the property of the owner or not;
 - b) do any act to injure a person or persons whether on the property of the owner or not;
 - c) chase or otherwise threaten 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 owner
 - d) bark at, or chase, animals, bicycles, automobiles, or other vehicles;
 - e) bark, howl or otherwise disturb any person;
 - f) cause damage to property or other animals;
 - g) upset waste receptacles or scatter the contents thereof either in or about premises not belonging to or in the possession of the owner of the animal;
 - h) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to person as long as such restraint provided suitable ventilation.
- 2) If a dog defecates on any public or private property other than the property of the owner, possessor or harbourer of said dog, the owner, possessor, or harbourer of the dog shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw, and subject to the penalties as set out in Schedule "B" attached hereto.
- 3) Where the owner of a dog that has been reported to the Village office of being a nuisance, the following procedure will be followed:
 - a) For the first offence, the owner of the dog will be sent a letter informing them that their dog/s have been reported to the Village as being a nuisance and they are in non-compliance with this bylaw and warned that for any subsequent offence they will be liable to a fine as set out in Schedule "B" of this bylaw.
- 4) Where the administrator/pound keeper receives written complaint that a dog has attempted to bite any person, or displayed very aggressive behavior, the following procedure will be followed:
 - a) For the first offence, the owner of the dog will be sent a letter informing them that their dog/s have been reported to the Village as having attempted to bite or been very aggressive, and they are in non-compliance with this bylaw and that said dog(s) must be confined to his/her property at all times, and warned that for any subsequent offence they will be required to relocate/destroy said dog,
- 5) Where the administrator/pound keeper receives written complaint that a dog has bitten any person, the following procedure will be followed:
 - a) the owner will be liable to a penalty as set out in Schedule "B", and required to destroy said animal.

6. NUMBER OF DOGS PERMITTED

- 1) No person or persons within the Village shall harbour or keep more than two (2) dogs on any one property. If an owner fails or refuses to comply with the provisions

of this section, he/she shall be subject to the penalties as set out in Schedule "B" attached hereto.

- 2) No person or persons shall harbour or possess the breeds of Pitbull, Rottweiler, or Doberman dogs, or any mixed breed including these, in the Village.

PART IV - IMPOUNDMENT OF DOGS

7. IMPOUNDMENT

- 1) An Animal Control Officer or Village of Tompkins employee or Councillor, may capture and impound any dog found running at large.
- 2) Any person may take any dog found running at large contrary to the provisions of this bylaw to the municipal pound.
- 3) An Animal Control Officer or Village of Tompkins Employee or Councillor, may enter onto the land surrounding any building in pursuit of a dog which has been observed to be at large.
- 4) For the purpose of impounding any dog found at large in the Village, a pound shall be established at such place as may be designated by resolution of council as a pound.
- 5) The Village may from time to time appoint a Poundkeeper to carry out the provisions of this bylaw.
- 6) Where the dog impounded is wearing a collar to which is attached a licence valid for the current year, the Village Administrator shall send notice by way of Form "D", to the owner at the address as shown in the records made when the licence was purchased. No liability whatsoever shall be attached to the Village of Tompkins, by reason of failure of the owner to receive such notice.

8. RELEASE OF IMPOUNDED DOGS

- 1) All dogs impounded in the dog pound shall be confined for a period of seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and Statutory holidays, during which time the owner shall have the right to repossess the said dog upon paying the Village administrator the following:
 - a) a penalty as listed in sections 4(3)(b) and 4(3)(c);
 - b) any outstanding penalties from previous offences;
 - c) any unpaid registration fees;
 - d) an impoundment fee of \$50.00;
 - e) the sum of \$10.00 per day or partial day for the care and keep of each dog.

9. DISPOSAL OF UNCLAIMED DOGS

- 1) If an unclaimed dog is not within seventy-two (72) hours from the time such dog is received at the pound, excluding Saturdays, Sundays, and Statutory Holidays, and the fees, if any, paid as herein provided, said dog may be disposed of by the Poundkeeper without further notice in a manner deemed appropriate by said Poundkeeper.

PART V - RESPONSIBILITY OF CAT OWNERS

10. NUISANCE

- 1) In this section " includes:
 - a) fighting with other cats;

- b) defecating or spraying on private property;
 - c) howling or hissing at night;
 - d) digging in flower beds or waste receptacles;
 - e) trespassing on private property.
- 2) Where the administrator or Animal Control Officer receives a complaint of a nuisance caused by a cat:
 - a) the Animal Control Officer, or Village employee may seize and impound any cat found causing a nuisance;
 - b) the Administrator or Animal Control Officer may issue a trap to the complainant upon execution of an agreement as set out in Schedule "E" to this bylaw.
 - 3) Where a trap is issued pursuant to clause (2)(b) of this section (10), the complainant shall:
 - a) abide by the terms of the Cat Trap Permit agreement as set out in Schedule "C" hereto attached;
 - b) personally check the trap each hour while the trap is set;
 - c) in the event that a cat is trapped, immediately contact the Village.
 - 4) If a cat defecates on any public or private property other than the property of the owner, possessor or harbourer of said dog, the owner, possessor, or harbourer of the dog shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw, and subject to the penalties as set out in Schedule "B" attached hereto.

11. IMPOUNDMENT

- 1) Where a cat is impounded at the municipal pound, it shall be confined for a period of seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and Statutory holidays, during which time the owner shall have the right to repossess the said cat upon paying the Village administrator the following:
 - a) any unpaid registration fees;
 - b) an impoundment fee of \$30.00;
 - c) the sum of \$5.00 per day or partial day for the care and keep of each cat.
- 2) Any person may take any cat found running at large, contrary to the provisions of this bylaw, to the municipal pound.
- 3) Where the cat impounded is wearing a collar to which is attached a licence valid for the current year, the Village Administrator shall send notice in way of Form "C" to the owner at the address as shown in the records made when the licence was purchased. No liability whatsoever shall be attached to the Village of Tompkins, by reason of failure of the owner to receive such notice.

12. DISPOSAL OF UNCLAIMED CATS

- 1) If an unclaimed cat is not within seventy-two (72) hours from the time such cat is received at the pound, excluding Saturdays, Sundays, and Statutory Holidays, and the fees, if any, paid as herein provided, said cat may be disposed of by the Poundkeeper without further notice in a manner deemed appropriate by said Poundkeeper.

13. NUMBER OF CATS PERMITTED

- 1) No person or persons within the Village shall harbour or keep more than two (2) cats on any one property. If an owner fails or refuses to comply with the provisions

of this section, he/she shall be subject to the penalties as set out in Schedule “B” attached hereto.

14. ANIMAL CONTROL OFFICER

- 1) The Animal Control Officer or designated municipal employee is authorized to capture and impound all animals found running at large contrary to the provisions of this bylaw.
- 2) Any person may take any animal found running at large contrary to the provisions of this bylaw to the municipal pound.
- 3) The designated municipal officer (administrator or animal control officer) may sell any animal which is not redeemed within the period of time as noted in sections 9(1) and 12(1) for a sum of not less than the amount required to redeem the animal under sections 8(1) and 11(1).
- 4) The animal control officer or person designated by the Administrator or Animal Control officer may destroy any animal which has not been redeemed within the period of time as noted in sections 9(1) and 12(1).
- 5) In enforcement of the jurisdiction provided in Section 7(a), the Animal Control Officer is hereby authorized to enter any privately-owned premises at reasonable times.
- 6) To assist in the seizure of cats at large, cat traps may be utilized by the Animal Control Officer.
- 7) No person, whether or not he/she is the owner of a dog or cat which is being or has been pursued or captured shall:
 - a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured any dog or cat in accordance with the provisions of this bylaw;
 - b) unlock or unlatch or otherwise open the vehicle or cat trap in which dogs or cats captured for impoundment have been placed, so as to allow or attempt to allow any dog or cat to escape therefrom; or
 - c) remove or attempt to remove any dog or cat from the possession of the Animal Control Officer, or municipal pound.

PART VII

15. LIVESTOCK AND POULTRY

- 1) For purposes of this section, the following definitions shall apply:
 - a) **livestock-** means any domestic animal usually raised for sale and profit, including but not necessarily limited to:
 - i. an animal as defined in Section 2(b) of *The Stray Animals Act*; or
 - ii. an animal as defined in Sections 2 and 3 of *The Stray Animals Regulations, 1999*.
 - b) **poultry** – means
 - i. domestic fowl usually propagated and fattened for the table and for their eggs, feathers, etc. including, but not limited to chickens, geese, ducks, turkeys, guinea fowl; or
 - ii. pigeons of the species *Columba livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing, show, table and pets and includes feral pigeons.

- 2) No person shall possess, harbour, confine, herd, graze or allow to graze any livestock South of Railway Avenue, or North of Bradley Avenue in the Village of Tompkins..
- 3) Section 17(2) shall not apply to livestock and poultry brought into the Village for the duration of a special event at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.
- 4) No person shall possess, harbour, confine, herd, graze, or allow to graze any more than four (4) hens South of Railway Avenue within the limits of the Village of Tompkins.
- 5) Where the Animal Control Officer or designated municipal official finds the owner of any livestock or poultry to be in violation of section 15(2) or 15(4), they shall be liable to the penalties set out in Schedule "B" of this bylaw.

PART VIII - MISCELLANEOUS

16. HUMANE DESTRUCTION OF SICK AND INJURED ANIMALS

- 1) An Animal Control Officer, Veterinarian, or designated municipal official may take immediate action to humanely destroy any sick or injured animal found within the Village where, in his opinion, immediate destruction of the animal is necessary to avoid unnecessary suffering by the animal.
- 2) Reasonable efforts shall be made to contact the owner of an animal before it is destroyed pursuant to section 16(1), however no action lies against the Animal Control Officer, Veterinarian, or designated municipal official solely because the owner of the animal was not contacted.
- 3) If the Village receives voluntary payment of the prescribed penalty within thirty (30) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- 4) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

17. INTERFERENCE

- 1) No person shall:
 - a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Village.
 - c) tease, entice, bait or throw objects at an animal confined within its owner's property.
- 2) Where a person has been found to be in violation of section 17(1), they shall be liable to a fine as set out in Schedule "B" of this bylaw.

PART IX - PENALTIES

20. VOLUNTARY PAYMENT TICKETS

- 1) Where an Animal Control Officer, Administrator, or designated municipal official believes that a person has contravened any provision of this bylaw, he may serve upon such person a Bylaw Violation Tag, (Form B) as provided by this section either personally, by mail, or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- 2) If the Village receives voluntary payment of the prescribed penalty within thirty (30) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution of the offence.
- 3) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine with the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.
- 4) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule " B " of this bylaw in respect of that provision.

21. SEVERABILITY

- 1) A decision of the court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this bylaw.

22. REPEAL

Bylaws No. 2-2011, 2005-2 are hereby repealed.

Mayor:

Administrator

(seal)

Read a third time and adopted this
13th day of November, 2018.

SCHEDULE "A"
FORMING A PART OF BYLAW NO. 2018-2

ANNUAL LICENSE FEE FOR DOGS

All dogs 6 months old or over

Male or Female	\$ 30.00
Discounts: (deduct from above fee)	
Spayed or neutered	\$5.00

ANNUAL LICENSE FEE FOR CATS

All cats 6 months old or over

Male or Female	\$20.00
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SCHEDULE "B"
FORMING A PART OF BYLAW NO. 2018-2

PENALTIES

**If paid within 30 days of date of issue of the notice of violation

Section	Offence	1st violation	2nd and subsequent violation
3(1)	Failure to register	\$50.00	
4	Running at large	Warning	\$50.00/\$100.00
5	Nuisance	\$25.00	\$50.00
5(4)	Nuisance - attempting to bite, aggressive behavior	\$25.00	Relocation/destruction of animal
5(5)	Nuisance - biting	\$ 250.00 & destruction of animal	
17	Interference	\$25.00	\$50.00

If paid after 30 days of the date of issue of the notice of violation:

All offences as listed above	\$150.00	\$300.00
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SCHEDULE "C"
FORMING A PART OF BYLAW NO. 2018-2

CAT TRAP PERMIT

Date: _____
TRAP # _____

The undersigned agrees to the following terms and conditions:

- to place the cat trap only on his or her property which is within the Village of Tompkins;
- to personally check the cat trap each hour while the trap is set;
- in the event a cat is trapped, to immediately contact the Village Poundkeeper. In the event that the Village pound is closed, the cat may be held until the Pound reopens, but in no event for longer than twenty four (24) hours. Where a cat is held, the undersigned is responsible for the humane treatment and shelter of a cat including feeding and watering. A captured cat should be left in the trap and placed in a shed, garage, basement, or other place that is warm, dry, and secure, with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar cat from the trap - this will be done by an Animal Control Officer or designated municipal official. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed;
- to ensure that no harm comes to any trapped cat which is in their possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below -10 degrees C or rises above +30 degrees C;
- any Animal Control Officer or designated municipal official may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Village of the ownership of the cat trapped, if known;
- to be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
- traps must not be set on statutory holidays as the pound is closed;
- the trap is to be returned to the Village of Tompkins three days after issuance.

*IT IS A SERIOUS OFFENCE TO HARM ANY DOMESTIC ANIMAL

Address of intended location of trap: _____

Deposit: \$50.00 paid: _____

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

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

TRAP RETURNED

Date: _____

Received by: _____

Remarks: _____

Deposit Returned: _____

(Signature of complainant or agent)

SCHEDULE "D"
FORMING A PART OF BYLAW NO. 2018-2

CHARGES FOR THE RELEASE OF IMPOUNDED DOGS

Impoundment Charge (per dog)	\$ 50.00
Housing Charge Per day or part thereof	\$ 10.00

CHARGES FOR THE RELEASE OF IMPOUNDED CATS

Impoundment Charge (per cat)	\$ 30.00
Housing Charge Per day or part thereof	\$ 5.00

FORM "A"
FORMING PART OF BYLAW NO. 2-2018
{SECTION 3(a)}

DOG AND CAT REGISTRATION FORM

Name of owner: _____

Address (mailing): _____

(civic) _____

Phone Number: _____



Tag # _____

Breed of Animal:

Physical Description: _____

Registration fee paid _____
(Receipt #)

FORM "B" – BYLAW 2-2018
FORMING PART OF BYLAW NO. 2-2018

NOTICE OF VIOLATION

This official notice is issued for a breach of
Bylaw No. 2-2018

You may avoid prosecution for this offence by paying to the office of the Administrator, during regular office hours, the penalty stated hereinafter within 30 calendar days of the date served on this notice. Failure to do so will result in prosecution in Provincial Court. Penalty may be remitted to: Village of Tompkins, Box 247, Tompkins, SK, S0N 2S0.

Name of Violator _____

Address _____

Description of Domestic Pet _____

Nature of Violation:

1. Failure to comply with Section _____
(Bylaw No. 2-2018)
 First offence
 Second offence
 Third or subsequent (_____) offense

Location of Violation _____

Date of Violation _____

Date Served By _____

Witness to Server's Signature _____

FORM "C"
FORMING PART OF BYLAW NO. 2-2018

Complaint Form

Name of Animal Owner _____

Description of Animal _____

Nature of Complaint:

Location of Violation _____

Date of Violation _____

Photos sent YES NO

Complainant

Date

Administrator

Date Received

FORM "D"
FORMING PART OF BYLAW NO. 2-2018

IMPOUNDMENT NOTICE

DATE: _____

NAME: _____

ADDRESS: _____

You are hereby notified that an animal bearing License No. _____ for 20____ registered under the above name and address, was impounded on _____, A.D. 20____ pursuant to the provisions of Bylaw No. 2-2018 of the Village of Tompkins, and that, unless the said animal is claimed and all impoundment charges are paid, on or before _____, 20____, the said animal may be sold, destroyed, or otherwise disposed of pursuant to the said bylaw.

Animal Control Officer/Designated Municipal Official
or Administrator
Village of Tompkins