

Village of Muenster

BYLAW No. 2/2022

The Animal Control Bylaw

A BYLAW OF THE VILLAGE OF MUENSTER TO LICENSE AND REGULATE LICENSING OF PETS, CATS AND DOGS AND THE RUNNING AT LARGE OF ANIMALS.

WHEREAS the Village of Muenster is empowered by section 8 (1)(k) of the Municipalities Act to regulate and control persons owning or harbouring any animal within the Village of Muenster; the Council of the Village of Muenster enacts as follows:

PART I - TITLE

1. This Bylaw may be referred to as “**The Animal Control Bylaw**”.

PART II - PURPOSE

2. The purpose of this Bylaw is to:

- a) promote the health, safety, protection and welfare of people and the protection of property;
- b) ensure the humane treatment of domestic animals;
- c) regulate and prohibit the keeping of dangerous animals within the Village; and
- d) to provide for the licensing of dogs and cats.

PART III - DEFINITIONS

3. For the purpose of this bylaw the expression(s):

- a) “**Animal**” means and includes every male and female of the feline and canine family;
- b) An “**Animal Control Officer or Warden**” or “**Bylaw Enforcement Officer**” is any corporation, person or persons engaged by or appointed by the Village of Muenster for the purposes of bylaw enforcement and to restrain, receive or impound animals under the provisions of this bylaw;
- c) “**Municipality**” shall mean the Village of Muenster;
- d) A “**judge**” means a judge of the Provincial Court of Saskatchewan or a justice of the peace;
- e) An “**owner**” includes:
 - i) A person who keeps, possesses or harbours an animal to which the Bylaw applies;
 - ii) A person responsible for the custody of a minor where the minor is the owner of an animal to which this Bylaw applies;

but does not include:

- iii) A veterinarian registered pursuant to The Veterinarians Act, 1987 who is keeping or harbouring an animal to which this Bylaw applies for the impoundment of the animal or for the prevention, diagnosis or treatment of a disease or injury to the animal;
 - iv) An animal shelter or pound operated by the Village of Muenster or the SPCA;
- f) “**Running at Large**” shall mean when the animal is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said animal, or beyond the boundaries of any lands 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) Direct and continuous charge of a person competent to control it; or
 - ii) Securely confined within an enclosure; or
 - iii) Securely fastened so it cannot roam at will.
- g) A “**provocation**” means an act done intentionally for the purpose of provoking an animal to which this Bylaw applies.
- h) A “**poundkeeper**” means a person designated by the Village to administer the pound.

PART IV – GENERAL PROVISIONS

4. a) Every person within the municipality who owns, possesses, or harbors an animal over six months shall obtain a license from the clerk.
- b) The license shall be in effect from January 1 to December 31 of a calendar year, and shall be obtained on or before January 31.
- c) The license fee shall be:

	Cost:
For each animal	\$10.00
For each neutered animal	\$10.00

- i) The sum payable for a license required after July 1 shall be three fifths for a full year.
5. Every person to whom a license has been issued under this bylaw shall cause his/her animal to wear a collar to which shall be attached the license tag issued by the municipality pursuant to this bylaw.
6. A person residing in the municipality who owns, possesses, or harbours an animal, and neglects or refuses to take out a license therefore shall be deemed guilty of an infraction of this bylaw.

PART V – RUNNING AT LARGE

7. No animal shall run at large in the municipality
8. A person who owns, possesses or harbors an animal found running at large shall be deemed guilty of an infraction of this bylaw.

PART VI – SEIZURE OF ANIMALS AND POUND FEES

9. Any person may take any animal found running at large contrary to the provisions of this bylaw, to the municipal pound or Animal Management Services in Humboldt, where it shall be kept for three days unless the owner, possessor or harbourer redeems the animal by paying the clerk of the Village of Muenster the sum of Fifty Dollars (\$50.00) and by also paying all impounding costs and expenses at Animal Management Services in Humboldt.
10. a) The clerk may sell any animal which is not redeemed within three days, provided that the purchaser thereof obtains a license if he/she is a resident of the municipality.
- b) The poundkeeper, or at his request, any other person may destroy any animal which has not been redeemed within three days.

PART VII - NUISANCE

11. a) No owner of a dog or cat shall permit the dog or cat to create a disturbance by ululating, by loud or frequent barking, howling or yelping or chasing motor or other vehicles or in any manner or way, create a disturbance to the annoyance or discomfort of other persons residing in the

neighborhood, or to the public at large; or which causes injury to any person. For the purpose of this section a dog or cat is creating a disturbance if its ululating can be easily heard by a person not situated on the property where the dog or cat is.

- b) On a complaint made in writing to the Bylaw Enforcement Officer that any dog or cat has been causing a disturbance, the Bylaw Enforcement Officer, 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. Failure to comply with the terms of the notice shall be a breach of this Bylaw.
- c) Upon receiving a second or subsequent complaint within 30 days after the expiry of the 48-hour period set out in a notice under subsection (b), the Bylaw Enforcement Officer may order the owner to destroy the dog or cat, remove the dog or cat from the Village or deliver the dog or cat to the Bylaw Enforcement Officer within 48 hours of receipt of the notice. Such notice shall be provided in the manner set out in subsection (b). In the event that the notice requires the dog or cat to be delivered up to the Bylaw Enforcement Officer and the dog or cat is not so delivered, the Bylaw Enforcement Officer may enter on the property of the owner for the purpose of removing such dog or cat.

PART VIII - LITTER

12. 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 dispose of the litter in a sanitary fashion. Failure to cause such removal shall be a breach of this Bylaw.

PART IX – RESTRICTED DOGS

13. No person shall, within the Village of Muenster, own, possess or harbor a “prohibited” dog.

“Prohibited dog” shall mean:

- a) Pit Bull Terrier, American Pit Bull Terrier, or Pit Bull
- b) Doberman Pinscher
- c) Rottweiler
- d) Any dog of mixed breeding, identified as a dog of a partial mix of any of the above indicated breeds or kinds
- e) Any “dangerous dog” defined below:
 - (i) Any dog 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 dog, whatever its age, with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise threaten the safety of persons or domestic animals;
 - (iii) Any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - (iv) Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting;
 - (v) Any dog that, without provocation, threatens or creates reasonable apprehension of a threat to other animals or humans.

PART X – DANGEROUS ANIMAL HEARINGS

14. a) If a complaint is made that an animal is dangerous, a judge shall hold a hearing to determine if, based upon the evidence adduced at the hearing, the animal is, in fact, dangerous.
- b) Notice of the hearing referred to in subsection a) shall be served upon the owner of the animal. The notice shall be served:
- i) in the case of an owner who is an individual:
 - (i) by delivering it personally to the owner; or by sending it by registered mail to the registered address of the owner;
 - (ii) if the owner cannot conveniently be found by leaving it for the owner at the owner's residence with a person at that residence who appears to be at least 18 years of age;
 - ii) in the case of an owner that is a corporation:
 - (i) by sending it by registered mail to the registered office of the corporation; or
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.
- c) Where an owner does not appear at the time and place appointed for the hearing after having been notified of that time or place, the judge may proceed ex parte to hear and determine the proceedings in the absence of the owner as fully and effectively as if the owner had appeared.
- d) If a judge declares an animal to be dangerous, the judge shall:
- (a) make an order embodying one or more of the following requirements, as the judge considers appropriate:
 - (i) the owner shall keep the animal in an enclosure that complies with prescribed criteria;
 - (ii) if the owner removes the animal from the enclosure, the owner shall muzzle and leash it in accordance with prescribed criteria and keep it under the owner's direct control and supervision;
 - (iii) the owner shall obtain and keep in effect liability insurance in the prescribed amount of \$50,000 to cover damage or injury caused by the animal;
 - (iv) the owner shall display a sign, in the prescribed form and manner, on his or her property warning of the presence of the animal and shall continue to display that sign in good condition so long as the animal is present on the property;
 - (v) the owner shall comply with the regulations and the Health of Animals Act (Canada) with respect to the detection and control of rabies;
 - (vi) if the animal is moved to any other municipality, the owner shall notify the designated officer in the other municipality;
 - (vii) if the animal is to be sold or given away, the owner shall:
 - (a) notify any prospective owner that the animal has been declared dangerous, before it is sold or given away; and
 - (b) notify the designated officer in the municipality of the name, address and telephone number of any new owner of the animal;
 - (viii) the owner shall have the animal tattooed in the prescribed manner;
 - (ix) the owner shall have the animal spayed or neutered;
 - (x) the owner shall take any other measures that the judge considers appropriate; or
 - (xi) order that the animal be destroyed or otherwise disposed of at the owner's expense and shall, in that case, give directions with respect to the destruction or other disposition.

Execution of Destruction Order

15. (1) Unless the owner otherwise agrees, every order for destruction of an animal shall state that it shall not be implemented for eight days.
- (2) Where an appeal is taken against an order for the destruction of an animal, the application of the order is stayed pending the disposition of the appeal.
- (3) Regardless of the outcome of the appeal, the owner shall be responsible for payment of the payment of the costs of impoundment of the animal pending the hearing.

Return of Animal

16. Where the judge on appeal overturns the order for destruction of the animal, the animal shall be released to the owner after the owner has paid the costs of impoundment of the animal pending the hearing.

PART XI – CHARGES ADDED TO TAX ROLL

17. As per Section 369 of *The Municipalities Act*, any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either;
 - by civil action for debt in a court of competent jurisdiction in accordance with *The Municipalities Act*; or,
 - by adding the amount to the taxes on the property of the owner of the dangerous animal in question regarding any noncompliance of this Bylaw.

PART XII – LIMITS ANIMALS

18. No person shall, within the Village of Muenster, harbor or keep more than two (2) animals on any one property.

PART XIII – CONTROL AND REGULATION OF EXOTIC, FARM AND WILD ANIMALS

19. a) No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule No. 1 attached hereto for any purpose.
 - b) No person, partnership or corporation, whether operated separately or in connection with another 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 No. 2.
20. Section 19 (a) does not apply to prohibit the harbouring of an animal or a hybrid of an animal of the kind listed in paragraphs (r) and (s) of Schedule No. 2 on property owned by a school division where such animals are being kept for study or teaching purposes.

PART XIV– PENALTIES

21. Any person who contravenes the provisions of this bylaw or neglects or refuses to comply therewith shall be guilty of an offense and liable upon summary conviction to a fine of not less than \$25.00 and not more than \$2,000.00. In the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule No. 3 and not more than \$5,000. This person or corporation, upon being served with a violation ticket, may voluntarily pay to avoid prosecution the prescribed penalty at the Village of Muenster Office during regular office hours.

- 22. a) A person who contravenes any of the provisions of this bylaw, shall be guilty of an offense and upon conviction shall be liable to a penalty of the fees attached thereto in Schedule # 3 attached:
- b) A violator of this bylaw, upon being served with a Notice of Violation, may, during office hours, voluntarily pay the penalty at the Municipal Office, and upon payment as so provide, that person shall not be liable to prosecution of the offence.
- c) the Notice of Violation shall be in Schedule #2 attached to and forming part of this bylaw.

PART XV – COMING INTO FORCE

23. This Bylaw shall come into force on the day of its final passing.

PART XVI – REPEAL

22. This Bylaw shall hereby repeal the Village of Muenster’s Bylaw # 3/2000 and Bylaw #4/2004 and Bylaw #6/2007.

Read a first time this 17th day of May 2022.
 Read a second time this 17th day of May, 2022.
 Read a third time and passed this 17th day of May, 2022.

Signature: _____
Village Administrator

SEAL

Signature: _____
Mayor

Date: _____

Schedule #1 Prohibited Animals and Dog Breeds

The following is a list of animals the keeping of which is prohibited within the Village of Muenster:

- a) Pit Bull Terrier, American Pit Bull Terrier, or Pit Bull
- b) Doberman Pinscher
- c) Rottweiler
- d) Any dog of mixed breeding, identified as a dog of a partial mix of any of the above indicated breeds or kinds
- e) Any “dangerous dog” defined below:
 - Any dog that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
 - Any dog, whatever its age, with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise threaten the safety of persons or domestic animals;
 - Any dog that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - Any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting;
 - Any dog that, without provocation, threatens or creates reasonable apprehension of a threat to other animals or humans.
- f) All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- g) All Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas)
- h) All Bats;
- i) All Canids, except the domestic dog;
- j) All Felids, except the domestic cat;
- k) All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret
- l) All Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- m) All Procyonids (such as raccoons, coatis and cacomistles);
- n) All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- o) All Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- p) All Anseriformes (such as ducks and geese)
- x) All snakes of the families Pythonidae and Boidae;
- y) All venomous Reptiles and Amphibians;

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.

Schedule #2 Notice of Violation Form

**Village of Muenster
Notice of Violation of
Animal Control Bylaw**

This official Notice of Violation is issued for breach of Bylaw #2/2022 (The Animal Control Bylaw)

<u>Offence</u> Office File Reference Number: yyyy-mm-dd-#0X	<u>Bylaw Section</u>	<u>Penalty and Payments</u> Important: Return this stub with payment. Office File Reference Number: _____ Amount Owed \$ _____ Penalty may be paid in person via cash or cheque at the Muenster Village Office at #306 Railway St, Muenster, Sask. on any day during office hours (Tues, Wed, Thurs 8:30 am – 3:30pm) OR by mail to Village of Muenster, Box 95, Muenster, Sask. S0K 2Y0 AND must be accompanied by this stub. After Hours Deposit Slot also available to the right of the entrance door to the Muenster Village Office. Clearly indicate what the payment is for by including this stub. Etransfer payments accepted. Forward payments to : muenster@sasktel.net AND use the security question <u>Name of our Village</u> with the answer <u>Muenster</u>
	Part IV 4a) Failure to license an animal Date of Offence: _____	
	Part IV 5 Failure to display license Date of Offence: _____	
	Part V Running at Large Date of Offence: _____	
	Part VII Barking, Howling or Nuisance Date of Offence: _____	
	Part VIII Failure to remove feces Date of Offence: _____	
	Other: _____ Date of Offence: _____	

If the penalty indicated above is not received by _____ (date) a summons required for your appearance in Court may be issued.

_____	_____	_____	_____	_____
(Date)	(Time)	(License #)	(Name of Owner)	(Address)
_____	_____	_____	_____	
(Description of Animal)	(Male/Female)	(Location of Offence)		
_____	_____(Issuer)			

Schedule #3 Fines Schedule Pursuant to Section Part XIV - Penalties

Offence	Minimum Fine		
	1 st Offence	2 nd Offence	Subsequent
Part IV Failure to license dog or cat -- License Sec 5,6	\$25	\$25	\$25
Part V Cat or dog at large -- At Large	\$50	\$200	\$300
Part VI Impoundment --* Note Fees are in addition to any impound costs and expenses incurred at Animal Management Services in Humboldt.	\$50	\$200	\$300
- Part VII Cat or dog creating a nuisance by barking or howling - Nuisance	\$50	\$100	\$200
Part VIII - Litter Failure to immediately remove dog or cat excrement (defecation) from public or provide property other than the property of the dog or cat's owner -	\$50	\$100	\$200
Part X – Dangerous Animal	Hearing in Court. Judge determines penalty/penalties: Full fence enclosure, muzzle, leash, liability insurance, sign, notification to new communities or new owner, tatoo, spay/neuter, destruction of animal.		