

## BYLAW NO. 2023-06

### A BYLAW OF THE TOWN OF LEMBERG TO PROVIDE FOR THE LIMITED RESTRICTIONS FOR THE KEEPING OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF LEMBERG.

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**WHEREAS** Section 8(1) of the Municipalities Act includes authorization for Council to regulate, prohibit and protect any animal or class of animals and activities concerning them;

**NOW THEREFORE**, the Council of the Town of Lemberg, in the Province of Saskatchewan, enacts as follows:

#### DEFINITIONS

1. In this Bylaw:

- (a) **ANIMAL CONTROL OFFICER** shall mean any person designated by the Town of Lemberg for the enforcement of this Bylaw and shall include Town employees, Bylaw Enforcement Officers, their duly authorized representatives, and any member of the Lemberg/Melville Detachment of the RCMP.
- (b) **ANIMAL UNIT** means the kind and number of animals calculated in accordance with the attached Schedule "A."
- (c) **LIVESTOCK** means any domesticated animal usually raised for sale and profit, as specified in the attached Schedule "A" of this bylaw, including but not necessarily limited to:
  - i. an animal as defined in Section 2(b) of *The Stray Animal Act*; or
  - ii. an animal as defined in Sections 2 & 34 of *The Stray Animal Act Regulations, 1999*.
- (d) **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, include pigeons raised for racing, show, table and pets and feral pigeons.
- (e) **MUNICIPALITY** shall mean the Town of Lemberg.

#### POSSESSION

- 2. No person shall possess, harbour, herd, graze, or confine livestock within the limits of the Municipality without first obtaining prior written permission. Town Council shall grant any request that conforms to this bylaw.
- 3. No person shall possess, harbour, herd, graze, or confine livestock within the limits of the Municipality that is closer than 150 metres (500 feet) from a primary residency, excluding their own, or commercial property.
- 4. No person shall possess, harbour, herd, graze, or confine livestock within the limits of the Municipality for the purpose of breeding, commercial use, or profit.
- 5. A person may possess, harbour, herd, graze, or confine livestock specified in Section 5 of this bylaw within the limits of the Municipality once permission is obtained from the Town Council.
- 6. There will be a limit of two (2) animal units for the first nine (9) acres of property and one (1) animal unit for every three (3) acres of property thereafter.

7. Permission for any other animal, including poultry, not listed in Schedule “A” of this bylaw is at the discretion of Council. When considering requests Town Council will consider the proximity to Residential areas and public parks.
8. A person may request an exemption from this bylaw by writing Town Council explaining the reason for the exemption and the length of time requested of the exemption.

### **RUNNING AT LARGE**

9. No owner shall allow any of their animals to run at large within the municipality.
10. Any animals found to be running at large may be retained and impounded per *The Stray Animals Act*. The owner is liable for all fees in Part I of the Appendix of *The Stray Animal Act Regulations, 1999*.

### **LITTER CLEAN UP**

11. If any animal defecates on any public park, playground, public area, roadway or private property other than the property of its owner, the owner shall remove the defecation immediately and dispose of it in a sanitary fashion. If the clean-up is not done within 24 hours of the owner of the animal being notified, a fine may be levied as per the attached Schedule “C”.
12. The spreading/removal/hauling of manure within the limits of the Municipality is strictly prohibited and further that the hauling of manure is not permitted on any roadways within the municipality except for the most direct route out of the municipality.
13. Notwithstanding section 11, residents of the Town of Lemberg may haul manure to provide nutrients to their soil. Transporting of manure within the municipality must be the most direct route to the residency. The residents are responsible for cleaning up any spillage within the municipality due to hauling.
14. Manure shall be managed to ensure there is no runoff onto adjacent lands in a manner that mitigates odour.

### **SHELTER**

15. The owner must abide by the *National Farm Animal Care Council Codes of Practice* when providing shelter.
16. When providing a constructed shelter, a development permit must be obtained from the Town Office for approval. The shelter must meet the minimum space allowance as per the Code of Practices.

### **ENFORCEMENT**

17.
  - (a) Where an Animal Control Officer has reason to believe that a person has contravened the provision of any Section of the Bylaw, he may serve or cause to be served upon such person a Ticket of Violation as provided by this Bylaw.
  - (b) The ticket shall be in a form similar to that provided in Schedule “B” of this Bylaw and shall indicate thereon the amount of the penalty to be paid pursuant to Schedule “C” of this Bylaw.
  - (c) Upon production of the ticket issued pursuant to Subsection (a) within seven days from the date of service, together with payment indicated on the ticket to

the Town Office, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was given.

- (d) If payment is not received as provided in Subsection (c) within the prescribed time, a Summons shall be issued. Thereafter, voluntary payment may be made before the returnable date of the Summons to the Town Office and the penalty shall be in the amount listed in Schedule "C" and an additional penalty of \$50.00 if a Summons has been issued. Upon such payment, the person charged shall not be subject to further court action.
- (e) A person to whom a ticket is being issued pursuant to this section shall furnish any Animal Control Officer, upon request, with his name, address and date of birth.

18. The Council may, by resolution, enter into an agreement with any person or organization to participate in the enforcement of this Bylaw or to provide pound keeping and animal control services.

**REPEALED BYLAWS**

19. Bylaw No. 2013-5 is hereby repealed.

**EFFECTIVE DATE OF BYLAW**

20. This Bylaw shall come into force and take effect on the date of final approval by the Council of the Town of Lemberg.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

First Reading: May 16, 2023  
Second Reading: May 16, 2023  
Third and Final Reading: June 20, 2023

Certified a True Copy of Bylaw 2023-06  
adopted by Resolution of the Council  
of the Town of Lemberg, in the  
Province of Saskatchewan on  
the 20<sup>th</sup> day of June, 2023.

seal

\_\_\_\_\_  
Administrator

**SCHEDULE "A"**  
**Bylaw No. 2023-06**

**Animal Unit**

Type	Kind of Animal	Number that Equals One Animal Unit
1.	Horses	
	a) Colts or ponies	2.0
	b) other than colts or ponies	1.0

**SCHEDULE "B"**  
**Bylaw No. 2023-06**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**THIS OFFICIAL TICKET IS ISSUED FOR BREACH OF THE FOLLOWING:**

1. Bylaw No. \_\_\_\_\_ Fine: \_\_\_\_\_

A) Section: \_\_\_\_\_

B) Offense: \_\_\_\_\_

\_\_\_\_\_

2. Bylaw No. \_\_\_\_\_ Fine: \_\_\_\_\_

A) Section: \_\_\_\_\_

B) Offense: \_\_\_\_\_

\_\_\_\_\_

3. Bylaw No. \_\_\_\_\_ Fine: \_\_\_\_\_

A) Section: \_\_\_\_\_

B) Offense: \_\_\_\_\_

\_\_\_\_\_

**PENALTY:**

IF THE PENALTY INDICATED IS NOT RECEIVED BY \_\_\_\_\_,  
A SUMMONS REQUIRING YOUR APPEARANCE IN PROVINCIAL COURT WILL BE  
ISSUED.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m. p.m.

Description of animal (where applicable) \_\_\_\_\_

\_\_\_\_\_

Location of Violation: \_\_\_\_\_

\_\_\_\_\_

Issued by: \_\_\_\_\_

**Payment may be made in person at the Town Office, through online banking,  
e-transfer to [lemborg@sasktel.net](mailto:lemborg@sasktel.net) or by mail to the Town of Lemberg  
Box 399, LEMBERG, SK S0A 2B0**

**SCHEDULE "C"**  
**Bylaw No. 2023-06**

1. Failure to obtain written permission to harbour animals (Section 2)	\$ 50.00
2. Harboring more animal units than allowed (Section 3)	\$1,000.00
3. Harboring animals that are <b>not</b> allowed (Section 7)	\$1,000.00
4. Animal being at large – each offense (Section 9)	\$1,000.00
5. Failure to immediately remove an animal's excrement (defecation) from public or private property other than the property of its owner (Section 11)	\$ 500.00
6. Spreading/removal or hauling of manure within municipality - 1 <sup>st</sup> Offense Each Offense Thereafter (Section 12)	\$1,000.00 \$2,000.00