

BYLAW NO. 2023-09

ANIMAL CONTROL

**A BYLAW OF THE TOWN OF LEMBERG TO PROVIDE FOR THE LICENSING,
PROHIBITING, REGULATING AND CONTROLLING OF ANIMALS WITHIN
THE TOWN OF LEMBERG**

COUNCIL of the *Town* of **Lemberg**, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

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

DEFINITIONS

2. In this Bylaw”
 - (a) **Act** – *The Municipalities Act*.
 - (b) **Animal** – Male or female cat/kitten, dog/puppy.
 - (c) **Animal Control Officer** – A person, corporation, society, or organization as may from time to time be appointed by the Municipality for the purpose of retaining impounded animals pursuant to this Bylaw.
 - (d) **Animal Tag/Dog Tag/Cat Tag** – A device bearing a distinctive serial number intended to be attached to the collar of the dog/cat or dangerous animal and issued by the Town upon payment of license fee as prescribed in the Bylaw.
 - (e) **Bylaw Enforcement Officer** – The person or persons appointed or contracted by the Council of the Town of Lemberg for the purpose of enforcing the provisions of the Bylaw.
 - (f) **CAO** – Chief Administrative Officer – The person appointed as CAO pursuant to Section 111 of *The Municipalities Act*.
 - (g) **Council** – The mayor and councillors of the Town of Lemberg elected pursuant to the provisions of *The Local Government Election Act*.
 - (h) **Dangerous Animal** – An animal declared dangerous in accordance with Section 375 of *The Municipalities Act*.
 - (i) **License** – The registration of an animal with the Town of Lemberg accompanied by the required payment.
 - i. The license fee for dog/cat or dangerous animal license shall be set out in the Fees and Charges Bylaw set annually by Council.
 - ii. In case of a lost license tag, a replacement tag may be issued upon satisfactory proof that the original license tag has been lost, and that the fee for such tag shall be five dollars (\$5.00).
 - (j) **Kennel** – Any structure or place situated within the Town including any premises used by any person for boarding or otherwise caring for, training, or breeding of animals exceeding two in number, whether or not for reward

but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of his/her profession.

- (k) **Municipality** – The Town of Lemberg
- (l) **Owner** – Includes:
 - i. A person, persons partnership, association or corporation who keeps, possesses, harbors, or has care of or control of a dog or cat.
 - ii. The person responsible for the custody of a minor where the minor is the owner of a dog or cat.
- (m) **Owner's Property** – Any property in which the Owner has legal or equitable interest or which is otherwise under the control or in the possession of the Owner, and which property shall include land, buildings and vehicles.
- (n) **Pound** – Such a premises and facilities as may be designated by the Council for the purpose of safely lodging and securing animals seized pursuant to this Bylaw.
- (o) **Person** – Includes an individual(s), partnership, association, or corporation.
- (p) **Restricted Dog** – Any dog declared a restricted breed by resolution of Council as listed on Appendix "A"
- (q) **Running at Large** – When a dog or cat is beyond the boundaries of the land occupied by the owner, possessor, harbored, or keeper of the said dog or cat, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is not under control by being:
 - i. On a leash or harness and in direct continuous charge of a person competent to control it.
 - ii. Securely confined within an enclosure; or
 - iii. Securely fastened so that it cannot roam at will.

LICENSING & REGISTRATION OF ANIMALS

3. Every owner of an animal within the Municipality shall cause such animal to be registered with the Town Office. At the time of registering, the applicant shall provide the Town Office with a physical description of the animal, the breed of the animal, a spay/neuter certificate, a photo of the animal, and the name, address, and telephone number of the owner of the animal, as set out in Form "A" of this Bylaw. The owner must pay a one-time fee to register their animal with the Municipality.
4. Failure to license and register an animal within the Municipality shall be subject to penalties as set out in Schedule "B" of this Bylaw.
5. Any animal registration certificate or applicable fee issued pursuant to the provisions of this Bylaw by the Municipality shall not be transferable to any other animal.

6. Every person to whom an animal license tag is issued under this Bylaw shall cause the animal to wear a collar to which the license tag issued by the Municipality is attached.

RUNNING AT LARGE

7. The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Municipality.
8. When the dog or cat is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this Section, unless the owner proves to the satisfaction of the court that at the time of the offence, the owner did all that was reasonable to prevent the animal from being at large.
9. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint with photographic evidence at the Town Office.
10. The Bylaw Enforcement Officer or any other person designated by the Municipality will attempt to capture any animals found running at large and place them in the Pound.

PROHIBITED ANIMALS

11. No person shall own or harbour any animal, or hybrid of any animal, for any purpose, of the kind listed in Schedule "C" of this Bylaw.
12. Section 10 shall not apply to livestock and poultry brought into the Municipality for the duration of special events at which the said livestock and poultry will be used for purposes of exhibition or performing at a special event.

ANIMAL LIMITS

13. No person within the Town of Lemberg shall harbour or keep more than a total of three (3) dogs or cats combined, on any property. The Town will allow existing pets in excess of three (3) prior to the passing of this bylaw, subject to a requirement that all pets must be licensed. This clause will apply for the lifetime of the registered animal. If an owner fails or refuses to comply with the provisions of this Section, they shall be subject to penalties as set out in Schedule "B" of this Bylaw.
 - a. Notwithstanding section 13, owners in excess of three (3) looking to relocate to the Town of Lemberg will be allowed, subject to a requirement that all pets must be licensed. This clause will apply for the lifetime of the registered animal.
14. As of this bylaw coming into force and furthermore the animals shall be registered with the Town of Lemberg.

SEIZURE AND IMPOUNDING

15. A Bylaw Enforcement Officer/Animal Control Officer may seize and impound any dog or cat observed to be at large.
16. A Bylaw Enforcement Officer/Animal Control Officer may enter into land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
17. Any person may take any dog or cat found running at large contrary to the provisions of this Bylaw to the Pound.
18. Any person may be issued a cat trap upon completing Form "B" of this Bylaw.
19. No person, whether or not they are the owner of a dog or cat which is being or has been pursued or seized, shall:
 - a. Interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this Bylaw.
 - b. Unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this Bylaw have been placed so as to allow or attempt to allow any dog or cat to escape.
 - c. Remove or attempt to remove any dog or cat from the possession of the Bylaw Enforcement Officer.

POUND

20. The Public Works Department shall be the Pound Keeper.
21. All dogs and cats impounded in the Pound shall be so confined therein for a period of seventy-two (72) hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Town Office the amount set forth in Schedule "A" of this Bylaw.
22. No dog or cat impounded shall be released to its owner or any other person until the appropriate pound fee is paid and it has been registered.
23. When a dog or cat has been impounded, the Town Office shall immediately attempt to contact the owner as shown in the records made when the dog or cat was registered at the address shown therein, that unless the said dog or cat is claimed and the fees as provided for in this Bylaw are paid within seventy-two (72) hours from the date of the impounding, the said dog or cat shall be dealt with pursuant to the provisions of the Bylaw. Failing to find said owner by internal records, the Town Office shall immediately post notice in a visible place containing a description of the dog or cat along with the terms for release.
24. All impounded dogs or cats not claimed within seventy-two (72) hours as aforesaid, may be sold by the Town Office to any person paying for such dog or cat, a sum of not less than \$25 for the use of the Pound, and registering the dog

or cat as provided for by this Bylaw. In the event any dog or cat is not sold after expiration of the said seventy-two (72) hours, it shall be disposed of by either:

- a. Humane destruction; or
- b. Transfer to a local animal rescue for public adoption.

25. It shall be the duty of the Pound keeper to provide each dog or cat impounded under the authority of this Bylaw an adequate supply of food, fresh water, and proper shelter during its confinement in the Pound on a daily basis.

DEFECATION

26. If a dog or cat defecates on any public or private property other than the property of the owner, possessor, or harboured of said dog or cat, the owner, possessor, or harbour of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction set forth in Schedule "B" of this Bylaw.

27. Defecations deposited on the owner's private property, possessor or harbored of a dog or cat shall be removed and disposed of in a sanitary manner weekly. The owner, possessor, or harbour of a dog or cat shall not allow defecation to accumulate on their property so as to create a health hazard.

NUISANCE

28. The owner, possessor, or harbour of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite, or biting anyone or any domestic animal, chasing vehicles, bicycles, or pedestrians and any owner, possessor or harbour who contravenes this Section commits an offence as per Schedule "B" of this Bylaw.

29. The owner, possessor or harbour of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise making disruptive noises or by ruining, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbour. Any owner, possessor or harbour who contravenes this Section commits an offence as per Schedule "B" of this Bylaw.

30. Where a dog or cat is creating a nuisance complainants may make a written complaint to the Town Office.

RABIES AND OTHER DISEASES

31. When an animal has bitten a person and/or is suspected of being rabid, the Medical Health Office of the region and a Veterinarian of the Health of Animals Branch, Canada Department of Agriculture shall be notified immediately.

GENERAL

32. Every female animal or dangerous animal in heat shall be confined to a house (or kennel).
33. Any person teasing an animal or dangerous animal, enticing an animal or dangerous animal, baiting or throwing objects at an animal or dangerous animal, confined within its owner's property, shall be in violation of this Bylaw.

DANGEROUS ANIMALS

34. Where the Town Office receives a complaint that an animal within the Municipality is dangerous, Section 374-380 of *The Municipalities Act* shall apply.

OWNING AND HARBOURING OF DOGS

35. At all times while a dog is on the premises of its owner and left unattended, the owner shall either keep such dog confined indoors, or confined in a securely enclosed and locked pen or other structure built (i.e. fence) to prevent the escape of the dog and capable of preventing the entry of young children.
36. When any dog is off the premises of the owner, the owner shall harness it or leash it securely to effectively prevent it from attacking and injuring any person or domestic animal and ensure that it is under the complete control of a competent person.

GENERAL PENALTY

37. A person who contravenes any provision of this Bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00.

PENALTY

38. Where any person has committed or alleged to have committed a breach of any of the provisions of this Bylaw, a ticket in the form designated Form "B" forming a part of this Bylaw may be served on such person by the Bylaw Enforcement Officer.

CHARGES MAY BE ADDED TO TAX ROLL

39. In accordance with Section 369(1)(c) of The Municipalities Act, 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 person.
40. If an amount is added to the tax roll of a parcel of land pursuant to subsection (1), the amount:
- Is deemed for all purposes to be a tax imposed pursuant to *The Municipalities Act* from the date it was added to the tax roll; and
 - Forms a lien against the parcel of land in favour of the Town from the date it was added to the tax roll.

SEVERABILITY

41. 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.

REPEAL OF BYLAW

42. Bylaw 2019-10 is hereby repealed.

COMING INTO FORCE

43. This bylaw shall come into force and take effect on the date of its final passing.

Mayor

Administrator

First Reading: June 20, 2023
Second Reading: June 20, 2023
Third and Final Reading: July 18, 2023

Certified a True Copy of Bylaw 2023-08
adopted by Resolution of the Council
of the Town of Lemberg, in the
Province of Saskatchewan on
the 18th day of July 2023.

seal

Administrator

**TOWN OF LEMBERG
SCHEDULE "A"
BYLAW 2023-09**

ANIMAL LICENSE FEES

DESCRIPTION	FEE
Dogs – Not Vaccinated or Spayed/Neutered (one-time fee)	Refer to "Fees and Charges Bylaw"
Dogs – Vaccinated and Spayed/Neutered (one-time fee)	Refer to "Fees and Charges Bylaw"
Cats – Not Vaccinated or Spayed/Neutered (one-time fee)	Refer to "Fees and Charges Bylaw"
Cats – Vaccinated and Spayed/Neutered (one-time fee)	Refer to "Fees and Charges Bylaw"
Lost License Replacement Fee	Refer to "Fees and Charges Bylaw"
Service dogs	Free
Dangerous Animal (annual fee) upon approval	\$500.00
Annual Kennel License	\$100.00

POUND FEES

DESCRIPTION	FIRST OFFENCE	SUBSEQUENT OFFENCE
Impound Fees: Spayed/Neutered Dog/Cat	\$100.00 + license fee (if applicable)	\$150.00
Impound Fees: Not Spayed/Not Neutered Dog/Cat	\$150.00 + license fee (if applicable)	\$200.00
Care and Sustenance	\$25/day	
Veterinary Expense	Amount Expended	
Destroying a dog or cat	Amount Expended	
Impounding a Dangerous Animal	\$50/day	\$100.00
Travel – As determined by Fees and Charges of the Town of Lemberg		

**TOWN OF LEMBERG
SCHEDULE "B"
BYLAW 2023-09**

PENALTIES – NON-RESTRICTED ANIMALS

DESCRIPTION	FIRST OFFENCE	SUBSEQUENT OFFENCE
Failure to Register Animal	\$50.00	\$100.00
Running at Large	\$100.00	\$200.00
Exceeding Limits on Any One Property (for each animal exceeding limits)	\$150.00	\$300.00
Neglects or Refuses to Clean up Defecation	\$100.00	\$200.00
Nuisance Dogs	\$150.00	\$300.00
Nuisance Cats	\$75.00	\$150.00
Dog or Cat Bites or chases a Person or other Animals	\$150.00	\$300.00
Enter Floral area or Disturb or Destroy Vegetation or Animal Habitat in a Park	\$100.00	\$200.00
Upsets Waste Receptacle or Scatters Waste	\$100.00	\$200.00

**TOWN OF LEMBERG
SCHEDULE "C"
BYLAW 2021-03**

PROHIBITED ANIMALS

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

- (a) All Animals being reared for the bearing of fur or food;
- (b) All animals whose normal habitation is outside of urban centers (such as fox and deer);
- (c) All Arachnids dangerous to humans (such as scorpions and tarantulas);
- (d) All Artiodactylous Ungulates* (such as goats, sheep, cattle, pigs, and llamas);
- (e) All bats;
- (f) All bees;
- (g) All Canids, except the domestic dog;
- (h) All Crocodylians (such as alligators and crocodiles);
- (i) All Edentates (such as anteaters, sloths, and armadillos);
- (j) All Elephants;
- (k) All Felids, except the domestic cat;
- (l) All Hyenas;
- (m) All Insects being raised for the purpose of profit or gain;
- (n) All Livestock*;
- (o) All Marsupials (such as kangaroos and opossums);
- (p) All Mustelids (such as skunks, weasels, otters, and badgers), except the domestic ferret;
- (q) All Non-Human Primates (such as gorillas and monkeys);
- (r) All Perissodactyls Ungulates* (such as horses, donkeys, mules, and asses)
- (s) All Pigeons;
- (t) All Pinnipeds (such as seals, fur seals, and walruses);
- (u) All Procyonids (such as raccoons);
- (v) All Raptors, diurnal and nocturnal (such as eagles, hawks, and owls);
- (w) All Ratite Birds (such as ostriches and cassowaries);
- (x) All Galliformes*, (such as roosters, turkey, grouse, quails, and pheasants);
- (y) All Anseriformes (such as ducks and geese);
- (z) All Snakes of the families Pythodidae and Boidae;
- (aa) All Urid's (bears);
- (bb) All Venomous Reptiles and Amphibians;
- (cc) All Viverrids (such as mongooses);

**unless allowed under the "Limiting Animals Bylaw"*

**DOG & CAT LICENSE APPLICATION
FORM "A"**
as per Bylaw 2023-09 Animal Control

Name of Owner: _____

Address (mailing): _____

(civic): _____

Phone Number: _____

Email: _____

Internal (Office Use)

Animal Type: **Dog** **Cat**

Animal Tag #: _____

Animal Name: _____

Breed of Animal: _____

Physical Description: _____

Animal Spayed or Neutered: Yes No

Spay/Neutered Certificate: Yes No (attach copy)

Vaccination Certificate: Yes No (attach copy)

Photo of Animal: Yes No (attach copy)

Owner Signature _____

Date _____

CAT TRAP PERMIT

FORM "B"

as per Bylaw 2023-09 Animal Control

Date: _____

The undersigned agrees to the following terms and conditions:

- to place the cat trap on his or her property which is within the Town of Lemberg;
- to personally check the cat trap every two (2) hours while the trap is set;
- in the event a cat is trapped, to immediately deliver the cat to Yorkton Society for the Prevention of Cruelty to Animals at 79 Seventh Avenue South (Phone No. 783-4080). In the event that the Society for the Prevention of Cruelty to Animals is closed, the cat may be held until the Society for the Prevention of Cruelty to Animals re-opens, 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 the 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 the Humane Society. 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 while in their possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below 0 degrees Celsius or rises above 25 degrees Celsius;
- a Bylaw Enforcement Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Bylaw Enforcement Officer of the ownership of any cat trapped, if known;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition;
- traps must not be set on statutory holidays as the Animal Control Office is closed; the trap is to be returned to the Bylaw Enforcement Officer two days after issuance.

*** IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL**

Address of intended location of trap: _____

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 Town of Lemberg for all such liability.

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

TRAP RETURNED

Date: _____ Received by: _____