

RURAL MUNICIPALITY OF MERVIN #499

BYLAW NO. 2023-11

A BYLAW OF THE RURAL MUNICIPALITY OF MERVIN #499 TO PROVIDE FOR THE CONTROL OF ANIMALS

The Council of the Rural Municipality of Mervin #499, in the Province of Saskatchewan, enacts as follows:

1. TITLE

This bylaw may be cited as the *Animal Control Bylaw*.

2. PURPOSE

The Purpose of this Bylaw is as follows:

- a. To control and regulate cats and dogs;
- b. To provide for the impounding of cats and dogs that are at large;
- c. To control and regulate exotic and wild animals.

3. EXEMPTIONS FOR POLICE SERVICE DOGS

This Bylaw does not apply to police service dogs under the control and supervision of their handler and either on active duty or engaged in training.

PART 1 - DEFINITIONS

4. DEFINITIONS

In this Bylaw:

- a. **"Animal Control Agency"** means the agency designated by the RM of Mervin #499 to administer and enforce this bylaw.
- b. **"At large"** means, with respect to an animal, not being on the premises of its owner unless the animal is on a leash not exceeding two (2) metres in length and under proper control;
- c. **"Council"** means the Council of the RM of Mervin #499;
- d. **"Court"** means the Provincial Court of Saskatchewan pursuant to *The Provincial Court Act, 1998*;
- e. **"Designated Officer"** means a person employed by the Animal Control Agency, Poundkeeper or Community Safety Officer to enforce this bylaw;
- f. **"Owner"** includes:
 - i. A person who owns or has possession of, or control over, an animal; and
 - ii. The person responsible for the custody of a minor where the minor is the owner of an animal;but does not include:
 - iii. A veterinarian registered pursuant to *The Veterinarians Act, 1987* who has possession of or control over an animal for the purposes of preventing, diagnosing or treating a disease of or injury to the animal; or
 - iv. An animal shelter or pound operated by the SPCA;
- g. **"Peace Officer"** means any member of the Royal Canadian Mounted Police, and any person appointed as a Community Safety Officer or Bylaw Officer as per *The Municipalities Act*;

- h. **“Police service dog”** means a dog that:
 - i. Is owned by the RCMP or other public law enforcement agency;
 - ii. Has been specially trained for the performance of police work; and
 - iii. Is under the control and supervision of a member of the RCMP or other public law enforcement agency;
- i. **“Pound”** means the premises designated by the RM of Mervin #499 as the municipality’s impoundment facility;
- j. **“Poundkeeper”** means a person designated by the RM of Mervin #499 to administer the pound;
- k. **“Public playground”** means the area containing playground equipment in any park or Municipal Reserve owned by the RM of Mervin #499 or under the management and control of the municipality.
- l. **“Service animal”** means an animal that is designated to have been legitimately trained and certified to provide assistance to a person with a disability that relates to that person’s disability;
- m. **“SPCA”** means Saskatchewan Society for the Prevention of Cruelty to Animals Inc.
- n. **“Premises of its owner”** means property that is owned or rented by the owner that the owner has a legal right to occupy.

PART II - REGULATION AND CONTROL OF CATS AND DOGS

5. CATS AND DOGS AT LARGE

- a. No owner of a cat or dog shall permit the animal to be at large.
- b. If a dog or cat is found to be at large the owner shall be deemed to have permitted the cat or dog to be at large 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 cat or dog from being at large.

6. THE DANGEROUS ANIMALS BYLAW, 2023

Nothing in this bylaw restricts or limits the application of *The Dangerous Animal Bylaw, 2023*. For further certainty, *The Dangerous Animal Bylaw, 2023* applies to animals in all areas.

7. PROHIBITED AREAS

- a. The areas listed in Schedule No. 1 are designated as areas where cats and dogs are not permitted, whether or not the cat or dog is on a leash.
- b. No person shall permit a cat or dog to be:
 - i. in a prohibited area listed in Schedule No. 1;
 - ii. on any public playground;
 - iii. in any municipal reserve area.

No person shall permit a dog to be in any cemetery under municipal jurisdiction, unless:

 - i. the dog is present in the cemetery with its owner for a funeral service or interment;

and the owner complies with all other provisions of this bylaw.
- c. This section shall not apply to a person who owns and is physically reliant on a service animal trained and used to assist such person.

8. TRANSPORTATION OF ANIMALS

- a. No person shall transport a cat or dog in a motor vehicle unless the animal is:
 - i. Inside a motor vehicle, fully enclosed trailer or truck bed cap; or
 - ii. Confined or properly restrained in a manner that will prevent the animal from:
 - 1. Falling from the motor vehicle;
 - 2. Being injured during transport; or

3. Causing hazard to the safe operation of other motor vehicles.
- b. No person shall tether a cat or dog to a motor vehicle that is in operation unless the animal is confined or secured as described in Clause(a)(ii).
- c. Subsections (a) and (b) do not apply to a person operating a motor vehicle that is designed for use as a mobility aid for persons with a disability and that is being used for that purpose.
- d. No person shall leave an animal unattended in an enclosed unventilated space.

9. LITTER CLEANUP

If a cat or dog defecates on any public or private property other than the premises of its owner, the owner of the dog shall remove the defecation immediately.

10. ACCUMULATION OF ANIMAL FECES

- a. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard or a nuisance.
 - i. For the purposes of subsection (a), an accumulation of feces becomes a nuisance if it is unsightly, odorous or of a quantity that is likely to annoy or aggravate others.
- b. A designated officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice.
- c. If a notice under subsection (b) is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last revised assessment roll of the municipality.
- d. A notice served by registered mail is deemed to have been received on the fifth day following the date of mailing.
- e. The RM of Mervin #499 may remove the feces from the property if:
 - i. The person to whom the request is made fails to remove the feces within 72 hours; or
 - ii. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.
- f. If the RM carries out the work under the subsection (e), the costs and expenses incurred are a debt due to the RM and the RM may recover the costs and expenses:
 - i. by action in a court of competent jurisdiction;
 - ii. in the same manner as municipal taxes; or
 - iii. by adding the costs and expenses to, and thereby they form part of, the taxes on the land on which the work was done.

11. BARKING OR HOWLING

- a. No owner of a cat or dog shall permit the cat or dog to bark or howl so as to create a nuisance.
- b. For the purposes of this section, the factors for determining whether the barking or howling of a cat or dog has become a nuisance are as follows:
 - i. the proximity of the barking or howling to sleeping facilities;
 - ii. the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
 - iii. the time of day or night the barking or howling occurs;
 - iv. the duration of the barking or howling;
 - v. whether the barking or howling is the result of provocation;
 - vi. the volume of barking or howling; and
 - vii. whether the barking or howling is recurrent, intermittent or constant.
- c. Barking or howling in a residential area is deemed to be a nuisance if the barking or howling:
 - i. Occurs between the hours of:
 1. 11 p.m. and 6 a.m. on a day other than a Sunday or holiday; or

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2. 11 p.m. and 8 a.m. on a Sunday or holiday; and
- ii. Persists for a period of:
 1. 15 consecutive minutes or longer; or
 2. 1 hour or longer, intermittently.

12. NUISANCES BY CATS AND DOGS

No owner of a cat or dog shall permit or allow the cat or dog to become a nuisance to other persons or animals.

For the purposes of this section, the behavior of a cat or dog which constitutes a nuisance includes, but is not limited to, the following:

- a. doing any act that injures a person or another animal;
- b. chasing or otherwise threatening a person or another animal;
- c. biting, barking at, or chasing livestock, bicycles or motor vehicles;
- d. causing damage to property.

13. ORGANIZED AND UNORGANIZED HAMLETS

- a. There is a limit of 3 domestic animals permitted per household within organized and unorganized hamlets.

PART III – IMPOUNDING OF CATS AND DOGS

14. IMPOUNDING OF CATS AND DOGS

- a. A designated officer, Poundkeeper or Peace Officer may seize and impound any cat or dog that is at large.
- b. A designated officer, Poundkeeper or Peace Officer may enter onto the land surrounding any building in pursuit of any cat or dog which is found at large.

15. INTERFERENCE WITH ENFORCEMENT

No person, including the person who is the owner of a cat or dog which is being impounded or has been impounded, shall interfere with a Poundkeeper, designated officer, or peace officer who is impounding any cat or dog in accordance with provisions of this bylaw.

16. IMPOUNDED CATS AND DOGS

- a. The Poundkeeper shall keep all impounded cats and dogs for a period of at least seventy-two (72) hours, excluding the day of impounding. Statutory holidays shall not be included in the computation of the seventy-two (72) hour period.
- b. During this period, the owner may reclaim the cat or dog from the pound upon payment to the Poundkeeper of the fees set out in Schedule No. 2.
- c. If a cat or dog is not reclaimed within the period set out in subsection (a), or if the owner of a cat or dog fails or refuses to comply within this period of conditions set out in subsections (b) and (c), the Poundkeeper rehome the animal.
- d. The owner who reclaims a cat or dog from the pound is deemed to have been the owner of the cat or dog at the time the cat or dog was at large.

PART IV - CONTROL AND REGULATION OF EXOTIC, WILD AND FARM ANIMALS

17. OWNING, HARBORING, RENTING, AND SELLING EXOTIC AND WILD ANIMALS

No Person shall:

- a. Buy, own or harbor an animal or hybrid of an animal listed in Schedule No. 3 for any purpose, except as permitted by the Zoning Bylaw;
- b. Operate a pet store that owns, buys, trades, exhibits, harbors, rents or sells an animal or hybrid of an animal listed in Schedule No. 3; or
- c. Trade, exhibit, harbor, rent or sell an animal or hybrid of an animal listed in Schedule No. 3.

18. EXCEPTIONS TO SECTION 17

Section 17 does not apply:

- a. When the animal is:
 - i. In the possession of the Animal Control Agency or on the premises of the Poundkeeper;
 - ii. On the premises of the SPCA;
 - iii. In a veterinary hospital under the care of a licensed veterinarian; or
- b. To any person who:
 - i. Holds a license under any statute of the Legislature of Saskatchewan or the Government of Canada which permits the keeping of animals under stated conditions.

Section 17 does not apply to an animal or hybrid of an animal listed in clause (r) or (s) of Schedule No. 3 that is being kept for research, study or teaching purposes on property owned by school division or conseil scolaire.

19. FARM ANIMALS

Farm animals are not permitted in organized and unorganized hamlets.

PART V – OFFENCES AND PENALTIES

20. GENERAL PENALTY

- a. Except as otherwise provided in this bylaw, every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of at least the minimum amount set out in the Fines and Penalties Policy Appendix "A" and:
 - i. In the case of an individual, not more than \$2,000.00; and
 - ii. In the case of a corporation, not more than \$5,000.00.

A person who is guilty of an offence for which a minimum amount is not set out in the Fines and Penalties Policy Appendix "A":

- i. In the case of an individual, not more than \$2,000.00; and
- ii. In the case of a corporation, not more than \$5,000.00.

Notwithstanding subsection (a), if no Notice of Violation has been issued for a period of three (3) years or more in relation to a contravention, then a subsequent contravention of that section of the bylaw is deemed a first offence.

- b. Any person convicted of an offence under Part VI shall, within ten (10) days thereafter, deliver all animals of the kind listed in Schedule No. 3 owned, kept or harbored, by that person to the Poundkeeper and they shall become the property of the municipality and shall be donated to an approved agency.
- c. Any person who fails to deliver an animal as required by subsection (b) is guilty of an offence and liable on summary conviction to the penalty contained in subsection (a.i).
- d. The Court may, in default of payment of a fine imposed under this bylaw, order imprisonment of an individual for a term not exceeding one year.

21. VOLUNTARY PAYMENT TO AVOID PROSECUTION

- a. Notwithstanding Section 18, a person who contravenes Sections (5, 7, 8, 9, 10, 11, 12) upon being served with a Notice of Violation as specified in Schedule No. 4 may voluntarily pay the prescribed penalty in Schedule No. 2 to: RM of Mervin #499, Box 130, Turtleford, SK, S0M 2Y0, email: rm499@rmofmervin.com.
 - i. For the purpose of determining the prescribed penalty required by Subsection (a), the number of prior offences shall be determined by the number of prior Notice of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.
 - ii. If the RM of Mervin #499 receives voluntary payment of the prescribed penalty within the time limit specified on the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
 - iii. Nothing in this Section shall be construed to prevent any person from exercising their right to defend a charge for a contravention of the bylaw.
 - iv. A Notice of Violation as specified in Schedule No. 4 may be issued by a Peace Officer, the Animal Control Agency or the Poundkeeper.

22. FAILURE TO PROVIDE IDENTIFICATION

No person shall fail to provide proof of their name, address and date of birth upon request by a designated officer or peace officer.

PART VI - MISCELLANEOUS

23. DESIGNATED POUNDKEEPER AND ANIMAL CONTROL AGENCY

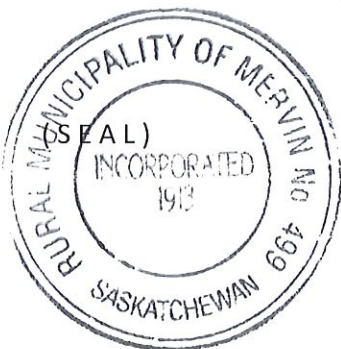
- a. The SPCA is designated as the Poundkeeper and Animal Control Agency.
- b. The Animal Control Agency or Poundkeeper are authorized to delegate the enforcement of this bylaw to their employees.

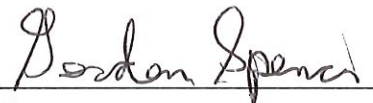
24. REPEAL

Bylaw #2000-10 of the RM of Mervin #499 is repealed.

25. Coming Into Force

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





Reeve



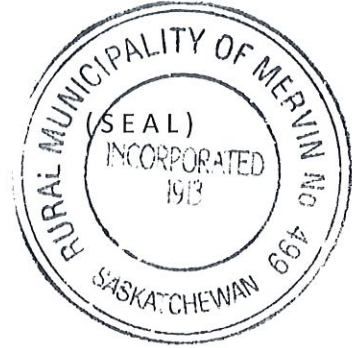
Administrator



Certified a true copy of
Bylaw No. 2023-11 adopted by
resolution of Council this 9th
day of March, 2023.

Rodney Spencer
Reeve

Alinda O...
Administrator



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Schedule No. 1

Prohibited Areas for Cats and Dogs

- a. All Public Parks
- b. All Municipal Reserves

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Schedule No. 2

Impoundment Fees for Cats and Dogs

Pound Fee	\$250.00
Care and Sustenance Fee	\$30.00 (plus GST) per day or portion thereof commencing at 12:00 AM on the day immediately following the day of impoundment.

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Schedule No. 3

Prohibited Animals

- a. All Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera *Aphonopelma*, *Avicularia* and *Grammostola*);
- b. All bats;
- c. All Canids, except the domestic dog;
- d. All crocodylians (such as alligators, crocodiles and caimans);
- e. All Edentates (such as anteaters, sloths and armadillos);
- f. All Elephants;
- g. All Felids, except the domestic cat;
- h. All Hyaenas;
- i. All Marsupials (such as kangaroos and opossums);
- j. All Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- k. All non-human Primates (such as gorillas and monkeys);
- l. All Pinnipeds (such as seals, and walruses);
- m. All Procyonids (such as raccoons, coatis and cacomistles)
- n. All Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- o. All snakes of the families Pythonidae and Boidae except for the Kenyan Sand Boa, Rough-scales Sand Boa, Red Sand Boa, Rosy Boa, Children's Python, Spotted Python, Black headed Python, Woma Python, Darwin Carpet Python, Jungle Carpet Python, Green Tree Python and Ball Python;
- p. All Ursids (bears);
- q. All venomous Reptiles and Amphibians;
- r. All Viverrids (such as mongooses, civet and genets).

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 4

Notice of Violation

MUNICIPAL VIOLATION TICKET

LOCATION:	
OFFICER NUMBER:	OFFICER NAME:
OFFENCE DATE:	TIME:
DID UNLAWFULLY CONTRAVENE	
VOLUNTARY PAYMENT: \$ _____	
LICENCE:	PROV:
COLOUR	MAKE
MODEL	
VIN:	
ACCUSED: _____	
ADDRESS: _____	
DATE OF BIRTH: _____	
FILE NUMBER:	

VIOLATION NOTICE

Prosecution for this violation may be avoided by making a voluntary payment of the penalty amount, indicated on the face of this ticket, within days of the offence date.

THIS TICKET MUST BE PRESENTED WITH PAYMENT

In Person Interac, Cash, Visa, MasterCard or Cheque/Money Order
Payable to

By Mail Cheque/Money Order Payable to
(Do not mail cash)

to

Inquiries: Municipal Enforcement

No.

TICKET NUMBER

