

BYLAW NO. 3 (2024)

A BYLAW OF THE TOWN OF BIENFAIT FOR LICENSING AND OWNERSHIP OF ANIMALS

Council hereby created a bylaw to:

- a) license any animal or class of animal;
- b) regulate and control person(s) owning or harbouring any animal or class of animal, or prohibit the harboring or any animal or class of animal within the urban municipality or any specified portion of the urban municipality;
- c) restrict, within the urban municipality or any specified portion of the urban municipality;
 - (i) the number of any class of animals that may be kept by any person
- d) classify animals for licensing purposes, establish a schedule of fees to be paid by persons owing or harboring animals, which fees may vary as between the different classifications of animals, and require a person owning or harboring an animal to disclose the number and class of animals kept on or in his land or buildings;
- e) regulate or prohibit the running at large of animals or any class of animals in the whole or any part of the urban municipality and prohibit any person who owns any such animal from allowing it to run at large;

NOW THEREFORE, The municipal Council of the Town of Bienfait enacts as follows:

I. In this Bylaw

- a) “**Animal Control Officer**” means that person(s) appointed by the Mayor and Administrator for the purposes of this Bylaw;
- b) “**Arachnid**” shall mean any of a class of small air-breathing invertebrate animals having four pairs of walking legs, no antennae or wings, and a body usually only divided into two segments;
- c) “**Assist Dog**” means a dog use to assist persons with disabilities or dogs used by the City of Estevan Police Service;
- d) “**Bat**” shall mean a mammal having membranes between very long bones of the forelimbs which enable them to fly; they also have a special radar-like sense organ that enables them to fly in the dark;
- e) “**Canid**” shall mean any meat-eating, four-legged animal having to do with the family;
- f) “**Crocodylian**” shall mean any family of large, tropical. Aquatic reptiles having thick, scaly skin, a long round body, four short legs, and a powerful tail;
- g) “**Dogs**” or “**Cats**” includes all species of the animals commonly known as dogs or cats, male or female, and of every breed or classification or mixture of breeds;
- h) “**Dog Run**” means a structure designed and/or used for the keeping or containment of a dog;
- i) “**Edentate**” shall mean mammals having only one cheek tooth or no teeth at all;
- j) “**Elephant**” shall mean either of two large mammals, African or Asian, having thick, tough, almost hairless gray skin, a thickset body, thick legs, and a flexible, muscular proboscis called a trunk that is used for conveying food and water to the mouth;
- k) “**Felid**” shall mean the biological family of cats;

- l) “**Hyena**” shall mean wolf-like carnivorous animals that live mainly as scavengers; they are characterized by their short back legs, a large head with very powerful jaws and teeth;
- m) “**Judge**” means a Provincial Court Judge;
- n) “**Kennel**” means any structure used by any person for boarding or otherwise caring for, training or whelping dogs or cats exceeding three (3) dogs or (3) cats in number over the age of three (3) months, whether or not for reward, but does not include:
 - (i) any premises occupied by a duly qualified veterinary surgeon for the practice of his or her profession;
- o) “**License Year**” means the period from January 1st to December 31st of the same year, both dates inclusive;
- p) “**Marsupial**” shall mean mammals who’s young are born at a very early stage of development and continue their growth inside a womb usually inside a pouch;
- q) “**Medical Health Officer**” means the Medical Health Officer for the Town of Bienfait
- r) “**Municipality**” shall mean the Town of Bienfait.
- s) “**Mustelid**” shall mean a family of diverse carnivorous animals. They are typically small animals with short legs, short, round ears, and thick fur. Most are solitary, nocturnal animals, and are active year-round;
- t) “**Off-Toed Ungulate**” shall mean mammals having a reduced number of toes, each encased in a protective horny sheath or hoof with the weight carried mainly by the middle digit of each foot. Are relatively large grazing animals;
- u) “**Owner**” means any persons, partnership, association, or corporation owning, possessing, harboring, having a charge of or control over any cat or dog, and includes a keeper of a dog or cat;
- v) “**Pinniped**” shall mean any order of aquatic mammals having a streamline body and limbs modified into flippers;
- w) “**Poultry**” shall mean domesticated birds kept for eggs, meat or as a pet;
- x) “**Procyonid**” shall mean a group of relatively small mammals with generally slender bodies and long tails (though the common raccoon tends to be bulky). Many have banded tails, and distinctive facial markings – these are especially visible on raccoons. Most species have non- retractable claws.
- y) “**Raptor**” shall mean a bird of prey;
- aa) “**Ratite Bird**” shall mean flightless birds having a flat breastbone lacking a keel attachment of flight muscles;
- ab) “**Rodent**” shall man a group of gnawing mammals with strong, continually growing incisors and no canine teeth;
- ac) “**Pound Keeper**” means that person, corporation, society or organization as may from time to time be appointed by the Mayor and Administrator for the purpose of retaining impounded dogs and cats pursuant to this Bylaw;
- ad) “**Running at Large**” means being on:
 - (i) public property unaccompanied by any person,
 - (ii) public property accompanied but not under the “complete” control of a person by the means of a leash suitable to the animal’s size and strength.

- ae) **“Snakes – Pythonida and Boida”** shall mean classes of snakes that kill by constriction;
- af) **“Treasurer”** means the Treasurer of the Town of Bienfait, and such person or persons as he may from time to time appoint in writing to act on his behalf in the enforcement of the licensing provision of this bylaw;
- ag) **“Ursid”** shall mean a group of mammals with a large body with stocky legs, long snouts, shaggy hair, paws with 5 non-retractable claws and short tails;
- ah) **“Venomous Reptiles and Amphibians”**
 - **Reptile** shall mean cold blooded animals that breathe with lungs and have a body covered by horny scales;
 - **Amphibian** shall mean a class of cold-blooded vertebrates, most of which have scaleless skin and which produce young that at first breathe by gills, but who usually change as they mature and become land-living animals with lungs and legs;
- aj) **“Viverrid”** shall mean a group of carnivorous mammals with long bodies, short legs, small heads with pointed ears, and a long-pointed muzzle. Most species have stripes, bands, or spots on their bodies and their tails are often ringed with contrasting colours.

PART I - LICENSING OF DOGS AND CATS

2. No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed with a lifetime or annual license. No dog or cat under the age of 3 months shall require a license.
3.
 - a) The lifetime or annual license fee charged for various kinds, species or breed of dogs or cats owned, possessed or harbored by any person while a resident in the Town of Bienfait shall be in accordance with the schedule of fees prescribed in Schedule “A” attached to this Bylaw.
 - b) Owners will pay a one-time nonrefundable license fee for each cat and/or dog possessed or harboured by that person as outlined in Schedule “A”. There shall be absolutely no circumstance in which this one-time fee shall be reimbursed.
4. All license fees required to be paid under this Bylaw shall be paid to the Treasurer of the Town or the appointed person, located at the Bienfait Town Office.
5. The tag issued by the Treasurer shall bear a serial number and the year in which it is issued and a record shall be kept by the Treasurer showing the name and address of the owner along with a Residential and Business phone number and a description of each cat or dog owned by him or her including its breed, color, sex, age and name and the serial number of the tag issued for each dog or cat.
6. The owner shall ensure that a collar, and the tag issued by the Treasurer, are worn by the dog or the cat when the animal is off the premises of the owner.
7. No unauthorized person shall remove a collar or a dog or cat tag from a dog or cat.

PART II – IMPOUNDING OF DOGS AND CATS

8.
 - a) No owner shall permit any dog or cat to be running at large in the Town of Bienfait;
9. For the purpose of impounding any dog or cat found running at large in the Town of Bienfait, a pound shall be established at such place, or places as may from time to time be designated by the Mayor and the Town Administrator and the Mayor and Administrator shall from time-to-time appointment one or more Pound Keepers and fix their remuneration.

10. Pound fees shall be as prescribed in Schedule "A" and shall be in addition to any charges for food or otherwise, that the Pound Keeper may impose.

PART III – DUTIES OF DOG AND CAT OWNERS

11. a) No owner or keeper of a dog or cat shall permit their dog or dogs or cat or cats on any school ground, playground or posted area except when the owner or keeper is attending a recognized training or obedience school for training his or her dog or cat.
12. Any owner whose dog or cat chases any pedestrian, vehicle, horse, or any other animal on public thoroughfare shall be in violation of this Bylaw.
13. a) A female dog or cat in heat shall be confined and housed in the residence of the owner; except that a female dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and urinate on the premises of the owner.
- b) A kennel owner shall not locate a dog run closer than 2 meters to the property line
14. a) If a dog or cat defecates or urinates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.
- b) Where, under Section a) of this Section, the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.
15. No owner or keeper shall permit his or her dog or dogs or cat or cats to damage public or private property.
16. a) Every owner of a dog or cat shall:
- i) provide his or her dog with a collar; and
- ii) keeping the tag issued by the Treasurer under the provisions of this Bylaw securely fixed on the dog's or cat's collar at all times.
- b) i) no person shall keep an animal within the town tethered on a chain, rope or similar restraining device of less than 3 meters in length.
- ii) every person who has tethered an animal shall ensure the animal has unrestricted movement within the range of the tether.
17. Every person requested by the Treasurer or appointed person to do so shall forthwith deliver to him a statement in writing of the number of dogs or cats owned by him.
18. No person operating a motor vehicle with an exposed cargo area, shall allow an animal to not be tethered in the exposed cargo area, while the vehicle in in motion.

DOG RUNS

19. a) (i) Where a dog is housed or kept in a dog run, the Owner shall ensure that the dog run is kept in a sanitary condition protecting the health and safety of the dog and any other living being.
- (ii) An owner shall ensure a dog run on the owner's property is located no closer than 2 meters to a property line.
- (iii) An owner shall ensure that a dog run on the owner's property is constructed of material of sufficient strength and in a manner adequate to:
- a) confine the dog; and
- b) prevent the entry of children of tender years

- b) (i) In the opinion of an Animal Control Officer or a Police Officer the condition or location of a dog run is not in accordance with this Bylaw, the Animal Control Officer may order the owner of the property on which the dog run is located, to clean, alter, demolish or relocate the dog run within the time period specified in the order.
- (ii) The person to whom an order is issued pursuant to subsection (i) shall comply with the order within the time specified in the order.
- (iii) An order to relocate a dog run issued pursuant to subsection (i) will allow the owner of the property on which the dog run is located, at least 30 days to relocate or remove the dog run.

PART IV – GENERAL

- 20. Any person teasing a dog or cat, enticing a dog or cat, baiting or throwing objects at a dog or cat confined within its owner's property shall be in violation of this Bylaw.
- 21. a) Any owner whose dog or cat has bitten or attempted to bite any person in the Town of Bienfait is guilty of an offence and liable on summary conviction to the penalties described in this Bylaw.
- 22. No owner of a dog or cat shall permit his dog or cat to become a nuisance by barking or howling or emitting other animal sounds.
- 23. No person within the Town of Bienfait shall harbour or keep more than three (3) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to a penalty of Twenty-Five (\$25.00) for each animal exceeding the limit, monthly, which may be amended from time to time.

Charges may be added to property taxes:

If a dog has been the subject of a complaint the costs:

- a) are a debt due to the municipality;
- b) may be recovered as a debt due to the municipality or may be added to the owner's property taxes.

PART V – OWNERSHIP OF ANIMALS

- 24. No person shall herd any of the aforementioned classes of animals excluding cats and dogs at any time within the limits of the municipality.
- 25. No person shall graze any of the aforementioned classes of animals excluding cats and dogs at any time within the limits of the municipality.
- 26. No person shall keep more than three (3) of any of the animals allowed within the limits of the municipality that are over the age of twelve (12) weeks.
- 27. No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Appendix "A" for any purpose excluding the stated exceptions.
- 28. Any person found guilty of an infraction of any of the provisions of this bylaw shall be liable to a fine:
 - a) keeping of a prohibited animal – twenty-five (\$25.00) dollars per animal. Prohibited animals must be removed within 7 days.
 - b) excess of the number of animals – twenty-five (\$25.00) dollars per animal per month in contravention of this bylaw.

PART VI – BYLAWS REPEALED AND EFFECTIVE DATE OF THIS BYLAW

- 23. Bylaws 9 (2014), 8 (2006), 3 (2007), 7 (2016) are hereby repealed.
- 24. This Bylaw comes into force and effect on the date of the final reading.

SCHEDULE “A” TO BYLAW NO. 3 (2024)

<u>DOGS AND CATS LICENSE FEE</u>	<u>LIFETIME</u>	<u>ANNUAL</u>
All dogs and cats regardless of vaccination or spay/neuter status.	\$50	\$10

SCHEDULE “C” TO BYLAW NO. 3 (2024)

PENALTIES

<u>Offence</u>	<u>1st Offence</u>	<u>2nd & Subsequent Offences</u>
1. Running at large	\$50.00	\$100.00
2. Unlicensed Animal	\$20.00	\$40.00
3. Animal not Wearing a License	\$15.00	\$30.00
4. Failure to Remove Defecation	\$50.00	\$100.00
5. Howling, Barking Dogs	\$50.00	\$100.00
6. Howling, Hissing, Fighting Cats	\$50.00	\$100.00

PENALTIES AFFECTING RESTRICTED DOGS

- 1. Failure to obtain and keep a Restricted Dog License \$250.00

APPENDIX “A”

Animal Group	Example	Exception
All arachnids dangerous to humans	Scorpions, Tarantulas	Tarantulas of the genera Aphonopelma, Avicularia, and Grammostola
All Even-Toed Ungulates	Goat, Sheep, Cattle, Pot Bellied Pigs, Peccaries, Camel, Llama	
All Bats	Fruit Bat, Red Flying Fox, Nectar Bat, Spotted Bat	
All Canids	Wolf, Fox, Jackal, Coyote	Domestic Dog
All Crocodylians	Alligator, Crocodile, Caiman	
All Edentates	Anteater, Sloth, Armadillo	
All Elephants	Asian & Indian Elephants	
All Felids	Lion, Tiger, Cheetah, Bobcat	Domestic Cat
All Hyenas	Hyena	
All Marsupials	Kangaroo, Opossum, Wombat	
All Mustelids	Skunk, Weasel, Otter, Badger, Otter, Mink, Wolverine, Marten	Domestic Ferret
All Non-human Primates	Gorilla, Monkey, Chimpanzee, Orangutan	
All Odd-Toes Ungulate	Horse, Ass, Zebra, Tapir	
All Poultry	Chicken, Turkey, Duck, Geese, Quail, Guinea Fowl, Pheasant, Pigeon, Ostrich	

All Pinnipeds	Seal, Fur Seal, Sea Lion, Walrus	
All Procyonids	Raccoon, Coatis, Cacomistle	
All Raptors, Diurnal & Nocturnal	Eagle, Owl, Hawk	
All Ratite Birds	Ostrich, Emu, Cassowaries, Rhea, Kiwi	
All Rodents	Chinchilla, Beaver, Squirrel, Rat, Mouse	Rabbit, Guinea Pig, Hamster, Gerbil
All snakes of the families Pythonidae & Boidae	Python, Boa	
All Ursids	Bear, Giant Panda	
All Venomous Reptiles & Amphibians	American & Common Toad, Poison Dart Frog, Pacific Newt	
All Viverrids	Mongoose, Civet, Gener, Linsang	

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TOWN OF BIENFAIT



 Mayor



 Administrator

Read a third and final time, approved and adopted for use by the Town of Bienfait this
22 day of May, 2024.