

RESORT VILLAGE OF KIVIMAA-MOONLIGHT BAY

BYLAW NO. 7/22

ANIMAL CONTROL BYLAW

Of the Resort Village of Kivimaa-Moonlight Bay in the Province of Saskatchewan to control animals.

The Council of the Resort Village of Kivimaa-Moonlight Bay in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be known as the "Animal Control Bylaw".
2. That Bylaw No. 5/01 being a Bylaw to Control the Running at Large of Animals be hereby repealed.

PART I – DEFINITIONS

3. In this bylaw, the following definitions apply:
 - a) "**Administrator**" means the administrator for the Resort Village of Kivimaa-Moonlight Bay.
 - b) "**Council**" means the Council of the Resort Village of Kivimaa-Moonlight Bay.
 - c) "**Animal**" means a dog, cat or any other animal.
 - d) "**Dog**" means either male or female of the Canidae family.
 - e) "**Cat**" means either male or female of the Feline family.
 - f) "**Owner**" includes either a person who keeps, possesses, harbors or has charge or control over an animal or is the person responsible for the custody of a minor where the minor is the owner of an animal.
 - g) "**Excessive Noise**" means any and all sources of noise from domestic pet(s) that is found to be unnecessary or unreasonable, including but not limited to continuous barking of a dog.

PART II – RESPONSIBILITY OF DOG OWNERS

4. Running at Large

- a) No person shall allow their dog to be at large within the Resort Village without being restrained by a leash or harness. Owners should ensure that their dog/s remain on their property by means of a leash, harness or adequate enclosure.
- b) A dog shall be considered "at large" if it is off the premises of its owner, unless the dog is both on a leash not exceeding 2 meters in length and under the proper control of its owner.
- c) Where the owner of a dog that has been reported to the Resort Village office as being at large, unrestrained and/or of causing excessive noise has been identified, the following procedures will be followed:

i) For the first offence, the owner will be sent a letter from the Resort Village informing them that their dog has been reported as being at large and/or causing excessive noise and that they are in non-compliance with the Resort Village Bylaw and warned that they will be liable to a fine of not less than \$50.00 dollars for the second offence and not less than \$100.00 dollars for a third and any subsequent offence.

ii) For the second offence, the owner will receive a second letter and will be liable to a fine of \$50.00 dollars in way of Form "C" as part of this bylaw, and attached hereto.

iii) For any third and subsequent offence, the owner will receive a letter and will be liable to a fine of \$100.00 dollars in way of Form "C" as part of this bylaw, and attached hereto.

iv) Any dog running at large four or more times may be disposed of by the police or any other person appointed by the Council.

5. Nuisance

a) The owner of a dog shall ensure that such dog shall not:

i) bite a person or persons whether on the property of the owner or not;

ii) do any act to injure a person or persons whether on the property of the owner or not;

iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;

iv) bark at, or chase, animals, bicycles, automobiles, or other vehicles;

v) bark, howl, or otherwise disturb any person;

vi) cause damage to property or other animals;

vii) upset waste receptacles or scatter the contents thereof either in or about premises not belong to or in the possession of the owner of the animal;

viii) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provided suitable ventilation.

b) If a dog defecates on any public or private property other than the property of the owner, possessor or harbourer of said dog, the owner, possessor, or harbourer of the dog shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. Failure to cause such removal shall be an infraction of this bylaw, and subject to the penalties as set out in Schedule "B" attached hereto.

c) Where the owner of a dog that has been reported to the Village office of being a nuisance, the following procedure will be followed:

i) For the first offence, the owner of the dog will be sent a letter informing them that their dog/s have been reported to the Village as being a nuisance and they are in non-compliance with this bylaw and warned that for any subsequent offence they will be liable to a fine as set out in Schedule "B" of this bylaw.

d) Where the administrator receives written complaint that a dog has attempted to bite any person, or displayed very aggressive behaviour, the following procedure will be followed:

i) For the first offence, the owner of the dog will be sent a letter informing them that their dog/s have been reported to the Village as having attempted to bite or been very aggressive, and the are in non-compliance with this bylaw and that said dog(s) must be confined

to his/her property at all times, and warned that for any subsequent offence they will be required to relocate/destroy said dog.

e) Where the administrator receives written complaint that a dog has bitten any person, the following procedure will be followed:

i) the owner will be liable to a penalty as set out in Schedule "B", and required to destroy said animal.

6. Number of Animals Permitted

a) No person or persons within the Village shall harbour or keep more than two (2) dogs and two (2) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule "B" attached hereto.

b) No person or persons shall harbour or possess the breeds of Pitbull, Staffordshire Terrier or Rottweiler, or any mixed breed including these, in the Village.

7. Interference

a) No person shall:

i) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or

ii) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Village;

iii) tease, entice, bait or throw objects at an animal confined within its owner's property.

b) Where a person has been found to be in violation of section 7 a), they shall be liable to a fine as set out in Schedule "B" of the bylaw.

PART III – RESPONSIBILITY OF CAT OWNERS

8. Nuisance

a) In this section nuisance includes:

i) fighting with other cats;

ii) defecating or spraying on private property;

iii) howling or hissing at night;

iv) digging in flower beds or waste receptacles;

v) trespassing on private property.

b) Where the administrator receives a complaint of a nuisance caused by a cat:

i) the administrator may issue a trap to the complainant upon execution of an agreement as set out in Schedule "E" of this bylaw.

c) Where a trap is issued pursuant to clause b)(i) of this section 7, the complainant shall:

i) abide by terms of the Cat Trap Permit agreement as set out in Schedule "C" hereto attached;

ii) personally check the trap each hour while the trap is set;

iii) in the event that a cat is trapped, immediately contact the Village.

d) If a cat defecates on any public or private property other than the property of the owner, possessor or harbourer of said cat, the owner, possessor, or harbourer of the 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 of this bylaw, and subject to the penalties as set out in Schedule "B" attached hereto.

PART IV – PENALTIES

9. Voluntary Payment Tickets

a) Where an administrator or designated municipal official believes that a person has contravened any provision of this bylaw, she/he may serve upon such person a Bylaw Violation Tag (Form B) as provided by this section either personally, by mail, or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.


b) If the Village receives voluntary payment of the prescribed penalty within thirty (30) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution of the offence.

c) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.


d) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specific penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule "B" of the bylaw in respect of that provision.

10. Severability

a) 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.

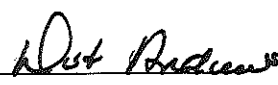


Mayor



Administrator

Read a third time and adopted
This 20 day of Oct, 2022



Administrator

SCHEDULE "B"
FORMING A PART OF BYLAW NO. 7/22

Penalties

**** If paid within 30 days of date of issue of the notice of violation****

Section	Offence	1st Violation	2nd and Subsequent Violation
4	Running at Large	Warning	\$50.00 / \$100.00
5 b) 8 d)	Defecation	\$25.00	\$50.00 / \$100.00
5 c)	Nuisance	\$25.00	\$50.00 / \$100.00
5 d)	Aggressive	\$25.00	Animal banned from Village
5 e)	Biting	\$250.00 and	Destruction of Animal
6	Number of Animals	\$100 per animal	\$200 per animal
7 a)	Interference	\$25.00	\$50.00 / \$100.00

****If paid after 30 days of the date of issue of the notice of violation****

All offences except Biting \$150.00 \$250.00

Form "B"—Bylaw 7/22 Animal Control Bylaw

NOTICE OF VIOLATION

This official notice is issued for a breach of Bylaw 7/22 Animal Control Bylaw

You may avoid prosecution for this offence by paying to the office of the Administrator, during regular office hours the penalty stated hereinafter within 30 calendar days of the date served on this notice. Failure to do so will result in prosecution in Provincial Court. Penalty may be remitted to: Resort Village of Kivimaa – Moonlight Bay, Box 120, Livelong SK S0M 1J0

Name of Violator: _____

Address: _____

Description of Domestic Pet: _____

Nature of Violation: _____

Failure to comply with Section _____

- First Offence
- Second Offence
- Third Offence

Location of Violation: _____

Date of Violation: _____

Date Served by: _____

Witness to Server's Signature: _____

SCHEDULE "C"
FORMING A PART OF BYLAW NO. 7/22

Cat Trap Permit

Date: _____

The undersigned agrees to following terms and conditions:

- To place the cat trap only on his or her property which is within the Resort Village of Kivimaa – Moonlight Bay;
- To personally check the cat trap each hour while the trap is set;
- In the event a cat is trapped, to immediately contact the Village;
- To ensure that no harm comes to any trapped cat which is in their possession including exposure to inclement weather;
- Cat traps are not to be used when the temperature falls below -10 degrees C or rises above 25 degrees C;
- The administrator or other designated municipal official may enter the property of the undersigned to ensure the trap is being used properly;
- To advise the Village of the ownership of the trapped cat, if known;
- To be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
- The trap is to be returned to the Village office 3 days after issuance.

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

Address of intended location of trap: _____

Deposit \$50.00 paid: _____

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 Resort Village of Kivimaa – Moonlight Bay for all such liability.

Signature: _____

Name: _____

Date Trap Returned: _____

Date Deposit Returned: _____

Condition of Trap: _____

Form "C"—Bylaw 7/22 Animal Control Bylaw

COMPLAINT FORM

Bylaw 7/22 Animal Control Bylaw

Name of Animal Owner: _____

Description of Animal: _____

Nature of Complaint: _____

Location of Violation: _____

Date of Violation: _____

Photos: Yes _____ No _____

Complainant

Date

Administrator

Date Received