

**BYLAW NO. 240-2008**

**A BYLAW OF THE VILLAGE OF MONTMARTRE TO LICENSE AND PROHIBIT ANIMALS RUNNING AT LARGE**

The council of the Village of Montmartre in the Province of Saskatchewan enacts as follows:

- I. This bylaw may be referenced as the "Animal Control Bylaw"
- II. For the purpose of this bylaw, the expression:
  - a) "administrator" shall mean the Municipal Administrator or his designate.
  - b) "animal" shall mean an animal kept in domestication or captivity.
  - c) "animal control officer" shall mean the person duly authorized and appointed as Animal Control Officer by the council of Montmartre & shall include person(s) duly authorized to act as assistant to the Animal Control Officer.
  - d) "animal pound" shall mean any building or enclosure, temporary or permanently designated as an Animal Pound by the Village Council to confine animals in accordance with the provision of this bylaw.
  - e) "cats" shall mean all species of the animal commonly known as cats and shall include the female as well as male of every breed or classification or mixture of breeds.
  - f) "dogs" shall mean all species of the animal commonly known as dogs and shall include the female as well as male of every breed or classification or mixture of breeds.
  - g) "household" shall mean all individuals who live in the same dwelling.
  - h) "owner" shall mean any person who keeps or harbors an animal(s) or is the guardian of anyone who keeps or harbors an animal(s).
  - i) "provocation" means an act done intentionally for the purpose of provoking an animal.
  - j) "running at large" means when any animal is beyond the boundaries of the land occupied by the owner of said animal, 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:
    - a. in direct and continuous charge of a person competent to control it; or
    - b. on a leash not to exceed two metres in length; or
    - c. securely confined within an enclosure; or
    - d. securely fastened so that it cannot roam at will.
  - k) "dangerous animal" shall mean:
    - a. any animal that without provocation, in a vicious or menacing manner, chases or approaches a person in an apparent attitude of attack.
    - b. any animal that without provocation has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal.
    - c. Any animal which is owned primarily or in part for the purpose of fighting.
  - l) "restricted animal" shall mean:
    - a. any animal that has previously been deemed a dangerous animal, in accordance to this bylaw, and has been running at large within Village of Montmartre and has chased or approached a person or domestic animal in a vicious or menacing manner and has attacked to cause injury or to otherwise threaten the safety of persons or domestic animals.
- III. Licensing
  - a) Every person within the Village of Montmartre, who owns, possesses or harbors a cat or dog over 3 months old, shall obtain a license from the Village Administrator, no later than the 1<sup>st</sup> of Feb. in each year, or within 10 days after becoming an owner of a dog or cat. Other animals may be added to the list from time to time by resolution of council.
  - b) Seasonal residents or people camped for more than 2 weeks that own an animal that the village has deemed as needing a license, & that is currently registered in another municipality are required to provide registration information to the village office. Animals not registered elsewhere are required to purchase a license
  - c) The license year shall be from January 1 to December 31 of the same year.
  - d) A license issued pursuant to this section is non-transferable and non-refundable.
  - e) When applying for a license under this section, the applicant shall complete the dog/cat license application form, and show proof of vaccination for rabies.
  - f) When issuing a license for a dog or cat, the village shall supply the applicant with a tag and a receipt for payment of the license.
  - g) Every person to whom a license has been issued under this bylaw shall have his/her dog wear a collar to which shall be attached the tag. Cat owners will keep in possession the receipt as proof of purchase.

Bylaw No. 240-2008

- h) The annual license for a dog or cat shall be as set out in Schedule "A" attached hereto and which may be amended from time to time by resolution of council.
- i) No household shall keep or receive licenses for more than 4 dogs and/or 4 cats kept by him/her at the same time, provided that where the owner possesses a litter he/she may keep the litter for not more than 3 months for purposes of weaning and selling or giving away.
- j) In the event that a tag is lost or destroyed, a duplicate will be issued by the village upon presentation by the owner of a receipt showing payment of the license fee for the current license year and upon payment of the sum of \$5.00 for the issuance of the duplicate.

IV. Offenses (These rules apply to all animals whether their owners are permanent residents or visitors)

- a) Running at large
  - a. No owner of an animal (other than a cat) shall permit his/her animal to run at large in the Village of Montmartre
  - b. If an animal (other than a cat) is found running at large its owner shall be deemed to have failed to comply with the requirements of the previous subsection and the owner will be ticketed as per Schedule B
- b) Animal Runs
  - a. Where an animal is housed or kept in a run, the owner shall ensure that the run is kept in a sanitary condition protecting the health and safety of the animal and any other living being.
  - b. An owner shall ensure a run on the owner's property is located no closer than 1 metre to a property line and no closer than 5 metres from a dwelling unit located on an adjacent property.
  - c. An owner shall ensure that a run is constructed of material of sufficient strength and in a manner adequate to confine the dog and prevent the entry of children of tender years.
  - d. If a run does not meet these standards the owner will be in breach of this bylaw and the owner will be ticketed as per Schedule B.
- c) Litter
  - a. If a dog or cat defecates on any public or private property other than the property of its owner, the owner of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion.
  - b. Any person owning a dog in the Village of Montmartre must not allow dog defecation to accumulate so as to create a health hazard.
  - c. Failure to cause such removal shall be a breach of this bylaw and the owner will be ticketed as per Schedule B.
- d) Noise Violation
  - a. On a complaint made in writing to the village that any animal has been causing a noise disturbance, the village upon being satisfied of the truth of the complaint, may notify the owner in writing or in person of such disturbance.
  - b. The owner has 24 hours from time of notice to abate the noise disturbance. Failure to comply will be in breach of this Bylaw and the owner will be ticketed as per Schedule B.
- e) Dangerous Animals
  - a. Where a complaint is received by the Village Office that a dog is dangerous and the village upon being satisfied of the truth of the complaint the owner will be ticketed as per Schedule B
- f) Restricted Animals:
  - a. No owner shall possess or harbor a restricted animal within the Village of Montmartre, such animal will be removed at owners cost.
- g) Rabies or other disease
  - a. An owner of an animal must comply with any order of the Medical Health officer in regards to illness of their animal.
  - b. If orders are not followed the owner shall be guilty of an infraction of this bylaw and said animal will be removed and treated at owners cost.

V. Impoundment of Animals

- a) An animal control officer may enter onto the land surrounding any building in pursuit of any animal which has been observed to be at large.
- b) The animal control officer shall within twenty-four (24) hours after impounding any animal notify the owner by letter, telephone or in person. If the owner of the animal is unknown the animal control officer shall post a notice in the town office and on the bulletin board stating the size, colour, (or post a picture) sex and breed or probable breed.

Bylaw No. 240-2008

- c) All animals impounded shall be confined for seventy-two (72) hours from the time of capture, excluding Saturdays, Sundays and statutory holidays, during which time the owner shall have the right to repossess the said animal upon paying the administrator of the Village of Montmartre the amount set forth in Schedule "B" to this bylaw.
- d) If an impounded animal is not claimed within seventy-two (72) hours from the time such animal is received at the pound, excluding Saturdays, Sundays and statutory holidays, and the fees if any, paid as herein provided, said animal may be disposed of by the animal control officer without further notice in the following manner:
  - a. disposal by adoption upon payment of the applicable fees, where in the opinion of the animal control officer the animal is suitable for adoption;
  - b. disposed of humanely.

VI. Voluntary Payment of Tickets

- a) Where an animal control officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a bylaw Violation Notice, (Form A) as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this bylaw.
- b) A notice shall be in such form as determined by the council and shall state the section of the bylaw, which was contravened, and the amount which is provided in Schedule "B" that will be accepted by the town in lieu of prosecution.
- c) Upon production of a notice issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Village of Montmartre the fee as provided in Schedule "B", the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.
- d) Where any person contravenes the same provision of this bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second and subsequent contravention is double the amount shown in Schedule "B" of this bylaw in respect of that provision.
- e) Notwithstanding the provisions of this section, a person to whom a notice has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any of the provisions of this bylaw.

VII. Summary Conviction

- a) The levying and payment of any fine shall not relieve a person from the necessity of paying any fees, charges or costs for which they are liable under the provisions of this bylaw.
- b) The court, in addition to the penalties provided in this section, may consider the offence sufficiently serious and direct or order the owner of the animal to stop the animal from doing mischief, causing the disturbance, nuisance, or to have the animal removed from the village, or have the animal destroyed.
- c) If any section, subsection, sentence, clause or phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

VIII. Repeal of Former Bylaws

Bylaw number 131/78 is hereby repealed.

\_\_\_\_\_  
Mayor

[SEAL]

\_\_\_\_\_  
Administrator

Subsection 8(1)(k) *The Municipalities Act*

Read a third time and adopted  
this 12<sup>th</sup> day of June, 2008.

\_\_\_\_\_  
Administrator

Bylaw No. 240-2008

Schedule A

**BYLAW No. 240-2008**  
**Animal Control Bylaw Schedule of License and Pound Fees**

**Animal LICENSE FEE**

- |   |         |
|---|---------|
| 1. All dogs & cats not spayed or neutered | \$25.00 |
| 2. All dogs & cats spayed or neutered     | \$15.00 |

**Animal TAG REPLACEMENT FEE** \$ 5.00

**POUND FEES**

- a) First offence:  
\$40.00 plus \$10.00 per day or part thereof plus annual license fee if unlicensed.
- b) Second and subsequent offences within one twelve month period:  
\$80.00 plus \$10.00 per day or part thereof plus annual license fee if unlicensed.

Schedule B

**Bylaw No. 240-2008 Animal Control Bylaw**  
**AMOUNTS WHICH WILL BE ACCEPTED BY VILLAGE IN LIEU OF PROSECUTION**

Unlicensed animal	\$50.00 + cost of license
Animal (other than cat) at large	\$40.00
Animal Run infraction	\$75.00
Litter offense	\$40.00
Noise violation	\$40.00
Animal deemed dangerous	\$200.00
Exceeding maximum number of dogs/cats	\$50.00 per animal
Health infraction	\$100.00

**VILLAGE OF MONTMATRE  
FORM "A"  
BYLAW NO. 240-2008**

Number \_\_\_\_\_

The animal described below is in Violation of the Village of Montmartre Animal Control Bylaw

Details of Violation:

Time \_\_\_\_\_ A.M.  
P.M.

Date \_\_\_\_\_

Name of Owner \_\_\_\_\_

Address \_\_\_\_\_

Description of Animal

\_\_\_\_\_  
\_\_\_\_\_

Tag No. \_\_\_\_\_

Location of Violation

\_\_\_\_\_  
\_\_\_\_\_

Violation:            Section \_\_\_\_\_            Penalty \$ \_\_\_\_\_

The Voluntary penalty may be paid at the Village Office. Failure to remit penalty within 5 working days may result in issuance of a summons and on the summary conviction to payment of penalty with all costs of prosecution.

\_\_\_\_\_  
**Issuing Officer**

**Village of Montmartre  
Application for Animal License**

**1. Name of Animal owner:**

**Address of Owner:**

**Phone: (hm)**

**(wk)**

**(cell)**

**2. Description of Animal being licensed:**

**Name of animal:**

**Breed:**

**Age:**

**Sex:**

**Spayed or Neutered: Yes \_\_\_\_\_ No \_\_\_\_\_**

**Rabies Shots: Yes \_\_\_\_\_ No \_\_\_\_\_**

**Physical description or Picture of Animal:  
(color, height, markings etc.)**

**I certify the above information to be correct**

\_\_\_\_\_  
**Date of application**

\_\_\_\_\_  
**Signature of Applicant**

.....  
TO BE COMPLETED BY VILLAGE OFFICE

Animal license number: \_\_\_\_\_ Date issued: \_\_\_\_\_

Amount collected: \_\_\_\_\_

Signature of Issuer: \_\_\_\_\_  
.....