

Town of Nokomis  
Bylaw No. 2020-02

A BYLAW OF THE TOWN OF NOKOMIS, IN THE PROVINCE OF SASKATCHEWAN,  
KNOWN AS ANIMAL CONTROL BYLAW

**Animal Control Bylaw**

The Council of the Town of Nokomis enacts as follows:

1. In this Bylaw:

(a) "**Administrator**" means the Administrator of the Town of Nokomis, and such person or persons as he or she may from time to time appoint in writing to act on his or her behalf in the enforcement of the licensing provisions of this bylaw;

(b) "**Animal**" includes all species of the animals commonly known as dogs family canis lupus familiaris or cats, family felis catus male or female, and of every breed or classification or mixture of breeds; or

any of the cold-blooded vertebrates constituting the class Reptilia , The class today includes the tortoises, turtles, snakes, lizards, spiders.

(c) "**Animal Control Officer**" means that person(s) appointed by the Mayor and Administrator for the purposes of this Bylaw;

(d) "**Council**" means the Council of the Town of Nokomis.

(e) "**Dangerous animal**" shall mean:

- i. Any animal, that without provocation in a vicious or menacing manner, chases or approaches a person or domestic animal in an apparent attitude of attack;
- ii. Any animal, whatever its age, with a known propensity, tendency or disposition to attack without provocation, to cause injury to or to otherwise threaten the safety of persons or domestic animals;
- iii. Any animal that, without provocation, has bitten, inflicted injury, assaulted, or otherwise attacked a person or domestic animal;
- iv. Any animal which is owned primarily or in part for the purpose of fighting or is trained for fighting.
- v. Any Rottweiler, Pit Bull, Mastiff or any dog of these mixed breeds.

f) "**Kennel**" means any structure used by any person for boarding or otherwise caring for training or helping dogs or cats exceeding three (3) dogs or 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 practices of their profession; or,

ii) The dwelling house of an ordinary member of the Canadian Kennel Club, where the total number of dogs or cats kept by the member does not exceed (5) in number, and not more than three (3) of the dogs or cats are kept outside the dwelling house;

(g) "**License Year**" means the period from January 1st to December 31st of the same year, both dates inclusive;

(h) "**Judge**" means a Provincial Court Judge;

(i) "**Medical Health Officer**" means the Medical Health Officer for the Town of Nokomis;

(j) "**Muzzle**" means a guard that covers an animal's mouth to prevent the animal from biting.

(k) "**Owner**" includes:

i) A person, persons, partnership, association or corporation who keeps, possesses, harbours; or has care of or control of animal;

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 Veterinarian Act, 1987 who is keeping or harbouring an animal for the preservation of the animal or diagnosis or treatment of a disease or an injury to the animal;

iv) The Town of Nokomis or the Saskatchewan Society for the Prevention of Cruelty to Animals in respect of an animal shelter or impoundment facility operated by it;

(l) "**Pound**" means such premises and facilities as may be designated by the Town of Nokomis, from time to time, as the pound;

(m) "**Pound Keeper**" means a person, persons, corporations, society, associations designated by the Town of Nokomis from time to time to maintain and administer the pound;

(n) **“Running at large”** shall mean when the animal is beyond the boundaries of the land occupied by the owner, possessor, or keeper of the 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 when it is not under control by being:

- i. In direct and continuous charge of a person competent to control it;  
or
- ii. Securely confined within an enclosure; or
- iii. Securely fastened so that it cannot roam at will.

#### **PART I – Licensing of Dogs and Cats**

1. That the owner of every dog or cat shall apply to the administrator by January 31 of each year for a license to keep such dog or cat within the Town of Nokomis. The required annual license fee as set forth in “Schedule A” be paid to the Town. The administrator shall issue a license and tag for each dog or cat licensed by owner. **If license fee is not paid by January 31 then the fee increases as set forth in “Schedule A”.**
2. Every owner of a dog or cat within the Town of Nokomis shall on demand by the License Inspector, Dog Catcher, Pound Keeper, or Bylaw Officer produce and show to the individuals making the demand his/her license and failure to do so shall be an offense under this Bylaw and the owner will be charged a fine as set forth under “Schedule B”.
3. No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed for the current license year. No dog or cat under the age of 3 months shall require a license. The license shall not be transferrable to any other dog or cat or other owner.
4. The provisions of Section 2 and 3 shall not apply to dogs and cats kept, in the ordinary course of business by the proprietors of the following premises namely:
  - i) A veterinary hospital, clinic, boarding kennel or grooming parlor;
  - ii) A public pound;
  - iii) A shop whose business includes the sale of pets and is licensed as such;
  - iv) A shelter operated by an association or society incorporated for the purposes of the protection and humane treatment of animals;
  - v) Used for police work;
  - vi) Seeing Eye Dog.

5. The owner or possessor of a kennel whose kennel name is registered in the register of the Canadian Kennel Club may in lieu of procuring a license for each dog as herein before required, pay the Town the sum of \$500.00 as the license fee for all dogs in such kennel. Such license shall cover all the registered dogs composing such kennel for the year in which such fee is paid. In applying for a license for such kennel, the person making the application must produce a certificate from the Canadian Kennel Club showing that such kennel has been registered. In all other respects the owner of such kennel shall comply with the provisions of this Bylaw.
6. All license fees required to be paid under this Bylaw shall be paid to the Administrator of Nokomis, located at the Town Office, Nokomis.
7. The tag issued by the Administrator shall bear a serial number in which it is issued and a record shall be kept by the Administrator showing the name and address of the owner and a description of each dog or cat owned by them including its breed, colour, age, sex and name and the serial number of the tag issued for each dog or cat.
8. The owner shall ensure that a collar, and the tag issued by the Administrator, are worn by the dog or cat when the animal is off the premises of the owner.
9. No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.

## **PART II – Impounding of Dogs and Cats**

10. The owner of a dog or cat shall not at any time allow the dog or cat to run at large within the Town of Nokomis and any owner who permits such running at large shall be deemed to be committing an offense under this Bylaw and upon summary conviction shall be subject to the penalties as set forth in "Schedule B".
11. For the purpose of impounding any dog or cat found running at large in the Town of Nokomis, a pound shall be established at such place or places as may from time to time be designated by the Council. Council shall from time to time appoint one or more Pound Keepers, and fix their remuneration.
12. The Animal Control Officer or any peace officer may, capture or seize any dog or cat by any method authorized by Council found running at large contrary to the provisions of this bylaw, and shall deliver such dog or cat to the pound, and it shall be kept for seventy-two (72) hours and if not claimed and redeemed by the owner, the dog or cat may be sold for the cost of boarding, vaccination against rabies and, if applicable, license fees. If such impounded dog or cat is not

claimed and redeemed or sold within a period of ninety-six (96) hours, from the time of impoundment, the said dog or cat may be destroyed or disposed of by the Pound Keeper. When any dog or cat is captured and impounded the Administrator shall post a notice on the Notice Board at the Post Office giving a description of the said dog or cat, the date when it was impounded and the date and hour when it will be sold or destroyed. Such notice shall be posted seventy-two (72) hours before the said sale or destruction. Hours used in this section shall not include the hours between 4:00p.m. of any Friday, until 9:00a.m. of the following Monday nor the twenty-four hours of any other day celebrated in the Town of Nokomis as a holiday.

13. Pound fees shall be prescribed in Schedule "A", and shall be in addition to any charges for food or otherwise, that the Animal Control Officer may need.

### **PART III – Duties of Dog and Cat Owners**

14. Any owner, whose dog or cat chases any pedestrian, vehicle, horse or any other animal on public thoroughfares shall be in violation of this Bylaw.
15. A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat, or taken to a licensed kennel during the whole period that the dog or cat is in heat, except that a female dog or cat be allowed outside the residence for the sole purpose of permitting the dog or cat to defecate on the premises of the owner.
16. (a) If a dog or cat defecated on any public or private property other than the property of its owner, the owner or keeper shall cause such feces to be removed immediately.  
  
(b) Where, under Subsection (a) of this Section, the owner of the dog or cat fails to remove such feces immediately, the owner shall be in violation of this Bylaw.  
  
(c) Section 16 (a) and (b) shall not apply to an owner who is a blind person and who is using the dog in question for a guide or "seeing-eye" dog.
17. No owner or keeper shall permit his or her dog or dogs or cat or cats to damage public or private property other than that of the owner or keeper.
18. No household in the Town of Nokomis, shall harbour or possess cats and dogs to a greater number than three animals(3).  
Exempt or "grandfathered" are the existing owners of dogs and cats as of the passing of this bylaw in the Town of Nokomis in such a way that they are not expected to get rid of a previously owned dogs or cats with the exception of dangerous animals named in Sec 1(e) of this Bylaw.

19. Every person requested by the Administrator to do so shall forthwith deliver to the administrator a statement in writing of the number of dogs or cats owned by him. to refuse to give such statement shall be a violation of this bylaw.

#### **PART IV – General**

20. **No owner shall keep, possess, or harbour a dangerous dog within the Town of Nokomis.**
21. Any person teasing a dog or animal, enticing animal, baiting or throwing objects at an animal confined within its owner's property shall be in violation of this Bylaw.
22. The operation of any kennel within the Town of Nokomis be subject to approval from the Medical Health Officer for the Town and the kennel shall comply with the provisions of any Town of Nokomis Zoning Bylaw relating to the operation of kennels within the Town.
23. The Pound Keeper shall keep a record of all animal impounded and of the disposition made of same and shall make an annual return to the Administrator.
24. The Administrator shall institute a proper accounting system to insure that official receipts are issued in respect of any license fees, pound fees or charges, or other monies received or collected in respect of this Bylaw, and that all records in respect to same are audited at the same time as other Town records.
25. (a) Any owner whose animal has bitten or attempted to bite a person in the Town of Nokomis is guilty of an offense and liable on summary conviction to the penalties prescribed in this Bylaw.  
  
(b) If a person is convicted of an offense under Section 25(a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the animal is dangerous, the Judge or Justice of the Peace may make an order.
  - i) Directing that the animal be kept by the owner or keeper under proper control; or
  - ii) Directing that the animal be destroyed; or
  - iii) When a Judge or Justice of the Peace orders that an animal be destroyed, they may, by the same order direct the appropriate authority to destroy the animal.

In addition to assessing any fine upon conviction.

26. (a) Any owner whose animal has bitten, killed or destroyed any other animal in the Town of Nokomis is guilty of an offense and liable on summary conviction to the penalties prescribed in this Bylaw.
- (b) If a person is convicted of an offense under Section 25(a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the animal is dangerous, the Judge or Justice of the Peace may make an order.
- i) Directing that the animal be kept by the owner or keeper under proper control; or
  - ii) Directing that the animal be destroyed; or
  - iii) When the Judge or Justice of the Peace orders that animal be destroyed, they may be the same order direct the appropriate authority to destroy the animal;

In addition to assessing any fine upon conviction.

27. Notwithstanding Section 25 and 26 of this Bylaw, where any animal is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to the Medical Health Officer for the Town of Nokomis whose instructions shall be carried out.
28. In cases of emergency for any cause, but more particularly for infectious disease cause by animal, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his or her animal to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of animal.
29. Every dog or cat that is found off the premises upon which it is habitually kept, without a tag and not under the control of any person, may be destroyed by the Animal Control Officer or designate.
30. Every owner of a dog or cat shall not permit their dog or cat to be or become a nuisance by barking or howling or emitting other sounds. If such sounds can be easily heard by a person not situated on the property where the dog or cat is situated this shall be a violation of this bylaw.
31. No person, whether or not they are the owner of an animal). which is being or has been pursued or seized shall;

- (a) Interfere with or attempt to obstruct a Pound Keeper, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any animal in accordance with the provisions of this bylaw;
- (b) Unlock or unlatch or otherwise open the van or vehicle in which any animal seized under this bylaw has been placed so as to allow or attempt to allow any animal to escape therefrom; or
- (c) Remove or attempt to remove any animal from the possession of the Pound Keeper, Animal Control Officer or Peace Officer.

## **PART V – Penalty Provisions**

- 32. (a) Pursuant to Section 25(a) of this Bylaw, any owner whose animal has bitten or attempted to bite any person in the Town of Nokomis is liable on summary convictions to the following penalties:
  - i) Where the Judge has directed that the animal be kept by the owner or keeper under proper control a fine of not more than \$500.00;
  - ii) Where the Judge has directed that the dog or cat be destroyed, a fine of not more than \$200.00;
  - iii) Any person who fails to comply with an order made under Subsection 25(b) is guilty of an offense and is liable to a fine of not more than \$250.00 per day for each day during which the offense continues.
- 33. (a) Pursuant to Section 26(a) of this Bylaw, any owner whose animal has bitten, killed or destroyed any animal in the Town of Nokomis is liable on summary conviction to the following penalties:
  - i) Where the Judge has directed that the animal be kept by the owner or keeper under proper control a fine of not more than \$500.00;
  - ii) Where the Judge has directed that the dog or cat be destroyed, a fine of not more than \$200.00.
- (b) Any person who fails to comply with an order made under Subsection 26(b) is guilty of an offense and is liable to a fine of not more than \$300.00 per day for each day during which the offense continues.



34. (a) Pursuant to Section 20 of this Bylaw, any owner who keeps, possesses, or harbours a dangerous dog in the Town of Nokomis is liable on a summary conviction to a penalty of \$250.00 per occurrence, and should a person who keeps, possesses, or harbours a “dangerous dog” not remove the dog by a given date, an additional penalty of \$25.00 per day shall be applied to the original \$250.00 penalty.
35. (a) Every person who contravenes any provision of this Bylaw where no other penalty is provided, is guilty of an offense and liable on summary conviction and to a fine of not more than:
- i) \$300.00 in the case of an individual;
  - ii) \$300.00 in the case of a corporation;
- (b) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a Judge and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty are paid sooner.
- (c) This bylaw may be enforced and the contravention of any provisions of the bylaw restrained, by any court on action brought by the Town of Nokomis whether or not any penalty is imposed for the contravention.
- (d) Conviction of a person for a contravention of any provision of this bylaw does not relieve their from compliance with the bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform within a specified period any act or work necessary for the proper observance of the bylaw or to remedy the contravention of bylaw.
- (e) A person who fails to comply with an order made pursuant to subsection (d) hereof with the period specified in the order, is guilty of an offense and liable on summary conviction to a fine of not more than \$500.00 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.
36. (a) Notwithstanding Sections 32, 33, 34 and 35 where an animal control officer or peace officer believe that a person has contravened the provisions of Sections 2,3,8,9,10,14,15,16(a),17,18,19,21,22,27,28,29,30 or any other provisions of this bylaw, they may by personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.
- (b) The notice of violation in Form A shall be in a form similar to provided

as Form A of this bylaw and shall indicate thereon the Section of the bylaw which was contravened and the amount of penalty to be paid as provided in Schedule A of this bylaw.

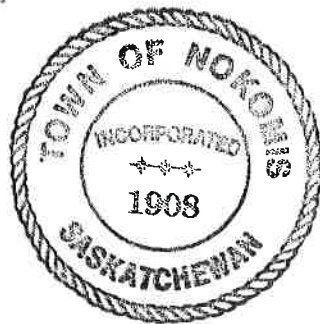
- (c) Upon production of the notice of violation in Form A issued pursuant to subsection (a) within seven (7) days from the date of service together with payment as indicated on the notice of violation in Form A the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form A was given.
- (d) If payment is not received as provided in subsection (c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offense and thereafter the provisions of this section shall not apply with respect to that offense. A person to whom a notice of violation in Form A is being issued pursuant to this section shall furnish any Animal Control Officer or Peace Officer, upon request, with his name and address.

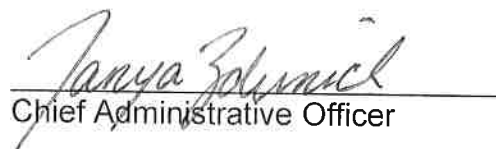
**37. Bylaw 2019-01 is hereby repealed.**

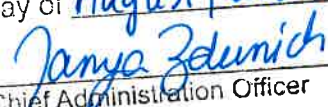
This bylaw shall come into force on the date of final approval by the Council of the Town of Nokomis.

  
Mayor

Seal



  
Chief Administrative Officer

Certified a true and correct copy  
of 2020-02 passed by  
resolution of Council on the 19  
day of August, 2020.  
  
Chief Administration Officer

**Schedule "A"**  
Bylaw No. 2020-02

Dogs and Cats		License Fee
Dogs		\$10.00
Cats		\$10.00
Duplicate License		\$ 5.00
<b>After January 31</b>		<b>\$50.00</b>
Pound Fees	first offence in calendar year	\$150.00
Pound Fees	second offence & every offense Thereafter in a calendar year	\$150.00

All fees must be paid before the animal is surrendered to the owner or owner's representative.

Schedule "B"

THE PENALTY, PURSUANT TO PARTS I, II, III, IV FOR A PERSON WHO HAS  
CONTRAVENED THE PROVISION OF SECTION  
2,3,8,9,10,14,15,16(a),17,18,19,21,22,27,28,29, OR 30 SHALL BE;

A fine of \$200.00, and if convicted more than once in a twelve month period,  
a fine of \$300.00 for each subsequent conviction.

BYLAW No. 2020-02

FORM "A"  
NOTICE OF VIOLATION  
TOWN OF NOKOMIS  
VOLUNTARY PAYMENT OF FINE

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DETAILS OF VIOLATION

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

Address of Owner: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at Nokomis, Saskatchewan at \_\_\_\_\_  
did unlawfully commit the following offense under the Town of Nokomis Animal Control Bylaw  
No. \_\_\_\_\_, Section No. \_\_\_\_\_.

Description of  
Offense: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of  
Violation: \_\_\_\_\_  
\_\_\_\_\_

Description of Animal  
\_\_\_\_\_  
\_\_\_\_\_

Please pay as indicated

Penalty for the above infraction: \_\_\_\_\_

Issued By: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

The Voluntary Penalty may be paid at the Town of Nokomis, Town Office, and Voluntary Payment of the fine within seven (7) days after service of this Notice of Violation upon the owner results in the owner not being liable for prosecution for the offense.

Failure to remit the fine within seven (7) days after service of the Notice of Violation may result in issuance of a Summons.