

CITY OF YORKTON

BYLAW NO. 23/2003

**A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF
SASKATCHEWAN TO REGULATE AND CONTROL THE OWNERSHIP AND
POSSESSION OF CATS WITHIN THE CITY OF YORKTON**

The City of Yorkton considers it to be in the public interest to pass a bylaw which balances the benefits and nuisances of cat ownership. Pursuant to Section 8 of *The Cities Act*, the Council of the City of Yorkton in Council assembled enacts as follows:

TITLE

1. This Bylaw may be referred to as the “Cat Control Bylaw” of the City of Yorkton.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires, the expression:

- (1) “**Animal Control Officer**” means the City Pound Keeper, any person appointed by Council for the purpose of bylaw enforcement, any member of the Yorkton Detachment R.C.M.P. and any other person or agency appointed by Council to restrain, receive or impound cats;
- (2) “**Business Day**” means any day that the City Office is open for business;
- (3) “**Cat**” means either the male or female of the feline family;
- (4) “**City**” means the municipal corporation of the City of Yorkton and the area combined within its boundaries;
- (5) “**Council**” means the Council of the City of Yorkton;
- (6) “**Public Health Officer**” means a public health officer appointed under the *Public Health Act*;
- (7) “**Nuisance and Running at Large**” includes, but is not limited to; fighting with other cats, defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or garbage containers and trespassing on private property;
- (8) “**Owner**” means any person owning, possessing or harbouring a cat.
- (9) “**Pound Keeper**” means that person, corporation, society, association, partnership or organization designated by the City for the purpose of retaining impounded cats pursuant to this Bylaw.

3. Explanatory notes included in this Bylaw are intended to assist in the interpretation of the provisions, but shall not derogate from any powers or duties created or imposed by the Bylaw.
4. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any 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.

NUISANCE OR RUNNING AT LARGE

5. (1) The owner of a cat shall ensure that the cat is not being a nuisance or running at large.
 - (2) Where a cat is running at large, the owner or occupant of that property on which the cat is running at large may make a complaint to the Animal Control Officer.

IMPOUNDMENT

6. (1) Where an Animal Control Officer receives a complaint of a nuisance caused by a cat, the Animal Control Officer may at his discretion;
 - (a) Issue a trap to the complainant upon execution by the complainant of an agreement as set out in Schedule "A", attach hereto and forming part of this Bylaw; or
 - (b) If deemed necessary by the Animal Control Officer, he may seize and impound any cat found causing a nuisance.
 - (c) Any person may restrain any cat found running at large and becoming a nuisance in the City of Yorkton and shall deliver the cat so restrained to the Pound Keeper for impoundment. The person shall leave with the Pound Keeper a statement in writing, describing the name of the owner, name of the cat (if known) and the place and time of restraint.
- (2) Where a trap is issued pursuant to clause 6(1)(a), the complainant shall:
 - (a) Abide by the terms of the Cat Trap Permit agreement;
 - (b) Personally check the trap every two (2) hours while the trap is set;
 - (c) In the event a cat is trapped, immediately contact the Animal Control Officer or City Pound Keeper, who may impound the cat.
- (3) Where a cat is impounded, the Pound Keeper shall:
 - (a) Hold the cat until claimed by the owner of the cat or disposed of in accordance with Section 6(5);
 - (b) Attempt to notify the owner of the cat, if known, of the impoundment, however, no liability whatsoever shall attach to the City, the Animal Control Officer or the Pound Keeper by reason of failure in contacting the owner.

- (4) An owner of a cat which has been impounded may claim the cat by:
 - (a) Providing reasonable proof of ownership to the City Pound Keeper; and
 - (b) Paying the impoundment charge and a housing charge, as set forth in Schedule “B”, attached hereto and forming part of this Bylaw.
- (5) Where a cat is not claimed by the owner within three (3) business days of impoundment, the City Pound Keeper may dispose of the cat by public adoption or by euthanasia.
- (6) Notwithstanding the above, any cat suspected of having rabies or other lifethreatening disease shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the Public Health Officer of the City of Yorkton and then only in compliance with the direction of the Public Health Officer and the District Veterinarian or Agriculture Canada.
- (7) An Animal Control Officer or a Veterinarian may take immediate action to humanely destroy any sick or injured cat found within the City where, in his opinion immediate destruction of the cat is necessary to avoid unnecessary suffering by the animal.

CAT RUNS

7. Where cats are housed or kept in a cat run, the owner of the cats shall:
 - (a) Daily cause all defecation to be removed from the cat run and disposed of in a sanitary manner,
 - (b) Ensure that the cat run meets the following minimum requirement.
 - (a) Base and flooring constructed or composed of impervious material or wood;
 - (b) Located no closer than one (1) metre of any property line and no closer than five (5) metres of any neighbouring dwelling unit,

DEFECATION

8. No owner of a cat shall fail on request, to immediately remove any defecation of the cat from private property, other than property owned or occupied by the owner, and dispose of the defecation in a sanitary manner.

PENALTY

9. (1) Any person who contravenes any provision of this Bylaw, or neglects or refuses to comply therewith, is guilty of an offence, and is liable on summary conviction to:
 - (a) a fine in an amount of not less than \$50.00; or
 - (b) in the case of an individual, to a fine not exceeding \$10,000.00, or imprisonment for not more than one (1) year, or both;
 - (c) in the case of a corporation, to a fine not exceeding \$25,000.00, or imprisonment of the directors of the corporation for not more than one (1) year, or both.

Repeal of Former Bylaw

10. Bylaw No. 16/99 passed on the 17th day of May A.D., 1999 is hereby repealed.

Effective Date of Bylaw

11. This Bylaw shall come into force and take effect on the date of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this 24th day of March, A.D., 2003.

Read a second time this 24th day of March, A.D., 2003.

Read a third time and adopted this 24th day of March, A.D., 2003.

SCHEDULE "A"

{ to Bylaw No. 23/2003 as provided by Clause 6(1)(a) }

CAT TRAP PERMIT

Date: _____

Trap No. _____

The undersigned agrees to the following terms and conditions:

- to place the cat trap on his or her property which is within the City of Yorkton;
- to personally check the cat trap every two (2) hours while the trap is set;
- in the event a cat is trapped, to immediately deliver the cat to Yorkton Society for the Prevention of Cruelty to Animals at 79 Seventh Avenue South (Phone No. 783-4080). In the event that the Society for the Prevention of Cruelty to Animals is closed, the cat may be held until the Society for the Prevention of Cruelty to Animals re-opens, but in no event for longer than twenty-four (24) hours. Where a cat is held, the undersigned is responsible for the humane treatment and shelter of the cat including feeding and watering. A captured cat should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar cat from the trap – this will be done by the Pound Keeper. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed.
- to ensure that no harm comes to any trapped cat while in their possession including exposure to inclement weather;
- cat traps are not to be used when the temperature falls below 0 degrees Celsius or rises above 25 degrees Celsius;
- an Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Pound Keeper or Animal Control Officer of the ownership of any cat trapped, if known;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition;
- traps must not be set on statutory holidays as the Animal Control Office is closed; the trap is to be returned to the Pound Keeper two days after issuance.

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

Address of intended location of trap: _____

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 City of Yorkton for all such liability.

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

TRAP RETURNED

Date: _____

Received by: _____

Remarks: _____

**YORKTON SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS INC.**

79 – Seventh Avenue South
P.O. Box 87, Yorkton, Saskatchewan S3N 2V6
783-4080

Hours of Operation

Monday – Friday 1:00 – 4:00 p.m.
Thursday Evenings 6:00 – 8:00 p.m.

SCHEDULE "B"

{to Bylaw No. 23/2003 as provided by Clause 4(b)}

CHARGES FOR THE RELEASE OF IMPOUNDED CATS

Impoundment Charges

Neutered/spayed cat – 1 st Offence	\$20.00
Neutered/spayed cat – 2 nd and Subsequent Offence within a 12 month period	\$40.00
Unneutered/unspayed cat – each offense (If neutered or spayed reduced to above charges on proof of same).	\$50.00

Housing Charges

Per day or part thereof	\$8.00 minimum
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City of Yorkton

BOX 400 - 37 THIRD AVENUE NORTH, YORKTON, SASKATCHEWAN S3N 2W3 PHONE 306-786-1700 FAX 306-786-6880

_____, 2003

Dear Sir/Madam:

We received a complaint on _____(date), alleging a cat believed to reside on your property has been “a nuisance or running at large”.

- Section 5 of Cat Control Bylaw No. 23/2003 states:
“The owner of a cat shall ensure that the cat is not being a nuisance or running at large.”
- Section 2 (h) of Cat Control Bylaw No. 23/2003 states:
“In this Bylaw, unless the context otherwise requires, the expression: “Owner” means any person owning, possessing or harbouring a cat.”
- Section 2 (g) of Cat Control Bylaw No. 23/2003 states:
“In this Bylaw, unless the context otherwise requires, the expression: “Nuisance or Running at Large” includes, but is not limited to, fighting with other cats, defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or garbage containers and trespassing on private property.”

If you own a cat and it has been a “nuisance and running at large”, we suggest you take immediate steps to prevent it from doing so. If the cat returns to the complainant’s property, it may become necessary to trap the cat and/or prosecute the cat’s owner in Provincial Court.

Should you require a further explanation regarding this correspondence, please contact the Bylaw Control Officer at 786-1725.

TIPS ON PREVENTING CAT COMPLAINTS

The City of Yorkton is hopeful that all residents of the City can live in harmony with their neighbours. Unfortunately irritants arise from time to time that do not encourage positive neighbourly relationships. Cats that are permitted to be a “nuisance and/or run at large” are one such irritant.

Informed professionals advise us that the life expectancy of an outdoor cat is considered to be very short. These cats are struck by moving vehicles, caught in the fans of motor vehicles, mauled by stray dogs, injured in cat fights, and are exposed to disease, extreme heat and severe cold. The injury or death of your pet by any cause is a highly emotional and frequently expensive experience.

We believe that the kindest thing you can do for your pet is to have it spayed or neutered and to keep it indoors. You may also wish to consider harness and/or leash training, continual outdoor supervision, or building an enclosed cat run. Any activity you elect will keep your cat out of your neighbour’s yards will help improve neighbourhood relationships. It will also keep your cat from being trapped and you from being prosecuted in Provincial Court.

Be a responsible cat owner and a good neighbour:

- spay or neuter your cat.
- Have your cat tattooed and register, microchip implanted, or wear identification bearing your name and telephone number.
- Keep your cat indoors, in an outdoor, enclosed cat run, on a harness or leash, or under continual supervision.