



## CITY OF MOOSE JAW

### Office Consolidation

## KEEPING OF ANIMALS BYLAW

Bylaw No. 5432

Date of Passage December 17, 2012  
(effective date December 17, 2012)

Including amendments to October 23, 2017

#### **Disclaimer:**

**This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.**

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and
- (b) the fact of passage of the original and all amending bylaws.

AMENDMENTS

DATE PASSED

FORCE/EFFECT

Bylaw No. 5541

October 23, 2017

October 23, 2017

**BYLAW NO. 5432**  
**KEEPING OF ANIMALS BYLAW**

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**THE COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:**

**Definitions**

1 In this Bylaw:

- 1 (a) **“City”** means the City of Moose Jaw;
- (b) **“Committee”** means the Executive Committee of Council or the committee designated by Council to hear applications or appeals pursuant to this Bylaw;
- (c) **“Council”** means the Council of the City;
- (d) **“dwelling unit”** means a room or series of rooms that are operated as a household and used and intended to be used as a domicile for one or more persons, usually containing cooking, eating, living, sleeping and sanitary facilities;
- (e) **“household pet”** is a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes but does not include reptiles;
- (f) **“keep animals”** or **“keeping of animals”** means the feeding or harbouring in any manner whatsoever of any animals prohibited by this bylaw, whether or not the animal is owned by the person feeding or harbouring such animals;
- (g) **“Prohibited Animal”** means those set out in Schedule "A"; and
- (h) **“Zoning Bylaw”** means Bylaw No. 5346, the Zoning Bylaw of the City of Moose Jaw.

*(Bylaw No. 5541)*

**Prohibition**

2 Subject to the provisions of this and except where otherwise permitted pursuant to the Zoning Bylaw, no person shall keep or harbour the animals listed in Schedule A to this Bylaw within the City’s limits.

3 Nothing in this Bylaw shall be construed as prohibiting the keeping of bird houses, bird baths, or bird feeding stations on any premises within the City.

**Exemptions**

4 This Bylaw shall not apply to any person keeping animals:

- (a) on any premises where the keeping of animals is a permitted use under the Zoning Bylaw;

- (b) on the premises of any stockyard, feedlot, abattoir or slaughterhouse, where the stockyard, feedlot, abattoir or slaughterhouse is a lawful non-conforming use under the provisions of *The Planning and Development Act, 2007*.
- (c) on the premises of the Moose Jaw Exhibition grounds;
- (d) on the premises of the Moose Jaw Humane Society;
- (e) in the possession of the an animal control agency;
- (f) on the premises of any veterinary clinic;
- (g) on the premises of any pet store;
- (h) within the Wakamow Valley Management Area where the keeping of such animals is under license by the Wakamow Valley Board and the City; or
- (i) of a kind and under the conditions stated within a valid permit issued by the provincial government or the government of Canada;
- (j) on the premises of Mosaic Place only for the duration of an approved event;
- (k) Special exemption may be applied for, in writing, through the Committee and approved by Council.

*(Bylaw No. 5541)*

**Pigeons**

- 5(1) Notwithstanding section 2, a person who is a member of the Moose Jaw Racing Pigeon Club or the Band City Racing Pigeon Club may keep racing or homing pigeons on the following conditions:
- (a) on or before January 1 of each year, the person has applied to the City for a permit to keep racing or homing pigeons and has paid the \$5 permit fee;
  - (b) the City has issued a permit under this section;
  - (c) the pigeons kept are of those breeds used in the sport of pigeon racing;
  - (d) the pigeons are kept in a loft:
    - (i) that is not less than 25 cm above the ground;

- (ii) that provides not less than .17 cubic metres (6 cubic feet) of floor area for each pair of pigeons;
  - (iii) that is kept in a state of good repair with the immediate area kept free of all debris;
  - (iv) the underneath of which is kept open and free from all debris and not used for any storage purpose; and
  - (v) the interior of which shall be cleaned no less than once per week;
- (e) no manure accumulates on the premises;
  - (f) not more than 40 old birds are kept on the property as of January 1 of each year;
  - (g) the birds are supervised at all times when out of the loft; and
  - (h) the premises and loft are at all times meet the requirements of provincial health and sanitation legislation.
- (2) Nothing in clause (1)(f) shall be construed as prohibiting the raising and keeping of the offspring of old birds after January 1 in each year for the purpose of competing in young bird races, and for the purpose of replacing old birds.

### **Horses**

6(1) For the purpose of this section, the words “accessory buildings”, “site” and “structure” have the same meaning as in the Zoning Bylaw

### **Other Animals**

- 6.1 (a) The keeping of domestic dogs and cats is regulated by the Zoning Bylaw, the Dog Bylaw No. 4495 and the Cat Bylaw No. 4785.
- (b) Any person may keep as pets, in any dwelling unit, not more than six (6) in aggregate:
    - i) rabbits;
    - ii) guinea pigs; or
    - iii) hamsters.

Offspring from these animals kept as pets may be kept for a single continuous period of time not exceeding six (6) weeks.
  - (c) The animals kept as pets under subsection 2 shall be securely penned up on the person's premises at all times, and not permitted to roam at large at any time.

- (d) The keeping of household pets ordinarily kept within the confines of a dwelling house is permitted. Potbellied pigs are prohibited as shown in Schedule A.

*(Bylaw No. 5541)*

- (2) Notwithstanding section 2, a person may keep horses within the areas shown on red on the map attached as Schedule B to this Bylaw on the following conditions:
  - (a) no more than two horses per acre may be kept;
  - (b) no more than 10 horses per site may be kept;
  - (c) that all animal wastes are disposed of according to any provincial health and sanitation legislation; and
  - (d) that no obnoxious odours, excessive noise or nuisance is generated or created respecting the keeping of the horses.
- (2) Riding stables and grounds for the purpose of keeping horses within the areas shown on the map in Schedule A are permitted, subject to the following:
  - (a) compliance with all provincial health and sanitation regulations, and
  - (b) all related accessory buildings and structures shall be located a minimum distance of 15 metres from any adjoining sites, any on-site water supply, and any residential buildings.

### **Penalty**

- 7 Every person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to:
  - (a) in the case of an individual, a fine of not less than \$25 and not more than \$2000; and in the case of a continuing offence, to a further fine not exceeding \$2000 for each day during which the offence continues;
  - (b) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues; and
  - (c) imprisonment for not more than one year.

### **Repeal and Coming Into Force**

- 8 Bylaw 4251, A Bylaw of the City of Moose Jaw to Regulate, Control and Prohibit the Keeping of Livestock and Bees Within the City of Moose Jaw, is repealed.

- 9(1) This Bylaw comes into force on the day of passage but is retroactive and is deemed to have been in force on and from June 25, 1984.
- (2) Notwithstanding subsection (1), clause 4(h) comes into force on the day of passage.

READ A FIRST TIME ON December 17, 2012

READ A SECOND TIME ON December 17, 2012

READ A THIRD TIME AND PASSED ON December 17, 2012

## **Schedule A**

### **List of Animals the Keeping of Which is Prohibited Within City Limits**

- (a) Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera *Aphonopelma*, *Avicularia* and *Grammostola*);
- (b) Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- (c) Bats;
- (d) Canids, except the domestic dog;
- (e) Crocodylians (such as alligators, crocodiles and caimans);
- (f) Edentates (such as anteaters, sloths and armadillos);
- (g) Elephants;
- (h) Felids, except the domestic cat;
- (i) Hyaenas;
- (j) Marsupials (such as kangaroos and opossums);
- (k) Mustelids (such as a skunks, weasels, otters and badgers) except the domestic ferret;
- (l) non-human Primates (such as gorilla and monkeys);
- (m) Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- (n) Pinnipeds (such as seals, fur seals, walruses);
- (o) Procyonids (such as raccoons, coatis and cacomistles);
- (p) Raptors, diurnal or nocturnal (such as eagles, hawks and owls);
- (q) Ratite Birds (such as ostriches, rheas, and cassowaries);
- (r) Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- (s) Anseriformes (such as ducks and geese);
- (t) snakes of the families Pythonidae and Boidae;
- (u) Ursids (bears);
- (v) venomous Reptiles and Amphibians; and
- (w) Viverrids (such as mongooses, civets and genets).



Examples of animals of a particular prohibited group are given in parentheses; they are examples only and shall not be construed as limiting the generality of the group.

*(Bylaw No. 5541)*