

Stray Animals Guide



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Introduction

The Stray Animals Act (the Act) and *The Stray Animals Regulations, 1999* (the Regulations) falls under the authority of the Ministry of Agriculture. The Ministry of Government Relations provides some support to municipal officials concerning this legislation.

There is a need to adequately deal with strays, provide for compensation for damage done by a stray and to recover the total cost of impounding and caring for a stray by municipalities. This guide, published May 2018, is intended to provide municipalities with information on the above concern.

NOTE: The information in this document is to be used as a guide only and is not a substitute for legislation. It is important to observe the exact wording of legislative references. Legislation is available online at <http://www.publications.gov.sk.ca/>. Questions of a legal nature should be directed to a solicitor. Throughout this guide you will find references to prescribed forms. These forms may be found in *The Stray Animals Regulations, 1999*, and on the Publications Saskatchewan website.

Definitions

Below are some key definitions. For a complete list of definitions, refer to the Act and the Regulations.

1. “Administrator” means any person appointed by the council of a municipality to act as the administrator of *The Stray Animals Act*.
2. “Animal” means any of the following: cattle, horses, sheep, goats, swine, and other hybrid of these animals, as well as llama, alpaca, emu, ostrich, rhea, domestic game farm animal, bison, and any fur-farming animal.

Please note wild boar or feral pigs that are outside a fenced enclosure will be treated as unprotected wildlife, and Saskatchewan residents will be allowed to harvest them without a license and few restrictions. All safety regulations are still in effect. For more information, contact your local Ministry of Environment regional office. Dogs and cats are not included in this Act.

3. “Finder” means a person who restrains a stray.
4. “Owner” means the owner of the stray, or the person in care or control of the stray.
5. “Pound” means the premises where strays are confined.
6. “Poundkeeper” means a person appointed by the municipality.
7. “Property” means all or any type of property, including livestock.
8. “Proprietor” means an owner or lessee of any property.
9. “Restrain” means to capture and confine or hold a stray in an area before impoundment.
10. “Stray” means an animal that is unlawfully running at large or that has broken into premises enclosed by a lawful fence. For simplicity, this guide refers to stray, which can mean a single animal or group of animals.
11. “SAA” means *The Stray Animals Act*.

12. “SA Regs” means *The Stray Animals Regulations, 1999*.

Municipal Responsibilities

Administrator

The council of a municipality is required to appoint an administrator for the purposes of the Act. This person may or may not be the administrator of the municipality.

Council is also required to appoint an acting administrator if the administrator is unable to perform his/her duties.¹

Pounds and Poundkeepers

A municipality **may** decide the location of pounds and also **may** appoint poundkeepers. Council should not appoint a person as poundkeeper unless that person is willing and able to carry out the duties imposed on him by the Act and the Regulations.²

If a stray is found in a pasture operated by the provincial or federal government, the stray is considered impounded. The pasture becomes the pound and the person in charge of the pasture is the poundkeeper.

A livestock auction market may be designated as a pound. Its manager or his/her agent shall be considered the poundkeeper.³

A municipality is responsible for any negligent acts or omissions of its poundkeepers in carrying out their duties and is responsible for any resulting loss or damage.⁴

A poundkeeper is responsible to maintain and operate the pound at his/her expense and is entitled to the prescribed fees for services. The pound must be clean and in good repair. The poundkeeper will supply the stray with adequate and healthy nourishment including proper shelter. The stray must be kept in the pound until the administrator authorizes their release.⁵

Animals Running at Large

Animals cannot run at large in the province. In other words, we have a “closed herd law” in Saskatchewan.⁶ However, a municipality may, by bylaw, allow animals to run at large in all or part of the municipality. The bylaw will also state the maximum number of each kind of animal that may run at large. The bylaw must be in the prescribed Form A as stated in the Regulations.⁷

¹ Section 2.1 SAA

² Section 8 SAA

³ Section 10 SAA

⁴ Section 11 SAA

⁵ Section 12

⁶ Section 3 SAA

⁷ Sections 4-6 SAA

Restraint

Any person may restrain a stray.

If the Owner is Known

If the owner is known, the finder must immediately notify the owner that the animal has been found and restrained.⁸ The stray's owner then has 12 hours in which to pay the finder the restraining fees in order to get the stray released. The fees are prescribed in Table 1 of the Regulations. These fees are set and cannot be altered.⁹

If the owner and finder cannot agree on the fees to be paid, etc., the finder must notify the administrator **of the municipality**. The municipal administrator is also notified if the owner fails to pay the agreed amount or fails to remove the stray. This represents the first point in the process where the municipal administrator becomes involved.¹⁰ The administrator and the finder will complete prescribed Form B.

If the Owner is Unknown

If the owner is unknown, the finder must notify the municipal administrator **and** either a livestock inspector or the RCMP.¹¹ The finder will provide the date, time and location of the restraint. The municipal administrator and the finder complete prescribed Form B.

The administrator must advertise the restraint of the stray in one issue of a newspaper **or** for two consecutive days on a radio or television broadcast between 7 a.m. and 10 p.m.¹²

The finder must provide the stray with adequate and healthy nourishment including proper shelter and veterinary care if necessary.

Impoundment

The finder must deliver the stray to the pound if the stray has not been released to the owner within 72 hours of notification to the municipal administrator or if the owner is unknown. The administrator must arrange the delivery if the finder does not have the ability to deliver the stray to the pound. If the owner is known, the administrator completes prescribed Form C and delivers it to the owner.

The administrator may appoint the finder as poundkeeper. The appointment must be in writing with a specific time period of appointment. The administrator must arrange for the stray's delivery to another pound if no local pound exists and the finder is not appointed poundkeeper. If the administrator fails to arrange the impoundment, the Minister of Agriculture or his designate may

⁸ Section 14 SAA

⁹ Section 4 SA Regs

¹⁰ Section 15.1 SAA

¹¹ Section 15.2 SAA

¹² Section 15.2 SAA, Section 7 SA Regs

appoint the finder as poundkeeper or authorize the finder to deliver the stray to another pound.¹³ Upon receipt of the stray, the poundkeeper shall complete prescribed Form D. The administrator shall complete prescribed Form E if the stray's owner is unknown.

Fees, Charges and Penalties

The fees prescribed in Table 1 of the Regulations are to be used for compensation to finders, poundkeepers, veterinarians, municipalities and other persons.¹⁴

The stray's owner is responsible for any fees or compensation due respecting the stray animal.¹⁵ The fees are paid to the municipality. An exception to this is at the beginning of the process when the owner and the finder agree to an amount and the owner pays within 12 hours of notice of the restraint.

The municipality will be responsible for paying any fees that the stray's owner does not pay or if the owner is unknown. The municipality may sue the owner, should he/she become known, in order to recover any fees it paid.¹⁶

The administrator may charge a penalty to the stray's owner for restraint and impoundment. The penalty cannot exceed \$100 per day or the maximum of \$2,000 per animal. This amount is paid to the municipality. The administrator must notify the finder or poundkeeper to release the stray upon payment of all fees, compensation, and penalties. The administrator or the poundkeeper shall require the stray's owner to provide proof of ownership (prescribed Form G) before releasing the stray.¹⁷

Sale of Impounded Strays

Where the owner is known, the administrator shall give notice to the poundkeeper to deliver the stray to the nearest auction market if the stray is not released within 14 days after impoundment. If the owner remains unknown and the municipality has waited seven days after impoundment, the administrator shall give notice to the poundkeeper to deliver the stray to the nearest auction market. The administrator completes prescribed Form F. The auction market shall sell the stray by public auction to the highest bidder and deduct any sales fees, yardage, veterinary costs, etc. from the proceeds. Immediately after the sale, the auction market shall send to the municipal administrator any remaining proceeds of the sale along with a report prepared in accordance with the Act.¹⁸

¹³ Section 17 SAA

¹⁴ Section 18 SAA

¹⁵ Section 19 SAA

¹⁶ Section 19 SAA

¹⁷ Sections 20-21 SAA

¹⁸ Section 22 SAA

The administrator must keep a record of the sale (prescribed Form H) for at least 24 months after the sale date.¹⁹

Even if the sale proceeds are not sufficient to cover all costs, the municipality is responsible for payment of all fees and other compensation entitled to the finder, poundkeeper, auction market, or other person, within 30 days, even if the sale proceeds are not sufficient to cover all costs. Once these amounts have been paid, any remaining funds shall be paid in the following priority:²⁰

- Fees, charges and expenses of the municipality;
- Any penalty assessed by the municipality;
- The reasonable damage claims of the finder where the owner is unknown;
- To the owner, if known;
- If the owner is unknown, any remaining funds shall be held by the administrator for 12 months, and if not claimed, will become part of the general funds of the municipality; and
- If the owner comes forth prior to the 12-month period, the administrator shall pay any remaining funds to the owner upon proof of ownership of the stray sold and upon completion of a statutory declaration (prescribed Form I).

Valueless and Dangerous Strays

Valueless Stray

A poundkeeper or finder may apply to the municipal administrator for permission to destroy a valueless stray. The administrator shall arrange for a veterinary inspection of the stray. The veterinarian will provide a written opinion of its value and if it should be destroyed. If the veterinarian feels it is unreasonable to inspect the stray, an oral opinion may be given based on the administrator's information. The administrator may give written consent to destroy the stray if, in the veterinarian's opinion, it is valueless.²¹

Dangerous Stray

A poundkeeper or finder may apply to the municipal administrator for permission to either tranquilize or destroy a dangerous stray. The administrator shall arrange for a veterinary inspection of the stray. The veterinarian will provide a written opinion of whether or not the stray should be tranquilized or destroyed. If the veterinarian feels it is unreasonable to inspect the stray, an oral opinion may be given based on the administrator's information. The administrator may give written consent to tranquilize or destroy if, in the veterinarian's opinion, the stray is dangerous. The tranquilization is performed by or under the supervision of a veterinarian.

A person may kill a stray if it is in the act of harming, endangering or pursuing any person or livestock.

¹⁹ Section 23 SAA

²⁰ Section 24 SAA

²¹ Section 25 SAA

A proprietor may kill a stray only if **all** the following conditions are met:²²

- The stray has repeatedly harmed, damaged or destroyed his property or wildlife on the property;
- The proprietor has no reasonable means to capture or restrain the stray;
- The proprietor has notified the administrator of the harm, damage, or destruction to his property or to wildlife; **and**
- The administrator authorizes the proprietor (preferably in writing) to kill the stray.

Expenses Regarding Valueless and Dangerous Strays

The owner of a destroyed or tranquilized stray is liable for the expenses to destroy or tranquilize the stray and, if required, the expenses of carcass disposal. Expenses include any veterinary fees respecting the stray. The owner of a stray has no right or claim for damages resulting from the destruction of the stray except for the value of any dead salvage. If the owner of a tranquilized or destroyed stray is unknown, the municipality shall be liable for the expenses.²³

Liabilities

The owner of a stray is liable for any damage caused to the proprietor's property. The municipality is not liable. No action for damages to property caused by an animal lawfully running at large during the time an open herd bylaw is in effect can be upheld. No animal lawfully running at large shall be restrained or impounded for causing damage to property unless the property is surrounded by a lawful fence.

No proprietor shall be liable for injury or death of a stray while it is on his/her land. This does not mean a proprietor can purposely injure or cause the death of a stray.

A fence enclosing a property is a lawful fence if it is established that an animal broke through or passed over or under part of it. The onus of determining if a fence is lawful is on the proprietor. The minimum requirements for a lawful fence are restrictive and are provided in Table 2 in the Regulations.

Offences and Penalties

Serious offences and penalties exist for a person who commits any of the following:

- Impounds, assists, incites or employs a person to impound an animal that is not a stray;
- Demands or receives any fee not authorized by the Act or the Regulations;
- Neglects to provide sustenance and proper shelter for a stray;
- Neglects to provide necessary veterinary care to a stray, as required;
- Works or uses a stray in any manner while it is restrained or impounded;

²² Section 25.1 SAA

²³ Section 26 SAA

- Knowingly allows an animal affected with a contagious or infectious disease to be in the same enclosure with a healthy stray;
- Fails to give any notice required by the Act or the Regulations;
- Neglects to provide the administrator with any information required by the Act or the Regulations;
- Harbours, transports, offers for sale or otherwise disposes of a stray except in the manner that is in compliance with the Act and the Regulations;
- Removes a restrained animal without the consent of the finder who restrained it or of the municipal administrator;
- Removes an impounded animal from the pound without the consent of the poundkeeper or the municipal administrator; and
- Violates any of the provisions of the Act or the Regulations or neglects to do anything required by the Act or the Regulations.

The consequences for being found guilty can result in a fine of up to \$5,000, imprisonment for up to six months, or a combination of both.²⁴

Immunity

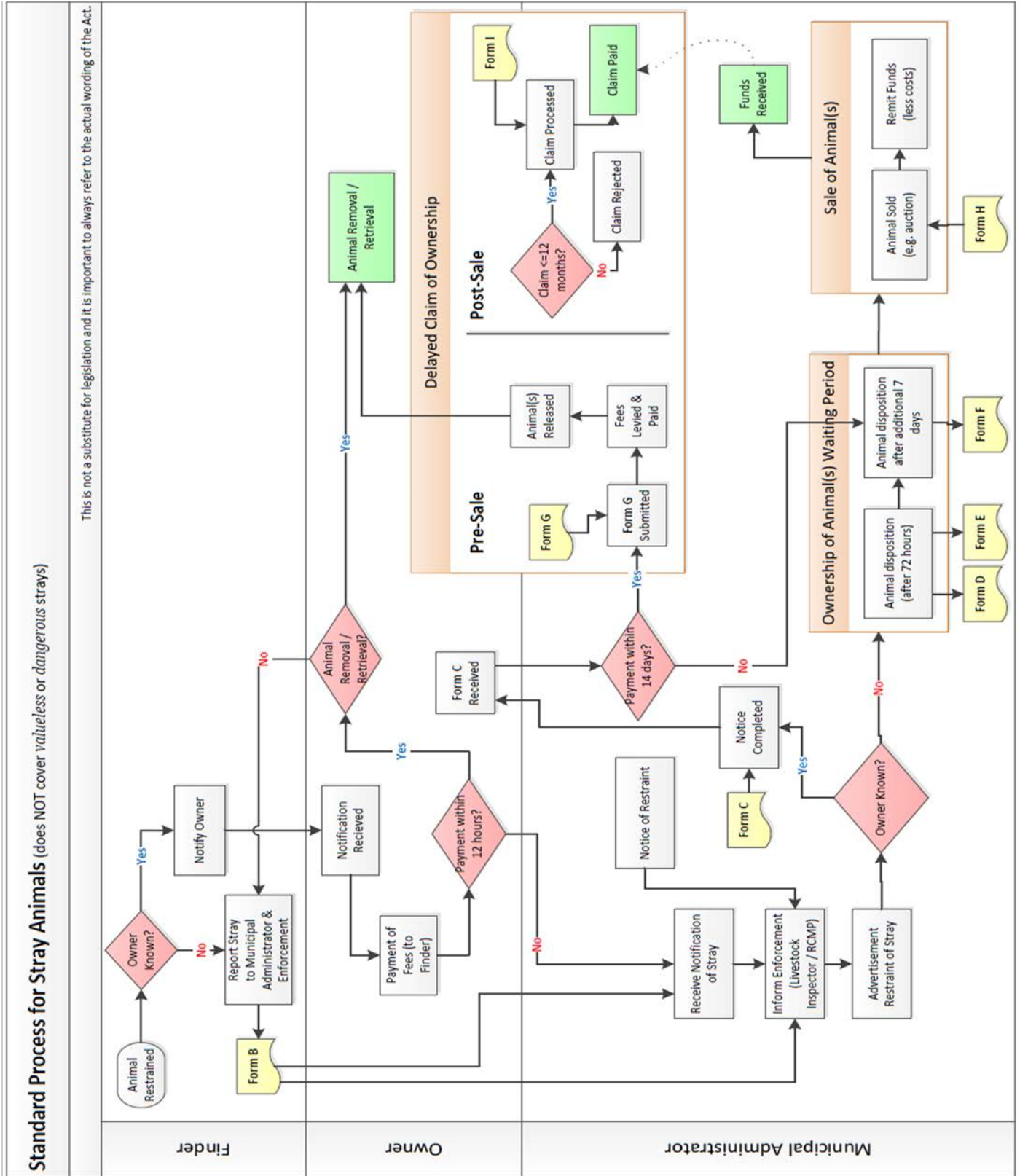
No action shall occur against any person:

- Where that person is acting pursuant to the authority of the Act or the Regulations; or
- For any loss or damage suffered by reason of anything done in good faith, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the person.²⁵

²⁴ Section 30 SAA

²⁵ Section 34 SAA

Flowchart



Checklist

Step-by-step Checklist (Do not use for valueless or dangerous strays.)	Date & Time Completed
1 The finder restrains the stray. 1.1 If the owner is known, the finder immediately notifies the owner. a. The owner pays fees to the finder within 12 hours and removes the stray. At this point, the process would be complete. [Sec. 15 SAA] b. If the owner does not pay fees to the finder within 12 hours, or does not remove the stray after paying the fees, proceed to Step 2. [Sec. 15.1 SAA]	<input type="text"/> <input type="text"/>
2 If the owner is unknown, the finder notifies the municipal administrator of the restraint particulars plus either the livestock inspector or the RCMP. Form B is completed by the municipal administrator ¹ and the finder. [Sec. 15.2(1) SAA]	<input type="text"/>
3 The administrator advertises the restraint of the stray. [Sec. 7 SA Regs] 3.1 If the owner becomes known through the advertising, the administrator provides a completed Form C to the owner. a. The owner pays all fees within 14 days, completes Form G & removes the stray. At this point, the process would be complete. b. If the owner does not pay the required fees within 14 days, or does not remove the stray after paying the fees, proceed to Step 4. 3.2 If the owner is unknown 72 hours after the administrator's notification in Step #2, the stray is delivered to the pound. The poundkeeper completes Form D. The administrator posts Form E in two places and at the auction market, and gives a copy to the livestock inspector or RCMP. [Sec. 17 SAA]	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
4 After seven more days, the stray is delivered to the auction market. The administrator sends Form F to the owner OR if the owner is unknown, Form F is posted in two places and at the auction market, and given to the livestock inspector or RCMP. [Sec. 22(1) SAA]	<input type="text"/>
5 The auction market sells the stray to the highest bidder and sends the proceeds (less costs) to the municipal administrator. [Sec. 22(2)] The administrator completes Form H. At any time prior to the sale, an owner can obtain the animal by paying all the costs and completing Form G. This signifies completion of the process. (If, within 12 months, an owner comes forward after the sale claiming any remaining sale proceeds, he must complete Form I. [Sec. 24(5) SAA])	<input type="text"/>

1 From this point forward, "administrator" means the municipal administrator.

** Note: This is not a substitute for legislation. It is important to always refer to the actual wording of the Act.

Forms

All forms associated with the administration of this guide can be found in the Regulations or in PDF file format at:

<http://publications.gov.sk.ca/details.cfm?p=1454&cl=5>.

Contact Information

For further information or assistance, contact:

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