

TOWN OF STONEWALL
BY LAW NO. 11-19
Animal Control By-Law

Being a By-Law to provide for the regulation and control of animals within the limits of the Town of Stonewall.

PART I: AUTHORITY

WHEREAS subsection 232(1) of *The Municipal Act, S.M. 1996, c. 58* (the "Act") states that a council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- ...
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- ...
- (o) the enforcement of by-laws.

AND WHEREAS subsection 232(2) of *the Act* states that without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- ...
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition
- ...
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

AND WHEREAS, subsection 236(1) of *the Act* states that without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, including
 - (i) creating offenses,

- (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the by-law,
- (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
- (v) charging and collecting costs incurred in respect of acting under subclause (iv),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines.

AND WHEREAS subsections 5(1), (2) and (3) of *The Animal Liability Act*, S.M. 1998 c. 8 provide, in relevant part, as follows:

Animals not to run at large

5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

By-law does not limit owner's liability

5(2) An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

No liability by reason only of making by-law

5(3) A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only of having made the by-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the by-law.

PART II: DEFINITIONS AND INTERPRETATION

By-Law Name

1(1) This By-Law may be referred to as the "Animal Control By-Law".

Definitions

1(2) In this By-Law, unless the context otherwise requires,

"aggressor animal" means a dog, cat or domestic pet which has bitten a person or the Animal Control Officer has reason to believe has bitten a person.

"Animal Control Officer" means the person appointed by Council to enforce the provisions of this By-Law, and includes any person acting as an assistant to, or under the direction of, the animal control officer authorized by the Council.

"CAO" means the Chief Administrative Officer of the Town of Stonewall.

"cat" means any member of the genus *Felis domesticus* (domestic cat).

"Council" means the council of the Town of Stonewall.

"current rabies vaccination" means that the dog or cat has been vaccinated for rabies in accordance with international veterinary protocol which calls for a primary vaccination, which is then followed with a booster vaccination not sooner than 60 days and not greater than one year after the primary vaccination, and is then subsequently vaccinated at regular intervals not exceeding three years.

"dangerous animal" means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under Section 11 of this By-Law.

"**dog**" means any member of the genus *Canis familiaris* (domestic dog).

"**Dog Run**" means an enclosure as defined herein and applies as provided for under Section 7(3) of this By-law

"**domestic pet**" means any animal other than a dog or cat that has been domesticated and is kept or harboured within the Town.

"**enclosure**" means an area surrounded on all sides by a wall or fence which prevents the cat, dog, domestic pet, livestock or restricted animal from leaving the area at its own will.

"**livestock**" means:

- (a) animals kept for the purpose of:
 - (i) production of meat,
 - (ii) production of other products from the animals, or
 - (iii) herding, protection of livestock or draft work,and breeding stock of such animals;
- (b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a)(i), (ii) or (iii) of this definition; and
- (c) any other animal determined by the animal control officer to be livestock for the purposes of this By-Law, whether or not intended for profit and including, without limitation:
 - (i) dairy cattle and beef cattle, goats, sheep, bison and horses;
 - (ii) swine (including, wild boar);
 - (iii) all cervids on game production farms;
 - (iv) all of the family Camilidae (including, Llamas and Alpacas);
 - (v) all domestic poultry (including, chickens, turkeys, ducks and geese);
 - (vi) specialty fowl (including, guinea fowls); and
 - (vii) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act*.

"**Notice of Breach of By-Law**" means a notice issued pursuant to section 3(e) of this By-Law in the form attached hereto as Schedule B.

"**owner**" includes any person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the Animal Control Officer or any other person.

"**owner's premises**" means the lands either solely owned by owner or jointly owned with others.

"**person**" includes an individual, partnership, firm and/or corporation.

"**personal residence**" means the structure or building within which an individual resides, but it shall not include the lands surrounding such buildings or structure nor any out buildings.

"**pound**" means any enclosure, premises or place, whether within or outside the Town, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of this By-Law.

"**Poundkeeper**" means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a Poundkeeper as set out in Section 4 of this By-Law.

"restricted animal" means:

- (a) any member of the order Primate except a human being;
- (b) any member of the order Carnivora except dogs, cats and domestic ferrets (mustela putorius furo), but including all hybrids of dogs and cats;
- (c) any member of the order Crocodylia;
- (d) any constrictor snake, venomous snake or venomous reptile;
- (e) any venomous amphibian;
- (f) any wild animal or wildlife as defined in The Wildlife Act; and
- (g) any other animal determined by the animal control officer to be a restricted animal, other than a dog, cat or livestock.

"running at large" or "run at large" means, in relation to an animal, that the animal is not:

- (a) under the direct, continuous and effective control of a person competent to control it; or
- (b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

"Town" means the Town of Stonewall

Interpretation

- 1(3) In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUNDKEEPER

Establishment of Pound

- 2(1) Council may establish and maintain a pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any person (including with any other municipality, city, town or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Town shall be paid out of the general funds of the Town.

Appointment of Animal Control Officer

- 2(2) Council may appoint one or more persons as Animal Control Officer(s) to carry out the enforcement of this By-Law. The Animal Control Officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Town.

Appointment of Poundkeeper

- 2(3) Council may appoint one or more persons as Poundkeeper(s) to carry out the duties of the Poundkeeper set out in this By-Law. The Poundkeeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Town.

Common Animal Control Officer and Poundkeeper

- 2(4) At the discretion of Council, the Animal Control Officer may also serve as Poundkeeper, and vice versa.

Duties of the Animal Control Officer

- 3(1) It shall be the duties of the Animal Control Officer:
- (a) to apprehend and return to the owner or confine at the pound, any animal running at large within the Town contrary to the provisions of this By-Law.
 - (b) to apprehend and confine any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this By-Law, or running at large, within the Town.

- (c) to apprehend and return to the owner or confine any dog, cat or any other domestic pet which is running at large within the Town contrary to the provisions of this By-Law, or apprehend and confine any dog, cat or any other domestic pet which is kept or harboured by, or in the possession or control of, any person that is in breach of this By-Law or of any other laws or regulations pertaining to animals or the conditions of any permit or license (including, without limitation, an Excess Animal Permit or provincial kennel license).
- (d) to make reasonable attempt to notify the owner of every animal apprehended and if the identity of the owner is known, by direct contact with the owner or by leaving a notice at the last known address of the owner, which notice shall be in the form set out in Schedule "C" hereto attached and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, the impoundment fee and any daily pound fees as set out in Schedule "A" hereto attached, and other costs or fines to be charged to the owner, the method of payment required, and the date after which the animal will be sold, destroyed or otherwise disposed of if not redeemed. Where the identity of the owner of the animal is not known, the Animal Control Officer shall post in the general office of the Town and at a minimum of three (3) public locations, a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.
- (e) to issue a Notice of Breach of this By-Law in the form set out in Schedule B hereto attached against any person that has committed an offense under this By-Law. A Notice of Breach of this By-Law may be served upon the person who has breached the By-Law personally or upon a person eighteen (18) years of age and older at the residence of the person who has breached the By-Law, or may be served by registered mail addressed to the last known address of such person. The Animal Control Officer may lawfully enter upon the premises of any such person to serve a Notice of Breach of this By-Law.
- (f) the Animal Control Officer or Poundkeeper may, for the purpose of capturing any animal found to be running at large within the Town, retain the services of a licensed veterinarian to use a tranquilizer gun to assist in the capture of the said animal.
- (g) to enforce the provisions of this By-Law.

Duties of Poundkeeper

3(2) It shall be the duties of the Poundkeeper:

- (a) to provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded.
- (b) to establish and maintain the pound in a manner in keeping with *The Animal Care Act* (Manitoba), and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba) while an animal is in the custody of the Poundkeeper.
- (c) to keep a record of every animal impounded, which record shall include the following minimum information:
 - (i) a description in reasonable detail of the animal (including, the approximate weight, height and color of the animal, as well as the order and breed of the animal) and a description in reasonable detail of the location the animal was apprehended by the Animal Control Officer (to include the street and nearest civic address);
 - (ii) the day and hour of its impoundment;
 - (iii) the day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
 - (iv) the name and address of the owner (being the person to whom the animal was sold or released);

- (v) the amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the owner and the name and address of the payor (if different from the owner); and
 - (vi) such other particulars as the CAO of the Town shall direct from time to time.
- (d) to collect all fees charged by the pound, and to remit all monies received by the pound to the CAO of the Town, together with such reports and statements as the said CAO may prescribe from time to time, except where the Municipality has entered into a contract with a private party for the operation of the pound, in which case the Poundkeeper shall observe all terms and conditions of the contract with the Town for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Town, and the submission of all reports and statements required to be submitted to the Town under the said contract.
- (e) to keep any impounded dog, cat or any other animal which is, to the knowledge of the Poundkeeper a domestic pet, for a minimum period of five (5) days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public.
- (f) to make suitable arrangements for the impoundment and sale, disposition or destruction of any animal other than a dog, cat or domestic pet that is apprehended within the Town, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.
- (g) if, after expiration of the minimum period of impoundment set out in paragraph (e), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the Poundkeeper to do one of the following with the impounded animal:
- (i) sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound fees accrued in respect of the impounded animal as set forth in this By-Law, unless such fees are otherwise waived by the Town or by the Poundkeeper on the express authority of the Town; or
 - (ii) cause the impounded animal to be humanely destroyed;
- unless the Town, or the Poundkeeper on the express authority of the Town, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a person in accordance with sub-paragraph (g)(i) or until expiry of the extended period of impoundment, before it is humanely destroyed.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Rabies Vaccination

4(1) The Animal Control Officer may at any time request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status and, if the owner cannot produce such proof, the Animal Control Officer may apprehend and impound the dog or cat, and may issue a Notice of Breach of this By-Law to the owner. A dog or cat owner does not have to produce evidence of a current rabies vaccination status if he can produce a statement in writing signed by a licensed veterinarian certifying that the animal cannot be vaccinated for rabies for medical reasons.

Kennel Permits

5(1) Kennels for profit purposes whether derived from the boarding or breeding of dogs and/or cats or from any other source are **prohibited** in the Town. Any person who keeps, harbours, possesses or controls a number of dogs or cats in excess of the maximum number prescribed in Section 9 hereof for profit purposes shall have committed an offense under this By-law.

Excess Animal Permits

- 6(1) Any person who wishes to keep, harbour, possess or control that number of dogs or cats in excess of the maximum number prescribed in Section 9(7) hereof for pleasure purposes solely shall apply in writing to the Council for an Excess Animal Permit. The application must be accompanied by the applicable application and permit fees as set out in Schedule "A" hereto attached. Any person who keeps, harbours, possesses or controls a number of dogs or cats in excess of the maximum number prescribed in Section 9(7) hereof without a valid Excess Animal Permit shall have committed an offense under this By-Law.
- 6(2) Council shall set a date to review any such application for an Excess Animal Permit at a regularly scheduled Council meeting following receipt of the completed application form, the application fee and permit fee for the first year. Council shall notify the applicant and shall make reasonable attempts to notify all property owners within a one-hundred-meter radius of the premises upon which the proposed excess animals will be located, of the application and the date of the hearing in respect of the application.
- 6(3) In determining whether or not to grant an Excess Animal Permit to an applicant and/or to determine what conditions the Excess Animal Permit shall be subject to; the Council shall review all relevant factors and without limiting the generality of the foregoing the following factors shall be considered:
- (a) the proposed maximum number of dogs and/or cats to be kept on the premises;
 - (b) if the number of dogs and/or cats meets or exceeds the number prescribed by Regulation under *The Animal Care Act S.M. 1996. c. 69* the applicant must possess or be in the process of applying for a Provincial Kennel License issued through the office of the Provincial Veterinary;
 - (c) the intended purpose for keeping the dogs and/or cats on the premises;
 - (d) the steps which have been taken to ensure that the dogs and/or cats will be adequately and safely housed;
 - (e) the steps which have been taken to ensure that disturbances to neighbours from excessive noise, odor, waste disposal and any other potential nuisances are avoided;
 - (f) any inspection report from the Animal Control Officer or the Poundkeeper as may be requested by the Council;
 - (g) any inspection report from the public health authorities or any other authorities as may be requested by the Council;
 - (h) any representations made by the owner or on behalf of the owner either in writing or at the meeting of Council where the application for an Excess Animal Permit will be heard; and
 - (i) any representations made by neighbours of the owner or any other interested party, whether in writing or by oral submission at the meeting of Council at which the application for an Excess Animal Permit is heard.
- 6(4) A Excess Animal Permit issued to an applicant shall be valid for a period of one year from the date of issuance. A permit-holder who wishes to renew a Excess Animal Permit shall no later than thirty (30) days prior to the expiry date submit an application for renewal to the Council on a form approved by Council and accompanied by the annual permit renewal fee as set out in Schedule "A". Council shall review such renewal application, and may, but shall not be required to, notify adjacent property owners of the renewal application unless such renewal application materially differs from the prior year's application submitted by the permit-holder or unless a written objection is made to Council, in which case all adjacent property owners shall be notified.
- 6(5) Prior to revoking, suspending, refusing to renew, or imposing conditions upon, an issued and outstanding Excess Animal Permit, the Council shall notify the holder of the Excess Animal Permit and shall provide the said holder with the opportunity to make representations to Council at a meeting of Council.

- 6(6) Council may refuse to issue an Excess Animal Permit or may revoke or refuse to renew an existing Excess Animal Permit or may modify the conditions which apply to an existing Excess Animal Permit or may suspend an existing Excess Animal Permit at any time upon a finding that:
- (a) a neighbour or any other party is exposed to a nuisance created by the excess animals, including, without limitation, excessive noise or noxious odors;
 - (b) this By-Law or any other law, regulation or rule pertaining to animal care or environmental matters, or any condition pertaining to the Excess Animal Permit, have been or are being contravened, including, without limitation, any law, regulation, rule or permit condition pertaining to waste disposal;
 - (c) the owner's premises are not maintained in a condition such that animal escapes are prevented;
 - (d) the holder of the Excess Animal Permit has breached the duties of an owner of animals under *The Animal Care Act* (Manitoba), including, without limitation, where the conditions in the residence are unsafe or unsanitary for the animals;
 - (e) any inspection report from the public health authorities indicating that a lack of cleanliness or sanitation in the residence or the surrounding premises presents a human health risk;
 - (f) the premises are not licensed under *The Animal Care Act* (Manitoba), and are required to be so licensed under the said Act; or
 - (g) it is not in the public interest to allow the excess animals or proposed excess animals to reside in the current circumstances within the Town.
- 6(7) Upon refusal to grant or renew an Excess Animal Permit, or upon prescribing the conditions of an Excess Animal Permit or modifying the conditions of an Excess Animal Permit or suspending an owner's Excess Animal Permit, the owner shall be notified of the decision of Council by registered mail. In the event that the owner's application for a new or renewed Excess Animal Permit is denied, or the conditions of the owner's existing Excess Animal Permit are modified as applicable, the owner shall have thirty (30) days to comply with the decision of Council.
- 6(8) The Animal Control Officer shall inspect the premises as soon as reasonably possible after the thirty (30) days set out in Subsection 6(7) hereof has elapsed to ensure compliance with the order of the Council and the conditions imposed on the existing Excess Animal Permit, if any. If the owner has failed to comply with any such order or conditions, the Animal Control Officer shall take all such lawful steps as may be required, in his discretion, to bring the owner into compliance with this By-Law and any such order or conditions, including, without limitation, apprehending and impounding any dogs and/or cats in excess of the applicable prescribed limit to be dealt with in accordance with the duties of the poundkeeper in Section 3(2).
- 6(9) The owner may appeal the apprehension and/or impoundment of any dogs and/or cats under Subsection 6(8) to the Council by notice of appeal in writing delivered to the CAO of the Town within three (3) days of the apprehension (excluding Sundays and statutory holidays during which the pound is closed to the public). This appeal shall be heard by Council at the next regularly scheduled Council meeting. The decision of Council is final. If the decision of Council is to deny return of the impounded dogs and/or cats to the owner, the Poundkeeper shall arrange forthwith to sell or otherwise dispose of the said dogs and/or cats or to humanely destroy the said dogs and/or cats. If the decision of Council is to reverse the apprehension and impoundment, the owner shall, subject to payment by the owner of all costs associated with the apprehension and impoundment of the said dogs and/or cats and any licensing and permit fees properly charged to the owner under this By-Law, recover the said animals.
- 6(10) The Council, or the Animal Control Officer on their behalf, may request in writing that the premises of the applicant or permit-holder be inspected by the Animal Control Officer or such other person as may be designated by Council or the Animal Control Officer, at any time upon reasonable notice, and the owner shall comply with any such request. The failure by an owner to comply with such a request shall constitute an offense under this

By-Law and is grounds for refusing to grant or renew a Excess Animal Permit or for revoking, suspending or placing conditions upon an existing Excess Animal Permit.

- 6(11) Nothing in this By-Law shall be construed as obviating or overriding any requirement under the current Town of Stonewall Zoning By-law, with respect to the establishment of a residence suited for excess animals.
- 6(12) Nothing in this By-Law shall be construed as obviating or overriding any requirement under the laws of the Province of Manitoba to obtain a license or licenses from the Government of Manitoba, and to comply with provincial licensing requirements, in respect of kennels.

Responsibility of Owners Regarding Dogs/Cats

- 7(1) No owner shall:
- (a) permit his dog or cat to run at large. When a dog or cat is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.
 - (b) permit his dog to bark or his dog or cat to howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Town.
 - (c) permit his dog or cat to defecate on any public or private property other than the property of its owner. Where a dog or cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.
 - (d) permit his dog or cat to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.
 - (e) permit his dog or cat to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog or cat, its owner shall be deemed to have failed or refused to comply with this subsection.
 - (f) own, keep, harbour or have possession or control of any dog or cat determined to be a dangerous animal, unless such dog or cat is kept at all times in accordance with the provisions of Part V.
 - (g) permit his dog or cat to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.
 - (h) permit his dog or cat on any school ground or playground.
 - (i) permit his dog or cat on public property (including parkland area) unless the dog or cat is on a leash (which lease shall be no longer than six (6) feet in length, fully extended) and the dog or cat is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which dogs or cats are not required to be on a leash.
 - (j) permit his dog or cat to upset waste receptacles or otherwise litter.
- 7(2) An owner of a registered guide dog that is visually impaired or any other person who requires the assistance of a registered guide dog shall not be subject to the restrictions imposed under Subsections 7(1)(c) and (h).
- 7(3) Dog Runs shall be permitted in the side and rear yard only as same are defined under the Town of Stonewall Zoning By-law. Dog Runs shall not be permitted in the front yard as same is defined under the Town of Stonewall Zoning By-law. Dog Runs shall be constructed with a solid non-see through material on the side which faces/adjoins the neighbouring property line and which faces the front yard. In the side yard dog runs may be constructed to the property line. In the rear yard dog runs may not be constructed within two (2) feet of the property line. Failure to comply with the requirements of this Section respecting the location and construction of a dog run shall constitute an offense under this By-Law.

Redemption

- 8(1) Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or any other domestic pet (other than a restricted animal) impounded by the Animal Control Officer may be redeemed within five (5) days of the apprehension and impoundment, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public, by applying to the Poundkeeper for redemption and paying:

- (a) the impoundment fee as set out in Schedule "A";
- (b) the pound fee calculated in accordance with Schedule "A";
- (c) all outstanding fines, damages or costs relating to the impounded animal.

Restrictions on Domestic Pets

9(1) An owner of a domestic pet other than a dog or cat shall not allow the domestic pet outside of the owner's premises unless the domestic pet is at all times while outside of the owner's premises, under the immediate charge and effective control of a person competent to control it. In the event that the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of *The Wildlife Act*, no person shall be entitled to keep or harbour such animal within the Town unless such person has been issued a permit by the Town under Section 15 of this By-Law, and also holds all other government licenses as may be required, to keep or harbour the animal within the Town.

Dogs

9(2) Subject to Subsection 9(3) and the provisions of Section 7, the owner of a dog shall not permit the dog to be outside of the owner's premises unless:

- (a) the dog is on a leash that is less than six (6) feet in length fully extended; and
- (b) the dog is under the immediate charge and effective control of a person competent to control it.

9(3) A female dog in heat shall be confined to the premises of the owner or a person having control of the dog, or shall be housed in a licensed kennel, for the period of time that the dog is in heat. The said dog's confinement shall be in such a manner as to prevent any contact between the dog in heat and any other dog except other dogs owned by the same owner or by another owner who voluntarily permits such contact.

Cats

9(4) Subject to Subsection 9(5), the owner of a cat shall not permit the cat to be outside of the owner's premises unless;

- (a) the cat is on a leash that is less than six (6) feet in length fully extended; and
- (b) the said cat is under the immediate charge and effective control of a person competent to control it.

9(5) A female cat in heat shall be confined to the premises of the owner or a person having control of the cat, or shall be housed in a licensed kennel, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner or by another owner who voluntarily permits such contact.

Cat Trap

9(6) The Animal Control Officer shall be the only person, under the provisions of this By-law, who may use a trap to apprehend a cat running at large.

Maximum Number of Dogs or Cats

- 9(7) (a) No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) dogs over the age of six (6) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid Excess Animal Permit authorizing him to own that number of dogs.
- (b) No person shall own, harbour, keep or have in his possession or control or on his premises, more than three (3) cats over the age of six (6) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid Excess Animal Permit authorizing him to own that number of cats.

PART V: DANGEROUS ANIMALS

Animal Bites

10(1) The Animal Control Officer:

- (a) shall apprehend, impound and place in quarantine any dog or cat that he has reason to believe has bitten a person; and
- (b) may apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public;

in either case, the "aggressor animal", whether on private premises or elsewhere, and whether or not the skin was directly punctured or lacerated by the bite, except that this provision shall not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

- 10(2) If the aggressor animal is not voluntarily surrendered to the Animal Control Officer by the owner, the Animal Control Officer shall be empowered to apprehend and impound the aggressor animal and, if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain an order to enter the personal residence of the owner for the purpose of apprehending and impounding the aggressor animal.
- 10(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to Subsection 10(9) herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 10(4) The Animal Control Officer may, in his discretion, authorize the owner of the aggressor animal to quarantine the aggressor animal in a place other than the pound, provided that such place is under the direct supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.
- 10(5) Subject to a determination by the Animal Control Officer pursuant to Subsection 10(8) hereof that the aggressor animal is not a dangerous animal, the aggressor animal may be released to the owner after expiry of the prescribed quarantine period upon payment by the owner to the Poundkeeper of a pound fee calculated at the daily rate set out in Schedule A hereto attached together with any costs or fines assessed against the owner hereunder. In the event that the owner fails to redeem the aggressor animal from the pound within three (3) days after expiry of the quarantine period, the aggressor animal shall be sold, or otherwise disposed of, or destroyed at the discretion of the Poundkeeper.
- 10(6) The Animal Control Officer shall keep a record of all bite incidents, identifying the aggressor animal and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions contained herein.
- 10(7) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to Subsection 10(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 10(8) Every aggressor animal shall be examined by a licensed veterinarian approved by the Animal Control Officer prior to release from quarantine. The determination as to whether or not the aggressor animal can be released from quarantine or must be destroyed or otherwise disposed of, shall be at the discretion of the Animal Control Officer based upon the following factors:
- (a) the medical report of the licensed veterinarian who has examined the aggressor animal;
 - (b) whether or not the public health authorities are prepared to consent to the release of the aggressor animal;
 - (c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident;
 - (d) whether or not the aggressor animal is, in the opinion of the Animal Control Officer, a dangerous animal and, if yes, whether or not the provisions of Section 12 hereof have been complied with;

- (e) whether or not the aggressor animal is a restricted animal, and if yes, whether or not the provisions of Part VII hereof have been complied with by the owner; and
 - (f) proof that the aggressor animal does not have rabies, and that the aggressor animal has a current rabies vaccination status at the date of the bite incident.
- 10(9) Notwithstanding the provisions of Subsection 10(3) herein, it shall be within the discretion of the Animal Control Officer to release an aggressor animal prior to the expiry of the quarantine period and to impose conditions upon the release of an aggressor animal from quarantine, which conditions may include, without limiting the generality of the foregoing:
- (a) the owner shall take the necessary measures to ensure that the aggressor animal is confined to the owner's premises in such a manner as to prevent escapes, and to ensure that all direct contact with other animals and persons other than the owner is avoided;
 - (b) the owner shall post in a conspicuous location at the entrance of the premises where the aggressor animal is confined, a sign which reads "**WARNING: BEWARE OF DANGEROUS <TYPE OF AGGRESSOR ANIMAL>** ";
 - (c) the owner shall submit the aggressor animal for veterinary examination from time to time as may be prescribed by the Animal Control Officer, and shall report the results of any such veterinary examination to the Animal Control Officer;
 - (d) the owner shall take out and pay for such liability insurance on the aggressor animal as may be prescribed by the Animal Control Officer;
 - (e) the owner shall be responsible for all costs, fines and damages associated with the aggressor animal, including the costs of impoundment, quarantine, signage and veterinary fees, pound fees and license fees, and any costs associated with liability to the victim or victims of the bite incident;
 - (f) such other conditions as the Animal Control Officer may deem necessary or advisable in the interests of public safety.

Determination that an animal is a dangerous animal

- 11(1) Where the Animal Control Officer has reason to believe that an animal, including but not limited to an aggressor animal under Section 10, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not the said animal should be declared a dangerous animal. In the event that an owner voluntarily accepts the dangerous animal declaration and the recommended disposition of the matter made by the Animal Control Officer, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.
- 11(2) Where it is deemed necessary by the Animal Control Officer to protect the public or other animals pending the decision of Council, the Animal Control Officer may:
- (a) require that the animal be quarantined in the pound until the earlier of the date that the Animal Control Officer determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
 - (b) may impose all or any of the conditions set out in subsection 10(9) of this By-Law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the Animal Control Officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.
- 11(3) Council shall provide written notice of the hearing to the owner of the animal at least ten (10) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. In the case where the animal alleged to be a dangerous animal is a dog or cat, the Animal Control Officer shall be entitled to mail the said notice to the last address provided by the owner to the Town in relation to the licensing of the said dog or cat. The notice shall include the following minimum information:
- (a) the time, place and purpose of the hearing;

- (b) a summary of the reasons in support of the allegation that the animal is dangerous;
 - (c) a copy of this Section 11 of the By-Law; and
 - (d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.
- 11(4) (a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the Animal Control Officer and to inspect any documents filed by or on behalf of the Animal Control Officer, and to respond to same.
- (b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this Section 11, Council shall be entitled to deal with the matter in his absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in Subsection 11(3) hereof.
- 11(5) Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:
- (a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion:
 - (i) the animal has caused injury to or killed a person, whether on public or private property; or
 - (ii) the animal has seriously injured or killed any other animal or any livestock without provocation; or
 - (iii) the animal is used primarily for the purpose of guarding property and is not a police service dog owned by a public law enforcement agency.
 - (b) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is a material risk that the animal may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:
 - (i) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;
 - (ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and
 - (iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.
- 11(6) The Council shall deliver a copy of their decision to the owner in the manner provided in Subsection 11(3). There shall be no obligation upon Council to issue written reasons for their decision.
- 11(7) The decision of Council shall be final. There shall be no appeal from the decision of Council.
- 11(8) Every owner who has received notification from Council pursuant to Subsection 11(3) that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.
- 11(9) Subsection 11(8) shall not apply if the animal is impounded or the Animal Control Officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

Consequences of dangerous animal declaration

- 12(1) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in Subsection 12(2). The decision of Council shall be final and not subject to appeal.
- 12(2) Every owner of an animal that has been declared to be dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:
- (a) in the event that the dangerous animal is a dog or cat, obtain a dangerous dog or cat permit for the dangerous dog or cat and pay the required fee as set out in Schedule "A" hereto attached.
 - (b) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the Poundkeeper.
 - (c) ensure that the dangerous animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
 - (i) is capable of preventing the entry of young children and the escape of the dangerous animal;
 - (ii) has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the Animal Control Officer;
 - (iii) has secure sides; and
 - (iv) provides protection from the elements for the dangerous animal.
 - (d) in the event that the dangerous animal is a dog, permit the dog upon public property only if:
 - (i) it is muzzled;
 - (ii) it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and
 - (iii) the dog is at all times under the effective control of a person competent to control it.
 - (e) in the event that the dangerous animal is other than a dog, permit the dangerous animal upon public property only if it is under the effective control of a person competent to control it.
 - (f) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS<insert type of animal>**. The sign shall be posted in such a manner that it cannot be removed easily by a passerby and will be visible and capable of being read from outside of the premises.
 - (g) within three (3) working days of selling, giving away or otherwise disposing of the dangerous animal, provide the Animal Control Officer with the name, address and telephone number of the new owner.
 - (h) advise the Animal Control Officer within three (3) working days of the death of the dangerous animal.
 - (i) advise the Animal Control Officer forthwith if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal.
 - (j) maintain in force to the satisfaction of the CAO of the Town a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000.00 per occurrence.
 - (k) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in Subsection 10(9) hereof.

- 12(3) No person shall deface or remove without having first obtained the permission of the Animal Control Officer a sign posted pursuant to Subsection 12(2)(f) or Subsection 10(9)(b) hereof.

Destruction of dangerous animal or aggressor animal

- 13(1) Where it appears on reasonable grounds that an owner has breached this By-Law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the Animal Control Officer otherwise has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the Animal Control Officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the Animal Control Officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.
- 13(2) When the Animal Control Officer impounds an animal under this Section 13 for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the Animal Control Officer to Council by providing notice in writing to the CAO of the Town, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of Section 11 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART VI: LIVESTOCK

- 14(1) The keeping of livestock in the Town shall only be allowed pursuant to the Town's Zoning By-Law in effect from time to time.
- 14(2) An owner shall not permit his livestock to run at large within the Town. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-Law.
- 14(3) Council, or the Animal Control Officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-Law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded livestock at a rate of remuneration to be fixed from time to time by the Council. The CAO of the Town may authorize the establishment of a temporary pound based upon the verbal consent by telephone of the majority of Councilors, which temporary pound shall be ratified at the next regularly scheduled Council meeting.
- 14(4) If the identity of the owner is known, the Animal Control Officer shall serve a Notice of Impoundment, as set out in Schedule "C" hereto attached, directly upon the owner or by mailing the notice by registered mail to the owner at his last known address.
- 14(5) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Town in apprehending and impounding the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to Subsection 17(4) of this By-Law, have been paid in full.
- 14(6) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in subsection 14(5), the Animal Control Officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds of the Town.

PART VII: RESTRICTED ANIMALS

Prohibition on restricted animals

15(1) Except as may be permitted by the Town's zoning by-law in effect from time to time, no person shall keep, harbour, possess or control any restricted animal within the Town without a permit issued by Council.

Application for permission to keep or harbour a restricted animal

15(2) Upon receipt of an application and permit fees as set out on Schedule "A" hereto attached from any person to keep a restricted animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in *The Planning Act* (Manitoba)). Provided however, that Council need not give notice of an application from the owner or operator of a travelling show to keep a restricted animal in the Town on a temporary basis for a period not exceeding ten (10) continuous days, but shall consider the application at a regularly scheduled meeting of Council following receipt of the application. Council shall decide based on the application and any written or oral submissions of the applicant, whether or not to grant a permit to the applicant to keep or harbour the restricted animal within the Town and shall advise the applicant in writing of their decision. Council may impose conditions upon a permit to keep or harbour a restricted animal and any violation of such conditions by the owner shall invalidate the permit provided by Council and shall constitute an offence under this By-Law.

Temporary impoundment

15(3) If deemed necessary in the interests of public safety, the Animal Control Officer may apprehend and impound any restricted animal pending the outcome of any hearing to decide an application made pursuant to Subsection 15(2) hereof.

Inventory of restricted animals

15(4) Any owner who has been granted permission by Council to keep one or more restricted animals within the Town shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the restricted animals kept by the owner within the Town, together with the annual permit fee as set out in Schedule "A" hereto attached.

15(5) Council may at any time and from time to time change the conditions that an owner must satisfy in order to keep a restricted animal, and any failure to comply with any such condition upon notice thereof shall invalidate the owner's permit to keep the restricted animal within the Town.

15(6) (a) Any person who keeps, harbours or has possession or control of a restricted animal in the Town on or before the time that this By-Law comes into force or effect, shall have thirty (30) days from the coming into effect of this By-Law to obtain a permit from Council to continue to keep the restricted animal, failing which the owner shall sell or give the restricted animal to a person outside of the Town or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer within the Town. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of restricted animals, and the Town accepts no responsibility for the manner of sale or disposition.

(b) Council may grant such longer period of time to an owner of a restricted animal who falls within Subsection 15(6)(a) hereof as may be necessary to allow Council adequate time to consider and decide the owner's application to retain the restricted animal within the Town.

Order to dispose of restricted animal

15(7) Where the Animal Control Officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a restricted animal within the Town without the written permission of Council, the Animal Control Officer shall serve the person with an order in writing to dispose of the restricted animal within fourteen (14) days of receipt of the order or such shorter period of time as the circumstances may require and the order may provide, in which case the owner shall sell, give away or otherwise dispose of the restricted animal in accordance with Subsection 15(6)(a) and

any conditions imposed in the order of the Animal Control Officer. Provided however, that if the owner has not already applied and been denied a permit to keep or harbour the restricted animal, the owner may make such an application in accordance with Subsection 15(2), and the order of the Animal Control Officer shall be suspended pending the decision of Council.

- 15(8) The onus shall be on the person upon which an order pursuant to Subsection 15(7) has been served to establish either that: (a) the animal is not a restricted animal; or (b) the person has a permit from Council to keep or harbour the restricted animal.
- 15(9) Where the person has failed to establish either that the animal is not a restricted animal or that he has a permit from Council to keep or harbour the restricted animal, and the person has failed or refused to dispose of the restricted animal within the time frame contemplated by the order of the Animal Control Officer, the Animal Control Officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of removing and disposing of the restricted animal. The Animal Control Officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 15(10) Upon apprehension and impoundment of a restricted animal, and provided that: (a) a written order was duly served on the owner as required by Subsection 15(7); and (b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by Council or no application for permission to retain the restricted animal has been made to Council; Council may proceed to order the animal destroyed or sold, and the Animal Control Officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this By-Law, then the Town shall refund the excess proceeds to the owner.

PART VIII: GENERAL PROVISIONS

Offences under this By-Law

- 16(1) For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offenses under this By-Law for which a Notice of Breach of this By-Law may be issued:
- (a) Allowing or failing to prevent a dog, cat or domestic pet from running at large;
 - (b) Keeping or harbouring dogs or cats in excess of the maximum number permitted by this By-Law without a properly issued Excess Animal Permit contrary to Section 6 of this By-Law;
 - (c) Failure by a permit holder to comply with the conditions imposed upon a validly issued Excess Animal Permit;
 - (d) Failing to comply with an order of the Animal Control Officer to dispose of any dogs or cats in excess of the prescribed limit made under Section 6 of this By-Law;
 - (e) Failure by the owner of a dog or cat to comply with any one or more of the provisions of Section 7, Subsection 9(2) or 9(3) or Subsection 9(4) or 9(5) of this By-Law;
 - (f) Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person or animal to the Animal Control Officer or Poundkeeper;
 - (g) Failing to voluntarily surrender a dog or cat to the Animal Control Officer upon a request therefor;
 - (h) Failure by an owner to discharge the duties of an owner as set out in Subsection 2(1) of *The Animal Care Act* (Manitoba);
 - (i) Keeping or harbouring any wild animal or other restricted animal within the Town without a proper permit contrary to Section 15 of this By-Law;

- (j) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the Town;
- (k) Failing to properly vaccinate a dog or cat against rabies;
- (l) Failing to comply with the requirements of Subsection 9(1) of this By-Law in relation to any domestic pet;
- (m) Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;
- (n) Defacing or removing a sign required to be posted under Subsection 10(9)(b) or Subsection 12(2)(f) of this By-Law;
- (o) Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;
- (p) Failing to comply with any of the requirements of Part VII of this By-Law in relation to any restricted animals.
- (q) Failing to comply with the requirements of Subsection 7(3) of this By-Law in respect of the location and construction of a dog run.
- (r) Use of a cat trap by a person without an agreement other than the Animal Control Officer to apprehend a cat running at large.

Interference with Enforcement

16(2) It shall be an offense under this By-Law for a person to interfere or obstruct any attempt by the Animal Control Officer, Poundkeeper or the Council from carrying out its duties and obligations hereunder.

16(3) It shall be an offense under this By-Law:

- (a) to break into, or assist another person in any manner, directly or indirectly, to break into, any pound; and
- (b) to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

Apprehension by Resident

16(4) Any resident of the Town may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the Animal Control Officer, Poundkeeper or the CAO of the Town of the apprehension and confinement, and the Animal Control Officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.

Right of Entry

16(5) The Animal Control Officer or any other person appointed by the Town to enforce the provisions of this By-Law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending an animal running at large, to ensure compliance with this By-Law (including, without limitation, any license or permit issued pursuant to this By-Law) or to otherwise enforce the provisions of this By-Law, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.

16(6) The owner of any dog, cat or any other domestic pet that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the Animal Control Officer, or take such other reasonable steps as may be requested by the Animal Control Officer to assist the Animal Control Officer to apprehend and impound the said animal.

Complainant Identification

16(7) Any person who makes a complaint alleging an offense under this By-Law against another person shall provide to the Animal Control Officer his name, address and

telephone number. It shall be at the discretion of the Animal Control Officer whether or not to proceed based on an anonymous complaint or information.

Liability

16(8) No liability shall attach to the Animal Control Officer, the Poundkeeper, the CAO, the Council and/or the Town in carrying out their respective duties under this By-Law. Without limiting the generality of the foregoing, no liability shall attach to the Animal Control Officer, the Poundkeeper, the Council and/or the Town for any animal destroyed, sold or otherwise disposed of pursuant to the provisions of this By-Law or killed or injured during the course of its apprehension or impoundment.

Penalties

17(1) Without limiting the penalties for specific offenses set out in Subsections 17(2), (3), (4) (5), (6) and (7) hereof, any person who contravenes any provision of this By-law shall be issued a Notice of Breach of this By-law is guilty of an offense and is liable:

- (a) to a fine of not less than \$50.00 and not more than \$250.00, plus all applicable costs of apprehension, impoundment and damage to public or private property which resulted from the offence, for the first offence;
- (b) to a fine of not less than \$100.00 and not more than \$500.00, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence, for the second offense and for each subsequent offense within twelve (12) months of the first offense, and in default of payment, to imprisonment for not more than thirty (30) days;

17(2) Any animal that is impounded three (3) or more times within any 12-month period may be impounded by the Animal Control Officer and disposed of in such fashion as deemed necessary by the Animal Control Officer. Without limiting the generality of the foregoing such disposal may be by means of destruction or sale to a new person.

17(3) Any person who contravenes Subsection 7(3) of this By-Law shall be issued a Notice of Breach of this By-Law, is guilty of an offense and is liable to a fine of not less than \$250.00 and not more than \$500.00, plus all applicable costs to remedy the contravention.

17(4) Any person who contravenes a provision of this By-Law relating to livestock as herein defined shall be issued a Notice of Breach of this By-Law, is guilty of an offense and is liable:

- (a) to a fine of not less than \$250.00 and not more than \$1000.00, plus applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence, for the first offense, and in default of payment, to imprisonment for not more than fifteen (15) days;
- (b) to a fine of not less than \$500.00 and not more than \$1000.00, plus applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence, for the second offense and for each subsequent offense within 12 months of the first offense, and in default of payment, to imprisonment for not more than thirty (30) days.

17(5) Any person who contravenes a provision of this By-Law relating to a restricted animal or to an animal which has been declared a dangerous animal, shall be issued a Notice of Breach of this By-Law, is guilty of an offense and is liable:

- (a) to a fine of not less than \$250.00 and not more than \$1000.00, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence, for the first offense, and in default of payment, to imprisonment for not more than fifteen (15) days;
- (b) to a fine of not less than \$500.00 and not more than \$1000.00 plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence, for the second offense and for each subsequent offense within twelve (12) months of the first offense, and in default of payment, to imprisonment for not more than thirty (30) days.

17(6) Any person who interferes with or obstructs the duties of an Animal Control Officer, a Poundkeeper or any other person authorized to enforce any provisions of this By-Law,

or who unlawfully enters any pound or unlawfully removes any animal impounded, shall be issued a Notice of Breach of this By-Law, is guilty of an offense and is liable:

- (a) to a fine of not less than \$500.00 and not more than \$1000.00, or to imprisonment for a term of not more than thirty (30) days, for the first offense, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence;
- (b) to a fine of \$1000.00, or to imprisonment for not more than six (6) months, for each subsequent offense, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence.

17(7) Any person who contravenes Subsection 4(1) (Rabies Vaccination), shall be issued a Notice of Breach of this By-Law, is guilty of an offense and is liable:

- (a) to a fine of not less than \$500.00 and not more than \$1000.00, or to imprisonment for a term of not more than thirty (30) days, for the first offense, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence;
- (b) to a fine of \$1000.00, or to imprisonment for not more than six (6) months, for each subsequent offense, plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence.

17(8) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offense for each day that the contravention, disobedience, refusal or neglect continues.

17(9) A person who has been served with a Notice of Breach of this By-Law, may dispose of the matter by attending at the Town Office during regular office hours within fifteen (15) days of the date of the Notice and pay to the CAO of the Town, the minimum fine (including applicable costs) as set out in the Notice, along with all other such charges that may have accrued as a result of enforcement of this By-Law. In the event that a person served with a Notice of Breach of this By-Law fails to pay the minimum fine as set out in the Notice (including applicable costs) within the said fifteen (15) day period, the person shall be subject to a hearing before Council, and if found guilty of the breaches of this By-Law set out in the said Notice, may be liable for the maximum penalties set out in this By-Law calculated having regard for Section 17(8) of this By-Law, together with an assessment of the costs incurred by Council to hold the hearing. The Council may proceed to collect any such fines and costs as against the person by any means available to it by law for the collection of outstanding taxes, including, without limitation, adding the fines and costs to the realty taxes on any property owned by the person within the Town. The Council may also order that the person be sentenced to a term of imprisonment in accordance with the provisions of this Section 17.

PART IX: REPEAL AND ENACTMENT

Repeal

18(1) That By-law No. 09-16 of the Town of Stonewall and its amendments thereto be hereby repealed in their entirety.

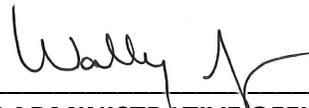
Enactment

19(1) That this By-law shall come into full and effect on the first day of January, A.D. 2020.

DONE AND PASSED as a By-Law of the Town of Stonewall by the Council, duly assembled in the Town Hall this 4th day of December, A.D., 2019.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 20th day of November, 2019, A.D.

Read a second time this 4th day of December, 2019, A.D.

Read a third time this 4th day of December, 2019, A.D.

SCHEDULE A - PERMIT AND IMPOUNDMENT FEES
Town of Stonewall Animal Control By-law No. 11-19

APPLICATION FEES

For an Excess Animal Permit (Subsection 6(1))	\$25.00
For a permit to keep restricted animals (Subsection 15(2))	\$25.00

PERMIT FEES AND RELATED CHARGES

For each dog/cat declared to be a dangerous animal (Subsection 12(2) (a))	\$200.00
Excess Animal Permit fee (Subsections 6(1))	\$250.00
Excess Animal Permit annual renewal fee (Subsection 6(4))	\$50.00
Restricted Animal permit – annual fee (Subsections 15(2) and 15(4))	\$200.00

IMPOUNDMENT FEES

For any dog, cat or any other domestic pet that was apprehended running at large or that was for any other reason, impounded by the Animal Control Officer

- For first impoundment, flat fee (Subsection 8(1)(a) and (b)) \$25.00
PLUS For each day of impoundment, add \$15.00 / day

- For second and subsequent impoundment*, flat fee \$50.00
(*if it occurs within 12 months of the first offense) (Subsection 8(1)(a) and (b))
PLUS For each day of impoundment, add \$15.00 / day

Impoundment fees for dangerous animals, quarantined animals and restricted animals:
(Subsections 10(3), 10(5), 10(9)(e), 11(2), 13(2), 15(3) and 15(10)) \$20.00/ day

Impoundment fees for Livestock: (Subsection 14(5))

For voluntary impoundment:

- For each day of impoundment: \$15.00 / day

FINES

REFER TO SECTION 17

SCHEDULE B

No:

NOTICE OF BREACH
of Animal Control By-Law No. 11-19
OF THE TOWN OF STONEWALL

Owner Name:

Civic Address:

Mailing Address:

NOTE: "owner" includes any person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person.

You are charged that on the day of , 20 you did unlawfully:

a) as owner, permit an animal to run at large within the limits of the Town of Stonewall contrary to paragraph 6(1)(a) of By-Law No. 11-19;

b) as owner, failed to abide by the duties of an owner regarding a dangerous animal, contrary to paragraph of By Law ;

c) as owner,
contrary to paragraph of By-Law 11-19.

(strike out inapplicable statements)

Disposition of this charge may be made by attending at the General Office of the Town of Stonewall, during office hours, from , to and providing proof of valid rabies, as well as paying the following fines, fees and/or costs.

FINES, FEES, AND COSTS:

Table with 2 columns: Description and Amount. Rows include APPLICABLE FINE, APPLICABLE COSTS, APPLICABLE FEES, and TOTAL.

OR if you do not dispose of the charge by the date above a Hearing will be held on the day of , 20 at the hour of PM at which time Council will dispose of this charge. Should you wish to make representations at this hearing, your attendance in person is required.

SECTION 17(9): A person who has been served with a Notice of Breach of this By-Law, may dispose of the matter by attending at the Town Office during regular office hours within fifteen (15) days of the date of the Notice and pay to the CAO of the Town, the minimum fine (including applicable costs) as set out in the Notice, along with all other such charges that may have accrued as a result of enforcement of this By-Law.

Dated at The Town of Stonewall, in the Province of Manitoba, this day of , 20 .

Animal Control Officer

SCHEDULE C

No:

NOTICE OF IMPOUNDMENT
of Animal Control By-Law No. 11-19
OF THE TOWN OF STONEWALL

Owner Name: _____

Civic Address: _____

Mailing Address: _____

NOTE: "owner" includes any person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person.

Description of Animal: _____

Date of Apprehension: _____ Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____ Hours of Operation of Pound: _____

Phone No. of Pound: _____

FINES, FEES, AND COSTS:

IMPOUNDMENT FEE / FINE:	\$
DAILY POUND FEES:	\$
APPLICABLE COSTS:	\$
APPLICABLE LICENCE FEES:	\$ _____
TOTAL:	\$

Disposition of this charge may be made by attending at the General Office of the Town of Stonewall, during office hours, from _____, to _____ and providing proof of valid rabies, as well as paying the fines, fees and/or costs listed above.

Method of Payment Required: _____

Date the animal will be sold, destroyed or otherwise disposed of: _____

Dated at The Town of Stonewall, in the Province of Manitoba, this _____ day of _____, 20 _____.

Animal Control Officer

SCHEDULE "D"
CAT TRAP AGREEMENT
of Animal Control By-Law No. 11-19
OF THE TOWN OF STONEWALL
Between The Town of Stonewall and

INCIDENT NUMBER

NAME	HOME TELEPHONE NUMBER
ADDRESS	WORK TELEPHONE NUMBER

I agree to accept full responsibility for the Town of Stonewall Cat Trap, Number _____ and other equipment which may be supplied. I also agree to accept full responsibility for the humane care and treatment of any animal caught in this trap while in my possession.

I further agree:

- To pay a refundable deposit of \$ _____ for the above cat trap. If I fail to return the cat trap on the date stated I will be charged a non-refundable late fee of \$10.00/day or any part thereof, past the stated return date. If the trap becomes damaged, I will be assessed the cost of repairs.
- To place the cat trap only on the property described above and to secure the trap from theft. (bicycle lock, lock and chain)
- To set the trap in a shaded and/or sheltered area out of the public view and to remove the trap in severe weather conditions.
- To check the trap at least once in every eight hour period.
- To release any other animal inadvertently caught in the trap in a safe and humane fashion.
- To feed, water and care for any trapped cat in a humane manner.
- To take the trapped caT to the _____ as soon as possible and in any event within 12 hours of the animal being trapped.
- To take the cat to a Veterinarian Clinic immediately if the cat appears ill or injured.
- To notify _____ as soon as possible if the cat was taken to a Veterinarian Clinic.
- To return the trap to _____ by the close of business on the date stated in this agreement.
- An Animal Control Officer may enter my property at any time during this trap agreement to ensure this agreement is complied with.

THE CAT TRAP IS TO BE RETURNED NO LATER THAN 6:00 PM _____, 2 _____

In signing this agreement, I acknowledge that I have read this agreement and understand my responsibilities and promise to abide by all the above terms. I further understand that failure to comply with the terms in this agreement may subject me to additional fees and/or legal action.

SIGNATURE	DATE	YY	MM	DD
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for /ANIMAL SERVICES	DATE	YY	MM	DD
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DEPOSIT MADE BY: CASH CHEQUE CREDIT CARD DEBIT CARD

TRAP RETURNED				
DATE	YY	MM	DD	for/ANIMAL SERVICES

PLEASE NOTE: If you are planning under this agreement to trap more than one cat, please take note of the INDICENT NUMBER (top right hand corner of this form) and leave the pink copy with the _____ when you deliver the first trapped cat.

Please refer to the Incident Number on any subsequent cats, which are trapped under this agreement.