

**TOWN OF MINNEDOSA  
BY-LAW NO. 2562**

**BEING A BY-LAW OF THE TOWN OF MINNEDOSA TO PROVIDE FOR THE REGULATING AND CONTROL OF  
ANIMALS WITHIN THE LIMITS OF THE TOWN OF MINNEDOSA TO BE KNOWN AS THE  
"ANIMAL CONTROL BY-LAW"**

WHEREAS Subsection 232 of The Municipal, S.M. 1996, c. 58 provides, in part as follows:

232(1) 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;
- b. ....
- c. ....
- d. ....
- e. ....
- f. ....
- g. ....
- h. ....
- i. ....
- j. ....
- k. wild and domestic animals and activities in relation to them, including By-Laws differentiating on the basis of sex, breed, size or weight;
- l. ....
- m. ....
- n. ....
- o. the enforcement of By-Laws

232(2) Without limiting the generality of Subsection (1), a council may in a By-Law passed under this Division

- a. regulate or prohibit
- b. ....
- c. ....
- d. ....
- e. ....
- 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 provides, in part as follows:

236(1) 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 sub clause (ii) 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 sub clause (iv)
  - vi. imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines

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

5(1) Except when permitted by a municipal By-Law passed in accordance with The Municipal Act or a By-Law of a local government district passed in accordance with The Local Government Districts Act, no owner or person in charge of an animal shall allow it to run at large.

- 5(2) An owner's liability under Section 2 is not limited or otherwise affected by a By-Law referred to in Subsection (1).
- 5(3) A municipality or local government district 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.

AND WHEREAS Subsections 31(1) and (2) of the Diseases and Dead Bodies Regulation 338/88R of The Public Health Act, R.S.M. 1987 c.P210 provides in part as follows:

31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the medical officer of health or the Animal Control Officer of the municipality in which the biting incident occurred or a peace officer of the details of the biting incident.

31(2) An Animal Control Officer or peace officer receiving a report pursuant to Subsection (1) shall notify the medical officer of health of the details of the report at the earliest opportunity.

AND WHEREAS it is deemed expedient and in the public interest to regulate and control animals in the Town of Minnedosa;

NOW THEREFORE the Council of the Town of Minnedosa in regular session assembled, enacts as follows:

#### **PART I – DEFINITIONS AND INTERPRETATIONS**

- a. All references herein to "he" shall include "she" unless the context thereof requires otherwise.
- b. This By-Law may be referred to as the "Animal Control By-Law".
- c. In this By-Law :
  - (1) "**ACT**" means The Municipal Act, The Animal Liability Act and the Public Health Act and current amendments thereto unless otherwise indicated.
  - (2) "**AGGRESSOR ANIMAL**" means an animal as ascribed thereto in Section 12 of the By-Law.
  - (3) "**ANIMAL**" means any animal that is kept in domestication or captivity and includes any part of an animal whether it is dead or alive.
  - (4) "**ANIMAL CONTROL OFFICER**" means the Animal Control Officer of the Town of Minnedosa or the Royal Canadian Mounted Police and anyone acting or authorized to act on his behalf.
  - (5) "**AVIARY**" means any pen or run enclosed by wire immediately adjacent to the pigeon coop, into which pigeons can only enter directly from the pigeon coop.
  - (6) "**BREEDER**" means any person who raises dogs or cats or other animals within the Town for the purpose of breeding and sale of the off-spring thereof.
  - (7) "**CAT**" means all species of the animal commonly known as cats, and which are at least (6) six months of age, and includes the female as well as the male of every breed or classification or mixture of breeds, unless otherwise specified.
  - (8) "**CHICKEN**" means any chicken kept for domestic purposes, including as a pet, racing chicken and show chicken.
  - (9) "**CHICKEN COOP**" means any building or structure in which chickens are housed or kept.
  - (10) "**CHIEF ADMINISTRATIVE OFFICER**" means the Chief Administrative Officer (CAO) or his designate for the Town of Minnedosa.
  - (11) "**COUNCIL**" means the council of the Town of Minnedosa.
  - (12) "**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 subsequently vaccinated at regular intervals not exceeding three years
  - (13) "**DANGEROUS ANIMAL**" means any dog, cat or other animal that has at least on one occasion, worried, attacked, injured or killed a person, livestock, or any other animal, or that for any other reason is determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under Part V. of this By-Law.
  - (14) "**DOG**" means all species of the animal commonly known as dogs, and which are at least six (6) months of age, and includes the female as well as the male of every breed or classification or mixture of breeds, unless otherwise specified.

- (15) **"DOMESTIC PET"** means a fish, bird, insect or animal, including a dog or a cat, being kept by a person as a pet, but does not include a fish, bird, insect or other animal being kept by a school or other institution for educational or medical purposes.
- (16) **"DWELLING UNIT"** means one or more rooms in a building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (17) **"GUIDE DOG"** means any dog specially trained for and actually used as a guide by a person whose sight or hearing is impaired or who is blind or deaf.
- (18) **"IMPOUND"** means any dog, cat or domestic animal held within the pound or traps used by the Animal Control Officer to catch and detain such animals.
- (19) **"KENNEL"** means any premises on which more than two(2) animals are boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- (20) **"NUISANCE ANIMAL"** means any dog, cat or other domestic pet, as defined herein, which, by barking, howling, crying or in any other manner makes noise causing a disturbance to persons outside the dwelling unit where the dog or cat resides with its owner or which while at large defecates, urinates, digs or otherwise creates a nuisance or disturbance upon the property of any person other than its owner, and is more specifically defined in this By-Law.
- (21) **"OWNER"** means any person who owns, possesses, or harbours or has possession or control of animal(s), 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.
- (22) **"PERSON"** includes a firm or corporation.
- (23) **"PEST"** means any animal, bird, insect or rodent, domestic or wild, causing a health hazard.
- (24) **"PIGEON"** means any pigeon kept for domestic purposes, including as a pet, racing pigeon and show pigeon.
- (25) **"PIGEON COOP"** means any building or structure in which pigeons are housed or kept.
- (26) **"POLICE DOG"** means any dog specifically trained for and actually in service with the Public Service, the R.C.M.P. or any other police department or government law enforcement agency and under the direct control and supervision of an Officer.
- (27) **"POUND"** means any premises where animals and domestic pets are kept confined in accordance with the provisions of the Act or this By-Law.
- (28) **"POUNDKEEPER"** means a person appointed to have charge and supervision over a pound in accordance with the provisions of the Act(s) or this By-Law.
- (29) **"PREMISES"** means any property and the structures located thereon.
- (30) **"RUN AT LARGE"** as applied to an animal means that the animal is not under the direct and continuous charge and effective control of a person competent to control it or is not under control by confinement within an enclosure, and "RUNNING AT LARGE" and "RUN AT LARGE" have a corresponding meaning.
- (31) **"SEVERE INJURY"** means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- (32) **"STERILE"** means as it applies to male dogs and cats – neutered; and as it applies to female dogs and cats – spayed, or having undergone ovariectomy.
- (33) **"TOWN"** means Town of Minnedosa.

## **PART II – ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUND KEEPER**

### **Establishment of Pound**

2.1 Council shall 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 Act(s), or the Council may enter into an agreement with any person to maintain a pound on the Town's behalf.

### **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 Pound keeper**

2.3 Council may appoint one or more persons as pound keeper(s) to carry out the duties of the pound keeper set out in this By-Law. The pound keeper(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 Pound keeper**

2.4 At the discretion of Council, the Animal Control Officer may also serve as pound keeper 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 confine at the pound, any animal running at large within the Town contrary to any provisions of this By-Law.
- b. to apprehend and 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 which is kept or harboured by, or in the possession or control of, any person that is in breach of this By-Law or any other laws or regulations pertaining to animals or the conditions of any permit or license (including without limitation, a kennel permit or kennel license)
- c. to apprehend and confine any dog or cat which is without the proper license tag as required by this By-Law.
- d. to destroy any pigeon found flying free and causing a nuisance.
- e. to destroy or remove any pest by the most appropriate method available.
- f. to apprehend and confine any dog or cat not vaccinated as required by this By-Law.
- g. to apprehend and confine a dog for incessant barking if the owner of the dog cannot be located after reasonable effort.
- h. with the assistance of the Town CAO, to make reasonable effort to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving notice at the last known address of the owner, that shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound 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 Town shall post in the general office of the Town a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.
- i. to enforce the provisions of this By-Law, the Animal Control Officer shall be appointed as a Special Constable of the Town for the purposes of carrying out his duties as authorized by this By-Law which, without limiting the generality of the foregoing, shall include the powers to serve summons on any or all persons who might be in violation of any of the provisions of this By-Law or any amendments thereto.

### **Duties of Pound keeper:**

4. It shall be the duties of the pound keeper:

- 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 pound keeper.
- 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);
  - 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) and the license number on the animal's tag (if applicable)
- d. to report to the Town all fees charged by the pound, together with such reports and statements as the CAO may prescribe from time to time.
- e. to keep any impounded dog or cat or any other animal which is, to the knowledge of the pound keeper, a domestic pet, for a minimum period of three (3) days, which shall include the day of impoundment but shall exclude Saturdays and Sundays and any statutory holidays during which the pound is closed to the public.
- f. to make suitable arrangements for the temporary 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 4.e, a dog, cat or other domestic pet has not been redeemed, it will be the duty of the pound keeper 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 and license fees accrued in respect of the impounded animal as

set forth in this By-Law, unless such fees are otherwise waived by the CAO or by the pound keeper on the express authority of the CAO.

- ii. cause the impounded animal to be humanely destroyed; unless the CAO, or the pound keeper on the express authority of the CAO, 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 4.g.i or until expiry of the extended period of impoundment, before it is humanely destroyed.

### **PART III: DOGS AND CATS**

#### **Licensing**

5.1 The owner of every dog or cat over the age of six(6) months, shall obtain and renew annually, a license to keep the dog or cat which license shall require the payment of the annual fee as set out in ""Schedule A"" hereto attached.

5.2 The annual license fee for every sterile dog or cat shall be as designated by a resolution of Town Council.

5.3 The annual license fee for every other male or female dog or cat shall be as designated by a resolution of Town Council.

5.4 The license fee hereby imposed shall be due and payable on the 1<sup>st</sup> day of January in each year and shall expire on the 31<sup>st</sup> day of December in the year in which the license fee was levied.

5.5 The owner shall ensure that the license tag issued for the dog or cat, is securely fastened to a collar worn around the neck of the dog, or cat, in respect of which the tag was issued.

5.6 No person shall be permitted to remove the collar or license tag from any dog or cat without a lawful excuse and any such removal shall constitute an offence under this By-Law.

5.7 Where an owner of a dog or cat required to be licensed pursuant to the terms of this By-Law assumes liability for the costs thereof, an ear tattoo or ear tag, affixed by a licensed veterinarian visible on examination of the dog or cat, may be substituted for a collar and license tags. It shall be the responsibility of the owner to produce, upon demand, evidence that the annual license fee, together with any surcharges, in respect of the animal has been paid.

5.8 Subject to Subsection 5.7 hereof, the owner of every dog or cat must produce, before a license is issued or renewed for the dog or cat, evidence of a current rabies vaccination status for that dog or cat from a licensed veterinarian.

5.9 A dog or cat owner does not have to produce evidence of a current rabies vaccination status in order to obtain or renew a license in respect of his dog or cat if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog or cat cannot be vaccinated for rabies for medical reasons.

5.10 Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement tag, the cost of which is set out in ""Schedule A"" hereto attached.

5.11 Subsections 5.1, 5.4, 5.6, and 5.10 shall not apply to non-residents of the Town who bring a dog or cat on a temporary visit into the Town, provided, however, that nothing in this Subsection 5.11 shall authorize any person to bring a dog or cat into the Town that is a dangerous animal or aggressive or vicious, in heat, rabid or otherwise a risk to the public or other animals within the Town, nor does it authorize any person to allow the dog or cat to run at large or otherwise create a nuisance within the Town.

5.12 Where a change in ownership of a dog or cat, occurs during the license year, the new owner shall have the current license transferred to his name upon payment of the transfer fee prescribed in ""Schedule A"" hereto attached. Any failure to report a change in ownership or to pay the prescribed transfer fee shall constitute an offence under this By-Law.

5.13 No refund shall be made on any current dog or cat license fee because of the death, sale, or other change or upon the owner leaving the Town before the expiration of the license period.

### **Rabies Vaccination**

6. Except where Subsection 5.9 applies, 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 terminate the owner's dog or cat license and may apprehend and impound the dog or cat and may charge the owner with an offence under this By-Law.

## **PART 1V: GENERAL**

### **Responsibility of Owners Regarding Dogs and Cat**

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 howl in any other way that unduly disturbs the quiet of any person or persons anywhere in Town.
- c. permit his dog or cat to defecate on any 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 concern for neighbors.
- 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 (other than a dog that is under the age of six(6) months that is a registered guide dog for visually impaired or any other person who requires the assistance of a registered guide dog) for which a valid license has not been issued.
- g. permit his dog on any municipal cemetery property.
- h. own, keep, harbour or have possession or control of any dog determined to be a dangerous dog, which has been ordered to be destroyed by order of the Council.
- i. permit his dog to pursue, bite, wound, or worry any person or animal, whether or not on the property of the owner.
- j. permit his dog on any school ground or playground or beach area unless designated.
- k. permit his dog on public property (including parkland areas) unless the dog is on a leash (which leash shall be no longer than ten(10) feet in length, fully extended) and the dog is in the actual custody and effective control of the owner or a person competent to control it, or on public property specifically designated by Council as land upon which dogs are not required to be on a leash.
- l. permit his dog or cat to upset waste receptacles or otherwise litter.

7.2 An owner of a registered guide dog shall not be subject to the restrictions imposed under Subsections 7.1.c, 7.1.f, 7.1.j, 7.1.k

### **Redemption**

8. Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or any other domestic pet impounded by the Animal Control Officer may be redeemed within three(3) days of the apprehension and impoundment, providing they have a receipt issued by the Town of Minnedosa showing payment for the following:

- a. the impoundment fee as set out in "Schedule A";
- b. the pound fee calculated in accordance with "Schedule A";
- c. in the event the impoundment animal is a dog that is unlicensed at the time of apprehension, the relevant license fee;
- d. all outstanding fines, damages or costs relating to the impounded animal; and
- e. produce a receipt indicating a current rabies vaccination.

### **Restrictions on Domestic Pets**

9.1 An owner of a domestic pet 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.

## **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 has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect to that dog; and
- b. the dog is on a leash that is less than ten(10) feet in length fully extended; and
- c. 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 removed to a secure location outside of the boundaries of the Town of Minnedosa, 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 the dogs owned by the same owner or by another owner who permits such contact.

## **Cats**

9.4 Subject to Subsection 9.3 and the provisions of Section 7, the owner of a cat shall not permit the cat to be outside of the owner's premises unless:

- a. the cat has a collar which has securely attached to it a proper license tag that identifies a valid license in respect of the that cat; and
- b. the property has a secure fence or cat run that will prevent the cat from running at large;

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 removed to a location outside of the boundaries of the Town of Minnedosa, 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 the cats owned by the same owner or by another owner who permits such contact.

9.6 Any person who fails to comply with the terms and conditions set out in this Section 9 shall be guilty of an offence under this By-Law.

## **Limitation as to Number of Animals**

10.1 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.

10.2 No person shall own, harbour, keep or have in his possession or control or on his premises, more than two(2) cats over the age of six(6) months, regardless of the number of people who may be inhabiting the premises.

10.3 No breeder shall own, possess, more than the dogs and cats as set out above plus one litter of pups or kittens.

10.4 No person shall keep a domestic pet within the boundaries of the Town which said domestic pet has been declared to be dangerous by Council.

10.5 No person shall keep a domestic pet within the boundaries of the Town which said domestic pet has been declared to be dangerous by a Council of another Municipal Corporation.

10.6 No person shall own or operate a kennel within the boundaries of the Town.

10.7 No person shall keep tame pigeons or maintain a pigeon coop or aviary within the boundaries of the Town.

10.8 No person shall keep tame chickens or maintain a chicken coop or aviary within the boundaries of the Town.

10.9 No person shall keep or feed wildlife within the boundaries of the Town of Minnedosa.

## **Teasing and Enticing**

11. Any person teasing, taunting, baiting or throwing objects at an animal confined within the owners property is guilty of offence hereunder and shall be assessed a fine as set out in Section 21.

### **Neglect or Ill-Treatment**

12.1 Where there are reasonable grounds to believe that an animal is:

- a. impounded, yarded or confined without necessary food, water, or attention for more than fifteen(15) consecutive hours; or
- b. is being wantonly, cruelly or unnecessarily beaten, bound, tortured, ill-treated, abused or subject to pain or discomfort; or
- c. is unduly exposed to cold or overcrowding either in an enclosure or in transit;

12.2 The Animal Control Officer may:

- a. by force, if necessary, open and enter any place in which the animal is so impounded, yarded, or confined;
- b. supply the animal with necessary food, water and attention, as long as it remains in that place;
- c. if he deems it necessary, remove the animal; and
- d. recover from the owner of the animal the amount of the expense necessarily incurred by him for food and attention;

The Animal Control Officer is not liable for any entry under 12.2.a or any removal under 12.2.c.

### **PART V: DANGEROUS ANIMALS**

13.1 The Animal Control Officer:

- a. may apprehend, impound and place in quarantine any dog, cat or other animal that he has reason to believe has caused or is likely to cause serious damage or injury to a person or other animal; and
- b. shall apprehend, impound and place in quarantine any domestic pet that he has reason to believe has bitten a person, if in his discretion such action is 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, may be apprehended by the Animal Control Officer; 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.)

13.2 If the aggressor animal is not voluntarily surrendered to the Animal Control Officer, 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.

13.3 Any aggressor animal so apprehended and impounded at the pound shall, subject to Subsection 13.9 herein; be quarantined for a minimum of ten(10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").

13.4 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.

13.5 Subject to determination by the Animal Control Officer pursuant to Subsection 13.8 thereof that the aggressor animal is not a dangerous animal, the aggressor animal may be released to the owner after the expiry of the prescribed quarantine period upon payment by the owner to the pound keeper 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 pound keeper.

13.6 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.

13.7 The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to Subsection 13.8, shall be submitted to the Canada Food Inspection Agency for rabies examination.



13.8 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 13 have been complied with;
- e. 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.

13.9 Notwithstanding the provisions of Subsection 13.3 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 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 the other animals and persons other than the owner is avoided;
- b. the owner shall post in conspicuous locations at the entrance of the premises where the aggressor animal is confined, a sign which reads (Beware of Dangerous (name the 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 costs, fines, and damages associated with the aggressive animal including the costs of impoundment, quarantine, signage and veterinary fee, pound fees and license fees and any costs associated with liability to the victim(s) 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**

14.1 Where the Animal Control Officer has reason to believe that an animal, including but not limited to an aggressor animal under Section 13, is a dangerous animal, he shall arrange a hearing before 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 dog 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 and from such order there is no appeal.

14.2 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 as set out in Subsection 13(2) 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 that matter and issues its determination.

14.3 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, 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.

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 14 of this 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.

14.4 The owner has the right to appear at the hearing, with or without counsel, and to make submission to Council and call evidence on his behalf. The owner also has the right to hear all of the evidence and submissions presented 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.

Where the owner does not attend the hearing, having been given notice as provided in accordance with Section 14, 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 14.3 hereof.

14.5 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 domestic animal or 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(s) 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.

14.6 The Council shall deliver a copy of their decision to the owner in the manner provided in Subsection 14.3. There shall be no obligation upon Council to issue written reasons for their decision.

14.7 The decision of Council shall be final. There shall be no appeal from the decision of Council.

14.8 In the event that a dog is declared by Council to be a dangerous animal, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog to be a dangerous animal.

14.9 Every owner who has received notification from Council pursuant to Subsection 14.3 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.

14.10 Subsection 14.9 shall not apply if the animal is impounded or the animal control office receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending final outcome of the hearing.

#### **Consequences of dangerous animal declaration**

15.1 Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in Subsection 15.2. The decision of Council shall be final and not subject to appeal.

15.2 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. Within 10 days of the date of the Order; permanently remove the animal from the boundaries of the Town. If the animal is found within the boundaries of the Town thereafter, it shall be immediately apprehended and destroyed without further notice to its owner.
- b. When disposing of the dangerous animal, provide the Animal Control Officer with the name, address and telephone number of the new owner.
- c. Advise the Animal Control Officer within three(3) working days of the death of the dangerous animal if the owner decides not to remove the said animal from the boundaries of the Town.

### **Destruction of Dangerous Animal or Aggressor Animal**

16.1 Where it appears on reasonable grounds that an owner has breached a condition of 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.

16.2 When the Animal Control Officer impounds an animal under this Section for the purpose of destruction of the animal; the Animal Control Officer with the assistance of the Chief Administrative Officer of the Town of Minnedosa, 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 Chief Administrative Officer of the Town, in which case, the Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed. The animal shall remain quarantined in the pound pending the outcome of the hearing.

## **PART VI: GENERAL PROVISIONS**

### **Offences under this By-Law**

17.1 For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offences under this By-Law:

- a. allowing or failing to prevent a dog, cat or other domestic pets from running at large;
- b. keeping or harbouring dogs or cats in excess of the maximum number permitted in the By-Law;
- c. failure 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 10 of this By-Law;
- d. failure by the owner of a dog to comply with one or more of the provisions of Section 7, or Subsection 9 By-Law;
- e. failure to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person to the Animal Control Officer;
- f. failing to voluntarily surrender a dog or cat or other domestic pets to the Animal Control Officer upon a request therefore;
- g. failure by an owner to discharge the duties of an owner as set out in Subsection 2(1) of The Animal Care Act (Manitoba);
- h. failure to properly vaccinate a dog or cat against rabies;
- i. failing to comply with the requirements of any provision of Subsection 9 in relation to any cat;
- j. failing to comply with any requirements of PART V of this By-Law in relation to an aggressor animal or dangerous animal;
- k. defacing or removing a sign required to be posted under Subsection 13.9.b or Subsection 15.2.f of this By-Law.

### **Interference with Enforcement**

17.2 It shall be an offence under this By-Law for a person to interfere or obstruct any attempt by the Animal Control Officer, Chief Administrative Officer, or the Council from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct the Animal Control Officer, a police officer or any other person authorized to apprehend and impound an animal running at large, who is attempting to apprehend or impound or who has apprehended and impounded, any animal in accordance with the provisions of the By-Law.

17.3 It shall be an offence under this By-Law:

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

17.4 Where the Animal Control Officer or another designated officer has reasonable grounds to believe that an offence has been committed by a person, the Animal Control Officer or designated officer may require the name, address, and proof of identity of that person, and the person shall supply required information.

#### **Right of Entry**

18. 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 purpose of ensuring 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 an individual.

#### **Liability**

19. No liability shall attach to the Animal Control Officer, the Chief Administrative Officer, 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 Chief Administrative Officer, 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**

20.1 Without limiting the penalties for specific offences set out in Subsections 17.1 and 17.2 hereof, any person who contravenes any provision of this By-Law is guilty of an offence and is liable:

- a. to a fine of not less than \$50.00 and not more than \$500.00, plus applicable costs and penalties for the first offence;
- b. to a fine of not less than \$100.00 and not more than \$1,000.00 or to imprisonment for not more than 30 days or both, plus all applicable costs and penalties for the second offence and for each subsequent offence within 12 months of the first offence.

20.2 Any animal that is impounded 4 or more times within any 12 month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be destroyed regardless of whether or not it is properly licensed under this By-Law.

20.3 Any person who interferes with or obstructs the duties of an Animal Control Officer, 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 is guilty of an offence and is liable:

- a. to a fine of not less than \$500.00 and not more than \$1,000.00, or to imprisonment for a term of not more than 60 days or both, plus all applicable costs and penalties.

20.4 Where a corporation commits an offence under this By-Law, each director or officer of the corporation who authorized, consented to, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable for the penalties provided for herein.

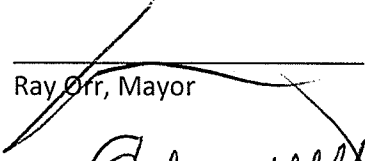
20.5 Where the contravention, disobedience, refusal or neglect continues for more than 1 day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.

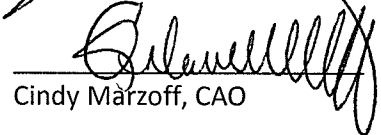
**PART VIII: REPEAL OF PRIOR BY-LAWS**

21. By enacting this By-Law, By-Law No. 2478 and all prior Town of Minnedosa Animal Control By-Laws are hereby repealed.

DONE AND PASSED as a By-Law of the Town of Minnedosa by Council duly assembled in open session this 7<sup>th</sup> day of August A.D. 2018.

TOWN OF MINNEDOSA

  
\_\_\_\_\_  
Ray Orr, Mayor

  
\_\_\_\_\_  
Cindy Märzoff, CAO

READ a first time this 3<sup>rd</sup> day of July, A.D., 2018

READ a second time this 7<sup>th</sup> day of August, A.D., 2018

READ a third time this 7<sup>th</sup> day of August, A.D., 2018

**TOWN OF MINNEDOSA**

**SCHEDULE "A"**

**BY LAW NO. 2562**

**LICENCE FEES**

1. Sterile Dogs	\$12.00
2. Dogs (Male or Female)	\$25.00
3. Guide Dogs	No Charge
4. Sterile Cats	\$12.00
5. Cats (Male or Female)	\$25.00
6. Replacement Tag and/or Transfer of Tag	\$ 5.00

**MISCELLANEOUS CHARGES**

7. Each Dog determined to be Aggressive	\$50.00
8. Daily Pound Fees (Cats and/or Dogs)	\$15.00
9. Apprehension Fees (Cats and/or Dogs)	\$30.00
10. Redemption Fees: (Cats and/or Dogs)	
a) First Impoundment	\$50.00
b) Second Impoundment	\$150.00
c) Third Impoundment	\$250.00
d) Fourth or Subsequent	\$500.00

Schedule "A" may be amended by resolution of Council.