TOWN OF SWAN RIVER

BY LAW NO. 9 /2012

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

PART I: AUTHORITY

WHEREAS subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 (the "Act") provides, in relevant part, as follows:

> **Spheres of jurisdiction**
> **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;
>
> ...
>
> (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 provides, in relevant part, as follows:

> **Exercising By-Law-making powers**
> **232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
>
> (a) regulate or prohibit;
>
> ...
>
> (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 relevant part, as follows:

> **Content of by-laws under clause 232 (1)(o)**
> **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 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 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.

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).

Municipality or LGD not liable by reason only of making By-Law
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 provide, in relevant 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 possible opportunity.

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" shall have the meaning ascribed thereto in section 11 of this By-Law.

"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.

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

"Council" means the council of the Town of Swan River.

"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 12 of this By-Law.

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

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

"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;

(a) 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

(b) 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:

(d) dairy cattle and beef cattle, goats, sheep, bison and horses;

(e) swine (including, wild boar);

(f) all cervids on game production farms;

(g) all of the family Camilidae (including, Llamas and Alpacas);

(h) all domestic poultry (including, chickens, turkeys, ducks and geese);

(i) specialty fowl (including, guinea fowls); and

(j) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act.*

"Municipality" means the Town of Swan River.

"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.

"person" includes a firm or corporation.

"pound" means any enclosure, premises or place, whether within or outside the Municipality, 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.

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 Municipality shall be paid out of the general funds of the Municipality.

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 Municipality.

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 Municipality.

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. 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 Municipality 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 Municipality.

(c) to ensure that any restricted animal kept or harboured within the Municipality is properly licensed by the Municipality, and to apprehend and confine any such restricted animal that is not properly licensed.

(d) to apprehend and confine any dog, cat or any other domestic pet which is running at large within the Municipality 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 of 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).

(e) to make reasonable attempt to notify the owner of every animal impounded if the identify 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 B 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, any daily pound fees, license fees 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 Municipality, a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.

(f) The animal control officer or poundkeeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality, provided however that if the animal control officer or the poundkeeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.

(g) to enforce the provisions of this By-Law.

Duties of poundkeeper

4. 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);

(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);

(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 clerk of the Municipality shall direct from time to time.

(a) To collect all fees charged by the pound, and to remit all monies received by the pound to the Clerk of the Municipality, together with such reports and statements as the said Clerk 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 Municipality 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 Municipality, and the submission of all reports and statements required to be submitted to the Municipality under the said contract.

(b) 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: (i) three (3) 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, or (ii) where the Municipality has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the poundkeeper's contract with the Municipality.

(c) 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 Municipality, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.

(d) 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 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 Municipality or by the poundkeeper on the express authority of the Municipality; or

(ii) cause the impounded animal to be humanely destroyed;

unless the Municipality, or the poundkeeper on the express authority of the Municipality, 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.

(h) The Municipality may vary the terms, conditions and duties of the poundkeeper by contract with a private party, provided however that the contract shall contain (and where absent in the contract, shall be deemed to incorporate) as minimum provisions, the duties of the poundkeeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), (f) and (g) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the poundkeeper is a private party under contract with the Municipality, the poundkeeper shall observe all of the terms and conditions of the contract with the Municipality. Where it is permitted under the contract with the Municipality, the poundkeeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and license fees, provided however that the poundkeeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the poundkeeper.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Licensing of dogs

5(1) The owner of every dog over the age of four months shall obtain and renew annually, a license to keep the dog, which license shall require the payment of the annual fee as set out in Schedule A hereto attached. The owner shall ensure that the license tag issued for the dog is securely fastened to a collar worn around the neck of the dog in respect of which the tag was issued. Any failure to obtain or keep current the required license or to ensure that the license tag issued for the dog is securely fastened to the dog's collar shall constitute an offense under this By-Law.

5(2) The required dog license shall be sold by the Clerk of the Municipality.

5(3) No person shall be permitted to remove the collar or license tag from any dog without a lawful excuse, and any such removal shall constitute an offense under this By-Law.

5(4) The license fee hereby imposed shall be due and payable on the 1st day of January in each year and shall expire on the 31st day of December in the year in which the license fee was levied and paid.

5(5) Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag, the cost of which is set out in Schedule A hereto attached.

5(6) Where a change in ownership of a dog licensed hereunder occurs during the license year, the new owner shall have the current license transferred to his or her 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 offense under this By-Law.

5(7) Subsections 5(1), (2), (3), (4), (5) and (6) shall not apply to non-residents of the Municipality who bring a dog on a temporary visit into the Municipality, provided however, that nothing in this subsection 5(7) shall authorize any person to bring a dog

into the Municipality that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the Municipality, nor does it authorize any person to allow the dog to run at large or otherwise create a nuisance within the Municipality.

5(8) Subject to subsection 5(9) hereof, every dog owner must produce, before a license is issued or renewed for the dog, evidence of a current rabies vaccination status for that dog from a licensed veterinarian.

5(9) A dog 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 if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog cannot be vaccinated for rabies for medical reasons.

Rabies Vaccination

5(10) 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, in the case of a dog, terminate the owner's dog license, and in the case of a dog or cat, the animal control officer may apprehend and impound the dog or cat, and may charge the owner with an offense under this By-Law.

Kennel 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 10 hereof, regardless of whether for profit or pleasure, shall apply in writing to the Council for a kennel 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 10 hereof without a valid kennel permit shall have committed an offense under this By-Law.

6(2) Council shall set a date to review any such application for a kennel permit at a regularly scheduled Council meeting not less than thirty (30) days 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 100 meter radius of the premises upon which the proposed kennel 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 a kennel permit to an applicant, Council shall consider all relevant factors, including the following factors:

(a) the proposed maximum number of dogs and/or cats to be kept on the premises;

(b) the intended purpose for keeping the dogs and/or cats on the premises;

(c) the steps which have been taken to ensure that the dogs and/or cats will be adequately and safely housed;

(d) the steps which have been taken to ensure that disturbances to neighbours from excessive noise, odour, waste disposal, traffic and any other potential nuisances are avoided;

(e) any inspection report from the animal control officer or the poundkeeper as may be requested by the Council;

(f) any inspection report from the public health authorities or any other authorities as may be requested by the Council;

(g) 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 a kennel permit will be heard; and

(h) 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 a kennel permit is heard.

6(4) A kennel 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 kennel 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 licence 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 kennel permit, the Council shall notify the holder of the kennel 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 a kennel permit or may revoke or refuse to renew an existing kennel permit or may modify the conditions which apply to an existing kennel permit or may suspend an existing kennel permit at any time upon a finding that:

(a) a neighbour or any other party is exposed to a nuisance created by the operation or maintenance of the kennel, including, without limitation, excessive noise, noxious odours or excessive traffic;

(b) this By-Law or any other law, regulation or rule pertaining to animal care or environmental matters, or any condition pertaining to the kennel permit, have been or are being contravened, including, without limitation, any law, regulation, rule or permit condition pertaining to waste disposal;

(c) the premises are not maintained in a condition such that animal escapes are prevented;

(d) the holder of the kennel permit has breached the duties of an owner of animals under *The Animal Care Act* (Manitoba) (whether or not he actually owns all of the animals in his care), including, without limitation, where the conditions in the kennel 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 kennel 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 kennel or proposed kennel to operate, or to continue to operate, as currently operated within the Municipality.

6(7) Upon refusal to grant or renew a kennel permit, or upon prescribing the conditions of a kennel permit or modifying the conditions of a kennel permit or suspending an owner's kennel 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 kennel permit is denied, or the conditions of the owner's existing kennel permit are modified such that the owner keeps, harbours or has possession or control over a number of dogs and/or cats that exceeds the prescribed limit in this By-Law or in the kennel permit, as applicable, the owner shall have thirty (30) days to dispose of the dogs and/or cats over and above the applicable prescribed limit or to make such other modifications as may be required by order of the 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 kennel 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 4, except that the owner shall not be entitled to redeem the dogs and/or cats apprehended if, to allow such a redemption, would again result in a contravention of the provisions of this section 6.

6(9) The owner may appeal the apprehension and/or impoundment of any dogs and/or cats under subsection 6(7) to the Council by notice of appeal in writing delivered to the Clerk of the Municipality 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 kennel permit or for revoking, suspending or placing conditions upon an existing kennel permit.

6(11) 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 order to carry on business as a boarding kennel or a commercial breeder of dogs, cats or any other animals.

Responsibility of Owners Regarding Dogs

7(1) No owner shall:

(a) permit his dog to run at large. When a dog 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 or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.

(c) permit his dog to defecate on any public or private property other than the property of its owner. Where a dog defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.

(d) permit his dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.

(e) permit his dog to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog, 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 (other than a dog that is under the age of four months or that is a registered guide dog for the visually impaired) for which a valid license has not been issued.

(g) own, keep, harbour or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provisions of Part V.

(h) permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.

(i) permit his dog on any school ground or playground.

(j) permit his dog on public property (including parkland area) unless the dog is on a leash (which lease shall be no longer than six (6) 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, unless the said public property has been specifically designated by Council as land upon which dogs are not required to be on a leash.

(k) permit his dog 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) , (f), (i) and (j).

Redemption

8. 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 three (3) days of the apprehension and impoundment 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) in the event that the impounded animal is a dog that is unlicensed at the time of apprehension, the relevant license fee; and

(d) 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 Municipality unless such person has been issued a permit by the Municipality under section 16 of this By-Law, and also holds all other government licenses as may be required, to keep or harbour the animal within the Municipality.

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 of that dog; (b) the dog is on a leash that is less than six (6) 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 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 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.

Cat Trap

9(6) Any person who wishes to obtain a trap to apprehend a cat running at large from the poundkeeper or the animal control officer, shall:

(a) provide to the poundkeeper or animal control officer, as applicable, his or her name, address and telephone number;

(b) agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped cat, as may be imposed by the poundkeeper or animal control officer, as applicable; and

9(7) Any person who fails to comply with the terms and conditions set out in this section 9 shall be guilty of an offense under this By-Law.

Maximum Number of Dogs or Cats

10(1) (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 four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel 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 two (2) cats over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him to own that number of cats.

10(2) Subsection 10(1)(b) hereof shall not apply to premises which are zoned agricultural, provided however, that where, in the discretion of the animal control officer, the number of cats on any such premises constitutes a danger to the public or to the cats, the animal control officer may exercise his discretion to apprehend and impound all or some of the cats.

PART V: DANGEROUS ANIMALS

Animal Bites

11(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.

11(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.

11(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 11(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").

11(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.

11(5) Subject to a determination by the animal control officer pursuant to subsection 11(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.

11(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.

11(7) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 11(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.

11(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 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.

11(9) Notwithstanding the provisions of subsection 11(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 *"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

12(1) Where the animal control officer has reason to believe that an animal, including but not limited to an aggressor animal under section 11, 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.

12(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: (i) 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 (ii) may impose all or any of the conditions 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 the matter and issues its determination.

12(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 Municipality 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 12 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.

12(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 12, 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 12(3) hereof.

12(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 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.

(a) 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.

12(6) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 12(3). There shall be no obligation upon Council to issue written reasons for their decision.

12(7) The decision of Council shall be final. There shall be no appeal from the decision of Council.

12(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.

12(9) Where a license is deemed to have been cancelled pursuant to subsection 12(8) hereof, the owner shall be entitled to a credit or refund on any paid-up license fee, calculated on a quarterly pro rata basis. The Municipality may set-off against any such refund, any fines, fees or costs owing by the owner under this By-Law.

12(10) Every owner who has received notification from Council pursuant to subsection 12(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.

12(11) Subsection 12(10) 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

13(1) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in subsection 13(2). The decision of Council shall be final and not subject to appeal.

13(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, obtain a dangerous dog license for the dangerous dog 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.

(a) 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.

(b) 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.

(c) 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 passersby and will be visible and capable of being read from outside of the premises.

(d) 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.

(e) advise the animal control officer within three (3) working days of the death of the dangerous animal.

(f) 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.

(g) maintain in force to the satisfaction of the Clerk of the Municipality 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.

(h) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in subsection 11(9) hereof.

13(3) No person shall deface or remove a sign posted pursuant to subsection 13(2)(f) or subsection 11(9)(b) hereof without having first obtained the permission of the animal control officer.

Destruction of dangerous animal or aggressor animal

14(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.

14(2) When the animal control officer impounds an animal under this section 14 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 Clerk of the Municipality, 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 13 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART VI: LIVESTOCK

15(1) This by-law does not apply to animals, fowl or birds, of the type for whom provisions have been made under By-law No. 23/96 or to fish.

PART VII: RESTRICTED ANIMALS

Prohibition on restricted animals

16(1) Except as may be permitted by the Municipality's zoning by-law in effect from time to time, no person shall keep, harbour, possess or control any restricted animals within the Municipality without a permit issued by Council.

Application for permission to keep or harbour a restricted animal

16(2) Upon receipt of an application 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 subsection 57(4) of *The Planning Act* (Manitoba). Provided however, that applications from the owner or operator of a travelling show to keep a restricted animal in the Municipality on a temporary basis may be considered by the Chief Administrative Officer without compliance with the notice and hearing requirements aforesaid. Council (or the Chief Administrative Officer, in the case of an application for a permit on a temporary basis) 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 Municipality and shall advise the applicant in writing of their decision. Council or the Chief Administrative Officer, as the case may be, 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

16(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 16(2) hereof.

Inventory of restricted animals

16(4) Any owner who has been granted permission by Council to keep one or more restricted animals within the Municipality 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 Municipality, together with the annual permit fee.

16(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 Municipality.

16(6) (a) Any person who keeps, harbours or has possession or control of a restricted animal in the Municipality 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 Municipality or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer within the Municipality. 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 Municipality accepts no responsibility for the manner of sale or disposition.

16(6) (b) Council may grant such longer period of time to an owner of a restricted animal who falls within subsection 16(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 Municipality.

Order to dispose of restricted animal

16(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 Municipality 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 16(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 16(2), and the order of the animal control officer shall be suspended pending the decision of Council.

16(8) The onus shall be on the person upon which an order pursuant to subsection 16(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.

16(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.

16(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 16(7); and (b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by 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 Municipality shall refund the excess proceeds to the owner.

PART VIII: GENERAL PROVISIONS

Offenses under this By-Law

17(1) For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offenses under this By-Law:

(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 kennel permit contrary to section 10 of this By-Law;

(c) Failure by a permit holder to comply with the conditions imposed upon a validly issued kennel 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 to comply with any one or more of the provisions of section 7, subsection 9(2) or subsection 9(3) 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 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 habouring any wild animal or other restricted animal within the Municipality without a proper permit contrary to section 16 of this By-Law;

(k) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the municipality;

(l) Failing to properly vaccinate a dog or cat against rabies;

(m) Failing to comply with any conditions imposed upon the use of a cat trap within the Municipality;

(n) Failing to comply with the requirements of subsection 9(1) of this By-Law in relation to any domestic pet;

(o) Failing to comply with the requirements of any provision of subsections 9(4), (5) or (6) in relation to any cat;

(p) Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;

(q) Defacing or removing a sign required to be posted under subsection 11(9)(b) or subsection 13(2)(f) of this By-Law;

(r) Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;

(s) Failing to comply with any of the requirements of Part VII of this By-Law in relation to any restricted animals.

Interference With Enforcement

17(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. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct an animal control officer, the poundkeeper, 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 this By-Law.

17(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

17(4) Any resident of the Municipality 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 Clerk of the Municipality 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

18(1) The animal control officer or any other person appointed by the Municipality 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.

18(2) 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, to assist the animal control officer to apprehend and impound the said animal.

Complainant Identification

19(1) 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

20(1) No liability shall attach to the animal control officer, the poundkeeper, the Council and/or the Municipality 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 Municipality 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

21(1) Without limiting the penalties for specific offenses set out in subsections 21(2)and (3) hereof, any person who contravenes any provision 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 $500.00, plus all applicable costs and penalties for the first offense;

(b) to a fine of not less than $100.00 and not more than $1000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense;

21(2) Any animal that is impounded three 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.

21(3) 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, 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 sixty (60) days, or both , plus all applicable costs and penalties;

21(4) Where a corporation commits an offense under this By-Law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offense and liable for the penalties provided for herein.

21(5) 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.

22(1) That By-law No. 10/01 be hereby repealed.

DONE AND PASSED as a By-Law of the Town of Swan River by the Mayor and Council in open session assembled this 19th day of June A.D. 2012

Mayor

Chief Administrative Officer

Read a first time this 5th day of June, A.D. 2012

Read a second time 19th day of June, A.D. 2012

Read a third time 19th day of June, A.D. 2012

SCHEDULE A - LICENSE AND IMPOUNDMENT FEES

Application Fees

For a kennel permit	$200.00
- For a permit to keep restricted animals	$200.00

License Fees (Annual) – and Related Changes

For each spayed female or neutered male dog	$10.00
For each male dog	$20.00
For each female dog	$20.00
For each dog declared to be a dangerous animal	$50.00
Replacement tag	$5.00
Transfer of license	$5.00
Kennel permit – annual fee	$100.00
Restricted Animal permit – annual fee	$100.00

Penalties and 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:* $50.00
  - For each day of impoundment, add $15.00
- For second impoundment, flat fee (if it occurs within 12 months of the first offense) $100.00
  - For each day of impoundment, add $15.00

For voluntary impoundment:

- For each day of impoundment: $15.00

Impoundment fees for dangerous animals, quarantined animals and restricted animals: $100.00
Impoundment and fine (see section 21.)

Fines

- For disturbing the quiet of any person(s) anywhere in the Town by permitting a dog to excessively bark or howl. $100.00
- Permitting a dog to defecate on any public or private property other than the property of its owner and not removing the excrement forewith. $150.00
- Permitting a dog on public property (including parkland area) and not having the dog on a leash. $100.00

SCHEDULE B

NOTICE OF IMPOUNDMENT

FOR MUNICIPALITY OF _____

Owner:_ _____
(Name and Address of Owner of animal)

Description of Animal: _____

Date of Apprehension:_____

Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

Hours of Operation of Pound: _____

Phone No. of Pound:_____

Daily Pound Fee:_____

Impoundment Fee and/or Fine:_____

License Fee: _____

Method of Payment Required:_____

Day the animal will be sold or destroyed: _____

Date: _____ Animal Control Officer: _____

Signature: _____