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CONSOLIDATION DATE APRIL 16, 2024**

**Town of Swan River  
By-Law 21/2022  
ANIMAL CONTROL**

Being a by-law of the Town of Swan River to provide for the regulation and control of animals within the limits of the Town of Swan River.

**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 bylaws 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 bylaws differentiating on the basis of sex, breed, size or weight;
- (o) the enforcement of bylaws.

**AND WHEREAS** subsection 232(2) of the *Act* provides, in relevant part, as follows:

**Exercising bylaw-making powers**

**232(2)** Without limiting the generality of subsection (1), a Council may in a bylaw 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 bylaws under clause 232 (1) (o)**

**236(1)** Without limiting the generality of clause 232(1) (o) (enforcement of bylaws), a bylaw passed under that clause may include provisions:

- (a) providing for procedures, including inspections, for determining whether bylaws are being complied with; and

- (b) remedying contravention of bylaws, 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 bylaw,
  - (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 bylaw passed in accordance with *The Municipal Act* or a bylaw 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

**Bylaw does not limit owner's liability**

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

**Municipality or LGD not liable by reason only of making Bylaw**

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

**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.

**31(3)** On being notified of an animal bite under this section, the Medical Officer of Health may take steps to ensure that,

- (a) the animal is secured alive and without injury in a safe place;
- (b) the animal is kept under observation for 10 days or any longer period that has been authorized or required by the Medical Officer of Health.

**PART I: DEFINITIONS AND INTERPRETATION**

**Bylaw Name**

**1(1)** This Bylaw may be referred to as the "*Animal Control Bylaw*".

**Definitions**

**1(2)** In this Bylaw, unless the context otherwise requires,

**"aggressor animal"** means any animal that pursues, menaces, threatens, chases, attacks, bites, wounds, or injures a person, livestock, or any other animal.

**"Animal Control Officer"** means the person appointed by Council to enforce the provisions of this Bylaw, and includes any person acting as an assistant to, or under the direction of, the Animal Control Officer authorized by the Council.

**"breeder"** means any person who raises dogs or cats within the Town for the purpose of breeding and the sale of the off-spring thereof.

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

**"Council"** means 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 annually.

**"dangerous animal"** means any dog, cat or any other animal that has on at least on one occasion, pursued, menaced, threatened, chased, attacked, bitten, wounded, 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 Bylaw.

**"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.

**"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.

**"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;

**"Municipality"** means the Town of Swan River.

**"Peace Officer"** means a member of the Royal Canadian Mounted Police.

**"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 Bylaw.

**"Pound-Keeper"** means the person or entity appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a Pound-Keeper as set out in section 4 of this Bylaw.

**"public playground"** means the immediate delineated area containing playground equipment in a park or municipal reserve owned or under management and control of the Town.

**"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 or arachnid;
- (f) any wild animal or wildlife as defined in *The Wildlife Act*;
- (g) any other animal determined by the Animal Control Officer to be a restricted animal, other than a dog, cat or livestock;
- (h) livestock, being cattle, horses, mules, donkeys, sheep, goats or swine;
- (i) poultry and fowl, being chicken, turkey, duck, goose, pigeons or other domestic fowl and any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to The Animal Liability Act;
- (j) all of the family Camilidae (including, Llamas and Alpacas);
- (k) all cervids
- (l) specialty fowl (including, guinea fowls); and
- (j) bees.

**"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.

"service dog" means any registered dog specially trained for and used as a guide for a person with a disability.

### **Interpretation**

- 1(3)** In all parts of this Bylaw, 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 II: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUND-KEEPER**

### **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 Bylaw, 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.

### **Appointment of Animal Control Officer**

- 2(2)** Council may appoint one or more persons as Animal Control Officer to carry out the enforcement of this Bylaw. The Animal Control Officer so appointed may be appointed on a temporary or permanent basis.

### **Appointment of Pound-Keeper**

- 2(3)** Administration or the agreement holder for the pound as detailed 2(1) may appoint one or more persons as Pound-Keeper(s) to carry out the duties of the Pound-Keeper set out in this Bylaw. The Pound-Keeper(s) so appointed may be appointed on a temporary or permanent basis.

### **Common Animal Control Officer and Pound-Keeper**

- 2(4)** At the discretion of Administration 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 dog, cat or any other animal running at large within the Town of Swan River, contrary to the provisions of this Bylaw, or which is kept or harboured by, or in the possession or control of, any person that is in breach of this Bylaw or of any other laws

or regulations pertaining to animals or the conditions of any permit or license;

- (b) To apprehend and/or ensure removal of any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this Bylaw, or running at large, within the Town of Swan River;
- (c) Investigate, and if required, resolve complaints for domestic animals made by the public in response to this bylaw, including animal attack complaints;
- (d) to make reasonable attempt 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 a notice at the last known address of the owner, which notice shall be in the form set out in Schedule A 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.
- (e) to enforce the provisions of this By-Law.

#### **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 records 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 species, breed and gender 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 charges including room and board, disposal by euthanasia, etc.
  - (vi) such other particulars as the Town Manager of the Town of Swan River shall direct from time to time.
- (d) To keep any impounded dog, cat or any other animal which is, to the knowledge of the Pound-Keeper, a domestic pet, which for a minimum period of:
- (i) three (3) days, unless sooner redeemed, 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 Town of Swan River has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the Pound-Keeper's contract with the Town of Swan River, unless sooner redeemed
- (e) 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*.
- (f) If, after expiration of the minimum period of impoundment set out in paragraph (d), a dog or cat that 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 Bylaw, unless such fees are otherwise waived by the Town of Swan



River or by the Pound-Keeper on the express authority of the Town of Swan River;

- (ii) cause the impounded animal to be humanely destroyed; unless the Town of Swan River, or the Pound-Keeper on the express authority of the Town of Swan River, 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 (f) (i) or until expiry of the extended period of impoundment, before it is humanely destroyed.
- (g) The Town of Swan River may vary the terms, conditions and duties of the Pound-Keeper 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 Pound-Keeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), and (f) above shall continue to apply except to the extent that they are specifically modified by the contract.
- (h) Where it is necessary for their personal safety or the safety of the public, the Pound-Keeper and/or RCMP may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Town of Swan River.
- (i) The Pound-Keeper or Animal Control Officer and any persons may, capture any dogs, or cats found running at large, or any stray dogs, and deliver such dogs or cats upon approval from the Town, to the pound for confinement.

### **PART III: DOGS, CATS AND OTHER DOMESTIC PETS**

#### **Maximum Number of Dogs or Cats**

- 5(1)** (a) No person shall own, harbour, keep or have in their possession or control or on their premises, more than three (3) dogs over the age of three (3) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing them to own that number of dogs.
- (b) No person shall own, harbour, keep or have in their possession or control or on their premises, more than three (3) cats over the age of three (3) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing them to own that number of cats.

- (c) The local humane society, or other such organization recognized by the Town, has the ability to place an animal in temporary foster homes and such home will be allowed two (2) additional animals over the above maximum stated in this section, as approved by the Animal Control Officer.

## **Licensing of Dogs**

**5(2)** The owner of every dog over the age of four (4) months shall obtain and renew annually, a license to keep the dog or which license shall require the payment of the annual fee as set out in the Town of Swan River Fee Schedule. 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.

- (a) Dogs under the age of 6 months do not require a vaccination to be licensed in that current year.
- (b) 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 collar shall constitute an offense under this Bylaw.

**5(3)** Notwithstanding Section 5(2),

- (a) registered dogs used as "service" dogs for persons with disabilities shall receive an annual tag at no charge with proof of registration.
- (b) Upon approval from the Animal Control Officer, any person who moves into the Town from another municipality and owned, possessed, or harboured more than three dogs and/or three cats prior to their move; may continue ownership, possession, or harbouring of those animals, after providing sufficient evidence to support the claim is supplied to the satisfaction the Animal Control Officer.
- (c) any person to whom subsection (b) applies shall not be entitled to acquire, by any means, any additional dogs, and/or cats until the number of dogs and/or cats they own, possess, or harbour falls below the number authorized by this bylaw, being three (3), at which time they must comply with the provisions of section 5(1).
- (d) any person to whom subsection (a) & (b) applies shall be subject to all other provisions of this bylaw.
- (e) licensing is required for any dog.
- (f) the local humane society, or other such organization recognized by the Town, may affix foster tags to animals under their care in the place of a license tag. A list of assigned foster tags shall be provided at the request of the Animal Control Officer.

- 5(4)** The Town Manager or their designate at the Town Office shall sell the required dog license.
- 5(5)** 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 Bylaw.
- 5(6)** 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 and paid.
- 5(7)** 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 the Town of Swan River's Fee Schedule.
- 5(8)** 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 their name upon payment of the transfer fee prescribed in the Town of Swan River's Fee Schedule. Any failure to report a change in ownership or to pay the prescribed transfer fee shall constitute an offense under this Bylaw.
- 5(9)** Subsections 5(2), (3), (4), (5), (6) and (7) shall not apply to non-residents of the Town of Swan River who bring a dog on a temporary visit into the Town of Swan River, to a maximum of 104 days per year, provided however, that nothing in this subsection shall authorize any person to bring a dog into the Town of Swan River that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the Town of Swan River, nor does it authorize any person to allow the dog to run at large or otherwise create a nuisance within the Town of Swan River.
- 5(10)** 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.

### **Rabies Vaccination**

- 5(11)** The Animal Control Officer may at any time request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status and, if the owner cannot produce such proof, the Animal Control Officer may apprehend and impound the dog or cat. Failure to provide such proof of a current vaccination for rabies is an offence under this bylaw.
- 5(12)** A dog or cat owner does not have to produce evidence of a current rabies vaccination status for 5(10) or 5(11) if the owner 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(13)** All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under *The Public Health Act* and shall be quarantined and confined separate and apart from other dogs and cats, unless otherwise approved by Manitoba Health.

### **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 5 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 Town of Swan River's Fee Schedule. Any person who keeps, harbours, possesses or controls a number of dogs or cats in excess of the maximum number prescribed in section 5 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 Pound-Keeper 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 The Town of Swan River's Fee Schedule. 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 they actually own all of the animals in their 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 their 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 Pound-Keeper 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 Pound-Keeper 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 their 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 their dog to bark or howl beyond a reasonable amount of time (more than 15 minutes in any hour);
  - (c) permit their 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 their dog to defecate on their property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours;
  - (e) permit their dog to damage public property or private property other than that of the owner. Where a dog has damaged public or private property, its owner shall be deemed to have failed or refused to comply with this subsection, and may be held responsible for all damages;
  - (f) permit their dog to pursue, bite, menace, threaten, chase, attack, wound or show propensity for violence, to any person or animal whether or not on the property of the owner;

- (g) permit their dog to dig in flower beds or garbage containers or trespass on private property; or in any other way unduly disturb the quiet of any person or persons anywhere in the Town of Swan River;
- (h) permit their dog on public property (including town parks and public playgrounds) unless the dog is on a leash (which leash shall be no longer than six (6) feet in length, fully extended), unless the said public property has been specifically designated by Council as and upon which dogs are not required to be on a leash;
- (i) refuse the Animal Control Officer the right to see and inspect any dog the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.
- (j) 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 IV of this bylaw;
- (k) own, keep, harbour or have possession or control of any dog (other than an un-vaccinated dog that is under the age of four (4) months) for which a valid license has not been issued;
- (l) permit to transport their dog at the back of any open vehicle unless it is kenneled or leashed, being the dog cannot reach the outside of the said vehicle (as per the *Animal Care Act*).

**7(2)** In addition to 7(1)(a), owners are subject to additional fines if their dog:

- a) does not have a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that dog;
- b) subject to 7(1)(h), is not on a leash that is less than six (6) feet in length fully extended; and
- (c) is not under the immediate charge and effective control of a person

competent to control it.

**7(3)** Any commercial guard dog must be securely confined within an enclosure or private land, and such areas are to be sufficiently posted with danger signs, clearly stating "Beware of Dog" or similar wording, subject to approval by the Animal Control Officer or Town designate.

**7(4)** 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, and not kept outdoors for a period longer than 30 minutes, 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.

- 7(5)** 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), (h), (k), and (l).

### **Responsibility of Owners Regarding Cats**

- 8(1)** No owner shall:

- (a) permit their cat to run at large;
- (b) permit their cat to yowl beyond a reasonable amount of time (more than 15 minutes in any hour) or in any other way;
- (c) permit their cat to defecate on any public or private property other than the property of the owner. Where a cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith;
- (d) permit their cat to defecate on their property in a manner which constitutes an environmental or health hazard or nuisance for neighbours;
- (e) permit their cat to damage public or private property other than the property of the owner; the owner shall be responsible for repair of any damage;
- (f) permit their cat to pursue, bite or wound or show propensity for violence, to injure any person or animal whether or not on the property of the owner;
- (g) permit their cat to dig in flower beds or garbage containers or trespass on private property or in any other way unduly disturb the quiet of any person or persons anywhere in the Town of Swan River;
- (h) permit their cat to be anywhere other than on owner's property unless the said cat is under the immediate charge and effective control of a person competent to control it;
- (i) refuse the Animal Control Officer the right to see and inspect any cat the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.

- 8(2)** In addition to 8(1)(a), owners are subject to additional fines if their cat:

- a) does not have an identification tag,
- b) has not been sterilized, unless owner has obtained a kennel permit as under section 6.

**8(3)** 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, and not kept outdoors for a period longer than 30 minutes, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner or by another owner who voluntarily permits such contact.

### **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 property unless the domestic pet is at all times, while outside of the owner's property, in immediate charge and effective control of a person competent to control it. In the event that the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of *The Wildlife Act*, no person shall be entitled to keep or harbour such animal within the Town unless such person has been issued a permit by the Town under section 13 of this bylaw, and also holds all other government licenses as may be required, to keep or harbour the animal within the Town.

**9(2)** An owner shall not refuse the Animal Control Officer the right to see and inspect any domestic pet or animal the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.

### **Redemption of Dog, Cat or Domestic Animal**

**10(1)** Unless the impounded animal is determined to be a dangerous animal, the owner of any dog or cat impounded by the Animal Control Officer may redeem it except during Sunday and Statutory Holidays, within 3 working days of the Impounding by paying to the Town Manager or their designate all damages, if any, all fees, charges, expenses and penalties imposed hereunder:

- (a) the impoundment fee as set out in the Town of Swan River's Fee Schedule and which may be updated or amended from time to time by resolution of Council;
- (b) in the event that the impounded animal is a dog that is unlicensed at the time of apprehension, the relevant license fee;
- (c) all outstanding fines, damages or costs relating to the impounded animal;

- (d) any person claiming, redeeming or adopting an impounded dog, cat or domestic animal shall provide proof of current vaccination against rabies. If such proof is not provided, the owner shall be required to pay the cost of the rabies vaccination, and in the case of dogs, must produce or buy a license, before the dog may be redeemed or adopted.
- (e) When a dog is impounded wearing a tag furnished by the Town in connection with the current license for the animal, the Animal Control Officer shall forthwith after the impounding, notify the owner whose name appears on such license at the address shown thereon that the animal has been impounded and that if it is not redeemed within three (3) days excluding Sundays and public holidays of the date of notification, it may be sold or disposed of.

If the tag was issued by another municipality the Animal Control Officer shall notify the Town Manager thereof that such animal has been impounded and will be disposed of if not redeemed within three (3) days of the date of such notification.

- (f) When a dog or cat impounded is not wearing a tag, the Pound-Keeper shall make a reasonable attempt to notify owner if the identity is known.
- (g) When the Pound-Keeper contacts the owner of the impounded animal, advising the owner that they will dispose of the animal if it is not picked up by the owner and the owner states that the Pound-Keeper may dispose or humanely euthanize the animal; then the owner shall pay all costs that were incurred during the impoundment of said animal (including impoundment fees, damages, and euthanasia).

#### **PART IV: AGGRESSOR AND DANGEROUS ANIMALS**

##### **Aggressor Animals**

**11(1)** The Animal Control Officer:

- (a) may apprehend, impound and/or place in quarantine any aggressor animal that they have reason to believe has bitten another animal or a person, if in their discretion such action is necessary for the protection of the public or other animals;
- (b) may apprehend, impound and place in quarantine any aggressor animal even if it has not bitten a person or another animal, if in their discretion such action is necessary for the protection of the public or the protection of other animals; whether on private or public premises, 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 impounded shall be held in quarantine for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment;
- 11(4)** The Animal Control Officer may, in their 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 indirect 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 Pound-Keeper of a pound fee as set out in the Town of Swan River's Fee Schedule, 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, disposed of, or humanely euthanized at the discretion of the Pound-Keeper or Animal Control Officer.
- 11(6)** The Animal Control Officer shall keep a record of all animal bite incidents, apprehensions, impoundments, and quarantines, etc., 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)** 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 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 Medical Officer of Health is prepared to consent to the release of the aggressor animal;
- (c) the severity of the 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 VI 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 "Warning: Beware of Dangerous <type of aggressor animal>".
- (c) the owner shall submit the aggressor animal for veterinary examination from time to time as may be prescribed by the Animal Control Officer, and shall report the results of any such veterinary examination to the Animal Control Officer;
- (d) the owner shall 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;
- (e) such other conditions, as the Animal Control Officer may deem necessary or advisable in the interests of public safety.

## **Dangerous Animal**

- 12(1)** Where the Animal Control Officer has reasonable grounds to believe that an animal presents a risk to any person, property or other animal, if in their opinion the animal has caused injury to or killed a person, or seriously injured or killed any other domestic animal without provocation, or shows propensity for violence, the animal shall be deemed to be a dangerous animal.
- 12(2)** Where it is deemed necessary by the Animal Control Officer to protect the public or other animals, the Animal Control Officer shall:
- (a) apprehend and impound the animal for the purpose of humanely euthanizing it;
  - (b) not allow the animal to remain within the Town; or
  - (c) impose conditions on the owner of the animal, including but not limited to:
    - (i) 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:
      - a. is capable of preventing the entry/exit of young children and the escape of the dangerous animal;
      - b. has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the Animal Control Officer;
      - c. has secure sides; and
      - d. provides protection from the elements for the dangerous animal;
    - (ii) in the event that the dangerous animal is a dog, permit the dog upon public property only if:
      - a. it is muzzled;
      - b. it is restrained by a chain or leash (non-fabric) not exceeding six (6) feet in length, fully extended; and
      - c. the dog is at all times under the effective control of a person competent to control it;

- (d) 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;
- (e) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign which reads "Warning: Beware of Dangerous <insert type of aggressor animal>": The sign shall be posted in such a manner that it cannot be removed easily by a passerby and will be visible and capable of being read from outside of the premises;
- (f) within three (3) working days of selling, giving away or otherwise disposing of the dangerous or prohibited animal, provide the Animal Control Officer with the name, address and telephone number of the new owner;
- (g) advise the Animal Control Officer within three (3) working days of the death of the dangerous animal;
- (h) advise the Animal Control Officer immediately if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal; and
- (i) such other conditions as may be prescribed by the Animal Control Officer, including, without limitation, any of the conditions set out in subsection 12(2).

**12(3)** No person shall deface or remove a sign posted pursuant to subsection 11(9)(b) or subsection 12(2) (e) without having first obtained the permission of the Animal Control Officer

## **PART V: RESTRICTED ANIMALS**

### **Prohibition on restricted animals**

**13(1)** No person shall keep, harbour, possess or control any restricted animals including poultry, livestock and/or bees within the Town of Swan River except for:

- (a) on the premise of a recognized industry in the handling of livestock;
- (b) on the premise of the Agricultural Society Fair Grounds and in conjunction with the Swan Valley Agricultural Society and other organizations holding fairs, rodeos, circuses, petting zoos and exhibitions and for a short duration of time not exceeding six (6) days. Any period above six (6) will be subject to approval by the Town;

- (c) on public property during a temporary event that has been approved by the Town, such as a parade; and
- (d) on road allowances, excluding all sidewalks pathways, etc., for the purposes of riding an animal or driving an animal-drawn vehicle as permitted by the Highway Traffic Act.

### **Order to dispose of restricted animal**

- 13(2)** Where the Animal Control Officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a restricted animal within the Town of Swan River and is not an exception as stated above, the Animal Control Officer shall:
- (a) serve the person with an order in writing to remove 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.
- 13(3)** The onus shall be on the person to establish that the animal is not a restricted animal.
- 13(4)** Where the person has failed to establish that the animal is not a restricted animal and has failed or refused to remove 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 the restricted animal. The Animal Control Officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 13(5)** Upon apprehension and impoundment of a restricted animal Council, or their designate, may proceed to order the animal humanely euthanized, removed, or sold. The owner shall be liable for all costs associated with apprehension, impoundment and euthanization or sale of the restricted animal.

## **PART VI: ILL-TREATED ANIMALS**

### **Basic Animal Care Requirements**

- 14(1)** Owners must ensure the animal is provided with shelter, suitable food, adequate and clean water, and the opportunity for regular exercise as per the current Animal Care Act. Domestic animals must appear in a good state of health.
- 14(2)** Where an animal is kept outside, the owner must provide a shelter that provides



- (a) protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;
- (b) sufficient space to allow the animal the ability to turn freely and to easily sit, stand and lie in a normal position; and
- (c) protection from the direct rays of the sun.

### **Grounds for impoundment**

**14(3)** Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without necessary food, water, shelter or attention, for more than fifteen consecutive hours; or is being wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subjected to pain or discomfort, is unduly exposed to cold, heat, or overcrowding either in an enclosure, or in transit, the Animal Control Officer or designate may by force, if necessary, open and enter into any place in which the animal is so impounded, yarded, or confined, supply the animal with necessary food, water, shelter, and attention, as long as it remains in that place; or, if the animal control officer deems it necessary, to remove the animal; and recover from the owner of the animal the amount of the expense necessarily incurred by the animal control officer for food, water, shelter and attention.

The Animal Control Officer or their designate are not liable for any entry or removal of animals under this section. Where action is taken under this section by the Animal Control Officer, in addition to the provisions of impoundment charges, the owner of an ill-treated animal may be charged with contravention of this bylaw and be subject to fines as set out in the Town of Swan River's Fee Schedule.

### **Teasing, Enticing Prohibited**

**14(4)** No person shall tease, entice, bait or throw objects at any animal. Any person found guilty of teasing, enticing, baiting or throwing objects at an animal will be guilty of an offence and liable for contravention of this bylaw and be subject to fines as set out in the Town of Swan River's Fee Schedule.

## **PART VII: GENERAL PROVISIONS**

### **Offenses under this Bylaw**

**15(1)** *Repealed 04/2024*

**15(2)** *Repealed 04/2024*

### **Tickets and Penalties**

**15(3)**      *Repealed 04/2024*

**15(4)**      *Repealed 04/2024*

### **Interference with Enforcement**

**15(5)**      It shall be an offense under this Bylaw for a person to interfere or obstruct any attempt by the Animal Control Officer, Pound-Keeper, any Peace 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 an Animal Control Officer, the Pound-Keeper, 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 Bylaw.

**15(6)**      It shall be an offense under this Bylaw:

- (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**

**15(7)**      Any resident of the Town of Swan River may apprehend and confine an animal which is running at large on their property, provided that the resident shall immediately inform the Animal Control Officer, Pound-Keeper or the Town Manager of the apprehension and confinement, and the Animal Control Officer shall as soon as practical, attend upon the property to take possession of and impound the animal.

### **Right of Entry**

**16(1)**      The Animal Control Officer, Peace Officer, or any other person appointed by the Town of Swan River to enforce the provisions of this Bylaw 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 Bylaw (including, without limitation, any license or permit issued pursuant to this Bylaw) or to otherwise enforce the provisions of this Bylaw, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a Provincial Court Judge, Magistrate or Justice of the Peace, as required to permit such entry.

- 16(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 at the door of their dwelling upon the request of the Animal Control Officer, to assist the Animal Control Officer to apprehend, quarantine, and impound the said animal.

### **Complainant Identification**

- 17(1)** Any person who makes a complaint alleging an offense under this Bylaw must provide the Animal Control Officer their 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**

- 18(1)** No liability shall attach to the Animal Control Officer, the Pound-Keeper, the Council and/or the Town of Swan River in carrying out their respective duties under this Bylaw. Without limiting the generality of the foregoing, no liability shall attach to the Animal Control Officer, the Pound-Keeper, the Council and/or the Town of Swan River for any animal destroyed, removed, sold or otherwise disposed of pursuant to the provisions of this Bylaw or killed or injured during the course of its apprehension or impoundment.

### **Penalties**

- 19(1)** Administrative penalties and appeals for the contraventions of this by-law shall be administered as set out in the most current Enforcement By-law.  
*Amended 04/2024*
- 19(2)** Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.
- 20** Any fine, cost or charge imposed pursuant to this Bylaw may be collected in the manner in which any tax may be collected by the Town. This section is included in this Bylaw and passed in accordance with section 232(1) (o) and section 236(1) (b) (iii) of The Municipal Act

### **Repeal**

- 21** 23/96 and 9/2012 and any amendments thereto be and are hereby repealed.

DONE AND PASSED as a Bylaw of the Town of Swan River by the Mayor and Council in open session assembled this 17th day of January 2023.

**SCHEDULE A**

**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: \_\_\_\_\_