

MUNICIPALITY OF BOISSEVAIN-MORTON

BY-LAW 2015-12

WHEREAS the Animal Husbandry Act, R.S., 1970, Cap. A90, authorizes the Council of any Municipality to pass by-laws to allow, restrain, prohibit and regulate the running at large or trespassing of animals or fowl and providing for impounding them and other regulations in respect thereof;

AND WHEREAS the Municipal Act, R.S.M. 1988 Cap. M225, Section 353 and 363, authorizes the Council of any Municipality to pass by-laws for regulating or prohibiting the keeping within the Municipality or within a prescribed area thereof domestic or wild animals and for the restraining and prohibiting and regulating the running at large of dogs and for the imposition of a licence fee for dogs and other regulations pertaining to dogs;

NOW THEREOFRE BE ENACTED as By-law of the Town of Boissevain as follows:

- 1) THAT this By-law may be cited as the Dog and Cat By-law of the Town of Boissevain.
- 2) THAT this By-law relates to all dogs and cats as defined herein, within the Town of Boissevain.
- 3) Definitions.

In this By-law the expression:

- a) "Cat" means any feline, male or female;
- b) "Kitten" means all cats under the age of 90 days;
- c) "Dog" means any canine, male or female;
- d) "Pup" means all dogs under the age of 90 days;
- e) "Town" means the area as outlined in the Municipal Boundaries Act;
- f) "Owner" means any person who owns, keeps, possesses, or harbours a dog or cat;
- g) "Animal Control Officer" shall mean an employee of the Town of Boissevain or contractor with the Town of Boissevain whose duty it is to enforce this By-law;
- h) "Running at Large" shall mean a dog or cat being on the streets, lanes, parks or public places, or in any school ground in the Town of Boissevain or being on private property without the permission or consent of the owner or occupant of such property, unaccompanied by any person or accompanied by any person or but not under the complete control of any competent person;
- i) "Pound" means any enclosure, premises or place designated by the Town for the purposes of impounding and caring for all animals found running at large or in violation of this By-law;
- j) "Vicious Dog" means any dog found chasing or barking at any pedestrian, vehicle or horse or any other animal on a public thoroughfare. Also, any dog or cat which is guilty of biting or threatening to attack persons other than the owner;
- k) "Pound keeper" shall mean the Animal Control Officer for the time being of the Town of Boissevain/ or a designated veterinarian and shall include his/her deputy or any one or more of his/her assistants or anyone performing any of the duties of the pound keeper;

4. Pound and Administration.
  - a) The Town shall maintain a Pound or Pounds located within the Town at such place or places designated for the time being as Town Pounds.
  - b) The Pound shall be administered by the Town designate who shall be known as the Pound keeper.
5. Vicious Dog or Cat or Public Nuisance.
  - a) Any owner, possessor or harbourer of any dog or cat who permits such dog or cat to disturb the quiet of others anywhere, in the case of a dog by howling or barking, shall be guilty of an offence and liable to prosecution for breach of this By-law.
  - b) An owner, possessor or harbourer of any dog found chasing or barking at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare shall be guilty of an offence and liable for prosecution for breach of this By-law.
  - c) If any dog or cat is ascertained by the Animal Control Officer on evidence satisfactory to him that such dog or cat is guilty of biting or threatening to attack persons other than the owner, the Animal Control Officer shall impound the animal and issue a warning and fine to owner. On second offence the animal shall be destroyed at the direction of the animal Control Officer by a Doctor of Veterinary Medicine.
  - d) No owner shall allow a dog, with a propensity of being a vicious dog, whether on a leash or not, to be in a public place without it being properly muzzled.
  - e) Any commercial guard dog or vicious dog must be securely confined within an enclosure of private land and such areas are to be sufficiently posed with danger signs, clearly stating "Beware of Dog" or wording similar.
  - f) No owner, possessor or harbourer of any dog, shall permit it to be on or in any public thoroughfare, highway, place, building or park, unless such dog is on a leash or under the complete control of some competent person.
  - g) Any owner, possessor or harbourer of any dog which is on any public thoroughfare, highway or park shall be in possession of a suitable device for gathering any excrement deposited by such dog on any such public thoroughfare, highway or park and shall forthwith remove such excrement therefrom to their own premises. In addition, any owner, possessor or harbourer shall clean up or repair any mess caused by his/her dog digging.
  - h) Any dog or cat running at large may be picked up and impounded, if such dog or cat is on public property anywhere within the Town of Boissevain. Any dog or cat shall be deemed to be running at large if it leaves the private property owned, occupied or controlled by the owner.
  - i) If any dog or cat becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog or cat is guilty of biting or threatening to attack persons, the animal control Officer shall be empowered to impound the animal at the expense of the owner until such time as the owner can satisfy the Animal Control Officer that the animal will no longer create a public nuisance or cause a threat to persons and the appropriate pound fees are paid.
  - j) On the hearing of information and complaint against any dog or cat, or the owner or person in charge thereof for breach of this By-law, the

owner or person in charge shall be deemed to have “allowed” or “permitted” the breach unless he/she satisfies the presiding Magistrate that he/she took all reasonable precautions to prevent such breach.

6. Special Restriction.

A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog for the period of time that she is in heat, or taken to a Licenced Kennel for the whole period of time in heat.

7. Vaccination Against Rabies.

- a) Every dog over the age of 3 months shall be vaccinated against rabies, which vaccinations shall be applied again six months to one year, shall be repeated at intervals of not more than one year. Every owner, possessor, or harbourer of any dog, who applies for a licence

When the age of the dog is under three months shall be required to sign a declaration that vaccination will be carried out when the dog reaches the required age, onus of proof of age of any dog shall be upon the owner. Except as aforesaid, proof of vaccination against rabies must be produced when application for a licence is made. Vaccination tags shall be affixed at all times to a collar worn on the neck of the dog.

- i) An exception to the above will be made by the production of a statement in writing from a Licenced Veterinary Surgeon stating that the dog, for medical reasons cannot be vaccinated for rabies.
- b) Every cat over the age of three months shall be vaccinated against rabies, which vaccinations shall be repeated annually. The animal control Officer may at any time require the owner, possessor, or harbourer of any cat to produce proof of current vaccination against rabies and if such proof is not produced to the satisfaction of the Animal Control Officer, he/she shall require such cat to be vaccinated against rabies, unless;
- i) An exception will be made to the above, by the production of a statement in writing from a licensed Veterinary Surgeon stating that the cat, for medical reasons cannot be vaccinated for rabies.

Refusal, neglect or failure to comply with this requirement shall constitute a breach of this By-law.

- d) 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. If the said animal is well after the required quarantine period, it can be released to its owner. If the animal dies within the quarantine period the dead animal shall be taken to a Doctor of Veterinary Medicine for further examination. If a dog or cat has rabies it shall be destroyed by a Doctor of Veterinary Medicine and the diagnosis confirmed. Any dog or cat that bites or scratches a human being shall be quarantined at the owner’s expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

8. Complainant Must Identify Himself.

Before any action, or legal proceedings is taken as a result of a complaint, the complainant shall give a written complain notice with his/her name and address to the Animal Control Officer or Town Designate.

9. Ill-Treated Animals.

a) Where there are reasonable grounds to believe that an animal is impounded, yarded or confined without necessary food, water, 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, or is unduly exposed to cold 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 and

attention, as long as it remains in that place; if he deems it necessary, remove the animal; and recover from the owner of the animal the amount of the expense necessarily incurred by him for food and attention; and the Animal Control Officer or Designate is not liable for any entry or removal.

b) Where action is taken under this section by the Town, in addition to the provisions of Section (11), the owner of an ill-treated animal may be charged with a breach of this By-law.

10. Teasing, Enticing Prohibited.

Any person found guilty of teasing, enticing, baiting or throwing objects at an animal confined within the owner's property shall be guilty of an offence and liable for prosecution.

11. Impounding.

a) A pound keeper shall impound any animal found running at large, trespassing or causing damage contrary to the provisions of this By-law.

The Pound keeper:

- i) May issue a warning to its owner advising of a breach of this By-law on first offence;
- ii) May apprehend and confine the animal and advise the owner as soon as reasonably possible of the fact of apprehension and confinement.

b) Whenever any animal is impounded, the Pound keeper shall detain such animal until the owner thereof or his agent pays over and above any claim for damages or any other charges hereunder.

c) The Pound keeper shall furnish daily to all animals impounded, sufficient water, food and shelter and the Town shall for such care maintenance be paid by the owner thereof, over and above all other fees including Veterinary fees and charges mentioned herein, for each and every day or portion thereof during the time they are impounded.

12. Redemption.

The owner of any dog or cat impounded may, except during Saturday, Sunday, Holidays and Statutory holidays, redeem the same at any time within three

days of the impounding by paying to the Administrator of the Town of Boissevain and/or Pound keeper all damages, if any, all fees, charges, expenses and penalties imposed hereunder. Further, any person claiming or redeeming an impounded dog or cat shall provide proof of current vaccination against rabies.

If such proof is not provided, the owner shall be required to pay the cost of rabies vaccination and in the case of dogs, must produce or buy a licence, before the dog may be redeemed.

- a) Where the owner of a dog/cat apprehended and confined pursuant to this By-law desires to reclaim the dog/cat, he/she shall pay to the Pound keeper applicable charges as follows:
  - i) The sum of Thirty Dollars (\$30.00) the first apprehension of the dog/cat; the sum of Seventy-Five (\$75.00) for any subsequent apprehension of the dog/cat.  
The sum of Seventy-Five Dollars (\$75.00) plus costs for First Vicious Dog Offence, e.g. Biting or threatening to attack. Disposal of dog on Second Vicious Offence.
  - ii) Thirty Cents (.30) per kilometer actually and necessarily travelled by the Pound Keeper from the place of apprehension to the pound and return;
  - iii) Ten Dollars (\$10.00) per day or portion thereof that the dog has been confined. A day being a period of twenty-four hours
  - iv) Veterinary expenses necessarily incurred for the dog during its confinement.
  - v) The Sum of Thirty Dollars (\$30.00) if found guilty of not removing deposited dog/cat.

### 13. Licenses.

- a) The owner of every dog must annually register such dog with the Town Administrator and must obtain from the Administrator a licence and for such licence and shall pay the fees hereinafter set out. The name of the person legally liable for any injury caused by the dog shall be certified by the person taking out the licence.
- b) No licence shall be required on any cat. However, the owner of such cats must identify his cat in such a manner so that it can be recognized as a domestic pet. All cats with no identification shall be deemed a stray.

14. The licence year shall commence on the first day of January in every year and shall terminate on the 31<sup>st</sup> day of December in the next year. Any dog within the boundaries of the Town, owned or acquired on or after the 1<sup>st</sup> day of January in any year shall be forthwith registered and licensed by the owner.
15. All dogs shall be presented, upon request, to the Administrator or his/her designate, who, if satisfied as to type, will register the dog and upon payment of the hereinafter fee will issue a licence tag to the owner.
16. The owner of every dog, which is within the boundaries of the Town, must place on the Dog a collar and affix thereto, the Licence Tag issued for the current year.

17. No person, except the owner of the dog, shall remove the collar or licence plate or tag from any licenced dog.

18. Annual Licence Fee.

The Annual Licence for dogs shall be as follows:

- a) The Annual Licence Fee for every spayed or neutered dog shall be Five Dollars (\$5.00), provided, and applicant for a licence under this subsection shall furnish, before a licence shall issue, a Certificate from a Licenced Veterinary Surgeon showing that the dog in respect of which a licence is applied for having been spayed or neutered.
- b) The Annual Licence Fee for every dog shall be Twenty-Five Dollars (\$25.00), except as set out in (a) above.
- c) No fee shall be charged for any Dog used as a seeing eye dog, or a dog used for wheel-chaired person, provided that the person using such a dog produces to the satisfaction of the Administrator or his/her Designates, sufficient proof of his/her disability.

Such Licence Fees shall be paid to the Town.

19. Administrator to Keep Records.

The Town Administrator or Animal Control Officer or anyone authorized to act on their behalf shall keep a record of every animal impounded. Such record shall show the description and particulars of every animal impounded, the day and hour of its impounding, redemption, or destruction, the name and address of the owner, if known, the licence number if any, the amount and particulars of all fees, fines, charges and of all monies received in respect of such animal and the name and address of the person paying same and such other particulars as the Administrator shall direct.

The Town Administrator or Animal Control Officer or anyone authorized to act on their behalf shall keep a record of all dog licenses imposed and tags issued under the provisions of this By-law showing the name of the owner or possessor of each dog and number of the tag issued in respect to each dog and shall account for monies received as dog licences.

20. Authorization.

- a) The Animal Control Officer or Police Constable, or any person authorized by this By-law to enforce the provisions contained herein may enter into the land surrounding any building without the consent of an owner in pursuit of any dog which has been observed running at large.
- b) the animal Control Officer or any other person authorized by this By-law may capture and impound any dog in respect of which he believes or has reasonable grounds to believe that an offence under this By-law is being or has been committed or any dog which is required to be impounded pursuant to the provisions of any Statue of Canada or of the Province of Manitoba or any regulation made thereunder.
- c) The Animal Control Officer shall be empowered to decide, based on the provisions set down in this By-law and by using his discretion, whether an animal has become a public nuisance.
- d) The R.C.M.P. and / or licensed Veterinary Surgeon shall be empowered, in their absolute discretion singly or together, to discharge any gun, firearm, pellet gun or other compressed air propellant, as the

case may be, in the course of their duties of enforcing this or any other section of this By-law.

- e) Any attempt to prevent or hinder the Animal Control Officer, the Police Constable or anyone authorized to act on their behalf while trying to impound any dog or cat shall constitute a breach of this By-law.

21. Penalties.

Any person convicted of a breach or infringement of any of the provisions of this By-law or amendments thereto, shall pay at the discretion of the convicting Magistrate or Judge, a fine, for each offence, not exceeding the sum of Five Hundred Dollars (\$500.00) in addition to costs and in the case of non-payment of fine, to imprisonment for a term not exceeding one month.

22. General Provisions.

This By-law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person as contained in the provisions of the Animal Husbandry Act, Chapter A90 of the continuing Consolidation of Manitoba Statutes and Amendments thereto.

23. By-Law 95-13 be hereby repealed.

24. This By-law shall come into force and effect on the date it receives third reading by Council.

DONE AND PASSED by the Council of the Town of Boissevain, assembled at Boissevain this 22<sup>nd</sup> day of January A.D., 2015.

MUNICIPALITY OF BOISSEVAIN-MORTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

Read a first time this 13<sup>th</sup> day of January A.D., 2015

Read a second time this 22<sup>nd</sup> day of January A.D., 2015

Read a third time this 22<sup>nd</sup> day of January A.D., 2015