

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4 – 07

Being a By-Law of the Rural Municipality of Rosser to provide for the regulation and control of dogs within the limits of the Rural Municipality of Rosser.

WHEREAS, the Municipal Act S.M. 1996, c. 58 – Cap. M225 (the “Act”) provides, in relevant part, as follows:

- 232 (1) A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people and 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.
- 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.
- 236 (1) Without limiting the generality of clause 236 (1) (o) (enforcement of By-Laws), a By-Law passed under that clause may include provisions
- (a) creating offences; and
 - (b) remedying contravention of By-Laws, including
 - (i) providing for procedures, including inspections, for determining whether By-Laws are being complied with; and
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence 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 offence, 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 (6) months for the commission of offences or non-payment of fines.

AND WHEREAS, The Animal Liability Act, S.M. 1998 c.8 provides, in part as follows:

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

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

AND WHEREAS, the Diseases and Dead Bodies Regulation, 338/88R of The Public Health Act, R.S.M. 1987 v.P210 provides, in part, as follows:

- 31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the medical officer of health or the Animal Control Officer of the Municipality in which the biting incident occurred or a peace officer of the details of the biting incident.
- 31(2) An Animal Control Officer or peace officer receiving a report pursuant to subsection (1) shall notify the medical officer of health of the details of the report at the earliest possible opportunity.

1.0 DEFINITIONS AND INTERPRETATION

1.1 By-Law Name

This By-Law may be referred to as the "Dog Control By-Law".

1.2 Definitions

In this By-Law, unless the context otherwise requires,

- a) **"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.
- b) **"CAO"** means the Chief Administrative Officer of the Rural Municipality of Rosser.
- c) **"Council"** means the Council of the Rural Municipality of Rosser.
- d) **"Current Rabies Vaccination"** means the Dog 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.
- e) **"Dog"** means any member of the genus *Canis familiaris* (domestic Dog).
- f) **"Municipality"** means the Rural Municipality of Rosser.
- g) **"Notice of Breach"** means a Notice issued pursuant to section 3(f) of this By-Law in the form attached hereto as Schedule "A".
- h) **"Owner"** includes any person who owns, keeps, harbours or has possession or control of a Dog, or who owns, leases or occupies, either solely or jointly with others, any premises containing the Dog or which contained the Dog immediately prior to an attack by the Dog or apprehension of the Dog by the Animal Control Officer of any other person.
- i) **"Person"** includes an individual, partnership, firm and/or corporation.
- j) **"Personal Residence"** means the structure or building within which an individual resides, but it shall not include the lands surrounding such buildings or structure nor any out buildings.

- k) **“Pound”** means any enclosure, premises or place, whether within or outside the Rural Municipality of Rosser, designated by Council for the impoundment and care of any Dog for the purpose of enforcing any provision of this By-Law.
- l) **“Pound-keeper”** 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 Pound-Keeper.
- m) **“Running-at-Large” or “Run at Large”** means, in relation to an animal, that the animal is not:
 - a) Under the direct, continuous control of a person by means of the Dog being on a leash and the person holding the leash must have the ability to effectively control the Dog; or
 - b) Securely confined within an Enclosure or securely fastened so that it is unable to roam at will.

1.3 Interpretation

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.

2.0 ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUND-KEEPER

2.1 Pound

Council may, by resolution passed at a regular meeting or at a special meeting called for the purpose:

- a) establish premises for the confinement of Dogs apprehended pursuant to any provisions of this By-Law;
- b) appoint a Pound-Keeper to carry out any provision of this By-Law;
- c) ratify an agreement respecting the above with a Pound-Keeper.

2.2 Pound-Keeper

The Council may appoint a Pound-Keeper who shall carry out such duties and shall be remunerated therefore as provided in the agreement appointing him, which duties shall include, without limiting the generality of the foregoing, the following;

- a) establishment of and maintenance of a Pound for the confinement of dogs apprehended pursuant to any provisions of the By-Law;
- b) apprehension and confinement of any Dog who has breached the provisions of this By-Law;
- c) care and protection of any dog during the period of its confinement after apprehension;
- d) destruction of any dog which is not claimed by its Owner or for which the Owner has not paid those costs chargeable to the Owner of a dog after its apprehension;
- e) to sell any dog which is not claimed by its Owner for an amount determined by the Pound-Keeper and any proceeds thereof shall be used to pay any costs incurred concerning the dog and any related fines, and the balance shall then be paid to the Municipality, however if an Owner comes forth subsequent to the dog being sold then any excess funds shall be paid to the Owner and not the Municipality

- f) collection and payment to the Municipality of the fines and costs collected from an Owner who claims a Dog which has been apprehended within the limits of the Municipality
- g) notification to the Owner of a Dog confined after apprehension in a form attached as Schedule “B”, and, where the Owner cannot be ascertained, preparation and posting in the general office of the Municipality for a period of fourteen (14) days a notice describing the Dog impounded, the date of its apprehension and confinement, and the date after which said Dog will be destroyed or sold unless claimed;
- h) preparation and delivery to Council of a report at such intervals as Council may require setting forth such information relating to his duties as may be required.

2.3 DOGS:

The Owner of a Dog shall be responsible for their Dog and shall not:

- (i) Permit their Dog to Run at Large within the limits of the Municipality. When a Dog is found Running at Large, its Owner shall be deemed to have failed to refused to comply with the subsections;
- (ii) Permit their Dog to bark or howl, or to act in any way which in the opinion of the Animal Control Officer unduly disturbs the quiet of any person or person in the Municipality. The Owner of any Dog whose Dog barks or howls, or acts in any way which in the opinion of the Animal Control Officer unduly disturbs the quiet of any person in the Municipality, is deemed to have failed or refused to comply with this paragraph;
- (iii) Permit their Dog to damage public or private property other than that of its 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 paragraph;
- (iv) Permit their Dog to pursue, bite or wound any person or animal. If a Dog has pursued, bit or wounded any person or animal, the Owner is deemed to have failed or refused to comply with this paragraph.

2.4 IMPOUNDING AND REDEMPTION

- a) Where a Dog is found Running at Large, the Pound-Keeper;
 - (i) may issue a warning to its Owner, advising of the breach of Clause 2.3 of this By-Law; or
 - (ii) apprehend and confine the Dog, and advise the Owner as soon as reasonably possible, of the fact of apprehension and confinement and provide the Owner with a Notice of Impoundment as per Schedule “B”.
- b) Where the Owner of a Dog apprehended and confined pursuant to this By-Law desires to reclaim the Dog, he shall pay to the Pound-Keeper applicable charges as follows:
 - (i) The sum of Seventy-five Dollars(\$75.00) the first time for the apprehension of the Dog; the sum of One Hundred and Fifty Dollars (\$150.00) the second time for apprehension of the Dog; the sum of Two Hundred and Fifty Dollars (\$250.00) for any subsequent apprehension of the Dog;
 - (ii) Any charges which may be imposed by the Pound-Keeper for boarding and travel;

- (iii) Veterinary expenses necessarily incurred for the Dog during its confinement.
- (iv) The owner of any Dog impounded must provide proof to the Pound-Keeper that such Dog has current rabies vaccinations and if such Dog does not have said vaccination then a veterinarian must attend upon the Pound and provide such rabies vaccination as determined by the Pound-Keeper to the Dog before the Dog is released.
- c) any Dog who has bitten any person in contravention of paragraph number 2.3 (iv) hereof, then all of the above charges mentioned in paragraph 2.4 b) hereof shall be doubled.
- d) Where the Owner of a Dog refuses to pay the costs hereinbefore mentioned, or where the Owner of a Dog can not be ascertained, within 72 hours of the Notice of Impoundment as provided in Clause 2.2 f) hereof, the Pound-Keeper may sell or destroy the Dog and dispose of the carcass in the manner directed by Council.

2.5 ENFORCEMENT:

a) Interference with Enforcement

No person shall interfere or attempt to obstruct a Pound-Keeper who is attempting to capture or who has captured any Dog in accordance with the provisions of this By-Law.

b) Right of Entry

- (i) The Pound-Keeper or any other person authorized by this By-Law to enforce provisions contained herein may enter into any lands or buildings in pursuit of any Dog which has been observed Running at Large.
- (ii) The Pound-Keeper 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 is in breach of this By-Law, or the provisions of any Statute of Canada, or the provisions of Manitoba or any regulation made thereunder.

c) Complaint Identification

A complainant must give to the Council, CAO or Pound-Keeper his or her name, address, and telephone number before any action will be taken to either impound a Dog or institute any legal proceedings.

d) Removing Collar or Tag Prohibited

No unauthorized person shall remove the collar or tag of any Dog.

e) General Penalties

- (i) A person who has been served with a Notice of Breach of this By-Law where their Dog has not been impounded may dispose of this matter attending at the Municipal Officer during regular office hours within fifteen (15) days of the date of the Notice and pay to the CAO of the Municipality the sum of Seventy-Five Dollars (\$75.00) for the first offence, the sum of One Hundred and Fifty Dollars (\$150.00) for the second offence, and the sum of Two Hundred and Fifty Dollars (\$250.00) for any subsequent offence, along with all other such charges that may have accrued as a result of the enforcement of this By-Law.
- (ii) Any Owner who contravenes or permits of contravention of any provision of this By-Law, or who fails, refuses or neglects to comply with the requirements of this By-Law is guilty of any offence, and is subject, upon conviction before a Justice of the

Peace or a Provincial Judge to a fine of not less than Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00) plus applicable cost.

f) General Provisions:

- (i) A Notice of Breach of By-Law in the form set for the in Schedule “A” to the By-Law shall be served by the Pound-Keeper to any Owner whose Dog is in breach of any provision of this By-Law and has not been apprehended.
- (ii) A Notice of Impoundment in the form set out in Schedule “B” to the By-Law shall be served by the Pound-Keeper to an Owner whose Dog is in breach of the By-Law and ahs been apprehended.

2.6 Liability

No liability shall attach to the Animal Control Officer, the Pound-Keeper, the Council, the Chief Administrative Officer, and/or Municipality by reason of their carrying out their respective duties under this By-Law or their failure to take any action under this By-Law, concerning any matter whatsoever whether it be personal injury and/or property damage. Without limiting the generality of the foregoing no liability shall attach to the Animal Control Officer, the Pound-Keeper, the Council, the Chief Administrative Officer, 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 apprehension of impoundment.

3. THAT By-Law No. 6 – 84 be and the same is hereby repealed.

DONE AND PASSED in Council assembled at the Council Chambers of the Rural Municipality of Rosser, in the Province of Manitoba this 26th day of June, 2007.

RURAL MUNICIPALITY OF ROSSER

Reeve

Chief Administrative Officer

Read a first time this 22 day of May 22, 2007

Read a second time this 12th day of June, 2007

Read a third time this 26th day of June 26, 2007

**SCHEDULE ‘A’
NOTICE OF BREACH
OF DOG CONTROL BY-LAW NO. 4 – 07
OF THE RURAL MUNICIPALITY OF ROSSER**

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

You are charged that on the _____ day of _____, 20__

you did unlawfully:

(strike out inapplicable statements)

a) as Owner, permit a Dog to run at large within the limits of the Rural Municipality of Rosser contrary to paragraph _____ of By-Law No. 4-07.

b) as Owner, _____

contrary to paragraph _____ of By-Law No. 4–07.

Disposition of this charge may be made by attending at the Municipal Office in Rosser during regular office offers and paying the appropriate fines, fees and or costs.

Dated at Rosser, Manitoba, this _____ day of _____, 20__.

Poundkeeper for the R. M. of Rosser

Office Use Only:

Poundkeeper notes:_____

Matter disposed of: _____
(date)

**SCHEDULE ‘B’
NOTICE OF IMPOUNDMENT
OF DOG CONTROL BY-LAW NO. 4 – 07
OF THE RURAL MUNICIPALITY OF ROSSER**

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

Description of Dog:

Breed _____

Colour _____

Other _____

Male _____

Female _____

Spayed/Neutered _____

Date of Apprehension: _____

Time of Apprehension: _____

Location Dog Apprehended: _____

Place of Impoundment: _____

Hours of Operation of Pound: _____

Phone Number of Pound: _____

Daily Pound Fee: _____

Impoundment Fee and/or Fine: \$ _____

Method of Payment Required: Cash ____ Cheque ____ Certified cheque ____

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

Date:

Animal Control Officer