

RIVERDALE MUNICIPALITY BY-LAW NO. 2023-09

BEING A BY-LAW TO REGULATE THE LICENSING, AND CONTROL OF CATS AND DOGS IN THE URBAN AREAS OF RIVERDALE MUNICIPALITY, SPECIFICALLY THE COMMUNITIES OF RIVERS, WHEATLAND, AND CHIMO.

WHEREAS Riverdale Municipality is empowered under *The Animal Care Act*, SM 1996 c.A84, under *The Animal Liability Act*, SM 1998 c.A95, and subsection 232(1)(k) of *The Municipal Act*, to pass by-laws regulate the keeping, and care of animals, including dogs and cats, by By-law;

AND WHEREAS subsection 232(1)(k) of *The Municipal Act* states in part as follows:

232(1) a council may pass by-laws for municipal purposes respecting the following matters:

(k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

AND WHEREAS it is deemed expedient and in the public interest to regulate and control dogs and cats in the urban areas of Riverdale Municipality, specifically the communities of Rivers, Wheatland, and Chimo;

NOW THEREFORE the Council of Riverdale Municipality, duly assembled, enacts as follows:

PART 1 – INTERPRETATION

Short Title

1.1 This by-law shall be known, and may be cited as, the “**Cat and Dog Control By-Law**”.

Definitions

1.2 In this By-Law:

“Animal” means any dog or cat.

“Animal Control Officer” means a person appointed or authorized by the Municipality to act on instructions from the CAO.

“CAO” means the Chief Administrative Officer of Riverdale Municipality.

“Cats” shall mean all species of the animal commonly known as cats and shall include the female as well as male of every age, breed, classification or mixture of breeds.

“Council” means the Council of Riverdale Municipality.

“Dog” shall mean all species of the animal commonly known as dog and shall include male or female, of every age, or any animal that is the result of the breeding of a dog and any other animal.

“Designated Officer” means an individual who is authorized to make decisions in the best interest of Riverdale Municipality for the Municipality.

“Dwelling Unit” means one or more rooms in a building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping, and sanitary facilities.

“Leash” A chain, rope, or strap not exceeding 1.5 meters in length, attached to the collar or harness of an animal, especially a dog, and used to lead it or hold it in check.

“Municipality” means Riverdale Municipality.

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“Running at Large” means a cat or a dog being on the streets, lanes, parks, or public places, in any school ground 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 but not under the complete control of any competent person.

“To Own” means to possess or harbour a dog.

“Owner” means any person who owns, possesses, has the care of, has control of, or harbours a dog and where the person is a minor, includes a person responsible for the custody of the minor.

“Dangerous Dog” means any dog found chasing or barking at any pedestrian, vehicle, or any other animal on a public thoroughfare. Also, any dog or cat which is guilty of biting or threatening to attack person(s) other than the owner.

1.3 Any term not defined herein shall have that meaning given in the *Municipal Act*.

Headings

1.4 The headings used in this by-law are inserted for reference purposes only and are not to be considered or taken into account in construing the by-law.

PART 2 – IMPOUND FACILITY AND ANIMAL CONTROL OFFICER

2.1 The Council of Riverdale Municipality is hereby authorized to establish access to a Pound Facility, and appoint an Animal Control Officer by resolution of Council.

PART 3 – LICENSING

3.1 No person or persons in occupation of the same dwelling unit or other premises shall own, possess, or harbour any more than two (2) dogs and two (2) cats over six (6) months of age.

3.2 The owner of every dog over six (6) months of age shall annually obtain a license from Riverdale Municipality, who shall, subject to section 3.8 and upon payment of the required license fee as set out in schedule “B” hereto, issue a license tag for such dog.

3.3 The owner of every cat over six months (6) of age shall annually obtain a license from Riverdale Municipality, who shall, subject to section 3.8 and upon payment of the required license fee as set out in schedule “B” hereto, issue a license tag for such cat.

3.4 The owner shall place and keep around the neck of every dog and cat a collar which shall be securely fastened with the current year’s license in accordance with section 3.2 and/or 3.3.

3.5 Where the license tag for any dog or cat becomes lost or stolen, Riverdale Municipality may issue a new license tag upon production of the receipt issued for the current year’s license and payment of a replacement fee as set out in schedule “B” hereto.

3.6 Said license is not transferrable from one animal to another and no refund shall be made on any paid licensed dog or cat license fee because of the death or sale of the dog or cat, or upon the owner leaving Riverdale Municipality before expiration of the license period.

3.7 Riverdale Municipality shall keep record of all cat and dog licenses imposed and tags issued under the provisions of this by-law showing the name of the owner, animal, and the number of the tag issued in respect to each animal and shall account for monies received as *Cat and Dog Licenses*.

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Vaccination Against Rabies

3.8 Every cat and dog over the age of 3-months shall be vaccinated against rabies, which vaccinations shall be applied again at 1 year, and shall be repeated at intervals of not more than one year. Every owner, possessor, or harbourer of any cat or dog, who applies for a license must show proof of vaccination at the time of licensing.

3.9 An exception to the above will be made by the production of a statement in writing for a License Veterinary Surgeon stating that the cat or dog, for medical reasons cannot be vaccinated for rabies or that the scheduled vaccination routine should be varied.

PART 4 - RABID DOGS

Diseased Dogs

4.1 The designated officer may, without notice to or complaint against the owner, instruct the Animal Control Officer to destroy or seize and impound a dog that is, or appears to be, rabid or exhibiting symptoms of canine madness.

Seizure & Impoundment

4.2 When a dog is impounded under this clause, the designated officer shall consult with a veterinarian or other qualified person, to confirm that the dog is in fact rabid or suffering from canine madness and, if so, the dog may be destroyed.

4.3 If a dog impounded under this clause is found not to be rabid or suffering canine madness, it shall be dealt with under Part 9.

4.4 All fees as set out in Schedule "A" shall apply.

PART 5 - FIERCE OR DANGEROUS DOGS

Dogs that Attack or Bite

5.1 A dog is fierce or dangerous within the meaning of this section if it has attacked or bitten a person or domestic animal.

5.2 An Animal Control Officer shall seize, impound or destroy a dog that is fierce or dangerous provided that such a dog may be released where the officer is satisfied that, at the time of the attack or the biting if:

5.2.1 The dog was being tormented or abused by a person or animal;

5.2.2 The dog was acting in defense of itself or a person; or

5.2.3 The dog was acting as a trained guard dog or for law enforcement purposes; and the designated officer is satisfied that the public safety would not be endangered by failing to seize the dog.

5.3 Notwithstanding any provision to the contrary:

5.3.1 Every impounded dog which has bitten any person, whether the skin was directly punctured or lacerated or not, shall be placed in quarantine by the Animal Control Officer and confined separate and apart from other dogs;

5.3.2 Every dog so quarantined shall be kept by the Animal Control Officer, at the owner's expense, for a period of ten days commencing from the date of incident, or until a definite diagnosis that the animal does, or does not, have rabies can be confirmed by a licensed Veterinary Surgeon;

5.3.3 Every dog so quarantined which dies during confinement period shall have its head submitted to a licensed Veterinary Surgeon for rabies examination.

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Dogs known to be Fierce or Dangerous

5.4 A dog is fierce and dangerous within the meaning of this section where it has a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals, or where it approaches any person in a vicious or terrorizing manner in an apparent attitude of attack.

5.5 A dog that is fierce or dangerous shall be kept in a fenced area or other enclosure suitable to prevent the dog from escaping, or from attacking or biting a person or animal located outside of the area or enclosure, and when such a dog is removed from the said enclosure it shall be securely muzzled and kept under control with a leash.

5.6 A dog that is fierce or dangerous within the meaning of section 5.4, and which is not maintained or controlled in accordance with section 5.5 may be seized and impounded by the dog control officer.

5.7 Any person who fails to maintain and control a dog as required by this section commits an offence and is subject to the penalties prescribed in section 10.1 and 10.2.

PART 6 -ANIMALS RUNNING AT LARGE

Control of cats or dogs

6.1 No dog shall be permitted to leave the premises of its owner, unless it is under the effective restraint of a leash and in the control of a competent person in charge thereof.

6.2 A cat or dog shall be deemed to run at large where it is on any private property or premises without the permission of the owner or occupant thereof.

Penalty

6.3 The owner of a cat or dog which runs at large contrary to section 6.1 commits an offence and is subject to the penalties prescribed in section 10.1 and 10.2.

Seizure and Impoundment

6.4 The designated officer may order the Animal Control Officer to seize and impound any cat or dog found running at large or which, on reasonable and probable grounds, they believe were/are running at large.

Exception

6.5 It shall not be an offence under section 6.4, and a dog shall not be subject to seizure under Part 8, if the dog is:

6.5.1 Participating in an organized hunt, organized dog exhibition or dog field trails;

6.5.2 Participating in a search or rescue operation or police operation; or

6.5.3 Working on a farm so long as the dog is under the continuous and effective control of its owner or another person.

PART 7 – ANIMALS CAUSING DISTURBANCE

Disturbance

7.1 No cat or dog shall be permitted to persistently disturb the quiet of a neighborhood by barking, howling or otherwise.

7.2 The designated officer may issue a written warning to the owner or keeper of a cat or dog which disturbs the quiet of a neighborhood by barking, howling or otherwise, giving notice that continued disturbance may result in the seizure and impoundment of the animal and, if the animal continues to cause such disturbance following service of the warning, that disturbance shall be deemed to be persistent under this section, provided

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that persistent disturbance of a neighborhood by a cat or dog may be proved otherwise than by issuance of a warning under this paragraph.

Teasing, Enticing Prohibited

7.3 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 for breach of this by-law.

Seizure & Impoundment

7.4 The designated officer may order the Animal Control Officer to seize and impound a cat or dog which disturbs the quiet of a neighborhood within the meaning of this part.

PART 8 – REVIEW

Review Body

8.1 A Review under this part shall be conducted by Council, or by such committee of Council as may from time to time be designated by resolution of Council for that purpose.

Application for Review

8.2 The owner of an animal, or any person authorized in writing by the owner, may apply to the designated officer for a review of the following matters under this by-law;

8.2.1 Whether a dog that has been seized under section 5.2 falls within the exceptions set out therein;

8.2.2 Whether a dog falls within the definition of a fierce or dangerous dog

8.3 An application under this section shall be in writing in Form "A", and shall be filed with the designated officer within 72 hours of the seizure of a dog under the relevant provision, provided that an application under subsection 8.2.1 may be made at any time in regard to a dog that has not been seized.

8.4 The designated officer upon receiving an application for review shall refer the matter to Council or the designated committee of Council, as the case may be, which shall convene a meeting within 7 days.

Hearing

8.5 At the meeting referred to in section 8.4, the owner or the owner's representative, the designated officer or the Animal Control Officer shall be given an opportunity to be heard.

Decision

8.6 At the conclusion of the meeting, or within 72 hours thereafter, Council or the committee shall render a decision in writing in regard to an application for review.

8.7 A decision under this section shall indicate whether or not the dog or cat in respect to which the application was made, is within the section of this by-law an issue, and shall be binding.

8.8 Nothing in this Part shall prevent the designated officer from acting on new information in regard to a dog, or the behavior of a dog subsequent to a review.

PART 9 - IMPOUNDED ANIMALS

Destruction of Certain Animals

9.1 The designated officer shall destroy, or cause to be destroyed, any impounded dog;

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- 9.1.1** Which is found to be suffering from rabies or canine madness;
9.1.2 That has bitten or attacked a person or domestic animal and is not a dog described in section 5.2;

provided that, where a dog described in subsection 9.1.2 is the subject of an application for review under Part 8, it shall be held until the completion of that review.

Holding Animals

9.3 The designated officer shall, if the owner is known, attempt to contact the person to advise as to the impoundment of the cat or dog. The owner of any cat or dog impounded may redeem said animal from Animal Control or the Pound within seventy-two hours if they are in compliance with section 9.4.

Releasing Animals

9.4 Where animal has been impounded under section 5.4, or where the designated officer is not satisfied that releasing the animal under section 5.2 would be conducive to public safety, the officer may require the owner to provide a written description of measures that will be taken to ensure that the cat or dog is properly controlled, and an undertaking to carry out those measures, and upon receipt of that description and undertaking, as well as seizure and impoundment fees, the officer may release the cat or dog.

9.5 The designated officer may refuse to release a cat or dog that has been previously seized under this by-law (or pursuant to any previous by-Law) two or more times, and may deal with the animal under section 9.10.

9.6 The designated officer may refuse to release a cat or dog unless ownership has been established to the satisfaction of the designated officer.

9.7 Proof of current vaccination against rabies must be provided within 14 days of release.

9.8 All fees as set out in Schedule "A" shall apply and payment shall be received before the cat or dog is released to owner.

Offence

9.9 An owner who fails to comply with an undertaking given under section 9.4 commits an offence and the dog shall be seized and impounded.

Disposal of animals

9.10 Where an impounded cat or dog;

9.10.1 Has not been claimed, or had the required fees paid, within 72 hours of seizure;

9.10.2 Has not been released under sections 9.5, 9.6, 9.7, 9.8; or

9.10.3 Has been seized and impounded under section 9.9

and any application for review under Part 8 in respect of the animal has been heard and rejected, the designated officer may authorize the Animal Control Officer, or any person to sell, destroy or otherwise dispose of the animal.

9.11 Where a cat or dog is destroyed under this by-law, the means used shall be humane.

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PART 10 - PENALTIES & GENERAL

Punishment

10.1 A person convicted of an offence under this by-law shall be liable to pay a fine of not more than \$10,000 and not less than \$300 and, in default of payment, shall be liable to serve a term of imprisonment for a period not exceeding 30 days.

Payment in lieu of prosecution

10.2 A person who has contravened any part of this by-law may offer to pay to the Municipality the sum of \$100.00 to avoid prosecution and, if the Municipality agrees to accept that payment, and the payment is made, that person will not be prosecuted for the contravention.

Access to property

10.3 While pursuing any cat or dog in accordance with this By-Law, the Animal Control Officer may pass over the land of any person, but this section is not to be construed so as to provide immunity against action for actual damage to the property of any person.

Liability

10.4 No liability shall attach to the CAO, Designated Officer, Animal Control Officer, and/or Riverdale Municipality for any dog or cat destroyed or injured while being captured or during impoundment.

10.5 All By-Laws heretofore passed by Riverdale Municipality in connection with the licensing, controlling and regulating of dogs and cats within Riverdale Municipality are hereby repealed.

DONE AND PASSED by the Council of Riverdale Municipality duly assembled in the Province of Manitoba this 20th day of June, A.D., 2023.

Mayor – Heather Lamb

Chief Administrative Officer

Read a first time this	<u>6th</u>	day of	<u>June</u>	A.D.	<u>2023</u>
Read a second time this	<u>20th</u>	day of	<u>June</u>	A.D.	<u>2023</u>
Read a third time this	<u>20th</u>	day of	<u>June</u>	A.D.	<u>2023</u>

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FORM "A"

Application for Review

I, _____ hereby apply for a review in regard to a dog
under the following provision of the Cat and Dog Control By-Law 2023-05 of RIVERDALE
MUNICIPALITY:

_____ Section 5.2 - Whether the dog that has attacked or bitten is within the
exceptions provided.

_____ Section 5.4 - Whether the dog is fierce or dangerous as defined therein

Provide, and affix as a schedule, a brief account of the basis for the application, attaching
copies of any documents or other material upon which you intend to rely.

Date: _____

**Signature of Owner or Owner's
authorized representative.**

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SCHEDULE "A"

AMOUNT TO BE PAID TO RIVERDALE MUNICIPALITY BY OWNER OF ANIMAL IN ORDER TO RECLAIM OR DESTROY THE ANIMAL

<u>DESCRIPTION</u>	<u>AMOUNT</u>
1. Impoundment Fees (Town of Rivers)	\$ 20.00
2. Fierce or Dangerous Dog Impoundment Fee	\$ 100.00
3. Isolate suspected rabies infected dog	\$ 100.00
4. Care and sustenance (per day or portion there of including the day of impoundment)	\$ 20.00
5. Veterinary Fees for Tranquilizing	amount expended + 15%
6. Destruction and Disposal of Animal by Veterinarian	amount expended + 15%
All fees subject to GST	

SCHEDULE "B"

AMOUNT TO BE PAID TO RIVERDALE MUNICIPALITY BY OWNER OF ANIMAL IN ORDER TO LICENSE. PROOF OF VACCINATION ARE REQUIRED AT THE TIME OF LICENSING ANIMAL.

<u>DESCRIPTION</u>	<u>AMOUNT</u>
1. Dog & Cat Neutered/Spayed	\$ 10.00
2. Dog & Cat NOT Neutered/Spayed	\$ 25.00
3. Impounded Dog/Cat NOT Licensed (neutered/spayed) – includes license	\$ 25.00
4. Impounded Dog/Cat NOT Licensed (Not neutered/spayed) – includes license	\$ 40.00
5. Replacement Tag Fee	\$10.00
All fees subject to GST	

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**NOTICE OF IMPOUNDMENT
FOR RIVERDALE MUNICIPALITY**

Owner:

(Name and Address of Owner of animal)

Description of Animal:

Date of Apprehension:

Time of Apprehension:

Location Animal Apprehended:

Reason for Impoundment: _____

Place of Impoundment:

Hours of Operation of Pound:

Phone No. of Pound:

Daily Pound Fee:

Duration of Impoundment: _____

Impoundment Fee and/or Fine:

License Fee:

Method of Payment Required:

Day the animal will be sold or destroyed:

Date: _____

Chief Administrative Officer

Signature:

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**RELEASE OF IMPOUNDED ANIMAL
FOR RIVERDALE MUNICIPALITY**

Date of release:

Fees paid: Impoundment: \$ _____

Fine: \$ _____

Care @ \$20.00 per day: \$ _____

Other: \$ _____

Total \$ _____

Animal released to:

I _____ hereby acknowledge receipt of the animal impounded.

Signed: _____