

# RURAL MUNICIPALITY OF DALY

## BY-LAW NO. 2007-07

### A By-Law Respecting the Control and Regulation of Cats and Dogs

WHEREAS the Rural Municipality of Daly 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 regulate the keeping of animals, including dogs and cats, by By-law;

AND WHEREAS subsection 232(1)(k) of *The Municipal Act* state 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 Rural Municipality of Daly;

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

#### PART 1 – INTERPRETATION

##### Short Title

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

##### Definitions

2. (1) In this By-Law:

“Animal” means any dog or cat.

“CAO” means the Chief Administrative Officer of the Rural Municipality of Daly.

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

“Council” means the Council of the Rural Municipality of Daly.

“Dog” means any dog, male or female, of any age, or any animal that is the result of the breeding of a dog and any other animal.

“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.

“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.

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

“Municipality” means the Rural Municipality of Daly.

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

### **Headings**

3. 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**

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

## **PART 3 - RABID DOGS**

### **Diseased Dogs**

4. The CAO 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**

5. (1) When a dog is impounded under this clause, the CAO 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 shall be destroyed.

(2) If a dog impounded under this clause is found not to be rabid or suffering canine madness, it shall be dealt with under Part 8.

(3) All fees as set out in Schedule “A” shall apply.

## **PART 4 - FIERCE OR DANGEROUS DOGS**

### **Dogs that Attack or Bite**

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

(2) An Animal Control Officer shall seize, impound or destroy a dog that is fierce or dangerous within the meaning of subsection (1), provided that such a dog may be released where the officer is satisfied that, at the time of the attack or the biting if:

- (1) The dog was being tormented or abused by the person or animal;
- (2) The dog was acting in defense of itself or a person; or
- (3) The dog was acting as a trained guard dog or for law enforcement purposes; and the CAO is satisfied that the public safety would not be endangered by failing to seize the dog.

(3) Notwithstanding any provision to the contrary:

- (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;
- (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;
- (3) Every dog so quarantined which dies during confinement period shall have its head submitted to a licensed Veterinary Surgeon for rabies examination.

**Dogs known to be Fierce or Dangerous**

7. (1) 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.

(2) A dog that is fierce or dangerous within the meaning of subsection (1) 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.

(3) A dog that is fierce or dangerous within the meaning of subsection (1), and which is not maintained or controlled in accordance with subsection (2) may be seized and impounded by the dog control officer.

(4) 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 Part 9 sections 22 and 23.

**PART 5 - ANIMALS RUNNING AT LARGE**

**Control of cats or dogs**

8. (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.

(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**

22 (9) The owner of a cat or dog which runs at large contrary to section 8 commits an offence and is subject to the penalties prescribed in Part 9, section and 23.

**Seizure and Impoundment**

9. The CAO 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, he believes was running at large.

**Exception**

10. It shall not be an offence under section 9, and a dog shall not be subject to seizure under section 17, if the dog is:

- a) Participating in an organized hunt, organized dog exhibition or dog field trails;
- b) Participating in a search or rescue operation or police operation; or
- c) Working on a farm;

if, at the time, the dog is under the continuous and effective control of its owner or another person.

**PART 6 – ANIMALS CAUSING DISTURBANCE**

**Disturbance**

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

or  
the  
to  
provided  
may be  
paragraph.

(2) The CAO 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 otherwise, giving notice that continued disturbance may result in seizure and impoundment of the animal and, if the animal continues cause such disturbance following service of the warning, that disturbance shall be deemed to be persistent under this section, that persistent disturbance of a neighborhood by a cat or dog proved otherwise than by issuance of a warning under this paragraph.

**Seizure & Impoundment**

12. The CAO 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 7 – REVIEW**

**Review Body**

13. 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**

14. (1) The owner of a dog, or any person authorized in writing by the owner, may apply to the CAO for a review of the following matters under this by-law;

a) Whether a dog that has been seized under subsection 6(2) falls within the exceptions set out therein;

b) Whether a dog falls within the definition of a fierce or dangerous dog under section 7(1);

(2) An application under this section shall be in writing in Form "A", and shall be filed with the CAO within 72 hours of the seizure of a dog under relevant provision, provided that an application under paragraph (1) may be made at any time in regard to a dog that has not been seized. the (b)

(3) The CAO, 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**

15. At the meeting referred to in section 14 (3), the owner or the owner's representative, the CAO and the Animal Control Officer shall be given an opportunity to be heard.

### **Decision**

16. (1) 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.

(2) A decision under this section shall indicate whether or not the dog in respect of which the application was made is within the section of this by-law in issue, and shall be binding upon the CAO.

(3) Nothing in this Part shall prevent the CAO from acting on new information in regard to a dog, or the behavior of a dog subsequent to a review.

## **PART 8 - IMPOUNDED ANIMALS**

### **Destruction of Certain Dogs**

17. The CAO shall destroy, or cause to be destroyed, any impounded dog;

a) Which is found to be suffering from rabies or canine madness;

b) That has bitten or attacked a person or domestic animal and is not a dog described in subsection 6(2);

provided that, where a dog described in paragraph (b) is the subject of an application for review under Part 7, it shall be held until the completion of that review.

### **Holding Animals**

18. Any other cat or dog impounded under this by-law shall be held for a minimum of 72 hours. The CAO shall, if the owner is known, attempt to contact the person by telephone to advise as to the impoundment of the cat or dog.

### **Releasing Animals**

19. (1) Where a dog has been impounded under section 7, or where the CAO is not satisfied that releasing a dog under subsection 6(2) would be conducive to public safety, the officer may require the owner to provide him with a written description of measures that will be taken to ensure that the 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 dog.
- (2) The CAO 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 21.
- (3) The CAO may refuse to release a cat or dog unless ownership has been established to the satisfaction of the CAO.
- (4) Proof of current vaccination against rabies must be provided within 14 days of release.
- (5) All fees as set out in Schedule "A" shall apply and payment shall be received before animal is released to owner.

**Offence**

20. An owner who fails to comply with an undertaking given under subsection 19(1) commits an offence and the dog shall be seized and impounded.

**Disposal of animals**

21. (1) Where an impounded cat or dog;

- (a) Has not, been claimed, and the required fees paid, within 72 hours of seizure;
- (b) Has not been released under subsections 19(2)(3)(5); or
- (c) Has been seized and impounded under section 20;

and any application for review under Part 7 in respect of the animal has been heard and rejected,

the CAO may authorize the Animal Control Officer , or any person to sell, destroy or otherwise dispose of the animal.

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

**PART 9 - PENALTIES & GENERAL**

**Punishment**

22. 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 of not exceeding 30 days.

**Payment in lieu of prosecution**

23. 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**

24. 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**

25. No liability shall attach to the CAO, Animal Control Officer, and/or the Rural Municipality of Daly for any dog or cat destroyed or injured while being captured or during impoundment.

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

27. This By-Law shall become effective on the date that it is done and passed.

DONE and PASSED as a By-Law of the Rural Municipality of Daly at the Town of Rivers in the Province of Manitoba this 13<sup>th</sup>, day of November, 2007.

RURAL MUNICIPALITY OF DALY

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 09<sup>th</sup>, day of October 2007.  
Read a second time this 13<sup>th</sup>, day of November 2007.  
Read a third time this 13<sup>th</sup>, day of November 2007.

**FORM "A"**

**Application for Review**

I, \_\_\_\_\_ hereby apply for a review in regard to a dog  
under the following provision of the Dog By-Law 2007-07 of the Municipality of Daly:

\_\_\_\_\_ Subsection 6(2) - Whether the dog that has attacked or bitten is within the  
exceptions provided.

\_\_\_\_\_ Subsection 7(1) - 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.***



**SCHEDULE "A"**

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

<u>DESCRIPTION</u>	<u>AMOUNT</u>
1. Impoundment Fees	\$ 50.00
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
6. Destruction and Disposal of Animal by Veterinarian	\$ 200.00

**NOTICE OF IMPOUNDMENT  
FOR MUNICIPALITY OF DALY**

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: Lorne Green

Signature: \_\_\_\_\_

**RELEASE OF IMPOUNDED ANIMAL**

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: \_\_\_\_\_