



RURAL MUNICIPALITY OF DUFFERIN
BY LAW NO. 2003
Animal Control By-Law

BEING a by-law of the Rural Municipality of Dufferin to provide for the regulation and control of animals within the limits of the Rural Municipality of Dufferin;

PART I – AUTHORITY

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

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

Exercising By-law-making powers

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.

AND WHEREAS subsection 236(1) of the Act provides, in relevant part, as follows:

Content of by-laws under clause 232 (1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a bylaw passed under that clause may include provisions;

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, 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 by-law,
 - (iii) providing that an amount owing under subclause (i) 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 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.

By-law does not limit owner's liability

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

Municipality or LGD not liable by reason only of making By-law

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

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 Administration 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.

NOW THEREFORE the Council of the Rural Municipality of Dufferin, in Council assembled hereby enacts as follows:

PART II: DEFINITIONS AND INTERPRETATION

By-law Name

1(1) This By-law may be referred to as the "Animal Control By-law".

Definitions

1(2) In this By-law, unless the context otherwise requires:

“administration” means the Administration of the Rural Municipality of Dufferin.

"aggressor animal" shall have the meaning ascribed thereto in section 8 of this By-law.

"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.

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

"Council" means the council of the Rural Municipality of Dufferin.

“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 at regular intervals not exceeding three years.

"dangerous animal" means any dog or cat that has on at least one occasion, worried, attacked, injured 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 By-law.

"dog" means any member of the genus *Canis familiaris* (domestic dog).

"livestock" means:

(a) animals kept for the purpose of:

- (i) production of meat,
- (ii) production of other products from the animals, or
- (iii) protection of livestock or draft work, and breeding stock of such animals;

(b) 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

(c) any other animal determined by the animal control officer to be livestock for the purposes of this By-law; whether or not intended for profit and including, without limitation:

(d) dairy cattle and beef cattle, goats, sheep, bison and horses;

(e) swine (including, wild boar);

(f) all cervids on game production farms;

(g) all of the family Camilidae (including, Llamas and Alpacas);

(h) all domestic poultry (including, chickens, turkeys, ducks and geese);

(i) specialty fowl (including, guinea fowls); and

(j) any other animals that are of a species or kind prescribed as livestock in the

regulations pursuant to *The Animal Liability Act*.

"owner" includes any person who owns, keeps, harbors 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.

"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 By-law.

"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 as set out in section 2 of this By-law.

"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.

"Municipality" means the Rural Municipality of Dufferin.

Interpretation

1(3) 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.

PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL

OFFICER AND POUNDKEEPER

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 By-law, or the Council may enter into an agreement with any person (including with any other Municipality, city or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Municipality shall be paid out of the general funds of the Municipality.

Appointment of animal control officer

2(2) Council may appoint one or more persons as animal control officer(s) to carry out the enforcement of this By-law. The animal control officer(s) so appointed may be appointed on a temporary or permanent basis and shall be paid out of the general funds of the Municipality.

Appointment of pound keeper

2(3) Council may appoint one or more persons as pound keeper(s) to carry out the duties of the pound keeper set out in this By-law. The pound keeper(s) so appointed may be appointed on a temporary or permanent basis and shall be paid out of the general funds of the Municipality.

Common animal control officer and pound keeper

2(4) At the discretion of Council, the animal control officer may also serve as pound keeper, and vice versa.

Duties of the animal control officer

2(5) It shall be the duties of the animal control officer:

(a) To apprehend and confine at the pound, any animal running at large within the Municipality that is contrary to the provisions of this By-law.

(b) To apprehend and confine any dog or cat which is running at large within the Municipality that is contrary to the provisions of this By-law, or which is kept or harbored 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.

(c) To make reasonable attempt to notify the owner of every animal impounded if the identify 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, 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 or Administration 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.

(d)The animal control officer or pound keeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality, provided however that if the animal control officer or the pound keeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.

(e) Notwithstanding anything contained in this By-law, where a licensed veterinarian certified in writing that, in his opinion, a dog in the custody of the animal control officer or pound keeper is so seriously injured or sick that it would be cruel to allow it to live, the animal control officer or pound keeper may cause the dog to be destroyed forthwith.

(f) To enforce the provisions of this By-law.

Duties of pound keeper

2(6) 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 record 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 order and breed of the animal);

(ii) the day and hour of its impoundment;

(iii) day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;

(iv) name and address of the owner (being the person to whom the animal was sold or released).

(v) the amount and particulars of all fees, fines and other charges to be invoiced, to be provided to the Administration of the Municipality for collection.

(vi) other particulars as the Chief Administrative Officer of the Municipality shall direct from time to time.

(d) To keep any impounded dog or cat for a minimum period of:

(i) four (4) days, which shall include the day of impoundment but shall exclude Saturdays, Sundays and any statutory holidays during which the pound is closed to the public, or

(ii) where the Municipality 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 Municipality.

(e) If, after expiration of the minimum period of impoundment set out in paragraph (e), a dog or cat 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 fees accrued in respect of the impounded animal as set forth in this By-law, unless such fees are otherwise waived by the Municipality or by the pound keeper on the express authority of the Municipality; or

(ii) cause the impounded animal to be humanely destroyed; unless the Municipality, 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) or until expiry of the extended period of impoundment, before it is humanely destroyed.

(f) The Municipality 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), (f) and (g) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the pound keeper is a private party under contract with the Municipality, the pound keeper shall observe all of the terms and conditions of the contract with the Municipality. Where it is permitted

under the contract with the Municipality, the pound keeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and fees, provided however that the pound keeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the pound keeper.

(g) 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 absent of rabies after fourteen (14) days quarantined, it can be released to the owner. If the animal dies within fourteen (14) days the dead animal shall be taken to a licensed veterinarian for further examination. If a dog or cat has rabies it shall be destroyed by a licensed veterinarian and the diagnosis confirmed. Any dog or cat that bites or scratches a human being shall be quarantined alive for fourteen (14) days at the owner's expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

PART IV: DOGS and CATS

Rabies Vaccination

3(1) 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, and may charge the owner with an offense under this By-law.

Redemption

4(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 be redeemed within four (4) days of the apprehension and impoundment excluding Saturdays, Sundays and any statutory holidays during which the pound is closed to the public, by applying to the Administration for redemption and paying:

- (a) the impoundment fee as set out in the most recent "Fees and Charges By-law";
- (b) the pound fee calculated in accordance with the most recent "Fees and Charges By-law";
- (b) all outstanding fines, damages or costs relating to the impounded animal.

4(2) The owner may appeal the apprehension and/or impoundment of any dogs and/or cats to the Council by notice of appeal in writing delivered to the Chief Administrative Officer of the Municipality within three (3) days of the apprehension (excluding Sundays and Statutory holidays during which the pound is closed to the public). Council shall hear this appeal 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 charged to the owner under this By-law, recover the said animals.

Responsibility of Owners Regarding Dogs

5(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 or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.
- (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 his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbors.
- (e) permit their dog to damage public property or private property other than that of the 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 subsection.
- (f) own, keep, harbor or have possession or control of any dog determined to be a dangerous animal.
- (g) permit their dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.
- (h) permit their dog on any school ground or playground.
- (i) permit their dog on public property (including parkland area) unless the dog is on a leash, which lease shall be no longer than six (6) feet in length fully extended and the dog is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which dogs are not required to be on a leash.
- (j) permit their dog to litter or upset waste receptacles and/or scatter the contents thereof in or about a street, lane or other public or private property.

5(2) 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 5(1)(h) and (i).

Dogs

6(1) Subject to subsection 6(2) and the provisions of section 6, the owner of a dog shall not permit the dog to be outside of the owner's premises unless:

- (a) the dog is on a leash that is less than six (6) feet in length fully extended; and
- (b) the dog is under the immediate charge and effective control of a person competent to control it.

6(2) 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, 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.

Cats

6(3) Subject to subsection 6(4), the owner of a cat shall not permit the cat to be outside of the owner's premises unless the said cat is under the immediate charge and effective

control of a person competent to control it.

6(4) 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, 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.

6(5) Any person who fails to comply with the terms and conditions set out in this section 6 shall be guilty of an offense under this By-law.

Maximum Number of Dogs or Cats

7(1)

(a) Within areas of the Municipality defined as General Development Zones, Rural Residential Zones, and Parks and Recreation Zones, no person shall own, harbor, keep or have in their possession or control or on their premises, more than two (2) dogs over the age of six (6) months, regardless of the number of people who may be inhabiting the premises.

(b) Within areas of the Municipality defined as General Development Zones, Rural Residential Zones, and Parks and Recreation Zones, no person shall own, harbor, keep or have in their possession or control or on their premises, more than two (2) cats over the age of four (4) months, regardless of the number of people who may be inhabiting the premises.

PART V: DANGEROUS ANIMALS

8(1) The Royal Canadian Mounted Police and/or a licensed veterinarian 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.

Animal Bites

8(2) The animal control officer:

(a) shall apprehend, impound and place in quarantine any dog, cat or animal that they have reason to believe has bitten a person if, in their discretion, such action in respect of the animal is necessary for the protection of the public; (in either case, the "aggressor animal"), whether on private premises or elsewhere, 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.

8(3) 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.

8(4) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 8(10) herein, be quarantined for a minimum of fourteen (14) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").

8(5) The animal control officer, authorized by Council in their discretion, may 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 direct supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.

8(6) Subject to a determination by the Council of the RM of Dufferin, pursuant to subsection 8 (9) 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 Administration at the office of the RM of Dufferin of a pound fee calculated at the daily rate set out in the most recent "Fees and Charges By-law" 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, or otherwise disposed of, or destroyed at the discretion of the Council.

8(7) The animal control officer shall keep a record of all bite incidents, 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.

8(8) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 8 (9) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.

8(9) Every aggressor animal shall be examined by a licensed veterinarian or have a professional Behavioral Assessment conducted, approved by the animal control officer, 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 Council of the RM of Dufferin based upon the following factors:

- (a) the medical report of the licensed veterinarian, and/or the assessment by the Behavioral Assessor who has examined the aggressor animal;
- (b) whether or not the public health authorities are prepared to consent to the release of the aggressor animal;
- (c) the severity of the bite 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;
- (e) 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.

8(10) Notwithstanding the provisions of subsection 8(4) herein, it shall be within the

discretion of the Council of the RM of Dufferin 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 "*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 Council, and shall report the results of any such veterinary examination to Council;
- (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 any costs associated with liability to the victim or victims of the bite incident;
- (e) such other conditions as the Council of the RM of Dufferin may deem necessary or advisable in the interests of public safety.

Determination that an animal is a dangerous animal

9(1) Where the Council of the RM of Dufferin has reason to believe that an animal, including but not limited to an aggressor animal under section 8, is a dangerous animal, a hearing shall be arranged before Council at a regularly scheduled or special meeting of Council to determine whether or not the said animal should be declared a dangerous animal. In the event that an owner voluntarily accepts the dangerous animal declaration, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

9(2) Where it is deemed necessary by the Council of the RM of Dufferin to protect the public or other animals pending the decision of Council, it may:

- (i) require that the animal be quarantined in the pound until the earlier of the date that Council determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
- (ii) may impose all or any of the conditions set out in subsection 8(10) of this By-law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that Council determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

9(3) Council shall provide written notice of the hearing to the owner of the animal at least five (5) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. The notice shall include the following minimum information:

- (a) the time, place and purpose of the hearing;
- (b) a summary of the reasons in support of the allegation that the animal is dangerous;
- (c) a copy of this section 9 of the By-law; and
- (d) a statement that if the owner does not attend the hearing, the matter will be dealt

with in their absence and that they will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

9(4) (a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on their behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing and to inspect any documents filed by or on behalf of the animal control officer, and to respond to same.

(b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this section 9, Council shall be entitled to deal with the matter in their absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in subsection 9(3) hereof.

9(5) Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:

(a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion:

(i) the animal has caused injury to or killed a person, whether on public or private property; or

(ii) the animal has seriously injured or killed any other domestic animal or any livestock without provocation; or

(iii) the animal is used primarily for the purpose of guarding property and is not a police service dog owned by a public law enforcement agency.

(b) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is a material risk that the animal may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:

(i) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;

(ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and

(iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.

9(6) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 9(3). There shall be no obligation upon Council to issue written reasons for their decision.

9(7) The decision of Council shall be final. There shall be no appeal from the decision of Council. The owner shall be responsible for any and all costs incurred.

9(8) Every owner who has received notification from Council pursuant to subsection 9(3) that a determination hearing will be held with respect to their animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.

9(9) Subsection 9(8) shall not apply if the animal is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

Consequences of dangerous animal declaration

9(10) Where Council has declared an animal to be a dangerous animal the dangerous animal shall be destroyed. The decision of Council shall be final and not subject to appeal.

Destruction of dangerous animal or aggressor animal

9(11) Where it appears on reasonable grounds that an aggressor animal has caused injury or damage to any person, property or any other animal or if Council otherwise has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the animal control officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the animal control officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.

PART VI: LIVESTOCK

10(1) The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural and as permitted by the Municipality's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock, which may be kept on any such premises within the Municipality, and it shall be an offense under this By-law to keep any livestock in excess of the prescribed number and kind.

10(2) An owner shall not permit their livestock to run at large within the Municipality. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-law.

10(3) Council, or the animal control officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The Chief Administrative Officer of the Municipality may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.

10(4) When livestock is impounded, notice of the impoundment shall be advertised within the municipalities normal means of media modes, unless the identity of the owners is known, in which case they shall be notified.

10(5) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Municipality in apprehending and impounding the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to this By-law, have been paid in full.

10(6) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in subsection 10(5), the Municipality may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds of the Municipality.

PART VIII: ILLTREATED ANIMALS

11(1) 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, by authority of Council, 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 is not liable for any entry or removal.

Where action is taken under this section by the Municipality, the owner of an ill-treated animal shall be guilty of an offence under this by-law.

PART IX: TEASING, ENTICING PROHIBITED

12(1) Any person found guilty of teasing, enticing, baiting or throwing objects at a cat, dog, or livestock, confined within its owners' property shall be guilty of an offence under this by-law.

PART X: GENERAL PROVISIONS

Offenses under this By-law

13(1) For greater certainty and without limiting any provisions of this By-law, the following shall constitute offenses under this By-law:

- (a) Allowing or failing to prevent a dog, cat or livestock from running at large;
- (b) Keeping or harboring dogs or cats in excess of the maximum number permitted by this By-law contrary to section 7 of this Bylaw;
- (c) Failing to comply with an order of the animal control officer to dispose of any dogs or cats in excess of the prescribed limit made under section 7 of this By-law;
- (d) Failure by the owner of a dog to comply with any one or more of the provisions of section 5, subsection 6(1) or subsection 6(2) of this By-law;

- (e) Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person to the animal control officer or pound keeper;
- (f) Failing to voluntarily surrender a dog or cat to the animal control officer upon a request therefor;
- (g) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);
- (h) Failing to properly vaccinate a dog or cat against rabies;
- (i) Failing to comply with the requirements of any provision of subsections 6(3) or 6(4) in relation to any cat;
- (j) Failing to comply with any requirements of Part V of this By-law in relation to an aggressor animal or a dangerous animal;
- (k) Defacing or removing a sign required to be posted under subsection 8(10)(b) of this By-law;
- (l) Failing to comply with the requirements of subsection 13(1) of this By-law in relation to any animal;
- (m) Failing to comply with the requirements of subsection 14(1) of this By-law in relation to any cat, dog or livestock;
- (n) Failing to comply with any of the requirements of Part VI of this By-law in relation to livestock;

Interference With Enforcement

13(2) It shall be an offense under this By-law for a person to interfere or obstruct any attempt by the animal control officer, pound keeper 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.

13(3) It shall be an offense under this By-law:

- (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

13(4) Any resident of the Municipality may apprehend and confine an animal which is running at large on their property, provided that they shall immediately thereafter inform their C o u n c i l m e m b e r or the Chief Administrative Officer of the Municipality of the apprehension and confinement, and the animal control officer, as directed by Council or the CAO, shall as soon as practical, attend upon the resident to take possession of and impound the animal.

Right of Entry

14(1) The animal control officer or any other person appointed by the Municipality to enforce the provisions of this By-law 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 By-law or to otherwise enforce the provisions of this By-law, 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.

14(2) The owner of any dog or cat that has bitten any person or any other animal shall present the said animal to the door of their dwelling upon the request of the animal control officer, to assist the animal control officer to apprehend and impound the said animal.

Complainant Identification

15(1) Any person who makes a complaint alleging an offense under this By-law against another person shall provide to the Administration or Council their name, address and telephone number. It shall be at the discretion of the Council whether or not to proceed based on an anonymous complaint or information.

Liability

16(1) No liability shall attach to the animal control officer, the pound keeper, the Council and/or the Municipality in carrying out their respective duties under this By-law. Without limiting the generality of the foregoing, no liability shall attach to the animal control officer, the pound keeper, the Council 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 its apprehension or impoundment.

Penalties

17(1) Without limiting the penalties for specific offenses set out in subsections 17(2) and (3) hereof, any person who contravenes any provision of this By-law is guilty of an offense and is liable:

- (a) to a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;
- (b) to a fine of not less than \$100.00 and not more than \$1000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense.

17(2) Any animal that is impounded three or more times within any 12-month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be destroyed under this By-law.

17(3) Any person who interferes with or obstructs the duties of an animal control officer, a pound keeper or any other person authorized to enforce any provisions of this By-law, or who unlawfully enters any pound or unlawfully removes any animal impounded, is guilty of an offense and is liable:

- (a) to a fine of not less than \$500.00 and not more than \$1000.00, or to imprisonment for a term of not more than sixty (60) days, or both, plus all applicable costs and penalties.

17(4) Where a corporation commits an offense under this By-law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offense and liable for the penalties provided for herein.

17(5) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offense for each day that the contravention, disobedience, refusal or neglect continues.

Repeal other by-laws

18(1) By-laws No. 1991, and all other By-laws or portions thereof of the Rural Municipality of Dufferin inconsistent therewith are hereby repealed.

DONE AND PASSED in open Council duly assembled at the Council Chambers of the Rural Municipality of Dufferin, in Manitoba, this 21st day of July, 2021.

RURAL MUNICIPALITY OF DUFFERIN



Reeve



Chief Administrative Officer

Read a first time this 15th day of June, 2021.
Read a second time this 21st day of July, 2021.
Read a third time this 21st day of July, 2021.

SCHEDULE A



RURAL MUNICIPALITY OF DUFFERIN
BY-LAW NO. 2003
NOTICE OF IMPOUNDMENT

Owner: _____ Phone No. _____

Address: _____

Description of Animal: _____

Date of Apprehension: _____ Time: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

Day Pound Fee: _____

Impoundment Fee and/or Fine: _____

Day the animal will be sold/destroyed: _____

Date: _____

By-Law Enforcement/Animal Control Officer