

MUNICIPALITY OF STE. ROSE

BY-LAW NUMBER 07-2016

**BEING A BY-LAW OF THE MUNICIPALITY OF STE. ROSE,
TO PROVIDE FOR THE REGULATION, LICENSING AND
CONTROL OF DOGS WITHIN AN AREA AS DEFINED
WITHIN THE MUNICIPALITY OF STE. ROSE**

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 by-law 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 (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 months for the commission of offenses or non-payment 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 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.
- 31(3)** On being notified of an animal bite under this section, the Medical Officer of Health may take steps to ensure that,
 - (a) the animal is secured alive and without injury in a safe place;
 - (b) the animal is kept under observation for 10 days or any longer period that has been authorized or required by the Medical Officer of Health.

AND WHEREAS it is deemed advisable to provide for the regulation, licensing and control of dogs within a defined area of the Municipality of Ste. Rose;

NOW THEREFORE be it and it is hereby enacted as a By-Law of the Municipality of Ste. Rose, that:

1. This By-Law may be referred to as “The Municipality of Ste. Rose Dog By-Law”.
2. DEFINITIONS: Whenever used in this By-Law, unless the context otherwise requires:
 - a. “Dog” shall include any member of the species Canis Familiaries, over 3 months of age.
 - b. “Stray Dog” shall mean every dog which has not been duly licensed and which does not carry a current dog license tag.
 - c. “Run at large” and “Running at large”: For the purposes of the By-Law a dog shall be deemed to run at large or be running at large when it is found anywhere off the lands or premises of its owner within the defined area of the Municipality and when so found is not then on a leash not more than five (5) feet in length and held by a competent person.
 - d. “Owner” means any adult person who owns, keeps, or harbours a dog or who knowingly permits or allows any other person to own, keep or harbour a dog upon his premises.
 - e. “Intact dog” means any dog that is not spayed nor castrated.
 - f. “Dog Pound” means any premises authorized by the Council of the Municipality of Ste. Rose, used or intended to be used for the confinement of dogs.
 - g. “Poundkeeper” means a person, persons, association, or society appointed by the Municipality of Ste. Rose, by By-Law, to maintain and administer the pound.
 - h. “Defined Area” for the regulation, licensing and control of dogs within the Municipality of Ste. Rose is: "All of Legal Sub-Division 10 and 15, in the North East ¼ of Section 9, TWP. 24, RGE. 15W and the Most Westerly 1,098.5 Feet of Legal Subdivision 7, of the S.E. ¼ of Section 9, TWP. 24, RGE. 15W and Legal Subdivision 2, Except Plan 1311, and Except Road 1359. (Former Town of Ste. Rose du Lac)"
 - i. “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality of Ste. Rose.
 - j. “Dog Catcher” means a person appointed by the Municipality of Ste. Rose , by resolution, to capture any dogs in contravention to this By-Law in the Municipality of Ste. Rose.
3.
 - a. No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) dogs over the age of three (3) months, regardless of the number of people who may be inhabiting the premises.
 - b. The owner of every dog shall annually, before the 15th of January, or within two weeks of the time he becomes the owner of a dog, or a resident of the defined area, cause the same to be licensed, registered,

numbered, and described, in the office of the Chief Administrative Officer or such other official as may be appointed for the purpose, and at the time of registration shall pay to the Municipality, the license fee or fees by this By-Law and upon so doing, he shall receive a metallic or other tag having raised cast, or stamped thereon the words “Municipality of Ste. Rose”, and the figures indicating the year for which the said license has been paid and a number corresponding with the number under which the said dog has been registered. Such license and tag corresponding in number thereto shall be valid for the year of issue only.

- c. When registering a dog, the owner shall provide the Chief Administrative Officer with his full name, address, telephone number, if any, and post address, to which any notices referred to hereunder may be sent.
 - d. The owner shall place and keep a collar or harness around the neck of every dog of which he is the owner and to which collar shall be securely fastened the current license tag issued by the Chief Administrative Officer.
 - e. Every dog license shall expire on the 31st day of December, in the year for which the license was issued.
 - f. No dog license or dog license tag shall be transferable either from one owner to another or from one dog to another, except in the case of replacement of a dog which has died.
 - g. No tag other than that supplied by the Municipality of Ste. Rose or Rabies Vaccination Tags shall be permitted to be attached to the collar or harness of a dog.
 - h. Upon application by an owner accompanied with proof that a license tag originally issued has been lost or stolen and on payment of a fee of \$5.00, the Municipality of Ste. Rose will issue a replacement tag.
 - i. No license is to be issued in respect to a dog except upon satisfactory proof that the dog has a current rabies vaccination.
4. a. The annual license fee for dogs shall be as follows:
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| i. For every castrated male dog, or spayed female dog | \$15.00 |
| ii. For every unspayed female dog | \$50.00 |
| iii. For every intact (non-castrated) male dog | \$30.00 |
| iv. The fee for transferring a license is | \$ 5.00 |
- b. Each applicant for a license for a spayed female dog must produce to the Municipal Chief Administrative Officer or such other official as the Council may appoint, at the time of making such application, a certificate of a Veterinary Surgeon or Veterinary Practitioner that such female dog has been spayed.
- c. A license shall be issued but no charge made in respect of a dog if owner provides satisfactory proof that the dog has been trained for the purpose by a competent person or institution and is owned and employed by a sightless person as a guide.
5. a. It shall be an offence for the owner of any intact dog to permit such dog to be on any public place or property, or on any place or property to which the public has access, except on a leash not more than five feet in length and held by a competent person unless properly obedient-trained to heel, and is under control of a competent person.

- b. The owner of every unspayed female dog shall keep such dog when in heat, confined and isolated within a building in such manner as to forestall, prevent, or avoid the congregating of dogs in the neighborhood or such place of confinement.
- 6.
- a. It shall be an offence for the owner to permit his or her dog to enter or remain in any store or business establishment which purveys food in any form, either wholesale or retail within the defined area of the Municipality of Ste. Rose.
 - b. No person shall have or keep or harbour any vicious dog within the defined area of the Municipality of Ste. Rose. An exception made for adequately trained and controlled guard dogs that owner can prove necessary for the protection of their premises and so approved by the Animal Control Officer. A sign must be posted “Danger Vicious Guard Dog” and said dog must be fenced inside owner’s property in such a manner as to not be able to inadvertently reach and attack an innocent bystander.
 - c. No person shall permit a dog of which he is the owner and whether or not such dog is licensed hereunder to be at large or to run at large at any time in any school house or on any school site within the defined area Municipality of Ste. Rose. The words “school house” and “school site” shall have the meanings assigned to them by the Public Schools Act.
 - d. No person shall permit a dog of which he is the owner whether or not such dog is licensed hereunder to be at large or to run at large within the defined area of the Municipality of Ste. Rose at any time.
 - e. Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other duly appointed officer can kill the dog in a humane manner as soon after capture as he or she thinks fit without permitting any person to reclaim the dog or without offering it for sale, and in that event, no damages or compensation shall be received on account of its killing.
 - f. An owner will be responsible to pay the costs incurred to others by his dog while out of his property whether to another dog, humans, or property.
 - g. Dogs that have bitten a human without aggravation shall be required to be kept in a suitable kennel. On the second offence, the dog will be impounded and euthanized. Cost of impoundment is to be charged back to the owner.
 - h. Owners, of dogs that bark excessively, without aggravation, shall be required to take remedial measures.
- 7.
- a. The dog pound established by the Municipality of Ste. Rose shall be under the direct supervision of the Poundkeeper and his deputy.
 - b. The Poundkeeper of the Municipality of Ste. Rose, shall be engaged by By-Law, on terms mutually agreeable to both parties.
 - c. The Animal Control Officer may be appointed by resolution of the Council of the Municipality of Ste. Rose, to assist the Poundkeeper and he shall, and any person, may capture any stray dog or dog running at large for the purpose of impounding same.

- d. In order to capture any stray dog or dog running at large, the Poundkeeper or Animal Control Officer or his assistants, may enter upon any public or private property and impound any dog that the owner is unwilling to keep under the terms of this By-Law. Any attempt to prevent or hinder the Poundkeeper or the Animal Control Officer in the performance of his duties shall constitute an infraction against this By-Law.
 - e. The Poundkeeper or Animal Control Officer or his assistants, shall capture any dog which is found on any street or other public place or property contrary, in any manner or to any degree, to the provisions of this By-Law and deliver such dog to the dog pound for confinement, using such means of capture as he deems necessary.
 - f. The Poundkeeper, upon recommendation or advice of the Medical Health Officer or other representative of a senior government or of any medical or veterinary practitioner, shall take charge of any dog suspected of being infected with rabies and confine such dog to isolated quarters in the dog pound for such time as may be prescribed, and no dog so confined shall be returned to the owner except by permission or advice of the person recommending such confinement or his representative.
- 8.
- a. That it shall be the duty of the Council to establish at least one pound for dogs to be captured under the provisions of this By-Law the same to be located at such place as the Council shall by By-Law from time to time designate, and to appoint a keeper thereof at such salary or remuneration as the Council may determine and such keeper shall cause a record to be kept of all provisions of this By-Law, and how disposed of, and to whom sold, and their residence, and shall make a monthly return to the Chief Administrative Officer showing the costs of maintaining such pound and enforcing the provisions of this By-Law also the amount of the fines collected and the proceeds of the sale of dogs to whom sold and their residence and any other information which may be asked by the committee on license and police, or any member of the Council from time to time, respecting the observance and enforcement of the By-Law.
 - b. Where a dog is properly licensed and tagged is found running at large, it shall be apprehended and confined by the Poundkeeper who shall as soon as reasonably possible, notify the Municipality of Ste. Rose, of the fact of apprehension and confinement at which time the Municipality will notify the owner.
 - c. Where the owner of a dog apprehended and confined pursuant to paragraph (b) of this clause desires to reclaim the dog, he shall pay to the Municipality of Ste. Rose; during the normal office hours, being 8:30 a.m. until 12:00 Noon and 1:00 p.m. until 4:30 p.m.:
 - i. The sum of \$25.00 to capture and handling of dogs;
 - ii. The sum of \$20.00 for first day and \$20.00 for second day will be charged for the period of impoundment;
 - iii. The cost of the tranquilizer dart, if the use of same was in the opinion of the Poundkeeper necessary to apprehend the dog; and
 - iv. Veterinary fees and any other cost incurred in connection with dog during the period of confinement.
 - d. Where a dog which has not been licensed and tagged pursuant to this By-Law is found running at large within the boundaries of the defined

area of the Municipality of Ste. Rose, it's owner may reclaim it upon payment of the charges referred to in paragraph (c) of this claim, plus the appropriate license fee for the dog and rabies, distemper, and parvo vaccinations.

- e. The Municipality of Ste. Rose will provide notification to the owner of every dog impounded of the fact of impoundment, and where the owner of the dog impounded is not known the preparation and posting in the general office of the Municipality of Ste. Rose of a notice describing each dog impounded, the date of its apprehension and confinement and the date after which the said dog will be sold or destroyed.
 - f. Where the owner of the dog refuses to pay the costs mentioned in Clause 8(c) within 48 hours of the time he is notified of the confinement of his dog or where the owner of the dog cannot be determined within 48 hours of the time when the notice provided for, in Clause 8 (e) of this By-Law, has been posted, the Poundkeeper may:
 - i. Sell the dog to any person who will pay the applicable charges and costs; or
 - ii. Destroy the dog and dispose of the carcass in the manner directed by Council.
 - g. All dogs sold from the pound must be neutered.
 - h. That the Poundkeeper, appointed under this By-Law, shall provide and supply or cause to be provided and supplied to each and every dog captured and impounded under the authorization to this By-Law sufficient food and water during the time such dog remains impounded.
9. It shall be an offence for any person other than the owner to remove any collar or plate or license tag from any dog to which the same has been attached or affixed.
10. That any person found guilty of any infraction of any of the provisions of this By-Law before any Police Magistrate or Justice of the Peace having jurisdiction, shall be liable upon conviction therefore to a fine not exceeding the sum of one hundred dollars (\$100.00) for each offence together with the costs of prosecution and in default of payment of the said fines and costs forthwith the offender shall be liable to imprisonment in the common gaol for the Judicial District within which the Municipality of Ste. Rose is then situate for a period not exceeding thirty (30) days.
11. By-Law Number 07-2006 and amendments thereto are hereby repealed.

DONE AND PASSED in Council assembled at Ste. Rose du Lac, in Manitoba this 23rd day of December, A.D., 2016

Robert Brunel, Mayor

Marlene M. Bouchard, CMMA

Read a first time this 30th day of November, 2016
Read a second time this 13th day of December, 2016
Read a third time this 23rd day of December, 2016

