

MUNICIPALITY OF ROBLIN

BY-LAW NO. 21-23

BEING A BY-LAW OF THE MUNICIPALITY OF ROBLIN TO REGULATE AND CONTROL ANIMALS IN THE URBAN AND RURAL AREAS.

WHEREAS Section 232(1) of *The Municipal Act* provides in part that:

"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 Section 236(1) of *The Municipal Act* provides in part that:

"Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), 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 contraventions of by-laws, including

(i) creating offences,

(ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

(iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,

(iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,

(v) charging and collecting costs incurred in respect of acting under subclause (iv),

(vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines."

AND WHEREAS Section 5(2) of *The Municipal Act* provides in part that:

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

AND WHEREAS Section 5(3) of *The Animal Liability Act* states in part that:

"A municipality 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 Council deems it necessary to set regulations for the purpose of regulating and controlling animals within the Municipality of Roblin;

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

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By-law No. 21-23

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1. Definitions and Interpretations

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

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

"**At Large**" means in relation to an animal, that the animal is not under the direct, continuous and effective control of a person competent to control it, or; securely confined within an enclosure or securely fastened so that it is unable to roam at will.

"**Designated Officer**" means any persons who are duly appointed as a Designated Officer acting on behalf of the Municipality of Roblin.

"**Domestic Animal**" means a domestic animal, within the scope of this by-law, encompasses species such as, but not limited to, dogs, cats, birds, snakes and livestock, and other animals commonly kept by residents.

"**Livestock**" means any animals typically raised for food or farm purposes such as, but not limited to, cattle, sheep, goats, horses, chickens, rabbits.

"**Owner**" includes any person who owns, keeps, harbors or has possession or control of an animal.

"**Rural**" means the area outside of the urban limits.

"**Urban**" means the area formerly known as the "Town of Roblin".

2. 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 or organization) to establish and maintain a pound on their behalf.

2(2). Council may, by resolution, appoint or revoke the appointment of one or more persons as poundkeeper(s) to carry out the duties of the poundkeeper as set out in section 2(3) of the By-law.

2(3). A poundkeeper must under the authority of this By-law:

- a. Provide food, clean water, adequate shelter and a safe and sanitary environment for every animal impounded.
- b. Establish and maintain the pound in a manner in keeping with *The Animal Care Act*, 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*.

2(4). A licenced veterinarian must under the authority of this By-law:

- a. At the request of a Designated Officer, conduct an assessment of an animal to determine if it is dangerous, diseased or otherwise at the cost of the owner of the animal.

2(5). A Designated Officer may under the authority of this By-law:

- a. Apprehend and confine at the pound or other designated area, any animal running at large, or which is kept or harbored by, or in possession or control of, any person that is in breach of this By-law or any other laws or regulations pertaining to animals or conditions of any permit of this By-law and to coordinate/obtain assistance if needed.
- b. Report and impound any believed dangerous or diseased animal for an assessment from a licenced veterinarian at the cost of the owner.
- c. Enter private property for the purpose of investigating, taking into custody or impounding any animal.

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3. Domestic Animals

3(1). The responsibility for the actions of a domestic animal lies solely with its owner.

3(2). For the purposes of this by-law, domestic animal offenses shall be categorized as either 'Major Offenses' or 'Minor Offenses'. Any persons found committing any offenses shall be subject to fines and penalties hereto attached as "Schedule C".

(a) Minor Offenses

No person shall:

- (i) Permit their animal to remain unregistered for the current calendar year.
- (ii) Permit their animal to be in public without their registration tag clearly visible.
- (iii) Permit their animal to be at large; including, but generally not limited being off leash, escaping confinement, etc.
- (iv) Own, harbor, keep or have in their possession or control on their premises, more than three (3) dogs or three (3) cats over the age of four (4) months without a kennel permit.
- (v) Permit their animal to make any noise which unduly disturbs the quiet of any person(s) anywhere in the Municipality.
- (vi) Permit their animal to defecate on any public or private property other than the property of its owner. Where an animal defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.
- (vii) Permit their animal to be on any school ground or playground without the written consent from the School Division.

(b) Major Offenses

No person shall:

- (i) Permit their animal to pursue, bite or wound or worry any person or animal whether or not on the property of the owner.
- (ii) Own, keep, or have possession or control of any animal determined to be a dangerous animal without a permit.
- (iii) Own, keep, or have possession or control of any restricted animal.
- (iv) Fail to ensure that their animal receives the required rabies vaccination (*when applicable*).
- (v) Permit their animal to damage or disrupt any public property or private property other than that of the owner.
- (vi) Break into, or assist another person in any manner, directly or indirectly, to break into any pound
- (vii) Remove or attempt to remove any impounded animal, or to cause or assist an escape of any impounded animal
- (viii) Fail to present or surrender an animal when ordered by a Designated Officer.
- (ix) Neglect to maintain a safe environment for the animal, including provisions of food, shelter, water, and the prevention of hazards.

3(3). Notwithstanding section 3(2), the following exemptions apply:

- (a) Animals in the *rural* area are exempt from section 3(2)a i, ii, and iv.
- (b) Duly appointed police dogs are exempt from section 3(2)b i.
- (c) Any veterinary clinic is exempt from section 3(2)a iv, v and 3(2)b ii.

3(4). Any persons may request by writing to council to obtain a kennel permit. The cost of which is hereto attached as "Schedule C". Council may issue, suspend or revoke a kennel permit at any time. Kennel permits are only valid for the current calendar year. The following represent the criteria that are considered:

- (a) The quantity of animals proposed;
- (b) The intended purpose of keeping the animals;

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- (c) The steps taken to ensure excessive noise, odor, waste disposal and other general nuisances are avoided;
- (d) The steps which have been taken to ensure the animals will adequately and safely housed;
- (e) The site inspection from the Designated Officer or Veterinarian;
- (f) Any representation from neighbors or any interested party, whether in writing or by oral application.

4. Dangerous and Restricted Animals

4(1). A licenced veterinarian may declare an animal to be dangerous as attached as "Schedule A" and may impose any of the following provisions:

- (a) Require that the owner obtain a dangerous animal permit.
- (b) Require the owner securely confine the animal to the property.
- (c) Require the animal to be muzzled.
- (d) Require the animal to be on a chain or leash not exceeding six feet.
- (e) Require a sign on a prominent place on the property with a warning.
- (f) Impose a 14 day quarantine on the animal either at home or at the pound at the expense of the owner.
- (g) Dispose or rehome the dangerous animal.

4(2). A licensed veterinarian may declare an animal to be no longer dangerous as attached as "Schedule B" and may lift any of provisions which were imposed.

4(3). Livestock shall be considered a restricted animal within the Urban Area.

4(4). Any animal which is generally known to be a danger to the public shall be considered a restricted animal and not permitted anywhere in the Municipality pursuant to section 3(2) b iii. This includes but is not limited to:

- (a) Large carnivores (e.g., lions, tigers, bears)
- (b) Venomous snakes (e.g., cobras, vipers, rattlesnakes)
- (c) Crocodilians (e.g., alligators, crocodiles)
- (d) Primates (e.g., chimpanzees, gorillas, macaques)
- (e) Big cats (e.g., leopards, cheetahs, cougars)
- (f) Large constrictor snakes (e.g., pythons, anacondas)
- (g) Birds of prey (e.g., eagles, hawks, owls)
- (h) Scorpions (especially highly venomous species)
- (i) Tarantulas (large, hairy spiders with potent venom)
- (j) Invasive species

5. Right of Entry

5(1). A Designated 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 (including, without limitation, any permit issued pursuant to 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.

6. Impoundment

6(1). Any resident of the Municipality may apprehend and confine an animal which is running at large on their property, provided that he shall immediately thereafter inform the Municipal Office of the apprehension and confinement, and a Designated Officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.

6(2). When an animal is impounded and the owner is unknown, the Municipality shall post public notice of the impoundment. This notice shall describe any identifiers, the date of impoundment and location.

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6(3). If no person claims the impounded animals within 3 days from the date of impoundment, or if the owner has not paid the costs and fines associated with the impoundment, the pound may sell, rehome or dispose of the animal.

(a) Should the Municipality of the Poundkeeper agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the agreed upon date.

6(4). Any animal that is pounded three or more times within any 12-month period while owned by the same owner, shall be rehomed or destroyed.

7. Penalties, Fines & Rates

7(1). Penalties, Fines and Rates shall be adopted as "Schedule C".

7(2). Any Penalties or Fines which remain unpaid may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

8. Compliance and Transitional Provisions

8(1). Nothing in this By-law shall be construed as obviating or overriding any requirement under the laws of the Province of Manitoba to obtain a license or licenses from the Government of Manitoba, and to comply with Provincial licensing requirements, in order to carry on business as a boarding kennel or a commercial breeder of dogs, cats or any other animals.

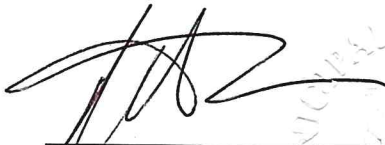
8(2). Where any contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is found guilty of a separate offense for each day that the contravention, disobedience, refusal or neglect continues.

8(3). 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 under this By-law.

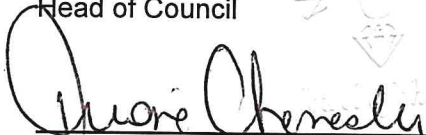
8(4). The enactment of this Animal Control By-law does not apply to situations that were in existence prior to the coming into force of the By-law, except other than Restricted Animals, may continue, but if that use changes or is discontinued for a period of sixty (60) consecutive days or more, any future use shall conform to the provisions of this By-law.

FURTHER THAT By-law 11-18 is hereby repealed.

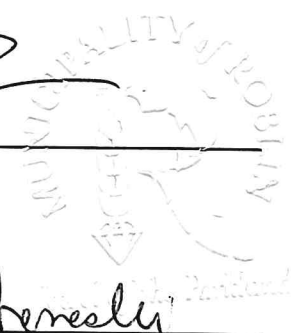
DONE AND PASSED by the Council of the Municipality of Roblin in regular session assembled this 24th day of October, A.D., 2023.



Robert Misko
Head of Council



Dione Cherneski
Chief Administrative Officer



Read a first time this 10th day of October A.D., 2023

Read a second time this 10th day of October A.D., 2023

Read a third time this 24th day of October A.D., 2023

MUNICIPALITY OF ROBLIN
SCHEDULE "A"
BY-LAW No. 21-23

DECLARATION OF DANGEROUS ANIMAL

I, _____ DVM, hereby provide this declaration concerning the animal known as _____, owned by _____. I have examined the aforementioned animal on _____, and I wish to convey my professional opinion regarding its disposition and potential danger to humans or other animals.

Based on my extensive training and experience as a licensed veterinarian, I have carefully observed and evaluated the behavior, temperament, and medical history of the aforementioned animal. It is my professional opinion that the animal possesses certain behaviors and/or medical history that pose a potential danger to humans and/or other animals. These behaviors and/or medical history include, but are not limited to:

Considering the aforementioned factors, I, as a licensed veterinarian, firmly believe that the is a dangerous animal.

I hereby invoke the following measures to safeguard the community and prevent potential harm:

- I require that the owner obtain a dangerous animal permit.
- I require the owner securely confine the animal to the property.
- I require the animal to be muzzled.
- I require the animal to be on a chain or leash not exceeding six feet.
- I require a sign on a prominent place on the property with a warning.
- I impose a 14 day quarantine on the animal
 - At home At the pound (at the owner's expense.)
- I order that the animal be disposed of or rehomed

Effective Date

Signature

MUNICIPALITY OF ROBLIN
SCHEDULE "B"
BY-LAW No. 21-23

DECLARATION OF DANGEROUS ANIMAL

I, _____ DVM, hereby provide this declaration to formally revoke the previous declaration concerning the animal known as _____, owned by _____ . I have examined the aforementioned animal on _____. This revocation is based on a change in circumstances and the determination that the previous declaration is no longer necessary.

In light of this reassessment and in accordance with my professional and ethical responsibilities, I hereby revoke the previous declaration that the animal is a dangerous animal. The animal is no longer considered a danger to humans or other animals.

I hereby rescind the measures imposed on _____.

Effective Date

Signature

**MUNICIPALITY OF ROBLIN
SCHEDULE "C"
BY-LAW No. 21-23**

PENALTIES, FINES & RATES

Animal Licenses	Effective Dates	Costs
Older than 6 Months		
DOG, Neutered / Spayed	Calendar Year of Purchase	\$10.00
CAT, Neutered / Spayed	Calendar Year of Purchase	\$5.00
DOG, Unspayed / Unneutered	Calendar Year of Purchase	\$20.00
CAT, Unspayed / Unneutered	Calendar Year of Purchase	\$10.00
Younger than 6 Months		
DOG	Calendar Year of Purchase	\$10.00
CAT	Calendar Year of Purchase	\$5.00
Other Licenses		
KENNEL	Calendar Year of Purchase	\$100.00

Fines and Penalties — *Poundkeeper to charge their own boarding fees. ***

Minor Offences	
First Offense	Written Warning
Second Offense	A fine of \$50.00 and/or; Written Warning
Third Subsequent Offense	A fine of \$100.00
Major Offenses	
First Offense	A fine of \$100.00 and/or; Written Warning
Second Offense	A fine of \$250.00
Third and Subsequent Offense	A fine of \$500.00
Impoundment Fees	
Voluntary Impoundment per day	\$0.00
Involuntary Impoundment per day	\$25.00*
Mileage for Apprehension	\$0.45 / km.

* At the discretion of the Designated Officer.

** All fines at the Municipal Office as well as the Pound must be paid in full before release.