



**MUNICIPALITY OF LORNE
BY-LAW #0028/18**

BEING a By-Law of the Municipality of Lorne providing for the regulation and control of animals within the Municipality of Lorne.

PART I: AUTHORITY

WHEREAS subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 (the “Act”) provides, in 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 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 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 nonpayment of fines.

AND WHEREAS subsections 5(1), (2) AND (3) of *The Animal Liability Act*, S.M. 1998 c. 8 provide, in 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 District 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 LUD not liable by reason only of making By-Law

5(3) A municipality or local urban 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.

PART II: DEFINITIONS AND INTERPRETATION

By-Law Name

This by-Law may be referred to as the “Animal Control By-Law”.

Definitions

In this by-Law unless the context otherwise requires.

“**aggressor animal**” shall have the meaning ascribed thereto in section 9 of this By-Law.

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

“**Council**” means the council of the Municipality of Lorne

“**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, cat or any other animal that has on a 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 the provisions of the By-Law.

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

“**domestic pet**” means any other animal other than a dog or cat that has been domesticated and is kept or harbored within the Municipality.

“**livestock**” means:

(a) animals kept for the purpose of:

- a. production of meat
- b. production of other products from the animals, or
- c. herding, 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 animals that may be kept for a purpose set out in subclause (a) of this definition: and

c) any other animal determined by the Municipality or designated officer to be livestock for the purposes of the By-Law;

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, harbours 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 Municipality or designated 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 the By-Law.

“restricted animal” means:

- (a) Any member of the order Primate except a human being;
- (b) Any member of the order Carnivora except dogs, cats and domestic ferrets
(*mustela putorius furo*), but including all hybrids of dogs and cats;
- (c) Any member of the order Crocodylia;
- (d) Any constrictor snakes, venomous snake or venomous reptile;
- (e) Any venomous amphibian;
- (f) Any wild animal or wildlife as defined in *The Wildlife Act*; and
- (g) Any other animal determined by the Municipality or designated officer to be a restricted animal, other than a dog, cat or livestock.

“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.

Interpretation

- 1(1) In all parts of this by-law, any word importing the male gender shall include the female gender and vice versa, and any work 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 DESIGNATED 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, town 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.

Designated officer

2(2) A designated officer of the Municipality is appointed to carry out the enforcement of this By-Law.

Appointment of pound keeper

2(3) 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 meeting. 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 keepers(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 designated officer and pound keeper

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

Duties of the designated officer

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

- (a) To apprehend and confine at the pound, any animal running at large within the Municipality contrary to the provisions of this By-Law.
- (b) To apprehend and confine any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this By-Law, or running at large, within the Municipality.
- (c) To ensure that any restricted animal kept or harboured within the Municipality is properly licensed by the Municipality, and to apprehend and confine any such restricted animal that is not properly licensed.
- (d) To apprehend and confine any dog, cat or any other domestic pet which is running at large within the Municipality contrary to the provisions of this by-law or which is kept or harboured by, or in the possession or control of, any person that is in breach of this by-law or of any other laws or regulations pertaining to animals.
- (e) To make reasonable attempt to notify the owner of every animal impounded if the identity 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 B 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, license 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 Municipality or Designated officer 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.
- (f) The Municipality or designated officer or pound keeper may hire a licensed veterinarian to use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality.
- (g) To enforce the provisions of this by-law.

Duties of the 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 forgoing, 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 colour of the animal, as well as the order and breed of the animal);
 - ii. The day and hour of its impoundment;
 - iii. The day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
 - iv. The name and address of the owner (being the person to whom the animal was sold or released), and the license number on the animal's tag (if applicable);
 - v. The amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the owner and the name and address of the payor (if different from the owner); and
 - vi. Such other particulars as Chief Administrative Officer of the Municipality shall direct from time to time.
- (d) To collect all fees charged by the pound, and to remit all monies received by the pound to the Municipality, together with such reports and statements as the said Chief Administrative Officer may prescribe from time to time, except where the Municipality has entered into a contract with a private party for the operation of the pound, in which case the pound keeper shall observe all terms and conditions of the contract with the Municipality for the operation of the pound, including, without the remittance of amounts due to the Municipality, and the submission of all reports and statements required to be submitted to the Municipality under the said contract.
- (e) To keep any impounded dog, cat or any other animal which is, to the knowledge of the pound keeper, a domestic pet, for a minimum period of: (i) three (3) days, which shall include the day of impoundment but shall exclude 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 keepers contract with the Municipality.
- (f) To make suitable arrangements for the temporary impoundment, sale, disposition or destruction of any animal other than a dog, cat or domestic pet that is apprehended within the Municipality, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.
- (g) If, after expiration of the minimum period of impoundment set out in paragraph (e), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the pound keeper to do one of the following with the impounded animal;
 - a. Sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and license fees accrued in respect of the impounded animal as set forth in the by-law, unless such fees are otherwise waived by the Municipality or by the pound keeper on the express authority of the Municipality; or

- b. Cause the impounded animal to be humanely destroyed; unless the Municipality, or the pound keeper on the express authority of 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 subparagraph (g)(i) or until expiry of the extended period of impoundment before it is humanly destroyed.
- (h) 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 above and 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 license 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.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Licensing of dogs and cats

- 3(1) The owner of every dog and cat over the age of six months within the communities of Mariapolis, Swan Lake, St. Leon, Altamont, Somerset and Notre Dame de Lourdes shall obtain and renew annually, a license to keep the dog or cat, which license shall require the payment of the annual fee as set out in Schedule A hereto attached. The owner shall ensure that the license tag issued for the dog is securely fastened to a collar worn around the neck of the dog in respect of which the tag was issued. Any failure to obtain or keep current the required license or to ensure that the license tag issued for the dog is securely fastened to the dog's collar shall constitute an offence under this by-law. The owner shall ensure that the license tag issued for the cat is securely fastened to a collar worn around the neck of the cat if the cat regularly wears a collar. If the cat does not wear a collar a tattoo or other clearly identifying trait may be noted at the time of licensing. A tag will still need to be obtained and renewed annually.
- 3(2) the required license may be sold by the Municipality
- 3(3) the license fee hereby imposed shall be due and payable on the 1st day of January in each year and shall expire on the 31st day of December in the year in which the license fee was levied and paid.
- 3(4) where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag.
- 3(5) Where a change in ownership of a dog or cat licensed hereunder occurs during the license year, the new owner shall have the current license transferred to his or her name. Any failure to report a change in ownership shall constitute an offence under this by-law.
- 3(6) Subsections 3(1), (2), (3), (4), and (5) shall not apply to non-residents of the Municipality who bring a dog on a temporary visit into the Municipality, provided however, that nothing in this subsection shall authorize any person to bring a dog into the Municipality that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the Municipality, nor does it authorize any person to allow the dog to run at large or otherwise create a nuisance within the Municipality.
- 3(7) Subject to subsection 3(8) hereof, every dog/cat owner must produce, before a license is issued or renewed for the dog/cat, evidence of a current rabies vaccination status for that dog/cat from a licensed veterinarian showing that the dog/cat has been vaccinated for rabies on a date no more than 2 years (24 months) prior to December 31st of the current year.
- 3(8) A dog/cat owner does not have to produce evidence of a current rabies vaccination status in order to obtain or renew a license in respect of his dog/cat if he can produce a statement

in writing signed by a licensed veterinarian certifying that the dog/cat cannot be vaccinated for rabies for medical reasons.

Rabies Vaccination

3(9) Except where subsection 3(8) applies, the Municipality or designated 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 Municipality or designated officer may, in the case of a dog, terminate the owner's dog license, and in the case of a dog or cat, the Municipality or designated officer may apprehend and impound the dog or cat, and may charge the owner with an offense under this by-Law.

Kennel Permits

4(1) Any person who wishes to keep, harbor, possess or control that number of dogs or cats in excess of the maximum number prescribed in this By-Law, regardless of whether for profit or pleasure, must operate a kennel under the Municipality's current Zoning By-Law or any amending by-laws.

Responsibility of Owners Regarding Dogs

5(1) No owner shall:

- i. Permit his 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 By-Law.
- ii. Permit his dog to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.
- iii. Permit his 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 immediately.
- iv. Permit his dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.
- v. Permit his dog to damage public 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 By-Law.
- vi. Own, keep, harbor or have possession or control of any dog (other than a dog that is under the age of six months or that is a registered guide dog for the visually impaired) for which a valid license has not been issued.
- vii. Own, keep, harbor or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provisions of Part V.
- viii. Permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.
- ix. Permit his dog on any school ground.
- x. Permit his dog on public property (including parkland area) unless the dog is on a leash (which leash 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.

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)(c), (f), (i), and (j).

Redemption

6. Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or any other domestic pet (other than a restricted animal) impounded by the

Municipality or designated officer may be redeemed within three (3) days of the apprehension and impoundment by applying to the pound keeper for redemption and paying:

- (a) the impoundment fee as set out in Schedule A;
- (b) the pound fee calculated in accordance with Schedule A;
- (c) in the event that the impounded animal is a dog that is unlicensed at the time of apprehension, the relevant license fee; and
- (d) all outstanding fines, damages or costs relating to the impounded animal.

Restrictions on Domestic Pets

7(1) An owner of a domestic pet other than a dog or cat shall not allow the domestic pet outside of the owner's premises unless the domestic pet is at all times while outside of the owner's premises, under the immediate charge and effective control of a person competent to control it. In the event that the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of *The Wildlife Act*, no person shall be entitled to keep or harbor such animal within the Municipality unless such person has been issued a permit by the Municipality under section 14 of this By-Law, and also holds all other government licenses as may be required, to keep or harbor the animal within the Municipality.

Dogs

7(2) Subject to subsection 7(3) and the provisions of section 5, the owner of a dog shall not permit the dog to be outside of the owner's premises unless: (a) the dog has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that dog; (b) the dog is on a leash that is less than six (6) feet in length fully extended; and (c) the dog is under the immediate charge and effective control of a person competent to control it.

7(3) 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.

Maximum Number of Dogs, Cats or Other Domestic Animals

- 8(1)
- a. No person shall own, harbor, keep or have in his possession or control or on his premises, more than two (2) dogs over the age of six (6) months, no more than two (2) cats over the age of six (6) months and no more than four (4) domestic animals of any kind including cats and dogs regardless of the number of people who may be inhabiting the premises, unless such person operates a kennel in accordance with section 4(1) of this by-law.
 - b. Upon passing of said by-law a person has forty-five (45) days to apply to the Municipality of Lorne if they currently have more than two (2) dogs over the age of six (6) months, or more than two (2) cats over the age of six (6) months for a permit and license to keep one (1) additional dog or one (1) additional cat. Council may permit the resident to keep the additional pet until it passes away or set a length of time to allow the owners to find the pet a new home.

PART V: DANGEROUS ANIMALS

Animal Bites

- 9(1) the Municipality or designated officer:
- a. Shall apprehend, impound and place in quarantine any dog or cat that he has reason to believe has bitten a person; and
 - b. May apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet 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.

- 9(2) If the aggressor animal is not voluntarily surrendered to the Municipality or designated officer by the owner, the Municipality or designated 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.
- 9(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 9(9) herein, be quarantined for a minimum of ten (10) days at the owner’s expense, commencing from the date of impoundment (the “quarantine period”).
- 9(4) The Municipality or designate officer may, in his discretion, 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 of the quarantine period.
- 9(5) Subject to a determination by the Municipality or designated officer pursuant to subsection 9(8) 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 pound keeper of a pound fee calculated at the daily rate set out in Schedule A hereto attached 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, otherwise disposed of, or destroyed at the discretion of the pound keeper.
- 9(6) The Municipality or designated 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.
- 9(7) The head of any aggressor animal quarantine for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 9(8) hereof, shall be submitted for rabies examination.
- 9(8) Every aggressor animal shall be examined by a licensed veterinarian approved by the Municipality or designated 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 Municipality or designate officer based upon the following factors:
 - a. The medical report of the licensed veterinarian 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 Municipality or designated officer, a dangerous animal and, if yes, whether or not the provisions of section 11 hereof have been complied with;
 - e. Whether or not the aggressor animal is a restricted animal, and yes, whether or not the provisions of Part VII hereof have been complied with by the owner; and
 - f. 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.

Determination that an animal is a dangerous animal

- 10(1) Where the Municipality or designated officer has reason to believe that an animal, including but not limited to an aggressor animal, is a dangerous animal, he shall arrange a hearing before 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 and the recommended disposition of the matter made by the Municipality or designated officer, 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.
- 10(2) Where it is deemed necessary by the Municipality or designated officer to protect the public or other animals pending the decision of Council, the Municipality or designated officer may:
- a. Require that the animal be quarantined in the pound until a date that the Municipality or designated officer 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
 - b. May impose all or any of the conditions set out in subsection 11(2) of this by-law upon the owner's custody of the animal, which conditions shall apply until a date that the Municipality or designated officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.
- 10(3) Council shall provide written notice of the hearing to the owner of the animal at least ten (10) 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. In the case where the animal alleged to be a dangerous animal is a dog, the Municipality or designated officer shall be entitled to mail the said notice to the last address provided by the owner to the Municipality in relation to the licensing of the said dog. 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 animals is dangerous;
 - c. A copy of this section 10 of the by-law; and
 - d. A statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.
- 10(4) (a) The owner has the right to appear at the hearing, with or without council, and to make submissions to Council and call evidence (whether orally or written) on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the Municipality or designated officer and to inspect any documents filed by or on behalf of the Municipality or designated 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, Council shall be entitled to deal with the matter in his 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 in writing delivered by personal service or registered mail in the manner set out in subsection 10(3) hereof.
- 10(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 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.

10(6) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 10(3). There shall be no obligation upon Council to issue written reasons for their decision.

10(7) The decision of Council shall be final. There shall be no appeal from the decision of Council.

10(8) In the event that a dog is declared by Council to be a dangerous animal, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog to be a dangerous animal.

10(9) Every owner who has received notification from Council pursuant to subsection 10(3) that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.

10(10) Subsection 10(9) shall not apply if the animal is impounded or the Municipality or designated 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

11(1) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in the following subsection. The decision of Council shall be final and not subject to appeal.

11(2) Every owner of an animal that has been declared to be dangerous and in respect of which council has decided to release the dangerous animal to its owner, shall:

- a. in the event that the dangerous animal is a dog, obtain a dangerous dog license for the dangerous dog and pay the required fee as set out in Schedule A hereto attached.
- b. cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the pound keeper.
- c. ensure that the dangerous animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
 - i. is capable of preventing the entry of young children and the escape of the dangerous animal;
 - ii. has minimum dimensions suitable for the size of the dangerous animal;
 - iii. has secure sides; and
 - iv. provides protection from the elements for the dangerous animal.
- d. in the event that the dangerous animal is a dog, permit the dog upon public property only if:
 - i. it is muzzled;
 - ii. it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and
 - iii. the dog is at all times under the effective control of a person competent to control it.
- e. in the event that the dangerous animal is other than a dog, permit the dangerous animal upon public property only if is under the effective control of a person competent to control it.

- f. display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS <insert type of animal>**. The sign shall be posted in such a manner that it cannot be removed easily by a passerby and will be visible and capable of being read from outside of the premises.
- g. within three (3) working days of selling, giving away or otherwise disposing of the dangerous animal, provide the Municipality or designated officer with the name, address and telephone number of the new owner.
- h. advise the Municipality or designated officer forthwith if the dangerous animal has gone missing or is running at large or has bitten worried or attached any person or animal.
- i. advise the Municipality or designated officer forthwith if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal.
- j. maintain in force to the satisfaction of the Chief Administrative Officer of the Municipality a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000.00 per occurrence.
- k. such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in subsection 9(9) hereof.

11(3) No person shall deface or remove a sign posted pursuant to any subsection of this by-law without having first obtained the permission of the Municipality or designated officer.

Destruction of dangerous animal or aggressor animal

12(1) Where it appears on reasonable grounds that an owner has breached a condition of this by-law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the Municipality or designated officer 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 Municipality or designated 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 Municipality or designated 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.

12(2) When the Municipality or designated officer impounds an animal under this section for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the Municipality or designated officer to Council by providing notice in writing to the Chief Administrative Officer of the Municipality, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of section 10 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART VI: LIVESTOCK

13(1) The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural unless otherwise 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.

13(2) An owner shall not permit his 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.

- 13(3) Council, or the Municipality or designated officer on the authority of Council, may establish from time to time a temporary or permanent premise 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 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.
- 13(4) When livestock is impounded, the Municipality or designated officer shall publish notice of the impoundment in a newspaper that is generally distributed within the Municipality as well as post a notice at the office of the Municipality. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the Municipality where the livestock were found running at large.
- 13(5) If the identity of the owner is known, the Municipality or designated officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address.
- 13(6) 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.
- 13(7) 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, the Municipality or designated officer 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 VII: RESTRICTED ANIMALS

Prohibition on restricted animals

- 14(1) Except as may be permitted by the Municipality's zoning by-law in effect from time to time, no person shall keep, harbor, possess or control any restricted animals within the Municipality without a permit issued by Council.

Temporary impoundment

- 14(2) If deemed necessary in the interests of public safety, the Municipality or designated officer may apprehend and impound any restricted animal pending the outcome of any hearing

Order to dispose of restricted animal

- 14(3) Where the Municipality or designated officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a restricted animal within the Municipality, the Municipality or designated officer shall serve the person with an order in writing to dispose of the restricted animal within fourteen (14) days of receipt of the order or such shorter period of time as the circumstances may require and the order may provide, in which case the owner shall sell, give away to a person or organization outside of the Municipality or otherwise dispose of the restricted animal and adhere to any conditions imposed in the order of the Municipality or designated officer.
- 14(4) Where the person has failed to establish that the animal is not a restricted animal, and the person has failed or refused to dispose of the restricted animal within the time frame contemplated by the order of the Municipality or designated officer, the Municipality or designated officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of removing and disposing of the restricted animal. The Municipality or designated officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 14(5) Upon apprehension and impoundment of a restricted animal, and provided that a written order was duly served on the owner, council may proceed to order the animal destroyed or sold, and the Municipality or designated officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and

destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and fines imposed upon the owner for breach of this by-law, then the Municipality shall refund the excess proceeds to the owner.

PART VIII: GENERAL PROVISIONS

Interference with Enforcement

- 15(1) It shall be an offense under this by-law for a person to interfere or obstruct any attempt by the Municipality or designated officer, pound keeper or the Council from carrying out its duties and obligations hereunder. Without limiting the generality of the forgoing, no person shall interfere or obstruct or attempt to interfere or obstruct a Municipal or designated 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 by-law.
- 15(2) 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

- 16(1) Any resident of the Municipality may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the Municipality or designated officer or pound keeper of the apprehension and confinement, and the Municipality or designated officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.

Right of Entry

- 17(1) The designated officer or any other person appointed by the Municipality to enforce the provisions of the 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 license or permit issued pursuant to the by-law) or to otherwise enforce the provisions of the 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.
- 17(2) The owner of any dog, cat or any other domestic pet that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the Municipality or designated office, to assist the Municipality or designated officer to apprehend and impound the said animal.

Complainant Identification

- 18(1) Any person who makes a complaint alleging an offense under this By-Law against another person shall provide to the Municipality or designated officer his name, address and telephone number.

Liability

- 19(1) No liability shall attach to the Municipality or designated office, 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 forgoing, no liability shall attach to the Municipality or designated officer, the pound keeper, the Council and/or 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

- 20(1) Any person who is guilty of an offence under this by-law is liable to the fines set out in Schedule A to this by-law.
- 20(2) Where the contravention, disobedience, refusal or neglect continue for more than one (1) day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.

20(3) Any fine, cost or charge imposed pursuant to this by-law may be collected in the manner in which any tax may be collected by the Municipality.

Repeal

21(1) The Village of Notre-Dame-de-Lourdes by law number 77-11 and the Village of Somerset by-law number and all other by-laws passed by the Rural Municipality of Lorne, Village of Notre-Dame-de-Lourdes and Village of Somerset regarding the regulation and control of animals running at large or the impoundment thereof within the Municipality is hereby repealed.

DONE AND PASSED IN OPEN COUNCIL assembled at the Council Chambers in the LUD of Somerset in the Province of Manitoba this ____ day of _____ A.D. of 2018.

REEVE

CHIEF ADMINISTRATIVE OFFICER

Given first reading this _____ day of _____ 2018.

Given second reading this _____ day of _____ 2018.

Given third reading this _____ day of _____ 2018.

	For	Against
A. Pantel		
R. Lesage		
S. Saxton		
L. Ketsman		
G. Vigier		
D. Savard		
D. Bibault		



SCHEDULE "A"
LICENSE AND IMPOUNDMENT FEES
MUNICIPALITY OF LORNE BY-LAW 0028-18

License Fees (Annual)

2018 license fee	\$10.00
For each dog or cat (2019 and beyond)	\$20.00
Dangerous dog	\$100.00
Replacement tag	\$2.00
Transfer of license	No Charge

Penalties and impoundment fees

For any domestic pet that was apprehended running at large or that was for any other reason, impounded by the Municipality or designated officer or for any contravention of the by-law:

- First offence \$50.00
- Second offence \$100.00
- Each subsequent offence \$200.00

Impoundment fees for Domestic Pets \$10.00 per animal per day

For any livestock that was apprehended running at large or that was for any other reason, impounded by the Municipality or Designated Officer or for any contravention of the by-law:

- First offence \$500.00
- Each subsequent offence \$1,000.00

Each day is deemed to be a new offence



SCHEDULE "B"
MUNICIPALITY OF LORNE BY-LAW 0028-18

NOTICE OF IMPOUNDMENT

Owner: _____
(Name and Address of Owner of animal)

Description of Animal: _____

Date of Apprehension: _____

Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

Hours of Operation of Pound: _____

Phone No. of Pound: _____

Daily Pound Fee: _____

Impoundment Fee and/or Fine: _____

License Fee: _____

Method of Payment Required: _____

Day the animal will be sold or destroyed: _____

Date: _____

Municipality or Designated Officer: _____

Signature: _____