

Municipality of WestLake-Gladstone
By-Law No. 2023-06

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION, LICENSING AND CONTROL OF ANIMALS WITHIN
THE LIMITS OF THE MUNICIPALITY OF WESTLAKE-GLADSTONE**

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 it is deemed advisable to provide for the regulation, licensing, and control of animals within the limits of the Municipality of WestLake-Gladstone;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-Law of the Municipality of WestLake-Gladstone in Council duly assembled, as follows:

1. This by-law may be referred to as "The Animal Control By-Law."
2. In this By-Law, unless the context otherwise requires,
 - a) "**CAO**" shall mean Chief Administrative Officer of the Municipality of WestLake-Gladstone or his/her designate.
 - b) "**Municipality**" shall mean the Municipality of WestLake-Gladstone including the Urban centres of Gladstone, Plumas, Langruth and Westbourne
 - c) "**Urban**" shall mean within the boundary of a designated community, being Gladstone, Langruth, Plumas, & Westbourne.
 - d) "**Rural**" shall mean any property within the Municipality outside of the urban designations.
 - e) "**Animal**" shall mean any dog, cat or livestock kept in domestication or captivity.
 - f) "**Animal Pound**" shall mean any building or enclosure, temporary or permanently designated as an Animal Pound by the Council of the Municipality of WestLake-Gladstone
 - g) "**Cats**" shall mean all species of the animal commonly known as cats and shall include the female as well as male of every breed or classification or mixture of breed.
 - h) "**Commercial Kennel**" shall mean any premises upon which dogs or cats are raised, trained, or kept for remuneration, but does not include a veterinary clinic, animal hospital or animal pound.
 - i) "**Dogs**" shall mean all species of the animal commonly known as dogs and shall include the female as well as the male of every breed or classification or mixture of breed.
 - j) "**Livestock**" shall mean animals kept for the purpose of production of other products from the animals such as chickens and eggs.
 - k) "**Owner**" shall mean any person who keeps or harbors cat(s) or dog(s) or livestock or permits any cat(s) or dog(s) or livestock to remain about their premises with the Municipality.
 - l) "**Person**" includes any person, body, corporation or politic.
 - m) "**Pound Keeper**" means the person duly authorized and appointed by the Council of the Municipality and shall include any person or persons duly authorized to act as assistant to the Pound Keeper.
 - n) "**Running at Large**" shall mean an animal that is not under direct and continuous control of a person or not securely confined within a closure or not securely fastened so that it is able to roam at will.
 - o) "**Service Dog**" means any dog specifically trained to perform work or tasks for people who have medical or physical disabilities.

- p) **“Dangerous/Vicious Dog”** shall mean any dog that is found to menace, chase, display threatening or aggressive behaviour, or otherwise endanger the safety of any human being or domestic animal.
- q) **“Adult”** shall mean over 6 months of age

Interpretation

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.

1.0 RESPONSIBILITY OF OWNERS

1.1 No Owner shall:

- a) Permit their animal to run at large.
- b) Permit their dog to leave any premises without having the license tag issued for the Dog securely fastened to a collar worn around the neck of the Dog,
- c) Permit their animal to bark, howl, mewl, or any other sounds that may disturb the quiet to any other persons.
- d) Permit their animal to defecate on any public or private property except the property of the owner. Where the animal defecates on property other than that on the property of its owner, the owner shall be required to remove and properly dispose of the excrement immediately.
- e) Permit their animal to damage public or private property other than that of its owner.
- f) Permit their animal to pursue, wound, or bite any person or animal.
- g) Permit their animal on public property, including parkland and playground areas, unless the animal is on a leash which extends not more than six (6) feet and is in the actual custody and effective control of the owner or person deemed competent by the owner.
- h) No owner shall harbour or keep any dangerous/vicious dog unless securely fastened and properly muzzled at all times in such place and in such manner that it does not endanger the safety of any human or animal.
- i) Permit their dog to upset waste receptacles or otherwise litter,

1.2 The Owner shall:

- a) In all areas animals must be properly contained to the premises and not free to roam to become a nuisance or danger to the public.

1.3 It is required that owners ensure their animals are annually (or on dates proscribed by Veterinarian Services) vaccinated against rabies. Licensing of animals is required by registering the animal(s) at the Municipal office; it is recommended that the owner ensure proper identification can be found on the animal to dissuade unnecessary impoundment.

1.4 Owners in Urban areas are subject to a limit of permitted animals to a maximum of seven (7) adult cats and or dogs, in any combination, with the maximum number of adult dogs being three (3) under one hundred (100) pounds (lbs) of weight.

1.5 A limit of six (6) chickens is permitted in urban areas, however, roosters are not permitted within Urban areas.

1.6 Owners in Rural areas are not subject to a maximum number of animals, unless, the number constitutes a nuisance or danger to the public or to the animals.

2.0 SPECIAL RESTRICTION

2.1 Owners of a female dog or cat in heat shall keep her confined and housed in the household or suitable building on the premises of the owner for the period of time that she is in heat as to not encourage intact males to run at large.

2.2 Owners of a female animal that has given birth to a litter of cats and or dogs may be permitted to keep the animals until they reach adult status. Once the litter is deemed adult, the number of animals harbored must conform to the limit restrictions.

3.0 COMPLAINT IDENTIFICATION

- 3.1 To lodge a complaint with the Municipality in regard to a violation of this by-law the complainant must submit in writing to the CAO, or Council, their name and address before any action will be taken to either impound the animal or to institute any legal proceedings.
- 3.2 Complainants' personal information is not to be shared with the Owner in question as per FIPPA.
- 3.3 Complaints must be deemed well founded and accurate by the CAO and/or council before disciplinary action will be taken.

4.0 LICENSING OF DOGS

- 4.1 The owner of every dog over the age of six (6) months shall obtain and renew annually, a license to keep the dog. 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 offense under this By-Law.
- 4.2 Notwithstanding section 4.1,
 - a) Registered dogs used as "service" dogs for persons with disabilities shall still register for an annual tag with proof of registration.
 - b) Upon approval from the Animal Control Officer, any person who moved into the municipality from another municipality and owned, possessed, or harboured more than seven (7) dogs or cats prior to their move; may continue ownership, possession, or harbouring of those animals, after providing sufficient evidence to support the claim is supplied to the satisfaction of the Animal Control Officer
 - c) Any person whom subsection (b) applies shall not be entitled to acquire, by any means, any additional dogs, and/or cats until the number of dogs, and/or cats they own, possess, or harbours falls below the number of authorized by this by-law, being seven (7), at which time they must comply with provisions of section 4.1.
 - d) Any person to whom subsection (a) & (b) applies shall be subject to all other provisions of this bylaw.
- 4.3 The required dog license shall be issued at the Municipal office in Gladstone.
- 4.4 No person shall be permitted to remove the collar or license tag from any dog without a lawful excuse, and any removal without lawful excuse shall constitute an offense under this by-Law.
- 4.5 Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag.
- 4.6 Where a change in ownership of a dog licensed hereunder occurs during the license year, the new owner shall, within thirty (30) days of acquiring the dog, have the current license transferred to their name. Any failure to report a change in ownership shall constitute an offense under this By-Law.
- 4.7 Subsections 4.1, 4.3, 4.4, 4.5 and 4.6 shall not apply to;
 - a) non-residents of the Municipality who bring a dog or a cat on a temporary visit into the Municipality, or;
 - b) a dog or a cat of a non-resident that is being kept on a temporary basis by a resident of Municipality, provided however, that nothing in this Subsection 4.7 shall authorize any person to bring a dog or cat 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.

4.8 Subject to Subsection 4.9 hereof, every dog owner must produce, before a license is issued or renewed for the dog, evidence of a current rabies vaccination status for that dog from a licensed veterinarian.

4.9 A dog owner does not have to produce evidence of a current rabies vaccination status in order to obtain or renew a license in respect of their dog if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog cannot be vaccinated for rabies for medical reasons.

5.0 RABIES VACCINATION

5.1 Except where Subsection 4.9 applies, the Animal Control Officer may at any time request that an owner provide proof that the owner's dog has a current rabies vaccination status and, if the owner cannot produce such proof, the Animal Control Officer may terminate the owner's dog license, and in the case of a dog, the Animal Control Officer may apprehend and impound the dog, and may issue a Notice of Breach of this By-Law to the owner.

5.2 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, unless otherwise approved by Manitoba Health

6.0 FINES, FEES, & REDEMPTION

6.1 Whereas an Owner has failed to abide by the responsibilities and restrictions set forth within the Animal By-Law they will be subject to Offense Fines and/or Pound Fees.

6.2 Offense Fines are charged to the Owner by the Municipality. One warning letter may be issued prior to a monetary fine.

- a) First Offense Warning – Written warning letter expressing the violation and repercussion of continued disregard of the by-law.
- b) First Offense Fine, within twelve (12) months of the first offense warning, One Hundred Dollars (\$100.00)
- c) Second Offense Fine, within twelve (12) months of the first offense fine, Two Hundred Fifty Dollars (\$250.00)
- d) Third Offense Fine, within twelve (12) months of the first offense fine, Five Hundred dollars (\$500.00)
- e) Where a third offense fine has been issued, and another violation of the bylaw has occurred, within twelve (12) months of the first offense, the owner shall be fined double in value of the preceding fine prior. For example, if a third offense fine for \$500.00 has been issued, and evidence suggests that another violation has occurred within twelve months of the first violation, the owner shall be fined One Thousand dollars (\$1000.00).

6.3 Where a fine is not paid in full to the Municipality within a timely manner of the fine being issued, it will be transferred to the tax roll at the location where the Owner resides.

6.4 Where an animal is taken to the pound by the Animal Control Officer, or authorized by the Municipality and taken to the Pound by an individual person, the owner of the animal must pay to the Pound Keeper, at the Animal Pound, all applicable fees for the services that were provided to the animal during it's time at the Pound prior to the animal being released to the Owner.

7.0 ANIMAL BITES & DANGEROUS ANIMALS

7.1 The Animal Control 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 their 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.

- 7.2 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.
- 7.3 Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 7.9 herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 7.4 The Animal Control Officer may, in their 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 for the quarantine period.
- 7.5 Subject to a determination by the Animal Control Officer pursuant to Subsection 7.8 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. 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 Pound keeper.
- 7.6 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.
- 7.7 The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to Subsection 7.8 hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 7.8 Every aggressor animal shall be examined by a licensed veterinarian 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 Animal Control 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 Animal Control Officer, a dangerous animal and, if yes, whether or not the provisions of Section 9 hereof have been complied with;
 - e) whether or not the aggressor animal is a restricted animal, and if yes, whether or not the provisions of Section 9 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.
- 7.9 Notwithstanding the provisions of Subsection 7.3 herein, it shall be within the discretion of the Animal Control Officer 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 the Animal Control Officer, and shall report the results of any such veterinary examination to the Animal Control Officer;
- d) the owner shall take out and pay for such liability insurance on the aggressor animal as may be prescribed by the Animal Control Officer;
- e) 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 license fees, and any costs associated with liability to the victim or victims of the bite incident;
- f) such other conditions as the Animal Control Officer may deem necessary or advisable in the interests of public safety.

8.0 DETERMINATION THAT AN ANIMAL IS A DANGEROUS ANIMAL

8.1 Where the Animal Control Officer has reason to believe that an animal, including but not limited to an aggressor animal under Section 7, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled 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 and the recommended disposition of the matter made by the Animal Control 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.

8.2 Where it is deemed necessary by the Animal Control Officer to protect the public or other animals pending the decision of Council, the Animal Control Officer may:

- a) require that the animal be quarantined in the pound until the earlier of the date that the Animal Control 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 7.9 of this By-Law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the Animal Control Officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

8.3 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 or cat, the Animal Control 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 or cat. 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 8 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 he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

8.4

- a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence on their 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 Animal Control Officer 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 8, 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 8.3 hereof.

- 8.5 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 bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;
 - (ii) the circumstances surrounding any previous 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.
- 8.6 The Council shall deliver a copy of their decision to the owner in the manner provided in Subsection 8.3 There shall be no obligation upon Council to issue written reasons for their decision.
- 8.7 The decision of Council shall be final. There shall be no appeal from the decision of Council.
- 8.8 In the event that a dog or cat is declared by Council to be a dangerous animal, any license previously issued in relation to that dog or cat shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog or cat to be a dangerous animal.
- 8.9 Every owner who has received notification from Council pursuant to Subsection 8.3 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.
- 8.10 Subsection 8.9 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.
- 9.0 CONSEQUENCES OF DANGEROUS ANIMAL DECLARATION**
- 9.1 Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in Subsection 9.2. The decision of Council shall be final and not subject to appeal.
- 9.2 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 or cat, obtain a dangerous dog or cat license for the dangerous dog or cat 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, as prescribed by the Animal Control Officer;
 - (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 it 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 Animal Control Officer with the name, address and telephone number of the new owner.
- h) advise the Animal Control Officer within three (3) working days of the death of the dangerous animal.
- i) advise the Animal Control Officer forthwith if the dangerous animal has gone missing or is running at large or has bitten or attacked any person or animal.
- j) The animal owner assumes all liability of the animal and waives the municipality of any such liability.
- k) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in Subsection 7.9 hereof.

9.3 No person shall deface or remove without having first obtained the permission of the Animal Control Officer a sign posted pursuant to Subsection 9.2(f) or Subsection 7.9(b) hereof.

10.0 DESTRUCTION OF DANGEROUS ANIMAL OR AGGRESSOR ANIMAL

10.1 Where it appears on reasonable grounds that an owner has breached 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 Animal Control 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 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.

10.2 When the Animal Control Officer impounds an animal under this Section 10 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 Animal Control Officer to Council by providing notice in writing to the CAO 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 9 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

11.0 ANIMAL CONTROL OFFICER

11.1 Council may by resolution appoint an Animal Control Officer to carry out the following duties upon prior CAO approval;

- a) May peruse, capture, and release to the Animal Pound any animal that is found wandering at large, is a danger to the public, or is found to be sick or ill cared for.
- b) Investigate a complaint whereas evidence is required prior to issuing just ramification.
- c) Shall, if possible, attempt to contact or locate the owner of the animal if found at large.

- 11.2 Animal Control Officer shall have the right and is hereby authorized to enter upon privately owned property within the Municipality, excluding residential dwellings only, for the purpose of enforcing this by-law.
- 11.3 No person shall interfere or attempt to obstruct the animal control officer in their attempt to capture, or who has captured and animal in accordance with provision of this by-law.
- 11.4 Animal Control Officer is authorized to use any reasonable and humane means necessary including injection of tranquilizing fluid to ensure the animal does not commit harm to others.

12.0 ANIMAL POUND & POUND KEEPER

- 12.1 Municipal Authorization shall be required prior to animal impoundment.
- 12.2 Impounded animals shall be provided with sufficient food, water, and adequate shelter in a safe and sanitary environment.
- 12.3 Impounded animals shall receive medical care as required. Should an impounded animal be so sick or injured that it would be inhumane to allow it to live, the pound keeper shall reserve the right to cause the animal to be euthanized forthwith.
- 12.4 If no owners are located after 72 hours of impoundment the Pound Keeper reserves the right to rehome the animal or have it euthanized.
- 12.5 The Pound Keeper reserves the right to set and charge an owner a monetary sum for the services the animal pound has provided to the impounded animal prior to the animal being released into the owners' care.
- 12.6 The animal control officer and the pound keeper shall be entitled to compensation for their duties at the rate of their yearly prescribed rates.

13.0 KENNELS

- 13.1 If an owner wishes to establish a Commercial Kennel an application must be made in writing to the CAO providing the intended location, number of dogs to be kept, and intended purpose of the kennel, Schedule C of this by-law. Council will review the request taking all information into consideration and will notify the person applying with either approval or rejection. The decision of council is final and binding. An approval may be revoked for any violation of any conditions imposed by it.
- 13.2 Council may refuse to issue a kennel permit or may revoke or refuse to renew an existing kennel permit or may modify the conditions which apply to an existing kennel permit or may suspend an existing kennel permit at any time upon a finding that:
- a) a neighbor or any other party is exposed to a nuisance created by the operation or maintenance of the kennel, including, without limitation, excessive noise, noxious odours or excessive traffic;
 - b) this By-Law or any other law, regulation or rule pertaining to animal care or environmental matters, or any condition pertaining to the kennel permit, have been or are being contravened, including, without limitation, any law, regulation, rule or permit condition pertaining to waste disposal;
 - c) the premises are not maintained in a condition such that animal escapes are prevented;
 - d) the holder of the kennel permit has breached the duties of an owner of animals under *The Animal Care Act* (Manitoba) (whether or not they actually own all of the animals in their care), including, without limitation, where the conditions in the kennel are unsafe or unsanitary for the animals;
 - e) any inspection report from the public health authorities indicating that a lack of cleanliness or sanitation in the kennel or the surrounding premises presents a human health risk;
 - f) the premises are not licensed under *The Animal Care Act* (Manitoba), and are required to be so licensed under the said Act; or
 - g) it is not in the public interest to allow the kennel or proposed kennel to operate, or to continue to operate, as currently operated within the Municipality.

- 13.3 A kennel permit issued to an applicant shall be valid for a period of one year from the date of issuance. A permit-holder who wishes to renew a kennel permit shall no later than thirty (30) days prior to the expiry date submit an application for renewal to the Council on application Schedule C of this By-law. Council shall review such renewal application, and may, but shall not be required to, notify adjacent property owners of the renewal application unless such renewal application materially differs from the prior year's application submitted by the permit-holder or unless a written objection is made to Council, in which case all adjacent property owners shall be notified.
- 13.4 Prior to revoking, suspending, refusing to renew, or imposing conditions upon, an issued and outstanding kennel permit, the Council shall notify the holder of the kennel permit and shall provide the said holder with the opportunity to make representations to Council at a meeting of Council.
- 13.5 Upon refusal to grant or renew a kennel permit, or upon prescribing the conditions of a kennel permit or modifying the conditions of a kennel permit or suspending an owner's kennel permit, the owner shall be notified of the decision of Council by registered mail. In the event that the owner's application for a new or renewed kennel permit is denied, or the conditions of the owner's existing kennel permit are modified such that the owner keeps, harbors or has possession or control over a number of dogs and/or cats that exceeds the prescribed limit in this By-Law or in the kennel permit, as applicable, the owner shall have thirty (30) days to dispose of the dogs and/or cats over and above the applicable prescribed limit or to make such other modifications as may be required by order of the Council.
- 13.6 The animal control officer shall inspect the premises as soon as reasonably possible after the thirty (30) days set out in subsection 13.5 hereof has elapsed to ensure compliance with the order of the Council and the conditions imposed on the existing kennel permit, if any. If the owner has failed to comply with any such order or conditions, the animal control officer shall take all such lawful steps as may be required, in their discretion, to bring the owner into compliance with this By-Law and any such order or conditions, including, without limitation, apprehending and impounding any dogs and/or cats in excess of the applicable prescribed limit to be dealt with in accordance with the duties of the pound keeper in section 12, except that the owner shall not be entitled to redeem the dogs and/or cats apprehended if, to allow such a redemption, would again result in a contravention of the provisions of this section 13.
- 13.7 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 CAO of the Municipality within three (3) days of the apprehension (excluding Sundays and statutory holidays during which the pound is closed to the public). This appeal shall be heard by Council 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 euthanized 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 and any licensing and permit fees properly charged to the owner under this By-Law, recover the said animals.
- 13.8 The Council, or the animal control officer on their behalf, may request in writing that the premises of the applicant or permit-holder be inspected by the animal control officer or such other person as may be designated by Council or the animal control officer, at any time upon reasonable notice, and the owner shall comply with any such request. The failure by an owner to comply with such a request shall constitute an offense under this By-Law and is grounds for refusing to grant or renew a kennel permit or for revoking, suspending or placing conditions upon an existing kennel permit.
- 13.9 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.

14.0 LIABILITY

- 14.1 No liability shall attach to the Animal Control Officer, The Pound Keeper, and/or the Municipality, and its representatives, in carrying out their respective duties under the by-law. Without limiting the generality of the foregoing, no liability shall attach to the Animal Control Officer, The Pound

Keeper, and/or the Municipality for any animal euthanized, rehomed, or injured during the course of its apprehension or impoundment.

BY-LAWS 10-97 (Gladstone), 1980 (Westbourne), 77-11 (Langruth) be hereby repealed.

DONE AND PASSED as a by-law of The Municipality of WestLake-Gladstone at Gladstone in the Province of Manitoba this 20th day of March 2024.

Daryl Shipman, Mayor

Cindy Marzoff, CAO

Read a first time this 21st day of February 2024

Read a second this 20th day of March 2024

Read a third time this 20th day of March 2024



SCHEDULE A - LICENSE AND IMPOUNDMENT FEES

Note: Service Animals are to be registered with the Municipal of Westlake-Gladstone at no cost

Application Fees

For a service animal permit	NC
For a kennel permit	\$100.00
Kennel Inspection Fee	\$50.00
	+ costs
For a permit to keep a dangerous animal	\$1,000.00

License Fees (Annual) – and Related Changes

For each service animal	\$ N/C
For each spayed female or neutered male dog	\$ N/A
For each male dog	\$ N/A
For each female dog	\$ N/A
For each dog declared to be a dangerous animal	\$500.00
Replacement Tag	\$ N/A
Kennel permit – annual fee	\$ 50.00
Failure to obtain an annual Kennel permit	\$200.00
Subsequent kennel inspection return fee	\$ 50.00
	+ costs

WestLake Gladstone

SCHEDULE B

NOTICE OF IMPOUNDMENT

FOR THE MUNICIPALITY OF WESTLAKE-GLADSTONE

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: _____

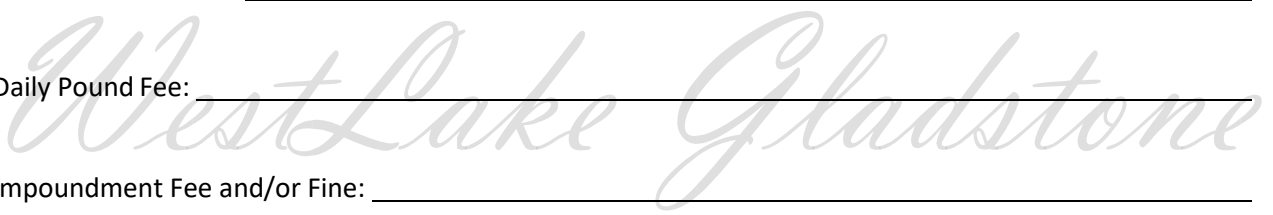
Method of Payment Required: _____

Day the animal will be sold or humanely euthanized: _____

Date _____

Animal Control Officer _____

Signature _____



Schedule C
Kennel Permit Application

New Renewal Permit

Name: _____ Kennel Name: _____

Mailing Address: _____

Kennel Location: _____

Legal Description: _____

Municipality: _____

Home Phone: _____

Cell Phone: _____

Email Address: _____

Please complete and sign this application and return it to the above address with payment in the amount of \$_____ within ten days of receipt.

A person must obtain a kennel permit issued by the Municipality of Westlake-Gladstone if the person operates a kennel in which there are three or more dogs. A kennel is defined as “an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains three or more dogs under controlled conditions”.

An appointment will be scheduled for inspection of the kennel premises by a By-Law Enforcement Officer upon receipt of this kennel permit application and fee. This kennel application properly executed and a copy of the inspection report will then be forwarded to, and must be approved by, The Municipal of Westlake-Gladstone. The kennel permit form will be sent to you after approval and will be valid for one year from the date of the board’s approval.

Note: Failure to show for a scheduled inspection and/or failure of inspection will warrant a subsequent inspection return fee of \$50.00 for each additional visit. Failure of inspection may result in denial of the kennel permit.

Please answer the following questions and initial each response

1. ____ I/We assume complete responsibility for the kennel at the premises for which I/We are making an application for a permit and understand that “kennel” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors, or maintains three or more dogs under controlled conditions.
2. ____ I/We certify that I/We have ____ dogs and that the kennel meets the definition above.
3. ____ I/We certify that I/We have not been convicted of a violation of cruelty to animals or dog fighting, or similar violations in any city, municipality, or province.
4. ____ I/We certify that all dogs over the age of six months that are kept, harbored or maintained on the premises of the above-named kennel have been properly vaccinated against rabies by a veterinarian, and that a current vaccination certificate signed by a licensed veterinarian is maintained on the premises for each dog.
5. ____ I/We certify that I/We are submitting a valid **copy of the rabies vaccination certificate for each dog with this application.**
6. ____ I/We understand that a person who fails to obtain a kennel permit under By-Law 2023- 06, on a yearly basis, is subject to a penalty of \$100.00 in addition to the annual fee.

7. ____ The undersigned understand that the kennel permit does not authorize the operation of any type of business and is solely used for the purpose of licensing multiple dogs.

I/We certify that all the information I/We have provided is true and accurate under penalty of law.

Applicant Signature : _____ Date : _____

Applicant Signature : _____ Date : _____

CAO Signature: _____ Date: _____

WestLake Gladstone

**“Schedule D”
Dangerous Animal Application
By-Law No. 2023-06**

New Renewal License

Owners Name: _____

Mailing Address: _____

Legal Land Description: _____

Municipality: _____

Home Phone: _____

Cell Phone: _____

License Number: _____

Email Address: _____

A person must obtain a Dangerous Animal License issued by the Municipality of Westlake-Gladstone if the person has an animal that is deemed dangerous. A dangerous animal is defined as “any animal that has killed or injured a person, domestic animal; or livestock without provocation; any animal that a By-Law Enforcement Officer has reasonable grounds to believe is likely to kill or seriously injure a person; any animal that aggressively harasses or pursues a person or companion animal or domestic animal while running at large”.

Animal Information: (one form per animal): The Municipality of Westlake-Gladstone has a limit of one (1) dog per one family dwelling.

Type of Animal: _____

Animal's Name: _____ Age: _____

Animal's Gender: Male Female Spayed/Neutered: Yes No

Primary Breed: _____ Secondary Breed: _____

Primary Colour: _____ Secondary Colour: _____

Microchip No: _____ Tattoo No: _____

How will the Animal be controlled/kept (Section 9 of By-Law No. 2023-06

***You must disclose this information if your animal has been deemed dangerous in any town or city.*

Please answer the following questions and initial each response

1. ____ I/We assume complete responsibility for the Dangerous Animal
2. ____ I/We certify that I/We have not been convicted of a violation of cruelty to animals or dog fighting, or similar violations in any city, municipality, or province.
3. ____ I/We certify that I/We are submitting a valid **copy of the rabies vaccination certificate for the animal which requires licensing.**
4. ____ I/We understand that a person who fails to obtain a Dangerous Animal license, under By-Law 2023-06, on a yearly basis is subject to a penalty of two hundred and fifty dollars in addition to the annual fee.

5. ____ I/We understand that I/We 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>”, as set out in By-Law 2023-06.

6. ____ (if the dangerous animal is a dog) I/We understand that when in public, the dangerous dog must be leashed, muzzled, on a leash no longer than six feet, and under the care and control of an owner who is 19 years of age or older.

I/We certify that all the information I/We have provided is true and accurate under penalty of law.

Applicant Signature : _____ Date : _____

Applicant Signature : _____ Date : _____

CAO Signature: _____ Date: _____

WestLake Gladstone