

Municipality of Minitonas-Bowsman

By-Law 06/2018

Being a by-law concerning the control of animals within the limits of the Municipality of Minitonas-Bowsman.

WHEREAS Section 232 (1) of the Municipal Act provides that a Council may pass by-laws for municipal purposes respecting the following matters:

- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

AND WHEREAS section 232 (2) of the Municipal Act provides that a Council may in a by-law passed under their division;

- (l) Establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, management or control of the municipality;

AND WHEREAS Section 236 (1) of the Municipal Act specifies: '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 contraventions of by-laws, including
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles or other things related to a contravention,

THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Minitonas-Bowsman passes and hereby enacts the following "ANIMAL CONTROL BY-LAW":

DEFINITIONS

Aggressor Dog - means any Dog under Section 13 (Dog Bites) of the is By-law.

Animal Control Officer- means the person appointed by Council to enforces the provisions of this By-Law, and includes any person acting as an assistant to, or under the direction of the Animal Control Officer authorized by Council.

Dangerous Dog – means any dog that has on at least one occasion, worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock, or any other animal. This may include being kept for the purpose of security or protection, whether residential, commercial, or industrial, of persons or property and may also include a dog that has shown the disposition or tendency to be threatening or aggressive, or that has been trained to attack.

Livestock – means:

- (a) Animals kept for the purpose of:
 - (i) Production of meat,
 - (ii) Production of other products from the animals, or
 - (iii) Herding, protection of livestock, and breeding stock of such animals.
- (b) Animals for the purpose of improving or preserving any species or kind of animal that may be kept for the purpose set out in sub clause (a)(i), (ii), or (iii) of this definition; and
- (c) And other animal determined by the Animal Control Officer to be livestock for the purpose of this By-Law; whether or not intended for profit including any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to the Animal Liability Act.

Owner – includes any person who owns, keeps, harbors, or has possession or control of an animal, or who owns, leases, or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the Animal Control Officer or any other person.

Responsible Person – means the owner of the animal, a person in whose care or control the animal is in, a register owner of the property or person who is renting or leasing property that the animal is kept or found on.

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 competent person able to control it; or
- (b) Securely confined within an enclosure or securely fastened so that it is not able to roam at will beyond the property in which it is kept.

INTERPRETATION

1. 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.

ESTABLISHMENT OF POUND, POUNDKEEPER AND APPOINTMENT OF ANIMAL CONTROL OFFICER

2. (1) Establishment of Pound:

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.

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- (2) Appointment of Pound keeper:

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

At the discretion of Council, the Animal Control Officer may also serve as pound keeper, and vice versa.

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- (3) Appointment of Animal Control Officer:

Council may appoint one or more persons as Animal Control Officers(s) to carry out the enforcement of this By-law either on a temporary or permanent basis.

- (a) The Animal Control Officer shall have all the powers, duties, discretion and functions of a designated officer set out in the Act and authorized to;
 - i. Administer and enforce this By-law and the Act; and
 - ii. Act as a designated officer for the purpose of this By-law.
- (b) The Animal Control Officer may commence a prosecution under Section 249 of the Act for the purpose of enforcing a contravention of this By-law through an offence.

RIGHT OF ENTRY

3. (1) The Animal Control Officer or any other person appointed by the Municipality to enforce the provisions of this By-law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and building of an animal owner or any other person, other than the personal residence of an individual, of the purposes of apprehending or inspecting an animal that is in contravention of this By-law.

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- (2) The owner of any domestic pet that has bitten any person or any other animal shall present the said animal to the door of their dwelling upon request of the Animal Control Officer, and/or assist the Animal Control Officer to apprehend and impound the said animal.

INTERFERENCE WITH ENFORCEMENT

4. No person may interfere with, or obstruct or attempt to interfere with or obstruct the Animal Control Officer or designated officer in carrying out the administration and enforcement of this By-law.

ASSISTANCE

5. the registered owner of the property or a person renting or leasing the property shall assist the Animal Control Officer or designated officer in seizing any animal found on their property. A responsible person in respect of the animal shall supply such information that the Animal Control Officer requests of the administration and enforcement of this By-law.

PROVISION OF NEEDS

6. Every person who keeps any animal within the municipality shall provide the animal or cause the animal to be provided with:
 - (a) Comfort, shelter and security
 - (b) Readily accessible fresh water and a diet capable of maintaining the animal(s) in full health and vigor
 - (c) Freedom of movement, and shall not be chained indefinitely
 - (d) The company of other animals, which includes the human who is often the only contact that the animal(s) might have with other living creatures
 - (e) The opportunity to exercise most, if not at all, of their normal patterns or behavior
 - (f) An environment and housing that neither harms the animal nor causes any undue strain or stress
 - (g) The ability to recognize and prevent abnormal behavioral patterns, injury, and parasitic infections and disease, including rapid diagnosis and treatment when indicated
 - (h) Appropriate health care

OWNER'S RESPONSIBILITY

7. (1) No person shall:
 - (a) Permit any animal to run at large
 - (b) Permit any animal to bark, howl or make a noise that could disturb the peace and enjoyment of people in the surrounding area
 - (c) Permit any animal to defecate on any public or private property other than the property of its owner
 - (d) Permit any animal to defecate on their property in a manner which constitutes an environmental or health hazard or a nuisance for neighbors
 - (e) Permit any animal on a school ground or playground
 - (f) Permit any animal on public property unless the animal is on a leash (which shall be no longer than six (6) feet in length) and that animal is in the actual custody and effective control of the owner or a person competent to control it.
 - (g) Permit any animal to upset waste receptacles or otherwise litter
 - (h) Permit any animal to worry, bite, injure, or attack a person or animal
 - (i) Permit or keep more than:
 - i) Two dogs on a property
 - ii) Five cats on a property

(2) Subsection 7(1)(i) does not apply to a person who are operating a kennel on a property subject to section 12 and who is in compliance with the Municipality's Zoning By-law, or to dogs under four (4) months of age.

(3) Subsection 7(1)(i) shall not apply to premises which are zoned agriculture, provided however, that where, in the discretion of the Animal Control Officer, the number of animals on any such premises constitutes a danger to the public or to the animals, the Animal Control Officer may exercise their discretion to apprehend and impound all or some of the animals.

(4) Any female domestic pet in heat shall be confined to the premises of the owner or a person having control of the female domestic pet, or shall be in a licensed kennel, for the period of time that the domestic pet is in heat. The confinement shall be in such a manner as to prevent any contact between the domestic pet in heat and any domestic pet except other domestic pets owned by the same owner or another owner who permits such contact.

LICENSING OF DOGS

8. (1) The owner of every dog over the age of four (4) months within the Bowsman Urban Area and Minitonas Urban Area shall obtain and renew annually, a license to keep the dog, which license shall require the payment of the annual fees as set out in Schedule A attached hereto. Failure to obtain or keep current the required license or ensure that the license tag issued for the dog is securely fastened to the dogs' collar shall constitute an offense under this By-law.
- (2) The license fee hereby imposed shall be due and payable on or before the 31st 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) Where a change in ownership of the dog licensed occurs during the license year, the new owner shall have the current license transferred to his or her name upon payment of the transfer fee prescribed in Schedule A attached hereto. Any failure to report a change in ownership or to pay the prescribed transfer fee shall constitute an offence under this By-law.
- (4) This section 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 dog or vicious, in heat, rabid, or otherwise a risk to the public or to other animals within the Municipality, or does it authorize any person to allow the dog to run at large or otherwise create a nuisance within the Municipality.

LIVESTOCK

9. The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agriculture, unless otherwise permitted by the Municipality's Zoning By-law. 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 offence under this By-law to keep any livestock in excess of the prescribed number and kind.

VACCINATIONS OF DOGS

10. The owner of any dog shall have their dog vaccinated for rabies in accordance with international veterinary protocol. Such vaccinations shall be no more than two (2) years old. The owner shall maintain a certificate of vaccination of rabies showing the dog has been vaccinated within the last two years.

APPLICATION FOR KENNEL PERMIT

11. (1) Any person who wishes to keep, harbor, possess or control the number of dogs in excess of the maximum number prescribed in Section 7 hereof, regardless of whether for profit or pleasure, shall apply in writing to the Council for a kennel license. The application must be accompanied by the license fee as set out in Schedule 'A' hereto attached.
- (2) Council shall set a date to review any such application for a kennel license at a regularly scheduled Council meeting not less than thirty (30) days following receipt of the application and license fee. Council shall notify the applicant and make all reasonable attempts to notify all property owners within a one (1) mile radius of the premise upon which the proposed kennel will be located, of the application and the date of the hearing in respect of the application.

(3) Every kennel license shall be for a one (1) calendar year payable by the 31st day of January annually. If an application is received throughout the year, Council may choose to pro-rate the annual fee accordingly. A License holder who wishes to renew the kennel permit shall no longer than thirty (30) days prior to the expiry date apply for renewal accompanied by the annual license fee. Failure to do so may result in the immediate suspension of the permit.

(4) Prior to revoking, suspending, refusing to renew or imposing conditions upon an issued kennel license, the Council shall notify the holder of the license and shall provide the said holder with the opportunity to make representation to Council at a meeting of Council.

RESPONSIBILITY OF KENNEL PERMIT HOLDERS

12. (1) Every person applying for a kennel license shall comply with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association), municipal and/or zoning by-law, or any other terms or conditions set by Council.

(2) Every person who owns or operates a kennel shall permit the Animal Control Officer to enter and inspect the kennel at all reasonable times for the purpose of determining compliance with this By-law.

(3) Where the Animal Control Officer finds that the owner or operator of a kennel does not comply with this or any other by-law of the municipality, their license may be suspended, revoked and the Animal Control Officer may direct that the animals be seized and impounded.

DOG BITES

13. (1) The Animal Control Officer shall apprehend, impound and place in quarantine and dog that they have reason to believe has bitten a person whether on private property or elsewhere and whether or not the skin was directly punctured or lacerated by the bite; and in their discretion, such action in respect of the dog is necessary for the protection of the public.

(2) If the aggressor dog 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 dog and if necessary, to apply to the 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 dog.

(3) Any aggressor dog so apprehended and impounded shall be quarantined for a minimum of ten (10) days or until determination that the dog is or is not a dangerous dog at the owner's expense, commencing from the date of the impoundment.

(4) The Animal Control Officer may, in their discretion, authorize the owner of the aggressor dog to quarantine the aggressor dog in a place other than the pound, provided that such place is under the direct supervision of a licensed veterinarian and that the aggressor dog must remain at such place at the owner's expense for the quarantine period.

(5) Every aggressor dog 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 dog can be released from quarantine or must be euthanized, 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 dog
- (b) Whether or not the public health authorities are prepared to consent to the release of the aggressor dog
- (c) Proof that the aggressor dog does not have rabies and that the aggressor dog has a current rabies vaccination at the date of the bite incident
- (d) Whether or not the aggressor dog is, in the opinion of the Animal Control Officer, a dangerous dog and if yes, whether or not the provisions of section 15 hereof have been complied with; and
- (e) The severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident.

(6) the Animal Control Officer shall keep records of all bite incidents, identifying the aggressor dog and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provision contained herein. Original documents are to be submitted to the Municipal Office for accurate record keeping.

DETERMINATION OF DANGEROUS DOG

14. (1) Where the Animal Control Officer has reason to believe that a dog, including but not limited to an aggressor dog, is a dangerous dog, they shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not the said dog should be declared a dangerous dog.

(a) In the event that an owner voluntarily accepts the dangerous dog declaration and the recommend 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. This provision is provided that the acceptance is in writing as per Schedule 'E' attached hereto and filed with the Municipal Office.

(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 dog be quarantined in the pound until the earlier of the date that the Animal Control Officer determines that it is safe to release the dog 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 section 15 of this By-law upon the owner's custody of the dog, which conditions shall apply until the earlier of the date that Animal Control Officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

(3) Council shall provide written notice of the hearing (Schedule 'F') to the owner of the dog at least ten (10) days in advance of the hearing either by servicing notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. The notice shall include the following information;

(a) The time, place and purpose of the hearing

(b) A summary of the reasons in support of the allegation that the dog is dangerous

(c) A copy of this By-law

(d) A statement that if the owner does not attend the hearing, the matter will be dealt with in their absence and that they will not be entitled to any further notice or appeal in regard to the proceedings concerning the dog.

(4) 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 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 respond to same.

(5) Where the owner does not attend the hearing, having been given notice as provided in accordance with this section, 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 dog.

(6) Within five (5) working days of the hearing of Council, Council shall issue a written decision and shall deliver a copy of the decision in accordance with this section.

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

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

TERMS/CONDITIONS OF HARBOURING A DANGEROUS DOG

15. The owner of a dangerous dog shall ensure that the following conditions are adhered to at all times along with any other conditions imposed by this or any other municipal by-law:
- (a) Such a dog is licensed with the municipality as a dangerous dog in accordance with the fees outlined in Schedule 'A'
 - (b) Cause the dangerous dog to be tattooed upon the ear with clearly identifiable information as set out by Council and provide a copy of such information to the Animal Control Officer
 - (c) Such a dog is spayed or neutered
 - (d) When such a dog is on the property of the owner, it shall be 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 dog:
 - ii. Has minimum dimensions suitable for the size of the dangerous dog, as prescribed by the Animal Control Officer:
 - iii. Has secured sides: and
 - iv. Provides protection from the elements for the dangerous dog
 - (e) The dangerous dog is only permitted 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.
 - (f) Display in a conspicuous location at each entrance to the premises upon which the dangerous dog is kept, a sign stating: WARNING: BEWARE OF DANGEROUS DOG. 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 the premises.
 - (g) A policy of liability insurance, satisfactory to the municipality, in the amount of at least five hundred thousand dollars (\$500,000.00) for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the municipality to be named as an additional insured for the sole purpose that the municipality be notified by the insurance company of any cancellation, termination or expiration of the policy.
 - (h) Any dog that has been designated as dangerous under this By-law may not be offered for adoption.
 - (i) Advise the Animal Control Officer forthwith if the dangerous dog has gone missing, is running at large or bitten, worried or attacked any person or any other animal.
 - (j) Advise the Animal Control Officer within three (3) working days of the death of the dangerous dog.
 - (k) Such other conditions as may be prescribed by resolution of Council.

NON-COMPLIANCE OF DANGEROUS DOG CONDITIONS

16. If the owner of any dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section, said dog shall then be euthanized after a fourteen (14) day holding period, which shall be at the expense of the owner.

DESTRUCTION OF DANGEROUS DOG

17. (1) Where it appears on a reasonable grounds that the owner has breached a condition of this By-law in respect of an dog that has been declared dangerous, or if a dog has caused injury or damage to a person, property or any other animal, or if the Animal Control Officer otherwise has reasonable grounds to believe that a dog presents a risk to any person, property or any other animal and such dog has been declared a dangerous dog by Council, the Animal Control Officer may apprehend and impound the dog for the purpose of destroying it.

In the event that a dog 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 dog notwithstanding that it has been declared a dangerous dog by Council at the time of its apprehension and impoundment.

(2) When the Animal Control Officer impounds a dog under this section for the purpose of destruction of the dog, they shall give the owner written notice, that the dog will be destroyed after the expiry of fourteen (14) days from the date of the notice. The owner may appeal the decision of the Animal Control Officer to Council by providing written notice to the Municipal Office, in which case Council shall hold a hearing at the next regularly scheduled meeting of Council as to whether or not the dog should be destroyed. The dog shall remain quarantined in the pound pending the outcome of the hearing.

SEIZURE AND IMPOUNDMENT

18. (1) The Animal Control Officer may seize and impound any animal in enforcing this By-law.

(2) If the Animal Control Officer has seized and impounded an animal, the Animal Control Officer shall take the animal to the pound.

(3) Council or the Animal Control Officer, may establish from time to time, a temporary or permanent premise for the confinement of animals apprehended pursuant to 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.

(4) The Animal Control Officer shall, if the owner of the animal is known to the Animal Control Officer, notify the owner that the animal has been seized and impounded, that the animal may be redeemed from impoundment on the owner meeting certain terms including paying the impoundment fees set out in Schedule 'A', the Municipality's costs of enforcement, and if the animal is not redeemed within three (3) days of the being impounded the animal may be rehomed or destroyed.

(5) Such notice is met if the Animal Control Officer leaves the notice of Impoundment as per Schedule 'C' with a responsible person.

(6) The Animal Control Officer shall, if the owner of the animal is unknown to the Animal Control Officer, post a notice with this same information in the Municipal Office, & on the Municipal website.

(7) Where an animal seized and impounded is injured or ill and is treated by a veterinarian, the Municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of treatment.

APPREHENSION BY RESIDENT

19. Any resident of the Municipality may apprehend and confine an animal which is running at large on their property, provided that they immediately thereafter inform the Animal Control Officer, Municipal Officer or Member of Council of the apprehension and confinement.

REDEMPTION

20. (1) An owner of the animal may redeem from impoundment by applying to the Municipal Office or Animal Control Officer. Upon payment of the fees set out in Schedule 'A' and the Municipality's cost of enforcement, and showing proof of vaccination under section 10, the Municipal Office shall instruct the pound to release the animal.

(2) If in the Animal Control Officer's opinion, an animal that has been seized and impounded remains a serious risk to the safety of people or animals as a result of the animals' actions, the Animal Control Officer may impose conditions on the release of the animal to reasonably address the risk. The Animal Control Officer shall provide the owner of the animal in writing with the conditions at the time the owner redeems the animal (conditions of redemption). The owner shall acknowledge in writing the conditions of redemption at the time the animal is released from the pound as per Schedule 'A' attached hereto.

(3) No responsible person may permit any animal to be in violation of the conditions of redemption. If the conditions of redemption are violated the Animal Control Officer may seize and impound the animal. The animal is not subject to redemption. The Animal Control Officer shall, if the owner of the animal is known the Animal Control Officer, notify the owner that the animal has been seized and impounded, the animal is subject to destruction within three (3) days of being impounded, the owner may request that Council review the destruction of the animal, and if no request for a review is made within three (3) days of being impounded, the animal shall be destroyed or rehomed. Such notice is met if the Animal Control Officer leaves the notice with a responsible person. The Animal Control Officer shall, if the owner if the animal is unknown to the Animal Control Officer, post a notice with the same information in the Municipal Office and placed on the Municipal Website.

(4) The owner is responsible for the fees set out in Schedule 'A' and the Municipality's costs of enforcement even when no request for a review is made.

(5) The pound keeper shall not release any impounded animal until notified by the Municipal Office that the requirements of this section have been fulfilled.

REVIEW

21. (1) An owner of the animal may request Council review any breach of this By-laws, conditions of redemption or proposed destruction, by giving a written notice to the Chief Administrative Officer within three (3) days of being served notice of the Breach of By-law.

(2) Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review by Council and notify the owner of the date and time of the review.

(3) The time specified for destruction is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.

(4) At the time and place set out in the notice, Council shall consider the request for review, and the owner may appear in person or by counsel. After reviewing the matter, Council may confirm, vary, substitute or cancel the conditions as set in the Breach of By-Law.

(5) Any decision of Council is final and not subject to appeal.

COMPLAINT IDENTIFICATION

22. Any person who makes a complaint alleging an offence under this By-law against another person shall provide the Municipal Office their name, address, telephone number and picture/video evidence.

LIABILITY

23. No liability shall attach to the Animal Control Officer, the pound keeper, or other designated officer of the Municipality in carrying out their respective duties under this By-Law.

PENALTIES

24. (1) Any person who contravenes any provision of this By-law is guilty of an offence and liable to the fees prescribed in Schedule 'A' attached hereto, including any costs associated with or resulting from enforcing this By-law.

(2) Each day of violation of any provision of this By-law may constitute a separate offence.

(3) The levying and payment of these fines shall not relieve a person from the necessity of paying any fees, charges or costs from which they are liable under the provision of this By-law.

(4) Where any person contravenes the same provision of this By-law twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount specified in Schedule 'A' of this By-law in respect to that provision.

(5) A person who has been served with a Notice of Breach (Schedule 'B') of this By-law, may dispose of the matter by attending the Municipal Office during regular office hours within fifteen (15) days of the date of the notice and pay the applicable fine, along with all other such charges that may have accrued as a result of enforcement of this By-law.

(6) Without limiting the generality of the foregoing, no animal impounded shall be release until all provisions of the By-law pertaining to the said animal and/or impoundment have been complied with as set out by this By-law.

(7) Without limiting the penalties for specific offenses set out in subsections 24(8) hereof, any person who contravenes any provision of this By-Law is guilty of an offense under this By-law and under the Summary Convictions Act shall pay at the discretion of the magistrate:

(a) a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;

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

(c) in the event of nonpayment of the fine, the convicting magistrate may commit the offender to imprisonment of not less than ten days or more than thirty days.

(8) Any person who interferes with or obstructs the duties of an Animal Control Officer, a poundkeeper or any other person authorized to enforce any provisions of this By-Law, or who unlawfully enters any pound or unlawfully removes any animal impounded, is guilty of an offense and is liable:

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

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

REPEAL FORMER BY-LAWS

25. Bylaws 01/2002 (Village of Bowsman), 5/2002 (Town of Minitonas), and 5/2012 (Rural Municipality of Minitonas) and any other By-laws inconsistent herewith are hereby repealed.

DONE AND PASSED by the Council of the Municipality of Minitonas-Bowsman, in open session duly assembled at the Minitonas Municipal Office in Minitonas, Manitoba this 18th day of September, 2018 A.D.

Clint Eisner

Reeve

Kasey Chartrand

Chief Administrative Officer

Read a first time this 21st day of August, 2018 A.D.

Read a second time this 4th day of September, 2018 A.D.

Read a third time this 18th day of September, 2018 A.D.

MUNICIPALITY OF MINITONAS-BOWSMAN

LICENSE AND IMPOUND FEES

APPLICATION FEES:

For a Kennel Permit:	\$100.00
Renewal fee for Permit:	\$ 50.00

LICENSE FEES FOR DOGS:

Spayed or Neutered Dog	\$ 10.00
Intact Female or Male Dog	\$ 20.00
Transfer Fee	\$ 5.00
Replacement of Tag	\$ 5.00
For Each Dangerous Dog	\$ 100.00
Kennel License (annual fee)	\$ 100.00

BREACH OF BY-LAW FEES:

(When animal is not impounded)

Failure to comply with Owner's Responsibility As per Section 7	\$ 100.00
Failure to provide provision of needs As per Section 6	\$ 100.00
Failure to contain Livestock	UP TO \$500.00

IMPOUNDMENT FEES:

(section 18 gives authority for Council to charge any other costs of enforcement or veterinarian treatment as necessary during seizure and impoundment)

First Impoundment:
(per animal)

Dog,	\$ 50.00
Dangerous dog	\$ 250.00
Livestock	1-5 head \$ 250.00 6- 10 head \$ 500.00 11- 15 head \$ 750.00 and so on

Second impoundment:

(if it occurs within 12 months of first impoundment)

Dog,	\$ 100.00
Dangerous dog	\$ 500.00
Livestock	1-5 head \$ 250.00 6- 10 head \$ 500.00 11- 15 head \$ 750.00 and so on

Daily Pound Fees:

In addition to the above applicable Impound Fee, the owner must pay the daily pound fees for each and every day the animal is impounded.

The daily pound fee, to be set at the actual cost to the municipality within any current contract between the municipality and pound service.

Daily fees are based on a per animal per day basis, and apply to the all impound and quarantined animals.

MUNICIPALITY OF MINITONAS-BOWSMAN

BREACH OF BY-LAW

TO: _____

You are charged that on the _____ day of _____, 20____, you did unlawfully:

- As owner, permit an animal to run at large within the limits of the Municipality of Minitonas-Bowman, contrary to **Section 7(1)(a)**.
- As owner, permit any animal to bark, howl or make a noise that could disturb the peace and enjoyment of people in the surrounding area, contrary to **section 7(1)(b)**.
- As owner, permit any animal to worry, bite, injure or attack a person or animal, contrary to **section 7(1)(h)**.
- As owner, permit or keep more than two dogs or five cats on a property contrary to **section 7(1)(j)**.
- As owner, failed to abide by the duties of an owner regarding a dangerous dog, within the limits of the Municipality of Minitonas-Bowman, contrary to **section 15**.
- As owner,

_____ within the limits of the Municipality of Minitonas-Bowman, contrary to section _____.

Payment may be made within fifteen (15) days from the date of this Breach.

An appeal of all charges must be made in writing within five (5) days to the Municipal Office, where a hearing will then be set for the next regularly scheduled Council meeting. Should you wish to make representations at this hearing, your attendance in person is required. Council may make any decision in your absence. The decision of Council is final and not subject to further appeal.

Dated in the Municipality of Minitonas-Bowman, in the Province of Manitoba, this _____ day of _____, 20__.

Animal Control Officer

NOTE: "owner" includes any person who owns, keeps, harbors or has procession 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 that animal immediately prior to an attack by the animal or apprehension of the animal by the Animal Control Officer.

MUNICIPALITY OF MINITONAS-BOWSMAN

NOTICE OF IMPOUNDMENT

Owner: _____

Address: _____

Description of Animal: _____

Date of Apprehension: _____

Time of Apprehension: _____

Location of Apprehension: _____

Place of Impoundment: _____

Hours of Operation of Pound: _____

Phone Number of Pound: _____

Daily Pound Fee: _____

Impoundment Fee and/or Fine: _____

Date Animal will be sold or Destroyed: _____

Date: _____

Signature: _____

All payments must be received by the Municipal Officer prior to release of animal from the pound.

The following terms and conditions as set by the Animal Control Officer shall be agreed to prior to the release from impoundment:

- _____

- _____

- _____

I hereby agree to the above-mentioned terms and conditions:

Signature of Owner

Date

MUNICIPALITY OF MINITONAS-BOWSMAN
APPLICATION FOR KENNEL PERMIT

- New Applicant - \$ 100.00
- Renewal Applicant - \$50.00

Name of Applicant: _____

Address of Applicant: _____

Name of Kennel: _____

Location of Kennel: _____

Telephone Number: _____

Purpose of License Application/Renewal

- Commercial Dog Kennel (Please mark all that apply)
 - Breeding
 - Buying/Selling
 - Boarding
 - Training
 - Rescue
- Non- Commercial Dog Kennel (Please mark all that apply)
 - Personal Enjoyment
 - Agriculture/Hunting
 - Shows
 - Rescue/Foster

Payment is due with application/ renewal and does not guarantee issuance/ re-issuance of kennel permit.

By signing below, the applicant or kennel operator is agreeing to make their premises available to the Municipality of Minitonas-Bowsman for the purpose of ascertaining compliance with kennel standards through kennel inspections. All kennels must operate in accordance with applicable Zoning or municipal by-laws.

Submitted herewith are _____ Rabies Vaccination Certificates, signed by a licensed veterinarian. The total number of dogs over four (4) months of age in the proposed kennel is _____.

Signature

Date

For Office use only

Fees paid \$_____ Date _____ Council Resolution _____

Schedule E to By-law No. 06/2018

MUNICIPALITY OF MINITONAS-BOWSMAN

ACCEPTANCE OF DANGEROUS DOG

Name: _____

Address: _____

Phone Number: Home: _____

Cell: _____

Email: _____

Description of Dangerous Dog:

Location to Which the Dangerous Dog will be Kept:

I, _____ hereby do accept the determination of the Animal Control Officer that my dog is a Dangerous dog and I shall comply with the Dangerous dog provisions of the By-law No. 06/2018, along with any other conditions imposed by Council that they deem as necessary.

I understand by signing this form that I am voluntarily accepting that my animal is dangerous and that I am not entitled to a hearing of Council. This decision is final and not subject to appeal.

Signature

Date

MUNICIPALITY OF MINITONAS-BOWSMAN

NOTICE OF HEARING

On the date and at the time and location shown below, a HEARING will be held to receive representation in respect to the following matter:

Pursuant to By-law No. XX/2018, you have been charged on _____, 20__ with the following charges (a copy of By-law No. 06/2018 attached):

Attached please find any supporting evidence of charges.

HEARING LOCATION: Municipality of Minitonas-Bowsman Council
Chambers – 311 Main St. Minitonas, Mb

DATE & TIME: _____ @ _____ A.M/ P/.M

FOR INFORMATION CONTACT: Municipality of Minitonas-Bowsman
311 Main St. Minitonas, Mb
Email: cao@minitonas-bowsman.ca

Should you wish to make representation at this hearing, your attendance is person is required. Council may make any decision in your absence. The decision of Council is final and not subject to further appeal.

Dated in the Municipality of Minitonas-Bowsman, in the Province of Manitoba, this _____ day of _____, 20__.

MUNICIPALITY OF MINITONAS-BOWSMAN

RELINQUISH ANIMAL

Animal Name: _____

Tag Number (if Applicable): _____

Color/Breed: _____

I, _____ do hereby relinquish
the above noted animal to the care of the Municipality of
Minitonas-Bowsman.

Signature

Date

Comments:

