

## **By-Law 2198-18**

### **City of Winkler**

Being a By-Law under “The Municipal Act” and “The Animal Liability Act” to regulate the control of animals within the City of Winkler. The Council of the City of Winkler in meeting duly assembled enact as follows;

#### **1. By-Law Name**

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

#### **2. Definitions**

- a) Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the words and expressions in “The Animal Liability Act” of Manitoba.
- b) “City” means City of Winkler.
- c) “Animal Control Officer” means the person appointed by Council to enforce the provisions of the By-law, and includes any person acting as an assistant to, or under the direction of the Animal Control Officer authorized by Council.
- d) “Cat” means any member of the genus *Felis domesticus* (domestic cat).
- e) “Dog” means any member of the genus *Canis familiaris* (domestic dog).
- f) "Domestic Pet" means any animal other than a dog or cat that has been domesticated and is kept or harboured within the City;
- g) “Seeing Eye Dog” means any dog specially trained for and actually used as a seeing eye dog by any person whose sight is impaired or is blind.
- h) “Vicious” & “Nuisance” – that without restriction to the generality of the terms “vicious” and “nuisance” an animal shall be held to be:
  - i. Vicious if it has bitten or attempted to bite a person;
  - ii. A nuisance if it habitually barks, or molests any person, or barks at motor vehicles.
- i) “Pound” means any enclosure, premises, or place designated by the City for the purpose of impounding and caring for all animals found in violation of any provision of this By-law.
- j) “Pound Keeper” means a person or organization that is responsible for the maintenance of a pound for the keeping of animals under this By-law.
- k) “Restricted Animal” means any of the following animals;
  - i. Any constrictor snakes and venomous reptiles
  - ii. Any venomous amphibians
  - iii. Any member of the order *Crocodylia*
  - iv. Any non-human Primates
  - v. Any wild animal or wildlife as defined in The Wildlife Act

- vi. Any member of the order Carnivora except dogs, cats and domestic ferrets
  - vii. Livestock, including horses, cattle, swine, pigs, goats, sheep, pigeons, all domestic poultry, and specialty fowl, or similar animals at the discretion of the Designed Officer.
  - viii. Bees, including *Apis mellifera* or *Megachile rotundata* bees or similar insects at the discretion of the Designed Officer.
- l) Exceptions to Section k above may be allowed in accordance with City of Winkler Zoning By-law 1938-08 or its replacement.

### **3. Ownership**

Any person in possession of any dog or cat, or who harbours or allows a dog or cat to remain upon or around his or her premises or under his or her control shall be deemed the owner of such dog or cat for the purposes of this By-law.

### **4. Dog License and Restrictions**

- a) No person may own, keep, possess, harbour, or have in possession any dog over the age of 4 months unless such dog has been licensed and a tag must be affixed at all times to a collar worn on the neck of the dog. Proof of current rabies vaccination is required before a license can be issued.
  - i. Dogs used as seeing eye dogs for visually impaired persons and any dog used for police work shall receive a tag at no charge
- b) The license fee is set out in Schedule "A" of the City of Winkler Fees and Charges By-law, and must be paid within 30 days of the owner obtaining a dog.
- c) No person may own, keep, possess, harbour, or have in possession more than two (2) dogs over the age of 4 months in and around any premises or dwelling within the City. If an owner possesses a female dog who has a litter of pups, the owner may keep the pups until the completion of the weaning process.
- d) Non-residents who may be accompanied by a dog on a temporary visit to the City are exempt from the license fee provided such dog is not vicious, or a nuisance, or in heat or rabid.
- e) Where a change in ownership of a licensed dog occurs, the new owner must have the current license transferred to his or her name upon payment of the transfer fee set out in Schedule "A" of the City of Winkler Fees and Charges By-law.
- f) In the event that a tag has been lost or stolen, a replacement shall be made available to the owner without payment of a new license, but upon payment as set out in Schedule "A" of the City of Winkler Fees and Charges By-law for a replacement tag.
- g) The City Manager must keep a record of all dog licenses and tags issued under the provisions of this By-law.

- h) Any person who, without lawful excuse, removes a collar or tag from any dog for which a tag is issued, is guilty of an offence under this By-law and may be penalized, cost of penalty is set out in Schedule "A" attached.

#### **5. Cats**

- a) No person may own, keep, harbour, or have in possession more than two (2) cats over the age of 4 months in and around any premises or dwelling within the City. If an owner possesses a female cat who has a litter of kittens, the owner may keep the kittens until the completion of the weaning process.
- b) No license is required on any cat.

#### **6. Rabies Vaccination**

- a) Every dog or cat over the age of 3 months must be vaccinated against rabies, and vaccinations must be repeated annually. Vaccination tags must be affixed at all times to a collar worn on the neck of the dog or cat.
- b) The animal control 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 City Manager may, upon receipt of such information, terminate the owner's dog license, and in the case of a dog or cat, the animal control officer may apprehend and impound the dog or cat, and may charge the owner with an offense under this By-law.
  - i. An exception to the above may be made by the production of a statement in writing from a Licensed Veterinarian stating that the dog or cat, for medical reasons cannot be vaccinated for rabies.

#### **7. Quarantined for Rabies**

All dogs and cats suspected of suffering from rabies must be dealt with in accordance with the regulations under "The Public Health Act" and must be quarantined for 14 days and kept apart from other dogs and cats. If the said animal is cured of rabies after 14 days, it may be released to the owner. If the animal dies within 14 days, it must be taken to a doctor of veterinary medicine for further examination. If the animal is diagnosed with rabies, it may be destroyed by a doctor of veterinary medicine. Any dog or cat that bites or scratches a human being must be quarantined for 14 days at the owner's expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

#### **8. Responsibility of Owner**

No owner, possessor, or harbourer shall;

- a) Allow or permit a dog or cat to be at large or run at large at any time within City limits.

- i. Exception is given to dogs at large within the fence at the Winkler Dog Park while under the direct supervision of the owner, possessor, or harbourer
- b) Allow any dog or cat to become a nuisance or disturb the quiet of others.
- c) Allow any dog to attack or chase any person, or any other animal on public or private property.
- d) Allow any dog or cat that is deemed to be vicious to remain within the City provided that any person can show to the satisfaction of the Animal Control Officer that the dog or cat is vicious. In the case of a dog, the Animal Control Officer must cancel the tag and instruct the City Manager to give notice of cancellation by way of registered mail, and the owner must within 10 days of the date of mailing, return the tag to the City Manager.
- e) Allow any dog or cat to defecate on or otherwise damage public or private property. It is the responsibility of the owner of the dog or cat to clean up and dispose waste (defecation), and the repair of any damages.
- f) Allow any dog or cat in heat on public property. The dog or cat must be confined to the owner's private property during that time.
- g) Allow any dog or cat on school grounds without express permission from the school.

#### **9. Domestic Pet**

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.

#### **10. Teasing, Enticing Prohibited**

It is an offence for any person to tease, entice, bait, or throw objects at a dog, cat, or domestic pet on public or private property.

#### **11. Ill-Treated Animals**

- a) Where there are reasonable grounds to believe that an animal is confined without necessary food, water, or attention for more than fifteen (15) consecutive hours; or is being unnecessarily abused, ill-treated, beaten, or subjected to pain or discomfort, is unduly exposed to cold or overcrowding, either in enclosure, or in transit; the Animal Control Officer or Police Officer may, by force, if necessary, open and enter into any place in which the animal is so confined; supply the animal with necessary food, water, attention, as long as it remains in that place; OR
- b) If he or she deems it necessary to remove the animal, and recover from the owner of the animal the amount of the expense necessarily incurred by him or

her for food, water and attention; and the Animal Control Officer or Police Officer is not liable for any entry or removal.

## **12. Impounding and Redemption**

- a) Any dog, cat, or domestic pet which is deemed to be in contravention of the provisions of this By-law, may be impounded and confined at the Morden Veterinary Clinic. The dog, cat, or domestic pet must be redeemed by the owner within 5 business days of the time of capture by paying the City of Winkler the impound fees, and a dog license if applicable set out in Schedule "A" of the City of Winkler Fees and Charges By-law.
  - i. If the dog, cat, or domestic pet is not claimed within 5 business days, the City may sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and license fees, unless such fees are otherwise waived by the City.
  - ii. Where a licensed veterinarian certifies in writing that an animal in custody of the Animal Control Officer is seriously injured or sick that it would be cruel to allow it to live, the Animal Control Officer may cause the animal to be destroyed immediately.
- b) When a current licensed dog with a valid tag from a municipality is impounded, the Animal Control Officer must, immediately after impounding, notify the owner whose name and address appears on such license that the dog has been impounded. The Animal Control Officer must notify the City Manager of the municipality that the tag was issued by, regarding the impoundment.
- c) The owner of any animal impounded with no tag shall be notified by public notice in the City of Winkler administration offices.
- d) No person may unlawfully break open, attempt to break open, directly or indirectly aid or assist in breaking open the pound or unlawfully remove or attempt to remove any animal from the pound.
- e) Any resident of the City may apprehend and confine an animal which is running at large on their property, provided that he/she must immediately inform the Animal Control Officer of the apprehension and confinement. The Animal Control Officer must attend the residents address to take possession of and impound the animal.
- f) Residents of the City of Winkler may take animals to the Morden Veterinary Clinic for impoundment. In such a case, the Animal Control Officer shall not be paid for capture or mileage fees.

## **13. Animal Control Officer to Notify City Clerk**

The Animal Control Officer must notify the City Clerk of all animals impounded in order to keep record of every animal. The Animal Control Officer must remit all information

requested by the City Clerk and City Manager. All monies collected by the Animal Control Officer must be remitted to the City Manager, along with reports and statements made by the Animal Control Officer.

#### **14. Restricted Animals**

No person shall keep, harbour, possess or control any restricted animals within the City, unless a temporary permit has been issued by the City Manager.

- a) Applications from the owner or operator of a traveling show to keep a restricted animal in the City on a temporary basis may be considered by the City Manager. The application form is set out in Schedule "B" attached. The City Manager must decide based on the application and any written or oral submissions of the applicant, whether or not to grant a permit to the applicant to keep or harbour the restricted animal within the City and must advise the applicant in writing of their decision. The City Manager, may impose conditions upon a permit to keep or harbour a restricted animal and any violation of such conditions by the owner may invalidate the permit and constitutes an offence under this By-law.
- b) Any restricted animal impounded by the Animal Control Officer under the provisions of this By-law may be sold or destroyed.

#### **15. Complainant Identification**

Any person who makes a complaint alleging an offence under this By-law against another person must provide to the Animal Control Officer their name, address and telephone number. It will be at the discretion of the Animal Control Officer whether or not to proceed based on an anonymous complaint or information.

#### **16. Authorization**

- a) The Animal Control Officer, Police Officer, or any other person authorized by this By-law to enforce the provisions may enter into land surrounding any building without consent of an owner in pursuit of any animal which has been observed running at large.
- b) The Animal Control Officer is empowered to decide whether an animal has become a public nuisance.
- c) The City Police or a licensed veterinarian is empowered, in their discretion, to discharge any firearm or other compressed air propellant in the course of their duties of enforcing any section of this By-law.
- d) No person may prevent or hinder the Animal Control Officer, Police Officer, or anyone authorized to act on their behalf while trying to impound any animal.
- e) The Council may at any time, by resolution, appoint an Animal Control Officer, pound keeper, assistant pound keeper, and animal valuer who shall have and exercise all powers and authority and be subject to all penalties of the pound keeper.

- f) The Council may, by resolution, provide for the payment or remuneration to the Animal Control Officer, pound keeper, assistant pound keeper, or valuer.
- g) The Council may at any time, by resolution, remove the Animal Control Officer, pound keeper, assistant pound keeper and valuer from office.
- h) The Animal Control Officer or Police Officer may enter into land surrounding any buildings without consent of the owner to seize, impound, remove, confiscate, and sell or otherwise dispose of restricted animals or other things related to a contravention.

### **17. Liability**

No liability shall attach to the Animal Control Officer, the pound keeper, the Council and/or the City in carrying out their respective duties under this By-law, and for any animal destroyed, sold or otherwise disposed of according to the provisions of this By-law or killed or injured during the course of its apprehension or impoundment.

### **18. Penalties**

- a) Without limiting the penalties for specific offences set out in subsections (b) and (c) below, any person who contravenes any provision of this By-Law is guilty of an offence and is liable upon summary conviction to a penalty set out in Schedule "A".
- b) Any animal that is impounded 3 or more times within any 12-month period while owned by the same owner, may be sold or disposed of to a new owner or may be destroyed regardless of whether or not it is properly licensed under this By-law.
- c) Any person who interferes with or obstructs the duties of an Animal Control Officer, a pound keeper 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:
  - i. To a penalty as set out under Schedule "A", or to imprisonment for a term of not more than sixty (60) days, or both, plus all applicable costs.
- d) Where a corporation commits an offence under this By-law, each director or officer of the corporation who authorized, consented to, or knowingly permitted, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable for the penalties provided for herein.
- e) Where the contravention, disobedience, refusal or neglect continues for more than one day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal, or neglect continues.

### **19. Police Dogs**

With the exception of section 4(a) and 6(a), the Police Service, its' on duty officers, and Police Dogs shall not be subject to any other provisions of this by-law.

**20. Repeal Other By-laws**

THAT By-law No. 2158-16 is hereby repealed.

**DONE AND PASSED** in open Council assembled in the City of Winkler on this 13th day of February, 2018.

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Mayor

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City Manager

Read the first time this 23rd day of January 2018  
Read a second time this 13th day of February 2018  
Read a third time this 13th day of February 2018

## SCHEDULE 'A' TO BY-LAW 2198-18

### Offences and Penalties

Offence	First Offence	Second Offence	Subsequent Offence
4(a) Unlicensed dog	\$100.00	\$150.00	\$200.00
4(c) Too many dogs	\$150.00	\$200.00	\$300.00
4(e) Failure to report change of ownership	\$20.00	N/A	N/A
4(h) Collar or dog tag removed	\$20.00	\$50.00	\$100.00
5(a) Too many cats	\$150.00	\$200.00	\$300.00
6(b) Failure to provide when asked proof of rabies vaccination	\$250.00	N/A	N/A
8(a) Dog or cat at large	\$50.00	\$75.00	\$100.00
8(b) Dog or cat becomes a nuisance	\$50.00	\$75.00	\$100.00
8(c) Dog chases or attacks person or animal	\$50.00	\$100.00	\$200.00
8(d) Vicious dog or cat	\$250.00	\$300.00	\$350.00
8(e) Dog or cat defecate or damages property	\$50.00	\$100.00	\$150.00
8(f) Dog or cat on public property while in heat	\$25.00	\$50.00	\$100.00
8(g) Dog or cat on school grounds	\$50.00	\$75.00	\$100.00
9 – Domestic pet at large	\$50.00	\$100.00	\$150.00
10 – Teasing, enticing, baiting	\$200.00	\$250.00	\$300.00
11(a) Ill treated animal	\$500.00	\$600.00	\$700.00
12(d) Break or attempt to break into pound	\$200.00	\$250.00	\$300.00
12(d) Remove or attempt to remove animal from impound	\$200.00	\$250.00	\$300.00
14 – Restricted Animal without permit	\$100.00	\$200.00	\$300.00
16(d) Obstructs Animal Control Officer while impounding	\$150.00	\$300.00	\$450.00
18(c) Interferes with duties of Animal Control Officer	\$150.00	\$300.00	\$450.00

# SCHEDULE 'B' TO BY-LAW 2198-18

## Application for Temporary Restricted Animal Permit

Name of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Number of Restricted Animals to be kept within the City of Winkler: \_\_\_\_\_

Purpose or event at which Restricted Animal(s) will be kept:

\_\_\_\_\_

Types of Restricted Animal(s) to be kept within the City of Winkler:

\_\_\_\_\_

\_\_\_\_\_

How will the Restricted Animal(s) be confined? \_\_\_\_\_

Address the Restricted Animal(s) will be kept at: \_\_\_\_\_

Dates the Restricted Animal(s) will be within the City of Winkler:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Month Day Year Month Day Year

Signature of Applicant: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_

*\*The property owner signature is required if the applicant does not own the property the restricted animals will be kept on\**

Office Use Only	
Permit #: _____	Receipt: _____
Received: _____	Expires: _____
Approved By: _____	
Conditions: _____	