

**THE TOWN OF CHURCHILL
BY-LAW NO. 803/2021**

**BEING A BY-LAW OF THE TOWN OF CHURCHILL TO REGULATE AND CONTROL
ANIMALS**

WHEREAS *The Municipal Act, C.C.S.M. c. M225*, provides in part as follows:

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;

...

- c) Subject to section 233, activities or things in or private property;

...

- k) Wild and domestic animals and activities in relation to them, including the by-laws differentiating on the sex, breed, size and weight.

....

AS SET FORTH HEREIN the Town of Churchill is of the opinion that it is desirable and in the public interest to restrict and regulate domestic animals.

NOW THEREFORE the Council of the Town of Churchill in Council assembled at Churchill, Manitoba, enacts as a by-law the following:

PART ONE - NAME AND INTERPRETATION

References

- 1.1 This By-law may be referred to as the Animal Control By-law.
- 1.2 The inclusion of any headings of this By-law is for convenience of reference only and shall not affect the construction or interpretation of this By-law.
- 1.3 The terms "this By-law", "hereof" and similar expressions refer to this By-law generally while references to Parts, Sections or Subsections (as the case may be) refer to that specific Part, Section or Subsection.

Definitions

- 1.4 In this By-law:

"**administrative support assistant**" or "**ASA**", means the person employed by the Town and appointed to act within the authority delegated to such person to enforce or administer all or part of this By-law;

"**animal**" means a dog, cat or other domesticated species used for agricultural purposes including (without limiting the generality of the foregoing) horses, cattle, hogs, goats, sheep, poultry and bee colonies, but does not include wildlife or any wild animal as those terms are defined in *The Wildlife Act C.C.S.M. c. W130*;

"**cat**" means a member of the subspecies *Felis catus*;

"**Council**" means the Council of the Town of Churchill, from time to time;

"**dog**" means a member of the subspecies *Canis lupus familiaris* and includes crossbreeds with other *Canis* species;

"insanitary condition" means a condition or circumstance

- (a) that is offensive;
- (b) that is, or may be, or might become injurious to health;
- (c) that prevents or hinders the suppression of disease;
- (d) that contaminates or pollutes, or may contaminate or pollute food, air, or water; or
- (e) that might render food, air, or water injurious to the health of any person;

and includes a nuisance and any circumstance or condition that, in the opinion of an enforcement officer, may be injurious to health or that may result in the creation of a nuisance with respect to the following: the existence of filth, liquid waste, garbage, excreta, decayed matter (such as dead animals, birds, or fish), rubbish, debris, or any like matter, liquid or solid.

"enforcement officer" means any person appointed by the Town to enforce the provisions of this By-law, and may include the Executive Director and/or ASA, as the context may require;

"Executive Director" means the Executive Director of the Town or designated employee of the Town;

"harbour" or **"harbouring"** means, in respect of a cat or dog, includes constructing, erecting, locating or keeping on the premises of which the person is the occupant a structure designed to be used as a shelter by the animal;

"muzzled" means retraining a dog by means of a humane fastening or covering device of adequate strength and design, and suitable to the breed of the dog, that fits over the mouth of a dog and cannot be removed by the dog, to prevent the dog from injuring a person or domestic animal;

"owner" means, in respect of a cat or dog, any person:

- (a) who has been identified on the cat or dog's licence as the owner of the cat or dog;
- (b) who has legal title to the cat or dog;
- (c) who has possession or custody of the cat or dog, whether temporarily or permanently; or
- (d) who harbours the cat or dog, or allows the cat or dog to remain on his/her/their premises;

"person" includes any individual, corporation, entity or organization however designated or constituted;

"pound" means an enclosure, premises or place designated by the Town for the impoundment and care of cats and dogs;

"premises" or **"property"** means a private property, house, apartment, condominium, unit or other building, together with all of its land and outbuildings, as the context may require;

"run at large" or **"running at large"**

- (a) In reference to a cat, means that the cat is not:
 - (i) on its owner's property;
 - (ii) on other property with the consent of the owner or occupant;
 - (iii) securely confined in a vehicle or other enclosure; or
 - (iv) securely leashed;
- (b) In reference to a dog, means that the dog is not:
 - (i) on its owner's property;
 - (ii) on other property with the consent of the owner or occupant;
 - (iii) securely confined in a vehicle or other enclosure; or
 - (iv) securely fastened or leashed so that it is unable to roam at will and in the custody of someone competent to control it;

"service animal" means an animal that is determined by the ASA to have been legitimately trained and certified to provide assistance to a person with a disability that relates to that person's disability;

"Town" means the Town of Churchill; and

"veterinarian" means a currently and validly licenced member of the Manitoba Veterinary Medical Association.

Impoundment

- 1.3 In this By-law, a reference to a period of impoundment includes the day on which the impoundment began but does not include any day in which the pound is closed to the public.

PART TWO - GENERAL PROHIBITIONS

General Prohibitions

- 2.1 Subject to 2.3, no person shall:
- (a) keep, possess or harbour more than:
 - (i) two (2) dogs over the age of four (4) months; AND/OR
 - (ii) two (2) cats over the age of four (4) months

in any premises, regardless of the number of people who live in the premises, unless the person holds a valid Additional Animal Permit, the person, business or corporation holds a valid kennel licence or, in the case of Subsection (i) above, a dog team licence applicable to the premises;
 - (b) keep, possess or harbour any animal that is not licenced in accordance with this By-law;
 - (c) keep, possess or harbour a dog trained to fight other animals;
 - (d) remove or deface a sign required to be posted pursuant to Subsection 3.26(c);

- (e) tease, entice, bait or throw objects at an animal;
 - (f) expose an animal to injurious heat or cold, confine an animal to an enclosure with inadequate space, insanitary conditions, inadequate ventilation or lighting, or without providing an opportunity for exercise; or
 - (g) inflict upon an animal acute suffering, serious injury or harm, or extreme anxiety or distress that significantly impairs its health or well-being.
- 2.2 No person other than the owner of an animal or with the consent of the owner shall untie, loosen or otherwise free an animal which has been tied or otherwise restrained.

Additional Animal Permit

2.3 Notwithstanding the foregoing general prohibitions:

(a) An owner may apply to the ASA for a permit to allow such owner to keep, possess and harbour one (1) additional dog and/or one (1) additional cat, using the form of application set out in **Schedule "C"** hereto (the "Additional Animal Permit Application") along with an application fee in the amount of \$50.00 as provided therein. The ASA shall have the discretion to approve or deny every Additional Animal Permit Application and in exercising such discretion may take into account such factors as the ASA deems appropriate, including (without limiting the generality of the foregoing) the owner's history of animal ownership in the Town and the owner's compliance or non-compliance with this By-law.

(b) Any owner that, at the time of enactment of this By-law, already keeps, possesses or harbours more animals than the limit imposed in Subsection 2.1(a) may, at the discretion of the ASA, be grandfathered under this By-law in which event the ASA shall provide written confirmation of same to such owner, provided that (i) such grandfathering by the ASA shall be in no way assignable or transferable by the owner to any other person; (ii) the remaining provisions of this By-law shall apply in respect of every animal regardless of whether the grandfathering exception herein is granted by the ASA

PART THREE - DOGS

Mandatory Dog Licence

- 3.1. Every owner of a dog over the age of four (4) shall ensure that the dog has a valid licence issued under this Section. This obligation does not apply to any dog owner who can provide proof that he/she/they own the dog and is not a resident of the Town.
- 3.2 In order for the ASA to issue a dog licence, the owner, who must be at least eighteen (18) years of age, must:
- (a) subject to Section 3.5, pay the annual licence fee and any other applicable fees set out in **Schedule "A"**; and
 - (b) provide, in the form provide by the Town, any information reasonably required to administer and enforce this By-law.
- 3.3 A dog licence may not be transferred to another dog.
- 3.4 The term of the dog licence shall commence on the first (1st) day of January in every year and shall expiry on the thirty-first (31st) day of December of that year. An owner must renew its dog licence before the expiration date.

- 3.5 The annual licence fee will be waived in respect of a licence for a service dog.
- 3.6 A licence holder must notify the ASA when a dog licenced under this By-law is sold or ceases to be the property of the licence holder. When a dog licenced under this By-law is transferred from one owner to another, the new owner must accept the transfer of the licence and provide their name and address to the ASA as part of the licence transfer process.

Valid Licence must be worn by Dog

- 3.7 The owner of a dog must ensure that his/her/their dog wears a valid licence tag when the dog is not on the owner's property.
- 3.8 Where a dog's licence tag is missing and the ASA is satisfied that the owner is in compliance with the licencing terms of this By-law, the ASA shall provide a replacement tag upon payment of the fee set out in **Schedule "A"**.

Owner's Obligations

- 3.9 Subject to the provisions of this Part, the owner of a dog that is in the Town must:
- (a) subject to Section 3.10, ensure that the dog has been vaccinated for rabies at:
 - (i) sixteen (16) weeks of age;
 - (ii) one year following the first vaccination; and
 - (iii) once every second year thereafterand, when requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
 - (b) subject to Section 3.10, ensure that the dog has been vaccinated for parvovirus at:
 - (i) eight (8) weeks of age;
 - (ii) twelve (12) weeks of age;
 - (iii) sixteen (16) weeks of age; and
 - (iv) once each year thereafterand, when requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
 - (c) ensure that the dog does not run at large, except in permitted off-leash areas as may be designated by the Town from time to time;
 - (d) ensure that the dog does not bark or howl or otherwise unduly disturb the quiet of any individual;
 - (e) where the dog defecates on any property other than the property of the owner, cause the excrement to be removed immediately and disposed of in a sanitary manner;
 - (f) ensure that the dog does not damage public or private property belonging to someone other than the owner;
 - (g) ensure that the dog does not pursue any individual or animal;

- (h) ensure that the dog does not bite, wound, harass or otherwise injure any individual or animal, whether on public or private property, including property belonging to the owner;
 - (i) ensure that the dog does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles;
 - (j) ensure that a female dog that is in heat is confined in the owner's residence or other suitable structure located on the owner's property during the entire period she is in heat;
 - (k) ensure that dog excrement does not accumulate on the owner's property in such a manner that the excrement creates an insanitary condition;
 - (l) ensure that, except when it is on the owner's property, on the property of another person who has consented to the presence of the dog, or in permitted off-leash areas as may be designated by the Town from time to time, the dog is at all times kept on a leash and under the immediate charge and control of a competent person; and
 - (m) ensure that when transporting the dog, that it is securely confined to the interior of the vehicle, or in another enclosure, or the box of a truck.
- 3.10 The requirements set out in Subsections 3.9(a) and (b) do not apply to the owner of a dog who can provide a written statement from a veterinarian declaring that vaccinating the dog is not advisable for medical reasons.
- 3.11 Any owner who contravenes any provision of Section 3.9 shall be liable to pay an administrative penalty as set out in **Schedule "B"**.

Impoundment of Dog Running at Large

- 3.12 An enforcement officer is authorized to capture and impound a dog that is found running at large and is authorized to impound a dog that has been turned over to the Town as having been running at large.
- 3.13 Unless redeemed earlier under Section 3.19, an enforcement officer shall impound such a dog for a minimum period of five (5) days.
- 3.14 Where the owner of the impounded dog is known, the ASA must notify the owner of the dog's impoundment and advise that the animal may be sold or euthanized if not redeemed within the period of time specified in Section 3.13.
- 3.15 Where the owner of the impounded dog is unknown, the ASA shall advertise the impoundment by posting an appropriate notice setting out the particulars of the animal and advising that the animal may be sold or euthanized if not redeemed within the period of time specified in Section 3.13.
- 3.16 If an impounded dog is not redeemed within the time period specified in Section 3.13, the enforcement officer is authorized to dispose of the dog in any manner the enforcement officer considers appropriate, including but not limited to selling or euthanizing the dog.
- 3.17 The enforcement officer shall provide each impounded dog with shelter, food and water and shall treat the dog humanely. The Town shall not be held liable for any injury or death to any dog during the period of impoundment.

- 3.18 The enforcement officer shall keep a record of all impounded dogs, setting out the:
- (a) particulars of the dog;
 - (b) date and time the dog was impounded;
 - (c) name and address of the owner who redeemed the dog;
 - (d) total of fines, fees or licences paid by the owner who redeemed the dog;
 - (e) proceeds of any sale of the dog, if any; and
 - (f) date and time the dog was euthanized.

Redemption of Impounded Dogs

- 3.19 An impounded dog that is eligible to be redeemed may be redeemed by its owner if its owner:
- (a) demonstrates to the satisfaction of the enforcement officer that he/she/they is the owner of the dog;
 - (b) pays all applicable fees; and
 - (c) if the dog requires a licence, obtain a licence for the dog.

Impoundment of Potentially Dangerous Dog

- 3.20 The enforcement officer is authorized to impound a dog if:
- (a) there is evidence that the dog has acted in a dangerous or aggressive manner toward humans or animals; and
 - (b) the enforcement officer concludes that leaving the dog in the keeping of its owner could pose a danger to humans or animals.
- 3.21 Instead of impounding a dog under Section 3.20, the enforcement officer may impose conditions on the dog's owner designed to minimize any threat posed by the dog pending a determination under this Part.
- 3.22 A dog impounded under Section 3.20 is not eligible to be redeemed under Section 3.19 unless and until:
- (a) an enforcement officer has determined that the dog should neither be designated as dangerous or destroyed under this Part; or
 - (b) an enforcement officer has designated the dog as dangerous under this Part and its owner is able and willing to comply with the restrictions resulting from that designation.
- 3.23 A dog eligible for redemption pursuant to Section 3.22 must be redeemed within three (3) days after its owner receives the notice specified in Section 3.28. Following the expiry of the three (3) days, if the dog is not redeemed, the enforcement officer is authorized to dispose of the dog in any manner the enforcement officer considers appropriate.

Dangerous Dog Designation

- 3.24 An enforcement officer is authorized to designate a dog as dangerous if the enforcement officer concludes that the dog:
- (a) has killed or significantly injured a person;

- (b) has killed an animal without provocation;
 - (c) has bitten, clawed, pursued, menaced or otherwise attacked a human or animal;
 - (d) has repeatedly bitten, clawed, pursued, menaced or otherwise attacked a human or animal;
 - (e) has engaged in an exceptionally brutal attack on an individual or animal;
 - (f) has been trained or used for fighting;
 - (g) has demonstrated other behaviour that causes the enforcement officer to consider that the dog may be dangerous; or
 - (h) is likely to cause significant harm or injury to humans or animals.
- 3.25 An enforcement officer is authorized to determine that a dog is dangerous and should be destroyed if:
- (a) the enforcement officer concludes that the dog's behaviour is such that it poses a serious risk to the safety of humans or animals that cannot be adequately addressed by restrictions imposed with respect to the dog; or
 - (b) the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with restrictions that the enforcement officer concludes are necessary to protect the safety of humans or animals.
- 3.26 Where the owner of the dog is known, the enforcement officer must:
- (a) give notice to the dog's owner that a determination will be made as to whether the dog should be designated a dangerous dog and/or that the dog should be destroyed;
 - (b) provide the reasons why such determination is being made; and
 - (c) give the dog's owner a reasonable opportunity to be heard.
- 3.27 Where the owner of the dog is unknown, the enforcement officer must advertise the impoundment by posting a notice in the Town Office for five (5) days, setting out the particulars of the animal and advising that the animal may be designated a dangerous dog and/or ordered to be destroyed. Should a person identify themselves as the owner within the five (5) days the notice is posted, then Section 3.26 applies.
- 3.28 The enforcement officer must give notice to the owner of a decision to designate a dog as dangerous or not, and any decision to destroy the dog.
- 3.29 The owner may appeal any decision of an enforcement officer referenced in Section 3.28 to Council within fourteen (14) days of being given notice of such decision. Any impoundment of the dog must continue pending the appeal unless the owner complies with the obligations set out in Section 3.32.
- 3.30 If a dog that has been determined to be dangerous and destroyed under this Section is not impounded at the time the determination is made, its owner must destroy the dog or surrender it to an enforcement officer for impoundment within twenty-four (24) hours of being given notice of the determination under Section 3.28.

- 3.31 If a dog has been deemed to be dangerous, unless its owner destroys it under Section 3.30, the enforcement officer shall have the dog destroyed:
- (a) if the owner fail to appeal the determination, as soon as the appeal period expires; or
 - (b) if the owner appeals the determination and if Council upholds the determination, when Council makes that decision.

Consequences of dangerous dog designation

- 3.32 The owner of a dog that has been designated as dangerous must at all times thereafter:
- (a) ensure that, while on the owner's property the dog is either kept securely confined indoors or in a securely enclosed and locked pen, structure or yard which:
 - (i) prevents children from entering and the dog from escaping;
 - (ii) measures not less than five (5) feet by ten (10) feet;
 - (iii) has secured sides; and
 - (iv) provides protection from the elements for the dog.
 - (b) ensure that, while not on the owner's property, the dog is kept muzzled and restrained by a leash or chain not exceeding two (2) meters in length, under the direct, continuous and effective control of a person capable of controlling the dog;
 - (c) display in a conspicuous location at all entrances to the premises where the dog is kept, a sign or signs that read "BEWARE OF DANGEROUS DOG", posted in such a manner that such sign or signs cannot be removed easily by a passerby and are capable of being read from outside the premises;
 - (d) notify the ASA that the dog has been sold, given away or died within three (3) working days of the occurrence;
 - (e) immediately notify the ASA if the dog has gone missing, is running at large, or has harmed a human or animal;
 - (f) provide the ASA a certificate of a policy of comprehensive liability insurance which provides coverage for harm or injury caused by the dog in the amount of no less than \$500,000.00 per occurrence; and
 - (g) satisfy any other conditions the ASA considers appropriate in the circumstance.
- 3.33 The requirements in Section 3.32 are imposed:
- (a) as soon as the appeal period expires; or
 - (b) if the owner appeals the dangerous dog designation and if the designated committee upholds the dangerous dog designation, when the designated committee makes that decision.
- If the dog has not been impounded, any conditions imposed by the enforcement officer under Section 3.21 continue in force pending the appeal decision or expiry of the appeal period.
- 3.34 If the owner of a dog that has been designated as dangerous under this Section contravenes the requirements of Section 3.32, in addition to any other remedies or enforcement actions available, the enforcement officer

is authorized under section 239(3) of *The Municipal Act* to immediately impound the dog and the enforcement officer is authorized to consider whether the dog should be destroyed, in which case the notice provisions of this Part apply.

- 3.35 A dog impounded under this Part is not eligible to be redeemed unless and until:
- (a) the enforcement officer or Council (on appeal) has determined that the dog should neither be designated as dangerous nor destroyed; or
 - (b) the enforcement officer or Council (on appeal) has designated the dog as dangerous and its owner is able and willing to comply with the obligations set out in this Part.

PART FOUR - CATS

Cat Licence Mandatory

- 4.1 Subject to this By-law, if a cat over the age of four (4) months is in the Town, its owner must ensure that the cat has a valid licence issued under this Section. This obligation does not apply to any cat owner who can provide proof that he/she/they own the cat and is not a resident of the Town.
- 4.2 In order for the ASA to issue a cat licence, the owner, who must be at least eighteen (18) years of age, must:
- (a) pay the annual licence fee and any other applicable fees set out in **Schedule "A"**; and
 - (b) provide, in the form provide by the Town, any information reasonably required to administer and enforce this By-law.
- 4.3 An applicant for a cat licence must provide accurate information when applying for a licence. In particular, an applicant for a cat licence must not provide incorrect information concerning whether a cat is sterilized.
- 4.4 A cat licence may not be transferred to another cat.
- 4.5 The term of the cat licence shall commence on the first (1st) day of January in every year and shall expiry on the thirty-first (31st) day of December of that year. An owner must renew the cat licence before its expiration date and renewals applied for after February 1st and late first-time applications shall be subject to a late fee, except where:
- (a) the cat for which the licence is sought achieved the age of four (4) months within thirty (30) days of the application date;
 - (b) satisfactory evidence is provided to confirm that the owner only established residency in the Town within thirty (30) days of the application date; or
 - (c) satisfactory evidence is provided to the ASA confirm that the dog for which the licence is sought was acquired by the owner within thirty (30) days of the application date.
- 4.6 A licence holder must notify the ASA when a cat licenced under this By-law is sold or ceases to be the property of the licence holder. When a cat licenced under this By-law is transferred from one owner to another, the new owner must accept the transfer of the licence and provide their name and address to the ASA as part of the licence transfer process.

Valid Licence Must Be Worn by Cat

- 4.7 The owner of a cat must ensure that his/her/their cat wears a valid licence tag when the cat is not on the owner's property.
- 4.8 Where a cat's licence tag is missing and the ASA is satisfied that the owner is in compliance with the licencing terms of this By-law, the ASA shall provide a replacement tag upon payment of the fee set out in **Schedule "A"**.

Owner's Responsibilities

- 4.9 Subject to the provisions of this By-law, the owner of a cat that is in the Town must:
- (a) if the cat is over the age of six (6) months, ensure that the cat is sterilized unless a valid licence for an unsterilized cat has been issued or the owner holds a valid kennel licence;
 - (b) ensure that the cat does not run at large;
 - (c) ensure that, except when it is
 - i. on the owner's property; or
 - ii. on the property of another person who has consented to the presence of the unleashed cat;the cat is at all times kept on a leash that is never longer than twenty (20) feet in length and no longer than six (6) feet in length when that cat is on a street, on a path or any other place that is not an open space or when people or animals are within twenty (20) feet of the cat;
 - (d) subject to Section 4.10, ensure that the cat has been vaccinated for rabies and where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
 - (e) ensure that the cat does not unduly disturb the quiet of any individual;
 - (f) where the cat defecates on any property other than the property of the owner, cause the excrement to be removed immediately and disposed of in a sanitary manner;
 - (g) ensure that the cat does not damage public or private property belonging to someone other than the owner;
 - (h) ensure that the cat does not bite, wound or otherwise injure any individual or animal;
 - (i) ensure that the cat does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and
 - (j) ensure that a female cat that is in heat is confined in the owner's residence or other suitable structure located on the owner's property during the entire period she is in heat.
- 4.10 The requirements set out in Subsections 4.9(a) and (d) do not apply to the owner of a cat who can provide a written statement from a veterinarian declaring that sterilizing or vaccinating the cat is not advisable for medical reasons.

Impoundment of Cat Running at Large

- 4.11 An enforcement officer is authorized to capture and impound any cat is found running at large and is authorized to impound a cat that has been turned over to the Town as having been running at large.
- 4.12 Unless redeemed earlier under Section 4.18, an enforcement officer shall impound such a cat for a minimum period of five (5) days.
- 4.13 Where the owner of the impounded cat is known, the ASA must notify the owner of the cat's impoundment and advise that the animal may be sold or euthanized if not redeemed within the period of time specified in Section 4.12.
- 4.14 Where the owner of the impounded cat is unknown, the ASA shall advertise the impoundment by posting a notice in the Town Office, setting out the particulars of the animal and advising that the animal may be sold or euthanized if not redeemed within the period of time specified in Section 4.12.
- 4.15 If an impounded cat is not redeemed within the time period specified in Section 4.12, the enforcement officer is authorized to dispose of the cat in any manner the enforcement officer considers appropriate, including but not limited to selling or euthanizing the cat.
- 4.16 The enforcement officer shall provide each impounded cat with shelter, food and water and shall treat the cat humanely. The Town shall not be held liable for any injury or death to any cat during the period of impoundment.
- 4.17 The enforcement officer shall keep a record of all impounded cats, setting out the
- (a) particulars of the cat;
 - (b) date and time the cat was impounded;
 - (c) name and address of the owner who redeemed the cat;
 - (d) total of fines, fees or licences paid by the owner who redeemed the cat;
 - (e) proceeds of any sale of the cat, if any; and
 - (f) date and time the cat was euthanized.

Redemption of Impounded Cats

- 4.18 An impounded cat that is eligible to be redeemed may be redeemed by its owner if its owner
- (a) demonstrates to the satisfaction of the enforcement officer that he/she/they is the owner of the cat;
 - (b) pay all applicable fees; and
 - (c) if the cat requires a licence, obtain a licence for the cat.

PART FIVE - RABIES

- 5.1 Every owner of a dog or cat in the Town that is suspected of having been exposed to rabies, or which has bitten or scratched or had other contact which may result in rabies in a person, shall on demand surrender such animal to the Town to be held by the pound in quarantine for no less than

five (5) days for observation, and shall be examined by a veterinarian at the owner's expense. Such animal shall not be released from quarantine without the ASA's authorization.

- 5.2 Notwithstanding Section 5.1, at the discretion of the ASA, and under any conditions imposed by the ASA, an animal may be securely held in quarantine on the premises of the owner, or at the owner's expense in a veterinary hospital.
- 5.3 An owner who fails to ensure the animal is securely held on the property or fails to ensure compliance with other conditions imposed by an ASA under this section is in contravention of this By-law.
- 5.4 If, during the quarantine period, the animal is determined to have rabies, the owner must be notified and the animal must be euthanized.
- 5.5 When an animal quarantined at the pound that is determined not to have rabies, the owner must be notified and the animal may be redeemed pursuant to the provisions of this By-law. If the animal has not been redeemed within five (5) days following such notice, the enforcement officer is authorized to dispose of the animal in any manner he/she/they considers appropriate, including but not limited to selling or euthanizing the animal.

PART SIX - ADMINISTRATION AND ENFORCEMENT

Interference with Enforcement Officers Prohibited

- 6.1 No person may interfere with or attempt to obstruct any enforcement officer who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law, or who is acting under the powers granted to them hereunder to enforce the provisions of this By-law.

Identification Must be Provided

- 6.2 When an enforcement officer intends to issue a penalty notice against an individual for a contravention of this By-law, the individual must at the request of the enforcement officer provide identification sufficient to establish the individual's name and address.

Redemption Fee

- 6.3 Where an enforcement officer captures or impounds an animal that is subject to impoundment under this By-law, the animal's owner must pay the redemption fees imposed pursuant to **Schedule "A"**.
- 6.4 Any redemption fees imposed under Section 6.3 are due and payable thirty (30) days after an invoice setting out the amount of the fee is sent by the ASA to the animal's owner and may be collected by the Town in any manner in which a tax imposed by the Town is collected.
- 6.5 The animal's owner may appeal the application of the redemption fees or the amount of the fees within fourteen (14) days after the invoice has been received by the owner.

Powers of Enforcement Officers

- 6.6 Every enforcement officer has authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The Municipal Act* and *The Municipal By-law Enforcement Act* and, for those purposes, have the powers of a designated employee under *The Municipal By-law Enforcement Act*.

- 6.7 Without restricting the general authority given in Section 6.6, every enforcement officer has the authority, after providing reasonable notice to the occupant of any premises, to enter onto the premises to examine an animal or to capture and impound an animal in order to administer and enforce this By-law.
- 6.8 Because it is impractical or impossible to give notice to the occupant of private property when in pursuit of an animal running at large, an enforcement officer so in pursuit is authorized to enter onto any private property not including into a building without the requirement to give notice to the occupant of the property before such entry.

Powers of Executive Director

- 6.9 In addition to the powers afforded to an enforcement officer under this Part, the Executive Director has authority to:
- (a) waive licence and other fees and charges
 - i. for specific categories of animals, including service animals and animals recently adopted from registered animal rescue organizations;
 - ii. for animal rescue organizations;
 - iii. in order to relieve pressure on the capacity of the Town's animal care facilities;
 - iv. in order to ensure the adoption of an animal that would not otherwise be adopted; or
 - v. where it would be unjust or unreasonable to impose the fee, charge or penalty;
 - (b) allow, or choose not to allow, a licence to be transferred to the new owner of the same animal.
- 6.10 Notwithstanding any provision of this By-law, the Executive Director is authorized to euthanize an impounded animal or an animal within the custody of the Town where the Executive Director, in consultation with a veterinarian, determines that:
- (a) euthanasia constitutes a humane measure to end the animal's suffering;
 - (b) the animal is suffering from a terminal illness which will shortly end in death; or
 - (c) the costs of necessary veterinary or other care for the animal would be significant and are unlikely to be reimbursed by the animal's owner.

Appeals

- 6.11 Subject to this Section, where an appeal from an order or decision under this By-law is authorized by *The Municipal Act*, the appeal may be made to Council.
- 6.12 Subject to Section 6.13, an administration fee in an amount determined by Council or by a person to whom Council has delegated this power is hereby imposed for an appeal made under this By-law. An appeal may not be accepted until the administration fee has been paid.

- 6.13 Council is authorized to order the administration fee imposed by Section 6.12 to be refunded to the appellant if the appeal has been made in good faith and has merit.

Manner of Service

- 6.14 Where it is necessary to determine an address for sending or delivering an order, notice, or some other document under this By-law, any one of the following methods of determining the address may be used:
- (a) if the person to be served has been issued a licence under this By-law or is registered pursuant to this By-law, the address provided by the person when applying for the licence or when registering, or any updated address provided by the person, may be used;
 - (b) if the person to be served is a registered corporation that is not dissolved, the address of the head office, registered office or principal place of business may be used;
 - (c) if the person to be served is reasonably determined to reside at a particular address in the Town, the address of his/her/their residence may be used.
- 6.15 Notice under this By-law may be given by personal service or by regular mail. Where notice is provided by mail, it is deemed effective seven (7) days after the date it was mailed.

Contraventions and Penalties

- 6.16 A person who contravenes a provision of this By-law referred to in **Schedule "B"** which is attached to and forms part of this By-law, and Schedule "A" of By-law 799/2020, A By-law to Provide for an Administrative Penalty Scheme, shall receive a penalty notice in accordance with the provisions of By-law 799/2020, A By-law to Provide for an Administrative Penalty Scheme and is liable to pay the administrative penalty set out in the penalty notice.
- 6.17 Within thirty (30) days of receipt of a penalty notice, any person may request a review of the administrative penalty by a screening officer and thereafter, request a review of the decision of a screening officer by an adjudicator in accordance with the provisions of By-law 799/2020, A By-law to Provide for an Administrative Penalty Scheme.

All provisions of this By-law come into force immediately upon enactment of this By-law by Council.

DONE AND PASSED as a by-law of the Town of Churchill assembled this 28th day of September 2021


Michael Spence
Mayor


Cory Young
Executive Director

Read a first time 22nd day of April 2021
Read a second time this 28th day of September 2021
Read a third and final time this 28th day of September 2021

SCHEDULE "A" TO

THE ANIMAL CONTROL BY-LAW

PART ONE - ADMINISTRATIVE FEES

Female Cat/Dog	Nil.
Male Cat/Dog	Nil.
Spayed or neutered Cats/Dogs	Nil.
Late fee for licence application	Nil.
Fee for lost/damaged licence	\$5.00
Additional Animal Permit Fee	\$50.00

PART TWO - REDEMPTION FEES

For a licenced animal	
First impoundment	\$100.00
Second impoundment	\$150.00
Third impoundment	\$200.00
All subsequent impoundments	\$300.00
For an unlicenced animal	
First impoundment	\$250.00
Second impoundment	\$300.00
Third impoundment	\$400.00
All subsequent impoundments	\$500.00
For dog which has been declared to be dangerous, whether licenced or unlicenced	
First impoundment	\$250.00
Second impoundment	\$500.00
Third impoundment and all subsequent impoundments	\$1,000.00
The following custodial fees will apply for each day or part thereof in which a domestic animal is detained in the Pound	
For a Dog	\$15.00/day \$20.00/weekend
For other domestic animals the greater of \$2.00 per day and the actual cost to board such animal	
Fee for rabies vaccine	\$20.00 plus tax
Fee for parvovirus vaccine	\$25.00 plus tax

SCHEDULE "B" TO

THE ANIMAL CONTROL BY-LAW

ADMINISTRATIVE PENALTIES

Section(s)	Contravention	Penalty
2.1(a)(i)	Harbouring more than two (2) dogs over the age of four (4) months	\$ 100.00
2.1(a)(ii)	Harbouring more than two (2) cats over the age of four (4) months	\$ 100.00
2.1(b)	Unlicensed Cat/Dog	\$ 250.00
2.1(c)	Harbouring a dog trained to fight animals	\$1,000.00
2.1(e)	Teasing/enticing animal	\$ 50.00
2.1(f)	Expose animal to injurious conditions	\$ 500.00
2.1(g)	Inflicting harm to animal	\$2,500.00
2.2	Releasing animal from restraint	\$ 100.00
3.1	Dog not wearing valid licence	\$ 50.00
3.9(a), 3.9(b)	Dog unvaccinated for rabies/parvovirus	\$ 200.00
3.9(c)	Dog running at large	\$ 100.00
3.9(d)	Dog barking, howling or unduly disturbing	\$ 100.00
3.9(e)	Dog defecation without proper removal/disposal	\$ 200.00
3.9(f)	Dog damaging any property other than its owner's	\$ 100.00
3.9(g), 3.9(h)	Dog pursuing any person or domesticated animal OR biting/wounding any person or animal	\$ 250.00
3.9(i)	Dog upsetting waste	\$ 100.00
3.9(j)	Unconfined female dog in heat	\$ 100.00
3.9(k)	Dog excrement creating insanitary condition	\$ 100.00
3.9(l)	Dog not in control of competent person while off the property of its owner	\$ 100.00
3.9(m)	Dog not secured when being transported	\$ 100.00
3.32(a)	Dangerous dog in improper pen or structure	\$1,000.00
3.32(b)	Failure to muzzle, leash or control a dangerous dog	\$1,000.00
3.32(c)	Failure to display proper/approved signage OR defacing or removing a dangerous dog sign	\$ 250.00
3.32(d)	Failure to notify ASA if dangerous dog is sold or given away	\$ 250.00
3.32(e)	Failure to advise ASA if dangerous dog is loose or has harmed any animal or person	\$ 250.00
3.32(f)	Failure to provide certificate of comprehensive liability insurance for dangerous dog	\$ 250.00
4.1	Cat not wearing licence	\$ 50.00
4.9(a)	Failure to sterilize cat over the age of six (6) months	\$ 100.00
4.9(b)	Cat running at large	\$ 100.00
4.9(d)	Cat unvaccinated for rabies	\$ 200.00
4.9(e)	Cat unduly disturbing	\$ 100.00
4.9(f)	Cat defecation	\$ 200.00
4.9(g)	Cat damaging any property other than its owner's	\$ 100.00
4.9(h)	Cat wounding any person or animal	\$ 250.00
4.9(i)	Cat upsetting waste	\$ 100.00
4.9(j)	Unconfined female cat in heat	\$ 100.00
5.1	Non-compliance re: animal observed for rabies	\$ 250.00
6.1	Obstruction of enforcement officer	\$ 500.00

SCHEDULE "C" TO
THE ANIMAL CONTROL BY-LAW
APPLICATION FOR ADDITIONAL ANIMAL PERMIT

ADDITIONAL ANIMAL PERMIT APPLICATION

This application made pursuant to The Town of Churchill By-Law No. 803/2021, being a by-law to regulate and control domestic animals (the "By-Law").

TO: Administrative Support Assistant

I/We: _____ (print name(s))

of: _____ (print address)

hereby apply to The Town of Churchill pursuant to the By-Law subsection 2.3(a) to keep possess and harbour:

Check one (1) of the following:

- Additional dog over the age of four (4) months
- Additional cat over the age of four (4) months

("Additional" meaning over the prescribed allowance of two (2) pursuant to subsection 2.1(a) of the By-Law.)

And I/we HEREBY CONFIRM that (a) I/we will comply with the regulations prescribed under the By-Law; and (b) our non-refundable application fee of \$50.00 is enclosed by cheque payable to The Town of Churchill.

Signature(s) of Applicant(s):

Office / Administrative use only

- Application fee received
- Application approved; permit granted.
- Application denied; no permit granted.