

RURAL MUNICIPALITY OF RITCHOT
BY-LAW NO. 3- 2008
By-law to provide for the Regulation, Licensing and Control of Dogs
The "Dog By-law"

WHEREAS:

- A. Section 232(1) of the Municipal Act ("Act") provides that a council may pass by-laws for municipal purposes respecting:
- a. the safety, health, protection and well-being of people, and the safety and protection of property;
 - k. wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
 - o. the enforcement of by-laws;
- B. Section 232(2) of the Act provides that a council may
- d. 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;
 - e. subject to the regulations, provide for a system of licences, permits or approvals...;
- C. Section 236(1) of the Act provides that a by-law passed under section 232(2)(1)(o) 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; and
- D. Council is of the opinion that it is in the public interest that dogs be regulated, licensed and controlled to protect the safety of people and property.

NOW THEREFORE the Council of the Rural Municipality of Ritchot enacts as a by-law the following:

PURPOSE

1. The purpose of this By-law is to provide for the regulation, licensing and control of dogs in the Municipality and the creation of Animal Control Officer and Poundkeeper positions. This By-Law may be called the Dog By-law.

DEFINITIONS

2. In this By-law:

"Dangerous Dog" means a dog that has been declared to be dangerous pursuant to sections 26 - 44 of this By-law.

"Owner" means any person who owns, keeps or harbours a dog or who knowingly permits or allows any other person to own, keep or harbour a dog upon premises owned, leased or occupied either solely or jointly with others, by that person.

"Pound" means a place designated by the Municipality for the purpose of dealing with dogs impounded under this By-law.

"Responsible Person" means an Owner, a person in whose care or control a dog is in, a registered owner of property and a person who is renting or leasing property upon which a dog is kept or found.

"Run at large" or "Running at large" means a dog that is not:

- a. under the direct and continuous charge and effective control of a person competent to control it; or
- b. securely confined within an enclosure; or
- c. securely fastened so that it is unable to roam at will beyond the property in which it is kept.

PROHIBITIONS

3. No Responsible Person shall:
 - a. permit a dog to run at large;
 - b. permit a dog to upset or scatter the contents of waste receptacles or to otherwise become or create a nuisance;
 - c. permit a dog to bark, howl or make a noise that could disturb the peace and enjoyment of people anywhere;
 - d. permit a dog to defecate on any public or private property other than property of the Owner or property owned, rented or leased by the Responsible Person;
 - e. permit a dog to damage public or private property other than property of the Owner or property owned, rented or leased by the Responsible Person;
 - f. own, keep or harbour any dog, other than a dog under the age of six months, for which a valid licence has not been issued;
 - g. permit a dog to pursue any person or animal;
 - h. permit a dog to bite, injure or attack a person or animal;
 - i. permit a dog to be anywhere other than the premises of the Responsible Person without a collar and a valid licence tag securely fastened around the dog's neck;
 - j. remove a collar or licence tag from any licensed dog;
 - k. permit a dog to be on a municipal road unless on a leash and in the Responsible Person's direct and continuous charge and effective control;
 - l. permit or keep more than three dogs over the age of six months unless authorized and licensed by the Municipality to operate a kennel;
 - m. fail to produce on demand a rabies vaccination certificate from a licensed veterinarian.

VACCINATIONS

4. The Owner of every dog shall have the dog vaccinated for rabies. Such vaccinations shall be no more than 24 months old and the Owner shall maintain a vaccination certificate from a licensed veterinarian showing the dog has been vaccinated as required. This requirement does not apply where a licensed veterinarian states in writing that the dog cannot, for medical reasons, be vaccinated for rabies.

ALL DOGS TO BE LICENSED

5. The Owner of a dog over the age of six months shall obtain a licence for the dog annually from the Municipality upon:
 - a. production of a certificate from a licensed veterinarian if the dog has been spayed or neutered;
 - b. production of a valid rabies vaccination certificate from a licensed veterinarian; and
 - c. payment of the fee set out in Schedule A to this By-law.
6. The Owner shall attach the licence tag issued by the Municipality to a collar worn around the neck of the dog in respect of which the licence tag was issued.
7. The licence fee shall be due and payable on the first business day of January in each year and expire on the 31st of December in the year in which the licence was levied and paid. Any dog acquired after the first day of January in any year shall be forthwith licenced.
8. If the Animal Control Officer determines that an Owner has failed to obtain a licence for a dog when required to do so, the Animal Control Officer shall notify the Owner that a licence for the dog is required and that the Owner shall pay the fee set out in Schedule A and obtain the licence within three days of the notification.
9. No licence fee shall be charged for any dog specially trained as a dog guide.
10. Where a licence tag is lost or damaged, the Owner shall forthwith obtain a replacement licence tag upon payment of the fee set out in Schedule A.

POUND

11. Council of the Municipality may establish and maintain a Pound or Pounds for the impoundment and care of dogs apprehended in administering and enforcing this By-Law, and Council may enter into agreement(s) for this purpose.

ANIMAL CONTROL OFFICER

12. The position of Animal Control Officer is established. The Animal Control Officer shall be the person(s) appointed by the Municipality by resolution.
13. The Animal Control Officer shall have all powers, duties, discretion and functions of a designated officer set out in the Act and is authorized to:
 - a. administer and enforce this By-law and the Act, and
 - b. act as a designated officer for the purposes of this By-law.
14. The Animal Control Officer may enter property and buildings in carrying out the administration and enforcement of this By-law.
15. The Animal Control Officer may in enforcing this By-law seize a dog and impound it at the Pound, and may in so doing use tranquilizer guns, drugs or such other means as may be reasonably necessary to seize and impound the dog.
16. If the Animal Control Officer has seized and impounded a dog, the Animal Control Officer shall, if the Owner is known to the Animal Control Officer, notify the Owner that the dog:
 - a. has been seized and impounded,
 - b. may be redeemed from impoundment on the meeting of certain terms and paying the applicable fees, and
 - c. may be sold, destroyed or otherwise disposed of if it is not redeemed within seven days of being impounded or such other period of time established as set out in subsection 20.e.Such notice is met if the Animal Control Officer leaves the notice with a Responsible Person.
17. If the Owner of an impounded dog is not known to the Animal Control Officer or cannot be located, the Animal Control Officer shall make a reasonable attempt to notify the Owner by posting a notice in the office of the Municipality describing the dog, the date of its apprehension and the date after which the dog will be sold, destroyed or otherwise disposed of.
18. An Owner may apply to redeem a dog from impoundment by applying to the Animal Control Officer within seven days of the date of the impoundment. Upon payment of the fees set out in Schedule A and showing proof of current rabies vaccination, the Animal Control Officer shall instruct the Poundkeeper to release the dog.

POUNDKEEPER

19. The position of Poundkeeper is established. The Poundkeeper shall be the person(s) appointed by the Municipality by resolution. The Poundkeeper is authorized to act as a designated officer for the purposes of this By-law.
20. The Poundkeeper shall
 - a. establish and maintain the Pound in accordance with all statutory requirements including but not limited to The Animal Care Act;
 - b. provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every dog impounded;
 - c. if an impounded dog is wearing a current licence tag from the Municipality, send the Owner a notice at the listed address that the dog has been impounded and that it may be sold or destroyed if it is not redeemed within six days of the date of notice. If the tag was issued by another municipality, the Poundkeeper shall notify the Chief Administrative Officer of the other municipality that the dog has been impounded and will be disposed of if not redeemed within six days of the date of the notification;

- d. only release the dog if the Poundkeeper is satisfied that all pound fees, licence fees, and any other fees have been paid in full to the Municipality and that the dog has current rabies vaccination;
 - e. keep any impounded dog for a minimum of seven days;
 - f. the Poundkeeper may extend the period of impoundment if an impounded dog has not been redeemed within the minimum period of impoundment. If the dog has not been redeemed by the expiry of the minimum period of impoundment or any extended period, the Poundkeeper shall:
 - i. sell or otherwise dispose of the dog to any person for an amount not less than the applicable Pound fees set out in Schedule A; or
 - ii. cause the dog to be humanely destroyed;
 - g. keep a record of every dog impounded, which record shall include the following:
 - i. a description of the dog including its approximate weight, height and colour of and its order and breed;
 - ii. the day and hour of the dog's impoundment;
 - iii. the day and hour of the dog's redemption, sale, disposition or destruction, together with the details of the redemption, sale, disposition or destruction;
 - iv. the name and address of the Owner, the person to whom the dog was sold or released, and the licence number on the dog's tag if applicable;
 - v. the amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the Owner and the name and address of the payor (if different than the Owner); and
 - vi. such other particulars as the Chief Administrative Officer shall direct from time to time in writing.
21. Despite any right to redeem an impounded dog, the Poundkeeper may cause the dog to be destroyed if a licensed veterinarian determines that an impounded dog is so injured or sick that it would be cruel to allow it to live.
22. All moneys collected by the Poundkeeper shall be remitted to the Municipality, together with such further reports and statements as the Municipality may direct.

DOG THAT BITES A PERSON TO BE KEPT UNDER OBSERVATION

23. The Animal Control Officer may seize and impound any dog that bites a person, or require that the dog be forthwith delivered to the Pound or to such other place as the Animal Control Officer directs. A dog so seized and impounded, or delivered or taken to the Pound or other place shall be kept there at the expense of the Owner for a period of ten days from the date of the bite.
24. Acting upon the advice of a licensed veterinarian who has examined the dog, and with the consent of the public health authorities, and dependant upon the severity of the bite, the dog may be released back to a Responsible Person if:
- a. proof of rabies vaccination within 24 months of the date of the bite has been provided to the Animal Control Officer;
 - b. the Responsible Person takes measures to ensure the dog is quarantined on the Responsible Person's premises so as to avoid all direct contact with other animals and persons except the Responsible Person and confined in such a manner as to prevent escapes;
 - c. the Responsible Person posts signs at the entrance to the premises and at the area of confinement signs which read "Beware - Dog Bites";
 - d. the Responsible Person reports to the Animal Control Officer and/or submits the dog for veterinary examination once the ten day quarantine period has elapsed;
 - e. the Responsible Person pays all fees and costs associated with seizure, impoundment, confinement, signage, veterinary fees, etc.

25. Any dog thought to be rabid shall be impounded for fourteen days or until it dies. The head of any such dog that dies shall be submitted to the Canadian Food Inspection Agency for rabies examination.

DANGEROUS DOGS

26. If the Animal Control Officer has reason to believe that a dog presents a continuing threat to public safety or other animals, whether or not the dog has been apprehended, the Animal Control Officer shall hold a hearing to determine whether or not the dog should be declared dangerous.
27. The Animal Control Officer shall, if the Owner is known to the Animal Control Officer, notify the Owner, at the Owner's last known address and at least ten days in advance of the hearing, of the determination hearing. The notice shall include:
- a. a statement of the time, place and purpose of the determination hearing;
 - b. a copy of the Dangerous Dogs sections of this By-Law; and
 - c. a statement that if the Owner does not attend the hearing, the matter will be dealt with in the Owner's absence and that the Owner will not be entitled to any further notice in the proceeding.
- Such notice is met if the Animal Control Officer leaves the notice with a Responsible Person.
28. If the Owner is unknown or cannot be located, the Animal Control Officer shall make a reasonable attempt to notify the Owner by posting a notice in the office of the Municipality describing the dog and the date of the determination hearing.
29. An Owner who has been notified that a determination hearing will be held with respect to the Owner's dog shall ensure the dog remains confined upon the Owner's premises pending the final outcome of the hearing. This section does not apply if the dog is impounded or a licensed veterinarian provides written confirmation to the Animal Control Officer that the dog has been placed in custody pending the final outcome of the hearing.
30. The Owner may appear and make representations at the hearing.
31. If the Owner does not attend at the hearing, having been given notice as provided in sections 27 or 28, the matter may be dealt with in the Owner's absence and the Owner shall not be entitled to any further notice in the proceeding.
32. The Animal Control Officer may declare the dog to be dangerous if in the opinion of the Animal Control Officer:
- a. the dog has caused injury to a person, whether on public or private property;
 - b. the dog has seriously injured or killed another animal; or
 - c. the dog is kept, harboured or used primarily for the purpose of guarding property and is not a police service dog owned by a government law enforcement agency;
or
 - d. there is a material risk that the dog may cause injury to people or animals.
33. In determining whether to declare a dog to be dangerous and, if so, the disposition of the matter, the Animal Control Officer may take the following factors into account, as well as any other matters the Officer considers relevant:
- a. whether the dog has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressive animal;
 - b. the circumstances surrounding any previous biting or wounding incidents; and
 - c. whether the dog has shown a tendency to pursue, chase or approach in a menacing fashion, a person on public or private property.
34. The Animal Control Officer must make the determination within five working days of the determination hearing.
35. If the Animal Control Officer declares a dog to be dangerous, the Officer shall concurrently decide whether the dog should be destroyed or released to the Owner upon the conditions set out in section 40.
36. The Animal Control Officer shall, if the Owner of the dog is known, notify the Owner of the Officer's determination by serving the notice upon the Owner or by mailing the notice by registered mail to the Owner's last known address. If the Owner of the dog is not known, the Animal Control Officer shall post notice of the determination in the office of the Municipality.

37. The decision of the Animal Control Officer shall be final.
38. If the Animal Control Officer has determined that the dog should be destroyed, it may be destroyed within seven days of the date of the determination, and the Animal Control Officer may apprehend and impound the dog for this purpose.
39. Where the Animal Control Officer declares a dog dangerous, any licence previously issued in relation to that dog shall be deemed to have been cancelled effective as of the seventh day following the determination of the Animal Control Officer.
40. The Animal Control Officer may require every Owner of a dog that has been declared dangerous to:
- a. obtain a licence for a dangerous dog and pay the fee set out in Schedule A;
 - b. cause the dog to be tattooed upon the ear with clearly identifiable information as required by the Animal Control Officer and provide a copy of such tattooing to the Animal Control Officer;
 - c. ensure that the dog is kept, while on private property, 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 preventing the dog from escaping;
 - ii. has minimum dimensions suitable for the size of the dog as prescribed by the Animal Control Officer;
 - iii. has secure sides; and
 - iv. provides protection from the elements for the dog;
 - d. permit the dog upon public property only if muzzled, restrained on a leash and under the direct and continuous charge and effective control of a Responsible Person;
 - e. display in a conspicuous location at each entrance to the property or building in or upon which the dog is kept a sign stating: "Beware of Dangerous Dog". The sign shall be posted in such a manner that it cannot be removed easily by passers-by and is visible and capable of being read from the sidewalk or street or land outside the premises;
 - f. within three days of selling or giving away the dangerous dog, provide the name, address and telephone number of the new owner to the Animal Control Officer;
 - g. advise the Animal Control Officer forthwith if the dog is missing, running at large or has bitten, worried or attacked any person or animal;
 - h. maintain in force to the satisfaction of the Animal Control Officer a comprehensive liability insurance policy including coverage for damage or injury caused by the dog with a minimum limit of liability of \$500,000.00 per occurrence.
41. No person shall deface or remove a sign posted pursuant to subsection 40.e.
42. Where the Animal Control Officer is of the opinion that:
- a. an Owner has breached a condition upon which a dog was released upon having been declared dangerous; or
 - b. a dog that has been declared dangerous has caused further serious injury or damage, or there are reasonable grounds to believe the dog presents an ongoing danger to the public or any other animal;
- the Animal Control Officer may seize and impound the dog for the purpose of destroying it.
43. If the Animal Control Officer impounds the dog for the purpose of destroying it, the Officer shall notify the Owner at the Owner's last known address that the dog will be destroyed within ten days of the date of the notice. If the Owner of the dog is not known, the Animal Control Officer shall post notice of the impoundment and purpose in the office of the Municipality.

44. The Owner may during the ten-day time period request that the Animal Control Officer reconsider the Officer's decision to destroy the dog. The Animal Control Officer shall reconsider the decision within ten days of receipt of the request from the Owner and may confirm, vary or cancel the decision. If the Officer confirms the decision, the dog may be destroyed within three days of the date of notice to the Owner of the Officer's confirming decision, such notice to be provided as set out in section 43.

ASSISTANCE AND NON-INTERFERENCE WITH ENFORCEMENT

45. A Responsible Person shall
- a. supply such information as the Animal Control Officer may request in connection with the administration and enforcement of this By-law;
 - b. relinquish or deliver a dog to the Animal Control Officer for seizure and impoundment, and otherwise assist the Officer as the Officer may require or direct to seize and impound a dog;
 - c. not interfere with, obstruct or attempt to interfere with or obstruct the Animal Control Officer carrying out the administration and enforcement of this By-law;
 - d. not interfere with, obstruct or attempt to interfere with or obstruct the Poundkeeper performing any duties or actions under this By-law;
 - e. comply with any directions of the Animal Control Officer or Poundkeeper.


OFFENCE

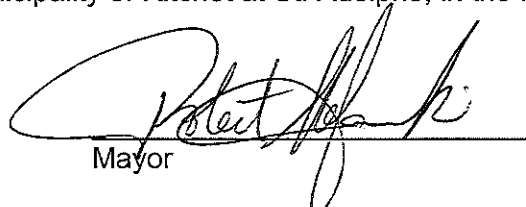
46. A person who contravenes this By-law is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

TRANSITIONAL

47. This By-law repeals By-laws No. 6-94 and No. 9-2000, except in respect of an offence committed before this By-law comes into force. By-laws No. 6-94 and 9-2000 remain in effect to the extent required for the prosecution of any such offence.

DONE AND PASSED as a by-law of the Municipality of Ritchot at St. Adolphe, in the Province of Manitoba, this 16th day of July, 2008.


Chief Administrative Officer


Mayor

READ A FIRST TIME this 18th day of June, 2008.
READ A SECOND TIME this 16th day of July, 2008.
READ A THIRD TIME this 16th day of July, 2008.

SCHEDULE A

LICENCE FEES

- A. Fees for new licences (section 5):
1. Any breed of dog not neutered or spayed \$20.00
 2. Any breed of dog neutered or spayed \$15.00
- B. Fees for licence upon notice from Animal Control Officer (section 8):
1. Any breed of dog not neutered or spayed \$45.00
 2. Any breed of dog neutered or spayed \$40.00
- C. Renewal licence fees:
- i. Fee for any renewal licence application received between January 1 and the last day of February of each year:
 1. Any breed of dog not neutered or spayed \$20.00
 2. Any breed of dog neutered or spayed \$15.00
 - ii. Fee for any renewal licence application received between the last day of February and December 31 of each year:
 1. Any breed of dog not neutered or spayed \$30.00
 2. Any breed of dog neutered or spayed \$25.00
- D. Replacement licence tag (section 10): \$2.00
- E. Annual licence fee for Dangerous Dog licence: \$100.00
- F. New license fees are pro-rated after July 1.

REDEMPTION FEES

Pound fees are to be calculated as follows:

- i. \$75.00 plus \$15.00 for each day or any part thereof that a dog has been impounded, plus any applicable licence fee; plus
- ii. the full amount of any costs incurred by the Municipality in connection with any seizure and impoundment including but not limited to the costs of examination and treatment by a licensed veterinarian if a dog is injured or sick or in the Animal Control Officer or Poundkeeper's opinion otherwise in need of examination or treatment.