

THE RURAL MUNICIPALITY OF LAC DU BONNET

ANIMAL CONTROL

BY-LAW NO 12-16

Being a By-Law to provide for the regulation and control of animals within the Rural Municipality of Lac du Bonnet known as the Animal Control By-law and to repeal by law 12-11 and Animal Care Policy dated January 22nd 2013 Resolution 679-2013;

WHEREAS the Municipal Act ("Act") provides 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;
 - (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
- 232(2) Without limiting the generality of subsection (1), a council may in a By-Law passed under this Division
- (a) regulate or prohibit;
 - (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
 - (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.
- 236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), 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
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS section 5(1)(2)(3) of the Animal Liability Act provides, in part as follows:

- 5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

- 5(2)** An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).
- 5(3)** A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only of having made the by-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the by-law.

AND WHEREAS section 8 of the Disease Control Regulation 88/2012 31 of the Public Health Act provides, in part as follows

- 8(1)** If a physician or nurse, not including a medical officer or a public health nurse, believes that a person has been bitten by an animal and that there is a significant risk that rabies may have been transmitted, the physician or nurse must, as soon as is practical, notify (a) a medical officer; or (b) a public health nurse; and provide the medical officer or public health nurse with the information about the biting incident that he or she requests.
- 8(2)** Upon receiving notice under this section, a medical officer or public health nurse may, if he or she believes it is possible that rabies has been transmitted, take steps to ensure that (a) the animal is secured alive and without injury in a safe place; (b) the animal is kept under observation for 10 days or any longer period considered necessary by the medical officer or public health nurse; and (c) the animal's head is preserved in ice and sent to a laboratory for examination, if the animal dies or shows symptoms of rabies during the observation period.

AND WHEREAS section 6(1) of the Summary Convictions Act provides, in part as follows:

- 6(1)** Where a fine or imprisonment or both, are prescribed for a contravention of any Act of the Legislature, or of any by-law of a municipality, or of any regulation, the fine or costs or imprisonment, or both, may be recovered or enforced, or recovered and enforced on summary conviction before a justice.

AND WHEREAS the Council of the Rural Municipality of Lac Du Bonnet enacts as a by-law the following:

Part I: Definitions

- 1(1)** In this By-Law:

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

"Cat" means a domestic cat (*Felis silvestris catus*), but does not include hybrids of domestic cats as a result of crossbreeding.

"Companion Animal" means an animal that is not a commercial animal.

"Dangerous Animal" means an animal that has on at least one occasion attacked a person or another animal with sufficient severity to require medical or veterinary treatment. A Dangerous Animal does not include wildlife as defined under the Wildlife Act.

"Dog" means a domestic dog (*Canis lupus familiaris*), but does not include hybrids of domestic dogs as a result of crossbreeding.

"kennel" means any premise on which more than three (3) dogs or five (5) cats are kept, boarded, bred, trained or cared for, in return for remuneration or for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

"Livestock" means any animals kept for farming or other purposes whether or not intended for profit and includes among others:

- (i) dairy and beef cattle
- (ii) swine including wild boar, goats, sheep, bison, horses
- (iii) all cervids on game production farms
- (iv) all of the family Camilidae (Llamas, Alpacas)

- (v) all domestic poultry (chickens, turkeys, ducks, geese) and specialty fowl (guinea fowls etc.).

"LIVESTOCK PRODUCTION OPERATION" means an agricultural operation where livestock are confined, fed or raised, including high density seasonal cattle feeding areas exceeding one mature animal per 100 square metres (1076.4 square feet), but does not include:

- (a) an operation for the slaughter or processing of livestock;
- (b) an operation for the grading or packing of livestock or livestock products;
- (c) an operation for transporting livestock or livestock products;
- (d) a hatchery;
- (e) a livestock auction market;
- (f) low density seasonal feeding areas (eg. Cattle wintering operation); and
- (g) an operation for pasturing cattle, sheep, bison and other grazing livestock.

"Owner" means a person who owns, keeps or harbours an animal and a person who permits or allows a person to keep or harbour an animal upon premises owned, leased or occupied by that person.

"Pound" means a place designated by Council for the purpose of impounding or confining of an animal under this By-Law.

"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.

"Restricted animal" means:

- a) all members of the order Primate excepting human beings;
- b) all members of the order Carnivora except domestic dogs (*Canis lupus familiaris*), domestic cats (*Felis silvestris catus*) and domestic ferrets (*Mustela putorius furo*), and includes all hybrids of domestic dogs and domestic cats;
- c) all members of the order Crocodylia;
- d) all constrictor snakes and venomous reptiles including, but not limited to:
 - (i) all members of the family Boidea (pythons, boa);
 - (ii) all members of the family Colubridae (venom snakes);
 - (iii) all members of the family Elapidae (cobras and sea snakes);
 - (iv) all members of the family Viperidae (vipers);
 - (v) all members of the family Crotalidae (pit vipers);
 - (vi) all members of the family Helodermatidae (beaded and venomous lizards); and
 - (vii) all members of the family Varanidae (monitors); and
- e) all venomous amphibians including, but not limited to:
 - (i) all members of the family Bufonidae (true toads); and
 - (ii) all members of the family Dendrobatidae (poison frogs);
- f) and includes all hybrids of any of the animals so listed in (a) through (e) above.

"Run at large" means an animal that is not under control either by being:

- a) in direct and continuous charge 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

Part II: Animal Control Officer

- 2(1) The position of Animal Control Officer is established by municipal resolution.
- 2(2) 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
- 2(3) The Animal Control Officer may make orders and may enter property and buildings to carry out the administration and enforcement of this By-law including for determining the actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures have been taken, to prevent the contravention of this By-law or any order made under this By-law, to remedy a contravention of this By-law and to prevent an occurrence or re-occurrence of a contravention.
- 2(4) In respect of complaints, the Animal Control Officer may conduct inspections for the purpose of determining compliance with this By-law, determine compliance with this By-law following an inspection, and dismiss the complaint if there is compliance with this By-law.

Part III: Domestic pets

(A) Permitting of Kennels

- 3(1) A person who wishes to keep dogs or cats in excess of the number prescribed in section 6, whether for profit or pleasure, shall apply in writing to Council for a kennel permit. Kennel permit application attached as Schedule "D". The application must be accompanied by such supporting material as Council may require and the permit fee set out in Schedule A.
- 3(2) Council shall set a date to review the application at a regular Council meeting not less than 30 days following receipt of the application. Council shall send a notice of the date of the review of the application to every owner of property located within 100 metres of the affected property.
- 3(3) In determining an application for a kennel permit, Council shall consider the following:
 - a) the maximum number of dogs or cats to be housed on the premises.
 - b) the provisions made to adequately and safely house these animals.
 - c) the provisions made to avoid disturbances to neighbours from excessive barking, odour, waste disposal, and traffic.
 - d) an inspection report from the Animal Control Officer as may be prescribed by Council.
 - e) an inspection report from the public health authorities as may be prescribed by Council.
 - f) any representations made at the review of the application.
 - g) any other relevant consideration.
- 3(4) Council may refuse to issue a kennel permit, or may issue a permit subject to conditions.
- 3(5) Upon application by the owner or operator of a kennel, Council may modify the terms of a kennel permit. The procedure for issuing the original permit set out in this section shall apply.

- 3(6) If the Animal Control Officer is of the opinion that the holder of a kennel permit is not complying with a condition of the permit, the Animal Control Officer may give notice to the holder of the permit to appear before Council to show cause why the permit should not be suspended or revoked. Following receipt of information and representations Council may suspend or revoke the permit if in Council's opinion:
- a) neighbours are exposed to excessive noise, or noxious odours, or excessive traffic,
 - b) environmental laws are being contravened in respect to waste disposal,
 - c) the premises is not maintained in a condition such that escapes are prevented, and the premises is unsafe and unsanitary for the animals,
 - d) an inspection report from the Public Health Authorities indicates that the lack of cleanliness and sanitation represents a human health risk,
 - e) the premises are required to be licenced under the Animal Care Act of Manitoba, and is not so licenced or has been denied a licence
- 3(7) Upon refusal to grant a kennel permit or suspension or revocation, the Owner shall have 30 days from the date of the refusal to dispose of the dogs or cats over and above the prescribed limit.

(B) RESPONSIBILITY OF OWNERS REGARDING DOGS:

- 4(1) No Owner of a dog shall:
- a) permit it to run at large;
 - b) permit it to bark or howl or in any other manner become a nuisance and disturb the quiet of any person;
 - c) permit it to defecate on any public or private property other than the Owner's property and not immediately remove the excrement
 - d) permit it to damage public or private property other than the Owner's property;
 - 1. Note: The word permit is used here and throughout this by-law instead of licence to differentiate the Municipality allowing the keeping of larger numbers of dogs or cats in certain areas from the Provincial licence required of those persons who carry out a commercial enterprise of running a boarding kennel or a breeding operation for dogs and cats.
 - e) harbour or keep a dangerous dog except in accordance with Part IV of this By-law.
 - f) permit it to pursue, bite or wound any person or animal,
 - g) permit it on a school ground or playground unless the dog is on a leash or in the actual custody and control of the owner
 - h) permit it on a public park or public reserve unless the dog is on a leash or in the actual custody and control of the Owner, unless the park or reserve is designated to allow dogs to be exempted from being on a leash;
 - i) permit it to upset waste receptacles and scatter the contents in or about a street, lane or other public or private property.

- 4(2) An Owner of a dog that does any of the actions described in subsection (1) shall be deemed to have permitted the dog to do the action.
- 4(3) An Owner whose sight is impaired, is blind or who is deaf and who owns a registered guide dog or who is being assisted by a guide dog is not subject to the restrictions imposed under subsections (1)(c) or (h).
- 4(4) An Owner is responsible for all normal care including veterinary care, feeding, housing and fees associated with the selling, euthanasia and disposal of an animal when the animal is no longer desired as a companion animal
 - (a) Should the owner be unable to comply with the requirements of Sec 4(4) the owner may transfer care and responsibility to another person who then assumes all responsibilities of the owner.
 - (b) Should the owner be unable to comply with section 4(4) or 4(4)(a) the Animal Control Officer may assist and all associated costs and expenses incurred by the Animal Control Officer are a debt owed to the municipality and will be dealt with according to section 14(1) prescribes.

(C) SPECIAL RESTRICTIONS REGARDING DOGS AND CATS

- 5(1) An Owner of a female dog in heat shall confine it on the Owner's premises or on a person's premises having control of the dog for the period of time it is in heat. Such confinement shall be in such a manner as to prevent contact with other dogs except those of the Owner. As an alternative to such confinement, the Owner may take it to a licenced kennel for the period of time it is in heat.
- 5(2) Fail to confine dog in heat.
- 5(3) No Owner of a cat shall permit it to be anywhere other than on the Owner's premises unless it is under the direct and continuous charge of a person competent to control it.
- 5(4) Allow cat to run at large.

(D) RESTRICTION ON THE NUMBER OF DOGS AND CATS

- 6(1) No Owner shall harbour, keep, or possess on their premises more than three (3) dogs over the age of four months and no person shall harbour, keep, or possess on their premises more than five (5) cats over the age of four months.
 - (a) Subsection (1) does not apply to:
 - a. An owner operating a livestock production operation who maintains working dogs associated with the livestock production operation not to exceed 2 dogs for every 50 head of livestock.
 - b. An owner with a companion animal that has puppies and the sale of the pups after attaining 4 months of age is in the opinion of the By-Law Officer , incidental breeding and offered for sale not as a commercial breeder.
 - (b) Subsection (1) does not apply to an Owner holding a valid kennel permit issued under this By-law for their premises.

Part IV: Dangerous Animals

- 7(1) Where the Animal Control Officer has reason to believe that an animal has caused or is likely to cause serious damage or injury; he shall hold a hearing to determine whether or not the animal should be declared to be dangerous under this By-law.
- 7(2) The Animal Control Officer shall give notice of the hearing to the Owner of the animal at least 10 days in advance of the hearing. The notice shall include:

- (a) a statement of the time, place and purpose of the hearing;
 - (b) a copy of the dangerous animal section of this By-Law;
 - (c) a statement that if the Owner does not attend the hearing, the matter will be dealt with in their absence and there will be no further notice of this proceeding.
- 7(3) The Owner may appear at the hearing with or without counsel. The Owner is entitled to hear the material presented at the hearing and to inspect any documents filed.
- 7(4) Where the Owner does not attend the hearing, having been given notice as provided in this section, the matter may be dealt with in their absence and the Owner shall not be entitled to any further notice in the proceeding.
- 7(5) Within 7 days of the hearing, the Animal Control Officer:
- (a) shall make an order declaring the animal to be dangerous if in the Animal Control Officer's opinion the animal:
 - (i) has caused injury to a person without provocation,
 - (ii) has, while off its Owner's property seriously injured or killed a domestic animal without provocation; or
 - (iii) 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.
 - (b) may make an order declaring the animal to be dangerous if, in the Animal Control Officer's opinion, it is likely to cause serious damage or injury, taking the following factors into account:
 - i) whether the animal has bitten, wounded or injured any person or animal;
 - ii) the circumstances surrounding any previous biting or wounding incidents; and
 - iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, a person upon the street, sidewalk or any public or private property;
 - (c) shall provide the Owner with a copy of the order.
- 7(6) The Owner may, within 14 days of the date of the order, file an appeal of the order with the Chief Administrative Officer.
- 7(7) Where an appeal is filed, Council shall hold a hearing to consider the Animal Control Officer's order. The procedure set out in this section for the hearing before the Animal Control Officer shall apply to the hearing before Council.
- 7(8) Following the hearing, Council shall determine whether the order of the Animal Control Officer should be confirmed, varied, substituted or cancelled.
- 7(9) The decision of Council on an appeal under this subsection shall be final.
- 7(10) An Owner who receives a notice from the Animal Control Officer under this section shall ensure that the animal remains confined upon the Owner's premises pending the final outcome of the hearing. This restriction does not apply if the animal is impounded, or if the Animal Control Officer receives written confirmation from a licenced veterinary surgeon that the dog animal been placed in custody pending outcome of the hearing.

- 7(11) The Owner of an animal which has been declared to be dangerous under this section shall:
- (a) obtain a permit for a dangerous animal and pay the fee as set out in Schedule A.
 - (b) ensure that the animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
 - i) is capable of preventing the entry of young children and preventing the animal from escaping;
 - ii) has minimum dimensions of at least 5 feet by 10 feet;
 - iii) has secure sides; and
 - iv) provides protection from the elements for the animal.
 - (c) permit the animal upon public property only if it is muzzled, restrained by a chain or leash not exceeding 6 feet in length and under the control of a responsible person.
 - (d) display at each entrance to the property or building in or upon which the animal is kept a sign stating: WARNING: BEWARE OF DANGEROUS ANIMAL. The sign shall be posted in such a manner that it cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk or street and land, if any;
 - (e) within two working days of selling or giving away the animal, provide the Animal Control Officer with the name, address and telephone number of the new owner;
 - (f) advise the Animal Control Officer within two working days of the death of the animal;
 - (g) advise the Animal Control Officer forthwith if the animal is loose or has bitten 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 animal with a minimum limit of liability of \$500,000.00 per occurrence;
 - (i) comply with any other condition imposed under the order or by Council.
- 7(12) Fail to comply with requirements of Section 7(10)
- 7(13) No person shall remove a sign posted under subsection (1) without having first obtained the permission of the Animal Control Officer.

PART V: LIVESTOCK

- 8(1) No Owner shall harbour, keep, or possess livestock on their premises, unless the use of the premises for this purpose is permitted in the Municipality's zoning by-law.
- 8(2) No Owner shall permit livestock to run at large within the Municipality. When livestock is found running at large, its Owner shall be deemed to have permitted the livestock to run at large.
- 8(3) The Animal Control Officer may establish a temporary or permanent premises for the confinement of livestock found running at large. This may include premises where the apprehension took place, and the owner of such place or other such person as may be authorized shall provide care for the livestock.

- 8(4) Where livestock is impounded, the Animal Control Officer shall publish notice of the impoundment in a newspaper that is generally distributed within the Municipality as well as post a notice at the municipal office. The notice shall describe the livestock including any identifying tags, marks or brands, the day of impoundment, along with the location within the Municipality where the livestock were found.
- 8(5) If the identity of the Owner is known, the Animal Control Officer shall give the Owner a copy of the notice.
- 8(6) The Owner of the livestock shall be entitled to the return of the livestock upon payment of the Municipality's costs incurred in apprehending and impounding the livestock.
- 8(7) If no person claims the livestock within 10 days of the date of the notice, or if the Owner has not paid the costs and redeemed the livestock. The Animal Control Officer may sell the livestock, the proceeds of which shall be applied against the Municipality's costs set out in subsection (6), with any remainder sent to the Owner if known.

PART VI: RESTRICTED ANIMALS

- 9(1) No Owner shall keep, harbour or possess a restricted animal, unless they have applied for and received permission to do so under this section.
- 9(2) An Owner who wishes to obtain permission to keep a restricted animal may apply to Council in such form and accompanied by such supporting material as Council may require and the upon payment of the fee set out in Schedule A.
- 9(3) On receipt of an application Council shall:
 - (a) Fix a date for the hearing of the application which shall be not later than 45 days after the date of the filing of the application.
 - (b) At least 14 days before the date of the hearing send a notice showing the time and place of the hearing to the applicant.
 - (c) At least 14 days before the date of the hearing send a notice to owners of property located within 100 metres of the property in respect of which the application is being made.
- 9(4) On the date and place stated in the notice receive representations from the applicant and any other persons who desire to make representation.
- 9(5) On completion of the hearing and consideration of the matter, within 10 days of the hearing, Council by order:
 - a) reject the application and so order the applicant to sell or dispose of the restricted animal within a specified length of time.
 - b) permit the keeping of the restricted animal, on such terms and conditions as Council sets out if Council is satisfied that:
 - (i) the general environment, amenity, and convenience of the community as a whole will not be adversely affected, and
 - (ii) the general environment, amenity, and convenience and value of adjoining properties will not be adversely affected.
 - c) Council shall send a copy of its order to the applicant and to any person who made a representation.
- 9(6) An order made under this section is final and not subject to appeal.
- 9(7) Council may revoke an order made under this section for failure to comply with the conditions of the order.

- 9(8) An Owner wishing to change the conditions of the permission issued by Council under this section, shall apply to Council to Change the conditions. The procedure for issuing the original permission set out in this subsection shall apply.
- 9(9) An Owner who is keeping, harbouring or possessing a restricted animal in the Municipality at the time that this By-Law comes into force shall apply to Council within 30 days from the coming into force of this By-Law for permission to keep the restricted animal, or shall within the 30 days dispose of the restricted animal. Council may grant a longer period of time as necessary in any such cases where permission has been applied for but not yet decided.
- 9(10) An Owner, who is an operator of a bona fide circus or travelling show, who wants to bring a restricted animal into the Municipality shall apply for permission in such form, accompanied by such supporting material as Council may require, and upon payment of the fee set out in Schedule A. In considering whether to issue permission, Council is not required to follow the procedure set out in subsections (3 and 4). Council may grant permission on terms and conditions.

PART VII: ADMINISTRATION, ENFORCEMENT AND PENALTIES

10(1) In addition to the authority set out in section 2(3) and (4) the Animal Control Officer may issue a Notice of Inspection as set out in Schedule C, issue Common Offence Notices, make orders and enter property and buildings to carry out the administration and enforcement of this By-law.

(i) Seizure, Impoundment and Appeal

10(2) The Animal Control Officer may seize and impound an animal in enforcing this By-law. Following the seizure, the Animal Control Officer shall take the animal to the pound designated by the Municipality for this purpose. 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, and if the animal is not redeemed within five days of being impounded, the animal may be disposed of by the Municipality. Such notice is met if the Animal Control Officer provides the notice to the Owner in person or leaves the notice with an adult at an address where the Owner resides or is employed. If the Owner is unknown, the Animal Control Officer shall post a copy of the notice of impoundment in the municipal office.

(ii) Incidents relating to responsibilities Sections 4, 5, 6

10(3) An Owner of an animal seized and impounded by the Animal Control Officer in enforcing this By-law, may within 5 days of the seizure and impoundment and upon payment of the appeal fee set out in Schedule A, file an appeal of the seizure and impoundment with the Chief Administrative Officer.

10(4) Where an appeal is filed, Council shall hold a hearing to consider the Animal Control Officer's seizure and impoundment.

10(5) The Chief Administrative Officer shall give notice of the hearing to the Owner in advance of the hearing. The notice shall include:

- a) a statement of the time, place and purpose of the hearing; and
- b) a statement that if the owner does not attend the hearing, the matter will be dealt with in their absence and there will be no further notice of this proceeding

10(6) The Owner may appear at the hearing with or without counsel. The Owner is entitled to hear the material presented at the hearing and to inspect any documents filed.

- 10(7) Where the Owner does not attend the hearing, having been given notice as provided in this section, the matter may be dealt with in their absence and the Owner shall not be entitled to any further notice in the proceeding.
- 10(8) Following the hearing, Council shall determine and decide any matter respecting the seizure and impoundment of the animal by the Animal Control Officer, including whether the seizure and impoundment should be confirmed, varied, substituted or cancelled.
- 10(9) The decision of Council on an appeal under this section shall be final. The disposition of the animal is suspended for the period of the appeal and until the decision of Council.
- 10(10) The right of appeal set out in sections 10(3-9) does not apply to the seizure of a dangerous animal under section 10(18).
- 10(11) An Owner of an animal may redeem the animal from impoundment by applying to the Animal Control Officer within five days of being impounded. Upon payment of the fees set out in Schedule A and showing proof of vaccination, the Animal Control Officer shall instruct the pound to release the animal.
- 10(12) If an Owner of an animal and if known does not redeem the animal from impoundment, the fees set out in Schedule A are an amount owing to the Municipality by the Owner.
 - (a) There is no right of an Owner when known to redeem an animal after the third impoundment.

(iii) Biting Incident

- 10(13) Despite section 10(11), a dog or cat impounded in respect of a biting incident, shall be impounded for a minimum 10 day period unless the Owner shall pay all fees and costs associated with seizure and impoundment set out in Schedule A and provides information sufficient to the Animal Control Officer of:
 - a) proof of a rabies vaccination within 2 years of the date of the bite.
 - b) that the Owner shall take measures to ensure the dog or cat is quarantined on their premises to avoid all direct contact from other animals and persons excepting the owner and confined in such a manner to prevent escapes.
 - c) that the Owner shall post the premises at the entrance and at the area of confinement signs which read "Beware Dog Bites".
 - d) that the Owner shall report to the Animal Control Officer and/or submit the dog or cat for veterinary examination at such time as required by the Animal Control Officer.
- 10(14) If the dog or cat dies while impounded, the Animal Control Officer shall submit its head to the Canadian Food Inspection Agency for a rabies examination.
- 10(15) The Animal Control Officer shall keep a record of all bite incidents.
- 10(16) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the Animal Control Officer shall notify the medical officer of health of the biting incident.

(iv) Dangerous animal

- 10(17) Despite section 10(2), if an Owner has not complied with a term or condition of a dangerous animal permit or with section 7, the Animal Control Officer may seize the animal and destroy it without impounding it for the 5 day period. The Animal Control Officer shall notify the Owner that the animal has been seized and destroyed.

Such notice is met if the Animal Control Officer provides the notice to the Owner in person or leaves the notice with an adult at an address where the Owner resides or is employed.

10(18) If the Animal Control Officer takes the actions set out in subsection 10(10), the fees set out in Schedule A are an amount owing to the Municipality by the Owner.

(v) Interference with enforcement

11 (1) No person may interfere with, obstruct or attempt to interfere with or obstruct the Animal Control Officer, or any person carrying out the administration and enforcement of this By-law. The Owner, the registered owner of property or a person renting or leasing property shall assist the Animal Control Officer in seizing and impounding their animal or an animal found on their property. An Owner shall supply such information that the Animal Control Officer requests for the administration and enforcement of this By-law.

11 (2) No person shall, without the permission of the Animal Control Officer, remove or attempt to remove an animal from the place that it is impounded.

(vi) Enforcement by the public

12(1) Any person may apprehend at his or her own risk and confine a stray animal which is at large on their property. Immediately upon confining the animal, the person shall notify the Animal Control Officer or the Chief Administrative Officer of the Municipality of the confinement. The Animal Control Officer shall as soon as practical attend upon the premises and take possession of the animal.

12(2) The Municipal is not liable for any injury or property damage sustained by any person while apprehending an animal running at large on their property.

(vii) Offences

13(1) A person who contravenes sections 3, 4, 5 or 6 (dogs and cats) is guilty of an offence and is liable on summary conviction:

- a) to a fine of not less than \$50.00 and not more than \$250.00 for a first offence,
- b) to a fine of not less than \$100.00 and not more than \$500.00 for the second offence or any subsequent offence within 12 months of the first offence.

13(2) A person who contravenes section 7 (dangerous animals) is guilty of an offence and is liable on summary conviction:

- a) to a fine of not less than \$250.00 and not more than \$1000.00 for a first offence,
- b) to a fine of not less than \$500.00 and not more than \$1000.00 for the second offence or any subsequent offence within 12 months of the first offence.

13(3) A person who contravenes section 8 (livestock) is guilty of an offence and is liable on summary conviction:

- a) to a fine of not less than \$250.00 and not more than \$1000.00 for a first offence,
- b) to a fine of not less than \$500.00 and not more than \$1000.00 for the second offence or any subsequent offence within 12 months of the first offence.

13(4) A person who contravenes section 9 (restricted animals) is guilty of an offence and is liable on summary conviction:

- a) to a fine of not less than \$250.00 and not more than \$1000.00 for a first offence,
- b) to a fine of not less than \$500.00 and not more than \$1000.00 for the second offence or any subsequent offence within 12 months of the first offence.

13(5) A person who contravenes section 11 (interferes with or obstructs the duties of an Animal Control Officer or any other person authorized under this By-Law, or who unlawfully enters any premises where impounded animals are kept or removes any animal impounded from such premises) or any other section not noted in sub-sections 13(1), (2), (3) or (4) is guilty of an offence and liable, on summary conviction:

- 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 30 days for the first offence,
- b) to a fine of not less than \$750.00 and not more than \$1000.00, or to imprisonment of not more than 3 months for any subsequent offence.

13(6) Where a contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day it continues

(viii) Adding of fines and charges to Taxes

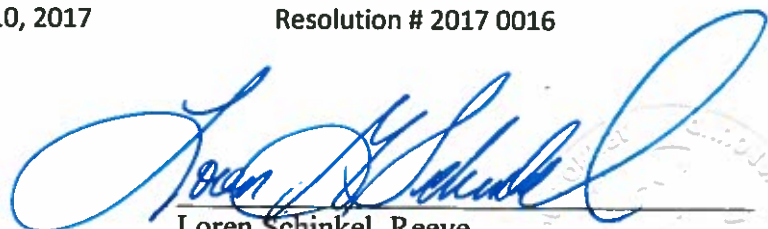
14(1) The penalties and charges imposed by this by-law are a debt owing to the Municipality jointly and severally by the owner of the property and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

(ix) Transitional


15(1) Bylaw 12-11 is repealed, except in respect of an offence committed before his By-law comes into force. By-law 12-11 will remain in effect to the extent necessary for the prosecution of any such offence.

DONE AND PASSED as a By-Law of the Rural Municipality of Lac du Bonnet by the Reeve and Council in open session assembled this 10th day of January 10, 2017.

Read a First Time:	November 8, 2016	Resolution # 2016 0543
Read a second time	January 10, 2017	Resolution # 2017 0015
Read a third time	January 10, 2017	Resolution # 2017 0016



 Loren Schinkel, Reeve



 Tannis Lodge, Chief Administrative Officer

Schedule "A" of Animal Control By-law 12-16

Schedule of Licence and Impoundment Annual Fees	
Item	Annual Fee
Possess Dangerous Animal authorized by Section 7	\$200.00
Kennel Permit	\$500.00
Restricted Animal Application Fee	\$100.00
Impoundment and Associated Fees ¹	
First impoundment	\$100.00 + Kennel fee
For each day of impoundment add	\$50.00 + kennel fee
Second impoundment within 12 months	\$150.00 + kennel fee
For each day of impoundment add	\$50.00 + kennel fee
Third impoundment within 12 months	\$200.00 + kennel fee
Animal euthanasia and disposal by Animal Control Officer	\$150.00 + the cost of euthanasia at Vet Clinic
Voluntary impoundment of biting dog or cat	\$50 + Kennel fee
For each impoundment day add	Kennel fee

¹ The Rural Municipality of Lac du Bonnet utilizes the Beausejour Animal Hospital for kennel / impound services. All kennel / impound fees will be based on the current Beausejour Animal Hospital charges in addition to an administration fee.

Schedule B" of Animal Control By-law 12-16

NOTICE OF IMPOUNDMENT RURAL MUNICIPALITY OF LAC DU BONNET	
Name and Address of Animal Owner	
Date of Apprehension:	
Time of Apprehension:	
Location of Animal Apprehension:	
Place of Impound:	<i>Beausejour Animal Hospital Hwy 44 & PR 302 P.O. Box 368 Beausejour, Mb R0E 0C0</i>
Hours of Pound operation:	<i>Monday – Friday 8:00 am – 5:30 p.m. Saturday 9:00 am – 2:00 p.m.</i>
Contact Phone number:	<i>204-268-2177</i>
Daily pound fee:	<i>First day \$100.00 + kennel fee Subsequent day: \$50.00 + kennel fee</i>
Method of payment required:	
Date the animal will be sold, given up or euthanized:	

Dated: _____

Animal Control Officer:

Signature: _____

¹ The Rural Municipality of Lac du Bonnet utilizes the Beausejour Animal Hospital for kennel / impound services. All kennel / impound fees will be based on the current Beausejour Animal Hospital charges in addition to an administration fee.

Schedule "C" of Animal Control By-law 12-16

NOTICE OF INSPECTION RURAL MUNICIPALITY OF LAC DU BONNET	
Name of Owner or Caregiver:	
Address:	
Phone number:	
Location of Premises:	
Nature of Complaint:	
Description of animals hereon:	
Action taken or recommendations:	

Pursuant to the Rural Municipality of Lac du Bonnet Animal Control Bylaw 12-16, I did conduct an inspection of the conditions of and for the animals indicated above on the said indicated premises. And further, I hereby certify that I am a duly appointed Animal Control Officer under the Bylaw.

Date & time:

Animal Control Officer:

Signature: _____ Cell Ph. No. _____

Report to Follow Report Left at Premises Impoundment

Require Further Information Complaint Unjustified

Original- Municipal Office

Copy 2 - Owner

Copy 3 - Animal Control Officer

Schedule "D" of Animal Control By-Law 12-16

Kennel Permit Application Rural Municipality of Lac du Bonnet	
Name:	
Address:	
Phone numbers:	
Proposed location of kennel:	
Maximum number of dogs in kennel:	
Maximum number of cats in kennel:	
Description of kennel construction including size of enclosure for each animal: Attach diagram and / or photos	
Describe location of neighbours within 100m of your property boundaries	
Describe provisions taken to avoid disturbances to the neighbours	
Additional information	

Signature: _____ date: _____

Schedule "E" of Animal Control By-Law 12-16

Recommended Fines				
Provision of By-Law	Description of Offence	1 st Offence fine	2 nd offence fine	Subsequent Offence
4(1)(a)	Permit a dog to run at large	\$50	\$100	\$150
4(1)(b)	Permit a dog to bark or howl or in any other manner become a nuisance and disturb the quiet of any person	\$50	\$100	\$150
4(1)(c)	Fail to immediately remove excrement when dog permitted to defecate on public or private property that is not the property of the dog owner or care giver	\$50	\$100	\$150
4(1)(d)	Permit a dog to damage public or private property not owned by the dog owner or care giver	\$50	\$100	\$150
4(1)(e)	Harbouring or keeping a dangerous or vicious dog not in compliance with Part V	\$250	\$500	\$750
4(1)(f)	Permit a dog to pursue, bite or wound a person or animal	\$200	\$300	\$500
4(1)(g)	Permit a dog on any school ground or playground unless the dog is on a leash or in the actual custody and control of the owner	\$50	\$100	\$150
4(1)(h)	Permit a dog on a public park or public reserve unless the dog is on a leash or in the actual custody and control of the owner or care giver, unless the park or reserve is designated to allow dogs to be exempt from being on a leash	\$50	\$100	\$150
4(1)(j)	Permit a dog to upset waste receptacles and scattering the contents in or about a street, lane or other public or private property not belonging to the dog owner	\$50	\$100	\$150
5(2)	Fail to confine dog in heat	\$50	\$100	\$150
5(4)	Allow cat to run at large	\$50	\$100	\$150
6(1)	Keeping in excess of the prescribed number of dogs or cats on a property	\$250	\$350	\$500
7(11)	Fail to comply with requirements of Section 7(10)	\$250	\$500	\$750
7(12)	Remove Dangerous Animal signs	\$250	\$500	\$750
8(1)	Permit livestock on property contrary to Zoning By-law	\$250	\$500	\$750
8(2)	Permit livestock to run at large	\$250	\$500	\$750
9(1)	Harbour or keep a restricted animal without permission of Council	\$250	\$500	\$750
11(1)	Interfere or obstruct Animal Control Officer	\$500	\$750	\$1000
11(2)	Remove an animal from Impound without authority	\$500	\$750	\$1000