

CARTWRIGHT-ROBLIN MUNICIPALITY

41-2019 Animal Control

Being a by-law to regulate licensing, keeping and impounding dogs and cats

WHEREAS Section 232(1) of *The Municipal Act* (L.M. 1996) authorizes a Council to 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;
- b) people, activities and things in, on or near public place or a place open to the public including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- c) subject to section 233, activities or things in or on private 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.

AND WHEREAS Section 130 of *The Municipal Act* (L.M. 1996) states that a Council may by By-Law establish one or more positions to carry out the powers, duties and functions of a designated officer under a By-Law or this or any other *Act*, and may give each such position any title the Council considers appropriate.

AND WHEREAS Section 85 (1) states a Council may by by-law delegate any of its powers, duties or functions under a By-Law or this or any other *Act* to the Head of Council, a Council committee, the Chief Administrative Officer or designated Officer, unless the By-Law or *Act* otherwise provides.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Cartwright-Roblin Municipality, in open council assembled, enacts as follows:

1. Short Title

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

2. Application

This By-Law shall apply to those parts of the Cartwright-Roblin Municipality as follows:

- i) the Community of Cartwright
- ii) the LUD of Mather
- iv) the areas within Cartwright-Roblin Municipality designated as “SR” Seasonal Resort under the Rural Municipality of Roblin Zoning By-law 201-2004, Village of Cartwright Zoning By-law 234-04 or the 23 West Planning District Development Plan/Zoning By-Laws.

3. Definitions

- a) “Dog” means all species of the animal commonly known as dogs, male and female., as well as the type of every breed or classification or mixture of breeds;
- b) “Cat” means a male or female cat that is over sixteen (16) weeks of age;
- c) “Owner” includes any person who keeps or harbours or has custody of a dog or cat;

- d) “Stray Dog” means any unlicensed dog not under the control of the owner or keeper;
- e) “Run at Large” or “Running at Large” means that a dog or cat is:
 - i) Not in direct or continuous charge of a person competent and capable of controlling the dog or cat;
 - ii) Not securely confined within an enclosure or otherwise so that it is unable to roam at large;
 - iii) Running around on property without the consent of the owner of the property;
- f) “Person” includes corporation, firm, partnership and association;
- g) “Police Officer” means any member of the Royal Canadian Mounted Police on duty in the Cartwright-Roblin Municipality;
- h) “Pound” means any premises where dogs or cats are confined in accordance with the provisions of this by-law;
 - i) “Pound Keeper” means a person appointed to have charge and supervision over a pound in accordance with the provisions of this by-law;
 - j) “Animal Control Officer” shall mean any person duly authorized by resolution of the Cartwright-Roblin Municipality to act as an animal control officer to enforce this By-Law;
 - k) “Authorized Judicial Officer” shall mean a provincial judge, magistrate, justice of the peace, a medical examiner or qualified medical practitioner;

4. Appointment of Designated Officers

- a) Cartwright-Roblin Municipality appoints positions known as “animal control officer” and “by-law enforcement officer” and may from time to time designate such person or persons by resolution as an animal control officer or by-law enforcement officer;
- b) Cartwright-Roblin Municipality may delegate to any animal control officer so appointed under this By-Law or any by-law enforcement officer or any police officer the powers, duties and functions necessary for the maintenance and enforcement of this By-Law;
- c) Cartwright-Roblin Municipality may from time to time appoint a person or persons to have charge and supervision over a pound in accordance with the provisions of this *Act* and so empowers such a person or persons to carry on the duties of a pound keeper under this *Act*;
- d) Cartwright-Roblin Municipality may from time to time, by resolution, designate such areas within or outside the boundaries of the Cartwright-Roblin Municipality as a pound;

5. License

- a) No owner, possessor or harbourer of any dogs four (4) months of age shall be in possession of it unless such dog has been licensed for the current year. A tag shall be issued at the time of

licensing and such tag shall be affixed at all times to a collar worn on the neck of the dog. No other tag purporting to show it is licensed is permitted to be attached to the collar;

- b) No license shall be required on any cat. However, the owner of any cat must identify the cat in such a manner that it can be recognized as a domestic pet either through tags, ear tattoo, or microchip and provide details of identification to the municipality. Any cat with no identification shall be deemed a stray;
- c) The annual license fee to be charged for all species or breeds of dogs, owned possessed, or harbored by any person, excepting seeing eye dogs and those used for police work, shall be Five (\$5.00) dollars for any spayed or neutered and Twenty (\$20.00) dollars for all others. Proof of neutering or spaying shall be by certificate of a licensed veterinary surgeon to that effect;
- d) The annual license fee hereby imposed shall be due payable on the first of January in each year and shall expire on the 31st day of December in the year in which the licensed levied and paid;
- e) For the purposes of implementing the licensing program, fees will be waived up to and including June 30, 2019. Thereafter, license fees are as defined in this By-law;
- f) No license issued under provisions of this By-Law is transferrable to another dog;
- g) Where the owner reports that a tag has been lost or stolen and the Chief Administrative Officer is satisfied that the owner has complied with the provisions of this by-law, the Chief Administrative Officer may issue a duplicate license and replacement tag to the owner upon payment of Five (\$5.00) dollars;

6. Rabies Vaccination

Every dog over the age of Four (4) months shall be vaccinated against rabies, which vaccinations shall be repeated at intervals of no more than Two (2) years. Proof of vaccination against rabies must be produced when application for the license is made. Vaccination tags shall be affixed at all times to a collar of the neck of the dog.

7. Prohibitions

- a) No owner of any dog or cat shall permit it to run at large at any time; except in designated leash less areas, if any;
- b) No owner of any dog or cat shall permit it to be on any ground or premises of any school whether on leash or under complete control except for a dog used as a Seeing Eye dog by those who are visually impaired.
- c) No owner of any dog or cat shall permit it to be on or in any public thoroughfare, highway, public place, public buildings or park, unless it is on a leash;
- d) No owner of any dog or cat shall permit it to defecate on any public or private property other than the property of its owner, the owner shall cause such excrement to be removed immediately;
- e) A female dog or cat in heat shall be confined and housed in the residence of the owner or person

having control over the animal for the period of time that she is in heat, or taken to a licensed kennel for the whole period of time in heat;

- f) Any owner of any dog or cat who permits it to disturb the quiet of others by howling, barking or meowing continuously is guilty of an offence;
- g) Any owner whose dog or cat is found chasing or barking at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare is guilty of an offence;
- h) No owner of any dog or cat shall permit it to pursue, bite, wound or worry any person or animal, whether or not on the owner's property;
- i) Any person found guilty of teasing, enticing, baiting or throwing objects at a dog or cat confined within its owner's property is guilty of an offence;
- j) No person shall own, keep, possess or harbour more than three (3) dogs and/or two (2) cats over the age of sixteen (16) weeks, within or about one residential unit, regardless of whether that person is the owner of the animals without written permission of Council for maximum of one additional cat which pre-existed on the property prior to the date of this by-law.

8. Impounding Facilities Regarding Dogs

- a) Cartwright-Roblin Municipality shall provide for the boarding of impounded dogs at the facilities that may be designated pounds by resolution;
- b) Cartwright-Roblin Municipality shall pay the pound keeper for boarding the dogs on behalf of the municipality;
- c) The animal control officer or any police officer may capture or seize any dog found running at large contrary to the provisions of this By-Law, or any dog for which a current license has not been obtained and maintained which dog shall be impounded and lodged at the facilities provided for in this By-Law;
- d) Where a dog is taken into custody by, or delivered to a police officer or an animal control officer, the municipality shall give notice to the owner of the dog thereof if the owner is known and the dog shall not be sold unless it has remained in the pound for 10 days or the owner has been given notice;
- e) If such dog impounded has not been claimed, redeemed or sold in accordance with the provisions of this by-law a peace officer or an animal control officer acting on behalf of the municipality may apply to an authorized judicial officer for an order directing that the dog be destroyed.

9. Redemption

- a) Any owner of a dog or cat whose dog or cat has been impounded may get his animal redeemed from the pound keeper upon payment of transportation costs and all boarding expended for each dog or cat. The pound keeper shall credit the same to the account the Cartwright-Roblin Municipality;

- b) The pound keeper shall keep a record of all dogs or cats impounded or boarded and of the disposition made of same and shall make a monthly return to the Chief Administrative Officer of the Cartwright-Roblin Municipality;
- c) Any charges referred to in this By-Law shall be charged against the animal's owner and shall be payable on redemption or purchase of the said animal in addition to all other charges or payments. If no owner is found, the Cartwright-Roblin Municipality will pay for any storage fees, or fees associated with euthanizing the animal.

10. Cat Traps

Any person who wishes to obtain a humane cat trap from the Cartwright-Roblin Municipality to apprehend a cat running at large must:

- i) Provide his/her name address and telephone number
- ii) Agree to comply with terms and conditions of use governing the capture, treatment, and disposal of any trapped cats
- iii) Pay a refundable deposit of 25% of the cost of the cat trap

11. Terms & Conditions Governing Capture, Treatment & Disposal of Cats

- a) Once a cat is trapped, the owner of the cat must be notified. If the cat has no apparent owner, it must be immediately transported by the person who has obtained the cat trap to the pound;
- b) In the event that the cat has been impounded and is not redeemed or sold with the expiration of (5) business days after its capture, the animal shall be euthanized by a Veterinarian.

12. The Chief Administrative Officer shall keep a record of all dog licenses imposed and tags issued under the provisions of this By-Law by showing the name of the owner or possessor of each dog and shall number the tag issued in respect to each dog, and shall account for monies received as dog licenses.

13. Any person who, without lawful excuse, removes a collar or tag from any dog or cat which the tag was issues shall be guilty of an offense under this by-law.

14. All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under "*The Public Health Act*"

15. Any person making a complaint against any dog must give to the animal control officer, town designate, or peace officer his or her name, address and telephone number and sign the complaint form before any action will be taken to either impound a dog or cat or to institute any legal proceedings.

16. Any animal from outside the area will be treated the same as resident animals.

17. Penalties

- a) Any person who contravenes any provisions of this By-Law is subject to a penalty payable to the Municipality within 30 days of the receipt of the Notice of Breach from the municipality:

First Offence \$ 50.00 plus all applicable costs of apprehension and impoundment

Second & Subsequent
Offences \$100.00 plus all applicable costs of apprehension and impoundment

- b) Where contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.
- c) If a person served with a Notice of Breach fails to pay the fine set out in the Notice of Breach within the 30-day period, the Officer shall lay information with respect to the contravention before the Provincial Court. Any person found guilty for contravention of this by-law before a Provincial Court, Magistrate or Justice of the Peace is subject to a minimum fine of \$500.00 for the first offense and a minimum fine of \$1,000.00 for the second offense and for each subsequent offense plus all applicable costs, including court costs.

18. Repeal of Previous By-Laws

That there are no existing By-Laws to be repealed.

DONE AND PASSED as a by-law of the Cartwright-Roblin Municipality at Cartwright in the Province of Manitoba this 10th day of April, A.D. 2019.

CARTWRIGHT-ROBLIN MUNICIPALITY

Jamie Dousselaere, Head of Council

FIRST reading: March 27, 2019
SECOND reading: April 10, 2019
THIRD reading: April 10, 2019

Colleen Mullin, Chief Administrative Officer

Schedule "A"

NOTICE OF BREACH

Cartwright-Roblin Municipality – Animal Control By-Law #41-2019

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

You are charged that on the _____ day of _____, 20 _____

you did unlawfully _____

FINE AMOUNT: \$ _____ . 00 1st offense \$50.00 plus all costs

2nd or subsequent offenses \$100.00 plus all costs

Disposition of this charge may be made by attending the Administration office of the Cartwright-Roblin Municipality during regular office hours, within 30 days and pay the above noted fine.

IF YOU FAIL TO DISPOSE THIS CHARGE within 30 days of the date of this Notice of Breach you are subject to, upon conviction before a Provincial Court Judge, Magistrate or Justice of the Peace, a minimum fine of \$500.00 for the first offense or a minimum fine of \$1,000.00 for the second or subsequent offense, plus all applicable cost.

Dated at Cartwright, in the Province of Manitoba this __ day of _____, 20 ____.

Designated Officer, Cartwright-Roblin Municipality