

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. <sup>3</sup>552/10

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO REPEAL BY-LAW 9-75

WHEREAS Section 232(1) of Part 7, Division 1 of The Municipal Act provides in part as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters

- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

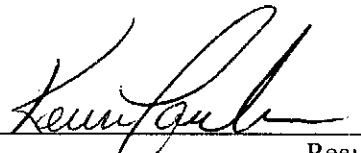
AND WHEREAS By-Law 9/75 was passed to regulate the running at large of animals and to provide for the establishment of pounds and poundkeepers and the impounding of animals;

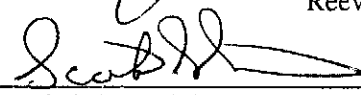
AND WHEREAS it is deemed expedient and in the best interests of the residents of The Rural Municipality of Whitemouth that The Rural Municipality of Whitemouth repeal By-Law 9/75;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED that the Council of The Rural Municipality of Whitemouth, duly assembled, enact as follows:

1. THAT By-Law 9/75 is repealed upon this By-Law receiving third and final reading.

DONE AND PASSED by the Council of The Rural Municipality of Whitemouth in regular session assembled, this 8<sup>th</sup> day of December, AD., 2010.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 17<sup>th</sup> day of November, AD. 2010  
Read a second time this 17<sup>th</sup> day of November, AD. 2010  
Read a third time this 8<sup>th</sup> day of December, AD., 2010

A By-Law of the Rural Municipality of Whitemouth to regulate the running at large of animals and to provide for the establishment of pounds and poundkeepers and the impounding of animals.

The Council of the Rural Municipality of Whitemouth in Council assembled, enacts as follows:

1. For the purpose of this By-Law:

(a) The word "animal" or "animals" shall mean and include cattle, horses, sheep, mules, swine and goats.

(b) The words "run at large" or "running at large" or "at large" shall mean not being under the control of the owner or other person who has charge or custody of an animal either by being in direct or continuous charge of a herder or by confinement within an enclosure.

(c) The words "distress" or "the distress" shall mean and include an animal or animals as defined in (a) hereof.

(d) The word "Municipality" shall mean the Rural Municipality of Whitemouth.

2. No person shall suffer or permit any animal to run at large at any time within the territorial limits of the Rural Municipality of Whitemouth.

3. There shall be established, by either by-law or resolution, public pounds in the Municipality, the number and location of which may be changed from time to time as deemed advisable by By-law or Resolution of the Council of the Municipality.

4. The Council of the Municipality shall from time to time, as occasion requires, appoint by By-law or Resolution persons to serve in the office of poundkeepers, who shall hold office during the pleasure of the Council, and be generally under the supervision and direction of the Council.

5. The Council of the Municipality shall by By-law or Resolution appoint two appraisers or as many as may be deemed necessary, who shall hold office during the pleasure of the Council.

13. Any poundkeeper who impounds any animal under this By-law and neglects or fails to provide such animal with fodder, water or shelter as hereinbefore provided shall be subject to the penalties herein provided for a breach of this By-law.

14. Every poundkeeper shall be provided by the Council of the Municipality with a Municipal poundkeeper's "brand" and it shall be the duty of every poundkeeper to brand with the said brand all animals sold by him at public auction.

15. Every poundkeeper shall before receiving any animal into his pound, require from the person delivering it to be impounded a certificate under his hand setting forth that said animal or animals to be impounded were captured within the Municipality and no poundkeeper shall be compelled to accept any animal or animals brought to his pound unless such certificate is given.

16. In all cases the poundkeeper shall within twenty-four hours after the distress shall have been impounded, cause a written notice to be affixed at the entrance to his premises adjoining the public road, and also shall mail a copy of said notice to each of the Post Offices within the Municipality, which notice shall give a particular description of the distress. Provided that in the case of any animal or animals impounded whose owner or owners are known to the poundkeeper, the poundkeeper shall within twenty-four hours notify the said owner or owners of the fact.

17. Every poundkeeper shall in addition to the notice required to be given and inserted in The Manitoba Gazette in accordance with the provisions of "The Animal Husbandry Act", or any amendments thereto, give six days' notice of the sale of any animal impounded by posting up notices in six conspicuous places in the Municipality; but the day of said sale shall be within the time prescribed by The Animal Husbandry Act or any amendments thereto. Provided that in the case of swine the poundkeeper shall give notice of the sale of the said swine by posting notices in three conspicuous places in

the said animal or animals by public auction at the time and place mentioned in said notice (which date of such sale shall not be before the expiration of fifteen days after such distress shall have been impounded), if such animal or animals are not claimed in the meantime, and if the fees, charges, damages and penalties, if any, against said animal or animals are not previously paid to him, the animal or animals shall be sold to the highest bidder, and such sale may in the event of there being no bidders, or for any other good reason be postponed from time to time until the animal or animals are sold, and after deducting his own charges as fixed by this By-law, he shall pay the surplus (if any) including the damages and penalty, or either, to the Treasurer of the Municipality, who shall pay first to the person entitled to the damages as appraised (if any), the amount of damages, then to the owner or owners of such distress, if known, the surplus after deducting the penalty (if any), and if such surplus is not claimed within one year after being received by the Treasurer, who shall keep said funds in a special account, the same shall then go to the general fund of this Municipality.

24. It shall be the duty of the Treasurer to furnish to each poundkeeper a book in which he shall enter the number and description of every animal impounded by him, with the name of the person who took or sent the same to be impounded, the day and hour on which the same was received, redeemed or sold, and the amount of damages, charges, penalty and fees, paid by the party redeeming the same; or the proceeds of the sale (if any made), and shall on or before the first day of every third month in the year, make a return to the Council in writing, of the number description of all distresses received by him during the past three months, preceding each return, with the names of the persons taking the same to pound, the day and hour received by him, redeemed or sold, the amount received for damages, penalties and fees, and other information he may deem necessary, which returns shall be verified upon oath if required by Council.

25. Each and every appraiser after his appointment shall be duly

and should there not be sufficient distress to satisfy the said penalty and costs, or penalty or costs, or costs only, it shall and may be lawful for the said Justice of the Peace or Police Magistrate so convicting, to commit the offender or offenders in the gaol of the Eastern Judicial District of the Province of Manitoba, for any period not exceeding twenty-one days, unless the said penalty and costs or penalty or costs be sooner paid.

32. All proceedings for breach of any of the provisions of this By-law shall be pursuant to the Summary Convictions Act of the Province of Manitoba, being Chapter S 230 and amendments thereto.

33. All other By-laws or Resolutions of the Rural Municipality of Whitemouth hitherto enacted or passed appertaining to the purposes for which By-law is passed are hereby repealed and the By-law herein substituted for them.

DONE AND PASSED in Council assembled at the Village of Whitemouth, in Manitoba, this *12* day of *November*, A.D.

*A. Henderson*  
Reeve

*B. M. [unclear]*  
Secretary-Treasurer

*[Handwritten mark]*