

# THE RURAL MUNICIPALITY OF WHITEMOUTH

## BY-LAW 649/16

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO PROVIDE FOR THE REGULATION, PROHIBITING, LICENSE AND CONTROL OF DOGS WITHIN THE LIMITS OF THE MUNICIPALITY

**WHEREAS** the provisions of 232 and 236 of The Municipal Act, S.M. 1996, c. 58 Cap. M225 provides in part as follows:

### Spheres of Jurisdiction

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;
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under the Division

- (a) regulate or prohibit;
- (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, direction, management or control of the municipality;
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:
  - (i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulations;
  - (iii) prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted,
  - (iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
  - (v) providing for the duration of licenses, 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 WHEREAS** it is deemed advisable to provide for the regulation, licencing and control of dogs within the limits of the Rural Municipality of Whitemouth;

**AND WHEREAS** it is deemed advisable to provide for the following within the limits of the Rural Municipality of Whitemouth;

- (a) for restraining, prohibiting, and regulating, the running at large of dogs, having regard to the sex, breed, size, and weight of the dog;
- (b) for classifying dogs by breed and sex for licensing purposes, and for prescribing the license fee to be paid in respect of each dog so classified as set by the Rural Municipality of Whitemouth Council policy;
- (c) for requiring the owners, possessors, or harbourers of dogs to pay the required license fee as set by the Rural Municipality of Whitemouth Council policy;
- (d) for requiring every dog in the municipality that is over three months of age to be vaccinated against rabies;
- (e) for issuing licenses or dog tags, or both, and requiring that every dog in the municipality shall carry a tag;
- (f) for providing that neither a license nor a tag shall be issued in respect of any dog that has not been vaccinated as required by a by-law passed under clause (d);
- (g) for impounding any dog running at large, and
  - (i) if any or other charge imposed by reason of the contravention of the by-law is paid, returning the dog to the owner; and
  - (ii) in other cases, requiring the dog to be sold or destroyed.

**AND WHEREAS** it is deemed advisable to prohibit the keeping or harbouring of a vicious uncontrolled dog within the limits of The Rural Municipality of Whitemouth for the health, safety and welfare of the public;

**NOW THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED** as a By-law of the Rural Municipality of Whitemouth in Council duly assembled, as follows:

1. This By-law may be referred to as The Rural Municipality of Whitemouth Dog By-law.

2. **DEFINITIONS:**

(a) "running at large" means, when used in reference to a dog, that the dog is not under the direct, continuous and effective control of a person competent to control it; or is not securely confined within an enclosure or otherwise so that it is unable to roam at will; (not when on your own property).

(b) "authorized person" means any person appointed or employed by the Rural Municipality of Whitemouth, or the assistant, employee or agent of any such appointee or employee, to carry out any provisions of this by-law or any contracts

or agreements entered into for the purpose of carrying out any provision of this by-law;

(c) "commercial dog kennel" means any premises upon which dogs are raised, trained or kept whether for remuneration or not;

(d) "council" means the Council of the municipality, or any delegate thereof;

(e) "dog" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification or mixture of breed or classification thereof,

(f) "municipality" means the Rural Municipality of Whitemouth

(g) "owner" means any adult 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 by him;

(h) "vicious" means dangerously aggressive, savage;

(i) "uncontrolled" means not under the control of the owner;

(j) "secretary" means the Chief Administrative Officer, or his or her delegate of the Municipality;

(k) "seeing-eye dog" means any dog specially trained for and actually used as a dog guide by any person whose sight is impaired or is blind, or whose hearing is impaired or they are deaf.

3. **SPECIAL RESTRICTIONS:**

(a) For purposes of this Section, the word dog excludes dogs under the age of three months.

(b) The owner of an unsprayed female dog shall confine her within a building upon his premises when she is in heat, or shall take such other measures as may be required to prevent the congregation of dogs upon his premises or in the vicinity of his premises during the time when said unsprayed female dog is in heat.

(c) In the event of an outbreak or the threat of an outbreak of rabies or any other disease which can be transmitted through dogs, Council may require every owner to confine his dog upon his property for such period of time as Council may determine.

4. **LICENSE:**

(a) The owner of every dog kept within the limits of the Municipality, or within twenty-one days of the time he becomes a resident of the municipality or the owner of a dog intended to be kept within the limits of the municipality, shall obtain from the Secretary a tag for each dog owned by him, and shall supply the Secretary with such information as the Secretary may require.

(b) The Secretary shall supply each owner who has paid the required fee and supplied the necessary particulars or registration, with a metal or plastic tag for each dog, which tag shall be securely fastened to a collar or harness worn by the dog for which said tag was issued.

(c) No tag issued pursuant to the provisions hereof shall be transferrable.

(d) No tag shall be issued for any dog until the owner thereof provides:

(i) particulars of the dog to be licensed;

(ii) evidence of inoculation of the dog for rabies;

(iii) evidence of the sex of the dog, of the fact if it is neutered

(e) No license fee or tag charge shall be made for a dog

(i) under the age of three months; or

(ii) trained and used as a seeing-eye dog.

(f) The owner should notify the Secretary when a dog is no longer in his possession so that the record of the tag can be terminated.

5. **COMMERCIAL DOG KENNEL:**

(a) Any person who intends to establish a commercial dog kennel shall apply in writing to the Secretary providing the location of the kennel, the number of dogs to be kept and the intended purpose of the commercial dog kennel.

(b) On receipt of an application, the Secretary shall,

(i) fix a day for the consideration by Council of the application which shall be not later than 30 days after the date of receipt of the application;

(ii) notify the applicant of the time and place at which the Council will consider the application;

(iii) not later than 10 days before the day fixed for consideration of the application, give notice of the application by regular mail to each assessed owner, according to the latest revised assessment roll, of property within a radius of 150 feet from the proposed site affected; to each owner of land adjoining the proposed site affected or across the street or lane if any; and give such notice in any other manner that the Council deems advisable.

(c) On the day and at the time and place stated in the notice, the Council shall receive the representations of the applicant and any other person, who desires to make representations either on his own behalf or on behalf of another.

- (d) On completion of the receipt of representation, the Council may by resolution;
- (i) reject the application; or
  - (ii) approve the application with or without conditions which in the opinion of the Council may be necessary or desirable to ensure the location of the commercial dog kennel is compatible with the neighbourhood.
- (e) The Secretary shall send a copy of the decision of Council to the applicant and to any person who made representations at the meeting of Council.
- (f) The decision of Council is final and binding on all person and the commercial dog kennel license may be revoked by Council for any violation of any conditions imposed by it.

6. **RESPONSIBILITY OF OWNERS:**

- (a) The owner of a dog shall be responsible for his or her dog and shall not:
- (i) Permit his dog to run at large within the limits of the municipality. When a dog is found running at large, it's owner shall be deemed to have failed or refused to comply with this subsection;
  - (ii) Permit his dog to bark or howl or in any other way unduly disturb the quiet of any person or persons in the Municipality;
  - (iii) Permit his dog to damage public or private property other than that of it's owner. Where public or private property has been damaged by a dog, it's owner shall be deemed to have failed or refused to comply with this subsection;
  - (iv) Own, keep or harbour any dog (other than a dog under the age of three months or a seeing-eye dog) for which a tag has not been issued;
  - (v) Permit his dog which, by reason of training, disposition or inclination, has exhibited signs of viciousness, to enter into any public place or onto any property to which the public has assess, unless the said dog is muzzled, and is restrained by a leash not more than five feet in length in the hands of a person capable of exercising control of the said dog;
  - (vi) Harbour or keep any dog which, by reason of training, disposition or inclination, has exhibited signs of viciousness, unless such dog is securely fastened and properly muzzled at all times in such place and in such manner that it does not endanger the safety of any person or any other animal;

(vii) Permit his dog to pursue, bite or wound any person or animal and where if it is deemed vicious and uncontrollable it may be destroyed;

(viii) Permit his dog to defecate on any public or private property other than the property of its owner. Where a dog defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately.

(b) An owner whose sight is impaired or who is blind or any owner whose hearing is impaired or who is deaf who owns a seeing-eye dog or who is being assisted by a seeing-eye dog shall not be subject to the restriction imposed under subsection 6(a)(iv).

(c) An owner of a dog which is found upsetting waste receptacles and scattering the contents thereof in or about a street, lane or other public or private property not belonging to the owner of the dog is guilty of an offence.

#### 7. **ANIMAL CONTROL OFFICER:**

The animal control officer shall carry out such duties and shall be remunerated therefore as provided in the agreement appointing him, which duties shall include, without limiting the generality of the foregoing the following:

(a) apprehension and confinement of any dog which is running at large and which is not properly licensed or tagged.

(b) care and protection of any dog during the period of its confinement after apprehension except when the dog is under the control of the Winnipeg Humane Society.

(c) collection and payment to the municipality of the fines and costs collected from an owner who claims a dog which has been apprehended within the limits of the municipality.

(d) notification to the owner of a dog confined after apprehension and, where the owner cannot be ascertained, notification to the Secretary, describing the dog impounded, the date of its apprehension and confinement and the date of its transportation to the Winnipeg Humane Society.

(e) preparation and delivery to council of a monthly report setting forth such information relating to his duties as may be required.

#### 8. **REDEMPTION:**

(a) Where a dog which is properly licensed and tagged is found running at large, the animal control officer;

(i) may issue a warning to its owner, advising of the breach of Clause 2(a) of this by-law; or

(ii) apprehend and confine the dog, and advise the owner as soon as reasonable possible, of the fact of apprehension and confinement.

(b) where a dog not properly licensed and tagged is found running at large, its owner may reclaim it upon payment as identified in the municipal dog policy.

9. **INTERFERENCE WITH ENFORCEMENT:**

No person shall interfere or attempt to obstruct the Animal Control Officer when he is attempting to capture or who has captured any dog in accordance with the provisions of this By-law.

10. **COMPLAINANT IDENTIFICATION:**

A complainant must give to the Council, Secretary or Animal Control Officer his or her name, address, and telephone number before any action will be taken to either impound a dog or to institute any legal proceedings.

11. **REMOVING COLLAR OR TAG PROHIBITED:**

No unauthorized person shall remove the collar or tag of any tagged dog.

12. **GENERAL PENALTIES**

Any owner who contravenes or permits the contravention of any provision of this by-law, or who fails, refuses or neglects to comply with the requirements of this By-law is guilty of an offence, and is subject, upon conviction before a Justice of the Peace or a Provincial Judge to a fine of not less the Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2000.00) plus applicable costs.

13. **GENERAL PROVISIONS:**

(a) A Notice of breach of By-law may be served by the Animal Control Officer to an owner whose dog has not been apprehended, and shall be served on the owner, where he is known, where the dog has been apprehended.

(b) This By-law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person contained in the provisions of The Animal Liability Act, S.M. 1998, c.8 – Cap. A95 and amendments thereto.

(c) Council may, by resolution restrict the operation of this By-law to designated portions of the municipality.


14. By-law No. 308/99 & 480/07 are hereby repealed.

15. Any fees relating to this "Dog By-law" not specifically identified herein shall be at a cost as set by the Rural Municipality of Whitemouth Equipment and Miscellaneous Rate Policy.

16. This By-law shall come into force and effect on the day it receives third reading by council.

**DONE AND PASSED** by the Council of the Rural Municipality of Whitemouth, in Council duly assembled, at Whitemouth, Manitoba, this 13<sup>th</sup> day of April, A.D., 2016

  
Reeve

  
*Colleen Johnson*  
Chief Administrative Officer

For:

All

Against:

None

Read a first time this 23<sup>rd</sup> day of March, A.D., 2016

Read a second time this 13<sup>th</sup> day of April, A.D., 2016

Read a third time this 13<sup>th</sup> day of April, A.D., 2016