

**TOWN OF CARBERRY
BY-LAW NO. 03/2023**

BEING a By-Law of the Town of Carberry to provide for the regulation and control of animals within the limits of the Town of Carberry.

Part I: Authority

WHEREAS subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 (the "Act") provides, in relevant part, as follows:

Spheres of jurisdiction

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.

AND WHEREAS subsection 232(2) of the Act provides, in relevant part, as follows:

Exercising By-Law making powers

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

- (a) regulate or prohibit;
- (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.

AND WHEREAS subsection 236(1) of the Act provides, in relevant part, as follows:

Content of by-laws under clause 232 (1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), 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 contravention of by-laws, including:
 - (i) creating offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense 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 offense, 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 offenses or nonpayment of fines.

AND WHEREAS subsections 5(1), (2) and (3) of *The Animal Liability Act*, S.M. 1998 c. 8 provide, in relevant part, as follows:

Animals not to run at large

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

By-Law does not limit owner's liability

5(2) An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

No liability by reason only of making by-law

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 this by-law.

AND WHEREAS subsection 8(1) and 8(2) of the Disease Control Regulation M.R. 26/2009 of the *Public Health Act C.C.S.M. c. P210* provides, in relevant 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 significant risk that rabies may have been transmitted, the physician or nurse must, as soon as 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 all previous by-laws dealing with the regulation and control of animals passed by the Town of Carberry are hereby repealed with the passing of this by-law.

PART II: DEFINITIONS AND INTERPRETATION

By-Law Name

2(1) This By-Law may be referred to as the "Animal Control By-Law".

Definitions

2(2) In this By-Law, unless the context otherwise requires,

"Aggressor animal" shall have the meaning ascribed thereto in section 11 of this By-law.

"Animal control officer" means the person 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 authorized by the Council.

"Cat" means any member of the genus *Felis domesticus* (domestic cat).

"Council" means the council of the Town of Carberry.

"Current rabies vaccination" means that the dog or cat has been vaccinated for rabies in accordance with international veterinary protocol which calls for a primary vaccination, which is then followed with a booster vaccination not sooner than 60 days and not greater than one year after the primary vaccination, and is then subsequently vaccinated at regular intervals not exceeding three years.

"Dangerous animal" means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured, or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under section 12 of this By-Law.

"Dog" means any member of the genus *Canis familiaris* (domestic dog).

"Domestic pet" means any animal other than a dog or cat that has been domesticated and is kept or harbored within the Town of Carberry;

"livestock" means:

(a) animals kept for the purpose of:

- (i) production of meat,
- (ii) production of other products from the animals,
- (iii) herding, protection of livestock or draft work,
- (iv) and breeding stock of such animals;

(b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a)(i), (ii) or (iii) of this definition; and

(c) any other animal determined by the animal control officer to be livestock for the purposes of this By-Law; whether or not intended for profit and including, without limitation:

- (i) dairy cattle and beef cattle, goats, sheep, bison, and horses;
- (ii) swine (including wild boar);
- (iii) all cervids on game production farms;
- (iv) all the family Camelidae (including, Llamas and Alpacas);
- (v) all domestic poultry (including, chickens, turkeys, ducks, and geese);
- (vi) specialty fowl (including, guinea fowls); and

(d) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act*.

"Municipality" means the Town of Carberry.

"Owner" includes any person who owns, keeps, harbors or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person.

"person" includes a firm or corporation.

"pound" means any enclosure, premises, or place, whether within or outside the Municipality, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of this By-Law.

"pound keeper" means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a pound keeper as set out in section 4 of this By-Law.

"Restricted animal" means:

- (a) any member of the order Primate except a human being;
- (b) any member of the order Carnivora except dogs, cats, and domestic ferrets (*mustela putorius furo*), but including all hybrids of dogs and cats;
- (c) any member of the order Crocodylia;
- (d) any constrictor snake, venomous snake, or venomous reptile;
- (e) any venomous amphibian;
- (f) any wild animal or wildlife as defined in *The Wildlife Act*; and
- (g) any other animal determined by the animal control officer to be a restricted animal, other than a dog, cat, or livestock.

"Running at large" or "run at large" means, in relation to an animal, that the animal is not:

- (a) under the direct, continuous, and effective control of a person competent to control it; or
- (b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

Interpretation

- 2(3) In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

Part III: Establishment of Pound AND Appointment of Animal Control Officer and Pound keeper

Establishment of Pound

- 3(1) Council may establish and maintain a pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any person (including with any other municipality, city, town, or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Municipality shall be paid out of the general funds of the Municipality.

Appointment of animal control officer

- 3(2) Council may appoint one or more persons as animal control officer(s) to carry out the enforcement of this By-Law. The animal control officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

Appointment of pound keeper

- 3(3) Council may appoint one or more persons as pound keeper(s) to carry out the duties of the pound keeper set out in this By-Law. The pound keeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

Common animal control officer and pound keeper

- 3(4) At the discretion of Council, the animal control officer may also serve as pound keeper, and vice versa.

Duties of the animal control officer

- 3(5) It shall be the duties of the animal control officer:
- (a) to apprehend and confine at the pound, any animal running at large within the Municipality contrary to the provisions of this By-Law.
 - (b) to apprehend and confine any restricted animal being kept or harbored by, or in the possession or control of, any person contrary to the provisions of this By-Law, or running at large, within the Municipality.
 - (c) to ensure that any restricted animal kept or harbored within the Municipality is properly licensed by the Municipality, and to apprehend and confine any such restricted animal that is not properly licensed.

(d) to apprehend and confine any dog, cat or any other domestic pet which is running at large within the Municipality contrary to the provisions of this By-Law, or which is kept or harbored by, or in the possession or control of, any person that is in breach of this By-Law or of any other laws or regulations pertaining to animals or the conditions of any permit or license (including, without limitation, a kennel permit or kennel license).

(e) to make reasonable attempt to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving a notice at the last known address of the owner, which notice shall be in the form set out in Schedule B hereto attached and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, the impoundment fee, any daily pound fees, license fees and other costs or fines to be charged to the owner, the method of payment required, and the date after which the animal will be sold, destroyed or otherwise disposed of if not redeemed. Where the identity of the owner of the animal is not known, the animal control officer shall post in the general office of the Municipality, a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed, or otherwise disposed of.

(f) The animal control officer or pound keeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality, provided however that if the animal control officer or the pound keeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.

(g) to enforce the provisions of this By-Law.

Duties of pound keeper

3(6) It shall be the duties of the pound keeper:

- (a) to provide sufficient food and clean water, adequate shelter, and a safe and sanitary environment for every animal impounded.
- (b) to establish and maintain the pound in a manner in keeping with *The Animal Care Act* (Manitoba), and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba) while an animal is in the custody of the pound keeper.
- (c) to keep a record of every animal impounded, which record shall include the following minimum information:
 - i. a description in reasonable detail of the animal (including, the approximate weight, height, and color of the animal, as well as the order and breed of the animal);
 - ii. the day and hour of its impoundment;
 - iii. the day and hour of its redemption, sale, disposition, or destruction, together with the details of redemption, sale, disposition, or destruction;
 - iv. the name and address of the owner (being the person to whom the animal was sold or released), and the license number on the animal'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 payer (if different from the owner); and
 - vi. such other particulars as the CAO of the Municipality shall direct from time to time.
- (d) to collect all fees charged by the pound, and to remit all monies received by the pound to the CAO of the Municipality, together with such reports and statements as the said CAO may prescribe from time to time, except where the Municipality has entered into a contract with a private party for the operation of the pound, in which case the pound keeper shall observe all terms and conditions of the contract with the Municipality for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Municipality, and the submission of all reports and statements required to be submitted to the Municipality under the said contract.
- (e) to keep any impounded dog, cat or any other animal which is, to the knowledge of the pound keeper, a domestic pet, for a minimum period of: (i) three (3) days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public, or (ii) where the Municipality has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the pound keeper's contract with the Municipality.
- (f) to make suitable arrangements for the temporary impoundment and sale, disposition, or destruction of any animal other than a dog, cat or domestic pet that is apprehended within the Municipality, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.
- (g) if, after expiration of the minimum period of impoundment set out in paragraph (e), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the pound keeper to do one of the following with the impounded animal:
- i. sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and license fees accrued in respect of the impounded animal as set forth in this By-Law, unless such fees are otherwise waived by the Municipality or by the pound keeper on the express authority of the Municipality; or
 - ii. cause the impounded animal to be humanely destroyed;
- unless the Municipality, or the pound keeper on the express authority of the Municipality, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a person in accordance with sub-paragraph (g)(i) or until expiry of the extended period of impoundment, before it is humanely destroyed.
- (h) the Municipality may vary the terms, conditions and duties of the pound keeper by contract with a private party, provided however that the contract shall contain (and where absent in the contract, shall be deemed to incorporate) as minimum provisions, the duties of the pound keeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), (f) and (g) above shall continue to apply except to the extent that they are

specifically modified by the contract. Where the pound keeper is a private party under contract with the Municipality, the pound keeper shall observe all the terms and conditions of the contract with the Municipality. Where it is permitted under the contract with the Municipality, the pound keeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and license fees, provided however that the pound keeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the pound keeper.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Licensing of dogs, cats, and other domestic pets

- 4(1) The owner of every dog, cat and other domestic pet over the age of four months shall obtain a license from the administration office of the municipality to keep the dog, cat and other domestic pet. The owner shall ensure that the license tag issued for the dog, cat and other domestic pet is securely fastened to a collar worn around the neck of the dog, cat and other domestic pet in respect of which the tag was issued. Any failure to obtain or keep current the required license or to ensure that the license tag issued for the dog, cat and other domestic pet is securely fastened to the dog, cat and other domestic pet's collar shall constitute an offense under this By-Law.
- 4(2) No person shall be permitted to remove the collar or license tag from any dog, cat and other domestic pet without a lawful excuse, and any such removal shall constitute an offense under this By-Law.
- 4(3) Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag.
- 4(4) Where a change in ownership of a dog, cat and other domestic pet licensed hereunder occurs during the license year, the new owner shall have the current license transferred to his or her name. Any failure to report a change in ownership shall constitute an offense under this By-Law.
- 4(5) Subsections 5(1), (2), (3), and (4) shall not apply to non-residents of the Municipality who bring a dog, cat and other domestic pet on a temporary visit into the Municipality, provided however, that nothing in this subsection 5(5) shall authorize any person to bring a dog, cat and other domestic pet into the Municipality that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the Municipality, nor does it authorize any person to allow the dog, cat and other domestic pet to run at large or otherwise create a nuisance within the Municipality.
- 4(6) Subject to subsection 5(7) hereof, every dog, cat and other domestic pet owner must produce, before a license is issued for the dog, cat and other domestic pet, evidence of a current rabies vaccination status for that dog, cat and other domestic pet from a licensed veterinarian.
- 4(7) A dog, cat and other domestic pet owner does not have to produce evidence of a current rabies vaccination status in order to obtain a license in respect of his dog, cat, and other domestic pet if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog, cat and other domestic pet cannot be vaccinated for rabies for medical reasons.

Rabies Vaccination

- 4(8) Except where subsection 5(7) applies, the animal control officer may at any time request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status and, if the owner cannot produce such proof, the animal control officer may, in the case of a dog, terminate the owner's dog license, and in the case of a dog or cat, the animal control officer may

apprehend and impound the dog or cat, and may charge the owner with an offense under this By-Law.

Kennel Permits

- 4(9) Any person who wishes to keep, harbor, possess or control that number of dogs or cats in excess of the maximum number prescribed in section 10 hereof, regardless of whether for profit or pleasure, shall apply in writing to the Council for a kennel permit. The application must be accompanied by the applicable application and permit fees as set out in Schedule A hereto attached. Any person who keeps, harbours, possesses or controls a number of dogs or cats in excess of the maximum number prescribed in section 10 hereof without a valid kennel permit shall have committed an offense under this By-Law.
- 4(10) Council shall set a date to review any such application for a kennel permit at a regularly scheduled Council meeting not less than thirty (30) days following receipt of the completed application form, the application fee and permit fee for the first year. Council shall notify the applicant and shall make reasonable attempts to notify all property owners within a one block radius of the premises upon which the proposed kennel will be located, of the application and the date of the hearing in respect of the application.
- 4(11) In determining whether to grant a kennel permit to an applicant, Council shall consider all relevant factors, including the following factors:
- (a) the proposed maximum number of dogs and/or cats to be kept on the premises;
 - (b) the intended purpose for keeping the dogs and/or cats on the premises;
 - (c) the steps which have been taken to ensure that the dogs and/or cats will be adequately and safely housed;
 - (d) the steps which have been taken to ensure that disturbances to neighbours from excessive noise, odor, waste disposal, traffic and any other potential nuisances are avoided;
 - (e) any inspection report from the animal control officer or the pound keeper as may be requested by the Council;
 - (f) any inspection report from the public health authorities or any other authorities as may be requested by the Council;
 - (g) any representations made by the owner or on behalf of the owner either in writing or at the meeting of Council where the application for a kennel permit will be heard; and
 - (h) any representations made by neighbours of the owner or any other interested party, whether in writing or by oral submission at the meeting of Council at which the application for a kennel permit is heard.
- 4(12) A kennel permit issued to an applicant shall be valid for a period of one year from the date of issuance. A permit-holder who wishes to renew a kennel permit shall no later than thirty (30) days prior to the expiry date submit an application for renewal to the Council on a form approved by Council and accompanied by the annual license fee as set out in Schedule A. Council shall review such renewal application, and may, but shall not be required to, notify adjacent property owners of the renewal application unless such renewal application materially differs from the prior year's application submitted by the permit-holder or unless a written objection is made to Council, in which case all adjacent property owners shall be notified.
- 4(13) Prior to revoking, suspending, refusing to renew, or imposing conditions upon, an issued and outstanding kennel permit, the Council shall notify the holder of the kennel permit and shall provide the said holder with the opportunity to make representations to Council at a meeting of Council.

- 4(14) Council may refuse to issue a kennel permit or may revoke or refuse to renew an existing kennel permit or may modify the conditions which apply to an existing kennel permit or may suspend an existing kennel permit at any time upon a finding that:
- (a) a neighbor or any other party is exposed to a nuisance created by the operation or maintenance of the kennel, including, without limitation, excessive noise, noxious odors, or excessive traffic;
 - (b) this By-Law or any other law, regulation or rule pertaining to animal care or environmental matters, or any condition pertaining to the kennel permit, have been or are being contravened, including, without limitation, any law, regulation, rule or permit condition pertaining to waste disposal;
 - (c) the premises are not maintained in a condition such that animal escapes are prevented;
 - (d) the holder of the kennel permit has breached the duties of an owner of animals under *The Animal Care Act* (Manitoba) (whether he actually owns all the animals in his care), including, without limitation, where the conditions in the kennel are unsafe or unsanitary for the animals;
 - (e) any inspection report from the public health authorities indicating that a lack of cleanliness or sanitation in the kennel or the surrounding premises presents a human health risk;
 - (f) the premises are not licensed under *The Animal Care Act* (Manitoba), and are required to be so licensed under the said Act; or
 - (g) it is not in the public interest to allow the kennel or proposed kennel to operate, or to continue to operate, as currently operated within the Municipality.
- 4(15) Upon refusal to grant or renew a kennel permit, or upon prescribing the conditions of a kennel permit or modifying the conditions of a kennel permit or suspending an owner's kennel permit, the owner shall be notified of the decision of Council by registered mail. In the event that the owner's application for a new or renewed kennel permit is denied, or the conditions of the owner's existing kennel permit are modified such that the owner keeps, harbors or has possession or control over a number of dogs and/or cats that exceeds the prescribed limit in this By-Law or in the kennel permit, as applicable, the owner shall have thirty (30) days to dispose of the dogs and/or cats over and above the applicable prescribed limit or to make such other modifications as may be required by order of the Council.
- 4(16) The animal control officer shall inspect the premises as soon as reasonably possible after the thirty (30) days set out in subsection 6(7) hereof has elapsed to ensure compliance with the order of the Council and the conditions imposed on the existing kennel permit, if any. If the owner has failed to comply with any such order or conditions, the animal control officer shall take all such lawful steps as may be required, in his discretion, to bring the owner into compliance with this By-Law and any such order or conditions, including, without limitation, apprehending and impounding any dogs and/or cats in excess of the applicable prescribed limit to be dealt with in accordance with the duties of the pound keeper in section 4, except that the owner shall not be entitled to redeem the dogs and/or cats apprehended if, to allow such a redemption, would again result in a contravention of the provisions of this section 6.
- 4(17) The owner may appeal the apprehension and/or impoundment of any dogs and/or cats under subsection 6(7) to the Council by notice of appeal in writing delivered to the CAO of the Municipality within three (3) days of the apprehension (excluding Sundays and statutory holidays during which the pound is closed to the public). This appeal shall be heard by Council at the next regularly scheduled Council meeting. The decision of Council is final. If the decision of Council is to deny return of the impounded dogs and/or cats to the owner, the pound keeper shall arrange forthwith to sell or otherwise

dispose of the said dogs and/or cats or to humanely destroy the said dogs and/or cats. If the decision of Council is to reverse the apprehension and impoundment, the owner shall, subject to payment by the owner of all costs associated with the apprehension and impoundment of the said dogs and/or cats and any licensing and permit fees properly charged to the owner under this By-Law, recover the said animals.

- 4(18) The Council, or the animal control officer on their behalf, may request in writing that the premises of the applicant or permit-holder be inspected by the animal control officer or such other person as may be designated by Council or the animal control officer, at any time upon reasonable notice, and the owner shall comply with any such request. The failure by an owner to comply with such a request shall constitute an offense under this By-Law and is grounds for refusing to grant or renew a kennel permit or for revoking, suspending or placing conditions upon an existing kennel permit.
- 4(19) Nothing in this By-Law shall be construed as obviating or overriding any requirement under the laws of the Province of Manitoba to obtain a license or licenses from the Government of Manitoba, and to comply with provincial licensing requirements, in order to carry on business as a boarding kennel or a commercial breeder of dogs, cats or any other animals.

Responsibility of Owners Regarding Dogs, Cats, and other Domestic Pets

4(20) No owner shall:

- (a) permit his dog, cat, and other domestic pet to run at large. When a dog, cat and other domestic pet is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.
- (b) permit his dog, cat, and other domestic pet to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.
- (c) permit his dog, cat, and other domestic pet to defecate on any public or private property other than the property of its owner. Where a dog, cat and other domestic pet defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.
- (d) permit his dog, cat, and other domestic pet to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.
- (e) permit his dog, cat, and other domestic pet to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog, cat and other domestic pet, its owner shall be deemed to have failed or refused to comply with this subsection.
- (f) own, keep, harbor, or have possession or control of any dog, cat, and other domestic pet (other than a dog that is under the age of four months or that is a registered guide dog for the visually impaired) for which a valid license has not been issued.
- (g) own, keep, harbor, or have possession or control of any dog, cat and other domestic pet determined to be a dangerous animal, unless such dog, cat and other domestic pet is always kept in accordance with the provisions of Part V.
- (h) permit his dog, cat, and other domestic pet to pursue, bite, wound or worry any person or animal, whether on the property of the owner or not.
- (i) permit his dog, cat, and other domestic pet on public property (including parkland area) unless the dog, cat and other domestic pet is on a leash and the dog, cat and other domestic pet is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which dog, cat and other domestic pets are not required to be on a leash.

- (j) permit his dog, cat, and other domestic pet to upset waste receptacles or otherwise litter.

4(21) An owner of a registered service animal that is visually impaired or any other person who requires the assistance of a service animal shall not be subject to the restrictions imposed under subsections 4(20) (c), (f), (i) and (j).

Redemption

4(22) Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat, or any other domestic pet (other than a restricted animal) impounded by the animal control officer may be redeemed within three (3) days of the apprehension and impoundment by applying to the pound keeper for redemption and paying:

- (a) the impoundment fee as set out in Schedule A;
- (b) the pound fee calculated in accordance with Schedule A;
- (c) if the impounded animal is a dog, cat and other domestic pet that is unlicensed at the time of apprehension, the relevant license fee; and
- (d) all outstanding fines, damages or costs relating to the impounded animal.

Restrictions on Domestic Pets

4(22) An owner of a domestic pet other than a dog or cat shall not allow the domestic pet outside of the owner's premises unless the domestic pet is always, while outside of the owner's premises, under the immediate charge and effective control of a person competent to control it. If the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of *The Wildlife Act*, no person shall be entitled to keep or harbor such animal within the Municipality unless such person has been issued a permit by the Municipality under section 16 of this By-Law, and also holds all other government licenses as may be required, to keep or harbor the animal within the Municipality.

Dogs

4(23) Subject to provisions of section 4(20), the owner of a dog shall not permit the dog to be outside of the owner's premises unless: (a) the dog has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that dog; (b) the dog is on a leash that is less than six (6) feet in length fully extended; and (c) the dog is under the immediate charge and effective control of a person competent to control it.

Cats

4(24) Subject to subsection 4(20), the owner of a cat shall not permit the cat to be outside of the owner's premises unless the said cat is under the immediate charge and effective control of a person competent to control it.

Cat Trap

4(25) Any person who wishes to obtain a trap to apprehend a cat running at large from the pound keeper or the animal control officer, shall:

- (a) provide to the pound keeper or animal control officer, as applicable, his or her name, address, and telephone number;
- (b) agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped cat, as may be imposed by the pound keeper or animal control officer, as applicable; and

4(26) Any person who fails to comply with the terms and conditions set out in this section 4 shall be guilty of an offense under this By-Law.

Maximum Number of Dogs or Cats

4(27) No person shall

(a) own, harbor, keep or have in his possession or control or on his premises, more than three (3) dogs over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him to own that number of dogs.

(b) own, harbor, keep or have in his possession or control or on his premises, more than three (3) cats over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him to own that number of cats.

(c) that (a) and (b) subject to discretion of municipal authority.

4(28) Any person who fails to comply with the terms and conditions set out in this section 4 shall be guilty of an offense under this By-Law.

PART V: DANGEROUS ANIMALS

Animal Bites

5(1) The animal control officer:

(a) shall apprehend, impound, and place in quarantine any dog or cat that he has reason to believe has bitten a person; and

(b) may apprehend, impound, and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public;

(In either case, the "aggressor animal"), whether on private premises or elsewhere, and whether or not the skin was directly punctured or lacerated by the bite, except that this provision shall not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

5(2) If the aggressor animal is not voluntarily surrendered to the animal control officer by the owner, the animal control officer shall be empowered to apprehend and impound the aggressor animal and, if necessary, to apply to a provincial court judge, magistrate, or justice of the peace, as required, in order to obtain an order to enter the personal residence of the owner for the purpose of apprehending and impounding the aggressor animal.

5(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 5(9) herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").

5(4) The animal control officer may, in his discretion, authorize the owner of the aggressor animal to quarantine the aggressor animal in a place other than the pound, provided that such place is under the direct supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.

5(5) Subject to a determination by the animal control officer pursuant to subsection 5(8) hereof that the aggressor animal is not a dangerous animal, the aggressor animal may be released to the owner after expiry of the prescribed quarantine period upon payment by the owner to the pound keeper of a pound fee calculated at the daily rate set out in Schedule A hereto attached together with any costs or fines assessed against the owner hereunder. If the owner fails to redeem the aggressor animal from the pound within three (3) days after expiry of the quarantine period, the aggressor animal shall be sold, or otherwise disposed of, or destroyed at the discretion of the pound keeper.

- 5(6) The animal control officer shall keep a record of all bite incidents, identifying the aggressor animal and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions contained herein.
- 5(7) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 5(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 5(8) Every aggressor animal shall be examined by a licensed veterinarian approved by the animal control officer prior to release from quarantine. The determination as to whether or not the aggressor animal can be released from quarantine or must be destroyed or otherwise disposed of, shall be at the discretion of the animal control officer based upon the following factors:
- (a) the medical report of the licensed veterinarian who has examined the aggressor animal;
 - (b) whether or not the public health authorities are prepared to consent to the release of the aggressor animal;
 - (c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident;
 - (d) whether or not the aggressor animal is, in the opinion of the animal control officer, a dangerous animal and, if yes, whether or not the provisions of section 5(21,22,23) hereof have been complied with;
 - (e) whether or not the aggressor animal is a restricted animal, and if yes, whether or not the provisions of Part VII hereof have been complied with by the owner; and
 - (f) proof that the aggressor animal does not have rabies, and that the aggressor animal has a current rabies vaccination status at the date of the bite incident.
- 5(9) Notwithstanding the provisions of subsection 5(3) herein, it shall be within the discretion of the animal control officer to release an aggressor animal prior to the expiry of the quarantine period and to impose conditions upon the release of an aggressor animal from quarantine, which conditions may include, without limiting the generality of the foregoing:
- (a) the owner shall take the necessary measures to ensure that the aggressor animal is confined to the owner's premises in such a manner as to prevent escapes, and to ensure that all direct contact with other animals and persons other than the owner is avoided;
 - (b) the owner shall post in a conspicuous location at the entrance of the premises where the aggressor animal is confined, a sign which reads *"Beware of Dangerous <type of aggressor animal>"*;
 - (c) the owner shall submit the aggressor animal for veterinary examination from time to time as may be prescribed by the animal control officer, and shall report the results of any such veterinary examination to the animal control officer;
 - (d) the owner shall take out and pay for such liability insurance on the aggressor animal as may be prescribed by the animal control officer;
 - (e) the owner shall be responsible for all costs, fines and damages associated with the aggressor animal, including the costs of impoundment, quarantine, signage and veterinary fees, pound fees and license fees, and any costs associated with liability to the victim or victims of the bite incident;
 - (f) such other conditions as the animal control officer may deem necessary

or advisable in the interests of public safety.

Determination that an animal is a dangerous animal

- 5(10) Where the animal control officer has reason to believe that an animal, including but not limited to an aggressor animal under section 5(1-9), is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not said animal should be declared a dangerous animal. If an owner voluntarily accepts the dangerous animal declaration and the recommended disposition of the matter made by the animal control officer, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.
- 5(11) Where it is deemed necessary by the animal control officer to protect the public or other animals pending the decision of Council, the animal control officer may:
- (a) require that the animal be quarantined in the pound until the earlier of the date that the animal control officer determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
 - (b) may impose all or any of the conditions set out in subsection 5(22) of this By-Law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the animal control officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.
- 5(12) Council shall provide written notice of the hearing to the owner of the animal at least ten (10) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. In the case where the animal alleged to be a dangerous animal is a dog, the animal control officer shall be entitled to mail the said notice to the last address provided by the owner to the Municipality in relation to the licensing of the said dog. The notice shall include the following minimum information:
- (a) the time, place, and purpose of the hearing;
 - (b) a summary of the reasons in support of the allegation that the animal is dangerous;
 - (c) a copy of this section 5 of the By-Law; and
 - (d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal regarding the proceedings concerning the animal.
- 5(13) (a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether via voice or documentary) on his behalf. The owner also has the right to hear all the evidence and submissions presented at the hearing by or on behalf of the animal control officer and to inspect any documents filed by or on behalf of the animal control officer, and to respond to same.
- (b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this section 5, Council shall be entitled to deal with the matter in his absence, and the owner shall not be entitled to any further notice or appeal regarding the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in subsection 5(12) hereof.
- 5(14) Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:
- (a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion:

(i) the animal has caused injury to or killed a person, whether on public or private property; or

(ii) the animal has seriously injured or killed any other domestic animal or any livestock without provocation; or

(iii) the animal is used primarily for the purpose of guarding property and is not a police service dog owned by a public law enforcement agency.

(b) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is a material risk that the animal may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:

(i) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;

(ii) the circumstances surrounding any previous worrying, biting, or wounding incidents; and

(iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person, or any other animal upon any public or private property.

5(15) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 5(12). There shall be no obligation upon Council to issue written reasons for their decision.

5(16) The decision of Council shall be final. There shall be no appeal from the decision of Council.

5(17) In the event that a dog is declared by Council to be a dangerous animal, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog to be a dangerous animal.

5(18) Where a license is deemed to have been cancelled pursuant to subsection 5(17) hereof, the owner shall be entitled to a credit or refund on any paid-up license fee, calculated on a quarterly pro rata basis. The Municipality may set-off against any such refund, any fines, fees, or costs owing by the owner under this By-Law.

5(19) Every owner who has received notification from Council pursuant to subsection 5(12) that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.

5(20) Subsection 5(19) shall not apply if the animal is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

Consequences of dangerous animal declaration

5(21) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in subsection 5(22). The decision of Council shall be final and not subject to appeal.

5(22) Every owner of an animal that has been declared to be dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:

(a) if the dangerous animal is a dog, obtain a dangerous dog license for the dangerous dog and pay the required fee as set out in Schedule A hereto attached.

(b) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the pound keeper.

(c) ensure that the dangerous animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure, or compound which:

(i) can prevent the entry of young children and the escape of the dangerous animal;

(ii) has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the animal control officer;

(iii) has secure sides; and

(iv) provides protection from the elements for the dangerous animal.

(d) if the dangerous animal is a dog, permit the dog upon public property only if:

(i) it is muzzled;

(ii) it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and

(iii) the dog is always under the effective control of a person competent to control it.

(e) if the dangerous animal is other than a dog, permit the dangerous animal upon public property only if it is under the effective control of a person competent to control it.

(f) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS<insert type of animal>**. The sign shall be posted in such a manner that it cannot be removed easily by a passerby and will be visible and capable of being read from outside of the premises.

(g) within three (3) working days of selling, giving away or otherwise disposing of the dangerous animal, provide the animal control officer with the name, address, and telephone number of the new owner.

(h) advise the animal control officer within three (3) working days of the death of the dangerous animal.

(i) advise the animal control officer forthwith if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal.

(j) maintain in force to the satisfaction of the CAO of the Municipality a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$1,000,000.00 per occurrence.

(k) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in subsection 5(9) hereof.

5(23) No person shall deface or remove a sign posted pursuant to subsection 5(22)(f) or subsection 5(9)(b) hereof without having first obtained the permission of the animal control officer.

Destruction of dangerous animal or aggressor animal

5(24) Where it appears on reasonable grounds that an owner has breached a condition of this By-Law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the animal control officer otherwise

has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the animal control officer may apprehend and impound the animal for the purpose of destroying it. If an animal is causing an immediate risk to any person, property or any other animal, the animal control officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.

- 5(25) When the animal control officer impounds an animal under this section 5(24&25) for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the animal control officer to Council by providing notice in writing to the CAO of the Municipality, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of section 5(24&25) hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART VI: LIVESTOCK

- 6(1) The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural unless otherwise permitted by the Municipality's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the Municipality, and it shall be an offense under this By-Law to keep any livestock in excess of the prescribed number and kind.
- 6(2) An owner shall not permit his livestock to run at large within the Municipality. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-Law.
- 6(3) Council, or the animal control officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-Law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The Chief Administrative Officer of the Municipality may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.
- 6(4) When 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 office of the Municipality. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the Municipality where the livestock were found running at large.
- 6(5) If the identity of the owner is known, the animal control officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address.
- 6(6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Municipality in apprehending and impounding the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to this By-Law, have been paid in full.
- 6(7) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in subsection 6(6), the animal control officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be

paid to the general funds of the Municipality.

PART VII: RESTRICTED ANIMALS

Prohibition on restricted animals

- 6(8) Except as may be permitted by the Municipality's zoning by-law in effect from time to time, no person shall keep, harbor, possess or control any restricted animals within the Municipality without a permit issued by Council.

Application for permission to keep or harbor a restricted animal

- 6(9) Upon receipt of an application from any person to keep a restricted animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in subsection 57(4) of *The Planning Act* (Manitoba). Provided however, that applications from the owner or operator of a travelling show to keep a restricted animal in the Municipality on a temporary basis may be considered by the Chief Administrative Officer without compliance with the notice and hearing requirements aforesaid. Council (or the Chief Administrative Officer, in the case of an application for a permit on a temporary basis) shall decide based on the application and any written or oral submissions of the applicant, whether to grant a permit to the applicant to keep or harbor the restricted animal within the Municipality and shall advise the applicant in writing of their decision. Council or the Chief Administrative Officer may impose conditions upon a permit to keep or harbor a restricted animal and any violation of such conditions by the owner shall invalidate the permit provided by Council and shall constitute an offence under this By-Law.

Temporary impoundment

- 6(10) If deemed necessary in the interests of public safety, the animal control officer may apprehend and impound any restricted animal pending the outcome of any hearing to decide an application made pursuant to subsection 6(9) hereof.

Inventory of restricted animals

- 6(11) Any owner who has been granted permission by Council to keep one or more restricted animals within the Municipality shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the restricted animals kept by the owner within the Municipality, together with the annual permit fee.
- 6(12) Council may at any time and from time to time change the conditions that an owner must satisfy in order to keep a restricted animal, and any failure to comply with any such condition upon notice thereof shall invalidate the owner's permit to keep the restricted animal within the Municipality.
- 6(13) (a) Any person who keeps, harbors or has possession or control of a restricted animal in the Municipality on or before the time that this By-Law comes into force or effect, shall have thirty (30) days from the coming into effect of this By-Law to obtain a permit from Council to continue to keep the restricted animal, failing which the owner shall sell or give the restricted animal to a person outside of the Municipality or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer within the Municipality. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of restricted animals, and the Municipality accepts no responsibility for the manner of sale or disposition.
- (b) Council may grant such longer period to an owner of a restricted animal who falls within subsection 6(13)(a) hereof as may be necessary to allow Council adequate time to consider and decide the owner's application to retain the restricted animal within the Municipality.

Order to dispose of restricted animal

- 6(14) Where the animal control officer has reasonable grounds to believe that a person is keeping or harboring, or has possession or control of, a restricted animal within the Municipality without the written permission of Council, the

animal control officer shall serve the person with an order in writing to dispose of the restricted animal within fourteen (14) days of receipt of the order or such shorter period of time as the circumstances may require and the order may provide, in which case the owner shall sell, give away or otherwise dispose of the restricted animal in accordance with subsection 6(13)(a) and any conditions imposed in the order of the animal control officer. Provided however, that if the owner has not already applied and been denied a permit to keep or harbor the restricted animal, the owner may make such an application in accordance with subsection 6(9), and the order of the animal control officer shall be suspended pending the decision of Council.

6(15) The onus shall be on the person upon which an order pursuant to subsection 6(14) has been served to establish either that:

(a) the animal is not a restricted animal; or

(b) the person has a permit from Council to keep or harbor the restricted animal.

6(16) Where the person has failed to establish either that the animal is not a restricted animal or that he has a permit from Council to keep or harbor the restricted animal, and the person has failed or refused to dispose of the restricted animal within the time frame contemplated by the order of the animal control officer, the animal control officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of removing and disposing of the restricted animal. The animal control officer may engage the assistance of other persons if required to safely apprehend the restricted animal.

6(17) Upon apprehension and impoundment of a restricted animal, and provided that:

(a) a written order was duly served on the owner as required by subsection 6(14); and

(b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by Council;

Council may proceed to order the animal destroyed or sold, and the animal control officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this By-Law, then the Municipality shall refund the excess proceeds to the owner.

PART VIII: GENERAL PROVISIONS

Offenses under this By-Law

8(1) For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offenses under this By-Law:

(a) Allowing or failing to prevent a dog, cat, or domestic pet from running at large;

(b) Keeping or harboring dogs or cats, or domestic pets in excess of the maximum number permitted by this By-Law without a properly issued kennel permit contrary to section 4(27) of this By-Law;

(c) Failure by a permit holder to comply with the conditions imposed upon a validly issued kennel permit;

(d) Failing to comply with an order of the animal control officer to dispose of any dogs or cats (or domestic pets) in excess of the prescribed limit made under sections 4(9-19) of this By-Law;

(e) Failure by the owner of a dog, cat, or domestic pet to comply with any one or more of the provisions of section 4(20), subsection 4(23) or

subsection 4(24) of this By-Law;

(f) Failing to report a bite incident or failing to voluntarily surrender the dog, cat, or domestic pet believed to have bitten a person to the animal control officer or pound keeper;

(g) Failing to voluntarily surrender a dog, cat, or domestic pet to the animal control officer upon a request therefor;

(h) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);

(i) Keeping or harboring any wild animal or other restricted animal within the Municipality without a proper permit contrary to Part VII of this By-Law;

(j) Violating any of the conditions or restrictions imposed upon a permit to keep or harbor any wild animal or other restricted animal within the municipality;

(k) Failing to properly vaccinate a dog, cat, or domestic pet against rabies;

(l) Failing to comply with any conditions imposed upon the use of a cat trap within the Municipality;

(m) Failing to comply with the requirements of subsection 4(22) of this By-Law in relation to any domestic pet;

(n) Failing to comply with the requirements of any provision of subsections 4(24), (25) or (26) in relation to any cat;

(o) Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;

(p) Defacing or removing a sign required to be posted under subsection 5(9)(b) or subsection 5(22)(f) of this By-Law;

(q) Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;

(r) Failing to comply with any of the requirements of Part VII of this By-Law in relation to any restricted animals.

Interference With Enforcement

8(2) It shall be an offense under this By-Law for a person to interfere or obstruct any attempt by the animal control officer, pound keeper or the Council from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct an animal control officer, the pound keeper, a police officer or any other person authorized to apprehend and impound an animal running at large, who is attempting to apprehend or impound, or who has apprehended and impounded, any animal in accordance with the provisions of this By-Law.

8(3) It shall be an offense under this By-Law:

(a) to break into, or assist another person in any manner, directly or indirectly, to break into, any pound; and

(b) to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

Apprehension by Resident

8(4) Any resident of the Municipality may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the animal control officer, pound keeper or CAO of the Municipality of the apprehension and confinement, and the animal control officer shall as soon as practical, attend upon the resident to take possession of and impound the

animal.

Right of Entry

- 8(5) The animal control officer or any other person appointed by the Municipality to enforce the provisions of this By-Law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending an animal running at large, to ensure compliance with this By-Law (including, without limitation, any license or permit issued pursuant to this By-Law) or to otherwise enforce the provisions of this By-Law, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.
- 8(6) The owner of any dog, cat or any other domestic pet that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the animal control officer, to assist the animal control officer to apprehend and impound the said animal.

Complainant Identification

- 8(7) Any person who makes a complaint alleging an offense under this By-Law against another person shall provide to the animal control officer his name, address, and telephone number. It shall be at the discretion of the animal control officer whether to proceed based on an anonymous complaint or information.

Liability

- 8(8) No liability shall attach to the animal control officer, the pound keeper, the Council and/or the Municipality in carrying out their respective duties under this By-Law. Without limiting the generality of the foregoing, no liability shall attach to the animal control officer, the pound keeper, the Council and/or the Municipality for any animal destroyed, sold, or otherwise disposed of pursuant to the provisions of this By-Law or killed or injured during its apprehension or impoundment.

Penalties

- 8(9) Without limiting the penalties for specific offenses set out in subsections 8(10) and (11) hereof, any person who contravenes any provision of this By-Law is guilty of an offense and is liable:
- (a) to a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;
 - (b) to a fine of not less than \$100.00 and not more than \$1000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense;
 - (c) at discretion of municipal authority any repeat offender may be subject to steeper penalties of not more than \$2000.00
 - (d) Fees must be paid before animals are released.
- 8(10) Any animal that is impounded three or more times within any 12-month period while owned by the same owner, shall be sold, or disposed of to a new owner or shall be destroyed regardless of whether it is properly licensed under this By-Law at the discretion of municipal authority.
- 8(11) Any person who interferes with or obstructs the duties of an animal control officer, a pound keeper or any other person authorized to enforce any provisions of this By-Law, or who unlawfully enters any pound or unlawfully removes any animal impounded, is guilty of an offense and is liable:
- (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 sixty (60) days, or both, plus all applicable costs and penalties;

8(12) Where a corporation commits an offense under this By-Law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offense and liable for the penalties provided for herein.

8(13) Where the contravention, disobedience, refusal, or neglect continues for more than one (1) day, the person is guilty of a separate offense for each day that the contravention, disobedience, refusal, or neglect continues.

All other "Animal Control" by-laws are hereby repealed.

DONE AND PASSED at the Town of Carberry Municipal Office in Carberry, Manitoba this 11th day of July, 2023.

TOWN OF CARBERRY

Mayor

CAO

Read a first time this 9th day of May, 2023.
Read a second time this 13th day of June 2023.
Read a third time this 11th day of July, 2023.

2023.

SCHEDULE A - LICENSE AND IMPOUNDMENT FEES

Application Fees

For a kennel permit	\$5.00
For a permit to keep restricted animals	\$5.00

Penalties and impoundment Fees

For any dog, cat or any other domestic pet that was apprehended running at large or that was for any other reason, impounded by the animal control officer at a facility operated by the municipality:

For first offence with tag	Fee waived
For first offence without tag	\$50.00
For second offence with tag	\$50.00
- For each day of impoundment, add	\$10.00
For second impoundment, flat fee	\$100.00
(if it occurs within 12 months of the first offense)	
- For each day of impoundment, add	\$10.00

For voluntary impoundment:

For each day of impoundment:	\$10.00
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Impoundment fees for Livestock:

For each day of impoundment:	\$50.00
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Impoundment fees for dangerous animals, quarantined animals and restricted animals:

For each day of impoundment	\$100.00
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In lieu of operating an animal pound facility, the municipality may contract with a company that provides these services. In this instance, charges will be incurred at the rates set by the contractor. All fees subject to flat fees plus pound fees incurred, plus any mileage or surcharges as set by the contractor.

Also refer to Section 8(9-13) of this by-law for further information on impoundment and fines.

SCHEDULE 8
NOTICE OF IMPOUNDMENT
FOR THE TOWN OF CARBERRY

Owner: _____
(Name and Address of Owner of animal)

Description of Animal: _____

Date of Apprehension: _____

Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

Hours of Operation of Pound: _____

Phone No. of Pound: _____

Daily Pound Fee: _____

Impoundment Fee and/or Fine: _____

License Fee: • _____

Method of Payment Required: _____

Day the animal will be sold or destroyed: _____

Date: _____

Animal Control Officer: _____

Signature: _____

OFFENSE NOTICE
FOR THE TOWN OF CARBERRY

Owner:

Date:

Section of By-law Contravened:

Offense number:

Fine Imposed:

Fine Due:

Method of Payment:

By-Law Enforcement Officer: _____