

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2001 – 15
With Amendment: 2003-12

Being a By-law of the Rural Municipality of East St. Paul for restraining and regulating the running at large of Dogs, and to provide for impounding, fines and destroying of Dogs, etc.

WHEREAS Section 353 of The Municipal Act provides for the regulation of dogs within the Municipality;

AND WHEREAS the Council of the Rural Municipality of East St. Paul deems it expedient and in the public interest to pass a by-law for restraining and regulating the running at large of dogs and for imposing a tax on the owners, possessors or harbourers of dogs, and also providing for the impounding and destroying of dogs and the maintenance and regulation of a Pound.

THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-law of the Rural Municipality of East St. Paul, in Council assembled, as follows:

1. DEFINITIONS:

- (a) "Dog" wherever used in this By-law, unless the context otherwise requires, includes "bitch";
- (b) "Owner" includes any person who keeps or harbours a dog;
- (c) "Poundkeeper" means a person or persons appointed by the Municipality to act as Poundkeeper, his deputy and any one or more of his assistants or any other person authorized to perform any of the duties of Poundkeeper;
- (d) "Pound" means any enclosure, premises or a place designated by the Municipality for the purpose of impounding and caring for animals found running at large in violation of this By-law;
- (e) "Running at Large" or "Run at Large" means, in relation to an animal, that the animal is not:
 - i) under the direct, continuous and effective control of a person competent to control it; or

- ii) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

2. ALL DOGS TO BE LICENSED:

- (a) The owner of every dog over six months of age shall annually register the dog and procure a license therefore from the Municipal Office or agent authorized by the Council of the Rural Municipality of East St. Paul and for such license shall pay the fees hereinafter set out. No owner shall keep or harbour more than two dogs at the same time unless such owner is authorized and licensed by the Council of the Rural Municipality of East St. Paul to operate a Dog Kennel.
- (b) The owner shall place and keep around the neck of every dog a collar to which shall be securely fastened the current license plate or tag issued by the Municipality. No other tag or plate, purporting to show that the dog is licensed is permitted to be attached to the collar.
- (c) Every dog license shall become due on the first day of January in each year and shall expire on the next thirty-first day of December after the same became effective. Any dog acquired after the first day of January in any year shall be forthwith registered and licensed.
- (d) All dogs must have collars and license tags and be under control when on the street. No owner shall permit a dog to be anywhere than on the owner's premises without a collar and the proper license tag or plate number unless the dog is accompanied by and is under the immediate charge and control of some competent person.

3. LICENSE FEES:

The licensing year shall be from January to December. The annual license for dogs and kennels shall be as follows, providing that the Municipal Office or agent authorized by the Council may issue a license for a spayed female or neutered male for the fee provided for a dog if the applicant therefore produces a satisfactory certificate from a qualified veterinary surgeon showing that the bitch has been spayed or the male neutered, and a valid rabies vaccination certificate:

A. **New and renewal license applications:**

For every dog	1. Any breed not neutered or spayed	\$10.00
	2. Any breed neutered or spayed	\$5.00

B. Dog Kennels:

- i) The license fee for boarding shall be \$100.00 per year, once approved by council;
- ii) The license fee for companion kennel shall be \$50.00 per year, once approved by council, plus \$5.00 per dog per license for any breed not neutered or spayed or \$2.50 per dog per license for any breed that is neutered or spayed.

4. SPECIAL RESTRICTIONS RELATING TO CERTAIN DOGS:

No owner shall permit a dog to be at large or on any public thoroughfare unless on leash or under the complete control of some competent person, and no owner shall allow a bitch of any breed to be on a public highway or any other public place while she is in heat, nor shall they allow her to be a nuisance and during such period shall keep the dog under control in confined quarters.

5. RUNNING AT LARGE:

- (1) In this By-law, "run at large" or "running at large" means not under control by either being:
 - (a) in direct and continuous charge of a person competent to control it; or securely confined within an enclosure; or
 - (b) securely fastened so that it is unable to roam at will.
- 5 (a) No owner or person in charge of a dog shall permit it to run at large at any time within the Municipality.

6. IMPOUNDING AND REDEMPTION:

- (a) It shall be the duty of the Poundkeeper to capture and confine in a Pound all dogs found running at large contrary to the provisions of this By-law.
- (b) The owner of any dog impounded may redeem the same at any time within six(6) days of the time of capture by paying the Poundkeeper the pound fee calculated as follow:
 - i) On any first offence, the sum of twenty-five(\$25.00) dollars plus nine (\$9.00) dollars for each day or any part thereof the dog has been impounded and in addition, a dog license fee, if applicable;

- ii) On any second offence occurring within the current license year, the sum of forty (\$40.00) dollars plus nine (\$9.00) dollars for each day or any part thereof the dog has been impounded;
 - iii) On any third offence or any subsequent offences within the current license year, the sum of seventy-five(\$75.00) dollars plus nine(\$9.00) dollars for each day or any part thereof the dog has been impounded;
 - iv) The full amount of any cost incurred by the Municipality for the examination and treatment by a licensed veterinary surgeon of a dog that is injured or sick.
- (c) Whenever a dog is impounded wearing a tag furnished by the Municipality in connection with a current license for such animal, the Poundkeeper shall forthwith after the impounding, contact the owner whose name appears on such license at the address as shown thereon, shall send a notice that the dog has been impounded and that if it is not redeemed within six days of the date of notice, it may be sold or destroyed. If the tag was issued by another municipality, the Poundkeeper shall notify the Clerk or Secretary thereof that such animal has been impounded and will be disposed of if not redeemed within six days of the date of such notification.
- (d) Any person interfering with the Poundkeeper or his assistant while he is carrying out the duties set out in this By-law shall upon conviction be liable to the penalties imposed by By-law No. 89-4 of The Rural Municipality of East St. Paul.

7. DISPOSAL OF DOGS IMPOUNDED:

- (a) The Poundkeeper may sell any dog not redeemed to any person for an amount not less than the applicable pound fees set forth in Section 6 or may cause the dog to be disposed of; provided, however, that if the dog is not licensed and the purchaser intends to remove it from the Municipality immediately, the amount of the license fee need not be included as part of the selling price. The Poundkeeper shall not sell a bitch in his custody unless the new owner undertakes to have the animal spayed.
- (b) Notwithstanding anything contained in this By-law where a licensed veterinary surgeon certifies that, in his opinion a dog, in the custody of the Poundkeeper is so seriously injured or sick that it would be cruel to allow it to live, the Poundkeeper may cause the dog to be destroyed forthwith.
- (c) Any owner of a dog or person deemed to be the owner of a dog by reason of his harbouring the dog, who wishes to dispose of the dog must personally bring the animal to the Pound and give written authority for its destruction.

8. LOST LICENSE TAGS:

If the Poundkeeper is satisfied that the owner of any dog impounded has complied with the provisions of the By-law as to registration, licensing and the providing of a collar and license tag and that the said tag has been lost or stolen, he shall allow the owner to redeem the dog without payment of a new license fee but upon payment of FIFTY CENTS (50¢) for a duplicate license tag plus any charges under paragraph 6 sub-section (b) herein.

9. IMPOUNDED DOGS TO BE FED AND WATERED:

The Poundkeeper shall provide every dog captured and impounded with sufficient shelter, food, and water during the time such dog remains impounded.

10. ANY DOG THAT BITES A PERSON TO BE KEPT UNDER OBSERVATION:

- (a) Any dog which bites any person, whether on private premises or elsewhere, shall, unless the owner thereof forthwith delivers the same to the Municipal Pound, or to some place where dogs are kept under the personal supervision of a licensed veterinary surgeon, be taken by the Poundkeeper to the Municipal Pound.
- (b) Any such dog so delivered or taken to the Pound or to a licensed veterinary surgeon shall be kept therein at the owner's expense for a period of ten days (10) from the date of the bite, unless the Medical Officer of Health sooner certifies that all danger of infection has ceased.
- (c) If such a dog is not voluntarily surrendered to the Poundkeeper by the owner, the Poundkeeper shall be empowered to have a Provincial Judge, Magistrate or Justice of the Peace issue an order to seize and impound such dog.
- (d) Any dog thought to be rabid shall be impounded for fourteen days (14) or until it dies. Any such dog that dies shall have the head examined for rabies by the Health of Animals Division of Canada.

11. DOGS MUST NOT BE ALLOWED TO BECOME NUISANCES:

No owner shall:

- (a) permit his dog to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere;
- (b) permit his dog to pursue or wound any human or animal;
- (c) If a bitch while in heat shall be deemed a nuisance, the license shall be cancelled forthwith and terminated by the Poundkeeper unless the dog is placed in a public kennel operated for the care and maintenance of dogs.
- (d) permit his dog to run at large. When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection;
- (e) 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;
- (f) permit his dog to damage public or private property other than that of its owner. Where public or private property has been damaged by a dog, its owner shall be deemed to have failed or refused to comply with this subsection;
- (g) own, keep or harbour any dog (other than a dog under the age of six (6) months) for which a license has not been issued for the current license year;
- (h) permit a dog on any school ground or playground;
- (i) permit a dog on parkland area unless the dog is on a leash (no longer than six (6) feet) and in the actual custody and control of the owner, except when the owner is attending a recognized training or obedience school for training his dog at a time and place approved by the Superintendent of Parks;

- (j) 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 separate and apart from the offence provided in subsection (1)(a) hereof, and upon summary conviction thereof shall in addition to any penalty imposed upon him, be civilly liable to the City for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad.

12. REEVE MAY REQUIRE DOGS TO BE MUZZLED:

- (a) The Reeve when and for such period of time as may be authorized by a resolution of Council may issue a proclamation requiring owners to effectively muzzle their dogs so as to prevent biting or snapping.
- (b) During the time mentioned in such proclamation the owners shall effectively muzzle all dogs and no owner shall allow a dog to be upon any public thoroughfare or public place unless so muzzled.

13. COMPLAINANT MUST IDENTIFY HIMSELF:

Before any action, whether to impound a dog or to institute legal proceedings, is taken by the Poundkeeper as the result of a complaint, the complainant shall give his name and address to the Poundkeeper.

14. REMOVING COLLAR OR TAG PROHIBITED:

No person shall remove the collar or license plate or tag from any licensed dog.

15. RECORDS TO BE KEPT:

The Poundkeeper shall keep a record of every dog destroyed. Such record shall show the description and particulars of every such dog, the day and hour of its destruction, the name and address of the owner (if known), the license number (if any), the amount and particulars of all fees, fines, charges and of all moneys (if any) received in respect of such dog and the name and address of the person paying the same and such other particulars as the Council may direct. All moneys collected by the Poundkeeper shall be remitted to the Clerk of the Municipality, together with such reports and statements as they may prescribe.

16. LOCATION OF THE DOG POUND:

The location of the Pound for the Rural Municipality of East St. Paul and the Poundkeeper shall be appointed by resolution of the Municipal Council.

17. PENALTY:

Any person found guilty of an infraction of any of the provisions of this By-law shall be liable upon conviction thereof to the penalties imposed by By-law No. 89-4 of the Rural Municipality of East St. Paul not to exceed the sum of ONE THOUSAND DOLLARS (\$1,000.00) and costs.

18. REPEAL:

By-law No. 96-78 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council assembled, at East St. Paul, in the Province of Manitoba, this 14th day of August, A.D. 2002.

Originally signed by Phil Rebeck

Reeve

Originally signed by Jerome Mauws

Chief Administrative Officer

Read a first time this 17th day of July, 2002.

Read a second time this 14th day of August, 2002.

Read a third time this 14th day of August, 2002.