



BYLAW 07/2024

**BEING A BYLAW OF THE CITY OF DAUPHIN REGULATING
THE STANDARD OF CARE AND MANAGEMENT OF ANIMALS
WITHIN THE LIMITS OF THE CITY OF DAUPHIN**

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Part 1 – INTRODUCTION

Under the authority of *The Municipal Act* and *The Animal Liability Act*, and complementary to *The Animal Care Act*, the City of Dauphin, in Council assembled, enacts as follows:

Short title

1. This Bylaw may be cited as City of Dauphin Animal Services Bylaw 07/2024.

Definitions

2. In this Bylaw, unless the context otherwise requires:

Aggressive Behaviour means any behaviour displayed by an Animal, without justifiable provocation, that poses a threat to the safety of Persons or other Animals and includes, but is not limited to:

- a) aggressively pursuing, stalking, or chasing a Person or other Animal with the intent to harm;
- b) lunging, snapping, or biting with the intent to cause harm;
- c) mauling, attacking, injuring, or killing a Person or Animal.

Animal means any member of the Kingdom Animalia excluding humans, insects, and fish.

Animal Services Centre means any facility designated by the City for the housing and care of Animals Impounded under the provisions of this Bylaw.

Animal Services Centre Operator means any Person appointed by the City as the Animal Services Centre Operator or any contractor who has entered into an agreement with the City to assume responsibilities of the Animal Services Centre Operator pursuant to this Bylaw, and includes the delegates of this Person;

Animal Services Officer holds the same meaning and authority as Animal Control Officer for legal purposes and means any Person who is designated by the City to administer and enforce this Bylaw, and includes:

- a) a Peace Officer;
- b) a Bylaw Enforcement Officer; or
- c) a Person appointed by the City as an Animal Services Officer.

At Large means the status of an Animal that is not under the control of the Owner by means of a Leash; and is in a Public Place that is not a designated off-leash area; or is on Property other than the Owner's Property and in respect of which the Animal does not have the right of occupation.

Attack means force applied by an Animal to a Person or other Animal consisting of more than one bite, or more than one puncture, or more than one laceration, resulting in bleeding, sprains, serious bruising, or multiple injuries.

Bite means force applied by an Animal by means of its mouth and teeth upon a Person or other Animal.

Breeder means a person who owns, keeps, or maintains animals for breeding purposes.

Cat means a male or female Animal of the species *Felis catus*.

Choke Collar means a slip collar or chain that may constrict around the Animal's neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars, but does not include martingale collars.

City means the City of Dauphin.

Community Cat means any free-roaming Cat that may be cared for by one or more residents of the immediate area who are registered with a Trap, Neuter, Return Program; a Community Cat may or may not be feral; they are exempt from Licensing and are not considered to be stray or At Large.

Community Cat Caretaker means a Person who provides regular care, such as food, water, shelter, and monitoring, to un-Owned, free-roaming Cats (Community Cats) within a designated area. Caretakers may assist in a Trap, Neuter, Return Program, ensuring Cats are Sterilized and returned to their outdoor habitat.

Community Cat Program means the nonlethal process of humanely trapping, Sterilizing, Ear-Tipping, and returning Cats to their original location and the provision of shelter to protect the Cats from the elements as a method of Cat population management.

Companion Animal means a domesticated Animal kept as a pet for companionship rather than other forms of utility or profit and which may lawfully be kept on residential property in accordance with this Bylaw and the City's zoning regulations, and in the case of this Bylaw refers to Dogs and Cats.

Competent Person means a Person of sufficient height and weight to ensure an Animal under their control will be obedient to their commands or can be physically restrained if required.

Council means the Council of the City of Dauphin.

Custody means the temporary or permanent possession of an Animal.

Distress means the state of an Animal in which it is showing signs of suffering due to physical or psychological discomfort, including, but not limited to, excessive panting, drooling, or shivering, lethargy or lack of responsiveness, whining or howling indicating frustration, fear, or stress.

Dog means a male or female Animal of the species *Canus familiaris*.

Ear-Tipping means the removal of the ¼" tip of a Community Cat's ear (usually the left), performed while the Cat is under anesthesia under the supervision of a licensed veterinarian, to enable easy identification of Community Cats that have been Sterilized.

Enclosure means an outdoor kennel or structure forming a pen suitable to confine an Animal in a humane manner that provides sufficient space for the Animal to freely move about and is not the same as an indoor or travel crate or fenced yard.

Exceptional Severity means the nature of Aggressive Behaviour exhibited by a Dog, involving extreme and/or repeated incidents of aggression that result in or pose substantial risk of serious harm or injury to Persons or other Animals, such as unprovoked Attacks causing

severe injury, multiple documented Attacks, or behaviours showing uncontrollable aggression despite interventions.

Fees, Fines, & Charges Bylaw means the City of Dauphin Fees, Fines, & Charges for Municipal Services Bylaw currently in effect.

Feral Cat means a Cat that is unsocialized and has a temperament of extreme fear and resistance to contact with humans.

Foster means an individual who cares for a rescued Dog or Cat for a temporary period of time.

Guinea Pig means the small, domesticated rodent, (*Cavia porcellus*), commonly Kept as a pet.

Handler means a Competent Person over the age of 16 who is responsible for a Dog or Dogs within the Premises of the Off-Leash Dog Park.

Identification means:

- a) a collar or tag worn by an Animal that includes the name, current address, and phone number of the Owner;
- b) a traceable Microchip or tattoo that leads to the name, current address, and phone number of the Owner; or
- c) a valid Pet Licence Tag issued by the City.

Impounded means seized, delivered, received, or taken into custody by the Animal Services Officer or any other authorized officer or agent of the City and held at the Animal Services Centre as a result of a violation of this Bylaw, or when the Animal is found running At Large, abandoned, or in distress. An Animal is considered to be Impounded from the time it is taken into custody until the time it is redeemed by the Owner, rehomed, transferred to an animal rescue, or humanely euthanized under the terms of this Bylaw.

Keep means to have temporary or permanent control or possession of an Animal.

Leash means a physical line capable of leading and restraining the Animal to which it is attached.

Licensed Cat means a Cat for which a Pet Licence has been issued and that is Microchipped, tattooed, or is wearing on its collar or harness a tag corresponding to a Pet Licence for that specific Cat.

Licensed Dog means a Dog for which a Pet Licence has been issued and that is Microchipped, tattooed, or is wearing on its collar or harness a tag corresponding to a Pet Licence for that specific Dog.

Manager means the Deputy City Manager, who oversees Animal Services for the City of Dauphin.

Microchip means an approved Canadian standard encoded Identification device implanted into an Animal that contains a unique code that permits or facilitates access to Owner information, including the name and address of the Owner of the Animal.

Minor Incident means an incident involving Aggressive Behaviour that did not result in injury to a Person or Animal.

Muzzle means a humane basket-style fastening or covering device placed over a Dog's mouth and of sufficient strength to prevent the Dog from biting, without interfering with the Dog's breathing, panting, vision, or ability to drink.

Muzzle and Control Order means an Order issued by the Manager following Minor or Serious Incidents involving Aggressive Behaviour by an Animal, which sets out requirements with which the subject Animal's Owner must comply to ensure the safety of Persons or other Animals.

Neuter means the Sterilization of a male Animal by removal of the testicles or by any method of pharmaceutical Sterilization approved by the Canadian Veterinary Medical Association.

Off-Leash Dog Park means a fenced area designated by the City where Dogs are legally permitted to be off-leash under the supervision of their Owners or handlers for the purpose of exercise and socialization activities for Dogs without the requirement of being restrained by a Leash.

Operator means Animal Services Centre Operator.

Owner means any Person or entity possessing, harbouring, or having charge of an Animal or permitting an Animal to remain about the Person's house or premises or to whom a Pet Licence for an Animal has been issued pursuant to this Bylaw, and where the Person is a minor, the Person who is the legal guardian or has custody of the minor.

Person means a natural or legal Person and for the purposes of this Bylaw includes any individual, corporation, partnership, organization, association, or other legal entity recognized by law.

Pet Licence means a Licence issued by the City to a Person for a Dog or Cat in accordance with the provisions of this Bylaw.

Pet Licence Tag means an Identification tag issued by the City, indicating a Dog or Cat has been registered with the City.

Police Service Dog means any Dog owned by the Royal Canadian Mounted Police (RCMP) while on duty, including while engaged in training exercises and under the supervision of a member of the RCMP.

Premises means land and includes the structures on the land, such as buildings, fences, and shed, and includes vacant Property.

Prohibited Animal means the Animals listed in Schedule A of this Bylaw.

Property means real property, which is land, along with any buildings, structures, or improvements affixed to the land in such a way that they are legally considered part of it.

Public Place includes any roadway, sidewalk, boulevard, public space, or park, or any real property owned, held, operated, or managed by the City.

Rabbit means a male or female domestic rabbit.

Serious Incident means an incident of Aggressive Behaviour that results in injury or death to a Person or Animal.

Service Animal means an Animal trained and registered as a support or guide for a Person with a disability and having the qualifications and rights prescribed by *The Service Animals Protection Act*.

Spay means the Sterilization of a female Animal by removal of the ovaries or by any method of pharmaceutical Sterilization approved by the Canadian Veterinary Medical Association.

Sterilized means the status of an Animal having been Spayed or Neutered or otherwise rendered incapable of reproducing by a method approved by the Canadian Veterinary Medical Association.

Tether means a physical line that serves as a restraining device that prevents an Animal from moving beyond a localized area.

Trap, Neuter, Return (TNR) means a method for humanely trapping Community Cats, Neutering or Spaying them, vaccinating them, Ear-Tipping them, and returning them to their outdoor home.

Unlicensed Cat means a Cat that is not a Licensed Cat and that is over the age of 16 weeks.

Unlicensed Dog means a Dog that is not a Licensed Dog and that is over the age of 16 weeks.

Wildlife means any undomesticated, free-ranging Animal.

Zoning Bylaw means the most current Zoning Bylaw of the City of Dauphin.

PART 2 – APPLICATION

Number of Animals Permitted

3. No person may Keep, or allow to be Kept, on any Property, more than 5 Companion Animals, including not more than 3 Dogs over the age of 8 weeks and not more than 3 Cats over the age of 12 weeks, excluding registered Service Animals.
4. No person may Keep, or allow to be Kept on any Property, more than 6 Rabbits or 4 Guinea Pigs.
5. The limits on Animals do not apply to:
 - a) the Premises of a local government facility used for keeping Impounded Animals;
 - b) the Premises operated by an animal rescue organization, such as the Parkland Humane Society;
 - c) the Premises of a veterinarian licensed to practice in Manitoba;
 - d) Persons registered with an animal rescue organization, such as the Parkland Humane Society, to Foster Dog(s) or Cats(s) in which case the Foster is allowed 2 additional Animals over and above the maximum specified in this Section, as approved by the Animal Services Officer.

Prohibited Animals

6. No person may Keep or harbour within the City of Dauphin an Animal of a species identified in Schedule A, which is attached to and forms part of this Bylaw.

Exemptions for Police Service Dogs

7. This Bylaw does not apply to Police Service Dogs.

Animal Services Centre

8. The City may establish and maintain an Animal Services Centre for the housing and care of Animals apprehended pursuant to the enforcement of this Bylaw or the City may enter into an agreement with a third party to establish and maintain an Animal Services Centre on the City's behalf.
9. The Animal Services Centre shall adhere to any criteria and standards included in *The Animal Care Act*, the Canadian Veterinary Medical Association's *Code of Practice for Canadian Kennel Operations*, and the Canadian Advisory Council on National Shelter Standards' *Canadian Standards of Care in Animal Shelters*.

Animal Services Officer

10. The City may appoint one or more Persons as Animal Services Officer(s) to carry out the enforcement of this Bylaw, including the issuing of Penalty Notices indicating fines payable for the violations of this Bylaw listed in Schedule B. This Bylaw grants the Animal Services Officer the powers of discretion and judgement when evaluating the status of an Animal and imposing expectations related to the Animal's well-being. These discretionary powers include, but are not limited to, the authority to assess the needs of an Animal based on its breed, size, weight, coat, and strength.

PART 3 – ANIMAL WELFARE

Animal Cruelty

11. No Person shall cause or permit any Animal to suffer from cruelty or inhumane treatment. The following actions are prohibited:
 - a) abandoning an Animal;
 - b) any action that intentionally causes undue pain, suffering, or injury to an Animal, such as hitting, kicking, punching, choking, or excessive restraint;
 - c) any use of poison, air pellet guns, bows and arrows, slingshots, firearms, or similar on any Animal, except as exempted in *The Wildlife Act*;
 - d) any action that causes undue stress, anxiety, or fear for an Animal, including teasing, provoking, tormenting, or confinement in conditions that result in distress;
 - e) causing, permitting, or allowing an Animal to suffer;
 - f) training or allowing any Animal to fight;
 - g) Any use of body-gripping traps.

Basic Animal Care Requirements

12. The Owner of an Animal must ensure that the Animal is provided with:

- a) clean, potable water at all times, at a temperature that allows drinking. Snow is not a replacement for water;
- b) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- c) clean and disinfected food and water receptacles that are located so as to avoid contamination by excrement;
- d) a sanitary living environment that is free from wild vermin;
- e) adequate light to support physical and behavioural health, ensuring periods of light exposure that align with natural circadian rhythms;
- f) the opportunity for regular exercise sufficient to maintain good health; and
- g) necessary veterinary care when the Animal exhibits signs of pain, injury, illness, or suffering.

Outdoor Shelter Requirements

- 13. An Owner of an Animal must ensure that the Animal has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, or discomfort causing unnecessary pain, suffering, or injury.
- 14. A Person must not keep an Animal outside beyond any reasonable and humane length of time unless the Animal is provided with a weather-proofed and insulated shelter that provides:
 - a) Protection from heat, cold, and wet that is appropriate to the Animal's weight and type of coat;
 - b) Sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit, and lie in a comfortable position;
 - c) Protection from the direct rays of the sun;
 - d) Clean, dry bedding that will assist with maintaining normal body temperature.

Tethering and Confinement

- 15. Any Person who causes, allows, or permits an Animal to be tethered to a fixed object must ensure that:
 - a) a Choke Collar or shock collar does not form part of the securing apparatus;
 - b) a rope, cord, or chain is not tied directly around the Animal's neck;
 - c) the Tether is attached to a swivel latch and a collar fitted in such a way that it does not choke the Animal or prevent comfort, swallowing, or normal breathing;
 - d) the Tether is designed for the purpose of securing an Animal, is of a length of no less than 3.5 metres (10 feet), and allows freedom of movement without getting tangled or wrapped around fixed objects;

- e) the Tethered Animal has access to clean, potable water at a temperature that allows drinking and an area of shade that permits the Animal to escape the direct rays of the sun;
 - f) the Animal is Tethered in a manner that constrains the Animal to the Property at a location that is not in the front yard, and at a distance of no less than 1.5 metres from the property line;
 - g) the Animal is not Tethered for more than 4 consecutive hours and for a total of no more than 8 hours in a 24-hour period.
16. The permanent Tethering of an Animal in the City of Dauphin is strictly prohibited.
17. A Person must not confine a Dog to an Enclosure for a period in excess of 8 hours within any 24-hour period.

Animals in Vehicles

18. A Person must not leave an Animal in an unattended vehicle if the ambient temperature outside the vehicle is higher than 22 degrees C or lower than -10 degrees C unless the vehicle's climate control system is active.
19. If an Animal is found in a vehicle in Distress due to temperature, under *The Animal Care Act*, Animal Services Officers and Bylaw Enforcement Officers designated under *The Municipal Act*, Animal Protection Officers, and RCMP Officers are authorized to intervene to protect the Animal's welfare, which may include removing the Animal from the vehicle with any resulting damages to the vehicle to be the responsibility of the Owner.
20. A Person must not transport an Animal in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the Animal is adequately confined in a ventilated kennel securely fastened to the vehicle or secured in a body harness or other manner of fastening that is adequate to prevent the Animal from jumping or falling off the vehicle or otherwise injuring itself.

PART 4 – ANIMAL MANAGEMENT

Pet Licensing

21. The Owner of a Dog or Cat within the City shall:
- a) be at least 18 years of age;
 - b) ensure that for any Dog or Cat that has come into their possession over the age of 16 weeks they obtain a current valid Pet Licence, issued by the City, within 7 days of such possession;
 - c) ensure that their Dog or Cat is Sterilized, unless they are issued a valid City of Dauphin Unsterilized Pet Licence;

- d) apply to the City for a Pet Licence in such form as the City may from time to time prescribe and pay the Licensing fee prescribed by the City's Fees, Fines, and Charges Bylaw;
 - e) keep the Licence receipt, which is deemed to be the Licence;
 - f) ensure that any Dog or Cat over the age of 16 weeks is not allowed to be anywhere except on the Premises normally occupied by the Owner unless the Dog or Cat is Microchipped, tattooed, or wears a collar with a valid Pet Licence Tag attached to the collar;
 - g) replace the Pet Licence Tag, if lost, with a new Tag issued by the City for a fee prescribed in the City's Fees, Fines, and Charges Bylaw;
 - h) provide proof of Pet Licence to an Animal Services Officer when requested;
 - i) Contact Animal Services to report any change of status for the Dog or Cat within 48 hours of the change, such as but not limited to:
 - i) a change of address;
 - ii) a change in contact information;
 - iii) transfer of Ownership of the Dog or Cat; or
 - iv) the death of the Dog or Cat.
22. Every Owner of a Dog or Cat who is a resident of the City for less than 30 days and who has not taken up permanent residency must, at the expiry of 30 days' residency within the City, cause the Dog or Cat to be Licensed under this Bylaw.
23. Where the Owner of a Dog or Cat in respect of which a Pet Licence has been issued under this Bylaw sells or otherwise ceases to be the Owner of the Dog or Cat, the Pet Licence is automatically cancelled upon the expiring of 7 days from the change in Ownership.
24. The Owner of a Dog used for the purpose of a Service Animal shall ensure that such Dog is Licensed; however, no fee is imposed for such Dog provided that the Owner has established satisfactorily that the Dog is a registered Service Animal.
25. The City may implement a tiered Pet Licensing fee structure to incentivize the Sterilization of Dogs and Cats.
26. Where the Fees, Fines, and Charges Bylaw provides for a reduced Pet Licence fee for a Dog or Cat that is Sterilized, the application shall be accompanied by a certificate signed by a veterinarian indicating the Dog or Cat has been Sterilized, or other evidence that satisfies the City that the Dog or Cat has been Sterilized.

Animals on Public and Private Property

27. The Owner of an Animal must not allow the Animal to be At Large in the City.
28. The Owner of an Animal must not allow the Animal to be on any private lands or Premises without the consent of the occupier or Owner of the lands or Premises.
29. The Owner of a Dog must not allow the Dog to be in a Public Place unless the Dog is firmly held on a Leash, either static or retractable, of a length that prevents the Dog from reaching

Persons or other Dogs at a minimum distance of .6 metres (2 feet), by a Person competent to restrain the Dog, and the leash must be suitable for ensuring the Dog is under control.

30. The Owner of a Cat must not allow the Cat to be in a Public place unless the Cat is restrained on a Leash.
31. An Animal Services Officer may capture and Impound an Animal that is At Large.
32. Any Person may humanely capture an Animal found:
 - a) Running At Large on their Property; or
 - b) Running At Large on public Property

and shall make efforts to reunite the Animal with its Owner or deliver the Animal to an Animal Services Officer, and the Animal will then be Impounded.

33. The provisions in this Section do not apply to the Off-Leash Dog Park.

Off-Leash Dog Park

34. The City's Off-Leash Dog Park is provided for the enjoyment of Dogs and their Handlers, offering a safe and secure environment for Dogs to socialize, exercise, and play off-leash under responsible supervision.
35. Only Dogs that are Licensed with the City of Dauphin and Licensed Dogs visiting from elsewhere are permitted in the Off-Leash Dog Park.
36. Dogs under the age of 16 weeks, Dogs that are in heat, or Dogs that are subject to a Muzzle and Control Order under Section 55 of this Bylaw are prohibited from using the Off-Leash Dog Park.
37. All Dogs must be accompanied by a responsible Handler who is 16 years of age or older.
38. The Handler must be present in the park and must keep their Dog(s) within their sight at all times.
39. Handlers are responsible for immediately removing and properly disposing of any excrement left by the Dog(s).
40. No more than 3 Dogs per Handler are allowed in the park at any time.
41. Handlers must carry a Leash to restrain the Dog if needed.
42. No food – neither for humans nor for Dogs – is allowed in the Off-Leash Dog Park to prevent risk of food-related aggression.
43. Handlers must remove their Dog from the Off-Leash Dog Park if their Dog is showing Aggressive Behaviour towards Persons or other Dogs.
44. Each Person assumes all risks by entering into the Off-Leash Dog Park.

Dogs in Heat

45. Every Owner of an Unsterilized Dog must ensure they have obtained an Unsterilized Pet Licence.

46. Every Owner of a female Dog in heat must ensure that the Dog remains within an enclosed building or Enclosure until she is no longer in heat;
47. Despite Section 46, the Owner of a female Dog in heat may allow the Dog to leave the building or Enclosure for bladder/bowel relief on the Owner's Property, or go for a walk, if a Competent Person:
 - a) firmly holds the Dog on a Leash; and
 - b) immediately returns the Dog to the building or Enclosure upon completion of bladder/bowel relief or walk.

Animal Nuisances

Animal Waste

48. Every Owner or Keeper of a Dog, or any other Animal under their care, is required to immediately remove and properly dispose of any excrement left by their Animal on any public or private Property that is not their own, including parks, sidewalks, boulevards, pathways, and other community spaces.
49. Every Owner of an Animal shall ensure that excrement does not accumulate on their Property in such proportions that it causes a nuisance visually or by causing an odour.

Noisy Dogs

50. The Owner of a Dog must not allow or permit the Dog to bark, howl, yelp, cry, or make other noises in a manner that unduly disturbs the peace, quiet, rest, comfort, or tranquility of the surrounding neighbourhood or vicinity.

Animals Damaging Public Property

51. The Owner of an Animal must not allow the Animal to damage or destroy any building, structure, tree, shrub, plant, or turf in a Public Place.

Feeding Wildlife

52. A Person must not intentionally feed or leave food out for the purpose of feeding:
 - a) Deer
 - b) Raccoons;
 - c) Squirrels;
 - d) Foxes;
 - e) Feral rabbits; or
 - f) Bears, coyotes, cougars, wolves, or other Animals designated as dangerous wildlife under *The Wildlife Act*.

Aggressive Behaviour

53. Every Person must ensure that an Animal in their care or Custody does not exhibit Aggressive Behaviour towards a Person or other Animal.

Muzzle and Control Orders

54. The Manager may issue a Muzzle and Control Order if a Dog has caused one or more Serious Incidents or multiple Minor Incidents of Aggressive Behaviour that indicate a potential further risk of harm to Persons or other Animals.
55. A Muzzle and Control Order shall include the following information:
- a) the Respondent's information;
 - b) the subject Dog's information;
 - c) the reasons for which the Muzzle and Control Order is issued;
 - d) the measures the Owner is required to take; and
 - e) information respecting the opportunity and process for the Owner to repeal the Order after 2 years.
56. A Muzzle and Control Order may be served on the Owner personally by handing it to the Owner directly, but where the Order cannot be served by reason of the Owner's absence from the Owner's Property or by reason of evasion of service, the Animal Services Officer may provide service by:
- a) handing the Order to an apparently adult Person on the Owner's Property; or
 - b) posting the Order in a conspicuous place upon some part of the Owner's last known Property and by sending a copy by regular mail; or
 - c) sending the Order by pre-paid registered mail to the Owner at the last known address where they reside; or
 - d) sending the Order via electronic notification (email) to the Owner's last known email address.
57. An Owner to whom a Muzzle and Control Order is given shall forthwith ensure compliance with it.
58. An Owner issued a Muzzle and Control Order for their Dog must:
- a) ensure the Dog is Kept under the physical control of a Person 18 years of age or older and physically able to exercise proper control of the Dog, by means of a non-retractable Leash with a maximum length of 2 metres (6.5 feet) held by said Person at all times when the Dog is in any place other than the Owner's Property;
 - b) keep the Dog Muzzled when not on the Owner's Property;
 - c) within 30 days of issuance of the Muzzle and Control Order provide proof to the Animal Services Officer that:
 - i) a Microchip has been implanted in the Dog; and
 - ii) the Dog has been Sterilized.
 - d) keep the Dog from entering upon school grounds or within 30 metres (98.5 feet) of a playground apparatus.
 - e) prominently display at each entrance to the Property and buildings in, or upon which, the Dog is kept, a "Beware of Dog – Muzzle and Control Order in Effect"

sign, which must be posted so that it cannot be removed, and which will be visible and capable of being read from the sidewalk, street, or lane abutting the entrances to the Property or building;

- f) at all times when the Dog is on the Owner's Property, keep the Dog securely confined either indoors or, if outdoors:
 - i) within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the Dog from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the Dog is in the fenced yard; or
 - ii) in a rear or side yard within a 6-sided Enclosure of sufficient dimension, design, and strength to be humane and to prevent the Dog from digging its way out of or otherwise escaping from the Enclosure; or
 - iii) Muzzled and securely restrained within a rear or side yard by means of a Leash or Tether that prevents the Dog from escaping the yard while under the direct supervision of a Person over the age of 18 who is physically able to exercise proper control of the Dog and who is present in the yard at all times that the Dog is outside; and
 - iv) not in the front yard of the Owner's Property.

59. An Owner issued a Muzzle and Control Order for their Dog must also:

- a) register the Dog with the City identifying the Dog as the subject of a Muzzle and Control Order and pay the applicable fee for same as set out in the City's Fees, Fines, and Charges Bylaw;
- b) allow an Animal Services Officer to photograph the Dog, on demand;
- c) within 2 days of moving the Dog to a new place of residence, provide the Animal Services Officer with the new address where the Dog is kept;
- d) within 2 days of selling or giving away the Dog, provide the Animal Services Officer with the name, address, and phone number of the Person to whom the Dog was sold or given;
- e) within 2 days of the death of the Dog, provide the Animal Services Officer with a veterinarian's certificate of death;
- f) advise the Animal Services Officer immediately if the Dog is At Large;
- g) advise the Animal Services Officer immediately if the Dog has Bitten or Attacked any Person or other Animal.

60. If the Animal Services Officer considers that a Dog subject to a Muzzle and Control Order can be retrained and socialized, or that the Bite or injury from any Attack was the result of improper or negligent training, handling, or maintenance, the Animal Services Officer may

impose, as a condition of the Order, conditions and restrictions in respect of the training, socialization, handling, and maintenance of the subject Dog.

61. Where the Owner of a Dog subject to a Muzzle and Control Order requests that the Dog be euthanized, the Animal Services Officer may arrange to have the Dog humanely euthanized, at the cost of the Owner. In such cases, the Owner must sign a form for the release of the Dog to the City or Animal Services Officer for the purposes of humane euthanasia.

Application to Repeal Muzzle and Control Order

62. An Owner, following a period of at least 2 years from the date stated on the written notice under Section 54, may apply to the Manager for relief from the requirements of Sections 58 and 59, provided that:
- a) the City has received no further complaints regarding the Dog's Aggressive Behaviour during the 2-year period;
 - b) the Owner provides satisfactory proof that the Owner and the Dog have successfully completed a course designed and delivered by a qualified dog behaviour professional to address the Dog's Aggressive Behaviour; and
 - c) the Dog's Aggressive Behaviour was not of Exceptional Severity.
63. If a Dog displays Aggressive Behaviour again after repeal of the Order has been granted pursuant to Section 62, the requirements of Sections 58 and 59 shall apply in perpetuity.

Animal Bites and Rabies

64. All Dogs and Cats Owned as pets in the City of Dauphin must be vaccinated for rabies at intervals recommended by a licensed veterinarian.
65. The City may implement a tiered fee structure for the redemption of Animals Impounded for running At Large to incentivize vaccination for rabies.
66. The Animal Services 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 with respect to the Muzzle and Control Order provisions contained in Sections 54 to 61.
67. Animals suspected of suffering from rabies shall be dealt with in accordance with the regulations outlined in *The Public Health Act* and *The Animal Diseases Act*, which may include the requirement to quarantine the Animal for 10 days at the expense of the Owner.

Trap, Neuter, Return Program

68. The Manager may operate, or permit a not-for-profit entity to operate, a Trap, Neuter, Return (TNR) Program for Community Cats in the City of Dauphin.
69. Any Community Cat may be Spayed or Neutered and subsequently released.
70. Where, in the opinion of the Manager, a Community Cat is injured or ill and should be euthanized without delay for humane reasons, the Community Cat may be so euthanized.
71. A Person must not intentionally feed or leave food out for any Community Cat to prevent unchecked population growth.

72. Despite the section above, any Person may feed Community Cats subject to the following:
- a) the Person must be registered with a City-approved organization with a TNR Program;
 - b) the Person must maintain a plan for the care, feeding, and mandatory Sterilization, Ear-Tipping, and vaccination of each Community Cat;
 - c) the Plan must be in writing and registered with City Animal Services and/or a City-approved organization with a TNR Program;
 - d) outdoor feeding stations must be located on private Property and may only have food available for feeding up to 45 minutes maximum, once per day; and
 - e) outdoor shelter must be provided for any Community Cat on the Property where the feeding station is located.
73. Community Cat Caretakers may reclaim Impounded Community Cats without proof of Ownership solely for the purpose of carrying out Trap, Neuter, Return and/or returning Spayed or Neutered Community Cats to their original locations.
74. Caretakers or volunteers participating in the TNR program are not considered the legal Owners of Community Cats for the purposes of this Bylaw and will not be subject to pet Ownership limits or applicable fees or fines, providing they follow the TNR program's guidelines.
75. No Person shall interfere with or harm any Community Cat that has been Ear-Tipped as part of a TNR program.

Breeding and Kennels

76. Where a Dog or Cat Owner who resides in the City of Dauphin intends to use a specific female for breeding purposes, the Owner must obtain a valid City of Dauphin Breeding Permit.
77. Where a Dog or Cat Breeding Permit is issued under Section 76, the Owner may only allow the Dog or Cat to have
- a) up to one litter per year; and
 - b) up to four litters during the life of the Dog or Cat.
78. In order for the Manager or designated employee to issue a Breeding Permit, the Owner must:
- a) be at least 18 years of age;
 - b) possess a valid Unsterilized Pet Licence under Section 22;
 - c) pay the Breeding Permit fee and another applicable fees as outlined in the Fees, Fines, and Charges Bylaw;
 - d) provide a letter from a licensed veterinarian supporting the breeding of the specific Dog or Cat or proof of purebred breed registration;
 - e) ensure the Dog or Cat has active veterinary care, including current rabies vaccination;
 - f) provide any information reasonably required to administer and enforce this Bylaw;

- g) comply with the requirement to display a Breeding Permit number where puppies or kittens are advertised for sale;
 - h) submit to inspections of the breeding Property by the Animal Services Officer or designated employee at any time after the Breeding Permit has been issued and exhibit compliance with all sections in Part 3 (Animal Welfare) of this Bylaw;
 - i) have a history of compliance with the requirements of this Bylaw and minimal impact on the community.
79. The Manager may revoke a Breeding Permit if the Owner fails to remain in compliance with the requirements of this Bylaw, and in particular Part 3 (Animal Welfare), at any time after the Breeding Permit is issued.
80. Any Person found to be breeding a Dog or Cat without a valid City of Dauphin Breeding Licence will be subject to fines set out in the Fees, Fines, and Charges Bylaw.
81. No Person shall keep or maintain more than 3 Dogs, or board Dogs for purposes of utility or profit, unless that Person operates a Kennel on a Property in a zone that permits Kennels under the Zoning Bylaw.

Part 5 – SEIZING AND IMPOUNDING ANIMALS

Authority to Seize and Impound

82. An Animal Services Officer may seize and Impound:
- a) any Animal At Large in contravention of this Bylaw;
 - b) any Animal, other than Wildlife, that is on any private lands or Premises without the consent of the occupier or Owner of the lands or Premises;
 - c) any unleashed Dog in a Public Place;
 - d) any Unlicensed Dog or Cat;
 - e) any Animal, other than Wildlife, that is on unfenced land and not securely Tethered or contained;
 - f) any Dog not confined in compliance with a Muzzle and Control Order;
 - g) any Dog not muzzled in compliance with a Muzzle and Control Order;
 - h) any Dog that has Bitten or Attacked a Person or another Animal;
 - i) any Animal where in the opinion of the Animal Services Officer any of the provisions of Part 3 (Animal Welfare) hereof have been contravened;
 - j) any Animal, other than Wildlife, that exhibits signs of pain, injury, illness, or suffering that the Animal Services Officer considers cannot otherwise be reasonably addressed.

Notification and Period of Impoundment

83. Where an Animal is Impounded pursuant to this Bylaw, the Animal Services Officer must make a reasonable effort to notify the Owner of the Animal's Impoundment.
84. Any Animal seized by the Animal Services Officer under Section 82 shall be Impounded for a minimum period of 5 days from the time of Impoundment, exclusive of the day on which the

Animal was Impounded, during which time the Owner shall be entitled to redeem an Animal eligible for redemption.

Redemption of Impounded Animal

85. The Owner of an Impounded Animal that is eligible for redemption may redeem the Animal from Impoundment by:
- a) proving Ownership of the Animal to the satisfaction of the Operator;
 - b) satisfying the Animal Services Officer that the Owner is in compliance with Part 3 (Animal Welfare) of this Bylaw;
 - c) providing proof that the Animal has been vaccinated for rabies; or the Owner can be given 10 days, at the discretion of the Animal Services Officer, to have the Animal vaccinated for rabies or face issuance of a Class B fine in accordance with Schedule B of this bylaw and the Fees, Fines, and Charges Bylaw;
 - d) paying the following fees, fines, and/or charges:
 - i) capture fee(s) and/or fine(s) associated with the applicable violation(s), as outlined in the Fees, Fines, and Charges Bylaw;
 - ii) Pet Licence fee if the Impounded Animal is an Unlicensed Dog or Cat, as set out in the Fees, Fines, and Charges Bylaw;
 - iii) Unsterilized Pet Licence fee if the Impounded Animal is an unsterilized Dog or Cat, as set out in the Fees, Fines, and Charges Bylaw;
 - iv) boarding fees levied by the Animal Services Centre Operator; and
 - v) costs for any veterinary care provided while the Animal was detained.
86. The City may implement a tiered redemption fee structure to incentivize the Sterilization, Identification, and vaccination of Dogs and Cats.

Right to Refuse Redemption of Impounded Animal

87. The Animal may be ineligible for redemption, at the discretion of the Manager, for any of the following reasons:
- a) any fees under this Bylaw remain owing;
 - b) there has been a history of violations under any part of Section 3 (Animal Welfare) and the Animal is determined to be at risk for continuing violations of any part of Section 3 (Animal Welfare);
 - c) an Animal having more than 2 incidents within a 12-month period of being Impounded at the Animal Services Centre under the provisions of this Bylaw;
 - d) the Animal has a history of Aggressive Behaviour, and the Owner refuses or fails to comply with a Muzzle and Control Order;
 - e) the Animal is required to be dealt with in a different manner under applicable legislation, including but not limited to *The Animal Care Act* or *The Animal Diseases Act*;

- f) the Owner has a history of non-compliance with the requirements of this Bylaw, or the Owner refuses to, or there are reasonable grounds to believe that the Owner will fail to, comply with the requirements of this Bylaw.
88. The Owner of an Animal is liable to pay the seizure, Impoundment, and boarding fees, including cost of any veterinary treatment deemed necessary, regardless of whether or not the Owner redeems the Animal.

Disposition of Unredeemed Animals

89. An Animal, other than Wildlife, becomes the Property of the City if it is not redeemed within 5 days after Impoundment or if the Animal is determined to be ineligible for redemption under the provisions of Section 87 of this Bylaw.
90. If an Animal, other than Wildlife, becomes the Property of the City, the Operator may:
- a) put the Animal up for adoption;
 - b) transfer Ownership of the Animal to an Animal rescue organization or shelter;
 - c) engage a veterinarian licensed in Manitoba to have the Animal humanely euthanized.
91. Where any Animal is adopted out pursuant to Subsection 90.a) above, all Property and interest any previous Owner held in that Animal will pass to the purchaser, and all rights of Property in the Animal that existed before the adoption shall be extinguished.
92. Where an Impounded Animal is adopted out pursuant to this Bylaw, any monies received by the Operator for the Animal will be applied against the fees and costs of Impounding, boarding, and adopting out the Animal.

Adoption of Animals

93. Any Person wishing to adopt an Animal from the Animal Services Centre must:
- a) make an application to the Operator in the form prescribed by the Operator and pay the applicable fees set out by the Operator; and
 - b) License the Animal pursuant to this Bylaw, where applicable.

PART 6 - ENFORCEMENT & PENALTIES

Authority of the Animal Services Manager

94. This Bylaw shall be administered and enforced by the Manager of Animal Services, and by such other Persons appointed by Bylaw of Council.
95. The Manager may delegate any of the powers granted to the Manager in this Bylaw at any time to any other employee of the City.

Identification of Complainant

96. Any Person who makes a complaint alleging an offence under this Bylaw must provide the Animal Services Officer with their name, address, and phone number. It shall be at the

discretion of the Animal Services Officer whether or not to proceed with an investigation based on an anonymous complaint.

Provision of Information

97. If a Person occupies Premises where an Animal is Kept or found, the Person must provide the following information when requested by an Animal Services Officer or designate:
- a) the Person's name, address, and phone number;
 - b) if the Person is not the Animal's Owner, the Animal Owner's name, address, and phone number;
 - c) the breed, sex, age, name, and general description of each Cat or Dog owned or in the custody the Person;
 - d) proof that:
 - i) each Dog or Cat Owned or in the Custody of the Person is Licensed;
 - ii) each Dog or Cat Owned or in the Custody of the Person is vaccinated for rabies;
 - iii) each Dog or Cat Owned or in the Custody of the Person has proper Identification.
98. No Person shall obstruct or hinder or make a false or misleading statement to an Animal Services Officer, or their designate, who is carrying out an authorized action under this Bylaw.

Right of Inspection

99. The Animal Services Officer or any other Person designated by the City to enforce the provisions of this Bylaw may:
- a) lawfully enter upon the land, buildings, and vehicle of an Animal Owner or any other Person, other than the personal residence of an individual unless consent is granted, for the purposes of apprehending an Animal running At Large, ensuring compliance with this Bylaw, or otherwise enforcing the provisions of this Bylaw;
 - b) require any Person in the place entered by an Animal Services Officer to produce any Animal that the Animal Services Officer requires for viewing or examination.

Offences & Penalties

100. Any Person commits an offence and is subject to the penalties imposed by this Bylaw, the Fees, Fines, & Charges Bylaw, and *The Provincial Offenses Act* if that Person:
- a) contravenes a provision of this Bylaw;
 - b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw;
 - c) neglects or refrains from doing anything required by a provision in this Bylaw.
101. The applicable violations of this Bylaw are listed in Schedule B, and each day that a contravention of a provision of this Bylaw continues is a separate offence.

PART 7 – GENERAL PROVISIONS

Liability

102. No liability shall be incurred by the Animal Services Officer, the Animal Services Centre Operator, the Manager, the Council and/or the City of Dauphin in the execution of their respective duties under this Bylaw. No liability shall be incurred by these parties for any Animal euthanized, removed, sold, or otherwise disposed of pursuant to the provisions of this Bylaw or for any Animal killed or injured during the course of its apprehension or detainment.

Severability

103. If any part, section, sentence, clause, or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed, and the severance shall not affect the validity of the remaining portions of this Bylaw.

Repeal

104. Bylaw 05/2020 is hereby repealed.

Effective Date

105. This Bylaw shall come into effect January 1, 2025.

Authority

106. *The Municipal Act* provides as follows:

85(1) A council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the head of council, a council committee, the chief administrative officer or a designated officer, unless the by-law or Act otherwise provides.

231 The power given to a council under this Division to pass by-laws is stated in general terms

- (a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers;
- (b) to enhance the ability of the council to respond to present and future issues in the municipality.

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;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property;
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- (o) the enforcement of by-laws.

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

- (a) regulate or prohibit;
- (b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;
- (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, licences, permits and approvals, including fees related to recovering the costs of regulations,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, 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
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
- (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;

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 contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence 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 offence, 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),

239(3) in any emergency or extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses 1(a) and (c) without the consent of the owner or occupant.

107. The *Animal Liability Act* provides as follows:

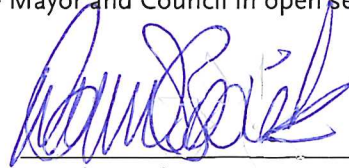
5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

City of Dauphin Bylaw 07/2024 – Animal Services

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

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 the by-law.

DONE AND PASSED as a Bylaw of the City of Dauphin by the Mayor and Council in open session assembled this 9th day of December 2024.



David Bosiak, Mayor



Sharla Griffiths, City Manager

Read a first time this 18th day of November 2024.

Read a second time this 9th day of December 2024.

Read a third time this 9th day of December 2024.

Schedule A

Prohibited Animals

1. Any member of the order Primate except a human being;
2. Any member of the order Carnivora except Dogs, Cats, and domestic ferrets (*mustela putorius furo*);
3. Any member of the order Crocodylia;
4. Any venomous snake or reptile;
5. Any venomous amphibian or arachnid;
6. Any wild Animal or Wildlife as defined in *The Wildlife Act*;
7. Bees;
8. Any other Animal determined by the Animal Services Officer to be a dangerous Animal;
9. Livestock (being cattle, horses, mules, donkeys, sheep, goats, or swine) or any poultry or fowl (being chicken, turkey, duck, goose, pigeons, or other domestic fowl) except for:
 - a) on the premises of a recognized industry in the handling of livestock;
 - b) on the premises of the Dauphin Recreation Services grounds and in conjunction with the Dauphin Agricultural Society and other organizations holding fairs, rodeos, circuses, petting zoos and exhibitions and for a short duration of time not exceeding 6 days. Any period above 6 will be subject to approval by the City; and
 - c) on public property during a temporary event that has been approved by the City, such as a parade.

Schedule B

Animal Services Violations

Class A Offences

Abandoning an Animal
Animal cruelty
Failure to provide basic Animal care
Failure to provide appropriate outdoor shelter
Tethering or confinement in contravention of the bylaw
Lack of temperature control for unattended Animal in vehicle
Animal Bite or Attack
Failure to comply with Muzzle and Control Order
Failure to obtain a breeding permit

Class B Offences

Excess number of Animals on one property
Keeping a prohibited Animal
Unlicensed Dog or Cat
Animal At Large
Animal trespassing on private property
Unleashed Dog in a Public Place
Off-Leash Dog Park Violation
Failure to confine Dog in heat
Failure to remove Animal excrement
Failure to vaccinate a Dog or Cat for rabies
Allowing accumulation of Animal excrement on private property
Noisy Dog
Damage to Public Property
Feeding Wildlife
Interfering with a Trap, Neuter, Return Program