



CITY OF DAUPHIN

BYLAW 05/2020

BEING A BYLAW OF THE CITY OF DAUPHIN TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS WITHIN THE LIMITS OF THE CITY OF DAUPHIN

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 bylaws 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 bylaws differentiating on the basis of sex, breed, size or weight;
 - (o) the enforcement of bylaws.

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

Exercising bylaw-making powers

- 232(2)** Without limiting the generality of subsection (1), a Council may in a bylaw passed under this Division
- (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 bylaws under clause 232 (1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of bylaws), a bylaw passed under that clause may include provisions:

- (a) providing for procedures, including inspections, for determining whether bylaws are being complied with; and
- (b) remedying contravention of bylaws, 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 bylaw,
- (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 bylaw passed in accordance with *The Municipal Act* or a bylaw of a local government district passed in accordance with *The Local Government Districts Act*, no owner or person in charge of an animal shall allow it to run at large.

Bylaw does not limit owner's liability

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

Municipality or LGD not liable by reason only of making Bylaw

- 5(3) A municipality or local government district that makes a bylaw referred to in subsection (1) is not liable, by reason only of having made the bylaw, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the bylaw.

AND WHEREAS, subsections 31(1) and (2) of the *Diseases and Dead Bodies Regulation*, 338/88R of *The Public Health Act*, R.S.M. 1987 c.P210 provide, in relevant part, as follows:

- 31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the Medical Officer of Health or the Animal Control Officer of the municipality in which the

biting incident occurred or a Peace Officer of the details of the biting incident.

- 31(2) An Animal Control Officer or Peace Officer receiving a report pursuant to subsection (1) shall notify the Medical Officer of Health of the details of the report at the earliest possible opportunity.
- 31(3) On being notified of an animal bite under this section, the Medical Officer of Health may 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 that has been authorized or required by the Medical Officer of Health.

PART I: DEFINITIONS AND INTERPRETATION

Bylaw Name

- 1(1) This Bylaw may be referred to as the "*Animal Control Bylaw*".

Definitions

- 1(2) In this Bylaw, unless the context otherwise requires,

"aggressor animal" means any animal that pursues, menaces, threatens, chases, attacks, bites, wounds, or injures a person, livestock, or any other animal.

"Animal Control Officer" means the person appointed by Council to enforce the provisions of this Bylaw, and includes any person acting as an assistant to, or under the direction of, the Animal Control Officer authorized by the Council.

"breeder" means any person who raises dogs or cats within the City for the purpose of breeding and the sale of the off-spring thereof.

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

"City" means City of Dauphin.

"Council" means the Council of the City of Dauphin.

"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 annually.

"dangerous animal" means any dog, cat or any other animal that has on at least on one occasion, pursued, menaced, threatened, chased, attacked, bitten, wounded, 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 Bylaw.

"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 harboured within the Municipality.

"owner" includes any person who owns, keeps, harbours 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.

"Peace Officer" means a member of the Royal Canadian Mounted Police.

"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 Bylaw.

"Poundkeeper" means the person or entity appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a poundkeeper as set out in section 4 of this Bylaw.

"public playground" means the immediate delineated area containing playground equipment in a park or municipal reserve owned or under management and control of the City.

"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 or arachnid;
- (f) any wild animal or wildlife as defined in *The Wildlife Act*;
- (g) any other animal determined by the Animal Control Officer to be a restricted animal, other than a dog, cat or livestock;
- (h) livestock, being cattle, horses, mules, donkeys, sheep, goats or swine;
- (i) poultry and fowl, being chicken, turkey, duck, goose, pigeons or other domestic fowl; and
- (j) bees.

"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.

"service dog" means any registered dog specially trained for and used as a guide for a person with a disability.

Interpretation

- 1(3) In all parts of this Bylaw, 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 II: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUNDKEEPER

Establishment of Pound

- 2(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 Bylaw, 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.

Appointment of Animal Control Officer

- 2(2) Council may appoint one or more persons as Animal Control Officer to carry out the enforcement of this Bylaw. The Animal Control Officer so appointed may be appointed on a temporary or permanent basis.

Appointment of Poundkeeper

- 2(3) Council may appoint one or more persons as Poundkeeper(s) to carry out the duties of the Poundkeeper set out in this Bylaw. The Poundkeeper(s) so appointed may be appointed on a temporary or permanent basis.

Common Animal Control Officer and Poundkeeper

- 2(4) At the discretion of Council, the Animal Control Officer may also serve as Poundkeeper, and vice versa.

Duties of the Animal Control Officer

- 3(1) It shall be the duties of the Animal Control Officer:
- (a) To apprehend and confine at the pound, any dog, cat or any other animal running at large within the City of Dauphin, contrary to the provisions of this Bylaw, or which is kept or harboured by, or in the possession or control of, any person that is in breach of this Bylaw or of any other laws or regulations pertaining to animals or the conditions of any permit or license;

- (b) To apprehend and/or ensure removal of any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this Bylaw, or running at large, within the City of Dauphin;
- (c) Investigate, and if required, resolve complaints for domestic animals made by the public in response to this bylaw, including animal attack complaints; and
- (d) To enforce the provisions of this Bylaw.

Duties of Poundkeeper

4(1) It shall be the duties of the Poundkeeper:

- (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 & Canada), 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 & Canada) while an animal is in the custody of the Poundkeeper.
- (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 species, breed and gender 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 charges including room and board, disposal by euthanasia, etc.
 - (vi) such other particulars as the City Manager of the City of Dauphin shall direct from time to time.
- (d) To keep any impounded dog, cat or any other animal which is, to the knowledge of the Poundkeeper, a domestic pet, which for a minimum period of:
 - (i) three (3) days, unless sooner redeemed, 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 City of Dauphin has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the Poundkeeper's contract with the City of Dauphin, unless sooner redeemed.

- (e) 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 City, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.
- (f) If, after expiration of the minimum period of impoundment set out in paragraph (d), a dog or cat that has not been redeemed, it will be the duty of the Poundkeeper 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 Bylaw, unless such fees are otherwise waived by the City of Dauphin or by the Poundkeeper on the express authority of the City of Dauphin;
 - (ii) cause the impounded animal to be humanely destroyed; unless the City of Dauphin, or the Poundkeeper on the express authority of the City of Dauphin, 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 (f) (i) or until expiry of the extended period of impoundment, before it is humanely destroyed.
- (g) The City of Dauphin may vary the terms, conditions and duties of the Poundkeeper 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 Poundkeeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), and (f) above shall continue to apply except to the extent that they are specifically modified by the contract.
- (h) Where it is necessary for his/her personal safety or the safety of the public, the Poundkeeper and/or RCMP may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the City of Dauphin.

PART III: DOGS, CATS AND OTHER DOMESTIC PETS

Maximum Number of Dogs or Cats

- 5(1) (a) No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) dogs over the age of three (3) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid breeder kennel permit authorizing him to own that number of dogs.
- (b) No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) cats over the age of three (3) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid breeder kennel permit authorizing him to own that number of cats.

- (c) The Parkland Humane Society, or other such organization recognized by the City, has the ability to place an animal in temporary foster homes and such home will be allowed two (2) additional animals over the above maximum stated in this section, as approved by the Animal Control Officer.

Licensing of Dogs & Cats

- 5(2) The owner of every dog or cat over the age of six (6) months shall obtain and renew annually, a license to keep the dog or cat, which license shall require the payment of the annual fee as set out in the City of Dauphin's Fees, Fines and Charges Bylaw. The owner shall ensure that the license tag issued for the dog or cat is securely fastened to a collar worn around the neck of dog or cat.
 - a) Dogs or cats under the age of 6 months do not require a vaccination to be licensed in that current year.
 - b) Failure to obtain or keep current the required license or to ensure that the license tag issued for the dog or cat is securely fastened to the collar shall constitute an offense under this Bylaw.
- 5(3) Notwithstanding Section 5(2),
 - (a) registered dogs used as "service" dogs for persons with disabilities shall receive an annual tag at no charge with proof of registration.
 - (b) Upon approval from the Animal Control Officer, any person who moves into the City from another municipality and owned, possessed, or harboured more than two dogs and/or two cats prior to their move; may continue ownership, possession, or harbouring of those animals, after providing sufficient evidence to support the claim is supplied to the satisfaction the Animal Control Officer.
 - (c) any person to whom subsection (b) applies shall not be entitled to acquire, by any means, any additional dogs, and/or cats until the number of dogs and/or cats they own, possess, or harbour falls below the number authorized by this bylaw, being two (2), at which time they must comply with the provisions of section 5(1).
 - (d) any person to whom subsection (a) & (b) applies shall be subject to all other provisions of this bylaw.
 - (e) Licensing is required for any dog/cat or domestic pet.
 - (f) The Parkland Humane Society, or other such organization recognized by the City, may affix foster tags to animals under their care in the place of a license tag. A list of assigned foster tags shall be provided at the request of the Animal Control Officer.
- 5(4) The City Manager or his designate at City Hall shall sell the required dog/cat license.
- 5(5) No person shall be permitted to remove the collar or license tag from any dog or cat without a lawful excuse, and any such removal shall constitute an offense under this Bylaw.

- 5(6) The license fee hereby imposed shall be due and payable on the 1st day of January in each year and shall expire on the 31st day of December in the year in which the license fee was levied and paid.
- 5(7) Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag, the cost of which is set out in the City of Dauphin's Fees, Fines and Charges Bylaw.
- 5(8) Where a change in ownership of a dog or cat licensed hereunder occurs during the license year, the new owner shall have the current license transferred to his or her name upon payment of the transfer fee prescribed in the City of Dauphin's Fees, Fines and Charges Bylaw. Any failure to report a change in ownership or to pay the prescribed transfer fee shall constitute an offense under this Bylaw.
- 5(9) Subsections 5(2), (3), (4), (5), (6) and (7) shall not apply to non-residents of the City of Dauphin who bring a dog or cat on a temporary visit into the City of Dauphin, to a maximum of 104 days per year, provided however, that nothing in this subsection shall authorize any person to bring a dog or cat into the City of Dauphin that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the City of Dauphin, nor does it authorize any person to allow the dog or cat to run at large or otherwise create a nuisance within the City of Dauphin
- 5(10) Subject to subsection 5(9) hereof, every dog and cat owner must produce, before a license is issued or renewed for the dog or cat, evidence of a current rabies vaccination status for that dog or cat from a licensed veterinarian.
- 5(11) A dog or cat owner does not have to produce evidence of a current rabies vaccination status in order to obtain or renew a license if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog or cat cannot be vaccinated for rabies for medical reasons.

Rabies Vaccination

- 5(12) Except where subsection 5(11) 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 apprehend and impound the dog or cat. Failure to provide such proof of a current vaccination for rabies is an offence under this bylaw.
- 5(13) All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under *The Public Health Act* and shall be quarantined and confined separate and apart from other dogs and cats, unless otherwise approved by Manitoba Health.

Kennel /Breeder

- 6(1) No person shall maintain a kennel in the City, except as permitted in the City of Dauphin Zoning bylaw with a valid permit and any regulations or bylaws imposed or enforced by the City.
- 6(2) Every person who owns or operates a kennel must comply with the bylaws of the City of Dauphin.

Responsibility of Owners Regarding Dogs

7(1) No owner shall:

- (a) 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;
- (b) permit his dog to bark or howl beyond a reasonable amount of time (more than 15 minutes in any hour) or in any other way unduly disturb the quiet of any person or persons anywhere in the City of Dauphin;
- (c) 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 forthwith;
- (d) permit his dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours;
- (e) permit his dog to damage public property or private property other than that of the owner. Where a dog has damaged public or private property, its owner shall be deemed to have failed or refused to comply with this subsection, and may be held responsible for all damages;
- (f) own, keep, harbour or have possession or control of any dog (other than an un-vaccinated dog that is under the age of six (6) months) for which a valid license has not been issued;
- (g) own, keep, harbour or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provisions of Part IV of this bylaw;
- (h) permit his dog to pursue, bite, menace, threaten, chase, attack, wound or show propensity for violence, to any person or animal whether or not on the property of the owner;
- (i) permit his dog on public property (including City Parks and public playgrounds) unless the dog is on a leash (which leash shall be no longer than six (6) feet in length, fully extended), unless the said public property has been specifically designated by Council as and upon which dogs are not required to be on a leash;
- (j) permit to transport his dog at the back of any open vehicle unless it is kenneled or leashed, being the dog cannot reach the outside of the said vehicle (as per the *Animal Care Act*);
- (k) refuse the Animal Control Officer the right to see and inspect any dog the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.

7(2) Subject to provisions of section 7, the owner of a dog shall not permit the dog to be outside of the owner's property 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.

- 7(3) Any commercial guard dog must be securely confined within an enclosure or private land, and such areas are to be sufficiently posted with danger signs, clearly stating "Beware of Dog" or similar wording, subject to approval by the Animal Control Officer or City designate.
- 7(4) A female dog in heat shall be confined to the premises of the owner or a person having control of the dog, or shall be housed in a licensed kennel, and not kept outdoors for a period longer than 30 minutes, for the period of time that the dog is in heat. The said dog's confinement shall be in such a manner as to prevent any contact between the dog in heat and any other dog except other dogs owned by the same owner or by another owner who voluntarily permits such contact.

Responsibility of Owners Regarding Cats

8(1) No owner shall:

- (a) permit his cat to run at large;
- (b) permit his cat to be anywhere than on owner's property unless the said cat is under the immediate charge and effective control of a person competent to control it;
- (c) permit his cat to defecate on his property in a manner which constitutes an environmental or health hazard or nuisance for neighbours;
- (d) permit his cat to defecate on any public or private property other than the property of the owner. Where a cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith;
- (e) permit his cat to unduly disturb the quiet of any person;
- (f) permit his cat to damage public or private property other than the property of the owner; the owner shall be responsible for repair of any damage;
- (g) permit his cat to howl, hiss, dig in flower beds or garbage containers or trespass on private property;
- (h) permit his cat to pursue, bite or wound or show propensity for violence, to injure any person or animal whether or not on the property of the owner;
- (i) refuse the Animal Control Officer the right to see and inspect any cat the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.

- 8(2) A female cat in heat shall be confined to the premises of the owner or a person having control of the cat, or shall be housed in a licensed kennel, and not kept outdoors for a period longer than 30 minutes, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner or by another owner who voluntarily permits such contact.

Restrictions on Domestic Pets

- 9(1) An owner of a domestic pet other than a dog or cat shall not allow the domestic pet outside of the owner's property unless the domestic pet is at all times, while outside of the owner's property, in immediate charge and effective control of a person competent to control it. In the event that 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 harbour such animal within the City unless such person has been issued a permit by the City under section 13 of this bylaw, and also holds all other government licenses as may be required, to keep or harbour the animal within the City.
- 9(2) An owner shall not refuse the Animal Control Officer the right to see and inspect any domestic pet or animal the Animal Control Officer suspects may have violated or be in violation of the provisions of the bylaw.

Redemption of Dog, Cat or Domestic Animal

10(1) Unless the impounded animal is determined to be a dangerous animal, the owner of any dog or cat impounded by the Animal Control Officer may redeem it except during Sunday and Statutory Holidays, within 3 working days of the Impounding by paying to the City Manager or his/her designate all damages, if any, all fees, charges, expenses and penalties imposed hereunder:

- (a) the impoundment fee as set out in the City of Dauphin's Fees, Fines and Charges Bylaw and which may be updated or amended from time to time by resolution of Council;
- (b) in the event that the impounded animal is a dog or cat that is unlicensed at the time of apprehension, the relevant license fee;
- (c) all outstanding fines, damages or costs relating to the impounded animal;
- (d) any person claiming, redeeming or adopting an impounded dog, cat or domestic animal shall provide proof of current vaccination against rabies and 4-way (distemper). If such proof is not provided, the owner shall be required to pay the cost of the rabies vaccinations, and in the case of dogs or cats, must produce or buy a license, before the dog or cat may be redeemed or adopted.
- (e) When a dog, cat or domestic animal is impounded wearing a tag furnished by the City in connection with the current license for the animal, the Animal Control Officer shall forthwith after the impounding, notify the owner whose name appears on such license at the address shown thereon that the animal has been impounded and that if it is not redeemed within three (3) days excluding Sundays and public holidays of the date of notification, it may be sold or disposed of.

If the tag was issued by another municipality the Animal Control Officer shall notify the City Manager thereof that such animal has been impounded and will be disposed of if not redeemed within three (3) days of the date of such notification.

- (f) When a dog, cat or domestic animal impounded is not wearing a tag, the Poundkeeper shall make a reasonable attempt to notify owner if the identity is known.
- (g) When the Poundkeeper contacts the owner of the impounded animal, advising the owner that they will dispose of the animal if it is not picked up by the owner and the owner states that the Poundkeeper may dispose or humanely euthanize the animal; then the owner shall pay all costs that were incurred during the impoundment of said animal (including impoundment fees, damages, euthanasia, etc.)

PART IV: AGRESSOR AND DANGEROUS ANIMALS

Aggressor Animals

- 11(1) The Animal Control Officer:
- (a) may apprehend, impound and/or place in quarantine any aggressor animal, that he has reason to believe has bitten another animal or a person, if in his discretion such action is necessary for the protection of the public or other animals;
 - (b) may apprehend, impound and place in quarantine any aggressor animal even if it has not bitten a person or another animal, if in his discretion such action is necessary for the protection of the public or the protection of other animals; whether on private or public premises, 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.
- 11(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.
- 11(3) Any aggressor animal impounded shall be held in quarantine for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment;
- 11(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 indirect supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.
- 11(5) Subject to a determination by the Animal Control Officer pursuant to subsection 11(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 Poundkeeper of a pound fee as set out in the City of Dauphin's Fees, Fines and Charges Bylaw, together with any costs or fines assessed against the owner hereunder. In the event that 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, disposed of, or humanely euthanized at the discretion of the Poundkeeper or Animal Control Officer.

- 11(6) The Animal Control Officer shall keep a record of all animal bite incidents, apprehensions, impoundments, and quarantines, etc., 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.
- 11(7) Any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 11(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 11(8) Every aggressor animal shall be examined by a licensed veterinarian 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 Medical Officer of Health is prepared to consent to the release of the aggressor animal;
 - (c) the severity of the 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 13 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 VI 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.
- 11(9) Notwithstanding the provisions of subsection 11(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 "*Warning: 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 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;
- (e) such other conditions, as the Animal Control Officer may deem necessary or advisable in the interests of public safety.

Dangerous Animal

- 12(1) Where the Animal Control Officer has reasonable grounds to believe that an animal presents a risk to any person, property or other animal, if in his opinion the animal has caused injury to or killed a person, or seriously injured or killed any other domestic animal without provocation, or shows propensity for violence, the animal shall be deemed to be a dangerous animal.
- 12(2) Where it is deemed necessary by the Animal Control Officer to protect the public or other animals, the Animal Control Officer shall:
 - a) apprehend and impound the animal for the purpose of humanely euthanizing it;
 - b) not allow the animal to remain within the City; or
 - c) impose conditions on the owner of the animal, including but not limited to:
 - (i) 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:
 - a. is capable of preventing the entry/exit of young children and the escape of the dangerous animal;
 - b. has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the animal control officer;
 - c. has secure sides; and
 - d. provides protection from the elements for the dangerous animal;
 - (ii) in the event that the dangerous animal is a dog, permit the dog upon public property only if:
 - a. it is muzzled;
 - b. it is restrained by a chain or leash (non-fabric) not exceeding six (6) feet in length, fully extended; and
 - c. the dog is at all times under the effective control of a person competent to control it;

- d) in the event that 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;
 - e) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign which reads "*Warning: Beware of Dangerous <insert type of aggressor 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;
 - f) within three (3) working days of selling, giving away or otherwise disposing of the dangerous or prohibited animal, provide the Animal Control Officer with the name, address and telephone number of the new owner;
 - g) advise the Animal Control Officer within three (3) working days of the death of the dangerous animal;
 - h) advise the Animal Control Officer immediately if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal; and
 - i) such other conditions as may be prescribed by the Animal Control Officer, including, without limitation, any of the conditions set out in subsection 12(2).
- 12(3) No person shall deface or remove a sign posted pursuant to subsection 11(9)(b) or subsection 12(2)(e) without having first obtained the permission of the Animal Control Officer.

PART V: RESTRICTED ANIMALS

Prohibition on restricted animals

- 13(1) No person shall keep, harbour, possess or control any restricted animals including poultry, livestock and/or bees within the City of Dauphin except for:
- (a) on the premise of a recognized industry in the handling of livestock;
 - (b) on the premise of the Dauphin Joint Recreation Commission 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 six (6) days. Any period above six (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.

Order to dispose of restricted animal

- 13(2) Where the Animal Control Officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a restricted animal within the City of Dauphin and is not an exception as stated above, the Animal Control Officer shall:
- (a) serve the person with an order in writing to remove 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.

- 13(3) The onus shall be on the person to establish that the animal is not a restricted animal.
- 13(4) Where the person has failed to establish that the animal is not a restricted animal and has failed or refused to remove 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 the restricted animal. The Animal Control Officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 13(5) Upon apprehension and impoundment of a restricted animal Council, or their designate, may proceed to order the animal humanely euthanized, removed, or sold. The owner shall be liable for all costs associated with apprehension, impoundment and euthanization or sale of the restricted animal.

PART VI: ILL-TREATED ANIMALS

Basic Animal Care Requirements

- 14(1) Owners must ensure the animal is provided with shelter, suitable food, adequate and clean water, and the opportunity for regular exercise. Domestic animals must appear in a good state of health.
- 14(2) Where an animal is kept outside, the owner must provide a 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 freely and to easily sit, stand and lie in a normal position; and
 - (c) protection from the direct rays of the sun.

Grounds for Impoundment

- 14(3) Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without necessary food, water, shelter or attention, for more than fifteen consecutive hours; or is being wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subjected to pain or discomfort, is unduly exposed to cold, heat, or overcrowding either in an enclosure, or in transit, the Animal Control Officer or designate may by force, if necessary, open and enter into any place in which the animal is so impounded, yarded, or confined, supply the animal with necessary food, water, shelter, and attention, as long as it remains in that place; or, if he deems it necessary, to remove the animal; and recover from the owner of the animal the amount of the expense necessarily incurred by him for food, water, shelter and attention.

The Animal Control Officer or his designate are not liable for any entry or removal of animals under this section. Where action is taken under this section by the Animal Control Officer, in addition to the provisions of impoundment charges, the owner of an ill-treated animal may be

charged with contravention of this bylaw and be subject to fines as set out in the City of Dauphin's Fees, Fines and Charges Bylaw.

Teasing, Enticing Prohibited

- 14(4) No person shall tease, entice, bait or throw objects at any animal. Any person found guilty of teasing, enticing, baiting or throwing objects at an animal will be guilty of an offence and liable for contravention of this bylaw and be subject to fines as set out in the City of Dauphin's Fees, Fines and Charges Bylaw.

PART VI: GENERAL PROVISIONS

Offenses under this Bylaw

- 15(1) For greater certainty and without limiting the generality of the requirements of this bylaw and without limiting the fact that the failure to comply with any provision of this bylaw is an offence, the following specific matters shall also constitute offences under this bylaw.
- (a) Allowing or failing to prevent a dog, cat or domestic pet from running at large or causing a nuisance;
 - (b) Keeping or harbouring dogs or cats in excess of the maximum number permitted by this Bylaw without a properly issued kennel permit contrary to section 6 of this Bylaw, notwithstanding section 5(c) of this Bylaw of dogs/cats placed in temporary foster homes;
 - (c) Failing to comply with the conditions imposed upon a validly issued kennel permit;
 - (d) Failing to comply with any one or more of the provisions of section 7 or section 8 of this Bylaw;
 - (e) Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person or animal to the Animal Control Officer;
 - (f) Failing to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);
 - (g) Keeping or harbouring any wild animal or other restricted animal within the City of Dauphin.
 - (h) Failing to properly vaccinate a dog or cat against rabies;
 - (i) Failing to comply with the requirements of subsection 9(1) of this Bylaw in relation to any domestic pet;
 - (j) Failing to comply with any requirements of Part IV of this Bylaw in relation to an aggressor animal or a dangerous animal;
 - (k) Defacing or removing a sign required to be posted under subsection 11(9)(b) or subsection 12(2)(e) of this Bylaw;

- (l) Failing to comply with any of the requirements of Part V of this Bylaw in relation to any restricted animals.
 - (m) Failing to provide an animal with basic animal care requirements.
- 15(2) A person who contravenes any of the provisions of this Bylaw by:
- (a) doing any act or thing which the person is prohibited from doing, or
 - (b) failing to do any act or thing the person is required to do, is guilty of an offence.

Tickets and Penalties

- 15(3) Where an Animal Control Officer or an RCMP Officer, City designate, or their designate, believes that a person has contravened any provision of this Bylaw, a violation ticket may be issued in accordance with this Bylaw.
- 15(4) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

Interference with Enforcement

- 15(5) It shall be an offence under this Bylaw for a person to interfere or obstruct any attempt by the Animal Control Officer, Poundkeeper, any Peace Officer, 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 Poundkeeper, 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 Bylaw.
- 15(6) It shall be an offence under this Bylaw:
- (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

- 15(7) Any resident of the City of Dauphin may apprehend and confine an animal which is running at large on his property, provided that he shall immediately inform the Animal Control Officer, Poundkeeper or the City Manager of the apprehension and confinement, and the Animal Control Officer shall as soon as practical, attend upon the property to take possession of and impound the animal.

Right of Entry

- 16(1) The Animal Control Officer, Peace Officer, or any other person appointed by the City of Dauphin to enforce the provisions of this Bylaw 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 Bylaw (including,

without limitation, any license or permit issued pursuant to this Bylaw) or to otherwise enforce the provisions of this Bylaw, 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.

- 16(2) 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 at the door of his dwelling upon the request of the Animal Control Officer, to assist the Animal Control Officer to apprehend, quarantine, and impound the said animal.

Complainant Identification

- 17(1) Any person who makes a complaint alleging an offense under this Bylaw must provide the Animal Control Officer his name, address and telephone number. It shall be at the discretion of the Animal Control Officer whether or not to proceed based on an anonymous complaint or information.

Liability

- 18(1) No liability shall attach to the Animal Control Officer, the Poundkeeper, the Council and/or the City of Dauphin in carrying out their respective duties under this Bylaw. Without limiting the generality of the foregoing, no liability shall attach to the Animal Control Officer, the Poundkeeper, the Council and/or the City of Dauphin for any animal destroyed, removed, sold or otherwise disposed of pursuant to the provisions of this Bylaw or killed or injured during the course of its apprehension or impoundment.

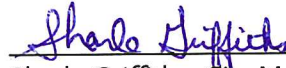
Penalties

- 19(1) Any person who is guilty of an offence under this Bylaw is liable to the fines set out in the Fees, Fines and Charges Bylaw.
- 19(2) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.
- 20 Any fine, cost or charge imposed pursuant to this Bylaw may be collected in the manner in which any tax may be collected by the City. This section is included in this Bylaw and passed in accordance with section 232(1)(o) and section 236(1)(b)(iii) of *The Municipal Act*.
- 21 Bylaw 3839 and any amendments thereto be and are hereby repealed.

DONE AND PASSED as a Bylaw of the City of Dauphin by the Mayor and Council in open session assembled this 23rd day of March 2020.



Allen Dowhan, Mayor



Sharla Griffiths, City Manager

Read a first time this 9th day of March 2020.
Read a second time this 23rd day of March 2020.
Read a third time this 23rd day of March 2020.