

# THE RURAL MUNICIPALITY OF TACHÉ

## BY-LAW NO. 12-2021

**BEING** a By-Law of the Rural Municipality of Taché to provide for the regulating and control of dogs under the authority of *The Municipal Act*.

**WHEREAS** *The Municipal Act CCSM c M225* (the "Act") provides in part as follows:

- A. Section 232(1) provides that a Council may pass by-laws for municipal purposes respecting:
  - (a) the safety, health, protection and well-being of people, and the safety and protection of property;
  - (k) wild and domestic animals and activities in relation to them, including by-laws differentiating based on sex, breed, size, or weight;
  - (o) the enforcement of by-laws.
  
- B. Section 232(2) provides that a council may:
  - (a) regulate or prohibit;
  - (e) subject to the regulations, provide for a system of licenses, permits or approvals...;
  - (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.
  
- C. Section 236(1) provides that a by-law passed under section 232 (2) may include provisions for:
  - (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
  - (b) remedying contraventions of by-laws, including
    - iv. seizing, removing, impounding, confiscating, and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,

**AND WHEREAS** the Council of the Rural Municipality of Taché deems that it is necessary and in the best interest of the public, that dogs should be regulated.

**NOW THEREFORE BE IT ENACTED** as a By-law of The Rural Municipality of Taché, in Council assembled, as follows:

### 1. SHORT TITLE

This by-law shall be referred to as "**The Dog Control By-law**".

### 2. INTERPRETATION

In all parts of this by-law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions *The Municipal Act*.

**3. CONFLICT WITH OTHER BY-LAWS**

Where a provision of this by-law conflicts with a provision of another by-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the public will prevail.

**4. DEFINITIONS**

Unless the context otherwise requires, where used in this By-law:

- 4.1 "Animal" means any creature that is not human;
- 4.2 "Animal Control Officer" means any person duly appointed by the Rural Municipality of Taché pursuant to the provisions of this By-law;
- 4.3 "At Large" unless otherwise defined, means that a dog that is not:
  - (a) securely leashed and in the custody of someone competent to control it;
  - (b) either on its owner's property, or on other property with the consent of the owner or occupant;
  - (c) securely confined in a vehicle or other enclosure;
- 4.4 "Council" means the Council of the Rural Municipality of Taché;
- 4.5 "Dangerous Dog" means a dog which has been declared to be dangerous pursuant to Section 13 of this By-law;
- 4.6 "Dog(s)" means either male or female of the Canine of Canidae family; unless the context otherwise requires includes a "bitch";
- 4.9 "Dog Kennel" means a building or structure or any part thereof or any place or other premises where dogs are boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale;
- 4.10 "License" means a license issued to the owner of a dog pursuant to the provisions of this By-law;
- 4.11 "Municipality" means The Rural Municipality of Taché;
- 4.12 "Owner" includes any person who keeps or harbours a dog within the Municipality;
- 4.13 "Person" means any person, firm, corporation, or partnership;
- 4.14 "Pursue" means to chase, behave in an aggressive or menacing manner to any person or domestic animal;

## 5. DOG LICENSE

- 5.1 An owner of any dog over the age six (6) months must apply to the Municipality for and be issued a license to keep a dog on an annual basis which is valid until December 31 of each year. If a license is issued, the owner's information will be available to the Animal Control Officer in the case that the dog is seized and impounded or found to be running at large.
- 5.2 The owner of any dog or dogs shall ensure that the license issued by the Municipality is securely placed around the neck of the dog at all times.
- 5.3 For the Municipality to issue a license, the owner must provide the Municipality with the following information:
- (a) the breed, age, and any information reasonably required by the Animal Control Officer to administer and enforce this By-law; and
  - (b) the name, address, and contact information for the owner; and
  - (c) payment of the license fee as established in the Municipality's current "Fees and Charges" By-law; and
  - (d) evidence through way of Certificate of Vaccination for rabies, that the dog has been vaccinated within the last thirty-six (36) months; and
- 5.4 Notwithstanding Section 5.3(d), evidence of rabies vaccination will not be required where the dog owner produces a written statement from a licensed veterinarian stating that the dog, for medical reasons, cannot be vaccinated for rabies.
- 5.5 A license issued for any dog cannot be transferred to any other dog or person.
- 5.6 If a dog is deemed dangerous as outlined in Section 13 of this By-law, the owner must produce evidence of a comprehensive and current general liability insurance policy.
- 5.7 The owner shall immediately apply for a replacement license if the license is lost or damaged and shall pay the license fee as referenced within the Municipality's current "Fees and Charges" By-law.

## 6. RESPONSIBILITY OF OWNERS

- 6.1 The owner of a dog shall be responsible for his dog and **shall not**:
- (a) permit the dog to run at large;
  - (b) permit the dog to bark, howl or make a noise on a frequent basis that unreasonably disturbs the peace and enjoyment of people in the surrounding area;

- (c) permit a dog to defecate on property other than the owner's property without immediately removing and disposing the excrement in a sanitary manner;
- (d) permit a dog to damage public or private property other than that of their own;
- (e) permit a dog to damage or scatter the contents of waste receptacles on public or private property other than their own;
- (f) own or keep more than 3 dogs (other than a dog(s) under the age of six months) on a property unless authorized to operate a Dog Kennel as per Section 8 of this By-law;
- (g) own or keep any dog (other than a dog under the age of six months) for which a license has not been issued for the current license year;
- (h) permit a dog to act in a manner that is aggressive, dangerous or places the safety, health, protection, and well-being of people at risk;
- (i) permit the dog to pursue, threaten, bite, or injure a person or animal;
- (j) permit a dog on any school yard or playground or in any area where dogs are prohibited by posted signs;
- (k) allow a dog to chase or bark at any animal, person, or vehicle on a public thoroughfare.

**7. SPECIAL REQUIREMENTS**

- 7.1 No owner shall permit a dog to be anywhere other than on the owner's premises without a collar and the proper license tag and unless the dog is on a leash and is under the immediate charge and control of some competent person.
- 7.2 A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog or taken to a licensed kennel for the whole time in heat.
- 7.3 Any female dog in heat found running at large shall be impounded and shall be subject to the provisions of this By-law.

**8. APPLICATION FOR ADDITIONAL DOG**

- 8.1 Notwithstanding Section 6.1 (f), a person may by written application request to harbour a fourth dog. This application will not be applicable to the operation of a Kennel.
- 8.2 The applicant shall provide evidence from all adjacent neighbours within 300ft of the applicant's property that they have no objection to the application. Permission shall be by written approval from the Chief Administrative Officer. The decision by the Chief Administrative Officer shall be final and not subject to appeal.

**9. DOG KENNELS**

- 9.1 A Dog Kennel shall not be operated unless a Dog Kennel License has been approved and issued by the Municipality.
- 9.2 A Dog Kennel License shall not be issued unless the requirements under the R.M. of Taché's Zoning By-law have been adhered to.
- 9.3 A Dog Kennel License shall expire on December 31 of each year and must be renewed annually.

**10. ANIMAL CONTROL OFFICER**

- 9.1 The Animal Control Officer is the Designated Officer as established by the Council of the Municipality under the Designated Officer By-law and by resolution of Council to administer and enforce this By-law or to remedy contravention of the By-law.
- 9.2 The Animal Control Officer may enter property to carry out the administration and enforcement of this By-law including what actions or measures a person must take in connection with any matter under this By-law, to either remedy or prevent contravention of this By-law.

**11. SEIZURE, IMPOUNDMENT AND REDEMPTION**

- 11.1 A pound shall be established for all dogs captured under the provisions of this By-law. The location of the pound shall be at such place as the Council by resolution from time to time designates. The Animal Control Officer shall keep a record of all dogs captured, impounded, or euthanized under the provisions of this by-law. If a dog is sent to a rescue facility for vetting and potential adoption by the Animal Control Officer, a record shall be kept setting out the name of the rescue facility together with the facility's contact information.
- 11.2 It shall be the duty of the Animal Control Officer to capture and confine in the pound all dogs found running at large contrary to the provisions of this By-law and all dogs for which a license has not been obtained in accordance with the provisions of the by-law.
- 11.3 The owner of any dog captured by the Animal Control Officer may repossess and redeem his dog within 72 hours of the dog's capture by:
  - (a) producing evidence of ownership of the dog to the Animal Control Officer and/or Pound;
  - (b) by paying all costs incurred in capturing and keeping the dog in the pound;
  - (c) paying all outstanding fines or damages relating to the dog; and
  - (d) if the dog is unlicensed, licensing the dog and paying the relevant license fee.

## By-law No. 12-2021 – Dog Control

- 11.4 Upon impounding a dog, the Animal Control Officer shall immediately after the impounding, cause to be posted online and on social media outlets, a notice describing the dog, the sex, the colour and mark of identification if applicable.
- 11.5 If the dog is licensed, then the Animal Control Officer shall notify the registered owner as indicated on the application for license of the impounding.
- 11.6 If a dog, after the expiration of 5 days after its capture, remains impounded, such dog may be surrendered to a rescue or sold. If the Animal Control Officer has reasonable grounds to believe the dog poses a safety concern to other animals or people, or if the Animal Control Officer believes the dog to be ill and for it to be inhumane to prolong the dogs suffering, the Animal Control Officer, with written permission from the Chief Administrative Officer, may humanely euthanize the dog.
- 11.7 If a dog, after the expiration of 10 days after its capture, remains impounded and is unable to be surrendered to rescue or sold, may be destroyed.
- 11.8 The Animal Control Officer or such other person as is authorized by the Chief Administrative Officer, may use an air pistol or firearm equipped with a device to eject tranquilizers or sleep producing drugs into a dog for the purpose of capturing any dog found running at large contrary to the provisions of this By-law, or capturing a dog that has bitten a person or is suspected of being rabid.
- 11.9 The owner of a dog that is captured or impounded is liable for and shall reimburse the Municipality for all costs incurred with respect thereto, including all costs incurred in capturing, impounding, feeding, advertising, or destroying such dog and the Municipality may by By-law add the said costs to the taxes of the owner.
- 11.10 No person or persons shall break open or assist in any manner, directly or indirectly in breaking open the pound.
- 11.11 No person shall remove or attempt to remove any animal or other livestock impounded in the pound and in respect of which there may be unpaid fines, costs, or damages.
- 11.12 No person shall hinder, delay, or obstruct the Animal Control Officer in taking to the pound any dog liable to be impounded.
- 11.13 While an animal is impounded under this By-Law, the Animal Control Officer must ensure that it is properly housed, fed, and cared for.

**12. DOG BITE**

- 12.1 The Animal Control Officer may seize and impound any dog that bites a person or require that the dog be forthwith delivered to the Pound or to such other place as the Animal Control Officer direct. A dog seized and impounded or delivered or taken to the Pound or other place shall be kept there at the expense of the owner for a period of ten (10) days from the date of the bite.

- 12.2 Acting upon the advice of a licensed veterinarian who has examined the dog, and with consent of the public health authorities, and dependent upon the severity of the bite, the dog may be released back to the Owner if:
- (a) proof of rabies vaccination within thirty-six (36) months of the date of the bite has been provided to the Animal Control Officer;
  - (b) the owner takes measures to ensure the dog is quarantined on the owner's premises to avoid all direct contact with other animals and persons except the owner and confined in such a manner to prevent escapes;
  - (c) the owner shall post signs at the entrance to the premises and at the area of confinement, signs which read "Beware – Dog Bites"
  - (d) the owner reports to the Animal Control Officer and/or submits the dog for veterinary examination once the ten (10) day quarantine period had elapsed;
  - (e) the Owner pays all fees and costs associated with the seizure, impoundment, confinement, signage, veterinary fees, etc.
- 12.3 Any dog licensed or unlicensed thought to be rabid shall be isolated for a period of ten (10) days. If during that time the dog dies, and if directed by Manitoba Agriculture, Food and Rural Development, the dog shall be examined for rabies, at the owner's expense.

### **13. DANGEROUS DOGS**

- 13.1 Where the Animal Control Officer has reason to believe that a dog has caused or is likely to cause serious damage or injury, the Animal Control Officer shall hold a hearing to determine whether that dog should be declared to be dangerous.
- 13.2 The Animal Control Officer shall give written notice of such hearing to the owner of the dog at least seven (7) days in advance of the hearing by serving a notice upon the owner or by mailing same by registered mail to the owner's last known address. The notice shall include:
- (a) a statement of the time, place, and purpose of the hearing;
  - (b) a copy of this By-law;
  - (c) a statement that if the owner does not attend the hearing, the matter may be dealt with, in his/her absence and that he/she will not be entitled to any further notice in the proceedings.

- 13.3 If the Owner is unknown or cannot be located, the Animal Control Officer shall make a reasonable attempt to notify the Owner by posting a notice in the office of the Municipality describing the dog and the date of the determination hearing.
- 13.4 The owner may appear at the hearing with or without counsel and may call witnesses on his/her behalf. The owner shall be entitled to hear all the evidence presented at the hearing and to inspect any documents filed.
- 13.5 After the hearing, the Animal Control Officer shall issue written findings resulting from the hearing and if the dog is so found, shall make an order declaring the dog to be dangerous and provide a copy of such finding and order to the Municipality and the owner.
- 13.6 In reaching the decision, the Animal Control Officer shall take into consideration the following factors:
  - (a) Whether or not the dog has attempted to or caused injury to a person, without provocation, whether on public or private property;
  - (b) Whether or not the dog has, while off its owner's property, killed or injured a domestic animal without provocation; or
  - (c) The circumstances surrounding the injury of such person or animal;
  - (d) Whether or not the dog has previously bitten, wounded or injured any person or animal;
  - (e) The circumstances surrounding any previous biting or wounding incidents; and
  - (f) Whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, person upon the street, sidewalk or any public or private property;
- 13.7 If the Animal Control Officer declares a dog to be dangerous, the officer shall concurrently decide whether the dog should be destroyed or released to the owner with conditions as set out in Section 13.
- 13.8 The Animal Control Officer may require every Owner of a dog that has been declared dangerous to:
  - (a) obtain a license for a dangerous dog and pay the fee set out in the current "Fees and Charges" By-law;
  - (b) cause the dog to be tattooed upon the ear with clearly identifiable information as required by the Animal Control Officer;



- (c) Ensure that the dog is kept, while on private property, either securely confined indoors or in a securely enclosed and locked pen, structure, or compound which:
    - i. can prevent the entry of young children and preventing the dog from escaping;
    - ii. has minimum dimensions suitable for the size of dog as prescribed by the Animal Control Officer;
    - iii. has secure sides; and
    - iv. provides protection from the elements for the dog.
  - (d) permit the dog upon public property only if muzzled, restrained on a leash no longer than six (6) feet in length and under the direct and continuous charge and effective control of a responsible person;
  - (e) display in a conspicuous location at each entrance to the property or building in or upon which the dog is kept, a sign stating: "Beware of Dangerous Dog". The Sign shall be posted in such a manner that it cannot be removed easily by passers-by and is visible and capable of being read from the sidewalk or street or land outside the premises;
  - (f) within three (3) days of selling or giving away the dangerous dog, provide the name, address, and telephone number of the new owner to the Animal Control Officer;
  - (g) advise the Animal Control Officer, immediately if the dog is missing, running at large, or has bitten, worried, or attacked any person or animal;
  - (h) maintain in force to the satisfaction of the Animal Control Officer a comprehensive liability insurance policy including coverage for damage or injury caused by the dog with a minimum limit of liability of \$500,000.00 per occurrence;
  - (i) Other such conditions as deemed appropriate by the Animal Control Officer.
- 13.9 The owner may, within ten (10) days of receiving notice that his/her dog has been declared to be dangerous, advise the Animal Control Officer in writing that they wish to appeal against the order, whereupon the Animal Control Officer shall forthwith submit the matter to the Council of the Municipality.
- 13.10 Where an appeal is filed as provided in Section 13 herein, the Council of the Municipality shall hold a hearing to determine whether the order of the Animal Control Officer should be upheld.
- (a) Upon hearing all representatives in the matter, the Council may confirm or reverse the order of the Animal Control Officer declaring the dog to be dangerous.
  - (b) The decision of the Council on an appeal under this subsection shall be final.

13.11 Where a dog is declared to be dangerous by the Animal Control Officer; and;

(a) no appeal is filed pursuant to subsection 13.9 hereof, or

(b) upon appeal, the declaration is confirmed by the Council,

any license previously issued in relation to that dog shall be deemed to have been canceled effective as of the tenth day following the order of the Animal Control Officer or the date of the Council, as applicable.

13.12 Every owner who has received notification from the Animal Control Officer that a hearing will be held with respect to their dog, shall if the dog is not impounded or in the custody of a veterinarian, ensure that his dog remains confined upon the premises of the owner pending the outcome of the hearing.

13.13 Notwithstanding the above, where a dog has been declared to be a dangerous dog by another jurisdiction in Manitoba, such declaration will be adopted by the Animal Control Officer without a hearing.

#### **14. INTERFERENCE WITH ENFORCEMENT:**

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

#### **15. RIGHT OF ENTRY**

15.1 The Animal Control Officer or any other person appointed by the Municipality to enforce the provisions of this By-law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending an animal running at large, to ensure compliance with this By-law, including, without limitation, any license or permit issued pursuant to this By-law or to otherwise enforce the provisions of this By-law, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.

15.2 The Animal Control Officer or any other person authorized by this By-law may capture and impound any dog in respect of which he believes or has reasonable grounds to believe that an offense under this By-law is being or has been committed by any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Manitoba or any regulation made there under.

15.3 The Animal Control Officer when required to seize a dog under this by-law, if refused entry or access to the dog by the owner or occupant, may apply to a Magistrate or Justice of the Peace for a Search Warrant for the purpose of seizing and impounding the dog.

**16. COMPLAINANT IDENTIFICATION**

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

**17. GENERAL PENALTIES**

17.1 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law is guilty of an offense and liable, to a penalty as referenced within the Municipality's "Provincial Offences Act (POA) By-law".

17.2 Where an infraction of any of the provisions of this By-law continues for more than one day the person is guilty of a separate violation each day such infraction continues.

17.3 Notwithstanding any other section of this By-law, where an order for the destruction of an animal is being sought under the provisions of The Animal Liability Act, the said animal shall be impounded, at the owner's expense, until the order is granted or refused.

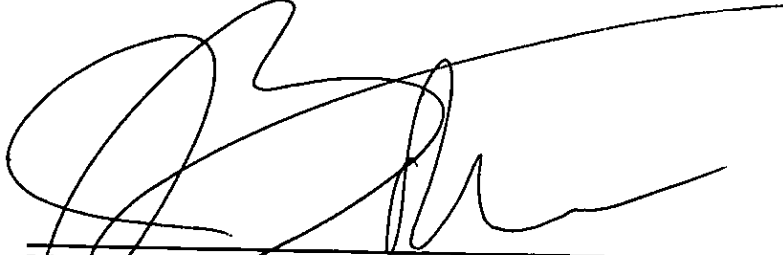
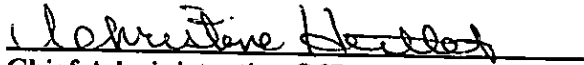
**18. REPEAL**

THAT, By-law No. 9-2008, of The Rural Municipality of Taché is hereby repealed.

**19. COMING INTO FORCE**

This By-law shall be deemed to have come into force and take effect on the day after it is passed by Council.

**DONE AND PASSED** in open Council assembled at the Council Chambers in The Rural Municipality of Taché, Province of Manitoba, this 28<sup>th</sup> day of September, A.D. 2021.

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Chief Administrative Officer

**READ** a First time this 14<sup>th</sup> day of September, A.D. 2021.

**READ** a Second time this 14<sup>th</sup> day of September, A.D. 2021.

**READ** a Third time and **PASSED** this 28<sup>th</sup> day of September, A.D. 2021.