

R.M. of ELLICE - ARCHIE
BY-LAW #03-2022
ANIMAL CONTROL

A BY-LAW TO REGULATE AND CONTROL ANIMALS WITHIN THE RURAL MUNICIPALITY OF ELLICE - ARCHIE

WHEREAS Section 231(b), 232(1)(k), and 236 of the Municipal Act authorizes a council of any municipality to pass by-laws regulating wild and domestic animals and activities in relation to them;

AND WHEREAS Section 130 of the Municipal Act authorizes the establishment of a position to carry out the powers, duties and functions of a designated officer under a by-law, the Municipal Act or any other Act;

AND WHEREAS Sections 239,240,244 and 245 provide for inspection, remedying, and enforcement of by-laws, the Municipal Act or any other Act;

AND WHEREAS the Council of the Rural Municipality of Ellice – Archie deems it necessary and in the best interests of the residents of the Municipality to enact such a by-law;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Ellice – Archie, in meeting assembled, enacts as follows:

PART I - DEFINITIONS

- 1.0 In this by-law, unless the context otherwise requires:
- (a) **“Animal Control Officer”** means the person appointed by the Rural Municipality of Ellice – Archie under Part II to carry out the enforcement of this by-law;
 - (b) **“At Large”** as applied to a dog or cat means off the premises where the Owner resides or carries on business and not under the control of a person competent to control it;
 - (c) **“Cat”** means any feline, male or female;
 - (d) **“Dog”** means any canine, male or female;
 - (e) **“Domestic Pet”** means any animal other than a dog or cat that has been domesticated and is kept or harboured within the municipality;
 - (f) **“Owner”** means any person who keeps or harbours a dog or cat;
 - (g) **“Pound”** means any enclosure, premises or place designated by a resolution of the Council of the Rural Municipality of Ellice – Archie for the purposes of impounding and caring for all animals impounded under this or any other by-law of the Rural Municipality of Ellice – Archie;
 - (h) **“Town Sites”** means the Town sites referred to as the villages of St. Lazare, McAuley and Manson;

PART II – ANIMAL CONTROL OFFICER

- 1.0 The position of Animal Control Officer is established as a designated officer for the purposes of the enforcement of this by-law. The Animal Control Officer shall have the powers, duties and functions provided for in this by-law and those set out in sections 239, 242, and 245 of the Municipal Act for the enforcement of this by-law. Council may appoint the Animal Control Officer by resolution.
- 2.0 The Council of the RM of Ellice – Archie will make every attempt to appoint an Animal Control Officer. In the event the RM is unable to establish the services of an Animal Control Officer, the seizure of an animal by the municipality will not be possible. All other components of this by-law will still apply.

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PART III - SPECIAL RESTRICTIONS

- 1.0 Every owner of a female dog or cat in heat shall keep her confined and housed in the residence of the owner for the period of time that she is in heat or cause her to be kept in a licensed kennel for the period of time in heat.
- 2.0 No householder or property owner shall own, possess or harbour, on their premises within the Rural Municipality of Ellice – Archie, any more than four (4) dogs or cats over six (6) months of age.
- 3.0 The owner / operator of a Kennel shall obtain written approval from the Council and must adhere to the Municipality's Zoning By-Law in order to be operated within the Rural Municipality of Ellice – Archie.

PART IV - RESPONSIBILITY OF OWNERS

- 1.0 No owner shall:
 - (a) permit his dog or cat to run at large;
 - (b) permit his dog or cat to unduly disturb the quiet of others;
 - (c) permit his dog or cat to defecate on any public or private property other than the property of its owner, the owner shall cause such excrement to be removed immediately;
 - (d) permit his dog or cat to damage public or private property other than that of its owner;
 - (e) permit a dog or cat on a school ground or playground when in use without a leash and under the control of a person competent to control it;
 - (f) permit a dog to bite or wound any person or animal, whether or not the bite breaks the skin;
 - (g) harbour or keep a dog that has previously been impounded under this by-law for biting a person or animal, or dogs whose owner has previously been convicted of an offence for contravention of subsection (1)(f) in respect of the dog, unless such dog is securely fastened or properly muzzled or kept within an enclosure so constructed as to prevent the escape of the dog and entrance of innocent persons, and in such manner that it does not endanger the safety of any person or any other animal;
 - (h) it is the responsibility of the dog owner to have the animal vaccinated against rabies and be able to produce such proof upon request;

PART V – ILL-TREATED ANIMALS

- 1.0 No owner shall permit an animal to be impounded, fenced or confined without necessary food, water, or attention, or wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subject to pain or discomfort, or unduly exposed to cold or overcrowding.
- 2.0 Where an animal is ill treated under this by-law, an Owner shall be deemed to have permitted it

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PART VI - COMPLAINTS

- 1.0 Anonymous complaints are not accepted. Any person who makes a complaint alleging an offence under this by-law against another person shall do so in writing to the CAO or Animal Control Officer and provide his/her name, address and telephone number before any action, or legal proceedings is taken.

PART VII - ENFORCEMENT

- 1.0 The Animal Control Officer is authorized to seize and impound a dog or cat for a violation of Part III, IV(1)(a, b, f, g) and V of this by-law.
- 2.0 Upon impounding a dog or cat, the Animal Control Officer shall serve a written notice to the Owner thereof containing the following:
(a) a description of the impounded dog or cat;
(b) the day and time and place of the capturing;
(c) a copy of the provisions of Part IV hereof
- 3.0 The Animal Control Officer shall keep the dog or cat impounded for at least seventy-two (72) hours (3 days). If not claimed and redeemed by the owner at the expiration of 3 business days, (including the day of service), the dog or cat may be turned over to an Animal Rescue Organization, or may be sold for an amount not less than the applicable pound fees, or cause the dog or cat to be disposed of or destroyed.
- 4.0 Despite subsections (1-3), for a violation of Part IV(1)(g), where the dog has previously been impounded for biting a person or animal, or where the dogs Owner has previously been convicted of an offence for contravention of Part IV(1)(g) in respect of the dog, the Animal Control Officer is authorized to seize and destroy the dog.
- 5.0 Despite subsections (1-3), for a violation of Part V, the CAO may instruct the Animal Control Officer to turn the animal over to an Animal Rescue Organization. If such an organization is unable to take the animal for whatever reason, the Animal Control Officer may sell, dispose of or destroy the dog or cat.
- 6.0 Despite subsections (1-3), if it has been determined by a Doctor of Veterinary Medicine that the dog or cat which has been impounded is "feral" and that holding the animal for the 3-day waiting period will put the individuals at the Veterinarian Clinic at risk, the feral animal can be destroyed prior to completion of the 3-day waiting period.
- 7.0 All dogs or cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under "The Public Health Act" and shall be seized, quarantined and confined separate and apart from other dogs/cats. If the said animal is well after the required quarantine period of ten (10) days, it can be released to its Owner. If the animal dies within the quarantine period, the dead animal shall be taken to a Doctor of Veterinary Medicine for further examination.
- Any dog or cat that bites or scratches a human shall be quarantined for 10 days at the Owner's expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.
- If it is determined that a dog or cat has rabies it shall be destroyed by a Doctor of Veterinary Medicine and the diagnosis confirmed.
- 8.0 The Animal Control Officer shall provide sufficient food, water and shelter to every dog or cat captured and impounded during the time such dog or cat remains impounded.
- 9.0 The Animal Control Officer is authorized to carry out any inspection necessary to enforce this by-law. For the purpose of investigating, taking into custody or impounding any dog or cat the Animal Control Officer shall have the right to enter public or private property and to use whatever methods are reasonably necessary. No person shall

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interfere or attempt to obstruct the Animal Control Officer who is attempting to capture or who has captured any dog or cat in accordance within the provision of this by-law.

- 10.0 The costs of an action or measure taken by the Municipality in enforcing this by-law is an amount owing to the Municipality by a person who contravenes this by-law.
- 11.0 No liability shall attach to the Animal Control Officer, the CAO, or the Municipality for any dog or cat destroyed or injured while being captured or during impoundment.

PART VIII - REDEMPTION

- 1.0 The Owner of any dog or cat impounded, except where provided otherwise in this by-law, may redeem the dog or cat at the place of impoundment provided that the animal impounded has not been sold or disposed by paying all costs related to the impoundment. Any person claiming or redeeming an impounded dog shall provide proof of a current vaccination against rabies. If such proof is not provided, the owner shall be required to pay the cost of the rabies vaccination.

PART IX - PENALTIES & CHARGES

- 1.0 No person shall interfere with, or obstruct the enforcement of, any provision of this by-law by the Animal Control Officer, the CAO or an employee of the Municipality.

PART X - PENALTIES & CHARGES

- 1.0 Any person who contravenes a provision of the by-law is guilty of an offence, and except as otherwise provided in this section, is liable on summary conviction to a fine of not less than \$25.00 and not more than \$1,000.00.
- 2.0 Impoundment fees:
 - (a) First impoundment: the sum of \$50.00 plus \$10.00 for each day, or any part thereof, the dog or cat has been impounded.
 - (b) Second impoundment: the sum of \$100.00 plus \$10.00 for each day, or any part thereof, the dog or cat has been impounded.
 - (c) Third or subsequent impounding: the sum of \$150.00 plus \$10.00 for each day, or any part thereof, the dog or cat has been impounded.
- 3.0 An owner who contravenes Part IV(1)(f) is liable on summary of conviction:
 - (a) For a first offence to a fine of \$100.00
 - (b) For a second offence to a fine of \$200.00
- 4.0 An owner who contravenes Part IV(1)(c) is liable on summary of conviction or each occurrence to a fine of not less than \$25.00, nor more than \$100.00.
- 5.0 In addition to a fine and costs, for a contravention of any provision of this by-law, a person is liable to a penalty equal to the costs of the actions or measures taken by the Municipality in enforcing this by-law, including the costs incurred in the prosecution of an offence. An amount imposed by way of a fine, costs and a penalty for a contravention of any provision of this by-law, may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

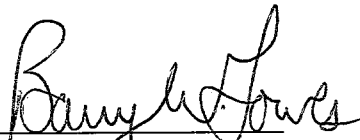
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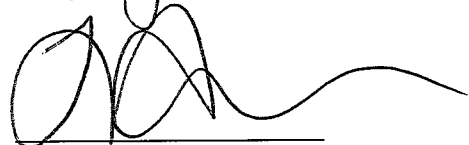
PART XI - RECORDS

- 1.0 The Animal Control Officer is to keep a record of every dog or cat impounded or destroyed. Such record will show the description and particulars of the dog or cat, the day and hour of impounding, redemption or sale or disposition, the name and address of the Owner (if available), the amount of all fees, fines and charges and of all monies received and expended in respect of such dog or cat, and any other particulars as the CAO shall direct. All monies collected shall be remitted to the CAO along with such reports and statements as the CAO may request.

That RM of Archie By-Law #1511 is hereby repealed.

DONE AND PASSED as a by-law of The Rural Municipality of Ellice - Archie at McAuley in the Province of Manitoba this April 18th, 2022.


Barry Lowes, Reeve


Trisha Huberdeau, CAO

Read a first time this 10th day of March 2022.

Read a second time this April 18th, 2022.

Read a third time this April 18th, 2022.