

THE RURAL MUNICIPALITY OF PRAIRIE LAKES

BY-LAW NO. 8, 2019

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PRAIRIE LAKES TO AMEND BY-LAW 23, 2015, TO REGULATE THE LICENSING, KEEPING AND IMPOUNDING OF DOGS AND CATS.

**WHEREAS** Section 232(1) of *The Municipal Act* (L.M. 1996) authorizes a Council to 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 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.

**AND WHEREAS** Section 130 of *The Municipal Act* (L.M. 1996) states that a Council may by By-Law establish one or more positions to carry out the powers, duties and functions of a designated officer under a By-Law or this or any other *Act* and may give each such position any title the Council considers appropriate.

**AND WHEREAS** Section 85 (1) states 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 designated Officer, unless the By-Law or *Act* otherwise provides.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of The Rural Municipality of Prairie Lakes, in open council assembled, enacts as follows:

1. Short Title  
This By-Law may be referred to as “The Dog/Cat By-Law”
2. Application  
**This By-Law shall apply to and encompass the entire Municipality of Prairie Lakes.**
3. Definitions
  - a) “Dog” means all species of the animal commonly known as dogs, male and female., as well as the type of every breed or classification or mixture of breeds;
  - b) “Cat” means a male or female cat that is over sixteen (16) weeks of age;
  - c) “Owner” includes any person who keeps or harbours or has custody of a dog or cat;
  - d) “Stray Dog” means any unlicensed dog not under the control of the owner or keeper;
  - e) “Run at Large” or “Running at Large” means that a dog or cat is:
    - i) Not in direct or continuous charge of a person competent and capable of controlling the dog or cat;
    - ii) Not securely confined within an enclosure or otherwise so that it is unable to roam at large;
    - iii) Running around on property without the consent of the owner of the property;
  - f) “Person” includes corporation, firm, partnership and association;
  - g) “Police Officer” means any member of the Royal Canadian Mounted Police on

duty in the Rural Municipality of Prairie Lakes;

- h) "Pound" means any premises where dogs or cats are confined in accordance with the provisions of this by-law;
- i) "Pound Keeper" means a person appointed to have charge and supervision over a pound in accordance with the provisions of this by-law;
- j) "Animal Control Officer" shall mean any person duly authorized by resolution of the Rural Municipality of Prairie Lakes to act as an animal control officer to enforce this By-Law;
- k) "Authorized Judicial Officer" shall mean a provincial judge, magistrate, justice of the peace, a medical examiner or qualified medical practitioner;

#### 4. Appointment of Animal Control Officer

- a) The Rural Municipality of Prairie Lakes appoints a position known as "animal control officer" and may from time to time designate such person or persons by resolution as an animal control officer;
- b) The Rural Municipality of Prairie Lakes may delegate to any animal control officer so appointed under this By-Law or any police officer the powers, duties and functions necessary for the maintenance and enforcement of this By-Law;
- c) The Rural Municipality of Prairie Lakes may from time to time appoint a person or persons to have charge and supervision over a pound in accordance with the provisions of this *Act* and so empowers such a person or persons to carry on the duties of a pound keeper under this *Act*;
- d) The Rural Municipality of Prairie Lakes may from time to time, by resolution, designate such areas within or outside the boundaries of the Rural Municipality of Prairie Lakes as a pound;

#### 5. License

- a) No owner, possessor or harboring of any dogs four (4) months of age shall be in possession of it unless such dog has been licensed for the current year. A tag shall be issued at the time of licensing and such tag shall be affixed at all times to a collar worn on the neck of the dog. No other tag purporting to show it is licensed is permitted to be attached to the collar;
- b) No license shall be required on any cat. However, the owner of any cat must identify the cat in such a manner that it can be recognized as a domestic pet either through tags, ear tattoo, or microchip. Any cat with no identification shall be deemed a stray;
- c) The annual license fee to be charged for all species or breeds of dogs, owned possessed, or harbored by any person, excepting seeing eye dogs and used for police work, shall be Five (\$5.00) dollars for any spayed or neutered and Twenty (\$20.00) dollars for all others. Proof of neutering or spaying shall be by certificate of a licensed veterinary surgeon to that effect;
- d) The license fee hereby imposed shall be due payable on the first of January in each year and shall expire on the 31<sup>st</sup> day of December in the year in which the license is levied and paid;
- e) No license issued under provisions of this By-Law is transferrable to another dog;
- f) Where the owner reports that a tag has been lost or stolen and the Chief Administrative Officer is satisfied that the owner has complied with the provisions of this by-law, the Chief Administrative Officer may issue a duplicate license to the owner upon payment of Five (\$5.00) dollars;

## 6. Rabies Vaccination

Every dog over the age of Four (4) months shall be vaccinated against rabies, which vaccinations shall be repeated at intervals of no more than Two (2) years. Proof of vaccination against rabies must be produced when application for the license is made. Vaccination tags shall be affixed at all times to a collar of the neck of the dog.

## 7. Prohibitions

- a) No owner of any dog or cat shall permit it to run at large at any time; except in designated leash less areas, if any;
- b) No owner of any dog or cat shall permit it to be on any ground or premises of any school whether on leash or under complete control except for a dog used as a Seeing Eye dog by those who are visually impaired.
- c) No owner of any dog or cat shall permit it to be on or in any public thoroughfare, highway, public place, public buildings or park, unless it is on a leash;
- d) No owner of any dog or cat shall permit it 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;
- e) A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control over the animal for the period of time that she is in heat, or taken to a licensed kennel for the whole period of time in heat;
- f) Any owner of any dog or cat who permits it to disturb the quiet of others by howling, barking or meowing continuously is guilty of an offence;
- g) Any owner whose dog or cat is found chasing or barking at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare is guilty of an offence;
- h) Any person found guilty of teasing, enticing, baiting or throwing objects at a dog or cat confined within its owner's property is guilty of an offence;
- i) No person shall own, keep, possess or harbour more than three (3) dogs and/or two (2) cats over the age of sixteen (16) weeks, within or about one residential unit, regardless of whether that person is the owner of the animals.

## 8. Impounding Facilities Regarding Dogs

- a) The Rural Municipality of Prairie Lakes shall provide for the boarding of impounded dogs at the facilities that may be designated pounds by resolution;
- b) The Rural Municipality of Prairie Lakes shall pay the pound keeper for boarding the dogs on behalf of the Rural Municipality of Prairie Lakes;
- c) The animal control officer or any police officer may capture or seize any dog found running at large contrary to the provisions of this By-Law, or any dog for which a current license has not been obtained and maintained which dog shall be impounded and lodged at the facilities provided for in this By-Law;
- d) Where a dog is taken into custody by, or delivered to a police officer or an animal control officer, the Rural Municipality of Prairie Lakes shall give notice to the owner of the dog thereof if the owner is known and the dog shall not be sold unless it has remained in the pound for 10 days or the owner has been given notice;
- e) If such dog impounded has not been claimed, redeemed or sold in accordance with the provisions of this by-law a peace officer or an animal control officer acting on behalf of the Municipality may apply to an authorized judicial officer for an order directing that the dog be destroyed.

## 9. Redemption

- a) Any owner of a dog or cat whose dog or cat has been impounded may get his

animal redeemed from the pound keeper upon payment of transportation costs and all boarding expended for each dog or cat. The pound keeper shall credit the same to the account the Rural Municipality of Prairie Lakes;

- b) The pound keeper shall keep a record of all dogs or cats impounded or boarded and of the disposition made of same and shall make a monthly return to the Chief Administrative Officer of the Rural Municipality of Prairie Lakes;
- c) Any charges referred to in this By-Law shall be charged against the animals owner and shall be payable on redemption or purchase of the said animal in addition to all other charges or payments. If no owner is found, the Rural Municipality of Prairie Lakes will pay for any storage fees, or fees associated with euthanizing the animal.

10. Cat Traps

Any person who wishes to obtain a humane cat trap from the Rural Municipality of Prairie Lakes to apprehend a cat running at large must:

- i) Provide his/her name address and telephone number
- ii) Agree to comply with terms and conditions of use governing the capture, treatment, and disposal of any trapped cats
- iii) Pay a refundable deposit of 25% of the cost of the cat trap

11. Terms & Conditions Governing Capture, Treatment & Disposal of Cats

- a) Once a cat is trapped, the owner of the cat must be notified. If the cat has no apparent owner, it must be immediately transported by the person who has obtained the cat trap to the pound;
- b) In the event that the cat has been impounded and is not redeemed or sold with the expiration of (5) business days after its capture, the animal shall be euthanized by a Veterinarian.

12. The Chief Administrative Officer shall keep a record of all dog licenses imposed and tags issued under the provisions of this By-Law by showing the name of the owner or possessor of each dog and shall number the tag issued in respect to each dog, and shall account for monies received as dog licenses.

13. Any person who, without lawful excuse, removes a collar or tag from any dog or cat which the tag was issues shall be guilty of an offense under this by-law.

14. All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under "*The Public Health Act*"

15. Any person violating any of the provisions of this By-Law shall be liable on summary conviction to a fine not exceeding Twenty-Five (\$25.00) dollars for the first offence and to a fine not exceeding Fifty (\$50.00) dollars for a second or subsequent offence, (*Max. 3 offences*) together with costs, or imprisonment for a period not exceeding One (1) month or to both such a fine and imprisonment. Where contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues. *By-Law Officers will be notified, and any cost incurred is at the offenders' expense.*

16. Any person making a complaint against any dog must give to the animal control officer, town designate, or peace officer his or her name, address and telephone number and sign the complaint form before any action will be taken to either impound a dog or cat or to institute any legal proceedings.

17. Any animal from outside the area will be treated the same as resident animals.

18. REPEAL  
By-Law No. 23, 2015 is hereby repealed.

EFFECTIVE DATE

19. This by-law shall come into effect the day after approval and passing by Council.

DONE AND PASSED in Council assembled in the Council Chambers of the R.M. of Prairie Lakes in the Province of Manitoba this 11th day of June, 2019.

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Reeve.

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Chief Administrative Officer.

Read a first time this *14<sup>th</sup> day of May, 2019*  
Read a second time this *14<sup>th</sup> day of May, 2019*  
Read a third time this *11<sup>th</sup> day of June, 2019*