

RURAL MUNICIPALITY OF PRAIRIE LAKES

BY-LAW NO. 22, 2015

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PRAIRIE LAKES FOR ALLOWING RESTRAINING, PROHIBITING AND REGULATING THE RUNNING AT LARGE OR TRESPASSING OF ANIMALS AND FOWL AND PROVIDING FOR IMPOUNDING THEM.

WHEREAS *The Municipal Act* S.M., 1996, C.58(the ‘Act’) provides, in part, as follows:

- 232(1) “A Council may pass by-laws for Municipal purposes respecting the following matters:
- (a) The safety, health, protection and well-being of people, and the safety and protection of property;
 - (k) wild and domestic animals and activities in relation to them...”

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Prairie Lakes, in the Province of Manitoba, in open meeting duly assembled, hereby enacts as follows:

1. Title

This By-Law shall be referred to as the “Poundkeeping” by-law.

2. Definitions:

Where used in this By-Law, the following terms shall have the following meaning:

- (a) “Animal” means any creature that is not human, but does not include a dog, domestic Cat, or exotic animal;
- (b) “Owner” is in relation to an animal and includes a person who harbours the animal;
- (c) “Running at Large” in relation to an animal means not being under direct, continuous and effective control of the owner or a person competent to control it, or not securely confined within an enclosure or otherwise so that it is unable to roam at will;
- (d) “Municipality” means the Rural Municipality of Prairie Lakes.

3. Running At Large Animals

- (a) No owner or person in charge of an animal shall allow it to run at large or trespass within the boundaries of the Municipality at any time;
- (b) The owners of any animal running at large within the Municipality shall be liable for any damage caused by it;
- (c) No person shall leave open any gate or let down any bar or make a gap in any fence in the Municipality for the purpose of permitting any animal to trespass or in any way cause any animal to trespass.

4. Appointment of Poundkeepers

- (a) The council of the Municipality may by resolution, from time to time, appoint and remunerate one or more Poundkeepers, resident within or outside the boundaries of the Municipality, to hold office for a term indefinite or until his/her or their successors are appointed.

5. Duties of Poundkeeper

- (a) Each Poundkeeper shall, at his/her own expense, provide premises within or outside the Municipal boundaries for the enclosure and safe keeping of any animal or animals impounded, and shall keep such premises clean and in good repair, but shall not be liable for any loss other than attributable to his/her negligence or default;

- (b) The Poundkeeper shall impound any animal running at large or found trespassing within the Municipality and shall detain same until the owner thereof has paid any costs unless sooner sold as herein provided;
- (c) Where an animal is impounded and not claimed by the owner within forty-eight (48) hours after impoundment, the Municipality shall cause to be inserted in one issue of a newspaper published in Manitoba, and circulated in the Municipality, a notice as per Schedule "A", describing the animal, the age as near as possible, sex and colour, and any brand or other marks of identification;
- (d) Notwithstanding a demand for the release of any animal so impounded, made by the owner thereof, such animal shall be held by the Poundkeeper for a period of forty-eight (48) hours following such impoundment, and if no notice of claim for any loss or damage occasioned by such animal is made to the Poundkeeper within such time, the Poundkeeper may forthwith deliver up such animal to the owner upon payment of the costs and expenses of such impoundment;
- (e) No Poundkeeper making a sale under the provisions of this By-Law shall be liable to the penalties for selling without a license as an auctioneer;
- (f) The Poundkeeper, acting on behalf of the Municipality shall immediately after each sale, send to the Chief Administrative Officer of the Municipality a description of the animal sold, the date of the sale, the amount realized, and shall give the Chief Administrative Officer any proceeds arising from the sale.

6. Reimbursement of Costs

- (a) If more than one animal is impounded and the owner thereof is known, the Municipality shall not sell any more of such animals after he/she has realized from sale sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals, and the owner of the animals is unknown, the Municipality shall sell all the animals impounded;
- (b) In the event of the proceeds of the sale under the last preceding section not being sufficient to pay the expenses in full, the Council shall reimburse the Poundkeeper for any expenses, including the allowable sustenance charges, incurred by him/her and the owner of the animal shall be liable for payment of the deficiency and if same remains unpaid, such amount may be added to the tax roll in the name of the owner;
- (c) Nothing herein contained shall prevent the owner of any lands trespassed upon or of any property destroyed waiving right arising under the By-Law and bring his/her action in any competent court in consequence of any trespass.

7. Unclaimed Animal/s

- (a) If an impounded animal has not been claimed, the Municipality shall sell the animal by public auction and apply the proceeds of sale firstly in payment of any costs and charges attending the sale, secondly in payment of any sustenance charges, thirdly to the impounder of such animal of the amount due to him/her for delivering the animal to the Poundkeeper, and the residue, if any, to the Chief Administrative Officer of the Municipality to be retained by him/her in a special account for one year when, if not claimed, such proceeds shall go to the general funds of the Municipality.

8. Obstruction/ Interference with Poundkeeper/Municipal Officer

- (a) No person shall hinder, delay or obstruct the Poundkeeper or Municipal Officer engaged in taking any animal to the pound;
- (b) No person shall break open or in any matter directly or indirectly aid or assist any person to break open any pound.

9. Offences

- (a) Any person found guilty of a breach of any provision of this By-Law shall upon conviction for any such offence, be liable to a fine not exceeding five hundred (\$500.00) dollars or to imprisonment for a term of not more than three months (3) of both. 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.

DONE AND PASSED as a By-Law of the Rural Municipality of Prairie Lakes at Belmont, in the Province of Manitoba, this 11th Day of March, 2015

Reeve.

Chief Administrative Officer.

Read a first time: *February 11, 2015*

Read a second time: *March 11, 2015*

Read a third time: *March 11, 2015*