

**TOWN OF ARBORG
BY-LAW NO. 9-2023**

Being a By-law of the Town of Arborg to Provide for the Regulation and Control of Animals Within the Limits of the Town of Arborg

WHEREAS Sections 232(1) of *The Municipal Act* (C.C.S.M. c. M225) provides, in relevant part as follows:

Spheres of jurisdiction

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;
- ...
- 1. 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 subsections 232(2) of the Act provides, in relevant part, as follows:

Exercising By-law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a By-law passed under this Division

- (a) regulate or prohibit;
- ...
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the bylaw or for any other reason specified in the By-law.
- (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 By-laws under clause 232 (1)(o) of the Act states that without limiting the generality of clause 232(1)(o) (enforcement of By-law), a By-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether By-laws are being complied with; and
- (b) remedying contravention of By-laws, 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 By-law,
 - (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*, C.C.S.M. c. A95 provide, in relevant part, as follows:

Animals not to run at large

5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

By-law does not limit owner's liability

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

No liability by reason only of making by-law

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

AND WHEREAS, subsections 3(a)(i) of the *Reporting of Diseases and Conditions Regulation*, M.R. 37/2009 of *The Public Health Act* C.C.S.M. c. P210 in relevant part, as follows:

- 3 A health professional must make a report respecting a reportable disease in the following circumstances:
- (a) for a reportable disease marked with an asterisk in Schedule B, if the health professional becomes aware that a person,
 - (i) has or may have the reportable disease.

NOW THEREFORE the Council of the Town of Arborg enacts as follows:

PART 1: INTERPRETATION

Citation

- 1) This By-law shall be referred to as **THE ANIMAL CONTROL BY-LAW**.

Continuing Consolidation

- 2) The Chief Administrative Officer may cause to be prepared and printed, and kept up to date, a continuing consolidation of this By-law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.
- 3) Where a continuation consolidation of this By-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:
- a) When a specific portion has been amended or replaced by an amending By-law, the designation '[AM, B/L #]' shall be inserted immediately following the affected block of text;
 - b) When a specific portion has been repealed or deleted by an amending By-law, the designation '[REP, B/L #]' shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text;
 - c) When a new portion has been enacted herein by an amending By-law, the designation '[EN, B/L #]' shall be inserted immediately following the added block of text;
 - d) When any of the designations referred to in paragraphs 1), 2), and 3) above are inserted within the text of this By-law, the figure '#' shall be replaced by the actual number of the respective amending By-law;
 - e) Where more than one clause, paragraph, or subsection of any particular section is affected by the same amending By-law, the designation may be placed at the end of each clause, paragraph, or subsection so affected or, at the left aligned margin of the paragraph, subsection, or section so affected, whichever is deemed to have more clarity in each particular instance.

Amendment of Schedules, Fees and Charges

- 4) Council of the Town of Arborg may from time to time, by resolution, amend each and every schedule attached to this By-law.

- 5) The Town of Arborg By-law No. 10-2023; Fees and Charges By-law, may from time to time, by resolution, amend each and every Fee and / or Charges listed in the attached Schedules of this Animal Control By-law.

Interpretation

- 6) 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 unless the context requires a different interpretation.

Complaints

- 7) 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 Town of Arborg Office or Animal Control Officer and provide their name, address and telephone number before any action, or legal proceedings are taken.
- a) Complaints requesting direct council action; will be brought forth at the next regularly scheduled council meeting. Decision by resolution; unless otherwise specified in this by-law.

PART 2: DEFINITIONS

DEFINITIONS

In this By-law, unless the context otherwise requires,

"aggressor animal" shall have the meaning ascribed thereto in Part 5, Section 1 of this By-law.

"animal control officer" means the person appointed by Council to enforce the provisions of this By-law, and includes any person acting as an assistant to, or under the direction of, the animal control officer authorized by the Council.

"keeper" means a person whom has voluntarily provided food and/or shelter which is easily accessible by stray, feral and /or wild animals.

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

"Council" means the council of the Town of Arborg.

"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 at regular intervals not exceeding three years.

"dangerous animal" means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured 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 Part 5, Section 10 of this By-law.

"dispose" or to "dispose of", when referring to the disposition of an animal to which this By-law applies, includes adopting the animal to an individual, releasing the animal to the care of a registered animal rescue organization and / or euthanizing the animal.

"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.

"feral animal" means any animal that lives in the wild but is descended from domesticated individuals.

"intact" means animals that have not been spayed or neutered.

"livestock" means:

- a) animals kept for the purpose of:
- i) production of meat,
 - ii) production of other products from the animals, or
 - iii) herding, protection of livestock or draft work,
 - iv) and breeding stock of such animals;
- b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a)(i), (ii) or (iii) of this definition; and

- c) any other animal determined by the animal control officer to be livestock for the purposes of this By-law;
whether or not intended for profit and including, without limitation:
- d) dairy cattle and beef cattle, goats, sheep, bison and horses;
- e) swine (including, wild boar);
- f) all cervids on game production farms;
- g) all of the family Camilidae (including, Llamas and Alpacas);
- h) all domestic poultry (including, chickens, turkeys, ducks and geese);
- i) specialty fowl (including, guinea fowls);
- j) all of the family Apoidea (including Bees); and
- k) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act*.

"Notice of Breach of By-law" means a notice issued pursuant Part 3, Section 5 (g) of this By-law in the form attached hereto as Schedule B.

"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.

"person" includes a firm or corporation.

"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 By-law.

"poundkeeper" means the person 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 Part 3, Section 6 of this By-law.

"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;
- f) any wild animal or wildlife as defined in *The Wildlife Act*; and
- g) any other animal determined by the animal control officer to be a restricted animal, other than a dog, cat or livestock.

"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.

PART 3 - ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUNDKEEPER

Establishment of Pound

- 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 By-law, 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. The costs associated with the pound operated by or for the Municipality shall be paid out of the general funds of the Municipality.

Appointment of Animal Control Officer

- 2) Council may appoint one or more persons as animal control officer(s) to carry out the enforcement of this By-law. The animal control officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

Appointment of Poundkeeper

- 3) Council may appoint one or more persons to carry out the duties of the poundkeeper set out in this By-law. The poundkeeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

Common Animal Control Officer and Poundkeeper

- 4) At the discretion of Council, the animal control officer may also serve as poundkeeper, and vice versa.

Duties of the Animal Control Officer

- 5) It shall be the duties of the animal control officer:
- a) to apprehend and confine at an approved location, any animal running at large within the Municipality contrary to the provisions of this By-law.
 - b) to apprehend and confine any restricted animal being kept or harbored by, or in the possession or control of, any person contrary to the provisions of this By-law, or running at large, within the Municipality.
 - c) to ensure that any restricted animal kept or harbored within the Municipality is properly licensed by the Municipality, and to apprehend and confine any such restricted animal that is not properly licensed.
 - d) to apprehend and confine any dog, cat, any other domestic pet or feral animal which is running at large within the Municipality contrary to the provisions of this By-law, or which is kept or harbored by, or in the possession or control of, any person that is in breach of this By-law or of any other laws or regulations pertaining to animals or the conditions of any permit or license.
 - e) to make reasonable attempt to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving a notice at the last known address of the owner, which notice shall be in the form set out in Schedule C hereto attached and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, the impoundment fee, any daily pound fees, license fees and other costs or fines to be charged to the owner, the method of payment required, and the date after which the animal will be sold, or otherwise disposed of if not redeemed.
 - i. Where the identity of the owner of the animal is not known, the animal control officer shall post in the general office of the Municipality, a notice describing the animal, the date of apprehension and the date after which the animal will be sold or disposed of.
 - f) Notwithstanding any provision of this By-law, the officer is authorized to euthanize an impounded animal or an animal within the custody of the Municipality prior to the three (3) day waiting period where, in consultation with a veterinarian, determines that:
 - i. Euthanasia constitutes a humane measure to end the animal's suffering
 - ii. The animal is suffering from a terminal illness which will end in death
 - iii. The costs of necessary veterinary or other care for the animal would be significant and are unlikely to be reimbursed by the animal's Owner
 - iv. The impounded animal is "feral" and that holding the animal for the three (3) day waiting period will put the animal or caregivers at risk of injury or sickness, the feral animal can be euthanized prior to the completion of the waiting period.
 - g) to issue a Notice of Breach of this By-law in the form set out in Schedule B hereto attached against any person that has committed an offense under this By-law. A Notice of Breach of this By-law may be served upon the person who has breached the By-law personally or upon a person apparently over the age of sixteen years at the residence of the person who has breached the By-law, or may be served by registered mail addressed to the last known address of such person. The animal control officer may lawfully enter upon the premises of any such person to serve a Notice of Breach of this By-law.
 - h) The animal control officer or poundkeeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality, provided however that if the animal control officer or the poundkeeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.
 - i) to enforce the provisions of this By-law.

Duties of the Poundkeeper

- 6) 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), 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) 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 order and breed of the animal);
 - ii. the day and hour of its impoundment;
 - iii. the day and hour of its redemption, sale, disposition, together with the details of redemption, sale, disposition;
 - 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 fees, fines and other charges invoiced to, and received from or on behalf of, the owner and the name and address of the payor (if different from the owner); and
 - vi. such other particulars as the Municipality shall direct from time to time.
- d) To collect all fees charged as set out in Schedule A and to remit all monies received by the pound to the Municipality, together with such reports and statements as may be prescribed from time to time, except where the Municipality has entered into a contract with a private party for the operation of the pound, in which case the poundkeeper shall observe all terms and conditions of the contract with the Municipality for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Municipality, and the submission of all reports and statements required to be submitted to the Municipality under the said contract.
- e) To keep any impounded dog, cat or any other animal which is,
- i. licensed for a minimum period of: five (5) days, 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. unlicensed for minimum period of: three (3) days, 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
- f) To make suitable arrangements for the temporary impoundment and disposition of any animal other than a dog, cat or domestic pet that is apprehended within the Municipality, including any feral or restricted animal or wild animal within the meaning of *The Wildlife Act*.
- g) If, after expiration of the minimum period of impoundment set out in Part 5, Section 6 (e), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the poundkeeper to do one of the following with the impounded animal:
- i. sell the impounded animal to any person for an amount not less than the applicable pound, fines and license fees accrued in respect of the impounded animal as set forth in this By-law, unless such fees are otherwise waived by the Municipality or by the poundkeeper on the express authority of the Municipality; or
 - ii. otherwise dispose of the impounded animal;
 - a. *unless the Municipality, 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 Part 3, Section 6 (g)(i), or until expiry of the extended period of impoundment, before it is humanely destroyed.*
- h) Notwithstanding any provision of this By-law, the poundkeeper is authorized to euthanize an impounded animal or an animal within the custody prior to the three (3) day waiting period where, in consultation with a veterinarian, determines that:
- i. Euthanasia constitutes a humane measure to end the animal's suffering
 - ii. The animal is suffering from a terminal illness which will end in death
 - iii. The costs of necessary veterinary or other care for the animal would be significant and are unlikely to be reimbursed by the animal's Owner
 - iv. The impounded animal is "feral" and that holding the animal for the three (3) day waiting period will put the animal or caregivers at risk of injury or sickness, the feral animal can be euthanized prior to the completion of the waiting period.
- i) The Municipality 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 Part 3, Section 6, shall

continue to apply except to the extent that they are specifically modified by the contract. Where the poundkeeper is a private party under contract with the Municipality, the poundkeeper shall observe all of the terms and conditions of the contract with the Municipality.

- j) Where it is permitted under the contract with the Municipality, the poundkeeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and license fees, provided however that the poundkeeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the poundkeeper.

PART 4: DOGS, CATS AND OTHER DOMESTIC PETS

Rabies Vaccination

- 1) The animal control officer or municipal designate may at any time request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status. If the owner cannot produce such proof within 48 hours, the animal control officer will terminate the animal licence, issue Notice of Breach and issue fine(s) as applicable and may apprehend and impound the animal.

Responsibility of Owners Regarding Dogs, Cats and Other Domestic Animals

2) Owners must

- a) have a valid license for all dogs and cats;
- b) have a valid license for all other Domestic Animals that have outdoor access;
- c) have an identification tag securely fastened to the animal;
- d) have the animal on a leash that is:
 - i. for dogs, less than six (6) feet in length fully extended, or
 - ii. for cats, less than twenty (20) feet in length fully extended, and
 - iii. the animal is under the immediate charge and effective control of a person competent to control it;
- e) have the dog or cat sterilized:
 - i. within 1 month of ownership; or
 - ii. when the dog reaches 12 months of age, or
 - iii. when the cat reaches 6 months of age, or
 - iv. have a valid Intact Permit, or
 - v. Part 4, Section 2(e). will not apply, if a signed statement from a licensed veterinarian certifying that the animal cannot be sterilized for medical reasons, or because the animal has not yet reached growth maturity, is produced;
- f) a female animal of any species in heat:
 - i. shall be confined to the premises of the owner or a person having control of said animal; or
 - ii. shall be housed in a licensed kennel, for the period of time that the animal is in heat;
 - iii. the said animal's confinement shall be such a manner as to prevent any contact between the animal in heat and any other animal of the same species except other animals owned by the same owner or by another owner who voluntarily permits such contact.

3) No owner shall:

- a) permit the animal to run at large. When an animal is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.
- b) permit the animal to bark, meow or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.
- c) permit the animal to defecate on any public or private property other than the property of its owner. Where the animal defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.
- d) permit the animal to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbors.
- e) permit the animal to damage public property or private property other than that of the owner. Where public or private property has been damaged by an animal, its owner shall be deemed to have failed or refused to comply with this subsection.
- f) own, harbour or have possession or control of any animal determined to be a dangerous animal, unless such animal is kept at all times in accordance with the provisions of Part 5.
- g) permit the animal to pursue, bite, wound or worry any person or other animal, whether or not on the property of the owner.

- h) permit the animal on any school ground or playground.
- i) permit the animal on public property (including parkland area) unless the animal is on a leash and the animal is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which the animal is not required to be on a leash.
- j) permit the animal to upset waste receptacles or otherwise litter.
- k) permit the animal to be outside of the owner's property, unless under the immediate charge and effective control of a person competent to control it

Intact Dogs and Cats

- 4) a) Subject to this By-law, where a dog or cat owner who resides in the Municipality intends to leave the animal intact, the owner must obtain and hold a valid Intact Permit for each animal.
- b) Intact Permit application; Schedule E, must include the mandatory requirements of
 - i. Purebred breed Registration proof
 - ii. Active Veterinarian Care including but not limited to; Proof of Current Vaccinations, Deworming, Health Check
 - iii. Pay all applicable application and permit fees as listed in Schedule A,
 - iv. Have a history of compliance with the requirements of this By-law
- c) Where a Permit has been granted, the owner/harboured must;
 - i. Allow Up to one litter per year, and
 - ii. Allow Up to four litters during the life of the dog or cat
 - iii. Display the Intact Permit Number where puppies or kittens are advertised for sale, adoption or re-homing
- d) Permit is non-transferrable
- e) Allow the Animal Control Officer or designate to inspect the property to ensure animal well-being

Exclusion

- 5) An owner of a registered guide dog that is visually impaired or any other person who requires the assistance of a registered guide dog shall not be subject to the restrictions imposed under Part 4, Section 3 (c),(h), and (i).

Restrictions

- 6) 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 Municipality unless such person has been issued a permit by the Municipality under Part 7 of this By-law, and also holds all other government licenses as may be required, to keep or harbour the animal within the Municipality.
- 7) No person shall knowingly act as a "**Keeper**"; providing communal food sources and/or shelter to animals not their own. Unmonitored food sources attract vermin, pests and provide health risks to domestic pet(s).

Licensing of Dogs, Cats and Other Domestic Animals

- 8) Licensing other domestic animals refers to any animal with outdoor access;
- 9) All Dogs, Cats and other domestic animals over the age of four months shall obtain and renew a license annually;
- 10) The license fee hereby imposed shall be valid for the period of January 1st to December 31st annually, in the year in which the license fee was levied and paid;
- 11) License fees are outlined in Schedule A;
- 12) Every dog or cat owner must provide proof of rabies vaccination from a licensed veterinarian prior to issuance or renewal of a license. Rabies vaccination information must include date of next vaccination due by; this will not apply, if a signed statement from a licensed veterinarian certifying that the animal cannot be vaccinated for rabies for medical reasons is produced;
- 13) Every dog over 12 months of age and every cat over 6 months of age must be Sterilized, not including those animals where an Intact Permit application has been approved. Proof of sterilization or exemption (where applicable) must be provided;
- 14) Town of Arborg will provide each animal an identity tag, this tag will be for the used for the entire lifespan of the animal. Replacement tags are available at a cost as outlined in Schedule A;

- 15) Owner may use their own provided animal identity tag. Said identity tag information must be provided with the license application or renewal;
- 16) Every animal when outdoors must have its license securely attached to a collar or harness or other type of restraint device;
- 17) License is non-transferrable;
- 18) Licensing and Permits shall not apply to non-residents of the Municipality, whom bring an animal on a temporary basis into the Municipality, provided however, that nothing in this By-law shall authorize any person to bring any animal that is; dangerous, vicious, in heat, rabid or otherwise a risk to the public or other animals within the Municipality, nor does it authorize any person to allow their animal to run at large or otherwise create a nuisance within the Municipality;
- 19) No person shall be permitted to remove the identification tag from any outdoor animal without a lawful excuse, and any such removal shall constitute an offense under this By-law.

Maximum Numbers of Dogs or Cats

- 20) 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 four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid excess animal permit authorizing him to own that number of dogs.
- 21) 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 four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid excess animal permit authorizing him to own that number of cats.
- 22) Part 4, Section 20 & 21 hereof shall not apply to premises which are zoned agricultural, provided however, that where, in the discretion of the animal control officer, the number of animals on any such premises constitutes a danger to the public or to the animal, the animal control officer may exercise his discretion to apprehend and impound all or some.

Excess Animal Permit

- 23) A person may apply for an excess animal permit to allow for more than two (2) dogs and/or two (2) cats over the age of four (4) months.
- 24) In order to obtain an excess animal permit under Part 4, Section 23, an applicant must:
 - a) apply to the Town Office using the Excess Animal Permit Application, Schedule "D";
 - b) in cases where the applicant is a renter or lessor of the property, a letter supporting the application must be provided by the owner of the applicable property;
 - c) provide all information reasonably required in order to consider the application; and,
 - d) pay the requisite application fee.
- 25) After receiving an application, the Chief Administrative Officer for the Town of Arborg or their designate will forward the application to Council including:
 - a) a report prepared by the Chief Administrative Officer for the Town of Arborg or their designate setting out the following information:
 - i. whether the applicant or the parcel of land for which the excess animal permit is sought has ever been the subject of an application for an excess animal permit or an approval for excess numbers of animals in the past;
 - ii. the use and nature of the parcels of land immediately adjacent to the subject parcel and the character of the district within which the subject parcel is located;
 - iii. any other information the Chief Administrative Officer for the Town of Arborg or their designate considers relevant to the application.
- 26) At least 4 days before the application is considered by the Council, the Town of Arborg administrative staff must post on the Town of Arborg website, a copy of the report that has been or will be submitted to the Council under Part 4, Section 25(a).
- 27) At least 14 days before the application is to be considered by the Council, the applicant must post in conspicuous locations on the subject parcel of land copies of a notice which sets out:

- a) the date, time and place of the Council meeting at which the application for an excess animal permit will be dealt with; and
- b) the website referred to in Part 4, Section 26 on which the report referred to in Part 4, Section 25(a) can be found when it is posted.

The copies of the notice must be posted facing every street or alley adjacent to the parcel and must be no more than one metre inside the parcel. The copies of the notice must remain posted until the meeting has taken place.

- 28) If the parcel of land for which an excess animal permit is sought is rented or leased, the applicant must, at least 14 days before the application is considered by the Council, serve the notice referred to in Part 4, Section 27 on the owner of the property by personal service, or by sending it by registered mail or delivery to the owner's address.
- 29) Before deciding to issue or refuse to issue an excess animal permit, the Council must consider written or verbal representations from any person who wishes to be heard.

Decision, Excess Animal Permit

- 30) An excess animal permit may only be issued if the Council considers that:
 - a) the dogs, cats or both dogs and cats for which the applicant is seeking a permit will not unduly annoy or disturb the occupants of nearby properties; and,
 - b) the applicant can and will comply with the By-law, *The Animal Care Act* and all other applicable legislation in respect of dogs, cats or both dogs and cats for which the applicant is seeking an excess animal permit.
- 31) The excess animal permit may be issued in respect of specifically identified dogs or cats or both dogs and cats, or may permit a specific number of unidentified dogs or cats or both dogs and cats. The excess animal permit may be issued indefinitely or for a limited time and may have conditions imposed on it.
- 32) It is a condition of every excess animal permit that the permit holder must comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Animal Control Officer or Council is authorized to suspend or revoke the permit.
- 33) An excess animal permit applies to a specific person and to a specific parcel of land. It is not capable of being transferred to another person or another parcel of land.
- 34) The Chief Administrative Officer or their designate must give notice of the decision of Council to the applicant and every person who made representations at the Council meeting.
- 35) The decision of Council concerning an excess animal permit is final and may not be appealed.

Variation of Conditional Excess Animal Permit

- 36) The holder of an excess animal permit may seek a variation or the removal of conditions imposed on the permit from Council if a new application were being made for an excess animal permit. The procedure that applies to an application for an excess animal permit applies to the application for the variation or removal of conditions imposed on the permit.

Population Control

- 37) Animal Control Officer, Poundkeeper, Pound or Municipal Official is authorized to sterilize a dog or cat prior to its release to an owner where the animal,
 - a) Was not licenced
 - b) Appeared to be a stray when impounded or trapped, or
 - c) Has been impounded or trapped twice in its lifetime, regardless of licence status.
- 38) All costs associated with surgeries performed under Part 4, Section 37 are born by the owner

Redemption

- 39) Unless the impounded animal is determined to be a dangerous animal, the owner of:
 - a) any licensed dog, cat or any other domestic pet (other than a restricted animal) impounded by the animal control officer may be redeemed within five (5) days; or,

- b) any unlicensed dog, cat or other domestic pet (other than a restricted animal) impound by the animal control officer may be redeemed within three (3) days; of the apprehension and impoundment by applying for redemption and paying:
 - i. the pound fee(s) as set out in Schedule A;
 - ii. the impoundment fee(s) as calculated in accordance with Schedule A;
 - iii. in the event that the impounded animal is unlicensed at the time of apprehension, the relevant license fee and penalties as set out in Schedule A
 - iv. in the event that the animal requires a rabies vaccine, provide a copy of the vaccination certificate to the Municipality within 48 hours of redemption of animal
 - a. Failure to comply with result in a second violation and maximum fine will be applied and owing to the municipality.
 - v. Sterilization and associated veterinary costs, if applicable
 - vi. the administration fee as set out in Schedule A;
 - vii. and all outstanding fines, damages or costs relating to the impounded animal.

Animal Trap

- 40) Any person who wishes to obtain a trap to apprehend an animal running at large from the Town Office, the poundkeeper or the animal control officer, shall:
- a) Provide to the Town Office, poundkeeper or the animal control officer, as applicable, their name, address and telephone number;
 - b) Agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped animal, as may be imposed by the poundkeeper or animal control officer, as applicable; and
 - c) pay any deposit and/or fee as set out in Schedule A hereto attached
 - d) submit the Animal Trap Agreement "Schedule F"

Failure to Comply

- 41) Any person who fails to comply with the terms and conditions set out in this Part 4 shall be guilty of an offense under this By-law.

PART 5: DANGEROUS ANIMALS

Animal Bites

- 1) The animal control officer:
 - a) shall apprehend, impound and place in quarantine any dog or cat that he has reason to believe has bitten a person; and
 - b) may apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public;
 - c) shall impose an administration fee and all other applicable fees as set out in Schedule A

(in either case, the "aggressor animal"), whether on private premises or elsewhere, 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.
- 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.
- 3) Any aggressor animal so apprehended and impounded at the pound shall, subject to Part 5, Section 9 herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 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 direct supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.

- 5) Subject to a determination by the animal control officer pursuant to Part 5, Section 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 calculated at the daily rate set out in Schedule A hereto attached 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 five (5) days after expiry of the quarantine period, the aggressor animal shall be disposed of at the discretion of the poundkeeper.
- 6) The animal control officer shall keep a record of all bite incidents, 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.
- 7) Any Aggressor animal that dies while quarantined will be submitted for testing of Reportable Diseases as listed in *Schedule B of the Public Health Act C.C.S.M. c.P210 Reporting of Diseases and Conditions Regulation 37/2009*
- 8) Every aggressor animal shall be examined by a licensed veterinarian approved by the animal control officer 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 public health authorities are prepared to consent to the release of the aggressor animal;
 - c) the severity of the bite 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 Part 5, Sections 21 to 23 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 7 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.
- 9) Notwithstanding the provisions of Part 5, Section 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 "*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 take out and pay for such liability insurance on the aggressor animal as may be prescribed by the animal control officer;
 - e) 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;
 - f) such other conditions as the animal control officer may deem necessary or advisable in the interests of public safety.

Determination That an Animal is a Dangerous Animal

- 10) Where the animal control officer has reason to believe that an animal, including but not limited to an aggressor animal under Part 5, Section 1, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not the said animal should be declared a dangerous animal. In the event that an owner voluntarily accepts the dangerous

animal declaration and the recommended disposition of the matter made by the animal control officer, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

- 11) Where it is deemed necessary by the animal control officer to protect the public or other animals pending the decision of Council, the animal control officer may:
 - a) require that the animal be quarantined in the pound until the earlier of the date that the animal control officer determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
 - b) may impose all or any of the conditions set out in Part 5, Section 22 of this By-law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the animal control officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.
- 12) Council shall provide written notice of the hearing to the owner of the animal at least ten (10) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. The notice shall include the following minimum information:
 - a) the time, place and purpose of the hearing;
 - b) a summary of the reasons in support of the allegation that the animal is dangerous;
 - c) a copy of Part 5, Sections 10 to 20 of the By-law; and
 - d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.
- 13)
 - a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the animal control officer and to inspect any documents filed by or on behalf of the animal control officer, and to respond to same.
 - b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this Part 5, Sections 10 to 20, Council shall be entitled to deal with the matter in his absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in Part 5, Section 12 hereof.
- 14) Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:
 - a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion:
 - b) the animal has caused injury to or killed a person, whether on public or private property; or
 - c) the animal has seriously injured or killed any other domestic animal or any livestock without provocation; or
 - d) the animal is used primarily for the purpose of guarding property and is not a police service dog owned by a public law enforcement agency.
- 15) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is a material risk that the animal may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:
 - a) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;
 - b) the circumstances surrounding any previous worrying, biting or wounding incidents; and
 - c) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.
- 16) The Council shall deliver a copy of their decision to the owner in the manner provided in Part 5, Section 12. There shall be no obligation upon Council to issue written reasons for their decision.

- 17) The decision of Council shall be final. There shall be no appeal from the decision of Council.
- 18) In the event that a dog is declared by Council to be a dangerous animal, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog to be a dangerous animal.
- 19) Every owner who has received notification from Council pursuant to Part 5, Section 12 that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.
- 20) Part 5, Section 19 shall not apply if the animal is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

Consequences of Dangerous Animal Declaration

- 21) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in Part 5, Section 22. The decision of Council shall be final and not subject to appeal.
- 22) Every owner of an animal that has been declared to be dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:
 - a) in the event that the dangerous animal is a dog, obtain a dangerous dog license for the dangerous dog and pay the required fee as set out in Schedule A hereto attached.
 - b) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the poundkeeper.
 - c) 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:
 - i. is capable of preventing the entry of young children and the escape of the dangerous animal;
 - ii. has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the animal control officer;
 - iii. has secure sides; and
 - iv. provides protection from the elements for the dangerous animal.
 - d) in the event that the dangerous animal is a dog, permit the dog upon public property only if:
 - i. it is muzzled;
 - ii. it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and
 - iii. the dog is at all times under the effective control of a person competent to control it.
 - e) 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.
 - f) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS<insert type of 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.
 - g) within three (3) working days of selling, giving away or otherwise disposing of the dangerous animal, provide the animal control officer with the name, address and telephone number of the new owner.
 - h) advise the animal control officer within three (3) working days of the death of the dangerous animal.
 - i) advise the animal control officer forthwith if the dangerous animal has gone missing or is running at large or has bitten, worried or attacked any person or animal.
 - j) maintain in force to the satisfaction of the Municipality a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000.00 per occurrence.
 - k) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in Part 5, Section 9 hereof.

- 23) No person shall deface or remove a sign posted pursuant to Part 5, Section 22(f) or Part 5, Section 9 hereof without having first obtained the permission of the animal control officer.

Destruction of Dangerous Animal or Aggressor Animal

- 24) Where it appears on reasonable grounds that an owner has breached a condition of this By-law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the animal control officer otherwise has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the animal control officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the animal control officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.
- 25) When the animal control officer impounds an animal under this Part 5, Section 24 for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the animal control officer to Council by providing notice in writing to the Municipality, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of Part 5, Sections 10 to 20 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART 6: LIVESTOCK

Regulations

- 1) The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural unless otherwise permitted by the Municipality's zoning By-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the Municipality, and it shall be an offense under this By-law to keep any livestock in excess of the prescribed number and kind.
- 2) An owner shall not permit his livestock to run at large within the Municipality. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-law.
- 3) Council, or the animal control officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The Chief Administrative Officer of the Municipality may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.
- 4) When livestock is impounded, the animal control officer shall publish notice of the impoundment in a newspaper that is generally distributed within the Municipality as well as post a notice at the office of the Municipality. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the Municipality where the livestock were found running at large.
- 5) If the identity of the owner is known, the animal control officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address.
- 6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Municipality in apprehending and impounding the livestock, together with the costs of caring for the livestock, administration fee and any fines imposed pursuant to this By-law, have been paid in full.

- 7) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in Part 6, Section 6, the animal control officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds of the Municipality.

PART 7: RESTRICTED ANIMALS

Prohibition on Restricted Animals

- 1) Except as may be permitted by the Municipality's zoning By-law in effect from time to time, no person shall keep, harbour, possess or control any restricted animals within the Municipality without a permit issued by Council.

Application for Permission to Keep or Harbour a Restricted Animal

- 2) Upon receipt of an application from any person to keep a restricted animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in subsection 169 of *The Planning Act* (Manitoba). Provided however, that Council need not give notice of an application from the owner or operator of a travelling show to keep a restricted animal in the Municipality on a temporary basis, but shall consider the application at a regularly scheduled meeting of Council following receipt of the application. Council shall decide based on the application and any written or oral submissions of the applicant, whether or not to grant a permit to the applicant to keep or harbour the restricted animal within the Municipality and shall advise the applicant in writing of their decision. Council may impose conditions upon a permit to keep or harbour a restricted animal and any violation of such conditions by the owner shall invalidate the permit provided by Council and shall constitute an offence under this By-law.

Temporary Impoundment

- 3) If deemed necessary in the interests of public safety, the animal control officer may apprehend and impound any restricted animal pending the outcome of any hearing to decide an application made pursuant to Part 7, Section 2 hereof.

Inventory of Restricted Animals

- 4) Any owner who has been granted permission by Council to keep one or more restricted animals within the Municipality shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the restricted animals kept by the owner within the Municipality, together with the annual permit fee.
- 5) Council may at any time and from time to time change the conditions that an owner must satisfy in order to keep a restricted animal, and any failure to comply with any such condition upon notice thereof shall invalidate the owner's permit to keep the restricted animal within the Municipality.
- 6) a) Any person who keeps, harbours or has possession or control of a restricted animal in the Municipality on or before the time that this By-law comes into force or effect, shall have thirty (30) days from the coming into effect of this By-law to obtain a permit from Council to continue to keep the restricted animal, failing which the owner shall sell or give the restricted animal to a person outside of the Municipality or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer within the Municipality. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of restricted animals, and the Municipality accepts no responsibility for the manner of sale or disposition.
 - i. Council may grant such longer period of time to an owner of a restricted animal who falls within Part 7, Section 6(a) hereof as may be necessary to allow Council adequate time to consider and decide the owner's application to retain the restricted animal within the Municipality.

Order to dispose of restricted animal

- 7) 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 Municipality without the written permission of Council, the animal control officer shall serve the person with an order in writing to dispose of 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

with Part 7, Section 6(a) and any conditions imposed in the order of the animal control officer. Provided however, that if the owner has not already applied and been denied a permit to keep or harbour the restricted animal, the owner may make such an application in accordance with Part 7, Section 2, and the order of the animal control officer shall be suspended pending the decision of Council.

- 8) The onus shall be on the person upon which an order pursuant to Part 7, Section 7 has been served to establish either that:
 - a) the animal is not a restricted animal; or
 - b) the person has a permit from Council to keep or harbour the restricted animal.
- 9) Where the person has failed to establish either that the animal is not a restricted animal or that he has a permit from Council to keep or harbour the restricted animal, and the person has failed or refused to dispose of 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 and disposing of the restricted animal. The animal control officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 10) Upon apprehension and impoundment of a restricted animal, and provided that:
 - a) a written order was duly served on the owner as required by Part 7, Section 7; and
 - b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by Council;
 Council may proceed to order the animal destroyed or sold, and the animal control officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this By-law, then the Municipality shall refund the excess proceeds to the owner.

PART 8 - GENERAL PROVISIONS

Offenses under this By-law

- 1) For greater certainty and without limiting any provisions of this By-law, the following shall constitute offenses under this By-law:
 - a) Allowing or failing to prevent a dog, cat or domestic pet from running at large;
 - b) Keeping, feeding or harbouring dogs, cats, or feral animals in excess of the maximum number permitted by this By-law without a properly issued excess animal permit contrary to Part 4, Sections 20 & 21 of this By-law;
 - c) Failure by a permit holder to comply with the conditions imposed upon a validly issued excess animal permit;
 - d) Failure by a permit holder to comply with the conditions imposed upon a validly issued Intact Permit;
 - e) Failure to report a bite, wound or worry incident to the Municipality
 - f) Failure to comply with Part 4
 - g) Failing to voluntarily surrender an animal to the animal control officer upon a request therefor;
 - h) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);
 - i) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the municipality;
 - j) Failing to properly vaccinate an animal against rabies;
 - k) Failing to comply with any conditions imposed upon the use of an animal trap within the Municipality;
 - l) Failing to comply with any requirements of Part 5 of this By-law in relation to an aggressor animal or a dangerous animal;
 - m) Defacing or removing a sign required to be posted under Part 5, Section 9(b). or Part 5, Section 22(f) of this By-law;
 - n) Failing to comply with any of the requirements of Part 6 of this By-law in relation to livestock;
 - o) Failing to comply with any of the requirements of Part 7 of this By-law in relation to any restricted animals.
 - p) Keeping or harbouring any wild animal or other restricted animal within the Municipality without a proper permit contrary to Part 7 of this By-law;

Interference With Enforcement

- 2) It shall be an offense under this By-law for a person to interfere or obstruct any attempt by the animal control officer, poundkeeper 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 By-law.
- 3) It shall be an offense under this By-law:
 - 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.
 - c) To remove or attempt to remove any trapped animal, or to otherwise cause or assist in the escape of any trapped animal;
 - d) To tamper with an animal trap that has been set by the Municipality or Animal Control Officer.

Apprehension by Resident

- 4) Any resident of the Municipality may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the animal control officer, poundkeeper or the Municipality of the apprehension and confinement, and the animal control officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.
- 5) Resident(s) that apprehend an animal must comply with The Animal Care Act, C.C.S.M. c.A84 while said animal is within their care.

Right of Entry

- 6) 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 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 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.
- 7) 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 to the door of his dwelling upon the request of the animal control officer, to assist the animal control officer to apprehend and impound the said animal.

Liability

- 8) No liability shall attach to the animal control officer, the poundkeeper, the Council and/or the Municipality in carrying out their respective duties under this By-law. Without limiting the generality of the foregoing, no liability shall attach to the animal control officer, the poundkeeper, the Council and/or the Municipality for any animal destroyed, sold or otherwise disposed of pursuant to the provisions of this By-law or killed or injured during the course of its apprehension or impoundment.

Penalties

- 9) Penalties associated with the enforcement of this By-law, shall be set as provided in Schedule A
- 10) The penalties for each contravention may be as set out for a designated enforcement By-law as first, second and third offences which increase incrementally to a maximum as set out,
 - a) and in default of payment, to imprisonment as set out in Schedule A.
- 11) Any person who interferes with or obstructs the duties of an animal control officer, a poundkeeper or any other person authorized to enforce any provisions of this By-law;
 - a) or who unlawfully enters any pound or
 - b) unlawfully removes any animal impounded, or
 - c) unlawfully removes any trapped animal,

- shall be issued a Notice of Breach of this By-law, is guilty of an offence and is liable; see Schedule A.
- 12) 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.
 - 13) A person who has been served with a Notice of Breach of this By-law, may dispose of the matter by;
 - a) attending at the Office of the Municipality during regular office hours within fifteen (15) days of the date of the notice and
 - b) pay to the Municipality, the fine (including applicable costs) as set out in the Notice, along with all other such charges that may have accrued as a result of enforcement of this By-law.
 - 14) In the event that a person served with a Notice of Breach of this By-law fails to pay the as set out in the Notice (including applicable costs) within the said fifteen day period, the person shall be subject to a hearing before Council, and if found guilty of the breaches of this By-law set out in the said Notice, will be liable to Council for the maximum penalties set out in this By-law calculated having regard for Schedule A of this By-law, together with an assessment of the costs incurred by Council to hold the hearing. The Council may proceed to collect any such fines and costs as against the person by any means available to it law for the collection of outstanding taxes, including, without limitation, adding the fines and costs to the realty taxes on any property owned by the person within the Municipality. The Council may also order that the person be sentenced to a term of imprisonment in accordance with the provisions of Schedule A.
 - 15) Where a corporation commits an offense under this By-law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offense and liable for the penalties provided for herein.
 - 16) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offense for each day that the contravention, disobedience, refusal or neglect continues.

Fees and Charges

- 17) Application Fees, License Fees, Permits, Animal Traps, Administration Fees, Impoundment Fees and any other charges shall be enforced in accordance with the provisions set forth in this Animal Control By-law 9-2023 and the Schedule(s) attached.

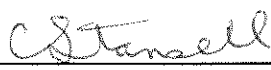
Exclusion

- 18) This By-law shall not apply to dogs owned or contracted by the Royal Canadian Mounted Police while such dogs are engaged in police work.
- 19) By-law No. 15-2002 is hereby repealed.
- 20) This By-law No. 9-2023 shall come into effect as of the date of receipt of third reading.

DONE AND PASSED by the Council of the Town of Arborg duly assembled in Arborg, Manitoba this 13th day of December A.D. 2023.



Peter Dueck
Mayor



Cindy Stansell
Chief Administrative Officer

Read a first time this	22 nd	day of	November	A.D.	2023
Read a second time this	13 th	day of	December	A.D.	2023
Read a third time this	13 th	day of	December	A.D.	2023