

RURAL MUNICIPALITY OF DUFFERIN

BY-LAW NO. 1631

A by-law of The Rural Municipality of Dufferin providing for certain regulations in respect of dogs.

WHEREAS it is deemed expedient and in the best interest of The Rural Municipality of Dufferin to impose certain regulations upon the owners, possessors, keepers, or harborers of dogs within the Municipality;

AND WHEREAS it is provided in Section 363 of The Municipal Act, being Sub-division IV of the Revised Statutes of Manitoba, 1988, c.M225 and amendments thereto, that a by-law for such purpose may be passed by any municipal corporation;

NOW THEREFORE the Council of The Rural Municipality of Dufferin, in regular session assembled, ENACTS AS FOLLOWS:

INTERPRETATION

1. In this by-law, unless the context otherwise requires,
 - (1) "council" means the council of the Rural Municipality of Dufferin;
 - (2) "dog" includes the feminine as well as the masculine gender and includes the plural as well as the singular;
 - (3) "dog catcher" means a person duly appointed by the council to hold that office or perform the duties of the dog catcher;
 - (4) "male dog" includes a spayed female dog;
 - (5) "owner" includes the owner, keeper, possessor or harborer of a dog;
 - (6) "person" includes the plural as well as the singular, a corporation, partnership, association, syndicate or any organized body;
 - (7) "pound" means the dog pound established under the provisions of this by-law;
 - (8) "poundkeeper" means the dog poundkeeper and the assistant poundkeeper appointed by council;
 - (9) "running at large" means being elsewhere than on the land or premises of the owner and not under control by being in direct and continuous charge of a person competent to control it;
 - (10) "secretary-treasurer" means the secretary-treasurer of the Rural Municipality of Dufferin;
 - (11) "Municipality" means The Rural Municipality of Dufferin.

POUND

2. There shall be established a pound to be used for the impounding of dogs which shall be designated as a dog pound.

APPOINTMENTS

3. The council may at any time, by resolution, appoint a dog catcher, poundkeeper and assistant poundkeeper and if an assistant poundkeeper is appointed, he shall have and exercise all powers and be subject to all the penalties of the poundkeeper.
4. The council may at any time, by resolution, remove the dog catcher, poundkeeper or assistant poundkeeper from office and should a vacancy occur in any of those offices for any cause at any time the vacancy may be filled by council by appointing a new dog catcher, poundkeeper or assistant poundkeeper, as the case may be
5. The council may, by resolution, provide for payment or remuneration to the dog catcher, poundkeeper or assistant poundkeeper.

PROHIBITIONS

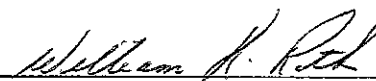
6. No person shall permit a dog to run at large within The Rural Municipality of Dufferin and any dog found running at large contrary to the provisions of this by-law shall be captured and disposed of as hereinafter provided.
7. No person shall own, keep, possess or harbor any dog unless the dog has been vaccinated against both rabies and distemper within the last three (3) years.
8. No person shall unlawfully break open or attempt to break open or directly or indirectly aid or assist in breaking open the pound or unlawfully remove or attempt to remove any animal therefrom.
9. No person shall hinder or obstruct the dog catcher in capturing or attempting to capture any dog liable to be impounded or while engaged in taking any such dog to the pound.
10. The dog catcher is hereby authorized to capture any or all dogs found running at large and to confine it in a suitable place in the pound, and it shall be kept confined subject to the right of the owner thereof to redeem it within seventy-two (72) hours from the time of capture by paying a penalty of fifteen dollars (\$15.00), and if the dog is not redeemed within the required period of time, the dog may be destroyed, or sold by the poundkeeper to any person for a sum of not less than twenty dollars (\$20.00).
11. The poundkeeper shall make all reasonable efforts to determine the identity of the owner of each dog impounded and to notify the owner thereof as soon as is reasonably possible.
12. Before any dog is sold, the poundkeeper shall, at least two (2) days before the date of the sale, post up notices of the sale in the office of the secretary-treasurer and the notices shall specify the kind and description of the dog to be sold, and the time and place of the sale.
13. The poundkeeper shall provide for each and every dog impounded sufficient food and water and shelter during the time any dog remains impounded and may charge for such services at the rate of \$5.00 per day for a small dog, and \$7.00 per day for large dogs.
14. The charges referred to in section 13 shall be a charge against the dog and shall be payable on redemption or purchase of the dog in addition to all other charges or payments.
15. In the event that a dog that has been impounded is not sold within three (3) days after the expiration of seventy-two (72) hours after its capture, as provided in section 6, the dog shall be destroyed by the poundkeeper.
16. Whenever it becomes the duty of the poundkeeper to destroy a dog he shall do so in a manner so as to cause as nearly as possible instant and painless death.
17. If the dog catcher has found any dog to be vicious or a nuisance, he may:
 - (a) cause the dog to be impounded;
 - (b) direct the owner of the dog to remove it to a place outside the limits of the municipality; or
 - (c) cause the dog to be destroyed or direct the owner to destroy the dog.
18. Without restricting the generality of the terms "vicious" and "nuisance", a dog shall be held to be:
 - (a) vicious if it has bitten or attempted to bite any person;
 - (b) a nuisance if it habitually barks at or molests any person or habitually barks at motor vehicles, or in the case of a female dog, if it runs at large while in heat.

GENERAL

19. All monies received by the poundkeeper shall be promptly paid to the secretary-treasurer, who shall deposit such monies in the general funds of the Municipality.
20. Any dog owned, kept, possessed or harbored or found within the limits of the Municipality and known to be sufferin from rabies or distemper shall be immediately destroyed by the dog catcher.
21. This by-law shall not apply to non-residents who may be accompanied on a temporary visit to the Municipality by a dog, provided such dog does not manifest any viciousness while in the Municipality and provided, further, that such dog is not vicious, or a nuisance, or in heat or rabid.

PENALTIES

22. Any poundkeeper who disposes of a dog in a manner contrary to the provisions of this by-law is guilty of an offence and liable upon conviction before a Police Magistrate or any Justices or Justice of the Peace having jurisdiction, to a fine of twenty dollars (\$20.00) and costs, and default of payment thereof the Police Magistrate, Justices or Justice of the Peace convicting, may commit the offender to the common goal of the Central Judicial District for a period not exceeding seven (7) days unless the find and costs are sooner paid.
23. Any person who violates, contravenes, disobeys, refuses, omits, neglects, or fails to observe, obey, or comply with any provision of this by-law is guilty of an offence and, unless another penalty is prescribed therefor herein is liable upon conviction before a Police Magistrate or any Justices or Justice of the Peace having jurisdiction to a fine of not less than five dollars (\$5.00) or more than twenty-five dollars (\$25.00) and costs, and in default of payment thereof, the Police Magistrate, Justices or Justice of the Peace convicting may commit the offender to the common goal of the Central Judicial District for a period not exceeding fourteen (14) days unless the fine and costs are sooner paid.
24. That by-law #1386 be and hereby is repealed.
25. That this by-law shall come into effect on the 7th of April A.D. 1992.



William K. Roth
Reeve



Linda Colpitts
Secretary-Treasurer

Read a first time this the 7th day of April, 1992.

Read a second time this the 7th day of April, 1992.

Read a third time this the 7th day of April 1992.