



By-Law #1991

Rural Municipality of Dufferin

Being a By-Law of the Rural Municipality of Dufferin providing for the control and regulation of animals within the limits of the municipality.

WHEREAS subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 (the "Act") 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;
- (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 subsection 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;
- (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)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a bylaw 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 (i) 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*, S.M. 1998 c. 8 provide, in relevant part, as follows:

Animals not to run at large

5(1) Except when permitted by a municipal by-law passed in accordance with *The Municipal Act* or a by-law of a local government district passed in accordance with *The Local Government Districts Act*, 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).

Municipality or LGD not liable by reason only of making By-law

5(3) A municipality or local government district 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 31(1) and (2) of the *Diseases and Dead Bodies Regulation*, 338/88R of *The Public Health Act*, R.S.M. 1987 c.P210 provide, in relevant part, as follows:

31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the medical officer of health or the animal control officer of the Municipality in which the biting incident occurred or a peace officer of the details of the biting incident.

31(2) An animal control officer or peace officer receiving a report pursuant to subsection (1) shall notify the medical officer of health of the details of the report at the earliest possible opportunity.

NOW THEREFORE the Council of the Rural Municipality of Dufferin, in Council assembled hereby enacts as follows:

1. Definitions:

- 1.01 In this By-Law, unless the context otherwise requires:
- a. "Administration" means the Administration of the Municipality;
 - b. "Aggressor Animal" shall have the meaning ascribed thereto in

this by-law;

- c. "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.
- d. "Council" means the Council of the Municipality, or any delegate thereof;
- e. "Dangerous Animal" means any dog which has been declared to be dangerous pursuant to this By-Law;
- f. "Dog" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification or mixture of breed or classification thereof;
- g. "Municipality" means The Rural Municipality of Dufferin;
- h. "Owner" means any person who owns, keeps or harbours a dog, and includes any person who knowingly permits or allows any other to own, keep or harbour a dog upon premises owned, leased or occupied by that person;
- i. "Person" includes the plural as well as the singular, a corporation, partnership, association, syndicate or any organized body;
- j. "Pound" means the dog pound established or designated under the provisions of this By-Law;
- k. "Pound Fees" means those fees described in Section 6.1 c. hereof;
- l. "Pound-keeper" includes the Animal Control Officer and means the person authorized by Council to apprehend dogs, to operate a dog pound, and to carry out any provision of this By-Law, and any person acting as an assistant to, or under the direction of, the Pound-keeper;
- m. "Running At Large" means, when used in reference to a dog, being off the premises of the Owner and not under the direct and continuous charge and effective control of a person competent to control it.

2. Responsibility of Owners:

2.1. No Owner shall:

- a. permit his or her dog to run at large within the Municipality; where a dog has been found running at large, its Owner shall be deemed to have failed or refused to comply with this subsection;
- b. permit his or her dog to cause a nuisance by habitually barking, molesting people, habitually barking at vehicles, or unduly disturb the quiet of any person within the Municipality;
- c. permit his or her dog to defecate on any public property or private property other than the property of its Owner. Where a dog defecates on property other than the property of its Owner, the Owner shall immediately cause such excrement to be removed;
- d. permit his or her dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours;
- e. permit his or her dog to damage public or private property other than that of the owner. Where public or private property has been damaged by a dog, its owner shall be deemed to have failed or refused to comply with this section;
- f. own, keep, harbor or have possession or control of any dog determined to be a dangerous animal;
- g. permit his or her dog to pursue, bite or wound any person or animal, whether or not on the property of the owner;
- h. permit his or her dog on any school ground or playground;
- i. permit his or her dog on public property (including parkland area) unless the dog is on a leash (which leash shall be no longer than six (6) feet in length, fully extended) and the dog 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 dogs are not required to be on a leash;
- j. permit his or her dog to upset waste receptacles or scatter the contents thereof in or about a street, lane or other public or private property not belonging to the Owner of the dog;

2.2. An Owner of a Registered Guide Dog:

2.1. No Owner shall:

- a. permit his or her dog to run at large within the Municipality; where a dog has been found running at large, its Owner shall be deemed to have failed or refused to comply with this subsection;
- b. permit his or her dog to cause a nuisance by habitually barking, molesting people, habitually barking at vehicles, or unduly disturb the quiet of any person within the Municipality;
- c. permit his or her dog to defecate on any public property or private property other than the property of its Owner. Where a dog defecates on property other than the property of its Owner, the Owner shall immediately cause such excrement to be removed;
- d. permit his or her dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours;
- e. permit his or her dog to damage public or private property other than that of the owner. Where public or private property has been damaged by a dog, its owner shall be deemed to have failed or refused to comply with this section;
- f. own, keep, harbor or have possession or control of any dog determined to be a dangerous animal;
- g. permit his or her dog to pursue, bite or wound any person or animal, whether or not on the property of the owner;
- h. permit his or her dog on any school ground or playground;
- i. permit his or her dog on public property (including parkland area) unless the dog is on a leash (which leash shall be no longer than six (6) feet in length, fully extended) and the dog 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 dogs are not required to be on a leash;
- j. permit his or her dog to upset waste receptacles or scatter the contents thereof in or about a street, lane or other public or private property not belonging to the Owner of the dog;

2.2. An Owner of a Registered Guide Dog:

- k. 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 subsections 2.1.h. and 2.1.i.

2.3. Every Owner shall:

- a. have his or her dog vaccinated for rabies at least once every twenty-four month;
- b. where his or her dog has been impounded pursuant to the terms of this By-Law, pay all applicable Pound Fees as set forth in Schedule "A" hereto.

3. Dangerous Animals

3.1. Aggressor Animals

- a. The Animal Control Officer may apprehend, impound and place in quarantine any Dog that he or she has reason to believe has bitten a person (the "Aggressor Animal"); and if in the Animal Control Officer's discretion, such action in respect of the Dog is necessary for the protection of the public; 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 and under the control of a qualified Dog handler.
- b. The Owner of the Aggressor Animal must surrender it to the Animal Control Officer on request. 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 authorization to enter the personal residence of the Owner for the purpose of apprehending and impounding the Aggressor Animal.
- c. Any Aggressor Animal so apprehended and impounded at the Pound shall be quarantined for a minimum of 10 consecutive days at the Owner's expense, commencing from the date of impoundment (the "quarantine period").
- d. If, in the opinion of a licensed veterinarian, the animal impounded poses no health risk, the Aggressor Animal may be released to the Owner prior to the completion of a 10 day mandatory quarantine.

- e. Subject to a determination by the Animal Control Officer pursuant to subsection 6) below 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" together with any costs, fees or fines assessed against the Owner hereunder. In the event that the Owner fails to redeem the Aggressor Animal from the Pound within three (3) days after expiry of the quarantine period, the Aggressor Animal shall be sold or humanely euthanized at the discretion of the poundkeeper.
- f. The Animal Control Officer and Municipal Office 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.
- g. The head of any Aggressor Animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection g) below, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- h. 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 humanely euthanized, 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 a condition imposed under section 3.3 have been complied with;
 - e) 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.

3.2. Determinations that an Animal is a Dangerous Animal

a. Animal Control Officer to Arrange Hearing

Where the Animal Control Officer has reason to believe that an animal, including but not limited to an Aggressor Animal, is a Dangerous Animal, he or she shall arrange a hearing before 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.

b. Quarantine

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:

- i) 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 the committee hears the matter and issues its determination; or
- ii) may impose any conditions required to protect the public or other animals 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.

c. Notice of Hearing

The Municipality shall provide written notice of the hearing to the Owner of the dog at least three 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 Animal Control Officer shall be entitled to mail the said notice to the last address provided by the Owner to the Municipality. The notice shall include the following minimum information:

- i) the time, place and purpose of the hearing;
- ii) a summary of the reasons in support of the allegation that the animal is dangerous;

- iii) a copy of this section of the By-Law; and
- iv) a statement that if the Owner does not attend the hearing, the matter will be dealt with in the Owner's absence and that he or she will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

d. Animal to be Confined Pending Final Outcome of Hearing

- i) Every Owner who has received notification from the Municipality pursuant to subsection c above that a determination hearing will be held with respect to his or her animal, shall ensure that the animal remains confined upon the Premises of the Owner pending the final outcome of the hearing.
- ii) Subsection i) above 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.

e. Hearing

- i) The Owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence. 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.
- ii) Where the Owner does not attend at the hearing, having been given notice as provided in accordance with this section 3.2, Council shall be entitled to deal with the matter in the Owner's 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 subsection 3.2 c. above.

f. Decision of Council

Within five (5) working days of the hearing, Council shall issue a written decision in accordance with the following provisions:

- a.) Council shall make an order declaring the animal to be a Dangerous Animal if in their opinion:
- i) the dog has caused injury to or killed a person, whether on public or private property; or
 - ii) the animal has seriously injured or killed any other domestic animal or any livestock without provocation; or
 - iii) 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.
- b.) 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 a person or property or any other animal, taking the following non-exhaustive factors into account:
- i) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an Aggressor Animal.
 - ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and
 - iii) 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.
- c.) Council shall deliver a copy of their decision to the Owner in the manner provided in subsection 3.2 c. There shall be no obligation upon Council to issue written reasons for their decision.
- d.) The decision of Council shall be final. There shall be no appeal from the decision of council.

3.3 Consequences of Dangerous Animal Declaration

Council shall determine whether the Dangerous Animal should be destroyed or released to the Owner subject to any conditions that Council deems appropriate including that it be removed from the municipality. The decision of Council shall be final and not subject to appeal.

3.4 Destruction of Dangerous or Aggressor Animal

a) 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.

b) When the Animal Control Officer impounds an animal under his section for the purpose of destruction of the animal, he or she shall give the Owner written notice, delivered to the last known address of the Owner, that the animal will be humanely euthanized after the expiry of 10 consecutive 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 Chief Administrative Officer, in which case Council shall hold a hearing at a regularly scheduled or special meeting of Council as to whether or not the animal should be humanely euthanized, which hearing shall be carried out in accordance with the provisions of section 4.02 hereof. The animal shall remain quarantined in the Pound pending the outcome of the hearing. All related costs will be the responsibility of the Owner.

3.5 Fees/Penalties

All costs associated with regards to Section 3 are the responsibility of the animal owner and said costs may be collected in any manner in which a tax may be collected or enforced under "The Municipal Act"

4. Pound:

4.1 Council may, by resolution passed at a regular meeting or at a special meeting called for the purpose:

a. establish premises as a Pound for the impoundment of dogs apprehended pursuant to any provisions of this By-Law;

- b. rent premises or a portion thereof and designate same as a Pound for the impoundment of dogs apprehended pursuant to any provisions of this By-Law;
- c. enter into agreements for the provision of shelter, food, water and care for dogs apprehended and impounded pursuant to any provisions of this By-Law and designate the premises where such provision is made as a Pound;
- d. appoint a person as Pound-keeper to carry out any provisions of this By-Law at a remuneration to be determined by Council. The Pound-keeper shall also be appointed as Animal Control Officer.

5. Pound-Keeper:

5.1. The Pound-keeper appointed pursuant to Section 5 hereof shall carry out such duties as may be determined by Council, including:

- a. providing sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded;
- b. establishing and maintaining the pound in a manner 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 *The Animal Care Act* (Manitoba) while an animal is in the custody of the pound-keeper;
- c. operating any premises established or designated as a Pound for the impoundment of dogs apprehended pursuant to any provision of this By-Law;
- d. apprehending and impounding (with the use of a tranquillizer gun, if in the opinion of the Pound-keeper, such use is necessary) any dog, which is found to be running at large;
- e. caring for and protecting any dog during the period of its impoundment after apprehension;
- f. notifying the Owner of a dog which has been apprehended and impounded. Notice may be served on the Owner personally or upon a person apparently over the age of sixteen years at the residence of the Owner. Where the Owner cannot be ascertained, preparing and posting in the general office of the Municipality a notice describing the dog impounded, the date of its apprehension and

impoundment, and the date after which said dog may sold, placed in animal shelter or be destroyed unless redeemed;

g. collecting and paying to the Municipality the Pound Fees collected from an Owner of any dog which has been apprehended and impounded, at the time the Owner redeems the dog, and all fees collected pursuant to Section 5.1 i., except where the Municipality has entered into a contract with a private party for the operation of the pound, in which case the pound-keeper shall observe all terms and conditions of the agreement with the Municipality for the operation of the pound, including without limitation the provisions concerning the charging and collection of fees, the remittance amounts due to the Municipality, and the submission of all reports and statements required to be submitted to the Municipality under said agreement;

h. selling or destroying any dog which is not claimed by its Owner or for which the Owner has not the Pound Fees, at the expiration of five (5) days after its apprehension (excluding those days which the Pound may be closed). Sale of the dog shall be at the Pound-keeper's discretion and shall not be for less than the applicable Pound Fees as set forth in Schedule "A" hereto;

i. destroying any dog whose Owner has consented in writing to such destruction and whose Owner has paid:

i. any outstanding Pound Fees; and

ii. the fee for destroying the dog, as set forth in Schedule "A" hereto;

j. immediately destroying any dog owned, kept, possessed or harboured, or found within any part of the Municipality and known or believed to be suffering from rabies;

k. taking into custody and placing in quarantine any dog that the Pound-keeper has reason to believe has bitten or attempted to bite a person whether on private premises or elsewhere and whether the skin was directly punctured or lacerated by the bite or not:

l. any dog so delivered or taken to the Pound shall be kept therein for ten (10) days, at the Owner's expense, commencing from the date of the bite;

i. if the Owner of such dog delivers the dog to a place

other than the Pound such place must be under the personal supervision of a licensed Veterinary Surgeon and the dog must remain at such place at the Owner's expense for ten (10) days, commencing from the date of the bite;

m. capturing and impounding any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or the Province of Manitoba or any regulation made thereunder;

n. filing a complaint and appearing before a Justice of the Peace or Magistrate pursuant to the Animal Husbandry Act of Manitoba, where a dog is:

i. annoying to persons, or animals, or poultry and is in the habit of pursuing, startling or biting them or any of them elsewhere than of the land of its Owner or keeper; or

ii. is otherwise mischievous, to obtain an Order that:

ii. the Owner destroy the dog or that the Pound-keeper apprehend and destroy the dog at the expense of the Owner;

and

iii. the Owner pay the cost of the complaint; and;

iv. the Owner be subject to such fines, penalties and imprisonment as the Animal Husbandry Act may permit and as the Magistrate may determine.

o. issuing a penalty ticket to the Owner of any dog which is found to be running at large under this By-law or to any Owner who is in violation of any of the terms of this By-law.

5.2. No liability shall attach to the Pound-keeper for any dog destroyed or injured while being captured or impounded.

6. Redemption:

6.1. The Owner of any dog impounded may redeem the dog at the place of impoundment within the five (5) day period of impoundment by:

a. satisfying the Pound Keeper that he or she is the owner of the

dog; and

b. providing a current Certificate for Vaccination for Rabies; and

c. paying the Pound-keeper the Pound Fees calculated as follows:

i. an amount per kilometer actually and necessarily traveled by the Pound-keeper from the Pound to the place of apprehension, and where required to a veterinarian, as set forth in Schedule "A" hereto; and

ii. extraordinary costs incurred by the Pound-keeper in apprehending the dog; and

iii. veterinary expenses necessarily incurred for the dog during its impoundment; and

iv. an amount set forth in Schedule "A" hereto for each day in respect to the cost to the Municipality for shelter, food, water and care for that dog, during the period of impoundment.

v. on any first offence, a fine in an amount set by resolution of Council.

vi. on any second offence occurring within the license year, a fine in an amount set by resolution of Council.

7. Special Restriction:

7.1. A female dog in heat shall be confined and housed in the residence of the Owner or person having control of the dog for the period of time that the dog is in heat, or taken to a licensed kennel for the whole period of time in heat.

7.2. In the event of an outbreak or the threat of rabies or any other disease which can be transmitted through dogs, Council may require every Owner to confine the dog upon the Owner's property for such period of time as Council may determine.

8. Livestock

8.1. The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural and as 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.

8.2. 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.

8.3. 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.

8.4. 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.

8.5. 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.

8.6. 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 and any fines imposed pursuant to this By-law, have been paid in full.

8.7. 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 subsection.

8.8. 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.

9. Interference with Enforcement:

9.1. 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 Bylaw.

9.2. 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.

10. Apprehension by Resident:

10.1. 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 Chief Administrative Officer of 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.

11. Right of Entry:

11.1. 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.

11.2. The owner of any dog 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.

12. Complaint Identification:

12.1. No action will be taken to either impound a dog or to institute legal proceedings on any complaint unless the same is in writing and is signed by the complainant who must give his or her name, address, and telephone number.

13. Liability:

13.1. 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.

14. Illtreated Animals:

14.1. Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without necessary food, water, or attention, for more than fifteen consecutive hours, or is being wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subjected to pain or discomfort, or is unduly exposed to cold or overcrowding either in an enclosure, or in transit, the animal control officer may by force, if necessary, open and enter into any place in which the animal is so impounded, yarded, or confined, supply the animal with necessary food, water, and attention, as long as it remains in that place, if he deems it necessary, remove the animal, and recover from the owner of the animal the amount of the expense necessarily incurred by him for food and attention; and the animal control officer is not liable for any entry or removal. Where action is taken under this section by the Municipality, in addition to the provisions of section 8, the owner of an ill-treated animal shall be guilty of an offence under this bylaw.

15. Teasing, Enticing Prohibited

15.1. Any person found guilty of teasing, enticing, baiting or throwing objects at a dog confined within its owner's property shall be guilty of an offence under this by-law.

16. Penalties:

16.1. Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-Law or who is in breach of any of the provisions

of this By-law, is guilty of an offence and liable:

- a) to a fine of not less than \$100.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;
- b) to a fine of not less than \$250.00 and not more than \$1,000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense.

16.2. Any animal that is impounded three or more times within any 12-month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be destroyed regardless of whether or not it is properly licensed under this By-law.

16.3. 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, or who unlawfully enters any pound or unlawfully removes any animal impounded, is guilty of an offense and is liable:

- a) to a fine of not less than \$500.00 and not more than \$1000.00, or to imprisonment for a term of not more than sixty (60) days, or both, plus all applicable costs and penalties.

16.4. 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.

16.5. 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.

16.6. The liability of any person to pay the fine imposed by any fine issued by the Poundkeeper pursuant to Section 5.1 hereof shall be in addition to (and not in substitution for) the liability of any such person on summary conviction pursuant to this Section 10.1.

16.7. The amount owing for penalties and fines under clause 15.1 and clause 6.1 c. may be collected in any manner in which a tax may be collected or enforced under the "Municipal Act".

17. General:

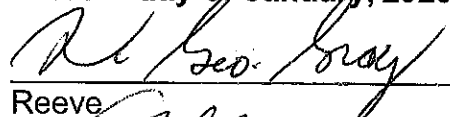
17.1. This By-Law shall come into full force and effect on the passage thereof.

17.2. By-Law No. 1964 of the Municipality of Dufferin are hereby repealed. The said repeal does not affect:

- a. any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal; or
- b. any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
- c. any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established or existing at the time of such repeal; or
- d. any office, appointment, commissions, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal; or

17.3. This By-Law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person contained in the provisions of The Animal Husbandry Act, R.S.M. 1987, c A90 and any amendments thereto.

DONE AND PASSED by the Council of the Rural Municipality of Dufferin, in meeting duly assembled at Carman, in Manitoba, this 21st day of January, 2020.


Reeve


Chief Administrative Officer

Read a first time this 19th day of November, 2019.
Read a first time this 10th day of December, 2019.
Read a third time this the 21st day of January, 2020.

Schedule "A"
By-Law #1991
Rural Municipality of Dufferin

Pound Fees

Shelter	\$40.00 per hour setup fee
Impoundment Fee (Food/Water/Care)	\$27.00 daily per dog
Pound Keeper Mileage	0.60 cents per kilometer
Destruction of Dog	Rates set by pound/vet