

THE RURAL MUNICIPALITY OF STE. ANNE

By-Law No 1-2012

BEING A BY-LAW of the RM of Ste. Anne
for establishing regulations for the **Control of
Dogs and "Other Animals"**.

WHEREAS The Animal Liability Act, authorizes the Council of any municipality to pass By-Laws to prohibit and regulate the running at large or trespassing of animals and providing for impounding them and other regulations in respect thereof.

AND WHEREAS Section 232(1) of The Municipal Act, states that, "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;
- (b) wild and domestic animals and activities in relation to them ..."

AND WHEREAS Section 233(2) of The Municipal Act, states that "Without limiting the generality of subsection (1), a Council may in a By-Law passed under this Division

- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation."

NOW THEREFORE the Council of the RM of Ste. Anne, in public meeting duly assembled, enacts as follows:

SECTION 1 **INTERPRETATION**

Name of By-law

1.1 The name of this By-Law, for citation, is the "**Animal Control By-Law**".

Definitions

1.2 In this By-Law:

- a) "**aggressive dog**" means a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings, or a dog which has bitten another domestic animal or human being without provocation;
- b) "**animal control officer**" means a person appointed or hired by Resolution of the RM of Ste. Anne Council, to enforce and carry out its provisions in the Municipality;
- c) "**Municipality**" means the LUD of Richer and all of the Rural Areas of the Municipality;
- d) "**dog**" means an animal of the canine species regardless of age or sex;
- e) "**euthanasia**" means the methods described in American Veterinary Medical Association (AVMA) Guidelines on Euthanasia 2007 or an updated version;
- f) "**impound**" means to take into custody, confine, and hold;
- g) "**keep**" means to own, possess, or harbor a dog or "**other animal**";
- h) "**other animal**" means all animals (including cats), but excludes dogs;
- i) "**puppy**" means a member of the canine species which is less than six months old;
- j) "**pound**" means the location where the Animal Control Officer takes into custody, confines and holds animals;
- k) "**run at large**", with reference to a dog or an "other animal", means being elsewhere than on the property of the person who keeps the dog, or "other animal", or of a person who has care, custody or control of the dog or "other animal", and not being under the immediate charge and control of a responsible person.

Schedules

1.3 The schedules attached to this By-Law form part of this By-Law.

Severability

1.4 A decision by a court that any part of this By-Law is illegal, void, or unenforceable severs that part from this By-Law, and is not to affect the balance of this By-Law.

SECTION 2

CONTROL OF DOGS

Controlling a dog / No running at large

2.1 A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit or allow the dog to be elsewhere than on his or her property unless it is under the immediate charge and control of a responsible person. A person who keeps a dog must not permit or allow the dog to run at large.

Leashing dogs

2.2 A person who keeps a dog must not permit or allow the dog to be on a road or other public place unless the dog is under the immediate charge and control of a responsible person by means of a leash that is not more than 2.5 m long.

Muzzling aggressive dogs

2.3 In addition to complying with section 2.2, a person who keeps an aggressive dog must not permit or allow the dog to be on a road or other public place or on any other property that such person does not own or control unless such person has muzzled the dog to prevent it from biting another animal or a person, except when the dog is participating in an event sanctioned by the Canadian Kennel Club.

Securing aggressive dogs on private property

2.4 A person who keeps an aggressive dog must, at all times while the dog is on property owned or controlled by such person, securely confine the dog, either indoors or in an enclosed pen or other structure capable of preventing unauthorized entry and adequately constructed to prevent the dog from escaping or from biting another animal or human being.

Limiting number of dogs

2.5 A person may keep a maximum of two (2) dogs.

- This does not include litters of puppies less than 6 months old;
- This does not apply if a kennel license authorizing otherwise has been obtained under the RM of Ste. Anne's Zoning By-Law; and
- This does not apply if an exemption has been obtained as per 10.2 of this By-Law.

Confining dogs in heat

2.6 A person who keeps a female dog must confine and house the dog during the period it is in heat.

Confining dogs with communicable diseases

2.7 A person who keeps a dog, and who knows or suspects that the dog has a communicable disease, must:

- isolate the dog, during the period such person knows or suspects that the dog has a communicable disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
- seek the assistance of a veterinarian; and
- follow the orders of such veterinarian, the Animal Control Officer, and any government officials who have authority to issue such orders.

Clean-up of Excrement

2.8 If a dog defecates on any property other than the property of the person who owns or is in possession or control of the dog, the person who owns or is in possession or control of the dog, shall remove such feces immediately and in a sanitary manner.

Barking or howling

2.9 A person who owns or occupies premises must not permit or allow the sound of a barking or howling dog that disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of a person not on the same premises.

Upsetting or breaking into refuse container

2.10 A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit or allow the dog to upset or break into a refuse container on a road or other public place.

SECTION 3

KEEPING OF DOGS**Giving basic care to dogs**

- 3.1 A person who keeps a dog, or a person who has care, custody or control of a dog, must give the dog food, water, shelter, and exercise sufficient to maintain the dog in good health.

Tethering dogs

- 3.2 A person who keeps a dog, or a person who has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck. Any chain, leash, or similar device for animal constraint shall be designed to prevent choking or injury to the dog, and the tethering device shall be at least 4 meters in length and placed on a swivel or chain run.

Enclosing dogs

- 3.3 A person who keeps a dog, or a person who has care, custody or control of a dog, must not confine the dog in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the dog in good health.

SECTION 4**IMPOUNDMENT OF DOGS****Seizing dogs under this By-Law**

- 4.1 The Animal Control Officer may seize a dog:
- who is running at large;
 - who has bitten or who is alleged to have bitten a human being; or
 - who repeatedly barks & howls in an offensive manner as described in Section 2.9.

Impounding dogs

- 4.2 Promptly upon receiving a dog under Section 4.1, the Animal Control Officer must impound the dog at the pound. If the Animal Control Officer believes the dog is in need of medical care, the Animal Control Officer may take the dog to, or leave the dog with, a veterinarian.

Detaining impounded dogs

- 4.3 The Animal Control Officer may detain for:
- 72 hours, a dog impounded under Section 4.1a) and c);

Destroying dogs

- 4.4
- If the Animal Control Officer believes that an impounded dog is suffering from injury, disease, sickness, or other cause from which it is unlikely to survive or recover, and that destroying the dog would be humane, the Animal Control Officer may destroy the dog immediately.
 - A dog that has been deemed as aggressive and that has been proven to have bitten a human being may be destroyed by the Animal Control Officer immediately upon receiving Council's written authorization in the form of a resolution.

Caring for dogs

- 4.5 The Animal Control Officer, as he or she considers necessary and humane, may maintain and care for impounded dogs including the provision of food, water, and shelter, and may arrange for veterinary care and medication.

Disposing of dogs

- 4.6 After expiry of the 72 hours referred to in section 4.3, the Animal Control Officer may destroy in accordance with Section 7.1, sell by auction or private sale, or dispose an impounded dog in an otherwise humane way.

Reclaiming dogs

- 4.7 At any time before destruction or sale of a dog under section 4.6, the person who keeps the dog may apply to the Animal Control Officer to reclaim the dog, and, when applying, must pay:
- the impound fee set out in Schedule A;
 - any fines;
 - the daily charge for maintaining the dog or "other animal" set out in Schedule A; and
 - the costs for veterinary care and medication that may have been incurred by the Animal Control Officer.

SECTION 5

REGULATION OF "OTHER ANIMALS"

Controlling "other animals"

- 5.1 A person who keeps an "other animal", or a person who has care, custody or control of an "other animal", must not permit or allow the "other animal" to be elsewhere than on his or her property unless it is under the immediate charge and control of a responsible person.

Limiting the number of "other animals"

- 5.2 A person may keep a maximum of two (2) "other animals".
- a) This does not apply to hobby farm animals or other livestock permitted under the RM of Ste. Anne's Zoning By-Law; and
 - b) This does not apply to farm cats kept for the purpose of rodent control.

Prohibition against keeping certain animals

- 5.3 A person must not keep in the Municipality, temporarily or permanently, any animal listed in Schedule B to this By-Law, except as permitted by section 5.4.

Exceptions to prohibitions

- 5.4 The prohibitions set out in sections 5.3 do not apply to:
- c) the Steinbach Humane Society;
 - d) a veterinary hospital under the control of a veterinarian registered as a member of the Manitoba Veterinary Medical Association;
 - e) premises operated by an institution of education for research, study, or teaching purposes;
 - f) premises operated by the RCMP; and
 - g) the pound.

Housing for animals

- 5.5 In addition to the other requirements of this By-Law, the owner of any animal, must provide for its housing in a suitable manner, and must maintain such housing in a clean and wholesome state appropriate for the particular animal.

Seizing "other animals" under this By-Law

- 5.6 The Animal Control Officer may seize an "other animal" that is elsewhere than on property referred to in section 5.1, and that is not under the immediate charge and control of a responsible person or where an "other animal" is being kept by a person in contravention of this By-Law.

Impounding "other animals"

- 5.7 Promptly upon receiving an "other animal" under section 5.6, the Animal Control Officer may impound the "other animal" at the pound.

Detaining impounded "other animals"

- 5.8 The Animal Control Officer may detain an "other animal" impounded under section 5.7 for 48 hours.

Caring for "other animals"

- 5.9 The Animal Control Officer, as he or she considers necessary and humane, may maintain and care for impounded "other animals" including the provision of food, water, and shelter, and may arrange for veterinary care and medication.

Destroying "other animals" for humane reasons

- 5.10 Despite section 5.9, if the Animal Control Officer believes that an impounded "other animal" is suffering from injury, disease, sickness, or other cause from which it is unlikely to survive or recover, and that destroying the "other animal" would be humane, the Animal Control Officer may destroy the "other animal" immediately.

Disposing of "other animals"

- 5.11 After expiry of the 48 hour period referred to in section 5.8, the Animal Control Officer may destroy as per Section 7.1, sell by auction or private sale, or dispose of an impounded "other animal" in an otherwise humane way.

Reclaiming "other animals"

- 5.12 At any time before the destruction or sale of an "other animal" under section 5.11, the person who keeps the "other animal" may apply to the Animal Control Officer to reclaim the "other animal" and, when applying, must pay:
- a) the impound fee set out in Schedule A;
 - b) any fines;
 - c) the daily charge for maintaining the dog or "other animal" set out in Schedule A; and
 - d) the costs for veterinary care and medication that may have been incurred by the Animal Control Officer.

SECTION 6**DISPOSITION SERVICES****Removing carcasses**

- 6.1 If the Animal Control Officer learns that the carcass of an animal is lying in a municipal ditch, road allowance or other public place, the Animal Control Officer may remove the carcass when requested to do so by Council.

SECTION 7**EUTHANASIA****Destroying of an animal**

- 7.1 Any reference to the destroying of an animal will follow the American Veterinary Medical Association (AVMA) Guidelines on Euthanasia. The principle for a humane method of killing an animal is a rapid unconsciousness and death, with the least possible pain and distress accompanying the procedure. The most appropriate method of euthanasia may vary depending on the circumstances and the animal species. Euthanasia is not desirable as a sole means of population control, but is a necessary requirement for unwanted companion animals. Optimal methods of euthanasia will be used. Shooting an animal is considered a humane way to destroy an animal as it produces immediate unconsciousness prior to death. Shooting may be the most practical and logical method of euthanasia of wild or free ranging animals.

SECTION 8**CHARGES AND FEES****Charging for impoundment**

- 8.1 A person who keeps a dog or "other animal" which the Animal Control Officer has impounded under this By-law must pay to the Rural Municipality of Ste. Anne, on demand and before release of the dog or "other animal", with respect to that dog or "other animal":
- a) the impound fee set out in Schedule A;
 - b) any fines;
 - c) the daily charge for maintaining the dog or "other animal" set out in Schedule A; and
 - d) the costs for veterinary care and medication that may have been incurred by the Animal Control Officer.

SECTION 9**OFFENCES AND PENALTIES AND ENFORCEMENT****No removing impounded animals**

- 9.1 A person must not remove, or attempt to remove, from the pound an impounded dog or "other animal" except as allowed under this By-Law.

No interfering with Animal Control Officer

- 9.2 A person must not interfere with, resist, or otherwise obstruct the Animal Control Officer, or other person authorized under this By-Law, in the performance of his or her duties.

Offences under By-law

- 9.3 A person is liable to the penalties imposed under this Section when they are found guilty of an offence against this By-Law in a manner as follows:
- a) violating any provision of this By-Law, or doing any act or thing which violates any provision of this By-Law, or allows any other person to do any act or thing which violates any provision of this By-Law;
 - b) neglecting to do or refraining from doing anything required to be done by any provision of this By-Law; or
 - c) allowing any other person to fail to comply with an order, direction, or notice given under any provision of this By-Law;

Fine for offence

9.4 Every person who commits an offence against this By-Law is punishable on conviction by a fine of no more than \$1,000.00 for each offence.

Fine for continuing offence

9.5 Every person who commits an offence of a continuing nature against this By-Law is liable to a fine not exceeding \$50.00 for each day such offence continues.

**SECTION 10
AMENDMENTS**

Request to increase number of dogs permitted

10.1 A person may submit a written request, along with the application fee of \$25.00, to have the maximum number of dogs increased for their specific property by Resolution of Council.

Request to increase number of dogs

10.2 A person may submit a written request, along with a one-time application fee of \$25.00, to have the maximum number of dogs increased for a specific property by Resolution of Council.

Amending amount of fees and fines

10.3 The amount of the fees and fines outlined in this By-Law may be amended at any time by Resolution of Council.

**SECTION 11
REPEAL AND ENACTMENT**

Repeal


11.1 This By-Law repeals By-Law No. 7-1993 (LUD of Richer Dog By-Law) and By-Law No. 9-2001 (RM of Ste. Anne Dog By-Law except LUD).


Force and effect

11.2 This By-Law is to come into force and take effect on the date of its enactment.

PASSED AND ENACTED at the regular meeting of the Council of The Rural Municipality of Ste. Anne at the office of the Municipality this 22nd day of August , AD 2012.

THE RURAL MUNICIPALITY OF STE. ANNE


Reeve Art Bergmann


A.T. (Loni) Eskildsen, CAO

Read a first time this 11th day of January , 2012.

Read a second time this 22nd day of August , 2012.

Read a third time this 22nd day of August , 2012.

SCHEDULE "A" TO BY-LAW No. 1-2012**FEEES AND CHARGES****Part 1 – Impound Fees**

Impound of dog	\$ 50.00
Impound of "other animal"	\$ 100.00

Part 2 – Maintenance Charges

Maintenance of dog	\$ 20.00 per day
Maintenance of aggressive dog	\$ 25.00 per day
Maintenance of "other animal"	\$ 50.00 per day

Part 3 – Offense Charges

Fine – as determined by Council	Up to \$1,000.00 per offense
Fine – continuing offense	\$ 50.00 per day

Part 4 – Veterinary & Other Costs

Veterinary care and medication costs incurred by the Animal Control Officer.	At cost less GST if applicable
Animal Control Officer wages	\$25.00/hr
Mileage expenses	\$0.40/km
Mileage expenses (where trailer is required for transport of larger animal)	\$0.50/km

SCHEDULE "B" TO BY-LAW No. 1-2012**PROHIBITED ANIMALS**

The following is a non-inclusive list of animals prohibited within the boundaries of the RM of Ste. Anne:

1. Canids including coyotes, foxes, jackals, and wolves but excluding non-aggressive domestic dogs.
2. Hyenas
3. Crocodylians including alligators and crocodiles
4. Ursids including bears
5. Felids including lions, tigers, bobcats, servals, and ocelots but excluding domestic cats
6. All reptiles and snakes classified as venomous, whether or not they have venom glands including
 - a. All snakes of the families Pythonidae and Boidae.
 - b. All Constrictors – eg. Green anaconda (*Eunectes murinus*), yellow anaconda (*Eunectes notaeus*), reticulated python (*python reticulatus*), African rock python (*python sebae*), Burmese python (*python molurus bivittatus*), Indian python (*python molurus molurus*), or amethyst python (*morelia amethystina*).
7. Arachnids such as spiders and scorpions
8. Insects such as praying mantises, Madagascar hissing cockroaches, fleas and some beetles
9. Crustaceans such as yabbies, marron, crabs, and shrimp
10. Non-human primates including cottontop tamarins, baboons, chimpanzees, Diana monkeys, slow lorises, lemurs and gibbons
11. Other Exotic Pets defined as a rare or unusual animal pet, or an animal kept within human households which is not commonly thought of as a pet. Typically, exotic animals are defined as any animal other than cats, dogs, small rodents, small reptiles, small birds or small fish.