



# STE. ANNE MUNICIPALITY

## BY-LAW #2023-23

**BEING A BY-LAW** to provide for the regulation and prohibition of the abandonment of animals within the limits of the Rural Municipality of Ste. Anne.

**WHEREAS** the provisions of section 232 of *The Municipal Act*, R.S.M. 1988, c. M225 provide 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;

### **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;

**AND WHEREAS** it has become apparent that individuals are abandoning animals including domestic dogs and cats in the Rural Municipality of Ste. Anne;

**AND WHEREAS** it is deemed advisable to provide for the regulation and prohibition of the abandonment of animals within the limits of the Rural Municipality of Ste. Anne;

**NOW THEREFORE** Council of the Rural Municipality of Ste. Anne duly assembled enacts as follows:

## **1. Short Title**

1.1 This By-Law may be referred to as the "Animal Abandonment By-Law".

## **2. Definitions and Interpretation**

2.1 In this By-Law, unless the context otherwise requires:

(a) "Abandon(ed)" means an animal that:

(i) is apparently ownerless and running at large, or

(ii) is found on rented premises after the expiration or termination of the tenancy agreement, or

(iii) is found on premises after the owner has sold or vacated the premises, or

- (iv) when an Owner willfully refuses to take charge of their animal that is running at large
- (b) "Animal", unless otherwise defined in this by-law, means a live non-human being with a developed nervous system;
- (c) "Animal Control Officer" means any person appointed by Council as a Designated Officer appointed to carry out and enforce any provisions of this By-law or any contracts or agreements entered into for the purpose of carrying out any provision of this By-law;
- (d) "Council" means the Council of the Municipality, or any delegate thereof;
- (e) "Dog" means a member of the subspecies *Canis lupus familiaris*;
- (f) "Cat" means a member of the subspecies *Felis catus*
- (g) "Enforcement Area" means the entire Rural Municipality of Ste. Anne;
- (h) "Municipality" means the Rural Municipality of Ste. Anne;
- (i) "Owner", in respect of an animal, means a person, including a corporation,
  - (i) who has legal title to the animal; or
  - (ii) who has possession or custody of the animal, whether temporarily or permanently; or
  - (iii) who harbours the animal, or allows the animal to remain on his or her premises; or
  - (iv) who owns the property where the animal is located.

### **3. General Prohibition**

- 3.1 No person or owner shall Abandon an Animal including a Dog or Cat within the Enforcement Area.
- 3.2 When an Owner has abandoned an Animal, they shall be deemed to have failed or refused to comply with section 3.1 of this By-Law.
- 3.3 The Municipality may apprehend and/or impound any Abandoned Animal pursuant to this section in accordance with the Municipality's Animal Control By-law, as amended from time to time.

### **4. Animal Control Officers and Pound-Keeper**

- 4.1 Council may, by resolution:
  - (a) appoint an Animal Control Officer to carry out and enforce this By-law;
  - (b) approve or ratify an agreement respecting an Animal Control Officer's appointment;
  - (c) establish premises for the confinement of animals apprehended pursuant to any provisions of this By-law;
  - (d) appoint a pound-keeper to carry out and enforce By-law; and

(e) approve or ratify an agreement respecting a pound-keeper's appointment.

4.2 In addition to any other duties and responsibilities under this By-law, an Animal Control Officer shall:

(a) be responsible for enforcing this by-law in accordance with the Municipal General Enforcement By-Law, as amended from time to time; and

(b) prepare and deliver to Council a monthly report setting out such information as Council may require from time to time.

4.3 No liability shall attach to the Animal Control Officer, the pound-keeper or the Municipality for any Animal destroyed or injured pursuant to any action undertaken by the Animal Control Officer or the pound-keeper pursuant to their enforcement activities including, without limitation, the apprehension or impoundment of an Animal.

## **5. Interference with Enforcement**

5.1 No person shall:

(a) interfere with or attempt to obstruct an Animal Control Officer or the pound-keeper who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law;

(b) release or attempt to release an Animal from a vehicle in which an Animal that has been captured by an Animal Control Officer is being held for impoundment; or

(c) remove or attempt to remove any Animal from the possession of an Animal Control Officer or a pound-keeper.

5.2 When an Animal Control Officer intends to issue a document related to enforcement of this By-law or a contravention thereof, the individual must at the request of the Animal Control Officer provide identification sufficient to establish the individual's name and address.

## **6. Enforcement, Contravention and Fines**

6.1 This By-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.

6.2 Without restricting the general authority given in subsection 6(1), Animal Control Officers have the authority, after providing reasonable notice to the occupant or a property, to enter onto property to capture and impound an animal in order to administer and enforce this by-law.

6.3 An Animal Control Officer may use photo enforcement procedures to obtain information of persons contravening this By-law.

6.4 Where an Officer determines that a contravention of any provision of this By-law has occurred, the Animal Control Officer may commence enforcement proceedings and issue and serve a ticket pursuant to the Municipality's General Enforcement By-law, as amended from time to time.

6.5 The Municipality and/or the Animal Control Officer may take whatever action or measures are necessary to remedy a contravention of this By-law in accordance with the General Enforcement By-law, as amended from time to time.

6.6 Any person found to be in contravention of any of the provisions of this By-law, and at the discretion of the Animal Control Officer, will be subject to the following:

- (a) A penalty of \$1000.00 per animal and/or per incident.
- (b) The recovery of all costs incurred by the Rural Municipality of Ste. Anne as a result of the contravention of this by-law.

**7. General Provisions**

7.1 This By-Law shall come into force and effect on the day it receives third and final reading by Council.

**DONE AND PASSED** as a By-Law of the Rural Municipality of Ste. Anne by the Council, assembled in the Council Chambers this 24<sup>th</sup> day of January, 2024.



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Reeve



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Chief Administrative Officer



Read a first time this 13<sup>th</sup> day of December, 2023, by Resolution #2023-602.  
Read a second time this 24<sup>th</sup> day of January, 2024, by Resolution #2024-36.  
Read a third time this 24<sup>th</sup> day of January, 2024, by Resolution #2024-37.