

# THE RURAL MUNICIPALITY OF PINEY

## BY-LAW NO. 48/07

### A BY-LAW OF THE RURAL MUNICIPALITY OF PINEY TO REGULATE AND CONTROL THE RUNNING AT LARGE OF DOGS WITHIN THE LIMITS OF THE RURAL MUNICIPALITY OF PINEY

WHEREAS Section 232 (1) (k) and 232 (2) (d) of The Municipal Act provides in part as follows:

- 232 (1) A council may pass by-laws for municipal purposes respecting the following matters:
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- 232 (2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (d) establish fees and other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

AND WHEREAS it is deemed expedient and in the best interest of The Rural Municipality of Piney to regulate and control the running at large of dogs within the limits of The Rural Municipality of Piney;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS A BY-LAW OF THE RURAL MUNICIPALITY OF PINEY AS FOLLOWS:

1. This By-Law may be referred to as The Rural Municipality of Piney Dog Control By-Law.
2. The following definitions shall apply to this By-Law:
  - (a) "Animal Control Officer" means the person duly authorized and appointed as Animal Control Officer, and shall include persons duly authorized to act as Assistant to the Animal Control Officer;
  - (b) "Attack" means an unprovoked offensive move by a dog toward a person, resulting in a fall, torn clothing, scratches, teeth marks or causing skin to be broken or blood drawn;
  - (c) "Authorized Person" means any person appointed or employed by The Rural Municipality of Piney, or the assistant, employee or agent of any such appointee or employee, to carry out any provision of this By-Law or any contracts or agreements entered into for the purpose of carrying out any provision of this By-Law;
  - (d) "Chief Administrative Officer" means the Chief Administrative Officer of The Rural Municipality of Piney;
  - (e) "Commercial Dog Kennel" means any premises upon which dogs are raised, trained or kept whether for gain or not;

- (f) "Council" means the Council of The Rural Municipality of Piney;
  - (g) "Dog" means either male or female of the canine or canidas family, including all species of the animal commonly known by that name, as well as every breed or classification or mixture of breed or classification thereof;
  - (h) "Dogpound" means any premises authorized by Council or used or intended to be used for the confinement of dogs;
  - (i) "Hobby Dog Breeder" means a person who at any one time, keeps, harbors, breeds, or has in his/her possession more than three adult dogs, either for gain or for pleasure;
  - (j) "Household" means one family occupying as owner or tenant a dwelling or apartment house, or part of dwelling or apartment house separately occupied as a dwelling;
  - (k) "Molesting" means any dog not on the owners property or not on leash, biting, or otherwise showing threatening behavior toward a person.;
  - (l) "Municipality" means The Rural Municipality of Piney;
  - (m) "Owner" means any person who owns, keeps or harbors a dog, or who knowingly permits or allows any other persons to own, keep or harbor a dog upon premises owned, leased or occupied by him;
  - (n) "Poundkeeper" means the person authorized by Council to maintain a dog pound or to carry out any provision of this By-Law, and includes any person acting as an assistant to, or under the direction of the poundkeeper;
  - (o) "Proper Control" means a dog must be on a leash, or under voice control to such an extend that the dog immediately obeys commands;
  - (p) "Running at Large" or "run at large" means, in relation to an animal, that the animal is not under the direct, continuous and effective control of a person competent to control it; or securely confined within an enclosure or securely fastened so that it is unable to roam at will.
  - (q) "Vicious Dog" means a Dog that is not under its owner's control and not on the owner's property and then unprovoked attacks, threatens, or bites a person or another animal.
3. No owner of a dog which, by reason of training, disposition or inclination has exhibited signs of viciousness, shall permit the dog to enter into any public place or onto any property to which the public has access, unless the said dog is muzzled, and is restrained by a leash not more than five feet in length in the hands of a person capable of exercising control of said dog.
4. In the event of an outbreak or the threat of an outbreak of rabies or any other disease which can be transmitted through dogs, Council may require every owner to confine his dog upon his property for such period of time as Council may determine.

5. Council may, by resolution passed at a regular meeting or a special meeting called for the purpose:
  - (a) establish premises for the confinement of dogs apprehended pursuant to any provisions of this By-Law;
  - (b) appoint a poundkeeper to carry out any provisions of this By-Law;
  - (c) ratify any agreement respecting the above, made between it and co-operating municipalities with a poundkeeper.
  
6. The poundkeeper appointed pursuant to Clause 5, hereof shall carry out such duties and shall be remunerated therefore as provided in the agreement appointing him, which duties may include, without limiting the generality of the foregoing, the following:
  - (a) establishment and maintenance of a pound for the confinement of dogs apprehended pursuant to any provision of the By-Law;
  - (b) apprehension and confinement of any dog which is found running at large;
  - (c) care and protection of any dog during the period of its confinement after apprehension;
  - (d) sale and destruction of any dog which is not claimed by its owner or for which the owner has not paid those costs chargeable to the owner of a dog after its apprehension;
  - (e) collection and payment to the municipality of the fines and costs collected from the owner who claims a dog which has been apprehended within the limits of the municipality;
  - (f) notification to the owner of a dog confined after apprehension, and where the owner cannot be ascertained, preparation and posting in the general area of the municipality where the dog was apprehended and in the general office of the municipality a notice describing the dog impounded, the date of its apprehension and confinement, and the date after which said dog will be destroyed or sold unless claimed;
  - (g) preparation and delivery to Council of a monthly report setting forth such information relating to his duties as Council may require;
  
7.
  - (a) Where a dog is found running at large, the poundkeeper:
    - (i) may issue a warning to its owner, advising of the breach of Clause 3 of this By-Law; or
    - (ii) apprehend and confine the dog, and advise the owner, as soon as reasonably possible of the fact of apprehension and confinement.
  
  - (b) Where the owner of a dog apprehended and confined pursuant to this by-Law desires to re-claim the dog, he shall pay to The Rural Municipality of Piney applicable charges as follows:
    - (i) First time offence the sum of \$50.00 for apprehension of the dog;
    - (ii) Second time offence the sum of \$100.00 for the apprehension of the dog;

- (iii) ten dollars per day or portion thereof that the dog has been confined;
    - (iv) extraordinary cost incurred by the poundkeeper in apprehending the dog;
    - (v) veterinary expenses necessarily incurred for the dog during it's confinement.
  - (c) Where a dog is found running at large, and apprehended, it's owner may reclaim it upon payment of the costs referred to in Paragraph (b) hereto.
  - (d) Where the owner of a dog refuses to pay the costs herein after mentioned, or where the owner of the dog cannot be ascertained within 5 days of the notice of apprehension as provided in Clause 6 (f) hereof, the poundkeeper may:
    - (i) sell the dog to any person who will pay the applicable costs and charges,
    - (ii) destroy the dog and dispose of the carcass; or
    - (iii) may turn the dog over to a shelter or rescue facility at no cost to the owner.
  - (e)
    - (i) The poundkeeper shall take into custody at a vet clinic and place in quarantine any dog that has bitten or has alleged bite occurred on private premises or elsewhere and whether the skin is directly punctured or lacerated by the bite or not;
    - (ii) If such a dog is not voluntarily surrendered to a poundkeeper by the owner, the poundkeeper shall be empowered to have a Provincial Judge, Magistrate or Justice of the Peace issue an order to seize and impound such dog;
    - (iii) Any such dog so delivered or taken into the pound or vet clinic shall be kept therein for 14 days, at The Rural Municipality of Piney's expense, the said period commencing from the date of the bite;
    - (iv) If such a dog so delivered or taken to the pound is found to be rabid, the dog shall be destroyed.
  - (f) No liability shall attach to the poundkeeper, vet clinic and/or The Rural Municipality of Piney for any dog destroyed or injured while being captured or during impoundment.
8. Before any action to impound a dog is taken by the poundkeeper as a result of a complaint, the complaint shall give his/her name, address and telephone number.
9.
  - (a) The poundkeeper, a police officer, or any person authorized by this By-Law to enforce the provisions contained herein may enter onto the land surrounding any building with the consent of an owner of the said land in pursuit of any dog which has been observed running at large;
  - (b) The poundkeeper or any other person authorized by this By-Law may capture and impound any dog in respect of which he believes or has reasonable grounds to believe that an offense under this By-Law is being or has been committed by any such dog which is required to be impounded pursuant to the provisions of this By-Law, the provisions of any Statute of Canada or of the Province of Manitoba or any regulations made thereunder;

10. This By-Law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of a person contained in the provisions of The Animal Husbandry Act, Chapter A90 of the Continuing Consolidation of Manitoba Statutes, and amendments hereto.
11. Council may be Resolution restrict the operation of this By-Law to designated portions of The Rural Municipality of Piney.
12. (a) Any owner who contravenes or permits the contravention of any provision of this By-Law, or disobeys, fails, refuses or neglects to comply with the requirements of this By-Law, is guilty of an offence and liable, on summary conviction of a fine not exceeding \$500.00 in the case of an individual or \$1,000.00 in the case of a corporation, or in the case of an individual, to imprisonment for a term not exceeding one (1) month or to both such a fine and such imprisonment.  
  
(b) Notwithstanding any other section of this By-Law, where an order for the destruction of a dog is being sought, the said dog shall be impounded, at the owner's expense, until the order is granted or refused.
13. That on the passing of this By-Law, The Rural Municipality of Piney By-Law No. 9/98 is rescinded.

NOW DONE AND PASSED as a By-Law of The Rural Municipality of Piney at the Post Office of Vassar, in the Province of Manitoba, this *8TH* day of *MAY* A.D., 2007.

THE RURAL MUNICIPALITY OF PINEY

  
Marvin Hovorka  
Reeve

  
R. Preteau  
Chief Administrative Officer

Read a first time this 24<sup>th</sup> day of April A.D., 2007.  
Read a second time this 24<sup>th</sup> day of April A.D., 2007.  
Read a third time this *8TH* day of *MAY* A.D., 2007.