

## VILLAGE OF DUNNOTTAR

### BY-LAW NO. 950/18

Being a By-Law of the Village of Dunnottar to provide for the regulation and control of animals within the Village of Dunnottar.

#### **PART I: AUTHORITY**

**WHEREAS** Section 232 of *The Municipal Act*, S.M., 1996, c.58 provides, in part, as follows:

- 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;
  - b) people, activities and things in, or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
  - c) subject to section 233, activities or things in or on private 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.

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** Section 233 of *The Municipal Act*, S.M., 1996, c. 58 provides, in part, as follows:

- 233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of
- a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
  - d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

**AND WHEREAS** Section 236 of *The Municipal Act*, S.M., 1996, c. 58 provides, in part, as follows:

236(1) Without limiting the generality of clauses 232(1)(o) (enforcement of by-laws), a by-law 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 contraventions of by-laws, including
  - i) creating offences,
  - ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence 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 offence, or related to enforcing the by-law,
  - iii) providing that an amount under subclause (ii) 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 offences or nonpayment of fines.

**AND WHEREAS** Section 5 of *The Animal Liability Act*, S.M. 1998, c. 8 provides, in part, as follows:

- 5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.
- 5(2) An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1)
- 5(3) A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only or 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 Village 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.

**AND WHEREAS** the Council of the Village of Dunnottar deems it advisable and in the best interest of the Village to provide for the regulation and control of animals within the Village.

**NOW THEREFORE**, the Council of the Village of Dunnottar, in Council duly assembled, enacts as follows:

## **PART II: DEFINITIONS AND INTERPRETATION**

### **By-Law Name**

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

### **Definitions**

- 1.2 In this By-Law unless the context otherwise requires,

**Aggressor Animal** shall have the meaning ascribed thereto in Section 11 of this By-Law.

**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.

**Cat** means any member of the genus *Felis Domesticus* (domestic cat).

**Council** means the council of the Village of Dunnottar.

**Current Rabies Vaccination** means that the dog or cat has been vaccinated for rabies in accordance with international veterinary protocol which calls for a primary vaccination, which is then followed with a booster vaccination not sooner than 60 days and not greater than one year after the primary vaccination, and is then subsequently vaccinated at regular intervals not exceeding three years.

**Dangerous Animal** means any dog, cat or any other animal that has on a least one occasion, attacked, injured or killed a person, livestock or any other animal, and that has been declared a dangerous animal under section 12 of this By-Law.

**Dog** means any member of the genus *Canis Familiaris* (domestic dog).

**Domestic Pet** means any animal other than a dog or cat that has been domesticated and is kept or harboured within the Municipality;

**Livestock** means:

- a) animals kept for the purpose of:
  - i) production of meat,
  - ii) production of other products from the animals, or
  - iii) herding, protection of livestock or draft work, and breeding stock of such animals;
- b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a) (i), (ii) or (iii) of this definition; and
- c) any other animal determined by the animal control officer to be livestock for the purpose of this By-Law, whether or not intended for profit and including, without limitation;
  - i. dairy cattle and beef cattle, goats, sheep, bison and horses;
  - ii. swine (including wild boar);
  - iii. all cervids on game production farms;
  - iv. all of the family *Camilidae* (including Llamas and Alpacas);
  - v. all domestic poultry (including chickens, turkeys, ducks and geese);
  - vi. specialty fowl (including guinea fowls); and
  - vii. any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act*.

**Notice of Breach of By-Law** means a notice issued pursuant to section 3(f) of this By-Law in the form attached hereto as Schedule B.

**Owner** includes any person who owns, keep, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person.

**Person** includes a firm or corporation.

**Pound** means any enclosure, premises or place, whether within or outside the Municipality, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of this By-Law.

**Poundkeeper** means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a pound keeper as set out in section 4 of this By-Law.

**Restricted Animal** means:

- a) any member of the order *Primate*, except a human being;
- b) any member of the order *Carnivora*, except dogs, cats and domestic ferrets (*mustela putorius furo*), but including all hybrids of dogs and cats;
- c) any livestock;
- d) any member of the order *Crocodylia*;
- e) any constrictor snake, venomous snake or venomous reptile;
- f) any venomous amphibian;

- g) any bees or species of bees;
- h) any wild animal or wildlife as defined in *The Wildlife Act*; and
- i) any other animal determined by the animal control officer to be a restricted animal, other than a dog or cat.

**Running at Large or Run at Large** means, in relation to an animal, that the animal is not:

- a) under the direct, continuous and effective control of a person competent to control it; or
- b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

**Service Animal** means an animal that has been trained to perform tasks that assist people with disabilities.

**Worry/Worrying** means, in relation to an animal,

- a) to harass by tearing, biting or snapping, or to shake or pull at with the teeth; or
- b) to assail with rough or aggressive attack or treatment.

### **Interpretation**

- 1.3 In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

## **PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUNDKEEPER**

### **Establishment of Pound**

- 2.1 Council may establish and maintain a pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any person (including with any other municipality, city, town or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Municipality shall be paid out of the general funds of the Municipality.

### **Appointment of Animal Control Officer**

- 2.2 Council may appoint, or enter into an agreement with, one or more persons (including any other municipality, city, town or organization) as animal control officer(s) to carry out the enforcement of this By-Law. The animal control officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

### **Appointment of Poundkeeper**

- 2.3 Council may appoint or enter into an agreement with, one or more persons (including any other municipality, city, town or organization) as pound keeper(s) to carry out the duties of the pound keeper set out in this By-Law. The pound keeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.

- 2.4 At the discretion of Council, the animal control officer may also serve as poundkeeper, and vice versa.

### **Duties of the Animal Control Officer**

- 3.1 It shall be the duties of the animal control officer:
- a) to apprehend and confine at the pound, any animal running at large within the Municipality contrary to the provisions of this By-Law or any other law or regulation pertaining to animals,

- b) to apprehend and confine any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this By-Law, or running at large, within the Municipality,
- c) to ensure that any restricted animal kept or harboured within the Municipality is properly licenced by the Municipality, and to apprehend and confine any such restricted animal that is not properly licensed,
- d) to apprehend and confine any dog, cat or any other domestic pet which is running at large within the Municipality contrary to the provisions of this By-Law, or which is kept or harboured by, or in the possession or control of, any person that is in breach of this By-Law or of any other laws or regulations pertaining to animals or the conditions of any permit or licence,
- e) to make a reasonable attempt to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving a notice at the last known address of the owner, which notice shall be in the form set out in Schedule C, attached, and shall state:
  - ii) the place and time that the animal was apprehended,
  - iii) the place and time when the animal can be redeemed from the pound,
  - iv) the impoundment fee, any daily pound fees, license fees and other costs or fines to be charged to the owner,
  - v) the method of payment required, and
  - vi) the date after which the animal will be sold, adopted, destroyed or otherwise disposed of if not redeemed.

Where the identity of the owner of the animal is not known, the animal control officer shall post in the general office of the Municipality, and place on the community information bulletin boards a notice describing the animal, the date of apprehension and the date after which the animal will be sold, adopted, destroyed or otherwise disposed of,

- f) to issue a Notice of Breach of this By-Law in the form set out in Schedule B, hereto attached, against any person that has committed an offence under this By-Law. A Notice of Breach of this By-Law shall be served upon the person who has breached the By-Law personally or upon a person over the age of eighteen years at the residence of the person who has breached the By-Law, or by registered mail addressed to the last known address of such person. The animal control officer may lawfully enter upon the premises of any such person to serve a Notice of Breach of this By-Law.
- g) the animal control officer or poundkeeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the Municipality, provided, however, that if the animal control officer or the poundkeeper, as applicable, is not a licenced veterinarian, no such tranquilizer gun shall be used without the authority of a licenced veterinarian,
- h) to enforce the provisions of this By-Law.

#### **Duties of Poundkeeper**

4.1 It shall be the duties of the poundkeeper:

- a) to provide sufficient food and clean water on a daily basis, adequate shelter and a safe and sanitary environment for every animal impounded,
- b) to establish and maintain the pound in a manner in keeping with A Code of Practice for Canadian Kennel operations, and *The Animal Care Act* (Manitoba), and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in Section 2, subsection (1) of *The Animal Care Act* (Manitoba) while an animal is in custody of the pound keeper, which states:
  - “2(1) A person who has ownership, possession or control of an animal

- (a) shall ensure that the animal has an adequate source of food and water;
  - (b) shall provide the animal with adequate medical attention when the animal is wounded or ill;
  - (c) shall provide the animal with reasonable protection from injurious heat or cold; and
  - (d) shall not confine the animal to an enclosure or area
    - (i) with inadequate space,
    - (ii) with unsanitary conditions,
    - (iii) with inadequate ventilation or lighting, or
    - (iv) without providing an opportunity for exercise,so as to significantly impair the animal's health or well-being.”,
- c) to keep a record on a form similar to the attached Schedule B, of every animal impounded, which record shall include the following minimum information:
- i. a description, in reasonable detail, of the animal (including the approximate weight, height and color of the animal, as well as the order and breed of the animal);
  - ii. the day and hour of its impoundment;
  - iii. the day and hour of its redemption, sale, adoption, disposition or destruction, together with the details of redemption, sale, adoption, disposition or destruction;
  - iv. the name and address of the owner (being the person to whom the animal was sold or released), and the licence number on the animal's tag (if applicable);
  - v. the amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the owner and the name and address of the payor, if different from the owner; and
  - vi. such other particulars as the Chief Administrative Officer of the Municipality shall direct from time to time.,
- d) to collect all fees charged by the pound, and to remit all monies received by the pound to the Chief Administrative Officer of the Municipality, together with such reports and statements as the said Chief Administrative Officer may prescribe from time to time, 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 contract with the Municipality for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Municipality, and the submission of all reports and statements required to be submitted to the Municipality under the said contract,
- e) to keep any impounded dog, cat or any other animal which is, to the knowledge of the pound keeper, a domestic pet, for a minimum period of:
- i) seven (7) days (following publication as outlined in subsection 3(e)) which shall include the day of impoundment but shall exclude Sundays and any day and statutory holiday during which the pound is closed to the public, or
  - ii) where the Municipality has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the poundkeeper's contract with the Municipality.
- f) to make suitable arrangements for the temporary impoundment, adoption, sale, disposition or destruction of any animal other than a dog, cat or domestic pet that is apprehended within the Municipality, including any restricted animal or wild animal within the meaning of *The Wildlife Act*.
- g) if, after the expiration of the minimum period of impoundment set out in paragraph (e), a dog or cat or other domestic pet has not been redeemed, it will be the duty of the pound keeper to do one of the following with the impounded animal:

- i) sell, adopt or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and licence fees accrued in respect of the impounded animal as set forth in this By-Law, unless such fees are otherwise waived by the Municipality or by the pound keeper on the express authority of the Municipality,
- ii) in the event that the pound is operating at full capacity and all attempts to secure permanent homes or temporary foster homes have been exhausted, as a last resort the poundkeeper would cause the impounded animal to be humanely destroyed,

unless the Municipality, or the poundkeeper on the express authority of the Municipality, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a person in accordance with subparagraph (g)(i) or until expiry of the extended period of impoundment, before it is humanely destroyed,

- h) the municipality may vary the terms, conditions and duties of the pound keeper by contract with a private party, provided however that the contract shall contain (and where absent in the contract, shall be deemed to incorporate) as minimum provisions, the duties of the pound keeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), (f) and (g) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the pound keeper is a private party under contract with the Municipality, the poundkeeper shall observe all of the terms and conditions of the contract with the Municipality. Where it is permitted under the contract with the Municipality, the pound keeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and license fees, provided however that the pound keeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the poundkeeper.

#### **PART IV: DOGS, CATS AND OTHER DOMESTIC PETS**

##### **Rabies Vaccination**

- 5.1 The animal control officer may, at any time, request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status and, if the owner cannot produce such proof, the animal control officer may apprehend and impound the dog or cat, and may issue a Notice of Breach of this By-Law to the owner.

##### **Kennel Permits**

- 6.1 Kennel Permits shall not be permitted within the Village of Dunnottar.

##### **Responsibility of Owners Regarding Dogs**

- 7.1 No owner shall:
  - a) permit his dog to run at large. When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.
  - b) permit his dog to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality.
  - c) permit his dog to defecate on any public 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 cause such excrement to be removed forthwith.
  - d) permit his dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbors.
  - e) permit his dog to damage public property 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 subsection.

- f) own, keep, harbour or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provision of Part V.
  - g) permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.
  - h) permit his dog on any playground, public park, public beach, public sitting deck or public pier within the Village of Dunnottar.
  - i) permit his 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 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 dog to upset waste receptacles or otherwise litter.
- 7.2 A visually impaired owner of a registered service dog or any other person who requires the assistance of a registered service dog shall not be subject to the restrictions imposed under subsections 7.1(c), (h) and (i).

#### **Redemption**

- 8.1 Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or any other domestic pet (other than a restricted animal) impounded by the animal control officer may be redeemed within seven (7) days following publication as outlined in subsection 3.1(e), of the apprehension and impoundment by applying to the pound keeper for redemption and paying:
- a) the impoundment fee as set out in Schedule A;
  - b) the pound fee calculated in accordance with Schedule A; and
  - c) all outstanding fines, damages or costs relating to the impounded animal.

#### **Restrictions on Domestic Pets**

- 9.1 An owner of a domestic pet other than a dog or cat shall not allow the domestic pet outside of the owner's premises unless the domestic pet is at all times while outside of the owner's premises, under the immediate charge and effective control of a person competent to control it. In the event that the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of *The Wildlife Act*, no person shall be entitled to keep or harbour such animal within the Municipality unless such person has been issued a permit by the Municipality under section 16 of this By-Law, and also holds all other government licences as may be required, to keep or harbour the animal within the Municipality.

#### **Dogs**

- 9.2 Subject to subsection 9.3 and the provisions of section 7, the owner of a dog shall not permit the dog to be outside of the owner's premises unless:
- a) the dog is on a leash that is less than six (6) feet in length fully extended; and
  - b) the dog is under the immediate charge and effective control of a person competent to control it.
- 9.3 A female dog in heat shall be confined to the premises of the owner or a person having control of the dog, or shall be housed in a licensed kennel, for the period of time that the dog is in heat. The said dog's confinement shall be in such a manner as to prevent any contact between the dog in heat and any other dog except other dogs owned by the same owner or by another owner who voluntarily permits such contact.

### **Cats**

- 9.4 Subject to subsection 9.5, the owner of a cat shall not permit the cat to be outside of the owner's premises unless the said cat is under the immediate charge and effective control of a person competent to control it.
- 9.5 A female cat in heat shall be confined to the premises of the owner or a person having control of the cat, or shall be housed in a licensed kennel, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner.

### **Cat Trap**

- 9.6 Any person who wishes to obtain a trap to apprehend a cat running at large from the pound keeper or the animal control officer, shall:
- a) provide to the pound keeper or animal control officer, as applicable, his or her name, address and telephone number;
  - b) agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped cat, as may be imposed by the pound keeper or animal control officer, as applicable; and
  - c) pay any deposit and/or fee as may be authorized by Council from time to time for use of the trap, as set out in Schedule A hereto attached.
- 9.7 Any person who fails to comply with the terms and conditions set out in this section 9 shall be guilty of an offence under this By-Law.

### **Maximum Number of Dogs or Cats**

- 10.1 a) No person shall own, harbour, keep or have in his possession or control or on his premises, more than three (3) dogs over the age of four (4) months, regardless of the number of people who may be inhabiting the premises.
- b) No person shall own, harbour, keep or have in his possession or control or on his premises, more than three (3) cats over the age of four (4) months, regardless of the number of people who may be inhabiting the premises.

## **PART V: DANGEROUS ANIMALS**

### **Animal Bites**

- 11.1 The animal control officer:
- a) shall apprehend, impound and place in quarantine any dog or cat that he has reason to believe has bitten a person; and
  - b) may apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public;
- (in either case, the **aggressor animal**), 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 while on duty and under the control of a qualified dog handler.
- 11.2 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 an order to enter the personal residence of the owner for the purpose of apprehending and impounding the aggressor animal.

- 11.3 Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 11.9 herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 11.4 The animal control officer may, in his discretion, authorize the owner of the aggressor animal to quarantine the aggressor animal in a place other than the pound, provided that such place is under the direct supervision of a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.
- 11.5 Subject to a determination by the animal control officer pursuant to subsection 11.8 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 hereto attached together with any costs 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 otherwise disposed of, or destroyed at the discretion of the poundkeeper.
- 11.6 The animal control officer 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.
- 11.7 The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 11.8, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 11.8 Every aggressor animal shall be examined by a licenced veterinarian approved by the animal control officer prior to release from quarantine. The determination as to whether or not the aggressor animal will be released from quarantine or must be destroyed or otherwise disposed of, shall be at the discretion of the animal control officer based upon the following factors:
- a) the medical report of the licenced 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 so, whether or not provisions of section 13 have been complied with;
  - e) whether or not the aggressor animal is a restricted animal, and if so, whether or not the provisions of Part VII of this bylaw have been complied with by the owner; and
  - f) 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.
- 11.9 Notwithstanding the provisions of subsection 11.3 herein, it shall be within the discretion of the animal control officer to release an aggressor animal prior to the expiry of the quarantine period and to impose conditions upon the release of an aggressor animal from quarantine, which conditions may include, without limiting the generality of the foregoing:
- a) the owner shall take the necessary measures to ensure that the aggressor animal is confined to the owner's premises in such a manner as to prevent escape, and to

ensure that all direct contact with other animals and persons other than the owner is avoided;

- b) the owner shall post in a conspicuous location at the entrance of the premises where the aggressor animal is confined, a sign which reads "*Beware of Dangerous {type of aggressor animal}*";
- c) the owner shall submit the aggressor animal for veterinary examination from time to time as may be prescribed by the animal control officer, and shall report the results of any such veterinary examination to the animal control officer;
- d) the owner shall take out and pay for such liability insurance on the aggressor animal as may be prescribed by the animal control officer;
- e) the owner shall be responsible for all costs, fines and damages associated with the aggressor animal, including the costs of impoundment, quarantine, signage and veterinary fees, pound fees and license fees, and any costs associated with liability to the victim or victims of the bite incident;
- f) such other conditions as the animal control officer may deem necessary or advisable in the interest of public safety.

#### **Determination that an Animal is a Dangerous Animal**

- 12.1 Where the animal control officer has reason to believe that an animal, including but not limited to an aggressor animal under Section 11, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled meeting of 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.
- 12.2 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 until Council hears the matter and issues its determination; or
  - ii) may impose all or any of the conditions set out in subsection 13.2 of this By-Law upon the owner's custody of the animal, which conditions shall apply until the earlier 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.
- 12.3 Council shall provide written notice of the hearing to the owner of the animal at least ten (10) 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 notice shall include the following minimum information:
- a) the time, place and purpose of the hearing;
  - b) a summary of the reasons in support of the allegation that the animal is dangerous;
  - c) a copy of this section 12 of the By-Law; and
  - d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

- 12.4 a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on his behalf. 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 files by or on behalf of the animal control officer, and to respond to same.
- b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this section 12, Council shall be entitled to deal with the matter in his 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 12.3 hereof.
- 12.5 Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:
- a) The Council shall make an order declaring the animal to be a dangerous animal if, in their opinion:
- i) the animal 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) The 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.
- 12.6 The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 12.3. There shall be no obligation upon Council to issue written reasons for their decision.
- 12.7 The decision of Council shall be final. There shall be no appeal from the decision of Council.
- 12.8 Every owner who has received notification from Council pursuant to subsection 12.3 that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.
- 12.9 Subsection 12.8 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.

### Consequences of Dangerous Animal Declaration

- 13.1 Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in subsection 13.2. The decision of Council shall be final and not subject to appeal.
- 13.2 Every owner of an animal that has been declared to be dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:
- a) in the event that the dangerous animal is a dog, obtain a dangerous license for the dangerous dog and pay the required fee as set out in Schedule A hereto attached.
  - b) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the poundkeeper.
  - c) ensure that the dangerous animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure of compound which:
    - i) is capable of preventing the entry of young children and the escape of the dangerous animal;
    - ii) has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the animal control officer;
    - iii) has secure sides; and
    - iv) provides protection from the elements for the dangerous animal.
  - d) in the event that the dangerous animal is a dog, permit the dog upon public property only if:
    - i) it is muzzled;
    - ii) it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and
    - iii) the dog is at all times under the effective control of a person competent to control it.
  - e) in the event that the dangerous animal is other than a dog, permit the dangerous animal upon public property only if it is under the effective control of a person competent to control it.
  - f) display in a conspicuous location at each entrance to the premises upon which the dangerous animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS {insert type of animal}**. The sign shall be posted in such a manner that it cannot be removed easily by a passerby and will be visible and capable of being read from outside of the premises.
  - g) within three (3) working days of selling, giving away or otherwise disposing of the dangerous animal, provide the animal control officer with the name, address and telephone number of the new owner.
  - h) advise the animal control officer within three (3) working days of the death of the dangerous animal.
  - i) advise the animal control officer forthwith if the dangerous animal has gone missing or is running at large or had bitten, worried or attacked any person or animal.

- j) maintain in force to the satisfaction of the Clerk of the Municipality a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000,00 per occurrence.
  - k) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in subsection 11.9 hereof.
- 13.3 No person shall deface or remove a sign posted pursuant to subsection 13.2(f) or subsection 11.9(b) hereof without having first obtained the permission of the animal control officer.

#### **Destruction of Dangerous Animal or Aggressor Animal**

- 14.1 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.
- 14.2 When the animal control officer impounds an animal under this section 14 for the purpose of destruction of the animal, he shall give the owner written notice delivered by registered mail, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) 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 Clerk of the Municipality, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provision of section 13 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

#### **PART VI: LIVESTOCK**

- 15.1 The keeping of livestock shall not be permitted in any area of the Municipality.

#### **PART VII: RESTRICTED ANIMALS**

##### **Prohibition on Restricted Animals**

- 16.1 Except as may be permitted by the Municipality's zoning by-law, in effect from time to time, no person shall keep, harbour, possess or control any restricted animals within the Municipality without a permit issued by Council.

##### **Application for Permission to Keep or Harbour a Restricted Animal**

- 16.2 Upon receipt of an application from any person to keep a restricted animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in subsection 57(4) of The Planning Act (Manitoba). Provided however, that Council need not give notice of an application from the owner or operator of a traveling show to keep a restricted animal in the Municipality on a temporary basis, but shall consider the application at a regularly scheduled meeting of Council following receipt of the application. Council shall decide based on the application and any written or oral submissions of the applicant, whether or not to grant a permit to the applicant to keep or harbour the restricted animal within the Municipality and shall advise the applicant in writing of their decision. Council may impose conditions upon a permit to keep or harbour a restricted animal and any violation of such conditions by the owner shall invalidate the permit provided by Council and shall constitute an offence under this By-Law.

### **Temporary Impoundment**

- 16.3 If deemed necessary and in the interest of public safety, the animal control officer may apprehend and impound any restricted animal pending the outcome of any hearing to decide an application made pursuant to subsection 16.2 hereof.

### **Inventory of Restricted Animals**

- 16.4 Any owner who has been granted permission by Council to keep one or more restricted animals within the Municipality shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the restricted animals kept by the owner within the Municipality, together with the annual permit fee.
- 16.5 Council may at any time and from time to time change the conditions that an owner must satisfy in order to keep a restricted animal, and any failure to comply with any such condition upon notice thereof shall invalidate the owner's permit to keep the restricted animal within the Municipality.
- 16.6 a) Any person who keeps, harbours or has possession or control of a restricted animal in the Municipality on or before the time that this By-Law comes into force or effect, shall have thirty (30) days from the coming into effect of this By-Law to obtain a permit from Council to continue to keep the restricted animal, failing which the owner shall sell or give the restricted animal to a person outside of the Municipality or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer with the Municipality. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of restricted animals, and the Municipality accepts no responsibility for the manner of sale or disposition.
- b) Council may grant such longer period of time to an owner of a restricted animal who falls with subsection 16.6(a) hereof as may be necessary to allow Council adequate time to consider and decide the owner's application to retain the restricted animal within the Municipality.

### **Order to Dispose of Restricted Animal**

- 16.7 Where the animal control officer has reasonable grounds to believe that a person is keeping or harboring, or has possession or control of, a restricted animal within the Municipality without the written permission of Council, the animal control officer shall serve the person with an order in writing to dispose of the restricted animal within fourteen (14) days of receipt of the order or such shorter period of time as the circumstance may require and the order may provide, in which case the owner shall sell, give away or otherwise dispose of the restricted animal in accordance with subsection 16.6(a) and any conditions imposed in the order of the animal control officer. Provided however, that if the owner has not already applied and been denied a permit to keep or harbour the restricted animal, the owner may make such an application in accordance with subsection 16.2, and the order of the animal control officer shall be suspended pending the decision of Council.
- 16.8 The onus shall be on the person upon which an order pursuant to subsection 16.7 has been served to establish either that:
- a) the animal is not a restricted animal; or
- b) the person has a permit from Council to keep or harbour the restricted animal.
- 16.9 Where the person has failed to establish either that the animal is not a restricted animal or that he has a permit from Council to keep or harbour the restricted animal, and the person has failed or refused to dispose of the restricted animal within the time frame contemplated by the order of the animal control officer, the animal control officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of

removing and disposing of the restricted animal. The animal control officer may engage the assistance of other persons if required to safely apprehend the restricted animal.

16.10 Upon apprehension and impoundment of a restricted animal, and provided that:

- a) a written order was duly served on the owner as required by subsection 16.7; and
- b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by Council;

Council may proceed to order the animal destroyed or sold, and the animal control officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this By-Law, then the Municipality shall refund the excess proceeds to the owner.

16.11 Permission may be granted by the Council of the Village of Dunnottar to bring restricted animals into the Village for the purposes of traveling entertainment events such as exhibitions and community fairs.

### **PART VIII: ILLTREATED ANIMALS**

17.1 Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without the 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.

17.2 Where action is taken under this section by the Village, in addition to the provisions of section 8.1, the owner of an ill-treated animal shall be guilty of an offence under this by-law.

### **PART IX: TEASING, ENTICING PROHIBITED**

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

### **PART X: GENERAL PROVISIONS**

#### **Offences under this By-Law**

19.1 For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offences under this By-Law for which a Notice of Breach of this By-Law may be issued:

- a) Offence 950-1: Allowing or failing to prevent a dog, cat or domestic pet from running at large;
- b) Offence 950-2: Allowing or failing to prevent a dog to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Municipality;

- c) Offence 950-3: Failing to remove excrement when a dog defecates on public or private property other than the property of its owner;
- d) Offence 950-4: Keeping or harbouring dogs or cats in excess of the maximum number permitted by this By-Law;
- e) Offence 950-5: Failing to comply with an order of the animal control officer to dispose of any dogs or cats in excess of the prescribed limit made under section 6 of this By-Law;
- f) Offence 950-6: Failure by the owner of a dog to comply with any one or more of the provisions of Part VII, subsection 9.2 or subsection 9.3 of this By-Law;
- g) Offence 950-7: Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person to the animal control officer or poundkeeper;
- h) Offence 950-8: Failing to voluntarily surrender a dog or cat to the animal control officer upon a request therefore;
- i) Offence 950-9: Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of The Animal Care Act (Manitoba) and the Code of Practice for Canadian Kennel Operations;
- j) Offence 950-10: Keeping or harbouring any wild animal or other restricted animal within the Municipality without a property permit contrary to section 16 of this By-Law;
- k) Offence 950-11: Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the municipality;
- l) Offence 950-12: Failing to properly vaccinate a dog or cat against rabies;
- m) Offence 950-13: Failing to comply with any conditions imposed upon the use of a cat trap within the Municipality;
- n) Offence 950-14: Failing to comply with the requirements of subsection 9.1 of this By-Law in relation to any domestic pet;
- o) Offence 950-15: Failing to comply with the requirements of any provision of subsection 9.4, 9.5 or 9.6 in relation to any cat;
- p) Offence 950-16: Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;
- q) Offence 950-17: Defacing or removing a sign required to be posted under subsection 11.9(b) or subsection 13.2(f) of this By-Law;
- r) Offence 950-18: Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;
- s) Offence 950-19: Failing to comply with any of the requirements of Part VII of this By-Law in relation to any restricted animals.
- t) Offence 950-20: Failing to comply with any of the requirements of Part VIII of this By-Law in relation to the ill-treatment of any animal.
- u) Offence 950-21: Failing to comply with any of the requirements of Part IX of this By-Law in relation to the teasing or enticing of any animal.

### **Interference with Enforcement**

19.1.1 Offence 950-22: It shall be an offence 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 obligation 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 apprehended and impounded, any animal in accordance with the provisions of this By-Law.

19.2 It shall be an offence under this By-Law:

- a) Offence 950-23: to break into, or assist another person in any manner, directly or indirectly, to break into, any pound; and
- b) Offence 950-24: to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

### **Apprehension by Resident**

19.2.1 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 Clerk 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.

### **Right of Entry**

19.3 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.

19.4 The owner of any dog, cat 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.

### **Complainant Identification**

20.1 Any person who makes a complaint alleging an offence under this By-Law against another person shall provide to the animal control officer his name, address and telephone number. In the event that an anonymous complaint or information is received, the decision to proceed is wholly at the discretion of the animal control officer.

### **Liability**

21.1 No liability shall be attached 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 be attached 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.

## Penalties

- 22.1 Without limiting the penalties for specific offences set out in subsection 22.2, 22.3 and 22.4 hereof, any person who contravenes any provision of this By-Law shall be issued a Notice of Breach of this By-Law, is guilty of an offence and is liable:
- a) to a fine not less than \$50.00 and not more than \$250.00, plus all applicable costs of apprehension and impoundment, for the first offence;
  - b) to a fine of not less than \$100.00 and not more than \$500.00, plus all applicable costs of apprehension and impoundment, for the second offence per animal and for each subsequent offence within twelve (12) months of the first offence, and in default of payment, to imprisonment for not more than thirty (30) days;
  - c) any animal that is impounded three or more times within any twelve (12) month period while owned by the same owner, shall be sold, adopted or disposed of to a new owner or shall be destroyed regardless of whether or not it is properly licensed under this By-Law.
- 22.2 Any person who contravenes a provision of this By-Law relating to livestock as herein defined shall be issued a Notice of Breach of this By-Law, is guilty of an offence and is liable:
- a) Offence 950-25: to a fine of not less than \$250.00 and not more than \$1,000.00, plus applicable costs of apprehension and impoundment, for the first offence, and in default of payment, to imprisonment for not more than fifteen (15) days;
  - b) Offence 950-26: to a fine of not less than \$500.00 and not more than \$2,500.00, plus applicable costs of apprehension and impoundment, for the second offence and for each subsequent offence within twelve (12) months of the first offence, and in default of payment, to imprisonment for not more than thirty (30) days.
- 22.3 Any person who contravenes a provision of this By-Law relating to a restricted animal or to an animal which has been declared a dangerous animal, shall be issued a Notice of Breach of this By-Law, is guilty of an offence and is liable:
- a) Offence 950-27: to a fine of not less than \$250.00 and not more than \$1,000.00 per animal, plus all applicable costs of apprehension and impoundment for the first offence, and in default of payment, to imprisonment for not more than fifteen (15) days;
  - b) Offence 950-28: to a fine of not less than \$500.00 and not more than \$2,000.00 per animal, plus all applicable costs of apprehension and impoundment for the second offence and for each subsequent offence within twelve (12) months of the first offence, and in default of payment, to imprisonment for not more than thirty (30) days.
- 22.4 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, shall be issued a Notice of Breach of this By-Law, is guilty of an offence and is liable:
- a) Offence 950-29: to a fine of not less than \$500.00 and not more than \$2,000.00, or to imprisonment for a term of not more than thirty (30) days, for the first offence, plus all applicable apprehension and impoundment costs;
  - b) Offence 950-30: to a fine of not less than \$1,000.00 and not more than \$5,000.00, or to imprisonment for not more than six (6) months, for each subsequent offence, plus all applicable apprehension and impoundment costs.

22.5 Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.

**Repeal of Previous By-Laws**

23.1 That By-Law No. 904/13 (Animal Control By-Law) and any other by-laws pertinent to the control of animals within the Village of Dunnottar are hereby repealed.

DONE AND PASSED by the Council of the Village of Dunnottar, in Council duly assembled, at Dunnottar, in Manitoba, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Richard Gamble, Mayor

---

J.M. Thevenot  
Chief Administrative Officer

Read a first time this	day of	A.D. 2018.
Read a second time this	day of	A.D. 2018.
Read a third time this	day of	A.D. 2018.

**Schedule A  
By-Law No. 950/18**

**LICENSE AND IMPOUNDMENT FEES**

**Application Fees**

For a permit to keep restricted animals	N/C
---	-----

**License Fees (Annual)**

For each animal declared to be a dangerous animal	\$50.00
---	---------

Restricted Animal Permit	\$25.00
--------------------------	---------

**Cat Traps**

Deposit for each cat trap	\$75.00
---------------------------	---------

**Penalties and Impoundment Fees**

For any dog, cat or any other domestic pet that was apprehended running at large or that was for any other reason, impounded by the animal control officer

For first impoundment, flat fee	\$50.00
---------------------------------	---------

For second impoundment, flat fee (if it occurs within 12 months of the first offence)	\$100.00
--	----------

For each day of impoundment, add	actual cost of impound
----------------------------------	------------------------

For each day of voluntary impoundment	actual cost of impound
---------------------------------------	------------------------

**Schedule B**  
**By-Law No. 950/18**

**NOTICE OF BREACH OF BY-LAW NO. 950/18**

**VILLAGE OF DUNNOTTAR**

To: \_\_\_\_\_

You are charged that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ you did unlawfully:

- a) as owner, permit an animal to run at large within the limits of the Village of Dunnottar, contrary to Section 7 of By-Law No. 950/18;
- b) as owner, failed to abide by the duties of an owner regarding a dangerous animal, contrary to Part V of By-Law No. 950/18;
- c) as owner, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

contrary to Section \_\_\_\_\_ of By-Law 950/18.

Disposition of this charge may be made by attending to the Municipal Office of the Village of Dunnottar, during regular office hours, between \_\_\_\_\_, 20\_\_ and \_\_\_\_\_, 20\_\_.

**OR**

A Hearing will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at the hour of \_\_\_\_\_, at which time Council will dispose of this charge. Should you wish to make representations at this hearing, your attendance in person is required.

Dated at \_\_\_\_\_, in the Province of Manitoba, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Animal Control Officer

Form of Notice authorized by clause 3.1(f) of By-Law No. 950/18 of the Village of Dunnottar.

**NOTE:** “owner” includes any person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person.

**Schedule C  
By-Law No. 950/18**

**NOTICE OF IMPOUNDMENT  
FOR THE VILLAGE OF DUNNOTTAR**

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Animal: \_\_\_\_\_

Date of Apprehension: \_\_\_\_\_

Time of Apprehension: \_\_\_\_\_

Location Apprehended: \_\_\_\_\_

Place of Impoundment: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Phone No. of Pound: \_\_\_\_\_

Daily Pound Fee: \_\_\_\_\_

Impound Fee: \_\_\_\_\_

Impound Fine: \_\_\_\_\_

License Fee: \_\_\_\_\_

Method of Payment Required: \_\_\_\_\_

Date Animal will be sold or destroyed: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Animal Control Officer

\_\_\_\_\_  
Signature