

THE RURAL MUNICIPALITY OF ARGYLE

BY-LAW NO. 6-2018

Being a by-law of the Rural Municipality of Argyle to regulate the licensing, keeping and impounding of dogs and cats.

WHEREAS Section 232(1) of *The Municipal Act* (L.M. 1996) authorizes a Council to 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, on or near public place or a place open to the public including parks, municipal roads, recreation centres, 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.

AND WHEREAS Section 130 of *The Municipal Act* (L.M. 1996) states that a Council may by By-Law establish one or more positions to carry out the powers, duties and functions of a designated officer under a By-Law or this or any other *Act*, and may give each such position any title the Council considers appropriate.

AND WHEREAS Section 85 (1) states a Council may by by-law delegate any of its powers, duties or functions under a By-Law or this or any other *Act* to the Head of Council, a Council committee, the Chief Administrative Officer or designated Officer, unless the By-Law or *Act* otherwise provides.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Rural Municipality of Argyle, in open council assembled, enacts as follows:

1. Short Title

This By-Law may be referred to as the “Animal Control By-Law”

2. Application

This By-Law shall apply to those parts of the Rural Municipality of Argyle as follows:

- i) the LUD of Baldur
- ii) the Community of Glenora
- iv) the areas within the Rural Municipality of Argyle designated as “SR” Seasonal Resort under the Pelican – Rock Lake Planning Scheme 1971 or the 23 West Planning District Development Plan/Zoning By-Law.

3. Definitions

- a) “Owner” includes any person who keeps or harbours or has custody of a dog or cat;
- b) “Stray Dog” means any unlicensed dog not under the control of the owner or keeper;
- c) “Run at Large” or “Running at Large” means that a dog or cat is:
 - i) Not in direct or continuous charge of a person competent and capable of controlling the dog or cat;
 - ii) Not securely confined within an enclosure or otherwise so that it is unable to roam at large;
 - iii) Running around on property without the consent of the owner of the property;
- d) “Person” includes corporation, firm, partnership and association;
- e) “Pound” means any premises where dogs or cats are confined in accordance with the provisions of this by-law;
- f) “Pound Keeper” means a person appointed to have charge and supervision over a pound in accordance with the provisions of this by-law;
- g) “Animal Control Officer” shall mean any person duly authorized by resolution of the Rural Municipality of Argyle to act as an animal control officer to enforce this By-Law;
- h) “Authorized Judicial Officer” shall mean a provincial judge, magistrate, justice of the peace, a medical examiner or qualified medical practitioner;

4. Appointment of Animal Control Officer

- a) The Rural Municipality of Argyle appoints a position known as “animal control officer” and may from time to time designate such person or persons by resolution as an animal control officer;
- b) The Rural Municipality of Argyle may delegate to any animal control officer so appointed under this By-Law or any police officer the powers, duties and functions necessary for the maintenance and enforcement of this By-Law;
- c) The Rural Municipality of Argyle may from time to time appoint a person or persons to have charge and supervision over a pound in accordance with the provisions of this *Act* and so empowers such a person or persons to carry on the duties of a pound keeper under this *Act*;
- d) The Rural Municipality of Argyle may from time to time, by resolution, designate such areas within or outside the boundaries of the Rural Municipality of Argyle as a pound;

5. License

- a) No owner, possessor or harbourer of any dogs four (4) months of age shall be in possession of it unless such dog has been licensed for the current year. A tag shall be issued at the time of licensing and such tag shall be affixed at all times to a collar worn on the neck of the dog. No other tag purporting to show it is licensed is permitted to be attached to the collar;
- b) No license shall be required on any cat. However, the owner of any cat must identify the cat in such a manner that it can be recognized as a domestic pet either through tags, ear tattoo, or microchip. Any cat with no identification shall be deemed a stray;
- c) The annual license fee to be charged for all species or breeds of dogs, owned possessed, or harbored by any person, excepting service dogs, shall be Five (\$5.00) dollars for any spayed or neutered and Twenty (\$20.00) dollars for all others. Proof of neutering or spaying shall be by certificate of a licensed veterinary surgeon to that effect;
- d) The license fee hereby imposed shall be due payable on the first of January in each year and shall expire on the 31st day of December in the year in which the license is levied and paid;
- e) No license issued under provisions of this By-Law is transferrable to another dog;
- f) Where the owner reports that a tag has been lost or stolen and the Chief Administrative Officer is satisfied that the owner has complied with the provisions of this by-law, the Chief Administrative Officer may issue a duplicate license to the owner upon payment of Five (\$5.00) dollars;

6. Rabies Vaccination

Every dog over the age of Four (4) months shall be vaccinated against rabies, which vaccinations shall be repeated at intervals of no more than Two (2) years. Proof of vaccination against rabies must be produced when application for the license is made. Vaccination tags shall be affixed at all times to a collar of the neck of the dog.

7. Prohibitions

- a) No person shall own, keep, possess or harbour more than two (2) dogs and/or two (2) cats over the age of sixteen (16) weeks, within or about one residential unit, regardless of whether that person is the owner of the animals.
- b) No owner of any dog or cat shall permit it to run at large at any time; except in designated leash less areas, if any;
- c) No owner of any dog or cat shall permit it to be on any ground or premises of any school whether on leash or under complete control except for a dog used as a Service dog.
- d) No owner of any dog or cat shall permit it to defecate on any public or private property other than the property of its owner, the owner shall cause such excrement to be removed immediately;

- e) A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control over the animal for the period of time that she is in heat, or taken to a licensed kennel for the whole period of time in heat;
- f) No owner of any dog or cat shall permit it to disturb the quiet of others by howling, barking or meowing continuously;
- g) No owner of any dog or cat shall permit it to chase or bark at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare;
- h) No owner of any dog or cat shall permit it to pursue, bite, wound or worry any person or animal, whether or not on the owner's property;
- i) No person shall tease, entice, bait or throw objects at a dog or cat confined within its owner's property;

8. Impounding Facilities

- a) The Rural Municipality of Argyle shall provide for the boarding of impounded dogs and cats at the facilities that may be designated pounds by resolution;
- b) The Rural Municipality of Argyle shall pay the pound keeper for boarding the dogs and cats on behalf of the Rural Municipality of Argyle;
- c) The animal control officer or any police officer may capture or seize any dog or cat found running at large contrary to the provisions of this By-Law, or any dog for which a current license has not been obtained and maintained which dog shall be impounded and lodged at the facilities provided for in this By-Law;
- d) If any dog becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog is guilty of biting or threatening to attack persons or other animals, the Animal Control Officer shall be empowered to impound the animal at the expense of the owner until such time as the owner can satisfy the Animal Control Officer that the animal will no longer create a public nuisance or cause a threat to persons or other animals, and the appropriate fees and penalties are paid. On a third offense, the animal may be destroyed at the direction of the Animal Control Officer by a Doctor of Veterinary Medicine.
- e) Where a dog or cat is taken into custody by, or delivered to a police officer or an animal control officer, the Rural Municipality of Argyle shall give notice to the owner of the dog or cat thereof, if the owner is known, and the dog or cat shall not be sold or destroyed unless it has remained in the pound for 10 days;
- f) If such dog or cat impounded has not been claimed, redeemed or sold in accordance with the provisions of this by-law a peace officer or an animal control officer acting on behalf of the Municipality may apply to an authorized judicial officer for an order directing that the dog or cat be destroyed.

9. Redemption

- a) Any owner of a dog or cat whose dog or cat has been impounded may get his animal redeemed from the pound keeper upon payment of transportation costs and all boarding expended for each dog or cat. The pound keeper shall credit the same to the account the Rural Municipality of Argyle;
 - b) The pound keeper shall keep a record of all dogs or cats impounded or boarded and of the disposition made of same and shall make a monthly return to the Chief Administrative Officer of the Rural Municipality of Argyle;
 - c) Any charges referred to in this By-Law shall be charged against the animal's owner and shall be payable on redemption or purchase of the said animal in addition to all other charges or payments. If no owner is found, the Rural Municipality of Argyle will pay for any storage fees, or fees associated with euthanizing the animal.
10. The Chief Administrative Officer shall keep a record of all dog licenses imposed and tags issued under the provisions of this By-Law by showing the name of the owner or possessor

of each dog and shall number the tag issued in respect to each dog, and shall account for monies received as dog licenses.

- 11. Any person who, without lawful excuse, removes a collar or tag from any dog or cat which the tag was issued shall be guilty of an offense under this by-law.
- 12. All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under “*The Public Health Act*”
- 13. Any person making a complaint must give to the animal control officer, town designate, or peace officer a written complaint with his or her name, address and telephone number before any action will be taken to either impound a dog or cat or to institute any legal proceedings.
- 14. Any animal from outside the area will be treated the same as resident animals.
- 15. Penalties

- a) Any person who contravenes any provisions of this By-Law is subject to a penalty payable to the Municipality within 30 days of the receipt of the Notice of Breach from the municipality:

First Offence	\$ 50.00 plus all applicable costs of apprehension and impoundment
Second & Subsequent Offences	\$100.00 plus all applicable costs of apprehension and impoundment

- b) Where contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues;
- c) If a person served with a Notice of Breach fails to pay the fine set out in the Notice of Breach within the 30 day period, the Officer shall lay in information with respect to the contravention before the Provincial Court. Any person found guilty for contravention of this by-law before a Provincial Court, Magistrate or Justice of the Peace is subject to a minimum fine of \$500.00 for the first offense and a minimum fine of \$1,000.00 for the second offense and for each subsequent offense plus all applicable costs, including court costs.

16. Repeal of Previous By-Laws

That By-Law #4-1972 be repealed.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Argyle in the Province of Manitoba this 9th day of October, A.D. 2018.

“Original signed by Daniel Martens”
Reeve

“Original signed by Barbara Bramwell”
Chief Administrative Officer

Read a first time this 11th day of September, 2018.
Read a second time this 9th day of October, 2018.
Read a third time this 9th day of October, 2018.



Schedule “A”
To By-Law #6-2018

NOTICE OF BREACH
Rural Municipality of Argyle – Animal Control By-Law #6-2018

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

You are charged that on the _____ day of _____, 20 _____

you did unlawfully _____

FINE AMOUNT: \$ _____ . 00 1st offense \$50.00 plus all costs

2nd or subsequent offenses \$100.00
plus all costs

Disposition of this charge may be made by attending the Administration office of the Rural Municipality of Argyle during regular office hours, within 30 days and pay the above noted fine.

IF YOU FAIL TO DISPOSE THIS CHARGE within 30 days of the date of this Notice of Breach you are subject to, upon conviction before a Provincial Court Judge, Magistrate or Justice of the Peace, a minimum fine of \$500.00 for the first offense or a minimum fine of \$1,000.00 for the second or subsequent offense, plus all applicable cost.

Dated at Baldur, in the Province of Manitoba this _____ day of

_____, 20 ____.

Designated Officer, Rural Municipality of Argyle