



RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 05/17

BEING a by-law of the Rural Municipality of Alexander to provide for the control of dogs and livestock.
WHEREAS:

- A.** Section 232 (1)(k) the Municipal Act (“Act”) provides that a Council may pass by-laws for municipal purposes respecting the following matters:
- (i) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- B.** Section 232 (2)(d) of the Act provides that a council may in a by-law passed under this division:
- (i) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, management or control of the municipality;
- C.** Section 236(1) of the Act provides:
- (ii) without limiting the generality of 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) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention.
- D.** Council is of the opinion that it is in the public interest that dogs should be regulated and controlled to protect the safety of people and property.

NOW THEREFORE the Council of the Rural Municipality of Alexander enacts as a by-law the following:

1. This By-Law may be called the Animal Control By-law.

DEFINITIONS

2. In this By-law:
 - a. “livestock” means cattle, horses, sheep, swine, goats, fur breeding stock, and animals raised for meat production or production of products from the animals,
 - b. “pound” means a place designated by the Municipality for the purpose of dealing with dogs impounded under this By-law,
 - c. “run at large” or “running at large” respecting a dog means not:
 - i. in direct and continuous charge of a person competent to control it; or
 - ii. securely confined within an enclosure; or
 - iii. securely fastened so that it is unable to roam at will beyond the property in which it is kept,
 - d. “run at large” or “running at large” respecting livestock means escaped or loose from the property on which the livestock are kept.

PART 1 DOGS

Prohibitions

3. No person shall:
 - a. permit a dog to run at large,
 - b. permit a dog to bark, howl or make a noise that could disturb the peace and enjoyment of people in the surrounding area,
 - c. permit a dog to bite, injure or attack a person or animal,
 - d. permit or keep more than three dogs on a property, or
 - e. permit a dog to defecate on any public or private property other than the property of its owner. Where an animal defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately.

The persons responsible under this section and By-law are the owner of the dog, a person in whose care or control the dog is in, a registered owner of property or a person who is renting or leasing property that the dog is kept or found on (“responsible person for a dog”).

4. Sub-section 3(d) does not apply to an owner who is operating a kennel on a property under licence from the Province of Manitoba and who is in compliance with the Municipality’s Zoning By-law, or to dogs under 4 months of age.

Vaccinations

5. The owner of a dog shall have their dog vaccinated for rabies. Such vaccinations shall be no more than two years old. The owner shall maintain a certificate of vaccination for rabies showing the dog has been vaccinated within the last two years.

PART 2 LIVESTOCK

Prohibition

6. No person shall allow livestock to be at large.
7. The persons responsible under this By-law for livestock are the owners of the livestock, a person in whose care or control the livestock are, and a registered owner, lessee or occupant of property in which the livestock are kept (“responsible person for livestock”).

PART 3 ADMINISTRATION AND ENFORCEMENT

Animal Control Officer

8. The position of Animal Control Officer is established. The Animal Control Officer shall be the person appointed by the Municipality as its By-law Enforcement Officer.
9. The Animal Control Officer shall have all powers, duties, discretion and functions of a designated officer set out in the Act and is authorized to:
 - a. administer and enforce this By-law and the Act, and
 - b. act as a designated officer for the purposes of this By-law.
10. The Animal Control Officer may enter property and buildings to carry out the administration and enforcement of this By-law including for determining what actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures have been taken, to

prevent the contravention of this By-law, to remedy a contravention of this By-law and to prevent a re-occurrence of a contravention.

11. The Animal Control Officer may commence a prosecution under section 249 of the Act for the purpose of enforcing a contravention of this By-law through an offence.
12. The Officer is authorized to make expenditures on behalf of the Municipality to carry out the administration and enforcement of this By-law.

Seizure, Impoundment and Redemption for Dogs

13. The Animal Control Officer may seize and impound a dog in enforcing this By-law. If the Animal Control Officer has seized and impounded a dog, the Animal Control Officer shall take the dog to the pound. The Animal Control Officer shall, if the owner of the dog is known to the Animal Control Officer, notify the owner that the dog has been seized and impounded, that the dog may be redeemed from impoundment on the owner meeting certain terms including paying the impoundment fees set out in Schedule A and the Municipality's costs of enforcement, and if the dog is not redeemed within five days of being impounded, the dog may be sold or destroyed. Such notice is met if the Animal Control Officer leaves the notice with a responsible person for a dog. The Animal Control Officer shall, if the owner of the dog is unknown to the Animal Control Officer, post a notice with this same information in the municipal office.
14. An owner of a dog may redeem a dog from impoundment by applying to the Animal Control Officer. Upon payment of the fees set out in Schedule B and the Municipality's costs of enforcement, and showing proof of vaccination required under section 5, the Animal Control Officer shall instruct the pound to release the dog.
15. If in the Animal Control Officer's opinion a dog that has been seized and impounded remains a serious risk to the safety of people or animals as a result of the dog's actions, the Animal Control Officer may impose conditions on the release of the dog to reasonably address the risk. The Animal Control Officer shall provide the owner of a dog in writing with the conditions at the time the owner redeems the dog ("dog conditions of redemption"). The owner shall acknowledge in writing the dog conditions of redemption at the time the dog is released from the pound.
16. No responsible person for a dog may permit a dog to be in violation of the dog conditions of redemption. If the dog conditions of redemption are violated the Animal Control Officer may seize and impound the dog. The dog is not subject to redemption under subsection 14. The Animal Control Officer shall, if the owner of the dog is known to the Animal Control Officer, notify the owner that the dog has been seized and impounded, the dog is subject to destruction within five days of being impounded, the owner may request that Council review the destruction of the dog, and if no request for a review is made within five days of being impounded, the dog shall be destroyed. Such notice is met if the Animal Control Officer leaves the notice with a responsible person for a dog. The Animal Control Officer shall, if the owner of the dog is unknown to the Animal Control Officer, post a notice with this same information in the municipal office.
17. The owner is responsible for the fees set out in Schedule B and the Municipality's costs of enforcement even when the dog is not redeemed or no request for a review is made.

Seizure, Impoundment and Redemption for Livestock

18. The Animal Control Officer may seize and impound livestock found at large. The Animal Control Officer may impound seized livestock on any property with the permission of the property owner. The Animal Control Officer may move and transport the seized livestock to the place of impoundment.
19. The Animal Control Officer shall, if the owner of the livestock is known to the Animal Control Office, notify the owner that the livestock have been seized and impounded, the livestock may be redeemed from impoundment on the owner meeting certain terms, and that if the livestock are not redeemed within the time set by the Animal Control Officer, the livestock may be sold or disposed of. The

Animal Control Officer shall, if the owner of the livestock is unknown to the Animal Control Officer, post a notice with the same information in the municipal office.

20. An owner of livestock may redeem livestock from impoundment by applying to the Animal Control Officer. Upon payment of the fees set out in Schedule B and the Municipality's costs of enforcement, the Animal Control Officer shall release the livestock.
21. If the livestock have not been redeemed, the Animal Control Officer may dispose of the livestock. If the livestock are sold, the proceeds of any such sale will be used to pay expenses, costs and fees incurred in connection with the enforcement of this By-law. Any excess proceeds will be paid to the person entitled to them.
22. If in the Animal Control Officer's opinion livestock that has been seized and impounded remains a risk to be at large upon being redeemed, the Animal Control Officer may impose conditions on the release of the livestock to reasonably address the risk. The Animal Control Officer shall provide the owner of the livestock in writing with the conditions at the time the owner redeems the livestock ("livestock conditions of redemption"). The owner shall acknowledge in writing the livestock conditions of redemption at the time the livestock is released.
23. No responsible person for livestock may permit livestock to be in violation of the conditions of redemption for livestock. If the conditions of redemption for livestock are violated the Animal Control Officer may seize and impound the livestock. The livestock is not subject to redemption under subsection 20. The Animal Control Officer shall, if the owner of the livestock is known to the Animal Control Officer, notify the owner that the livestock has been seized and impounded, the livestock is subject to sale or being disposed of within five days of being impounded, the owner may request that Council review the sale or disposing of the livestock, and if no request for a review is made within five days of being impounded, the livestock shall be sold or disposed of. Such notice is met if the Animal Control Officer leaves the notice with a responsible person for livestock. The Animal Control Officer shall, if the owner of the livestock is unknown to the Animal Control Officer, post a notice with this same information in the municipal office.
24. The owner is responsible for the fees set out in Schedule B and the Municipality's costs of enforcement even when the livestock are not redeemed or no request for a review is made.

Review

25. An owner of a dog may request Council to review the dog conditions of redemption or the proposed destruction, and an owner of livestock may request Council to review the livestock conditions of redemption, by giving a written notice to the Chief Administrative Officer within five days of impoundment.
26. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review by Council, and notify the owner of the date of the review.
27. At the time and place set out in the notice, Council shall consider the request for review, and the owner may appear in person or by counsel. After reviewing the matter, Council may confirm, vary, substitute or cancel the dog conditions of redemption, the destruction of the dog, the livestock conditions of redemption or the sale or disposing of the livestock.
28. The time specified for destruction, sale or disposition is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.

Assistance and On-Interference with Enforcement

29. No person may interfere with, obstruct or attempt to interfere with or obstruct the Animal Control Officer in carrying out the administration and enforcement of this By-law. The registered owner of property or a person renting or leasing property shall assist the Animal Control Officer in seizing a dog or livestock found on their property. A responsible person for a dog or for livestock shall supply such information that the Animal Control Officer requests for the administration and enforcement of this By-law.

Offence

30. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00, and to a penalty equal to the costs associated with or resulting from enforcing this By-law.
31. The following amounts may be collected and enforced by the Municipality.
- a. a fine or penalty imposed on conviction; and
 - b. the cost of an action taken by the Municipality under *The Municipal Act*.

TRANSITIONAL

22. This By-law repeals By-law No.14/13, except in respect of an offence committed before this By-law comes into force. By-law No. 14/13 remains in effect to the extent required for the prosecution of any such offence.

DONE AND PASSED as a by-law of the Rural Municipality of Alexander at St. Georges, in the Province of Manitoba, this 27th, day of April, 2017.

Original Signed by Reeve Raymond Garand
Reeve Raymond Garand

Original signed by CAO Scott Spicer
CAO Scott Spicer

Read a first time April 11th, A.D. 2017

Resolution 2017 226

Read a second time April 27th, A.D. 2017

Resolution 2017 252

Read a third time April 27th, A.D. 2017

Resolution 2017 253



SCHEDULE "A"
TO
BY-LAW NO. 05/17

**NOTICE OF BREACH OF BY-LAW NO. 05/17 OF
THE RURAL MUNICIPALITY OF ALEXANDER**

TO _____
(Name & Address of Owner of Dog).

You are charged that on the _____ day of _____, _____ you did unlawfully:

as Owner, permit a dog to run at large within the limits of the Rural Municipality of Alexander, contrary to paragraph _____ of By-Law _____;

fail to confine a female Dog in heat, contrary to paragraph _____ of By-Law _____;

fail to muzzle and fasten a vicious dog, contrary to paragraph _____ of By-Law _____;

_____, contrary to paragraph _____ of By-Law _____.

Disposition of this charge may be made by attending at the General Office of the Rural Municipality of Alexander, during office hours, from _____, _____, to _____, _____.

Dated at St. Georges, in the Province of Manitoba, this _____ day of _____, _____.

ANIMAL CONTROL OFFICER

Form of Notice authorized by clause 1(h) in *PART I* of By-Law No. 05/17 of the Rural Municipality of Alexander.

NOTE: "Owner" means any adult person who owns, keeps or harbours a dog or which knowingly permits or allows any other person to own, keep or harbour a dog upon premises owned, leased or occupied, either jointly or solely, by that adult person.



SCHEDULE "B"
TO
BY-LAW NO. 05/17

**SCHEDULE OF FINE AND IMPOUNDMENT FEES
OF
THE RURAL MUNICIPALITY OF ALEXANDER**

- | | |
|-----------------------------------|------------------------------------|
| ➤ Impoundment Fees | \$ 15.00 per day |
| ➤ Impoundment Fees – Vicious Dogs | \$ 30.00 per day |
| ➤ Fine – First Offence | \$ 50.00 plus applicable costs |
| ➤ Fine – Second Offence | \$ 100.00 plus applicable costs |
| ➤ Fine – Third Offence | \$ 200.00 plus applicable costs |