

Municipality of Clanwilliam-Erickson

BY-LAW NO. 65-20

BEING A BY-LAW TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS WITHIN THE URBAN LIMITS OF THE MUNICIPALITY OF CLANWILLIAM-ERICKSON.

PART I: AUTHORITY

WHEREAS, subsection 232(1) of *The Municipal Act*, S.M. 1996, c. 58 (the “Act”) provides in relevant part as follows:

Spheres of jurisdiction

232(1) A Council may pass by-laws for municipal purposes respecting the following matters...

- a) the safety, health, protection and well-being of people, and the safety and protection of property;
- k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- o) the enforcement of by-laws;

AND WHEREAS subsection 232(2) of the *Act* provides, in relevant part as follows:

Exercising By-Law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this division...

- a) regulate or prohibit;
- 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 subsection 236(1) of the *Act* provides, in relevant part as follows:

Content of by-laws under clause 232(1)(o)

236(1) Without limiting the generality of the clause 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 contravention 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 owing under sub clause (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 sub clause (iv);
 - vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS subsection 5(1) of *The Animal Liability Act*, S.M. 1998 c. 8 provides as follows:

Animals not to run at large

5(1) Except when permitted by a municipal by-law passed in accordance with *The Municipal Act* or a by-law of a local government district passed in accordance with *The Local Government District Act*, no owner or person in charge of an animal shall allow it to run at large.

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**” means any animal that has bitten a person, on private or public property, whether or not the bite caused injury to the person.

“**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.

“**current rabies vaccination**” means that the dog or cat has been vaccinated for rabies and given boosters in accordance with applicable veterinary protocols.

“**dangerous animal**” means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under section 12 of this By-Law.

“**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.

“**person**” includes a firm or corporation.

“**pound**” means any enclosure, premises or place, whether within or outside the Town, designated for the impoundment and care of any animal for the purposes of enforcing any provision of this By-law.

“**pound keeper**” 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, but including all hybrids of dogs or cats;
- c) any member of the order Crocodylia;
- d) any venomous snake or venomous reptile;
- e) any poisonous amphibian;
- f) any wild animal or wildlife as defined in *The Wildlife Act*; and
- g) any other animal determined by the animal control officer to be a restricted animal, other than a dog, cat or livestock.

“**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; and
- b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUND KEEPER

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 municipal general funds.

Appointment of Animal Control Officer

2(2) Council may appoint one or more persons 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 municipal general funds.

Appointment of Pound Keeper

2(3) Council may appoint one or more persons 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 municipal general funds.

Common Animal Control Officer and Pound Keeper

2(4) At the discretion of Council, the animal control officer may also serve as pound keeper, and vice versa.

Duties of the Animal Control Officer

3. The Animal Control Officer will:

- (a) apprehend and confine at the pound, any dog running at large contrary to the provisions of this By-law.
- (b) ensure that any restricted animal is properly licensed by the municipality, and apprehend and confine any restricted animal that is not properly licensed, or that is running at large.
- (c) apprehend and confine any animal which is in breach of this By-law, or any other laws or regulations pertaining to animals, or the conditions of any permit or license.
- (d) make 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. This notice will be in the form set out in Schedule B to this By-law, and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, the impoundment fee, any daily pound fees, license fees and other costs or fines to be charged to the owner, the method of payment required, and the date after which the animal may be sold, destroyed or otherwise disposed of if not redeemed. Where the identity of the owner of the animal is not known, the animal control officer will post in the municipal office a notice describing the animal, the date of apprehension and the date after which the animal may be sold, destroyed or otherwise disposed of.
- (e) enforce other provisions of this By-law as necessary.

Duties of pound keeper

4. The Pound Keeper will:

- (a) provide sufficient food and clean water, adequate shelter, and a safe and sanitary environment for every animal impounded.
- (b) establish and maintain the pound in a manner in keeping with *The Animal Care Act* (Manitoba), and perform the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba) while an animal is in his or her custody.
- (c) keep a record of every animal impounded, including 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 species and breed of the animal);
 - (ii) the day and hour of its impoundment;
 - (iii) the day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale disposition or destruction;
 - (iv) the name and address of the owner (being the person to whom the animal was sold or released), and the license 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 payer (if different from the owner); and
 - (vi) other information as requested by the Chief Administrative Officer.
- (d) 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 Chief Administrative Officer may prescribe.

- (e) 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 three (3) days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public.

After the minimum period of impoundment has expired, the pound keeper will do one of the following:

- (i) sell or otherwise release the impounded animal to any person for an amount not less than the applicable pound and license fees accrued in respect of the impounded animal as set forth in this By-law, unless such fees are waived by the municipality; or
- (ii) cause the impounded animal to be humanely destroyed unless the municipality directs an extended period of impoundment.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Licensing of dogs

- 5(1) The owner of every dog over the age of four months must obtain and annually renew a licence to keep the dog, and pay the fee as set out in Schedule A to this By-law. The owner shall ensure that the licence tag issued for the dog is securely fastened to a collar worn around the neck of the dog.
- 5(2) The required dog licence may be sold by the pound keeper, the Chief Administrative Officer of the Municipality, or by any veterinary clinic or animal hospital within the municipality which is designated by the Council as a veterinary clinic or animal hospital eligible as a vendor of such licences.
- 5(3) No person is permitted to remove the collar or licence tag from any dog without a lawful excuse.
- 5(4) The annual licence fee is due on the 1st day of January in each year.
- 5(5) If the licence tag is lost or damaged, the owner will apply for a replacement licence tag, the cost of which is attached in Schedule A to this By-law.
- 5(6) Where a change in ownership of a licensed dog occurs during the licence year, the new owner must have the current licence transferred to his or her name.
- 5(7) Prior to obtaining or renewing a licence for a dog, the dog owner must produce evidence of a current rabies vaccination status, or a letter indicating medical grounds for the dog not being vaccinated against rabies, from a licensed veterinarian.
- 5(8) Subsections 5(1) through 5(7) do not apply to non-residents of the urban ward of the Municipality who bring a dog within the urban limits on a temporary visit.
- 5(9) Dogs which are defined as service animals by the Service Animals Protection Act are exempt from all licensing requirements in this section.

Responsibility of Owners Regarding Dogs

- 6(1) Dog owners must:
 - (a) prevent their dogs from running at large.
 - (b) prevent their dogs from barking or howling excessively, or in any other way unduly disturbing the quiet of any person.
 - (c) remove their dogs' excrement immediately from any property that is not their own private property.
 - (d) remove their dogs' excrement on their own property so that it does not accumulate to cause an environmental or health hazard, or a nuisance for neighbours.
 - (e) ensure that dogs deemed to be dangerous animals are effectively restrained and muzzled while on public property, including off-leash dog parks.

- (f) ensure their dogs do not pursue, bite, wound or harass any person or domestic animal, whether or not on the property of the owner.
- (g) restrain their dogs with a leash no longer than six (6) feet in length while their dogs are on public property, unless the dog is either a service animal or in a designated off-leash dog park.

Redeeming Impounded Dogs

- 7(1) Unless the impounded dog is determined to be a dangerous animal, the owner of any dog impounded by the animal control officer may redeem the dog within three (3) days 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;
 - (c) the relevant license fee, if applicable; and
 - (d) all outstanding fines, damages, or additional costs incurred by the impounded animal.

Responsibility of Owners Regarding Cats

- 8(1) Cat owners must:
- (a) prevent their cats from running at large.
 - (b) remove their cats' excrement immediately from any property that is not their own private property.
 - (c) remove their cats' excrement on their own property so that it does not accumulate to cause an environmental or health hazard, or a nuisance for neighbours.

Cat Trap

- 9(1) 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.

Maximum Number of Dogs or Cats

- 10(1) Subject to 10(2), the maximum number of animals permitted to be owned or kept on a property or in a dwelling unit is:
- (a) three (3) dogs over the age of four (4) months; and
 - (b) five (5) cats over the age of four (4) months.
- 10(2) The operator of a kennel may have more animals than indicated in 10(1), subject to the provisions of the applicable Zoning By-law.

Other Pets

- 11(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 under the immediate charge and effective control of a person competent to control it.
- 11(2) No person shall be entitled to keep or harbour a restricted animal without having been issued a permit for the animal under this By-law.

- 11(3) No person shall be entitled to keep or harbor a wild animal within the meaning of *The Wildlife Act* without having been issued a permit for the animal under this By-law, and any other government licenses as may be required.

PART V: DANGEROUS ANIMALS

Animal Bites

- 12(1) The animal control officer may apprehend and impound any domestic pet that has bitten a person if such action is necessary for the protection of the public, on private premises or elsewhere, whether or not the bite caused injury;
- 12(2) If the aggressor animal described in subsection 12(1) is not voluntarily surrendered to the animal control officer by the owner, the animal control officer may apprehend and impound the aggressor animal and, if necessary, apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain an order to enter the property of the owner for the purpose of apprehending and impounding the aggressor animal.
- 12(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 12(4), be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 12(4) The animal control officer may release an aggressor animal to the owner prior to the expiry of the quarantine period, with conditions which may include suitable confinement at the owner's premises, signage, a schedule of veterinary appointments, proof of liability insurance, payment of pound fees and other costs, and any other conditions deemed reasonable by the Animal Control Officer.
- 12(5) The animal control officer may 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 remains at such place at the owner's expense for the quarantine period.
- 12(6) If the owner fails to redeem the aggressor animal from the pound within three (3) days after being notified of the quarantine period's expiry, the aggressor animal may be sold, otherwise disposed of, or destroyed at the discretion of the pound keeper.
- 12(7) The animal control officer shall keep a record of all bite incidents, identifying the aggressor animal and the details of the incident, in order to determine whether the aggressor animal is a dangerous animal.
- 12(8) If an aggressor animal quarantined for biting dies in quarantine prior to the veterinary examination required by subsection 12(9), its head shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 12(9) A licensed veterinarian approved by the animal control officer must examine a quarantined aggressor animal, prior to its release from quarantine. The determination as to whether or not the aggressor animal can be released from quarantine or must be destroyed or otherwise disposed of, is at the discretion of the animal control officer based upon the following factors:
- (a) the medical report of the licensed veterinarian who has examined the aggressor animal;
 - (b) whether or not public health authorities 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 yes, whether or not the provisions of Section 13 of this By-law have been complied with;
 - (e) whether or not the aggressor animal is a restricted animal, and if yes, whether or not the provisions of Part VII of this By-law have been complied with; and
 - (f) proof that the aggressor animal does not have rabies, and that the aggressor animal has a current rabies vaccination status.

Dangerous Animal Determination and Consequences

- 13(1) The animal control officer may declare that an animal is a dangerous animal if:
- (a) the animal has bitten, caused injury to, or killed a person, whether on public or private property, or is otherwise an aggressor animal; or
 - (b) the animal has injured or killed any other domestic animal or any livestock without

- provocation; or
 - (c) 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; or
 - (d) the animal, shows a tendency to pursue, chase, or approach in a menacing fashion any person or other animal upon any public or private property.
- 13(2) Upon determination of a dangerous animal status, the animal control officer will serve notice upon the animal's owner by personal service, registered mail, or by posting notice on the property. This notice will include the identity or identifying characteristics of the dangerous animal, the reason(s) for which it is considered dangerous, and whether the dangerous animal is to be destroyed, removed from the urban ward of the municipality, or allowed to remain with the owner subject to conditions. The notice will also include instructions on how to appeal a dangerous animal designation, per subsection 13(6).
- 13(4) Every owner of an animal that has been declared to be dangerous, if the animal control officer has decided to release the dangerous animal to its owner, shall:
- (a) if the dangerous animal is a dog, obtain a dangerous dog license for the dangerous dog and pay the required fee as set out in Schedule A to this By-law;
 - (b) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the animal control officer and provide a copy of this information to the pound keeper;
 - (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 or 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 approved by the animal control officer; and
 - (iii) provides protection from the elements for the dangerous animal.
 - (d) if 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; and
 - (iii) it is at all times under the effective control of a person competent to control it.
 - (e) if the dangerous animal is other than a dog, permit the dangerous animal upon public property only if 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 DOG" (CAT OR OTHER ANIMAL)***. The sign may not be removed without the permission of the animal control officer, and shall be posted in such a manner that it is resistant to removal and defacement from passersby;
 - (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 immediately if the dangerous animal has gone missing or is running at large or has bitten, worried, or attacked any person or animal;
 - (j) maintain in force to the satisfaction of the Chief Administrative Officer 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 \$2,000,000.00 per occurrence;
 - (k) any other conditions as may be prescribed by the animal control officer.
- 13(5) The animal control officer may require that a dangerous animal be detained at the pound at the owner's expense while the owner is in the process of satisfying the conditions of keeping a dangerous animal, or if, in the opinion of the animal control officer, the owner has stopped satisfying any of the said conditions.
- 13(6) An owner who wishes to appeal a dangerous animal designation by the animal control officer may do so by completing the form found on Schedule C to this By-law and submitting it to the Chief Administrative Officer.
- (a) Upon receipt of the completed appeal form, the Chief Administrative Officer will schedule a hearing at the next regular council meeting occurring not less than 10 days after the appeal is received.
 - (b) Written notice of the hearing referred to in 13(6)(a) will be provided to the owner of the animal at least 10 days in advance of the hearing by personal service, registered mail, or by posting said notice on the property where the owner resides. The notice will provide the following minimum information:

- (i) the time, place and purpose of the hearing;
 - (ii) a copy of this By-law; and
 - (iii) a statement that if the owner does not attend the hearing, the matter will be decided in their absence and that they will not be entitled to any further appeal regarding the dangerous animal designation and proceedings.
- (c) Between the time of filing the appeal and the time of the hearing, the dangerous animal designation continues to apply, as do any conditions imposed by the animal control officer, including the animal's detention at the pound.
 - (d) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and request evidence. The owner also has the right to hear all of the evidence and inspect all submissions presented at the hearing by or on behalf of the animal control officer, and to respond to same.
 - (e) Following the hearing, council will issue a written decision, with no requirement to give a reason, to the owner within 5 days, either:
 - (i) confirming the dangerous animal designation; or
 - (ii) rescinding the dangerous animal designation; or
 - (iii) confirming the dangerous animal designation but modifying the conditions imposed by the animal control officer.
 - (f) The decision of council following the hearing shall be final, with no more opportunities for appeal.

Destruction of Dangerous Animal or Aggressor Animal

- 14(1) The animal control officer may apprehend and impound an animal for the purpose of destroying it if:
- (a) The animal has been designated a dangerous animal and its owner has breached a condition of keeping said animal on his or her property;
 - (b) An aggressor animal has caused injury to a person or other animal; or
 - (c) In the animal control officer's opinion, the animal is causing an immediate risk to any person or other property, whether it has been declared a dangerous animal or not.
- 14(2) When the animal control officer impounds an animal for the purpose of destruction of the animal, he/she shall give the owner written notice that the animal will be destroyed after the expiry of 10 days from the date of the notice.
- 14(3) The owner may appeal the decision of the animal control officer to destroy the animal during the 10-day period referred to in 14(2), by filing an appeal using the form in Schedule C to this By-law with the Chief Administrative Officer.
- (a) Upon receipt of the completed appeal form, the Chief Administrative Officer will schedule a hearing at the next regular council meeting occurring not less than 10 days after the appeal is received.
 - (b) Written notice of the hearing referred to in 14(3)(a) will be provided to the owner of the animal at least 10 days in advance of the hearing by personal service, registered mail, or by posting said notice on the property where the owner resides. The notice will provide the following minimum information:
 - (i) the time, place and purpose of the hearing;
 - (ii) a copy of this By-law; and
 - (iii) a statement that if the owner does not attend the hearing, the matter will be decided in their absence and that they will not be entitled to any further appeal regarding the dangerous animal designation and proceedings.
 - (c) Between the time of filing the appeal and the time of the hearing, the animal will be quarantined at the pound.
 - (d) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and request evidence. The owner also has the right to hear all of the evidence and inspect all submissions presented at the hearing by or on behalf of the animal control officer, and to respond to same.
 - (e) Following the hearing, council will issue a written decision, with no requirement to give a reason, to the owner within 5 days, either confirming or rescinding the destruction order.
 - (f) The decision of council following the hearing shall be final, with no more opportunities for appeal.

PART VI: LIVESTOCK

- 15(1) Livestock are only permitted in those areas of the municipality which are zoned agricultural unless otherwise permitted by the municipality's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the municipality, and it shall be an offense under this By-law to keep any livestock in excess of the prescribed number and kind.
- 15(2) An owner shall not permit his livestock to run at large within the municipality. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-law.
- 15(3) Council, or the animal control officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The Chief Administrative Officer of the municipality may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.
- 15(4) When livestock is impounded, the animal control officer shall publish notice of the impoundment in a newspaper that is generally distributed within the municipality as well as post a notice at the municipal office. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the municipality where the livestock were found running at large.
- 15(5) If the identity of the owner is known, the animal control officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his/her last known address.
- 15(6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the municipality in apprehending and impounding the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to this By-law, have been paid in full.
- 15(7) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in subsection 15(6), the animal control officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds 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 town 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 section 169 of *The Planning Act* (Manitoba). Provided however, that applications from the owner or operator of a traveling show to keep a restricted animal in the municipality on a temporary basis may be considered by the Chief Administrative Officer without compliance with the notice and hearing requirements aforesaid. Council or the Chief Administrative Officer, in the case of an application for a permit on a temporary basis, 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 or the Chief Administrative Officer, as the case may be, 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 offense under this By-law.

Temporary impoundment

- 16(3) If deemed necessary in the interests 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) Restricted animals existing prior to establishment of this By-law are subject to the following:
- (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 within 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 within 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 harbouring, 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 circumstances 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) 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 specified by the order, 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(9) 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.

PART VIII: GENERAL PROVISIONS

Offences under this By-law

- 17(1) A person who contravenes any provision of this Act or an order made under this Act is guilty of an offence, and may be subject to fines detailed in Section 22 of this by-law.

Interference with Enforcement

- 17(2) It shall be an offence under this By-law for a person to interfere or obstruct any attempt by the animal control officer, pound keeper or the Council from carrying out its duties and obligations 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 pound keeper, 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 has apprehended and impounded, any animal in accordance with the provisions of this By-law.

- 17(3) It shall be an offence under this By-law:
- (a) to break into, or assist another person in any manner, directly or indirectly, to break into, any pound; and
 - (b) to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

Apprehension by Resident

- 18(1) Any resident of the municipality may apprehend and confine an animal which is running at on his/her property, provided that he/she shall immediately thereafter inform the animal control officer, pound keeper or the Chief Administrative Officer 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(1) 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(2) 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/her 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 offense under this By-law against another person shall provide to the animal control officer his/her name, address and telephone number. It shall be at the discretion of the animal control officer whether or not to proceed based on an anonymous complaint or information.

Liability

- 21(1) No liability shall attach to the animal control officer, the pound keeper, the Council and/or the Town in carrying out their respective duties under this By-law. Without limiting the generality of the foregoing, no liability shall attach to the animal control officer, the pound keeper, the Council and/or the Town 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) Any person who is guilty of an offence under this by-law is liable:
- (a) to a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;

(b) to a fine of not less than \$100.00 and not more than \$1,000.00, plus all applicable costs and penalties, for the second offense and for each subsequent offense within twelve (12) months of the first offense.

22(2) Where the offence continues for more than one (1) day, the person is liable to a separate penalty for each day that the offence continues.

Repeal

23(1) That By-law No. 556/04 is hereby repealed.

DONE and PASSED by the Council of the Municipality of Clanwilliam-Erickson duly assembled this 12th, day of February, 2020, A.D.

Municipality of Clanwilliam-Erickson

Reeve

Chief Administrative Officer

Read a first time this 8th, day of January, 2020, A.D.
Read a second time this 12th, day of February, 2020, A.D.
Read a third time this 12th, day of February, 2020, A.D.

SCHEDULE A TO BY-LAW NO. 65-20**LICENSE AND IMPOUNDMENT FEES*****Application Fees***

For a kennel permit	\$ 225.00
For a permit to keep restricted animals	\$ 225.00

License Fees (annual) - and related charges

For each spayed female or neutered male dog	\$ 10.00
For each dog that is not neutered or spayed	\$ 20.00
For each dog declared to be a dangerous animal	\$ 200.00
Replacement tag	\$ 15.00
Kennel permit – annual fee	\$ N/A
Restricted animal permit – annual fee	\$ N/A

Cat Traps

For each cat trap – deposit	\$ 25.00
-----------------------------	----------

Penalties and impoundment Fees

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

For first impoundment, flat fee	\$ 40.00
For each day of impoundment after first day, add	\$ 20.00
For second impoundment, flat fee (if it occurs within 12 months of the first offense)	\$ 40.00
- For each day of impoundment after first day, add	\$ 20.00
For voluntary impoundment	
For each day of impoundment	not available
Impoundment fees for livestock	\$ N/A
Daily impoundment fees for dangerous animals, quarantined animals and restricted animals	\$ 40.00
Impoundment and fine (see Section 22)	

SCHEDULE B TO BY-LAW NO. 65-20

NOTICE OF IMPOUNDMENT

FOR THE MUNICIPALITY OF CLANWILLIAM-ERICKSON

Owner _____
(Name and address of Owner of Animal)

Description of Animal _____

Date of Apprehension _____

Time of Apprehension _____

Location Animal Apprehended _____

Place of Impoundment _____

Hours of Operation of Pound _____

Phone No. of Pound _____

Daily Pound Fee _____

Impoundment Fee and/or Fine _____

License Fee _____

Method of Payment Required _____

Day the animal will be sold or destroyed _____

Date _____

Animal Control Officer _____

Signature _____