

RURAL MUNICIPALITY OF STANLEY

By-law No. 24-11

BEING a by-law of the Rural Municipality of Stanley for domestic dogs within the boundaries of the Rural Municipality of Stanley.

WHEREAS it is deemed advisable and in the best interest of the municipality to provide for the control and disposition of domestic dogs within the Rural Municipality of Stanley;

AND WHEREAS Sub-Section 232(1) of The Municipal Act provides in part as follows:

223(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, on or near a 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;

...

(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.

THEREFORE NOW the Council of the Rural Municipality of Stanley, in regular session duly assembled, enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:

(a) "dog" means any member of the genus *Canis familiaris* that has been domesticated and is kept or harbored within the municipality;

(b) "at large" means an animal at loose elsewhere than on the land or premises of the owner and not under control by being in direct and continuous charge of a person competent to control it;

(c) "Authorized Person" means any person appointed by the Municipality to carry out any provision of this by-law or any contracts or agreements entered into for the purpose of carrying out any provision of this by-law;

(d) "business day" means any day of the week except Sunday;

(e) "Council" means the Council of the Rural Municipality of Stanley;

(f) "Guide Dog" means a dog that has been specially trained and is being used as a guide dog by the owner thereof,

(g) "Municipality" means the Rural Municipality of Stanley;

(h) "owner" means any adult person who owns, possesses, or harbors an animal or knowingly permits or allows any other person to own, possess, or harbor an animal upon his or her premises;

(i) "person" includes the plural as well as the singular, a corporation, partnership, association, syndicate, or any organized body;

(j) "pound" means any enclosure, premise, or place as designated from time to time by a resolution of Council for the purpose of impounding and caring for animals found to be in contravention of any of the provisions of this by-law.

2. This by-law will apply to all areas of the municipality that are zoned as "GD" – General Development in the most current RM of Stanley Zoning by-law.

3. Council may at their discretion enforce any provision of this by-law outside of the "GD" – General Development area if they deem necessary.

4. Wherever the context so requires, masculine gender shall include feminine gender, plural shall include singular, and singular shall include plural.

5. Notwithstanding the provisions of this by-law providing for the impoundment of an animal, the Authorized Person shall not impound a Guide Dog found to be running at large unless:

(a) the Authorized Person has reasonable grounds to believe that the animal is or might be suffering from an infectious disease; or

(b) the owner thereof is unable to produce evidence to the satisfaction of the Authorized Person that the dog is a Guide Dog.

6. An owner shall provide to the Authorized Person any information the Authorized Person may require with respect to a dog owned by the Owner or permitted to be on the Owner's premises.

7. No owner shall permit a dog owned by him to damage any property, or injure, disturb or annoy any person or other animal in any manner whatsoever, including, without limiting the generality of the foregoing, by

(a) permitting a dog to run at large which creates an annoyance or disturbance for others. (repeat occurrences);

(b) permitting a dog to unduly disturb the peace and quiet of any person;

(c) permitting a dog to defecate on any property owned by a Community Center or School without causing such excrement to be removed immediately;

(d) owning, keeping, or harboring a dog which the owner knows, or reasonably should have known, is vicious or mischievous or accustomed to causing injury, unless such animal is:

- securely fastened;
- when off the property of the owner, properly muzzled;

at all times in such a manner that it does not endanger the safety of any person or other animal;

(e) permitting a dog to scatter waste material in or about any public or private property not belonging to the owner of the animal.

8. A female dog in heat shall be confined and housed in the premises of the owner or person having control of the dog, or it shall be taken to a licensed kennel, for the period of time that the dog is in heat.

9. There shall be established for the Municipality a public pound, to be located on such premises or at such place as Council may from time to time direct by resolution and such pound shall be called "The Rural Municipality of Stanley Pound".

10. The Authorized Person may:

(a) capture and impound any dog which the Authorized Person has reasonable grounds to believe is in contravention of this by-law, as well as any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or the

Province of Manitoba or any regulation made thereunder;

(b) demand the surrender of any dog found to be in contravention of any provision of this by-law from any person having control of the dog, and upon demand that person shall forthwith surrender the dog to the Authorized Person;

(c) make application to a Provincial Judge, Magistrate, or Justice of the Peace for an order requiring a person having control of a dog found to be in contravention of any provision of this by-law, to forthwith surrender the dog to the Authorized Person;

(d) issue an offense notice to, or lay an information against, an Owner in contravention of this by-law.

(e) perform such other duties as Council may from time to time assign to the Authorized Person.

11. The Authorized Person shall take into custody and place in quarantine any dog that has bitten someone or is alleged to have bitten someone, whether the skin is directly punctured or lacerated by the bite or not, excepting that this provision shall not apply to police service dogs while on duty and under the control of a qualified dog handler.

12. The Authorized Person may order the owner of a dog that has bitten someone or is alleged to have bitten someone to deliver the dog to the pound, or with the consent of the Authorized Person, to any other place chosen by the owner provided that the dog must be under the personal supervision of a licensed veterinary practitioner, and the dog must remain at such place at the owner's expense. Any dog delivered or taken to the pound or to such other place agreed to as provided above, shall be kept therein until such time as the dog is certified to be free of infectious disease by a licensed veterinary practitioner.

13. If a dog is found to be carrying an infectious disease it shall be quarantined and, at the option of the owner and at the owner's expense, treated or destroyed.

14. The head of any dog quarantined for biting, which dies, shall be submitted to the Health of Animals Branch, Federal Department of Agriculture, for rabies examination.

15. The Authorized Person may enter into the land surrounding any building without the consent of the owner thereof in pursuit of a dog which has been observed to be in contravention of this by-law.

16. No person shall interfere with or attempt to obstruct an Authorized Person who is attempting to capture or who has captured a dog in accordance with the provisions of this by-law.

17. Where a licensed veterinary practitioner certifies in writing that, in his opinion, a dog in the custody of the Authorized Person is so seriously injured or sick that it would be cruel to allow it to live, the Authorized Person may cause the dog to be destroyed forthwith.

18. The Authorized Person shall make all reasonable inquiries to obtain an address for the owner or the issuer of any tag found on an impounded dog and if so obtained, shall forward a notice in writing to the owner or if the address of the owner cannot be ascertained then to the issuer of the tag, by registered mail within 3 days of the impounding, not including the day on which the impounding occurs, indicating that, subject to any period of quarantine hereunder, the dog has been impounded and if not redeemed within 10 days of the notice being served, the dog may be disposed of at the discretion of the Authorized Person. If mailed by registered mail the notice shall be deemed to have been served on the next business day. If the Authorized Person is unable to determine the name and address of the owner of an impounded dog, upon reasonable inquiry, within the specified period of impoundment, then after a further two days following the expiry of the period of impoundment, the dog may be disposed of in the discretion of the Authorized Person.

19. The owner of an dog impounded for being at large may redeem it within the ten day period of impoundment by paying the Authorized Person any and all fees, penalties, charges and costs as authorized herein, including without limiting the generality of the foregoing, the full amount of any cost incurred by the Municipality for the examination and/or treatment by a licensed Veterinary practitioner of an animal that appears injured or ill and the cost of any notice sent to the owner.

20. A flat fee of FIFTY DOLLARS (\$50.00) and the actual pound fee calculated on a per day basis or part thereof shall be paid by the owner of an animal impounded in the pound for each day of impoundment and any additional period of quarantine, before the dog may be removed from the pound, and notwithstanding such payment if the owner fails to remove the dog from the pound within two days from the expiry of the period of impoundment or quarantine, the dog may be disposed of at the discretion of the Authorized Person.

21. There shall be a charge of ONE HUNDRED DOLLARS (\$100.00) for the euthanasia of any dog by the Authorized Person, which said sum shall be in addition to any fees, charges or penalties otherwise imposed hereunder.

22. Any person who contravenes any of the provisions of this by-law is guilty of an offense and liable, upon summary conviction, to a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00).

23. A complainant must give his or her name, address and telephone number to the Authorized Person, before any action will be taken to either impound a dog or to institute any legal proceedings.

24. No unauthorized person shall remove the collar or license or tag of an dog.

25. The Authorized Person shall keep a record of every dog impounded or destroyed. Such record shall show the description and particulars of every such dog, the day and hour of its impounding, redemption, or sale or disposition, the name and address of the owner, if ascertained, the license number, if any, of any license issued for the dog by a competent authority, the amount and particulars of all fees, fines, charges and all monies received in respect of such dog, the name and address of the person paying the same, and all such other particulars as the Municipality shall direct. All monies collected by the Authorized Person shall be remitted to the Municipality as and when the Municipality shall require, together with such reports and statements as the Municipality may prescribe.

26. By-Law 14-10 be repealed with the 3rd reading of this by-law.


DONE AND PASSED by the Rural Municipality of Stanley, in Council duly assembled, this 20th day of October, 2011.

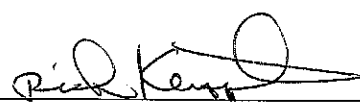
First reading given this 6th day of October, 2011.

Second reading given this 20th day of October, 2011.

Third reading given this 20th day of October, 2011.

RURAL MUNICIPALITY OF STANLEY

per:  _____
Reeve

per:  _____
Chief Administrative Officer