

THE RURAL MUNICIPALITY OF BIFROST

BY-LAW NO. 5-90

BEING A BY-LAW OF THE R. M. OF BIFROST FOR
ESTABLISHING REGULATIONS FOR THE CONTROL OF
DOGS

WHEREAS Sections 354 and 355 of The Municipal Act
provide as follows:

By-laws for control of Dogs.

354 (1) Subject to The Animal Husbandry Act, the council
of any municipality may pass by-laws

- (a) for restraining, prohibiting, and regulating, the
running at large of dogs, having regard to the
sex, breed, size, and weight of the dog;
- (b) for classifying dogs by breed and sex for licensing
purposes, and for prescribing the licence fee to be
paid in respect of each dog so classified;
- (c) for requiring the owners, possessors, or harbourers
of dogs to pay the required licence fee;
- (d) for requiring every dog in the municipality that is
over three months of age to be vaccinated against
rabies;
- (e) for issuing licences or dog tags, or both, and
requiring that every dog in the municipality shall
carry a tag;
- (f) for providing that neither a licence nor a tag shall
be issued in respect of any dog that has not been
vaccinated as required by a by-law passed under
clause (d);
- (g) for impounding any dog running at large, and
 - (i) if any fine or other charge imposed by reason
of the contravention of the by-law is paid,
returning the dog to the owner; and
 - (ii) in other cases, requiring the dog to be sold
or destroyed.

Application to Part of a Rural Municipality.

354 (2) Where a by-law under subsection (1) is passed by
the council of a rural municipality, it may be made
applicable to the whole or any part of the municipality.

S.M.1970, c.100, s. 354.

By-laws for operation of dog pounds, etc.

- 355 (1) The council of a municipality may pass by-laws
- (a) for acquiring land for the purpose of erecting
thereon a dog pound;
 - (b) for erecting and maintaining and operating a dog
pound;
 - (c) for acquiring
 - (i) all equipment necessary for the operation of
a dog pound; and
 - (ii) all vehicles and other equipment necessary for
apprehending and controlling dogs running at
large in the municipality; and
 - (d) subject to subsection (2), for appointing and paying
 - (i) a poundkeeper for a dog pound; or
 - (ii) a dog catcher;

or both.

Poundkeeper as dog catcher.

355 (2) A person appointed as a poundkeeper under subsection (1) may also be appointed dog catcher.

Duties of poundkeeper and dog catcher.

355 (3) Subject to the directions of the council, and to this Act, and as may be provided in the by-laws of the municipality.

- (a) a poundkeeper shall operate the dog pound and see that it is kept in a sanitary condition and otherwise in good order; and
- (b) a dog catcher shall apprehend dogs running at large in the municipality and bring them to the pound and deliver them to the poundkeeper.

Disposal of impounded dogs.

355 (4) Dogs impounded shall be kept in the pound until released, destroyed, or otherwise disposed of as provided by law.

NOW, THEREFORE, the Council of the R. M. of Bifrost in Council assembled, hereby enacts as follows:

Definitions

1. In this By-law, unless the context otherwise requires,
 - (a) "Animal Control Officer" shall mean that employee of the R. M. of Bifrost whose duty it is to enforce this By-law.
 - (b) "dogs" shall mean all species of the animal commonly known as dogs, and includes the female as well as male of every breed or classification or mixture of breeds.
 - (c) "run at large" or "running at large" means not under control by either being:
 - (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 and unable to interfere with members of the public.

Ownership of Dogs

2. Any person in possession of any dog, or who harbors, or suffers or allows any dog to remain upon or around his or her premises or under his or her control, shall be deemed the owner of such dog for the purposes of this by-law.

Prohibition against running at large

3. (a) No person owning or harboring a dog shall suffer, allow or permit it to be at large or run at large at any time within the corporate limits of the R. M. of Bifrost.

(b) Where a dog is found running at large contrary to section 3 (a) on the hearing of an information and complaint against the owner or person in charge thereof for breach of that section, the owner or person in charge shall be deemed to have permitted the dog to run at large unless he satisfies the presiding Judge that he took all reasonable precautions to prevent it from running at large.

(c) Every person who contravenes section 3(a) is guilty of an offence and liable, on summary conviction, to the penalties provided in the penalty section of this by-law.

(d) Where it is alleged by the Animal Control Officer or by any one appointed to enforce this section that any person has contravened section 3(a) hereof, that person, on being notified of the allegation may voluntarily consent to pay a penalty for the contravention hereby fixed at the sum of Fifty (\$50.00) Dollars.

(e) Voluntary payment by any person of the penalty provided in section 3(d) may be made to the designated officer at the Municipal Offices at the address shown on the penalty ticket.

(f) Upon payment by any person as provided in section 3(d) he shall not be liable to prosecution for the contravention in respect of which the payment is made.

Impounding and Redemption

4. (a) It shall be the duty of the Animal Control Officer to capture and confine in the Pound all dogs found running at large contrary to the provisions of this By-law.

(b) The owner of any dog impounded pursuant to section 4(a) may redeem the same at any time within seven (7) days, not including Sundays and Public Holidays, or the time of capture by paying an Animal Control Officer the pound fee calculated as follows:

(i) On any first offence, the sum of \$50.00 plus \$5.00 for each day or any part thereof the dog has been impounded;

(ii) On any second offence occurring within the calendar year, the sum of \$75.00 plus \$5.00 for each day or any part thereof the dog has been impounded;

(iii) On any third or any subsequent offence occurring within the current calendar year, the sum of \$100.00 plus \$5.00 for each day or any part thereof the dog has been impounded;

(iv) The full amount of any cost incurred by the Municipality for the examination and treatment by a licensed veterinary surgeon of a dog that is injured or sick.

(c) Whenever a dog is impounded wearing a tag describing the name and address of the owner the Animal Control Officer shall forthwith after the impounding, send a notice in writing to the owner whose name appears on such tag at the address shown thereon a notice that the dog has been impounded and that if it is not redeemed with seven (7) days, not including Sundays and Public Holidays, of the date of mailing such notice, it may be sold or disposed of or destroyed.

Disposal of Dogs Impounded

5. The Animal Control Officer may sell any dog not redeemed to any person for an amount or may cause the dog to be disposed of or destroyed.

6. Notwithstanding anything contained in this by-law, where a licensed Veterinary Surgeon certifies in writing that, in his opinion a dog in the custody of Animal Control Officer is so seriously injured or sick that it would be cruel to allow it to live, the Animal Control Officer may cause the dog to be destroyed forthwith.

Impounded Dogs to be fed and watered

7. The Animal Control Officer shall provide every dog captured and impounded with sufficient shelter, food and water during the time such dog remains impounded.

Quarantine for Rabies

8. All dogs suspected of suffering from rabies shall be dealt with in accordance with the regulations under "The Public Health Act" and shall be quarantined and confined separate and apart from other dogs. If the said animal is well after fourteen (14) days quarantine, it can be released to its owner. If the animal dies within fourteen (14) days the dead animal shall be taken by a Doctor of Veterinary Medicine for further examination. If a dog has rabies it shall be destroyed by a Doctor of Veterinary Medicine and the diagnosis confirmed. Any dog that bites or scratches a human being shall be quarantined alive for fourteen (14) days at the owner's expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

Disturbing the Quiet

9 . Any owner, possessor, or harbourer of any dog who permits such dog to disturb the quiet of others anywhere by howling or barking, shall be guilty of an offence and liable for prosecution for breach of this by-law.

Chasing, Barking at Pedestrian, Vehicles or other Animals

10. Any owner, possessor, or harbourer of any dog found chasing or barking at any pedestrian, vehicle, bicycle, horse, or any other animal on a public thoroughfare shall be guilty of an offence and liable for prosecution for breach of this by-law.

Vicious dog or Public Nuisance

11. If any dog becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog has been guilty of biting or threatening to attack persons other than the owner, the Animal Control Officer shall be empowered to impound the dog 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 other than the owner.

Teasing, Enticing Prohibited

12. Any person found guilty of teasing, enticing, baiting or throwing objects at a dog confined within its owner's property shall be guilty of an offence and liable for prosecution for breach of this by-law.

Complaints

13. All complaints of alleged breaches of this by-law shall be made to the Animal Control Officer.

Complainant must identify himself

14. Before any action, whether to impound a dog or to institute legal proceedings, is taken by the Animal Control Officer as the result of a complaint, the complainant shall give his name and address to the Animal Control Officer.

Animal Control Officer to keep records

15. The Animal Control Officer shall keep a record of every animal impounded. Such record shall show the description and particulars of every such animal, the day and hour of its impounding, redemption or sale or disposition, the name and address of owner, the license number (if any) the amount and particulars of all fees, fines, charges and of all moneys received in respect of such animal and the name and address of the person paying the same and such other particulars as the Secretary-Treasurer shall direct. All moneys collected by the Animal Control Officer shall be remitted to the Secretary-Treasurer as and when he shall require, together with such reports and statements as the Secretary-Treasurer may prescribe.

Use of Tranquilizers

16. The Animal Control Officer is authorized to use a tranquilizer gun to capture dogs which are running at large within the Municipal limits.

Offence and Penalty

17. Every person who contravenes, or refuses, neglects, omits or fails, to obey or observe, any provision of this by-law, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding one month, or to both such a fine and such an imprisonment

DONE AND PASSED as a by-law of The Rural Municipality of Bifrost, in open council duly assembled, at Arborg, in the Province of Manitoba, this ~~25th~~ day of ~~APRIL~~, 1990

THE RURAL MUNICIPALITY OF BIFROST




SECRETARY--TREASURER