

**THE LOCAL GOVERNMENT DISTRICT OF PINAWA
BY-LAW NO. 846-19**

Being a by-law of the Local Government District of Pinawa to provide for the control of dogs and to rescind By-law 828-17 and all amendments.

AUTHORITY

Whereas subsection 232(1) of the Municipal Act provides, in relevant part, as follows:

Spheres of Jurisdiction

232(1) A Council may pass by-laws for municipal purposes respecting

- 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)(d) of the Municipal Act provides that a council may in a by-law passed under this division:

- d) 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;

And Whereas subsection 236(1) of the Municipal Act provides:

(1) 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:
 - 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 subclause (iv).

And Whereas subsection 239 of the Municipal Act provides:

Municipal inspections and enforcement

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

Identification

239(2) The designated officer must display or produce on request identification showing that he or she is authorized to make the entry.

Emergencies

239(3) In an emergency, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses (1)(a) and (c) without the consent of the owner or occupant.

And Whereas Pinawa is located in a populated wildlife environment and has an obligation and responsibility to ensure the safety, health, protection and well-being of people, and reduce the liability for property owners for owning dogs. The licensing of dogs is for identification purposes and for the protection of dogs and owners.

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 Local Government District of Pinawa enacts a Dog Control By-law as follows;

DEFINITIONS

In this By-law:

- a) "Attack" means an unprovoked offensive move by a dog toward a person or property, resulting in a fall, torn clothing, scratches, teeth marks or causing skin to be broken or blood drawn or damage to property.
- b) "Commercial Dog Kennel" means any premises where dogs are kept, bought, sold or exchanged, or bred or kept for reward or gain, and includes any premises where more than three (3) dogs are kept.
- c) "Dog Control Officer" means the person duly authorized and appointed as Dog Control Officer, and shall include persons duly authorized to act as Assistant to the Dog Control Officer.
- d) "Dog" means canine, male or female.
- e) "Owner" means any person who keeps or harbours a dog or suffers any dog to remain about his premises in the Local Government District of Pinawa.
- f) "Run 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.
- g) "Shelter" means an establishment that houses and feeds stray or unwanted animals. As in a Rescue or Foster Home for dogs.

LICENSING DOGS

- a) The owner(s) of a dog, shall annually or within 3 weeks of owning a new dog must license and register their dog with the Local Government District of Pinawa. Notices will be mailed annually to residents with a timeline to renew and comply. Registration of dogs will be logged upon receiving current vaccinations and tag identifications. Upon receiving the vaccinations certification, the Office Staff will register the dog(s) and the owners will receive a metallic dog tag.
- b) Fasten both tags securely to the collar or harness of the dog, and said collar or harness shall be worn by the dog at all times when the dog is allowed outside of the owner's place or residence.
- c) Every dog owner shall produce proof of current rabies vaccinations when purchasing or renewing a dog license. This can be documentation from the Vet service or more recently a scannable rabies tag provided by the Vet Service. This tag has a recorded number registered with the Vet service allowing the Dog Control Officer to contact the Vet service for the date of the vaccine, the name of the dog and contact information of the owners. The Rabies tag has a bar code that allows the owner to enter the same information onto the tag. This can all be accessed from most mobile phones.
- d) The fees for dog licenses are determined by Resolution of Council per the annual Fee Schedule and may be pro-rated to the nearest quarter.

Prohibitions

No person shall:

- a) permit a dog to run at large,
- b) permit a dog to bark excessively, 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 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.
- e) permit a dog to be off-leash when outside the boundaries of the owner's property.
- f) keep or harbor or receive licenses for more than three (3) dogs at the same time, unless the owner possesses a bitch which has had a litter of pups, in which case the pups may be kept with the bitch for a period of not more than four (4) months for the purpose of weaning the pups and disposing of same.
- g) operate a commercial Dog Kennel within the boundaries of the townsite.

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

Seizure, Impoundment and Redemption for Dogs

Upon impoundment of a dog, the Dog Control Officer shall follow the following procedure.

- i. The owner of the impounded dog shall be notified as soon as is reasonably possible, and the Local Government District of Pinawa Office shall be notified in the morning of the first day on which the Office is open after the day of impoundment.
- ii. The owner of an impounded dog may reclaim the dog upon prior payment of the applicable fee as set out in **Schedule "A"**. The fees shall be paid to the Local Government District of Pinawa Office at all times that the Local Government District of Pinawa Office is open. At times when the Local Government District of Pinawa Office is not open, the Dog Control Officer may accept payment of fees and on such occasions shall write a Supplementary Receipt. Post-dated cheques are not to be accepted by the Dog Control Officer as payment of fees.
- iv. Impounded dogs not included on the list of licensed dogs provided by the Local Government District of Pinawa office are to be assumed by the Dog Control Officer to be unlicensed and with no obvious way to identify owners.

The Dog Control Officer shall make every reasonable effort to apprehend and impound any dog(s) which are found to be running at large. The Dog Control Officer shall impound a dog at a suitable facility.

The Dog Control Officer shall use all reasonable means to contact the owner of the dog(s) as soon as possible before any impoundment and after impoundment.

If in the Dog 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 Dog Control Officer will contact a registered Veterinarian for an assessment of the dog. The Veterinarian may determine next steps and/or impose conditions on the release of the dog to the dog owner. The owner shall acknowledge, in writing, the dog redemption conditions imposed at the time the dog is released and pay all applicable fees and costs at the time the dog is released.

The Dog Control Officer shall, if the owner of the dog is unknown to the Dog Control Officer, post a notice on social media and in the municipal office and other public locations.

If the dog cannot be identified the Dog Control Officer shall take steps to post a public notice on social media, and in the municipal office and other public locations.

The public notice shall be 1 week.

Should no persons present themselves for the release of an impounded dog not wearing a dog tag or any other way of identifying ownership, the Dog Control Officer will contact a reputable Dog Rescue, Shelter, or Foster Home available throughout Manitoba.

Review

An owner of a dog may request Council to review the dog conditions of redemption by giving a written notice to the Resident Administrator. The owner will be contacted of the time and place of the review.

ADMINISTRATION AND ENFORCEMENT

Assistance and non-Interference with Enforcement

{Authority provided under Section 239 of The Municipal Act}

No person may interfere with, obstruct or attempt to interfere with or obstruct the Dog Control Officer in carrying out his duties, investigating a complaint, administration and/or enforcement of this By-law. The registered owner of property or a person renting or leasing property may permit the Dog Control Officer to access the property in order to seize a dog found on their property and shall supply such information that the Dog Control Officer requests for the administration and enforcement of this By-law.

The position of Dog Control Officer is appointed by Council Resolution as the Designated Officer for the Local Government District of Pinawa. The Dog Control Officer shall be the person appointed by the Local Government District of Pinawa as its Dog Control Officer to enforce this By-law. The Dog Control Officer must enter into a service agreement mutually agreed upon and signed with the Local Government District of Pinawa.

The Dog Control Officer is authorized to make expenditures on behalf of the Municipality to carry out the administration and enforcement of this By-law.

The Dog Control Officer shall have the authority, powers, duties, discretion and functions of a designated officer set out in The Municipal 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.

Contravention of by-law is an offence

249(1) A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or both.

Continuing offence

249(2) Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

Disposition of fines

249(3) A fine imposed for contravening a by-law of a municipality must be paid to the municipality.

Fees and Fines

A person who contravenes this By-law is guilty of an offence and may be liable on summary conviction and pay a pre-set fine(s) as set out in **Schedule "A"**, and to a penalty equal to the costs associated with or resulting from enforcing this By-law.

A person is subject to court costs equal to 45% of the preset fine and the prescribed justice services surcharge of \$50.

Where an infraction of any of the provisions of this by-law continues for more than one (1) day, the person is guilty of a separate offence for each day such infraction continues. Unpaid fines for municipal by-law offences are a debt due to the municipality. The municipality is responsible for collecting the unpaid fine, court costs and justice services surcharge.

If penalties, fines and costs (including but not limited to veterinary bills) are not paid within thirty (30) days of the date of impoundment or incident, it will be the Municipality's option to include the fines, penalties and costs to the animal owner's property tax bill as a debt owing to the Municipality.

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*.

Schedule "A" to this Bylaw may be amended from time to time by way of Council Resolution.

TRANSITIONAL

This By-law repeals By-law No.828-17.

DONE AND PASSED as a By-law of the Local Government District of Pinawa, in the Province of Manitoba, this 16th day of July 2019.



Gisèle Smith
Resident Administrator

Read a first time this 12th day of March 2019
Read a second time this 11th day of June 2019
Read a third time this 16th day of July 2019

SCHEDULE "A"
TO
BY-LAW NO. 846-19
SCHEDULE OF FINE AND IMPOUNDMENT FEES
OF
THE LOCAL GOVERNMENT DISTRICT OF PINAWA

			Preset Fine Amount
Dog tag not secured on collar			25.00
Unlicensed Dog			50.00
Dog "run at large" or off leash			100.00
Allowing a dog to bark excessively			50.00
Failure to clean up dog excrement from private or public property			50.00
Allow a dog to bite or attack a person			100.00
Keeping excess animals on property			150.00
Impoundment Fees		Per Day	15.00
Impoundment Fees – Vicious dogs		Per Day	30.00