

THE LOCAL GOVERNMENT DISTRICT OF PINAWA

BY-LAW NO. 411-87

Being a By-law of The Local Government District of Pinawa to regulate and control dogs in The Local Government District of Pinawa.

WHEREAS Order-In-Council #241/71 renders Part V, Division VI, Sub-division 1 and 1V of the Municipal Act of Manitoba applicable to The Local Government District of Pinawa, and,

WHEREAS Section 344 of the Municipal Act states - The Council of any municipality may pass by-laws for regulating or prohibiting the keeping, within the municipality, or within any prescribed area thereof, of domestic or wild animals, domestic or wild fowl or birds, or any species, class or type of such animals and fowls or birds, and either generally or of any kind or class specified in a by-law." and,

WHEREAS Section 348 of the Municipal Act states - "Subject to the Animal Contagious Disease Act (Canada), the council of any municipality may pass by-laws:

- (a) for inspecting and testing animals and fowl or other birds in which tuberculosis or other infectious disease exists or is suspected to exist, or is indicated;
- (b) for collecting, detaining, and isolating such animals and fowl or other birds for the purpose of making the tests;
- (c) for the quarantining of infected animals and fowl or other birds;
- (d) for compelling the owners to separate such animals and fowl or other birds from their herds and flocks, on being required to do so by the veterinary inspector;
- (e) for compelling the slaughtering, on the order of the veterinary inspector, of animals and fowl or other birds that have not been separated by the owner from their herds and flocks as required by the veterinary inspector; and
- (f) for destroying, if required by order of the veterinary inspector, animals and fowl or other birds suffering from disease." and,

WHEREAS Section 354 of the Municipal Act states:

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 license fee be paid in respect of each dog so classified;
- (c) for requiring the owners, possessors, or harbourers of dogs to pay the required license fee;
- (d) for requiring every dog in the municipality that is over three months of age to be vaccinated against rabies;
- (e) for issuing licenses or dog tags, or both, and requiring that every dog in the municipality shall carry a tag;
- (f) for providing that neither a license 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.

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, and

WHEREAS Section 355 of the Municipal Act states:

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 the 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.

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

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

WHEREAS it is deemed to be in the best interests of the residents of The Local Government District of Pinawa to control dogs in The Local Government District of Pinawa.

THEREFORE be it and it is hereby enacted as a By-law of The Local Government District of Pinawa as follows:

1. The following definitions shall apply to this By-law:

- (a) "Attack" means an unprovoked offensive move by a dog toward a person, resulting in a fall, torn clothing, scratches, teeth marks or causing skin to be broken or blood drawn.
- (b) "Authorized Person" means a person duly authorized by the Resident Administrator.
- (c) "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.
- (d) "Dog Catcher" means the person duly authorized and appointed as Dog Catcher, and shall include persons duly authorized to act as Assistant to the Dog Catcher.
- (e) "Dog" means canine, male or female.
- (f) "Dog Pound" means any building or enclosure, temporary or permanent, designated as a Dog Pound by the Resident Administrator.
- (g) "Hobby Dog Breeder" means a person who at any one time, keeps, harbours, breeds, or has in his possession more than three adult dogs, either for gain or for pleasure.

- (h) "Household" means one family occupying as owner or tenant a dwelling or apartment house, or part of dwelling or apartment house separately occupied as a dwelling.
- (i) "Molesting" means any dog not on the owners property or not on leash, biting, or otherwise showing threatening behaviour toward a person.
- (j) "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.
- (k) "Pack" means the congregating of four (4) or more dogs.
- (l) "Poundkeeper" means the person duly authorized and appointed as a Poundkeeper, and shall include persons duly authorized to act as Assistant to the Poundkeeper.
- (m) "Proper Control" means a dog must be on a leash, or under voice control to such an extent that the dog immediately obeys commands.
- (n) "Resident Administrator" means the Resident Administrator of The Local Government District of Pinawa.
- (o) "Running at Large" means not under the control of a competent person either by direct or continuous charge, or securely fastened, or securely confined within an enclosure, so the dog is unable to roam at will, and does not include a dog remaining within the boundaries of the owner's property.
- (p) "Townsite" means the townsite of Pinawa located within the East Half of Sections Twelve (12) and Thirteen (13) in Range 10E, Township 14 and Sections 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and parts of Section 8 and 29 lying East of the Winnipeg River all in Range 11E, Township 14.

- 2.1.
- (a) The owner of a dog shall annually, before the 1st day of April or within three (3) weeks of the time he becomes the owner of a dog or a resident of Pinawa, cause every dog three (3) months of age or older to be licensed and registered in the office of the District and in return for the fee hereinafter set forth, shall receive a metallic or other tag, having raised, cast or stamped thereon, the words "Pinawa Dog Tag" and the figures indicating the year in which the said license is paid, and the number corresponding with the number under which the dog has been registered.
 - (b) No dog license shall be issued unless the owner produces a vaccination certificate for rabies, proving the dog in question has been vaccinated within the last twelve (12) months.
 - (c) When a dog is registered, the Resident Administrator shall cause to be recorded the name, address, telephone number, post office address of the owner and any other information deemed essential for registration purposes.
 - (d) A dog owner shall fasten the license 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 of residence.
 - (e) No dog license, or dog license tags, shall be transferrable either from one owner to another, or from one dog to another.
 - (f) The District will issue, as a replacement for a tag that has been lost or stolen, a new license tag for which the applicant shall pay ONE DOLLAR AND FIFTY CENTS (\$1.50).

- 2.2.
- (a) Where the owner of a dog fails to cause his/her dog to be licensed and registered in the District before the first day of April in each year the Resident Administrator shall forthwith notify the owner in writing that the owner must license and register his/her dog within fifteen (15) working days following the date of notification and where the owner fails to license and register the dog within the said fifteen (15) working days following the date of the notification, or, if he/she no longer owns a dog, and fails to notify the Resident Administrator to this effect within the said fifteen (15) working days, the Resident Administrator shall initiate legal proceedings against the owner.

- (b) Where the Resident Administrator becomes aware that a person owning a dog or dogs has taken up residency in Pinawa, or, if a resident has acquired a dog and has failed to license and register said dog within three weeks of having taken up residency or having acquired a dog, the Resident Administrator shall proceed as set out in 2.2.(a), above.
- (c) Where the Resident Administrator becomes aware that a resident is the owner of a dog which is not licensed and registered for reasons other than those set out, he/she shall proceed as set out in 2.2.(a), above.
- 2.3. (a) The annual license fee for all dogs shall be FIFTEEN DOLLARS (\$15.00) pro-rated to the nearest quarter (1 June, 1 September, 1 December) to facilitate new residents, or new dog owners. A license shall be issued with no charge made in respect of a dog if the owner provides satisfactory proof that the dog has been trained for the purpose by a competent person or institution and is owned and employed by a sightless person as a guide dog.
- (b) There shall be a late license penalty of TEN DOLLARS (\$10.00) per animal, effective April 1st in each year.
- 2.4. Every unspayed female dog when in heat, shall be kept securely confined in an enclosure.
- 2.5. (a) No owner of, or person in charge of a dog, shall permit it to run at large.
- (b) Any owner of, or a person in charge of a dog, who takes said dog off the owner's property, shall ensure that said dog is under proper control at all times.
- (c) In the event that a dog fouls either private property other than that of the owner, or public property, the owner of, or the person in charge of the dog shall remove such fouling immediately.
- 2.6. No owner or Household shall keep or harbour 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.
- 2.7. No person or persons shall own or operate a Commercial Dog Kennel as defined in this By-law, within the boundaries of the townsite.
- 2.8. (a) Every dog kept in the District shall be vaccinated against rabies once in every twelve (12) month period, and the Resident Administrator shall be notified of the number of, and date of the vaccination certificate issued by The Veterinary Surgeon, or Veterinary Practitioner within three (3) weeks of the date of the vaccination.
- (b) In the event of an outbreak of rabies, or the threat of an outbreak of rabies within the boundaries of the District, the Resident Administrator may require every dog owner to secure his/her dog on his/her property and the Resident Administrator may, in addition, require such owner of a dog to have such dog vaccinated against rabies.
- 2.9. (a) Where a dog bites a human being, the owner of such dog, or the person having custody or control of such dog, shall immediately deliver such dog to the Dog Pound, or to the office of the Veterinarian.
- (b) The dog shall, upon delivery to the Dog Pound or the office of the Veterinarian, be at once securely leashed or confined, separate and apart from other animals, in a safe and comfortable place, and the Poundkeeper, or Veterinarian shall forthwith report to the Medical Officer of Health the fact of the delivery of such dog which has bitten a human being.
- (c) The dog shall be kept leashed or confined, at the expense of the owner, whether in the Dog Pound, or in the Veterinarian Kennel, for a period of fourteen (14) days from the date of delivery thereto. If, at anytime during the fourteen (14) day period, a Medical Health Officer or a Doctor of Veterinary Medicine certifies in writing that the dog is not suffering from, or infected by, rabies, the dog may be released (upon payment of all expenses incurred) to the owner or the person who delivered the dog to the Dog Pound or the Veterinarian, prior to the expiration of the 14-day period. Payment of all expenses incurred due to the impoundment must be paid prior to release.

- 2.10. (d) If a Medical Health Officer, or a Licenced Veterinarian, certifies that any dog in the Townsite is rabid, the dog shall immediately be destroyed, in accordance with any regulations or statutory requirements which may apply.
- 2.10. (a) The Resident Administrator is hereby authorized to establish a Dog Pound, and appoint a Poundkeeper and a Dog Catcher, who shall be paid out of the funds of the District.
- (b) The District shall provide and supply to each animal captured and impounded under the authority of this By-law, sufficient food and water during the time that the said animal remains impounded.
- (c) The Resident Administrator may appoint such Assistant Poundkeepers and Assistant Dog Catchers as he deems necessary.
- (d) The Poundkeeper may also be appointed as the Dog Catcher.
- (e) The Dog Pound shall be under the direct supervision of the Poundkeeper.
- (f) The Dog Catcher, his Assistant, or any person, may capture any dog running at large contrary to the provisions of this By-law, and deliver such dog to the Dog Pound for confinement.
- (g) Where, in the opinion of the Resident Administrator, an emergency situation occurs because of a dog, or dog packs becoming vicious, or uncontrollable, or where, in the opinion of the Resident Administrator, there is a present danger to the citizens because of dogs biting, attacking or molesting citizens, the Resident Administrator may request police assistance in order to control dogs in the District during the emergency.
- 2.11. (a) When a dog wearing a current license tag has been confined, the Poundkeeper shall, by telephone or mail, to the address given at the time of registration, or otherwise notify the owner or a member of his immediate family, of the fact that the dog has been confined and that unless the owner has redeemed such dog within ninety-six (96) hours, excluding Statutory Holidays, Saturdays and Sundays, in the manner hereinafter described, the said dog will be destroyed or sold, and the District shall not be held responsible, if the owner does not redeem such dog before expiration of such notice.
- (b) Where an impounded dog is disposed of by sale, the proceeds of such sale shall accrue to The Local Government District of Pinawa.
- (c) In the case of a dog owner leaving the District, for a period of time, and placing his dog in another person's care, the owner is required to so inform the District Office, giving the number of the dog's license, and the interim address. The person caring for such dog, shall then assume full responsibility for the dog.
- (d) Every impounded dog not wearing a current dog license issued by the District shall be held for a period of ninety-six (96) hours, excluding Statutory Holidays, Saturdays and Sundays, and the Poundkeeper shall post notices in the office of the District and in other public places, giving a description of said dog, and the date when it was confined, if such a dog is not redeemed from impoundment prior to the expiry of the impoundment period. After the District may dispose of the dog as hereinafter described.
- (e) The owner of an impounded dog may redeem such dog by paying the fees as set out in the following schedule:

	Bailing Fee	Pound Fee	Board (Per Day)
I) First time impounded	\$ 25.00	\$ 7.00	\$ 5.00
ii) Second time impounded	\$ 40.00	\$ 7.00	\$ 5.00
iii) Third time impounded	\$ 55.00	\$ 7.00	\$ 5.00
iv) Fourth and subsequent impoundments	\$100.00	\$ 7.00	\$ 5.00

Redemption must be paid to The Local Government District of Pinawa in advance of an impounded dog being released.

- (f) Where a dog has been impounded and remains unclaimed for a period of ninety-six (96) hours, excluding Statutory Holidays, Saturdays and Sundays, any person may buy such unclaimed dog by paying to The

Local Government District of Pinawa the pound fee, plus the board fee as in sub-section (e) herein. The person buying the said dog, shall register and purchase a current dog license, or ensure said dog will not be kept within the boundaries of the District. The former owner, if any, shall have no further claim on this dog.

(g) Any dog which has been impounded and which has not been redeemed or sold at the end of the confinement period as provided for in this By-law shall be destroyed and the carcass disposed of by a Doctor of Veterinary Medicine, or as directed by the Resident Administrator.

(h) Where an unlicensed dog is claimed for redemption, the current license fee, plus penalty, if applicable, must be paid in advance of the dog being released from redemption.

2.12. Every owner of a dog, or every person to whom the care of a dog has been entrusted, shall take all reasonable precautions to ensure that the barking of the dog does not interfere with other resident's welfare, or the enjoyment of their homes and property.

2.13. Upon application, in the form specified in Schedule A of this By-law, a resident, or residents, may be issued a Hobby Dog Breeder's License, subject to the following:

(a) Unless otherwise stated in this Section, all general provisions and penalties of this By-law shall apply to a Hobby Dog Breeder.

(b) The applicant shall be in possession of a Registered Kennel Name registered with the Canadian Kennel Club. Proof to this effect shall accompany the application.

(c) No more than one dog at any one time may be harboured on the premises temporarily for servicing.

(d) The applicant shall be a member in good standing of the Canadian Kennel Club. Proof to this effect shall accompany the application.

(e) The applicant shall comply with all provisions of the Canadian Kennel Club regulations.

(f) The premises of a licensed Hobby Dog Breeder shall be subject to inspection by the Resident Administrator, or his designate at all reasonable times.

(g) The premises of an applicant shall be inspected and approved by a Doctor of Veterinary Medicine before a Hobby Dog Breeder License will be issued, said approval to be in written form, and a copy of which shall be included with the application. The cost of the inspection and the issuing of an approval document shall be borne by the applicant.

(h) The premises of a Hobby Dog Breeder shall be maintained in a sanitary condition at all times.

(i) The dog(s) of a Hobby Dog Breeder shall be confined to a fenced-in-area on the premises of the Breeder, when not being exercised under proper control.

(j) The Hobby Dog Breeder shall obtain dog licenses, annually and under the same conditions as prescribed elsewhere in this By-law.

(k) The Hobby Dog Breeder shall ensure that all dogs have been vaccinated as prescribed in this By-law.

(l) Formal complaints against a Hobby Dog Breeder shall be investigated by the Resident Administrator. In the event that three warranted complaints are received by the Resident Administrator, in regard to an individual Hobby Dog Breeder, the license of the Hobby Dog Breeder in question shall be revoked forthwith by written notice.

(m) Failure to comply with the provisions of this Section and of this By-law generally, shall result in the revocation of the license of the Hobby Dog Breeder.

(n) The fee for issuing a Hobby Dog Breeder's License shall be TWENTY (\$20.00) DOLLARS per annum, payable on or before March 31st in each calendar year. An additional fee of TEN DOLLARS (\$10.00) shall be payable where the regular license fee is not paid on or before March 31st in each year.

(o) Section 2.6 of this By-law shall not apply to Hobby Dog Breeders.

(p) Upon receipt of an application for a Hobby Dog Breeder License the Resident Administrator shall notify all residents within ONE HUNDRED AND FIFTY (150) FEET of the applicants residence, advising them that an application has been received and that the residents so notified may respond to the Resident Administrator, in writing, within ten (10) days of receipt of the notification. The cost of mailing such notifications shall be the responsibility of the applicant.

2.14. (a) Where the Resident Administrator or the Responsible Councillor receives a written complaint in regard to a dog, and the complainant can properly identify the owner of said dog, the Resident Administrator shall notify the owner in writing that a complaint has been lodged, informing the owner of the nature of the complaint, advising the owner of the relevant provisions of the Dog Control By-law, and requesting the owner to adhere to said provisions.

(b) Where a second written complaint is received in regard to the same dog, the Resident Administrator shall advise the owner, in writing, to the effect that appropriate legal action will be taken against the owner should a third written complaint be received, and, if a third written complaint is received, the Resident Administrator shall initiate legal proceedings against the owner forthwith.

(c) No action will be taken on a written complaint where the complainant declines to provide his/her name and address to the Resident Administrator.

2.15. Any person who violates, contravenes or fails to observe and carry out any of the provisions of this By-law shall, upon conviction thereof, be liable to a fine of not more than ONE-THOUSAND DOLLARS (\$1,000.00) or to imprisonment for a period of not more than THIRTY DAYS (30), or to both a fine and imprisonment, as the court may decide.

2.16. By-law No. 392-85 is hereby rescinded.

DONE AND PASSED at Pinawa,
in the Province of Manitoba
this 16th day of June, 1987.



R.A. Dale
Resident Administrator

Read a first time this 10th day of February, 1987.

Read a second time this 12th day of May, 1987.

Read a third and final time this 09th day of June, 1987.

APPROVED
Advisory And Financial Services

