

THE RURAL MUNICIPALITY OF HEADINGLEY

BY-LAW NO. 1/93 & 1/94
(consolidated for reference only)

BEING A BY-LAW OF The Rural MUNICIPALITY OF HEADINGLEY
to provide for the regulation and control of dogs within the limits of
the municipality.

WHEREAS Sections 353 and 363 of The Municipal Act, R.S.M. 1988, c. M225 provides as follows:

Keeping of animals and birds.

353 The council of any municipality may pass by-laws for regulating or prohibiting the keeping, with 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 fowl or birds, and either generally or of any kind or class specified in a by-law.

By-Laws for control of dogs.

363(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 to 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.

Application to part of R. M.

363(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 it is deemed advisable to provide for the regulation and control of dogs within the limits of The Rural Municipality of Headingley;

AND WHEREAS it is deemed advisable to prohibit the keeping or harbouring of vicious dogs within the limits of The Rural Municipality of Headingley for the health, safety and welfare of the public;

NOW THEREFORE, the Council of The Rural Municipality of Headingley enacts as follows:

1. This By-Law may be referred to as The Rural Municipality of Headingley Dog By-Law.

2. **DEFINITIONS:**

In this By-Law, unless the context otherwise requires:

(a) "at large" means, when used in reference to a dog, off the premises of the owner and not under the direct and continuous charge and effective control by a person able to control the dog;

(b) "authorized person" means any person appointed or employed by The Rural Municipality of Headingley, or the assistant, employee or agent of any such appointee or employee, to carry out any provisions of this by-law or any contracts or agreements entered into for the purpose of carrying out any provision of this by-law;

- (c) "commercial dog kennel" means any premises upon which dogs are raised, trained or kept whether for remuneration or not;
- (d) "council" means the Council of the municipality, or any delegate thereof;
- (e) "dog" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification or mixture of breed or classification thereof;
- (f) "dog pound" means any premises authorized by Council used or intended to be used for the confinement of dogs;
- (g) "municipality" means The Rural Municipality of Headingley;
- (h) "owner" means any adult person who owns, keeps or harbours a dog, or who knowingly permits or allows any other person to own, keep or harbour a dog upon premises owned, leased or occupied by him;
- (i) "vicious dog" means any dog by nature of breeding or training which is dangerously aggressive;
- (j) "pound-keeper" means the person authorized by Council to maintain a dog pound or to carry out any provision of this By-Law, and includes any person acting as an assistant to, or under the direction of, the pound-keeper;
- (k) "secretary" means the Secretary-Treasurer, Municipal Administrator, Assistant Secretary-Treasurer, Assistant Municipal Administrator, Acting Secretary-Treasurer, or Acting Municipal Administrator of the municipality;
- (l) "seeing-eye dog" means any dog specially trained for and actually used as a dog guide by any person whose sight is impaired or is blind, or whose hearing is impaired or they are deaf.

3. **SPECIAL RESTRICTIONS:**

- (a) For purposes of this Section, the word dog excludes dogs under the age of three months.
- (b) In residential areas, an owner shall not keep more than two dogs upon his premises.
- (c) Outside residential areas, an owner shall not keep more than two dogs upon his premises unless those dogs are restrained in a kennel or similar place of confinement.
- (d) The owner of an unspayed female dog shall confine her within a building upon his premises when she is in heat, or shall take such other measures as may be required to prevent the congregation of dogs upon his premises or in the vicinity of his premises during the time when said unspayed female dog is in heat.
- (e) No owner shall keep or harbour a vicious dog within the municipality.
- (f) In the event of an outbreak or the threat of an outbreak of rabies or any other disease which can be transmitted through dogs, Council may require every owner to confine his dog upon his property for such period of time as Council may determine.

4. **COMMERCIAL DOG KENNEL:**

- (a) Any person who intends to establish a commercial dog kennel shall apply in writing to the Secretary providing the location of the kennel, the number of dogs to be kept and the intended purpose of the commercial dog kennel.
- (b) On receipt of an application, the Secretary shall,
 - (i) fix a day for the consideration by Council of the application which shall be not later than 30 days after the date of receipt of the application;

- (ii) notify the applicant of the time and place at which the Council will consider the application;
 - (iii) not later than 10 days before the day fixed for consideration of the application, give notice of the application by regular mail to each assessed owner, according to the latest revised assessment roll, of property within a radius of 150 feet from the proposed site affected; to each owner of land adjoining the proposed site affected or across the street or lane if any; and give such notice in any other manner that the Council deems advisable.
- (c) On the day and at the time and place stated in the notice, the Council shall receive the representations of the applicant and any other person, who desires to make representations either on his own behalf or on behalf of another.
- (d) On completion of the receipt of representation, the Council may by resolution;
- (i) reject the application ; or
 - (ii) approve the application with or without conditions which in the opinion of the Council may be necessary or desirable to ensure the location of the commercial dog kennel is compatible with the neighbourhood.
- (e) The Secretary shall send a copy of the decision of Council to the applicant and to any person who made representations at the meeting of Council.
- (f) The decision of Council is final and binding on all persons and the commercial dog kennel license may be revoked by Council for any violation of any conditions imposed by it.

5. **RESPONSIBILITY OF OWNERS:**

- (a) The owner of a dog shall be responsible for his or her dog and shall not:
- i. Permit his dog to run at large within the limits of the municipality. When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection;
 - ii. Permit his or her dog to bark or howl or in any other way unduly disturb the quiet of any person or persons in the Municipality;
 - iii. Permit his or her dog to defecate on any public or private property other than the property of its owner. Where a dog defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately;
 - iv. Permit his dog to damage public or private property other than that of its owner. Where public or private property has been damaged by a dog, its owner shall be deemed to have failed or refused to comply with this subsection;
 - v. Permit his dog which, by reason of training, disposition or inclination, has exhibited signs of viciousness, to enter into any public place or onto any property to which the public has access, unless the said dog is muzzled, and is restrained by a leash not more than five feet in length in the hands of a person capable of exercising control of the said dog;
 - vi. Harbour or keep any dog which, by reason of training, disposition or inclination, has exhibited signs of viciousness, unless such dog is securely fastened and properly muzzled at all times in such place and in such manner that it does not endanger the safety of any person or any other animal;
 - vii. Permit his dog to pursue, bite or wound any person or animal;
 - viii. Permit a dog on any school ground or playground.
- (b) An owner whose sight is impaired or who is blind or an owner whose hearing is impaired or who is deaf who owns a seeing-eye dog or who is being assisted by a seeing-eye dog shall not be subject to the restrictions imposed under subsection 6 (a) (iii) or 6 (a) (viii).

(c) An owner of a dog which is found upsetting waste receptacles and scattering the contents thereof in or about a street, lane or other public or private property not belonging to the owner of the dog is guilty of an offence.

6. **DOG POUND:**

Council may, by resolution passed at a regular meeting or at a special meeting called for the purpose:

- (a) establish premises for the confinement of dogs apprehended pursuant to any provisions of this by-law;
- (b) appoint a pound-keeper to carry out any provisions of this by-law;
- (c) ratify an agreement respecting the above with a pound-keeper.

7. **POUND-KEEPER:**

The pound-keeper appointed pursuant to Clause 6 hereof shall carry out such duties and shall be remunerated therefore as provided in the agreement appointing him, which duties shall include, without limiting the generality of the foregoing, the following:

- (a) establishment of and maintenance of a pound for the confinement of dogs apprehended pursuant to any provision of this By-Law;
- (b) apprehension and confinement of any dog which is running at large and which is not properly licensed and tagged;
- (c) care and protection of any dog during the period of its confinement after apprehension;
- (d) destruction of any dog which is not claimed by its owner or for which the owner has not paid those costs chargeable to the owner of a dog after its apprehension;
- (e) collection and payment to the municipality of the fines and costs collected from an owner who claims a dog which has been apprehended within the limits of the municipality.
- (f) notification to the owner of a dog confined after apprehension, and, where the owner cannot be ascertained, preparation and posting in the general office of the municipality a notice describing the dog impounded, the date of its apprehension and confinement, and the date after which said dog will be destroyed unless claimed;
- (g) preparation and delivery to council of a monthly report setting forth such information relating to his duties as may be required.

8. **IMPOUNDING AND REDEMPTION:**

- (a) Where a dog is found running at large, the pound-keeper;
 - i. may issue a warning to its owner, advising of the breach of Clause 4(a) of this By-Law; or
 - ii. apprehend and confine the dog, and advise the owner as soon as reasonably possible, of the fact of apprehension and confinement.
- (b) Where the owner of a dog apprehended and confined pursuant to this By-Law desires to reclaim the dog, he shall pay to the pound-keeper applicable charges as follows:
 - i. the sum of Seventy-five Dollars (\$75.00) the first time for apprehension of the dog; the sum of One Hundred and Fifty Dollars (\$150.00) the second time for apprehension of the dog; the sum of Two Hundred and Fifty Dollars (\$250.00) for any subsequent apprehension of the dog;
 - ii. Twenty-eight Cents (\$.28) per kilometre actually and necessarily travelled by the pound-keeper from the pound to the place of apprehension and return;
 - iii. Ten Dollars (\$10.00) per day or portion thereof that the dog has been confined;
 - iv. extraordinary costs incurred by the pound-keeper in apprehending the dog;

- v. veterinary expenses necessarily incurred for the dog during its confinement.

(c) Where the owner of a dog refuses to pay the costs hereinbefore mentioned, or where the owner of a dog can not be ascertained, within 72 hours of the notice of apprehension as provided in Clause 8(f) hereof, the pound-keeper may destroy the dog and dispose of the carcass in the manner directed by Council.

9. **INTERFERENCE WITH ENFORCEMENT:**

No person shall interfere or attempt to obstruct a pound-keeper who is attempting to capture or who has captured any dog in accordance with the provisions of this By-Law.

10. **RIGHT OF ENTRY:**

(a) The poundkeeper or any person authorized by this By-Law to enforce the provisions contained herein may enter into the lands or buildings in pursuit of any dog which has been observed running at large.

(b) The poundkeeper or any other person authorized by this By-Law may capture and impound any dog in respect of which he believes or has reasonable grounds to believe that an offence under this By-Law is being or has been committed by any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Manitoba or any regulation made thereunder.

(c) The poundkeeper or any other person authorized by this By-Law, acting upon a complaint, may enter into the land and buildings where that person believes or has reasonable grounds to believe that an offence under this By-Law is being or has been committed by any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Manitoba or any regulation made thereunder.

11. **COMPLAINANT IDENTIFICATION:**

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

12. **REMOVING COLLAR OR TAG PROHIBITED:**

No unauthorized person shall remove the collar or tag of any tagged dog.

13. **GENERAL PENALTIES:**

Any owner who contravenes or permits the contravention of any provision of this by-law, or who fails, refuses or neglects to comply with the requirements of this By-Law is guilty of an offence, and is subject, upon conviction before a Justice of the Peace or a Provincial Judge to a fine of not less the Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00) plus applicable cost.

14. **GENERAL PROVISIONS:**

(a) A Notice of breach of By-Law in the form set forth in Schedule "B" to this By-Law may be served by the pound-keeper to an owner whose dog has not been apprehended, and shall be served on the owner, where he is known, where the dog has been apprehended.

(b) This By-Law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person contained in the provisions of The Animal Husbandry Act, Chapter A90 of The Continuing Consolidation of Manitoba Statutes and amendments thereto.

(c) Council may, pursuant to Section 363(2) of The Municipal Act, by resolution restrict the operation of this By-Law to designated portions of the municipality.

15. City of Winnipeg By-Law No. 2443/79 and amendments thereto is hereby repealed.

By-Law No. 1/93 & 1/94 (consolidated) continued.

18. This By-Law shall come into force and effect on the day it receives third reading by Council.

DONE AND PASSED by the Council of The Rural Municipality of Headingley, in Council duly assembled, at Headingley, Manitoba this 26th day of January A.D., 1993 (By-Law 1-93) and this 25th day of January A.D., 1994 (By-Law 1-94).

RURAL MUNICIPALITY OF HEADINGLEY

"J. Johner"
Reeve

"L. Erb"
Administrator