

**BY-LAW NO. 819-20**

of

**TOWN OF NIVERVILLE**

Being a By-Law to provide for the regulation and control of animals within the limits of the Town of Niverville

**PART I: AUTHORITY**

**WHEREAS** subsection 232(1) of The Municipal Act, C.C.S.M., cap. M225 (the "Act") provides, in relevant part, as follows:

**"Spheres of jurisdiction**

**232(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;
- ...
- (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) of the Act provides, in relevant part, as follows:

**"Exercising By-Law-making powers**

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- ...
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters."

**AND WHEREAS**, subsection 236(1) of the Act provides, in relevant part, as follows:

**"Content of by-laws under clause 232 (1)(o)**

**236(1)** Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), 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 contravention of by-laws, including
  - (i) creating offenses,
  - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is

in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the by-law,

- (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- (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),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines."

**AND WHEREAS** subsections 5(1), (2) and (3) of The Animal Liability Act, C.C.S.M., cap. A95 provides, in relevant part, as follows:

**"Animals not to run at large**

**5(1)** Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

**By-Law does not limit owner's liability**

**5(2)** An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

**Town or LGD not liable by reason only of making By-Law**

**5(3)** A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only of having made the by-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the by-law."

**PART II: DEFINITIONS AND INTERPRETATION**

**By-Law Name**

1(1) This By-Law may be referred to as the "Animal Control By-Law".

**Definitions**

1(2) In this By-Law, unless the context otherwise requires,

"**aggressor animal**" shall have the meaning ascribed thereto in section 12 of this By-Law;

"**at large**" means off the premises of the owner and not on a leash held by a person able to control the dog. The leash shall be no longer than 6 feet;

"**Animal Control Officer**" means the person appointed by Council to enforce the provisions of this By-Law, and includes any person acting as an assistant to, or under the direction of, the Animal Control Officer authorized by the Council;

"**animal**" means any animal of husbandry, but does not include a dog or domestic fowl;

"**By-law Enforcement Officer**" means the person appointed or designated to enforce the Town's by-laws pursuant to The Municipal Act

C.C.S.M. c. M225 and includes without limitation, the Chief Administrative Officer, the Town's Operations Manager and other designated officers;

"**cat**" means any member of the genus *Felis domesticus* (domestic cat);

"**Council**" means the council of the Town of Niverville;

"**current distemper vaccination**" means that the dog or cat has been vaccinated and revaccinated against distemper according to the labeled duration of the vaccine used, and prior to a license being issued, must produce a Certificate of Vaccination for distemper for that dog or cat from a licensed Veterinarian indicating that the dog or cat has been vaccinated for distemper within the prescribed labeled duration of the vaccine used.

"**current rabies vaccination**" means that the dog or cat has been vaccinated and revaccinated against rabies according to the labeled duration of the vaccine used, and prior to a license being issued, must produce a Certificate of Vaccination for rabies for that dog or cat from a licensed Veterinarian indicating that the dog or cat has been vaccinated for rabies within the prescribed labeled duration of the vaccine used.

"**dangerous animal**" means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under section 12 of this By-Law;

"**dog**" means any member of the genus *Canis familiaris* (domestic dog) and includes spayed females and neutered male dogs;

"**domestic pet**" means any animal other than a dog or cat that has been domesticated and is kept or harboured within the Town;

"**emotional support animal**" means any animal that alleviates a symptom or effect of a person's disability and must be certified by a qualified/licensed mental health professional. Council has the discretion to deny unusual emotional support animals.

"**fowl**" means domesticated fowl.

"**livestock**" means:

- (a) animals kept for the purpose of:
  - (i) production of meat,
  - (ii) production of other products from the animals, or
  - (iii) herding, protection of livestock or draft work,and breeding stock of such animals;
- (b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a)(i), (ii) or (iii) of this definition; and
- (c) any other animal determined by the Animal Control Officer to be livestock for the purposes of this By-Law;

whether or not intended for profit and including, without limitation:

- (d) dairy cattle and beef cattle, goats, sheep, bison and horses;

- (e) swine (including wild boar, pot belly pig, micro pig, miniature pet pig, teacup pig);
- (f) all cervids on game production farms;
- (g) all of the family Camilidae (including Llamas and Alpacas);
- (h) all domestic poultry (including chickens, turkeys, ducks and geese);
- (i) specialty fowl (including guinea fowls); and
- (j) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to The Animal Liability Act;

**"Town"** means the Town of Niverville;

**"other"** means any other pet or animal that is not listed in the current definitions and may require a decision of Council to be permitted in Town.

**"owner"** includes any person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the Animal Control Officer or any other person;

**"person"** includes a firm or corporation;

**"police constable"** includes any member of the RCMP or a peace officer, appointed by the Council of the Town of Niverville;

**"pound"** means any enclosure, premises or place, whether within or outside the Town, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of this By-Law;

**"pound keeper"** means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a pound keeper as set out in section 4 of this By-Law;

**"Pit Bull"** means any dog which conforms to the description of the mongrel breed commonly known or identified as a "Pit Bull", but shall specifically exclude Canadian Kennel Club registered breeds which the Pit Bull resembles or is historically related to, including, without limitation, the Staffordshire Bull Terrier, The American Staffordshire Terrier, The Bull Terrier and Bull Mastiff;

**"restricted animal"** means:

- (a) any member of the order Primate except a human being;
- (b) any member of the order Carnivora except dogs, cats (including all hybrids of dogs and cats) and domestic ferrets (*mustela putorius furo*);
- (c) any member of the order Crocodylia;
- (d) any constrictor snake, venomous snake or venomous reptile;
- (e) any venomous amphibian;
- (f) any wild animal or wildlife as defined in The Wildlife Act; and

- (g) any other animal determined by the Animal Control Officer to be a restricted animal, other than a dog, cat or livestock;

**"running at large"** or "run at large" means, in relation to an animal, that the animal is not:

- (a) under the direct, continuous and effective control of a person competent to control it; or
- (b) securely confined within an enclosure or securely fastened so that it is unable to roam at will;

#### **Interpretation**

- 1(3) In all parts of this By-Law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

### **PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUND KEEPER**

#### **Establishment of Pound**

- 2(1) Council may establish and maintain a pound or pounds for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any person (including with any other town, city, or organization) to establish and maintain a pound or pounds on their behalf. The costs associated with the pound(s) operated by or for the Town shall be paid out of the general funds of the Town.

#### **Appointment of Animal Control Officer**

- 2(2) Council may appoint one or more persons as Animal Control Officer(s) to carry out the enforcement of this By-Law. The Animal Control Officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Town.

#### **Appointment of pound keeper**

- 2(3) Council may appoint one or more persons as pound keeper(s) to carry out the duties of the pound keeper set out in this By-Law. The pound keeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Town.

#### **Common Animal Control Officer and pound keeper**

- 2(4) At the discretion of Council, the Animal Control Officer may also serve as pound keeper, and vice versa.

#### **Duties of the Animal Control Officer**

- 3. It shall be the duty of the Animal Control Officer:
  - (a) to apprehend and confine at the pound(s), any dog or cat running at large contrary to the provisions of this By-law;
  - (b) to apprehend and confine any restricted animal being kept or harboured by, or in the possession or control of, any person contrary to the provisions of this By-Law, or running at large, within the Town;
  - (c) to apprehend and confine any domestic pet, other pet, emotional support animal or skunk which is running at large within the Town contrary to the provisions of this By-Law, or which is kept or harboured by, or in the

possession or control of, any person that is in breach of this By-Law or of any other laws or regulations pertaining to animals or the conditions of any permit;

- (d) to make a reasonable attempt to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving a notice at the last known address of the owner, which notice shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, any costs or fines to be charged to the owner, the method of payment required, and the date after which the animal will be sold, destroyed or otherwise disposed of if not redeemed. Where the identity of the owner of the animal is not known, the Animal Control Officer shall post on the Town website ([www.wheretheybelong.ca](http://www.wheretheybelong.ca)) a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of;
- (e) to enforce the provisions of this By-Law.

#### **Duties of pound keeper**

4. It shall be the duty of the pound keeper:

- (a) To provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded;
- (b) To establish and maintain the pound(s) in a manner in keeping with The Animal Care Act (Manitoba), and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in subsection 2(1) of The Animal Care Act (Manitoba) while an animal is in the custody of the pound keeper;
- (c) To keep a record of every animal impounded, which record shall include the following minimum information:
  - (i) a description in reasonable detail of the animal (including, the approximate weight, height and color of the animal, as well as the order and breed of the animal);
  - (ii) the day and hour of its impoundment;
  - (iii) the day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
  - (iv) the name and address of the owner (being the person to whom the animal was sold or released), and the license number on the animal's tag (if applicable);
  - (v) the amount and particulars of all fees, fines and other charges assessed to the owner; and
  - (vi) such other particulars as the Chief Administrative Officer of the Town shall direct from time to time in writing;
- (d) To submit any reports and statements as the Chief Administrative Officer may prescribe from time to time, except where the Town has entered into a contract with a private party for the operation of the pound, in which case the pound keeper shall observe all terms and conditions of the contract with the Town for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Town, and the submission of all

reports and statements required to be submitted to the Town under the said contract;

- (e) To keep any impounded dog, cat or any other animal which is, to the knowledge of the pound keeper, a domestic pet, for a minimum period of:
  - (i) three (3) days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public, or
  - (ii) where the Town has entered into a contract with a private party for the operation of a pound, the minimum hold period established under the pound keeper's contract with the Town;
- (f) To make suitable arrangements for the temporary impoundment and sale, disposition or destruction of any animal other than a dog, cat or domestic pet that is apprehended within the Town, including any restricted animal but not including any wild animal within the meaning of The Wildlife Act;
- (g) If, after expiration of the minimum period of impoundment set out in paragraph (e), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the pound keeper to do one of the following with the impounded animal:
  - (i) sell or otherwise dispose of the impounded animal to any person;  
or
  - (ii) cause the impounded animal to be humanely destroyed;

unless the Town, or the pound keeper on the express authority of the Town, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a person in accordance with subparagraph (g)(i) or until expiry of the extended period of impoundment, before it is either sold, disposed of to any person or humanely destroyed.
- (h) The Town may vary the terms, conditions and duties of the pound keeper who is employed by the Town by contract with a private party, provided however that the contract shall contain (and where absent in the contract, shall be deemed to incorporate) as minimum provisions, the duties of the pound keeper set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), (f) and (g) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the pound keeper is a private party under contract with the Town, the pound keeper shall observe all of the terms and conditions of the contract with the Town. Where it is permitted under the contract with the Town, the pound keeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound fees.
- (i) To make sure that any dog or cat has a current rabies and distemper vaccination before it is released.

#### **PART IV: DOGS, CATS AND OTHER DOMESTIC PETS**

##### **Responsibility of Owners Regarding Dogs**

- 5(1) No owner shall:
- (a) permit his dog to run at large. When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection;
  - (b) permit his dog to bark or howl or in any other way unduly disturb the quiet of any person or persons anywhere in the Town. When a dog is found to

be barking or howling or in any other way unduly disturbing the quiet of a person or persons, its owner shall be deemed to have failed or refused to comply with this subsection;

- (c) permit his 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;
- (d) permit his dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours;
- (e) permit his dog to damage public property or private property other than that of the 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;
- (f) own, keep, harbour or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provisions of Part V;
- (g) permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner;
- (h) permit his dog on any school ground or playground;
- (i) permit his dog on public property (including parkland area) unless the dog is on a leash (which leash shall be no longer than six (6) feet in length, fully extended) and the dog is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which dogs are not required to be on a leash or when the owner, or handler is attending a recognized training or obedience school for training his dog at a time and place approved by the Administrator;
- (j) permit his dog to upset waste receptacles or otherwise litter. 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 separate and apart from the offence provided in subsection 5(1)(a) hereof, and upon summary conviction thereof shall in addition to any penalty imposed upon him, be civilly liable to the Town of Niverville for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad;
- (k) permit his dog to worry, attack, kill or injure any human or animal whether or not on the property of the owner.

5(2) A visually impaired owner of a registered guide dog or any other person who requires the assistance of a registered guide dog shall not be subject to the restrictions imposed under subsections 5(1)(c), (h) and (i).

#### **Responsibility of Owners Regarding Cats**

6. No owner shall permit his cat to run at large in the Town of Niverville. When a cat is found running at large in the Town, its owner shall be deemed to have failed or refused to comply with this section of the By-law. An owner of cat 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 cat is guilty of an offence separate and apart from the offence provided in subsection 5(1)(a) hereof, and upon summary conviction thereof shall in addition to any penalty imposed upon him, be civilly liable to the Town of Niverville for



any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad.

### **Redemption**

7. Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or any other domestic pet (other than a restricted animal) impounded by the Animal Control Officer may be redeemed within three (3) days of the apprehension and impoundment by applying to the pound keeper for redemption and paying at the Town Administration Office (**during regular office hours**):
- (a) the impoundment fee as set out in Schedule A;
  - (b) in the event that the impounded animal is a dog or cat that is unlicensed at the time of apprehension, the relevant license fee; and
  - (c) all outstanding fines, damages or costs relating to the impounded animal.

### **Restrictions on Domestic Pets, Emotional Support Animals or Other Pets**

- 8(1) An owner of a domestic pet, emotional support animal or other pet other than a dog or cat shall not allow the domestic pet outside of the owner's premises unless the domestic pet is at all times while outside of the owner's premises, under the immediate charge and effective control of a person competent to control it. In the event that the animal alleged to be a domestic pet is a restricted animal or is a wild animal within the meaning of The Wildlife Act, no person shall be entitled to keep or harbour such animal within the Town unless such person holds all government licenses as may be required, to keep or harbour the animal within the Town.

#### **Dogs**

- 8(2) Subject to subsection 8(3) and the provisions of section 5, the owner of a dog shall not permit the dog to be outside of the owner's premises unless: (a) the dog is on a leash that is less than six (6) feet in length fully extended; and (b) the dog is under the immediate charge and effective control of a person competent to control it.
- 8(3) A female dog in heat shall be confined to the premises of the owner or a person having control of the dog, or shall be housed in a kennel, for the period of time that the dog is in heat. The said dog's confinement shall be in such a manner as to prevent any contact between the dog in heat and any other dog except other dogs owned by the same owner or by another owner who voluntarily permits such contact.

#### **Cats**

- 8(4) Subject to subsection 8(5) or elsewhere in this By-law, the owner of a cat shall not permit the cat to be outside of the owner's premises unless the said cat is under the immediate charge and effective control of a person competent to control it.
- 8(5) A female cat in heat shall be confined to the premises of the owner or a person having control of the cat, or shall be housed in a kennel, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner or by another owner who voluntarily permits such contact within the confined premises.

### **Maximum Number of Dogs or Cats**

- 8(6) No person shall own, harbour, keep or have in his possession or control or on his premises, more than three (3) dogs or cats or combination thereof at any one time

unless such person holds a current Hobby Breeder's license issued by the Town of Niverville as per Schedule "C" authorizing him to own that number of dogs or cats, or is a duly qualified Veterinarian for the practice of his profession.

#### **Offence**

- 8(7) Any person who fails to comply with the terms and conditions set out in this section 8 shall be guilty of an offense under this By-Law.

#### **Licensing**

- 9(1) Every owner of a dog over 6 months of age shall obtain an annual dog license by registering the dog at the Town Administration Office and providing a copy of Veterinary records indicating all required rabies and distemper vaccinations are up to date and stating the breed of dog. An exception to the required records will be made by production of a statement in writing from a licensed Veterinarian stating that the dog for medical reasons cannot be vaccinated for rabies or distemper. This license shall not be transferable from one dog to another. The Animal Control Officer may at any time require the owner, possessor, or harbourer of any dog to produce proof of current vaccination against rabies and distemper, and if such proof is not produced to the satisfaction of the Animal Control Officer, he shall require such dog to be vaccinated against rabies and distemper. Refusal, neglect, or failure to comply with this requirement shall constitute a breach of this law.
- 9(2) The owner shall place and keep around the neck of every dog a collar to which shall be securely fastened the current license tag issued at the Town Administration Office. Where the license tag is lost or damaged, the owner shall immediately apply for a replacement license tag, the cost of which shall be as per Schedule "A" and the issuance of which shall be in the discretion of the Clerk.
- 9(3) Every owner of a cat over the age of six months shall obtain an annual cat license by registering the cat at the Town Administration Office and providing a copy of Veterinary records indicating all required rabies and distemper vaccinations are up to date. An exception to the required records will be made by production of a statement in writing from a licensed Veterinarian stating that the cat for medical reasons cannot be vaccinated for rabies or distemper. This license shall not be transferable from one cat to another. The Animal Control Officer may at any time require the owner, possessor, or harbourer of any cat to produce proof of current vaccination against rabies and distemper, and if such proof is not produced to the satisfaction of the Animal Control Officer, he shall require such cat to be vaccinated against rabies and distemper. Refusal, neglect, or failure to comply with this requirement shall constitute a breach of this law.

#### **License Fees**

- 10(1) An annual license is to be purchased as outlined in Schedule "A". If the animal is apprehended and there is no license registered at the Town Administration Office, there will be a fee charged as outlined in Schedule "A".
- 10(2) No license fee shall be charged for any dog specifically trained as a "Guide Dog" providing that the person owning such a dog produces to the satisfaction of the Administrator of the Town, proof of blindness or impairment of sight or of deafness or impairment of hearing and that the dog is specially trained and used for a guide for such person.
- 10(3) Where a change of ownership of a dog or cat already licensed hereof occurs, the new owner may have the current license transferred to his name upon payment of a transfer fee set out in Schedule "A".
- 10(4) Every owner of a dangerous dog must produce, before a license is issued, evidence that he has in place a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog covering the balance of the

license year with a minimum limit of liability of \$500,000.00 per occurrence. The license fee for a dangerous dog shall be as per Schedule "A".

- 10(5) The owner of any dog which has been declared to be dangerous pursuant to Section 13 shall, no later than the tenth day after receiving notice from the Administrator that his dog has been declared to be dangerous or, if an appeal is taken, immediately upon the confirmation by the Council of the Town of Niverville, obtain a license for a dangerous dog.
- 11 The Administrator of the Town of Niverville shall keep a record of all dog and cat licenses imposed and tags issued under the provisions of this By-law showing the name of the owner or possessor of each dog and cat and number of the tag issued in respect to each dog or cat, and shall account for moneys received as pet licenses.

## **PART V: DANGEROUS ANIMALS**

### **Animal Bites**

12(1) The Animal Control Officer:

- (a) shall apprehend, impound and place in quarantine any dog that he has reason to believe has bitten a person, dog, cat or domestic pet;
- (b) may apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public;

(in either case, the "aggressor animal"), whether on private premises or elsewhere, and whether or not the skin was directly punctured or lacerated by the bite. This section shall not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

- 12(2) If the aggressor animal is not voluntarily surrendered to the Animal Control Officer by the owner, the Animal Control Officer shall be empowered to apprehend and impound the aggressor animal and, if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain an order to enter the personal residence of the owner for the purpose of apprehending and impounding the aggressor animal.
- 12(3) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 12(9) herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").
- 12(4) The Animal Control Officer may, in his discretion, authorize the owner of the aggressor animal to quarantine the aggressor animal in a place other than the pound, provided that such place is under the direct supervision of a licensed Veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.
- 12(5) Subject to a determination by the Animal Control Officer pursuant to subsection 12(8) hereof that the aggressor animal is not a dangerous animal, the aggressor animal may be released to the owner after expiry of the prescribed quarantine period upon payment by the owner to the Town of a pound fee calculated at the daily rate set out in Schedule A hereto attached together with any costs or fines assessed against the owner hereunder. In the event that the owner fails to redeem the aggressor animal from the pound within three (3) days after expiry of the quarantine period, the aggressor animal shall be sold, or otherwise disposed of, or destroyed at the discretion of the pound keeper. The owner shall be responsible for all costs, fines and damages associated with the aggressor animal, including

the costs of impoundment, quarantine, signage and veterinary fees, pound fees, assessment by professional as to whether pet is aggressive and any costs associated with liability to the victim or victims of the bite incident. In the event that the owner fails to pay all costs regarding the bite incident within 60 days of receiving an invoice from the Town, the Town may recover the full costs thereof by adding the cost thereof to the real property taxes chargeable against the owner's land.

- 12(6) The Animal Control Officer shall keep a record of all bite incidents, identifying the aggressor animal and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions contained herein.
- 12(7) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 12(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
- 12(8) Every aggressor animal shall be examined, at the cost of the owner, by a licensed Veterinarian approved by the Animal Control Officer prior to release from quarantine. The determination as to whether or not the aggressor animal can be released from quarantine or must be destroyed or otherwise disposed of, shall be at the discretion of the Animal Control Officer based upon the following factors:
- (a) the medical report of the licensed Veterinarian who has examined the aggressor animal;
  - (b) whether or not the public health authorities are prepared to consent to the release of the aggressor animal;
  - (c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident;
  - (d) whether or not the aggressor animal is, in the opinion of the Animal Control Officer, a dangerous animal and, if yes, whether or not the provisions of section 12(9) hereof have been complied with;
  - (e) whether or not the aggressor animal is a restricted animal, and if yes, whether or not the provisions of Part VII hereof have been complied with by the owner; and
  - (f) proof that the aggressor animal does not have rabies, and that the aggressor animal has a current rabies and distemper vaccination status at the date of the bite incident.
  - (g) the assessment report of a professional specializing in aggressive and dangerous animals.
- 12(9) Notwithstanding the provisions of subsection 12(3) herein, it shall be within the discretion of the Animal Control Officer to release an aggressor animal prior to the expiry of the quarantine period and to impose conditions upon the release of an aggressor animal from quarantine, which conditions may include, without limiting the generality of the foregoing:
- (a) the owner shall take the necessary measures to ensure that the aggressor animal is confined to the owner's premises in such a manner as to prevent escapes, and to ensure that all direct contact with other animals and persons other than the owner is avoided;
  - (b) the owner shall post in a conspicuous location at the entrance of the premises where the aggressor animal is confined, a sign which reads "Beware of Dangerous <type of aggressor animal> (Schedule B)";

- (c) the owner shall submit the aggressor animal, at the owner's cost, for veterinary examination from time to time as may be prescribed by the Animal Control Officer, and shall report the results of any such veterinary examination to the Animal Control Officer;
- (d) the owner shall take out and pay for such liability insurance on the aggressor animal as may be prescribed by the Animal Control Officer;
- (e) the owner shall be responsible for all costs, fines and damages associated with the aggressor animal, including the costs of impoundment, quarantine, signage and veterinary fees, pound fees, assessment by professional as to whether pet is aggressive and any costs associated with liability to the victim or victims of the bite incident. In the event that the owner fails to pay all costs regarding the bite incident within 60 days of receiving an invoice from the Town, the Town may recover the full costs thereof by adding the cost thereof to the real property taxes chargeable against the owner's land.
- (f) such other conditions as the Animal Control Officer may deem necessary or advisable in the interests of public safety.

**Determination that an animal is a dangerous animal**

- 13(1) Where the Protective Committee Chairman has reason to believe that a dog, cat, or domestic pet has caused or is likely to cause serious damage or injury, he shall hold a hearing to determine whether or not that dog, cat or domestic pet should be declared to be dangerous.
- 13(2) The Protective Committee Chairman shall give written notice of the determination hearing to the owner of the dog, cat or domestic pet at least eight days in advance of the hearing by serving a notice upon the owner or by mailing same by regular mail to the last address (if known) or as otherwise provided by the owner to the Town in relation to the licensing of the dog or cat. Any notice shall be deemed to have been effectively given and received when personally served or 5 days following the date of mailing. The notice shall include:
  - (a) a statement of the time, place and purpose of the hearing;
  - (b) a copy of this By-law;
  - (c) a statement that if the Licensee does not attend at the hearing, the matter may be dealt with in his absence and that he will not be entitled to any further notice in the proceedings.
- 13(3) (a) The owner may appear at the hearing with or without counsel and may call witnesses on his behalf. The owner shall be entitled to hear all evidence presented at the hearing and to inspect any documents filed.
- (b) Where the owner does not attend at the hearing, having been given notice as provided in this Section, the matter may be dealt with in his absence and the owner shall not be entitled to any further notice in the proceeding.
- 13(4) Within five working days of the determination hearing, the Protective Committee Chairman shall issue written findings resulting from the hearing and;
  - (a) shall make an order declaring the dog, cat or domestic pet to be dangerous if in his opinion:
    - i) the dog, cat or domestic pet has caused severe injury to a person or pet without provocation, whether on public or private property; or
    - ii) the dog, cat or domestic pet has, while off its owner's property, killed a dog, cat or domestic pet without provocation.

- (b) may make an order declaring the dog, cat or domestic pet to be dangerous if, in his opinion it is likely to cause serious damage or injury, taking the following factors into account:
  - i) whether the dog, cat or domestic pet has bitten, wounded or injured any person or animal;
  - ii) the circumstances surrounding any previous biting or wounding incidents; and
  - iii) whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons upon the street, sidewalk or any public or private property;
- (c) shall provide a copy of his findings to the owner in the manner provided in subsection (2) hereof.

13(5) The owner may, within ten days of receiving notice that his dog, cat or domestic pet has been declared to be dangerous, advise the Protective Committee Chairman in writing that he wishes to appeal against the order, whereupon the Protective Committee Chairman shall forthwith submit the matter to Council.

13(6) (a) Where an appeal is filed as provided in subsection (5) hereof, the Council shall hold a hearing to determine whether the order of the Protective Committee Chairman should be upheld and the provisions of subsections (2), (3) and (4) apply mutates mutandis to that hearing.

(b) Upon hearing all representations in the matter, Council may confirm or reverse the order of the Protective Committee Chairman declaring the dog, cat or domestic pet to be dangerous.

(c) The decision of Council on an appeal under this subsection shall be final.

13(7) (a) Where a dog, cat or domestic pet is declared to be dangerous by the Protective Committee Chairman and

i) no appeal is filed pursuant to subsection (5) hereof, or

ii) upon appeal, the declaration is confirmed by Council, any license previously issued in relation to that dog or cat shall be deemed to have been cancelled effective as of the tenth day following the order of the Protective Committee Chairman, or the date of the decision of Council, as applicable.

13(8) (a) Every owner who has received notification from the Protective Committee Chairman pursuant to subsection (2) that a determination hearing will be held with respect to his dog, cat or domestic pet shall ensure that the dog, cat or domestic pet remains confined upon the premises of the owner pending the final outcome of the hearing.

(b) Clause (a) shall not apply if the dog, cat or domestic pet is impounded or if the Protective Committee Chairman receives written confirmation from a licensed Veterinarian that the dog or cat has been placed in his custody pending the outcome of the hearing.

13(9) Every owner of a dog or cat which has been declared to be dangerous shall:

(a) cause the dog or cat to be tattooed upon the ear or flank by a licensed Veterinarian with the identifying information approved for registration in the Manitoba Tattoo Registry and provide a copy of the record of such tattooing to the Animal Control Officer;

- (b) ensure that the dog or cat, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure of compound which:
  - i) is capable of preventing the entry of young children and preventing the dog or cat from escaping;
  - ii) has minimum dimensions of five feet by ten feet;
  - iii) has secure sides; and
  - iv) provides protection from the elements for the dog or cat;
- (c) permit the dog upon public property only if it is muzzled, restrained by a chain or leash not exceeding six feet in length and under the control of a responsible person;
- (d) display at each entrance to the property and/or building in or upon which the dog or cat is kept a sign, in the form attached hereto and marked as Schedule "B" to this By-law. The said signs shall be posted in such a manner as cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk or street and lane, if any;
- (e) within two working days of selling or giving away the dangerous dog or cat, provide the Town with the name, address and telephone number of the new owner;
- (f) advise the Town within two working days of the death of the dangerous dog or cat;
- (g) advise the Animal Control Officer immediately if the dangerous dog or cat is loose or has bitten or attacked any person or animal;
- (h) "maintain in force a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog or cat with a minimum limit of liability of \$500,000.00 per occurrence.

13(10) No person shall deface or remove a sign posted pursuant to clause (d) of subsection 9 hereof without having first obtained the permission of the Animal Control Officer.

#### **Pit Bull Dogs**

- 14(1) No person shall keep or harbour any Pit Bull dog regardless of age on or after this By-law has been passed.
- 14(2) A person may temporarily keep or harbour in the Town a Pit Bull dog only for the purpose of showing such Pit Bull dog in a place of public exhibition, contest, or show sponsored by a bona fide dog club association, provided that when such Pit Bull dog is not being shown at the place of said public exhibition, contest, or show, it shall be
  - (a) securely kenneled; or
  - (b) muzzled, restrained by a chain or leash not exceeding six feet in length and under the control of a responsible person.

#### **Destruction of dangerous animal or aggressor animal**

- 15(1) Where it appears on reasonable grounds that an owner has breached a condition of this By-Law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the Animal Control Officer otherwise has reasonable grounds to

believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the Animal Control Officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the Animal Control Officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.

- 15(2) When the Animal Control Officer impounds an animal under this section 12 for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the Animal Control Officer to Council by providing notice in writing to the Chief Administrative Officer of the Town, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of section 12 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

#### **PART VI: LIVESTOCK**

- 16(1) The keeping of livestock shall only be permitted in those areas of the Town which are zoned agricultural unless otherwise permitted by the Town's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the Town, and it shall be an offense under this By-Law to keep any livestock in excess of the prescribed number and kind.
- 16(2) An owner shall not permit his livestock to run at large within the Town. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-Law.
- 16(3) Council, or the Animal Control Officer on the authority of Council, may establish from time to time temporary or permanent premises for the confinement of livestock apprehended pursuant to the provisions of this By-Law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by Council. The Chief Administrative Officer of the Town may authorize the establishment of a temporary pound.
- 16(4) When livestock is impounded and the identity of the owner of the animal is not known, the Animal Control Officer shall post on the Town website a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.
- 16(5) If the identity of the owner is known, the Animal Control Officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address.
- 16(6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Town in apprehending and impounding the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to this By-Law, have been paid in full.
- 16(7) If no person claims the livestock within ten (10) days of the date of the notice of impoundment, or if the owner has not paid the costs and fines referred to in subsection 16(6), the Animal Control Officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds of the Town.



## **PART VII: RESTRICTED ANIMALS**

### **Prohibition on restricted animals**

- 17(1) No person shall keep, harbour, possess or control any restricted animals within the Town without a permit issued by Council.

### **Application for permission to keep or harbour a restricted animal**

- 17(2) Upon receipt of an application from any person to keep a restricted animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in The Planning Act (Manitoba). Provided however, that applications from the owner or operator of a travelling show to keep a restricted animal in the Town on a temporary basis may be considered by the Chief Administrative Officer without compliance with the notice and hearing requirements aforesaid. Council (or the Chief Administrative Officer, in the case of an application for a permit on a temporary basis) shall decide based on the application and any written or oral submissions of the applicant, whether or not to grant a permit to the applicant to keep or harbour the restricted animal within the Town and shall advise the applicant in writing of their decision. Council or the Chief Administrative Officer, as the case may be, may impose conditions upon a permit to keep or harbour a restricted animal and any violation of such conditions by the owner shall invalidate the permit provided by Council and shall constitute an offence under this By-Law.

### **Temporary impoundment**

- 17(3) If deemed necessary in the interests of public safety, the Animal Control Officer may apprehend and impound any restricted animal pending the outcome of any hearing to decide an application made pursuant to subsection 17(2) hereof.

### **Inventory of restricted animals**

- 17(4) Any owner who has been granted permission by Council to keep one or more restricted animals within the Town shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the restricted animals kept by the owner within the Town, together with the annual permit fee.
- 17(5) Council may at any time and from time to time change the conditions that an owner must satisfy in order to keep a restricted animal, and any failure to comply with any such condition upon notice thereof shall invalidate the owner's permit to keep the restricted animal within the Town.

### **Order to dispose of restricted animal**

- 17(6) Where the Animal Control Officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a restricted animal within the Town without the written permission of Council, the Animal Control Officer or By-law Enforcement Officer shall serve the person with an order in writing (any notice shall be deemed to have been effectively given and received when personally served or 5 days following the date of mailing), to dispose of the restricted animal within fourteen (14) days of receipt of the order or such shorter period of time as the circumstances may require and the order may provide, in which case the owner shall sell, give away or otherwise dispose of the restricted animal in accordance with any conditions imposed in the order of the Animal Control Officer. Provided however, that if the owner has not already applied and been denied a permit to keep or harbour the restricted animal, the owner may make such an application in accordance with subsection 17(2), and the order of the Animal Control Officer shall be suspended pending the decision of Council.

- 17(7) The onus shall be on the person upon which an order pursuant to subsection 17(6) has been served to establish either that: (a) the animal is not a restricted animal; or (b) the person has a permit from Council to keep or harbour the restricted animal.
- 17(8) Where the person has failed to establish either that the animal is not a restricted animal or that he has a permit from Council to keep or harbour the restricted animal, and the person has failed or refused to dispose of the restricted animal within the time frame contemplated by the order of the Animal Control Officer, the Animal Control Officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of removing and disposing of the restricted animal. The Animal Control Officer may engage the assistance of other persons if required to safely apprehend the restricted animal.
- 17(9) Upon apprehension and impoundment of a restricted animal, and provided that: (a) a written order was duly served on the owner as required by subsection 17(6); and (b) if an application for the written permission of Council to retain the restricted animal has been heard and denied by Council; Council may proceed to order the animal destroyed or sold, and the Animal Control Officer shall carry out the order of Council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this By-Law, then the Town shall refund the excess proceeds to the owner.

## **PART VIII: GENERAL PROVISIONS**

### **Offenses under this By-Law**

- 18(1) For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offenses under this By-Law:
- (a) Allowing or failing to prevent a dog, cat or domestic pet from running at large;
  - (b) Keeping or harbouring dogs or cats in excess of the maximum number permitted by this By-Law;
  - (c) Failing to comply with an order of the Animal Control Officer to dispose of any dogs or cats in excess of the prescribed limit made under section 8(6) of this By-Law;
  - (d) Failure by the owner of a dog or cat to comply with any one or more of the provisions of section 5, section 6, subsection 8(2) or section 8(3) of this By-Law;
  - (e) Failing to report a bite incident or failing to voluntarily surrender the dog, cat or domestic pet believed to have bitten a person, dog, cat or domestic pet to the Animal Control Officer or pound keeper;
  - (f) Failing to voluntarily surrender a dog or cat to the Animal Control Officer upon a request therefor;
  - (g) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of The Animal Care Act (Manitoba);
  - (h) Keeping or harbouring any wild animal or other restricted animal within the Town without a proper permit contrary to section 17 of this By-Law;
  - (i) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the Town;

- (j) Failing to properly vaccinate a dog or cat against rabies and distemper;
- (k) Failing to comply with the requirements of subsection 8(1) of this By-Law in relation to any domestic pet;
- (l) Failing to comply with the requirements of any provision of subsections 8(4) or (5) in relation to any cat;
- (m) Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;
- (n) Defacing or removing a sign required to be posted under subsection 12(9)(b) or subsection 13(10) of this By-Law;
- (o) Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;
- (p) Failing to comply with any of the requirements of Part VII of this By-Law in relation to any restricted animals.

#### **Interference With Enforcement**

- 18(2) It shall be an offense under this By-Law for a person to interfere or obstruct any attempt by the Animal Control Officer, pound keeper, By-law Enforcement Officer or Council from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct an Animal Control Officer, the pound keeper, By-law Enforcement Officer, a police officer or any other person authorized to apprehend and impound an animal running at large, who is attempting to apprehend or impound, or who has apprehended and impounded, any animal in accordance with the provisions of this By-Law.
- 18(3) It shall be an offense under this By-Law:
- (a) to break into, or assist another person in any manner, directly or indirectly, to break into any pound; and
  - (b) to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

#### **Apprehension by Resident**

- 18(4) Any resident of the Town may apprehend and confine an animal which is running at large on his property, provided that he promptly notifies the Animal Control Officer or the Town of the apprehension and confinement, and the Animal Control Officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.

#### **Right of Entry**

- 19(1) The Animal Control Officer or any other person appointed by the Town to enforce the provisions of this By-Law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending a dog, cat or any animal running at large, found to be barking or in any other way unduly disturbing the quiet of any person or persons, to ensure compliance with this By-Law or to otherwise enforce any other provisions of this By-Law, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.

- 19(2) The owner of any dog, cat or any other domestic pet that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the Animal Control Officer or By-law Enforcement Officer, to assist the Animal Control Officer or By-law Enforcement Officer to apprehend and impound the said animal.
- 19(3) The Animal Control Officer or any person authorized by this By-law may capture and impound any dog or cat 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 or cat 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.
- 19(4) The Animal Control Officer or any person authorized by this By-law, acting upon a complaint, may enter into the lands and/or buildings where he believes or has reasonable grounds to believe that an offence under this By-law is being or has been committed by any dog or cat 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.

#### **Complainant Identification**

- 20 Any person who makes a complaint alleging an offense under this By-Law against another person shall provide to the Animal Control Officer his name, address and telephone number. It shall be at the discretion of the Animal Control Officer whether or not to request a written complaint of the alledged offense. Anonymous complaints shall not be acted upon.

#### **Liability**

- 21 No liability shall attach to the Animal Control Officer, the pound keeper, the By-law Enforcement Officer, Council and/or the Town in carrying out their respective duties under this By-Law. Without limiting the generality of the foregoing, no liability shall attach to the Animal Control Officer, the pound keeper, By-law Enforcement Officer, Council and/or the Town for any animal destroyed, sold or otherwise disposed of pursuant to the provisions of this By-Law or killed or injured during the course of its apprehension or impoundment.

#### **Penalties**

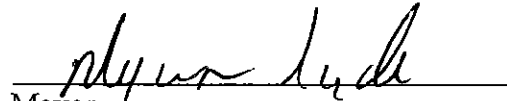
- 22(1) Without limiting the penalties for specific offenses set out in subsections 22(2) and (3) hereof, any person who contravenes any provision of this By-Law is guilty of an offense and is liable:
- (a) to a fine of not less than \$100.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense;
  - (b) to a fine of not less than \$200.00 and not more than \$1000.00, or to imprisonment for not more than thirty (30) days, or both, plus all applicable costs and penalties for the second offense and for each subsequent offense within twelve (12) months of the first offense;
- 22(2) Any animal that is impounded three or more times within any 12-month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be destroyed regardless of whether or not it is properly licensed under this By-Law. In the event that the owner fails to pay all costs regarding the capture and impoundment within 60 days of receiving an invoice from the Town, the Town may recover the full costs thereof by adding the cost thereof to the real property taxes chargeable against the owner's land.
- 22(3) Any person who interferes with or obstructs the duties of an Animal Control Officer, a pound keeper or any other person authorized to enforce any provisions

of this By-Law, or who unlawfully enters any pound or unlawfully removes any animal impounded, is guilty of an offense and is liable:

- (a) to a fine of not less than \$500.00 and not more than \$1000.00, or to imprisonment for a term of not more than sixty (60) days, or both, plus all applicable costs and penalties;
- 22(4) Where a corporation commits an offense under this By-Law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offense and liable for the penalties provided for herein.
- 22(5) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offense for each day that the contravention, disobedience, refusal or neglect continues.
- 22(6) Council of the Town may, by resolution, after the passage of this By-Law change the penalties and impoundment fees found in Schedule "A" and edit Schedules "B" and "C" from time to time.

23 THAT by-law 691-10 is hereby repealed.

DONE AND PASSED as a By-Law of the Town of Niverville by the Mayor and Council in open session assembled this 5<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 21<sup>st</sup> day of April, 2020  
Read a second time this 5<sup>th</sup> day of May, 2020  
Read a third time this 5<sup>th</sup> day of May, 2020

## SCHEDULE A - PENALTIES AND IMPOUNDMENT FEES

### License Fees

Annual license fee for dogs and cats will consist of \$20.00, valid for 12 months from date of issue. If you renew the pet license on or before the due date, the renewal fee is \$15.00. This license will not be transferable to another dog or cat, however, if a change of ownership of a dog or cat already licensed occurs, the transfer fee shall be \$10.00. A Hobby Breeder's License is \$20.00. Lost tag replacement is \$10.00.

In the event that an impounded animal is a dog or cat that is unlicensed at the time of apprehension, the license fee shall be \$100.00.

The license fee for a dangerous dog or cat shall be \$250.00.

### Penalties and impoundment Fees

For any dog, cat or any other domestic pet that was apprehended running at large or that was for any other reason, impounded by the Animal Control Officer

- For first impoundment, flat fee plus costs incurred in the capture of the dog or cat by the Animal Control Officer: \$150.00
- For second impoundment, flat fee plus costs incurred in the capture of the dog or cat by the Animal Control Officer \$300.00  
(if it occurs within 12 months of the first offense) \$300.00
- Animal disposal charge (per animal) \$100.00

Apprehension & Impoundment fees for Livestock:

- actual costs incurred by service provider Actual Costs

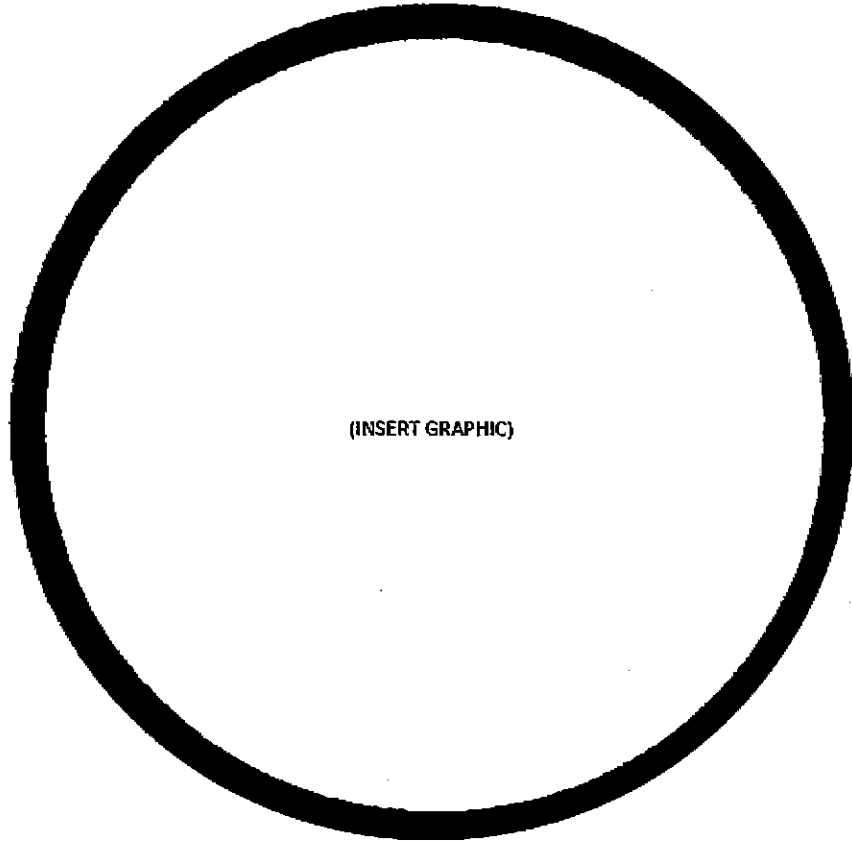
Impoundment fees for dangerous animals, quarantined animals and restricted animals: \$50.00/animal/day

Impoundment and fine (see section 22.)

Temporary permit for Restricted Animal As determined by Resolution of Council

SCHEDULE B

**BEWARE OF**



**DANGEROUS**

(INSERT TEXT)



LICENSE  
NUMBER

SCHEDULE C

HOBBY BREEDER'S LICENSE

TOWN OF NIVERVILLE

OWNER'S NAME \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

CIVIC ADDRESS \_\_\_\_\_ MAILING ADDRESS \_\_\_\_\_

DOG OR CAT \_\_\_\_\_ NAME OF PET \_\_\_\_\_

TAG NUMBER \_\_\_\_\_ MICROCHIP/TATOO \_\_\_\_\_

DOMINANT COLOR \_\_\_\_\_ SECOND COLOR \_\_\_\_\_ THIRD COLOR \_\_\_\_\_

DATE OF WHELPING \_\_\_\_\_ NUMBER IN LITTER \_\_\_\_\_

TERMS AND CONDITIONS:

1. The dog(s) or cat(s) must be kept in the house at all times, and must not be permitted to be harbored in any accessory building.
2. License is valid for 6 months from date of whelping.
3. If complaints of non-compliance under the terms of the Niverville Animal Control By-law 819-20 are received and substantiated by the Animal Control Officer or the By-law Enforcement Officer, the license will be revoked and the dogs or cats above the limit set in Section 8(6) shall be removed from the premises.

LICENSE FEE: \_\_\_\$20.00\_\_\_\_\_ RECEIPT NUMBER: \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

PERMIT EXPIRY DATE: \_\_\_\_\_