

**CITY OF MORDEN
BY LAW NO. 09-2017**

BEING a by-law of the City of Morden to provide for the regulation and control of animals within the limits of the City of Morden;

PART I – AUTHORITY

WHEREAS subsection 232(1) of The Municipal Act, C.C.S.M., c.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), 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 (i) 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*, S.M. 1998 c. 8 provide, in relevant part, as follows:

Animals not to run at large

5(1) Except when permitted by a municipal by-law passed in accordance with *The Municipal Act* or a by-law of a local government district passed in accordance with *The Local Government Districts Act*, 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).

Municipality or LGD not liable by reason only of making By-law

5(3) A municipality or local government district 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.

AND WHEREAS, subsections 31(1) and (2) of the *Diseases and Dead Bodies Regulation*, 338/88R of *The Public Health Act*, R.S.M. 1987 c.P210 provide, in relevant part, as follows:

31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the medical officer of health or the animal control officer of the City in which the biting incident occurred or a peace officer of the details of the biting incident.

31(2) An animal control officer or peace officer receiving a report pursuant to subsection (1) shall notify the medical officer of health of the details of the report at the earliest possible opportunity.

NOW THEREFORE the Council of the City of Morden, in Council assembled hereby enacts as follows:

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.

"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.

"assistance animals" means:

Emotional support

Is a companion animal that provides therapeutic benefit

Service animal

Are animals that have been trained to perform tasks that assist people with disabilities

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

"Council" means the council of the City of Morden.

"current rabies vaccination" means that the dog or cat has been vaccinated for rabies in accordance with international veterinary protocol which calls for a primary vaccination, which is then followed with a booster vaccination not sooner than 60 days and not greater

than one year after the primary vaccination, and is then subsequently vaccinated at regular intervals not exceeding three years.

"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 13 of this By-law.

"diagnosis of condition" means for the purpose of this by-law as it relates to assistance animals, a condition determined by a licensed practitioner within the jurisdiction of Manitoba able to issue such diagnosis.

"dog" means any member of the genus *Canis familiaris* (domestic dog).

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

"Identified animals" means any breed that have been identified by various jurisdictions across Canada that may require special consideration.

"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);

(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*.

"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.

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

"poundkeeper" 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 poundkeeper as set out in section 4 of this By-law.

"restricted animal" means:

- (a) any member of the order Primate except a human being;
- (b) any member of the order Carnivora except dogs, cats and domestic ferrets (*mustela putorius furo*), but including all hybrids of dogs and cats;
- (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.

"City" means the City of Morden.

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 POUNDKEEPER

Establishment of Pound

2(1) Council may establish and maintain a pound 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, municipality or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the City shall be paid out of the general funds of the City.

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 City.

Appointment of poundkeeper

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

Common animal control officer and poundkeeper

2(4) At the discretion of Council, the animal control officer may also serve as poundkeeper, and vice versa.

Duties of the animal control officer

3(1) It shall be the duties of the animal control officer:

- (a) To apprehend and confine at the pound, any animal running at large within the City 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 City.
- (c) to ensure that any restricted animal kept or harboured within the City is properly licensed by the City, and to apprehend and confine any such restricted animal that is not properly licensed.
- (d) To apprehend and confine any dog, cat or any other domestic pet which is running at large within the City 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 or license (including, without limitation, a kennel permit or kennel license).
- (e) To make reasonable attempt to notify the owner of every animal impounded if the identify 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 be in the form set out in Schedule B hereto attached and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the pound, the impoundment fee, any daily pound fees, license fees and other 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 in the general office of the City, a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.
- (f) The animal control officer or poundkeeper may use a tranquilizer gun for the purpose of capturing any animal found to be running at large within the City, provided however that if the animal control officer or the poundkeeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.
- (g) Notwithstanding anything contained in this By-law, where a licensed veterinarian certified in writing that, in his opinion, a dog in the custody of the animal control officer or poundkeeper is so seriously injured or sick that it would be cruel to allow it to live, the animal control officer or poundkeeper may cause the dog to be destroyed forthwith.
- (h) To enforce the provisions of this By-law.

Duties of poundkeeper

4(1) It shall be the duties of the poundkeeper:

- (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 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 poundkeeper.
- (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 invoiced to, and received from or on behalf of, the owner and the name and address of the payor (if different from the owner); and
 - (vi) such other particulars as the Chief Administrative Officer of the City shall direct from time to time.
- (d) To collect all fees charged by the pound, and to remit all monies received by the pound to the Chief Administrative Officer of the City, together with such reports and statements as the said Chief Administrative Officer may prescribe from time to time, except where the City has entered into a contract with a private party for the operation of the pound, in which case the poundkeeper shall observe all terms and conditions of the contract with the City 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 City, and the submission of all reports and statements required to be submitted to the City under the said contract.
- (e) To keep any impounded dog, cat or any other animal which is, to the knowledge of the poundkeeper, a domestic pet, for a minimum period of:
- (i) four (4) days, which shall include the day of impoundment but shall exclude Saturdays, Sundays and any statutory holidays during which the pound is closed to the public, or
 - (ii) where the City has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the poundkeeper's contract with the City.
- (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 City, including any restricted animal or 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 poundkeeper to do one of the following with the impounded animal:
- (i) sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and license fees accrued in respect of the impounded animal as set forth in this By-law, unless such fees are otherwise waived by the City or by the poundkeeper on the express authority of the City; or
 - (ii) cause the impounded animal to be humanely destroyed; unless the City, or the poundkeeper on the express authority of the City, 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 sub-paragraph (g)(i) or until expiry of the extended period of impoundment, before it is humanely destroyed.
- (h) The City may vary the terms, conditions and duties of the poundkeeper 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 poundkeeper 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 poundkeeper is a private party under contract with the City, the poundkeeper shall observe all of the terms and conditions of the contract with the City. Where it is permitted under the contract with the City, the poundkeeper 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 and license fees, provided however that the poundkeeper shall remain responsible to the City for all amounts due to the City under its contract with the poundkeeper.

- (i) All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under “The Public Health Act” and shall be quarantined and confined separate and apart from other dogs and cats. If the said animal is cured of rabies after fourteen (14) days quarantined, it can be released to the owner. If the animal dies within fourteen (14) days the dead animal shall be taken to a licensed veterinarian for further examination. If a dog or cat has rabies it shall be destroyed by a licensed veterinarian and the diagnosis confirmed. Any dog or cat that bites or scratches a human being shall be quarantined alive for fourteen (14) days at the owners expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Identified Animals

5(1) Schedule C has a list of common identified animal, in addition to Schedule C Council’s By-Law Officer may impose these conditions on any breed or individual animal by declaring that it is an identified animal.

Conditions on keeping an identified animal:

- 1/ Fully fenced yard
- 2/ When in a public place restrained with a wire muzzle

Licensing of dogs

6(1) The owner of every dog over the age of four months shall obtain, a license to keep the dog, which license shall require the payment of the fee as set out in the most recent “Fees and Charges By-law”. The owner shall ensure that the license tag issued for the dog is securely fastened to a collar worn around the neck of the dog in respect of which the tag was issued. Any failure to obtain or keep current the required license or to ensure that the license tag issued for the dog is securely fastened to the dog’s collar shall constitute an offense under this By-law.

6(2) The required dog license may be sold by the poundkeeper, the Chief Administrative Officer of the City or by any veterinary clinic or animal hospital within the City which is designated by the Council as a veterinary clinic or animal hospital eligible as a vendor of such licenses.

6(3) No person shall be permitted to remove the collar or license tag from any dog without a lawful excuse, and any such removal shall constitute an offense under this By-law.

6(4) Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag, the cost of which is set out in the most recent “Fees and Charges By-law”.

6(5) Where a change in ownership of a dog licensed hereunder occurs during the license year, the new owner shall have the current license transferred to his or her name upon payment of the transfer fee prescribed in the most recent “Fees and Charges By-law”. Any failure to report a change in ownership or to pay the prescribed transfer fee shall constitute an offense under this By-law.

6(6) Subsections 6(1), (2), (3), (4) and (5)) shall not apply to non-residents of the City who bring a dog on a temporary visit into the City, provided however, that nothing in this subsection 6(6) shall authorize any person to bring a dog into the City that is a dangerous animal or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within

the City, nor does it authorize any person to allow the dog to run at large or otherwise create a nuisance within the City.

6(7) Subject to subsection 6(8) hereof, every dog owner must produce, before a license is issued or renewed for the dog, evidence of a current rabies vaccination status for that dog from a licensed veterinarian.

6(8) A dog owner does not have to produce evidence of a current rabies vaccination status in order to obtain or renew a license in respect of his dog if he can produce a statement in writing signed by a licensed veterinarian certifying that the dog cannot be vaccinated for rabies for medical reasons.

Rabies Vaccination

6(19) Except where subsection 6(8) applies, the animal control officer may at any time request that an owner provide proof that the owner's dog or cat has a current rabies vaccination status and, if the owner cannot produce such proof, the animal control officer may, in the case of a dog, terminate the owner's dog license, and in the case of a dog or cat, the animal control officer may apprehend and impound the dog or cat, and may charge the owner with an offense under this By-law.

Excess animal permits

Restriction on number of cats and dogs on property

7(1) This section does not apply to properties in the use category "kennel/shelter" or "animal hospital or veterinary clinic" under the Zoning By-law.

7(2) Subject to this section, unless the person holds a valid excess animal permit issued under Section 8 (Procedure for obtaining excess animal permit), no person may own, harbour, keep, have in his or her possession, or have on a single parcel of land of which he or she is the occupant a total of more than four dogs and cats over the age of six months, of which no more than two may be dogs.

7(3) The obligation in subsection (2) applies even though a person holds a valid companion animal breeding premises license or a kennel license issued under The Animal Care Act.

Procedure for obtaining excess animal permit

8(1) When an application is made in compliance with this section, within whose geographical area the parcel of land for which an excess animal permit is sought is located is authorized to issue an excess animal permit authorizing the applicant to harbour, keep or have on a particular parcel of land dogs, cats or both dogs and cats that exceed the number permitted by Section 7 (Restriction on number of dogs and cats on property).

8(2) In order to obtain an excess animal permit under subsection (1), an applicant must

- (a) apply to the By-Law Officer using a form acceptable to the By-Law Officer;
- (b) provide all information reasonably required in order to consider the application;

and

- (c) pay the requisite application fee.

8(3) After receiving an application, the By-Law Officer must forward to Committee

- (a) the application; and
- (b) a report prepared by the By-Law Officer setting out the following information:
 - (i) whether the applicant or the parcel of land for which the excess animal permit is sought has ever been the subject of an application for an excess animal permit or an approval for excess numbers of animals in the past;
 - (ii) the use and nature of the parcels of land immediately adjacent to the subject parcel and the character of the district within which the subject parcel is located;
 - (iii) any other information the By-Law Officer considers relevant to the application.

8(4) At least 4 days before the application is considered by the Committee, the Director of Finance and Technology must post on the City website, a copy of the report that has been or will be submitted to the Committee under clause 8 (3)(b).

8(5) At least 14 days before the application is considered by the Committee, the applicant must post in conspicuous locations on the subject parcel of land copies of a notice which sets out:

- (a) the date, time and place of the Committee meeting at which the application for an excess animal permit will be dealt with; and
- (b) the website referred to in subsection (4) on which the report referred to in clause 8 (3)(b) can be found when it is posted.

The copies of the notice must be posted facing every street or alley adjacent to the parcel and must be no more than one metre inside the parcel. The copies of the notice must remain posted until the meeting has taken place.

8(6) If the parcel of land for which an excess animal permit is sought is rented or leased, the applicant must, at least 14 days before the application is considered by the Committee, serve the notice referred to in subsection (5) on the owner of the property by personal service, or by sending it by registered mail or delivery to the owner's address.

8(7) Before deciding to issue or refuse to issue an excess animal permit, the Committee must consider written or verbal representations from any person who wishes to be heard.

Decision re. excess animal permit

9(1) An excess animal permit may only be issued if the Committee considers that

- (a) the dogs, cats or both dogs and cats for which the applicant is seeking a permit will not unduly annoy or disturb the occupants of nearby properties; and
- (b) the applicant can and will comply with this By-law, The Animal Care Act and all other applicable legislation in respect of the dogs, cats or both dogs and cats for which the applicant is seeking an excess animal permit.

9(2) The excess animal permit may be issued in respect of specifically identified dogs or cats or both dogs and cats, or may permit a specific number of unidentified dogs or cats or both dogs and cats. The excess animal permit may be issued for the life of the animal or for a limited time and may have conditions imposed on it.

9(3) It is a condition of every excess animal permit that the permit holder must comply with this By-law, The Animal Care Act and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Committee is authorized to suspend or revoke the permit.

9(4) An excess animal permit applies to a specific person and to a specific parcel of land. It is not capable of being transferred to another person or to another parcel of land.

9(5) The Director of Finance and Technology must give notice of the decision of the Committee to the applicant and every person who made representations at the Committee meeting.

9(6) The decision of the Committee concerning an excess animal permit is final and may not be appealed.

Variation of conditional excess animal permit

10 The holder of an excess animal permit may seek a variation or the removal of conditions imposed on the permit from the Committee that would have jurisdiction if a new application were being made for an excess animal permit. The procedure that applies to an application for an excess animal permit applies to the application for the variation or removal of conditions imposed on the permit.

Exception to Excess Animal Permit Requirements

11(1) Where it is identified because of the need for an assistance animal the property in question exceeds the limits set for animals under this By-Law. There is no need for an excess animal permit.

11(2) Providing the applicant supplies a diagnosis of a condition along with a prescription for an assistance animal from a diagnosing practitioner the provision of an animal in excess of the required numbers is approved.

11(3) The By-Law Officer is duly authorized to sign off on the excess animals for assistance animals under the following conditions:

- i) The number of animals only exceed by one
- ii) That on the death or removal of a non classed service animal no additional animal can replace.

Responsibility of Owners Regarding Dogs

12(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 City.
- (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 forthwith.
- (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 (other than a dog that is under the age of four months or that is a registered guide dog for the visually impaired) for which a valid license has not been issued.
- (g) own, keep, harbour or have possession or control of any dog determined to be a dangerous animal.
- (h) permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.
- (i) permit his dog on any school ground or playground.
- (j) permit his dog on public property (including parkland area) unless the dog is on a leash (which lease 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.
- (k) permit his dog to upset waste receptacles or otherwise litter.

12(2) An owner of a registered guide dog that is visually impaired or any other person who requires the assistance of a registered guide dog shall not be subject to the restrictions imposed under subsections 12(1)(f), (i) and (j).

Redemption

13(1) 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 four (4) days of the apprehension and impoundment excluding Saturdays, Sundays and any statutory holidays during which the pound is closed to the public, by applying to the poundkeeper for redemption and paying:

- (a) the impoundment fee as set out in the most recent "Fees and Charges By-law";
- (b) in the event that the impounded animal is a dog 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

14(1) An owner of a domestic 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 City unless such person has been issued a permit by the City under section 17 of this By-law, and also holds all other government licenses as may be required, to keep or harbour the animal within the City.

Dogs

14(2) Subject to subsection 14(3) and the provisions of section 12, the owner of a dog shall not permit the dog to be outside of the owner's premises unless:

- (a) the dog has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that dog;
- (b) the dog is on a leash that is less than six (6) feet in length fully extended; and
- (c) the dog is under the immediate charge and effective control of a person competent to control it.

14(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 licensed 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

14(4) Subject to subsection 14(5), 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.

14(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 licensed 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.

Cat Trap

14(6) Any person who wishes to obtain a trap to apprehend a cat running at large from the poundkeeper or the animal control officer, shall;

- (a) provide to the poundkeeper or animal control officer, as applicable, his or her name, address and telephone number;
- (b) agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped cat, as may be imposed by the poundkeeper or animal control officer, as applicable; and
- (c) pay any deposit and/or fee as may be authorized by Council from time to time for use of the trap, as set out in the most recent "Fees and Charges By-law".

14(7) Any person who fails to comply with the terms and conditions set out in this section 14 shall be guilty of an offense under this By-law.

Maximum Number of Dogs or Cats

15(1) (a) No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) dogs over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid excess kennel permit authorizing him to own that number of dogs.

- (b) No person shall own, harbour, keep or have in his possession or control or on his premises, more than two (2) cats over the age of four (4) months, regardless of

the number of people who may be inhabiting the premises, unless such person holds a valid excess animal kennel permit authorizing him to own that number of cats.

- (c) Exception being those in accordance with Section 11 of this By-law, Exception to Excess Animal Permit.

PART V: DANGEROUS ANIMALS

16(1) The City Police and/or a licensed veterinarian shall be empowered, in their absolute discretion singly or together, to discharge any gun, firearm, pellet gun or other compressed air propellant, as the case may be, in the course of their duties of enforcing this or any other section of this by-law.

Animal Bites

16(2) The animal control officer:

- (a) shall apprehend, impound and place in quarantine any dog or cat that he has reason to believe has bitten a person; and
- (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, except that this provision 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.

16(3) 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.

16(4) Any aggressor animal so apprehended and impounded at the pound shall, subject to subsection 12(10) herein, be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "quarantine period").

16(5) 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.

16(6) Subject to a determination by the animal control officer pursuant to subsection 12(9) 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 poundkeeper of a pound fee calculated at the daily rate set out in the most recent "Fees and Charges By-law" 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 poundkeeper.

16(7) 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.

16(8) The head of any aggressor animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 12(9) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.

16(9) Every aggressor animal shall be examined 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;
- (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 vaccination status at the date of the bite incident.

16(10) Notwithstanding the provisions of subsection 16(4) 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>*";
- (c) the owner shall submit the aggressor animal 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 and license fees, and any costs associated with liability to the victim or victims of the bite incident;
- (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

17(1) Where the animal control officer has reason to believe that an animal, including but not limited to an aggressor animal under section 16, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled or special meeting of Council to determine whether or not the said animal should be declared a dangerous animal. In the event that an owner voluntarily accepts the dangerous animal declaration and the recommended disposition of the matter made by the animal control officer, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

17(2) Where it is deemed necessary by the animal control officer to protect the public or other animals pending the decision of Council, the animal control officer may:

- (a) require that the animal be quarantined in the pound until the earlier of the date that the animal control officer determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
- (b) may impose all or any of the conditions set out in subsection 16(10) of this By-law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the animal control officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

17(3) Council shall provide written notice of the hearing to the owner of the animal at least five (5) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. In the case where the animal alleged to be a dangerous animal is a dog, the animal control officer shall be entitled to mail the said notice to the last address provided by the owner to the City in relation to the licensing of the said dog. The notice shall include the following minimum information:

- (a) the time, place and purpose of the hearing;
- (b) a summary of the reasons in support of the allegation that the animal is dangerous;
- (c) a copy of this section 17 of the By-law; and
- (d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

17(4) (a) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the animal control officer and to inspect any documents filed by or on behalf of the animal control officer, and to respond to same.

(b) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this section 17, Council shall be entitled to deal with the matter in his absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in subsection 17(3) hereof.

17(5) Within five (5) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:

- a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion:
 - (i) the animal has caused injury to or killed a person, whether on public or private property; or
 - (ii) the animal has seriously injured or killed any other domestic animal or any livestock without provocation; or
 - (iii) the animal is used primarily for the purpose of guarding property and is not a police service dog owned by a public law enforcement agency.
- (a) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is a material risk that the animal may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:
 - (i) whether the animal has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressor animal;

- (ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and
- (iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.

17(6) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 17(3). There shall be no obligation upon Council to issue written reasons for their decision.

17(7) The decision of Council shall be final. There shall be no appeal from the decision of Council.

17(8) In the event that a dog is declared by Council to be a dangerous animal, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the date of Council's decision to declare the dog to be a dangerous animal.

17(9) Where a license is deemed to have been cancelled pursuant to subsection 17(8) hereof, the owner shall be entitled to a credit or refund on any paid-up license fee, calculated on a quarterly pro rata basis. The City may set-off against any such refund, any fines, fees or costs owing by the owner under this By-law.

17(10) Every owner who has received notification from Council pursuant to subsection 17(3) that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.

17(11) Subsection 17(10) shall not apply if the animal is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

Consequences of dangerous animal declaration

18 (1) Where Council has declared an animal to be a dangerous animal the dangerous animal shall be destroyed. The decision of Council shall be final and not subject to appeal.

Destruction of dangerous animal or aggressor animal

19(1) Where it appears on reasonable grounds that 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.

19(2) When the animal control officer impounds an animal under this section 15 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 City, 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 14 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

PART VI: LIVESTOCK

20(1) The keeping of livestock shall only be permitted in those areas of the City which are zoned agricultural and as permitted by the City'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 City, and it shall be an offense under this By-law to keep any livestock in excess of the prescribed number and kind.

20(2) An owner shall not permit his livestock to run at large within the City. When livestock is found running at large, its owner shall be deemed to have refused or failed to comply with this By-law.

20(3) Council, or the animal control officer on the authority of Council, may establish from time to time a 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 the Council. The Chief Administrative Officer of the City may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.

20(4) When livestock is impounded, the animal control officer shall publish notice of the impoundment in a newspaper that is generally distributed within the City as well as post a notice at the office of the City. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the City where the livestock were found running at large.

20(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.

20(6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the City 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.

20(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 20(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 City.

PART VII: RESTRICTED ANIMALS

Prohibition on restricted animals

21(1) Except as may be permitted by the City's zoning by-law in effect from time to time, no person shall keep, harbour, possess or control any restricted animals within the City without a permit issued by Council.

Application for permission to keep or harbour a restricted animal

21(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 conditional use applications as set out in *The Planning Act* (Manitoba). Provided however, that applications from the owner or operator of a traveling show to keep a restricted animal in the City 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 City 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

21(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 21(2) hereof.

Inventory of restricted animals

21(4) Any owner who has been granted permission by Council to keep one or more restricted animals within the City 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 City, together with the annual permit fee.

21(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 City.

21(6) (a) Any person who keeps, harbours or has possession or control of a restricted animal in the City on or before the time that this By-law comes into force or effect, shall have thirty (30) days from the coming into effect of this By-law to obtain a permit from Council to continue to keep the restricted animal, failing which the owner shall sell or give the restricted animal to a person outside of the City or shall otherwise dispose of the restricted animal in a manner which ensures that the restricted animal is no longer within the City. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations, which may pertain to the sale or disposition of restricted animals, and the City accepts no responsibility for the manner of sale or disposition.

(b) Council may grant such longer period of time to an owner of a restricted animal who falls within subsection 21(6)(a) hereof as may be necessary to allow Council adequate time to consider and decide the owner's application to retain the restricted animal within the City.

Order to dispose of restricted animal

21(7) 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 City without the written permission of Council, the animal control officer shall serve the person with an order in writing 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 subsection 21(6)(a) and 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 21(2), and the order of the animal control officer shall be suspended pending the decision of Council.

21(8) The onus shall be on the person upon which an order pursuant to subsection 21(7) 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.

21(9) 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.

21(10) 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 21(7); 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 City shall refund the excess proceeds to the owner.

PART VIII: ILLTREATED ANIMALS

22(1) Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without necessary food, water, or attention, for more than fifteen consecutive hours, or is being wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subjected to pain or discomfort, or is unduly exposed to cold or overcrowding either in an enclosure, or in transit, the animal control officer may by force, if necessary, open and enter into any place in which the animal is so impounded, yarded, or confined, supply the animal with necessary food, water, and attention, as long as it remains in that place, if he deems it necessary, remove the animal, and recover from the owner of the animal the amount of the expense necessarily incurred by him for food and attention; and the animal control officer is not liable for any entry or removal.

Where action is taken under this section by the City, in addition to the provisions of section 13, the owner of an ill-treated animal shall be guilty of an offence under this by-law.

PART IX: TEASING, ENTICING PROHIBITED

23(1) Any person found guilty of teasing, enticing, baiting or throwing objects at a cat, dog, domestic pet, livestock, or restricted animal confined within its owner's property shall be guilty of an offence under this by-law.

PART X: GENERAL PROVISIONS

Offenses under this By-law

24(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 without a properly issued Excess Animal Kennel Permit contrary to section 15 of this By-law;
- (c) Failure by a permit holder to comply with the conditions imposed upon a validly issued kennel permit;
- (d) 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 7 of this By-law;
- (e) Failure by the owner of a dog to comply with any one or more of the provisions of section 12, subsection 14(2) or subsection 14(3) of this By-law;
- (f) Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person to the animal control officer or poundkeeper;
- (g) Failing to voluntarily surrender a dog or cat to the animal control officer upon a request therefor;
- (h) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);
- (i) Keeping or harbouring any wild animal or other restricted animal within the City without a proper permit contrary to section 21 of this By-law;
- (j) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the City;
- (k) Failing to properly vaccinate a dog or cat against rabies;
- (l) Failing to comply with any conditions imposed upon the use of a cat trap within the City;

- (m) Failing to comply with the requirements of subsection 14(1) of this By-law in relation to any domestic pet;
- (n) Failing to comply with the requirements of any provision of subsections 14(4), (5) or (6) in relation to any cat;
- (o) Failing to comply with any requirements of Part V of this By-law in relation to an aggressor animal or a dangerous animal;
- (p) Defacing or removing a sign required to be posted under subsection 16(10)(b) of this By-law;
- (q) Failing to comply with the requirements of subsection 22(1) of this By-law in relation to any animal;
- (r) Failing to comply with the requirements of subsection 23(1) of this By-law in relation to any cat, dog, domestic pet, livestock, or restricted animal;
- (s) Failing to comply with any of the requirements of Part VI of this By-law in relation to livestock;
- (t) Failing to comply with any of the requirements of Part VII of this By-law in relation to any restricted animals.

Interference With Enforcement

24(2) It shall be an offense under this By-law for a person to interfere or obstruct any attempt by the animal control officer, poundkeeper or the 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 poundkeeper, 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.

24(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

2454) Any resident of the City may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the animal control officer, poundkeeper or the Chief Administrative Officer of the City 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

21(1) The animal control officer or any other person appointed by the City 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 an animal running at large, to ensure compliance with this By-law (including, without limitation, any license or permit issued pursuant to this By-law) or to otherwise enforce the 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.

25(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, to assist the animal control officer to apprehend and impound the said animal.

Complainant Identification

26(1) 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 proceed based on an anonymous complaint or information.

Liability

27(1) No liability shall attach to the animal control officer, the poundkeeper, the Council and/or the City 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 poundkeeper, the Council and/or the City 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

28(1) Without limiting the penalties for specific offenses set out in subsections 28(2) and (3) hereof, any person who contravenes any provision of this By-law is guilty of an offense in accordance with the By-Law Enforcement Act and By-Law and is liable:

- (a) to a fine as set out under Schedule A for first, second and third offences;
- (b) to imprisonment for not more than thirty (30) days, plus all applicable costs and penalties for the fourth offense and for each subsequent offense within twelve (12) months of the first offense;

28(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.

28(3) Any person who interferes with or obstructs the duties of an animal control officer, a poundkeeper 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 as set out under Schedule A, or to imprisonment for a term of not more than sixty (60) days, plus all applicable costs and penalties;

28(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.

28(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.

Repeal other by-laws

29 (1) By-law No. 27-2007, and all other By-laws or portions thereof the City of Morden inconsistent therewith are hereby repealed.

DONE AND PASSED in open Council duly assembled at the Council Chambers of the City of Morden, in Manitoba, this 26th day of June, A.D. 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	29th	day of	May	A.D. 2017.
Read a second time this	26th	day of	June	A.D. 2017.
Read a third time this	26th	day of	June	A.D. 2017.

OFFENCES AND FINES

Fines applicable as first, second and subsequent offence for the following clauses:

5(1) Failure to meet and maintain identified animal conditions	\$150	\$300	\$450
6(1) Unlicensed Dog			\$250
6(3) Dog tag not secured on collar			\$150
6(5) Failure to report change of ownership of a dog			\$150
6(9) Failure to provide when asked proof of rabies vaccination			\$500
15(1)(a) Keeping excess animals on property			\$500
12(1)(a) Animal wandering at large			\$150
12(1)(a) Animal disturbing quiet of any person			\$150
12(1)(c) Failure to clean up animal excrement from private or public property			\$150
12(1)(d) Damage by animal of public or private property not the owners			\$150
12(1)(g) Own, keep, harbour a dog determined to be a dangerous animal			\$500
12(1)(h) Allow to bite attack or worry a person			\$850
12(1)(i) Permit a dog on school or play grounds			\$150
12(1)(j) Not under effective control			\$150
12(1)(j) Leash longer than 6 feet			\$150
14(3) Allowing a cat or dog in heat to be in a public place			\$150
14(5) Cat outside of premise uncontrolled			\$150
14(6)(6) Not complying with the conditions of cat trap use			\$150
20(1) Keeping of livestock in excess of prescribed numbers in city			\$150
20(2) Livestock wandering at large			\$150
21(1) Keeping of restricted animals without a permit			\$250
22(1) Ill-treatment of animals			\$1000
23(1) Teasing, enticing, baiting or throwing objects at an animal			\$800
24(3)(a) Break into a pound			\$250
24(3)(6) Remove or attempt to remove impounded animal			\$300

City of Morden
SCHEDULE B to By-law 9-2017

NOTICE OF IMPOUNDMENT FOR CITY OF MORDEN

Owner:				
	Name			
	Address of owner of animal			
	Phone	Home	Work	

Description of Animal:	
Date of Apprehension:	
Time of Apprehension:	
Location Animal Apprehended:	
Place of Impoundment:	
Hours of Operation of Pound:	
Phone No. of Pound:	822-4333
Daily Pound Fee:	
Impoundment Fee and/or Fine:	
License Fee:	
Method of Payment Required:	
Day the animal will be sold or destroyed:	
Date: Animal Control Officer:	
Signature:	

City of Morden
SCHEDULE C to By-law 9-2017

IDENTIFIED ANIMALS

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Canadian Kennel Club standard

Official Breed Standard for the Staffordshire Bull Terrier

General Appearance: The Staffordshire Bull Terrier is a smooth coated dog. He should be of great strength for his size, and although muscular, should be active and agile.

Temperament: From the past history of the Staffordshire Bull-Terrier, the modern dog draws his character of indomitable courage, high intelligence, and tenacity. This, coupled with his affection for his friends, and children in particular, his off-duty quietness and trustworthy stability, makes him the foremost all-purpose dog.

Size: Weight - dogs, 28-38 lbs. (13-17 kg); bitches, 24-33 1/2 lbs. (11-15 kg). Height - (at shoulder), 14-16 in. (35-41 cm), these heights being related to the weights.

Coat and Colour: Coat smooth, short and close to the skin. Colour red, fawn, white, black or blue, or any of these colours with white. Any shade of brindle, or any shade of brindle with white. Black and tan or liver colour not to be encouraged.

Head: Short, deep through, broad skull, very pronounced cheek muscles, distinct stop, short foreface, black nose. The mouth should be level, i.e., the incisors of the bottom jaw should fit closely inside the incisors of the top jaw, and the lips should be tight and clean. Eyes: dark preferable but may bear some relation to coat colour. Round of medium size, and set to look straight ahead. Ears rose or half pricked and not large.

Neck: Muscular, rather short, clean in outline and gradually widening towards the shoulders.

Forequarters: Legs straight and well boned, set rather wide apart, without looseness at the shoulders, and showing no weakness at the pasterns, from which point the feet turn out a little.

Body: The body should be close-coupled, with a level topline, wide front, deep brisket, well-sprung ribs and rather tight in the loins.

Hindquarters: Should be well muscled, hocks let down with stifles well bent. Legs should be parallel when viewed from behind. The feet should be well padded, strong and of medium size.

Tail: Should be of medium length, low set, tapering to a point and carried rather low. It should not curl much and may be likened to an old-fashioned pump handle.

American Kennel Club standard

Official Standard for the Staffordshire Bull-Terrier

Characteristics: From the past history of the Staffordshire Bull-Terrier, the modern dog draws in character of indomitable courage, high intelligence, and tenacity. This, coupled with its

affection for its friends, and children in particular, in off-duty quietness and trustworthy stability, makes it a foremost all-purpose dog.

General Appearance: The Staffordshire Bull Terrier is a smooth coated dog, it should be of great strength for its size and, although muscular, should be active and agile.

Head and Skull: Short, deep through, broad skull, very pronounced cheek muscles, distinct stop, short foreface, black nose. Pink (Dudley) nose to be considered a serious fault.

Eyes: Dark preferable, but may bear some relation to coat colour. Round, of medium size, and set to look straight ahead. Light eyes or pink eye rims to be considered a fault, except that where the coat surrounding the eye is white the eye rim may be pink.

Ears: Rose or half-pricked and not large. Full drop or full prick to be considered a serious fault.

Mouth: A bite in which the lower side of the lower incisors touches the inner side of the upper incisors. The lips should be tight and clean. The badly undershot or overshot bite is a serious fault.

Neck: Muscular, rather short, clean in outline and gradually widening toward the shoulders.

Forequarters: Legs straight and well boned, set rather far apart, without looseness at the shoulders and showing no weakness at the pasterns, from which point the feet turn out a little.

Body: The body is close coupled, with a level topline, wide front, deep brisket and well sprung ribs being rather light in the loins.

Hindquarters: The hindquarters should be well muscled, hocks let down with stifles well bent. Legs should be parallel when viewed from behind.

Feet: The feet should be well padded, strong and of medium size. Dewclaws, if any, on the hind legs are generally removed. Dewclaws on the forelegs may be removed.

Tail: The tail is undocked, of medium length, low set, tapering to a point and carried rather low. It should not curl much and may be likened to an old-fashioned pump handle. A tail that is too long or badly curled is a fault.

Coat: Smooth, short and close to the skin, not to be trimmed or dewhiskered.

Colour: Red, fawn, white, black or blue, or any of these colours with white. Any shade of brindle or any shade of brindle with white. Black-and-tan or liver colour to be disqualified.

Size: Weight: Dogs 28 to 38 pounds; bitches 24 to 24 pounds. Height at shoulder 14 to 16 inches, these heights being related to weights. Non-conformity with these limits is a fault.

Canadian Kennel Club standard

Official Breed Standard for the American Staffordshire Terrier

General Appearance: The Staffordshire Terrier should give the impression of great strength for his size, a well put-together dog, muscular, but agile and graceful, keenly alive to his surroundings. He should be stocky, not long-legged or racy in outline. His courage is proverbial.

Size: Height and weight should be in proportion. A height of about 18-19 in. (46-48 cm) at shoulders for the male and 17-18 in. (43-46 cm) for the female is to be considered preferable.

Coat and Colour: Coat short, close, stiff to the touch, and glossy. Any colour, solid, parti, or patched is permissible, but all white, more than 80 per cent white, black and tan, and liver not to be encouraged.

Head: Medium length, deep through, broad skull, very pronounced cheek muscles, distinct stop; muzzle medium length, rounded on upper side to fall away abruptly below eyes. Jaws well defined. Underjaw to be strong and have biting power. Lips close and even, no looseness.

Nose definitely black. Upper teeth to meet lightly outside lower teeth in front. Eyes dark and round, low down in skull and set far apart. No pink eyelids. Ears set high; cropped or uncropped, the latter preferred. Uncropped ears should be short and held half rose or prick.

Neck: Heavy, slightly arched, tapering front shoulders to back of skull. No looseness of skin. Medium length.

Forequarters: Shoulders strong and muscular with blades wide and sloping. Forelegs set rather wide apart to permit chest development. The front legs should be straight, large or round bones, pastern upright. No resemblance of bend in front.

Body: Back fairly short. Slight sloping from withers to rump with gentle short slope at rump to base of tail. Well-sprung ribs, deep in rear. All ribs close together. Chest deep and broad. Loins slightly tucked.

Hindquarters: Well muscled, let down at hocks, turning neither in nor out. Feet of moderate size, well arched and compact.

Tail: Short in comparison to size, low set, tapering to a fine point, not curled or held over back. Not docked.

Gait: Must be springy but without roll or pace.

American Kennel Club standard

Official Standard for the American Staffordshire Terrier

General Appearance: The American Staffordshire Terrier should give the impression of great strength for his size, a well put-together dog, muscular, but agile and graceful, keenly alive to his surroundings. He should be stocky, not long-legged or racy in outline. His courage is proverbial.

Head: Medium length, deep through, broad skull, very pronounced cheek muscles, distinct stop; and ears are set high. Ears: Cropped or uncropped, the later preferred. Uncropped ears should be short and held half rose or prick. Full drop to be penalized. Eyes: Dark and round, low down in skull and set far apart. No pink eyelids. Muzzle medium length, rounded on upper side to fall away abruptly below eyes. Jaws well defined. Underjaw to be strong and have biting power. Lips close and even, no looseness. Upper teeth to meet tightly outside lower teeth in front. Nose definitely black.

Neck: Heavy, slightly arched, tapering from shoulders to back of skull. No looseness of skin. Medium length.

Shoulders: Strong and muscular with blades wide and sloping.

Back: Fairly short. Slight sloping from withers to rump with gentle short slope at rump to base of tail. Loins slightly tucked.

Body: Well sprung ribs, deep in rear. All ribs close together. Forelegs set rather wide apart to permit for chest development. Chest deep and broad.

Tail: Short in comparison to size, low set, tapering to a fine point, not curled or held over back. Not docked.

Legs: The front legs should be straight, large or round bones, pastern upright. No resemblance of bend in front. Hindquarters well muscled, led down at hocks, turning neither in nor out. Feet of moderate size, well arched and compact. Gait must be springy, but without roll or pace.

Coat: Short, close, stiff to the touch, and glossy.

Colour: Any colour, solid, parti, or patched is permissible, but all white, more than 80 percent white, black and tan, and liver not be encouraged.

Size: Height and weight should be in proportion. A height of about 18 to 19 inches at shoulders for the male and 17 to 18 inches for the female is to be considered preferable.

United Kennel Club standard

Official U.K.C. American Pit Bull Terrier Standard

Head: Medium length. Bricklike in shape. Skull flat and widest at the ears, with prominent cheeks free from wrinkles.

Muzzle: Square, wide and deep. Well pronounced jaws, displaying strength. Upper teeth should meet tightly over lower teeth, outside in front.

Ears: Cropped or uncropped (not important). Should set high on head, and be free from wrinkles.

Eyes: Round. Should set far apart, low down on skull. Any colour acceptable.

Nose: Wide open nostrils. Any colour acceptable.

Neck: Muscular. Slightly arched. Tapering from shoulder to head. Free from looseness of skin.

Shoulders: Strong and muscular, with wide sloping shoulder blades.

Back: Short and strong. Slightly sloping from withers to rump. Slightly arched at loins, which should be slightly tucked.

Chest: Deep, but not too broad, with wide sprung ribs.

Ribs: Close. Well sprung, with deep back ribs.

Tail: Short in comparison to size. Set low and tapering to a fine point. Not carried over back. Bobbed tail not acceptable.

Legs: Large, round boned, with straight, upright pasterns, reasonably strong. Feet to be of medium size. Gait should be light and springy. No rolling or pacing.

Thigh: Long with muscles developed. Hocks down and straight.

Coat: Glossy. Short and stiff to the touch.

Colour: Any colour or marking permissible.

Weight: Not important. Females preferred from thirty to fifty pounds. Males from thirty-five to sixty pounds.