

MUNICIPALITY OF RHINELAND

BY-LAW NO. 2019-14

BEING a By-Law of the Municipality of Rhineland to regulate animals.

WHEREAS:

- A. Section 232(1) the Municipal Act (“Act”) provides that 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.
- B. Section 232(2) of the Act provides that a council may in a by-law passed under this division to:
- (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;
- C. Section 236(1) of the Act provides that, without limiting the generality of 232(1)(o)(enforcement of by-laws), a by-law passed under that clause may include provisions:
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
 - (b) remedying contraventions of by-laws including
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention.
- D. Council is of the opinion that it is in the public interest that animals should be regulated and controlled to protect the safety of people and property.

NOW THEREFORE the Council of the Municipality of Rhineland enacts as a by-law the following:

Interpretation

1. This By-Law may be referred to as the Animal Control By-law.

Definitions

2. In this By-law:
 - a. “**animal**” means a cat or dog or other animals regulated under this By-Law.
 - b. “**animal control officer**” means the person(s) appointed by the Municipality for the purpose of enforcing any provision of this By-Law as well as any person acting as an assistant to, or under the direction of, the Animal Control Officer;
 - c. “**business day**” means any day of the week except Saturday, Sunday or Statutory holiday;
 - d. “**owner**” includes any person who owns, keeps, harbours or has possession or control of 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;

- e. “**pound**” means a place designated by the Municipality for the purpose of dealing with animals impounded under this By-law.
- f. “**run at large**” or “**running at large**” means not:
 - i. in direct and continuous charge of a person competent to control it; or
 - ii. securely confined within an enclosure; or
 - iii. securely fastened so that it is unable to roam at will beyond the property in which it is kept.

Prohibitions

- 3. No person shall:
 - a. permit an animal to run at large,
 - b. permit an animal to bark, howl or make a noise that could disturb the peace and enjoyment of people in the surrounding area,
 - c. permit an animal to bite, injure or attack a person or animal,
 - d. permit an animal to defecate on property other than on the owner’s property without immediately removing the excrement,
 - e. permit an animal to get into a garbage container or spread garbage on the ground on property other than on the owner’s property without immediately cleaning up the garbage,
 - f. permit an animal in heat to be on property other than on the owner’s property or in an authorized kennel,
 - g. permit or keep more than 2 dogs and 2 cats on a property in the local urban district of Rosenfeld, as defined in the Act, Regulation No. 174/99, and the local urban districts of Gretna and Plum Coulee, as defined in the Municipal Amalgamations Act, Regulation No. 135/2014,
 - h. permit or keep more than 4 dogs and 4 cats on lands in the Municipality located outside the local urban district of Rosenfeld, as defined in the Act, Regulation No. 174/99, and the local urban districts of Gretna and Plum Coulee, as defined in the Municipal Amalgamations Act, Regulation No. 135/2014,
 - i. permit an animal, other than a service animal, at the Plum Coulee Sunset Beach,
 - j. permit a pit bull in the Municipality,
 - k. permit horses, cattle, hogs, goats, sheep, bees, pigeons, poultry including chickens, turkeys, ducks and geese, or fowl including guinea fowl, pigeons on lands in the Municipality located inside the local urban district of Rosenfeld, as defined in the Act, Regulation No. 174/99, and the local urban districts of Gretna and Plum Coulee, as defined in the Municipal Amalgamations Act, Regulation No. 135/2014.
- 4. The persons responsible under this By-law include:
 - a. the owner of the animal,
 - b. a person who has care or control of the animal,
 - c. an owner of property or a person who is renting or leasing property on which the animal is kept or found.
- 5. Sub-section 3(g)(h) does not apply to:
 - a. a person who is operating a kennel or breeding operation on a property under licence from the Province of Manitoba and who is in compliance with the Municipality’s Zoning By-law,
 - b. animals under 4 months of age.

Animal Licence

6. If an animal over the age of four months is in the Municipality, its owner shall ensure the animal has a valid licence issued under this section. This obligation does not apply to an owner who can provide proof that they own the animal and are not a resident of the Municipality.
7. For the Municipality to issue a licence, the owner shall:
 - a. pay the licence fee and any other applicable fees;
 - b. provide, in a form acceptable to the Animal Control Officer, any information reasonably required to administer and enforce this By-law; and
 - c. demonstrate to the satisfaction of the Animal Control Officer that the animal is not otherwise prohibited under this By-law from being in the Municipality.
8. A licence is not valid after its expiry date. An owner shall renew the licence before its expiry date.
9. A licence cannot be transferred to another animal.
10. The owner of an animal shall ensure their animal wears a valid licence tag when not on the owner's property.

Vaccinations

11. The owner of an animal shall have their animal vaccinated for rabies. Such vaccinations shall be no more than two years old. The owner shall maintain a certificate of vaccination for rabies showing that the animal has been vaccinated within the last two years.

Animal Control Officer

12. The position of Animal Control Officer is established. The Animal Control Officer shall be the person appointed by the Municipality as its Animal Control Officer and or By-law Enforcement Officer.
13. The Animal Control Officer may take steps to administer and enforce this By-law or to remedy a contravention of this By-law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Act, a by-law enforcement officer under the Municipal By-law Enforcement Act, or of an enforcement officer under the Provincial Offences Act.
14. The Animal Control Officer may enter property and buildings to carry out the administration and enforcement of this By-law including for determining what actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures have been taken, to prevent the contravention of this By-law, to remedy a contravention of this By-law and to prevent a re-occurrence of a contravention.
15. The Animal Control Officer may commence a prosecution under the Act, the Municipal By-law Enforcement Act, for the purpose of enforcing a contravention of this By-law through an offence.
16. The Animal Control Officer is to establish and maintain the pound in a manner in keeping with *The Animal Care Act (MB)*, 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, (MB)* while an animal is in the custody of the pound keeper.

Seizure, Impoundment and Redemption

17. The Animal Control Officer may seize and impound an animal in enforcing this By-law. If the Animal Control Officer has seized and impounded an animal, the Animal Control Officer shall take the animal to the pound. The Animal Control Officer shall, if the owner of the animal is known to the Animal Control Officer, notify the owner that the animal has been seized and impounded, that the animal may be redeemed from impoundment on the owner meeting certain terms including paying the impoundment fees set out in Schedule A and the Municipality's costs of enforcement, and if the animal is not redeemed within five (5) business days of being impounded, the animal may be sold or destroyed. The Animal Control Officer shall, if the owner of the animal is unknown to the Animal Control Officer, post a notice with this same information in the municipal office and on the municipal website.
18. An owner of an animal may redeem an animal from impoundment by applying to the Animal Control Officer. Upon payment of the fees set out and the Municipality's costs of enforcement, and showing the proof of vaccination required under section 11, the Animal Control Officer shall instruct the pound to release the animal.
19. If in the Animal Control Officer's opinion an animal that has been seized and impounded remains a serious risk to the safety of people or animals as a result of the animal's actions, the Animal Control Officer may impose conditions on the release of the animal to reasonably address the risk. The Animal Control Officer shall provide the owner of an animal with the conditions, in writing at the time the owner redeems the animal ("conditions of redemption"). The owner shall acknowledge, in writing, the conditions of redemption at the time the animal is released from the pound.
20. No person described in section 4 may permit an animal to be in violation of the conditions of redemption. If the conditions of redemption are violated, the Animal Control Officer may seize and impound the animal. The animal is not subject to redemption under section 17. The Animal Control Officer shall, if the owner of the animal is known to the Animal Control Officer, notify the owner of the animal's seizure and impoundment, and that the animal is subject to destruction within five (5) business days of being impounded. The owner may request that Council review the issue of the destruction of the animal, but if no request for a review is made within five (5) business days of the impoundment, the animal shall be destroyed. If the owner of the animal is unknown to the Animal Control Officer, the Animal Control Officer shall post a notice with this same information in the municipal office and on the municipal website.
21. If in the Animal Control Officer's opinion an animal that has been seized and impounded is of such serious risk to the safety of people or animals as a result of the animal's actions that conditions of redemption will not address the risk, the Animal Control Officer may destroy the animal. The Animal Control Officer shall, if the owner of the animal is known to the Animal Control Officer, notify the owner of the animal's seizure and destruction. If the owner of the animal is unknown to the Animal Control Officer, the Animal Control Officer shall post a notice with this same information in the municipal office and on the municipal website.
22. The owner is responsible for the fees set out and the Municipality's costs of enforcement.

Assistance and non-interference with enforcement

23. No person may interfere with, obstruct or attempt to interfere with or obstruct the Animal Control Officer in carrying out the administration and enforcement of this By-law. The owner of property or a person renting or leasing property shall assist the Animal Control Officer in seizing an animal found on their property. A person described in section 4 in respect of an animal shall supply such information that the Animal Control Officer requests in connection with the administration and enforcement of this By-law.


Offence

24. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.
25. That the amount of the administrative penalties set out in Schedule "A" to the Municipal By-law Enforcement By-law No. 2019-15 or may be amended from time to time.

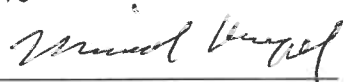
Transitional

26. This By-law repeals By-law No. 2017-09, except in respect of an offence committed before this By-law comes into force. By-law No. 2017-09 remains in effect to the extent required for the prosecution of any such offence.

DONE AND PASSED, in the Municipality of Rhineland, Manitoba this 25th day of September, 2019.



Reeve



Chief Administrative Officer

READ A FIRST TIME this 11th day of September, 2019 A.D.

READ A SECOND TIME this 25th day of September, 2019 A.D.

READ A THIRD TIME this 25th day of September, 2019 A.D.

SCHEDULE "A"

Animal Control Fee	Actual animal control fees incurred
Animal Impoundment Flat Fee	As per By-Law 2019-15 (or its amendments)
Dog License Fee	\$0.00

Unless Waived by the CAO, all fees must be collected prior to the Animal being redeemed from the Pound by the Owner.

Where the Owner wishes to pick up their Animal during hours when the Municipal office is closed, the Owner must pay the Pound-keeper the appropriate fees, after which the animal may be released. Funds paid to the Pound will be forwarded to the Municipality.