

## MUNICIPALITY OF RHINELAND

### BY-LAW NO. 2022-05

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 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 or working day”** means any day of the week except Saturday, Sunday or Statutory holiday.
  - d. **“dangerous dog”** means a dog that has been declared to be dangerous pursuant to sections 26-45 of this By-law.

- e. **"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.
- f. **"pound"** means a place designated by the Municipality for the purpose of dealing with animals impounded under this By-law.
- g. **"pound keeper"** 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.
- h. **"run at large"** or **"running at large"** means:
  - i. not in direct and continuous charge of a person competent to control it; or
  - ii. not securely confined within an enclosure; or
  - iii. not 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; or
  - 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 Designated 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 and/or Designated Officer as appointed by Resolution.
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, By-law Enforcement Officer or Peace Officer, may commence a prosecution under the Municipal Act or 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.
17. The Animal Control Officer may, in enforcing this By-Law, seize a dog and impound it at the Pound, and may in so doing use tranquilizer guns, drugs or such other means as may be necessary to seize and impound the dog.
18. A Designated Officer must keep a record of every dog impounded, which shall include the following: (Attached Schedule "B")
  - a) A description of the animal including its approximate weight, height and colour and its order and breed;
  - b) The day and hour of the animal's impoundment;
  - c) The day and hour of the animal's redemption, sale, disposition or destruction, together with the details of the redemption, sale, disposition or destruction;
  - d) The name and address of the Owner, the person to whom the dog was sold or released, and the license number on the dog's tag if applicable;
  - e) The amount and particulars of all fees, fines and other charges invoiced to and received from the owner or Payor (if different from the owner); and
  - f) Such other particulars to the Designated Officer as directed from time to time in writing or electronic format.
19. Despite any right to redeem an impounded animal, the Animal Control Officer may cause the dog to be destroyed if the animal is so injured or sick that it would be cruel to allow it to live.

#### **Dog Kennels**

20. As per Subsection 3(g)(h)
21. No dog kennel license shall be issued except with the approval of Council of the Municipality by resolution;  
  
Any person who intends to establish a dog kennel shall apply for a conditional use application to the Designated Officer by providing the location of the kennel and the number of dogs to be kept.
22. All Kennel applications shall be subjected to an inspection by the Animal Control Officer prior to the application being processed at their cost.

#### **Pound**

23. Council of the Municipality may establish and maintain a Pound or Pounds for the impoundment and care of animals apprehended in administering and enforcing this By-Law and Council may enter into an agreement(s) for this purpose.

#### **Dog That Bites a Person to be Kept Under Observation**

24. The Animal Control Officer may seize and impound any dog that bites a person, or animal or require that the dog be forthwith delivered to the Pound or to such other place as the Animal Control Officer directs. A dog so seized and impounded, or delivered or taken to the Pound or other place shall be kept there at the expense of the Owner for a period of Ten (10) days from the date of the bite.
25. Any dog thought to be rabid shall be impounded for fourteen (14) days or until it dies. The head of any such dog that dies shall be submitted to the Canadian Food Inspection Agency for rabies examination.

**Dangerous Dogs**

26. If, in the opinion or in the observations of the Animal Control Officer or Designated Officer, it is believed that a dog presents a continuing threat to public safety or other animals, whether or not the dog has been apprehended, the Animal Control Officer or Designated Officer shall determine whether or not the dog should be declared dangerous.
27. The Designated Officer shall, if the Owner is known notify the owner at the Owner's last known address. The notice shall include:
  - a. Statement of the time, place and reason for impoundment;
  - b. A copy of the Dangerous Dogs sections of this By-Law; and
  - c. A statement that if the Owner does not agree with the determination, they may request a review
  - d. If the Owner's is absent or does not respond within five (5) days, that the Owner will not be entitled to any further notice in the proceeding.

Such notice is met if the Designated Officer leaves the notice with a Responsible Person.

28. If the owner is unknown or cannot be located, the Designated Officer shall make a reasonable attempt to notify the Owner by posting a notice in the office of the Municipality and on the Municipal Website describing the dog and date of the impoundment.
29. The owner may contact the Designated Officer to make representations on their own behalf and request to appeal any conditions if the dog is to be returned to the owner.
30. If the owner does not contact the Designated Officer, having been give notice as provided in sections 27 and 28, the matter may be dealt with in the owner's absence and the Owner shall not be entitled to any further notice in the proceeding.
31. The Designated Officer may declare the dog to be dangerous if in their opinion or under their observation;
  - a. The dog has caused injury to a person, whether on public or private property; or
  - b. The dog has seriously injured or killed another animal; or
  - c. The dog is kept, harboured or used primarily for the purpose of guarding property and is not a police service dog owned by a government law enforcement agency; or
  - d. There is a material risk that the dog may cause injury to people or animals.
32. In determining whether to declare a dog to be dangerous and, if so, the disposition of the matter, the Designated Officer may take the following factors into account, as well as any other matters considered relevant;
  - a. Whether the dog has worried, bitten, wounded or injured a person or animal, or is otherwise an aggressive animal;
  - b. The circumstances surrounding any previous biting or wounding incidents;
  - c. Whether the dog has a tendency to pursue, chase or approach in a menacing fashion, a person on public or private property;
  - d. Whether site conditions contribute to the animal's demeanor.
33. The Designated Officer must make the determination within two (2) working days after the determination notice is given and the five (5) day notice for appeal.
34. If the Designated Officer declares a dog to be dangerous, they shall concurrently decide whether the dog should be destroyed or released to the owner upon any or all of the conditions set out in section 38-40.

35. The Designated Officer shall, if the owner of the dog is known, notify the owner of their determination by serving the notice upon the owner or by mailing the notice by registered mail to the owner's last known address. If the owner of the dog is not known, the Designated Officer shall post a notice of the determination in the Office of the Municipality and the Municipal Website.
36. The decision of the Designated Officer may be appealed to Council.
37. If the Designated Officer has determined that the dog should be destroyed, it may be destroyed within three (3) working days of the date of the determination, and the Animal Control Officer may apprehend and impound the dog for this purpose.
38. The Municipality may require every Owner of a dog that has been declared dangerous to:
  - a. Obtain a license for a dangerous dog and pay the fee set out in the By-Law Enforcement By-Law;
  - b. Cause the dog to be tattooed upon the ear with clearly identifiable information and provide a copy of such tattooing to the Municipality;
  - c. Ensure that the dog is kept, while on private property, either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
    - a. Is capable of preventing the entry of young children and preventing the dog from escaping;
    - b. Has minimum dimensions suitable for the size of the dog as prescribed by the Animal Control Officer;
    - c. Has secure sides; and
    - d. Provides protection from the elements for the dog;
    - e. Undergo a site inspection and follow any recommendations made by the Animal Control Officer.
    - f. Agree to a follow up site inspection to ensure they are compliant.
  - d. Permit the dog upon public property only if muzzled, restrained on a leash and under the direct and continuous charge and effective control of a Responsible Person;
39. Display in a conspicuous location at each entrance to the property or building in or upon which the dog is kept a sign stating; "Beware of Dangerous Dog". The sign shall be posted in such a manner that it cannot be removed easily by passers-by and is visible and capable of being read from the sidewalk or street or land outside of the premises.
40. Within three (3) days of selling or giving away the dangerous dog, provide the name, address, and telephone number of the new owner to the Municipality;
  - a. Advise the Municipality forthwith if the dog is missing, running at large or has bitten, worried or attacked any person or animal;
41. No person shall deface or remove a sign posted pursuant to subsection 39.
42. The Animal Control Officer may seize and impound the dog for the purpose of destroying it when the Animal Control Office is of the opinion that:
  - a. An owner has breached a condition upon which a dog was released upon having been declared dangerous; or
  - b. A dog that has been declared dangerous and/or has caused further serious injury or damage, or there are reasonable grounds to believe the dog presents an on-going danger to the public or any other animal.
43. If the Animal Control Officer impounds the dog for the purpose of destroying it, the Animal Control Officer shall notify the owner at the Owner's last known address that the dog will be destroyed within three (3) working days of the date of the notice. If the Owner of the dog is not known, the Animal Control Officer shall post notice of the impoundment and purpose in the Municipal Office.

44. The owner may, during the three (3) daytime period, request that Council reconsider the Officer's decision to destroy the dog. Council shall reconsider the decision within ten (10) days of the receipt of the request from the Owner and may confirm, vary or cancel the decision, such notice to be provided as set out in section 27 and 28. All costs during this time will be at the owner's expense.
45. All decisions of Council are final.

**Seizure, Impoundment and Redemption**

46. 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. The animal may be redeemed from impoundment provided the owner meets certain terms including paying the impoundment fees set out in Schedule A and the Municipality's costs of enforcement. If animal is not redeemed within five (5) working days of being impounded, the animal may be sold or destroyed or otherwise disposed of. The Animal Control Officer shall, if the owner of the animal is unknown to the Animal Control Officer or Designated Officer, post a notice with this same information in the Municipal Office and on the Municipal Website.
47. The owner of an animal may redeem an animal from impoundment by applying to the Designated 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 Designated Officer shall instruct the pound to release the animal.
48. 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.
49. 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 46. 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 three (3) working 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 tree (3) working days of the impoundment, the animal shall be destroyed. If the owner of the animal is unknown, the Designated Officer shall post a notice with this same information in the Municipal office and on the Municipal Website.
50. 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 the Designated Officer shall post a notice with this same information in the Municipal office and on the Municipal Website.
51. The owner is responsible for all fees set out and the Municipality's costs of enforcement.

**Assistance and Non-interference with Enforcement**

52. 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.

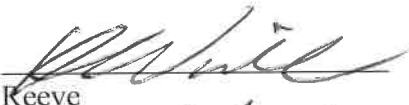
**Offence**

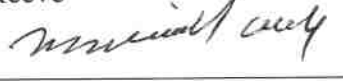
53. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.
54. That the amount of the administrative penalties set out in Schedule "A" to the Municipal By-law Enforcement By-law No. 2020-10 or may be amended from time to time.

**Transitional**

55. This By-law repeals By-law No. 2019-14, except in respect of an offence committed before this By-law comes into force. By-law No. 2019-14 remains in effect to the extent required for the prosecution of any such offence.

**DONE AND PASSED**, in the Municipality of Rhineland, Manitoba this 25<sup>th</sup> day of May, 2022.

  
Reeve

  
Chief Administrative Officer

READ A FIRST TIME this 11<sup>th</sup> day of May, 2022 A.D.

READ A SECOND TIME this 25<sup>th</sup> day of May, 2022 A.D.

READ A THIRD TIME this 25<sup>th</sup> day of May, 2022 A.D.



**SCHEDULE "A"**

Animal Control Fines	As per By-Law Enforcement By-Law 2020-10 (or it's amendments) including Animal Control Officer charges, Impound fee charges, By-Law Enforcement Officer charges and mileage charges.
Animal Impoundment Fee	Actual Impoundment Costs
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 Municipality all fines and fees prior to the Pound-keeper releasing the animal. Impound fees must be paid prior to picking up the animal. The Pound-keeper will not release the animal until all penalties and fees are paid in full unless authorized by the Designated Officer.

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SCHEDULE "B"

IMPOUNDMENT NOTICE FORM

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address: \_\_\_\_\_

Description of Animal: \_\_\_\_\_

Tag No. \_\_\_\_\_

Date of Apprehension: \_\_\_\_\_ Time: \_\_\_\_\_

Location Animal Apprehended: \_\_\_\_\_

Place of Impoundment: \_\_\_\_\_

Daily Pound Fee: \_\_\_\_\_

Impoundment Fee and/or Fine: \_\_\_\_\_

License Fee: \_\_\_\_\_