

**MUNICIPALITY OF LOUISE**  
**BY-LAW # 2017-09**

BEING a By-law of the Municipality of Louise for the regulation and control of domestic dogs and cats within the LUD of Clearwater, LUD of Crystal City and LUD of Pilot Mound.

WHEREAS Sections 232(1)(a), 232 (1)(k), 232 (1)(o), 232 (2)(i), 232 (2)(iv), 232 (2)(v) and 236 (1) of the Municipal Act cM225 provides that a municipality may pass a By-law for such purposes:

AND WHEREAS it is deemed expedient and in the best interest of the Municipality to impose a license fee upon the owners, possessors, keepers or harbourers of dogs and cats and to control the running at large of dogs within the LUD of Clearwater, LUD of Crystal City and LUD of Pilot Mound.

NOW THEREFORE the Council of the Municipality of Louise in the Province of Manitoba, in open session enacts as follows:

1. Definitions

In this By-law, unless the context otherwise requires;

- (a) 'Council' means the Council of the Municipality of Louise
- (b) 'dog' means a male or female dog that is over sixteen (16) weeks or age
- (c) 'cat' means a male or female cat that is over sixteen (16) weeks of age
- (d) 'Animal Control Officer' means a person duly appointed by Council to hold that office or perform the duties of the dog catcher
- (e) 'Municipality' means the Municipality of Louise
- (f) 'owner' means any person who owns, possesses or has control, care or custody over an animal
- (g) 'person' includes the plural as well as the singular, a corporation, partnership or association or any organized body
- (h) 'pound' means any enclosure, premises or place designated by the Municipality of Louise for the purpose of impounding and caring for all animals found running at large or in violation of this By-law
- (i) 'Poundkeeper' means the dog Poundkeeper and the Assistant dog Poundkeeper appointed by the Council
- (j) 'running at large' means an animal that is not on the property of the owner, not on a leash less than eight (8) feet and/or under the control of a person responsible for said animal.
- (k) 'vicious dog' means without restricting the generality of the terms, 'vicious' and 'nuisance', a dog shall be held to be vicious if it has bitten or attempted to bite any person or domestic animal.

2. Owner's responsibility

- (a) No person, resident in the LUD of Clearwater, LUD of Crystal City or LUD of Pilot Mound, shall own, keep, possess or harbor more than two (2) dogs or two (2) cats over the age of sixteen (16) weeks, within or about one residential unit within the LUD of Clearwater, LUD of Crystal City or LUD of Pilot Mound. Dogs must have a valid dog license issued by the Municipality of Louise.
- (b) The owner of a dog shall not permit the dog to be outside their property unless
  - i) The dog has a collar which is securely fastened and a current license tag attached thereto;
  - ii) The dog is on a leash that is less than six (6) feet in length, fully extended;
  - iii) The dog is under the immediate charge and control of a person competent to control it
  - iv) It is the responsibility of the owner to remove and dispose of any fecal deposits outside their property
- (c) Any person who permits their dog to disturb the quiet of others anywhere, in the course of a dog by howling or barking, shall be guilty of an offence and liable to prosecution for breach of this By-law.
- (d) Any owner of any dog found chasing or barking at any pedestrian, vehicle, horse or other animal on a public thoroughfare shall be guilty of an offence and liable for prosecution for breach of this By-law.

- (e) If any dog is ascertained by the Animal Control Officer to be guilty of biting or threatening to attack any person, the Animal Control Officer shall impound the animal and issue a warning and fine the owner. On a third offence, the animal may be destroyed at the direction of the Animal Control Officer by a Doctor of Veterinary Medicine.
  - (f) No person shall allow a dog, with the propensity of being a vicious dog, whether on a leash or not, to be in a public place without it being properly muzzled.
  - (g) Any commercial guard dog or vicious dog must be securely confined within an enclosure of private land in a manner that allows persons who have lawful entry onto the premises of the dog owner to have entry without fear of attack by the dog. Such areas are to be sufficiently posted with Danger signs, clearly stating 'Beware of Dog' or wording similar.
  - (h) If any dog becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog is guilty of biting or threatening to attack persons, the Animal Control Officer shall be empowered to impound the animal at the expense of the owner until such time as the owner can satisfy the Animal Control Officer that the animal will no longer create a public nuisance or cause a threat to persons and the appropriate fees and penalties are paid.
  - (i) If any dog is unduly exposed to cold or heat either in an enclosure or in transit, the Animal Control Officer may call upon authorities, if required, to remove the animal from the enclosure or vehicle in which the animal is so impounded, yarded or confined. The Animal Control Officer can impound the animal, issue a warning and fine the owner. The Animal Control Officer is not liable for any entry or any removal.
3. Special restrictions  
A female dog in heat shall be confined and housed in the residence of the owner or persons having control of the dog for the period of time that she is in heat, or taken to a Licensed Kennel for the whole period of time in heat.
4. Vaccinations
- (a) Every dog over the age of 3 months shall be vaccinated against rabies and distemper and all vaccinations shall be kept up-to-date. Proof of vaccination must be produced when application for a license is made. Vaccination tags shall be affixed at all times to a collar worn on the neck of the dog.
  - (b) All dogs 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.
5. Licenses
- (a) The owner of every dog shall obtain and renew annually, a license to keep the dog. The license shall require the payment of the annual fee as set out in Schedule A hereto attached.
  - (b) No license shall be required on any cat. However, the owner of any cat must identify the cat in such a manner that it can be recognized as a domestic pet either through tags, ear tattoo or microchip. Any cat with no identification shall be deemed a stray.
  - (c) The license shall commence on the first day of January in every year and shall terminate on 31 December. The license fee for any dog being registered between 1 July and 31 December in any year shall be 50% of the fee set out in Schedule A.
  - (d) The owner of every dog must place on the dog, a collar and affix thereto the License Tag issued.
  - (e) The Municipality shall keep a record of all dogs licensed, showing the date and number of registration and license, the name and description of the dog and the name and address of the owner.
  - (f) No fee shall be charged for any Seeing Eye dog or dog required for assistance to a disabled person.
6. Appointment and duties of Animal Control Officer
- (a) The Council may at any time, by resolution, appoint an Animal Control Officer, Pound keeper and Assistant Poundkeeper. If an Assistant Poundkeeper is appointed, he shall have and exercise all powers and authority of the Poundkeeper.
  - (b) The Council may at any time, by resolution, remove the Animal Control Officer, Poundkeeper or Assistant Poundkeeper from office and should a vacancy occur in any

of those offices for any cause at any time, the vacancy may be filled by Council appointing a new Animal Control Officer, Poundkeeper or Assistant Poundkeeper, as the case may be.

- (c) The Council may, by resolution, provide for payment or remuneration to the Animal Control Officer, Poundkeeper or Assistant Poundkeeper.
- (d) The Animal Control Officer is hereby authorized to capture and impound any animal found running at large and to use a live trap or bait if necessary to assist in the capture of the animal. The Animal Control Officer may issue a warning to its owner advising of a breach of this By-law on the first offence. Failure by the owner to pay fines/penalties will result in the animal being captured and detained until all outstanding amounts are paid in full.
- (e) If there is sufficient proof, picture or more than two (2) witnesses, of a dog running at large, the Animal Control Officer may fine the owner or apprehend the dog for breach of this By-law.
- (f) The Animal Control Officer shall make all reasonable efforts to determine the identity of the owners of each dog impounded and to notify the owner thereof as soon as is reasonably possible.
- (g) As soon as is reasonably possible after any dog which is not wearing a collar with a current dog tag attached is impounded, the Animal Control Officer shall post notices in the Municipal Office and in three (3) other places within the Municipality and the notices shall specify the type and description of the dog impounded and give notice of the dates, time and place that the dog will be destroyed or sold if it is not redeemed within the specific period of four (4) business days from the date of impounding.
- (h) The Poundkeeper shall provide for each and every animal impounded, sufficient food, water and shelter during the time of any animal remains impounded and may charge for such services at the rate per day or fraction thereof agreed upon.
- (i) Whenever it becomes the duty of the Animal Control Officer/Poundkeeper to destroy an animal, he/she shall do so in a manner so as to cause as nearly as possible instant and painless death
- (j) If the Animal Control Officer has found any dog to be vicious or a nuisance, he may
  - i) Cause the animal to be impounded, or,
  - ii) Cause the animal to be destroyed or direct the owner to destroy the said animal.
- (k) Any animal owned, kept, possessed or harboured or found within the limits of the Municipality and known to be suffering from rabies or distemper shall be immediately destroyed by the Animal Control Officer.
- (l) If the Animal Control Officer has found any dog to be unduly exposed to cold or heat, he may
  - a. Have the animal removed from enclosure or vehicle by authorities, if required, and impound the animal.
  - b. Issue a warning and a fine to the owner.

#### 7. Impounding and redemption

- (a) There shall be established a pound to be used for the impounding of dogs which shall be designated as a dog pound.
- (b) No person shall unlawfully break open or attempt to break open or directly or indirectly aid or assist in breaking open the pound or unlawfully remove or attempt to remove any animal therefrom.
- (c) No person shall hinder or obstruct the Animal Control Officer in capturing or attempting to capture any dog or cat liable to be impounded or while engaging in taking such animal to the pound.
- (d) No person shall cause damage or theft to the Animal Control Officer's tools or vehicle while the Animal Control Officer is on duty. Should damage or theft occur to the Animal Control Officer's property while the Animal Control Officer is on duty, the person(s) responsible shall be fined accordingly and held accountable.
- (e) In the event that an animal has been impounded and is not redeemed or sold within the expiration of four (4) business days after its capture, the animal shall be destroyed by the Animal Control Officer/Poundkeeper.
- (f) Any charges referred to in this By-law shall be charged against the animal's owner and shall be payable on redemption or purchase of the said animal in addition to all other charges or payments.

8. Cat traps

- (a) Any person who wishes to obtain a cat trap from the Municipality of Louise to apprehend a cat running at large must;
- i) Provide his/her name, address and telephone number
  - ii) Agree to comply with the Municipality's terms and conditions of use governing the capture, treatment and disposal of any trapped cats.
  - iii) Pay a refundable deposit as set out in Schedule A

9. Penalties

- (a) Any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with any provision of this By-law is guilty of an offence and will be issued with a fine, by the appointed Animal Control Officer, as set out in Schedule A. Offences and costs, and in default of payment thereof, a summons may be issued for the persons appearance before a Justice of the Peace or Magistrate's Court. The Provincial Judge, Justices or Justice of the Peace may commit the offender to the common jail of the Central Judicial District for a period not exceeding fourteen (14) days unless the fine and costs are paid.
- (b) Any person found guilty of teasing, enticing, baiting or throwing objects at an animal confined within the owners' property shall be guilty of an offence and liable for prosecution for breach of this By-law.

10. Complainant must identify him/herself

Before any action or legal proceedings is taken as a result of a complaint, the complainant shall give a written complaint notice with his/her name and address to the Animal Control Officer or town designate.


11. The By law shall not apply to non-residents who may be accompanied on a temporary visit to the Municipality by a dog or cat, provided that such a dog or cat does not manifest any viciousness or run at large while in the Municipality and provided further that such a dog or cat is not vicious, or a nuisance, or in heat or rabid.

12. Seeing eye dogs are exempt from the provisions of this By law

13. This By-law shall take effect on the date of the final passing thereof.

PASSED AND ENACTED by the Municipality of Louise, in Council duly assembled this 10<sup>th</sup> day of January 2018.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

Read a first time this 13<sup>th</sup> day of December 2017

Read a second time this 10<sup>th</sup> day of January 2018

Read a third time this 10<sup>th</sup> day of January 2018