

The Rural Municipality of Morris

BY-LAW NO. 1618/07

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MORRIS FOR RESTRAINING AND REGULATING THE RUNNING AT LARGE OF DOGS, AND TO PROVIDE FOR IMPOUNDING, FINES AND DESTROYING OF DOGS.

WHEREAS Section 232 (1) K of the Municipality Act, S.M. 1996, C. M225, provides as follows:

232 (1) A council may pass by-laws for municipal purposes respecting the following matters....

(k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

AND WHEREAS without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions....

(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

AND WHEREAS the Council of the Rural Municipality of Morris deems it expedient and in the public interest to pass a By-law for restraining and regulating the running at large of dogs and also providing for the impounding and destroying of dogs and the maintenance and regulating of a pound;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as A By Law of the Rural Municipality of Morris, in Council assembled, as follows:

1. THAT this By-law be referred to as "THE DOG BY-LAW:.
2. THAT unless the context otherwise requires, where used in this By-law: "Municipality" means the Rural Municipality of Morris.

"Pound-keeper" means any person or persons appointed by the municipality to act as pound-keeper, and includes any one or more of his assistants or any other person authorized to perform any of the duties of the pound-keeper including the "Dog Control Officer".

"Person" means any person, firm, corporation or partnership.

"Police Officer" means any person who is a "police officer" within the meaning of the Criminal code of Canada.

"Dog" means either male or female of the Canine or Canidae family that has reached the age of six months and includes spayed females and neutered male dogs.

"Pound" means any enclosure, premise or place designated by the municipality for the purpose of impounding and caring for animals found running at large in violation of this By-law.

"Dog Control Officer" means the person appointed by Council from time to time to carry out the duties of such officer as set forth in this By-law, and includes his deputy assistant, or other delegates.

"Run at Large" or "Running at Large" means being elsewhere than on the premises of the owner, and not being on a leash and accompanied by and under the immediate charge and control of some competent person.

**“Owner”** means any person who keeps or harbours a dog.

**“Dog Kennel”** means a building or structure or any part thereof or any place or other premises where more than two dogs, over the six months, or more than one litter of puppies under six months are brought, sold or exchanged, or bred or kept whether for gain or not.


3. THAT for all households within the R.M. of Morris the number of dogs shall be limited to two adult dogs per household. For households with more than two dogs, over the age of six months, or more than one litter of puppies under six months, an application for a dog kennel shall be required.
4. THAT all dogs must have collars and rabies tags or identification plates and be on a leash when they are off the owner's property. No owner shall permit a dog to be anywhere but on the owner's premises without a collar and the proper licence tag or plate. Any dog found running at large contrary to this provision shall be liable to be impounded and disposed of as herein after provided.
5. No dog shall be allowed to run at large.
6. THAT an owner shall not allow a dog to chase or bark at any other animals, pedestrian or vehicle or to disturb or annoy the quiet of others anywhere by howling, barking, or biting.
7. THAT no owner or person shall permit a dog on any school ground or playground;
8. THAT no owner or person shall harbour or keep any vicious dog unless such a dog is securely fastened or muzzled at all times in such place and in such manner that it does not endanger the safety of any person or any other animal;
9. THAT the Council, being of the opinion that the carrying on of a trade of a dog kennel may be injurious to the interest of occupants or owners of property in the vicinity, no permission to carry on such trade shall be given under this or any other by-law until the application therefore has been approved by resolution of Council, after a public Conditional Use hearing.
10. THAT a pound shall be established for all dogs captured under the provision of this by-law. The location of the pound shall be at such place as the Council by resolution from time to time designate. A keeper of the pound shall be appointed by Council at such salary or remuneration as the Council may from time to time declare. The pound-keeper shall keep a record of all dogs euthanized or captured or impounded under the provision of this by-law. If a dog is sold by the pound-keeper a record shall be kept setting out the name of the person to whom the dog was sold, together with his residence. The pound-keeper shall make a monthly report showing the amount of fines collected, proceeds of the sale of dogs and the names and address of the parties to whom dogs were sold, and any other information requested by Council in respect to the observance and enforcement of this By-law.
11. THAT it shall be the duty of the pound-keeper to capture and confine in the Municipal Pound all dogs found running at large contrary to the provisions of this By-law. If a dog is not redeemed within 72 hours of the time it is captured, it may be sold by the pound-keeper or such other person or persons as Council may authorize for an amount equal to the poundage chargeable against the said dog and in the event that a dog has not been sold within one day after the expiration of 72 hours after its capture, than such dog may be euthanized by the person or persons so appointed for the purpose.

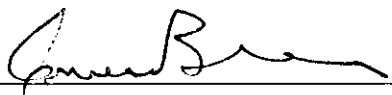
12. THAT the impounding fees shall be as described in Schedule "A" attached hereto.
13. THAT the pound-keeper, dog catcher or such other person as is authorized by Council to do so, may use an air pistol or fire arm equipped with a device to eject tranquilizers or sleep producing drugs into a dog that has bitten a person or is suspected of being rabid, or is found running at large.
14. THAT in case the owner or possessor of the dog does not redeem a captured dog and the pound-keeper or such other person or persons as Council may authorize is unable to effect a sale of such dog or where the proceeds of such sale are not sufficient to defray the expense of capturing, impounding, feeding, advertising, euthanizing or such other expenses as are necessary and incidental to the effect of the provisions of this By-law, the owner of such dog shall be liable to the Council for such sum and the Council or such other person or persons as the Council may authorize shall be hereby empowered to issue a warrant to levy the amount of such expense or so much thereof as may remain unsatisfied by distress and sale of the goods and chattels of such owner or possessor.
15. THAT a dog which bites any person, whether on private premises or elsewhere, shall unless the owner thereof forthwith delivers the same to the Municipal Pound or to some place where dogs are kept under the personal supervision of a licenced Veterinary Surgeon, be taken by the pound-keeper to the Municipal Pound. Any such dog so delivered or taken to the Municipal Pound shall be kept therein at the owner's expense for a period of 10 days unless the Health Officer sooner certifies that all danger of infection has ceased. And in the case where an owner delivers any such dog to some place at the owner's expense for a period of 10 days unless the Health Officer sooner certifies that all danger of infection has ceased.
16. THAT any dog, thought to be rabid shall be isolated for a period of ten (10) days. If during that time the dog dies, the head shall be examined by the Health of Animals Bureau, for rabies.
17. Any person or persons who shall break open or assist in any manner, directly or indirectly in breaking open any Municipal Pound, shall on the conviction thereof as hereinafter provided be subject to all the penalties of this By-law. All persons removing or attempting to remove any animal or other livestock impounded therein, and in respect of which there may be unpaid fines, cost, damages or other charges shall be subject to like penalties.
18. THAT any person who shall hinder, delay or obstruct any person or persons engaged in taking to the Municipal Pound, any dog shall for each and every hindrance, delay or obstruction, on conviction be subject to all penalties of this By-law.
19. THAT any person or persons guilty of a breach of any of the provisions of this By-law shall on conviction thereof before a Police Magistrate or any Justices of the Peace having jurisdiction in the said Rural Municipality of Morris be liable to a fine not exceeding \$1,000.00 and costs for each offence.
20. THAT in default of the immediate payment of such fine and costs it shall be lawful for the said Police Magistrate or Justice or Justices of the Peace to issue a warrant under his hand and seal or in case of the said Police Magistrate or Justice or Justices of the Peace or any two or more of them acting together therein then under the hand and seal of the one of them, to levy the said fine and costs or costs only by distress and sale of the offenders goods and chattels.
21. THAT By-law number 1403 and 1411 of the Rural Municipality of Morris are hereby repealed.

22. THAT this By-law shall be deemed to have come into force and take effect on the day it is passed by Council.

DONE AND PASSED in Council assembled at the Council Chambers of The Rural Municipality of Morris, in Morris, Manitoba, this 12 day of December A.D. 2007.

THE RURAL MUNICIPALITY OF MORRIS

  
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REEVE

  
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CAO

Read a First time this 10<sup>th</sup> day of October, A.D. 2007

Read a Second time this 9<sup>th</sup> day of January, A.D. 2008

Read a Third time this 9<sup>th</sup> day of January, A.D. 2008

This is the impounding Fees Schedule "A" referred to in By-law No. 1618/07 of the Rural Municipality of Morris.

1. That the impounding fees for all dogs found running at large contrary to the provisions of The Dog By-law shall be as follows:

Penalty for First impounding	<u>\$125.00</u>
Penalty for Second impounding	<u>\$175.00</u>
Penalty for Third impounding or subsequent impounding	<u>\$225.00</u>

2. That the harbouring fees for dogs kept at the pound shall be as follows:

First 24 hours of impoundment of part thereof  
Actual rate set by pound keeper

For each further day of impoundment or part thereof  
Actual rate set by pound keeper