

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2022-11

Being a By-law of the Rural Municipality of East St. Paul to regulate dogs.

WHEREAS

- A. Section 232(1) of The Municipal 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-law differentiating on the basis of sex, breed, size, or weight;
 - (o) the enforcement of by-laws.

- B. Section 232(2)(a) of the Act provides that, without limiting the generality of subsection 232(1), a council may in a by-law passed under this Division
 - (a) regulate or prohibit;
 - (d) establish fees or other charges for services, activities, or things provided or done by the Municipality or for the use of property under the ownership, management, or control of the Municipality;
 - (e) subject to the regulations provide for a system of licenses, permits, or approvals

- C. Section 236(1) of the Act provides that, without limiting the generality of clause 232, a by-law passed under section 232(2)(1)(o) (enforcement of by-laws) may include provisions
 - (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
 - (b) remedying a contravention 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 of the Rural Municipality of East St. Paul deems it reasonable and in the public interest that dogs should be regulated and controlled to protect the safety, health, and well-being of people and the safety and protection of property.

NOW THEREFORE BE IT, AND IT IS HEREBY ENACTED as a By-law of the Rural Municipality of East St. Paul, in Council assembled, as follows:

1. SHORT TITLE

This By-law may be referred to as the Dog Control By-law.

2. DEFINITIONS

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

“animal control officer” means a person appointed by the Municipality to administer and enforce this By-law.

“excess dog permit” means a permit allowing a person to own or harbor more than the maximum number of dogs permitted by this By-law.

“license” means a lifetime dog license issued to the owner of a dog in accordance with this By-law.

“owner” includes

- (a) a person having possession or control of a dog,
- (b) a person occupying premises containing a dog, and
- (b) a person who possessed or controlled a dog or occupied premises containing a dog immediately before the dog was seized or impounded under this By-law.

“pound” means any enclosure, premises, or a place at which the animal control officer may impound a dog;

“running at large” or **“run at large”** means a dog that is not

- (a) under the direct and continuous charge of a person competent to control it, or
- (b) securely confined within an enclosure, or securely fastened or leashed so that it is unable to roam at will beyond the property on which it is kept.

“service dog” means a dog that has been trained and certified to assist a person with a disability with their disability.

3. PROHIBITIONS

3.1 No person shall permit a dog to

- (a) run at large,
- (b) not, when not on the owner's property, have a collar with a valid license tag,
- (c) bark, howl, or make a noise that unduly disturbs the peace and enjoyment of any person in the surrounding area,
- (d) defecate on property other than the owner without immediately removing the excrement and disposing of it in a sanitary manner,
- (e) damage property belonging to a person other than the owner,
- (f) pursue, bite, menace, threaten, chase, attack, wound, or show propensity for violence, to any person or animal,

- (g) while not on the owner's property, act in a manner that is aggressive, dangerous, or places the safety, health, protection, and well-being of people at risk,
 - (h) be on public property (including parkland areas) unless on a leash (no more than six feet long) and in custody and under the control of the person,
 - (i) chase or bark at pedestrians, cyclists, or vehicles on a public thoroughfare,
 - (j) not have been vaccinated for rabies within the last three years,
 - (k) if the dog is a female dog in heat, to leave the owner's property during the entire period she is in heat,
 - (l) be left unattended in a vehicle when the outside temperature is 22 degrees Celsius or warmer, or minus 10 degrees Celsius or colder, or
 - (m) be tethered to a bicycle or similar device, including but not limited to skateboards, in-line skates, or scooters when the temperature is 22 degrees Celsius or warmer.
- 3.2 No person shall keep more than three dogs on a property unless
- (a) the person is operating a kennel on a property under license from the Province of Manitoba and is in compliance with the Municipality's Zoning By-law,
 - (b) any excess dogs are under six months of age, or
 - (c) the person has been granted an excess dog permit.
- 3.3 An owner shall ensure the owner's dog does not upset a waste receptacle and scatter its contents in or about a street, lane, public place, or property that does not belong to the owner.
- 3.4 Subsections 3.1(d) and (h) do not apply to the owner of a service dog or a person being assisted by a service dog.
- 3.5 Subsection 3.1(h) does not apply to public property that has been designated by Council as land upon which dogs are not required to be on a leash.
- 3.6 Section 3.1(j) does not apply to an owner who provides the animal control officer with a written statement from a veterinarian declaring that vaccinating the dog for rabies is not advisable for medical reasons.
- 3.7 The restriction in subsection 3.1(l) does not apply to a running vehicle with a working air-conditioning or heating system being used actively to maintain the internal temperature of the vehicle within the permitted range set out in subsection 3.1(l).
- 3.8 The animal control officer or another designated employee of the Municipality may remove, at the owner's expense, any dog left unattended in a vehicle in violation of subsection 3.1(l) by any means deemed necessary. The Municipality is not responsible

for any vehicle damage or costs resulting from the removal of the dog from a vehicle in accordance with this subsection.

- 3.9 The persons responsible under this section and By-law include an owner and a property owner or person renting or leasing property on which the dog is kept or found.

4. ANIMAL CONTROL OFFICER

- 4.1 The position of animal control officer is established. The animal control officer shall be the person appointed by the Municipality. 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 these purposes shall be and have the powers of a designated officer under the Municipal Act, a by-law enforcement officer under the Municipal By-law Enforcement Act, and of an enforcement officer under the Provincial Offences Act.

- 4.2 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.

5. EXCESS DOG PERMIT

- 5.1 A person wishing to keep more than three dogs over the age of six months on a property must apply to the Municipality for an excess dog permit. Council may refuse to grant the permit or grant it subject to such terms and conditions as it determines. The one-time fee for an excess dog permit is set out in Schedule A.

6. LICENSE REQUIREMENT AND LICENSE FEES

- 6.1 An owner shall obtain a license for each dog of the owner over the age of six months, the fees for which are set out in Schedule A. The owner's information will be available to the animal control officer if the dog is seized and impounded or found running at large.
- 6.2 For the Municipality to issue a license, the owner shall
- (a) provide the Municipality with such information as may be reasonably required to administer and enforce this By-law, and
 - (b) provide proof the dog has been vaccinated for rabies no more than three years before the date of the application for the license and either microchipped or tattooed.
- 6.3 A license is valid for the duration of the dog's natural life.
- 6.4 A license cannot be transferred to another dog.
- 6.5 Only the animal control officer, the owner, or a person with the owner's consent may remove a valid license tag from a dog's collar.

6.6 A new license must be obtained forthwith if a license is lost or damaged, the fees for which are set out in Schedule A.

7. SEIZURE, IMPOUNDMENT, AND REDEMPTION

7.1. The animal control officer may seize and impound a dog in enforcing this By-law. If the animal control officer seizes and impounds a dog, the animal control officer shall take the dog to the pound. The animal control officer shall, if the owner of the dog is known to the animal control officer, notify the owner that the dog has been seized and impounded, that the dog 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 enforcement costs, and that if the dog is not redeemed within five days of the date of impoundment, the dog may be sold, surrendered to a rescue or euthanized humanely. The animal control officer shall, if the owner of the dog is unknown to the animal control officer, post a notice with this same information in the municipal office and on the municipal website.

7.2. An owner may redeem a dog from impoundment by applying to the animal control officer. Upon payment of the fees set out in Schedule A, the Municipality's enforcement costs, and showing the proof of vaccination required under section 6.2, the animal control officer shall instruct the pound to release the dog to the owner. Where the impounded dog was delivered to the pound by someone other than the animal control officer for running at large, no impoundment fee or enforcement costs are payable where the dog has a license issued under this By-law.

7.3. If, in the opinion of the animal control officer, a dog that has been seized and impounded remains a serious risk to the safety of people or animals as a result of the dog's actions, the animal control officer may also impose conditions on the release of the dog to reasonably address the risk. The animal control officer shall provide the owner with the conditions in writing, at the time the owner redeems the dog ("conditions of redemption"). The owner shall acknowledge, in writing, the conditions of redemption at the time the dog is released from the pound.

7.4. No owner may permit a dog 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 dog. The dog is not subject to redemption under section 7.2 and shall be euthanized humanely. The animal control officer shall notify the owner of the euthanization.

7.5. If in the opinion of the animal control officer, a dog that has been seized and impounded is of such serious risk to the safety of people or dogs as a result of the dog's actions that conditions of redemption will not address the risk, the animal control officer may have the dog euthanized humanely. The animal control officer shall, if the owner is known to the animal control officer, notify the owner of the euthanization. If the owner 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.

7.6. The owner is responsible for the fees set out in Schedule A and the Municipality's enforcement costs.

8. ASSISTANCE AND NON-INTERFERENCE WITH ENFORCEMENT

8.1 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 the property or a person renting or leasing property shall assist the animal control officer in seizing a dog found on the property. No person shall fail or refuse to supply such information as the animal control officer may request in connection with the administration and enforcement of this By-law.

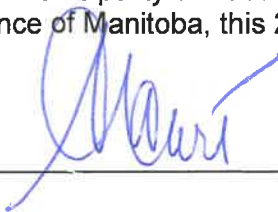
9. OFFENCE

9.1 A person who contravenes this By-law is guilty of an offense 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.

10. TRANSITIONAL

10.1 This By-law repeals By-laws 2001-15 and 2003-12, except in respect of an offense committed before this By-law comes into force. By-laws 2001-15 and 2003-12 remain in effect to the extent required for the prosecution of any such offense.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council assembled, at East St. Paul, in the Province of Manitoba, this 23rd day of August, 2022.



Mayor



A/Chief Administrative Officer

Read a first time this	19 th	day of	July, 2022
Read a second time this	23 rd	day of	August, 2022
Read a third time this	23 rd	day of	August, 2022

THE RURAL MUNICIPALITY OF EAST ST. PAUL
By-law 2022-11

SCHEDULE A

1. Lifetime license fee:
 - \$35.00 per dog (up to a maximum of \$75)

2. Lost license tag replacement fee:
 - \$5.00

3. Excess dog permit fee (4 or more dogs)
 - \$100.00 (excludes licensing fees)

4. Impoundment fees, costs of care, feeding, and veterinary fees shall be determined by the Animal Control Officer in consultation with the pound.