

Repealed by 1403/91

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BY-LAW NO. 1109.

BEING A By-Law of the RURAL MUNICIPALITY
of MORRIS to provide for the Regulation,
Licensing and Control of Dogs within the Limits of
The RURAL MUNICIPALITY of MORRIS.

WHEREAS Section 354(1) of The Municipal Act, being Chapter M225 of the Continuing Consolidation of Manitoba Statutes, 1970, and amendments thereto, provides as follows:

- "354 (1) Subject to The Animal Husbandry Act, the council of any municipality may pass by-laws
- (a) for restraining, prohibiting, and regulating, the running at large of dogs, having regard to the sex, breed, size, and weight of the dog;
 - (b) for classifying dogs by breed and sex for licensing purposes, and for prescribing the licence fee to be paid in respect of each dog so classified;
 - (c) for requiring the owners, possessors, or harbourers of dogs to pay the required licence fee;
 - (d) for requiring every dog in the municipality that is over three months of age to be vaccinated against rabies;
 - (e) for issuing licences or dog tags, or both, and requiring that every dog in the municipality shall carry a tag;
 - (f) for providing that neither a licence nor a tag shall be issued in respect of any dog that has not been vaccinated as required by a by-law passed under clause (d);
 - (g) for impounding any dog running at large, and
 - (i) if any fine or other charge imposed by reason of the contravention of the by-law is paid, returning the dog to the owner; and
 - (ii) in other cases, requiring the dog to be sold or destroyed."

AND WHEREAS it is deemed advisable to provide for the regulation, licensing and control of dogs within the limits of The RURAL MUNICIPALITY of MORRIS;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-Law of The RURAL MUNICIPALITY of MORRIS in Council duly assembled, as follows:

This By-Law may be referred to as The RURAL MUNICIPALITY of MORRIS Dog By-Law.

In this By-Law, unless the context otherwise requires (a) "authorized person" means any person appointed or employed by The RURAL MUNICIPALITY of MORRIS or the assistant, employee or agent of any such appointee or employee, to carry out any provision of this by-law or any contracts or agreements entered into for the purpose of carrying out any provision of this By-Law.

(b) "commercial dog kennel" means any premises upon which dogs are raised, trained or kept for remuneration;

(c) "dog" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification or mixture of breed or classification thereof;

(d) "dog pound" means any premises authorized by Council used or intended to be used for the confinement of dogs;

(e) "owner" means any adult person who owns, keeps or harbours a dog, or who knowingly permits or allows any other person to own, keep or harbour a dog upon premises owned, leased or occupied by him;

(f) "pound-keeper" means the person authorized by Council to maintain a dog pound or to carry out any provision of this By-Law, and includes any person acting as an assistant to, or under the direction of, the pound-keeper;

(g) "running at large" or "run at large" means, when used in reference to a dog, lack of or absence of control of the dog by the owner, off his premises;

(h) "secretary" means the Secretary-Treasurer, Assistant Secretary-Treasurer, or Acting Secretary-Treasurer of the Municipality;

(i) "council" means the Council of the Municipality, or any delegate thereof.

3. (a) The owner of every dog kept within the limits of the Municipality shall, on or before the last day of February in each year, or within twenty-one days of the time he becomes a resident of the municipality or the owner of a dog intended to be kept within the limits of the municipality, obtain from the Secretary a licence and a tag for each dog owned by him, and shall supply the Secretary with such information as the Secretary may require.

(b) The owner of every dog so licensed shall pay to the Municipality an annual licence fee for each dog required to be licensed as herein provided, as follows:

- (i) Five Dollars for each male or spayed female dog;
- (ii) Ten Dollars for each unspayed female dog.

(c) The annual licence fee provided for herein shall be paid:

- (i) at the time of licensing; or
- (ii) prior to the last day of February in each year.

(d) The Secretary shall supply each owner who has paid the required licence fee and supplied the necessary particulars of registration, with a metal or plastic tag for each dog so licensed, which tag shall be securely fastened to a collar or harness worn by the dog for which said tag was issued.

(e) No licence or tag issued pursuant to the provisions hereof shall be transferrable.

(f) No licence or tag shall be issued for any dog until the owner thereof provides:

- (i) particulars of the dog to be licensed;
- (ii) evidence of inoculation of the dog for rabies;
- (iii) evidence of the sex of the dog, or of the fact, if it is a female, that it has been spayed or not.

(g) No licence fee or tag charge shall be made for a dog

- (i) under the age of three months; or
- (ii) trained and used as a seeing-eye dog.

(h) In the event of the loss or mutilation of a tag, the owner shall obtain a replacement tag from the Secretary upon payment of a fee of fifty cents.

(i) No tag shall be affixed to the collar or harness of any dog except the tag issued for the current year by the Secretary, or such other tag as may be required pursuant to the laws of Manitoba or Canada.

4. (a) No owner shall permit his dog to run at large within the limits of the Municipality.

(b) The owner of an unspayed female dog shall confine her within a building upon his premises when she is in heat, or shall take such other measures as may be required to prevent the congregation of dogs upon his premises or in the vicinity of his premises during the time when said unspayed female is in heat.

5. No owner of a dog which, by reason of training, disposition or inclination, has exhibited signs of viciousness, shall permit the dog to enter into any public place or onto any property to which the public has access, unless the said dog is muzzled, and is restrained by a leash not more than five feet in length in the hands of a person capable of exercising control of said dog.

6. In the event of an outbreak or the threat of an outbreak of rabies or any other disease which can be transmitted through dogs, council may require every owner to confine his dog upon his property for such period of time as council may determine.

7. Council may, by resolution passed at a regular meeting or at a special meeting called for the purpose:

- (a) establish premises for the confinement of dogs apprehended pursuant to any provisions of this By-Law;
- (b) appoint a pound-keeper to carry out any provisions of this By-Law;
- (c) ratify an agreement respecting the above, made between it and co-operating municipalities, with a pound-keeper.

8. The pound-keeper appointed pursuant to Clause 7 hereof shall carry out such duties and shall be remunerated therefor as provided in the agreement appointing him, which duties shall include, without limiting the generality of the foregoing, the following:

- (a) establishment of and maintenance of a pound for the confinement of dogs apprehended pursuant to any provision of this By-Law;
- (b) apprehension and confinement of any dog which is running at large and which is not properly licensed and tagged;
- (c) care and protection of any dog during the period of its confinement after apprehension;
- (d) sale or destruction of any dog which is not claimed by its owner or for which the owner has not paid those costs chargeable to the owner of a dog after its apprehension;
- (e) collection and payment to the municipality of the fines and costs collected from an owner who claims a dog which has been apprehended within the limits of the municipality;
- (f) notification to the owner of a dog confined after apprehension, and, where the owner cannot be ascertained, preparation and posting in the general office of the municipality a notice describing the dog impounded, the date of its apprehension and confinement, and the date after which said dog will be destroyed or sold unless claimed;
- (g) preparation and delivery to council of a monthly report setting forth such information relating to his duties as council may require.

9. (a) Where a dog which is properly licensed and tagged is found running at large, the pound-keeper:

- (i) may issue a warning to its owner, advising of the breach of Clause 4(a) of this By-Law; or

(ii) apprehend and confine the dog, and advise the owner, as soon as reasonably possible, of the fact of apprehension and confinement.

(b) Where the owner of a dog apprehended and confined pursuant to this By-Law desires to reclaim the dog, he shall pay to the pound-keeper applicable charges as follows:

- (i) the sum of \$12.00 for apprehension of the dog;
- (ii) Fifteen cents per mile actually and necessarily travelled by the pound-keeper from the pound to the place of apprehension and return;
- (iii) Two Dollars per day or portion thereof that the dog has been confined;
- (iv) extraordinary costs incurred by the pound-keeper in apprehending the dog;
- (v) veterinary expenses necessarily incurred for the dog during its confinement.

(c) Where a dog not properly licensed and tagged is found running at large, its owner may reclaim it upon payment of the costs referred to in Paragraph (b) hereof, plus the appropriate licence fee set forth in Clause 3(b) hereof.

(d) Where the owner of a dog refuses to pay the costs hereinbefore mentioned, or where the owner of a dog cannot be ascertained, within 72 hours of the notice of apprehension as provided in Clause 8(f) hereof, the pound-keeper may:

- (i) sell the dog to any person who will pay the applicable costs and charges, or
- (ii) destroy the dog and dispose of the carcass in the manner directed by council.

10. Any owner who contravenes or permits the contravention of any provision of this By-Law, or who fails, refuses or neglects to comply with the requirements of this By-Law is guilty of an offence, and is subject, upon conviction before a Justice of the Peace or a Provincial Judge:

- (a) to a fine of Twenty Dollars, plus applicable costs, for a first offence;
- (b) to a fine of Thirty Dollars, plus applicable costs, for a second offence; and
- (c) to a fine of Forty Dollars, plus applicable costs, for each subsequent offence.

11. A Notice of Breach of By-Law in the form set forth in Schedule A to this By-Law may be served by the Pound-keeper to an owner whose dog has not been apprehended, and shall be served on the owner, where he is known, where the dog has been apprehended.

12. This By-Law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person contained in the provisions of The Animal Husbandry Act, Chapter A90 of The Continuing Consolidation of Manitoba Statutes, and amendments thereto.

13. By-Laws Nos. N/A and _____ of the _____ of _____, are and the same are hereby repealed.

14. Council may, pursuant to Section 354(2) of The Municipal Act, may by resolution restrict the operation of this By-Law to designated portions of the municipality.

15. This By-Law shall come into force on the day it receives third reading by council.

READ a first time this 10th day of ~~September~~ ^{OCTOBER}, A.D. 1978.

READ a second time this 16th day of ~~September~~ ^{NOVEMBER}, A.D. 1978.

READ a third time this 16th day of ~~September~~ ^{NOVEMBER}, A.D. 1978.

DONE AND PASSED by Council of the RURAL MUNICIPALITY of MORRIS, in Council duly assembled, at the TOWN of MORRIS, in Manitoba, this 16th day of ~~September~~ ^{NOVEMBER}, A.D. 1978.

THE RURAL MUNICIPALITY of MORRIS

Per: Alvin Rempel
Mayor/Reeve

Per: Alice Lovin
Secretary-Treasurer