

**TOWN OF MORRIS**

**BY-LAW NO. 03/09**

**BEING A BY-LAW OF THE TOWN OF MORRIS TO PROVIDE FOR THE REGULATION, LICENSING AND CONTROL OF DOGS WITHIN THE LIMITS OF THE TOWN OF MORRIS.**

**WHEREAS** Section 232 (1) of *The Municipal Act S.M. 1996, c 58* (the “Act”) provides, in relevant part as follows:

**Spheres of Jurisdiction**

**232(1)** 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 differentiation on the basis of sex, breed, size or weight;
- o) The enforcement of By-Law

AND WHEREAS subsection 232(2) of the Act provides, in relevant part as follows:

**Exercising By-Law Making Powers**

**232 (2)** Without limiting the generality of clause 232 (1) (o) (enforcement of By-Laws), a By-Law passed under that clause may include provisions:

- 1) Providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- 2) Remediating contravention of by-law, including
  - i) Creating offenses,
  - ii) Subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law
  - iii) Providing that an amount owing under subclause (ii) fines may be collected in any manner in which a tax may be collected or enforced under this Act,
  - iv) Seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles or other things related to a contravention,
  - v) Charging and collecting costs incurred in respect of acting under subclause (iv),
  - vi) Imposing a sentence of imprisonment for not more than six months for the months for the commission of offences or nonpayment of fines.

AND WHEREAS subsections 5(1), (2) and (3) of *The Animal Liability Act, S.M. 1998 c.8* provide, in relevant part, as follows:

**Animals not to Run at Large**

**5 (1)** Except when permitted by a municipal By-Law passed in accordance with *The Municipal Act* or a By-Law of a local government district passed in accordance with *The Local Government Districts Act*, no Owner or Person in charge of an animal shall allow it to Run at Large.

**By-law does not limit owner's liability**

**5(2)** An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

**No liability by reason only of making by-law**

**5(3)** A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only of having made the by-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the by-law.

AND WHEREAS it is deemed advisable to provide for the regulation, licensing and control of dogs within the limits of the Town of Morris;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-Law of the Town of Morris in Council duly assembled, as follows:

- 1. This By-Law may be referred to as the Town of Morris Dog By-Law.
- 2. In this By-Law, unless the context otherwise requires,

- (a) “authorized person” means any person appointed or employed by The Town of Morris or the assistant, employee or agent of any such appointee or employee, to carry out any provision of this by-law of 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) “dogs” 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 thereof;
- (d) “dog pound” means any premises authorized by Council or 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) “*Animal Control Officer*” 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 Animal Control Officer;
- (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) “*CAO*” means the *Assistant CAO*, 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 *CAO* a license and tag for each dog owned by him, and shall supply the *CAO* with such information as the *CAO* may require.
- (b) The owner of every dog so licensed shall pay to the Town an annual license fee for each dog required to be licensed as herein provided,
  - i. Five Dollars for each male or spayed female dog;
  - ii. Ten Dollars for each unspayed female dog.
- (c) The annual license 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 *CAO* shall supply each owner who has paid the required license 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 license or tag issued pursuant to the provisions hereof shall be transferable.
- (f) No license or tag shall be issued for any dog until the owner thereof provides:
  - i. Particulars of the dog to be licensed;
  - ii. Evidence of the 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 license 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 *CAO* upon payment of the fee of **\$5.00**.
- (i) No tag shall be affixed to the collar or harness of any dog except the tag issued for the current year by the *CAO*, 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.

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 **Animal Control Officer** to carry out any provisions of this By-Law;
  - (c) Ratify an agreement respecting the above, made between it and cooperating municipalities, with a **Animal Control Officer**.
7. The **Animal Control Officer** appointed pursuant to **Clause 6** hereof shall carry out such duties and shall be remunerated thereof as provided in the agreement appointing him, which duties shall included, 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 the 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 **CAO** of a **quarterly** report setting forth such information relating to his duties as council may require.
  8.
    - (a) Where a dog which is properly licensed and tagged is found running at large, the **Animal Control Officer**:
      - 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 re-claim the dog, he shall pay to the **Animal Control Officer** applicable charges as follows:
      - i. the sum outlined in **Section 10** of this By-Law for apprehension of the dog;
      - ii. **fourty cents per kilometer** actually and necessarily traveled by the **Animal Control Officer** for the apprehension and return;
      - iii. **twenty** dollars per day or portion thereof that the dog has been confined;
      - iv. extraordinary costs incurred by the **Animal Control Officer** 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 license fee set forth in Clause 3(b) hereof.
    - (d) Where the owner of a dog refuses to pay the costs herein before mentioned, or where the owner of the dog cannot be ascertained within 72 hours of the notice of apprehension as provided in Clause **7(f)** hereof, the **Animal Control Officer** 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.
  9. 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 Peach or a Provincial Judge:
    - (a) to a fine of **Fifty** Dollars, plus applicable costs, for a first offence;
    - (b) to a fine of **One Hundred** Dollars, plus applicable costs, for a second offence; and
    - (c) to a fine of **One Hundred and Fifty** Dollars, plus applicable costs, for each subsequent offence.
  10. Dogs must not be allowed to become a nuisance:
    - (a) No owner shall permit his dog to run at large.

- (b) No owner shall permit his dog to bark or howl or his dog or cat in any other way disturbs the quiet of any person or persons.
- (c) No owner shall permit his dog or cat to defecate on any public or private property other than the property of its owner. Where a dog defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately.
- (d) No owner shall permit his dog or cat to damage public or private property other than that of its owner.
- (e) No person shall own, keep or harbour any dog (other than a dog under the age of three (3) months or a Guide Dog) for which a licence has not been issued for the current licence year
- (f) No owner shall harbour or keep any vicious dog unless such dog is securely fastened and properly muzzled at all times in such place and in such manner that it does not endanger the safety of any human or animal.
- (g) No owner shall permit his dog or cat to disturb or annoy any person or persons anywhere by biting, or any other means.
- (h) No owner shall permit his dog to be on any school ground, playground or other public property unless the dog is on a leash of a length not to extend more than six (6) feet and in actual custody and control of the owner or some other competent person permitted by the owner to have the dog
- (i) No owner shall permit his dog to pursue or wound any human or animal,
- (j) Every owner shall be responsible for having his dog(s) vaccinated against rabies.
- (k) If a bitch while in heat is deemed a nuisance, the license shall be cancelled forthwith and terminated by the Poundkeeper unless the dog is placed in a public kennel operated for the care and maintenance of dogs.

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 **Animal Control Officer** 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 Liability Act** of the Continuing Consolidation of Manitoba Statutes, and amendments hereto.
13. **By-Law Nos. 31/78 of the Town of Morris**, are hereby repealed.
14. Council may, pursuant to **Section 232 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 received third reading by council.

Done and passed by Council of the Town of Morris, in Council duly assembled, at the Town of Morris, in Manitoba, this 12<sup>th</sup> day of February, 2009.

Read a first time this 22<sup>nd</sup> day of January, 2009.

Read a second time this 12<sup>th</sup> day of February, 2009.

Read a third time this 12<sup>th</sup> day of February, 2009.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER