

# Town of Morris

## BY-LAW NO. 04/09

### BEING A BY-LAW OF THE TOWN OF MORRIS TO PROVIDE FOR THE REGULATION OF DANGEROUS DOGS WITHIN THE LIMITS OF THE TOWN OF MORRIS.

**WHEREAS** The Municipal Act provides as follows:

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,.
- b) 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 the Council of the is of the opinion that it is desirable and in the public interest to control dangerous dogs;

NOW THEREFORE the Council of The Town of Morris, assembled in the Town of Morris, Manitoba, adopts as a by-law the following:

#### 1. Interpretation

1.1. This by-law may be referred to as the "Dangerous Dog By-Law".

1.2. In this by-law,

"owner" includes any person who owns, keeps, harbours or has possession or control of a dog, or who owns, leases or occupies, either solely or jointly with others, any premises containing the dog or which contained the dog immediately prior to an attack by the dog or to the apprehension of the dog by the poundkeeper or any other person.

"pound" means an enclosure, premises or place, designated by the municipality for the impoundment and care of animals found running at large.

"poundkeeper" means the person or persons appointed as such by council "running at large", means, in relation to a dog, that it is not

- a) under the direct, continuous and effective control of a person competent to control it; or
- b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

#### 2. Responsibility of owners

Owners must not

- 2.1. permit their dogs to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner;
- 2.2. permit their dogs to damage public property or private property other than that of the owner

#### 3.

##### Apprehension of dog which bites

3.1. The poundkeeper may apprehend, impound and place in quarantine any dog that the poundkeeper has reason to believe has bitten a person, whether on private premises or elsewhere.

4. If such a dog is not voluntarily surrendered to the poundkeeper by the owner, the poundkeeper may upon 24 hours' notice and without the owner's consent enter the owner's land for the purpose of apprehending the dog.

##### Record-keeping

4.1. The poundkeeper must keep a record of all bite incidents, identifying the dog and the details of the incident. The record may be used in any hearing or appeal with respect to a declaration that the dog is dangerous.

#### 5. Impoundment and quarantine

5.1. A dog so apprehended and impounded shall, subject to section 6, be quarantined for a minimum of 10 days at the owner's expense (the "quarantine period").

5.2. The poundkeeper may authorize the owner of the dog to quarantine it in a place /other than the pound, provided that the place is under the direct supervision of a licensed veterinarian and that the dog must remain there at the owner's expense for the quarantine period.

5.3. Unless

5.3.1. the dog is rabid in the opinion of the examining veterinarian, or

5.3.2. the poundkeeper refers the matter to council for a declaration that the dog is dangerous, the poundkeeper must release the dog to the owner after the end of the quarantine period upon the owner's compliance with the redemption requirements of By-Law 579/99, and production of a current valid rabies certificate for the dog.

5.4. If the owner fails to redeem the dog within 3 days after the end of the quarantine period, the poundkeeper may sell or otherwise dispose of or destroy the dog.

6. Early release

6.1. The poundkeeper may release a dog quarantined under this by-law prior to the end of the quarantine period and impose conditions upon the release including the following:

6.1.1. The owner must take the necessary measures to ensure that the dog is confined to the owner's premises in such a manner as to prevent escapes, and to ensure that all direct contact with other animals and persons other than the owner is avoided.

6.1.2. The owner must post in a conspicuous location at the entrance of the premises where the aggressor animal is confined a sign which reads "beware of dangerous dog".

6.1.3. The owner must submit the dog for veterinary examination from time to time as may be prescribed by the poundkeeper, and report the results of the examinations to the poundkeeper.

6.1.4. The owner must obtain such liability insurance on the dog as may be prescribed by the poundkeeper.

6.1.5. The owner agrees in writing to be responsible for all costs, fines and damages associated with the dog, including the costs of impoundment, quarantine, signs and veterinary fees, pound fees and license fees, and any costs associated with liability to the victim or victims of the bite incident, or any other conditions the poundkeeper considers necessary or advisable in the interests of public safety.

7. Examination

7.1. A dog quarantined under this by-law must be examined by a licensed veterinarian prior to release from quarantine. If in the opinion of the veterinarian the dog is rabid, the poundkeeper may destroy it.

7.2. If a dog quarantined under this by-law dies prior to the examination, the poundkeeper must submit the head to the Canadian Food Inspection Agency for rabies examination.

8. Declaration that a dog is dangerous

8.1. If the poundkeeper has reason to believe that a dog presents a continuing threat to public safety or to other animals, whether or not the dog has been apprehended, he shall refer the matter to a hearing before council at a regularly scheduled or special meeting of council to decide whether or not the dog should be declared dangerous.

8.2. If an owner voluntarily accepts the dangerous dog declaration and the recommended disposition of the matter made by the poundkeeper, a hearing before council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

8.3. If the poundkeeper believes that it's necessary for the protection of the public or other animals pending the decision of council, the poundkeeper may

8.3.1. require that the animal be quarantined in the pound until the poundkeeper believes it is safe to release the animal to the custody of the owner, or

8.3.2. impose one or more of the conditions set out in section 6 upon the owner's custody of the animal.

8.4. The municipality must notify the owner at least 10 days in advance of the hearing.

8.5. The notice must include the following information:

8.5.1. the time, place and purpose of the hearing;

8.5.2. a summary of the reasons in support of the allegation that the animal is dangerous;

8.5.3. a copy of this section 8; and

- 8.5.4.** a statement that if the owner does not attend the hearing, the matter will be dealt with in the owner's absence and that the owner will not be entitled to any further notice or appeal in regard to the proceedings concerning the dog.
- 8.6.** The owner has the right to appear at the hearing, with or without counsel, and to make submissions to council and present oral and written evidence. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the poundkeeper and to inspect any documents filed by or on behalf of the poundkeeper, and to respond to them.
- 8.7.** If the owner does not attend the hearing, council may deal with the matter in the owner's absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the dog.
- 8.8.** Council must make a decision at the meeting during which the hearing took place or no later than the next regularly scheduled meeting.
- 8.9.** Council may declare the dog to be dangerous if it finds that:
- 8.9.1.** the dog has caused injury to or killed a person, whether on public or private property;
  - 8.9.2.** the dog has seriously injured or killed another animal without provocation; or
  - 8.9.3.** there is a material risk that the dog may cause injury to people or animals.
- 8.10.** If council declares a dog to be dangerous, council shall concurrently decide whether the dog should be destroyed or released to the owner subject to the conditions set out in section 6 or subsection 9.4. or any other conditions council considers advisable.
- 8.11.** In deciding whether to declare a dog to be dangerous and, if so, the disposition of the matter, council may take into consideration the following matters, as well as any others it considers relevant:
- 8.11.1.** whether the dog has worried, bitten, wounded or injured any person or animal, or is otherwise an aggressive animal;
  - 8.11.2.** the circumstances surrounding any worrying, biting or wounding incidents; and
  - 8.11.3.** whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion a person or animal on public or private property.
- 8.12.** Council need not give reasons for its decision.
- 8.13.** The municipality must immediately notify the owner of its decision (subject to subsection (7)).
- 8.14.** If council has decided that the dog should be destroyed, the poundkeeper may destroy the dog 7 days after the date of the decision.

## **9. Duties of owner**

- 9.1.** An owner who has received notice that council is to hold a hearing to decide whether or not the dog should be declared dangerous must confine and secure the dog on the owner's premises pending the outcome of the hearing.
- 9.2.** Subsection (1) does not apply if
- 9.2.1.** the poundkeeper has apprehended the dog, or
  - 9.2.2.** the owner has placed the dog in quarantine with a licensed veterinarian.
- 9.3.** An owner to whom a dog has been released under section 6 must comply with the conditions imposed by the poundkeeper.
- 9.4.** An owner of a dog declared to be dangerous that council has decided to release to the owner, must
- 9.4.1.** have the dog tattooed on the ear with clearly identifiable information as set out by the Council;
  - 9.4.2.** ensure that the dog while on private property is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which
    - 9.4.2.1.** is capable of preventing the entry of young children and the escape of the dog,
    - 9.4.2.2.** has minimum dimensions suitable for the size of the dog, as prescribed by the poundkeeper, and
    - 9.4.2.3.** provides protection from the elements for the dog;
  - 9.4.3.** permit the dog on public property only if

- 9.4.3.1. it is muzzled,
- 9.4.3.2. it is restrained by a chain or leash no more than 6 feet long, and
- 9.4.3.3. the dog is at all times under the effective control of a person competent to control it.
- 9.4.4. display in a conspicuous location at all entrances to the premises where the dog is kept a sign or signs which read "beware of dangerous dog", which sign must be posted in such a manner that it cannot be removed easily by a passerby and is capable of being read from outside the premises;
- 9.4.5. within 3 working days of selling, giving away or otherwise disposing of the dog, provide the poundkeeper with the name, address and telephone number of the new owner;
- 9.4.6. advise the poundkeeper within 3 working days of the death of the dog;
- 9.4.7. advise the poundkeeper immediately if the dog has gone missing or is running at large or has bitten, worried or attacked any person or animal;
- 9.4.8. maintain in force to the satisfaction of the Chief Administrative Officer a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000 per occurrence, showing the municipality as a named insured;
- 9.4.9. any other conditions as may be prescribed by the decision of council, including any of those listed in section 6.

## **10. Dangerous dog which has been released**

- 10.1. Where it appears on reasonable grounds that
  - 10.1.1. an owner has breached a condition of this by-law in respect of an animal that has been released to the owner after having been declared dangerous;
  - 10.1.2. a dog released to the owner after having been declared dangerous or under section 6 has pursued, bitten, wounded or worried a person or animal, whether or not on the property of the owner;

the poundkeeper may apprehend and impound the dog for the purpose of destroying it Section 3 applies.

- 10.2. In the circumstances described in subsection (1), the owner must voluntarily surrender the dog to the poundkeeper upon a written or oral request.
- 10.3. When the poundkeeper impounds a dog for the purpose of destroying it, the poundkeeper must notify the owner that the dog will be destroyed 10 days from the date of the notice. Subsections 8(4) and (5) apply (with necessary changes).
- 10.4. The owner may during that time period appeal the decision of the poundkeeper to council by providing notice in writing to the Chief Administrative Officer.
- 10.5. In the event of an appeal by the owner council must hold a hearing at a regularly scheduled or special meeting to decide whether the dog should be destroyed. Subsections 8(6), 7), (8), (12), (13) and (14) apply (with necessary changes).

## **11. General prohibitions**

- 11.1. A person may not interfere with or obstruct the carrying out of its functions under this bylaw by the poundkeeper or the municipality.
- 11.2. A person may not remove or deface a sign required to be posted under this by-law.

## **12. Offence**

Contravention of this bylaw is an offence punishable on summary conviction by a fine of no more than \$1000 or imprisonment of no more than 6 months, or both.

## **13. Poundkeeper as designated officer**

The position of poundkeeper is hereby established as a designated officer position under The Municipal Act for the purposes of enforcing **By-Law No. 02/09** (or any replacement of it) and this by-law.

## **14. Notice**

- 14.1. Notice may be given by personal service on the owner or by mailing the notice by registered mail to the last known address of the owner. If the dog is or was licensed the municipality is entitled to mail the notice to the last address provided by the owner in relation to

the licensing of the dog.

**15. General**

**15.1.** The powers and remedies conferred on the municipality and on the poundkeeper as a designated officer, under The Municipal Act are not meant to be affected by this by-law.

NOW THEREFORE the Council of the Town of Morris enact as follows:

That The Dangerous Dog By-Law be signed by the proper officers of the Town.

DONE AND PASSED as a by-law of the Town of Morris at The Town of Morris, in the Province of Manitoba this 12<sup>th</sup> day of February, 2009.

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Mayor

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Chief Administrative Officer

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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