

**THE RURAL MUNICIPALITY OF MONTCALM  
BY-LAW NO. 639/05**

**Being a by-law of the Rural Municipality  
Of Montcalm to provide for the regulation, prohibiting licenses and control  
Of dogs within the limits of the municipality**

**WHEREAS** Section 232(1)(k) of The Municipal Act, L.M. 1996, c. 58 - Chap. M225, provides as follows:

"A council may pass by-laws for municipal purposes respecting the following matters...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 Rural Municipality of Montcalm deems it advisable and in the best interest of the municipality to provide for the regulation, prohibiting, license and control of dogs within the limits of the municipality

**THEREFORE BE IT AND IT IS HEREBY ENACTED** as a By-Law of the Rural Municipality of Montcalm, in Council assembled, as follows:

1. This By-Law may be referred to as the "Dog Control By-Law".

2. **DEFINITIONS:** That wherever used in this by-law, unless the context otherwise requires,

"Administrator" means the Municipal Administrator of the Rural Municipality of Montcalm or his designate.

"Animal" means any domestic or wild animal, domestic or wild fowl or bird, or any species, class, or type of such animal or fowl or bird, and either generally or of any kind or class;

"Animal control officer" means the person duly authorised and appointed as Animal Control Officer by the Council of the Rural Municipality of Montcalm and shall include person(s) duly authorised to act as assistant to the Animal Control Officer.

"At large" means an animal located elsewhere than on the land or premises of the owner and not under control by being in direct and continuous charge of a person competent to control it;

"Authorised person" means any person appointed by the Village 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;

"Community or communities" means all or either of the Villages of St-Jean-Baptiste, Letellier and St-Joseph.

"Council" means the Council of the Rural Municipality of Montcalm.

"Dog" means any male or female animal, including spayed females and neutered males, commonly known by that name and being of the Canine or Canidae family and any and every breed or classification or mixture of breeds and classifications thereof, which are at least three months of age:

"Dog Kennel" means an enclosed area providing adequate shelter to the animals.

"Guide dog" means any dog specially trained for and actually used as a Guide by a person whose sight is impaired or who is blind, or whose hearing is impaired or who is deaf:

"Leash" means any rope, chain, or leather strap not longer than two meters, which is strong enough to restrain the animal:

"Livestock" means any domestic or wild animals, domestic or wild fowl or birds, or any species, class, or type of such animals or fowl or birds, and either generally or of any kind or class, which are kept for purposes other than pets;

"Municipality" means all property within the boundaries of the Rural Municipality of Montcalm,

"Owner" means any adult person who owns, possesses, or harbours an animal, or knowingly permits or allows any other person to own, possess, or harbour an animal upon his premises;

"Person" includes the plural as well as the singular, a corporation, partnership, association, syndicate, or any organised body:

"Pit bull" means

- (a) Pit Bull Terrier,
- (b) Staffordshire Bull Terrier
- (c) American Staffordshire Terrier,
- (d) American Pit Bull Terrier, or
- (e) Any dog which has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds, as established by the Canadian Kennel Club or the American Kennel Club or the United Kingdom Kennel Club, in the determination of a licensed Veterinary practitioner;

"Pound" means any enclosure, premise, or place as designated by the Municipality for the purpose of impounding and caring for animals found to be in contravention of any of the provisions of this by-law;

"Poundkeeper" means a person or persons appointed by the Municipality to act as Poundkeeper, his deputy and any one or more of his assistants or any other person authorised to perform any of the duties of Poundkeeper;

"Rottweiler" means

- (a) Rottweiler
- (b) Rottweiler-cross
- (c) Any dog which has the appearance and physical characteristics predominantly conforming to the standards of the above named breed, as established by the Canadian Kennel Club or the American Kennel Club or the United Kingdom Kennel Club, in the determination of a licensed Veterinary practitioner;

"Run at large" or "running at large" means not under control by being either

- (i) In direct or continuous charge of a person competent to control it; or
- (ii) Securely confined within an enclosure; or
- (iii) Securely fastened so that it is unable to roam at will beyond the owner's property;

"Vicious dog" means a dog that on a previous occasion has been impounded for biting, and also includes any dog whose owner has been convicted on a first biting offence by the dog under this By-Law.

### 3. SPECIAL RESTRICTIONS ON A PROPERTY:

(a) For the purposes of this Section, the word dog excludes dogs under the age of three months.

(b) No person shall keep, harbour or receive licences for more than two (2) dogs kept by him at the same time, provided that where the owner possesses a bitch who has had a litter of pups, may keep the pups with the bitch for a period of not more than four (4) months for the purpose of weaning the pups and disposing of same.

- (c) No owner may keep or harbour more than two dogs on one property in the Municipality, if he has been authorised and licensed by the Council to operate a Commercial Dog Kennel.
- (d) The owner of an unsprayed female dog shall confine her within a building upon his premises or a licensed kennel 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 unsprayed female dog or cat is in heat.
- (e) In the event of an outbreak or the threat of an outbreak of rabies or any other disease which can be transmitted through animals, Council may require every owner to confine his dog or cat upon his property for such period of time as Council may determine.

4. DOGS IN COMMUNITIES TO BE LICENSED:

- (a) The owner of every dog, over six months of age, within the limits of the communities of the municipality shall register every dog intended to be kept within the limits of the community, shall procure a license immediately therefore from the Municipal Office or agent authorized by the Council of the Rural Municipality of Montcalm and for such licence shall pay the fees hereinafter set out.
- (b) The owner shall place and keep around the neck of every dog a collar to, which shall be securely fastened the current license plate or tag issued by the Municipality. No other tag or plate, purporting to show at the dog is licensed is permitted to be attached to the collar.
- (c) All dogs must have collars and license tags and be under control when on the street. No owner shall permit a dog to be anywhere than on the owner's premises without a collar and the proper license tag or plate number unless the dog is accompanied by and is under leash of some competent person.
- (d) All owners must procure a license within two (2) months of this by-law coming into effect.

5. LICENSE FEES:

The license fee for dogs and kennels shall be as follows:

- A. For any dog = \$ 10.00 and is good for the life of the dog.
- B. The license fee for dog kennels, once approved by Council, shall be \$ 50.00

6. SPECIAL RESTRICTIONS RELATING TO CERTAIN DOGS:

- (a) No person shall own, possess, or harbour, or allow any other person inhabiting his premises to own, possess, or harbour any dog which is described as a "pit bull" or "rottweiler."
- (b) In the event that an owner already owns, possess, or harbours any dog as described as a "pit bull" or "rottweiler", the owner will be allowed to keep existing dog, but shall not be allowed to own, possess, or harbour any new dog as described above.

7. RUNNING AT LARGE:

- 1) ..In this By-Law "run at large" or "running at large" means not under control by either being:
  - (a) in direct and continuous charge on a leash of a person competent to control it; or securely confined within an enclosure; or
  - (b) securely fastened so that it is unable to roam at will.
- 2) ..No owner or person in charge of a dog shall permit it to run at large at any time within the Municipality.

8. IMPOUNDING AND REDEMPTION

- (a) It shall be the duty of the Animal Control Officer to capture and confine in a Pound all dogs found running at large contrary to the provisions of this By-Law.
- (b) The owner of any dog impounded may redeem the same at any time within six days of the time of capture by paying the Municipality the pound fee calculated as follows:
  - ... On any first offence, the sum of TWENTY DOLLARS (\$20.00) plus the applicable pound fee for the dog that has been impounded and in addition, a dog license fee, if applicable;
  - ... On any second or repeating offence within the period of one year, the sum of THIRTY DOLLARS (\$30.00) plus the applicable pound fee for the dog that has been impounded.
  - ....The full amounts of any cost incurred by the Municipality for the examination and treatment by a licensed veterinary surgeon of a dog that is injured or sick.
- (c) Whenever a dog is impounded wearing a tag furnished by the Municipality, the Animal Control Officer shall forthwith after the impounding, contact the Municipality who shall contact the owner whose name that appears on such license and shall send a notice that the dog has been impounded and that if it is not redeemed within six days of the date of notice, it may be sold or destroyed.
- (d) If another municipality issued the tag, the "host" Municipality shall notify the CAO thereof that such dog has been impounded and will be disposed of if not redeemed within six days of the date of such notification.
- (e) Notice may but need not be given in writing by mailing same by ordinary mail to the last known address as recorded on the Municipality's licensing records for the animal, and any such notice mailed shall be deemed to be delivered on the second day following such mailing.
- (f) Any person interfering with the Animal Control Officer or his assistant while he is carrying out the duties set out in this By-Law shall upon conviction be liable to the penalties imposed by By-Law No. 495/94 of the Municipality of Montcalm.

9. DISPOSAL OF DOGS IMPOUNDED:

- (a) The Pound may sell or dispose any dog not redeemed by the owner after seven days of being impounded.
- (b) Notwithstanding anything contained in this by-law, where a licensed veterinary surgeon certifies that, in his opinion a dog, in the custody of the Poundkeeper is so seriously injured or sick that it would be cruel to allow it to live, the Poundkeeper may cause the dog to be destroyed forthwith.
- (c) Any owner of a dog or person deemed to be the owner of a dog by reason of his harbouring the dog, who wishes to dispose of the dog must give written authority for its destruction.

10. IMPOUNDED DOGS TO BE FED AND WATERED

The Poundkeeper shall provide every dog captured and impounded with sufficient shelter, food, and water during the time such dog remains impounded.

11. ANY DOG THAT BITES A PERSON TO BE KEPT UNDER OBSERVATION:

- (a) Any dog which bites any person, whether on private premises or elsewhere, shall, unless the owner thereof forthwith delivers the same to the Pound, or to some place where dogs are kept under the personal supervision of a licensed veterinary surgeon, be taken by the Animal Control Officer to the Pound.

- (b) Any such dog so delivered or taken to the Pound or to a licensed veterinary surgeon shall be kept therein at the owners expense for a period of ten days (10) from the date of the bite, unless the Medical Officer of Health sooner certifies that all danger of infection has ceased.
- (c) Any dog thought to be rabid shall be impounded for fourteen days (14) or until it dies. Any such dog that dies shall have the head examined for rabies by the Health of Animals Division of Canada.

12. DOGS AND MUST NOT BE ALLOWED TO BECOME NUISANCES:

- (a) No owner shall permit his dog to run at large.
- (b) No owner shall permit his dog to bark or howl in any other way disturbs the quiet of any person or persons.
- (c) No owner shall permit his dog 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 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 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 their 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 Municipality unless the dog is placed in a public kennel operated for the care and maintenance of dogs.

13. REEVE MAY REQUIRE DOGS TO BE MUZZLED:

- (a) The Reeve when and for such period of time as may be authorised by a resolution of Council may issue a proclamation requiring owners to effectively muzzle their dogs so as to prevent biting or snapping.
- (b) During the time mentioned in such proclamation the owners shall effectively muzzle all dogs and no owner shall allow a dog to be on any public thoroughfare or public place unless so muzzled.

14. COMPLAINANT MUST IDENTIFY HIMSELF:

Before any action, whether to impound a dog or to institute legal proceedings, is taken by the Animal Control Officer as the result of a complaint, the complainant shall give his name and address to the Municipality.

15. REMOVING COLLAR OR TAG PROHIBITED:

No person shall remove the collar or license plate or tag from any licensed dog.

16. RECORDS TO BE KEPT:

The Municipality shall keep a record of every dog destroyed. Such record shall show the description and particulars of every such dog, the day and hour of its destruction, the name and address of the owner, (if known), the license number (if any), the amount and particulars of all fees, fines, charges and of all moneys (if any) received in respect of such dog and the name and address of the person paying the same and such other particulars as the Council may direct.

17. LOCATION OF THE DOG POUND:

The location of the Pound for the Rural Municipality of Montcalm and the poundkeeper shall be appointed by resolution of the Municipal Council.

18. PENALTY:

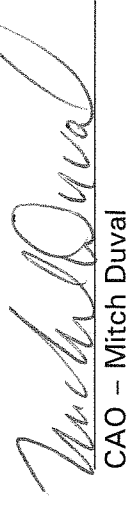
Any person found guilty of an infraction of any provisions of this By-Law shall be liable upon conviction thereof to the penalties imposed by By-Law No.495/94 of the Rural Municipality of Montcalm not to exceed ONE THOUSAND DOLLARS (\$1,000.00) and costs.

19. REPEAL:

By-Laws No. 579/99 are hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Montcalm, in Council assembled, at Letellier, in the Province of Manitoba, this 10<sup>th</sup> day of August, A.D. 2005.

  
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REEVE – Roger Vermette

  
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CAO – Mitch Duval

Read a first time this 13<sup>th</sup> day of July, A.D. 2005.

Read a second time this 13<sup>th</sup> day of July, A.D. 2005.

Read a third time this 10<sup>th</sup> day of August, A.D. 2005.