

Municipal Animal Control By-Law

BY-LAW NO. 2354

Of

THE RURAL MUNICIPALITY OF SWAN RIVER

The RURAL MUNICIPALITY OF SWAN RIVER, in Council assembled, enacts as follows:

TITLE

1. This By-law may be referred to as the "Animal Control By-law".

DEFINITIONS

2. **Animal Control Officer**, means the person appointed by Council to enforce the provisions of this By-law, and includes any person acting as an assistant to, or under the direction of, the animal control officer authorized by Council.

BY-LAW 2369 **Cat**, means any member of the genus *Felis domesticus* (domesticated cat).

Council, means the council of The Rural Municipality of Swan River.

Current rabies vaccination, means that the dog has been vaccinated for rabies in accordance with international veterinary protocol which calls for a primary vaccination, which is then followed by a booster vaccination not sooner than sixty (60) days and not greater than one year after the primary vaccination, and is then vaccinated at regular intervals not exceeding three years.

Dangerous animal, means any dog, or any other animal that has on at least one occasion, *worried, attacked, injured or killed* a person, livestock, or any other animal, or that is for any other reason determined to be a risk to any person, livestock, or any other animal. That is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property. That has shown the disposition or tendency to be threatening or aggressive, or that has been attack trained.

Dog, means any member of the genus *Canis familiaris* (domestic dog).

Domestic pet, means any animal other than a dog that has been domesticated and is kept or harboured within the Municipality.

Kennel, means an establishment for the breeding and/or boarding of dogs.

Leash, means a chain or other material capable of restraining the animal on which it is being used and not longer than two (2) metres.

Livestock, means:

- (a) animals kept for the purpose of:
 - (i) production of meat,
 - (ii) production of other products from the animals, or
 - (iii) herding, protection of livestock, or draft work, and breeding stock of such animals.

- (b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in sub clause (a) (i), (ii) or (iii) of this definition; and
- (c) any other animal determined by the animal control officer to be livestock for the purpose of this By-law; whether or not intended for profit and including without limitation:
- (d) dairy cattle and beef cattle, goats, sheep, bison and horses;
- (e) swine (including, wild boar);
- (f) all cervids on game production farms;
- (g) all of the family Camilidae (including, Llamas and Alpacas);
- (h) all domestic poultry (including, chickens, turkeys, ducks and geese);
- (i) specialty fowl (including, guinea fowls); and
- (j) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act*

Muzzle, means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.

Notice of Breach of By-law, means a notice issued pursuant to this By-law in the form attached hereto as Schedule B.

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

Person, includes a firm or corporation.

Pit Bull dog, means:

- (i) Pit Bull Terrier; or
- (ii) Staffordshire Bull Terrier; or
- (iii) American Staffordshire Terrier; or
- (iv) American Pit Bull Terrier; or
- (v) 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 United Kennel Club, or as determined by a veterinarian licenced to practice in Manitoba.

Pound, means any enclosure, premises, or place, whether within or outside the Municipality, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of this By-law.

Poundkeeper, means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a poundkeeper.

Running at large or run at large, means, in relation to an animal, that the animal is not:

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

INTERPRETATION

- 2(1) In all parts of this By-law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER AND POUNDKEEPER

- 3(1) **Establishment of Pound:**
Council may establish and maintain a pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-law, or the Council may enter into an agreement with any person (including with any other municipality, city, town or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Municipality shall be paid out of the general funds of the Municipality.
- 3(2) **Appointment of animal control officer:**
Council may appoint one or more persons as animal control officer(s) to carry out the enforcement of this By-Law. The animal control officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.
- 3(3) **Appointment of poundkeeper:**
Council may appoint one or more persons as poundkeeper(s) to carry out the duties of the poundkeeper set out in this By-Law. The poundkeeper(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the Municipality.
- 3(4) **Common animal control officer and poundkeeper:**
At the discretion of Council, the animal control officer may also serve as poundkeeper, and vice versa.

PROVISION OF NEEDS

- 4(1) Every person who keeps an animal within the municipality shall provide the animal or cause the animal to be provided with:
- (a) clean, fresh drinking water, available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and

- (d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering;
- 4(2) Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:
- (a) a total area that is at least twice the length of the animal in all directions;
 - (b) contains a house or shelter that will provide protection from heat, cold and wet, and that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
 - (c) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
- 4(3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
- 4(4) No person may cause an animal to be hitched, tied or fastened to a fixed object as a primary means of confinement for an extended period of time.
- 4(5) No person may cause an animal to be confined in an enclosed space, including a motor vehicle or implement of husbandry, without adequate ventilation.
- 4(6) No person may transport an animal in or on any type of vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from leaving or falling from the vehicle or otherwise injuring itself.

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4(7) + 4(8) ADDED

UNSANITARY CONDITIONS PROHIBITED

- 5(1) No person shall keep an animal in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

OWNER'S RESPONSIBILITIES

- 6(1) If a dog ^{REMOVED} ~~or cat~~ defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately.
- 6(2) No owner shall suffer, permit, allow or for any reason have his or her animal, bark, howl, or meow excessively or in any other manner disturb the quiet of any person.
- 6(3) No owner of a dog shall permit it to, without provocation:
- (a) chase, bite, attack or worry any person
 - (b) chase, bite, attack or worry any animal
 - (c) damage public or private property

- REMOVED
- 6(4) The running at large of dogs ~~or cats~~ is prohibited within the municipality.
- 6(5) No owner shall permit his dog, ~~cat~~ or any other domestic pet, to outside the owner's premises, or on public property (including parkland area) unless the animal is on a leash (which leash shall be no longer than six (6) feet in length, fully extended) and the animal is in the actual custody and effective control of the owner or a competent person able to control it, unless the said public property has been specifically designated by Council as land upon which dogs, ~~cats~~ or any other domestic pet are not required to be on a leash.
- 6(6) No owner shall permit his dog, ~~cat~~ or any other domestic pet, to upset waste receptacles or otherwise litter.
- 6(7) A female dog, ~~cat~~ or other domestic pet, in heat shall be confined to the premises of the owner or a person having control of the female dog, ~~cat~~ or other domestic pet, or shall be housed in a licenced kennel, for the period of time that the dog, ~~cat~~ or other domestic pet is in heat. The confinement shall be in such a manner as to prevent any contact between the dog, ~~cat~~ or other domestic pet in heat and any other dog, ~~cat~~ or domestic pet except other dogs, ~~cats~~ or other domestic pets owned by the same owner or another owner who permits such contact.
- 6(8) Any owner of a dog used and registered as a guide dog for assistance to a disabled person shall not be subject to the restrictions imposed under subsection 6(1).

RABIES VACCINATION

- 7(1) The animal control officer may at any time request that the owner provide proof that the owner's dog(s) ~~or cat(s)~~ has a current rabies vaccination status and, if the owner cannot produce such proof, the animal control officer may, apprehend and impound the dog(s) ~~or cat(s)~~, and may issue a Notice of Breach of this By-law to the owner.

MAXIMUM NUMBER OF DOGS ~~OR CATS~~

- 8(1) No person shall own, harbour, keep or have in his possession or control or on his premises, more than three (3) dogs over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him or her to own that number of dogs.
- 8(2) No person shall own, harbour, keep or have in his possession or control or on his premises, more than five (5) cats over the age of four (4) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him or her to own that number of cats.
- 8(3) Section 8 subsection (2) hereof shall not apply to premises which are zoned agriculture, provided however, that where, in the discretion of the animal control officer, the number of cats on any such premises constitutes a danger to the public or to the cats, the animal control officer may exercise his discretion to apprehend and impound all or some of the cats.

ANIMAL BITES

- 9(1) The animal control officer:
- (a) shall apprehend, impound and place in quarantine any dog ~~or cat~~ that he has reason to believe has bitten a person; and

- (b) may apprehend, impound and place in quarantine any other domestic pet that he has reason to believe has bitten a person if, in his discretion, such action in respect of the domestic pet is necessary for the protection of the public.

In either case, the aggressor animal, whether on private premises or elsewhere, and whether or not the skin was directly punctured or lacerated by the bite, except that this provision shall not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

- 9(2) If the aggressor animal is not voluntarily surrendered to the animal control officer by the owner, the animal control officer shall be empowered to apprehend and impound the aggressor animal and if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain an order to enter the personal residence of the owner for the purpose of apprehending and impounding the aggressor animal.
- 9(3) Any aggressor animal so apprehended and impounded shall be quarantined for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment.
- 9(4) The animal control officer may, in his discretion, authorize the owner of the aggressor animal to quarantine the aggressor animal in a place other than the pound, provided that such place is under the direct supervision of a licenced veterinarian and that the aggressor animal must remain at such place at the owner's expense for the quarantine period.
- 9(5) Every aggressor animal shall be examined by a licenced veterinarian approved by the animal control officer prior to release from quarantine. The determination as to whether or not the aggressor animal can be released from quarantine or must be euthanized, shall be at the discretion of the animal control officer based upon the following factors:
- (a) the medical report of the licenced veterinarian who has examined the aggressor animal; proof that the aggressor animal does not have rabies and that the aggressor animal has a current rabies vaccination at the date of the bite incident
 - (b) whether or not the aggressor animal is, in the opinion of the animal control officer a dangerous animal and, if yes whether or not the provisions of section 10 hereof have been complied with; and
 - (c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident.

DANGEROUS DOGS

- 10(1) Any Pit Bull dog within the Municipality is and shall be conclusively deemed a dangerous dog
- 10(2) No person shall keep or harbour any Pit Bull dog regardless of age, except where the owner has a valid dangerous dog licence for that dog.
- 10(3) The owner of a dangerous dog shall ensure that:
- (a) such dog is licenced with the municipality as a dangerous dog in accordance with the fees outlined in Appendix A;
 - (b) cause the dangerous dog to be tattooed upon the ear with clearly identifiable information as set out by Council and provide a copy of such information to the animal control officer;
 - (c) such dog is spayed or neutered;

- (d) at all times when off the owner's property, the dog shall be on a leash not longer than one (1) metre, shall be muzzled and under the control of responsible person over the age of 18 years:
- (e) when such a dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two (2) metres by four (4) metres and must have secure sides and a secure top attached to the sides and a minimum height of one and a half (1.5) metres. The bottom must be densely mixed concrete impervious to moisture, providing a smooth surface, it shall extend at least fifteen (15) centimetres up the walls, which must be secured to the bottom. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within two (2) metres of the property line or within four (4) metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.
- (f) a sign is to be displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as by symbol, that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.
- (g) a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least five hundred thousand dollars (\$500,000.00), covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the municipality to be named as an additional insured for the sole purpose of the municipality to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (h) they comply at all times with any and all other requirements of this By-law.

- 10(4) The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.
- 10(5) If the owner of a dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section, said dog shall then be euthanized, after a fourteen day holding period. Any dog that has been designated as dangerous under this By-law may not be offered for adoption.
- 10(6) The owner of a dangerous dog shall within three (3) working days of selling, giving away or otherwise disposing of a dangerous dog, provide the animal control officer with the name, address and telephone number of the new owner. Also notify the animal control officer of the death of a dangerous dog within three (3) working days.
- 10(7) The owner of a dangerous dog shall notify the animal control officer forthwith if the dangerous dog has gone missing or is running at large or has bitten, worried or attacked any person or animal.

DETERMINATION THAT AN ANIMAL OR DOG IS A DANGEROUS ANIMAL OR DOG

- 11(1) Where the animal control officer has reason to believe that any animal, is a dangerous animal, he shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not the said animal should be declared a dangerous animal. Should the owner voluntarily accept the dangerous animal declaration and the recommended disposition of the matter made by the animal control officer, a hearing may be dispensed with and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

- 11(2) Where it is deemed necessary by the animal control officer to protect the public or other animals pending the decision of Council, the animal control officer may require that the animal be quarantined in the pound until Council hears the matter and issues its declaration.
- 11(3) Council shall provide written notice of the hearing to the owner of the animal at least three (3) days in advance of the hearing by serving notice on the owner or by mailing the notice by registered mail to the last known address of the owner. In the case where the alleged dangerous animal is a dog, Council shall be entitled to mail the notice to the last address provided by the owner to the Municipality. The notice shall include the following minimum information:
- (a) the time, place and purpose of the hearing;
 - (b) a summary of the reasons in support of the allegation that the animal is dangerous;
 - (c) a copy of section 11 of this By-law; and
 - (d) a statement that if the owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.
- 11(4) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and call evidence on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the hearing by or on behalf of the animal control officer and to inspect any documents filed by or on behalf of the animal control officer, and to respond to same.
- 11(5) Within three (3) working days of the hearing of Council, Council shall issue a written decision in accordance with the following provisions:
- (a) The Council shall make an order declaring the animal to be a dangerous animal if in their opinion, the animal is, as defined by this By-law a dangerous animal, or a Pit Bull as defined by this By-law.
 - (b) The Council may make an order declaring the animal to be a dangerous animal if, in their opinion, there is material risk that the animal may cause damage or injury to person, property or any other animal, taking the following factors into account:
 - (i) whether the animal has worried, bitten, wounded or injured any person or animal;
 - (ii) the circumstances surrounding any previous worrying, biting or wounding incident; and
 - (iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.
- 11(6) The Council shall deliver a copy of their decision to the owner in the manner provided in subsection 11(3). There shall be no obligation upon Council to issue written reasons for their decision.
- 11(7) The decision of Council shall be final. There shall be no appeal from the decision of Council.

- 11(8) Every owner who has received notification from Council pursuant to subsection 11(3) that a determination hearing will be held with respect to his animal, shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing. This subsection shall not apply if the animal is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending the outcome of the hearing.
- 11(9) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to the conditions set out in section 10. The decision of Council shall be final and not subject to appeal.

DESTRUCTION OF DANGEROUS ANIMAL OR DANGEROUS DOG

- 12(1) Where it appears on reasonable grounds that the owner has breached a condition of this By-law in respect of an animal that has been declared dangerous, or if an animal has caused injury or damage to any person, property or any other animal or if the animal control officer otherwise has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal by Council, the animal control officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the animal control officer is authorized to apprehend and impound the said animal notwithstanding that it has not been declared to be a dangerous animal by Council at the time of its apprehension and impoundment.
- 12(2) When the animal control officer impounds an animal under this section for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry three (3) days from the date of the notice. The owner may, appeal the decision of the animal control officer to Council by providing written notice to the Clerk of the Municipality, in which case Council shall hold a hearing at the next regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of section 11 hereof. The animal shall remain quarantined in the pound pending the outcome of the hearing.

IMPOUNDMENT

- 13(1) The animal control officer may seize and impound any animal found running at large within the Municipality, or which is kept or harboured by, or in the possession or control of. Any person that is in breach of this By-law or of any other laws or regulations pertaining to animals or the conditions of any permit or licence (including, without limitation, a kennel permit or kennel licence).
- 13(2) The animal control officer shall issue a Notice of Breach of this By-law in the form set out in Schedule B hereto attached against any person that has committed an offence under this By-law. The Notice of Breach of this By-law may be served upon the person who has breached the By-law personally or upon a person apparently over the age of sixteen (16) years at the residence of the person who has breached the By-law, or may be served by registered mail addressed to the last known address of such person. The animal control officer may lawfully enter upon the premises of any such person to serve a Notice of Breach of this By-law.
- 13(3) The animal control officer shall make reasonable attempt to notify the owner of every animal impounded if the identity of the owner is known, by direct contact with the owner or by leaving a notice, as set out in Schedule C hereto attached, at the last known address of the owner. Where the identity of the owner is not known, the animal control officer shall post in the general office of the Municipality, a notice describing the animal, the date of apprehension and the date which the animal will be sold, destroyed or otherwise disposed of.

- 13(4) Every animal impounded shall remain impounded for three (3) days, unless claimed by the rightful owner. If not claimed within that time, the animal shall become the property of the Municipality. Any animal that is impounded and not claimed by the owner within the above time provided may:
- (a) be adopted for such price as established; or
 - (b) be euthanized.
- 13(5) Where an animal seized and impounded is injured or ill and is treated by a veterinarian, the municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment.
- 13(6) Where the owner of the animal seized and impounded does not claim the animal, he shall when known, pay all applicable fees and fines required by this By-law.

REDEMPTION

- 14(1) Unless the impounded animal is determined to be a dangerous animal, the owner of any dog, cat or other domestic pet impounded by the animal control officer may be redeemed within three (3) days of the apprehension and impoundment by applying to the Clerk of the Municipality for redemption and paying:
- (a) the impoundment fee as set out in Schedule A;
 - (b) the pound fees, calculated in accordance with Schedule A;
 - (c) all outstanding fines, damages or costs relating to the impounded animal; and
- 14(2) The poundkeeper shall not release any impounded animal until notified by the Clerk of the Municipality that the requirements of this section have been fulfilled.

KENNELS

- 15(1) Any person who wishes to keep, harbour, possess or control that number of dogs or cats in excess of the maximum number prescribed in Section 8 hereof, regardless of whether for profit or pleasure, shall apply in writing to the Council for a kennel licence. The application, must be accompanied by the application and licence fee as set out in Schedule A hereto attached. Any person who keeps, harbours, possesses or controls a number of dogs or cats in excess of the maximum number prescribed in Section 8 hereof without a valid kennel licence shall have committed an offence under this By-law.
- 15(2) Every kennel licence shall be for one year from the date of issue. A licence holder who wishes to renew shall no later than thirty (30) days prior to the expiry date submit an application for renewal in writing to the Council accompanied by the annual licence fee. .
- 15(3) Every person applying for a kennel licence shall comply with the requirements set out in *A Code of Practice for Canadian Kennel operations* (Canadian Veterinary Medical Association, September 1994) and any requirements as set forth in any municipal building and or zoning By-laws.
- 15(4) Every person who owns or operates a kennel shall comply with the By-laws of the municipality.
- 15(5) Where an owner or operator of a kennel fails to comply with a By-law of the municipality, the licence may be suspended or revoked.

- 15(6) Every person who owns or operates a kennel shall permit the animal control officer to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this By-law.
- 15(7) The animal control officer may enter and inspect the kennel under authority of a search warrant.
- 15(8) Where the animal control officer finds that the owner or operator of a kennel does not comply with any regulation in this section, he may direct that the animals be seized and impounded.
- 15(9) Council shall set a date to review any such application for a kennel licence at a regularly scheduled Council meeting not less than thirty (30) days following receipt of the application, application fees and licence fee for one (1) year. Council shall notify the applicant and make all reasonable attempts to notify all property owners within a one (1) mile radius of the premises upon which the proposed kennel will be located, of the application and the date of the hearing in respect of the application. In determining whether or not to grant a kennel licence, Council shall consider the following factors:
- (a) the proposed number of dogs and **or cats** to be kept on the premises;
 - (b) the intended purpose for keeping the dogs **and/or cats** on the premises;
 - (c) the steps which have been taken to ensure that disturbances to neighbours from excessive noise, odor, waste disposal, traffic and any other potential nuisances are avoided;
 - (d) that requirements of Section 15 subsection 3 have been met;
 - (e) the inspection report of the animal control officer, or any inspection report as may be requested by Council.
 - (f) any representations made by the owner or on behalf of the owner either in writing or at the meeting of Council;
 - (g) any representation made by the neighbours of the owner or any interested party, whether in writing or by oral submission at the meeting of Council.
- 15(10) Prior to revoking, suspending, refusing to renew, or imposing conditions upon, an issued kennel licence, the Council shall notify the holder of the licence and shall provide the said holder with the opportunity to make representation to Council at a meeting of Council.

ACCEPTABLE SPECIES ALLOWED AS PETS

- 16(1) For urban dwellings, the following captive born species are allowable as pets within the municipality (based on recommendation from the Canadian Federation of Humane Societies as supplied by The Canadian Veterinary Medical Association).
- 1) Domestic dog
 - 2) Domestic cat
 - 3) Canary
 - 4) Guinea pig
 - 5) Pigeon

- 6) Rabbit
- 7) Other common cage birds
- 8) Mouse
- 9) Aquarium fish (captive born)
- 10) Rat Psittacines (captive bred)
- 11) Gerbil finches (captive bred)
- 12) Golden hamster
- 13) Ferret
- 14) Chinchilla

PROHIBITED ANIMALS

17(1) The following list (as suggested by the Pet Industry Joint Advisory Council of Canada) of species of animals are prohibited as pets within the municipality.

- 1) All artiodactylous ungulates, except domestic goats, sheep, pigs and cattle
- 2) All canidae, except the domestic dog
- 3) All corocodilians (such as alligators and crocodiles)
- 4) All edentates (such as anteaters, sloths and armadillos)
- 5) All elephantidae (elephants)
- 6) All Erinacidae (except the African pigmy hedgehog)
- 7) All felidae, except the domestic cat
- 8) All hyaenidae (hyenas)
- 9) All marsupials (except sugar gliders)
- 10) All mustelidae (such as skunks, otters, and weasels) except the domestic ferret
- 11) All non-human primates (such as gorillas and monkeys)
- 12) All pinnipeds (such as seals, fur seals and walruses)
- 13) All perissodactylous ungulates, except the domestic horse and ass
- 14) All procyonidae (such as raccoons, coatis and cacomisties)
- 15) All pteropodidae (bats)
- 16) All raptors, diurnal and nocturnal (such as eagles, hawks and owls)

- 17) All ratites (such as ostriches, rheas and cassowaries)
 - 18) All ursidae (bears)
 - 19) All venomous reptiles
 - 20) All viverridae (such as mongooses, civets and genets)
- 17(2) Any person who keeps, harbours or has possession or control of a prohibited species as a pet, in the Municipality on or before the time that this By-law comes into force or effect shall sell or give the animal to a person outside of the municipality or shall otherwise dispose of the animal in a manner which ensures the animal is no longer within the municipality. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain, and the municipality accepts no responsibility for the manner of disposition.
- 17(3) Where the animal control officer has reasonable grounds to believe that a person is keeping, harbouring or has possession or control of a prohibited animal within the municipality, the animal control officer shall serve written notice for the person to dispose of the animal within fourteen (14) days, or such shorter period of time as the circumstances may require. Disposition of the animal shall be as described in section 17 subsection 2.
- 17(4) Where a person has failed or refused to dispose of a prohibited animal within the time frame contemplated by the order of the animal control officer, the animal control officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and premises of that person for the purpose of removing and disposing of the prohibited animal. The owner shall be liable for all costs associated with the apprehension, impoundment and destruction or sale of the prohibited animal.

LIVESTOCK

- 18(1) The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agriculture, unless otherwise permitted by the Municipality's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the Municipality, and it shall be an offence under this By-law to keep any livestock in excess of the prescribed number and kind.
- 18(2) An owner shall not permit his livestock to run at large within the municipality.
- 18(3) Council, or the animal control officer on the authority of Council, may establish from time to time a temporary or permanent premises for the confinement of livestock apprehended pursuant to this By-law. This may include the premises where the apprehension took place, and the owner of such premises or any other such person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council.
- 18(4) When livestock is impounded, the animal control officer shall publish notice of the impoundment in a newspaper that is generally distributed within the Municipality as well as post a notice at the office of the Municipality. This notice shall describe the livestock, any identifying tags, marks or brands, the day of impoundment, along with the location within the Municipality where the livestock were found running at large.
- 18(5) If the identity of the owner is known, the animal control officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address. The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Municipality in apprehending and impounding of the livestock, together with the costs of caring for the livestock and any fines imposed pursuant to this By-law, have been paid in full.

- 18(6) If no person claims the livestock within ten (10) days of the date of notice of impoundment, or if the owner has not paid the costs and fines referred to in section 18 subsection 5, the animal control officer may sell or otherwise dispose of the livestock without further notice to the owner, the proceeds of which shall be paid to the general funds of the Municipality.

INTERFERENCE WITH ENFORCEMENT

- 19(1) It shall be an offence under this By-law for a person to interfere or obstruct any attempt by the animal control officer, poundkeeper or the Council from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct an animal control officer, the poundkeeper, a police officer or any other person authorized to apprehend or impound or who has apprehended and impounded, any animal in accordance with the provisions of this By-law.

APPREHENSION BY RESIDENT

- 20(1) Any resident of the Municipality may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the animal control officer, poundkeeper or the Clerk of the Municipality of the apprehension and confinement.

RIGHT OF ENTRY

- 21(1) The animal control officer or any other person appointed by Municipality to enforce the provisions of this By-law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending an animal running at large.
- 21(2) The owner of any dog, cat or any other domestic pet that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the animal control officer, and/or to assist the animal control officer to apprehend and impound the said animal.

COMPLAINANT IDENTIFICATION

- 22(1) Any person who makes a complaint alleging an offence under this By-law against another person shall provide the animal control officer his name, address and telephone number.

LIABILITY

- 23(1) No liability shall attach to the animal control officer, the poundkeeper, the Council and/or the Municipality in carrying out their respective duties under this By-law. Without limiting the generality of the foregoing, no liability shall attach to the animal control officer, the poundkeeper, the Council and/or the Municipality for any animal destroyed, sold or otherwise disposed of, pursuant to the provisions of this By-law or killed or injured during the course of its apprehension or impoundment.

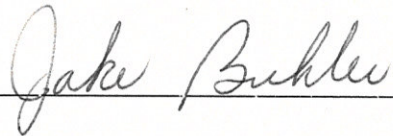
PENALTIES

- 24(1) Any person who contravenes any provision of this By-law is guilty of an offence and liable to the penalties prescribed in this section.
- 24(2) Each day of violation of any provision of this By-law shall constitute a separate offence.
- 24(3) The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this By-law.
- 24(4) A Provincial Court Judge, in addition to the penalties provided by this By-law, may, if he considers the offence sufficiently serious, direct or order the owner of a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the Municipality, or order the animal destroyed.
- 24(5) Where any person contravenes the same provision of this By-law twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in section 24(7) of this By-law in respect of that provision.
- 24(6) Where any person contravenes the same provision of this By-law three or more times within one twelve month period of a second contravention, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in section 24(7) of this By-law in respect of that provision.
- 24(7) Minimum penalties for violating sections of this By-law are as follows:

| <u>SECTION:</u> | <u>PENALTY:</u> |
|------------------------|------------------------|
| 4 and 5 | \$ 50.00 |
| 6(1) and 6(2) | \$ 50.00 |
| 6(3) | \$150.00 |
| 6(4) | \$100.00 |
| 8 | \$100.00 |
| 10 | \$250.00 |
| 15(4) and 15(6) | \$100.00 |
| 17(2) | \$250.00 |
| 18 | \$250.00 |
| 19 | \$500.00 |

24(8) A person who has been served with a Notice of Breach of this By-law, may dispose of the matter by attending at the Office of the Municipality during regular office hours within fifteen (15) days of the date of the notice and pay to the Clerk of the Municipality, the applicable fine, along with all other such charges that may have accrued as a result of enforcement of this By-law. In the event that a person served with a Notice of Breach of this By-law fails to pay the fine as set out in the Notice (including applicable costs) within the said fifteen (15) day period, the person shall be subject to a hearing before Council, and if found guilty of the breaches of this By-law set out in the said Notice, may be liable to Council for the penalties set in this By-law calculated having regard for section 24(2) of the By-law, together with an assessment of the costs incurred by Council to hold the hearing. The Council may proceed to collect any such fines and costs as against the person by any means available to it by law for the collection of outstanding taxes, including, without limitation, adding the fines and costs to the realty taxes on any property owned by the person within the Municipality. Without limiting the generality of the foregoing, no animal impounded shall be released until all provisions of the By-law pertaining to the said animal and/or impoundment have been complied with as set out by this By-law.

DONE AND PASSED as a By-law of the Rural Municipality of Swan River by the Reeve and Council in open session assembled this 8th day of May, A.D. 2001.



Reeve



Chief Administrative Officer

Read a first time this 27th day of March, A.D. 2001
Read a second time this 8th day of May, A.D. 2001
Read a third time this 8th day of May, A.D. 2001