

RURAL MUNICIPALITY OF LAKEVIEW

BY-LAW NO. 17-97

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF LAKEVIEW
TO ESTABLISH REGULATIONS FOR THE CONTROL OF CATS & DOGS.**

WHEREAS it appears desirable to regulate, and control dogs and cats within the Village of Langruth.

AND WHEREAS it appears advisable to impose a licence fee on the owners, possessors or harbourers of dogs within the Village of Langruth and to provide for the regulating, impounding, selling or destroying of dogs or cats that are in contravention of this by-law and to provide a penalty for any breach of this by-law.

NOW THEREFORE the Municipal Council of the Rural Municipality of Lakeview in Council assembled enacts as follows:

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

2. DEFINITIONS:

Wherever used in the By-Law, unless the context otherwise requires:

(a) "Administrator" shall mean the Municipal Administrator of the Rural Municipality of Lakeview or his designate.

(b) "Animal" shall mean an animal kept in domestication or captivity.

(c) "Animal Control Officer" shall mean the person duly authorized and appointed as Animal Control Officer by the Council of the Rural Municipality of Lakeview and shall include person(s) duly authorized to act as assistant to the Animal Control Officer.

(d) "Animal Pound" shall mean any building or enclosure, temporary or permanently designated as an Animal Pound by the Council of the Rural Municipality of Lakeview to confine cats and dogs in accordance with the provision of this By-Law.

(e) "Cats" shall mean all species of the animal commonly known as cats and shall include the female as well as male of every breed or classification or mixture of breeds.

(f) "Dogs" shall mean all species of the animal commonly known as dogs, and shall include the female as well as male of every breed or classification or mixture of breeds.

(g) "Owner" shall mean any person who keeps or harbors cat(s) or dog(s) or suffers any cat(s) or dog(s) to remain about his premises within the Village of Langruth.

(h) "Person" includes any person, body, corporation or politic;

(i) "Village Pound Keeper" means the person duly authorized and appointed by the Council of the Rural Municipality of Lakeview and shall include any person or persons duly authorized to act as assistant to the Village Pound Keeper.

(j) "Running At Large" shall mean, as applied to a dog that is not under the direct and continuous charge and effective control of a person competent to control it.

(k) "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;

(l) "Vicious Dog" means a dog that on two previous occasions has been impounded for biting, and also includes any dog whose owner has been convicted on a second biting offence by the dog under this By-Law.

3. LICENSING:

Every person resident within the Village of Langruth who is the owner of a dog over the age of three (3) months shall, annually, before the 1st day of March, or within three weeks of the time he becomes the owner of the dog, or a resident of the Village of Langruth, cause the dog older than three (3) months to be licenced and registered in the Office of the Rural Municipality of Lakeview, and in return for the fee hereinafter set forth, shall receive a dog tag made of durable material and capable of being affixed to a dog collar for each dog being registered. Each such tag shall have engraved or stamped thereon a serial number and the year of its issue and such other information as shall be deemed necessary by the Rural Municipality of Lakeview and the said licence number shall correspond with the number under which the dog has been registered in the Register maintained by the Chief Administrative Officer.

4. At the time an application for dog licence is made the owner shall produce therewith a valid Vaccination Certificate signed by a duly qualified veterinarian, which said Certificate shall certify that the dog in question has been vaccinated for rabies on a date no more than one (1) year prior to March 1st, of the current licence year.
5. The Chief Administrative Officer shall keep a Register showing the name of every owner who has paid the said fee and the number of tags issued to such person in the year, together with a brief description of each dog in respect to which a tag was issued.

6. The owner shall, within twenty-four hours of receiving the licence tag, place around the neck of the dog a collar or harness to which shall be securely fastened the licence or a tag issued by the Rural Municipality of Lakeview for that year for that dog.
7. No dog licence or dog licence tag shall be transferred from the owner to whom it was issued to another, or be transferable from one dog to another.
8. The animal licence fee payable for each dog shall be TEN DOLLARS (\$10.00) irrespective of the time of year when the owner becomes the owner of the dog. No refund shall be made of the licence fee because of death or sale of or other disposition of the dog or on account of the owner ceasing to be a resident of the Village of Langruth before the expiration of the licence period. A licence shall be issued without fee or charge in respect of a guide dog if the owner provides satisfactory proof that the dog is in fact a guide dog.
- 9A. No person shall keep or 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 he may keep the pups with the bitch for a period of not more than four (4) months for the purposes of weaning the pups and disposing of same.
- 9B. No person shall keep or harbour more than four (4) cats kept by him at the same time, provided that where the owner possesses a female who has had a litter of kittens, he may keep the kittens with the female for a period of not more than four (4) month for the purposes of weaning the kittens and disposing of same.

10. SPECIAL RESTRICTIONS:

1. Every owner of a female dog or female cat in heat shall keep her confined and housed in the residence of the owner for the period of time that she is in heat or cause her to be kept in a licenced kennel for the period of time in heat.
2. No person shall own or operate a commercial dog or cat kennel within the boundaries of the Village of Langruth.

11. RESPONSIBILITY OF OWNERS:

No owner shall:

- (a) permit his dog to run at large.
- (b) permit his dog to bark or howl or his dog or cat in any other way disturb the quiet of any person or persons;

- (c) 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) permit his dog or cat to damage public or private property other than that of its owner.
- (e) own, keep or harbour any dog (other than a dog under the age of three (3) months of Guide Dog) for which a licence has not been issued for the current licence year;
- (f) 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) permit his dog or cat to disturb or annoy any person or persons anywhere by biting, or any other means;
- (h) permit his dog to be on any school ground or playground.
- (i) permit a dog on parkland area unless the dog is on a leash of a length not to extend more than six (6) feet and in the actual custody and control of the owner or some competent person permitted by the owner to have the dog.
- (j) permit his dog to pursue or wound any human or animal.
- (k) it is the responsibility of the cat and dog owner to have animal vaccinated against rabies.

12. IMPOUNDING

The Council of the Rural Municipality of Lakeview is hereby authorized to establish a Pound and appoint a Village Pound Keeper and a Dog and Cat Catcher.

- 13. The Council of the Rural Municipality of Lakeview may in addition appoint such additional assistant Village Pound Keepers and Assistant Dog Catchers as they deem necessary.
- 14. The Village Pound Keeper may also be appointed Dog and Cat Catcher.
- 15. In addition to any provision hereinafter contained in respect of a violation of any provision of this By-Law, a dog or cat that a citizen has duly complained about at the Municipal Office may be impounded by the duly appointed Dog and Cat Catcher or Village Pound Keeper, who shall keep any such dog or cat in his custody for a period of seventy-two hours, and after such period of time said dog or cat may, at the discretion of

the Village Pound Keeper, be destroyed or sold as hereinafter provided, unless said dog or cat is redeemed in the manner hereinafter provided. The Village Pound Keeper may, if he so desires, instead of destroying the said dog, advertise the dog or cat for sale or put up a Notice in the Municipal Office and in the nearest Post Office stating that unless costs and charges against the said dog or cat are paid within forty-eight hours after the time of putting up the notice, the Village Pound Keeper may offer the said dog for sale. The proceeds of such sale shall be applied in firstly, pound fees and costs, secondly outstanding fines, thirdly, on account of licence fees and the balance, if any, shall be paid to the Chief Administrative Officer of the Municipality to be paid by him over to the owner of such dog or cat upon the owner furnishing satisfactory evidence of ownership within one month from the date of sale, less an administrative fee of Five Dollars (\$5.00) which shall form part of the general fund of the Rural Municipality of Lakeview. If application is not made within one month as aforesaid, the balance paid over by the Village Pound Keeper shall form part of the general funds of the said Rural Municipality of Lakeview.

16. For the purpose of investigating, taking into custody or impounding any dog or cat, the Dog and Cat Catcher of Village Pound Keeper shall have the right to enter on public property, or private property and to use whatever methods as are reasonably necessary including the injection of a tranquilizing fluid into the blood stream of the animal by the use of any device designed for the purpose of propelling it, or having a tip containing a tranquilizing drug. No person shall interfere or attempt to obstruct a Dog or Cat Catcher or Village Pound Keeper who is attempting to capture or who has captured any dog or cat in accordance with the provision of this By-Law.
17. The Village Pound Keeper shall provide food, water and shelter to every dog or cat impounded under the authority of this By-Law.
18. Where a dog bites a human being within the Village of Langruth whether the skin is directly punctured or lacerated by the bite or not, the owner of the dog shall immediately deliver such dog to the Village Pound Keeper or to the office of a duly qualified veterinarian and if the owner fails to do so the Village Pound Keeper shall be empowered to have a Provincial Judge, Magistrate or Justice of the Peace issue and order to seize and impound such dog.
19. The dog shall upon delivery to the Village Pound Keeper or the Office of the veterinarian as aforesaid, be securely leashed or confined, separate and apart from other animals, in a safe and comfortable place at the expense of the owner whether in the dog pound or in the veterinarians kennel for a period of 14 days from the date of delivery thereto. If at any time during the fourteen day period a duly qualified veterinarian certifies in writing that the dog is not suffering from or infected by rabies, the dog may be released to the owner (upon payment by the owner of all expenses incurred).

20. If any dog or cat is known by the Village Pound Keeper to be rabid or if a duly qualified and licensed veterinarian certifies that any dog or cat in the Village is rabid, the Village Pound Keeper shall immediately destroy the dog or cat or cause it to be destroyed.
21. The Village Pound Keeper of Langruth shall be appointed as a special constable of the Rural Municipality of Lakeview for the purpose of carrying out his duty under this By-Law herein, which, without restricting the generality of the foregoing, shall include the powers to serve a Summons upon any and all persons who might be in violation of any of the provisions of the By-Law herein or any amendments thereto.
22. No liability shall attach to the Village Pound Keeper and/or the Rural Municipality of Lakeview for any dog or cat destroyed or injured while being captured or during impoundment.

23. REDEMPTION:

1. An Unlicensed dog may be redeemed from the Pound upon the owner licensing and registering the dog for the current year and upon the owner paying to the Village Pound Keeper the sum of TWENTY DOLLARS (\$20.00) for the first impoundment; FORTY DOLLARS (\$40.00) for the second impoundment; and SEVENTY-FIVE (\$75.00) for the third impoundment, or any impoundment subsequent to the third.
- 2A. A licenced dog may be redeemed from the Pound upon the owner paying the Village Pound Keeper the sum of TWENTY DOLLARS (\$20.00) for the first impoundment; FORTY DOLLARS (\$40.00) for the second impoundment; and SEVENTY-FIVE DOLLARS (\$75.00) for the third impoundment, or any impoundment subsequent to the third.
- 2B. A cat may be redeemed from the Pound upon the owner paying the Pound Keeper the sum of TWENTY DOLLARS (\$20.00) for the first impoundment; FORTY DOLLARS (\$40.00) for the second impoundment; and SEVENTY-FIVE DOLLARS (\$75.00) for the third impoundment, or any impoundment subsequent to the third.
3. The owner shall in addition to the amounts referred to in 1 and 2A & B above pay a pound fee of TWENTY DOLLARS (\$20.00) if the dog is redeemed from the Pound on a Saturday or Sunday and FIVE DOLLARS (\$5.00) if the dog is redeemed from the pound on a week day.

24. PENALTIES AND CHARGES:

1. The Dog or cat catcher of Village Pound Keeper shall enforce the provisions of this By-Law.

2. In addition to anything else herein contained any person violating any provision of this By-Law shall be liable upon conviction to a fine of not less than TWENTY DOLLARS (\$20.00) and costs for the first offence; a fine of FORTY DOLLARS (\$40.00) and cost for the second offence; and a fine of SEVENTY-FIVE (\$75.00) and costs for the third offence, or any offence subsequent to the third one. In the case of non-payment of the fine and costs, the offender shall be liable to be imprisoned for a period not exceeding ten days.
3. Anyone found tampering with the baited dog or cat cages is guilty of an offence and the offender shall be liable to a fine of FIFTY DOLLARS (\$50.00).
25. All By-Laws heretofore passed by the Rural Municipality of Lakeview in connection with the licensing, controlling and regulating of dogs and cats within the Village of Langruth are hereby repealed.
26. This By-Law shall become effective on the date that it is done and passed.

DONE AND PASSED by the Council of the Rural Municipality of Lakeview, in Open Council assembled at the Village of Langruth, in Manitoba, this 25th day of November, 1997 A.D.

Isaac Wiebe, Reeve

Ron Brown, Chief Administrative Officer

Read a first time this 10th day of November, 1997.

Read a second time this 25th day of November, 1997.

Read a third time this 25th day of November, 1997.