

RURAL MUNICIPALITY OF OAKLAND

PROVINCE OF MANITOBA

BEING A BYLAW of the Rural Municipality of Oakland to provide for the regulation, and control of dogs;

WHEREAS Section 232(1)(k) of The Municipal Act, provides that a council may pass by-laws for municipal purposes respecting 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 Oakland deems it in the best interests of the Municipality to pass a by-law to provide for the control of dogs in the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Oakland in open session assembled hereby enacts as follows:

- 1) THAT this By-law be referred to as the Oakland Dog Control By-law.

PART I - DEFINITIONS

- 2) a) All references herein to "he" shall include "she" unless the context thereof requires otherwise.
- b) In this By-law, unless the context otherwise requires:
 - (1) "ANIMAL" means any animal that is kept in domestication or captivity and includes any part of an animal whether it is dead or alive.
 - (2) "ANIMAL CONTROL OFFICER" means any person appointed or employed by the Rural Municipality of Oakland, or the assistant or agent of any such appointee or employee, to carry out any provisions of this By-law, or any contracts or agreements entered into for the purpose of carrying out any provisions of this By-law.
 - (3) "DOG" means all species of the animal commonly known as dogs, and includes the female as well as the male of every breed or classification or mixture of breeds, unless otherwise specified.
 - (4) "OWNER" means any person who owns, possesses, or harbours any dog within the Rural Municipality of Oakland and shall include breeder.
 - (6) "POUND" means any premises where dogs are confined in accordance with the provisions of this By-law.
 - (7) "POUNDKEEPER" means a person appointed to have charge and supervision over a pound in accordance with the provisions of this By-law, and includes any person acting as an assistant to, or under the direction of the poundkeeper, also known as the "ANIMAL CONTROL OFFICER".
 - (8) "PREMISES" shall be all the land and buildings owned or rented by a person.
 - (9) "RUN AT LARGE" as applied to an animal means that the animal is not under the direct and continuous charge and effective control of a person competent to control it or is not under control by confinement within an enclosure, and "RUNNING AT LARGE" and "AT LARGE" have a corresponding meaning.

PART II - OFFENCES

3. No owner shall:
- 1) permit his dog to run at large within the Municipality;
 - 2) permit his dog to unduly disturb the quiet of any person, in the case of a dog by howling or barking;
 - 3) permit his dog to bark at any domestic animal, individual or vehicles on a public highway, except where the dog and domestic animal are owned by one and the same person;
 - 4) Harbour or keep any vicious dog unless such dog is securely fastened at all times in such place and in such manner that it does not endanger the safety of any human or animal;
 - 5) permit his dog to be a public nuisance or to bite or threaten to attack any person;
 - 6) it is the responsibility of the dog owner to have the animal vaccinated against rabies;
 - 7) refuse the Animal Control Officer the right to see and inspect any dog which the Animal Control Officer suspects may have violated or be in violation of the provisions of this by-law.
4. It shall be an offence for any person to tease, entice, bait or throw objects at a dog confined within its owner's property.

PART III - ESTABLISHMENT OF POUND AND APPOINTMENT OF POUNDKEEPER

5. a) The Municipality shall establish and make provision for the establishment of premises for the confinement of dogs apprehended pursuant to any provision of this By-law.
- b) Notwithstanding subsection (a), the Council may enter into an Agreement, in a form attached hereto as Schedule "A", with a private party who shall be the Municipal Poundkeeper for the purpose of enforcing the provisions and providing for the impounding of dogs under the provisions of this By-law. The Poundkeeper, during the term of said Agreement, shall be authorized to perform duties of the poundkeeper as may herein be assigned and shall be responsible for carrying out the duties so appointed by this by-law and the said Agreement.
- c) The Municipality may ratify an agreement respecting the above, made between the municipality and co-operating municipalities for a poundkeeper.

PART IV - APPOINTMENT AND DUTIES OF POUNDKEEPER

6. The Animal Control Officer shall be, and is hereby appointed as poundkeeper for the Municipality and shall be responsible for enforcing the provisions of this By-law related to such positions.
7. It shall be the duty of the Animal Control Officer:
- a) to issue warning and/or charging the applicable fine and costs to the owner of a dog for violation of any provision of this By-law; as deemed necessary;
 - b) apprehension and confinement of any dog which is in violation of any provision of this By-law;
 - c) care and protection of any dog during the period of confinement after its 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 any fines and costs collected from an owner of a dog for violation of this By-law;
 - f) notification to the owner of a dog confined after apprehension, and where the owner cannot be ascertained, preparation and posting in the office of the Municipality, a notice describing the animal

impounded, the date of the apprehension and confinement, and the date after which said animal may be sold or destroyed unless claimed;

g) preparation and delivery to Council of a monthly report setting forth such information relating to his duties as Council may require;

h) to maintain a record of all dogs impounded and of the disposition made of same for financial and statistical purposes.

PART V - IMPOUNDING

8. a) The owner of any dog impounded may redeem said dog from the pound within seventy-two hours of impoundment by:

i) paying the applicable impound fees as set out in Schedule "B", attached hereto;

ii) thirty cents per kilometre actually and necessarily travelled by the Poundkeeper from the pound to the place of apprehension and return;

b) Upon the expiration of seventy-two hours from the service of notice on the owner, or where the owner could not be ascertained and notice was duly posted; the poundkeeper shall be authorized to sell the dog for an amount sufficient to cover, where possible, all applicable impound fees as set out in Schedule "B" attached hereto;

c) In the event the dog is not claimed or sold after the expiration of seventy-two hours, the poundkeeper shall be authorised to have the animal destroyed by a Veterinary Surgeon, and if the owner of the animal is known to the poundkeeper, the owner shall pay to the Municipality the cost of such destruction.

9. No liability shall attach to the Poundkeeper, his employees, or to the Municipality for any dog destroyed or injured while being captured or seized, or during impoundment.

10. The Poundkeeper may enter the land surrounding any building in pursuit of a dog which has been observed to be at large or running at large.

11. Any person filing a complaint with respect to a dog must give the Poundkeeper his name, address and phone number before any action will be taken, either to impound the dog or to institute any legal proceedings.

PART VI - PENALTIES

12. a) Any person violating any provision of this by-law shall be liable for summary conviction to a fine of not less than \$50.00 for a first offence and not less than \$100.00 for second of subsequent offence and not exceeding \$1,000.00 in either case, together with costs, or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.

b) Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.

PART VII - BREACH OF BYLAW NOTICE

13. A Notice of Breach of Bylaw in the form set forth in Schedule "C" attached to this Bylaw may be served by the Poundkeeper to an owner whose dog has not been apprehended, and shall be served on the owner where he/she is known, where the dog has been apprehended, as provided herein.

PART VIII – ENACTMENT AND REPEAL

14. 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 Oakland in open council assembled at the Village of Nesbitt, in Manitoba, this day of February, 2000, A.D.

RECEIVED first reading this day of , 2000.

RECEIVED second reading this day of , 2000.

RECEIVED third reading this day of , 2000.

Reeve

Chief Administrative Officer