

THE TOWN OF SOURIS
BY-LAW NO. 1780

Being a by-law of the Town of Souris establishing regulations
for the control of dogs and cats.

WHEREAS the Animal Liability Act, S.M. 1998 c. 8, (subsection 5(1) Animals not to run at large; subsection 5(2) by-law does not limit owner's liability; and subsection 5(3) Town not liable by reason only of making by-law), authorizes the Council of any Municipality to pass by-laws to allow, restrain, prohibit, and regulate the running at large or trespassing of animals or fowl and providing for impounding them and other regulations in respect thereof;

AND WHEREAS subsection 236(1), 232(1)(o), and 232(2) of The Municipal Act, S.M., 1996, c.58 authorizes the Council of any Municipality to pass by-laws for regulating or prohibiting the keeping within the Municipality or within a prescribed area thereof domestic or wild animals and for the restraining and prohibiting and regulating the running at large of dogs and for the imposition of a license fee for dogs and other regulations pertaining to dogs;

NOW THEREFORE BE ENACTED AS A BY-LAW OF THE TOWN OF
SOURIS AS FOLLOWS;

- (1) *THAT* this by-law may be cited as the Dog and Cat By-law of the Town of Souris.
- (2) *THAT* this by-law relates to all dogs and cats as defined herein, within the Town of Souris.
- (3) *DEFINITIONS:*
In this by-law the expression:
 - (a) **"CAT"** means any feline, male or female;
 - (b) **"KITTEN"** means all cats under the age of 90 days;
 - (c) **"DOG"** means any canine, male or female;
 - (d) **"PUPS"** means all dogs under the age of 90 days;
 - (e) **"TOWN"** means the area as outlined in the Municipal Boundaries Act;
 - (f) **"OWNER"** means any person who owns, keeps, possesses or harbours a dog or cat;
 - (g) **"ANIMAL CONTROL OFFICER"** shall mean an employee of the Town of Souris whose duty is to enforce this by-law;
 - (h) **"RUNNING AT LARGE"** shall mean a dog or cat being on the streets, lanes, parks or public places, or in any school ground in the Town of Souris or being on private property without the permission or consent of the owner or occupant of such property, unaccompanied

by any person or accompanied by any person or but not under the complete control of any competent person;

- (i) **“POUND”** means any enclosure, premises, or place designated by the Town for the purpose of impounding and caring for all animals found running at large in violation of this by-law;
- (j) **“VICIOUS DOG”** means any dog found chasing or barking at any pedestrian, vehicle, or horse or any other animal on a public thoroughfare. Also any dog or cat which is guilty of biting or threatening to attack persons other than the owner;
- (k) **“POUNDKEEPER”** shall mean the poundkeeper for the time being of the Town of Souris and shall include his deputy or any one or more of his assistants or anyone performing any of the duties of the poundkeeper;

(4) *POUND AND ADMINISTRATION:*

- (a) The Town shall maintain a Pound located within the Town at such place designated for the time being as Town Pound.
- (b) The Pound shall be administered by the Town designate who shall be known as the Poundkeeper.

(5) *VICIOUS DOG OR CAT OR PUBLIC NUISANCE:*

- (a) Any owner, possessor, or harbinger of any dog or cat who permits such dog or cat to disturb the quiet of others anywhere, in the case of a dog by howling or barking, shall be guilty of an offence and liable to prosecution for breach of this by-law.
- (b) An owner, possessor, or harbinger of any dog found chasing or barking at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare shall be guilty of an offence and liable for prosecution for breach of this by-law.
- (c) If any dog or cat is ascertained by the Animal Control Officer on evidence satisfactory to him that such dog or cat is guilty of biting or threatening to attack persons other than the owner, the Chief Administrative Officer shall be empowered on the request of the Animal Control Officer to refund the fee paid and no fee shall be imposed thereafter or tag issued in respect to such animal shall be impounded and destroyed at the direction of the Animal Control Officer by a Doctor of Veterinary Medicine.
- (d) No owner shall allow a dog, with a propensity of being a vicious dog, whether on a leash or not, to be in a public place without it being properly muzzled.
- (e) Any commercial guard dog or vicious dog must be securely confined within an enclosure of private land, and such areas are to be sufficiently posted with Danger Signs, clearly stating “ Beware of

Dog” or wording similar.

- (f) No owner, possessor, or harbourer of any dog, shall permit it to be on or in any public thoroughfare, highway, place, building or park, unless such dog is on a leash or under the complete control of some competent person.
- (g) Any owner, possessor, or harborer of any dog which is on any public thoroughfare, highway, or park shall be in possession of a suitable device for gathering any excrement deposited by such dog on any such public thoroughfare, highway, or park and shall forthwith remove such excrement therefrom to his own premises. In addition, any owner, possessor, or harborer shall clean up or repair any mess caused by his dog digging.
- (h) Any Dog or Cat running at large may be picked up and impounded, if such dog or cat is on public property anywhere within the Town of Souris. Any dog or cat shall be deemed to be running at large if it leaves the private property, owned, occupied, or controlled by the owner.
- (i) If any dog or cat becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog or cat is guilty of biting or threatening to attack persons, the Animal Control Officer shall be empowered to impound the animal at the expense of the owner until such time as the owner can satisfy the Animal Control Officer that the animal will no longer create a public nuisance or cause a threat to persons and the appropriate pound fees are paid.
- (j) On the hearing of the information and complaint against any dog or cat, or the owner or person in charge thereof for breach of this by-law, the owner or person in charge shall be deemed to have “allowed” or “permitted” the breach unless he/she satisfies the presiding Magistrate that he/she took all reasonable precautions to prevent such breach.

(6) SPECIAL RESTRICTION

A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog for the period of time that she is in heat, or taken to a Licensed Kennel for the whole period of time in heat.

(7) VACCINATION AGAINST RABIES

(a) Every dog over the age of 3 months shall be vaccinated against rabies, which vaccinations shall be applied again 6 months to 1 year, shall be repeated at intervals of not more than one year. Every owner, possessor, or harborer of any dog, who applies for a license when the age of the dog is under 3 months shall be required to sign a declaration that vaccination will be carried out when the dog reaches the required age, onus of proof of

age of any dog shall be upon the owner, except as aforesaid, proof of vaccination against rabies must be produced when application for a license is made. Vaccination tags shall be affixed at all times to a collar worn on the neck of the dog.

(i) An exception to the above will be made by the production of a statement in writing from a License Veterinary Surgeon stating that the dog, for medical reasons cannot be vaccinated for rabies or that the scheduled vaccination routine should be varied.

(b) If proof of current vaccination against rabies is not produced to the satisfaction of the Animal Control Officer, by the Owner, possessor, or harbinger of any dog, the Chief Administrative Officer may, upon receipt of such information, cancel the license of any such dog without notice to any person. Thereafter, the dog may be dealt with as an unlicensed dog under the provisions of this by-law.

(c) Every cat over the age of 3 months shall be vaccinated against rabies, which vaccinations shall be repeated annually. The Animal Control Officer may at any time require the owner, possessor, or harbinger of any cat to produce proof of current vaccination against rabies, and if such proof is not produced to the satisfaction of the Animal Control Officer, he shall require such cat to be vaccinated against rabies unless;

(i) An exception will be made to the above, by the production of a statement in writing from a Licensed Veterinary Surgeon stating that the cat, for medical reasons, cannot be vaccinated for rabies or that the scheduled vaccination routine should be varied.

Refusal, neglect, or failure to comply with this requirement shall constitute a breach of this by-law.

(d) All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under "The Public Health Act" and shall be quarantined and confined separate and apart from other dogs and cats. If the said animal is well after the required quarantine period, it can be release to its owner. If the animal dies within the quarantine period, the dead animal shall be taken to a Doctor of Veterinary Medicine for further examination. If a dog or cat has rabies, it shall be destroyed by a Doctor of Veterinary Medicine and the diagnosis confirmed. Any dog or cat that bites or scratches a human being shall be quarantined at the owner's expense until a definite diagnosis of rabies can be confirmed by the Medical Officer of Health.

(8) COMPLAINANT MUST IDENTIFY HIMSELF

Before any action, or legal proceeding is taken as a result of a complaint, the complaint shall give his name and address to the Animal Control Officer or Town designate.

(9) ILL-TREATED ANIMALS

(a) Where there are reasonable grounds to believe that an animal is impounded, yarded, or confined without necessary food, water, or attention, for more than fifteen consecutive hours, or is being wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill-treated, abused or subjected to pain or discomfort, or is unduly exposed to cold or overcrowding either in an enclosure, or in transit; the Animal Control Officer or Designate may by force, if necessary, open and enter into any place in which the animal is so impounded, yarded or confined; supply the animal with necessary food, water and attention, as long as it remains in that place, if he deems it necessary, remove the animal; and recover from the owner of the animal the amount of the expense necessarily incurred by him for food and attention; and the Animal Control Officer or Designate is not liable for any entry or removal.

(b) Where action is taken under this section by the Town, in addition to the provisions of section (11), the owner of an ill-treated animal may be charged with a breach of this by-law.

(10) TEASING, ENTICING PROHIBITED

Any person found guilty of teasing, enticing, baiting, or throwing objects at an animal confined within the owners property shall be guilty of an offence and liable for prosecution for breach of this by-law.

(11) IMPOUNDING

(a) A Poundkeeper shall impound any animal found running at large, trespassing or causing damage contrary to the provisions of this by-law and also take charge of or detain any animal delivered to him for that purpose by the Animal Control Officer.

(b) Whenever any animal is impounded, the Poundkeeper shall detain such animal until the owner thereof or his agent pays over and above any claim for damages or any other charges hereunder.

(c) The Poundkeeper shall furnish daily to all animals impounded, sufficient water, food, and shelter, and the Town shall for such care and maintenance be paid by the owner thereof, over and above all other fees including Poundkeeper fees and charges mentioned herein, for each and every day or portion thereof during the time they are impounded.

(d) The owner of any dog or cat impounded may, except during Saturday, Sunday, holidays, or statutory holidays, redeem the same at any time within 3 days of the impounding by paying to the Chief Administrative Officer of the Town of Souris and/or Poundkeeper all damages, if any, all fees, charges, expenses and penalties imposed hereunder. Further,

any person claiming or redeeming an impounded dog or cat shall provide proof of current vaccination against rabies.

If such proof is not provided, the owner shall be required to pay the cost of rabies vaccination, and in the case of dogs, must produce or buy a license, before the dog may be redeemed.

(12) REDEMPTION

(a) An Unlicensed cat and/or dog may be redeemed from the Pound upon the owner licensing and registering the dog and/or cat for the current year and upon the owner paying to the Poundkeeper the sum of One Hundred Dollars (**\$100.00**) for the first impoundment; Two Hundred Dollars (**\$200.00**) for the second impoundment and any impoundment subsequent thereafter.

(b) A Licensed cat and/or dog may be redeemed from the Pound upon the owner paying the Poundkeeper the sum of Twenty-five Dollars (**\$25.00**) for the first impoundment; One Hundred Dollars (**\$100.00**) for the second impoundment and any impoundment subsequent thereafter.

(13) DISPOSAL OF UNREDEEMED ANIMALS

If the owner of a Dog or Cat or any other person on his behalf does not within 3 days of such impounding excluding Saturday, Sunday, holidays, and statutory holidays, redeem the Dog or Cat by paying the Poundkeeper and/or the Chief Administrative Officer of the Town of Souris all charges herein provided together with penalties and damages, if any, the Poundkeeper shall cause such animal to be destroyed.

(14) LICENSES

(a) The owner of every dog must annually register such dog with the Chief Administrative Officer or his Designate and must obtain from the Chief Administrative Officer or his Designate, a license, and for such license shall pay the fees hereinafter set out. The name of the person legally liable for any injury caused by the dog shall be certified by the person taking out the license.

(b) No person shall own, keep, possess, harbor, or have in his possession or in and around his premises, more than 2 dogs. If the owner possesses a female dog who has had a litter of pups, the owner may keep the pups with the female dog for a period of 90 days for the purpose of weaning the pups and disposing of same. For the purposes of this section, not more than 2 dogs shall be kept or harbored in or around any premises or dwelling in the Town of Souris.

(c) No person shall own, keep, possess, harbor, or have in his possession or in and around his premises, more than 3 cats. If the owner possesses a female cat who has had a litter of kittens, the owner may keep the

kittens with the female cat for a period of 90 days for the purpose of weaning the kittens and disposing of same. For the purposes of this section, not more than 3 cats shall be kept or harbored in or around any premises or dwelling in the Town of Souris.

(d) No license shall be required on any cat. However, the owner of such cats must identify his cat in such a manner so that it can be recognized as a domestic pet. All cats with no identification shall be deemed a stray.

- (15) The license year shall commence on the 1st day of May in every year and shall terminate on the 30th day of April, in the next year. Any dog within the boundaries of the Town, owned or acquired on or after the 1st day of May in any year shall be forthwith registered and licensed by the owner.
- (16) All dogs shall be presented upon request to the Chief Administrative Officer or his designate, who, if satisfied as to type, will register the dog and upon payment of the hereinafter fee will issue a license to the owner.
- (17) The owner of every dog which is within the boundaries of the Town of Souris must place on the dog a collar and affix thereto, the Licensed Tag for the current year.
- (18) No person, except the owner of the dog, shall remove the collar or licensed tag from any licensed dog.
- (19) ANNUAL LICENSE FEE
- (a) The annual license fee for every dog shall be **\$10.00**.
- (b) Where a change of ownership of a dog licensed hereof occurs during the license year, the new owner may have the current license transferred to his name upon payment of a transfer fee of \$5.00.
- (c) A penalty of \$10.00 for every dog shall be charged on every license issued after the 30th day of April of the year in which said license is due, unless the owner:
- (i) Produces a Bill of Sale dated after the 31st day of January in that license year, or;
 - (ii) Produces sufficient evidence to the Chief Administrative Officer establishing his ownership has been acquired after the 30th day of April in that license year, or;
 - (iii) Produces evidence that he has resided in Souris for less than 30 days.
- (e) No fee shall be charged for any dog used as a seeing eye dog, or a dog used for wheelchaired persons, provided that the person using such a dog produces to the satisfaction of the Chief Administrative Officer

or his Designate, sufficient proof of his disability.
Such License Fees shall be paid to the Town.

(20) LOST LICENSE TAGS

If the Chief Administrative Officer is satisfied that the owner of any dog has complied with the provisions of this by-law as to registration, licensing and providing of a collar and license tag and that the said tag has been lost or stolen he shall allow the owner to redeem the dog without payment of a new license, but upon payment of \$5.00 for a replacement license tag.

(21) CHIEF ADMINISTRATIVE OFFICER TO KEEP RECORDS

The Chief Administrative Officer or Animal Control Office or anyone authorized to act on their behalf shall keep a record of every animal impounded. Such record shall show the description and particulars of every animal impounded, the day and hour of its impounding, redemption, or destruction, the name and address of the owner if known, the license tag number, if any, the amount and particulars of all fees, fines, charges and of all monies received in respect of such animal and the name and address of the person paying same and such other particulars as the Chief Administrative Officer shall direct.

The Chief Administrative Officer or Animal Control Officer or anyone authorized to act on their behalf shall keep a record of all dog licenses imposed and tags issued under the provisions of this by-law showing the name of the owner or possessor of each dog and number of the tag issued in respect to each dog, and shall account for monies received as dog licenses.

(22) AUTHORIZATION

(a) The Animal Control Officer or Police Constable, or any person authorized by this by-law to enforce the provisions contained herein may enter into the land surrounding any building without the consent of an owner in pursuit of any dog which has been observed running at large.

(b) The Animal Control Officer or any other person authorized by this by-law may capture and impound any dog in respect of which he believes or has reasonable grounds to believe that an offence under this by-law is being or has been committed or any dog which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Manitoba or any regulation made thereunder.

(c) The Animal Control Officer shall be empowered to decide, based on the provisions set down in this by-law and by using his discretion,

whether and animal has become a public nuisance.

(d) The R.C.M.P. and/or licensed Veterinary Surgeon shall be empowered in their absolute discretion singly or together, to discharge any gun, firearm, pellet gun or other compressed air propellant, as the case may be, in the course of their duties of enforcing this or any other section of this by-law.

(e) Any attempt to prevent or hinder the Animal Control Officer, the Police Constable or anyone authorized to act on their behalf while trying to impound any dog or cat shall constitute a breach of this by-law.

(23) PENALTIES

(a) Any person 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)**.

(b) Any person convicted of a breach or infringement of any of the provisions of this by-law or amendments thereto, shall pay at the discretion of the convicting Magistrate or Judge, a fine, for each offence, not exceeding the sum of \$500.00 in addition to costs, and in the case of non-payment of fine, to imprisonment for a term not exceeding one month.

(24) THAT By-law No. 1590 be hereby repealed.

DONE AND PASSED in meeting assembled at the Town of Souris, in the Province of Manitoba, this 7th, day of May, 2007.

_____*Darryl Jackson*_____
Mayor

_____*William Hildebrand*_____
Chief Administrative Officer

Given First Reading this 20th day of May, 2003.

Given Second Reading this 16th, day of April, 2007.

Given Third Reading this 7th, day of May, 2007.

*Certified a true and correct copy of By-law No. 1780
passed by the Council for the Town of Souris at
their Regular Meeting duly assembled on May 7th, 2007.*

*Charlotte E. Parham, CMMA
Chief Administrative Officer*

