

**RURAL MUNICIPALITY OF ARMSTRONG
BY-LAW NO. 6/2022**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ARMSTRONG TO
PROVIDE REGULATION AND CONTROL OF ANIMALS WITHIN THE LIMITS OF
THE RURAL MUNICIPALITY OF ARMSTRONG.**

WHEREAS Section 232(1) of the Municipal Act S.M. 1996, c. M225 provides as follows:

- “A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- (o) the enforcement of by-laws.”

AND WHEREAS Section 1232(2) of the Municipal Act S.M 1996 c. M225 provides as follows:

- “Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (a) Regulate or prohibit;

AND WHEREAS, Section 236(1) of the Municipal Act S.M 1996 c. M225 provides as follows:

- “Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS, subsections 5(1), (2) and (3) of the *Animal Liability Act*, S.M. 202 c. 4, in relevant part, provides as follows:

- 5(1) Except when permitted by a By-law of a Municipality, no owner or person in charge of an animal shall allow it to run at large.
- 5(2) An owners liability under section 2 is not limited or otherwise affected by a By-law referred to in subsection (1).
- 5(3) A municipality that makes a By-law referred to in subsection (1) is not liable, by reason only of having made the By-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the By-law.

AND WHEREAS, subsections 31(1) and (2) of the *Disease and Dead Bodies Regulation* 338/88R of the *Public Health Act*, R.S.M. 1987 c. P210 provide, in relevant part, as follows:

- 31(1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the Medical Officer of Health or the Animal Control Officer of the Municipality in which the biting incident occurred or a Peace Officer of the details of the biting incident.
- 31(2) An Animal Control Officer or Peace Officer receiving a report pursuant to subsection (1) shall notify the Medical Officer of Health of the details of the report at the earliest possible opportunity.

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AND WHEREAS it is deemed advisable to provide for the regulation and control of animals within the limits of the Rural Municipality of Armstrong;

NOW THEREFORE Council of the Rural Municipality of Armstrong duly assembled enacts as follows:

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1. This By-law may be referred to and known as The Rural Municipality of Armstrong Animal Control By-law;

APPLICABLE LOCATIONS

2. That this By-law is applicable within the limits of the Rural Municipality of Armstrong;

LOCATIONS FOR DOG LICENCES ONLY

3. That this By-law's "dog licenses" section 5 of this By-law only is applicable to parts of the Rural Municipality of Armstrong within the following General Development Zone locations as defined in the RM of Armstrong Zoning By-law #6-2004, known as **INWOOD, NARCISSE, CHATFIELD, SILVER, MELEB and FRASERWOOD.**

DEFINITIONS

4. Wherever used in this by-law, unless the context otherwise requires:
 - "**animal**" unless otherwise defined in this By-law, means a live non-human being with a developed nervous system;
 - "**Animal Control Officer**" means the person duly authorized and appointed as Animal Control Officer or designated Officer by the Council of the Rural Municipality of Armstrong.
 - "**Pound**" means any premises; building or enclosure authorized by Council of Rural Municipality of Armstrong to be used or intended to be used for the confinement of animals;
 - "**Pound-keeper**" means the person duly authorized by the Council of the Rural Municipality of Armstrong to maintain an animal pound and carry out pound-keeper duties as set forth in this By-law;
 - "**dogs**" means all species of the animal commonly known as dogs, and shall include the female and male of every breed, classification or mixture of breeds.
 - "**owner**" means any person who owns, possesses or harbours animals or permits or allows any other person to own, possess or harbour an animal upon his premises.
 - "**person**" means any person, corporation, partnership, association, syndicate or any organized body.
 - "**running-at-large**" means in relation to an animal, that the animal is not under the direct and continuous charge and effective control of a person competent to control it; or securely confined within an enclosure or securely fastened so that it is unable to roam at will;

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“**livestock**” means animals kept for the purpose of production of meat, milk or other products from the animal and breeding stock of such animals whether or not intended for profit, includes:

- a) Beef cattle, dairy cattle, bison;
- b) Swine, goats and sheep;
- c) Donkeys, pony’s and horses;
- d) All domestic poultry including chickens, turkeys, ducks, geese, specialty fowl (i.e. guinea fowls) and other birds (i.e. peacocks);
- e) Foxes, mink and rabbits;
- f) Any other animal determined by the animal control officer to be livestock for the purposes of this By-law.

“**municipality**” means the Rural Municipality of Armstrong;

“**dangerous dog**” means any dog which is known to be vicious or mischievous or accustomed to causing injury.

“**restricted animal**” means:

- i. any member of the order Primate except human being;
- ii. any member of the order Carnivore except dogs, cats and domestic ferrets (*mustela putorius furo*);
- iii. any member of the order Crocodylia;
- iv. any constrictor snake, venomous snake or venomous reptile;
- v. any venomous amphibian;
- vi. any wild animal or wildlife as defined in *The Wildlife Act*;
- vii. any other animal determined by the Animal Control Officer to be a restricted animal, other than dog, cat or livestock.

Interpretation

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.

LICENCING

5.

- a) Every owner of a dog over six months of age kept within the boundaries listed in section 3 of this By-law shall cause the dog older than six months to be licenced and registered in the Office of The Rural Municipality of Armstrong, 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.
- b) Before a licence is issued, every owner of a dog must produce a Certificate of Vaccination for Rabies for that dog, from a Licenced Veterinary practitioner, showing that the dog has been vaccinated for rabies on a date no more than two years prior to the licence issuance. In the case of a female dog, which has been spayed, the owner shall produce a certificate from a Licenced Veterinary practitioner certifying that the female dog has been spayed.
- c) The owner of every dog shall pay to The Rural Municipality of Armstrong licence fee of twenty five dollars (\$25.00) for each neutered male or spayed female dog and thirty dollars (\$30.00) for each unneutered male dog and unsprayed female dog. The cost of the license is based on the life of the dog and is not based on a yearly renewal principle. Only a new application will require a license fee for the addition of a new dog.
- d) No licence or tag issued pursuant to the provisions of this by-law shall be transferable.
- e) No licence fee shall be charged for any dog specifically trained as a “Guide Dog”, providing that the owner of such a dog produces proof of blindness or impairment of sight or of deafness or impairment of hearing, and that the dog is specially trained and used as a guide for such a person.

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- f) Where the licence tag is lost or damaged, the owner shall forthwith apply for a replacement licence tag for the current year, the cost of which shall be ten dollars (\$10.00).
- g) Each household shall be limited to licence or keep no more than two (2) dogs within the boundaries listed in section 3 of this By-law, provided that where the household possesses a bitch who has had a litter of pups they 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.
- h) To keep out license database up-to-date, it is the responsibility of the dog owner to advise the municipality of any change of address within the municipality or any change of ownership. A change of ownership of a dog, if licenced, will not require a new licence fee but will require that the previous owner contact the Chief Administrative Officer (CAO) to make appropriate corrections.

GENERAL RESTRICTIONS

6.

- a) No person shall own or operate a commercial dog kennel within the boundaries listed in section 3 of this By-law;
- b) Every owner of a female dog in heat shall keep her confined and housed in the residence of the owner for the period of time that she is in heat.
- c) The keeping of livestock shall only be permitted in those areas of the Municipality zoned agricultural unless otherwise permitted by the Municipality's Zoning By-law 6/2004 in effect and as amended from time to time.
- d) Every person owing or occupying premises on which dogs, cats or livestock are kept, whether for commercial purposes or otherwise, shall keep the premises clean and tidy, to the satisfaction of Province of Manitoba Public Health Officer. If an Animal Control Officer has reason to believe that premises are not clean and tidy, he or she shall notify a Province of Manitoba Public Health Officer.
- e) No Person owning or occupying premises on which dogs, cats or livestock are kept, whether for commercial purposes or otherwise, shall allow the premises to become offensive or adversely affect the health or comfort of other persons by reason of filthy conditions, offensive odours, or other causes.
- f) No person may negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Municipality; entice an animal to run at large; tease an animal caught in an enclosed space; or throw or poke any object into an enclosed space when an animal is caught or confined therein.
- g) No person other than the owner of an animal or with the consent of the owner may untie, loosen or otherwise free an animal which has been tied or otherwise restrained.
- h) No person shall own, harbor, keep or have in his possession or control on his premises more than two (2) dogs and/or more than three (3) cats over the age of four (4) months, regardless of the number of people who might be inhabiting the premises, and this shall not apply to premises which are zoned agricultural, provided however, that where, in the discretion of the animal control officer, the number of dogs or cats on any such premises constitutes a danger to the public or to the animals, the animal control officer may exercise his discretion to apprehend and impound all or some of the dogs or cats.
- i) Within all premises of the Municipality no person shall keep or harbor a restricted animal or wild animals defined in *The Wildlife Act*.

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RESPONSIBILITIES OF OWNER

7.

For the purpose of this section "animal" shall mean dog, cat or livestock.

1. That the owner of an animal shall be responsible for this animal and no owner shall:

- (a) permit that their animal does not run-at-large within the limits of the Municipality, when animal is found running at large, its owner shall be deemed to have failed or to comply with this clause;
- (b) permit his animal to bark or howl for prolonged period of time or in any other way disturb the quiet of any person or persons in the Municipality;
- (c) permit his animal to defecate on any public or private property other than of its owner. Where an animal defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately and disposed of in a sanitary manner;
- (d) permit his animal to damage public or private property other than that of its owner. Where public or private property has been damaged by an animal, its owner shall be deemed to have failed or refused to comply with this clause;
- (e) own, keep or harbour any dog (other than under the age of six months or a Guide Dog) for which a license has not been issued.
- (f) harbour or keep any dangerous dog unless such dog is securely fastened and properly muzzled at all times in such place and in such a manner that it does not endanger the safety of any human or animal;
- (g) permit his dog to aggressively pursue, disturb or annoy any person anywhere by biting or wounding or any other means;
- (h) permit his dog to be on any school ground, playground, public park unless the said animal is restrained by a leash not more than five (5) feet in length and the dog is in the actual custody and effective control of the owner or a person competent to control the said dog;
- (i) permit his animal to upset any waste receptacle and scatter the contents about any private or public property not belonging to the owner;
- (j) permit any female dog or cat in heat to run loose and have contact with any other dogs or cats except the dogs or cats owned by the same owner or by another owner who voluntarily permits such contact.

2. Where animal commits any of the acts prohibited by section 7(1), the owner will be deemed to have permitted the activity and the owner will be liable to pay costs associated with remedying the damage, including, but not limited to, veterinary costs.

3. The owner of an animal that is captured or impounded is liable for and shall reimburse the Municipality for all costs incurred with respect thereto, including all costs incurred in capturing, impounding, feeding, advertising or destroying such animal and the Municipality may by By-law add the said costs to the taxes of the owner.

POUND, POUND-KEEPER AND ANIMAL CONTROL OFFICER

8.

- a) Council may, by resolution or agreement appoint one or more person as Pound-keeper to carry out and enforce this By-law and approve or ratify an agreement respecting a Pound-keeper's appointment and establish for the Rural Municipality of Armstrong a public pound, and such pound shall be located on such premises or at such place as Council may from time to time direct by resolution or agreement with the Pound-keeper;

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- b) Council may, by resolution appoint one or more person as Animal Control Officer to carry out and enforce this By-law and approve or ratify an agreement respecting an Animal Control Officer's appointment;
- c) In addition to any other duties and responsibilities under this By-law, an Animal Control Officer shall:
 - i. be responsible for enforcing this By-law in accordance with the General Enforcement By-law of the Municipality;
 - ii. prepare and deliver to Council a monthly report setting out such information as Council may require from time to time;
- d) In addition to any other duties and responsibilities under this By-law, a Pound-keeper shall:
 - i. Establish and maintain an Animal Pound for the confinement of animals apprehended and impounded pursuant to this By-law;
 - ii. Care for and protect all animals during the period of their confinement, including ensuring that the animals are properly housed, fed, watered and provided with appropriate veterinary care;
 - iii. Prepare and deliver to Council a monthly report setting out such information as Council may require from time to time.
- e) No liability shall attach to the Animal Control Officer, the Pound-keeper or the Municipality for any animal destroyed or injured pursuant to any action undertaken by the Animal Control Officer or the Pound-keeper pursuant to his or her enforcement activities including, without limitation, the apprehension or impoundment of an animal.

IMPOUNDING

9.

1. Impoundment for animals Running at Large

For the purpose of this section "animal" shall mean dog, cat or livestock.

- a) An Animal Control Officer is authorized to capture and impound an animal that he or she finds running at large or which is not properly licensed and tagged.
- b) An Animal Control Officer or Pound-keeper is authorized to impound an animal that has been turned over to the Animal Control Officer or Pound-keeper as having been running at large if the Animal Control Officer or Pound-keeper has reasonable grounds to believe that the animal was in fact running at large. The Animal Control Officer or Pound-keeper is authorized to require the person turning over the animal to execute a statutory declaration concerning the circumstances in which he or she took possession of the animal.
- c) The Animal Control Officer must notify the owner of every animal impounded under this section of the impoundment or, where the owner of the animal is not known, must prepare and post in the general office of the Municipality a notice setting forth:
 - i. Description of the impounded animal;
 - ii. The date of the animals apprehension and impoundment; and
 - iii. The date after which the animal will be disposed of.

The owner is entitled to redeem the animal under section 10 of this By-law at any time during its impoundment.
- d) Unless it is redeemed earlier under section 10 of this By-law, an Animal Control Officer or Pound-keeper shall impound such an animal for a minimum period of three (3) days. If the animal has been impounded for a minimum of three (3) days without being redeemed, the Animal Control Officer or Pound-keeper is authorized to dispose of the animal in accordance with subsection 10(b) of this By-law.

2. Impoundment and Quarantine for Bites and/or Rabies Observation

For the purpose of this section "animal" shall mean dog, cat or livestock but shall not include a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

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- a) If an Animal Control Officer suspects that an animal has been exposed to rabies or and animal bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch the Animal Control Officer is authorized to capture, impound and quarantine the animal at the Animal Pound at the owner's expense for a period of no less than ten (10) days for observation.
- b) If an Animal Control Officer gives notice to the owner of an animal that he or she is acting under the authority of subsection 9-2(a), the owner must surrender the animal to the Animal Control Officer for impoundment and quarantine immediately. If the animal is not voluntarily surrendered to the Animal Control Officer, the Animal Control Officer shall be authorized to apprehend and impound the animal and, if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, to obtain an order to enter the personal residence or other property of the owner for the purpose of apprehending and impounding the animal.
- c) As an alternative to impounding and quarantining the animal under subsection 9-2(a), the Animal Control Officer is authorized to permit or require the owner of the animal, at the owner's expense, to have the animal quarantined at a veterinary clinic or have the animal quarantined on the property of its owner. The Animal Control Officer is authorized to act under this subsection 9-2(c) if he or she determines that the animal will be securely held and will not leave the property. The Animal Control Officer may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the animal is appropriately confined during the quarantine period. An owner who fails to ensure that the animal is securely held on the property or fails to ensure compliance with the other conditions imposed by an Animal Control Officer commits an offence under this By-law.
- d) If an animal is quarantined at the Animal Pound or on the property of its owner, an Animal Control Officer must observe it for symptoms of rabies. If it's quarantined at a veterinary clinic, the veterinarian must observe it for symptoms of rabies. If, during the quarantine period, it is determined to have rabies, the animal must be euthanized, if it has not already died or been euthanized. The animal's body must then be examined for proof of rabies at the expense of the owner.
- e) The Animal Control Officer must notify the owner of every animal impounded under this section of the impoundment or, where the owner of the animal is not known, must prepare and post in the general office of the Municipality a notice setting forth:
 - i. A description of the impounded animal;
 - ii. The date and place of the animal's apprehension and impoundment; and
 - iii. The date after which the animal will be disposed of.
- f) Unless it is determined to have rabies, an animal may be redeemed under section 10 of this By-law after its mandatory period of impoundment and quarantine has ended. If the animal has not been redeemed within three (3) days after the end of its period of impoundment and quarantine, the Animal Control Officer or Pound-keeper is authorized to sell or otherwise dispose of the animal.
- g) The owner of the said impounded and quarantined animal shall be responsible for all costs, fines and damages associated with the animal, including the costs of impoundment, quarantine, veterinary fees, pound fees and any other costs associated with liability to the victim or victims of the bite incident.

3. Impoundment of Potentially Dangerous Animal

For the purpose of this section "animal" shall mean dog, cat or livestock but shall not include a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

- a) An Animal Control Officer is authorized to impound an animal if:
 - i. There's evidence that the animal has acted in a dangerous or aggressive manner toward humans or animals; and
 - ii. The Animal Control Officer concludes that leaving the animal in the keeping of its owner could pose a danger to humans or animals.

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The Animal Control Officer shall keep a record of all incidents of dangerous or aggressive behavior, identifying the animal and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions contained herein.

- b) Rather than impounding an animal under subsection 9-3(a), the Animal Control Officer may impose conditions on the animal's owner designed to minimize any threat posed by the animal pending a determination under section 11 of this By-Law or section 12 of this By-law or both.
- c) An animal impounded under subsection 9-3(a) is not eligible to be redeemed under section 10 of this By-law unless or until either:
 - i. Council has determined that the animal should neither be designated as dangerous under section 11 of this By-law nor destroyed as dangerous animal under section 13 of this By-law; or
 - ii. Council has designated the animal as dangerous under section 11 of this By-law and its owner is able and willing to comply with the restrictions resulting from that designation.
- d) Where Council has determined that an animal impounded under this section should neither be designated as dangerous animal under section 11 of this By-law nor destroyed as dangerous animal under section 13 of this By-law, it is eligible to be redeemed within 48 hours after its owner has been notified of this determination. After that time passes, the Animal Control Officer or Pound-keeper is authorized to sell or dispose of the animal.
- e) Where Council has determined that an animal impounded under this section should be destroyed under the section 13 of this By-law, the animal must continue to be impounded until either it is destroyed under that section or the determination that the animal should be destroyed is overturned on appeal.

REDEMPTION OF IMPOUNDED ANIMALS

10.

- a) Where an animal has been apprehended and impounded pursuant to this By-law and such animal is eligible to be redeemed, the owner may redeem the animal by providing proof of ownership and paying all applicable fees and costs including:
 - i. A fee equal to all costs of and associated with impounding the animal for each day or part thereof that the animal has been impounded;
 - ii. The cost of the tranquilizer dart or other, if the use of same was, in the opinion of the Animal Control Officer, necessary to apprehend the animal;
 - iii. Overtime pay and the cost of additional personnel required for the apprehension of the animal;
 - iv. The cost of vehicles and equipment rented for the purposes of the apprehension of the animal; and
 - v. Veterinary expenses necessarily incurred in connection with the animal during its confinement.
- b) Where the owner of an animal refuses to pay the costs set forth in subsection 10(a), or where the animal has otherwise not been redeemed in accordance with the time periods set out in this By-law, the Animal Control Officer or the Pound-keeper may:
 - i. Sell the animal to any person who will pay the actual costs associated with the apprehension and impoundment of the animal; or
 - ii. Destroy or otherwise dispose of the animal.

DANGEROUS ANIMAL DESIGNATION

11.

For the purpose of this section "animal" shall mean dog, cat or livestock but shall not include a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

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- a) Where the Animal Control Officer has a reason to believe that an animal is a dangerous animal, he or she shall arrange a hearing before Council at a regularly scheduled meeting of Council to determinate whether or not the said animal should be declared a dangerous animal. In the event of that an owner of the said animal voluntarily accepts the dangerous animal declaration and the recommended disposition of the matter made by the Animal Control Officer, a hearing before the Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.
- b) Where 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:
 - i. Require that the animal be quarantined in the Animal Pound until the earlier of the date that the Animal Control Officer determined that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or
 - ii. May impose all or any of the conditions set out in subsection 12(2) of this By-law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date that the Animal Control Officer determinates that it is safe to remove the conditions or until Council hears the matter and issues its determination.
- c) Council is authorized to designate an animal as dangerous if he or she concludes that the animal:
 - i. Has caused injury or harm a person, whether on public or private property; or
 - ii. Has seriously injured or killed any other animal without provocation; or
 - iii. Is likely to cause significant harm or injury to individuals or animals.
- d) In making a dangerous designation on the subsection 11(c), Council must take into account:
 - i. Any recent incident in which the animal has caused harm or injury to individuals or animals or pursued or menaced individuals or animals;
 - ii. The nature of any incidents referred to in clause d(i) and, in particular, whether the animal was provoked; and
 - iii. The behavior of the animal since the incident.
- e) Before making a dangerous animal designation under subsection (c), the Animal Control Officer must:
 - i. Give notice to the animal's owner that a determination as to whether the animal should be designated a dangerous animal will be made;
 - ii. Provide the reasons why such determination is being made; and
 - iii. Give the animal's owner reasonable opportunity to be heard at a regularly scheduled meeting of Council where the determination will be made.
- f) Council shall provide written notice of the hearing to the owner of the animal at least ten (10) days in advance of the hearing date by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. The notice shall include following minimum information:
 - i. The time, place and purpose of the hearing;
 - ii. A summary of the reasons in support of the allegation that the animal is dangerous;
 - iii. A copy of this section 11 of this By-law; and
 - iv. A statement that if the owner does not attend the hearing, the matter will be dealt with in his or her absence and that he or she will not be entitled to any further notice or appeal in regards to the proceedings concerning the animal.
- g) 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 or her behalf. The owner also has the right to hear and see 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. Where the owner does not appear



at the hearing, having been given notice provided in accordance with subsection 11(f), Council shall be entitled to deal with the matter in his or her absence, and the owner shall not be entitled to any further notice or appeal in regards to the proceedings concerning the animal.

- h) Within five (5) working days following the hearing, Council shall issue a written decision and deliver a copy of such decision to the owner of the animal by personal service or registered mail to the last known address of the owner. There shall be no obligation upon Council to issue written reasons for its decision.
- i) The decision of the Council shall be final. There shall be no appeal from the decision of Council.
- j) Every owner who received notification from Council pursuant to subsection 11(f) that a determination hearing will be held with respect to his or her animal shall ensure that the animal remains confined upon the premises of the owner pending the final outcome of the hearing.
- k) Subsection 11(j) shall not apply if the animal is impounded or the Animal Control Officer receives written confirmation from licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.

CONSEQUENCES OF DANGEROUS ANIMAL DECLARATION

12.

1. The owner of an animal that has been designated as dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:
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 - a) Cause the dangerous animal to be tattooed upon the ear or have a microchip containing the owner's name and current address as well as the fact of its dangerous animal designation implanted into animal's skin by a licensed veterinarian and provide proof of this identification to the Animal Control Officer;
 - b) Ensure that, while on the owner's property, the animal is either kept securely confined indoors or is kept in a securely enclosed and locked pen, structure or yard which:
 - i. Prevents the animal from escaping and young children from entering;
 - ii. Has minimum dimensions suitable for the size of the dangerous animal, as prescribed by the Animal Control Officer;
 - iii. Has secure sides and top; and
 - iv. Provides adequate protection from the elements for the animal.
 - c) If the animal is a dog, not permit the dog off the owner's property unless it is muzzled and restrained by leash or chain of no more than six (6) feet in length which is held by a person capable of controlling the dog;
 - d) If the animal is not a dog, not permit the animal off the owner's property unless is under the effective control of a person competent to control it;
 - e) Notify the Animal Control Officer immediately if the dangerous animal is running at large or the animal has harmed any individual or animal;
 - f) Provide the Animal Control Officer with the name and address of the new owner within three (3) working days of selling or giving away the animal;
 - g) Notify the Animal Control Officer of the animal's death within three (3) working days and provide evidence to prove the animal's death;
 - h) Notify the Animal Control Officer within no more than three (3) working days prior to a physical address change within the Municipality and adhere to all previous conditions imposed by a resolution order which remain in effect, unless the resolution order was amended and approved by the Council of the Municipality prior to the change of physical address;

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- i) Permanently and prominently display at each entrance to the property and any building in which a dangerous animal is kept, a sign which warns the visitors of the presence of a dangerous animal, is posted in such a manner that it cannot be easily removed, and is visible and capable of being read from outside of the premises; and
 - j) Comply with such other conditions as may be prescribed by order of Council.
3. The requirements in subsection 12(1) are imposed immediately upon provision of notice to the owner of the dangerous animal designation.
 4. If the owner of an animal that has been designated as dangerous under this section falls to comply with the requirements of subsection 12(1), in addition to any other remedies or enforcement actions available, an Animal Control Officer is authorized under the Municipality's authority to act in emergencies to immediately impound the animal and Council is authorized to consider whether the animal is exceptionally dangerous and should be destroyed under section 13 of this By-law.

DESTRUCTION OF EXCEPTIONALLY DANGEROUS ANIMAL

13.

For the purpose of this section "animal" shall mean dog, cat or livestock but shall not include a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

- a) Council must make a determination as to whether an animal is exceptionally dangerous and should be destroyed where either:
 - i. The animal has repeatedly bitten, clawed or otherwise attacked individuals or animals;
 - ii. The animal has engaged in an exceptionally brutal attack on individual or animal;
 - iii. After having been designated as dangerous animal under section 12 of this By-law, has caused injury or harm to, or has pursued or menaced individuals or animals; or
 - iv. Has demonstrated other behavior that causes Council to consider that the animal may be exceptionally dangerous; or
 - v. The owner of the animal that has been designated as dangerous fails to comply with the restrictions set in section 12 of this By-law.
- b) Council is authorized to determinate that an animal is exceptionally dangerous and should be destroyed if:
 - i. It concludes that the animal's behavior is such that it poses a serious risk to the safety of individuals or animals that cannot be adequately addressed by restrictions imposed with respect to the animal, including those imposed with in respect to a dangerous animal under section 12 of this By-law; or
 - ii. The owner refuses to, or there are reasonable grounds to believe that he or she will fail to comply with restrictions that council concludes are necessary to protect the safety of individuals or animals.
- c) 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 regardless that it has been previously declared to be dangerous animal by Council under section 11 of this By-law at the time of its apprehension and impoundment;
- d) When the Animal Control Officer impounds an animal under the section 13(c) of this By-law 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 disposed of after an expiry of ten (10) days from the date of the notice.

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- e) The owner of the impounded animal may, during the time of impoundment, appeal the decision of the Animal Control Officer to destruct the animal to Council by providing notice in writing to the Chief Administrative Officer of the Municipality, in which case Council shall hold at a regularly scheduled meeting of Council as to whether or not the animal should be disposed of, which hearing shall be carried out in accordance with the provisions of section 11 of this By-law.
- f) The animal shall remain quarantined in the Animal Pound pending the outcome of the hearing.
- g) If an animal that has been determined to be exceptionally dangerous under this section is not impounded at the time the determination is made, its owner must destroy the animal or surrender it to an Animal Control Officer for impoundment within 24 hours of being given notice of destruction. If the animal is neither destroyed nor surrendered within 24 hours, the Animal Control Officer shall act immediately to impound the animal.
- h) If an animal has been determined to be exceptionally dangerous under this section, unless its owner destroys it under subsection 13(g), the Animal Control Officer shall have the animal destroyed. The humanly disposal of the animal, if case might be, will be at the sole cost of the animal owner.

INTERFERENCE WITH ENFORCEMENT

14.

- a) No person shall interfere with or attempt to obstruct an Animal Control Officer or the Pound-keeper who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law; and
- b) Release or attempt to release an animal from a vehicle in which an animal has been captured by an Animal Control Officer and is being held for impoundment; and
- c) Remove or attempt to remove any animal from the possession of an Animal Control Officer or a Pound-keeper.
- d) When an Animal Control Officer intends to issue a document related to enforcement of this By-law or a contravention thereof, the individual must at the request of the Animal Control Officer provide identification sufficient to establish the individual's name and address.
- e) Offences under this By-law:
For greater certainty and without limiting any provisions of this By-law, the following shall constitute offenses under this By-law:
 - i. Allowing or failing to prevent animals running at large;
 - ii. Keeping or harboring dogs and cats in excess of the maximum number permitted by this By-law;
 - iii. Failing to comply with any order of the Animal Control Officer made under this By-law;
 - iv. Failing to report a bite incident or failing to voluntarily surrender the animal believed to have bitten a person to the Animal Control Officer;
 - v. Failing to voluntarily surrender an animal to the Animal Control Officer upon a request therefor;
 - vi. Failure by an owner to discharge the duties of an owner as set in this By-law and The Animal Care Act (Manitoba) 2(1);
 - vii. Failing to properly vaccinate an animal against rabies;
 - viii. Failing to comply with any requirements as set in this By-law;

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LIABILITY

15.

- a) No liability shall attach to the Animal Control Officer, the Pound-keeper, 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 Pound-keeper, the Council and/or the Municipality for any animal, 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

16.

- a) Without limiting the penalties for specific offences set out in this By-law, any person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine as described in Schedule "A"
- b) Any animal that is impounded three (3) times any 12-month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be disposed of regardless of whether or not it is properly licensed under this By-law.
- c) Any person who interferes with or obstructs the duties of an Animal Control Officer, a Pound-keeper or any other person authorized to enforce any provisions of this By-law, or who unlawfully enters any Animal Pound or unlawfully removes any animal impounded, is guilty of an offence and liable to a fine of not less than \$500.00 and not more than \$1,000.00.
- d) Where corporation commits an offense under this By-law, each director or officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable for the penalties provided for herein.
- e) Where the contravention, disobedience, refusal or neglect continues for more than one (1) day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.
- f) Council of the Municipality may, by resolution, after the passage of this By-law change the penalties and impoundment fees found in Schedule "A" from time to time.

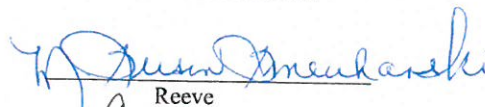
GENERAL PROVISIONS

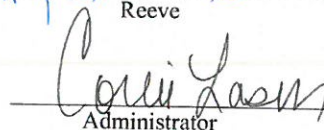
17.

- a) By-law No. 05/15 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.
- b) This By-law shall come into force and effect on the day it receives third and final reading by Council.

DONE AND PASSED as a By-Law of The Rural Municipality of Armstrong at Inwood, in the Province of Manitoba, this 9th day of August, 2022.

THE RURAL MUNICIPALITY
OF ARMSTRONG


Reeve


Administrator



Read a first time this 12th day of July, 2022
Read a second time this 9th day of August, 2022
Read a third time this 9th day of August, 2022

SCHEDULE A
TO
BY-LAW NO. 4-2021
PENALTIES, FEES AND IMPOUNDMENT FEES

DOG LICENCE FEES (SPAYED OR NEUTERED)	\$25.00
DOG LICENCE FEES (NOT SPAYED OR NEUTERED)	\$30.00
DOG TAG REPLACEMENT	\$10.00

***NOTE:** As per By-Law, before releasing any dog, the dog owner has to present the proof of vaccination against rabies and where applicable obtain a licence for its dog. The licence can be obtained at the RM Office at regular office hours.

***NOTE:** Dog licence is for the whole duration of the life of the dog independently of the change of ownership of the dog. If there's a change of ownership of the dog then the new owner, if he is a resident of the RM of Armstrong, will be responsible to contact the RM's Office to make appropriate corrections.

Penalties and impoundment fees:

For any dog that was apprehended running at large or that was for any other reason, impounded by the Animal Control Officer

For first dog impoundment:

Licensed dog	\$50.00
Unlicensed dog (where applicable)	\$100.00
	Plus Animal Pound Fees

For second dog impoundment:

Licensed dog	\$100.00
Untagged licensed dog (where applicable)	\$200.00
	Plus Animal Pound Fees

For third dog impoundment:

Licensed dog	\$350.00
Untagged licensed dog (where applicable)	\$450.00
	Plus Animal Pound Fees

***NOTE:** After the THIRD offence, any future and successive impoundment of the dog the fine will be increased by \$100.00 increment for either the Licensed or the Untagged dog (where applicable).

Complaint received for dog barking (if the complaint after verification is legitimate):

First complaint	Warning
Second complaint	\$25.00
Third complaint	\$50.00
For all subsequent complaints	Add \$50.00 (increment to the last fee collected)

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Other impoundment fees:

Impoundment fee		\$25.00/day
For voluntary impoundment for each day of impoundment (quarantine, etc.)		\$25.00/day
Impoundment fees for Livestock (plus damages and any other charges)		\$25.00/day
Impoundment fees for dangerous animals, quarantined animals and exceptionally dangerous animals (plus damages and any other charges)		\$25.00/day
Cat impoundment and penalty	- 1 st offence	\$25.00 + \$25.00/day
	- 2 nd offence	\$45.00 + \$25.00/day
	- 3 rd offence	\$85.00 + \$25.00/day

Animal Pound fees, impoundment fees, animal disposal charges, impoundment fees for quarantined animals and any other fines, fees and charges that the Animal Pound occurs in association with the animal are determinate in the agreement between RM of Armstrong and the Boarding Establishment which is approved by Councils resolution.

cl
MSS.