

THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1412

A By-law of the Rural Municipality of Victoria Beach to regulate and restrain dogs and to provide for the impounding of dogs.

WHEREAS Subsection 232(1) of The Municipal Act provides, in part, as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (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 Subsection 232(2) of The Municipal Act provides, in part, as follows:

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;

AND WHEREAS Subsection 236(1) of The Municipal Act provides, in part, as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (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);

AND WHEREAS the Council of the Rural Municipality of Victoria Beach deems it necessary to pass a by-law to regulate, control and restrain dogs within the municipality;

NOW THEREFORE the Council of the Rural Municipality of Victoria Beach, in Council assembled, enacts as follows:

1. This By-law may be referred to as "The Dog By-law";
2. Unless the context otherwise requires, where used in this By-law:
  - (a) Municipality means the Rural Municipality of Victoria Beach;
  - (b) Dog Control Officer means any person duly appointed by the Council of the Rural Municipality of Victoria Beach to perform such duties;

- (c) Person means any person, firm, corporation or partnership;
  - (d) Dog unless the context otherwise requires includes a bitch;
  - (e) Run at large or running at large includes a dog elsewhere than on the premises of its owner and not being, at that time, under leash;
  - (f) Owner means any person who keeps or harbours a dog;
  - (g) Premises shall be all of the land and buildings owned or rented by any one person;
3. (a) Any person owning or harbouring a dog shall not allow the dog to chase or bark at any pedestrian or vehicle on a public thoroughfare or to disturb or annoy the quiet of others anywhere by howling, barking or biting;
  - (b) It shall be unlawful for any owner or person harbouring any dog to permit such dog to run at large. Any dog found running at large contrary to the provisions of this by-law shall be dealt with by the Dog Control Officer in accordance with the terms of the agreements between the Dog Control Officer, The Winnipeg Humane Society and the Municipality;
4. No person shall keep, harbour or maintain or permit any other person to keep, harbour or maintain more than three dogs per household within the limits of the Municipality, but excluding therefrom puppies under the age of six months;
5. (a) Dogs shall not be permitted on any beach under any circumstances between the hours of 10:00 am and 8:00 pm from June 1st to Labor Day, both inclusive;
  - (b) Dogs on beaches at permitted times must be on a leash and under the control of their owners;
  - (c) Dog excrement must be removed, not buried. Any owner allowing his or her dog to defecate on private or public property is subject to a fine as provided in this by-law;
6. (a) It shall be the duty of the Dog Control Officer to capture all dogs found running at large contrary to the provisions of this by-law;
  - (b) The owner or harbourer of any impounded dog shall be subject to a fine as provided in this by-law and in addition to said fine, all other charges as outlined in the agreements between the Dog Control Officer, The Winnipeg Humane Society and the Municipality;
  - (c) A kennel fee of \$12.50 per day, or part day, shall be levied, commencing on the second day after a dog has been captured;
  - (d) All fines and or fees are to be paid at the Gate Information Office or Municipal Office prior to the release of any captured dog;
  - (e) Impounded dogs shall be held by the Dog Control Officer for a maximum of five days before delivery to The Winnipeg Humane Society;
  - (f) Notification of an impounded dog will be posted in the Victoria Beach Store and Gate Information Office as soon as is possible;
  - (g) Complaints respecting dogs shall be directed to the Gate Information Office or to the Victoria Beach Police, if after hours;
7. Upon the request of the owner of any impounded dog, the Dog Control Officer shall return the dog to the owner's premises, if within the Municipality, at the time convenient to the Dog Control Officer and entirely at the owner's risk, provided all applicable fines and fees have been paid in full to the Municipality;
8. The Dog Control Officer shall provide every dog captured and impounded with sufficient shelter, food and water during the time such dog remains impounded;
9. Before any action, whether to impound a dog or to institute legal proceedings, is taken by the Dog Control Officer as a result of a complaint, the complainant shall give his or her name and address to the Dog Control Officer;
10. The Dog Control Officer shall keep a record of every dog impounded, such record shall show the description and particulars of such dog, the day and hour of its impoundment, or redemption, the date of its transport to The Winnipeg Humane Society, the name and

address of the owner, the licence number (if any), the amount and particulars of all fees, fines, charges and all monies received in respect of such dog and the name and address of the person paying the same and such other particulars as he shall consider useful;

11. No person shall interfere or attempt to obstruct a Dog Control Officer who is attempting to capture or who has captured any dog in accordance with the provisions of this by-law;
12. Any person who contravenes or refuses, neglects, omits or fails to obey any provision of this by-law is guilty of an offence and is liable to a minimum fine of Fifty (\$50.00) Dollars and a maximum fine of Five Hundred (\$500.00) Dollars and to the payment of all applicable costs and charges to the Municipality;
13. All fines, costs and charges collected under the provisions of this by-law except as herein otherwise provided shall be paid to the Secretary-Treasurer of the Municipality and received by him for the said Municipality. Any applicable fines, costs and charges remaining outstanding after the expiration of thirty (30) days from the date the dog is returned to its owner or delivered to The Winnipeg Humane Society shall be added to the owner's property tax account to be collected in the same manner as a tax may be collected under The Municipal Act;
14. The proper officers of the Municipality are hereby authorized and directed to do all acts and things necessary for the proper implementation of the provisions of the within by-law;
15. By-law No. 1396 is hereby repealed.

DONE AND PASSED in Council duly assembled in the City of Winnipeg, in the Province of Manitoba, this 20th day of January A.D. 1998.

*Original Signed By*

"W. McDonald"  
Reeve

"R. Moreau"  
CAO

Read a first time this 16th day of December A.D. 1997.

Read a second time this 20th day of January A.D. 1998.

Read a third time this 20th day of January A.D. 1998.