



**THE TOWN OF DAUPHIN BY-LAW
NUMBER 3939**

BEING A BY-LAW OF THE TOWN OF DAUPHIN ESTABLISHING
REGULATIONS FOR THE CONTROL OF DOGS AND CATS.

WHEREAS the Animal Husbandry Act, RS. 1970, Cap. A90, 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 the Municipal Act, R.S.M. 1970, Cap. M225, 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, of 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 for other regulations pertaining to dogs;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE TOWN OF DAUPHIN
AS FOLLOWS:—

- (1) THAT this by-law may be cited as the Dog and Cat By-law of The Town of Dauphin.

- (2) THAT this by-law relates to all dogs and cats as defined herein, within The Town of Dauphin.

(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) "Dogs" 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 harbors a dog or cat;

(g) "Animal Control Officer" shall mean an employee of The Town of Dauphin or contractor with The Town of Dauphin whose duty it is to enforce this by-law;

(h) "Running at Large of Dogs" shall mean a dog or cat being on the streets, lanes, parks or public places, or in any school ground in the Town of Dauphin or being on private property without the permission or consent of 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, 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 Dauphin 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 or Pounds located within the Town at such place or places designated for the time being as Town Pounds.
- (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) Any 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 Secretary-Treasurer 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 and thereafter 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 or 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 harbinger 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 harbinger 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 harbinger 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 Dauphin. 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 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 satisfies the presiding Magistrate that he 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 six months shall be vaccinated against rabies, which vaccinations shall be applied again at one year, shall be repeated at intervals of not more than three years. Every owner, possessor, or harbinger of any dog, who applies for a license when the age of the dog is under six 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 Licensed Veterinary Surgeon stating that the dog, for medical reasons cannot be vaccinated for rabies.

(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 Secretary-Treasurer 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 six 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.

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 released 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 proceedings is taken as a result of a complaint, the complainant 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) CHARGES FOR 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 Dauphin Veterinary fees and charges mentioned herein, for each and every day or portion thereof during the time they are impounded.

(d) The owner or possessor of any dog or cat impounded shall be subject to a penalty of Twenty-five (25) dollars for each dog or cat impounded to cover the cost of capturing and impounding, together with the fee required to cover the maintenance thereof,

(12) REDEMPTION

The owner of any dog or cat impounded may, except during Saturday, Sunday, Holidays and Statutory Holidays, redeem the same at any time within 3 days of the impounding by paying to the Secretary-Treasurer of The Town of Dauphin 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.

(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 all charges herein provided together with penalties and damages, if any, the Poundkeeper shall cause such animal to be;

(a) Either destroyed or,

(b) may be given to the Animal Protection League or

(c) sold to any person on the day after the required redemption period at and for the costs applicable.

(14) LICENSES

(a) The owner of every dog must annually register such dog with the Secretary-Treasurer or his Designate and must obtain from the Secretary-Treasurer 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 purposes 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 Dauphin.

(c) No person shall own, keep, possess, harbor, or have in his possession or in and around his premises, more than 2 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 purposes of weaning the kittens and disposing of same. For the purposes of this section, not more than 2 cats shall be kept or harbored in or around any premises or dwelling in The Town of Dauphin.

(d) No license shall be required on any cat.

(15) The license year shall commence on the 1st day of January in every year and shall terminate on the 21st day of December in the same year. Any dog within the boundaries of The Town, owned or acquired on or after the 1st day of January in any year shall be forthwith registered and licensed by the owner.

(16) All dogs shall be presented upon request to the Secretary-Treasurer or his designate, who, if satisfied as to type, will register the dog and upon payment of the hereinafter fee will issue a license tag to the owner.

(17) The owner of every dog which is within the Boundaries of The Town must place on the dog a collar and affix thereto, the License Tag issued for the current year,

(18) No, person, except the owner of the dog, shall remove the collar or license plate or tags from any licensed dog.

(19) ANNUAL LICENSE FEE

The Annual License for dog6 shall be as follows:

(a) The Annual License Fee for every spayed or neutered dog shall be \$10.00, provided, an applicant for a license under this subsection shall furnish, before a license shall issue, a Certificate from a Licensed Veterinary Surgeon showing that the dog in respect of which a license is applied for has been spayed, or neutered.

(b) The Annual License Fee for every dog shall be \$20.00, except as set out in (a) above,

(c) 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 \$2.00.

(d) A penalty of \$5.00 for every dog shall be charged on every license issued after the 31st day of January of the year in which said license is due, unless the owner:

(i) produces a Bill of Sale dated after the 1st of January in that license year, or;

(ii) produces sufficient evidence to the Secretary-Treasurer establishing his ownership has been acquired after the 31st day of January in that license year, or;

(iii) produces evidence that he has resided in Dauphin 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 person, provided that the person using such a dog produces to the satisfaction of the Secretary-Treasurer or his Designates, sufficient proof of his disability.

Such License Fees shall be paid to the Town.

(20) LOST LICENSE TAGS

If the Secretary-Treasurer 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 \$2.00 for a replacement license tag.

(21) SECRETARY-TREASURER TO KEEP RECORDS

The Town Secretary-Treasurer or Animal Control Officer 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 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 Secretary-Treasurer shall direct.

The Town Secretary-Treasurer or Animal Control Officer or anyone authorized to act on their behalf shall keep a record of all dog licenses imposed and rage issued under the provisions of this by-law showing the name o 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 an animal has become a public nuisance.

(d) The R. C. M. Police 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

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 \$1000.00 in addition to costs, and in the case of non-payment of any such fine, the Magistrate or Judge may imprison the person so convicted for a period not exceeding thirty days.

(24) That By-law Number 2904 and all other By-laws or portions thereof of The Town of Dauphin in consistent herewith are hereby repealed.

(25) This By-law shall come into force and effect as of September 6th, 1984.

**READ A FIRST TIME THIS 23rd day of August, AD 1984.
READ A SECOND TIME THIS 23rd day of August, AD 1984.
READ A THIRD TIME THIS 6th day of September, AD 1984.
DONE AND PASSED IN COUNCIL ASSEMBLED THIS 6th day of September, AD 1984.**