

**City of Portage la Prairie
ANIMAL CONTROL BY-LAW NO. 02-8165**

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**CITY OF PORTAGE LA PRAIRIE
BY-LAW N0. 02-8165**

Being a By-Law of the City of Portage la Prairie to provide for the regulation and control of animals within the limits of the City and for the maintenance and regulation of a pound.

WHEREAS subsection 232(1) of *The Municipal Act* S.M. 1996, c.58 (the “Act) provides, in relevant part, as follows:

Spheres of jurisdiction

232(1) 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 subsection 232(2) of the Act provides, in relevant part, as follows:

Exercising by-law making powers

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

- a) regulate or prohibit;
...
- f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

AND WHEREAS, subsection 236(1) of the Act provides, in relevant part, as follows:

Content of by-laws under clause 232(1)(o)

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

1. providing for procedures, including inspections, for determining whether by-laws are being complied with; and
2. remedying contravention 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. 1998 c. 8 provide, in relevant part, as follows:

Animals not to Run at Large

5(1) Except when permitted by a municipal by-law passed in accordance with *The Municipal Act* or a by-law of a local government district passed in accordance with *The Local Government Districts Act*, no Owner or Person in charge of an animal shall allow it to Run at Large.

By-Law does not limit Owner's liability

5(2) An Owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

Municipality or LGD not liable by reason only of making by-law

5(3) A municipality or local government district 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 *Diseases 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.

PART I - DEFINITIONS AND INTERPRETATION

1. CITATION

This By-Law may be referred to as the “Animal Control By-Law”.

2. CONTINUING CONSOLIDATION

- 1) The Manager of Administration may cause to be prepared and printed, and kept up to date, a continuing consolidation of this by-law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.
- 2) Where a continuing consolidation of this by-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:
 - a) When a specific portion has been amended or replaced by an amending by-law, the designation ‘[AM. B/L #]’ shall be inserted immediately following the affected block of text.
 - b) When a specific portion has been repealed or deleted by an amending by-law, the designation ‘[REP. B/L #]’ shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text.
 - c) When a new portion has been enacted herein by an amending by-law, the designation ‘[EN. B/L #]’ shall be inserted immediately following the added block of text.
 - d) When any of the designations referred to in paragraphs a), b), and c) above are inserted within the text of this by-law, the figure ‘#’ shall be replaced by the actual number of the respective amending by-law.
 - e) Where more than one clause, paragraph, or subsection of any particular section is affected by the same amending by-law, the designation may be placed at the end of each clause, paragraph, or subsection so affected or, at the left aligned margin of the paragraph, subsection, or section so affected, whichever is deemed to have more clarity in each particular instance.

3. LIST OF SCHEDULES:

Schedule "A" – ~~Common~~ Offence Notice (C.O.N.) on By Law No. 02-8165 [AM By-Law 10-8494]

Schedule "B" – Notice of Impoundment

Schedule "C" – Procedures & Guidelines for Trapping Stray Cats

Schedule "D" – Dog / Cat Biting Report

Schedule "E" – Excess Animal Permit [AM. by By-Law 04-8224]

Schedule "F" – Excess Animal Site Inspection [AM. by By-Law 04-8224]

4. AMENDMENT OF SCHEDULES

Council of the City of Portage la Prairie may from time to time, by resolution, amend each and every schedule attached to this by-law.

5. **DEFINITIONS**

In this By-Law, unless the context otherwise requires,

- 1) **“Aggressor Animal”** shall have the meaning ascribed thereto in section 18 of this By-Law.
- 2) **“Animal Control Officer”** means the Person appointed by Council to enforce the provisions of this By-Law, and includes any Person acting as an assistant to, or under the direction of, the Animal Control Officer authorized by Council.
- 3) **“Cat”** means any member of the genus *Felis domesticus* (domestic Cat).
- 4) **“Council”** means the Council of the City of Portage la Prairie.
- 5) **“Companion Dog”** means a dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current license tag.
- 6) **“Current Rabies Vaccination”** means that the Dog or Cat has been vaccinated for rabies in accordance with International veterinary protocol which calls for a primary vaccination, which is then followed with a booster vaccination not sooner than 60 days and not greater than one year after the primary vaccination, and is then subsequently vaccinated at regular intervals not exceeding three years.
- 7) **“Dangerous Animal”** means any Dog, Cat or any other animal that has on at least one occasion, worried, attacked, injured or killed a Person, Livestock or any other animal, or that is for any other reason determined to be a risk to any Person, Livestock or any other animal, and that has been declared a Dangerous Animal under section 19 of this By-Law.
- 8) **“Dog”** means any member of the genus *Canis familiaris* (domestic Dog).
- 9) **“Domestic Pet”** means any animal other than a Dog or Cat that has been domesticated and is kept or harboured within the City.
- 10) **“Livestock”** means:
 - a) animals kept for the purpose of:
 - i) production of meat,
 - ii) production of other products from the animals, or
 - iii) herding, protection of Livestock or draft work, and breeding stock of such animals;
 - b) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause a) above, and
 - c) any other animal determined by the Animal Control Officer to be Livestock for the purposes of this By-Law;
whether or not intended for profit and including, without limitation:
 - i) dairy cattle and beef cattle, goats, sheep, bison and horses;

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- ii) swine (including wild boar);
 - iii) all cervids on game production farms;
 - iv) all of the family Camilidae (including, Llamas and Alpacas);
 - v) all domestic poultry (including chickens, turkeys, ducks and geese);
 - vi) specialty fowl (including guinea fowls); and
 - vii) any other animals that are of a species or kind prescribed as Livestock in the regulations pursuant to *The Animal Liability Act*.
- 11) **“Offence Notice”** means a notice issued pursuant to section 11.5 of this By-Law in the form attached hereto as Schedule A.
- 12) **“Off-Leash Dog Parks”** – means any open space area so designated by signs where dogs are allowed to be at large, but can be brought under the direct control of the owner at all times. [AM by By-Law No. 12-8565]
- 13) **“Owner”** includes any Person who owns, keeps, harbours or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any Premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the Animal Control Officer or any other Person.
- 14) **“Person”** includes a firm or corporation.
- 15) **“Pound”** means any enclosure, Premises or place, whether within or outside the City, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provisions of this By-Law.
- 16) **“Poundkeeper”** means the Person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a Pound, and to carry out the duties of a Poundkeeper as set out in section 12 of this By-Law.
- 17) **“Premises”** includes a building or accessory building and any lands on which the building is situated.
- 18) **“Restricted Animal”** means any of the following animals:
- a) all venomous reptiles;
 - b) the following species of snakes and lizards, and all their known races:
 - African Python (Python Sebae)
 - Indian Python (Python molurus)
 - Blood or Short-tailed Python (Python curtus)
 - Reticulated Python (Python reticulates)
 - Timor Python (Python timorensis)
 - Diamond or Carpet Python (Morelia argus)
 - Amethystine Python (Liasis amethystinus)
 - Olive Python (Liasis olivaceous)
 - Brown Python (Liasis fuscus)

D'Alberts or White-Lipped Python (*Liasis albertisii*)
Boa Constrictor (*Boa constrictor*)
Madagascar boa (*Acanthophis madagascariensis*)
Cuban Boa (*Epicrates angulifer*)
Anaconda (*Eunectes murinus*)
Yellow Anaconda (*Eunectes notaeus*)
Salvadoris Monitor (*Varanus salvadori*)
Nile Monitor (*Varanus niloticus*)
Pacific Monitor (*Varanus indicus*)
Rough-necked monitor (*Varanus Redicollis*)
Water or 2-Banded Monitor (*Varanus salvator*)
Giant Monitor (*Varanus gurganteus*)
Bengal or Indian Monitor (*Varanus bengalensis*)
Lace Monitor (*Varanus varius*)
Cape Monitor (*Varanus exanthematicus abligularis*)

- c) all members of the order Crocodylia;
 - d) all non-human Primates;
 - e) all members of order Carnivora excepting domestic Dogs (*Canis familiaris*), domestic cats (*Felis catus*) and ferrets;
 - f) horses, cattle, hogs, goats, sheep, poultry and bees;
 - g) pigeons;
 - h) any wild animal within the meaning of The Wildlife Act
- 19) **“Running at Large” or “Run at Large”** means, in relation to an animal, that the animal is not:
- a) under the direct, continuous and effective control of a Person competent to control it; or
 - b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

6. **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.

7. **CONFLICT WITH OTHER BY-LAWS**

Where a provision of this by-law conflicts with a provision of another by-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

8. **APPLICATION**

This By-Law applies to all pets and domestic animals within the City boundaries.

**PART II - ANIMAL POUND,
ANIMAL CONTROL OFFICER AND POUNDKEEPER**

9. **ESTABLISHMENT OF POUND**

Council may establish and maintain a Pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any Person (including with any other municipality, city, town or organization) to establish and maintain a Pound on their behalf. The costs associated with the Pound operated by or for the City shall be paid out of the general funds of the City.

10. **APPOINTMENTS**

1) **Animal Control Officer**

Council may appoint one or more Persons as Animal Control Officer(s) to carry out the enforcement of this By-Law. The Animal Control Officer(s) so appointed may be appointed on a temporary or permanent basis, and shall be paid out of the general funds of the City.

2) **Poundkeeper**

Council may appoint one or more Persons as Poundkeeper(s) to carry out the duties of the Poundkeeper set out in this By-Law. The Poundkeeper(s) so appointed may be appointed on a temporary basis, and shall be paid out of the general funds of the City.

3) **Common Animal Control Officer and Poundkeeper**

At the discretion of Council, the Animal Control Officer may also serve as Poundkeeper, and vice versa.

11. **DUTIES OF THE ANIMAL CONTROL OFFICER**

It shall be the duties of the Animal Control Officer:

- 1) to apprehend and confine any Dog, Cat or any other Domestic Pet which is Running at Large within the City contrary to the provisions of this By-Law, or which is kept or harboured by, or in the possession or control of, any Person that is in breach of this By-Law or of any other laws or regulations pertaining to animals or the conditions of any permit or license;
- 2) to apprehend and confine any Restricted Animal being kept or harboured by, or in the possession or control of, any Person contrary to the provisions of this By-Law, or Running at Large, within the City;
- 3) to ensure that any Restricted Animal kept or harboured within the City is properly licensed by the City, and to apprehend and confine any such Restricted Animal that is not properly licensed;
- 4) to make reasonable attempts to notify the Owner of every animal impounded, if the identity of the Owner is known, by direct contact with the Owner or by leaving a notice at the last known address of the Owner, which notice shall be in the form set out in Schedule B hereto

attached and shall state the place and time that the animal was apprehended, the place and time when the animal can be redeemed from the Pound, the impoundment fee, any daily Pound fees, license fees and other costs or fines to be charged to the Owner, and the date after which the animal will be sold or humanely euthanized if not redeemed;

- 5) to issue an Offence Notice of this By-Law in the form set out in Schedule A hereto attached against any Person that has committed an offence under this By-Law. An Offence Notice of this By-Law may be served upon the Person who has breached the By-Law personally or upon a Person apparently over the age of sixteen years at the residence of the Person who has breached the By-Law, or may be served by registered mail addressed to the last know address of such Person. The Animal Control Officer may lawfully enter upon the Premises of any such Person to serve an Offence Notice of this By-Law;
- 6) to keep a record of all bite incidents, identifying the Aggressor 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.
- 7) to use a tranquilizer gun for the purpose of capturing any animal found to be Running at Large within the City, provided however that if the Animal Control Officer or the Poundkeeper, as applicable, is not a licensed veterinarian, no such tranquilizer gun shall be used without the authority of a licensed veterinarian present at the time of use.
- 8) Capture, seize and impound any dog or cat which is without the proper license tags as required by this by-law. *[AM by By-Law 09-8431]*
- 9) Capture, seize and impound any dog or cat not vaccinated as required by this by-law. *[AM by By-Law 09-8431]*
- 10) Capture, seize and impound any dog for incessant barking if the owner cannot be located after reasonable effort. *[AM by By-Law 09-8431]*
- 11) The Animal Control Officer or any Officer may capture, seize, and impound any dog or cat in respect of which he believes or has reasonable grounds to believe an offence has been committed under this by-law or is being committed under this by-law. *[AM by By-Law 09-8431]*
- 12) to enforce the provisions of this By-Law.

12. DUTIES OF THE POUNDKEEPER

It shall be the duties of the Poundkeeper:

- 1) to provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded;
- 2) notwithstanding anything contained in this by-law, where a licensed veterinarian certifies that an impounded dog is so seriously injured or sick that it would be inhumane to allow it to live, to cause the dog to be destroyed forthwith;

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- 3) to keep a record of every animal impounded, which record shall include the following minimum information:
 - a) a description in reasonable detail of the animal (including, the approximate weight, height and color of the animal, as well as the gender and breed of the animal);
 - b) the day and hour of its impoundment;
 - c) the day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
 - d) the name and address of the Owner (being the Person to whom the animal was sold or released), and the license number on the animal's tag (if applicable);
 - e) the amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the Owner and the name and address of the payor (if different from the Owner); and
 - f) such other particulars as the City shall direct from time to time.
 - 4) where the City has entered into a contract with a private party for the operation of the Pound, the Poundkeeper shall observe all terms and conditions of the contract with the City for the operation of the Pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the City, and the submission of all reports and statements required to be submitted to the City under the said contract;
 - 5) to keep any impounded Dog, Cat or any other animal which is, to the knowledge of the Poundkeeper, a Domestic Pet, for a minimum period of 72 hours, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the Pound is closed to the public;
 - 6) to make suitable arrangements for the temporary impoundment and sale, disposition or destruction of any animal other than a Dog, Cat or Domestic Pet that is apprehended within the City, including any Restricted Animal or wild animal within the meaning of *The Wildlife Act*.
 - 7) if, after expiration of the minimum period of impoundment set out in sub-paragraph 5) above, a Dog, Cat or other Domestic Pet has not been redeemed, it will be the duty of the Poundkeeper to do one of the following with the impounded animal:
 - a) sell or otherwise dispose of the impounded animal to any Person for an amount not less than the applicable Pound and license fees accrued in respect of the impounded animal as set forth in this By-Law, unless such fees are otherwise waived by the City or by the Poundkeeper on the express authority of the City; or
 - b) cause the impounded animal to be humanely euthanized

unless the City, or the Poundkeeper on the express authority of the City, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a Person in accordance with sub-paragraph a) above or until expiry of the extended period of impoundment, before it is humanely euthanized.

- 8) the City may vary the terms, conditions and duties of the Poundkeeper by contract with a private party, provided however that the contract shall contain (and where absent in the contract, shall be deemed to incorporate) as minimum provisions, the duties of the Poundkeeper set out in paragraphs 1), and 3) above, and further provided that the provisions in paragraphs 4), 5), 6), and 7) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the Poundkeeper is a private party under contract with the City, the Poundkeeper shall observe all of the terms and conditions of the contract with the City. Where it is permitted under the contract with the City, the Poundkeeper may, at his sole cost and expense, keep an impounded animal for longer than the minimum hold period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable Pound and license fees, provided however that the Poundkeeper shall remain responsible to the City for all amounts due to the City under its contract with the Poundkeeper.

PART III - DOGS, CATS AND OTHER DOMESTIC PETS

13. LICENSING OF DOGS/CATS

- 1) The Owner of every Dog/Cat over the age of six months shall obtain and renew annually, a license to keep the Dog/Cat, which license shall require the payment of the annual fee as set out in the Fees and Charges By-Law. The Owner shall ensure that the license tag issued for the Dog/Cat is securely fastened to a collar worn around the neck of the Dog/Cat in respect of which the tag was issued. Any failure to obtain or keep current the required license or to ensure that the license tag issued for the Dog/Cat is securely fastened to its collar shall constitute an offence under this By-Law.
- 2) The required Dog/Cat license may be sold by the Poundkeeper, City Hall, or the Animal Control Officer.
- 3) No Person shall be permitted to remove the collar or license tag from any Dog/Cat without a lawful excuse, and any such removal shall constitute an offence under this By-Law.
- 4) The license fee hereby imposed shall be due and payable on the 1st day of January in each year and shall expire on the 31st day of December in the year in which the license fee was levied and paid.
- 5) Where the license tag is lost or damaged, the Owner shall forthwith apply for a replacement license tag, the cost of which is set out in the Fees and Charges By-Law.
- 6) Where a change in Ownership of a Dog/Cat licensed hereunder occurs during the license year, the new Owner shall have the current license transferred to his or her name upon

payment of the transfer fee prescribed in the Fees and Charges By-Law. Any failure to report a change in Ownership or to pay the prescribed transfer fee shall constitute an offence under this By-Law.

- 7) Subsections 1), 2), 3), 4), 5), and 6) above shall not apply to non-residents of the City who bring a Dog/Cat on a temporary visit into the City, provided however, that nothing in this subsection shall authorize any Person to bring a Dog/Cat into the City that is a Dangerous Animal or is vicious or otherwise a risk to the public or to other animals within the City, nor does it authorize any Person to allow the Dog/Cat to Run at Large or otherwise create a nuisance within the City.
- 8) Subject to subsection 9) hereof, every Dog/Cat Owner must produce, before a license is issued or renewed for the Dog/Cat, evidence of a Current Rabies Vaccination status for that Dog/Cat from a licensed veterinarian.
- 9) A Dog/Cat Owner does not have to produce evidence of a Current Rabies Vaccination status in order to obtain or renew a license in respect of his Dog/Cat if he can produce a statement in writing signed by a licensed veterinarian certifying that the Dog/Cat cannot be vaccinated for rabies for medical reasons.
- 10) A dog used as a guide or for assistance to a disabled person (companion dog) shall be licensed and shall wear the current license tag. Any person who produces evidence satisfactory to the municipality showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the license fee, in accordance with the Fees and Charges By-Law.

14. **RABIES VACCINATION**

Except where subsection 13.9) applies, the Animal Control Officer may at any time request that an Owner provide proof that the Owner's Dog or Cat has a Current Rabies Vaccination status and, if the Owner cannot produce such proof, the Animal Control Officer may, terminate the Owner's Dog/Cat license, and the Animal Control Officer may apprehend and impound the Dog or Cat, and may issue an Offence Notice to the Owner.

15. **RESPONSIBILITY OF OWNERS REGARDING DOGS AND/OR CATS**

- 1) No Owner shall:
 - a) permit his Dog/Cat to Run at Large. When a Dog/Cat is found Running at Large, its Owner shall be deemed to have failed or refused to comply with this subsection.
 - b) permit his Dog to bark or howl, or Cat to howl, or in any other way unduly disturb the quiet of any Person or Persons anywhere in the City.
 - c) permit his Dog/Cat to defecate on any public or private property other than the property of its Owner. Where a Dog/Cat defecates on property other than the property of its Owner, the Owner shall cause such excrement to be removed forthwith.
 - d) permit his Dog/Cat to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.

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- e) permit his Dog/Cat to damage public property or private property other than that of the Owner. Where public or private property has been damaged by a Dog/Cat, its Owner shall be deemed to have failed or refused to comply with this subsection.
 - f) own, keep, harbour or have possession or control of any Dog/Cat (other than a Dog/Cat that is under the age of six months or that is a registered Companion Dog for the disabled) for which a valid license has not been issued.
 - g) own, keep, harbour or have possession or control of any Dog/Cat determined to be a Dangerous Animal, unless such Dog/Cat is kept at all times in accordance with the provisions of Part IV.
 - h) permit his Dog/Cat to pursue, bite, wound or worry any Person or animal, whether or not on the property of the Owner.
 - i) permit his Dog/Cat on any school ground or playground.
 - j) permit his Dog/Cat on public property (including parkland area) unless the Dog/ Cat is on a leash (which lease shall be no longer than six feet in length, fully extended) and the Dog/Cat is in the actual custody and effective control of the Owner or a Person competent to control it.
 - k) permit his Dog/Cat to upset waste receptacles or otherwise litter.
 - l) shall permit his dog to run at large or be at large except in designated off-leash dog parks.
[AM by By-Law No. 12-8565]
- 2) A disabled Owner of a registered Companion Dog or any other Person who requires the assistance of a registered Companion Dog shall not be subject to the restrictions imposed under subsections 1)c), 1)f), 1)i), and 1)j) above.

16. **REDEMPTION**

Unless an impounded animal is determined to be a Dangerous Animal, the Owner of any Dog, Cat or any other Domestic Pet (other than a Restricted Animal) impounded by the Animal Control Officer may be redeemed within 72 hours of the apprehension and impoundment by applying to the Poundkeeper for redemption and paying:

- 1) the Pound fee calculated in accordance with the Fees and Charges By-Law;
- 2) in the event that the impounded animal is a Dog or Cat that is unlicensed at the time of apprehension, the relevant license fee; and
- 3) all outstanding fines, damages or costs relating to the impounded animal.

17. **RESTRICTIONS ON DOMESTIC PETS**

1) **General**

An Owner of a Domestic Pet other than a Dog or Cat shall not allow the Domestic Pet outside of the Owner's Premises unless the Domestic Pet is at all times, while outside of the Owner's Premises, under the immediate charge and effective control of a Person competent to control it. In the event that the animal alleged to be a Domestic Pet is a Restricted Animal or is a wild animal within the meaning of *The Wildlife Act*, no Person shall be entitled to keep or harbour such animal within the City unless such Person has been issued a permit by the City under section 23 of this By-Law, and also holds all other government licenses as may be required, to keep or harbour the animal within the City.

2) **Dogs and Cats**

- a) Subject to subsection b) below and the provisions of section 15, the Owner of a Dog or Cat shall not permit the animal to be outside of the Owner's Premises unless:
- i) the Dog or Cat has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that Dog or Cat;
 - ii) the Dog or Cat is on a leash that is less than six feet in length fully extended; and
 - iii) the Dog or Cat is under the immediate charge and effective control of a Person competent to control it.
- b) A female Dog or Cat in heat shall be confined to the Premises of the Owner or a Person having control of the Dog or Cat, or shall be housed in a licensed kennel, for the period of time that the Dog or Cat is in heat. The said confinement shall be in such a manner as to prevent any contact between the Dog or Cat in heat and any other Dog or Cat except other Dogs or Cats owned by the same Owner or by another Owner who voluntarily permits such contact.

3) **Cat Trap**

- a) A citizen of the City who is annoyed with damages done to his property as a result of a stray Cat, may telephone the Animal Control Officer and voice a complaint, requesting that a Cat trap be placed on his Premises. The citizen shall:
- i) provide to the Poundkeeper or Animal Control Officer, as applicable, his or her name, address and telephone number;
 - ii) agree to comply with the terms and conditions for the use of the trap, including any terms and conditions governing the treatment and disposition of any trapped Cat, as may be imposed by the Poundkeeper or Animal Control Officer, as applicable. (see Procedures & Guidelines for trapping stray Cats in Schedule C)
 - iii) pay any deposit and/or fee as may be authorized by Council from time to time for use of the trap, as set out in the Fees and Charges By-Law.

4) **Maximum Number of Dogs and/or Cats** *[AM. by By-Law 04-8224]*

No Person shall own, harbour, keep or have in his possession or control or on his Premises, more than three Dogs, or three Cats, or a combination of both, over the age of six months, regardless of the number of people who may be inhabiting the Premises without obtaining an excess animal permit. *[AM. by By-Law 04-8224]*

5) **Excess Animal Permit** *[AM. by By-Law 09-8447]*

The Excess Animal Permit applicant shall fill in the application form and return it to the City along with the application fee in accordance with the current Fees & Charges By-Law. The subject property shall be inspected prior to the public hearing at the rate stated in the current Fees & Charges By-Law, and the applicant will be notified of any non-compliance.” *[AM. by By-Law 09-8447]*

Subsequent to approval after the hearing, an Excess Animal Permit may be granted. There shall be a yearly inspection fee as per the Fees & Charges By-Law. Failure to pay said inspection fee shall result in the immediate cancellation of any approval that has been granted. *[AM. by By-Law 09-8447]*

If a permit is issued, the applicant shall not increase the number of animals stated on the original Excess Animal Permit application. The permit is valid only for the type and quantity of animals as stated on the application. *[AM. by By-Law 09-8447]*

The Animal Control Officer shall be notified within five (5) calendar days of any decrease in the number of animals stated on the application. *[AM. by By-Law 09-8447]*

The Animal Control Officer shall have the authority to make minor adjustments to the permits if, in his opinion, the intent has not been significantly altered. If, in the opinion of the Animal Control Officer, the alteration is significant in nature, he may require that a new application be submitted for formal approval by the City. *[AM. by By-Law 09-8447]*

6) **Offence**

Any Person who fails to comply with the terms and conditions set out in this section 17 shall be guilty of an offence under this By-Law. *[AM. by By-Law 04-8224]*

7) **Additional Animal in Foster Homes** – P.A.W.S. (Portage Animal Welfare Society) or other such organization recognized by the City has the ability to place an animal in temporary foster homes and such homes will be allowed 1 additional animal over the above maximum stated in clause 4 above. *[AM. by By-Law 09-8431]*

17A OFF-LEASH DOG PARKS *[AM BY BY-LAW NO. 12-8565]*

1) Use of any area designated as an off-leash dog park shall be subject to the following rules and regulations:

- a. Dogs must remain leashed until entry into the park
- b. All owners to keep dogs under control at all times by way of verbal commands. If control cannot be maintained, the dog must be leashed and removed from the park.
- c. Female dogs in heat shall not be allowed in the park at any time.

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- d. All animal excrement shall be removed from the off-leash dog park by the person who has immediate charge and control of the dog, and disposed of in accordance with the City's Solid Waste Disposal By-Law.
 - e. All dogs must have a current City of Portage la Prairie License which shall be produced when requested by the Animal Control Officer.
 - f. All dogs must have current vaccinations prior to entering the park.
 - g. Dogs that have been designated as a dangerous animal or displays signs of aggressive behaviour shall not be allowed in the off-leash dog park at any time.
- 2) Nuisance Prohibited** [AM by By-Law No. 12-8565]
- a. No owner of a dog shall permit or allow the dog to become a nuisance to other persons or animals in an off-leash dog park.
 - b. For the purpose of this sub-section, the behaviour of a dog which constitutes a nuisance includes, but is not limited to the following:
 - a. Running at such a distance from its owner so as to be incapable of responding to voice or sign commands;
 - b. Doing any act that injures a person or another animal;
 - c. Chasing or otherwise threatening a person or another animal;
 - d. Biting, barking at, or chasing;
 - e. Excessive barking or howling or otherwise disturbing any person or other animal; or
 - f. Causing damage to property.
 - c. In the event that a dog becomes a nuisance, the owner of the dog shall immediately restrain the dog by placing the dog on a leash not exceeding two meters in length and removing the dog from the off-leash dog park.
- 3) Any person who contravenes, disobeys or neglects to obey any such rule or regulation pursuant to this section shall be subject to expulsion or removal from the said off-leash dog park by person or persons appointed or authorized to enforce this by-law, and is guilty of an offence and subject to the penalties set out in Section 25 – Penalties. [AM by By-Law No. 12-8565]

PART IV - DANGEROUS ANIMALS

18. AGGRESSOR ANIMALS

- 1) The Animal Control Officer:
 - a) shall apprehend, impound and place in quarantine any Dog or Cat that he has reason to believe has bitten a Person; and
 - b) may apprehend, impound and place in quarantine any other Domestic Pet that he has reason to believe has bitten a Person if, in his discretion, such action in respect of the Domestic Pet is necessary for the protection of the public;

(in either case, the "Aggressor Animal"), whether on private Premises or elsewhere, and whether or not the skin was directly punctured or lacerated by the bite, except that this provision shall not apply to a police service Dog owned by a public law enforcement agency and under the control of a qualified Dog handler.

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- 2) If the Aggressor Animal is not voluntarily surrendered to the Animal Control Officer by the Owner, the Animal Control Officer shall be empowered to apprehend and impound the Aggressor Animal and, if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain authorization to enter the personal residence of the Owner for the purpose of apprehending and impounding the Aggressor Animal.
 - 3) Any Aggressor Animal so apprehended and impounded at the Pound shall be quarantined for a minimum of 10 consecutive days at the Owner's expense, commencing from the date of impoundment (the "quarantine period").
 - 4) If, in the opinion of a licensed veterinarian, the animal impounded poses no health risk, the Aggressor Animal may be released to the owner prior to the completion of a 10 day mandatory quarantine, subject to the provisions set forth in Schedule "D".
 - 5) Subject to a determination by the Animal Control Officer pursuant to subsection 7) below that the Aggressor Animal is not a Dangerous Animal, the Aggressor Animal may be released to the Owner after expiry of the prescribed quarantine period upon payment by the Owner to the Poundkeeper of a Pound fee calculated at the daily rate set out in the Fees and Charges By-Law together with any costs or fines assessed against the Owner hereunder. In the event that the Owner fails to redeem the Aggressor Animal from the Pound within 72 hours after expiry of the quarantine period, the Aggressor Animal shall be humanely euthanized.
 - 6) The head of any Aggressor Animal quarantined for biting that dies while quarantined and prior to the veterinary examination required pursuant to subsection 7) below, shall be submitted to the Canadian Food Inspection Agency for rabies examination.
 - 7) Every Aggressor Animal shall be examined by a licensed veterinarian approved by the Animal Control Officer prior to release from quarantine. The determination as to whether or not the Aggressor Animal can be released from quarantine or must be humanely euthanized, shall be at the discretion of the Animal Control Officer based upon the following factors:
 - a) the medical report of the licensed veterinarian who has examined the Aggressor Animal;
 - b) whether or not the public health authorities are prepared to consent to the release of the Aggressor Animal;
 - c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident.
 - d) whether or not the Aggressor Animal is, in the opinion of the Animal Control Officer, a Dangerous Animal and, if yes, whether or not the provisions of section 20 hereof have been complied with;
 - e) whether or not the Aggressor Animal is a Restricted Animal, and if yes, whether or not the provisions of Part VII hereof have been complied with by the Owner; and

- f) proof that the Aggressor Animal does not have rabies, and that the Aggressor Animal has a Current Rabies Vaccination status at the date of the bite incident.

19. DETERMINATION THAT AN ANIMAL IS A DANGEROUS ANIMAL

1) Animal Control Officer to Arrange Hearing

Where the Animal Control Officer has reason to believe that an animal, including but not limited to an Aggressor Animal under section 18, is a Dangerous Animal, he shall arrange a hearing before a committee authorized by Council to determine whether or not the said animal should be declared a Dangerous Animal. In the event that an Owner voluntarily accepts the Dangerous Animal declaration and the recommended disposition of the matter made by the Animal Control Officer, a hearing before the committee may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

2) Quarantine

Where it is deemed necessary by the Animal Control Officer to protect the public or other animals pending the decision of the committee, the Animal Control Officer may:

- a) require that the animal be quarantined in the Pound until the earlier of the date that the Animal Control Officer determines that it is safe to release the animal to the custody of the Owner or until the committee hears the matter and issues its determination; or
- b) may impose all or any of the conditions set out in subsection 20(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 determines that it is safe to remove the conditions or until the committee hears the matter and issues its determination.

3) Notice of Hearing

The City shall provide written notice of the hearing to the Owner of the animal at least three days in advance of the hearing by serving notice upon the Owner or by mailing the notice by registered mail to the last known address of the Owner. In the case where the animal alleged to be a Dangerous Animal is a Dog, the Animal Control Officer shall be entitled to mail the said notice to the last address provided by the Owner to the City in relation to the licensing of the said Dog. The notice shall include the following minimum information:

- a) the time, place and purpose of the hearing;
- b) a summary of the reasons in support of the allegation that the animal is dangerous;
- c) a copy of this section 19 of the By-Law; and
- d) a statement that if the Owner does not attend the hearing, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

4) Animal to be Confined Pending Final Outcome of Hearing

- a) Every Owner who has received notification from the City pursuant to subsection 3) above that a determination hearing will be held with respect to his animal, shall ensure that the

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- animal remains confined upon the Premises of the Owner pending the final outcome of the hearing.
- b) Subsection a) above shall not apply if the animal is impounded or the Animal Control Officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending outcome of the hearing.
- 5) **Hearing**
- a) The Owner has the right to appear at the hearing, with or without counsel, and to make submissions to the committee and call evidence on his behalf. The Owner also has the right to hear 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.
- b) Where the Owner does not attend at the hearing, having been given notice as provided in accordance with this section 19, the committee shall be entitled to deal with the matter in his absence, and the Owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The Owner shall be notified of the decision of the Committee by notice in writing delivered by personal service or registered mail in the manner set out in subsection 3) above.
- 6) **Decision of the Committee**
- Within five (5) working days of the hearing, the committee shall issue a written decision in accordance with the following provisions:
- a) The Committee shall make an order declaring the animal to be a Dangerous Animal if in their opinion:
- i) the animal has caused injury to or killed a Person, whether on public or private property; or
 - ii) the animal has seriously injured or killed any other domestic animal or any Livestock without provocation; or
 - iii) the animal is used primarily for the purpose of guarding property and is not a police service owned by a public law enforcement agency.
- b) The committee may make an order declaring the animal to be a Dangerous Animal if, in their opinion, there is a material risk that the animal may cause damage or injury to Person or property or any other animal, taking the following non-exhaustive factors into account:
- i) whether the animal has worried, bitten, wounded or injured any Person or animal, or is otherwise an Aggressor Animal;
 - ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and

- iii) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any Person or any other animal upon any public or private property.
 - c) The committee shall deliver a copy of their decision to the Owner in the manner provided in subsection 3). There shall be no obligation upon the committee to issue written reasons for their decision.
- 7) **License to be Cancelled**
- a) In the event that a Dog/Cat is declared by the committee to be a Dangerous Animal, any license previously issued in relation to that Dog shall be deemed to have been cancelled effective as of the date of the Committee's decision to declare the Dog/Cat to be a Dangerous Animal.
 - b) Where a license is deemed to have been cancelled pursuant to subsection a) above, the Owner shall be entitled to a credit or refund on any paid-up license fee, calculated on a quarterly pro rata basis. The City may set-off against any such refund, any fines, fees or costs owing by the Owner under this By-Law.

20. **CONSEQUENCES OF DANGEROUS ANIMAL DECLARATION**

- 1) The Committee shall determine whether the Dangerous Animal should be humanely euthanized or released to the Owner subject to the conditions set out in subsection 2) below.
- 2) Every Owner of an animal that has been declared to be dangerous and in respect of which the Committee has decided to release the Dangerous Animal to its Owner, shall:
 - a) in the event that the Dangerous Animal is a Dog or Cat, obtain a dangerous Dog or Cat license and pay the required fee as set out in the Fees and Charges By-Law.
 - b) cause the Dangerous Animal to be tattooed upon the ear with clearly identifiable information as set out by the committee and provide a copy of such information to the Poundkeeper.
 - c) ensure that the Dangerous Animal, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
 - i) is capable of preventing the entry of young children and the escape of the Dangerous Animal;
 - ii) has minimum dimensions suitable for the size of the Dangerous Animal, as prescribed by the Animal Control Officer;
 - iii) has secure sides; and
 - iv) provides protection from the elements for the Dangerous Animal.
 - d) in the event that the Dangerous Animal is a Dog, permit the Dog upon public property only if:
 - i) it is muzzled;

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- ii) it is restrained by a chain or leash not exceeding six feet in length, fully extended; and
 - iii) the Dog is at all times under the effective control of a Person competent to control it.
- e) in the event that the Dangerous Animal is other than a Dog, permit the Dangerous Animal upon public property only if it is under the effective control of a Person competent to control it.
- f) display in a conspicuous location at each entrance to the Premises upon which the Dangerous Animal is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS ANIMAL**. The sign shall be posted in such a manner that it cannot be removed easily by passersby and will be visible and capable of being read from outside of the Premises.
- g) Within three working days of selling, giving away or otherwise disposing of the Dangerous Animal, provide the Animal Control Officer with the name, address and telephone number of the new Owner.
- h) Advise the Animal Control Officer within three working days of the death of the Dangerous Animal.
- i) advise the Animal Control Officer forthwith if the Dangerous Animal has gone missing or is Running at Large or has bitten, worried or attacked any Person or animal.
- j) maintain in force a policy of liability insurance, satisfactory to the City, in the amount of at least \$500,000, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous animal. This policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of the City to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- k) such other conditions as may be prescribed by order of the Council.
- l) No Person shall deface or remove a sign posted pursuant to subsection f) above without having first obtained the permission of the Animal Control Officer.

21. **DESTRUCTION OF DANGEROUS OR AGGRESSOR ANIMAL**

- 1) Where it appears on reasonable grounds that an Owner has breached a condition of this By-Law in respect of an animal that has been declared dangerous or if an Aggressor Animal has caused injury or damage to any Person, property or any other animal or if the Animal Control Officer otherwise has reasonable grounds to believe that an animal presents a risk to any Person, property or any other animal and such animal has been declared a Dangerous Animal by Council, the Animal Control Officer may apprehend and impound the animal for the purpose of destroying it. 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 notwithstanding that it has not been declared to be a Dangerous Animal by Council at the time of its apprehension and impoundment.

- 2) When the Animal Control Officer impounds an animal under this section 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 humanely euthanized after the expiry of 10 consecutive days from the date of the notice. The Owner may, during that time period, appeal the decision of the Animal Control Officer to Council by providing notice in writing to the Manager of Administration, in which case Council shall hold a hearing at a regularly scheduled or special meeting of Council as to whether or not the animal should be humanely euthanized, which hearing shall be carried out in accordance with the provisions of section 20 hereof. The animal shall remain quarantined in the Pound pending the outcome of the hearing.
- 3) The decision of Council shall be final and not subject to appeal.

PART V - LIVESTOCK

22. LIVESTOCK

- 1) The keeping of Livestock shall only be permitted in those areas of the City which are zoned agricultural unless otherwise permitted by the City's zoning by-law. If so permitted, Council may specify the number and kind of Livestock which may be kept on any such Premises within the City, and it shall be an offence under this By-Law to keep any Livestock in excess of the prescribed number and kind.
- 2) An Owner shall not permit his Livestock to Run at Large within the City. When Livestock is found Running at Large, its Owner shall be deemed to have refused or failed to comply with this By-Law.
- 3) Council, or the Animal Control Officer on the authority of Council, may establish from time to time a temporary or permanent Premises for the confinement of Livestock apprehended pursuant to the provisions of this By-Law. This may include the Premises where the apprehension took place, and the Owner of such Premises or any other such Person as may be authorized by Council, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The City Manager may authorize the establishment of a temporary Pound, which temporary Pound shall be ratified at the next regularly scheduled Council meeting.
- 4) If the identity of the Owner is known, the Animal Control Officer shall serve directly upon the Owner or mail a notice of impoundment to the Owner at his last known address.
- 5) The Owner of the Livestock shall not be entitled to the return of the Livestock until the actual costs incurred by the City in apprehending and impounding the Livestock, together with the costs of caring for the Livestock and any fines imposed pursuant to this By-Law, have been paid in full.
- 6) If no Person claims the Livestock within 10 days of the date of the notice of impoundment, or if the Owner has not paid the costs and fines referred to in subsection 5) above, the Animal Control Officer may sell or otherwise dispose of the Livestock without further notice to the Owner, the proceeds of which shall be paid to the general funds of the City.

PART VI - RESTRICTED ANIMALS

23. RESTRICTED ANIMALS

1) **Prohibition on Restricted Animal**

No Person shall keep, harbour, possess or control any Restricted Animals, as defined in Sec. 5(18), within the City without a permit issued by the City.

2) **Application for Permission to Keep or Harbour a Restricted Animal**

Upon receipt of an application from any Person to keep a Restricted Animal, Council shall comply with the notice and hearing requirements applicable to variation and conditional use applications as set out in subsection 57(4) of *The Planning Act* (Manitoba).

3) **Temporary Impoundment**

If deemed necessary in the interests of public safety, the Animal Control Officer may apprehend and impound any Restricted Animal pending the outcome of any hearing to decide an application made pursuant to subsection 2) above.

4) **Inventory of Restricted Animals**

- a) Any Owner who has been granted permission by Council to keep one or more Restricted Animals within the City shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the Restricted Animals kept by the Owner within the City, together with the annual permit fee.
- b) Council may at any time and from time to time change the conditions that an Owner must satisfy in order to keep a Restricted Animal, and any failure to comply with any such condition upon notice thereof shall invalidate the Owner's permit to keep the Restricted Animal within the City.
- c) Any Person who keeps, harbours or has possession or control of a Restricted Animal in the City on or before the time that this By-Law comes into force or effect, shall have 30 days from the coming into effect of this By-Law to obtain a permit from Council to continue to keep the Restricted Animal, failing which the Owner shall sell or give the Restricted Animal to a Person outside of the City or shall otherwise dispose of the Restricted Animal in a manner which ensures that the Restricted Animal is no longer within the City. Any such sale, gift or disposition shall be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of Restricted Animals, and the City accepts no responsibility for the manner of sale or disposition.
- d) Council may grant such longer period of time to an Owner of a Restricted Animal who falls within subsection c) above as may be necessary to allow Council adequate time to consider and decide the Owner's application to retain the Restricted Animal within the City.

5) **Order to Dispose of Restricted Animals**

- a) Where the Animal Control Officer has reasonable grounds to believe that a Person is keeping or harbouring, or has possession or control of, a Restricted Animal within the

City without the written permission of Council, the Animal Control Officer shall serve the Person with an order in writing to dispose of the Restricted Animal within 14 days of receipt of the order or such shorter period of time as the circumstances may require and the order may provide, in which case the Owner shall sell, give away or otherwise dispose of the Restricted Animal in accordance with subsection 4.c) above and any conditions imposed in the order of the Animal Control Officer. Provided however, that if the Owner has not already applied and been denied a permit to keep or harbour the Restricted Animal, the Owner may make such an application in accordance with subsection 2) above, and the order of the Animal Control Officer shall be suspended pending the decision of Council.

- b) The onus shall be on the Person upon which an order pursuant to subsection a) above has been served to establish either that:
 - i) the animal is not a Restricted Animal; or
 - ii) the Person has a permit from Council to keep or harbour the Restricted Animal.
- c) Where the Person has failed to establish either that the animal is not a Restricted Animal or that he has a permit from Council to keep or harbour the Restricted Animal, and the Person has failed or refused to dispose of the Restricted Animal within the time frame contemplated by the order of the Animal Control Officer, the Animal Control Officer may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter upon the land and Premises of that Person for the purpose of removing and disposing of the Restricted Animal. The Animal Control Officer may engage the assistance of other Persons if required to safely apprehend the Restricted Animal.
- d) Upon apprehension and impoundment of a Restricted Animal, and provided that:
 - i) a written order was duly served on the Owner as required by subsection a) above; and
 - ii) if an application for the written permission of Council to retain the Restricted Animal has been heard and denied by Council;

Council may proceed to order the animal humanely euthanized or sold, and the Animal Control Officer shall carry out the order of Council. The Owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the Restricted Animal. If the proceeds of sale exceed any such costs and any fines imposed upon the Owner for breach of this By-Law, then the City shall refund the excess proceeds to the Owner.

PART VII - GENERAL PROVISIONS

24. ENFORCEMENT

1) Offences Under This By-Law

For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offences under this By-Law:

- a) failing to comply with any license requirements as specified in this by-law. [sec. 13(1)]
- b) allowing or failing to prevent a Dog, Cat or Domestic Pet from Running at Large; [sec. 15(1)(a) and sec. 17(1)]
- c) keeping or harbouring Dogs or Cats in excess of the maximum number permitted by this By-Law; [sec. 17(4)]
- d) failure by the Owner of a Dog, Cat or Domestic Pet to comply with any one or more of the provisions of section 15, or subsection 17(2) of this By-Law;
- e) failing to report a bite incident or failing to voluntarily surrender the Dog or Cat believed to have bitten a Person to the Animal Control Officer or Poundkeeper; [sec. 18(2)]
- f) failing to voluntarily surrender a Dog or Cat to the Animal Control Officer upon a request therefor; [sec.24(b)]
- g) keeping or habouring any wild animal or other Restricted Animal within the City without a permit; [Part VI]
- h) failing to properly vaccinate a Dog or Cat against rabies; [sec. 14]
- i) failing to comply with any conditions imposed upon the use of a Cat trap within the City boundaries;
- j) failing to comply with the requirements of subsection 17(1) of this By-Law in relation to any Domestic Pet;
- k) failing to comply with the requirements of any provision of subsection 17(3) in relation to any Cat;
- l) failing to comply with any requirements of Part IV of this By-Law in relation to an Aggressor Animal or a Dangerous Animal;
- m) defacing or removing a sign required to be posted under subsection 20(2)(1) of this By-Law;
- n) removing the collar or license tag from any Dog/Cat without a lawful excuse; [sec.13(3)]
- o) failing to report a change in ownership or to pay the prescribed transfer fee; [sec. 13(1)(6)]
- p) interfering or obstructing an Animal Control Officer, the Poundkeeper, or a police officer while performing their duty under this by-law; [sec. 2) below].

2) **Interference with Enforcement**

It shall be an offence under this By-Law for a Person to interfere or obstruct any attempt by the Animal Control Officer, Poundkeeper or the Council from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no Person shall interfere or obstruct or attempt to interfere or obstruct an Animal Control Officer, the Poundkeeper, a police officer or any other Person authorized to apprehend and impound an animal Running at Large, who is attempting to apprehend or impound, or who has apprehended and impounded, any animal in accordance with the provisions of this By-Law.

3) **Apprehension by Resident**

Any resident of the City may apprehend and confine an animal which is Running at Large on his property, provided that he shall immediately thereafter inform the Animal Control Officer, Poundkeeper or the City of the apprehension and confinement, and the Animal Control Officer shall as soon as practical, attend upon the resident to take possession of and impound the animal.

4) **Right of Entry**

- a) The Animal Control Officer or any other Person appointed by the City to enforce the provisions of this By-Law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal Owner or any other Person, other than the personal residence of an individual, for the purposes of apprehending an animal Running at Large, to ensure compliance with this By-Law (including, without limitation, any license or permit issued pursuant to this By-Law) or to otherwise enforce the provisions of this By-Law, but shall not enter the personal residence of any individual without the consent of the Owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.
- b) The Owner of any Dog, Cat or any other Domestic Pet that has bitten any Person or any other animal shall present the said animal to the door of his dwelling upon the request of the Animal Control Officer, to assist the Animal Control Officer to apprehend and impound the said animal.

5) **Complainant Identification**

Any Person who makes a complaint alleging an offence under this By-Law against another Person shall provide to the Animal Control Officer his name, address and telephone number. It shall be at the discretion of the Animal Control Officer whether or not to proceed based on an anonymous complaint or information.

6) **Liability**

No liability shall attach to the Animal Control Officer, the Poundkeeper, the Council and/or the City 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 Poundkeeper, the Council and/or the City for any animal humanely euthanized, 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.

25. **PENALTIES**

- 1) Without limiting the penalties for specific offences set out in subsections 2) or 3) below hereof, any Person who contravenes any provision of this By-law is guilty of an offence and is liable:
 - a. for a first offence, a fine of as set in the City's Fees and Charges By-Law;[AM By-Law 10-8494]
 - b. for a second offence, occurring within 12 months of the first offence, a fine as set in the City's Fees and Charges By-Law;[AM By-Law 10-8494]
 - c. for a third offence, occurring within 12 months of a second offence, a fine as set out in the City's Fees and Charges By-Law. ;[AM By-Law 10-8494]
- 2) Any animal that is impounded three or more times within any 12 month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be humanely euthanized regardless of whether or not it is properly licensed under this By-Law.
- 3) Any person who interferes with or obstructs the duties of an Animal Control Officer, a Poundkeeper or any other person authorized to enforce any provisions of this By-Law, or who unlawfully enters any Pound or unlawfully removes any animal impounded, is guilty of an offence and is liable:
 - a) To a fine as set in the City's Fees and Charges By-Law, or to imprisonment for a term of not more than 60 days, or both, plus all applicable costs and penalties. [AM By-Law 10-8494]
- 4) Where a corporation commits an offence 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.
- 5) Where the contravention, disobedience, refusal or neglect continues for more than one day, the person is guilty of a separate offence for each day that the contravention, disobedience, refusal or neglect continues.

26. **REPEAL OF BY-LAWS**

By-Laws No. 7284 and 7586 are hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE BY THE
MAYOR AND COUNCIL IN OPEN SESSION ASSEMBLED THIS 9th DAY OF December, A.D.
2002.

[org signed by Mayor Ian MacKenzie]
Mayor

[orig signed by Margaret Loewen]
Manager of Administration

Read a first time this 18th day of November A.D. 2002.

Read a second time this 9th day of December A.D. 2002.

Read a third and final time this 9th day of December A.D. 2002.

OFFENCE NOTICE [AM By-Law 10-8494]

SCHEDULE "A"



CITY OF PORTAGE LA PRAIRIE
97 Saskatchewan Avenue East
Portage la Prairie, Manitoba R1N 0L8

Phone: (204) 239-8341 Fax: (204) 239-5154 www.city-plap.com

TO: _____

DATE: _____

ADDRESS: _____

The undersigned alleges that on the ___ day of _____, 20_ in the City of Portage la Prairie, the Province of Manitoba, at _____ AM/PM, a Dog/Cat/ unlicensed/ licensed as No. _____, described as _____, was found to contravene the Animal Control By-Law No. 02-8165 by:

- failing to comply with any license requirements as specified in this by-law. [sec. 13(1)]
- allowing or failing to prevent a Dog, Cat or Domestic Pet from Running at Large; [sec. 15(1)(a) and sec. 17(1)]
- keeping or harbouring Dogs or Cats in excess of the maximum number permitted by this By-Law; [sec. 17(4)]
- failing to comply with any one or more of the provisions of section 15, or subsection 17(2) of this By-Law;
- failing to report a bite incident or failed to voluntarily surrender the Dog or Cat believed to have bitten a Person to the Animal Control Officer or Poundkeeper; [sec. 18(2)]
- failing to voluntarily surrender a Dog or Cat to the Animal Control Officer upon a request therefor; [sec.24(b)]
- failing to properly vaccinate a Dog or Cat against rabies; [sec.14]
- failing to comply with any requirements of Part IV of this By-Law in relation to an Aggressor Animal or a Dangerous Animal;
- defacing or removing a sign required to be posted under subsection 20(2)(l) of this By-Law;
- interfering or obstructing an Animal Control Officer, the Poundkeeper, or a police officer while performing their duty under this by-law.[Sec.24(2)]
- Other Applicable Offences: _____

Voluntary penalties will be accepted Monday to Friday from 9:00 a.m. to 4:30 p.m. at City Hall, 97 Saskatchewan Avenue E. If paid before the expiry of 30 days from the date hereof, the penalty will be:

- [] first offence \$100.00*
 - [] second offence \$250.00*
 - [] third offence \$500.00*
- (* if paid within 30 days of the offence)

If the penalty is not paid by due date you may be charged with an offence under the By-Law. Upon conviction, the minimum penalties are \$250.00 for the first offence, \$500.00 for the second offence and \$1,000.00 for the third offence or to imprisonment for a term not exceeding 3 months, or both such fine and such imprisonment. [Sec 249 Municipal Act]

Any animal that is impounded three or more times within any 12 month period while owned by the same owner, shall be sold or disposed of to a new owner or shall be humanely euthanized regardless of whether or not it is properly licensed under the By-Law.

ANIMAL CONTROL OFFICER

SCHEDULE "B"

**City of Portage la Prairie
NOTICE OF IMPOUNDMENT**

Owner: _____
(Name and Address of Owner of Animal)

Description of Animal: _____

Date of Apprehension: _____

Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

Hours of Operation of Pound: 8:00 a.m. to 5:00 p.m. Monday to Friday

Phone Number of Pound: 857-8900

Daily Pound Fee: _____

Impoundment Fee and/or Fine: _____

License Fee: _____

Other Costs or Fines: _____

Day the animal will be sold or destroyed: _____

Date Animal Control Officer

SCHEDULE "C"

PROCEDURES AND GUIDELINES FOR TRAPPING OF STRAY CATS

1. A citizen of the City of Portage la Prairie who is annoyed with damages done to their property as a result of a stray cat, may telephone the Animal Control Office and voice a complaint, requesting that a cat trap be placed on his premises.
2. The Animal Control Office will fill out apportion of the complaint form, and as soon as conveniently possible, will attend at the complainant's home for the purpose of completing the complaint form, and if the complaint is found to be valid, the complainant will be requested to sign the form, after which the Animal Control Officer will set a cat trap on the complainant's property.
3. Cat traps can be set Monday to Friday.
4. Cats trapped during normal business hours (8:00 a.m. to 6:00 p.m.) will be picked up by the Animal Control Officer and impounded.
5. Cats trapped after normal business hours will not be picked up until the following business day. The complainant is responsible for the cat's welfare while trapped.
6. Cat traps will be picked up by the Animal Control Officer on Friday of each week, and may be re-issued if need be.
7. The complainant is responsible for any damage to, or the loss of, the cat trap while in his possession and shall be billed for repair or replacement, if required.
8. The Animal Control Office shall only set traps when weather conditions are favourable.
9. At such time as the Animal Control Officer comes in possession of a trapped cat, the Animal Control Officer will try to locate an identifying tag or tattoo on the cat, and if found, will make every effort to contact the owner of the cat in order to report that it has been impounded.
10. If an identification tag or tattoo cannot be found on the impounded cat, the Animal Pound will retain the cat for a period of at least 72 hours, and after that time, as space permits. After said 72 hour period, it shall be at the discretion of the Animal Pound as to whether or not the trapped cat shall be retained, sold to a new owner or be euthanized. However, notwithstanding the care taken to ensure the return of an owner's cat, if a trapped cat shall be found by the Animal Control Officer to be wild and dangerous, it may be euthanized immediately upon being impounded by the Animal Control Officer.
11. At such time as the cat owner attends at the Animal Pound for the purpose of picking up his or her cat, a fine in accordance with the Fees and Charges By-Law may be levied against the owner of the cat in the form of a ticket handed or mailed to the owner, which fine is to be paid to the cashier, City Hall, City of Portage la Prairie, within ten days.

12. It shall be the responsibility of the complainant to ensure that once a cat is trapped on his property, the said cat shall not be abused by anyone on their property or anyone coming onto their property.
13. Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to the Animal Control Officer, at which time the Animal Control Officer will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.
14. In accordance with the Animal Control By-Law, any person caught teasing, enticing, poking an object or throwing any item into a cat trap shall be guilty of an offence and liable to a fine as set out in the Animal Control By-Law.
15. In accordance with the Animal Control By-Law, any complainant caught teasing, enticing, poking an object or throwing any item into a cat trap shall be guilty of an offence and liable to a fine as set out in the Animal Control By-Law, and said complainant or any person residing on his property will be banned from receiving a cat trap in future.
16. No cat traps shall be released by the Animal Control Officer to any complainant when weather conditions are colder than zero degrees Celsius.

Animal Control
12th Street N.E.
Portage la Prairie, MB
Telephone: 857-8900

CAT COMPLAINT

Date Received: _____ Time: _____

Name of Complainant: _____

Address: _____

Telephone: (Residence) _____ (Business) _____

Nature of Complaint:

Signature of Animal Control Officer

The undersigned hereby agrees to the following terms as stated in the Procedure and Guidelines for Trapping of Stray Cats and agrees to cover costs associated with damaged or lost traps:

Signature of Complainant

Date Cat Trap Set: _____ Time: _____

Date Cat Trap Removed: _____ Time: _____

Returned in Good Repair: Yes _____ No _____

Was a Cat Trapped: Yes _____ No _____

Description of Cat Trapped: _____

SCHEDULE "D"

**City of Portage la Prairie
DOG/CAT BITING REPORT**

Owner:		Date:	
Address:		Land Location:	
Telephone:		Business:	
Residence:		Business:	
Description of Offending Animal:		Species:	
Breed:		Sex:	
Color:		Tattoo:	
Rabies Vaccination History:			
Date Incident Occurred:		Person Bitten:	
		Name:	
		Address:	
		Telephone:	
Events surrounding incident and severity of bite:			
<p>The above described animal will be released back into the owner's care prior to the completion of a 10 day impoundment as mandatory under the Animal Control By-Law provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The owner has paid all pound fees calculated at the daily rate set out in the Fees and Charges By-Law together with any costs or fines assessed against the Owner. 2. The offending animal must be prevented from having any contact with any person or animal excepting for the owner for a period of 10 days from the date of release. Observation of any behavioural changes must be reported to the Animal Control Officer or supervising veterinarian immediately. The animal must be kept indoors or confined to a locked fenced enclosure not accessible to any persons who may from time to time enter the premises. The owner must not take the animal to any public locations during this time. THE OWNER MUST REPORT TO THE UNDERSIGNED VETERINARIAN IMMEDIATELY AFTER THE 10 DAYS HAVE ELAPSED. 3. A clearly visible sign must be posted at the entrance way with wording such as "BEWARE. DOG BITES". 4. Proof of current rabies vaccination must be provided. The offending animal can not be vaccinated for rabies while under the above restrictions but it is mandatory that vaccination be done as soon as possible thereafter. 5. Concern for rabies is the basis for the above conditions. If it is deemed advisable and depending upon the severity of injuries that have occurred, impoundment of the animal for the 10 days as set out by Manitoba Health Regulations and City of Portage la Prairie by-law may be required. 6. The owner will be responsible for all veterinary, and City Pound charges that may arise from this incident. 7. Cats must be held by the Pound for the entire 10 day impoundment period. 			
<hr/> Signature of Owner		<hr/> Signature of Veterinarian	

Application For Excess Animal Permit
Schedule "E" – Animal Control By-Law 02-8165

Applicant: _____

Permit Address: _____
 (Apt./Street Number) (City) (Prov.) (Postal Code)

Mailing Address: _____
 (if different than above) (Apt./Street Number) (City) (Prov.) (Postal Code)

Telephone Number(s) _____ **Fax Number** _____

1. I, the applicant identified above, hereby apply for a permit referred to above.
2. The Excess Animal Permit will cover:

		Name	Breed	Colour	Spay/Neut.	License #
Cat	Dog					
Cat	Dog					
Cat	Dog					
Cat	Dog					
Cat	Dog					
Cat	Dog					
Cat	Dog					
Cat	Dog					

3. I have had a permit for excess animals: ___ Denied ___ Revoked ___ Suspended

I hereby certify the above information to be correct and acknowledge that any false statements made upon this application may result in the revocation of the permit applied for and/or prosecution.

I hereby acknowledge all pets owned by the applicant must be licensed in accordance with the City of Portage la Prairie Animal Control By-Law 02-8165.

I hereby acknowledge that every premise, which is approved pursuant to this application, shall be inspected annually and the applicant who obtained the approval shall pay an annual inspection fee in accordance with the current Fees and Charges By-Law forthwith after such inspection.

I hereby acknowledge that Council's decision is final and that there is no appeal process.

 Date Signature of Applicant

Fee: _____ Application Annual Inspection

Received by: _____

**Excess Animal Site Inspection
Schedule "F" Animal Control By-law 02-8165**

Purpose: **New Application:** _____ **Permit** _____
Renewal:

Applicant: _____

Address: _____

Date of _____ **Inspection:** _____
Date of Application:

Inspected by: _____

Description of Structure and Property (*1, 2 storey, bungalow, basement, fence, side by side, etc.*)

Condition of Structure and Property: (*cleanliness, odours, fecal matter, upkeep, etc.*)

Number and Description of Animals Presently on the Property:

		Name	Breed	Colour	Spay/Neut.	License #
Cat	Dog					
Cat	Dog					
Cat	Dog					

Animal Care Equipment and Supplies:

Food	Kennels Outdoors	Outdoor Runs	Misc.

Recommend Approval: Yes: _____ **No:** _____
(List any Conditions or Give Details)

Signature: _____

A

aggressor animal (Animal Control By-Law),
5, 9, 16, 17, 18, 20, 23, 28

C

cat trap (Animal Control), 15
Companion Dog (Animal Control BL), 5, 14
current rabies vaccination (Animal Control
BL), 5, 13, 18

D

dangerous animal (Animal Control By-Law),
5, 10, 12, 14, 17, 18, 19, 20, 21, 22, 23, 28
dog or cat in heat (Animal Control), 15

H

horses (Animal Control), 6, 7

L

Licenses
dogs/cats (Animal Control), 12
livestock (Animal Control), 5, 6, 20, 24

P

pigeons (Animal Control BL), 7

Q

quarantine (Animal Control), 1, 18

R

restricted animal (Animal Control), 2, 7, 9, 11,
14, 15, 18, 25, 26, 27, 28

T

tranquilizer gun (Animal Control), 10