

**CITY OF PORTAGE LA PRAIRIE
ANIMAL CONTROL BY-LAW 21-8721**

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 an Animal Retention Facility.

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

- a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- b) 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 subsection (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 subsection (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 by-law of a municipality, 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 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.

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" – Offence Notice
- Schedule "B" – Notice of Impoundment
- Schedule "C" – Procedures & Guidelines for Trapping of Stray Cats
- Schedule "C-1" – Cat Trap Loan Agreement
- Schedule "C-2" - Cat Complaint Form
- Schedule "D" – Dog / Cat Biting Report
- Schedule "E" – Application for Excess Animal Permit
- Schedule "F" – Excess Animal Site Inspection
- Schedule "G" – Restricted Animal Permit Application
- Schedule "H" - Adoption Inspection Report
- Schedule "I" - Adoption Procedure
- Schedule "J" - Adoption Agreement

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) **“Animal Retention Facility”** 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.
- 4) **“Animal Retention Facility Operator”** means the Person appointed by Council, whether on a temporary or permanent basis, to operate and maintain an Animal Retention Facility, and to carry out the duties of an Animal Control Facility Operator as set out in section 12 of this By-Law.
- 5) **“Cat”** means any member of the genus *Felis domesticus* (domestic Cat).
- 6) **“Council”** means the Council of the City of Portage la Prairie.
- 7) **“Committee of Council”** means a Committee appointed by Council to hear matters under sections 19 - 22 of this By-Law regarding Dangerous Animals, and section 17 regarding Excess Animal Permits.
- 8) **“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.
- 9) **“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.
- 10) **“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 20 of this By-Law.
- 11) **“Dog”** means any member of the genus *Canis familiaris* (domestic Dog).
- 12) **“Domestic Pet”** means any animal other than a Dog or Cat that has been domesticated and is kept or harboured within the City, but excluding those identified as restricted.
- 13) **“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 subsection (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;
 - 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*.
- 14) **“Offence Notice”** means a notice issued pursuant to section 11(5) of this By-Law in the form attached hereto as Schedule A.
- 15) **“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.
- 16) **“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.
- 17) **“Person”** includes a firm or corporation.
- 18) **“Premises”** includes a building or accessory building and any lands on which the building is situated.
- 19) **“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 reticulatus)

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 (*Acantrophis madagascariensis*)
Cuban Boa (*Epicrates angulifer*)
Anaconda (*Eunectes murinus*)
Yellow Anaconda (*Eunectes notaeus*)
Salvadoris Monitor (*Varanus salvadoril*)
Nile Monitor (*Varanus niloticus*)
Pacific Monitor (*Varanus indicus*)
Rough-necked monitor (*Varanus Redicollis*)
Water or 2-Banded Monitor (*Varanus salvator*)
Giant Monitor (*Varanus guganteus*)
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
- 20) **“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.
- 21) **“Temporary Visit”** means, in relation to visiting the City with animals, a time frame of no more than 90 days.

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 RETENTION FACILITY, ANIMAL CONTROL OFFICER AND ANIMAL RETENTION FACILITY OPERATOR

9. ESTABLISHMENT OF ANIMAL RETENTION FACILITY

Council may establish and maintain an Animal Retention Facility for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or Council may enter into an agreement with any Person (including with any other municipality, city, town or organization) to establish and maintain an Animal Retention Facility on their behalf. The costs associated with the Animal Retention Facility 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) Animal Retention Facility Operator

Council may appoint one or more Persons as Animal Retention Facility Operator(s) to carry out the duties of the Animal Retention Facility Operator(s) set out in this By-Law. The Animal Retention Facility Operator 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 Animal Retention Facility Operator

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

11. DUTIES OF THE ANIMAL CONTROL OFFICER

It shall be the duty 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 Animal Retention Facility, the impoundment fee, any daily impoundment 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 known 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 with respect to the Dangerous Animal provisions contained herein;
- 7) to capture, seize and impound any Dog or Cat which is without the proper license tags as required by this by-law;
- 8) to capture, seize and impound any Dog or Cat not vaccinated as required by this by-law;
- 9) to capture, seize and impound any Dog for incessant barking if the owner cannot be located after reasonable effort;

- 10) to 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;
- 11) To facilitate adoptions of Dogs or Cats directly from the Animal Control Facility, as per the Adoption out of Pound Process as outlined in Schedule "I" hereto;
- 12) to enforce the provisions of this By-Law.

12. DUTIES OF THE ANIMAL RETENTION FACILITY OPERATOR

It shall be the duty of the Animal Retention Facility Operator:

- 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;
- 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 Animal Retention Facility, the Animal Retention Facility Operator shall observe all terms and conditions of the contract with the City for the operation of the Animal Retention Facility, 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 Animal Retention Facility Operator, 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 Animal Retention Facility is closed to the public;
- 6) to make suitable arrangements for the temporary impoundment and sale, adoption, 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 subsection (5) a Dog, Cat or other Domestic Pet has not been redeemed or adopted, it will be the duty of the Animal Retention Facility Operator 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 Animal Retention Facility 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 Animal Retention Facility Operator on the express authority of the City; or
 - b) once all reasonable efforts to rehome the animal have been exhausted, will cause the impounded animal to be humanely euthanized;
 - c) for medical reasons and on the advice of a veterinarian doctor will cause the impounded animal to be humanely euthanized;

unless the City, or the Animal Retention Facility Operator 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 subsection (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 Animal Retention Facility Operator 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 Animal Retention Facility Operator set out in subsections (1) and (3), and further provided that subsections (4), (5), (6) and (7) shall continue to apply except to the extent that they are specifically modified by the contract. Where the Animal Retention Facility Operator is a private party under contract with the City, the Animal Retention Facility Operator 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 Animal Retention Facility Operator may, at their 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 impoundment and license fees, provided however that the Animal Retention Facility Operator shall remain responsible to

the City for all amounts due to the City under its contract with the Animal Retention Facility Operator.

PART III - DOGS, CATS AND OTHER DOMESTIC PETS

13. LICENSING OF DOGS/CATS

- 1) The Owner of every Dog or Cat over the age of six months shall obtain and renew annually, a license to keep the Dog or Cat, which license shall require the payment of the annual fee as set out in the Fees and Charges Schedule. The Owner shall ensure that the license tag issued for the Dog or Cat is securely fastened to a collar worn around the neck of the Dog or 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 or Cat is securely fastened to its collar shall constitute an offence under this By-Law.
- 2) The required Dog or Cat license may be sold by City Hall.
- 3) No Person shall be permitted to remove the collar or license tag from any Dog or 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 Schedule.
- 6) Where a change in Ownership of a Dog or Cat licensed hereunder occurs during the license year, the new Owner shall have the current license transferred to their name upon payment of the transfer fee prescribed in the Fees and Charges Schedule. 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 or Cat on a Temporary Visit into the City, provided however, that nothing in this subsection shall authorize any Person to bring a Dog or 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 or Cat to Run at Large or otherwise create a nuisance within the City.
- 8) Subject to subsection (9) hereof, every Dog or Cat Owner must produce, before a license is issued or renewed for the Dog or Cat, evidence of a Current Rabies Vaccination status for that Dog or Cat from a licensed veterinarian.

- 9) A Dog or 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 their Dog or Cat if they can produce a statement in writing signed by a licensed veterinarian certifying that the Dog or 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 Schedule.
- 11) Owners whose dog(s) or cat(s) are apprehended by an Animal Control Officer and are not licensed shall be considered to be committing an offence under this By-Law. The animal may be returned to the Owner at the discretion of the Animal Control Officer, and the Owner shall be served, in person or by mail, an Offence Notice notifying them that they are in contradiction to Section 13.1 of the Animal Control By-Law and must license their dog or cat.
 - a) The Offence Notice shall contain the following:
 - (i) A due date in which the owner must have, at a minimum, made an appointment for a rabies vaccination with a vet of their choice. A maximum of a two-week period (14 days excluding Sundays or civic holidays) from date of service will be permitted to arrange such appointment;
 - (ii) The rabies vaccination appointment time must be communicated to the Animal Control Officer by the 14th day after the date of service;
 - (iii) A fine amount that will be issued, as per current Fees and Charges Schedule, if an appointment or efforts to contact an Animal Control Officer are not made by the section (i) and (ii) deadlines.
 - b) If an appointment or efforts to contact an Animal Control Officer have not been made at the end of deadlines listed in section 11. a) (i) and (ii) the following will occur:
 - (i) A fine, as set out in the Fees and Charges Schedule, will be issued to the animal's Owner;
 - (ii) An Order will be served, either in person or by mail, to the animal's Owner.
 - c) An Order shall contain the following:
 - (i) A due date in which the owner must have, at a minimum, made an appointment for a rabies vaccination with a vet of their choice. A maximum of a one (1) month period (30 days), from date of service will be permitted to arrange such appointment;
 - (ii) The rabies vaccination appointment time must be communicated to the Animal Control Officer by the 30th day after the date of service;
 - (iii) Notice to the Owner that the animal will be seized by an Animal Control Officer, if an appointment or efforts to contact an Animal Control Officer are not made by the section (i) and (ii) deadline;

- (iv) If the animal(s) are seized by Animal Control Officer, then they will have 14 days to pay any outstanding fines and have a vet appointment made for vaccination or the animal will be rehomed, sold or humanely euthanized.

14. RABIES VACCINATION

Except where section 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 or 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 their Dog or Cat to Run at Large, except in designated Off-Leash Dog Parks. When a Dog or Cat is found Running at Large, its Owner shall be deemed to have failed or refused to comply with this subsection.
 - b) permit their 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 their Dog or Cat to defecate on any public or private property other than the property of its Owner. Where a Dog or Cat defecates on property other than the property of its Owner, the Owner shall cause such excrement to be removed forthwith.
 - d) permit their Dog or Cat to defecate on their property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.
 - e) permit their Dog or 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 or 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 or Cat (other than a Dog or 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 or Cat determined to be a Dangerous Animal, unless such Dog or Cat is kept at all times in accordance with the provisions of Part IV.
 - h) permit their Dog or Cat to pursue, bite, wound or worry any Person or animal, whether or not on the property of the Owner.
 - i) permit their Dog or Cat on any school ground or playground.

- j) permit their Dog or Cat on public property (including parkland area) unless the Dog or Cat is on a leash (which lease shall be no longer than six feet in length, fully extended) and the Dog or Cat is in the actual custody and effective control of the Owner or a Person competent to control it.
 - k) permit their Dog or Cat to upset waste receptacles or otherwise litter.
- 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 (c), (f), (i), and (j) above.

16. REDEMPTION

Unless an impounded animal is being held in quarantine under section 19 of this By-Law or 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 Animal Control Officer for redemption, and paying to City Hall:

- 1) the Animal Retention Facility fee calculated in accordance with the Fees and Charges Schedule;
- 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 26 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 Animal Control Officer, as applicable, their 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 Animal Control Officer, as applicable. (see Procedures & Guidelines for trapping stray Cats in Schedule “C” hereto)
 - iii) Sign a Cat Trap Loan Agreement (see Schedule “C-1” hereto) and 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 Schedule.
- 4) **Maximum Number of Dogs and/or Cats**
No Person shall own, harbour, keep or have in his possession or control or on his Premises, more than four Dogs, or four Cats, or a combination of both for a total of four, over the age of six months, regardless of the number of people who may be inhabiting the Premises, without obtaining an excess animal permit.
- 5) **Excess Animal Permit**
- (a) 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 and Charges Schedule. The subject property shall be inspected at the rate stated in the current Fees and Charges Schedule, and the applicant will be notified of any non-compliance.
 - (b) The Animal Control Officer shall arrange a hearing before a Committee of Council to determine whether or not an Excess Animal Permit will be allowed.
 - (c) Notice of Hearing

The City shall provide written notice of the hearing to the owner of the animals at least seven (7) 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. Letters shall also be mailed to all property owners within 100m of the applicant's property, inviting their attendance or feedback in regard to the Hearing. The Notice shall include the following minimum information:

- i) The time, place and purpose of the hearing;
- ii) A summary of the reasons in support of the Excess Animal Permit;
- iii) A statement that if the Committee of Council determines the Excess Animal Permit is allowed this will be released to the owner subject to conditions;
- iv) A statement that if the owner does not attend the hearing, the matter will be dealt with in their absence and that he or she will not be entitled to any further notice or appeal in regard to the proceedings concerning the animals.

(d) Subject to approval at a Committee of Council hearing, an Excess Animal Permit may be granted. There shall be a yearly inspection fee as per the City's Fees and Charges Schedule. Failure to pay said inspection fee shall result in the immediate cancellation of any approval that has been granted.

(e) 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 animals stated in the Permit, with no changes allowed.

(f) The Animal Control Officer shall be notified within five (5) calendar days of any decrease in the number of animals stated on the application.

(g) The decision of the Committee of Council shall be final and not subject to appeal.

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.

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 as stated in subsection (4) above, for a maximum of six months.

18. OFF-LEASH DOG PARKS

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;
- 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, unless they are a Temporary Visitor to the City;
- f) All Dogs must have Current Rabies Vaccinations prior to entering the park;
- g) Dogs that have been designated as a Dangerous Animal or display signs of aggressive behaviour shall not be allowed in the Off-Leash Dog Park at any time.

2. Nuisance Prohibited

- 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:
 - i) Running at such a distance from its owner so as to be incapable of responding to voice or sign commands;
 - ii) Doing any act that injures a person or another animal;
 - iii) Biting, barking at, chasing or otherwise threatening a person or another animal;
 - iv) Excessive barking or howling or otherwise disturbing any person or other animal; or
 - v) Causing damage to property.

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 remove the Dog from the Off-Leash Dog Park.

3. Offence

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 28 – Penalties.

PART IV – AGGRESSIVE AND DANGEROUS ANIMALS

19. AGGRESSOR ANIMALS

- 1) The Animal Control Officer:
 - a) shall apprehend, impound and place in quarantine any Dog or Cat that he or she has reason to believe has bitten a Person; and
 - b) may apprehend, impound and place in quarantine any other Domestic Pet that he or she has reason to believe has bitten a Person if, in their discretion, such action in respect of the Domestic Pet is necessary for the protection of the public;
 - c) in either case, the Animal Control Officer shall be entitled to apprehend an animal referred to in section 19(1)(a) or (b) above, herein after called 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.
- 2) If the Aggressor Animal is not voluntarily surrendered to the Animal Control Officer by the Owner, the Animal Control Officer shall apprehend and impound the Aggressor Animal and, if necessary, shall 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 Animal Retention Facility 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) The determination as to whether or not the Aggressor Animal can be released to the Owner after expiry of the prescribed quarantine period, 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) a determination that the Aggressor Animal is not a Dangerous Animal pursuant to section 20;
 - e) whether or not the Aggressor Animal is a Restricted Animal, and if yes, whether or not the provisions of Part VI 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.
- 5) Prior to the Aggressor Animal being released from quarantine, the Owner must pay all veterinary and Animal Retention Facility fees calculated at the daily rate as set out in the Fees and Charges Schedule together with any costs or fines assessed against the Owner that may arise as a result of an impoundment under this Part.
- 6) In the case of a Dog or any other animal other than a Cat that has been deemed an Aggressor Animal, if in the opinion of a licensed veterinarian, the Aggressor 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, provided the following conditions are met:
- a) the Owner must pay all Animal Retention Facility fees calculated at the daily rate as set out in the Fees and Charges Schedule together with any costs or fines assessed against the Owner;
 - b) the Aggressor 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;
 - c) any behavioural changes in the Aggressor Animal must be reported to the Animal Control Officer or supervising veterinarian immediately;
 - d) the Aggressor Animal must be kept indoors or confined to a locked fenced enclosure that is not accessible to any persons, other than the owner, who may from time to time enter the premises;
 - e) the Owner is prohibited from taking the Aggressor Animal to any public locations;
 - f) the Owner must post a sign at the entrance way to their property with wording such as “BEWARE. DOG BITES”;
 - g) the Owner must provide to the Animal Control Officer proof of Current Rabies Vaccination;

- h) the Owner must have the Aggressor Animal examined by the veterinarian immediately after the 10 days have elapsed since the animal was first quarantined.
- 7) In the case of a Cat that has been deemed an Aggressor Animal, the impounded Cat must be held at the Animal Retention Facility for the entire 10 day mandatory quarantine.
- 8) Every Aggressor Animal shall be examined by a licensed veterinarian approved by the Animal Control Officer prior to release from quarantine.
- 9) In the event that the Owner fails to redeem the Aggressor Animal from the Animal Retention Facility within 72 hours after expiry of the quarantine period, the Aggressor Animal shall be sold, or otherwise disposed of, or humanely euthanized at the discretion of the Animal Control Officer.

20. 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 19, is a Dangerous Animal, he shall arrange a hearing before a Committee of 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 of Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

2) Quarantine

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

- a) require that the animal be quarantined in the Animal Retention Facility 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 of Council hears the matter and issues its determination; or
- b) require that the animal be confined upon the Premises of the Owner until the Committee of Council hears the matter and issues its determination and may impose all or any of the conditions set out in section 21 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 of Council hears the matter and issues its determination.

Subsections (a) and (b) shall not apply if the Animal Control Officer receives written confirmation from a licensed veterinarian that the animal has been placed in quarantine pending the outcome of the hearing.

3) **Notice of Hearing**

The City shall provide written notice of the hearing to the Owner of the animal at least seven 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 sections 20, 21, 22 and 23 of this By-Law;
- d) a statement that if the Committee of Council determines that an animal is a Dangerous Animal, the Committee of Council can order that the animal be released to the Owner subject to conditions, or humanely euthanized; and
- e) a statement that if the Owner does not attend the hearing, the matter will be dealt with in their absence and that he or she will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

4) **Hearing**

- a) The Owner has the right to appear at the hearing, with or without counsel, and to make submissions to the Committee of Council and call evidence on their 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 section 20(3), the Committee of Council shall be entitled to deal with the matter in their 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 of Council by notice in writing delivered by personal service or registered mail in the manner set out in section 20(3).

5) **Decision of the Committee**

After considering the evidence at the hearing, the Committee of Council shall make a decision in accordance with the following provisions:

- a) The Committee of Council shall make an order declaring the animal to be a Dangerous Animal if in its 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 of Council may make an order declaring the animal to be a Dangerous Animal if, in its 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 of Council may determine that the animal in question is not a Dangerous Animal, at which point the animal will be released to the Owner.

21. CONSEQUENCES OF DANGEROUS ANIMAL DECLARATION

- 1) If it has been determined that the animal is a Dangerous Animal, the Committee of Council must determine within five working days of the hearing whether the Dangerous Animal should be released to the Owner subject to any or all of the conditions set out in section 22(1), be humanely euthanized, or be appropriately re-homed.
- 2) **Notice of Decision**
 - a) A written copy of the Committee of Council's decision, including any orders or conditions, shall be delivered to the Owner in the manner provided in section 19(3). There shall be no obligation upon the Committee of Council to issue written reasons for their decision.
 - b) If a Dangerous Animal is released to an Owner, subject to conditions, the Committee of Council must advise the Owner that any breach of the conditions will result in the animal being impounded and it may be euthanized.
- 3) **License to be Cancelled**
 - a) In the event that a Dog or Cat is declared by the Committee of Council to be a Dangerous Animal, any license previously issued in relation to that Dog or Cat shall

be deemed to have been cancelled effective as of the date of the Committee of Council's decision to declare the Dog or Cat to be a Dangerous Animal.

- b) Where a license is deemed to have been cancelled pursuant to subsection (a), 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.
- c) Where a license is deemed to have been cancelled pursuant to subsection (a), no future Animal Licenses will be issued to the Owner.

4) Final Decision

The decision of the Committee of Council to euthanize the Dangerous Animal is final and not subject to appeal.

22. CONDITIONS OF RELEASE

- 1) Pursuant to section 20(1) of this By-Law, in the event that an animal is declared dangerous, the Committee of Council may order the release of the animal to its Owner subject to any of the following conditions:
 - 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 Schedule.
 - b) cause the Dangerous Animal to be tattooed upon the ear with clearly identifiable information as set out by the Committee of Council and provide a copy of such information to the Animal Retention Facility Operator.
 - 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;
 - 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. No person shall deface or remove a sign posted pursuant to this section without having first obtained the permission of the Animal Control Officer.
- 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 the Committee of Council.

23. CONSEQUENCES OF BREACHING A CONDITION OF RELEASE

- 1) Where a Dangerous Animal is released to its Owner on conditions in accordance with section 21(1) of this By-Law, and where it appears on reasonable grounds that the Owner has breached one of those conditions, the Animal Control Officer shall apprehend and impound the Dangerous Animal and, if necessary, shall 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 Dangerous Animal.
- 2) Once the Animal Control Officer has impounded the Dangerous Animal, he or she shall give 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.

- 3) The Owner may not appeal the decision of the Animal Control Officer.

24. IMPOUNDMENT DUE TO IMMEDIATE RISK

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 the animal has not been declared to be a Dangerous Animal by the Committee of Council at the time of its apprehension and impoundment.

PART V - LIVESTOCK

25. 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 their 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 Animal Retention Facility, which temporary Facility 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 their 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

26. RESTRICTED ANIMALS

1) **Prohibition on Restricted Animal**

No Person shall keep, harbour, possess or control any Restricted Animals, as defined in section 5(19), 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 section 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 section 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 section (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

27. 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, section 17(1), 17(2) and 17(3) 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 Animal Retention Facility Operator; [sec. 19(2)]
- f) failing to voluntarily surrender a Dog or Cat to the Animal Control Officer upon a request therefor; [sec.19(2)]
- 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 [sec. 17(3)];
- j) failing to comply with any requirements of Part IV of this By-Law in relation to an Aggressor Animal or a Dangerous Animal;
- k) defacing or removing a sign required to be posted under sections 19(6)(f) or 22(1)(f) of this By-Law;
- l) removing the collar or license tag from any Dog/Cat without a lawful excuse; [sec.13(3)]
- m) failing to report a change in ownership or to pay the prescribed transfer fee; [sec. 13(6)]

- n) interfering or obstructing an Animal Control Officer, the Animal Retention Facility Operator, or a police officer while performing their duty under this by-law; [sec. 27(2)].

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, Animal Retention Facility Operator 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 Animal Retention Facility Operator, 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 their property, provided that he or she shall immediately thereafter inform the Animal Control Officer, Animal Retention Facility Operator 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 their 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 their 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 Animal Retention Facility Operator, the Council, the Committee of 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 Animal Retention Facility Operator, 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.

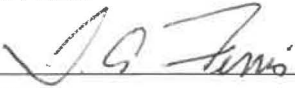
28. PENALTIES

- 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 Schedule;
 - b. for a second offence, occurring within 12 months of the first offence, a fine as set in the City's Fees and Charges Schedule;
 - 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 Schedule;
 - d. the levying of fees and charges are at the discretion of the Director of Public Safety or the Animal Control Officer, taking individual circumstances into consideration.
- 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 Animal Retention Facility Operator or any other person authorized to enforce any provisions of this By-Law, or who unlawfully enters any Animal Retention Facility 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 Schedule, or to imprisonment for a term of not more than 60 days, or both, plus all applicable costs and penalties.
- 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.

29. REPEAL OF BY-LAWS

By-Law No. 16-8647 of the City of Portage la Prairie, and any amending By-Laws thereto, is 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 _____ DAY OF _____, A.D. 2021.



Mayor



Manager of Administration

Read a first time this 14 day of
Read a second time this 28 day of
Read a third and final time this 28 day of

June
June
June

2021. Sun
2021. Sun
2021. Sun

Schedule "A"
OFFENCE NOTICE

Animal Control By-Law 21-8721

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. 21-8721 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)]
- failure by the Owner of a Dog, Cat or Domestic Pet to comply with any one or more of the provisions of section 15, section 17(1), 17(2) and 17(3) of this By-Law;
- 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 Animal Retention Facility Operator; [sec. 19(2)]
- failing to voluntarily surrender a Dog or Cat to the Animal Control Officer upon a request therefor; [sec.19(2)]
- keeping or habouring any wild animal or other Restricted Animal within the City without a permit; [Part VI]
- failing to properly vaccinate a Dog or Cat against rabies; [sec. 14]
- failing to comply with any conditions imposed upon the use of a Cat trap within the City boundaries [sec. 17(3)];
- 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 sections 19(6)(f) and 22(1)(f) of this By-Law;
- removing the collar or license tag from any Dog/Cat without a lawful excuse; [sec.13(3)]
- failing to report a change in ownership or to pay the prescribed transfer fee; [sec. 13(6)]
- interfering or obstructing an Animal Control Officer, the Animal Retention Facility Operator, or a police officer while performing their duty under this by-law; [sec. 27(2)].
- Other Applicable Offences: _____

Penalties due are as per the City's Fees and Charges Schedule.

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"
NOTICE OF IMPOUNDMENT
Animal Control By-Law 21-8721

Owner: _____

Address: _____

Description of Animal(s): _____

Date of Apprehension: _____ Time of Apprehension: _____

Location Animal Apprehended: _____

Place of Impoundment: _____

The Animal Retention Centre is on private property and restricted to visits from anyone other than Animal Control Officers for the City of Portage la Prairie. However, updates can be given regarding your animal by calling Portage By-Law and Animal Control at (204) 239-8326.

Daily Impound Fee: _____ Related Fines: _____ License Fee: _____

Other Costs or Fines:

Total Cost of Impoundment: _____ as of _____

Date animal will be Re-homed or destroyed: _____

Date

Animal Control Officer

All associated fines, charges and bills must be paid in full or at a minimum 50% of the outstanding bill be paid prior to any animal being released from the Animal Retention Centre, after 6 months from time of issue, outstanding bills will transferred to Collections to be settled. Impoundment fees continue to accumulate, past the 10-day quarantine period if the animal remains in the Animal Retention Centre. If an animal is surrendered to Animal Control Officers, all fines, charges and bills associated with the impoundment of the animal are still the sole responsibility of the owner listed above, but will be referred to as former owner. Owners who fail to meet the criteria in any payment arrangements, prior to making arrangements with City Hall will have the animal impounded and re-homed.

Schedule "C"
PROCEDURES AND GUIDELINES FOR
TRAPPING OF STRAY CATS
Animal Control By-Law 21-8721

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 Officer 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 Officer 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 Retention Facility 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 Retention Facility Operator 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 Retention Facility for the purpose of picking up their cat, a fine in accordance with the Fees and Charges Schedule 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 at 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 their 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 their 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.

Schedule "C-1"
CAT TRAP LOAN AGREEMENT
Animal Control By-Law 21-8721



COMPLAINANT INFORMATION:

Name: _____
Phone Number: _____
Address: _____
Email Address: _____

REASON FOR TRAP: (Check One)

Neighbour's Cat Nuisance/Stray Cat Other: _____

PROCEDURES & OBLIGATIONS:

Cat traps can be set Monday to Friday. Cats trapped during normal business hours (9:00a.m. to 5:00p.m.) will be picked up by the Animal Control Officer and impounded. 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. No cat traps shall be released by the Animal Control Officer to any complainant when weather conditions are colder than zero degrees Celsius.

Cat traps will be picked up by the Animal Control Officer on Friday of each week and may be re-issued if need be. 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. The Animal Control Officer shall only set traps when weather conditions are favourable 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.

If an identification tag or tattoo cannot be found on the impounded cat, the Animal Retention Facility 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 Control Officer 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 or dangerous, it may be euthanized immediately upon being impounded by the Animal Control Officer.

It shall be the responsibility of the complainant to ensure that once a cat is trapped on their property, the said cat shall not be abused by anyone on their property or anyone coming onto their property. 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. 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.

I have fully read and understand the Procedures & Obligations and agree to abide by this Cat Trap Loan Agreement.

Complainant Signature: _____ **Date:** _____

Animal Control Officer Signature: _____ **Date:** _____

Schedule "C-2"
CAT COMPLAINT
Animal Control By-Law 21-8721



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"
DOG/CAT BITING REPORT
Animal Control By-Law 21-8721



Owner:		
Address:		Land Location:
Telephone: 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 Animal Retention Facility fees calculated at the daily rate set out in the Fees and Charges Schedule 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 except 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 their 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 Animal Retention Facility charges that may arise from this incident. 7. Cats must be held by the Animal Retention Facility for the entire 10 day impoundment period. 		
Signature of Owner _____	Signature of Veterinarian _____	

Schedule "E"
APPLICATION FOR EXCESS ANIMAL PERMIT
Animal Control By-Law 21-8721

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 or Email:** _____

1. I am applying for an Excess Animal Permit for the following animals:

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

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

Briefly explain how you have come to possess the number of animals you currently have in your possession: _____

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 21-8721.

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 Schedule forthwith after such inspection.

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

Date Signature of Applicant

Fee: _____ Application Annual Inspection

Received by: _____

Schedule "F"
EXCESS ANIMAL SITE INSPECTION
Animal Control By-Law 21-8721



Purpose: _____ New Application _____ Annual _____ Permit

Applicant: _____

Address: _____

Application Date: _____ Inspection Date: _____

Description of Property (1 or 2 story, basement, garage, fenced yard, townhouse, etc.):

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

Number and Description of Animals Presently on the Property:

		Name	Breed	Color	Spay / Neut	License #
cat	dog					
cat	dog					
cat	dog					
cat	dog					
cat	dog					
cat	dog					

Food	Kennels / Carriers	Outdoor Runs	Misc

Recommend Approval: Yes _____ No _____

Conditions (if any):

Schedule "G"
RESTRICTED ANIMAL PERMIT APPLICATION
Animal Control By-Law 21-8721

Section 5 (19) of the Animal Control By-Law lists the animals prohibited in the City of Portage la Prairie. Part VI – Restricted Animals Clause 26 (1) states the following:

"No Person shall keep, harbour, possess or control any Restricted Animals, as defined in Sec. 5(19), within the City without a permit issued by the City."

Owner Name: _____

Address: _____

Contact Phone Number: _____ Email Address: _____

Animal Name: _____ Age of Animal: _____ Sex of Animal: _____

* Type of Animal: _____ **(include photo of animal)*

In addition to the above information, please describe any relevant precautions taken to ensure that the animal does not escape or harm people, property or the environment:

Please describe any relevant measures taken to ensure that the animal is humanely treated:

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).

Application Submission: Please submit your completed application form and required photos:

In-Person: City Hall – 97 Saskatchewan Ave East, Portage la Prairie, MB

Mail: City Hall – 97 Saskatchewan Ave East, Portage la Prairie, MB R1N 0L8

Fax: 204-239-1532

Email: cashier@city-plap.com

Schedule "H"
ADOPTION INSPECTION REPORT
(OUT OF ANIMAL RETENTION FACILITY)
Animal Control By-Law 21-8721



Date of Inspection: _____ Inspected By: _____

Adopter's Name _____

Address: _____

Phone Number: _____

Animal to be Adopted: _____ (Adoption Form to be attached, Animal details are on this form)

Home:

Description of Property (1 or 2 story, basement, garage, fenced yard, townhouse, etc):

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

Individual or Family:

Persons Living in the Home (with Ages):

Allergies to Pets: _____ Explain:

Previous experience with pets:

Current Pets in Home: **YES** or **NO** # of Pets ____ Excess Animal Permit Required **YES** or **NO**

Current Pets Licensed: **YES** or **NO** Current Pets Spayed or Neutered: **YES** or **NO**

Page 2
Schedule "H"
ADOPTION INSPECTION REPORT
(OUT OF ANIMAL RETENTION FACILITY)
Animal Control By-Law 21-8721

Species of Current Pets:

Readiness:

Animal Care Equipment and Supplies:

Food	Kennels / Carriers	Outdoor Runs	Misc

Recommend Approval for Adoption: Yes ____ No ____

Additional Comments: _____

ACO's Signature: _____ 4 Month Follow-Up _____

Schedule “I”
ADOPTION PROCEDURE
Animal Control By-Law 21-8721

ADOPTION OUT OF ANIMAL RETENTION FACILITY

- 1) Any animal that has been apprehended by Animal Control Officers may be adopted out of pound if:
 - a. The animal has not been claimed by its owners after 72 hours of being lodged in the Animal Retention Facility;
 - b. Reasonable effort has been made by Animal Control Officers to locate an animal’s owner without success; or
 - c. An animal has been surrendered over to Animal Control Officers.
- 2) Prior to any adoption occurring, a home inspection will be conducted by the Animal Control Officer to determine if the home is suitable for the animal.
- 3) Suitability of the home will be based on the Animal Control Officers inspection as per Schedule “H”.
- 4) Prior to any adoption being final an “Adoption Agreement” must be signed by the adoptee as per Schedule “J”.
- 5) A decision to deny an adoption out of the Animal Retention Facility is final and cannot be disputed.

Schedule "J"
ADOPTION AGREEMENT
Animal Control By-Law 21-8721

Animal Information :

Animal Number: _____
Description: _____ Species: _____
Date Received: _____ Time: _____
Gender: Male/Female Spayed / Neutered: Yes/No Tattoo: _____
Vet Report (if applicable): _____

Contact Information:

Name: _____
Telephone: [Home] _____ [Cell/Work] _____
Address: _____
City: _____ Prov.: _____
Postal Code: _____ Email Address: _____

I, _____ will be responsible to assure the animal will get their vaccinations and be spayed or neutered. I will obtain a pet license for the animal annually and follow all By-Laws regarding animals. I understand by signing this agreement I am stating I will try, to the best of my ability, to ensure that this animal will be given the utmost care.

I agree to care for the animal in a humane manner and be a responsible animal guardian. The animal was brought to me in good health condition. I will supply adequate food, water, shelter, attention, and medical care. The City of Portage la Prairie will not be responsible for any supplies or medical treatment following the date of adoption.

I understand and agree that the City of Portage la Prairie makes no guarantees about the animal's temperament and is not responsible for future damages or injuries caused by the animal. I further acknowledge that the City of Portage la Prairie will not accept the animal back. It will be my responsibility to make arrangements to rehome the animal if for any reason I am no longer able to care for the animal. I agree to not dispose of this animal; inhumanely, at a public auction, to an animal mill of any kind, or turn over custody to anyone that would allow this animal to be euthanized.

I agree that I will register the animal by obtaining a pet licence with the City of Portage la Prairie within (30) days after the date of adoption, if the animal is determined to be under the age of (6) months, I will obtain a Pet License when the animal comes to (6) months of age. In addition, if this animal should die while in my custody, I will report such death to the City of Portage la Prairie with a copy of the Veterinarian report of cause of death within (30) days of passing.

I understand that Failure to Obtain a Pet License is an offence in the Animal Control By-law 21-8721 and may be subject to Bylaw enforcement, accordingly, as stated in By-law 21-8721 for any infractions that may incur herein after the adoption date.

I have fully read and understand the terms and agree to abide by this Adoption Out of Animal Retention Facility Agreement.

New Owner: _____ Date: _____

Witnessed: _____ Date: _____