

**THE TOWN OF CHURCHILL
BY-LAW NO. 731/2003**

A BY-LAW TO REGULATE AND CONTROL ANIMALS WITHIN THE TOWN OF CHURCHILL.

WHEREAS *The Municipal Act* provides as follows:

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;...*
- b) *subject to section 233, activities or things in or on private property;...*
- c) *wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;*

AND WHEREAS the Town of Churchill is of the opinion that it is desirable in the public interest to restrict and regulate domestic animals;

NOW THEREFORE the Council of the Town of Churchill in Council assembled at Churchill, Manitoba, enacts as a by-law the following:

PART ONE - NAME AND INTERPRETATION

1.1 This By-law may be referred to as the "Animal Control By-Law"

1.2 In this By-law,

- a) "dog" includes male and female canines and crossbreeds with wild canines;
- b) "dog team" means a team of dogs used for pulling a sled (qamutik) or a wheeled vehicle.
- c) "dog team area" means the area shown on schedule "B";
- d) "insanitary condition" has the meaning set out in The Public Health Act;
- e) "kennel" means a premises on which more than 2 dogs or cats of at least 4 months of age are maintained, boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale. All dogs located in a kennel facility must be secured and contained within the licensed perimeter by fence or other means;;
- f) "Municipal Support Officer", or MSO, means the person appointed as the Municipal Support Officer for the purposes of By-law 716/01 or such other person appointed by Council to enforce this By-law;
- g) "muzzled" means restraining a dog by means of a humane fastening or covering device of adequate strength and design, and suitable to the breed of the dog, that fits over the mouth of a dog and cannot be removed by the dog, to prevent the dog from injuring a person or domestic animal;
- h) "owner" includes a 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, a premises containing an animal, or that contained an animal immediately prior to the apprehension of the animal by the MSO or other person;
- i) "Pitbull" includes the American Pit Bull Terrier, the American Staffordshire Terrier, the Staffordshire Bull Terrier, the Bull Terrier, and crossbreeds that are partly Pitbull;
- j) "pound" means an enclosure, premises or place designated by the Town for the impoundment and care of animals;
- k) "Rottweiler" include crossbreeds that are partly Rottweiler;
- l) "running at large" means an animal that it is not:
 - (i) under the direct, continuous and effective control of a person competent to control it; or,
 - (ii) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

PART TWO - LICENCING

- 2.1 An owner of an animal, required to be licenced, shall licence the animal annually.
- 2.2 Applications for a licence must be in writing on a form provided by the Town and all applicable fees as set out in Schedule "A", and required proofs and permits must accompany the application.
- 2.3 The licence year shall commence on the first day of January in every year and shall terminate on the 31st day of December of that year.
- 2.4 Where an animal's licence tag is missing, and the MSO is satisfied that the owner is in compliance with the licencing terms of this By-law, the MSO shall provide a replacement tag upon payment of the fees set out in Schedule "A".
- 2.5 An owner who applies for a licence must produce proof, sufficient to the MSO, that the animal has been vaccinated against rabies.
- 2.6 An owner who applies for a licence for an animal under 4 months of age shall sign a declaration that vaccination for rabies and parvo will be carried out when the animal reaches the required age and shall provide proof of such vaccination, upon request by the MSO, or the animal's licence may be revoked.

PART THREE - DOGS

- 3.1 No person shall keep, possess or harbour more than 2 dogs over the age of 4 months in any premises regardless of the number of people who live in the premises, unless the person holds a valid kennel licence or dog team licence applicable to the premises.
- 3.2 No person shall keep, possess or harbour a dog that is not licenced in accordance with this By-Law.
- 3.3 No person shall keep, possess or harbour a dog trained to fight other animals.
- 3.4 No person shall keep, possess or harbour a Pitbull or Rottweiler, regardless of age, except where the owner has licenced the dog prior to the effective date of this By-Law.
- 3.5 No owner of a dog shall:
 1. permit the dog to:
 - a) run at large;
 - b) chase or bark at a vehicle on a public highway;
 - c) disturb the quiet of a person;
 - d) defecate on public or private property, other than the property of its owner;
 - e) damage public or private property, other than the property of its owner; or,
 - f) pursue, bite, wound, harass or otherwise assault, a person or animal, whether or not on the property of the owner.
 2. permit dog excrement to accumulate on the property of the owner so that it becomes an insanitary condition.
 3. endanger the safety or health of the dog.
 4. tether a dog to a moving motor vehicle, including a snow machine.
- 3.6 An owner of a dog shall:
 1. annually licence the dog with the Town in accordance with Schedule "A";
 2. ensure the dog licence tag issued in connection with the licencing of the dog, is kept fastened to the dog at all times;
 3. remove the excrement of the dog from public or private property and when required by the MSO to do so, from the owner's property;
 4. provide proof of age for the dog upon request from the MSO;
 5. notify the MSO when the owner sells or otherwise ceases to be the owner of a licenced dog and provide the MSO with the name and address of the new owner;
 6. when transporting the dog, keep it confined to the interior of the vehicle or secured in the box of a truck in such a way so as to prevent the dog from escaping;
 7. keep a dog over the age of 4 months vaccinated against rabies and parvo and repeat the rabies vaccination at intervals of not more than 2 years.

- 3.7. Where a person is the owner of a Pitbull or a Rottweiler, which was licenced prior to the effective date of this By-Law, the owner must keep the dog:
- a) under the direct, continuous and effective control of a person competent to control the dog;
 - b) securely kennelled or, if not kennelled, muzzled and restrained by a chain or leash not exceeding 2 metres in length.
- 3.8 No licence is required for a seeing-eye dog where the person requiring the dog produces proof of the person's visual impairment satisfactory to the MSO.

PART FOUR – CATS

- 4.1 No person shall keep, possess or harbour more than 3 cats over the age of 4 months in any premises, regardless of the number of people who live in the premises, unless the person holds a valid kennel licence.
- 4.2 No owner of a cat shall:
1. permit the cat
 - a) to run at large; or,
 - b) to disturb the quiet of a person;
 2. permit cat excrement to accumulate so that it becomes an unsanitary condition;
 3. endanger the health or safety of the cat.
- 4.3 An owner of a cat shall:
1. have the cat spayed or neutered if it is more than 6 months old;
 2. provide proof of age, for the cat upon request from the MSO;
 3. notify the MSO when the owner sells or otherwise ceases to be the owner of a licenced cat and provide the MSO with the name and address of the new owner;
 4. remove the excrement of the cat from public or private property and, when required by the MSO to do so, from the owner's property;
 5. keep a cat over the age of 4 months vaccinated against rabies and repeat the vaccination at intervals of not more than 3 years;

PART FIVE – KENNELS

- 5.1 No person shall own or operate a kennel unless the kennel is registered and licenced under this By-law.
- 5.2 An application for a kennel licence shall be made in writing, by the owner of the premises, accompanied by the annual fee set out in Schedule "A". However, if the operation of the kennel is not a permitted use under the Zoning By-Law, the owner shall instead make application for re-zoning or conditional use under the Planning Act, as required.
- 5.3 Council shall set a date to review an application for a kennel licence not less than 30 days following receipt of the application.
- 5.4 Council shall notify property owners in the vicinity of the premises upon which the proposed kennel will be located, of the application and the date of the review.
- 5.5 In determining whether or not to grant a kennel licence, Council shall consider all relevant factors, including the following:
- a) the proposed maximum number of animals to be kept on the premises;
 - b) the intended purpose for keeping the animals on the premises;
 - c) the steps which have been taken to ensure that the animals will be adequately and safely housed;
 - d) the steps which have been taken to ensure that disturbances to neighbours from excessive noise, odour, waste disposal, traffic and other potential nuisances are avoided;
 - e) an inspection report from the MSO as may be requested by Council;

- f) an inspection report from the public health authorities or other authorities as may be requested by Council;
- g) representations made by the owner, or on behalf of the owner at the meeting of Council where the application for a kennel licence will be heard;
- h) representations made by neighbours of the owner or other interested party at the meeting of Council at which the application for a kennel licence is heard.
- 5.6 Council shall consider the factors listed in 5.5 in making its decision on a re-zoning or conditional use under the Planning Act. If the re-zoning or conditional use is granted, a licence shall be issued to the owner upon the payment of the annual fee.
- 5.7 A kennel licence is valid for one year from the date of issuance. A licence-holder who wishes to renew a kennel licence shall no later than 30 days prior to the expiry date submit an application to Council accompanied by the annual licence fee as set out in Schedule A. Council may decide whether or not to conduct a review of the application to renew the licence.
- 5.8 Council may refuse to issue a kennel licence, or may revoke or refuse to renew an existing kennel licence, or modify the conditions which apply to an existing kennel licence, or suspend an existing kennel licence, at any time upon a finding of any or all of the following:
- a) a neighbour or other party is, or will be, exposed to a nuisance created by the operation or maintenance of the kennel, including, without limitation, excessive noise, noxious odours or excessive traffic;
 - b) this by-law or other law, regulation or rule pertaining to animal care, environmental or zoning matters, or any condition pertaining to the kennel licence, have been or are being contravened, including, without limitation, a law, regulation, rule or licence condition pertaining to waste disposal;
 - c) the premises are not maintained in a condition that prevents the escape of animals;
 - d) the holder of the kennel licence has breached the duties of an owner of animals under *The Animal Care Act* (whether or not the holder owns all of the animals in his care), including, without limitation, where the conditions in the kennel are unsafe or insanitary for the animals;
 - e) the public health authorities have issued an inspection report indicating that a lack of cleanliness or sanitation in the kennel, or the surrounding premises, presents a human health risk;
 - f) the premises are not licenced under *The Animal Care Act*, and are required to be licensed;
 - g) it is not in the public interest to allow the kennel or proposed kennel to operate, or to continue to operate, as currently operated.

- 5.9 Council shall notify the owner of a decision made pursuant to 5.8, and the owner shall have 30 days from the date of the notice to close the kennel and dispose of the animals or take such other action as Council may require.
- 5.10 A holder of a kennel licence may not keep, possess or harbour the animals in any premises except the licenced premises.

PART SIX – DOG TEAMS

- 6.1 No person shall own or operate a dog team unless the dog team is registered and licenced as such.
- 6.2 No person shall keep a dog team except in the area shown on Schedule "B".
- 6.3 An owner of a dog team shall register each dog, except dogs under 4 months, as being part of that dog team.
- 6.4 An application for a dog team licence shall be made in the same manner as set out in 5.2 and all of the terms and conditions set out in Part Five apply to a dog team licence.

PART SEVEN - DANGEROUS ANIMALS

- 7.1 The MSO may declare an animal to be dangerous (the "declaration") if the animal:
(i) has killed a person;

- (ii) has killed an animal without provocation;
 - (iii) has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of humans or animals;
 - (iv) has bitten, inflicted injury, harassed or otherwise assaulted a human or animal;
 - (v) has been trained, or used, for fighting;
 - (vi) in the opinion of the MSO, otherwise represents a threat to public safety or to other animals.
- 7.2 The MSO shall apprehend, and impound an animal that has been declared dangerous. The MSO may quarantine the animal in the pound for a minimum of 10 days at the owner's expense (the "quarantine period") if, in the opinion of the MSO, the animal may be rabid or otherwise diseased.
- 7.3 The MSO shall notify the owner of the declaration that includes the following information:
- (a) a summary of the reasons in support of the declaration;
 - (b) the recommended disposition;
 - (c) a copy of this section 7;
 - (d) a statement that the owner may request that Council hold a show cause review of the declaration, and that if the owner does not, the matter will be disposed of as recommended by the MSO.
- 7.4 The declaration shall include the MSO's recommended disposition that may include that:
- (a) the animal be destroyed; or,
 - (b) the animal be released upon the owner undertaking to follow any, or all, of the following conditions:
 - (i) while on private property, the animal is to be kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound;
 - (ii) while on public property the animal is to be kept muzzled and restrained by a chain or leash not exceeding 2 metres in length under the direct, continuous and effective control of a person competent to control the animal;
 - (iii) the owner shall display in a conspicuous location at all entrances to the premises where the animal is kept, a sign or signs, reading "beware of dangerous animal", posted in such a manner that they cannot be removed easily by a passerby and are capable of being read from outside the premises;
 - (iv) within 3 working days of selling, giving away or otherwise disposing of the animal, the owner shall provide the MSO with the name, address and telephone number of the new owner;
 - (v) the owner shall advise the MSO within 3 working days of the death of the animal;
 - (vi) the owner shall advise the MSO immediately if the animal has gone missing, or is running at large, or has bitten, harassed or otherwise assaulted a person or animal;
 - (vii) the owner shall maintain in force, to the satisfaction of the MSO, a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of \$500,000 per occurrence.
 - (viii) any other conditions the MSO considers advisable.
- 7.5 The MSO shall keep a record of all biting, harassing and assault incidents, identifying the animal and providing a description of the incident. The record may be used in a review by Council.

- 7.6 The owner may request Council, in writing, within 14 days of the date of the declaration, hold a show cause review of the declaration.
- 7.7 If an owner does not request a review by Council, the MSO's recommended disposition shall constitute a final order in respect of which there is no appeal, and the MSO is authorized to take the actions as recommended.
- 7.8 If the owner requests a review by Council and the MSO believes that it is necessary for the protection of the public or animals, pending the review by Council, the MSO may:
- (a) require that the animal remain impounded, quarantined or otherwise; or,
 - (b) release the animal to the custody of the owner and require any or all of the conditions set out in 7.4.
- 7.9 The Town shall notify the owner at least 10 days in advance of the review.
- 7.10 At the show cause review, the owner has the right to appear, with or without counsel, and to make submissions to Council and present evidence. The owner also has the right to hear the submissions presented at the review by or on behalf of the MSO, and to inspect documents filed by or on behalf of the MSO.
- 7.11 If the owner does not attend the review, Council may deal with the matter in the owner's absence, and the owner shall not be entitled to further notice in regard to the proceedings concerning the animal.
- 7.12 Following the review, Council may confirm, vary, substitute or cancel the declaration of the MSO.
- 7.13 The Town shall immediately notify the owner of its decision.
- 7.14 Where Council has reviewed the declaration and confirmed the animal should be destroyed:
- (a) the MSO shall apprehend the animal, if the animal has been released to the custody of its owner; and
 - (b) the MSO shall destroy the animal.
- 7.15 Where:
- (a) an animal has been released on conditions under this Part:
 - (i) pending a show cause review,
 - (ii) where there is no review; or
 - (iii) following a review,and the owner breaches any of the conditions , or
 - (b) an animal, after having been declared dangerous, does any of the things described in 7.1;
- the MSO may apprehend and destroy the animal. The MSO shall notify the owner after the animal is destroyed.
- 7.16 A quarantined animal must be examined by a licenced veterinarian, at the owner's expense, prior to release from quarantine. If, in the opinion of the veterinarian, the animal is rabid, the MSO shall destroy it.

PART EIGHT - IMPOUNDMENT AND DESTRUCTION

- 8.1 The MSO may apprehend, impound and destroy an animal where the MSO deems it necessary to do so in carrying out the administration and enforcement of this By-law. In taking any action under this By-law the MSO has the powers and authority provided under By-law 716/01, including those provided to a designated officer under the Municipal Act for entering land and structures.
- 8.2 If the owner of the impounded animal is known to the MSO, the MSO shall give the owner notice setting out the particulars of the animal and advising that the animal may be sold or destroyed if not redeemed within 10 days of the notice. No further notice to the owner shall be necessary.
- 8.3 If the owner of the impounded animal is unknown, the MSO shall advertise the impoundment by posting a notice in the Town Office, setting out the particulars of the animal and advising that the animal may be sold or destroyed if not redeemed within 10 days of the notice. No further notice shall be necessary.
- 8.4 The owner of an impounded animal may redeem the animal upon application to the MSO:

- a) in the case of an unlicensed animal, upon a successful application for a licence and the payment of the annual licence fee and pound fees as set out in Schedule "A"; and,
- b) in the case of a licensed animal, upon payment of the pound fees as set out in Schedule "A".
- 8.5 The MSO shall provide each impounded animal with shelter, food and water, at the owner's expense, and shall treat the animal humanely. The Town accepts no responsibility for injury or death to any animal whilst impounded.
- 8.6 The MSO may sell or destroy an impounded animal that is not claimed or where the prescribed fees and other charges are not paid following the expiry of the notice period.
- 8.7 The MSO shall keep a record of all impounded animals, setting out:
- a) the particulars of the animal;
 - b) the date and time it was impounded;
 - c) the name and address of the redeeming party;
 - d) the total of the fines, fees or licences paid by the redeeming party;
 - e) the proceeds of sale, if any;
 - f) the date and time the animal was destroyed.

PART NINE - GENERAL

- 9.1 No person shall:
- a) interfere with or obstruct the carrying out of the functions under this By-law by the MSO or the Town;
 - b) remove or deface a sign required to be posted under this By-Law;
 - c) tease, entice, bait or throw objects at an animal;
 - d) wantonly, cruelly, or unnecessarily beat, bound, or torture, an animal, or expose it to cold or overcrowding in an enclosure or in transit.
- 9.2 Notice under this By-law may be given by personal service or by regular mail to the last known address of the owner. Where notice is provided by mail, it is deemed effective 3 days after the date of mailing.

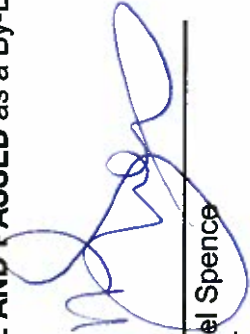
PART TEN - OFFENCE

- 10.1 Anyone who contravenes this By-law is guilty of an offence punishable on summary conviction by a fine of no more than \$1,000.00 or imprisonment of no more than 3 months, or both.


PART ELEVEN - REPEAL, EFFECT AND TRANSITIONAL

- 11.1 The Dog Licensing and Animal Control By-Law, No. 713/01, is repealed.
- 11.2 An existing licence under By-Law 713/01 shall remain in effect until it expires. The holder of an existing licence must make an application for a new licence under this By-Law prior to the expiration of the existing licence. The amount of the licence fee for the first year will be reduced in proportion to the remaining term of the existing licence.

DONE AND PASSED as a By-Law of the Town of Churchill this 23rd day of October, A.D., 2003.



Michael Spence
Mayor



Darren Ottaway
Chief Executive Officer

Read a first time this 4th day of September, A.D., 2003
Read a second time this 25th day of September, A.D., 2003
Read a third time this 23rd day of October, A.D., 2003

SCHEDULE "A"**Part One: Impoundment, Custodial and Disposition Charges**

1. The following fees will apply with respect to the impoundment of animals in addition to actual cost incurred by the MSO to effect the impoundment.
 - (a) for a licenced dog
 - (i) first impoundment \$50.00
 - (ii) second impoundment \$100.00
 - (iii) third impoundment \$150.00
 - (iv) all subsequent impoundments \$200.00.
 - (b) for an unlicenced dog:
 - (i) first impoundment \$60.00
 - (ii) second impoundment \$125.00
 - (iii) third impoundment \$175.00
 - (iv) all subsequent impoundments \$250.00;
 - (c) for a vicious dog which has been declared to be dangerous, whether licenced or unlicenced:
 - (i) first impoundment \$ 200.00
 - (ii) second impoundment \$ 500.00
 - (iii) third and all subsequent impoundments \$1,000.00.
 - (d) for other domestic animals:
 - (i) first impoundment \$35.00
 - (ii) second impoundment \$50.00
 - (iii) third and all subsequent impoundments \$75.00
2. The following custodial fees will apply for each day or part thereof in which a domestic animal is detained in the Pound:
 - (a) for a dog, the greater of \$6.00 per day and the actual cost to board such animal;
 - (b) for other domestic animals the greater of \$2.00 per day and the actual cost to board such animal.
3. The following disposition charges for pathological waste will apply for all disposals of pathological wastes, including the dead bodies of domestic animals \$0.30 per pound with a minimum charge of \$7.00 per disposal. If euthanasia is required, an additional fee of \$35.00 will apply.

Part Two: Annual Licencing Fees for Dogs

1. The following fees apply for dog licences obtained on or before February 1st in each year:
 - (a) female dogs \$20.00;
 - (b) male dogs \$20.00;
 - (c) spayed or neutered dogs \$10.00.
2. For licences applied for after February 1st a \$10.00 penalty will be assessed in addition to the fees prescribed above, provided that such penalty will not apply where:
 - (a) the dog for which the licence is sought achieved the age of 4 months within 30 days of the application date;
 - (b) satisfactory evidence is provided to confirm that the Owner only established residency in the Town within 30 days of the application date; or
 - (c) satisfactory evidence is provided to confirm that the dog for which the licence is sought was acquired by the Owner within 30 days of the application date.
3. The replacement fee for a lost or defaced licence tag is \$5.00.

Part Three: Kennel Licence and Dog Team Licence Fee

1. The fee for licensing each kennel is \$100.00.
2. Each dog in the team shall be licensed in accordance with Part Two of this schedule and although there is no licence fee for the dog team, the owner of the dog team shall pay a fee, on October 1st of each year, to be determined annually by Council, to cover the costs of maintaining the dog team area.