

BY-LAW No. 10-18

– of –

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law within The Rural Municipality of Springfield to authorize the regulation and control of animals within the limits of The Rural Municipality of Springfield.

WHEREAS Sub-Section 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;
 - (b) people, activities and things in, on or near a public place or a place open to the public, including parks, Municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from Municipal taxation;
 - (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, Sub-Section 232(2) of the Act provides, in relevant part, as follows:

Exercising By-Law-making powers

- 232(2)** Without limiting the generality of Sub-Section (1), a Council may in a By-Law passed under this Division.
- (a) regulate or prohibit;
 - (b) adopt by reference in whole or in part, with any changes the Council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;
 - (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

Original Signed By Reeve

- (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the Municipality,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the By-Law or for any other reason specified in the By-Law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
- (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, Sub-Section 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 Sub-Clause (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 Sub-Clause (iv),
- (vi) imposing a sentence of imprisonment for not more than six (6) months for the commission of offences or non-payment of fines.

AND WHEREAS Sub-Sections 5 (1), (2) and (3) of The Animal Liability act, C.C.M.C. A95 of the continuing consolidation of the statutes of Manitoba provides in part as follows:

Animals not to run at large

- 5(1) Except when permitted by a Municipal By-Law passed in accordance with the Municipal Act or a By-Law of a Local Government District passed in accordance with the Local Government Districts Act, no owner or person in charge of an animal shall allow it to run at large.

By-Law does not limit owner's liability

- 5(2) An owner's liability under Section 2 is not limited or otherwise affected by a By-Law referred to in Sub-Section (1).

Municipality or LGD not liable by reason only of making By-Law

- 5(3) A Municipality or Local Government District that make a By-Law referred to in this Sub-Section (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.

SECTION I – DEFINITIONS

1. In this By-Law, unless the context otherwise requires
 - (a) “**Council**” means the Council of the Municipality
 - (b) “**Dog**” means the female as well as the male of every breed or classification or mixture of breed or classification or mixtures of breeds and classifications of the canine family;
 - (c) “**Dog Pound**” means any enclosure, premises or place designated by Council for the purpose of impounding or confining Dogs, and includes those premises upon which Dogs are kept by any person appointed or employed by the Municipality for the purpose of carrying out any provision of this By-Law;

- (d) “**Kennel**” means any premises, on which three or more animals are boarded, bred, trained or cared for. A kennel shall not include veterinary clinic, animal hospital or animal pound;
- (e) “**Livestock**” means farm animals kept for food, milk or fur production or propagation or intended for profit and includes but is not limited to;
 - (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; and;
 - (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 Sub-Clause (a)(i), (ii) or (iii);

and, without limitation, includes animals that are of a species or kind prescribed in the regulations as livestock for the purposes of this Act and that are kept for any purpose set out in Clause (a) or (b) or for a qualifying purpose prescribed in the regulations in relation to that species or kind of animal or to livestock in general.
- (f) “**Municipality**” means the Rural Municipality of Springfield;
- (g) “**Officer**” means the person or persons appointed by Council to apply the provisions of this By-Law and includes any person acting as an assistant to, or under the direction of, the Chief Constable, Constable, RCMP Officer, By-Law and/or Animal Control Officers or any designate;
- (h) “**Owner**” means any person or business who owns, keeps or harbours an animal or who knowingly permits or allows any other person to own, keep or harbour an animal upon premises owned, leased or occupied either solely or jointly with others, by that person or business;
- (i) “**Person**” includes a firm or corporation;
- (j) “**Pit Bull dog**” means:
 - (i) Pit Bull Terrier; or
 - (ii) Staffordshire Bull Terrier; or
 - (iii) American Staffordshire Terrier; or
 - (iv) American Pit Bull Terrier; or
 - (v) Any dog which has the appearance and physical characteristics predominately conforming to the standards for any of the above breeds, as established by the Canadian Kennel Club or the American Kennel Club or the United Kennel Club and as determined by a Veterinarian licensed to practice in Manitoba.

- (k) **“Restricted Animal”** means:
- (i) all members of the order *Primate* excepting human beings;
 - (ii) all members of the order Carnivora excepting domestic dogs (*Canis familiaris*), domestic cats (*Felis catus*) and ferrets;
 - (iii) all members of the order *Crocodylia*;
 - (iv) all constrictor snakes and venomous reptiles including, but not limited to:
 - (A) all members of the family *Boidae*;
 - (B) all members of the family *Colubridae*;
 - (C) all members of the family *Elapidae*;
 - (D) all members of the family *Viperidae*;
 - (E) all members of the family *Helodermatidae*; and
 - (F) all members of the family *Varanidae*; and
 - (v) all venomous amphibians including, but not limited to:
 - (A) all members of the family *Bufo*idae; and
 - (B) all members of the family *Dendrobatidae*;
- (l) **“Running At Large”**, in relation to an animal, means that the animal 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 otherwise so that it is unable to roam at will. (« laissé en liberté » ou « en liberté »)
- (m) **“Traveling Show”** means a circus or exhibition that may include Restricted Animals, which intends to operate within the Municipality for a period not exceeding two (2) weeks and which does not have a permanent base, residence or location within the Municipality;
- (n) **“Vicious/Dangerous Dog”** means a Dog that has, on at least one occasion, attacked a person, another dog or any other animal with sufficient severity for the victim to require medical or veterinary treatment.

SECTION II – GENERAL

1. In all areas of the Municipality no person shall harbour, keep or have in his or her possession, or on his or her premises more than three (3) adult Cats and/or adult Dogs unless that person is licensed to operate a Kennel. For the purpose of this section an adult Dog or Cat is one which is four months of age or older. In case of dispute, the onus shall be on the Owner to establish the age of the Dog or Cat.

2. Every person owning or occupying premises on which animals are kept, whether for commercial purposes or otherwise, shall keep the premises clean and tidy, to the satisfaction of a Province of Manitoba Public Health Officer and or an Officer as defined in this By-Law.
3. No person owning or occupying premises on which animals are kept, whether for commercial purposes or otherwise, shall allow the premises to become offensive or adversely affect the health or comfort of other persons by reason of filthy conditions, offensive odors, or other causes.

SECTION III – LIVESTOCK

1. The keeping of Livestock shall only be allowed in those areas of the Municipality zoned agricultural unless otherwise permitted by the Municipality's Zoning By-Law in effect from time to time.
2. No Owner shall permit his or her Livestock to run at large within the Municipality. When Livestock is found running at large, its Owner shall be deemed to have refused or failed to comply with this section, (Livestock is not under control, by confinement within an enclosure), except in the case where Livestock is being driven from one enclosure to another in direct or continuous charge of a person.
3. Council may establish, on a temporary or permanent basis, premises for the confinement of Livestock apprehended pursuant to the provisions of this By-Law. If the identity of the Owner is known, the Officer may mail a notice of impoundment to the Owner at his or her last known address. The Owner of the Livestock shall not be entitled to the return of the Livestock until the actual costs incurred by the Municipality in apprehending and impounding the Livestock and the fine imposed pursuant to this By-Law, have been paid.
4. the flat rate sum of one hundred dollars (\$100.00) per pickup and fifteen dollars (\$15.00) thereafter per day or part thereof, that the Livestock has been in confinement;
5. If no person claims the Livestock within ten (10) calendar days of the date of impoundment, or if the Owner has not paid the costs and fines referred to within the current Municipal Fees By-Law, the Officer may sell the livestock.
6. All owners of Livestock shall erect and maintain a suitable fence or coral capable of containing their Livestock. Fences or corals may be constructed of, but not limited to, the following material:
 - (a) Electrical fencing.
 - (b) Barbed wire.
 - (c) Tinsel wire.
 - (d) Or any suitable material approved by an Officer.

SECTION IV – DOGS

1. Licensing:
 - (a) The Owner of every Dog over the age of six (6) months, including breeding stock males and females, kept within the Municipality shall on or before the first (1st) day of January in each calendar year, or within twenty-one (21) days of taking up residence or becoming a new dog owner, obtain from the Municipality a license and tag for each Dog and supply such information respecting each Dog as the Municipality may require. Each such license shall expire on the thirty-first (31st) day of December next after the license became effective.
 - (b) The Owner of every Dog shall be responsible to purchase and obtain a license from the Municipality. The annual license fee for each dog licensed is attached hereto as Schedule “B” or as indicated in the current Municipal fees and charges By-Law 09-10.
 - (c) The Municipality shall supply each Owner who has paid the appropriate license fee and provided the necessary particulars of registration with a tag for each Dog licensed and the Owner shall secure each tag issued securely to a collar or harness worn by the Dog.
 - (d) No license or tag issued pursuant to the provisions hereof shall be transferable from one Dog to another and no refund shall be made on any paid up Dog license fee because of death, sale of the Dog, cancellation of (under Section V - Dangerous Dog) or upon the Owner leaving the Municipality before the expiration of the license period.
 - (e) No license or tag shall be issued by the Municipality unless the Owner produces a certificate from a licensed Veterinarian Surgeon:
 - (i) in the case of every Dog over the age of three months, certifying that the Dog has been inoculated for rabies on a date no more than two years prior to December 31st of the current license year;
 - (ii) in the case of a female Dog, certifying that it has been spayed, if the Owner so implies;
 - (iii) in the case of a male Dog certifying that it has been neutered, if the Owner so implies.
 - (f) No license fee or tag charge shall be made for any Dog:
 - (i) which has not been weaned; or,
 - (ii) which has been trained and which is used or owned by a sightless person as a seeing-eye dog;
 - (g) In the event of the loss or mutilation of a tag, the Owner shall obtain a replacement for same from the Municipality upon payment of a fee of according to the Municipal Fees By-Law.

- (h) Only tags issued by the Municipality for the current year or such other tags as may be required to be displayed pursuant to the laws of Manitoba or Canada.
- 2. Council shall establish, maintain, or contract a Dog Pound for the confinement of Dogs apprehended pursuant to any provision of this By-Law and appoint an Animal Control Officer to carry out the provisions of this By-Law. The costs associated with the establishment and maintenance of a Dog Pound and payment of the Animal Control Officer shall be paid out of the general funds of the Municipality.
- 3. Except as hereinafter provided, all Dogs must be kept on a leash when not on the property of their Owners (or on the property of someone other than the Owner, with the permission of that property owner). This requirement does not apply to working Dogs, such as hunting or herding Dogs, who are actually working.
- 4. No Owner shall:
 - (a) permit his or her Dog to run at large in the Municipality. For the purpose of this section, the phrases “run at large” or “running at large” mean that the Dog is not securely confined within an enclosure or on a rope, chain or leash controlled by a person competent to, and capable of, controlling the Dog on the rope, chain or leash, so that it is unable to roam at will;
 - (b) permit his or her Dog to:
 - (i) chase, or bark at, any animal or person any vehicle in any public place;
 - (ii) disturb or annoy the quiet of others anywhere by howling or barking; or
 - (iii) bite any person, dog or other animal;
 - (c) permit his or her Dog to defecate on any public or private property other than the property of its Owner. Where a Dog defecates on property other than the property of its Owner, the Owner shall cause such excrement to be removed immediately;
 - (d) permit his or her Dog to damage public or private property other than that of its Owner;
 - (e) permit his or her Dog to upset any waste receptacle and scatter the contents about; or
 - (f) harbour or keep any Vicious/Dangerous Dog unless such Dog is securely fastened and property muzzled at all times in such place and in such manner that it does not endanger the safety of any person or any other animal.
 - (i) Where a Dog commits any of the acts prohibited by this paragraph, the Owner will be deemed to have permitted the activity and the Owner will be liable to pay fines and costs associated with cleaning

up the mess or repairing the damage done by the Dog including, but not limited to, veterinary bills.

5. Where it appears, on reasonable grounds, to an Officer that a Vicious/Dangerous Dog presents a danger to the public, other Dogs or any other animals, the Officer may apprehend and impound the Vicious/Dangerous Dog for the purpose of destroying it. When the Officer impounds a Vicious/Dangerous Dog under this section, he or she shall give the owner written Breach of By-Law notice attached hereto as Schedule "A", delivered to the last known address of the Owner, that the Vicious/Dangerous Dog will be destroyed within fourteen (14) days of the date of the Breach of By-Law notice;
 - (a) The Owner may, during that time period, appeal the decision of the Officer to Council by providing notice in writing to the Chief Administrative Officer (CAO) and the Officer of his or her desire to appeal the decision. The Vicious/Dangerous Dog shall not be destroyed while an appeal is pending. Council shall review the decision of the Officer within fourteen (14) days of receipt of the request from the Owner and may confirm, vary, substitute or cancel the decision. If Council upholds the decision of the Officer, the Vicious/Dangerous Dog shall be destroyed no sooner than three (3) working days after the Owner has been notified of Council's decision.
6. Every owner of a dog which has been declared to be Dangerous shall:
 - (a) cause the dog to be tattooed upon the ear or flank by a licensed Veterinary Surgeon with the identifying information approved for registration in the Manitoba Tattoo Registry and provide a copy of the record of such tattooing to the Municipality or Officer;
 - (b) ensure that the dog, 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 preventing the dog from escaping;
 - (ii) has minimum dimensions of six (6) by ten (10) feet;
 - (iii) has secure sides; and may include but not limited to a secure roof and floor or at the Officer's discretion.
 - (iv) provides protection from the elements for the dog;
 - (c) permit the dog upon public property only if it is muzzled, restrained by a chain or leash not exceeding six (6) feet in length and under the control of a responsible person;
 - (d) display at each entrance to the property and/or building in or upon which the dog is kept a sign displaying in large lettering "BEWARE, DANGEROUS DOG." The said signs shall be posted in such a manner as cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk or street, lane or roadway, if any;

- (e) within two (2) working days of selling or giving away the dangerous dog, provide the Municipality or an Officer with the name, address and telephone number of the new owner;
 - (f) advise the Municipality or an Officer within two (2) working days of the death of the dangerous dog;
 - (g) advise the Municipality or an Officer forthwith if the dangerous dog is loose or has bitten or attacked any person or animal.
 - (h) maintain in force a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog with a minimum limit liability of \$300,000.00 per occurrence.
7. No person shall deface or remove a sign posted pursuant to Clause (d) of Sub-Section (6) hereof without having first obtained the permission of an Officer.
8. The Owner of each un-spayed female Dog shall confine her in the residence of the Owner or take the Dog to a Kennel for the period of time that such Dog is in heat, and shall take all reasonable measures to prevent the congregation of Dogs upon or in the vicinity of the premises in which the un-spayed female dog is confined during the time when she is in heat.
9. It shall be the duty of the Animal Control Officer, amongst other things to:
- (a) establish and maintain a Dog Pound for the confinement of Dogs apprehended pursuant to any provision of this By-Law;
 - (b) apprehend and impound any Dog which bites any person or animal with sufficient force to break the skin, whether on private premises or elsewhere unless the Owner thereof forthwith delivers the Dog to the Dog Pound, or to an approved premises where Dogs are kept under the personal supervision of a licensed Veterinary Surgeon. Any such Dog so delivered or taken to the Dog Pound shall be kept therein for a period of ten (10) days, unless the Medical Health Officer sooner certifies that all danger of infection has ceased, and any Dog so impounded shall be kept at the Owner's expense at the rate of \$15.00 (Fifteen dollars) per day or portion thereof during which such Dog is impounded;
 - (c) apprehend and impound in isolation any dog thought to be rabid for a period of ten (10) days either in the Dog Pound or under the care of a licensed Veterinary Surgeon. If the Dog dies during that time, its head shall be removed and submitted to the health of Animals Branch, Federal Department of Agriculture, for rabies examination. Any Dog known to be rabid shall be destroyed if required by order of the Veterinary Inspector;
 - (d) notify the Owner of every Dog impounded of the fact of impoundment and, where the Owner of the Dog impounded is not known, to prepare and post in the general office of the Municipality, a notice describing each Dog impounded, the date of its apprehension and confinement, and the date after which the Dog will be sold, disposed of or destroyed;

- (e) deliver to the Owner of every Dog with respect to which he or she believes or has reasonable grounds to believe that an offence under this By-Law is being or has been committed a Notice of Breach of By-Law in the form attached hereto as Schedule "A";
 - (f) sell, dispose of or destroy any Dog which is not claimed by its Owner, or for which the Owner has not paid, or whose Owner has refused to pay those costs chargeable to the Owner of a Dog after its apprehension;
 - (g) collect and pay to the Municipality the costs chargeable to an Owner who reclaims a Dog which has been impounded;
 - (h) prepare and deliver to Council a monthly report setting forth such information as Council may require.
10. No liability shall attach to an Officer and/or the Municipality for any Dog destroyed or injured while being captured or during impoundment.
 11. A person appointed or employed by the Municipality to carry out the provisions of this By-Law may lawfully enter upon the premises of any Owner or any person he or she reasonably believes to be the Owner to serve a Notice of Breach of By-Law pursuant to Clause 9 (e).
 12. A person appointed or employed to carry out the enforcement of the By-Law may lawfully enter upon the lands of any person whom he or she reasonably believes to be the Owner of any Dog to be in breach of this By-Law for the purpose of apprehending the Dog, but shall not enter any dwelling house located upon said lands without the consent of the Owner for the purpose of apprehending the Dog.
 13. Any resident of the Municipality may apprehend and confine a Dog which is running at large and which is on his or her property and shall immediately thereafter inform the Animal Control Officer of the apprehension and confinement of the Dog, and the Animal Control Officer shall, as soon as practical, attend upon the complainant to take possession of the Dog.
 14. No person shall break open or assist in any manner, directly or indirectly in breaking open any Dog Pound, and shall on the conviction thereof as hereinafter provided, be subject to all the penalties of this By-Law. All persons removing or attempting to remove any Dog impounded therein, and in respect of which there may be unpaid fines, costs damages or other charges, shall be subject to like penalties.
 15. No person shall hinder, delay or obstruct any person or persons engaged in taking to the Dog Pound any Dog liable to be impounded in the Dog Pound, and any such person shall for each and every hindrance, delay or obstruction, or conviction be subject to all the penalties of this By-Law.
 16. Where a Dog or Vicious/Dangerous Dog has been apprehended and confined pursuant to this By-Law, the Owner may redeem the Dog upon proof of payment of all fees and fines to the Municipality:

- (a) the flat rate sum of fifty dollars (\$50.00) per pickup and fifteen dollars (\$15.00) per dog or twenty-five (\$25.00) per Vicious/Dangerous dog thereafter per day or part thereof, that the Dog has been in confinement;
 - (b) the cost of the tranquilizer dart, if the use of same was, in the opinion of the Officer, necessary to apprehend the Dog; and
 - (c) veterinary fees necessarily incurred in connection with the Dog during its confinement.
 - (d) forty-eight point nine cents (48.9 cents) per kilometer for each kilometer actually and necessarily traveled by the Officer from the Dog Pound to the place of apprehension of the Dog and return.
17. Where the Owner of a Dog refuses to pay the costs hereinbefore set forth within seventy-two (72) hours of the time he or she is notified of the confinement of his or her Dog, or where the Owner cannot be found within seventy-two (72) hours of the time when the Notice provided for in Clause 9 (e) of this By-Law has been posted, the Officer may:
- (a) sell the Dog to any person who will pay the actual costs associated with the apprehension and impoundment of the Dog to a maximum of One Hundred Twenty Dollars (\$120.00), or at Officer's discretion; or
 - (b) Destroy or otherwise dispose of the Dog.

SECTION V – DANGEROUS DOGS

1. Where the Officer has reason to believe that a dog has caused or is likely to cause serious damage or injury, he shall hold a hearing to determine whether or not that dog should be declared to be dangerous.
2. The Officer shall serve the owner of the dog with written notice of the determination hearing at least five (5) days in advance of the hearing in accordance with The Municipality. Where an address for sending a notice is required, one of the following shall be used:
 - (a) if the person to be served is the owner of the real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
 - (b) if the person to be served is the occupant of real property, the street address for that property and the notice shall include:
 - (i) a statement of the time, place and purpose of the hearing;
 - (ii) a copy of Section V – Dangerous Dogs of this By-Law;
 - (iii) statement that if the licensee does not attend at the hearing, the matter may be dealt with in his absence and that he will not be entitled to any further notice in the proceedings or appeal process.

3. The owner may appear at the hearing with or without counsel and may call witnesses on his behalf. The owner shall be entitled to hear all evidence presented at the hearing and to inspect any documents filed.
4. Where the owner does not attend at the hearing, having been given notice as provided in this section, the matter may be dealt with in his absence and the owner shall not be entitled to any further notice on the proceeding.
5. Within five (5) working days of the determination hearing, the Officer shall issue and provide a copy to the owner of the written findings resulting from the hearing and shall make an order declaring the dog to be dangerous if in his opinion:
 - (a) the dog has injured or killed a person or animal without provocation, whether on public or private property;
 - (b) the dog is kept, harboured or used primarily for the purpose of guarding property and is not a police service dog owned by the Municipality or a government law enforcement agency;
 - (c) the dog is likely to cause serious damage or injury, taking the following factors into account:
 - (i) whether the dog has bitten, injured or killed any person or animal;
 - (ii) the circumstances surrounding any previous biting, injury or killing incidents;
 - (iii) whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach, in a menacing fashion, any persons or animals upon the street, sidewalk or any public or private property; and
6. An appeal from a decision may be made within 5 working days in accordance with The Protective Services Committee.
7. Where an appeal is filed The Protective Services Committee shall hold a hearing within 5 working days of receipt of the appeal to determine whether the order of an Officer should be upheld.
8. Upon hearing all representations in the matter, The Protective Services Committee may confirm or reverse the order of an Officer declaring the dog to be dangerous.
9. The decision of The Protective Services Committee on an appeal under this Sub-Section shall be final and shall be served on the owner.
10. Where a dog is declared to be dangerous by an Officer and;
 - (a) no appeal is filed; or
 - (b) upon appeal, the declaration is confirmed by The Protective Services Committee;

any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the tenth (10th) day following the order or the date

of the decision, as applicable and requires that the dog be removed from the Municipality prior to the said tenth (10th) day.

11. Where a license is deemed to have been cancelled no refund shall be made as stated under Section IV – Dogs Sub-Section 1(d).
12. Every owner who has received notification from an Officer that a determination hearing will be held with respect to his dog shall ensure that the dog remains confined at all times upon the premises of the owner pending the final outcome of the hearing.
13. Clause 12 shall not apply if the dog is impounded or if the Municipality or an Officer receives written confirmation from a licensed Veterinary Surgeon that the dog has been placed in his custody pending the outcome of the hearing.

SECTION V - RESTRICTED ANIMALS

1. Except as may be permitted by the Municipality's Zoning By-Law in effect from time to time, no Person shall keep or harbour any Restricted Animals within the Municipality without the express written permission of Council of the Municipality. Upon receipt of an application to keep a Restricted Animal from any person other than the owner or operator of a Traveling Show, Council shall comply with the notice and hearing requirements applicable to variation (under Section 94, 96, and 97) of *The Planning Act* and or conditional use applications as those requirements are set out (under Section 103, 105 and 106) of *The Planning Act*
2. Council need not give notice of an application from the owner or operator of a Traveling Show to keep a Restricted Animal in the Municipality on a temporary basis but shall consider the application at the next regularly scheduled meeting of Council following receipt of the application.
3. Any Person who is keeping or harbouring a Restricted Animal in the Municipality at the time that this By-Law comes into force or effect shall have thirty (30) days from the coming into effect of this By-Law, or such longer time as may be granted by Council in writing, to sell the Restricted Animal to a buyer outside of the Municipality or otherwise dispose of the Restricted Animal.
4. Where an Officer believes that a Person is harbouring a Restricted Animal, the Officer shall provide the Person with notice in writing to dispose of the Restricted Animal within fourteen (14) days of receipt of the notice or such shorter period of time that the circumstances may require and the notice may provide.
5. The onus shall be on the Person receiving the notice to establish that the animal is not a Restricted Animal.
6. Where the Person has failed or refused to dispose of the Restricted Animal within the time frame contemplated by the notice, an Officer may enter upon the land of that Person for the purpose of removing and disposing of the Restricted Animal but shall not enter any dwelling house located on the land without

consent of the Owner. The Officer may, if he or she requires, be assisted by any other person to apprehend the Restricted Animal.

7. If the Person harbouring a Restricted Animal believes, on reasonable grounds, that the animal is not a Restricted Animal, he or she shall not be guilty of an offence under this Section. The *bona fides* or reasonableness of the belief shall not, however, prevent the removal of the Restricted Animal pursuant to this section.

SECTION VI – PIT BULL DOGS

1. That notwithstanding anything to the contrary herein any Pit Bull dog within the Municipality is and shall be conclusively deemed a Dangerous Dog.
2. That no person shall keep or harbour any Pit Bull dog regardless of age within the limits of The Municipality.
3. That a person may temporarily keep or harbour in the Municipality a Pit Bull dog only for the purpose of showing such a Pit Bull dog in a place of public exhibition, contest, or show sponsored by a bona fide dog club association, provided that when such Pit Bull dog is not being shown at the place of said public exhibition, contest or show, it shall be removed from the Municipality.
4. Any Person who has or is keeping or harbouring any pit bull dog in the Municipality at the time that this By-Law comes into force or effect shall have thirty (30) days from the coming into effect of this By-Law, or such longer time as may be granted by Council in writing to:
 - (a) sell the dog to a buyer outside of the Municipality;
 - (b) dispose of the dog; or
 - (c) agree in writing to the following terms and conditions:
 - (i) the dog owner shall cause the dog to be tattooed upon the ear or flank by a Veterinarian with the identifying information approved for registration in the Manitoba tattoo registry and provide a copy of the record of such tattooing to the Municipality.
 - (ii) ensure that the dog while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure of compound which:
 - (1) is capable of preventing the entry of young children and preventing the dog from escaping;
 - (2) has minimum dimensions of five (5) feet by ten (10) feet;
 - (3) has secure sides; and
 - (4) provides protection from the elements for the dog.

- (d) permit the dog upon public property only if it is muzzled, restrained by a chain or a lease not exceeding six (6) feet in length and under the control of a responsible person;
- (e) must display at each entrance to the property and/or building in or upon which the dog is kept a sign displaying in large lettering “BEWARE, DANGEROUS DOG.” The said signs shall be posted in such a manner as cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk or street, lane or roadway, if any;
- (f) advise the Municipality or the Animal Control Officer within two (2) working days of selling or giving away the dangerous dog, and provide the Municipality with the name, address and telephone number of the new owner.
- (g) advise the Municipality and the Animal Control Officer forthwith if the dangerous dog is loose or has bitten or attacked any person or animal.
- (h) must “maintain in force a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog with a minimum limit of liability of \$300,000.00 per occurrence.”
- (i) no person shall deface or remove a sign posted pursuant to Clause (e) of Sub-Section (4) hereof without having first obtained the permission of the Municipality or an Officer.

SECTION VII – PENALTIES

1. Any Owner who contravenes or permits the contravention of any provision of this By-Law, or who fails, refuses or neglects to comply with the requirements of this By-Law, is guilty of an offence and is liable, upon summary conviction:
 - (a) to a fine of Fifty Dollars (\$50.00) plus applicable costs for a first offence;
 - (b) to a fine of One Hundred Dollars (\$100.00) plus applicable costs for a second offence;
 - (c) to a fine of Two Hundred Dollars (\$200.00) plus applicable costs, for each subsequent offence.
2. Where an infraction of any of the provisions of this By-Law continues for more than one (1) day, the person is guilty of a separate offence of each day such infraction continues.
3. If penalties, fines and costs (including but not limited to veterinary bills) are not paid within 30 days of the date of impoundment or incident, it will be the Municipality’s option to include the fines, penalties and costs to the animal owner’s tax bill.
4. By-Law No. 81-25 of the Rural Municipality of Springfield is hereby repealed and shall hereafter cease to have effect.

DONE AND PASSED by the Council of The Rural Municipality of Springfield, in Council assembled, in Oakbank, Manitoba this ____ day of _____ A.D. 2010.

Reeve

Chief Administrative Officer

READ a First time this 23rd day of August, A.D 2010

READ a Second time this _____ day of _____, A.D. 2010

READ a Third time this _____ day of _____, A.D. 2010

**NOTICE OF BREACH OF BY-LAW NO. 10-____
OF THE RURAL MUNICIPALITY OF SPRINGFIELD**

TO: _____

(Name and Address of Owner of Dog)

You are charged that on the ____ day of _____, 20____, you did unlawfully:

- (a) as Owner, permit a Dog to run at large within the limits of the Rural Municipality of Springfield, contrary to paragraph _____ of the By-Law;
- (b) fail to confine a female Dog in heat, contrary to paragraph ____ of the By-Law;
- (c) fail to muzzle and fasten a Vicious/Dangerous Dog, contrary to paragraph _____ of the By-Law;
- (d) _____ contrary to paragraph _____ of By-Law _____.

Disposition of this charge may be made by attending at the Municipal Office of The Rural Municipality of Springfield, during office hours, from _____ 20____, to _____ 20____.

Dated at Oakbank, in the Province of Manitoba, this _____ day of _____, 20____.

Animal Control Officer

Form of Notice authorized by Clause _____ of By-Law No. 10-____ of The Rural Municipality of Springfield.

NOTE: "Owner" means any adult person who owns, keeps or harbours an animal or who knowingly permits or allows any other person to own, keep or harbour an animal upon premises owned, leased or occupied either solely or jointly with others, by that adult person;

ANIMAL CONTROL FEES

Dog Licensing	\$ 5.00 each altered dog
	\$ 10.00 1 st unaltered dog
	\$ 20.00 2 nd unaltered dog
	\$ 30.00 3 rd unaltered dog
	\$ 50.00 each additional dog
Replacement Tag	\$ 5.00 each
Dog Fines	\$ 50.00 1 st offence
	\$100.00 2 nd offence
	\$200.00 3 rd & subsequent offences
Dog Pickup Fee	\$ 50.00 flat rate
Impoundment Fee	\$ 15.00 per day
Kennel Registration Fees	\$ 50.00 per year
Livestock Pickup Fee	\$100.00 flat rate
Impoundment Fee	\$ 15.00 per day