

TOWN OF MELITA
BY-LAW # 2021-006

BEING A BY-LAW FOR THE TOWN OF MELITA TO REGULATE THE LICENSING, KEEPING AND IMPOUNDING OF DOGS AND CATS

WHEREAS Section 232(1) of The Municipal Act (S.M. 1996) authorizes a Council to 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 public place or a place open to the public including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, and private clubs and facilities that are exempt from municipal taxation;
- c) subject to section 232, activities or things in or on private property;
- d) wild and domestic animals and activities in relation to them, including By-Laws, differentiating on the basis of sex, breed, size, or weight;
- e) the enforcement of By-Laws.

AND WHEREAS Section 130 of The Municipal Act (L.M. 1996) states that a Council may by By-Law establish one or more positions to carry out the powers, duties and functions of a designated officer under a By-Law or this or any other Act, and may give each such position any title the Council considers appropriate.

AND WHEREAS Section 85 (1) states a Council may by By-Law delegate any of its powers, duties or functions under a By-Law or this or any other Act to the Head of Council, a Council committee, the Chief Administrative Officer or designated Officer, unless the By-Law or Act otherwise provides.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Town of Melita, in open council assembled, enacts as follows:

- 1. Short Title This By-Law may be referred to as the "Animal Control By-Law"
- 2. Application This By-Law shall apply to residents that reside in the Town of Melita

3. DEFINITIONS

- a) "**Owner**" includes any person who keeps or harbours or has custody of a dog or cat;
- b) "**Stray Dog**" means any unlicensed dog not under the control of the owner or keeper;
- c) "**Run at Large**" or "Running at Large" means that a dog or cat is:
 - i) Not in direct or continuous charge of a person competent and capable of controlling the dog or cat;
 - ii) Not securely confined within an enclosure or otherwise so that it is unable to roam at large;
 - iii) Running around on property without the consent of the owner of the property;
- d) "**Person**" includes corporation, firm, partnership and association;
- e) "**Pound**" means any premises where dogs or cats are confined in accordance with the provisions of this by-law;

f) **"Pound Keeper"** means a person appointed to have charge and supervision over a pound in accordance with the provisions of this by-law;

g) **"Animal Control Officer"** shall mean any person duly authorized by resolution of the Town of Melita to act as an animal control officer to enforce this By-Law;

h) **"Authorized Judicial Officer"** shall mean a provincial judge, magistrate, justice of the peace, a medical examiner or qualified medical practitioner;

i) **"Domestic Pet"** means any animal other than a dog or cat that has been domesticated and is kept or harboured within the Municipality;

j) **"Livestock"** means:

(1) 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;

(2) animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (1) (i), (ii) or (iii) of this definition;

(3) 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:

- (4) dairy cattle and beef cattle, goats, sheep, bison and horses;
- (5) swine (including, wild boar);
- (6) all cervids on game production farms;
- (7) all of the family Camillidae (including, Llamas and Alpacas);
- (8) all domestic poultry (including, chickens, turkeys, ducks and geese);
- (9) specialty fowl (including, guinea fowls); and
- (10) any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to The Animal Liability Act.

k) **"Restricted animal"** means:

- (a) any member of the order Primate except a human being;
- (b) any member of the order Carnivora except dogs, cats and domestic ferrets (*Mustela putorius furo*), but including all hybrids of dogs and cats;
- (c) any member of the order Crocodilian;
- (d) any constrictor snake, venomous snake or venomous reptile.
- (e) any venomous amphibian;
- (f) any wild animal or wildlife as defined in The Wildlife Act; and
- (g) any other animal determined by the animal control officer to be a restricted animal, other than a dog, cat or livestock.

4. APPOINTMENT OF ANIMAL CONTROL OFFICER

a) The Town of Melita appoints a position known as "animal control officer" and may from time to time designate such person or persons by resolution as an animal control officer;

b) The Town of Melita may delegate to any animal control officer so appointed under this By-Law or any police officer the powers, duties and functions necessary for the maintenance and enforcement of this By-Law;

c) The Town of Melita may from time to time appoint a person or persons to have charge and supervision over a pound in accordance with the provisions of this Act and so empowers such a person or persons to carry on the duties of a pound keeper under this Act;

d) The Town of Melita may from time to time, by resolution, designate such areas within or outside the boundaries of the Town of Melita as a pound;

5. COMPLIANT IDENTIFICATION

Any person who makes a complaint alleging an offence under this By-law against another person shall provide to the animal control officer his name, address and telephone number. It shall be at the discretion of the animal control officer whether or not to proceed based on an anonymous complaint or information.

6. LICENSE

a) No owner, possessor or harbourer of any dogs four (4) months of age shall be in possession of it unless such dog has been licensed for the current year. A tag shall be issued at the time of licensing and such tag shall be affixed at all times to a collar worn on the neck of the dog. No other tag purporting to show it is licensed is permitted to be attached to the collar;

b) No license shall be required on any cat. However, the owner of any cat must identify the cat in such a manner that it can be recognized as a domestic pet either through tags, ear tattoo, or microchip. Any cat with no identification shall be deemed a stray;

c) The annual license fee to be charged for all species or breeds of dogs, owned possessed, or harbored by any person, excepting service dogs, shall be Ten (\$10.00) dollars for any spayed or neutered. Proof of neutering or spaying shall be by certificate of a licensed veterinary surgeon to that effect;

d) The license fee hereby imposed shall be due payable on the first of January in each year and shall expire on the 31st day of December in the year in which the license is levied and paid;

e) No license issued under provisions of this By-Law is transferrable to another dog;

f) Where the owner reports that a tag has been lost or stolen and the Chief Administrative Officer is satisfied that the owner has complied with the provisions of this by-law, the Chief Administrative Officer may issue a duplicate license to the owner upon payment of Five (\$5.00) dollars;

7. RABIES VACCINATION

Every dog over the age of Four (4) months shall be vaccinated against rabies, which vaccinations shall be repeated at intervals of no more than Two (2) years. Proof of vaccination against rabies must be produced when application for the license is made. Vaccination tags shall be affixed at all times to a collar of the neck of the dog.

8. PROHIBITIONS

a) No person shall own, keep, possess or harbour more than four (4) dogs and/or four (4) cats over the age of sixteen (16) weeks, within or about one residential unit, regardless of whether that person is the owner of the animals.

b) No owner of any dog or cat shall permit it to run at large at any time; except in designated leash less areas, if any;

c) No owner of any dog or cat shall permit it to be on any ground or premises of any school whether on leash or under complete control except for a dog used as a Service dog.

d) No owner of any dog or cat shall permit it to defecate on any public or private property other than the property of its owner, the owner shall cause such excrement to be removed immediately;

e) A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control over the animal for the period of time that she is in heat, or taken to a licensed kennel for the whole period of time in heat;

f) No owner of any dog or cat shall permit it to disturb the quiet of others by howling, barking or meowing continuously;

g) No owner of any dog or cat shall permit it to chase or bark at any pedestrian, vehicle, horse, or any other animal on a public thoroughfare;

h) No owner of any dog or cat shall permit it to pursue, bite, wound or worry any person or animal, whether or not on the owner's property;

i) No person shall tease, entice, bait or throw objects at a dog or cat confined within its owner's property;

j) Except as may be permitted by the Municipality's zoning by-law in effect from time to time, no person shall keep, harbour, possess or control any restricted animals within the Municipality without a permit issued by Council;

9. LIVESTOCK

The keeping of livestock shall only be permitted in those areas of the Municipality which are zoned agricultural unless otherwise permitted by the Municipality's zoning by-law in effect from time to time. If so permitted, Council may specify the number and kind of livestock which may be kept on any such premises within the Municipality, and it shall be an offence under this By-law to keep any livestock in excess of the prescribed number and kind. Nothing in this by-law is intended to prohibit livestock from being in the Municipality for events such as the fair, rodeo or any other similar livestock display or competition.

10. IMPOUNDING FACILITIES

a) The Town of Melita shall provide for the boarding of impounded dogs and cats at the facilities that may be designated pounds by resolution;

b) The Town of Melita shall pay the pound keeper for boarding the dogs and cats on behalf of the Town of Melita;

c) The animal control officer or any police officer may capture or seize any dog or cat found running at large contrary to the provisions of this By-Law, or any dog for which a current license has not been obtained and maintained which dog shall be impounded and lodged at the facilities provided for in this By-Law;

d) If any dog becomes a public nuisance, or if the Animal Control Officer has reasonable grounds to believe that the dog is guilty of biting or threatening to attack persons or other animals, the Animal Control Officer shall be empowered to impound the animal at the expense of the owner until such time as the owner can satisfy the Animal Control Officer that the animal will no longer create a public nuisance or cause a threat to persons or other animals, and the appropriate fees and penalties are paid. On a third offense, the animal may be destroyed at the direction of the Animal Control Officer by a Doctor of Veterinary Medicine.

e) Where a dog or cat is taken into custody by, or delivered to a police officer or an animal control officer, Town of Melita shall give notice to the owner of the dog or cat thereof, if the owner is known, and the dog or cat shall not be sold or destroyed unless it has remained in the pound for 10 days;

f) If such dog or cat impounded has not been claimed, redeemed or sold in accordance with the provisions of this By-Law a peace officer or an animal control officer acting on behalf of the Town may apply to an authorized judicial officer for an order directing that the dog or cat be destroyed.

11. REDEMPTION

a) Any owner of a dog or cat whose dog or cat has been impounded may get his animal redeemed from the pound keeper upon payment of transportation costs and all boarding expended for each dog or cat. The pound keeper shall credit the same to the account the Town of Melita;

b) The pound keeper shall keep a record of all dogs or cats impounded or boarded and of the disposition made of same and shall make a monthly return to the Chief Administrative Officer of the Town of Melita;

c) Any charges referred to in this By-Law shall be charged against the animal's owner and shall be payable on redemption or purchase of the said animal in addition to all other charges or payments. If no owner is found, the Town of Melita will pay for any storage fees, or fees associated with euthanizing the animal.

e) The Chief Administrative Officer shall keep a record of all dog licenses imposed and tags issued under the provisions of this By-Law by showing the name of the owner or possessor of each dog and shall number the tag issued in respect to each dog, and shall account for monies received as dog licenses.

f) Any person who, without lawful excuse, removes a collar or tag from any dog or cat which the tag was issued shall be guilty of an offense under this By-Law.

g) All dogs and cats suspected of suffering from rabies shall be dealt with in accordance with the regulations under "The Public Health Act"

h) Any person making a complaint must give to the animal control officer, town designate, or peace officer a written complaint with his or her name, address and telephone number before any action will be taken to either impound a dog or cat or to institute any legal proceedings.

i) Any animal from outside the area will be treated the same as resident animals.

12. PENALTIES

"SCHEDULE A"

a) Any person who contravenes any provisions of this By-Law is subject to a penalty payable to the Municipality within 30 days of the receipt of the Notice of Breach from the municipality:

First Offence: \$495.00 plus all applicable costs of apprehension and impoundment

Second & Subsequent

Offences: \$735.00 plus all applicable costs of apprehension and impoundment

b) Where contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues;

c) If a person served with a Notice of Breach fails to pay the fine set out in the Notice of Breach within the Thirty 30 days period, the Officer shall lay in information with respect to the contravention before the Provincial Court. Any person found guilty for contravention of this by-law before a Provincial Court, Magistrate or Justice of the Peace is subject to a minimum fine of \$500.00 for the first offense and a minimum fine of \$1,000.00 for the second offense and for each subsequent offense plus all applicable costs, including court costs.

"SCHEDULE B"

a) No owner of any dog or cat shall permit it to disturb the quiet of others by howling, barking or meowing continuously;

FINE AMOUNT: \$_____.00

1st Offence \$100.00

(plus, all other fees)

FINE AMOUNT: \$_____.00

2nd Offence \$200.00

(plus, all other fees)

FINE AMOUNT: \$_____.00

3rd Offence \$300.00

(plus, all other fees)

By-Law #2020-013 shall be and is hereby repealed

DONE AND PASSED in Council assembled in the Council Chambers of the Town of Melita

In the Province of Manitoba this _____ day of _____, 2021

THE TOWN OF MELITA



MAYOR - BILL HOLDEN



C.A.O. - SANDRA ANDERSON

Read a First Time this 9 day of November, 2021

Read a Second Time this 9 day of November, 2021

Read a Third Time this 30 day of November, 2021



Schedule "A"

TO BY-LAW #2021-006

NOTICE OF BREACH

The Town of Melita – Animal Control By-Law # 2021-006

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

You are charged that on the _____ day of _____, 20____

you did unlawfully _____

FINE AMOUNT: \$_____. 00 1st impoundment, flat fee \$495.00
(inclusive of fees by Animal Control Officer)

FOR EACH DAY OF IMPOUNDMENT, ADD \$20.00
2nd impoundment, flat fee \$735.00
(inclusive of fees by Animal Control Officer)

FOR EACH DAY OF IMPOUNDMENT, ADD \$20.00

**** FOR EACH SUBSEQUENT IMPOUNDMENT, FLAT FEES ARE DOUBLED****

Disposition of this charge may be made by attending the Administration office of the Town of Melita during regular office hours, within 30 days and pay the above noted fine.

IF YOU FAIL TO DISPOSE THIS CHARGE within 30 days of the date of this Notice of Breach you are subject to, upon conviction before a Provincial Court Judge, Magistrate or Justice of the Peace, a minimum fine of \$500.00 for the first offense or a minimum fine of \$1,000.00 for the second or subsequent offense, plus all applicable cost.

Dated at Town of Melita, in the Province of Manitoba this _____ day of
_____ 20_____.

Designated Officer, Town of Melita



Schedule "B"

TO BY-LAW #2021-006

NOTICE OF BREACH

The Town of Melita – Animal Control By-Law # 2021-006

TO:

Name: _____

Civic Address: _____

Mailing Address: _____

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

FINE AMOUNT: \$_____. 00 1st Offence \$100.00
(plus, all other fees)

FINE AMOUNT: \$_____. 00 2nd Offence \$200.00
(plus, all other fees)

FINE AMOUNT: \$_____.00 3rd Offence \$300.00
(plus, all other fees)

**** FOR EACH FINE****

Disposition of this charge may be made by attending the Administration office of the Town of Melita during regular office hours, within 30 days and pay the above noted fine.

Dated at Town of Melita, in the Province of Manitoba this _____ day of
_____ 20_____.

Designated Officer, Town of Melita