TOWN OF MORRIS
BY-LAW NO. 06.20

BEING A BY-LAW OF THE TOWN OF MORRIS TO PROVIDE FOR THE REGULATION, LICENSING AND CONTROL OF ANIMALS WITHIN THE LIMITS OF THE TOWN OF MORRIS.

PART 1: AUTHORITY

WHEREAS 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:
k) Wild and domestic animals and activities in relation to them, including By-Laws differentiation on the basis of sex, breed, size or weight;
o) The enforcement of By-Law

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

Exercising By-Law Making Powers
236 (1) Without limiting the generality of clause 232 (1) (o) (enforcement of By-Laws), a By-Law passed under that clause may include provisions:

1) Providing for procedures, including inspections, for determining whether by-laws are being complied with; and
2) Remedying contravention of by-law, including
   i) Creating offenses,
   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 conduce that gives rise to the offence, or related to enforcing the by-law
   iii) Providing that an amount owing under subclause (ii) fines may be collected in any way a tax may be collected or enforced under this Act,
   iv) Seizing, removing, impounding, confiscating, and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
   v) Charging and collecting costs incurred in respect of acting under subclause (iv),

AND WHEREAS subsections 5(1), (2) and (3) of *The Animal Liability Act, S,M. 1998 c.8* provide, in relevant part, as follows:

Animals not to Run at Large
5 (1) Except when permitted by a municipal By-Law passed in accordance with *The Municipal Act* or a By-Law of a local government district passed in accordance with The Local Government Districts Act, no Owner or Person in charge of an animal shall allow it to Run at Large.

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

Town 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.

AND WHEREAS, subsections 31 (1) and (2) of the *Diseases and Dead Bodies Regulation, 338/88R of The Public Health Act,* R.S.M 1987 c. P210 provide, in relevant part as follows:

31 (1) In the event of an animal bite to a person in which a physician determines that there is a possibility of transmission of rabies, the person bitten or any duly qualified medical practitioner or registered nurse attending that person shall forthwith notify the medical officer of health or the

Animal Control Officer of the Town in which the biting incident occurred or a peace officer of the details of the biting incident.

32 (2) An Animal Control Officer or peace officer receiving a report pursuant to subsection (1) shall notify the medical officer of health of the details of the report at the earliest possible opportunity.

PART II: DEFINITIONS AND INTERPRETATION

By-Law name
1 (1) This By-Law may be referred to as the "Animal Control By-Law".

Definitions
1 (2) In this By-Law, unless the context otherwise requires,

"***Animal***" refers to a dog, cat, or any other animal council deems suitable for the purposes of this by-law, that may be either domestic or wild.

"***Aggressor Animal"*** means a dog, cat or domestic pet which has bitten, pursued or wounded a person or other animal or menacing in a way that places members of the public at risk;

"***Animal Control Officer or (ACO)***" means the person authorized by Council to maintain a pound or to carry out any provision of this By-Law, and includes any person acting as an assistant to, or under the direction of the Animal Control Officer;

"***Authorized person***" means any person appointed or employed by The Town of Morris or the assistant, employee or agent of any such appointee or employee, to carry out any provision of this by-law of any contracts or agreements entered into for the purpose of carrying out any provision of this By-Law;

"Breeder" means a person who keeps animals for the purpose of breeding and selling them;

"***CAO***" means the Chief Administrative Officer of the Town of Morris;

"***Cats***" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification thereof;

"Commercial kennel" means any premises upon which dogs or cats are raised, trained or kept for remuneration;

"Council" means the Council of the Town of Morris, or any delegate thereof;

"current rabies vaccination" refers to an animal being vaccinated for rabies in accordance with international veterinary protocol which calls for 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 bi-annual intervals;

"Dogs" means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification thereof;

"Dangerous animal" means any dog, cat or any other animal that has on at least one occasion, worried, injured or attacked 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 10 of this By-Law;

"Domestic Pet" means any animal other than a dog or cat which is not a prohibited animal and is kept or harbored within the Town;

"Livestock" means

(a) Animals kept for the purpose of:
    1. Production of meat
    2. Production of other products from the animals, or
    3. Herding, protection of livestock or draft work
    4. And breeding stock of such animals

(b) Animals kept for the purpose of improving or preserving any species or kind of animals that may be kept for the purpose set out in subclause (a)(1), (2) or (3) of this definition; and

(c) Any other animal determined by the Animal Control Officer to be livestock for the purposes of this By-Law;
(d) Dairy cattle and beef cattle, goats, sheep, bison and horses;
(e) Swine (including, wild boar);
(f) All cervids on game production farms;
(g) All of the family Camilidae (including, Llamas and Alpacas)
(h) All domestic poultry (including, chickens, turkeys, ducks and geese);
(i) Specialty fowl (including guinea fowls); and
(j) Any other animals that are of a species or kind prescribed as livestock in the regulations pursuant to *The Animal Liability Act.*

"Notice of Breach of By-Law" means a notice issued of this By-Law;

"Nuisance" means in connection with a cat, the activities of a cat which cause annoyance or damage which activities may include, inter alia, noise, damage to property, injury or death to other animals, or territorial marking by the cat in question. A cat shall not be deemed to be a nuisance solely because it is running at large;

"Owner" means any adult person who owns, keeps or harbors an animal, or who knowingly permits or allows any other person to own, keep or harbor an animal upon premises owned, leased or occupied by him;

"Pet" refers only to domestic cats and/or dogs;

"Person" may refer to individuals, a firm or corporation;

"Pound" means any enclosure, premises or place, whether within or outside of Town designated by Council for the impoundment and care of any animal for the purpose of enforcing any provision of this by-law;

"Premises" means a building or dwelling house or structure occupied by a person;

"Prohibited Animal" means:
(a) Pigeons;
(b) Any member of the order Primate except human being;
(c) Any member of the order Carnivora except dogs, cats and domestic ferrets (Mustela putorius furo), but including all hybrids of dogs and cats;
(d) Any member of the order Crocodylia;
(e) Any constrictor snake, venomous snake or venomous reptile;
(f) Any venomous amphibian, and;
(g) Any wild animal determined by the Animal Control Officer to be prohibited animal, other than a dog, cat or livestock;
(h) Any other animal determined by the Animal Control Officer to be a prohibited animal, other than a dog, cat or livestock;

"Running 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;

"Town" refers to the Town of Morris;

PART III: ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER

Establishment of Pound

2(1) Council may establish and maintain a pound for the impoundment and care of animals apprehended pursuant to the enforcement of any provision of this By-Law, or the Council may enter into an agreement with any person (including with any other municipality, city, town or organization) to establish and maintain a pound on their behalf. The costs associated with the pound operated by or for the Town shall be paid out of the general funds of the Town.

Appointment of Animal Control Officer

2(2) Council may hire an employee or may contract with a person or corporation to supply the services of Animal Control Officer to the Town 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 Town. In the event that a corporation is hired to provide such services, the Town's contract with the corporation shall specify which employees of the corporation are to be considered Animal Control Officers for the purposes of this By-Law.

Duties of the Animal Control Officer

3(1) It shall be the duties of the Animal Control Officer:

(a) to apprehend and confine any animal running at large within the Town contrary to the provisions of this By-Law.

(b) to apprehend and confine any prohibited 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 Town.

(c) to apprehend and confine any animal which is running at large within the Town 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 (including, without limitation, a kennel permit or kennel license).

(d) to make reasonable attempts to notify the owner of any animal impounded if the identity of the owner can be ascertained as set out in item (k), by direct contact with the owner by leaving a notice at the last known address of the owner. Where the identity of the owner of the animal is not known and the animal does not have any means on it of identifying the owner, the Animal Control Officer shall arrange for the animal to be adopted, sold or destroyed as he, in his discretion, determines.

(e) Provided that the Animal Control Officer has the appropriate license to use a tranquilizer gun, the Animal Control Officer may use such tranquilizer gun for the purpose of capturing any animal found to be running at large within the Town. In the event that the Animal Control Officer is not licensed to operate a tranquilizer gun, he shall only do so with permission of a licensed veterinarian who shall be present at the time of such use.

(f) to enforce the provisions of this By-Law.

(g) To provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded.

(h) To establish and maintain the pound in a manner in keeping with *The Animal Care Act* (Manitoba), and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba) while an animal is in the custody of the Animal Control Officer.

(i) To keep a record of every animal impounded, which record shall include the following minimum information:

(i) a description in reasonable detail of the animal (including, the approximate weight, height and color of the animal, as well as the order and breed of the animal);
(ii) the day and hour of its impoundment;
(iii) the day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
(iv) 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);
(v) 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).

(j) To collect all fees charged by the pound, and to remit all monies received by the pound to the Town of Morris, together with such reports and statements as the Town may prescribe from time to time, except where the Town has entered into a contract with a private party for the operation of the pound, in which case the Animal Control Officer shall observe all terms and conditions of the contract with the Town for the operation of the pound, including, without limitation, the provisions concerning the charging and collection of fees, the remittance of amounts due to the Town, and the submission of all reports and statements required to be submitted to the Town under the said contract.

(k) To keep any impounded dog, cat or any other animal, which is to the knowledge of the Animal Control Officer a domestic pet, for a minimum period of:

(i) three (3) days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays

(ii) where the Town has entered into a contract with an Animal Control Officer for the operation of the pound, a longer hold period as established under the Animal Control Officer's contract with the Town.

(iii) notwithstanding Clause (i) (ii) herein, where an animal is tattooed, microchipped, wearing an id tag, has a dog or cat license, or has other means of identifying its owner, the animal shall be impounded until such time as the owner has been contacted or for a period of five days, at the discretion of the Animal Control Officer.

(l) To make suitable arrangements for the temporary impoundment and sale, disposition or destruction, as the case may be, of any animal other than a dog, cat or domestic pet that is apprehended within the Town, including any prohibited animal or wild animal within the meaning of *The Wildlife Act*.

(m) If, after expiration of the minimum period of impoundment set out in paragraph (k), a dog, cat or other domestic pet has not been redeemed, it will be the duty of the Animal Control Officer to do one of the following with the impounded animal:

(i) sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and license fees accrued in respect of the impounded animal as set forth in this By-Law, unless such fees are otherwise waived by the Town or by the Animal Control Officer on the express authority of the Town; or

(ii) cause the impounded animal to be humanely destroyed; unless the Town, or the Animal Control Officer, on the express authority of the Town, agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed of to a person in accordance with sub-paragraph (g)(m)(i) or until expiry of the extended period of impoundment, before it is humanely destroyed.

(n) The Town may vary the terms, conditions and duties of the Animal Control Officer 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 Control Officer set out in paragraphs (a), (b) and (c) above, and further provided that the provisions in paragraphs (d), (e), (f), (g), (h), (i), (j), (k) and (l) above shall continue to apply except to the extent that they are specifically modified by the contract. Where the Animal Control Officer is a private party under contract with the Town, the Animal Control Officer shall observe all of the terms and conditions of the contract with the Town. Where it is permitted under the contract with the Town, the Animal Control Officer may keep an impounded animal for longer than the minimum hold period.

(o) To enforce the provisions of this By-Law.

PART IV: DOGS, CATS AND OTHER DOMESTIC PETS

Licensing of dogs and cats

4(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 within the Town of Morris. 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 is issued for the dog or cat is securely fastened to the dog or cat's collar shall constitute an offense under this By-Law.

4(2) The required dog or cat license may be obtained from the Town Office.

4(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 offense under this By-Law.

4(4) The owner of every pet kept within the limits of the Town shall within thirty (30) days of the time he/she/they become a resident of the Town or the owner of a pet intended to be kept within the limits of the Town, obtain from the office of the Town a license and tag for each pet owned, and shall supply the office of the Town with such information as the office of the Town may require.

4(5) Where the license tag is lost or damaged, the owner shall forthwith apply for a replacement license tag.

4(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 his or her name. Any failure to report a change in ownership shall constitute an offense under this By-Law.

4(7) Subsections 4(1), (2), (3), (4), (5), and (6) shall not apply to non-residents of the Town who bring a dog or cat on a temporary visit into the Town, provided however, that nothing in this subsection 4(7) shall authorize any person to bring a dog, cat or other animal into the Town that is a dangerous or is vicious, in heat, rabid or otherwise a risk to the public or to other animals within the Town, nor do they authorize any person to allow the dog, cat or animal to run at large or otherwise create a nuisance within the Town.

4(8) Subject to subsection 4(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.

4(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 his dog or cat if he 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.

Rabies Vaccination

4(10) Except where subsection 4(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, in the case of a dog or cat, terminate the owner's dog or cat license, and the Animal Control Officer may apprehend and impound the dog or cat, and may charge the owner with an offense under this By-Law.

Responsibility of Owners Regarding Dogs

5(1) No owner shall:

(a) permit their dog to run at large. When a dog is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.

(b) permit their dog in any way to unduly disturb the quiet of any person or persons anywhere in the Town.

(c) permit their 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 forthwith.

(d) permit their dog to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.

(e) permit their dog to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog, 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 (other than a dog that is under the age of six months or that is a registered guide dog for the visually impaired) for which a valid license has not been issued.

(g) own, keep harbour or have possession or control of any dog determined to be a dangerous animal, unless such dog is kept at all times in accordance with the provisions of Section 9 hereof.

(h) permit their dog to pursue, bite, wound or worry any person or animal.

(i) permit their dog on public property (including parkland area) unless the dog is tethered, harnessed or on a leash, which shall be no longer than six (6) feet in length when fully extended, and the dog is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which the dog is not required to be on a leash or harnessed.

(j) permit their dog to upset waste receptacles or otherwise litter.

5(2) An owner that is visually impaired or any other person who requires the assistance of a registered guide dog shall not be subject to the restrictions imposed under subsections 5(1)(c), (f), (i) and (j).

Redemption

6(1) Unless the impounded animal is determined to be a dangerous animal, or it in the opinion of a licensed veterinarian must be euthanized, 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 by applying to the Animal Control Officer for redemption and paying:

(a) in the event that the impounded animal is a dog or cat that is unlicensed at the time of apprehension, the relevant license.

(b) all outstanding fines, damages or costs relating to the impounded animal.

(c) all fees for vaccinations that were necessary in connection with the dog, cat or any other animal.

(d) All costs associated with the notification of the owner.

Restrictions on Domestic Pets

6(2) 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.

Dogs

6(3) Subject to subsection 6(3) and the provisions of section 5, the owner of a dog shall not permit the dog to be outside of the owner's premises unless:

(a) the dog has a collar which has securely fastened to it a proper license tag that identifies a valid license in respect of that dog; and

(b) the dog is on a leash that is less than six (6) feet in length fully extended; and

(c) the dog is under the immediate charge and effective control of a person competent to control it.

6(4) A female dog in heat shall be confined to the premises of the owner or a person having control of the dog, or shall be housed in a licensed kennel, for the period of time that the dog is in heat. The said dog's confinement shall be in such a manner as to prevent any contact between the dog in heat and any other dog except other dogs owned by the same owner or by another owner who voluntarily permits such contact.

Responsibilities of Owners Regarding Cats

7(1) No owner shall:

(a) permit their cat to run at large. When a cat is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.

(b) permit their cat in any way to unduly disturb the quiet of any person or persons anywhere in the Town.

(c) permit their cat to defecate on any public or private property other than the property of its owner. Where a cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.

(d) permit their cat to defecate on his property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.

(e) permit their cat to damage public property or private property other than that of the owner. Where public or private property has been damaged by a 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 cat (other than a cat that is under the age of six months) for which a valid license has not been issued.

(g) own, keep harbour or have possession or control of any cat determined to be a dangerous animal, unless such cat is kept at all times in accordance with the provisions of Section 9 hereof.

(h) permit their cat to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.

(i) permit their cat on public property (including parkland area) unless the cat is tethered, harnessed or on a leash, which shall be no longer than six (6) feet in length when fully extended, and the cat is in the actual custody and effective control of the owner or a person competent to control it, unless the said public property has been specifically designated by Council as land upon which the cat is not required to be on a leash or harnessed.

(j) permit their cat to upset waste receptacles or otherwise litter.

7(2) Whenever a cat is impounded wearing, a current rabies tag, tattoo, microchip or other clear indication that the animal is a valued household pet, the Animal Control Officer shall make every reasonable attempt to ascertain the ownership of the cat and to contact the owner by personal service or certified mail, with proper acknowledgement of service. The note is to set forth the circumstances under which the animal may be redeemed, charges incurred under Section 8 herein and warning that the animal may be sold or destroyed after three full business days have elapsed from the date of the acknowledgement of service.

7(3) A female cat in heat shall be confined to the premises of the owner or a person having control of the cat, or shall be housed in a licensed kennel, for the period of time that the cat is in heat. The said cat's confinement shall be in such a manner as to prevent any contact between the cat in heat and any other cat except other cats owned by the same owner.

7(4) Rabies – The Animal Control Officer may at any time require an owner to provide proof that the owner's cat has a current rabies vaccination. The rabies vaccination shall also be a requirement of redemption as outlined in Clause 8(e) herein.

Maximum Number of Dogs or Cats

8(1) No person shall own, harbour, keep or have in their possession or control or on their premises, more than four (4) animals in total, with this total including no more than three (3) each of either dogs or cats, over the age of six (6) months, regardless of the number of people who may be inhabiting the premises, unless such person holds a valid kennel permit authorizing him to own that number of dogs or cats.

PART V: DANGEROUS ANIMALS

Aggressive Animals

9(1) The Animal Control Officer:

(a) shall apprehend, impound and place in a holding period any animal that he has reason to believe has bitten, pursued or wounded a person; and

(b) may apprehend, impound and place in a holding period any other dog, cat or pet that he has reason to believe has bitten, pursued or wounded a person if, in his 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 9(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. The provisions shall not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

9(2) If the aggressor animal is not voluntarily surrendered to the Animal Control Officer by the owner, the Animal Control Officer shall be empowered to apprehend and impound the aggressor animal and, if necessary, to apply to a provincial court judge, magistrate or justice of the peace, as required, in order to obtain an order to enter the premises where the animal is located for the purpose of apprehending and impounding the aggressor animal.

9(3) Any aggressor animal so apprehended and impounded (at the pound) shall, subject to subsection 9(9) herein, be placed in a holding period for a minimum of ten (10) days at the owner's expense, commencing from the date of impoundment (the "holding period").

9(4) The Animal Control Officer may, in his discretion, authorize the owner of the aggressor animal to a holding location other than the pound, provided that such place is under the direct supervision of

a licensed veterinarian and that the aggressor animal must remain at such place at the owner's expense for the holding period.

9(5) Subject to a determination by the Animal Control Officer pursuant to subsection 9(8) hereof that the aggressor animal is not a dangerous animal, the aggressor animal may be released to the owner after expiry of the prescribed holding period upon payment by the owner to the Animal Control Officer of a pound fee calculated at the daily rate set out by the pound keeper together with any costs of fines assessed against the owner hereunder. In the event that the owner fails to redeem the aggressor animal from the pound within three (3) days after expiry of the holding period, the aggressor animal shall be sold, or otherwise disposed of, or destroyed at the discretion of the Animal Control Officer.

9(6) The Animal Control Officer shall keep a record of all bite incidents, identifying the aggressor animal and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions contained herein.

9(7) The head of any aggressor animal placed in a holding period for biting that dies while in a holding period and prior to the veterinary examination required pursuant to subsection 9(8) hereof, shall be submitted to the Canadian Food Inspection Agency for rabies examination.

9(8) The Animal Control Officer may require that any aggressor animal be examined by a licensed veterinarian at the owner's expense prior to release from the holding period. The determination as to whether or not the aggressor animal can be released from the holding period or must be destroyed or otherwise disposed of, shall be at the discretion of the Animal Control Officer based upon the following factors:

(a) the medical report of the licensed veterinarian who has examined the aggressor animal;

(b) whether or not the public health authorities are prepared to consent to the release of the aggressor animal;

(c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident;

(d) whether or not the aggressor animal is, in the opinion of the Animal Control Officer, a dangerous animal and, if so, whether or not the provisions of section 9 hereof have been complied with;

(e) whether or not the aggressor animal is a restricted animal, and if so, whether or not the provisions of Part VII hereof have been complied with by the owner; and

(f) proof that the aggressor animal does not have rabies, and that the aggressor animal has a current rabies vaccination status at the date of the bite incident.

9(9) Notwithstanding the provisions of subsection 9(3) herein, it shall be within the discretion of the Animal Control Officer to release an aggressor animal prior to the expiry of the holding period subject to its owner agreeing to remove and the Animal Control Officer being satisfied that the animal will be removed from within the boundaries of the Town of Morris and will not be returned to the Town of Morris at a future date.

Determination that an animal is a dangerous animal

10(1) Where the Animal Control Officer has reason to believe that an animal, including but not limited to an aggressor animal under section 9, is a dangerous animal, he shall declare the animal as dangerous. 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, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

10(2) Where it is deemed necessary by the Animal Control Officer to protect the public or other animals, the Animal Control Officer may:

(i) require that the animal be in a holding period in the pound until the earlier of the date that the Animal Control Officer determines that it is safe to release the animal to the custody of the owner or until Council hears the matter and issues its determination; or

(ii) may impose all or any of the conditions set out in subsection 11(2) of this By-Law upon the owner's custody of the animal, which conditions shall apply until the earlier of the date

that the Animal Control Officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

10(3) The Animal Control Officer shall issue a written order in accordance with the following provisions:

(a) The Animal Control Officer shall make an order declaring the animal to be a dangerous animal if:

(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 dog owned by a public law enforcement agency.

(b) The Animal Control Officer may make an order declaring the animal to be a dangerous animal if, in his 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.

10(4) The Animal Control Officer shall deliver a copy of his designation to the owner in the manner of either in person, registered letter or a confirmed email address. There shall be no obligation upon the Animal Control Officer to issue written reasons for his decision.

10(5) **If** the owner of an animal who has been designated dangerous by the Animal Control Officer wishes to appeal the decision made by the Animal Control Officer, the owner may do so by written notice to the Chief Administrative Officer of the Town of Morris, who will refer the appeal to Council.

10(6) The Chief Administrative Officer shall then arrange for an appeal to be brought before Council at the first regularly scheduled meeting of Council that occurs no sooner than ten (10) days after the date on which the appeal is requested.

10(7) The Chief Administrative Officer shall provide written confirmation of the appeal to the owner of the animal at least ten (10) days in advance of the appeal by serving notice upon the owner or by mailing the notice by registered mail to the last known address or known email of the owner. The notice shall include the following minimum information:

(a) the time, and location of the appeal;

(b) a summary of the reasons in support of the allegation that the animal is dangerous;

(c) a copy of this section 10 of the By-Law; and

(d) a statement that if the owner does not attend the appeal, the matter will be dealt with in his absence and that he will not be entitled to any further notice or appeal in regard to the proceedings concerning the animal.

10(8) The owner has the right to appear, with or without counsel, and to make submissions to Council and call evidence (whether viva voce or documentary) on his behalf. The owner also has the right to hear all of the evidence and submissions presented at the appeal 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 the same.

10(9) Where the owner does not attend the appeal, having been given confirmation as provided, Council shall be entitled to deal with the matter in his absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the animal. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner of either in person, registered letter, or confirmed email address.

10(10) Within five (5) working days of the appeal, Council shall issue a written decision stating if the dangerous animal designation by the Animal Control Officer is affirmed, or struck down, and or any further actions or conditions they choose to apply to the situation.

10(11) The decision of Council shall be final. There shall be no further appeal from the decision of Council.

Consequences of dangerous animal declaration

11(1) Council shall determine whether the dangerous animal should be destroyed or released to the owner subject to some, any or all of the conditions set out in subsection 11(2), and/or may choose to apply any additional reasonable conditions as determined by Council. The decision of Council shall be final and not subject to appeal.

11(2) Every owner of an animal that has been declared to be dangerous and in respect of which Council has decided to release the dangerous animal to its owner, shall:

(a) cause the dangerous animal to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the Animal Control Officer.

(b) 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.

(c) in the event that the dangerous animal is a dog, permit the dog upon public property only

(i) it is muzzled
(ii) it is restrained by a chain or leash not exceeding six (6) feet in length, fully extended; and
(iii) the dog is at all times under the effective control of a person competent to control it.

(d) 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.

(e) 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 <insert type of animal>**. The sign shall be posted in such a manner that it cannot be removed easily by passers-by and will be visible and capable of being read from outside of the premises.

(f) within three (3) 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.

(g) advise the Animal Control Officer within three (3) working days of the death of the dangerous animal.

(h) 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.

(i) Maintain in force to the satisfaction of the Town a comprehensive liability insurance policy, including coverage for damage or injury caused by the dangerous animal, with a minimum limit of liability of $500,000.00 per occurrence.

(j) Such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in subsection 11(9) hereof.

11(3) No person shall deface or remove a sign posted pursuant to subsection 13(2)(f) or subsection 11(9)(b) hereof without having first obtained the permission of the Animal Control Officer.

Destruction of dangerous animal or aggressor animal

12(1) Where it appears on reasonable grounds that an owner has breached a condition of this By-Law in respect of an animal that has been declared dangerous or if an aggressor animal has caused injury or damage to any person, property or any other animal or if the Animal Control Officer otherwise has reasonable grounds to believe that an animal presents a risk to any person, property or any other animal and such animal has been declared a dangerous animal, the Animal Control Officer may apprehend and impound the animal for the purpose of destroying it. In the event that an animal is causing an immediate risk to any person, property or any other animal, the Animal Control Officer is authorized to apprehend and impound the said animal.

12(2) When the Animal Control Officer impounds an animal under this section 14 for the purpose of destruction of the animal, he shall give the owner written notice, delivered to the last known address of the owner, that the animal will be destroyed after the expiry of ten (10) days from the date of the notice. The owner may, during that time period, appeal the decision of the Animal Control Officer to Council by providing notice in writing to the Town of Morris, in which case Council shall hold a hearing at a regularly scheduled meeting of Council as to whether or not the animal should be destroyed, which hearing shall be carried out in accordance with the provisions of section 10 hereof. The animal shall remain in a holding location pending the outcome of the hearing.

PART VI: LIVESTOCK

13(1) The keeping of livestock is strictly prohibited in the Town of Morris and shall be an offense under this By-Law, other than livestock for the purpose of agricultural exhibitions, events, or fairs held on Valley Agricultural Society property, and that will not be in the community for a period of more than ten (10) consecutive calendar days.

13(2) Any livestock running at large within the Town shall be impounded by the Animal Control Officer. When livestock is found running at large, its owner shall have committed an offense under this By-Law.

13(3) The Animal Control Officer on the authority of Council, may establish from time to time a temporary or permanent premise 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 the Animal Control Officer, shall provide care for the impounded animals at a rate of remuneration to be fixed from time to time by the Council. The Chief Administrative Officer of the Town may authorize the establishment of a temporary pound, which temporary pound shall be ratified at the next regularly scheduled Council meeting.

13(4) When livestock is impounded, the Animal Control Officer shall publish notice of the impoundment in a newspaper that is generally distributed within the Town as well as post a notice at the office of the Town. This notice shall describe the livestock so impounded, including any identifying tags, marks or brands, the day of impoundment, along with the location within the Town where the livestock were found running at large.

13(5) If the identity of the owner is known, the Animal Control Officer shall serve directly upon the owner or mail a notice of impoundment to the owner at his last known address.

13(6) The owner of the livestock shall not be entitled to the return of the livestock until the actual costs incurred by the Town 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.

13(7) If no person claims the livestock within ten (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 13(6), 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 Town.

PART VII: PROHIBITED ANIMALS

Prohibition on prohibited animals

14(1) No person shall keep, harbour, possess or control any prohibited animals.

Temporary impoundment

14(2) If deemed necessary in the interests of public safety, the Animal Control Officer may apprehend and impound any prohibited animal.

14(3) Any such sale, gift or disposition of such prohibited animal shall only be in accordance with all laws, rules and regulations which may pertain to the sale or disposition of prohibited animals, and the Town accepts no responsibility for the manner of sale or disposition.

Order to dispose of prohibited animal

14(4) Where the Animal Control Officer has reasonable grounds to believe that a person is keeping or harbouring, or has possession or control of, a prohibited animal within the Town contrary to Clause 14(3) hereof, the Animal Control Officer shall serve the person with an order in writing to dispose of the prohibited animal within fourteen (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 prohibited animal in accordance with subsection 16(3) and any conditions imposed in the order of the Animal Control Officer.

14(5) The onus shall be on the person upon whom an order pursuant to subsection 14(4) has been served to establish either that:

(a) the animal is not a prohibited animal; or

(b) the person can prove they are no longer in possession of a prohibited animal pursuant to Clause 14(3) above.

14(6) Where the person has failed to establish either that the animal is not a prohibited animal or that he had custody of a prohibited animal pursuant to Clause 14(3) above, and the person has failed or refused to dispose of the prohibited 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 prohibited animal. The Animal Control Officer may engage the assistance of other persons if required to safely apprehend the prohibited animal.

14(7) Upon apprehension and impoundment of a prohibited animal, and provided that a written order was duly served on the owner as required by subsection 14(4) and Council shall proceed to order the animal destroyed 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 prohibited 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 Town shall refund the excess proceeds to the owner.

PART VIII: GENERAL PROVISIONS

15(1) Notwithstanding Clauses 13 or 14 hereinbefore, Council may by resolution grant a permit to allow livestock and/or prohibited animals to be kept in the Town of Morris for the purpose of public enjoyment subject to such conditions as may be imposed by such permit.

Offenses under this By-Law

16(1) For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offenses under this By-Law:

(a) Allowing or failing to prevent a dog, or domestic animal from running at large;

(b) Keeping or harbouring dogs or cats in excess of the maximum number permitted by this By-Law contrary to section 10 of this By-Law;

(c) Failing to comply with an order of the Animal Control Officer to dispose of any dogs or cats in excess of the prescribed limit made under section 12 (2)of this By-Law;

(d) Failure by the owner of a dog or cat to comply with any one or more of the provisions of section 5, subsection 9(2) or subsection 9(3) of this By-Law;

(e) Failing to report a bite incident or failing to voluntarily surrender an animal believed to have bitten a person to the Animal Control Officer;

(f) Failing to voluntarily surrender an animal to the Animal Control Officer upon a request therefor;

(g) Failure by an owner to discharge the duties of an owner as set out in subsection 2(1) of *The Animal Care Act* (Manitoba);

(h) Keeping or harbouring any wild animal or other prohibited animal within the Town;

(i) Failing to properly vaccinate a dog or cat against rabies;

(j) Failing to comply with any conditions imposed upon the use of a cat trap within the Town;

(k) Failing to comply with the requirements of subsection 6(1) of this By-Law in relation to any domestic pet;

(l) Failing to comply with the requirements of any provision of subsection 7(4) or (6) in relation to any cat;

(m) Failing to comply with any requirements of Part V of this By-Law in relation to an aggressor animal or a dangerous animal;

(n) Defacing or removing a sign required to be posted under subsection 11(2)(e) or subsection 12(2) of this By-Law;

(o) Failing to comply with any of the requirements of Part VI of this By-Law in relation to livestock;

(p) Failing to comply with any of the requirements of Part VII of this By-Law in relation to any prohibited animals.

Interference with Enforcement

17(1) It shall be an offense under this By-Law for a person to interfere or obstruct any attempt by the Animal Control Officer 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, 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.

17(2) Any resident of the Town may apprehend and confine an animal which is running at large on his property, provided that he shall immediately thereafter inform the Animal Control Officer of the Town 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.

Right of Entry

18(1) The Animal Control Officer or any other person appointed by the Town 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.

18(2) The owner of any animal that has bitten any person or any other animal shall present the said animal to the door of his dwelling upon the request of the Animal Control Officer, to assist the Animal Control Officer to apprehend and impound the said animal.

Complainant Identification

19(1) Any person who makes a complaint alleging an offense 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.

Liability

20(1) No liability shall attach to the Animal Control Officer, the Council and/or the Town 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 Council and/or the Town for any animal destroyed, 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.

Penalties

21(1) Anyone who violates, contravenes or fails to observe and carry out any of the provisions of this By-Law shall be liable upon conviction to a fine not exceeding $500.00 for the first offence and not exceeding $1,000.00 for each subsequent offence plus costs.

21(2) Any fine, cost or charge imposed pursuant to this By-Law may be collected in the manner in which any tax may be collected by the Town. This section is included in this By-Law and passed in accordance with section 232(1)(o) and section 236(1)(b)(iii) of The Municipal Act.

21(3) Continued or egregious violations of this by-law, and/or refusals to pay penalties incurred by the application of this by-law may result in the Town declaring the owner ineligible to hold animal license(s). Any animals in the possession of an owner declared as ineligible may be seized for impoundment at the discretion of the Animal Control Officer.

Repeal

22(1) By-Laws 07/11 and 08/11 of the Town of Morris is hereby repealed.

Enactment

23(1) This By-Law shall come into full and effect immediately the day after it is given 3rd and final reading.

Done and passed by Council of the Town of Morris, in Council duly assembled, at the Town of Morris, in Manitoba, this 22nd day of October 2020.

_____
MAYOR

_____
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 8th day of October 2020.

Read a second time this 22nd day of October 2020

Read a third time this 2nd day of October 2020

SCHEDULE “A”

LICENSE AND KENNEL FEES

LICENSE FEES

The owner of every pet so licensed shall not be required to pay any fees to the Town of Morris for the license and tag, unless the owner is obtaining a replacement tag, or the pet has been found running at large and has been apprehended without the proper license and tag

Licenses	**Male or Female**	**Spayed or Neutered**
Replacement license for a lost tag	$ 5.00	$ 5.00