

BY-LAW No. 18-03

– of –

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a by-law of 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;
 - (c) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
 - (d) 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;

- (c) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (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.

- (d) 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 makes 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.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Springfield enacts that this by-law be referred to as the "Animal Control By-law".

SECTION I – DEFINITIONS

1. In this by-law, unless the context otherwise requires

- (a) “**adult cat or dog**” means four months of age or older;
- (b) “**animal**” means a non-human living being with a developed nervous system;
- (c) “**animal control by-law authority**” a person or company appointed by the municipality to carry out this by-law;
- (d) “**animal impound**” means any enclosure, premises or place designated by council for the purpose of impounding or confining animals. Includes those premises upon which animals are kept by any person appointed or employed by the Municipality for the purpose of carrying out any provision of this by-law and will be controlled under the auspices of the Animal Care Act must be licensed and inspected;
- (e) “**attack**” means to set upon in a forceful, violent or aggressive way;
- (f) “**bite**” means wound to the skin causing it to bruise, puncture or break;
- (g) “**cat**”
 - (i) “feral” cat refers to a descendant of a domestic cat that has returned to the wild
 - (ii) “working/barn” cat refers to cats commonly kept for the purpose of controlling smaller vermin found on farms and ranches
 - (iii) “urban” cat refers to those cats kept in urban areas as defined by the current Rural Municipality of Springfield Development Plan
- (h) “**council**” means the council of the Rural Municipality of Springfield;
- (i) “**dog**” means the female as well as the male of every breed or classification or mixture of breeds of the canine family;
- (j) “**dangerous dog**” means an animal that has been determined dangerous as per Appendix D of this by-law;
- (k) “**domestic animal**” means a dog, cat or other animal kept as a pet;
- (l) “**kennel/cattery**” means any premises, on which dogs or cats are kept/sheltered. For more information see Appendix C;
- (m) “**leash**” means a line or rope used to walk or control a dog or other animal;
- (n) “**livestock**” means any animal kept or raised for use and/or profit and includes;
 - (1) animals kept for the purpose of:
 - (i) production of food,

- (ii) production of other products from the animals, or
 - (iii) herding, protection of livestock or draft work, and breeding stock of such animals, or
 - (iv) training, boarding, recreation, competition or show purposes;
- (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 Sub-Clause (1) above, but not including bees, or
- (3) poultry.
- (o) “**municipality**” means the Rural Municipality of Springfield;
- (p) “**muzzle**” means a restraining appliance that, when fitted over an animal’s snout, prevents biting but does not cause injury to the animal or interfere with the animal’s respiration or its vision;
- (q) “**officer**” means the person or persons appointed under the direction of 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 By-law Authority;
- (r) “**owner**” means any person or business who has possession, control 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;
- (s) “**park**” refers to an area of open space provided for recreational use;
- (t) “**person**” includes an individual, firm or corporation;
- (u) “**poultry**” means any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, peafowl, pheasants, pigeons, doves and hybrids of fowl breeds, etc.)
- (v) “**pound keeper**” refers to a person who operates and maintains an animal impound. The Animal Control By-law Authority may also act in this capacity. Where a pound keeper is not appointed by the Municipality it is responsibility of the Animal Control By-law Authority to ensure the duties of the pound keeper, as listed in Section 3.5, are adhered to.
- (w) “**rabies**” is a fatal viral disease of warm-blooded animals.
- (x) “**restricted animal**” means:
- (i) all members of the order *Primate* except 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 snakes in excess of six (6) feet, all lizards in excess of three (3) feet and venomous reptiles;
 - (v) any wild animal or wildlife as defined in The Wildlife Act of Manitoba; and
 - (vi) any other animal determined by the Animal Control By-law Authority of the Municipality to be a restricted animal, other than a dog, cat or livestock.
- (aa) **“registration”** is the process of providing the municipality with information which will identify animals;
- (ab) **“running at large*”** in relation to an animal, means that the animal is off the owner’s premises and 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.
- * This does not pertain to hunting or herding animals which are actually working.**
- (ac) **“service animal”** a dog that is specifically trained to do work or perform tasks for the benefit of an individual with a disability.
- (ad) **“threatening behaviours”** means showing any sign of an impending attack; such as aggressively growling, posturing or barking
- (ae) **“wildlife”** means an animal identified by the Manitoba Wildlife Act regulations to be wild game, a game bird, a fur bearing animal, an amphibian or reptile, or a protected species;

SECTION II – GENERAL

1. The intent of this by-law is to provide fair and comprehensive animal control by-law strategies which ensure public safety, humane treatment of animals and promote responsible animal ownership. In order to promote responsible pet ownership, adult cats and adult dogs must be registered as per Section IV and identifiable by a tattoo, microchip or veterinary approved permanent identification method. In case of dispute of age, the onus shall be on the owner to establish the age of the dog or cat. Registration is valid for the life of the animal. See Appendix A for details and fees.

**SECTION III – ANIMAL CONTROL BY-LAW AUTHORITY AND
POUND KEEPER**

1. Appointment of Animal Control By-law Authority

- (a) Council may appoint one or more persons as an Animal Control By-law Authority to carry out the enforcement of this By-law.

2. Appointment of pound keeper

- (a) Council may appoint one or more persons as pound keeper(s) to carry out the duties of the pound keeper as set out in this by-law.

3. Common Animal Control By-law Authority and pound keeper

- (a) At the discretion of Council, the Animal Control By-law Authority may also serve as pound keeper, and vice versa.

4. Duties of the Animal Control By-law Authority

It shall be the duty of the Animal Control By-law Authority:

- (a) to enforce the provisions of this By-law;
- (b) to make a reasonable attempt to notify the owner of every animal impounded.
- (c) to ensure that all vehicles and trailers used in the transport of domestic animals and livestock while enforcing this By-law meet or exceed Provincial standards of safety.
- (d) to ensure, in the case where the impound facilities are not operated under direct or indirect control of the Municipality or are being rented by the Animal Control By-law Authority, that the impound facilities and the duties of the pound keeper are maintained as set out in this By-law.

5. Duties of the pound keeper

It shall be the duty of the pound keeper:

- (a) to establish and maintain the pound(s) in a manner which meets or exceeds The Animal Care Act of Manitoba and to keep a record of every animal impounded, which shall include the following minimum information:
 - (i) a description in reasonable detail of the animal, as well as the order and breed of the animal;
 - (ii) the day and hour of its impound;

- (iii) the day and hour of its redemption, sale, disposition or disposal together with the details of the redemption, sale, disposition or disposal;
 - (iv) the name and address of the owner (being the person to whom the animal was sold or released);
 - (v) the amount and particulars of all fees, fines and other charges; and
 - (vi) such other particulars as the Chief Administrative Officer of the Municipality shall request;
- (c) to keep any impounded animal as set out in this By-law.

SECTION IV – REGISTRATION AND LICENSING OF DOGS & CATS

1. Registration:

- (a) The owner of every dog over six (6) months of age (including dangerous dogs) and cat over six months (6) of age (with the exception of working/barn cats used for the control of rodents on rural farms) shall within twenty-one (21) days of taking up residence or becoming a new pet owner, provide the Municipality a completed registration form for each dog and/or urban cat and supply such information respecting each animal as the Municipality may require. Owners of Working/Barn cats may elect to complete a registration form but are not required to. It is the responsibility of the owner to ensure that any information provided is accurate to the best of their knowledge.

Registration will include:

- (i) in the case of every dog and Urban cat over the age of four months, certification that the animal has a current rabies vaccination administered by a licensed Veterinarian. Proof of current rabies vaccination must be available to the Animal Control By-law Authority upon request. The certificate must list:
 - (aa) details of the animal's owner with full address and phone number
 - (bb) contain a clear, detailed description of the animal vaccinated including tattoo/microchip, colour, breed, sex, age and specific markings.
 - (cc) the brand of vaccine with the lot number or serial number and expiry date
- (ii) other such pertinent information as required on the RM of Springfield registration form provided
- (iii) whether the dog has been deemed to be a Dangerous Dog in any jurisdiction prior to registration
- (iv) that there is a permanent readable ID such as a tattoo or microchip.

(b) Owners of dogs and cats requiring registration will pay fees as per Appendix A.

2. Licensing Dangerous Dogs:

(a) Dangerous Dogs must be licensed annually (Appendix A – Annual License Fees).

3. Kennels

The owner of every kennel must pay the appropriate fees (Appendix A) based on each type of kennel operated. Premises are not limited to one kennel type. (Appendix C)

Types of kennel/cattery:

- Breeding - commercial, three or more litters per 12 month period

- Boarding/- commercial
- Training - day care/day spa
 - pet sitter in sitter's own home
 - including but not restricted to obedience dogs, service dogs, hunting dogs, sled dogs, search and rescue dogs (non-police) and dogs used in other sports and activities

- Rescue - not-for-profit, humane protection/care and/or adoption of animals

SECTION V – REGULATIONS

1. General

Where an animal commits any of the acts prohibited herein, the owner will be deemed to have permitted the activity and the owner will be liable to pay fines and municipal costs associated with the incident.

No owner or person shall:

- (a) permit their animal(s) to run at large in the Municipality;
- (b) allow or encourage an animal to attack, chase, harass or show threatening behaviours toward a person or animal;
- (c) entice an animal to run at large or behave in a manner that contravenes this by-law;
- (d) tease, throw items or poke at an animal in an enclosure;
- (e) leave their animal unattended while in a public place or leave their animal unattended in a vehicle under such conditions as to cause imminent physical danger;
- (f) leave their animal outside the passenger compartment of a vehicle while the vehicle is in motion unless the animal is safely contained;

- (g) permit their animal(s) to chase, or display aggression, bite or bark at any animal or person or any vehicle in any public place;
 - (h) permit their animal to make noise of such duration and repetition that they should reasonably expect that such noise would be annoying to people not on the same premises;
 - (i) allow their animal to cause injury or death to any person or animal;
 - (j) allow their dog in a marked prohibited area;
 - (k) walk their pets off their premises without having on their person, a suitable means of removing animal feces;
 - (l) own or occupy premises on which animals are kept, whether for commercial purposes or otherwise, to adversely affect the health or comfort of other persons by reason of filthy conditions, offensive odors, unacceptable noise or other causes;
 - (m) permit their animal to damage public or private property other than that of its owner;
2. The owner of each un-spayed female dog or cat shall confine her on the property of the owner or take the dog or cat to a Kennel for the period of time that such animal is in heat.
3. **Requirements to remove feces left by a dog or cat**

Every owner of a dog or cat shall immediately remove any feces left by the dog or cat in public areas on:

- (a) A highway or roadway;
- (b) A public park;
- (c) Sidewalks;
- (d) Any public property; or
- (e) Any private property other than the property of the owner of the dog or cat or the person having care, custody or control of the dog.

Every owner of a dog or cat shall remove from his or her premises, in a timely manner, feces left by the dog or cat, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.

SECTION VI – Seizure, Control and Impounding

No liability shall attach to an Officer and/or the Municipality for any dog euthanized or injured while being captured or during impoundment.

A person appointed or employed by the Municipality, to carry out the provisions of this By-law, may lawfully enter upon the lands of any owner or person he or she reasonably believes to be the owner to serve a Notice of Breach of By-law.

A person appointed or employed to carry out the enforcement of the By-law may lawfully enter upon the lands of any person in pursuit of any domestic animal believed to be in breach of this By-law for the purpose of apprehending that animal.

Any resident of the Municipality may apprehend and confine an animal which is running at large and which is on his or her property and shall thereafter inform the Animal Control By-law Authority of the apprehension and confinement of the animal within 24 hours. The Animal Control By-law Authority shall, as soon as practical, attend upon the complainant to take possession of the animal.

IMPOUNDING

1. Council shall establish, maintain or contract an animal impound, that meets or exceeds provincial standards as per Section 2.1 of the Animal Care Act of Manitoba, for the confinement of animals apprehended pursuant to any provision of this by-law and appoint an Animal Control By-law Authority to carry out the provisions of this by-law. The costs and revenues associated with animal by-law control shall be reconciled in the general funds of the Municipality. The Municipality reserves the right to inspect impounding facilities at any time.

a) Section 2.1 of the Animal Care Act –

“A person who has ownership, possession or control of an animal

(a) shall ensure that the animal has an adequate source of food and water;

(b) shall provide the animal with adequate medical attention when the animal is wounded or ill;

(c) shall provide the animal with reasonable protection from injurious heat or cold; and

(d) shall not confine the animal to an enclosure or area

(i) with inadequate space,

(ii) with unsanitary conditions,

(iii) with inadequate ventilation or lighting, or

(iv) without providing an opportunity for exercise,

so as to significantly impair the animal's health or well-being.”

2. A registered animal will be kept until the owner can be contacted and all related fees paid. An unregistered animal may be kept for a maximum of 7 days. The unregistered animal will only be released once it has been registered or licensed and all related fees and fines are paid. (Appendix A, Appendix B)
3. If an animal is not reclaimed within the period set out in Section VI-2, the Animal Control By-law Authority may dispose of the animal at the expense of the owner. If the animal's owner fails or refuses to comply with the conditions set out in Section VI-2, the Animal Control By-law Authority may dispose of the animal at the expense of the owner.
4. In the event an injured animal is impounded the expenses of reasonable medical treatment must be paid by the owner in addition to other fees and fines.

5. The Municipality has the authority to euthanize an animal if it is in such distress that it would be inhumane to allow the animal to continue to live. The Animal Control By-law Authority may euthanize the animal or cause the animal to be euthanized. The owner will be responsible for all costs incurred.
6. No owner or person shall:
 - (a) obstruct or interfere with an Officer or attempt to free restrained or impounded animals. See Appendix B

SECTION VII - DANGEROUS DOG

1. General

(a) Dog Attack

If any dog should attack a person or animal that was peacefully conducting themselves in any place that they may lawfully be, any person for the purpose of preventing imminent injury or further injury may use such force as is required to stop the act and will not be held responsible for damages or injuries incurred.

A police officer or Animal Control By-law Authority, acting pursuant to their statutory duties may, where the threat of serious injury to person or domestic animal is imminent and unjustified, use such force as is required to prevent injury.

Seizure of the dog - Where it appears on reasonable grounds, to an Officer, that a dog presents a danger to the public or animals, the Officer may apprehend or impound the dog at the owner's expense.

The owner of the alleged dangerous dog must surrender the dog to the Animal Control By-law Authority to secure the dog until the hearing is complete.

2. Initiation of a Dangerous Dog Hearing

- (a) The Chief Administrative Officer, upon receiving a request from an Officer indicating there is reason to believe that a dog has caused or is likely to cause serious damage or injury to a person or animal, shall initiate a Dangerous Dog Hearing in accordance with procedures in Appendix D, unless the owner admits to owning a Dangerous Dog and thereby negates the necessity of a Dangerous Dog Hearing.
- (b) The Officer shall hand deliver, or send by registered mail to the last known address of the owner of the dog, written notice of the Dangerous Dog Hearing at least five (5) working days in advance of the hearing.

- (i) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;
- (ii) the notice shall include:
 - (aa) the street address for that property
 - (bb) a statement of the time, place and purpose of the hearing;
 - (cc) a copy of Appendix D – Dangerous Dog Hearing;
 - (dd) a statement that if the owner does not attend at the hearing, the matter may be dealt with in his or her absence and that he or she will not be entitled to any further notice in the proceedings or appeal process..

3. Dangerous Dog Regulations

Every owner of a dog classified as Dangerous shall:

- (a) purchase from the Rural Municipality of Springfield, a specialized highly visible ID collar;
- (b) within two (2) working days cause the dog to be identifiable by implanted microchip and provide a copy of the implant record to the Municipality;
- (c) 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;
- (d) advise the Municipality or an Officer within two (2) working days of the death of the dangerous dog;
- (e) advise the Municipality or an Officer forthwith if the Dangerous Dog is loose or has bitten or attacked any person or domestic animal;
- (f) abide by stipulations imposed by the Dangerous Dog Committee as well as the stipulations listed below:

Stipulations

Indoors

- (i) *When not alone the dog must be under the control of a competent person eighteen (18) years of age or older or confined in a suitable kennel or pet crate.*
- (ii) *When left alone the dog must be housed in a secure, suitably sized kennel or pet crate.*

Outdoors Attended:

When outdoors and attended the dog must:

- (i) be kept on a leash no longer than six (6) feet and under the control of a competent person eighteen (18) years of age or older.*
- (ii) be muzzled, such muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting when outside of the confinement kennel.*
- (iii) Wear a high visibility Dangerous Dog collar and ID badge at all times. Such collar and ID badge will be supplied at cost by the RM of Springfield.*

Outdoors Unattended: When outdoors and unattended the dog must be confined to a secure kennel of the following description:

- (i) such kennel shall allow the dog to stand normally and the dimensions shall be no less than 5 times the length of the dog in length and no less than 3 times the length of the dog in width.*
- (ii) such kennel shall protect the dog from the elements*
- (iii) the fencing materials shall not have openings with a diameter of more than two inches and constructed of such material as to prevent unintentional entry or escape.*
- (iv) all gates or doorways leading into the kennel or structure will have a double entry system that must be lockable and of such design as to prevent the entry of children or the escape of the animal. When the dog is confined to such kennel and unattended, such gates shall be kept locked.*
- (v) the kennel walls, gates and/or doorways must be constructed in such a manner as to prevent the insertion of fingers, hands or other objects.*

Signage:

The owner of a Dangerous Dog will be provided with signage by the RM, to be placed at each entry to the property and/or buildings in which the dog will be confined.

Insurance:

The owner of a Dangerous Dog will procure liability insurance in a minimum amount of \$1,000,000 (one million) to cover the medical and/or costs resulting from actions of the dog.

Failure to abide by the stipulations of this by-law and those set out by the Dangerous Dog Committee may result in seizure of the animal and an order of euthanasia.

SECTION VIII - RESTRICTED ANIMALS

1. Prohibition on restricted animals

Except as may be permitted by the Municipality's Zoning By-Law, no person shall keep, possess or control any restricted animals within the Municipality

without providing a registered inventory within twenty-one (21) days of moving into the RM or receiving the animal. There will be a one-time registration fee as laid out in Appendix A. Copies of any applicable permits must be attached to the inventory form, i.e.:

All native wildlife in Manitoba are regulated by the Wildlife Act of Manitoba and all wildlife in Canada (mammals, amphibians, reptiles, fish, birds and insects) are regulated by **The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**.

CITES sets controls on the international trade and movement of animal and plant species that have been, or may be, threatened due to excessive commercial exploitation.

2. Inventory of restricted animals

- (a) Any person who keeps, has possession or control of one or more restricted animal, over six (6) months of age, within the Municipality shall, on an annual basis or upon any changes to a registered inventory, and on the form prescribed by the Municipality for this purpose, provide the Animal Control By-law Authority with an inventory of the restricted animals kept by the owner within the Municipality.
- (b) Any person, who keeps, or has possession or control of a restricted animal in the Municipality on or before the time that this by-law comes into force or effect, shall have twenty-one (21) days from the coming into effect of this by-law to submit an inventory.

3. Temporary impoundment

If deemed necessary in the interests of public safety, the Animal Control By-law Authority may call in the appropriate authorities to apprehend and impound any restricted animal. The safety of the public and said animal must be kept in mind at all times and the animal(s) must be housed safely and securely at an appropriate facility.

4. Order to register a restricted animal

- (a) Where the Animal Control By-law Authority has reasonable grounds to believe that a person is keeping or has possession or control of a restricted animal within the municipality without having registered their inventory with the RM, the Animal Control By-law Authority shall serve the person with an order in writing to register an inventory of the restricted animal(s) within fourteen (14) days of receipt of the order.

- (b) The onus shall be on the person upon whom an order has been served to establish either that: (a) the animal is not a restricted animal; or (b) the person has provided a registered inventory to keep or possess the restricted animal.
- (c) Where the person has failed to establish either that the animal is not a restricted animal or that they have registered an inventory to keep or have possession of the restricted animal, and the person has failed or refused to provide the Municipality with a registered inventory of the restricted animal(s) within the time frame identified by the order of the Animal Control By-law Authority, the Animal Control By-law Authority may seek an order or warrant from a provincial court judge, magistrate or justice of the peace, as required, to enter the premises of that person for the purpose of removing and disposing of the restricted animal(s). The Animal Control By-law Authority may engage the assistance of other persons if required to safely apprehend the restricted animal(s).
- (d) Upon apprehension and impoundment of a restricted animal, and provided that: (a) a written order was duly served on the owner; and (b) a registered inventory was not submitted within fourteen (14) days; council may proceed to order the animal destroyed or sold, and the Animal Control By-law Authority shall carry out the order of council. The owner shall be liable for all costs associated with apprehension, impoundment and destruction or sale of the restricted animal. If the proceeds of sale exceed any such costs and any fines imposed upon the owner for breach of this by-law, then the municipality shall refund the excess proceeds to the owner.


SECTION IX – LIVESTOCK

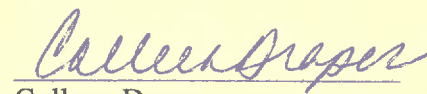
1. While livestock does not need to be registered, the keeping of livestock shall only be allowed in those areas of the Municipality zoned agricultural unless otherwise permitted by the Municipality's Zoning By-Law. In accordance with Sub-section 5(1) of this by-law no owner shall permit their livestock 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,
2. 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.
3. If no person claims the livestock within seven (7) calendar days of the date of impoundment, or if the owner has not paid the costs and fines, the officer may dispose of the livestock.

SECTION X - FEES AND FINES

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, to fines and fees as at the rate specified in the Fee Schedule Appendix B:
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 for each day such infraction continues.
3. If penalties, fines and costs (including but not limited to veterinary bills) are not paid within thirty (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 property tax bill.
4. That Council from time to time, by resolution, may amend the appendixes attached to this by-law.
5. 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 19th day of February, A.D. 2019.


Tiffany Fell
Mayor


Colleen Draper
Chief Administrative Officer

READ a First time this 22nd day of May, A.D 2018
READ a Second time this 19th day of February, A.D. 2019
READ a Third time this 19th day of February, A.D. 2019

APPENDIX A – Fee Schedule for Registration, Licenses and Services

Registration - Lifetime

Category	Springfield Registration Fees 2019	One time Fees after 2019
Service Dogs*	No Charge	No Charge
Dogs over the age of 6 months	No Charge *	\$35 to a maximum amount of \$75 *
Dangerous Dog Registration	\$35/each dog **	\$35/each dog **
Urban Cats over the age of 6 months *** (barn cats do not have to be registered)	No Charge *	\$35 to a maximum amount of \$75 *
Restricted Animals	No Charge*	\$35 for registration of inventory

* The registration is valid for the life of the animal and a means by which a lost pet can be reunited with its owners. In order to encourage registration there will be no fee for registering your pet with the municipality for the calendar year of 2019. “Service dogs” are not charged a fee for registration but must be registered nonetheless.

- Households with multiple dogs will pay a onetime maximum amount of \$75. However each dog *must* be individually registered.
- Households with multiple urban cats will pay a onetime maximum amount of \$75. However each urban cat *must* be individually registered.
- Households with restricted animals will pay a onetime fee of \$35. However, an inventory must be provided annually or when the inventory changes.

** A dog deemed to be dangerous must be registered and licensed annually (see Annual License Fees), from the time it is declared Dangerous, for the rest of its life or until it has left the municipality.

*** Urban Cat refers to cats kept within urban areas as defined by the current Municipal Development Plan.

APPENDIX A – Fee Schedule for Registration, Licenses and Services

Annual License Fees

Category	Fee
Breeder Commercial (see Appendix C)	\$200
Boarding/Training Commercial (see Appendix C)	\$200
Rescue (see Appendix C)	\$100
Dangerous Dog License **	\$100
Dangerous Dog Kennel Inspection Fee*	\$100

Failure to pay annual license fees will result in fines being levied as set out in Appendix B

* Once an animal is declared Dangerous, the kennel facilities, which house the animal, must be inspected on an annual basis for the rest of its life or until it has left the municipality.

** A dog deemed to be dangerous must be registered and licensed annually (see Annual License Fees), from the time it is declared Dangerous, for the rest of its life or until it has left the municipality.

Services

Category	Fees applied to each call
Picking up and returning animals running at large by Animal Control By-Law Authority	\$100 for first animal \$50 for each additional animal
Boarding at impound facility	\$40/day/animal First day is included in the pick-up fees

APPENDIX B – Offence Penalties

Regulation		Offence	Minimum	Maximum
Section	Sub-Section			
IV	1 (a)	Unregistered dog or urban cat over 6 mos. of age (if warranted, a microchip will be implanted upon release at owner's expense).	\$100	\$200
V	1 (a)	Give false information when applying for registration	\$150	\$300
V	1 (a)	Animal running at large – Registered No fine levied for first offense	\$0	\$50
V	1(a)	Animal running at large – unregistered	\$75	\$200
V	1 (b)	Allow animal to attack, chase, harass or threaten a person or animal	\$500	\$1,000
V	1 (c)	Entice an animal to run at large	\$250	\$500
V	1 (d)	Tease, throw items or poke an animal in an enclosure	\$250	\$500
V	1 (e)	Leave an animal improperly unattended while tethered in a public place or leave an animal unattended in a vehicle for such length of time as to endanger its life	\$50	\$75
V	1 (f)	Allow the animal to travel outside the passenger compartment of a moving vehicle without being properly restrained or enclosed	\$250	\$500
V	1 (g)	Permit animal(s) to chase, bark or bite any domestic animal or person or vehicle in a public place	\$50	\$1,000
V	1 (h)	Permit their animal to disturb or annoy the quiet of others by insistent howling, barking or other loud noise(s). (As per By-law No. 04-04)	\$50	\$75
V	1 (i)	Cause injury or death to a person or domestic animal	\$150	\$1,000
V	1 (j)	Allow dog in prohibited area	\$100	\$200
V	1 (k) 3	Failure to remove dog and cat feces from private or public property	\$150	\$250
V	1 (l) 3	Allow premises to become offensive or affect the health or comfort of other persons by reason of filthy conditions, offensive odors	\$150	\$250

APPENDIX B – OFFENCE NOTICES

V	1 (m)	Permit domestic animal to damage public or private property other than that of its owner	\$150	\$250
V	1 (j)	Dog in prohibited area	\$100	\$250
V	2	Lack of securely controlling an un-spayed female while in heat	\$250	\$500
VII	3 (f)	Dangerous dog unattended or not controlled	\$100	\$250
VI	6	Obstruct or interfere with officer or attempting to or setting free restrained or impounded animals	\$250	\$500

Dangerous Dogs

VII	2 (a)	Failure to license dangerous dog	\$100	\$200
VII	3 (a)	Failure to purchase collar and ID badge	\$100	\$200
VII	3 (b)	Failure to permanently identify dog by microchip	\$100	\$200
VII	3 (f)	Failure to properly house dangerous dog	\$200	\$400
VII	3 (f)	Failure to abide by the stipulations as set out in this by-law	\$500	\$1,000

Restricted Animals

VII	1	Possess, keep or be in control of restricted animals without registering a current inventory	\$200	\$500
VII	2 (a)(b)	Failure to provide a current inventory	\$50	\$200
VII	4 (d)	Failure to remove restricted animal after 14 days of having been served notice by Animal Control Authority	\$200	\$500

Livestock

IX	1	Livestock running at large	\$200	\$500
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APPENDIX C – Types of Kennels

Definition of kennel:

Kennel /Cattery means any premise where dogs/cats are kept/sheltered. A kennel shall not include a veterinary clinic, animal hospital or animal impound.

Types of kennel/cattery:

- | | | |
|-----------------------|---|--|
| Breeding | - | commercial |
| Boarding/
Training | - | commercial |
| | - | day care/day spa |
| | - | pet sitter in sitter's own home |
| | - | including but not restricted to obedience dogs, service dogs,
hunting dogs, sled dogs, search and rescue dogs (non-police) and
dogs used in other dog included sports and activities |
| Rescue | - | An animal rescue is devoted to the welfare, protection, and humane
treatment of animals including a person whose primary purpose is
to act as an animal rescue (or on behalf of an animal rescue), to
collect and care for unwanted dogs or cats and/or to offer them for
adoption is also included in this definition. Any facility, structure,
house, or other building used to house or contain dogs / cats,
operated or maintained by an individual, or partnership, or
incorporated humane society, animal welfare society, society for
the protection of cruelty to animals or other not-for-profit
organizations. Should two or more litters be produced in a
twelve (12) month period, the owner must immediately apply
for an additional Breeding License. Failure to do so will result
in the appropriate Offense Fees being levied. See Appendix B. |

*** *All kennels, must be inspected by the RM of Springfield and by the Province of Manitoba as per the Animal Care Act S.M. 1996, c.69.*

“Breeding Kennel” means any establishment or structure or house where dogs or cats are kept for business or commercial purposes. Business or commercial purposes shall include the trade, purchase or sale of intact/altered dogs or cats for profit, or the keeping of dogs or cats for breeding or exhibition purposes.

*** *Dogs and cats that are kept in licensed breeding kennels are exempt from paying individual registration fees. However, these animals must be individually registered nonetheless. See Appendix A*

APPENDIX C – Types of Kennels

“Commercial breeder” means one who usually has several breeds with profit as the primary motive for breeding. Commercial breeders sell directly to the public or thru pet stores or on the internet. Such a kennel/cattery can produce animals for the pet trade, for working animals (service, hunting, sledding, competition, etc.) and for research trade. These animals and the breeding stock they are produced from may or may not be screened for genetic diseases, may or may not be selected for resemblance to the breed standard or for good temperament.

“Boarding kennels” means any establishment or structure or house; other than an animal shelter or animal rescue; where dogs or cats, not owned by the proprietor, are housed, fed and watered in return for a consideration. This definition shall include all boarding activities regardless of name used, such as but not limited to pet sitters. However, boarding kennels shall not include veterinarian clinics or individuals who temporarily, and not in the normal course of business, board or care for dogs or cats owned by their friends; or pet sitters who provide care for dogs or cats in the owners residence.

“Commercial boarding kennel” means a commercial establishment which provides accommodation, feeding and general care for dogs and cats on a short term basis. Well-run institutions cater only to healthy animals with a good vaccination record.

“Rescue Kennel” An animal rescue is devoted to the welfare, protection, and humane treatment of animals including a person whose primary purpose is to act as an animal rescue (or on behalf of an animal rescue), to collect and care for unwanted dogs or cats and/or to offer them for adoption is also included in this definition. Any facility, structure, house, or other building used to house or contain dogs / cats, operated or maintained by an individual, or partnership, or incorporated humane society, animal welfare society, society for the protection of cruelty to animals or other not-for-profit organizations. **Should two or more litters be produced in a twelve (12) month period, the owner must immediately apply for an additional Breeding License. Failure to do so will result in the appropriate Offense Fees being levied. See Appendix B.**

APPENDIX D – Dangerous Dog Hearing

GENERAL

The intent of this process is to ensure animal owners, their pets and all people in the Municipality of Springfield are treated fairly and humanely and that people and their pets co-exist in a safe environment.

Declaring a dog as being dangerous has very serious implications. Therefore, it is imperative that the decision is based on sound information and judged by a committee with a good cross section of relevant experience to make decisions to ensure public health, safety and animal health and welfare.

The Dangerous Dog Committee will base its decision on but not limited to, the following criteria and considerations; severity of the injuries, sustained attack as opposed to a single bite, purpose for why the dog is kept, history of dog, engaging in threatening behaviors, size of the dog, number of dogs involved, owner's complicity in the attack and previous convictions under the Animal Control by-law and provocations to the dog. Other considerations such as: was the dog being teased was the dog protecting the owner, property or a person from an attack or assault or has the dog been injured and is protecting itself.

A thorough review of all factors by the committee will result in decisions which can include fines, kennel upgrades or euthanizing of the animal. In addition, the owner may be prohibited from owning future pets or replacing euthanized dogs for a defined time period.

An appeal process which leaves final decision in the hands of the Municipal Council is the final option.

DANGEROUS DOG COMMITTEE TERMS OF REFERENCE

Goal of committee

To make decisions, recommendations and corrective actions which ensure public safety and recognize animal welfare, are fair to the pet owner and the public with regards to Dangerous Dogs. Therefore, it is imperative that the decision is based on sound information and judged by board members with a good cross section of relevant experience.

Scope

Recommend corrective action is taken to ensure Dangerous Dogs are not a threat to the safety and well-being of residents and animals in the RM of Springfield.

APPENDIX D – Dangerous Dog Hearing

Decision Making

Decisions regarding corrective action must be made by the committee with consensus agreement.

Membership of the Committee

The committee shall be comprised of three members over the age of 18, appointed by the Council of the RM of Springfield as follows:

1. Two persons with relevant background (i.e. Kennel owner, dog trainer, veterinarian etc.)
2. One tax payer at large

Duration of Term

Two year term by appointment of the Council of the RM of Springfield. Members may be reappointed.

Frequency of Meetings

Once the Dangerous Dog Committee has been appointed, the Chief Administrative Officer will call an inaugural meeting to discuss the terms of reference and the roles of the Committee. Further meetings will be driven by need for conducting a Dangerous Dog Hearing.

ROLES AND RESPONSIBILITIES

Chief Administrative Officer or Designate

- Chair the Dangerous Dog Committee
- Set time, place, and agenda and attend committee meetings and hearings
- Decide on whether or not to impound the dog until the hearing is complete and verdict of the committee has been heard
- Ensure the owner is informed of the time and place of the hearing and provided with the Dangerous Dog Hearing process information.
- Present course of action to the Animal Control By-law Authority for follow up of hearing recommendations
- Inform the owner of hearing decision
- Present on behalf of the municipality at Council meeting if appeal process is followed

APPENDIX D – Dangerous Dog Hearing

Animal Control By-law Authority

- Initiate a request to the Chief Administrative Officer for a Dangerous Dog Hearing;
- Ensure that the Dangerous Dog is secure, either impounded or at the discretion of the officer, in secure facilities with the owner;
- Present evidence at hearing;
- Implement the hearing recommendations with direction from Chief Administrative Officer;
- Attend Council meeting and present if required, if appeal process is followed.

Committee Members

- Attend meetings and hearings;
- Make recommendations from evidence produced at Dangerous Dog Hearings;
- Reach decision within 48 hours of the hearing conclusion;
- Attend Council meeting if appeal process is followed by the owner of the Dangerous Dog.

Owner of the Dangerous Dog

- Must surrender the dog to the municipality or make arrangements to secure the animal to the satisfaction of the municipality and Animal Control By-law Authority until the hearing is complete.
- The owner may appear at the hearing with or without counsel and may call witnesses on his behalf at their own expense. The owner shall be entitled to hear all evidence presented at the hearing and to inspect any documents filed. Where the owner does not attend the hearing, having been given notice as provided in this section, the matter may be dealt with in their absence and the owner shall not be entitled to any further recourse. The owner may request a postponement but any additional impound fees will be at the owner's expense.
- Must comply with the outcome of the hearing and reimburse the municipality for all related costs.
- Attend Council meeting and present if required, if appeal process is followed.

Rural Municipality of Springfield Council

- Conduct a hearing at earliest Council meeting if appeal process is followed for Dangerous Dog Hearing.

APPENDIX D – Dangerous Dog Hearing

DANGEROUS DOG HEARING PROCESS

1. The Chief Administrative Officer, upon receiving a request from an Officer indicating there is a reason to believe that a dog has caused or is likely to cause serious damage or injury to a person or domestic animal shall initiate.
2. Ensure the owner of the dog in question is informed of the time and place of the hearing at least 5 days in advance of the hearing date and provide the owner with the Dangerous Dog Hearing process information (Appendix D). 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. Where the owner does not attend 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 recourse.
3. The Hearing decisions will be presented by the Chief Administrative Officer to the Animal Control by-law Authority for follow up within 48 hours of hearing conclusion by the committee chair.
 - a. The Animal Control by-law Authority will follow up within 48 hours on the committee recommendations regarding course of action and inform the dog owner, regarding the hearing decisions.
4. The owner must initiate the appeal process within 48 hours if not satisfied with the decision of the committee.
5. The appeal hearing shall be put on the agenda of the next Council meeting that can accommodate the matter.
6. The decision of Council will be final.

Appeal Process

The owner may appeal the Dangerous Dog Committee's rulings by filing a formal Appeal which can be obtained from the Rural Municipality of Springfield office. Such appeal must be filed within 48 hours of the ruling. Once submitted Council will convene at the next meeting that can accommodate the matter. The decision of the Council is binding and there shall be no further appeal.

In the interim between the date of the Dangerous Dog Committee decision and the Appeal process, the owner must follow any and all stipulations set out by the Dangerous Dog Committee.