

MUNICIPALITY OF PEMBINA
BY-LAW NO. 3/2020

Being a by-law of the Municipality of Pembina to regulate and specify the expectations of keeping dogs within the limits of the LUD's of Darlingford and La Riviere.

WHEREAS Sections 232 (1) (k) of The Municipal Act S.M. 1996, c.58 – Chap. 225 provides as follows;

232 (1) A Council may pass by-laws for municipal purposes respecting the following matters.

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

AND WHEREAS Section 232 (2) (a) of the Municipal Act S.M. 1996, c.58 - Chap. 225, provides as follows;

232 (2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division.

(a) regulate or prohibit;

NOW THEREFORE the Council of the Municipality of Pembina duly assembled, hereby enacts as follows:

1. **THAT** in this by-law, unless the context otherwise requires
 - (a) "Council" means the Council of the Municipality of Pembina;
 - (b) "Dog" means a male or female that is over sixteen (16) weeks of age;
 - (c) "Animal Control Officer" means a person duly appointed by the Council to hold that office or perform the duties of the animal control officer;
 - (d) "Municipality" means the Municipality of Pembina;
 - (e) "Person" includes the owner, keeper, possessor or harbourer of a dog. This includes the plural as well as the singular, a corporation, partnership, association or any organized body;
 - (f) "Pound" means the dog pound established under the provisions of this by-law;
 - (g) "Poundkeeper" means the dog poundkeeper and the assistant dog poundkeeper appointed by the Council;
 - (h) "Running at large" means being elsewhere than on the land or premises of the owner and not under control by being in direct and continuous charge of a person competent to control it.
2. **THAT** this by-law only applies to the residents of the Local Urban Districts of Darlingford and La Riviere.
3. **THAT** every dog within the LUD's that is over sixteen (16) weeks of age shall be vaccinated against rabies and revaccinated every year; second year or thereafter depending on type of shot received. Every dog owner must produce evidence of a current rabies vaccination status for a dog in question from a licensed veterinarian. A statement in writing signed by a licensed veterinarian certifying that the dog cannot be vaccinated for rabies for medical reasons will be permitted as the exception.
4. **THAT** no person shall own, keep, possess or harbor more than three (3) dogs older than sixteen (16) weeks within or about any one residential unit in the LUD's. Under special circumstances, the number of allowed dogs in a residence maybe increased. A letter must be written and submitted to the Chief Administrative Officer explaining the situation and asking for approval.
5. **THAT** dogs removed from the owner's property must be under direct control of the person responsible of the animal.

6. **THAT** while off the owner's property, the person responsible of the dog to remove and dispose of any fecal deposits.
7. **THAT** while the dog is unattended on a property, it is the responsibility of the animal's owner to ensure that it cannot run at large within the LUD.
8. **THAT** the Council may at any time, by resolution, appoint an animal control officer or other designated officer to address problems or issues by animals/owners. Fines may be imposed if problems continue to persist.
9. **THAT** Without restricting the generality of the terms "vicious" and "nuisance" a dog shall be held to be
 - (i) vicious if it has bitten or attempted to bite any person or domestic animal; and
 - (ii) a nuisance if it habitually barks, howls or molests any person or habitually barks at motor vehicles, or in the case of a female dog, if it runs at large while in heat.
10. **THAT** if the animal control officer has found any dog to be vicious or a nuisance, he/she may:
 - (a) cause the dog to be impounded; or
 - (b) cause the dog to be destroyed or direct the owner to destroy the dog.
11. **THAT** anyone found willfully mistreating, teasing, tormenting or causing any other harmful effects to a dog, whether the animal is owned by them or not; can be found guilty of an offence and fined under this by-law.
12. **THAT** this by-law shall apply to non-residents who may be accompanied on a temporary visit to town by a dog.
13. **THAT** any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with any provision of this by-law is guilty of an offense and can have a ticket issued by the appointed animal control/bylaw enforcement officer or the municipality and will be subject to:
 - (a) a fine of fifty dollars (\$50.00) and costs for the first offense;
 - (b) a fine of one-hundred dollars (\$100.00) and costs for the second offense; and
 - (c) a fine of two-hundred dollars (\$200.00) and costs for the third and any further offenses.
14. **THAT** all fines that are imposed are a debt owed by the person who resides at the residence and/or the owner of the property on which the animal is located; to the municipality and may be recovered by the municipality in a court of law or may be collected by the municipality in the same manner as a tax which may be collected or enforced under the Municipal Act.
15. **THAT** seeing-eye dogs are exempted to the provisions of this by-law.

DONE AND PASSED by council of the Municipality of Pembina duly assembled in Manitou this 12th day of March, 2020.



Reeve



Chief Administrative Officer

Read a first time this 13th day of February, 2020.
Read a second time this 12th day of March, 2020.
Read a third time this 12th day of March, 2020.