

RESORT VILLAGE OF MANITOU BEACH

Animal Control Bylaw

BYLAW 03-2021

1. SHORT TITLE

This Bylaw may be cited as “The Animal Control Bylaw”.

2. PURPOSE

The purpose of this Bylaw is as follows:

- To provide for the licensing of restricted dogs
- To control and regulate cats, dogs, and other domestic pets
- To provide for the impounding of cats and dogs that are at large
- To RESTRICT the feeding of deer and/or other wild ungulates animals within Village limits

3. DEFINITIONS

- a) Administrator – the Administrator of the Resort Village of Manitou Beach, also referred to as the CAO-Chief Administrative Officer.
- b) Animal Control Officer – shall mean any corporation, person or persons engaged by the Resort Village of Manitou Beach for the purposes of checking for licenses, capturing and impounding dogs and or cats under the provisions of this bylaw and shall include the term “pound keeper”
- c) Cat – a male or female cat or a male or female kitten over (8) eight weeks of age
- d) Council – the Council of the Resort Village of Manitou Beach
- e) Dog – a male or female dog or male or female puppy over eight (8) weeks of age
- f) Dangerous Animal – means
 - any animal that, without provocation, in a vicious or menacing manner, chases or approaches a person or domestic animal in the apparent attitude of attack;
 - any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of persons or domestic animal;
 - any animal that, without provocation, has bitten, inflicted injury, assaulted or otherwise attacked a person or domestic animal;
 - any dog which is owned primarily or in part for the purpose of dog fighting or is trained for fighting.
- g) Flora – the plants of a particular region, habitat, or geological period.
- h) Municipality or Village – the Resort Village of Manitou Beach
- i) Owner – includes
 - a person, person, partnership, association or corporation who keeps, possesses, harbors or has care of or control of a domestic pet;
 - the person responsible for the custody of a minor where the minor is the owner of a domestic pet.
- j) Pound – such premises and facilities as may be designated by the Council of the Resort Village of Manitou Beach for the purpose of safely lodging and securing animals seized pursuant to this bylaw.
- k) Pound keeper – a person designated by the Resort Village of Manitou Beach from time to time to maintain and administer the pound.
- l) Person- includes an individual(s), partnership, association or corporation
- m) Running at large – when the dog, cat, or other domestic pet is beyond the boundaries of land occupied by the owner, possessor, or keeper of the said dog or cat, or beyond
- n) the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and is NOT under control by being:

DEFINITIONS (CONTINUED)

- on a leash or harness and in direct and continuous charge of a person competent to control it; or
 - securely confined within an enclosure; or
 - within fenced limits of the “Off-Leash” Dog Park; or
 - Securely fastened so that it cannot roam at will.
- o) Ungulates- a wild, hoofed mammal.

4. REGISTERING

- a) Every owner of a cat or dog shall register with an Animal License Application through the Village Office, with description of animal, and any background history of behavior that would be pursuant of social responsibility. Fees outlined in Schedule A.
- b) Any dog registration certificate or applicable fee issued pursuant to the provisions of this bylaw by the Village shall not be transferable to any other dog.
- c) Licensed animals will be issued a numbered tag, and expected to wear this tag on collar as proof of registration with the Village.

5. RUNNING AT LARGE

- a) The owner of a dog, cat or other domestic pet shall not at any time allow the animal to run at large within the village.
- b) When a domestic pet is found to be running at large, its owner is deemed to have failed or refused to comply with the provisions of this section. An exception may be made if the owner is actively looking for a lost dog or cat.
- c) Where a dog or cat is found to be running at large, the owner or occupant of that property on which the dog or cat is running at large may make a written complaint to the Resort Village of Manitou Beach.
- d) The “Off-Leash” Dog Park provides a fenced perimeter that allows owners to run their dog(s), “off-leash”, when owners hold their animals to the standard of conduct set forth in Section 11.

6. LIMITS – DOGS AND CATS

- a) No person within the village shall harbor or keep more than three (3) dogs on any one property. If an owner fails or refuses to comply with the provisions of this section, he/she shall be subject to the penalties as set out in Schedule “B” attached hereto.
- b) No person within the village shall harbor or keep more than three (3) cats on any one property. If an owner fails or refuses to comply with the provisions of this section, he or she shall be subject to the penalties as set out in Schedule “B” attached hereto.
- c) No person within the village shall harbor or keep more than a combined total of 5 cats and dogs on any one property. If owner fails to comply with the provisions of this section, he/she shall be subject to penalties as set out in Schedule “B” hereto.

7. SEIZURE AND IMPOUNDING

- a) An Animal Control Officer may seize and impound any dog or cat observed to be at large.
- b) An Animal Control Officer may enter onto land surrounding any building in pursuit of any dog or cat which has been observed to be at large.
- c) The Animal Control Officer is hereby authorized to seize and capture, by any method authorized by resolution of Council, and impound any dog or cat running at large contrary to the provisions of this bylaw.
- d) Any person may take any dog or cat found running at large contrary to the provisions of this bylaw to the Village pound.
- e) No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized, shall:
 - interfere with or attempt to obstruct an Animal Control Officer who is attempting to seize or has seized any dog or cat in accordance with the provisions of this bylaw;

SEIZURE AND IMPOUNDING (CONTINUED)

- unlock or unlatch or otherwise open the vehicle in which dogs or cats seized under this bylaw have been placed so as to allow or attempt to allow any dog or cat to escape there from.
- Remove or attempt to remove any dog or cat from the possession of the Animal Control Officer.

8. POUND

- a) The Council shall endeavor to appoint a pound keeper.
- b) All dogs and cats impounded in the pound shall be so confined therein for a period of 72 hours from the time of capture during which time the owner thereof shall have the right to repossess the said dog or cat upon paying to the Village Office the amount set forth in Schedule “B” of this Bylaw.
- c) No domestic animal which is impounded shall be released to its owner or to any other person until the appropriate pound fee is paid.
- d) When a dog has been impounded, the Village Office shall immediately attempt to contact the owner as shown in the records made when the dog was registered at the address shown therein or shall immediately post notice in the Village Office containing a description of the dog, that unless the said dog is claimed and the fees as provided for in this bylaw are paid within 72 hours from the date of impounding, the said dog shall be dealt with pursuant to the provisions of the bylaw. When a cat has been impounded, the Village Office shall immediately post notice in the Village Office containing a description of the cat along with the terms for release.
- e) All impounded dogs or cats which are not claimed within 72 hours as aforesaid, may be taken to the nearest animal shelter. It shall be the duty of the pound keeper to provide each dog or cat impounded under the authority of this bylaw an adequate supply of food and fresh water and proper shelter during its confinement in the pound on a daily basis.
- f) Any dog found in any public street, lane, park, or other public place or otherwise running at large contrary to the provisions of this bylaw, the Animal Control Officer may seize and impound by any method authorized by Council.

9. LITTER – DOGS AND CATS

- a) If a dog or cat defecates on any public or private property other than the property of the owner, possessor or harbinger of the said dog or cat, the owner, possessor or harbinger of the dog or cat shall cause such defecation to be removed immediately and disposed of in a sanitary fashion. If witnessed, that the owner, possessor, or harbinger does not remove and dispose of feces from the animal in their possession on public or private property, they are subject to fines outlined in Schedule B.
- b) Defecations deposited on the private property of the owner, possessor or harbinger of a dog or cat shall be removed and disposed of in a sanitary manner on a weekly basis.

10. NUISANCE

- a) The owner, possessor or harbinger of a dog shall not allow the animal to create a nuisance to any person by barking, howling, attempting to bite or biting anyone or any domestic animal, chasing vehicles or bicycles and any owner, possessor or harbinger who contravenes this section commits an offence under this bylaw.
- b) The owner, possessor or harbinger of a cat shall not allow the animal to create a nuisance to any person by howling, hissing or otherwise making disruptive noises or by urinating, defecating or spraying on or otherwise damaging or interfering with any property other than the property of the owner, possessor, or harbinger. Any owner, possessor or harbinger who contravenes this section commits an offence under this bylaw.
- c) Where a dog or cat is found to be creating a nuisance, the owner or occupant of that property on which the dog or cat is creating a nuisance may make a written complaint to the Resort Village of Manitou Beach. Owners, possessors, and harbinger are subject to fees outlined in Schedule B.

11. DOG PARK

- a) Owners must be under control of their dog(s) at all times. Dogs must respond to their owner's voice, or sound commands. Owners must have plain view of their dogs while utilizing the Off-Leash Dog Park.
- b) Owner's MUST immediately pick up and DISPOSE of their pet's feces. Owners are expected to carry a 'suitable means' for picking up pet's feces.
- c) A maximum of 30 dogs are allowed in the park at any given time.
- d) Female dogs in heat WILL NOT be permitted into the Dog Park.
- d) ALL Dogs must have current vaccinations to be allowed access.
- e) Owner's must carry with them a leash, no greater in length than two meters.
- f) Dogs considered to be aggressive to people or other pets WILL NOT be allowed in the Off-Leash Dog Park. Dogs persistently barking at other dogs WILL NOT be allowed in the Off-Leash Dog Park.
- g) NO human or animal food permitted within the Off-Leash Dog Park.
- h) The handler of a dog at the Off-Leash Dog Park MUST be at least 16 years of age, unless accompanied by an adult.
- i) Owners are fully responsible for any damages or injury done by their pets at the Off-Leash Dog Park. The Resort Village of Manitou Beach incurs NO LIABILITY from the freedom of use of the Off-Leash Dog Park.
- j) NO motorized vehicles of any kind are permitted within the Dog Park. Resort Village of Manitou Beach maintenance equipment excluded.

12. UNGULATES

- a) Due to the detrimental impact on herd health, impacts to flora on Private Property, and impacts to Village flora, there shall be no feeding of wild ungulates within Village Limits.
- b) No bird feed or grain shall be fed on the ground in such a way that would attract wild ungulates. No low hanging bird feeders shall be used in such a way that would attract ungulates.
- c) Any persons found to be feeding ungulates in Village Limits shall be subject to fines outlined in Schedule B.

13. RABIES AND OTHER DISEASES

- d) Any dog or cat suspected of having rabies shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a veterinary clinic whose instructions shall be complied with.
- e) An owner, possessor or harbinger of a dog or cat who neglects or refuses to comply with any order of the veterinary clinic shall be guilty of an infraction of this bylaw.
- f) Where a complaint is received by the Village Office that an animal within the Village is dangerous, Division 5 -Dangerous Animals Section 374 to and including Section 380 of the *Municipalities Act* shall apply.

14. BEE KEEPING

- a) No person keeping bees, or permitting bees to be kept on his or her property, shall fail to adequately maintain the bees such that the bees exhibit unduly defensive behavior towards any other person while that person is on their own property or public property.

15. OTHER DOMESTIC ANIMALS

- a) Discretionary ownership of other domestic pets may be considered by: completed application to Council, and upon approval, any requirements set forth by Council must be adhered to or else subject to fines, listed in Section B #6.

15. GENERAL PENALTY

A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$100.00 and not more than \$2000.00.

16. PENALTY

- a) Where any person has committed or alleged to have committed a breach of any of the provisions of this bylaw, a ticket in the form designated Form "A" attached

to and forming a part of this bylaw, may be served on such person by the Animal Control Officer/Bylaw Commissionaire or by registered mail by the Administrator of the Resort Village of Manitou Beach.

- a) A person to whom a ticket is being issued pursuant to this section shall furnish the Animal Control Officer with his/her name and address upon request.
- b) A person who contravenes any provision of this bylaw, upon being served with a ticket, may voluntarily pay the prescribed penalty as set forth in Schedule "B" to this bylaw.
- c) If the Village receives voluntary payment of the prescribed penalty within seven (7) days from the date the ticket was issued, the person receiving the ticket shall not be liable for prosecution for the offence.
- d) If the person who has committed or is alleged to have committed a breach of any section of this bylaw fails to pay the specified fine within the time allowed following service of the ticket, the provisions of this section no longer apply and the person shall be liable to prosecution for the offence.

16. SEVERABILITY

- a) A decision of the court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this bylaw.

17. REPEAL OF FORMER BYLAWS

Bylaw No. 13/2001 passed on the 22th of July, 2001 is hereby repealed.

Chief Administrative Officer
Elise Dale

Mayor
Pauline Petersen

SCHEDULE “A”

**ANIMAL CONTROL
BYLAW 03-2021**

Annual Fees

Neutered Dog Fee - \$10.00

Non-Neutered Dog Fee- \$35.00

Neutered Cat Fee - \$10.00

Non-Neutered Cat Fee- \$35.00

SCHEDULE “B”

**ANIMAL CONTROL
BYLAW 03-2021**

PENALTIES

| OFFENCES | 1st Offence | 2nd Offence | Subsequent Offence |
|--------------------------------------------------------------------------------|-------------------------------|-------------------------------|---------------------------|
| 1. Running at Large | \$100.00 | \$200.00 | \$500.00 |
| 2. Over-Limit of Cat & Dog Numbers per Property | \$100.00 | \$200.00 | \$500.00 |
| 3. Dog/Cat creating a Nuisance | \$100.00 | \$200.00 | \$500.00 |
| 4. Accumulation of Animal Feces | \$100.00 | \$200.00 | \$500.00 |
| 5. Feeding of Ungulates in Village Limits | \$300.00 | \$500.00 | \$1200.00 |
| 6. Other Domestic Animal-Requirements: as per Council, listed in ODA Permit | \$300.00 | \$500.00 | \$1200.00 |
| 7. Interfere with Bylaw Enforcement | \$100.00 | \$300.00 | \$500.00 |

Reduce penalty by 50% if is paid within 7 days of issuance

FORM "C"

**Animal Control
Bylaw 03-2021**

Resort Village of Manitou Beach

PERMIT APPLICATION FOR OTHER DOMESTIC ANIMAL OWNERSHIP

DATE: _____

NAME: _____

CIVIC ADDRESS: _____

SPECIES OF PET: _____

NUMBER OF ANIMALS: _____

IS THIS A BREEDING OPERATION: YES / NO

HOW DOES OWNERSHIP OF THIS DOMESTIC ANIMAL UPHOLD THE RESORT VILLAGE OF
MANITOU BEACH ANIMAL CONTROL BYLAW #03-2021:

REASON THIS PERMIT IS BEING APPLIED FOR:

OFFICE USE ONLY:

ISSUED BY: _____

DATE: _____

RESOLUTION OF COUNCIL: _____

REQUIREMENTS TO BE ADHERED TO IN THE ALLOWANCE OF THIS PERMIT:

X

Applicant

X

Resort Village of Manitou Beach