



**TITLE: CITY OF SELKIRK RESPONSIBLE PET
OWNER BY-LAW**

NUMBER: 5358

**PREAMBLE: TO SET OUT THE PROVISIONS FOR
RESPONSIBLE PET OWNERSHIP WITHIN
THE BOUNDARIES OF THE CITY OF SELKIRK**

DATE PASSED: OCTOBER 25, 2021

OBJECTIVES

The objectives of this By-law are to:

- Set out standards for responsible pet ownership in the City of Selkirk.
- Establish the license application requirements for pet owners.
- Provide the parameters for the control of animals within the limits of the City of Selkirk and for maintenance and regulation of the Animal Retention Center (ARC).
- Set out by-law contraventions.

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Schedule A: Prohibited Animals Within the City of Selkirk

Schedule B: Prohibited Livestock Within the City of Selkirk

The Council of Selkirk enacts as follows:

1. BY-LAW TITLE

This By-Law shall be known as the City of Selkirk Responsible Pet Owner By-Law.

2. DEFINITIONS

“Animal Rescue Organization” means an organization that meets the following criteria:

- (a) is not for profit;
- (b) its goal is the rescue, rehabilitation and adoption of Companion Animals;
- (c) does not adopt Companion Animals unless sterilized at the time of the adoption or, if under the age of six months, only adopts on condition that the adopter sterilize it within six months of the adoption;
- (d) is not engaged in the breeding of Companion Animals;
- (e) has been endorsed as to its care of animals by a veterinarian licensed to practice in the Province of Manitoba;
- (f) if required, it has obtained an excess animal permit under this Part.

“Aggressor Animal” means any animal that has on at least one occasion, worried, attacked, injured or killed a person, Livestock or any other animal, or that is for any reason determined by the City to be a risk to any person, Livestock or any other animal.

“Animal Retention Centre” means any place designated by the City for the impoundment and care of any animal for the purposes of enforcing this By-Law.

“Apiary” means any place where bees are kept.

“Bees” means the insect

- (a) *Apis mellifera*, or
- (b) *Megachile rotundata*;

“Beekeeper” means any person who owns or has in their possession bees or beekeeping equipment and is registered as a beekeeper under Manitoba’s Bee Act or any successor Act.

“Beekeeping Permit” means a beekeeping permit that has been approved by the City.

“Bite” means wound to the skin causing it to bruise, puncture, or break.

“By-Law Enforcement Officer” means a person appointed by the City with the responsibility of enforcing by-laws of the City of Selkirk or designated officer.

“Cat” means a member of the subspecies *Felis catus* (domesticus).

“City” means the City of Selkirk.

“Chief Administrative Officer” means the Chief Administrative Officer (CAO) for the City of Selkirk as designated by By-Law.

“Companion Animal” means an animal that is not Livestock or Prohibited Animal.

“Council” means the Council of the City of Selkirk.

“Current Rabies Vaccination” means to an animal being vaccinated for rabies by a veterinary professional within the last 12 months.

“Dangerous Animal” means any animal that has worried, attacked, injured or killed a person, Livestock or any other animal, or is determined by the City to be a risk to any person, Livestock or other animal, and declared a Dangerous Animal under this By-Law.

“Dangerous Animal Agreement” means an agreement between an animal Owner and the City outlining the conditions under which a person can keep an animal declared a Dangerous Animal within the City.

“Director” means the Director of Protective Services, the CAO or designate.

“Dispose” means the disposition of an animal to which this By-Law applies, through the following means:

- (a) adopting the animal to an person in accordance with policies developed or approved by the CAO;
- (b) releasing the animal to the care of an Animal Rescue Organization; and/or
- (c) euthanizing the animal.

“Dog” means any member of the genus *Canis familiaris*.

“Excess Animal Permit” means a permit approved by the City allowing an animal owner to have more animal on a premise than allowed under this by-law.

“For-Profit Kennel” means

- (a) premises where more than the prescribed number of Companion Animals are kept, and,
 - i. the Owner or operator of the premises receives a fee for keeping the Companion Animals; or
 - ii. the Companion Animals are kept in connection with a commercial enterprise that is not exempt under the Manitoba Animal Car Regulations; or
- (b) premises operated as a pound, animal shelter or animal rescue facility, or premises operated for a similar purpose that are designated in the Manitoba Animal Care Regulation; or,
- (c) Owner of the kennel operates a facility that has an approved business license and conditional use permit obtained from the City.

“Livestock” means those animals listed under Schedule A.

“Harbouring” means keeping an animal in contravention of this By-Law.

“Identifiable” means that an animal is tattooed, microchipped, wearing an id tag, has a dog license, or there is another means of identifying the animal’s Owner.

“Kennel” means a structure or shelter used to confine or house animals.

“Livestock” means an animal that is not permitted to be Harboured or kept in the City as listed under Schedule A.

“Mitigating Factor” means a circumstance which excuses aggressive behavior of a Dog, and may include the following circumstances:

- (a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- (b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or a domestic animal trespassing on the property of its owner; or,
- (c) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.

“Nuisance” means the activities of an animal, as determined by the City which cause annoyance or damage and may include, noise, damage to property, injury or death to other animal’s, or territorial marking by the animal.

“Occupant” means someone living in a residence or using the premises as a tenant or an owner.

“Owner” means any person who:

- (a) is identified on the animal’s license as the owner of the animal; or
- (b) has the legal title to the animal; or
- (c) owns, keeps, Harbours or has possession or control of an animal; or
- (d) who owns, leases or occupies, either solely or jointly with others, any premises containing the animal.

“Off-leash Area” means an area that has been designated by the City as an area where Dogs are not required to be leashed.

“Premises” means a building, dwelling, house, vehicle, structure, yard or property.

“Prohibited Animal” means an animal that is not permitted to be Harbored or kept in the City as listed under Schedule B.

“Pursue” means to chase in an aggressive or menacing manner.

“Recipient” means a person receiving a fee or charge for contravention of an section of this By-Law.

“Running at Large” or “Run at Large” means an animal that is not:

- (a) under the direct 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.

“Service Animal” means an animal that has been is legitimately trained and certified to aid a person with a disability that relates to that person’s disability or as is described in the Service Animals Protection Act.

3. ESTABLISHMENT OF ANIMAL RETENTION CENTRE

- 3.1. The Chief Administrative Officer shall establish and maintain an Animal Retention Centre (ARC) for the housing and care of animals apprehended pursuant to the enforcement of this By-Law or enter into an agreement to establish and maintain an Animal Retention Centre (ARC).
- 3.2. The Animal Retention Center shall adhere to any criteria included in the Animal Care Act or any other applicable legislation.

4. DOG OWNERS’ RESPONSIBILITIES

- 4.1 The Owner of a Dog that is in the City must:
 - 4.1.1 ensure that the Dog does not Run at Large,
 - 4.1.2 ensure that the Dog is under control at all times,
 - 4.1.3 ensure that the Dog is kept on a leash, except when it is:
 - 4.1.3.1 on the Owner’s property;
 - 4.1.3.2 on the property of another person who has consented to the presence of the unleashed Dog; or
 - 4.1.3.3 in an Off-Leash Area as designated by the City.
 - 4.1.4 not own, keep, Harbour, or possess any Dog determined to be a Dangerous Animal, unless it is always kept in accordance with the provisions of Section 12,
 - 4.1.5 ensure the Dog has a Current Rabies Vaccination and provide a certificate of vaccination or, when requested by a By-Law Enforcement Officer, provide a written statement from a veterinarian declaring that vaccinating the Dog for rabies is not advisable for medical reasons.

- 4.1.6 ensure that the Dog does not bark or howl or otherwise disturb the quiet of any person for an extended period of time,
- 4.1.7 where the Dog defecates on any property other than the property of the Owner, remove the excrement immediately in a sanitary manner,
- 4.1.8 ensure that the Dog does not damage public or private property,
- 4.1.9 ensure that the Dog is not in any area where dogs are prohibited by posted signs,
- 4.1.10 ensure that the Dog does not pursue, bite, wound, or injure any person or animal,
- 4.1.11 report to the City any instance where a bite or wound incident has occurred,
- 4.1.12 ensure that the Dog does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles,
- 4.1.13 ensure that a female Dog in heat is confined on the Owner's property during the entire time that she is in heat,
- 4.1.14 produce the Dog to a By-law Enforcement Officer upon request,
- 4.1.15 must ensure that a Dog left unattended in a motor vehicle or if in a motor vehicle:
 - 4.1.15.1 is restrained in a manner that prevents contact between the animal and any member of the public; and
 - 4.1.15.2 the Dog has suitable ventilation; and,
 - 4.1.15.3 shall not leave the Dog unattended in a motor vehicle if the weather conditions are not suitable for containment of the Dog as determined by a By-Law Enforcement Officer.

4.2 The City may at its discretion remove or lessen the requirements for a Dog Owner when appropriate in order to comply with Manitoba's Service Animals Protection Act, the Animal Care Act or any other applicable legislation.

5. DESIGNATED OFF LEASH AREA

- 5.1 An Owner of a Dog is not required to have the Dog on a leash in an area which has been designated as an "Off Leash Area" by the City. When the dog is in an Off-leash Area, the owner of a Dog must:
- 5.1.1 ensure compliance with the licensing requirements,
 - 5.1.2 be present and always have the Dog within view,
 - 5.1.3 ensure that the Dog is not in heat,
 - 5.1.4 remove the Dog from the Off-leash Area immediately if the Dog is in heat or acts in a dangerous or aggressive manner towards humans or other Dogs,
 - 5.1.5 ensure that the Dog comes when called,
 - 5.1.6 have a leash available to restrain the Dog,
 - 5.1.7 remedy any harm caused by the Dog, including filling in holes dug by the Dog,
 - 5.1.8 immediately remove and properly dispose of any excrement left by the Dog.
 - 5.1.9 remove the Dog if requested to do so by a City staff.

6. LICENSING OF DOGS

- 6.1 The Owner of every Dog within the City, over the age of four months, shall obtain a dog license and renew it annually.
- 6.2 The dog license may be obtained from the City or by any participating veterinary clinic or animal hospital within the City.
- 6.3 The license will be valid for the period commencing January 1st each year and expire on December 31st each year.
- 6.4 Where the license tag is lost or damaged, the owner shall apply for a replacement license tag.

- 6.5 Where a change in ownership of a Dog occurs during the license year, the new Owner shall have the current license transferred to their name.
- 6.6 The Owner of a Dog shall ensure that his or her Dog wears a valid licence tag when not on the Owner's property.
- 6.7 Unless they are By-Law Enforcement Officer, veterinarian, the Dog's Owner or has the consent of the Dog's Owner, no person may remove a licence tag worn by a Dog.

7. CAT OWNER RESPONSIBILITIES

- 7.1 The Owner of a Cat that is in the City must:
 - 7.1.1 ensure that the Cat does not Run at Large,
 - 7.1.2 ensure that the Cat is kept on a leash, except when it is
 - 7.1.3 on the Owner's property; or
 - 7.1.4 on the property of a person who has consented to the presence of the Cat,
 - 7.1.5 ensure the Cat has a Current Rabies Vaccination and provide a certificate of vaccination or provide a written statement from a veterinarian declaring that vaccinating, or when requested by a By-Law Enforcement Officer, provide a written statement from a veterinarian declaring that vaccinating the Cat for rabies is not advisable for medical reasons,
 - 7.1.6 ensure that the Cat does not meow or howl or otherwise disturb the quiet of any person for an extended period of time,
 - 7.1.7 where the Cat defecates on any property other than the property of the Owner, remove the excrement immediately in a sanitary manner,
 - 7.1.8 ensure that the Cat does not damage public or private property,
 - 7.1.9 ensure that the Cat does not bite, wound or otherwise injure any person or animal,
 - 7.1.10 ensure that the Cat does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacle; and,
 - 7.1.11 ensure that a female Cat that is in heat is confined on the Owner's property during the entire time that she is in heat.

8. MAXIMUM NUMBER OF DOGS AND/OR CATS

- 8.1 Unless designated as an approved For-Profit Kennel business by the City, no person shall own, Harbour, keep or have in his possession or control or on premises, more than four (4) Companion Animals over the age of four (4) months, only two (2) of which may be dogs, regardless of the number of people who may be inhabiting the premises.
- 8.2 Section 8.1 shall not apply to premisses which are located in areas where Livestock may be kept as permitted by the City's Zoning By-Law. However, where in the opinion of the By-Law Enforcement Officer, the number of Companion Animals on any such premises constitutes a danger or health hazard to the public or to the Companion Animals in question or other animals, the By-Law Enforcement Officer shall direct the Owner or occupant of the premises to reduce the number of Companion Animals thereon to the maximum number permitted in other areas of the City of Selkirk by this By-Law.
- 8.3 Should the Owner or occupant fail to decrease the number of Companion Animals on the premises, the By-Law Enforcement Officer shall be entitled to enter the premises to apprehend and impound as many Companion Animals as are necessary to reduce the number of remaining Companion Animals to the maximum allowable number as stated by this By-Law.
- 8.4 Section 8.1 shall not apply to a premises that has obtained an approved Excess Animal Permit including payment of any applicable fee as determined by the City.

8.5 An Excess Animal Permit:

8.5.1 shall be renewed annually,

8.5.2 is valid for the period commencing January 1st each year and expire on December 31st each year; and,

8.5.3 shall be subject to any conditions deemed appropriate by the City.

9. IMPOUNDMENT OF ANIMALS

9.1 A By-Law Enforcement Officer is authorized to capture and impound an animal which they find Running at Large.

9.2 A By-Law Enforcement Officer is authorized to impound an animal that has been turned over to the City as having been Running at Large if the By-Law Enforcement Officer has reasonable grounds to believe that the animal was in fact Running at Large.

9.3 If an animal impounded under sections 9.1 or 9.2 is Identifiable, the By-Law Enforcement Officer must make reasonable effort to notify the Owner of the animal's impoundment.

9.4 Unless an animal is redeemed under Section 13 (Redemption of Animals) a By-Law Enforcement Officer shall keep any impounded Companion Animal, which is to the knowledge of the By-Law Enforcement Officer a domestic pet, for a minimum period of:

9.4.1 three (3) days business days; and

9.4.2 notwithstanding Clause (a), where an animal is identifiable, the animal shall be impounded until such time as the Owner has been contacted or for a period of seven (7) days, at the discretion of the By-Law Enforcement Officer.

10. CARE FOR ANIMALS IN NEED OF PROTECTION

10.1 A By-Law Enforcement Officer may take an animal into the custody whose Owner is unable to provide it with proper care due to the Owner's mental or physical illness, incarceration, death or for any other reason.

10.2 Unless the animal in custody is a Prohibited Animal, A By-Law Enforcement Officer may release an animal referred to section 10.1 into the care of a designated caregiver as identified by the animal's Owner or any other person they consider to be able and willing to care for the animal on condition that the person agrees to return the animal to the Owner if and when the Owner is able to care for the animal.

10.3 If a By-Law Enforcement Officer has not released the animal under section 10.2 within ten days after the animal was taken into custody, the CAO may Dispose of the animal in any approved manner.

11. QUARANTINE FOR RABIES OBSERVATION

11.1 If a By-Law Enforcement Officer suspects that an animal has been exposed to rabies or an animal bites a person or another animal so that the skin is broken, a By-Law Enforcement Officer is authorized to capture, impound, and quarantine the animal for a period of no less than ten days for observation.

11.2 If a By-Law Enforcement Officer gives notice to the Owner of an animal which is acting under the authority of 11.1, the Owner must surrender the animal for impoundment and quarantine immediately.

- 11.3** The By-Law Enforcement Officer is authorized to permit the Owner of the animal, at the Owner's expense, to
- 11.3.1** have the animal quarantined at a veterinary clinic within the City; or,
 - 11.3.2** have the animal quarantined on the property of its Owner. The By-Law Enforcement Officer may impose conditions on a quarantine required by this section that are reasonable to ensure that the animal is appropriately confined during the quarantine.
- 11.4** If an animal is quarantined at the City's Animal Retention Centre or on the property of its Owner, a By-Law Enforcement Officer must observe it for symptoms of rabies. If it is quarantined at a veterinary clinic, the veterinarian must observe it for symptoms of rabies. If, during the quarantine period, it is determined to have rabies, the animal must be euthanized. The animal's body must then be examined for proof of rabies at the expense of the Owner.
- 11.5** An animal quarantined at the Animal Retention Centre, unless it is determined to have rabies, may be redeemed after the mandatory period of impoundment and quarantine has ended at the expense of the Owner.
- 12. DANGEROUS ANIMALS**
- 12.1** A By-Law Enforcement Officer is authorized to impound an animal if:
- 12.1.1** there is evidence that the animal has acted in a dangerous or aggressive manner toward humans or animals; and/or
 - 12.1.2** the By-Law Enforcement Officer determines that leaving the animal in the keeping of its Owner could pose a danger to humans or animals.
- 12.2** Rather than impounding an animal under 9.1, the By-Law Enforcement Officer may impose conditions on the animal's Owner to minimize any threat posed pending a determination of Dangerous Animal Designation.
- 12.3** The Director is authorized to designate an animal as dangerous if they conclude that the animal is likely to cause harm or injury to persons or animals. In making a Dangerous Animal designation, the Director must consider:
- 12.3.1** any recent incident in which the animal has pursued, caused harm or injury to persons or animals; or
 - 12.3.2** the nature of any incidents, current or past, including the seriousness of any harm or injury caused by the animal,
 - 12.3.3** all the circumstances of any incidents including Mitigating Factors; and
 - 12.3.4** the behaviour of the animal since the incident.
- 12.4** Before making a Dangerous Animal designation, the Director must:
- 12.4.1** give notice to the animal's Owner that the animal will be designated a Dangerous Animal; and,
 - 12.4.2** give the animal Owner reasonable opportunity, at their own expense, to have the animal assessed by an accredited professional that has been approved by the City.
- 12.5** An Owner who believes that their animal may be dangerous, may enter into a Dangerous Animal Agreement with the City on their own accord at the discretion of the City.
- 12.6** Owners of an animal determined to be a Dangerous Animal must enter into a Dangerous Animal Agreement and comply with the following conditions:
- 12.6.1** ensure that, while on the Owner's property, the animal is kept securely confined indoors; or is kept in a securely enclosed area which prevents the animal from escaping and children under 18 from entering,
 - 12.6.2** not permit the animal off the Owner's property unless it is muzzled and restrained by a leash or chain which is held by a person capable of controlling the animal,

- 12.6.3 notify a By-Law Enforcement Officer immediately if:
 - 12.6.3.1 the animal is Running at Large;
 - 12.6.3.2 the animal has harmed any person or animal,
 - 12.6.4 provide a By-Law Enforcement Officer with the name and address of the new owner within two working days of selling or giving away the animal,
 - 12.6.5 notify a By-Law Enforcement Officer of the animal's death within two days of death,
 - 12.6.6 pay all licence fees for the animal and maintain a valid and current licence,
 - 12.6.7 permanently and prominently display at each entrance to the property and any building in which a Dangerous Animal is kept, a sign approved by a By-Law Enforcement Officer warning visitors of the presence of a Dangerous Animal,
 - 12.6.8 provide to the Director a certificate of a policy of comprehensive liability insurance which provides coverage in the amount of no less than \$1.0 million for harm or injury caused by the Dangerous Animal; and/or,
 - 12.6.9 adhere to any additional requirements identified in the Dangerous Animal Agreement as prescribed at the City's sole discretion.
- 12.7 The Director may decide as to whether an animal is exceptionally dangerous and should be euthanized where:
- 12.7.1 the animal:
 - 12.7.1.1 has repeatedly bitten, clawed or otherwise attacked a person(s) or animals,
 - 12.7.1.2 has engaged in an exceptionally brutal attack on a person or an animal,
 - 12.7.1.3 after having been designated as "dangerous", has caused injury or pursued persons or animals; or
 - 12.7.1.4 has demonstrated other behaviour that causes reasonable fear that the animal may be exceptionally dangerous; or
 - 12.7.2 the Owner of an animal that has been designated as dangerous fails to comply with the restrictions imposed.
 - 12.7.3 they conclude that the animal's behaviour is such that it poses a serious risk to the safety of persons or animals that cannot be adequately addressed by restrictions imposed with respect to a Dangerous Animal; or,
 - 12.7.4 the Owner refuses to comply with restrictions that the Director, or delegate, concludes are necessary to protect the safety of persons or animals.
- 12.8 An animal impounded under subsection (1) is not eligible to be redeemed until:
- 12.8.1 the Director has determined that the Dog should neither be designated as dangerous nor destroyed as exceptionally dangerous under section 12.3; or,
 - 12.8.2 the Director has designated the animal as dangerous and its Owner has entered into a Dangerous Animal Agreement.
- 12.9 Where the Director has determined that an animal impounded under this section should be euthanized as exceptionally dangerous the animal must continue to be impounded until either it is destroyed or the determination that the animal should be euthanized is overturned on appeal.
- 12.10 The Owner of an animal that is designated as dangerous or exceptionally dangerous may appeal the designation or euthanasia to the CAO through appeal form within three (3) days of being notified of the decision.
- 12.11 If the Owner of an animal that has been designated as dangerous under this section fails to comply with the requirements or any other remedies, a By-Law Enforcement Officer is authorized to immediately impound the animal and administer the appropriate charge as listed in the City's Administrative Penalties By-Law.
- 12.12 If an animal that has been determined to be exceptionally dangerous under this section is not impounded at the time the determination is made, its owner must euthanize the dog, surrender it to a By-Law Enforcement Officer or remove the animal from the City of Selkirk permanently within 24 hours of being given notice of the determination.

- 12.13** If an animal has been determined to be exceptionally dangerous, unless its Owner complies with section 12.10, the Director may have the dog euthanized if:
- 12.13.1** the Owner fails to appeal the determination, as soon as the appeal period expires; or,
 - 12.13.2** the Owner appeals the determination, and the decision is upheld.

12.14 Sections 9 and 12 of this By-Law do not apply to any dog owned by a recognized law enforcement agency permitted to exercise authority within the City.

13. REDEMPTION OF IMPOUNDED ANIMALS

13.1 The Owner of an animal that has been impounded under this By-Law may redeem it if they can demonstrate to be the Owner of the animal.

13.2 In order to redeem an impounded animal, its Owner must:

- 13.2.1** pay all applicable penalties and fees,
- 13.2.2** if the animal requires a licence, obtain a licence,
- 13.2.3** if the animal requires a rabies vaccine, obtain a vaccine,
- 13.2.4** comply with any conditions imposed due to Dangerous Animal designation,
- 13.2.5** follow any condition required to remain compliant with this By-law; and, comply with condition of redemption imposed by a By-Law Enforcement Officer.

14. LIVESTOCK

14.1 The keeping of Livestock is only permitted in those areas of the City which are zoned agricultural unless otherwise permitted by the City's Zoning By-Law or Council Resolution.

14.2 No person shall ride or drive their Livestock on any publicly owned property (including but not limited to streets, parks or sidewalks) unless permitted by Council Resolution.

14.3 No person shall permit his or her Livestock to Run at Large within the City.

14.4 The Director may establish temporary or permanent premises for the confinement of Livestock apprehended pursuant to the provisions of this By-Law.

14.5 The Owner of the Livestock shall not be entitled to the redeem apprehended Livestock until the costs incurred by the City in apprehending, impounding, and caring for the Livestock including fines imposed pursuant to this By-Law, and any veterinary fees that have been incurred, have been paid in full.

14.6 If no person claims the Livestock within ten days of the date of the notice of impoundment, or if the Owner has not paid the costs and fines referred to in 14.5, the By-Law Enforcement 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 City.

14.7 The City may grant a Livestock Permit to allow Livestock and/or Prohibited Animals to be kept in the City for the purpose of public enjoyment, education, and any other reason deemed appropriate by the Chief Administrative Officer subject to such conditions as may be imposed.

15. BEES AND BEEKEEPING

15.1 The keeping of bees may be permitted in areas of the City when the person has an approved Beekeeping Permit and is subject to any provisions listed in the approved permit.

- 15.2** Beekeeping Permits are only valid for the property listed on an approved permit.
- 15.3** Beekeeping Permits must be renewed annually by the registered Beekeeper.
- 15.4** The City may choose to keep Bees on City owned property or on properties where a formal agreement has been made with the property owner and does not require a Beekeeping Permit.
- 15.5** All Beekeepers must comply with requirements listed under the Manitoba Bee Act or any successor Act or Regulation.
- 15.6** Beekeeping activities must be compatible with residential activities in the area. Should the City determine that the activities of a Beekeeper are causing detrimental effects to the surrounding area, the City may revoke any Beekeeping Permits and require the removal of all Apiary's associated with the permit at the cost of the Beekeeper.
- 16. PROHIBITED ANIMALS**
- 16.1** No person shall keep, Harbor, possess or control any Prohibited Animals unless otherwise permitted by Council Resolution.
- 16.2** Notwithstanding 16.5, the CAO or designate may permit the Harboring of a Prohibited Animal(s) for no more than three (3) days under conditions and for events that they deem appropriate.
- 16.3** If deemed necessary in the interests of public safety, a By-Law Enforcement Officer may apprehend and impound any Prohibited Animal.
- 16.4** Where the City has reasonable grounds to believe that a person has possession of a Prohibited Animal within the City, they shall serve the person with an order in writing to dispose of the Prohibited Animal within fourteen days or such shorter period as the circumstances may require. The Owner shall dispose of the Prohibited Animal in accordance with any conditions imposed in the order.
- 16.5** The onus shall be on the person upon whom an order has been served to establish that the animal is not a Prohibited Animal.
- 16.6** Where the person has failed to establish either that the animal is not a Prohibited Animal refuses to dispose of the Prohibited Animal within the time frame of the order, the By-Law Enforcement Officer may take all steps reasonable in removing and Disposing of the Prohibited Animal. A By-Law Enforcement Officer may engage the assistance of other qualified persons if required to safely apprehend the Prohibited Animal.
- 16.7** A By-Law Enforcement Officer is authorized to seize and impound a Prohibited Animal immediately where the animal is Running at Large or where the By-Law Enforcement Officer considers:
- 16.7.1** the animal poses a danger to people or property; or,
- 16.7.2** it is likely to be concealed by its owner to prevent enforcement.
- 16.8** Unless it is redeemed earlier, a By-Law Enforcement Officer shall impound a Prohibited Animal for a minimum period of three (3) consecutive days.
- 16.9** If a Prohibited Animal has been impounded for three (3) days without having been redeemed, the By-Law Enforcement Officer is authorized to Dispose of the animal in any manner that they deem appropriate.

17. ADMINISTRATION, ENFORCEMENT AND GENERAL PROVISIONS

- 17.1** No person other than the CAO or Director may:
- 17.1.1** attempt to obstruct a By-Law Enforcement Officer who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law;
 - 17.1.2** release or attempt to release an animal that has been captured by a By-Law Enforcement Officer that is being held for impoundment; or
 - 16.1.3** remove or attempt to remove any animal from the possession of a By-law Enforcement Officer.
 - 16.1.4** remove or attempt to remove an animal impounded at the Animal Retention Centre without the authority of a By-Law Enforcement Officer.
- 17.2** No person other than the Owner of an animal or with the consent of the Owner may free an animal which has been tied or otherwise restrained.
- 17.3** No person shall maintain a For-Profit Kennel in the City of Selkirk, except as permitted in the City Zoning By-Law and any regulations or by-laws imposed or enforced by the City or any planning board of jurisdiction.
- 17.4** When a By-Law Enforcement Officer intends to issue a contravention notice to a person for a contravention of this By-Law, the person must provide identification to establish the person's name and address.
- 17.5** The Owner of any animal that has bitten any person or any other animal shall present the said animal to the door of their dwelling upon the request of the By-Law Enforcement Officer, to assist the By-Law Enforcement Officer to apprehend and impound the said animal.

18. OFFENSES

- 18.1** Without limiting any provisions of this By-Law, the following shall constitute offences under this By-law:
- 18.1.1** allowing or failing to prevent an animal from Running at Large;
 - 18.1.2** failing to comply with animal Owner licensing requirements;
 - 18.1.3** keeping or Harboring Companion Animals in excess of the maximum number permitted by this By-Law;
 - 18.1.4** failing to comply with an order of the By-Law Enforcement Officer to Dispose of any Dogs or Cats in excess of the prescribed limit;
 - 18.1.5** failing to report a bite, wound or worry incident to the City;
 - 18.1.6** failing to voluntarily surrender an animal to the By-Law Enforcement Officer upon a request therefor;
 - 18.1.7** failure by an Owner to discharge the duties of an Owner as set out in subsection 2(1) of The Animal Care Act (Manitoba);
 - 18.1.8** keeping or Harboring any Prohibited Animal within the City;
 - 18.1.9** failing to properly vaccinate an animal against rabies;
 - 18.1.10** failing to comply with any requirements of this By-Law in relation to an aggressor animal or a Dangerous Animal; and/or,
 - 18.1.11** interfere or obstruct a By-Law Enforcement Officer, a police officer or any other person authorized to apprehend and impound an animal in the execution of their duty.
- 18.2** Any resident of the City may apprehend and confine an animal which is Running at Large on his property, provided they immediately contact the By-Law Enforcement Officer of the apprehension and confinement.

18.3 No liability shall attach to City staff in carrying out their respective duties under this By-Law.

19. DUTIES OF BY-LAW ENFORCEMENT OFFICER

19.1 It shall be the duties of the By-Law Enforcement Officer to:

- 19.1.1** apprehend and confine at the Animal Retention Centre, any animal Running at Large within the City contrary to the provisions of this By-Law;
- 19.1.2** 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;
- 19.1.3** enforce the provisions of this By-Law;
- 19.1.4** ensure all apprehended animals are provided food, clean water, adequate shelter and a safe and sanitary environment;
- 19.1.5** maintain the Animal Retention Centre in a consistent manner with The Animal Care Act (Manitoba), 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 care;
- 19.1.6** keep a record of every animal impounded, which record shall include the following minimum information:
 - 19.1.6.1** a description in reasonable detail of the animal,
 - 19.1.6.2** the day and hour of its impoundment,
 - 19.1.6.3** the details of its redemption or disposition,
 - 19.1.6.4** the name and address of the Owner and the license number on the animal's tag (if applicable); and,
 - 19.1.6.5** 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.
 - 19.1.6.6** collect all fees and charges charged in accordance with the provisions of City of Selkirk Fees and Charges By-law No. 5337 or successor By-law; and City of Selkirk Administrative Penalties By-law No. 5296 or successor By-law.
 - 19.1.6.7** make suitable arrangements for the temporary impoundment and disposition of any animal other than a Companion Animal that is apprehended within the City.

19.2 After expiration of the minimum period of impoundment a Companion Animal has not been redeemed, it will be the duty of the By-Law Enforcement Officer to do one of the following with the impounded animal:

- 19.2.1** dispose of the impounded animal to an Animal Rescue Organization;
- 19.2.2** cause the impounded animal to be euthanized; or;
- 19.2.3** any other method that the By-Law Enforcement Officer deems appropriate.

19.3 Notwithstanding any provision of this By-law, the By-Law Enforcement Officer is authorized to euthanize an impounded animal or an animal within the custody of the City where, in consultation with a veterinarian, determines that:

- 19.3.1** euthanasia constitutes a humane measure to end the animal's suffering;
- 19.3.2** the animal is suffering from a terminal illness which will shortly end in death; or,
- 19.3.3** the costs of necessary veterinary or other care for the animal would be significant and are unlikely to be reimbursed by the animal's Owner.

19.4 By-Law Enforcement Officers have the authority, after reasonable notice to the Occupant, to enter a property to examine or capture and impound an animal to enforce this By-law.

19.5 If a By-Law Enforcement Officer has not released the animal under Section 10 within ten (10) days after the animal was taken into custody the Director, or delegate, may Dispose of the animal in any manner they consider appropriate.

20. CHIEF ADMINISTRATIVE OFFICER DELEGATED AUTHORITY

- 20.1** The Chief Administrative Officer is delegated the authority to, at their discretion, make regulations, policies, procedures and practices, initiate works, and establish fees and charges that they consider necessary to implement and carry out the purpose and responsibilities of this By-law. Such CAO actions may refine and clarify clauses of this By-Law to ensure its practical application.
- 20.2** The CAO may use a reasonable interpretation of this By-Law to address specific situations where literal application of this By-Law may be inconsistent with its intention provided such interpretation is equitably and consistently applied.

21. FEES, CHARGES AND COSTS

- 21.1** Fees and charges, and costs associated with the enforcement of this By-law, shall be set as provided in the Fees and Charges By-Law and Polices and/or the City's Administrative Penalties By-law or successor Policy or By-law as amended from time to time.
- 21.2** A Recipient who contravenes this By-law may be liable for any fees, charges or costs associated with or resulting from enforcing this By-law, in addition to any administrative penalty.
- 21.3** Any costs associated with or resulting from enforcing this By-law are in addition to any administrative penalty and are an amount owing to the City of Selkirk and may be collected in any manner as provided for in *The Municipal Act* and *The Municipal By-Law Enforcement Act* and its Regulations.

22. ADMINISTRATIVE PENALTIES BY-LAW APPLIES

Contraventions of this By-Law are subject to the Administrative Penalties By-Law.

23. CONTRAVENTIONS AND PENALTIES

- 23.1** Penalties associated with the enforcement of this By-Law, shall be set as provided in the City's Administrative Penalties By-Law or successor By-Law.
- 23.2** The administrative penalties for each contravention may be as set out for a designated enforcement By-law as first, second and third offences which increase incrementally to a maximum as set out.

24. BY-LAW REVIEW

This By-law shall be reviewed no less than every five years from the date it is passed.

25. SEVERABILITY

The invalidity of any provisions of this By-law with an Act or Regulation in force in the Province of Manitoba or a decision of Court, shall not affect the validity or enforceability of any other provisions of this By-law, which shall remain in full force and effect.

26. REPEALING BY-LAW

By-law 4980, being a By-law to provide for the regulation and control of animal within the City of Selkirk, is hereby repealed.

27. SUNSET

This By-law shall continue in force and effect until repealed.

28. EFFECTIVE DATE

The effective date of this By-law shall be the day after it is passed.

29. AUTHORITY

The Municipal Act provides as follows:

85(1) A council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the head of council, a council committee, the chief administrative officer or a designated officer, unless the by-law or Act otherwise provides.

231 The power given to a council under this Division to pass by-laws is stated in general terms

- (a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers
- (b) to enhance the ability of the council to respond to present and future issues in the municipality.

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) subject to section 233, activities or things in or on private property;
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (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;
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- (e) 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,
 - (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;

(f) 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;

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 contraventions 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 subclause (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 subclause (iv),

239(3) In any emergency or extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses 1(a) and (c) without the consent of the owner or occupant.

The *Animal Liability Act* provides as follows:

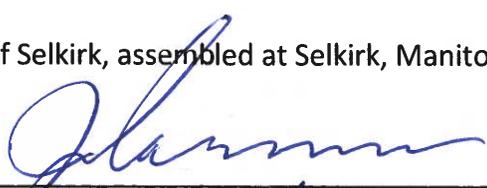
5(1) Except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large.

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

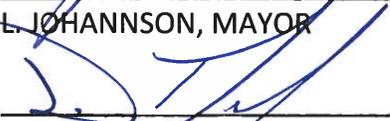
5(3) A municipality that makes a by-law referred to in subsection (1) is not liable, by reason only of having made the by-law, for damages for any harm that an animal causes to a person or property while running at large in the manner permitted under the by-law.

READ A FIRST TIME THIS 27th DAY OF September, 2021.
READ A SECOND TIME THIS 25th DAY OF October, 2021.
READ A THIRD TIME THIS 25th DAY OF October, 2021.

DONE AND PASSED by the Council of the City of Selkirk, assembled at Selkirk, Manitoba, this 25th day of October, 2021.



L. JOHANNSON, MAYOR



D. NICOL, CHIEF ADMINISTRATIVE OFFICER

**BY-LAW NO. 5358
SCHEDULE A**

PROHIBITED LIVESTOCK ANIMALS WITHIN THE CITY OF SELKIRK

- dairy cattle and beef cattle, goats, sheep, bison and horses;
- swine (including, wild boar);
- all cervids on game production farms;
- all the family Camilidae (including, Llamas and Alpacas);
- all domestic poultry (including but not limited to, chickens, turkeys, ducks and geese);
- specialty fowl (including, guinea fowls; and
- insect used for commercial purposes (excluding bees);
- any other animals that are of a species or kind prescribed as livestock or commercial animals in the regulations pursuant to The Animal Liability Act;
- any other animal determined by the City to be livestock for the purposes of this By-Law.

BY-LAW NO. 5358
SCHEDULE B

PROHIBITED ANIMALS WITHIN THE CITY OF SELKIRK

- pigeons
- any member of the order Primate except a human being;
- any member of the order Carnivora except dogs, cats and domestic ferrets (*mustela putorius furo*), but including all hybrids of dogs and cats;
- any venomous or harmful insect,
- any member of the order Crocodylia,
- any constrictor snake,
- any venomous reptile or amphibian;
- any wild animal or wildlife as defined in The Wildlife Act; and;
- any other animal determined by the By-law Officer to be a prohibited animal, other than a dog, cat or livestock;
- any other animals that are of a species or kind prescribed as livestock or commercial animals in the regulations pursuant to The Animal Liability Act;
- any other animal determined by the City to be livestock for the purposes of this By-Law