

## MUNICIPALITY OF GRASSLAND

### BY-LAW NO. 06-2022

BEING a By-law of the Municipality of Grassland for the regulation and control of animals within the villages and towns of the Municipality.

WHEREAS the Municipality of Grassland is empowered under the Animal Care Act, the Animal Liability Act, and the Municipal Act, to regulate the keeping of animals, including dogs and cats and other animals;

AND WHEREAS it is deemed expedient and in the public interest to regulate and control animals in the Municipality of Grassland;

NOW THEREFORE the Council of the Municipality of Grassland in regular session assembled, enacts as follows:

#### TITLE

That this By-Law be referred as the "Animal Control By-Law"

#### PART 1 - DEFINITIONS AND INTERPRETATION

1(1) In this by-law

**"aggressive animal"** means an animal with a propensity, tendency, or disposition to attack without provocation other domestic animals or persons;

**"animal"** means any animal that is kept in domestication or captivity

**"animal control officer"** means the person appointed by Council to enforce the provisions of the by-law, and includes any person acting as an assistant to, or under the direction of the Animal Control Officer authorized by the Council;

**"cat"** means an animal of the feline species;

**"dangerous dog"** means a dog that has worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or other animal, and that has been declared a dangerous dog under Part 4 of this by-law;

**"dog"** means an animal of the canine species;

**"kennel"** means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale. A kennel does not include a veterinary clinic, animal hospital, or animal pound;

**"livestock"** has the same meaning given to the term livestock in the Animal Liability Act;

**"Municipality"** means the Municipality of Grassland.

**"owner"** means any person who owns, possesses, or harbours an animal or a person who has care, custody or control of an animal;

**"pound"** means any enclosure, premises or place designated by Council for the impoundment and care of an animal for the purposes of enforcing this by-law;

**"poundkeeper"** means the person appointed by Council to operate and maintain a pound, and to carry out the duties of the poundkeeper as set out in this by-law;

**"running at large" or "run at large"** means in relation to an animal, that the animal is not under the direct, continuous and effective control of a person competent to control it, or not securely confined within an enclosure or securely fastened so that it is unable to roam at will;

**"settlement zone"** means the villages of Elgin, Fairfax, Grand Clairie, Lauder and the towns of Hartney and Minto.

1(2) The schedules attached to this by-law form part of this by-law.

## **PART 2 - ESTABLISHMENT OF POUND AND APPOINTMENT OF ANIMAL CONTROL OFFICER**

### **Appointment of animal control officer**

2(1) The Municipality may appoint one or more persons as animal control officer(s) to carry out the enforcement of this by-law.

### **Appointment of poundkeeper**

2(2) The Municipality may appoint one or more persons as poundkeeper(s) to carry out the duties of the poundkeeper(s) set out in this by-law.

### **Powers of the animal control officer and poundkeeper**

2(3) The animal control officer and poundkeeper may take steps to administer and enforce this by-law or to remedy a contravention of this by-law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Municipal Act, a by-law enforcement officer under the Municipal By-law Enforcement Act, and of an enforcement officer under the Provincial Offences Act.

2(4) The animal control officer and poundkeeper may enter property and buildings to carry out the administration and enforcement of this by-law including for determining what actions or measures a person must take in connection with any matter under this by-law, whether the actions or measures have been taken, to prevent the contravention of this by-law, to remedy a contravention of this by-law and to prevent a re-occurrence of a contravention.

2(5) The animal control officer may commence a prosecution under the Municipal Act, the Municipal By-law Enforcement Act, or the Provincial Offences Act for the purpose of enforcing a contravention of this by-law through an offence.

### **Duties of the animal control officer**

2(6) In carrying out their powers, the animal control officer may:

- (a) apprehend and confine at the pound, an animal running at large.
- (b) apprehend and confine an animal listed in Schedule "B" kept or harboured by, or in the possession or control of, a person.
- (c) apprehend an animal that has attacked or bitten another animal or person without provocation.
- (d) make a reasonable attempt to notify the owner of every animal impounded. If the identity of the owner is known, the attempt shall be by direct contact or by leaving a notice at the last known address of the owner in a form set out in Schedule "C". Where the identity of the owner is not known, the animal control officer shall have posted in the general office(s) of the Municipality and on the social media platforms of the Municipality a notice describing the animal, the date of apprehension and the date after which the animal will be sold, destroyed or otherwise disposed of.
- (e) enforce the provisions of this by-law.

### **Duties of the poundkeeper**

2(7) In carrying out their powers, the poundkeeper shall:

- (a) establish and maintain the pound in a manner in keeping with the Animal Care Act.
- (b) keep a record of every animal impounded, which record shall include the following minimum information:
  - (i) A description in reasonable detail of the animal including approximate weight, height and color as well as the order and breed of the animal;
  - (ii) The day and hour of its impoundment;
  - (iii) The day and hour of its redemption, sale, disposition or destruction, together with the details of redemption, sale, disposition or destruction;
  - (iv) The name and address of the owner (being the person to whom the animal was sold or released);
  - (v) The amount and particulars of all fees, fines and other charges invoiced to, and received from or on behalf of, the owner and the name and address of the payor (if different from the owner); and
  - (vi) Such other particulars as the Chief Administrative Officer of the Municipality shall direct from time to time.
- (c) collect all fees charged by the pound, and to remit all monies received by the pound to the Chief Administrative Officer of the Municipality, together with such reports and statements as the said Chief Administrative Officer may prescribe from time to time.
- (d) keep any impounded animal for a minimum period of:
  - (i) three days, which shall include the day of impoundment but shall exclude Sundays and any statutory holidays during which the pound is closed to the public, or
  - (ii) where the Municipality has entered into a contract with a private party for the operation of the pound, the minimum hold period established under the pound keeper's contract with the Municipality.
- (e) if, after expiration of the minimum period of impoundment set out above or in the contract with the Municipality, the animal has not been redeemed, the poundkeeper may do one of the following with the impounded animal:
  - (i) sell or otherwise dispose of the impounded animal to any person for an amount not less than the applicable pound and any other fees accrued in respect of the impounded animal as set forth in the by-law, unless such fees are otherwise waived by the Municipality or by the poundkeeper on the express authority of the Municipality; or
  - (ii) cause the impounded animal to be humanely destroyed, unless the Municipality agrees to or directs an extended period of impoundment, in which case the impounded animal will be held until the earlier of the date that it is sold or otherwise disposed or to a person in accordance with subsection (e)(i) above or until the extended period of impoundment, before it is humanely destroyed.
  - (iii) the poundkeeper may, at its sole cost and expense, keep an impounded animal for longer than the minimum impound period, and may sell or otherwise dispose of the impounded animal for an amount less than the applicable pound and any other fees provided however that the poundkeeper shall remain responsible to the Municipality for all amounts due to the Municipality under its contract with the poundkeeper.

## **PART 3: CONTROL OF DOGS AND CATS**

### **No Running at Large**

3(1) An owner who keeps a dog or cat must not permit or allow the animal to be elsewhere than on their property unless it is under the immediate charge and control of a responsible person. A person who keeps a dog or cat must not permit or allow the dog or cat to run at large.

### **Leashing of Dogs or Cats**

3(2) An owner who keeps a dog or cat must not permit or allow the dog or cat to be on a street or other public place unless the dog or cat is under the immediate charge and control of a responsible person by means of a leash.

### **Special Restrictions**

3(3) An owner of a female dog or cat in heat shall confine the animal to the premises of the owner or shall be housed in a licensed kennel, for the period of time the dog or cat is in heat. The confinement shall be in such a manner as to prevent contact between the dog or cat in heat and any other dog or cat, except when the owner voluntarily permits such contact.

### **Limiting the Number of Dogs or Cats in a Settlement Zone**

3(4) No person in a settlement zone shall own, harbour, keep or have in their possession or control on their premises, more than two dogs and two cats over the age of 4 months.

### **Kennels**

3(5) Kennels are prohibited in settlement zones and must abide by the Municipal Zoning By-law and all Provincial licensing requirements as laid out in *The Animal Care Act* for the establishment of kennels in other zones.

### **Clean Up of Excrement**

3(6) An owner shall not:

- (a) permit their dog or cat to defecate on property other than the property of its owner. Where a dog or cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith in a sanitary manner; or
- (b) permit their dog or cat to defecate on their property in a manner which constitutes an environmental or health hazard or a nuisance for neighbours.

### **Noise Control**

3(7) An owner shall not permit their dog or cat to bark, howl, caterwaul or in any way unduly disturb the quiet of any person.

### **Damages Done by Dogs or Cats**

3(8) An owner shall not permit their dog or cat to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog or cat, its owner may be liable for damages as outlined in subsection 2(1) of the Animal Liability Act.

### **Rabies Vaccination**

3(9) An owner shall ensure that their dog or cat has a current rabies vaccination that is no more than 3 years old. An owner is not required to ensure a current rabies vaccination where the owner produces, to the animal control officer's satisfaction, written confirmation from a licensed veterinarian certifying that the dog or cat cannot be vaccinated or has received a titre test showing it has adequate immunity. The animal control officer may request that an owner provide proof that the dog or cat has a current rabies vaccination.

## **PART 4 - BITING INCIDENTS, AGGRESSIVE ANIMALS AND DANGEROUS DOGS**

### **Muzzling and Securing Aggressive Animals**

4(1) A person who keeps an aggressive animal shall not permit or allow the animal to be on a street or other public place or on property other than the owner's property unless the animal is muzzled to prevent it from biting another animal or a person.

4(2) A person who keeps an aggressive animal shall, at all times, while the animal is on property owned or controlled by such person, securely confine the animal, either indoors or in an enclosed pen or other structure capable of preventing the entry of children and adequately constructed to prevent the animal from escaping or from biting another animal or person.

### **Dog or Cat Bites**

4(3) The animal control officer:

(a) shall apprehend, impound and place in quarantine a dog that they have reason to believe has bitten a person; and

(b) may apprehend a cat that they have reason to believe has bitten a person if such action is necessary for the protection of the public;

This provision does not apply to a police service dog owned by a public law enforcement agency while on duty and under the control of a qualified dog handler.

4(4) If the owner does not voluntarily surrender the dog or cat to the animal control officer, the animal control officer may apprehend and impound the dog or cat and, if necessary, apply for a warrant to enter the residence of the owner for the purpose of apprehending and impounding the dog or cat.

4(5) A dog or cat apprehended and impounded at the pound shall be quarantined for a minimum of 10 days at the owner's expense, starting from the date of impoundment (the "quarantine period").

4(6) Despite section 4(5), the animal control officer may authorize the owner of the dog or cat to quarantine the dog or cat in a place other than the pound, provided that such place is under the direct supervision of a licensed veterinarian and that the dog or cat shall remain at such place at the owner's expense for the quarantine period.

4(7) Subject to a determination by the animal control officer pursuant to subsection 4(10) hereof that the dog or cat is not dangerous, the dog or cat may be released to the owner after expiry of the prescribed quarantine period upon payment by the owner to the poundkeeper of the costs of enforcement plus a pound fee calculated in accordance with Fee Schedule By-law No. 08-2020. If the owner does not redeem the dog or cat from the pound within three days after expiry of the quarantine period, the dog or cat may be sold, or otherwise disposed of or destroyed at the discretion of the poundkeeper.

4(8) The animal control officer shall keep a record of all bite incidents, identifying the dog or cat and the details of the incident, and such record may be used in any hearing or appeal with respect to the dangerous animal provisions in this by-law.

4(9) The poundkeeper shall submit to the Canadian Food Inspection Agency for rabies examination, the head of any dog or cat quarantined for biting that dies while quarantined and prior to the veterinary examination required under section 4(10).

4(10) Every dog or cat shall be examined by a licensed veterinarian approved by the animal control officer prior to release from quarantine. The determination as to whether or not the dog or cat can be released from quarantine or must be destroyed or otherwise disposed of, shall be at the discretion of the animal control officer based upon the following factors:

- (a) the medical report of the licensed veterinarian who has examined the dog or cat;
- (b) whether or not the public health authorities are prepared to consent to the release of the dog or cat;
- (c) the severity of the bite incident, the circumstances surrounding the incident and the consequences of the incident;
- (d) whether or not the dog or cat is, in the opinion of the animal control officer, a dangerous dog or cat and, if so, whether or not the provisions of section 4(23) have been complied with;
- (e) proof that the dog or cat does not have rabies, and that the dog or cat has a current rabies vaccination at the date of the bite incident.

4(11) Despite section 4(5), it shall be within the discretion of the animal control officer to release a dog or cat prior to the expiry of the quarantine period and to impose conditions upon the release of a dog or cat from quarantine, which conditions may include:

- (a) the owner taking the necessary measures to ensure that the dog or cat is confined to the owner's premises in such a manner as to prevent escapes, and to ensure that all direct contact with other animals and persons other than the owner is avoided;
- (b) in the case of a dog, the owner posting in a conspicuous location at the entrance of the premises where the dog is confined, a sign which reads "Beware of Dangerous Dog";
- (c) the owner submitting the dog or cat for veterinary examination from time to time as may be prescribed by the animal control officer, and shall report the results of any such veterinary examination to the animal control officer;
- (d) in the case of a dog, the owner taking out and pay for such liability insurance on the dog as may be prescribed by the animal control officer;
- (e) such other conditions as the animal control officer may deem necessary or advisable in the interests of public safety.

**Determination that a dog is a dangerous dog**

4(12) Where the animal control officer has reason to believe that a dog, including a dog that has been the subject of action taken under this section, is a dangerous dog, the animal control officer shall arrange a hearing before Council at a Council meeting to determine whether the dog should be declared a dangerous dog under this by-law. If an owner voluntarily accepts the dangerous dog declaration and the recommended disposition of the matter made by the animal control officer, a hearing before Council may be dispensed with, and the recommended disposition of the animal control officer shall have the same meaning and effect as a decision of Council under this by-law.

4(13) Where it is deemed necessary by the animal control officer to protect the public or other animals pending the decision of Council, the animal control officer may:

- (a) if a dog is causing an immediate risk to any person, property or any other animal, the animal control officer is authorized to apprehend and impound the dog;
- (b) require that the dog be quarantined in the pound until the earlier of the date that the animal control officer determines that it is safe to release the dog to the custody of the owner or until Council hears the matter and issues its determination; or
- (c) impose all or any of the conditions set out in section 4(23) upon the owner's custody of the dog, which conditions shall apply until the earlier of the date that the animal control officer determines that it is safe to remove the conditions or until Council hears the matter and issues its determination.

4(14) Council shall provide written notice of the hearing to the owner of the dog at least 10 days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner. The notice shall include the following information:

- (a) the time, place and purpose of the hearing;
- (b) a summary of the reasons in support of the allegation that the dog is dangerous;
- (c) a copy of the sections 4(12) and 4(13) of the By-Law; and
- (d) a statement that if the owner does not attend the hearing, the matter will be dealt with in their absence and that they will not be entitled to any further notice or appeal in regard to the proceedings concerning the dog.

4(15) The owner has the right to appear at the hearing, with or without counsel, and to make submissions to Council and present evidence.

4(16) Where the owner does not attend at the hearing, having been given notice as provided in accordance with this section 4(14), Council shall be entitled to deal with the matter in their absence, and the owner shall not be entitled to any further notice or appeal in regard to the proceedings concerning the dog. The owner shall be notified of the decision of Council by notice in writing delivered by personal service or registered mail in the manner set out in section 4(14).

4(17) Within five days of the hearing of Council, Council shall issue a decision in accordance with the following provisions:

- (a) The Council shall make an order declaring the dog to be a dangerous dog if in their opinion :
  - (i) the dog has caused injury to or killed a person, whether on public or private property; or
- (b) the dog has seriously injured or killed any other pet animal or any livestock without provocation;
- (c) there is a material risk that the dog may cause damage or injury to person or property or any other animal, taking the following non-exhaustive factors into account:
  - (i) whether the dog has worried, bitten, wounded or injured any person or animal;
  - (ii) the circumstances surrounding any previous worrying, biting or wounding incidents; and

- (iii) whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion, any person or any other animal upon any public or private property.

4(18) Council shall deliver a copy of their decision to the owner in the manner provided in subsection 4(14). There shall be no obligation upon Council to issue written reasons for their decision.

4(19) The decision of Council is final. There shall be no appeal from the decision of Council.

4(20) An owner who has received notice from Council under section 4(14) that a determination hearing will be held with respect to their dog shall ensure that the dog remains confined upon the premises of the owner pending the Council decision.

4(21) Section 4(20) does not apply if the dog is impounded or the animal control officer receives written confirmation from a licensed veterinarian that the dog has been placed in quarantine pending outcome of the hearing under section 4(13).

### **Consequences of dangerous dog declaration**

4(22) Council shall determine whether the dangerous dog should be destroyed or released to the owner subject to the conditions set out in subsection 4(23).

4(23) An owner of a dog that has been declared to be dangerous and in respect of which Council has decided to release the dangerous dog to its owner, shall:

- (a) cause the dangerous dog to be tattooed upon the ear with clearly identifiable information as set out by the Council and provide a copy of such information to the poundkeeper;
- (b) ensure that the dangerous dog, while on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
  - (i) is capable of preventing the entry of young children and the escape of the dangerous dog;
  - (ii) has minimum dimensions suitable for the size of the dangerous dog, as prescribed by the animal control officer;
  - (iii) has secure sides; and
  - (iv) provides protection from the elements for the dangerous dog;
- (c) permit the dog upon public property only if:
  - (i) it is muzzled;
  - (ii) it is restrained by a chain or leash not exceeding 1.8 meters (six feet) in length, fully extended; and
  - (iii) the dog is at all times under the effective control of a person competent to control it;
- (d) display in a conspicuous location at each entrance to the premises upon which the dangerous dog is kept, a sign stating: **WARNING: BEWARE OF DANGEROUS DOG** The sign shall be posted in such a manner that it cannot be removed easily by a passersby and will be visible and capable of being read from outside of the premises;
- (e) within three working days of selling, giving away or otherwise disposing of the dangerous dog, provide the animal control officer with the name, address and telephone number of the new owner;
- (f) advise the animal control officer within three days of the death of the dangerous dog;



- (g) advise the animal control officer forthwith if the dangerous dog has gone missing or is running at large or has bitten, worried or attacked any person or animal;
- (h) such other conditions as may be prescribed by order of the Council, including, without limitation, any of the conditions set out in section 4(11).

4(24) No person shall deface or remove a sign posted under subsection 4(23)(d) or section 4(11) without having first obtained permission from the animal control officer.

#### **Destruction of dangerous dog**

4(25) Where it appears that an owner has breached a condition of this by-law in respect of a dog that has been declared dangerous or if a dog has caused injury or damage to any person, property or any other animal or if the animal control officer otherwise has reason to believe that a dog presents a risk to any person, property or any other animal and such dog has been declared a dangerous dog by Council, the animal control officer may apprehend and impound the dog for the purpose of destroying it.

4(26) When the animal control officer impounds a dog under section 4(25) for the purpose of destruction of the dog, they shall give the owner written notice, delivered to the last known address of the owner, that the dog will be destroyed after the expiry of 10 days from the date of the notice. The owner may, during that time period, appeal the decision of the animal control officer to Council by providing notice in writing to the Chief Administrative Officer of the Municipality, in which case Council shall hold a hearing as to whether the dog should be destroyed. The hearing shall be carried out in accordance with the section 4(12) with necessary changes. The dog shall remain quarantined in the pound pending the outcome of the hearing.

#### **Aggressive Animals**

4(27) The animal control officer shall have authority, in consultation with a licensed veterinarian, to apprehend, impound, quarantine, release or destroy any other aggressor animal.

4(28) Notification of an owner of an aggressive animal shall follow a similar process for notifications related to dog or cat bites, with any necessary modification.

### **PART 5-IMPOUNDMENT OF DOGS AND CATS**

#### **Seizing of Dogs or Cats**

5(1) The animal control officer may seize a dog or cat related to a violation of this by-law.

#### **Cat Traps**

5(2) A person who wishes to have a cat trap placed on their property to apprehend a cat running at large, must first apply in writing to the Municipal Office.

5(3) The animal control officer may place the trap on the property as requested and monitor the trap on a regular basis for occupancy. The cat trap must remain in position until retrieved by the animal control officer and must not be tampered with.

5(4) A cat caught in a cat trap will be seized by the animal control officer and taken to the pound.

#### **Detaining Impounded Dogs or Cats**

5(5) The animal control officer may detain, for three days, a dog or cat impounded for a violation under Part 3 after the date and time of impoundment.

## **PART 6-REGULATION OF OTHER ANIMALS**

### **Controlling Other Animals**

6(1) An owner of an animal other than a dog or cat, shall not permit or allow the animal to be elsewhere than on their property unless the animal is under the immediate charge and control of a responsible person.

### **Prohibition Against Keeping Certain Animals**

6(2) A person shall not keep or have in their possession an animal listed in Schedule "B". This prohibition does not apply to a veterinary clinic, animal hospital, or animal pound.

### **Seizing Other Animals Under This By-law**

6(3) The animal control officer may seize an animal, other than a dog or cat, related to a violation of this by-law and may detain the animal for three days after the date and time of impoundment.

### **Impounding, Detaining, Disposing of Other Animals**

6(4) The animal control officer may impound, detain or dispose of the animal seized under section 6(3) following the process set out in sections established for dogs and cats.

## **PART 7 -REDEMPTION**

### **Redeeming Dogs, Cats or Other Animals**

7(1) At any time before the destruction or sale of a dog, cat or other animal, the owner may apply to reclaim the dog, cat or other animal and, when applying shall:

- (a) provide proof of ownership;
- (b) meet all vaccination or other requirements; and
- (c) pay all outstanding charges and fees under this by-law

## **PART 9 - PENALTIES**

9(1) A person who contravenes this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this by-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

DONE AND PASSED by the Council of the Municipality of Grassland this XX day of XXX, 2022

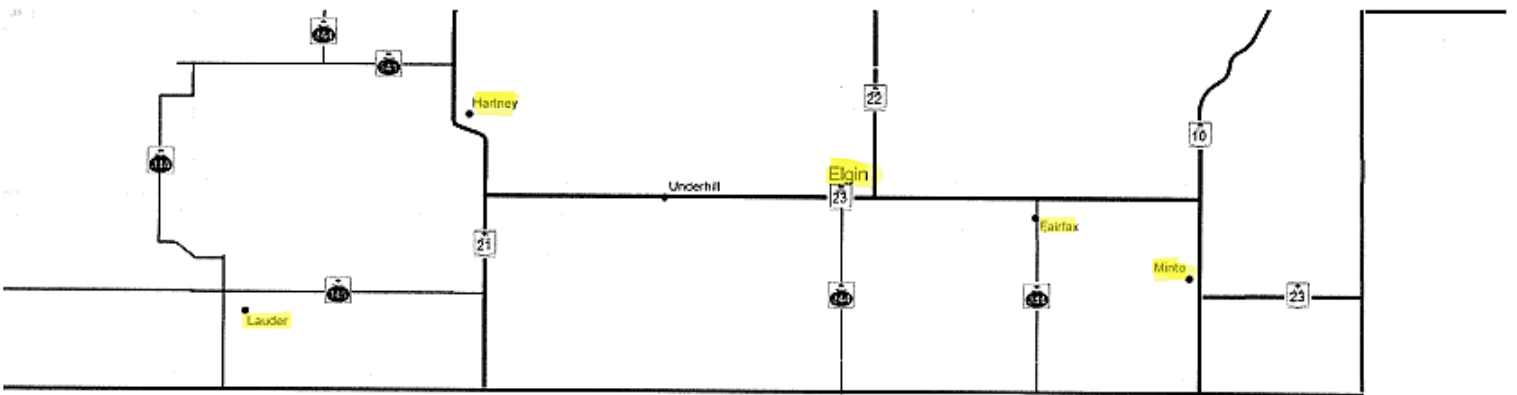
\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

Given first reading this 12<sup>th</sup> day of July 2022  
Given second reading this 26<sup>th</sup> day of July 2022  
Given third reading this 26<sup>th</sup> day of July 2022

Schedule "A" to By-law No. 05-2021

See Settlement Area Map



**Schedule "B" to By-law No. 06-2022**

**PROHIBITED ANIMALS**

**Carnivora**

Except for domesticated cats and dogs

**Crocodylia**

**Livestock In Settlement Zones**

Animals kept for the purpose of production of meat, the production of other products from the animal, or breeding stock. This includes, but is not limited to, cattle, goats, sheep, bison, horses, swine, deer, elk, llamas, alpacas, domestic poultry or specialty fowl. The keeping of livestock in other zones shall be in compliance with the Zoning By-law.

**Monkeys**

**Venomous or Constricting Reptiles or Amphibians**

**Wild Animals** (as defined by The Wildlife Act)

**NOTICE OF IMPOUNDMENT**

Owner: \_\_\_\_\_  
(Name and Address of Owner of Animal)

Description of Animal: \_\_\_\_\_

Date of Apprehension: \_\_\_\_\_

Time of Apprehension: \_\_\_\_\_

Location of Apprehension: \_\_\_\_\_

Reason for Apprehension: \_\_\_\_\_

Place of Impoundment: \_\_\_\_\_

Hours of Operation of Pound: \_\_\_\_\_

Phone Number of Pound: \_\_\_\_\_

Daily Pound Fee: \_\_\_\_\_

Impound Fee: \_\_\_\_\_

Other Fees: \_\_\_\_\_  
(specify type and amount of other fees)

Method of Payment Required: \_\_\_\_\_

Day the Animal will be Sold or Destroyed: \_\_\_\_\_

Documents Required for Redemption: \_\_\_\_\_  
(proof of ownership, vaccination certificate, other [specify])

Dated: \_\_\_\_\_

Name of Animal Control Officer: \_\_\_\_\_

Signature of Animal Control Officer: \_\_\_\_\_

