

BY-LAW NO. 4791/88

A By-law of The City of Winnipeg to amend By-law No. 2443/79, being the Pound By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Section 2 of By-law No. 2443/79 of The City of Winnipeg is amended by adding at the end thereof the following:

"(e) "Chief License Inspector" means the holder of such position in the employment of The City of Winnipeg, or his designate."

2. Section 3 of By-law No. 2443/79 is amended by deleting clause (b) thereof and substituting therefor the following:

"(b) This By-law may be administered by the Poundkeeper or any one or more of his assistants or any other person authorized to perform any of the duties of the Poundkeeper, the Chief License Inspector, and any Police Constable of the City, according to the duties conferred hereunder."

3. Section 16 of By-law No. 2443/79 is amended by deleting clause (e) thereof and substituting therefor the following:

"(e) "dangerous dog" means a dog which has been declared to be dangerous pursuant to Section 20.1 of this By-law;

(f) "severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery."

4. Section 17 of By-law No. 2443/79 is amended by deleting clause (a) thereof and substituting therefor the following:

"(a) The owner of any dog over the age of six months shall obtain a license annually. Subject to subsection 20.1(7), every dog license shall expire on the 31st day of December next after the license became effective."

5. Section 17 of By-law No. 2443/79 is further amended by adding immediately following clause (e) thereof the following:

"(e.1) Every owner of a dangerous dog must produce, before a license is issued, evidence that he has in place a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog covering the balance of the license year with a

minimum limit of liability of \$300,000.00 per occurrence."

6. By-law No. 2443/79 is amended by deleting Section 18 thereof and substituting therefor the following:

"18. LICENSE FEE:

(1) Subject to subsection (2) hereof,

(a) the annual license fee for every sterile dog shall be \$12.50 and the annual license fee for every other male or female dog shall be \$25.00. Proof of sterilization shall be by certificate of a licensed Veterinary Surgeon to that effect.

(b) No license fee shall be charged for any dog specially trained as a "Dog Guide" providing that the person using such a dog produces proof of blindness or impairment of sight or of deafness or impairment of hearing to the satisfaction of the Chief License Inspector.

(c) The owner of any dog which becomes six months of age after the 31st day of March in any license year or which is over the age of six months and is brought into the City of Winnipeg after the 31st day of March in any license year, shall obtain a license for the remainder of that license year upon the payment of the following:

(i) During the period from April 1st to June 30th, \$9.38 for a sterile dog or \$18.75 for any other dog;

(ii) During the period from July 1st to September 30th, \$6.25 for a sterile dog or \$12.50 for any other dog;

(iii) During the period from October 1st to December 31st, \$3.13 for a sterile dog or \$6.25 for any other dog.

(2) (a) The annual license fee for every dangerous dog shall be \$75.00.

(b) The owner of any dog which has been declared to be dangerous pursuant to Section 20.1 shall, no later than the tenth day after receiving notice from the Chief License Inspector that his dog has been declared to be dangerous or, if an appeal is taken, forthwith upon the

confirmation by the Committee on Finance and Administration of that declaration, obtain a license for the remainder of the license year upon payment of the following:

- (i) During the period from January 1st to March 31st, \$75.00;
 - (ii) During the period from April 1st to June 30th, \$56.25;
 - (iii) During the period from July 1st to September 30th, \$37.50;
 - (iv) During the period from October 1st to December 31st, \$18.75.
- (3) Where a change of ownership of a dog licensed hereunder occurs during the license year, the new owner may have the current license transferred to his name upon payment of a transfer fee of \$2.00.

7. Subsection (1) of Section 20 of By-law No. 2443/79 is amended by deleting clause (g) thereof and substituting therefor the following:

"(g) permit his dog to pursue, bite or wound any person or animal;"

8. Subsection (1) of Section 20 of By-law No. 2443/79 is further amended by deleting clause (j) thereof.

9. By-law No. 2443/79 is amended by adding immediately following Section 20 thereof the following:

"20.1 DANGEROUS DOGS:

- (1) Where the Chief License Inspector has reason to believe that a dog has caused or is likely to cause serious damage or injury, he shall hold a hearing to determine whether or not that dog should be declared to be dangerous.
- (2) The Chief License Inspector shall give written notice of the determination hearing to the owner of the dog at least five days in advance of the hearing by serving a notice upon the owner or by mailing same by certified mail to the last address provided by the owner to the Poundkeeper in relation to the licensing of the dog. The notice shall include:

- (a) a statement of the time, place and purpose of the hearing;
 - (b) a copy of Part II of this By-law;
 - (c) a statement that if the licensee does not attend at the hearing, the matter may be dealt with in his absence and that he will not be entitled to any further notice in the proceedings.
- (3)
- (a) The owner may appear at the hearing with or without counsel and may call witnesses on his behalf. The owner shall be entitled to hear all evidence presented at the hearing and to inspect any documents filed.
 - (b) Where the owner does not attend at the hearing, having been given notice as provided in this Section, the matter may be dealt with in his absence and the owner shall not be entitled to any further notice in the proceeding.
- (4) Within five working days of the determination hearing, the Chief License Inspector shall issue written findings resulting from the hearing and
- (a) shall make an order declaring the dog to be dangerous if in his opinion:
 - (i) the dog has caused severe injury to a person without provocation, whether on public or private property;
 - (ii) the dog has, while off its owner's property, killed a domestic animal without provocation; or
 - (iii) the dog is kept, harboured or used primarily for the purpose of guarding property and is not a police service dog owned by the City or a government law enforcement agency;
 - (b) may make an order declaring the dog to be dangerous if, in his opinion it is likely to cause serious damage or injury, taking the following factors into account:

- (i) whether the dog has bitten, wounded or injured any person or animal;
 - (ii) the circumstances surrounding any previous biting or wounding incidents; and
 - (iii) whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons upon the street, sidewalk or any public or private property;
 - (c) shall provide a copy of his findings to the owner in the manner provided in subsection (2) hereof.
- (5) The owner may, within ten days of receiving notice that his dog has been declared to be dangerous, advise the Chief License Inspector in writing that he wishes to appeal against the order, whereupon the Chief License Inspector shall forthwith submit the matter to the Committee on Finance and Administration of the City.
- (6) (a) Where an appeal is filed as provided in subsection (5) hereof, the Committee on Finance and Administration shall hold a hearing to determine whether the order of the Chief License Inspector should be upheld and the provisions of subsections (2), (3) and (4) apply mutatis mutandis to that hearing.
- (b) Upon hearing all representations in the matter, the Committee on Finance and Administration may confirm or reverse the order of the Chief License Inspector declaring the dog to be dangerous.
- (c) The decision of the Committee on Finance and Administration on an appeal under this subsection shall be final.
- (7) (a) Where a dog is declared to be dangerous by the Chief License Inspector and
- (i) no appeal is filed pursuant to subsection (5) hereof, or
 - (ii) upon appeal, the declaration is confirmed by the Committee on Finance and Administration,

any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the tenth day following the order of the Chief License Inspector, or the date of the decision of the Committee on Finance and Administration, as applicable.

- (b) Where a license is deemed to have been cancelled pursuant to clause (a) hereof, the owner shall be entitled to a credit or refund on any paid-up license fee, calculated on a quarterly pro rata basis.
- (8)
 - (a) Every owner who has received notification from the Chief License Inspector pursuant to subsection (2) that a determination hearing will be held with respect to his dog shall ensure that the dog remains confined upon the premises of the owner pending the final outcome of the hearing.
 - (b) Clause (a) shall not apply if the dog is impounded or if the Chief License Inspector receives written confirmation from a licensed Veterinary Surgeon that the dog has been placed in his custody pending the outcome of the hearing.
- (9) Every owner of a dog which has been declared to be dangerous shall:
 - (a) cause the dog to be tattooed upon the ear or flank by a licensed Veterinary Surgeon with the identifying information approved for registration in the Manitoba Tattoo Registry and provide a copy of the record of such tattooing to the Poundkeeper;
 - (b) ensure that the 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 preventing the dog from escaping;
 - (ii) has minimum dimensions of five feet by ten feet;
 - (iii) has secure sides; and

- (iv) provides protection from the elements for the dog;
 - (c) permit the dog upon public property only if it is muzzled, restrained by a chain or leash not exceeding six feet in length and under the control of a responsible person;
 - (d) display at each entrance to the property and/or building in or upon which the dog is kept a sign, in the form attached hereto and marked as Schedule "A" to this By-law, to be provided by the Chief License Inspector. The said signs shall be posted in such a manner as cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk or street and lane, if any;
 - (e) within two working days of selling or giving away the dangerous dog, provide the Poundkeeper with the name, address and telephone number of the new owner;
 - (f) advise the Poundkeeper within two working days of the death of the dangerous dog;
 - (g) advise the Poundkeeper forthwith if the dangerous dog is loose or has bitten or attacked any person or animal."
- (10) No person shall deface or remove a sign posted pursuant to clause (d) of subsection (9) hereof without having first obtained the permission of the Chief License Inspector.

10. Subsection (5) of Section 21 of By-law No. 2443/79 is amended by deleting clause (a) thereof and substituting therefor the following:

"(a) The Poundkeeper shall take into custody and place in quarantine any dog that he has reason to believe has bitten a person whether on private premises or elsewhere and whether the skin was directly punctured or lacerated by the bite or not, excepting that this provision shall not apply to police service dogs owned by the City or a government law enforcement agency while on tour of duty and under the control of a qualified dog handler."

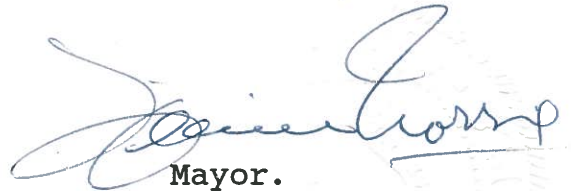
11. By-law No. 2443/79 is amended by deleting Section 24 thereof.

12. By-law No. 2443/79 is further amended by deleting Section 31 thereof and substituting therefor the following:

"31. GENERAL PENALTIES:

Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law for which no other penalty is provided, is guilty of an offence and liable, on summary conviction to a fine not exceeding \$1,000.00 in the case of an individual, or \$5,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment."

DONE AND PASSED, IN COUNCIL ASSEMBLED, this 10th
day of February, A.D. 1988.


Mayor.

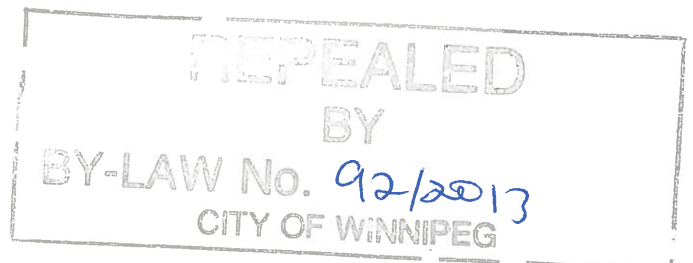

City Clerk.

Approved as to details:


Deputy City Treasurer.

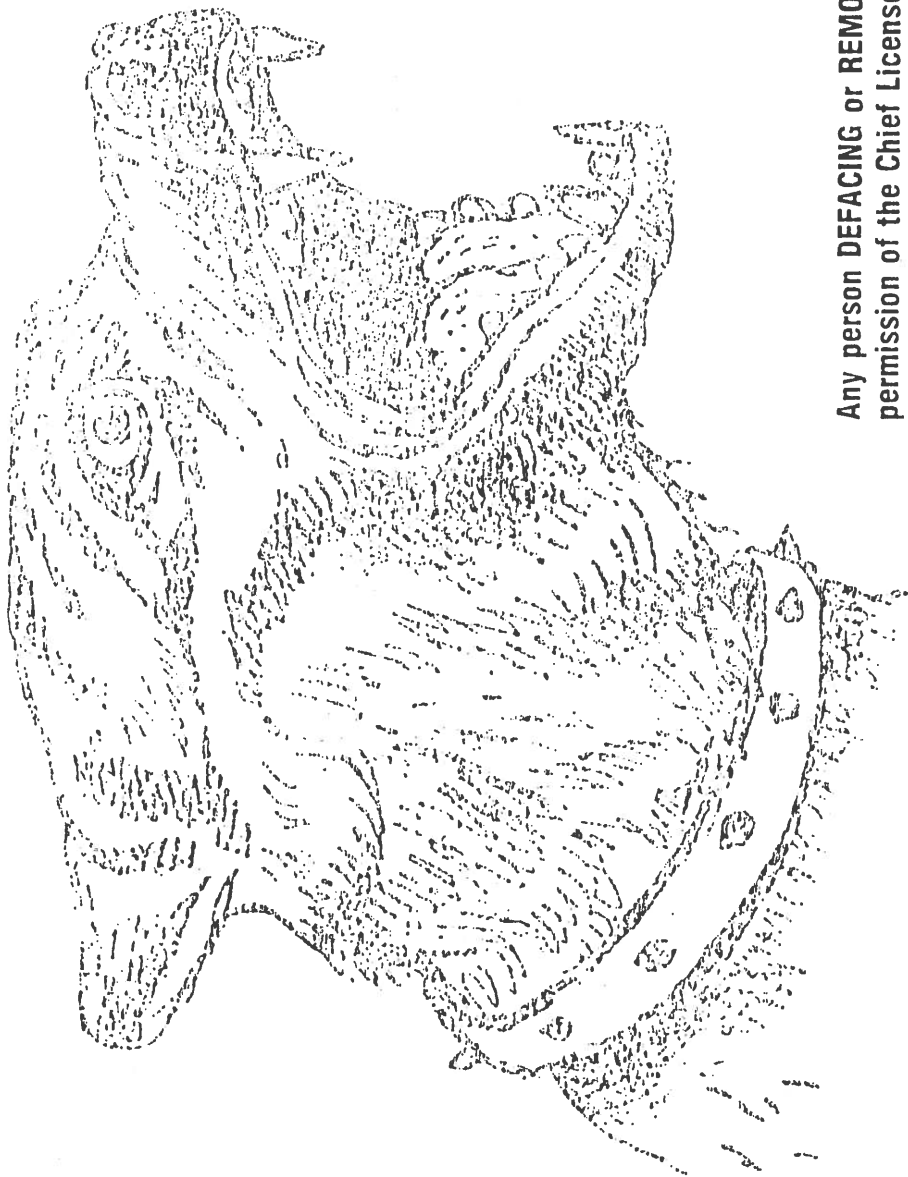
Certified as to form:


for F. N. Steele,
City Solicitor.



WARNING DANGEROUS DOG ON PREMISES

Schedule "A" to By-law No. 4791/88
of the City of Winnipeg



Any person DEFACING or REMOVING this sign without the permission of the Chief License Inspector shall be liable to prosecution under City By-law.



City of Winnipeg

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