THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to regulate the presence of wild and domesticated animals within the City, their activities and the activities of their owners

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

Short title

1 This By-law may be cited as the Responsible Pet Ownership By-law.

Definitions and interpretation

2(1) in this By-law

"animal", unless otherwise defined in this By-law, means a live non-human being with a developed nervous system;

"animal rescue organization" means an organization that the Chief Operating Officer has determined meets all of the following criteria:

(a) it is not operating for the preponderant purpose of earning a profit;

(b) its primary goal is the rescue, rehabilitation and adoption of dogs or cats;

(c) it does not adopt dogs or cats unless the dog or cat is sterilized at the time of the adoption or, if the adopted dog or cat is under the age of six months, only adopts the dog or cat on condition that the adopter sterilize it within six months of the adoption and it is actively enforcing that condition;

(d) it is not engaged in the breeding of dogs or cats;

(e) it has been endorsed as to its care of animals by a veterinarian licenced to practice in the Province of Manitoba;

(f) it is not in contravention of *The Animal Care Act* or the zoning by-law applicable to its location; and

(g) if required, it has obtained an excess animal permit under this Part.

"Animal Services Agency" means the Animal Services Agency established as a special operating agency by the Council of the City of Winnipeg effective January 1, 2000;

"bee colony" means a cluster of worker bees with a queen and drones;

"cat" means a member of the subspecies *Felis catus*;

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"Chief Operating Officer" means the Chief Operating Officer of the Animal Services Agency or designate;

"commercial animal" means animals of a domesticated species used for agricultural purposes and includes horses, cattle, hogs, goats, sheep, poultry and bee colonies but does not include wildlife as defined by *The Wildlife Act*, even if used for agricultural purposes;

"designated committee" means the Standing Policy Committee on Protection and Community Services;

"designated employee" means

(a) the Chief Operating Officer; and
(b) any other employee of the City, to the extent that he or she is acting within the authority delegated to him or her to enforce or administer all or part of this By-law;

"dispose", when referring to the disposition of an animal to which this By-law applies, includes

(a) adopting the animal to an individual in accordance with policies developed or approved by the Chief Operating Officer;
(b) releasing the animal to the care of an animal rescue organization; and
(c) euthanizing the animal;

"dog" means a member of the subspecies *Canis lupus familiaris*;

"enforcement officer" includes

(a) a designated employee of the City of Winnipeg, to the extent that he or she has been appointed a special constable with authority to enforce all or part of this By-law;
(b) an officer of the Winnipeg Police Service; and
(c) any other person appointed as a special constable and authorized to enforce this By-law;

"harbouring" in relation to an animal, includes constructing, erecting, locating or keeping on the premises of which the person is the occupant a structure designed to be used as a shelter by the animal;

"owner", in respect of an animal, means a person, including a corporation,

(a) who has been identified on the animal's licence as the owner of the animal;
(b) who has legal title to the animal;
(c) who has possession or custody of the animal, whether temporarily or permanently; or
(d) who harbours the animal, or allows the animal to remain on his or her premises;

"off-leash area" means an area that has been designated by the Chief Administrative Officer of the City of Winnipeg or designate pursuant to the Parks By-law as an area in which dogs are not required to be restrained by leashes;

"park" has the same meaning as in the Parks By-law;

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"petting zoo" means a collection of commercial animals which are made available to the public to touch, pet or feed, and which are of a size and temperament that are suitable for this purpose;

"poultry" includes, but is not limited to, chickens, turkeys, ducks and, geese but does not include pigeons;

"pet store" means a business selling animals or offering animals for sale which operates at a location approved for a retail sales use under the Winnipeg Zoning By-law or the Downtown Winnipeg Zoning By-law;

"playground" means a property owned or leased by the City of Winnipeg in which swings, slides, a climbing apparatus, wading pool or other equipment or facilities for the use and enjoyment of children have been installed but does not include adjacent areas, benches or tables set back from the equipment or facilities;

"prohibited animal" means an animal that is not permitted to be harboured or kept in the City of Winnipeg under section 29 of this By-law;

"pursue", in the context of an animal pursuing, means to chase in an aggressive or menacing manner;

"running at large", unless otherwise defined, means that an animal is not

(a) either on its owner's property, or on other property with the consent of the owner or occupant;
(b) securely confined in a vehicle or other enclosure; and
(c) securely leashed and in the custody of someone competent to control it;

"school" means a public school or a private school, as those terms are defined in *The Education Administration Act*;

"service animal" means an animal that is determined by the Chief Operating Officer to have been legitimately trained and certified to provide assistance to a person with a disability that relates to that person's disability;

"sports field" means an area in a park owned or leased by the City of Winnipeg that has been clearly identified by lines or other markers as a field of play and does not include areas adjacent thereto;

"sterilized", in relation to an animal, means a male animal that has been neutered or a female animal that has been spayed;

"veterinarian" means a currently licenced member of the Manitoba Veterinary Medical Association.

2(2) In this By-law, a reference to a period of impoundment includes the day on which the impoundment began but does not include any day in which the place of impoundment is closed to the public.

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PART 1 - DOGS

Definitions

3 Notwithstanding subsection 2(1), in this Part,

"animal" means a dog, cat or commercial animal;

"running at large", in reference to a dog, means that the dog is not

(a) on its owner's property;
(b) on other property with the consent of the owner or occupant;
(c) in an off-leash area;
(d) securely confined in a vehicle or other enclosure; or
(e) securely leashed and in the custody of someone competent to control it.

Owner's responsibilities

4(1) Subject to this section, the owner of a dog that is in the City of Winnipeg must

(a) ensure that, if the dog is over the age of six months, it is sterilized unless a valid dog licence for an unsterilized dog has been issued for the dog.

(b) ensure that the dog does not run at large;

(c) ensure that, except when it is

(i) on the owner's property;

(ii) on the property of another person who has consented to the presence of the unleashed dog; or

(iii) in an off-leash area;

the dog is at all times kept on a leash that is never longer than 20 feet in length and no longer than 6 feet in length when the dog is on a street, on a path or any other place that is not an open space or when people or other animals are within 20 feet of the dog;

(d) subject to subsection (2), ensure that the dog has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;

(e) ensure that the dog does not bark or howl or otherwise unduly disturb the quiet of any individual;

(f) where the dog defecates on any property other than the property of the owner, cause the excrement to be removed immediately and disposed of in a sanitary manner;

(g) ensure that the dog does not damage public or private property belonging to

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someone other than the owner;

(h) ensure that the dog does not pursue any individual or animal;

(i) ensure that the dog does not bite, wound or otherwise injure any individual or animal;

(j) ensure that the dog is not in any of the following areas;

(i) school grounds,
(ii) playgrounds,
(iii) sports fields,
(iv) any other area where dogs are prohibited by posted signs;

(k) ensure that the dog does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and

(l) ensure that a female dog that is in heat is confined on the owner's property during the entire period that she is in heat.

4(2) The requirement set out in clause (1)(d) (*vaccination for rabies*) does not apply to the owner of a dog who can provide a written statement from a veterinarian declaring that vaccinating the dog for rabies is not advisable for medical reasons.

4(3) The requirements in clauses (1)(f) (*owner must remove excrement*) and (1)(j) (*dog not permitted on certain properties*) do not apply if the dog is a service animal accompanying the disabled individual the service animal dog is serving.

4(4) The requirement in clause (1)(j) (*dogs not permitted on certain properties*) does not apply to the grounds of a school if the appropriate school authorities authorize the dog to be on the school grounds.

4(5) When the dog is in an off-leash area, the owner of a dog must

(a) be present and have the dog within view at all times;

(b) ensure that the dog is not in heat and that it does not act in a dangerous or aggressive manner towards humans or other dogs;

(c) 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;

(d) ensure that the dog comes when called;

(e) have a leash available to restrain the dog if needed;

(f) remedy any harm caused by the dog, including filling in holes dug by the dog; and

(g) immediately remove and properly dispose of any excrement left by the dog.

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Dog licence mandatory

5(1) Subject to this By-law, if a dog over the age of six months is in the City of Winnipeg, its owner must ensure that the dog has a valid dog licence issued under this section. This obligation does not apply to any dog owner who can provide proof that he or she owns the dog and is not a resident of the City of Winnipeg.

5(2) In order for the designated employee to issue a dog licence

(a) the owner, who must be at least 18 years of age, must

(i) pay the licence fee and any other applicable fees;

(ii) provide, in a form acceptable to the Chief Operating Officer, any information reasonably required to administer and enforce this By-law; and

(b) the dog must not be prohibited under section 7 (*Prohibited dog breeds*) or otherwise from being in the City.

5(3) If a cheque used to pay for a licence is returned for insufficient funds, the licence purchased by the cheque is void.

5(4) An applicant for a dog licence must provide accurate information when applying for a licence. In particular, an applicant for a dog licence must not provide incorrect information concerning whether a dog is sterilized.

5(5) A dog licence is not valid after its expiry date. In order to ensure that his or her dog has a valid dog licence, an owner must renew its dog licence before its expiration date.

5(6) A dog licence may not be transferred to another dog.

5(7) The licence fee set by Council or Council's delegate for a dog that is unsterilized must be higher than the licence fee for a dog that is sterilized.

Valid licence tag must be worn by dog

6(1) The owner of a dog must ensure that his or her dog wears a valid licence tag when the dog is not on the owner's property.

6(2) Unless he or she is a designated employee, the dog's owner or has the consent of the dog's owner, no person may remove a valid licence tag worn by a dog.

Prohibited dog breeds

7(1) Subject to this section, no person may bring into the City of Winnipeg or, being its owner, allow to be in the City of Winnipeg, a dog which has the appearance and physical characteristics predominantly conforming to the standards of the Canadian Kennel Club for any of the following breeds:

(a) Pit Bull Terrier;

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(b) American Pit Bull Terrier;

(c) Staffordshire Bull Terrier;

(d) American Staffordshire Terrier;

7(2) Upon payment of a fee established by Council, the owner of a dog is entitled to obtain a written opinion by a veterinarian retained by the Chief Operating Officer as to whether a dog meets the criteria established in subsection (1). Where the veterinarian concludes that a dog does not meet the criteria established in subsection (1), such a statement is conclusive proof that the dog is not prohibited under subsection (1) and no prosecution or enforcement action under subsection (1) may be undertaken with respect to the dog.

7(3) Notwithstanding subsection (1), the Chief Operating Officer is authorized to issue a special permit authorizing a dog prohibited by that subsection to be in the City of Winnipeg for a temporary period of time and may impose any conditions on the permit he or she considers sufficient to protect individuals and animals from any harm caused by the dog.

Care for dogs in need of protection

8(1) A designated employee is authorized to take into the custody of the Animal Services Agency a dog 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.

8(2) A designated employee is authorized to release a dog referred to in subsection (1) into the care of the owner's family or friends or any other person he or she considers to be able and willing to care for the dog on condition that the person agrees to return the dog to the owner if and when the owner is able to care for the dog.

8(3) If a designated employee has not released the dog under subsection (2) within ten days after the dog was taken into custody, the Chief Operating Officer may dispose of the dog in any manner he or she considers appropriate.

Impoundment of dog running at large

9(1) An enforcement officer is authorized to capture and impound a dog that he or she finds running at large.

9(2) A designated employee is authorized to impound a dog that has been turned over to the Animal Services Agency as having been running at large if the designated employee has reasonable grounds to believe that the dog was in fact running at large. The designated employee is authorized to require the person turning over a dog to execute a statutory declaration concerning the circumstances in which he or she took possession of the dog.

9(3) Unless it is redeemed earlier under section 12 (*Redemption of impounded dogs*), a designated officer shall impound such a dog

(a) for a minimum period of ten days in the case of a dog that is wearing a valid licence tag; or

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(b) for a minimum period of three days, in the case of any other dog.

9(4) If a dog being impounded under subsections (1) or (2) is wearing a valid licence tag, a designated employee must notify the owner of the dog's impoundment. The owner is entitled to redeem the dog under section 12 (*Redemption of impounded dogs*) at any time during its impoundment.

9(5) If a dog has been impounded for the period of time specified in subsection (3) without having been redeemed, the Chief Operating Officer is authorized to dispose of the dog in any manner he or she considers appropriate.

Impoundment and quarantine for rabies observation

10(1) Subject to this section, if

(a) a designated employee suspects that a dog has been exposed to rabies; or

(b) a dog bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch,

the designated employee is authorized to capture, impound and quarantine the dog at the facilities of the Animal Services Agency for a period of no less than ten days from the day of the bite or scratch for observation.

10(2) If a designated employee gives notice to the owner of a dog that he or she is acting under the authority of subsection (1), the owner must surrender the dog to the designated employee for impoundment and quarantine immediately.

10(3) As an alternative to impounding and quarantining the dog under subsection (1), the designated employee is authorized to permit or require the owner of the dog, at the owner's expense, to

(a) have the dog quarantined at a veterinary clinic within the City of Winnipeg; or

(b) have the dog quarantined on the property of its owner.

The designated employee is authorized to act under this subsection if he or she determines that the dog will be securely held and will not leave the property. The designated employee may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the dog is appropriately confined during the quarantine period. An owner who fails to ensure that the dog is securely held on the property or fails to ensure compliance with other conditions imposed by a designated employee commits an offence.

10(4) If a dog is quarantined at the Animal Services Agency or on the property of its owner, a designated employee 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 dog must be euthanized, if it has not already died or been euthanized. The dog's body must then be examined for proof of rabies at the expense of the owner of the dog.

10(5) If a dog impounded and quarantined at the facilities of the Animal Services Agency is wearing a valid licence tag, a designated officer must notify the owner of the dog's impoundment

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and quarantine.

10(6) A dog quarantined at the Animal Services Agency, unless it is determined to have rabies, may be redeemed under section 12 (*Redemption of impounded dogs*) after its mandatory period of impoundment and quarantine has ended. If it has not been redeemed within 48 hours after the end of its period of impoundment and quarantine under this section, the Chief Operating Officer is authorized to dispose of the dog in any manner he or she considers appropriate.

Impoundment of potentially dangerous dog

11(1) A designated employee is authorized to impound a dog if

(a) there is evidence that the dog has acted in a dangerous or aggressive manner toward humans or animals; and

(b) the designated employee concludes that leaving the dog in the keeping of its owner could pose a danger to humans or animals.

11(2) Rather than impounding a dog under subsection (1), the designated employee may impose conditions on the dog's owner designed to minimize any threat posed by the dog pending a determination under section 13 (*Dangerous dog designation*) or section 15 (*Destruction of exceptionally dangerous dog*) or both.

11(3) A dog impounded under subsection (1) is not eligible to be redeemed under section 12 (*Redemption of impounded dogs*) until and unless either

(a) the Chief Operating Officer has determined that the dog should neither be designated as dangerous under section 13 (*Dangerous dog designation*) nor destroyed as exceptionally dangerous under section 15 (*Destruction of exceptionally dangerous dog*); or

(b) the Chief Operating Officer has designated the dog as dangerous under section 13 (*Dangerous dog designation*) and its owner is able and willing to comply with the restrictions resulting from that designation.

11(4) Where the Chief Operating Officer has determined that a dog impounded under this section should neither be designated as dangerous under section 13 (*Dangerous dog designation*) nor destroyed as exceptionally dangerous under section 15 (*Destruction of exceptionally dangerous dog*), it is eligible to be redeemed within 48 hours after its owner has been notified of this determination in compliance with subsection 13(4). After that point, the Chief Operating Officer is authorized to dispose of the dog in any manner he or she considers appropriate.

11(5) Where the Chief Operating Officer has determined that a dog impounded under this section should be destroyed as exceptionally dangerous under section 15 (*Destruction of exceptionally dangerous dog*), the dog must continue to be impounded until either it is destroyed under that section or the determination that the dog should be destroyed is overturned on appeal.

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Redemption of impounded dogs

12(1) The owner of a dog that has been impounded under this By-law and that is eligible to be redeemed may redeem it if he or she can demonstrate to the satisfaction of a designated employee that he or she is the owner of the dog.

12(2) In order to redeem an impounded dog, its owner must:

(a) pay all applicable fees;

(b) pay the monetary penalty imposed in section 42 (*Monetary penalty for the costs of capturing animals*); and,

(c) if the dog requires a licence, obtain a licence for the dog.

Dangerous dog designation

13(1) The Chief Operating Officer is authorized to designate a dog as dangerous if he or she concludes that the dog

(a) is likely to cause significant harm or injury to individuals or animals; or

(b) is used primarily to guard property.

13(2) In making a dangerous dog designation on the basis of clause (1)(a), the Chief Operating Officer must take into account:

(a) any recent incident in which the dog has

(i) caused harm or injury to individuals or animals; or

(ii) pursued or menaced individuals or animals;

(b) the nature of any incidents referred to in clause (a), including the seriousness of any harm or injury caused by the dog;

(c) all the circumstances of any incidents referred to in clause (a) and, in particular, whether the dog was provoked; and

(d) the behaviour of the dog since the incident.

13(3) Before making a dangerous dog designation under subsection (1), the Chief Operating Officer must

(a) give notice to the dog's owner that a determination as to whether the dog should be designated a dangerous dog will be made;

(b) provide the reasons why such determination is being made; and

(c) give the dog's owner a reasonable opportunity to be heard.

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13(4) The Chief Operating Officer, in compliance with section 116 of *The City of Winnipeg Charter*, must give notice to the owner of a decision to designate a dog as dangerous or not to designate it as dangerous.

13(5) The owner of a dog that is designated as dangerous may appeal the designation to the designated committee in accordance with section 189 of *The City of Winnipeg Charter* within 14 days of being given notice of the decision under subsection (4). If a dog has been impounded under section 11 (*Impoundment of potentially dangerous dog*), the impoundment must continue pending the appeal unless the owner complies with 14(1)(a) to (i).

13(6) The owner of a dog that is primarily used to guard property may apply to the Chief Operating Officer to have the dog designated as dangerous.

Consequences of dangerous dog designation

14(1) The owner of a dog that has been designated as dangerous must thereafter

(a) ensure that, while on the owner's property, the dog is either kept securely confined indoors or is kept in a securely enclosed and locked pen, structure or yard which

(i) prevents the dog from escaping and young children from entering;

(ii) is at least ten feet wide and five feet deep;

(iii) provides adequate protection from the elements for the dog;

(b) not permit the dog off the owner's property unless it is muzzled and restrained by a leash or chain of no more than six feet in length which is held by a person capable of controlling the dog;

(c) provide to the Chief Operating Officer 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 dog;

(d) notify a designated employee immediately if

(i) the dog is running at large;

(ii) the dog has harmed any individual or animal;

(e) provide a designated employee with the name and address of the new owner within two working days of selling or giving away the dog;

(f) have a microchip containing the owner's name and current address as well as the fact of its dangerous dog designation implanted into the dog's skin by a licenced veterinarian;

(g) notify a designated employee of the dog's death within two working days and provide evidence to prove the dog's death;

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(h) pay any applicable licence fees for the dangerous dog;

(i) permanently and prominently display at each entrance to the property and any building in which a dangerous dog is kept, a sign designed and provided by a designated officer which warns visitors of the presence of a dangerous dog; and

(j) ensure that the dog is sterilized.

14(2) The requirements in subsection (1) are imposed

(a) if the owner fails to appeal the dangerous dog designation, as soon as the appeal period expires; or

(b) if the owner appeals the dangerous dog designation and if the designated committee upholds the dangerous dog designation, when the designated committee makes that decision.

If the dog has not been impounded under subsection 11(1), any conditions imposed by a designated employee under subsection 11(2) continue in force pending the appeal or expiry of the appeal period.

14(3) The requirement in clause (1)(j) does not apply to any dog that has been designated as dangerous prior to the coming into force of this By-law.

14(4) If the owner of a dog that has been designated as dangerous under this section fails to comply with the requirements of subsection (1), in addition to any other remedies or enforcement actions available, a designated officer is authorized under the City's authority to act in emergencies to immediately impound the dog and the Chief Operating Officer is authorized to consider whether to the dog is exceptionally dangerous and should be destroyed under section 15 (*Destruction of exceptionally dangerous dog*).

Destruction of exceptionally dangerous dog

15(1) The Chief Operating Officer must make a determination as to whether a dog is exceptionally dangerous and should be destroyed where either

(a) the dog

(i) has repeatedly bitten, clawed or otherwise attacked individuals or animals;

(ii) has engaged in an exceptionally brutal attack on an individual or an animal;

(iii) after having been designated as "dangerous" under section 13 (*Dangerous dog designation*), has caused injury or harm to, or has pursued or menaced, individuals or animals; or

(iv) has demonstrated other behaviour that causes the Chief Operating Officer to consider that the dog may be exceptionally dangerous; or

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(b) the owner of a dog that has been designated as dangerous fails to comply with the restrictions in section 14 (*Consequences of a dangerous dog designation*).

15(2) The Chief Operating Officer is authorized to determine that a dog is exceptionally dangerous and should be destroyed if

(a) he or she concludes that the dog's behaviour is such that it poses a serious risk to the safety of individuals or animals that cannot be adequately addressed by restrictions imposed with respect to the dog, including those imposed with respect to a dangerous dog under section 14 (*Consequences of a dangerous dog designation*); or

(b) the owner refuses to, or there are reasonable grounds to believe that he or she will fail to, comply with restrictions that the Chief Operating Officer concludes are necessary to protect the safety of individuals or animals.

15(3) Before making a determination under subsection (1), the Chief Operating Officer must:

(a) give notice to the dog's owner that a determination under subsection (1) will be made;

(b) provide the reasons why a determination under subsection (1) is being made; and

(c) give the dog's owner a reasonable opportunity to be heard.

15(4) In making a determination under subsection (1), the Chief Operating Officer may consider any facts or evidence that are relevant to this determination.

15(5) Where the Chief Operating Officer makes a determination under subsection (1), he or she must give notice of this determination to the owner pursuant to section 116 of *The City of Winnipeg Charter*.

15(6) The owner of a dog that is determined to be exceptionally dangerous under this section may appeal the determination to the designated committee in accordance with section 189 of *The City of Winnipeg Charter* within 3 days of being given notice of the decision under subsection (5).

15(7) If a dog that has been determined to be exceptionally dangerous under this section is not impounded at the time the determination is made, its owner must destroy the dog or surrender it to an enforcement officer for impoundment within 24 hours of being given notice of the determination under subsection (5). If the dog is neither destroyed nor surrendered within 24 hours' notice, the Chief Operating Officer shall act immediately to impound the dog.

15(8) If a dog has been determined to be exceptionally dangerous, unless its owner destroys it under subsection (7), the Chief Operating Officer shall have the dog destroyed.

(a) if the owner fails to appeal the determination, as soon as the appeal period expires; or

(b) if the owner appeals the determination and if the designated committee upholds the determination, when the designated committee makes that decision.

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15(9) If on appeal the designated committee does not uphold the determination that a dog is exceptionally dangerous and should be destroyed, the Chief Operating Officer may nonetheless designate the dog as dangerous under section 13 (*Dangerous dog designation*).

Police dogs exempted
16 Sections 10 (*Impoundment and quarantine for rabies observation*), 11 (*Impoundment of potentially dangerous dog*), 13 (*Dangerous dog designation*) and 15 (*Destruction of exceptionally dangerous dog*) do not apply to a Winnipeg Police Service dog or a dog owned by a law enforcement agency.

PART 2 – CATS

Definitions
17 Notwithstanding subsection 2(1), in this Part,

"animal" means a dog, cat or commercial animal;

"running at large", in reference to a cat, means that the cat is not

(a) on its owner's property;
(b) on other property with the consent of the owner or occupant;
(c) securely confined in a vehicle or other enclosure; or
(d) securely leashed.

Owner's responsibilities
18(1) Subject to this section, the owner of a cat that is in the City of Winnipeg must

(a) ensure that, if the cat is over the age of six months, it is sterilized unless a valid licence for an unsterilized cat has been issued for the cat;

(b) ensure that the cat does not run at large;

(c) ensure that, except when it is

(i) on the owner's property; or

(ii) on the property of another person who has consented to the presence of the unleashed cat;

the cat is at all times kept on a leash that is never longer than 20 feet in length and no longer that 6 feet in length when the cat is on a street, on a path or any other place that is not an open space or when people or other animals are within 20 feet of the cat;

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(c) subject to subsection (2), ensure that the cat has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;

(d) where the cat defecates on any property other than the property of the owner, cause the excrement to be removed immediately in a sanitary manner;

(e) ensure that the cat does not damage public or private property belonging to someone other than the owner;

(f) ensure that the cat does not bite, wound or otherwise injure any individual or animal;

(g) ensure that the cat does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and

(h) ensure that a female cat that is in heat is confined on the owner's property during the entire period that she is in heat.

18(2) The requirement set out in clause (1)(c) (*vaccination for rabies*) does not apply to the owner of a cat who can provide a written statement from a veterinarian declaring that vaccinating the cat for rabies is not advisable for medical reasons.

Cat licence mandatory

19(1) Subject to this By-law, if a cat over the age of six months is in the City of Winnipeg, its owner must ensure that the cat has a valid cat licence issued under this section. This obligation does not apply to any cat owner who can provide proof that he or she owns the cat and is not a resident of the City of Winnipeg.

19(2) In order to obtain a cat licence, the owner, who must be at least 18 years of age, must

(a) pay the licence fee and any other applicable fees; and

(b) provide, in a form acceptable to the Chief Operating Officer, any information reasonably required to administer and enforce this By-law.

19(3) If a cheque used to pay for a licence is returned for insufficient funds, the licence purchased by the cheque is void.

19(4) An applicant for a cat licence must provide accurate information when applying for a licence. In particular, an applicant for a cat licence must not provide incorrect information concerning whether a cat is sterilized.

19(5) A cat licence is not valid after its expiry date. In order to ensure that his or her cat has a valid cat licence, an owner must renew its cat licence before its expiration date.

19(6) A cat licence may not be transferred to another cat.

19(7) The licence fee set by Council or Council's delegate for a cat that is unsterilized must be higher than the licence fee for a cat that is sterilized.

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Valid licence tag must be worn by cat

20(1) Subject to subsection (3), the owner of a cat must ensure that his or her cat wears a valid licence tag when the cat is not on the owner's property.

20(2) Unless he or she is a designated employee, the cat's owner or has the consent of the cat's owner, no person may remove a valid licence tag worn by a cat.

20(3) Subsection (1) does not apply to a cat that is identifiable by a tattoo or imbedded microchip that has been registered with the Animal Services Agency.

Impoundment of cat running at large

21(1) A designated employee is authorized to impound a cat that has been turned over to the Animal Services Agency as having been running at large. In acting under this provision, a designated employee may require that a person turning over a cat do so at the facilities of the Winnipeg Humane Society or some other agent.

21(2) Unless it is redeemed earlier under section 24 (*Redemption of impounded cats*), the designated employee shall impound or ensure that such a cat is impounded

(a) for a minimum period of eight days in the case of a cat that is wearing a valid licence tag; or

(b) for a minimum period of three days, in the case of any other cat.

21(3) If a cat being impounded under subsection (1) is wearing a valid licence tag, a designated employee must notify the owner of the cat's impoundment. The owner is entitled to redeem the cat under section 24 (*Redemption of impounded cats*) at any time during its impoundment.

21(4) If a cat has been impounded for a period of time specified in subsection (2) without having been redeemed, the Chief Operating Officer is authorized to dispose of the cat in any manner he or she considers appropriate.

Use of cat traps

22(1) A designated employee is authorized to rent or loan cat traps to individuals for the purpose of capturing cats running at large on condition that the individual agrees to

(a) turn a captured cat over to the Animal Services Agency or its designated agent for impoundment;

(b) treat the captured cat humanely; and

(c) comply with any other conditions imposed by the Chief Operating Officer.

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22(2) A person who borrows or rents a cat trap from the Animal Services Agency must comply with the terms and conditions imposed under subsection (1).

Impoundment and quarantine for rabies observation

23(1) Subject to this section, if

(a) a designated employee suspects that a cat has been exposed to rabies; or

(b) a cat bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch,

the designated employee is authorized to capture, impound and quarantine the cat at the expense of the owner for a period of no less than ten days from the day of the bite or scratch for observation.

23(2) If a designated employee gives notice to the owner of a cat that he or she is acting under the authority of subsection (1), the owner must surrender the cat to the designated employee for impoundment and quarantine immediately.

23(3) As an alternative to impounding and quarantining a cat under subsection (1), the designated employee is authorized to permit or require the owner of the cat, at the owner's expense, to

(a) have the cat quarantined at a veterinary clinic within the City of Winnipeg; or

(b) have the cat quarantined on the property of its owner.

The designated employee is authorized to act under this subsection if he or she determines that the cat will be securely held and will not leave the property. The designated employee may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the cat is appropriately confined during the quarantine period. An owner who fails to ensure that the cat is securely held on the property or fails to ensure compliance with other conditions imposed by a designated employee commits an offence.

23(4) If a cat is quarantined by a designated employee or on the property of its owner, a designated employee 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 cat must be euthanized, if it has not already died or been euthanized. The cat's body must then be examined for proof of rabies at the expense of the owner of the cat.

23(5) A cat quarantined by the designated employee under subsection (1), unless it is determined to have rabies, may be redeemed under section 24 (*Redemption of impounded cats*) after its mandatory period of impoundment and quarantine has ended. If it has not been redeemed within 48 hours after the end of its period of impoundment and quarantine under this section, the Chief Operating Officer is authorized to dispose of the cat in any manner he or she considers appropriate.

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Redemption of impounded cats
24(1) The owner of a cat that has been impounded under this By-law and that is eligible to be redeemed may redeem it if he or she can demonstrate to the satisfaction of a designated employee that he or she is the owner of the cat.

24(2) In order to redeem an impounded cat, its owner must:

(a) pay all applicable fees; and

(b) pay the monetary penalty imposed in section 45 (*Monetary penalty for costs of capturing animals*); and,

(c) if the cat requires a licence, obtain a licence for the cat.

PART 3 – EXCESS ANIMAL PERMITS

Restriction on number of cats and dogs on property
25(1) This section does not apply to properties in the use category "kennel" or "animal hospital of veterinary clinic" under the Winnipeg Zoning By-law or the use category "veterinary" under the Downtown Winnipeg Zoning By-law.

25(2) Subject to this section, unless the person holds a valid excess animal permit issued under section 26 (*Procedure for obtaining excess animal permit*), no person may own, harbour, keep, have in his or her possession, or have on a single parcel of land of which he or she is the occupant a total of more than six dogs and cats over the age of six months, of which no more than four may be dogs.

25(3) The obligation in subsection (2) applies even though a person holds a validcompanion animal breeding premises licence or a kennel licence issued under *The Animal Care Act*.

Procedure for obtaining excess animal permit
26(1) When an application is made in compliance with this section, the Community Committee within whose geographical area the parcel of land for which an excess animal permit is sought is located is authorized to issue an excess animal permit authorizing the applicant to harbour, keep or have on a particular parcel of land dogs, cats or both dogs and cats that exceed the number permitted by section 25 (*Restriction on number of dogs and cats on property*).

26(2) In order to obtain an excess animal permit under subsection (1), an applicant must

(a) apply to the Chief Operating Officer using a form acceptable to the Chief Operating Officer;

(b) provide all information reasonably required in order to consider the application; and

(c) pay the requisite application fee.

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26(3) After receiving an application, the Chief Operating Officer must forward to the Community Committee

(a) the application; and

(b) a report prepared by the Chief Operating Officer setting out the following information:

(i) whether the applicant or the parcel of land for which the excess animal permit is sought has ever been the subject of an application for an excess animal permit or an approval for excess numbers of animals in the past;

(ii) the use and nature of the parcels of land immediately adjacent to the subject parcel and the character of the district within which the subject parcel is located;

(iii) any other information the Chief Operating Officer considers relevant to the application.

26(4) At least 4 days before the application is considered by the Community Committee, the City Clerk must post on the City of Winnipeg website, a copy of the report that has been or will be submitted to the Community Committee under clause (3)(b).

26(5) At least 14 days before the application is considered by the Community Committee, the applicant must post in conspicuous locations on the subject parcel of land copies of a notice which sets out:

(a) the date, time and place of the Community Committee meeting at which the application for an excess animal permit will be dealt with; and

(b) the website referred to in subsection (4) on which the report referred to in clause (3)(b) can be found when it is posted.

The copies of the notice must be posted facing every street or alley adjacent to the parcel and must be no more than one metre inside the parcel. The copies of the notice must remain posted until the meeting has taken place.

26(6) If the parcel of land for which an excess animal permit is sought is rented or leased, the applicant must, at least 14 days before the application is considered by the Community Committee, serve the notice referred to in subsection (5) on the owner of the property by personal service, or by sending it by registered mail or delivery to the owner's address.

26(7) Before deciding to issue or refuse to issue an excess animal permit, the Community Committee must consider written or verbal representations from any person who wishes to be heard.

Decision re. excess animal permit

27(1) An excess animal permit may only be issued if the Community Committee considers that

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(a) the dogs, cats or both dogs and cats for which the applicant is seeking a permit will not unduly annoy or disturb the occupants of nearby properties; and

(b) the applicant can and will comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats for which the applicant is seeking an excess animal permit.

27(2) The excess animal permit may be issued in respect of specifically identified dogs or cats or both dogs and cats, or may permit a specific number of unidentified dogs or cats or both dogs and cats. The excess animal permit may be issued indefinitely or for a limited time and may have conditions imposed on it.

27(3) It is a condition of every excess animal permit that the permit holder must comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Community Committee is authorized to suspend or revoke the permit.

27(4) An excess animal permit applies to a specific person and to a specific parcel of land. It is not capable of being transferred to another person or to another parcel of land.

27(5) The City Clerk must give notice of the decision of the Community Committee to the applicant and every person who made representations at the Community Committee meeting in accordance with section 116 of *The City of Winnipeg Charter*.

27(6) The decision of the Community Committee concerning an excess animal permit is final and may not be appealed.

Variation of conditional excess animal permit

28 The holder of an excess animal permit may seek a variation or the removal of conditions imposed on the permit from the Community Committee that would have jurisdiction if a new application were being made for an excess animal permit. The procedure that applies to an application for an excess animal permit applies to the application for the variation or removal of conditions imposed on the permit.

PART 4 – COMMERCIAL ANIMALS

Keeping commercial animals in violation of zoning by-laws prohibited

29(1) Subject to this section, no person may keep a commercial animal in the City of Winnipeg except on a property where this is permitted under the Downtown Winnipeg Zoning By-law or the Winnipeg Zoning By-law.

29(2) Notwithstanding subsection (1), no person may keep or raise poultry except in districts zoned "agricultural" under the Winnipeg Zoning By-law.

29(3) The prohibitions in subsections (1) and (2) do not apply to

(a) schools and post-secondary institutions that harbour commercial animals for

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educational or research purposes; and

(b) petting zoos that are located in one location for a maximum period of one week.

Running at large prohibited
30(1) An owner and a person having custody of a commercial animal must ensure that it does not run at large.

30(2) For the purposes of this Part, a bee colony is running at large if it is swarming.

Impoundment of commercial animals
31(1) An enforcement officer is authorized to capture and impound a commercial animal that is running at large, has caused or is likely to cause damage or harm to people or property, or otherwise poses a danger to individuals or property.

31(2) Unless it is redeemed earlier under section 32 (*Redemption of commercial animals*), a designated employee shall impound a commercial animal impounded under subsection (1) for a minimum period of five days.

31(3) If a commercial animal has been impounded for five days without having been redeemed, the Chief Operating Officer is authorized to dispose of the animal in any manner that he or she considers appropriate.

Redemption of commercial animals
32(1) The owner of a commercial that has been impounded under this By-law may redeem it if he or she can demonstrate to the satisfaction of a designated employee that

(a) he or she is the owner of the animal; and

(b) when redeemed, the animal will either be kept outside the boundaries of the City or kept on a property zoned for this use under the Downtown Winnipeg Zoning By-law or the Winnipeg Zoning By-law.

32(2) In order to redeem an impounded commercial animal, its owner must pay:

(a) all applicable fees; and

(b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

PART 5 – PROHIBITED ANIMALS

Prohibited animals
33(1) Subject to this section, no person may keep or harbour within the City of Winnipeg an animal of a species identified in Schedule A, which is attached to and forms part of this By-law, or a hybrid of such an animal.

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33(2) Subsection (1) does not apply to an animal that is in the custody and care of

(a) the Assiniboine Park Zoo;

(b) the Health Sciences Centre;

(c) the Manitoba Museum;

(d) the Manitoba Wildlife Rehabilitation Organization;

(e) the Prairie Wildlife Rehabilitation Centre;

(f) the University of Manitoba;

(g) the University of Winnipeg;

(h) FortWhyte Alive;

(i) St. Boniface Hospital and St. Boniface Hospital Research Centre.

33(3) Subsection (1) does not prohibit a person from keeping or harbouring a specific animal if the owner registers the animal under subsection (4) within 90 days after this By-law has been enacted.

33(4) A person is entitled to register an animal with a designated employee for the purpose of exempting it from the prohibition in subsection (1) if the person can show that, at the time this By-law came into effect,

(a) the person owned the animal; and

(b) the animal was being lawfully kept within the City of Winnipeg:

Special permits issued by COO

34(1) Notwithstanding section 33 (*Prohibited animals*) but subject to subsection (2), the Chief Operating Officer is authorized to issue a special permit authorizing an animal prohibited by section 33 to be kept or harboured in the City of Winnipeg and may impose any conditions on the permits he or she considers appropriate to

(a) protect people, property or the environment from the animal; and

(b) ensure humane treatment of the animal.

34(2) Notwithstanding subsection (1), the Chief Operating Officer does not have the authority to issue a special permit in order to authorize a travelling zoo, travelling exhibit or a circus from keeping or harbouring a prohibited animal while in Winnipeg.

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Impoundment of prohibited animal

35(1) An enforcement officer is authorized to seize and impound an animal that is prohibited under section 33 (*Prohibited animals*) immediately where the animal is running at large or where the enforcement officer considers that

(a) the animal poses a danger to people or property; or

(b) it is likely to be concealed by its owner to prevent enforcement of this Part.

35(2) Unless it is redeemed earlier under section 36 (*Redemption of impounded prohibited animals*), a designated employee shall impound an animal that is impounded under this section for a minimum period of five days.

35(3) If a prohibited animal has been impounded for five days without having been redeemed, the Chief Operating Officer is authorized to dispose of the animal in any manner that he or she considers appropriate.

Redemption of impounded prohibited animals

36(1) The owner or person responsible for an animal impounded under section 35 (*Impoundment of prohibited animal*) may redeem the animal if he or she can demonstrate to the satisfaction of a designated employee that

(a) he or she is the owner of the animal;

(b) if redeemed, the animal will not pose a danger to people or property; and

(c) the animal will be removed from the City of Winnipeg within a reasonable period of time determined by the designated employee.

36(2) In order to redeem an impounded prohibited animal, its owner must pay:

(a) all applicable fees; and

(b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

PART 6 – GENERAL

Other animals running at large

37(1) The owner of an animal that is not a cat, dog or commercial animal must ensure that the animal does not run at large.

37(2) An enforcement officer is authorized to seize and impound, or accept for impoundment, an animal that is running at large in contravention of subsection (1).

37(3) Unless it is redeemed earlier under subsection (4), a designated employee shall impound an animal that is impounded under this section for a minimum period of five days.

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37(4) The owner or person responsible for an animal impounded under this section may redeem the animal if he or she can demonstrate to the satisfaction of the designated employee that he or she is the owner of the animal and by paying

(a) all applicable fees; and

(b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

37(5) If an animal has been impounded for five days without having been redeemed, the Chief Operating Officer is authorized to dispose of the animal in any manner that he or she considers appropriate.

General prohibitions

38(1) No person shall:

(a) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the City;

(b) entice an animal to run at large;

(c) tease an animal caught in an enclosed space; or

(d) throw or poke any object into an enclosed space when an animal is caught or confined therein.

38(2) No person other than the owner of an animal or with the consent of the owner may untie, loosen or otherwise free an animal which has been tied or otherwise restrained;

PART 7 - ADMINISTRATION AND ENFORCEMENT

Interference with enforcement officers prohibited

39 No person may:

(a) interfere with or attempt to obstruct an enforcement officer who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law;

(b) release or attempt to release an animal from a vehicle in which an animal that has been captured by an enforcement officer is being held for impoundment; or

(c) remove, or attempt to remove any animal from the possession of an enforcement officer.

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Identification must be provided

40 When an enforcement officer intends to issue a document to initiate a prosecution against an individual for a contravention of this By-law, the individual must at the request of the enforcement officer provide identification sufficient to establish the individual's name and address.

Compliance with adoption contract required

41(1) Where a designated employee arranges for the adoption of a dog or cat as a means of disposing of the dog or cat, the dog or cat must be sterilized prior to the adoption or, alternatively, the adoption contract must require that the dog or cat be sterilized by the new owners within six months.

41(2) The owners of a dog or cat adopted from the Animal Services Agency must comply with the obligation set out in the adoption agreement to sterilize the dog or cat within the time period set out in the adoption contract.

Monetary penalty for costs of capturing animals

42(1) Where a designated employee captures or impounds an animal that is subject to impoundment under this By-law, the animal's owner must pay a monetary penalty imposed pursuant to subclause 175(d)(i) of *The City of Winnipeg Charter* in the amount of the costs directly attributable to the capture and the impoundment of the animal.

42(2) The costs referred to in subsection (1) may include, but are not limited to, the following:

(a) overtime pay required for the capture;

(b) vehicles and equipment rented for the purposes of the capture;

(c) additional personnel retained for the capture; and

(d) the provision of food, shelter, veterinary care and other care reasonably required by the animal during the impoundment.

42(3) Subject to subsection (4), the monetary penalty imposed under subsection (1) is due and payable 30 days after an invoice setting out the amount of the monetary penalty is sent by the Chief Operating Officer to the animal's owner at an address determined in accordance with section 47 by registered mail or delivery. It may be collected in any manner in which a tax imposed by the City of Winnipeg may be collected under *The City of Winnipeg Charter*.

42(4) The animal's owner may appeal the application of the monetary penalty or the amount of the monetary penalty within 14 days after the invoice has been sent to the owner under subsection (3).

Powers of designated employees and enforcement officers

43(1) Designated employees and enforcement officers have authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.

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43(2) Without restricting the general authority given in subsection (1), enforcement officers have the authority, after providing reasonable notice to the occupant of the property, to enter into a property to examine an animal or to capture and impound an animal in order to administer and enforce this By-law.

43(3) Because it is impractical or impossible to give notice to the occupant of property when in pursuit of an animal running at large, enforcement officers who are in pursuit of an animal running at large are hereby authorized to enter property, other than a building, without the requirement to give notice to the occupant of the property before the entry.

Powers of COO

44 Without restricting the general nature of the authority given in section 43, the Chief Operating Officer has authority to:

(a) waive licence and other fees, charges or monetary penalties

(i) for specific categories of animals, including service animals and animals recently adopted from registered animal rescue organizations;

(ii) for animal rescue organizations;

(iii) as part of an amnesty program or another program that serves the long-term interests of the Animal Services Agency;

(iv) in order to relieve pressure on the capacity of the City's animal care facilities;

(v) in order to ensure the adoption of an animal that would not otherwise be adopted; or

(vi) where it would be unjust or unreasonable to impose the fee, charge or monetary penalty;

(b) subject to the Materials Management Policy, make arrangements with veterinary clinics, pet stores and other businesses to sell licences on behalf of the City of Winnipeg, which may provide for a commission to be retained by the business;

(c) allow, or choose not to allow, a licence to be transferred to the new owner of the same animal.

Responsibility and powers of COO for animals within the custody of Animal Services

45(1) While an animal is impounded under this By-law or is otherwise within the custody of the City, the Chief Operating Officer must ensure that it is properly housed, fed, watered and provided with appropriate veterinary care.

45(2) Notwithstanding any provision of this By-law, the Chief Operating Officer is authorized to euthanize an impounded animal or an animal within the custody of the City where he or she, in consultation with a veterinarian, determines that

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(a) euthanasia constitutes a humane measure to end the animal's suffering;

(b) the animal is suffering from a terminal illness which will shortly end in death; or

(c) 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.

Appeals

46(1) Subject to this section, where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the designated committee in accordance with The City of Winnipeg Charter.

46(2) Subject to subsection (3), an administration fee in an amount determined by Council or by a person to whom Council has delegated this power is hereby imposed for an appeal made under this By-law. An appeal may not be accepted by the City Clerk until the administration fee has been paid to the City Clerk.

46(3) The designated committee is authorized to order the administration fee imposed by subsection (2) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Address for service

47 Where it is necessary to determine an address for sending or delivering an order, notice or some other document under this By-law, any one of the following methods of determining the address may be used:

(a) if the person to be served has been issued a licence under this By-law or is registered pursuant to this By-law, the address provided by the person when applying for the licence or when registering, or any updated address provided by the person, may be used;

(b) if the person to be served is a registered corporation that is not dissolved, the registered office of the corporation shown in the articles of incorporation or in the last notice filed under section 19 of *The Corporations Act* may be used;

(c) if the person to be served is reasonably determined to reside at a particular address in the City of Winnipeg, the address of his or her residence may be used.

Preset fines and early payment options

48(1) A person who contravenes a provision of this By-law referred to in Schedule B, which is attached to and forms part of this By-law, is guilty of an offence and is liable, upon summary conviction, to the preset fine set out in the column identified as setting out a preset fine, plus mandatory fees and costs as provided by *The Summary Convictions Act*, for the contravention of that provision.

48(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law referred to in Schedule B may pay a discounted fine set out in the column identified as setting

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out early payment fine options, plus mandatory fees and costs as provided by *The Summary Convictions Act*, within 15 days following the date the offence notice alleging the contravention was issued, and thereafter will not be prosecuted for the contravention.

Consequential amendment to Parks By-law

49 The Parks By-law No. 85./2009 is amended by renumbering section 6 as subsection 6(1) and adding the following immediately thereafter:

> *6(2) Without restricting the generality of subsection (1), the Chief Operating Officer may designate parks or areas of parks in which dogs are not required to be restrained by leashes. The Chief Operating Officer may only make such a designation if he or she determines that the parks or areas of parks so designated will minimize the risks that unleashed dogs will*
>
> *(a) be injured by or interfere with nearby vehicular, railroad or pedestrian traffic;*
>
> *(b) interfere with activities taking place in or on children's play areas, school grounds, athletic fields and public open spaces, including picnic areas and public gardens.*

Pound By-law and Exotic Animals By-law repealed

50(1) Subject to subsection (2), the Pound By-law No. 2443/79 and the Exotic Animals By-law No. 3389/83 are repealed upon enactment of this By-law by Council.

50(2) Subsections 28(13) and (14) of the Pound By-law are repealed on January 1, 2015.

Coming into force

51 Sections 19 *(Cat licence mandatory)* and 20 *(Valid licence must be worn by cat)* of this By-law come into force on January 1, 2015. All other provisions of this By-law come into force immediately upon enactment of this By-law by Council.

DONE AND PASSED, this day of , 2013.

_____
Mayor

_____
City Clerk

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Approved as to content:

_____
Chief Operating Officer
Animal Services Agency

Approved as to form:

_____
For Director of Legal Services/City Solicitor

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SCHEDULE "A" TO
THE RESPONSIBLE PET OWNERSHIP BY-LAW

LIST OF PROHIBITED ANIMALS (Section 36)

1 All dogs, other than domesticated dogs (Canis familiaris), including, but not limited to, wolf, fox, coyote, hyaena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticate dog.

2 All cats other than domesticated cats (Felis catus), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat.

3 All bears, including polar, grizzly, brown and black bear.

4 All fur bearing animals of the family Mustelidae, including, but not limited to, weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (Putorius furo).

5 All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.

6 All carnivorous mammals of the family Viverridae, including, but not limited to, civet, mongoose, and genet.

7 All bats (Chiroptera).

8 All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.

9 All squirrels (Sciuridae).

10 Reptiles (Reptilia)

(a) all Helodermatidae (e.g. gila monster and Mexican bearded lizard);

(b) all front-fanged venomous snakes, even if devenomized, including, but not limited to:

i. all Viperidae (e.g. viper, pit viper),

ii. all Elapidae (e.g. cobra, mamba, krait, coral snake),

iii. all Atractaspididae (e.g. African burrowing asp),

iv. all Hydrophiidae (e.g. sea snake), and

v. all Laticaudidae (e.g. sea krait);

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(c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if devenomized;

(d) any member or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda, except members of the family Boidae reaching an adult length of no greater than two (2) meters;

(e) any member of the family Pythonidae, including, but not limited to, the African rock python, the Indian or Burmese python, the Amethystine or scrub python, except members of the family Pythonidae reaching an adult length of no greater than two (2) meters;

(f) any member of the family Varanidae, including, but not limited to, the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, except members of the family Varanidae reaching an adult length of no greater than one (1) meter;

(g) any member of the family Iguanidae, including the green or common iguana;

(h) any member of the family Teiidae, including, but not limited to, the golden, common or black and white tegu;

(i) all members of the family Chelydridae, including snapping turtle and alligator snapping turtle;

(j) all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile;

(k) all other snakes of a species or subspecies that can reach an adult length greater than three meters, whether the particular snake exceeds that length or not; and

(l) all other lizards of a species or subspecies that can reach an adult greater than two meters, whether the particular snake exceeds that length or not.

11 Birds (Aves) in the following categories unless they are kept as commercial animals under Part 4 of the By-law:

(a) all predatory or large birds (e.g. Accipitrids, Cathartids), including, but not limited to, eagle, hawk, falcon, owl, vulture and condor;

(b) anseriformes, including, but not limited to, ducks, geese and swans;

(c) galliformes, including, but not limited to, pheasants, grouse, guinea fowl and turkeys; and

(d) struthioniformes, including, but not limited to, flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.

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12 Arachnida and Chilopoda

(a) all venomous spiders, including, but not limited to, tarantula, black widow and solifugid, scorpion, except the following species of tarantula: Chilean Rose (Grammostola rosea), Mexican Red-Knee (Brachypelma smithi) and Pink-Toed (Avicularia); and

(b) all venomous arthropods, including, but not limited to, centipede.

13 All large rodents (Rodentia), including, but not limited to, gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.

14 All even-toed ungulates (Artiodactyla) other than domestic sheep, including, but not limited to, antelope, giraffe and hippopotamus.

15 All odd-toed ungulates (Perissodactyla) other than domesticated horses (Equus caballus), including, but not limited to, zebra, rhinoceros and tapir.

16 All marsupials, including, but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, and greater glider, except the sugar glider.

17 Sea mammals (Cetacea, Pinnipedia and Sirenia), including, but not limited to, dolphin, whale, seal, sea lion and walrus.

18 All elephants (Proboscides).

19 All hyrax (Hyracoidea).

20 All pangolin (Pholidota).

21 All sloth, anteater, and armadillo (Xenarthrata).

22 Insectivorous mammals, including, but not limited to, aardvark, tenrec, shrew species, mole species and hedgehog species, except the African pygmy hedgehog.

23 Gliding lemur (Dermoptera).

24 All other venomous or poisonous animals.

25 All protected or endangered animals, whether native or non-native, whose possession or sale is prohibited in Manitoba because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement. This prohibition does not apply to an animal that has been obtained in accordance with international, federal or provincial law, as applicable, unless it is otherwise identified on this List.

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SCHEDULE "B" TO
THE RESPONSIBLE PET OWNERSHIP BY-LAW

MINIMUM FINES AND EARLY PAYMENT FINE OPTION (Section 51)

SECTION NUMBER	OFFENCE	PRESET FINE	EARLY PAYMENT FINE OPTION
	Part 1 – Dogs		
4(1)(a)	Fail to prevent dog from running at large	$200.00	$100.00
4(1)(b)	Fail to keep dog on required leash	$200.00	$100.00
4(1)(c)	Fail to ensure that dog is vaccinated for rabies or fail to provide proof of vaccination	$200.00	$100.00
4(1)(d)	Fail to prevent dog from barking, howling or unduly disturbing others	$200.00	$100.00
4(1)(e)	Fail to remove dog excrement	$400.00	$200.00
4(1)(f)	Fail to prevent dog from damaging property	$200.00	$100.00
4(1)(g)	Fail to prevent dog from pursuing person or animal	$200.00	
4(1)(h)	Fail to prevent dog from injuring person or animal	$350.00	
4(1)(i)	Fail to prevent dog from being on certain properties	$200.00	$100.00
4(1)(j)	Fail to prevent dog from upsetting garbage cans or scattering garbage	$200.00	$100.00
4(1)(k)	Fail to confine dog in heat	$200.00	$100.00
4(5)	Fail to comply with rules for off-leash parks	$200.00	$100.00
5(1)	No dog licence	$250.00	$125.00
5(4)	Fail to provide accurate information on licence application form	$500.00	$250.00
6(1)	Fail to have dog licence on dog	$50.00	$25.00
6(2)	Illegally removing dog licence	$200.00	$100.00
7(1)	Owning or bringing prohibited dog breed into Winnipeg	$1500.00	$1000.00
10(2)	Fail to immediately surrender dog for rabies observation	$1500.00	
10(3)	Fail to properly observe home quarantine	$1000.00	
14(1)(a)	Fail to ensure dangerous dog is kept secure	$1000.00	
14(1)(b)	Fail to ensure dangerous dog remains on owner's property unless muzzled and restrained	$1000.00	
14(1)(c)	Fail to provide certificate of liability insurance	$1000.00	$500.00
14(1)(d)	Fail to notify designated employee if dangerous dog is running at large or has harmed someone	$250.00	$125.00
14(1)(e)	Fail to provide designated employee with name of new owner of dangerous dog	$250.00	$125.00
14(1)(f)	Fail to implant microchip	$1000.00	$500.00
14(1)(g)	Fail to notify designated employee of dog's death	$250.00	$125.00

DRAFT

SECTION NUMBER	OFFENCE	PRESET FINE	EARLY PAYMENT FINE OPTION
14(1)(h)	Fail to pay applicable licence fee	$250.00	$125.00
14(1)(i)	Fail to post signage	$250.00	$125.00
14(1)(j)	Fail to sterilize dangerous dog	$1000.00	$500.00
	Part 2 - Cats		
18(1)(a)	Fail to prevent cat from running at large	$200.00	$100.00
18(1)(b)	Fail to ensure that cat is on required leash	$200.00	$100.00
18(1)(c)	Fail to ensure that cat is vaccinated for rabies or fail to provide proof of vaccination	$200.00	$100.00
18(1)(d)	Fail to remove cat excrement	$400.00	$200.00
18(1)(e)	Fail to prevent cat from damaging property	$200.00	$100.00
18(1)(f)	Fail to prevent cat from injuring person or animal	$200.00	$100.00
18(1)(g)	Fail to prevent cat from upsetting garbage cans or scattering garbage	$200.00	$100.00
18(1)(h)	Fail to confine cat in heat	$200.00	$100.00
19(1)	No cat licence	$250.00	$125.00
19(4)	Fail to provide accurate information on licence application form	$500.00	$250.00
20(1)	Fail to have cat licence on cat without registering licenced cat's microchip or tattoo	$50.00	$25.00
20(2)	Illegally removing cat licence	$200.00	$100.00
22(2)	Fail to comply with conditions on cat trap	$500.00	$250.00
23(2)	Fail to immediately surrender cat for rabies observation	$1500.00	
23(3)	Fail to properly observe home quarantine	$1000.00	
	Part 3 – Excess Animal Permits		
25(2)	Exceed restriction on maximum number of animals without excess animal permit	$500.00	$250.00
	Part 4 – Commercial Animals		
32	Keeping commercial animals in violation of zoning by-laws	$400.00	$200.00
33(1)	Fail to prevent commercial animals from running at large	$200.00	$100.00
	Part 5 – Prohibited Animals		
36(1)	Keep or harbour prohibited animal in city	$1500.00	$750.00
	Part 6 - General		
40(1)	Fail to prevent animal from running at large	$200.00	$100.00
41(1)(a)	Open gate to allow animal to run at large	$200.00	
41(1)(b)	Entice animal to run at large	$200.00	
41(1)(c)	Tease animal in enclosed space	$400.00	

DRAFT

SECTION NUMBER	OFFENCE	PRESET FINE	EARLY PAYMENT FINE OPTION
41(1)(d)	Throw or poke object into enclosed space with animal in the space	$400.00	
41(2)	Untie or free restrained animal	$200.00	
	Part 7 – Administration and Enforcement		
42	Interfere with enforcement officer	$500.00	
43	Fail to provide identification to enforcement officer	$500.00	$250.00
44(1)	Fail to sterilize adopted dog or cat	$500.00	$250.00

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