THE CITY OF WINNIPEG

BY-LAW NO. 5/2022

A By-law of THE CITY OF WINNIPEG to amend the Responsible Pet Ownership By-law

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

PART 1
AMENDMENTS TO RESPONSIBLE PET OWNERSHIP BY-LAW

Responsible Pet Ownership By-law amended

1 The Responsible Pet Ownership By-law No. 92/2013 is amended by this Part.

Definitions amended

2 Section 2(1) is amended by

(a) adding the following definitions in alphabetical order

*"**body hold trap**" means any trap that restrains an animal and does not include a live release trap. This includes a glue trap*;

*"**dog daycare**" means a facility that typically provides short-term care and play opportunities for dogs in return for payment for the activity or booking. This includes a home-based facility;*

*"**General Manager**" means the General Manager of the Animal Services Agency or designate;*

***"live release trap"** means a trap that confines an animal;*

***"rodenticide"** means pest control products for controlling mice, rats, and other rodents;*

(b) deleting the definition of "*Chief Operating Officer*" entirely.

Chief Operating Officer replaced

3 The By-law is amended by replacing the term "*Chief Operating Officer*" everywhere it appears with "*General Manager*".

Owner's responsibilities amended

4 Subsection 4(1) is amended to add the following after clause (l):

(m) ensure that the dog is not tethered, chained or housed outdoors or in a similar structure or otherwise kept outdoors for prolonged periods of time; and

(n) ensure that a resident of the property is at home and that the dog is being actively supervised at all times when placed outdoors of the residence on the owner's property or on the property of another person who has consented to the presence of the dog;

Dog licence mandatory amended

5(1) Clause 5(2)(b) is amended by replacing the period "." at the end of the clause with "; and".

5(2) Clause 5(2) is amended by adding the following after clause 5(2)(b):

(c) in addition to the requirements of clauses (a) and (b), for a dog that is unsterilized, the following is also required:

(i) the dog must have active veterinarian care, including a current rabies vaccination;

(ii) the owner and/or harbourer must have a history of compliance with the requirements of this By-law and minimal impact on the community;

(iii) the dog must have no more than two incidents of having been in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);

(iv) the dog must have no more than one incident of having been in violation of clause 4(1)(i) (biting an individual or animal);

(v) the dog must have no more than one incident of having been impounded at an animal shelter; and

(iv) the owner and/or harbourer must have no history of any animals having been designated as dangerous per subsection 13(1), exceptionally dangerous per subsection 15(1), or needing protection per subsection 44.1(1).

Subsections 5(2.1) and 5(2.2) added

6 Subsections 5(2.1) and 5(2.2) are added after subsection 5(2) as follows:

5(2.1) *Where an unsterilized dog does not meet the requirements of clause 5(2)(c) in order to qualify for an intact dog licence, the owner is required to have the dog sterilized.*

5(2.2) *Notwithstanding subsection (2.1), the requirements set out in clause (2)(c) do not apply to the owner of an unsterilized dog who can provide a written statement, in a form acceptable to the General Manager, from a veterinarian declaring that sterilizing the dog is not advisable*

(a) due to medical issues, or

(b) because the dog has not yet reached growth maturity.

Sections 6.1 and 6.2 added

7 Sections 6.1, 6.2 and their titles are added after subsection 6(2) as follows:

Dog breeding permit mandatory

6.1(1) *Subject to this By-law, where a dog owner who resides in the City of Winnipeg intends to use a specific female dog for breeding purposes, the owner must obtain a valid dog breeding permit issued under this section.*

6.1(2) *Where a dog breeding permit is issued under subsection (1), the owner of the dog may only allow the dog to have*

(a) up to one litter per year; and

(b) up to four litters during the life of the dog.

6.1(3) *In order for the designated employee to issue a dog breeding permit*

(a) the owner and/or harbourer, who must be at least 18 years of age, must

(i) have a valid permit for the dog under subsection 5(2);

(ii) pay the permit fee and any other applicable fees;

(iii) provide, in a form acceptable to the General Manager, a letter from a veterinarian supporting the breeding of the specific dog or proof of purebred breed registration;

(iv) submit to an inspection of the breeding property by a designated employee and exhibit

A. clean and sanitary conditions;

B. little or no animal-related odors;

C. ample room for enrichment; and

D. wholesome food and water for the dog;

(v) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this By-law; and

(vi) have a history of compliance with the requirements of this By-law and minimal impact on the community;

(b) the dog must

(i) have active veterinarian care, including a current rabies vaccination;

(ii) no more than two incidents of having been in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);

(iii) no more than one incident of having been in violation of clause 4(1)(i) (biting an individual or animal); and

(iv) no more than one incident of having been impounded at an animal shelter.

6.1(4) *If a cheque used to pay for a dog breeding permit is returned for insufficient funds, the permit purchased by the cheque is void.*

6.1(5) *An applicant for a dog breeding permit must provide accurate information when applying for a permit. In particular, an applicant for a dog permit must not provide incorrect information concerning the number and frequency of litters that the dog has had.*

6.1(6) *The holder of a dog breeding permit must submit to inspections of the breeding property by a designated employee at any time after the dog breeding permit is issued.*

6.1(6) *A dog breeding permit issued under subsection (1) is valid for the life of the dog but may be revoked by the General Manager if the owner fails to remain in compliance with the requirements of this By-law, and in particular subsection (3), at any time after the dog breeding permit is issued.*

6.1(7) *A dog breeding permit may not be transferred to another dog.*

Display of dog breeding permit mandatory
6.2 *Every person is required to display a dog breeding permit number where puppies are advertised for sale.*

Subsection 11.1 added
8 Section 11.1 is added after subsection 11(5) as follows:

Sterilization of impounded dogs
11.1(1) *A designated employee, the Winnipeg Humane Society, an animal rescue organization or some other agent of the City of Winnipeg is authorized to sterilize a dog that has been impounded or sheltered prior to its release to an owner where the dog*

(a) was not licenced when impounded or sheltered; or

(b) has been impounded or sheltered twice in its lifetime, regardless of licence status.

11.1(2) *Any surgeries performed under clause (1) are at the expense of the owner.*

Part 1.1 added
9 Part 1.1 and its title are added after section 16 as follows:

PART 1.1 – DOG DAYCARES

General requirements for dog daycares
16.2 *Subject to this section, the owner of a dog daycare that is located in the City of Winnipeg must, or cause his, her or their staff to*

(a) ensure that all dogs that are attending at the dog daycare for the first time are assessed before being admitted to a playgroup;

(b) maintain a client tracking system that includes

(i) records of up-to-date vaccinations;
(ii) emergency contacts, and
(iii) basic information regarding each dog that attends the dog daycare;

(c) prohibit all female dogs that are known to be in heat (estrus) from participating in any multiple-dog playgroups;

(d) prohibit shock collars and harnesses from being used on any dogs that are participating in playgroups;

(e) ensure that all staff are trained to understand dog behaviour and playgroup management;

(f) have emergency plans in place and provide staff training for

(i) dog veterinary emergencies;
(ii) fires;
(iii) power outages; and
(iv) breaking up dog fights;

(g) use separate areas to separate large dogs from small dogs by size for play groups;

(h) ensure that the following minimum size of play area is provided:

(i) 20 square feet per dog for a small dog play area; and
(ii) 35 square feet per dog for a large dog play area;

(i) ensure that multiple-dog play groups maintain a minimum staff to dog ratio of

(i) one staff member for every 25 small dogs; and
(ii) one staff member for every 20 large dogs.

(j) ensure that climate control systems are put in place and are used so that the facility has fresh air circulation and safe temperatures at all times;

(k) ensure that safe indoor construction materials are used throughout the facility that allow for proper sanitation;

(l) have formalized cleaning and sanitizing processes for the facility; and

(m) ensure that dog rest areas are provided.

Cat licence mandatory amended

10(1) Clause 19(2)(b) is amended by replacing the period "." at the end of the clause with *"; and*".

10(2) Clause 19(2) is amended by adding the following after clause 19(2)(b):

(c) in addition to the requirements of clauses (a) and (b), for a cat that is unsterilized, the following is also required:

(i) the cat must have active veterinarian care, including a current rabies vaccination;

(ii) the owner and/or harbourer must have a history of compliance with the requirements of this By-law and minimal impact on the community;

(iii) the cat must have no more than two incidents of having been in violation of clause 18(1)(b) (running at large);

(iv) the cat must have no more than one incident of having been in violation of clause 18(1)(g) (biting an individual or animal);

(v) the cat must have no more than one incident of having been impounded at an animal shelter; and

(vi) the cat must have no history of having been designated as needing protection per subsection 44.1(1).

Subsections 19(2.1) and 19(2.2) added

11 Subsections 19(2.1) and 19(2.2) are added after subsection 19(2) as follows:

19(2.1) *Where an unsterilized cat does not meet the requirements of clause 19(2)(c) in order to qualify for an intact cat licence, the owner is required to have the cat sterilized.*

19(2.2) *Notwithstanding subsection 2.1, the requirements set out in clause (2)(c) do not apply to the owner of an unsterilized cat who can provide a written statement, in a form acceptable to the General Manager, from a veterinarian declaring that sterilizing the cat is not advisable*

(a) due to medical issues, or

(b) because the cat has not yet reached growth maturity.

Sections 6.1 and 6.2 added

12 Sections 21.1, 21.2 and their titles are added after subsection 6(2) as follows:

Cat breeding permit mandatory

21.1(1) *Subject to this By-law, where a cat owner who resides in the City of Winnipeg intends to use a specific female cat for breeding purposes, the owner must obtain a valid cat breeding permit issued under this section.*

21.1(2) *Where a cat breeding permit is issued under subsection (1), the owner of the cat may only allow the cat to have*

(a) up to one litter per year; and

(b) up to four litters during the life of the cat.

***21.1(3)** In order for the designated employee to issue a cat breeding permit*

(a) the owner and/or harbourer, who must be at least 18 years of age, must

(i) have a valid permit for the cat under subsection 5(2);

(ii) pay the permit fee and any other applicable fees;

(iii) provide, in a form acceptable to the General Manager, a letter from a veterinarian supporting the breeding of the specific cat or proof of purebred breed registration;

(iv) submit to an inspection of the breeding property by a designated employee and exhibit

A. clean and sanitary conditions;

B. little or no animal-related odors;

C. ample room for enrichment; and

D. wholesome food and water for the cat;

(v) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this By-law; and

(vi) have a history of compliance with the requirements of this By-law and minimal impact on the community;

(b) the cat must

(i) have active veterinarian care, including a current rabies vaccination;

(iii) no more than two incidents of having been in violation of clause 18(1)(b) (running at large);

(iv) no more than one incident of having been in violation of clause 18(1)(g) (biting an individual or animal); and

(v) no more than one incident of having been impounded at an animal shelter.

21.1(4) *If a cheque used to pay for a cat breeding permit is returned for insufficient funds, the permit purchased by the cheque is void.*

21.1(5) *An applicant for a cat breeding permit must provide accurate information when applying for a permit. In particular, an applicant for a cat permit must not provide incorrect information concerning the number and frequency of litters that the cat has had.*

21.1(6) *The holder of a cat breeding permit must submit to inspections of the breeding property by a designated employee at any time after the cat breeding permit is issued.*

21.1(6) *A cat breeding permit issued under subsection (1) is valid for the life of the cat but may be revoked by the General Manager if the owner fails to remain in compliance with the requirements of this By-law, and in particular subsection (3), at any time after the cat breeding permit is issued.*

21.1(7) *A cat breeding permit may not be transferred to another cat.*

Display of cat breeding permit
21.2 *Every person is required to display a cat breeding permit number where kittens are advertised for sale.*

Subsection 23.1 added
13 Section 23.1 is added after subsection 23(5) as follows:

Sterilization of impounded cats
23.1(1) *A designated employee, the Winnipeg Humane Society, an animal rescue organization or some other agent of the City of Winnipeg is authorized to sterilize a cat that has been impounded or sheltered pursuant to this By-law prior to its release to an owner where the cat*

(a) was not licenced when impounded or sheltered; or

(b) has been impounded or sheltered twice in its lifetime, regardless of wearing a valid licence tag.

23.1(2) *Any surgeries performed under clause (1) are at the expense of the owner.*

Subsection 29(2) replaced
14 Subsection 29(2) is replaced with the following:

29(2) *Notwithstanding subsection (1), no person may keep or raise poultry except in districts zoned "agricultural" or "Rural Residential 5 (RR5)" under the Winnipeg Zoning By-law.*

General prohibitions title amended

15 At section 38, the title "*General prohibitions*" is replaced with "*Prohibitions re. confined animals*".

Sections 38.1 to 38.6 added

16 Sections 38.1 to 38.6 are added after subsection 38(2) as follows:

Prohibition on use of body hold traps

38.1(1) *Subject to this section, the outdoor use of body hold traps is prohibited.*

38.1(2) *The prohibition in subsection (1) does not apply to*

(a) Governmental agencies;

(b) live release traps, subject to section 38.2; or

(c) a licenced pest control company that has obtained a permit from the Animal Services Agency for the outdoor use of body hold traps pursuant to subsection (3).

38.1(3) *Notwithstanding subsection (1) but subject to subsection (2), the General Manager is authorized to issue a special permit authorizing a licenced pest control company for the outdoor use of body hold traps and may impose any conditions on the permits he, she or they consider(s) appropriate to*

(a) protect people, property or animals; and

(b) ensure humane treatment of any trapped animals.

Conditions on use of live release traps

38.2 *Live release traps may be used on condition that*

(a) users are required to check traps at minimum once per day; and

(b) live trapped animals must be released from the trap or humanely euthanized by a licenced pest control company, governmental agency, or veterinarian.

Restrictions on use of rodenticide

38.3 *The outdoor use of rodenticide may only be conducted by licenced pest control companies or governmental agencies.*

Prohibition on feeding of wildlife
38.4(1) *Subject to this section, the intentional feeding of wildlife is prohibited.*

38.4(2) *The prohibition in subsection (1) does not apply to*

(a) feeding for the purpose of trapping;

(b) the feeding of birds; or

(c) feeding performed by animal rescue organizations, societies, zoos, researchers, universities or governmental agencies.

Temperature restrictions on leaving animals in vehicles
38.5(1) *No person may leave a dog, cat or other companion animal unattended in a vehicle when the outside temperature is at or warmer than 22 degrees Celsius, or at or colder than -10 degrees Celsius.*

38.5(2) *The restriction in subsection (1) does not apply to a running vehicle with a working air-conditioning or heating system, as applicable to outside temperature, that is actively being used to maintain the internal temperate of the vehicle within the permitted range outlined in subsection (1).*

38.5(3) *A designated employee is authorized to remove any dog, cat or other companion animal that is left unattended in a vehicle in violation of this section by any means that the designated employee deems necessary. This removal is done at the expense of the owner.*

38.5(4) *Any damage that may be done to a vehicle by the designated employee, in order to remove a dog, cat or other companion animal from a vehicle pursuant to this section, is at the sole cost and responsibility of the owner to repair.*

Temperature restrictions on cycling with dogs tethered
38.6 *Cycling with dogs tethered to a bicycle or similar device, including but not limited to skateboards, in-line skates, or scooters, when the temperature is 22 degrees Celsius or greater is prohibited.*

PART 2
OTHER AMENDMENTS AND COMING INTO FORCE

Municipal By-law Enforcement Act Enabling By-law No. 59/2016 amended

17 The table applicable to the Responsible Pet Ownership By-law No. 92/2013 set out in Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended to add the following provisions in numerical order:

Responsible Pet Ownership By-law, By-Law No. 92/2013		Administrative Penalty	
Provision	Contravention summary	Administrative Penalty ($)	Early Payment Discount ($)
4(1)(m)	Fail to ensure dog is not chained/tethered/dog house/kept outdoors for prolonged periods	250	125
4(1)(n)	Fail to supervise dog outdoors	250	125
5(2.1)	Fail to spay/neuter dog (no intact pet licence)	250	125
6.1(1)	No breeder's permit for dog	500	250
16.2	Fail to comply with dog daycare requirements	250	125
19(2.1)	Fail to spay/neuter cat (no intact pet licence)	250	125
21.1(1)	No breeder's permit for cat	500	250
38.1(1)	Use of outdoor body hold trap	500	250
38.2(a)	Fail to check live trap	500	250
38.2(b)	Fail to release or euthanize entrapped animal	500	250
38.3	Use of outdoor rodenticide other than by a licenced pest control company or governmental agency	250	125
38.4(1)	Feeding wildlife	200	100
38.5(1)	Unattended companion animal in vehicle (at or warmer than 22 Celsius or at or colder than -10 Celsius)	500	250
38.6	Cycling with dog (at or warmer than 22 Celsius)	250	125

Coming into force
18 This By-law comes into force upon its enactment by Council.

DONE AND PASSED this day of , 2022.

Mayor

City Clerk

Approved as to content

General Manager of
Animal Services Agency

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor