THE CITY OF WINNIPEG

BY-LAW NO. 73/2022

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.

Title of subsection 4(1) amended

2 The title of subsection 4(1) is amended by replacing it with "*Owner's care responsibilities*".

Clause 5(2)(iv) amended

3 Clause 5(2)(iv) is amended to add the portion "*at risk per subsection 12.1(1),"* immediately following "15(1),".

Subsection 5(2.1) amended

4 Subsection 5(2.1) is amended to add the following at the end of the paragraph "*Failure to have the dog sterilized may result in the dog being designated as at risk per clause 12.1(1)(f)."*

Subsection 9(3) is amended

5 Subsection 9(3) is amended to replace "*designated officer*" with *designated employee*".

Subsection 10(5) is amended

6 Subsection 10(5) is amended to replace "*designated officer*" with *designated employee*".

Subsection 11(5) repealed

7 Subsection 11(5) is repealed.

Section 12.1 and title added

8 Section 12.1 and its title are added after subsection 12(2) as follows:

At risk dog designation

12.1(1) *The General Manager is authorized to determine that a dog is at risk if there is evidence of irresponsible pet ownership, including but not limited to*

(a) the dog having more than two incidents of being in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);

(b) the dog having more than one incident of being in violation of clause 4(1)(i) (biting an individual or animal);

(c) the dog having more than one incident of being impounded at an animal shelter;

(d) unsanitary confinement of the dog;

(e) lack of veterinary care for the dog for medical issues; or

(f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this By-law.

12.1(2) *If a dog is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the dog into the custody of the Animal Services Agency and have the dog rehomed.*

12.1(3) *The General Manager, 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 being at risk and provide the reasons why such determination has been made.*

Subsection 13(5) repealed

9 Subsection 13(5) is repealed.

Subsection 14(1) amended

10(1) Clause 14(1)(b) is amended to

(a) add the portion "*harness and*" immediately following "restrained by a", and

(b) delete the portion "*or chain*".

10(2) Clause 14(1)(c) is repealed.

10(3) Clause 14(1)(i) is amended to

(a) replace "*designated officer*" with "designated employee".

(b) delete the last word "*and*".

10(3) Clause 14(1)(j) is amended to replace the period "." with a semicolon ";".

10(4) Subsection 14 is amended to add the following after clause (j):

(k) submit the dog for training by a certified dog trainer; and

(l) not permit the dog to attend at any dog daycares or off-leash areas of parks or other public properties.

Subsection 14(4) replaced

11 Subsection 14(4) is replaced with:

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 employee is authorized under the City's authority to act in emergencies to immediately impound the dog and the General Manager is authorized to*

(a) have the dog rehomed, or

(b) consider whether the dog is exceptionally dangerous and should be euthanized under section 15 (Euthanization of exceptionally dangerous dog).

Subsection 15(1) and title amended

12 Subsection 15(1) is amended to

(a) in the title, replace the word "*Destruction*" with "*Euthanization*", and

(b) replace the word *destroyed*" with "*euthanized*".

Subsection 15(2) amended

13 Subsection 15(2) is amended to replace the word *destroyed*" with "*euthanized*".

Subsection 15(6) repealed

14 Subsection 15(6) is repealed.

Subsection 15(7) amended

15 Subsection 15(7) is amended to

(a) replace the word "*destroy*" with "*euthanize*", and

(b) replace the word *destroyed*" with "*euthanized*".

Subsection 15(8) replaced
16 Subsection 15(8) is replaced with:

15(8) *If a dog has been determined to be exceptionally dangerous, unless its owner euthanizes it under subsection (7), the General Manager shall have the dog euthanized as soon as is practicable.*

Subsection 15(9) repealed
17 Subsection 15(9) is repealed.

Title of subsection 18(1) amended
18 The title of subsection 18(1) is amended by replacing it with "*Owner's care responsibilities*".

Clause 19(2)(vi) is amended
19 Clause 19(2)(vi) is amended to add the portion "*at risk per subsection 24.1(1) or"* immediately following "designated as".

Subsection 19(2.1) is amended
20 Subsection 19(2.1) is amended to add the following at the end of the paragraph "*Failure to have the cat sterilized may result in the cat being designated as at risk per clause 24.1(1)(f)."*

Section 24.1 and title added
21 Section 24.1 and its title are added after subsection 24(2) as follows:

At risk cat designation

24.1(1) *The General Manager is authorized to determine that a cat is at risk if there is evidence of irresponsible pet ownership, including but not limited to*

(a) the cat having more than two incidents of being in violation of clause 18(1)(b) (running at large);

(b) the cat having more than one incident of being in violation of clause 18(1)(g) (biting an individual or animal);

(c) the cat having more than one incident of being impounded at an animal shelter;

(d) unsanitary confinement of the cat;

(e) lack of veterinary care for the cat for medical issues; or

(f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this

By-law.

24.1(2) *If a cat is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the cat into the custody of the Animal Services Agency and have the cat rehomed.*

24.1(3) *The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to designate a cat as being at risk and provide the reasons why such determination has been made.*

Title of subsection 34(1) amended

22 The title of subsection 34(1) is amended by replacing "*COO*" with "*General Manager*".

Section 37.1 and title added

23 Section 37.1 and its title are added after subsection 37(5) as follows:

Other animals at risk

37.1(1) *The General Manager is authorized to determine that an animal is at risk if there is evidence of irresponsible animal ownership, including but not limited to*

(a) the animal having more than two incidents of being in violation of clause 37(1) (running at large);

(b) the animal having more than one incident of biting an individual or animal;

(c) the animal having more than one incident of being impounded at an animal shelter;

(d) unsanitary confinement of the animal;

(e) lack of veterinary care for the animal for medical issues; or

(f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this By-law.

37.1(2) *If an animal is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the animal into the custody of the Animal Services Agency and have the animal rehomed.*

37.1(3) *The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to designate an animal as being at risk and provide the reasons why such determination has been made.*

Title of section 44 amended

24 The title of section 44 is amended by replacing "*COO*" with "*General Manager*".

Section 44.2 and title added

25 Section 44.2 and its title are added after subsection 44.1(3) as follows:

Restrictions on animal ownership

44.2(1) *The General Manager is authorized to restrict an owner either temporarily or permanently from acquiring additional animals based on the owner's current or former animals being designated as:*

(a) dangerous per section 14,

(b) exceptionally dangerous per section 15,

(c) at risk per section 12.1, 24.1, or 37.1, or

(d) needing protection per section 44.1.

44.2(2) *Before making a decision under subsection (1), the General Manager must*

(a) give notice to the owner that a determination as to whether the owner may be either temporarily or permanently restricted from acquiring additional animals will be made;

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

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

44.2(3) *The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to restrict the owner either temporarily or permanently from acquiring additional animals.*

Title of subsection 45(1) amended

26 The title of subsection 45(1) is amended by replacing "*COO*" with "*General Manager*".

PART 2
OTHER AMENDMENTS AND COMING INTO FORCE

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

27 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 ($)	Early Payment Discount ($)
14(1)(b)	Failure to use harness - Dangerous Dogs	500	250
14(1)(k)	Failure to provide training - Dangerous Dogs	500	250
14(1)(l)	Allow Dangerous Dog in prohibited area	500	250
44.2(1)	Failure to comply with animal ownership restrictions (temporary or permanent ownership of animals)	250	125

Coming into force

28 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 / City Solicitor