

CITY OF THOMPSON
BY-LAW NUMBER 1865-2012
[As Amended by B/L 1877-2012]
[As Amended by B/L 1916-2014]
[As Amended by B/L 1942-2016]

BEING A BY-LAW OF THE CITY OF THOMPSON RESPECTING THE REGULATION, LICENSING AND CONTROL OF ANIMALS IN THE CITY OF THOMPSON

WHEREAS under Chapter 119, Bill Number 99 of the Statutes of Manitoba, 1970, the City of Thompson became incorporated;

WHEREAS Section 232(1) of The Municipal Act SM 1996, c. 58-CAP M225 (hereinafter referred to as "The Municipal Act") enables a Council to pass bylaws respecting Animals;

AND WHEREAS the purpose of municipality includes providing services that, in the opinion of Council are necessary and desirable;

AND WHEREAS it is desirable to pass a By-law dealing with the licensing and regulation of Animals in the City;

"A Council may pass by-laws for municipal purposes respecting the following matters: as per Section 232 (1) of The Municipal Act

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- (o) the enforcement of by-laws.

AND WHEREAS Section 3 of The Municipal Act defines Municipal purposes as follows:

The purposes of a Municipality are:

- (a) to provide good government;
- (b) to provide services, facilities or other things that, in the opinion of council of the municipality, are necessary or desirable for all or a part of the municipality; and
- (c) to develop and maintain safe and viable communities;

AND WHEREAS subsection 236(1) of the Act provides, in relevant part as follows:

Exercising By-Law making powers 232(2) without limiting the generality of subsection (1), a council may in a by-law passed under this division:

- (a) regulate or prohibit;
- (b) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

AND WHEREAS subsection 236(1) of the Act provides, in relevant part as follows:

Content of by-laws under clause 232(1) (o) 236(1) without limiting the generality of clause 232(1) (o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, including:
 - (i) creating offences;
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law.
 - (iii) providing that an amount owing under sub clause (ii) may be collected in any manner in which a tax may be collected or enforced under this act;
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention;
 - (v) charging and collecting costs incurred in respect of acting under sub clause (iv);

- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS subsections 5(1), (2) and (3) of The Animal Liability Act, S.M. 1998 c. 8 provides, in relevant part, as follows:

Animals not to run at large.

AND WHEREAS Section 239(3) of The Municipal Act defines the powers of an Animal Control Officer in emergency situations as follows:

“In any emergency or extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses 1(a) and (c) without the consent of the owner or occupant.”

AND WHEREAS Section 245(1) of The Municipal Act provides as follows:
“The Municipality may take whatever action or measures are necessary to remedy a contravention of a by-law or this or any other Act that the Municipality is authorized to enforce or to prevent a reoccurrence of the contravention, if:

- (a) The Designated Officer has given a written order under Section 242;
- (b) The order contains a statement referred to in Clause (b);
- (c) The person to whom the order is directed has not complied with the order within the time specified in the order;
- (d) The appeal period respecting the order has passed or if an appeal has been decided, and it allows the Municipality to take action or measures.

NOW THEREFORE THE COUNCIL OF THE CITY OF THOMPSON ENACTS AS FOLLOWS:

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

DEFINITIONS

2. (1) In this By-law unless the context otherwise requires:
 - (i) “*Animal*” means any bird, reptile, amphibian or mammal excluding humans and wildlife;
 - (ii) “*Animal Control Officer*” means that employee or employees appointed by the City of Thompson to enforce this by- law.

- (iii) “Animal rescue/shelter organization” means an organization that 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 is not engaged in the breeding of dogs or cats;
 - d. it is not in contravention of the Animal Care Act or the zoning by law applicable to its location;
 - e. the animal rescue/shelter organization is responsible to issue a temporary registration tags to all dogs/cats that are in their care /and or foster care, and submit to the City of Thompson.
 - f. the animal rescue/shelter organization must notify the City of Thompson of the temporary foster home address of all dogs/cats in their care
 - g. If a dog /cat is running at large while in foster care the animal rescue/shelter is responsible for the fee’s and fines incurred.
 - h. Once the dog/cat is adopted out the animal rescue /shelter must have dog/cat vaccinated and registered as per the “Responsible Pet Ownership Bylaw”.
[AM B/L 1916-2014]
- (iv) “*Attack*” means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;
- (v) “*Bite*” means wound to the skin causing it to bruise, puncture, or break;
- (vi) “*Cemetery*” means land within the City and managed and controlled by The City that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;
- (vii) “*City*” means the municipal corporation of the City of Thompson or the area contained within the boundary thereof as the context requires;
- (viii) “*City Hall*” means the City facility established for the providing of and maintenance of licenses as set out in this Bylaw;

- (ix) “*City Manager*” means the person designated by Council as the Chief Administrative Officer of the City of Thompson or that person’s designate;
- (x) “*Competent Person*” means, an adult having sufficient strength and knowledge of controlling a vicious animal;
- (xi) “*Director of Public Safety*” means the direct supervisor of Inspections & Enforcement Services or that person’s designate;
- (xii) “*Former Owner*” means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed;
- (xiii) “*Golf Course*” means land which is set aside for the playing of the game of golf and upon which the game of golf is played;
- (xiv) “*Handicapped Owner*” Means person who has some conditions that markedly restricts their ability to function physically, mentally or socially.
- (xv) “*Harbor*” Means to provide a place of shelter or refuge;
- (xvi) “*Justice*” has the meaning as defined in the *Provincial Offences Procedure Act* as amended or replaced from time to time;
- (xvii) “*Leash*” means a chain or other material capable of restraining the Animal on which it is being used;

- (xviii) “*Livestock*” includes, but is not limited to:
 - (a) A horse, mule, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
 - (b) Domestically reared or kept deer, reindeer, moose, elk, or bison,
 - (c) Farm bred fur bearing Animals including foxes or mink,
 - (d) Animals of the bovine species,
 - (e) Animals of the avian species including chickens, turkeys, ducks, geese, or pheasants, and

- (f) All other Animals that are kept for agricultural purposes, but does not include cats, dogs, or other domesticated household pets;
- (xix) “*Muzzle*” means a device of sufficient strength placed over an Animal’s mouth to prevent it from biting;
- (xx) “*Nuisance Animal*” means an Animal declared to be a Nuisance Animal by the Director of Public Safety in accordance with Section 27.1 1865-2012 if it chases or barks at any vehicle on a public highway, or disturbs or annoys the quiet of any person or persons anywhere by repeatedly howling, barking which reasonably disturbs any person.
- (xxi) “*Owner*” means any natural person or body corporate:
 - (a) who is the licensed Owner of the Animal;
 - (b) who has legal title to the Animal;
 - (c) who has possession or custody of the Animal, either temporarily or permanently; or
 - (d) who harbors the Animal, or allows the Animal to remain on his premises;
- (xxii) “*Park*” means a public space controlled by the City and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment.
- (xxiii) “*Pathway*” means a multi-purpose thoroughfare controlled by the City and set aside for use by pedestrians, Cyclists and Persons using Wheeled Conveyances, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous;
- (xxiv) “Off – Leash Dog Park”- means an area that has been designated by the City of Thompson as an area in which dogs are not required to be restrained by leashes.
[AM B/L 1916-2014]
- (xxv) “*Pit Bull Dog*” means:
 - (a) Pit Bull Terrier; or

- (b) Staffordshire Bull Terrier; or
 - (c) American Staffordshire Terrier; or
 - (d) American Pit Bull Terrier; or
 - (e) Any dog which has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds, as established by the Canadian Kennel Club or the American Kennel Club or the United Kennel Club, to be determined by a veterinarian licensed to practice in Manitoba.
- (xxvi) “*Playground*” means land within the City and controlled by the City upon which apparatus such as swings and slides are placed;
- (xxvii) “*Pound*” Means any enclosure, premises or place designated by council for the purpose of impounding and caring for all animals found running at large or any animal in violation of this by-law;
- (xxviii) “*Pound Keeper*” Means a person or persons appointed by the City to act as a Poundkeeper, and any one or more of his/her assistants or any other person authorized to perform any of the duties of the Poundkeeper.
- (xxix) “*Provincial Court*” means The Provincial Court of Manitoba;
- (xxx) “*Running at Large*” means:
- (a) an Animal or Animals which are not under the control of a responsible person by means of a leash and is or are actually upon property other than the property in respect of which the Owner of the Animal or Animals has the right of occupation.
 - (b) an Animal or Animals which are under the control of a responsible person by means of not being on a Leash and which cause damage to persons, property or other Animals;
- (xxxi) “*School Ground*” means that area of land adjacent to a school and that is property owned or occupied by the Mystery Lake School Division or occupied with another party or the City of Thompson;

- (xxxii) “*Severe Injury*” includes any injury resulting in broken bone or bones, disfiguring lacerations, sutures, cosmetic surgery and further includes any other injury as determined to be severe by a Court upon hearing the evidence;
- (xxxiii) “*Sports Field*” means land within the City and controlled by the City which is set apart and used for the playing of a sport including baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields;
- (xxxiv) Vaccination” means dogs that have been vaccinated for DISTEMPER, HEPATITIS (CAV-2), PARAINFLUENZA, PARVOVIRUS, RABIES, BORDETELLA AND DEWORMING. **[AM B/L 1916-2014]**
- (xxxv) “*Vicious Animal*” means any Animal, whatever its age, whether on public or private property, which has
- (a) chased, injured or bitten any other Animal or Human,
 - (b) damaged or destroyed any public or private property, or
 - (c) threatened or created the reasonable apprehension of a threat to a human, and which, in the opinion of a Justice, presents a threat of serious harm to other Animals or humans.
- (xxxvi) “*Wading or Swimming Area*” means any area designated as an outdoor wading or swimming area. This shall include any decks surrounding such facility.
- (2) Each provision of this By-law is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this By-law remain valid and enforceable.
- (3) Nothing in this By-law relieves a person from complying with any provision of any federal or provincial law or regulation, other By-law or any requirement of any lawful permit, order or license.
- (4) Any heading, sub-headings, or tables of contents in this By-law are included for guidance purposes and convenience only, and shall not form part of this By-law.

- (5) Where this refers to another Act, By-law, regulation or agency, it includes reference to any Act, By-law, regulation or agency that may be substituted therefore.
- (6) All the schedules attached to this By-law shall form a part of this By-law.

LICENSING REQUIREMENTS

DOG LICENSING

3. (1) No person shall own or keep any dog within the City unless such dog is licensed as provided in this By-law.
 - (1.1) The holder of a dog license must be a minimum of eighteen (18) years of age.
- (2) The Owner of a dog shall ensure that his/her dog wears the current license purchased for that dog, when such dog is off the property of the Owner.
- (3) The Owner of a dog shall obtain an annual license for such dog at such times and in the manner as specified in subsections 3(4) and 6(1).
- (4) The Owner of a dog shall:
 - (a) subject to the provisions of subsection 3(4)(b) obtain a license for such dog on the first day on which the Thompson City Hall is open for business after the dog becomes three months of age;
 - (b) obtain a license during the first week of which the Thompson City Hall is open for business after he/she becomes Owner of the dog;
 - (c) obtain a license for a dog notwithstanding that it is under the age of three months, where the dog is found Running at Large;
 - (d) obtain an annual license for the dog prior to January 31st of each year.
 - (e) Obtain a license at a location designated by the City of Thompson.
[\[AM B/L 1942-2016\]](#)

- (5) **Every cat or dog shall be vaccinated against rabies**, which vaccinations shall be repeated at intervals of not more than three (3) years.
[\[AM B/L 1942-2016\]](#)
- (a) The Animal Control Officer may require the owner of a cat or dog to provide proof of current vaccination against rabies and if such proof is not produced to the satisfaction of the Animal Control Officer, the owner shall require such cat or dog to be vaccinated against rabies.
 - (b) Every owner, possessor or harbourer of any cat or dog who applies for a license when the age of the cat or dog is under three (3) months shall be required to sign a declaration that vaccination will be carried out when the cat or dog reaches the required age, onus of proof of age of any cat or dog shall be upon the owner. Except as aforementioned, proof of vaccination against rabies must be produced when application for a license is made. Vaccination tags shall be affixed at all times to a collar worn on the neck of the cat or dog, other than when the cat or dog is on property in respect of which the Owner of the cat or dog has the right of occupation.
 - (c) If proof of current vaccination against rabies is not produced to the satisfaction of the Animal Control Officer, by the owner, possessor or harbourer of any cat or dog, the Animal Control Officer may, upon receipt of such information, cancel the license of any such cat or dog without advance notice to any person. Thereafter the cat or dog may be dealt with as an unlicensed cat or dog under the provisions of this by-law.
 - (d) An owner of a cat or dog who refuses, neglects or fails to comply with the requirements of this section is guilty of an offence.
 - (e) An Animal Control Officer may, in accordance with Section 3 (5) herein, seize and impound any cat or dog which has not been vaccinated against rabies as required by this By-law until such time that the cat or dog has been vaccinated.

CAT LICENSING

4. (1) No person shall own or keep any cat within the City unless such cat is licensed as provided in this Bylaw. The holder of a cat license must be a minimum of eighteen (18) years of age.
- (2) (a) The Owner of a cat shall ensure that his/her cat wears the current license purchased for that cat, when the cat is off the property of the Owner.
- (b) Notwithstanding subsection 4 (2) (a), every Owner shall ensure that a cat that is not wearing the current license purchased for that cat bears a visible tattoo or identifiable microchip.
- (3) The Owner of a cat shall obtain an annual license for such cat at such times and in the manner as specified in subsections 4(4) and 6(1).
- (4) The Owner of a cat shall:
- (a) subject to the provisions of subsection 4(4)(b) obtain a license for such cat on the first day on which the Thompson City Hall is open for business after the cat becomes three months of age;
- (b) obtain a license on the week of which the Thompson City Hall is open for business after he/she becomes Owner of the cat;
- (c) obtain a license for a cat notwithstanding that it is under the age of three months, where the cat is found Running at Large;
- (d) obtain an annual license for the cat prior to January 31st of each year.
- (e) Obtain a license at a location designated by the City of Thompson.
[\[AM B/L 1942-2016\]](#)

VICIOUS ANIMAL LICENSING

5. (1) No person shall own or keep any Vicious Animal within the City unless such Animal is licensed as provided in this Bylaw. The holder of a vicious dog license must be a minimum of eighteen (18) years of age.
- (2) The Owner of a Vicious Animal shall ensure that his/her Animal wears the current license purchased for that Animal, when the Animal is off the property of the Owner.
- (3) The Owner of a Vicious Animal shall obtain an annual license for such Vicious Animal at such times and in the manner as specified in subsections 5(4) and 6(1) and pay an annual fee as set out in the City of Thompson Fee and Fine Schedule.
- (4) The Owner of a Vicious Animal shall:
 - (a) subject to the provisions of subsection 5(4)(b) obtain a license for such Vicious Animal on the first day on which the Thompson City Hall is open for business after the Animal has been declared vicious;
 - (b) obtain a license on the first day on which the Thompson City Hall is open for business after he/she becomes Owner of the Vicious Animal;
 - (c) obtain an annual license for the Vicious Animal prior to January 31st of each year
 - (d) Have an electronic identification microchip implanted by a licensed veterinarian and provide the information contained thereon to the Animal Control Officer, Pound Keeper, or the Director of Public Safety.
 - (e) ensure that the vicious animal, whilst on private property, is kept either securely confined indoors or in a securely enclosed and locked pen, structure or compound which:
 - (i) is capable of preventing the entry of young children and preventing the Vicious Animal from escaping;
 - (ii) has minimum dimensions of 1.5 meters by 3 meters;
 - (iii) has secure sides; and

- (iv) provides protection from the elements for the vicious animal;
- (f) permit the Vicious Animal on public property only if it is muzzled, restrained by a chain or leash not exceeding 1.5 meters in length and under the control of a competent person.

LICENSING INFORMATION

- 6. (1) When applying for a license under this By-law, the Owner shall provide the following:
 - (a) a description of the cat, dog, or Vicious Animal including breed, name, gender and age;
 - (b) the name, address and telephone number of the Owner;
 - (c) where the Owner is a body corporate, the name, address and telephone number of the natural person responsible for the cat, dog, or Vicious Animal;
 - (d) information establishing that the cat, dog, or Vicious Animal, is neutered or spayed;
 - (e) any other information that an Animal Control Officer may require, pertaining to a Vicious animal, -its location and health;
 - (f) the annual license fee for each cat, dog, Vicious Animal or Nuisance Animal, as set out in the City of Thompson Fee and Fine Schedule of this By-law.
- (2) Any person giving false information when applying for a license pursuant to this By-law shall have committed an offence.
- (3) An Owner shall forthwith notify the Thompson City Hall of any change with respect to any information provided in an application for a license under this By-law.

REPLACEMENT OF LOST LICENCE

- 7. Upon losing a license, an Owner of a licensed Animal shall present the receipt for payment of the current year's license fee at City Hall,

who will issue a new tag to the Owner for the fee set out in the City of Thompson Fee and Fine Schedule.

NON-TRANSFERABLE

8. A license issued pursuant to this is non transferable.

HANDICAPPED OWNERS

9. Notwithstanding Section 3, where the Director of Public Safety is satisfied that a person who is handicapped is the Owner of a dog trained and used to assist such handicapped person, there shall be no fee payable by the Owner for a license under subsections 6(1)(f). Article 11 & 13 do not apply in this instance.

RESPONSIBILITIES OF OWNERS

RUNNING AT LARGE

10. The Owner of an Animal shall ensure that such Animal is not Running at Large.

OFF – LEASH DOG PARK

11. (1) Use of any area designated as an off-leash dog park shall be subject to the following rules and regulations:
- a. Owners must be present and have the dog within view at all times;
 - b. Female dogs in heat shall not be allowed in the park at anytime
 - c. Owners must remove the dog immediately if the dog acts in a dangerous or aggressive manner towards humans or other dogs.
 - d. All owners must keep dogs under control at all times by way of verbal commands. If control cannot be maintained, the dog must be leashed and removed from the park;
 - e. Ensure the dog comes when called;
 - f. Have a leash available to restrain the dog if needed;

- g. Remedy any harm caused by the dog, including filling in holes dug by the dog;
- h. Immediately remove and properly dispose of any excrement left by the dog.
- i. Dog owners, dog walkers and or commercial dog walkers shall be responsible and liable for their own dog(s) and any dog(s) in their care and liable for any injuries or damages caused by their dog(s).
- j. Individuals who choose to use off-leash areas do so at their own risk.
- k. All dogs must be vaccinated.

[AM B/L 1916-2014]

DOGS IN PROHIBITED AREAS

- 12. (1) The Owner of a dog shall ensure that such dog does not enter or remain in or on:
 - (a) A School Ground, Playground, Sports Field, Golf Course, Cemetery, Wading or Swimming Area, or a Pathway; or
 - (b) any other area where dogs are prohibited by posted signs.
- (2) The Owner of a dog shall ensure that such dog does not enter or remain in a Park, or any part thereof, where the dog is within five (5) meters of a Play Ground, Wading or Swimming Area, Sports Field, Golf Course or Cemetery.
- (3) The Owner of a dog shall ensure that such dog does not enter or remain in a Park or any part of a Park or on a Pathway which has been designated by the Director of Parks Recreation as an area where dogs are prohibited.

SECURING ANIMALS IN VEHICLES

- 13.(1) No person shall allow an Animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or Parked.

- (2) Notwithstanding subsection 13(1), a person may allow an Animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flat bed truck if the Animal is:
- (a) in a fully enclosed trailer;
 - (b) in a topper enclosing the bed area of a truck;
 - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- (3) For the purpose of this Section, “roadway” means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

NUISANCES

REMOVING EXCREMENT

14. (1) If an Animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such feces immediately.
- (2) If an Animal is on any public or private property other than the property of its Owner, the Owner shall have in his possession a suitable means of facilitating the removal of the Animal's feces.

NOISE

15. (1) The Owner of an Animal shall ensure that such Animal shall not repeatedly bark, howl, or otherwise make or cause a noise or noises which reasonably disturbs any person.
- (2) In the instance of a complaint with respect to 15 (1) a Log will be issued to the complainant where he/she will document, for 7 consecutive days, the time of the noise/s , how long, and a description of the animal. A charge will be laid on the complainant's behalf where the complainant; will be required to attend court and provide their evidence.

SCATTERING GARBAGE

16. The Owner of an Animal shall ensure that such Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal.

THREATENING BEHAVIOURS

17. (a) The Owner of an Animal shall ensure that such Animal shall not:
- (1) Bite, bark at, or chase stock, Animals, bicycles, automobiles, or other vehicles;
 - (2) Chase or otherwise threaten a person or persons, whether on the property of the Owner or not;
 - (3) Cause damage to Public or Private property other than that of its owner , or other Animals, whether on the property of the Owner or not;
 - (4) Do any act that injures a person or persons whether on the property of the Owner or not;
 - (5) Bite a person or persons, whether on the property of the Owner or not;
 - (6) Attack a person or persons on the property of the Owner or on any other property causing severe injury or not;
 - (7) Cause death to another Animal.
17. (b) No Owner shall use or direct an Animal to attack, chase, harass or threaten a person or Animal.

VICIOUS ANIMALS**HEARINGS AND ORDERS**

18. (1) The Owner of an Animal Alleged to be a Vicious Animal shall be Provided Notice of a Hearing for determination by the City Manager ten (10) business days before the date of the hearing.

- (2) The Owner of an Animal alleged to be a Vicious Animal shall surrender the Animal to an Animal Control Officer where the Animal shall be held pending the outcome of the Hearing and any Appeals.
19. (1) Upon hearing the evidence, the Director of Public Safety shall make an order in a summary way declaring the Animal as a Vicious Animal if, in the opinion of the City Manager:
- (a) the Animal has caused severe-injury to a person, whether on public or private property; or
 - (b) the Animal has, while off its Owner's property, caused the death of an Animal.
- (2) Upon hearing the evidence, the City Manager may make an order declaring the Animal as a Vicious Animal or ordering the Animal destroyed, or both, if in the opinion of the City Manager the Animal is likely to cause serious damage or injuries, taking into account the following factors:
- (a) whether the Animal has chased any person or Animal;
 - (b) whether the Animal has attempted to Bite, or has bitten any person or Animal;
 - (c) whether the Animal has wounded, Attacked or injured any person or Animal;
 - (d) the circumstances surrounding any previous biting, Attacking, or wounding incidents; and
 - (e) whether the Animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons upon the street, sidewalk or any public or private property.
- (3) The order of the City Manager declaring an Animal vicious shall embody all of the requirements in Sections 5, 20, 21, 21, 23, 24, 25 and 26.
20. A Vicious Animal order pursuant to this By-law continues to apply if the Animal is sold, given or transferred to a new Owner.

REGULATIONS

21. Prior to a license being issued, the Owner of a Vicious Animal shall within ten(10) days after the Animal has been declared vicious:
- (a) have a licensed veterinarian tattoo or implant an electronic identification microchip in the Animal;
 - (b) provide the information contained on the tattoo or in the microchip to the Director of Public Safety;
 - (c) if the Animal is in an unaltered state, have the Animal neutered or spayed.
22. (1) The Owner of a Vicious Animal shall:
- (a) notify the Director of Public Safety should the Animal be sold, gifted, or transferred to another person or die; and
 - (b) remain liable for the actions of the Animal until formal notification of sale, gift or transfer is given to the Director of Public Safety.
23. (1) The Owner of a Vicious Animal shall ensure that such Animal does not:
- (a) chase a person or other Animals;
 - (b) injure a person or other Animals;
 - (c) Bite a person or other Animals; or
 - (d) Attack a person or other Animals.
- (2) The Owner of a Vicious Animal shall ensure that such Animal does not damage or destroy public or private property.
- (3) The Owner of a Vicious Animal shall ensure that such Animal is not Running at Large.
- (4) The Owner of a Vicious Animal shall notify the Animal Control Officer if the Animal is Running at Large.
- 24.(1) The Owner of a Vicious Animal shall ensure that when such Animal

is on the property of the Owner such Animal is:

- (a) confined indoors and under the control of a person who is a minimum of eighteen (18) years of age;
 - (b) when such Animal is outdoors such Animal is:
 - (i) in a locked pen or other structure, constructed pursuant to Section 24 in order to prevent the escape of the Vicious Animal and capable of preventing the entry of any person not in control of the Animal; or
 - (ii) securely Muzzled, and under the control of a person who is a minimum of eighteen (18) years of age by means of a Leash not exceeding point five (1.5) meters in length in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property.
- (2) The Owner of a Vicious Animal shall ensure that at all times, when off the property of the Owner, such Animal is securely:
- (a) Muzzled; and
 - (b) harnessed or Leashed on a lead which length shall not exceed one point five (1.5) meters in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property; and
 - (c) under the control of a person who is a minimum of (18) years of age.
25. The Owner of a Vicious Animal shall ensure that the locked pen or other structure:
- (a) shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
 - (b) shall provide the Vicious Animal with shelter from the elements;

- (c) shall be of the minimum dimensions of one and one-half (1.5) meters by three (3) meters and be a minimum one and one-half (1.5) meters in height; and
 - (d) shall not be within one (1) meter of the property line or within five (5) meters of a neighboring dwelling unit;
 - (e) Shall be inspected and approved prior to use by the Animal Control Officer.
26. (1) The Owner of a Vicious Animal shall, within 10 days of the date of The order declaring the Animal to be vicious, display a sign on his premises warning of the presence of the Animal in the form illustrated in Schedule “A”, **with a minimum size of 20 cm x 28.5 cm.**
- (2) A sign required by subsection 26(1) shall be placed at each entrance to the premises where the Animal is kept and on the pen or other structure in which the Animal is confined.
 - (3) A sign required by subsection 26(1) shall be posted to be clearly visible and capable of being seen by any person accessing the premises.

NUISANCE ANIMALS

27. (1) The Director of Public Safety may declare an Animal to be a Nuisance Animal.
- (2) The declaration of an Animal as a Nuisance Animal shall be reviewed annually by the Director of Public Safety.
 - (3) Subject to Section 28 an Animal Control Officer may seize and impound a cat or dog which is believed on reasonable grounds to be a public nuisance.

ANIMAL CONTROL OPERATIONS

SEIZURE

28. (1) An Animal Control Officer or the RCMP may capture and impound any Animal or Vicious Animal:

- (a) found Running at Large;
 - (b) which has bitten, or is alleged to have bitten a person or Animal, pending the outcome of an application to declare the Animal to be a Vicious Animal or to destroy the Animal; or
- (2) An Animal Control Officer or the RCMP may capture and impound any Animal Running at Large with respect to which a complaint under this By-law has been made.
- (3) The Pound Keeper shall provide every animal captured and impounded with sufficient shelter, food and water during the time such animal remains impounded.

DUTY TO NOTIFY

29. (a) A person who takes control of any stray cat or dog, or Vicious Animal, shall forthwith notify the Animal Control Officer or Director of Public Safety and provide any required information.
- (b) A person who takes control of any stray cat or dog, or Vicious Animal shall forthwith surrender the Animal to the Director of Public Safety or an Animal Control Officer.

OBSTRUCTION AND INTERFERENCE

30. (1) No person, whether or not that person is the Owner of an Animal or Vicious Animal which is being or has been pursued or captured shall:
- (a) interfere with or attempt to obstruct the Animal Control Officer who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure;
 - (b) open the vehicle in which Animals have been captured for impoundment ; or
 - (c) remove, or attempt to remove any Animal from the possession of an Animal Control Officer.

- (2) No person shall:
- (a) untie, loosen or otherwise free an Animal which has been tied or otherwise restrained;
 - (b) 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;
 - (c) entice an Animal to run at large;
 - (d) throw or poke any object into an enclosed space when an Animal is caught or confined therein, resulting in the Animal becoming intimidated or aggressive as a result of such actions.
31. Section 30 shall not apply to a Animal Control Officer or person appointed, who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure pursuant to this Bylaw.

NOTIFICATION

32. (1) If the Animal Control Officer knows or can ascertain the name of the Owner of any impounded or seized Animal; he/she shall serve the Owner with a copy of the Notice in Schedule “B” of this Bylaw, either personally, or by mailing it to the last known address of the Owner.
- (2) An Owner of an Animal to whom a Notice is mailed pursuant to subsection 32(1) is deemed to have received a Notice within forty-eight (48) hours from the time it is mailed.

RECLAIMING

33. (1) The Owner of any impounded Animal or Vicious Animal may reclaim the Animal or Vicious Animal by:
- (a) paying to The City of Thompson the costs of impoundment as set out in The City of Thompson Annual Fee and Fine Schedule; and
 - (b) where a license is required under this By-law, obtaining the license for such Animal or Vicious Animal.

- (2) Where an Animal or Vicious Animal is claimed, the Owner shall provide proof of Ownership of the Animal.
- (3) The Owner of an Animal or Vicious Animal who has been found not guilty of committing an offence under this By-law may request the return of any fees paid by him for reclaiming his Animal.

INSPECTIONS

34. Subject to the entry notice provisions of the *Municipal Act*, a designated officer of the City, bearing proper identification, may enter a property to conduct an inspection in order to determine whether or not this By-law or an order issued pursuant to this By-law is being complied with.
- 34.1 Where an owner refuses or neglects to surrender an animal for impoundment within two days of receiving Notice from the Animal Control Officer may apply to a Court of competent jurisdiction for an Order pursuant to section 240 of the "*Municipal Act*" to enter upon property of the owner seize and impound any such animal.
- 34.2 No person shall interfere with or attempt to obstruct an Animal Control Officer or an RCMP Officer who is attempting to conduct an inspection pursuant to Section 34.

AUTHORITY OF DIRECTOR

35. (1) The Director of Public Safety may:
- (a) receive Animals into protective care pursuant to fire, flood, or other reasons;
 - (b) retain the Animals temporarily;
 - (c) charge the Owner fees pursuant to the City of Thompson Fees and Fine Schedule for costs of impoundment; and
 - (d) at the end of the protective care period, if no other arrangements are made between the Owner and the Director of Public Safety treat such Animals as impounded Animals.

- (2) The Director of Public Safety may offer for sale, euthanize, or otherwise dispose of all unclaimed Animals which have been received at the pound.
- (3) The Director of Public Safety shall not sell, euthanize, or otherwise dispose of an impounded Animal or Vicious Animal until an Animal is retained at the pound:
 - (a) seven (7) days after the Owner has received notice or is deemed by Subsection 32(2) to have received notice that the Animal is in the Pound; or
 - (b) seventy-two (72) hours, if the name and address of the Owner is not known.
- (4) The Animal Control Officer may retain an Animal for a longer period if in his opinion the circumstances warrant the expense or he has reasonable grounds to believe that the Animal is a continued danger to persons, Animals, or property.

FEE FOR EUTHANIZING

36. When the Animal Control Officer decides to euthanize an Animal the Owner shall pay to the City of Thompson a fee as set out in the City of Thompson Annual Fee and Fine Schedule.

FULL RIGHT AND TITLE

37. The purchaser of an Animal from the City of Thompson pursuant to the provisions of this By-law shall obtain full right and title to it and the right and title of the Former Owner of the Animal shall cease thereupon.

OFFENCES AND PENALTIES

LICENSED OWNER

38. If an Animal is involved in a contravention of this Bylaw, the Owner of that Animal is guilty of an offence.

GENERAL PENALTY PROVISIONS

39. (1) Every Owner of an Animal who contravenes any of the provisions of this by:
- (a) doing any act or thing which the person is prohibited from doing, or
 - (b) failing to do any act or thing the person is required to do, is guilty of an offence.

VIOLATION TICKETS AND PENALTIES

40. (1) Where an Animal Control Officer or an RCMP Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with this By-Law.
- (2) The penalty payable in respect of a contravention of a provision of this By-law is the amount shown in the City of Thompson Annual Fee and Fine Schedule in respect of that provision.

VICIOUS ANIMAL FINES

41. The fine in respect to a contravention of this By-law with respect to Vicious Animals shall be the same amounts as shown in the City of Thompson Annual Fee and Fine Schedule regarding Vicious Animals.

CONTINUING OFFENCES

42. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established in the City of Thompson Annual Fees & Fines for each such day.

MANDATORY COURT OR INFORMATION

43. This Section shall not prevent the Animal Control Officer, his designate or RCMP from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the this By-law or from the laying of an information instead of issuing a violation ticket.

LIABILITY FOR FEES

44. The levying and payment of any fine provided in this By-law shall not relieve a person from the necessity of paying any fees, charges or costs from which he/she is liable under the provisions of this Bylaw.

ORDERS BY THE CITY MANAGER

45. The City Manager, after determining that the evidence supports that an infraction of this By-law has occurred may, if the City Manager considers the infraction sufficiently serious, direct, order, or declare one or more of the following:
- (a) that the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;
 - (b) that the Animal is a Vicious Animal;
 - (c) that the Animal be destroyed; or
 - (d) that the Owner be prohibited from owning any Animal for a specified period of time.

APPEAL

46. (a) Where the City Manager has made an order as per Article 45. the owner may appeal that order within 14 days to a Committee of Council. The Committee of Council shall set a date to hear the Appeal and the City Manager shall direct that the date be communicated to the Owner.
- (b) At the time and on the date specified in the notice, The Committee of council designated thereby, shall convene for the purpose of conducting a hearing to consider the Appeal

of the Owner. The City Manager shall provide such information, evidence and witnesses as he/she deems necessary in order to establish the appropriateness of the order he/she has made. The Owner shall then be given an opportunity to call such witnesses, and tender such other evidence and information as he/she deems desirable touching on the order of the City Manager and reasons therefore.

- (c) Upon the conclusion of the hearing, the Committee of Council may, upon being satisfied that the public interest so requires, support the order of the City Manager, or make any other decision the Committee of Council, in its sole discretion, deems appropriate.
- (d) The City Manager and the Owner may be represented by legal counsel at any hearing held under this Article 45.

PIT BULL DOGS

- 47. (1) Subject to Section 47(3) hereof, no person shall keep or harbor any Pit Bull Dog, regardless of age, in the City of Thompson. The minimum penalty payable in respect of a contravention of a provision of this By-law is the amount shown in the City of Thompson Fee and Fine Schedule in respect of that provision.
- (2) Subject to Section 47(3) and Section 28 the Animal Control Officer may seize and impound any Pit Bull Dog found within the City of Thompson.
- (3) A person may temporarily keep or harbor in the City of Thompson a pit bull dog only for the purpose of showing such pit bull dog in a place of public exhibition, contest, or other show sponsored by a bona fide dog club association, provided that when such pit bull dog is not being shown at the place of said public exhibition, contest, or show, it shall be:
 - (a) securely kenneled; or
 - (b) muzzled, restrained by a chain or leash not exceeding (1.5 meters) in length and under the control at all times, of a competent person.

COMPLAINTS

48. Before any action is taken by the Animal Control Officer under this By-law on a complaint received, the complainant shall provide, in confidence, his or her name and address to the Animal Control Officer, or their designate.

ABANDONMENT

49. Anyone who leaves an animal unattended in a manner determined by the Animal Control Officer to cause distress or pain to the animal is guilty of an offence.

KENNELS:

50. (1) (a) No person shall own, keep, possess, harbor or have in /her possession or in and around his/her premises more than three (3) cats;
- (b) No person shall own, keep, possess, harbor or have in his/her possession or in and around his/her premises more than two (2) dogs.
- (2) A person is not in contravention of Section 50(1) of this By-law by reason only:
- (a) That he/she is in possession of more than three (3) cats because one (1) of those cats has borne a litter of kittens provided that the kittens are disposed of within ninety (90) days of their birth;
- (b) That he/she is in possession of more than two (2) dogs because one (1) of those dogs has borne a litter of pups provided that he/she has disposed of those pups within ninety (90) days of their birth.
- (3) Section 50(1) of this By-law does not apply to any premises occupied by a duly qualified veterinarian surgeon for the practice of his/her profession, the Humane Society or a bona fide pet store operated in a commercial premises.

OTHER ANIMALS

- 51. (a) No person shall own keep, possess or harbor within the City of Thompson any 'Livestock' as defined in Section 2(1) (xvii), of this by-law;
- (b) The City may require that no person shall own, keep, possess or harbor within the City of Thompson any 'Animal' as defined in Section 2 (1) (i), of this By-law without first obtaining a permit and paying an annual fee as set out in the City of Thompson Fee & Fine Schedule;
- (c) All 'Animal' found running at Large may, subject to Section 28 herein be seized and impounded by an 'Animal Control Officer'
[AM B/L 1877-2012]

EXCLUSION

- 52. This By-law shall not apply to dogs owned or contracted by the Royal Canadian Mounted Police while such dogs are engaged in police work.
- 53. By-law No. 1678-2003 is hereby repealed.
- 54. This By-law 1865-2012 shall come into effect as of the date of receipt of third reading.

READ A FIRST TIME THIS 3rd DAY OF January 2012, A.D.
 READ A SECOND TIME THIS 30th DAY OF January 2012, A.D.
 READ A THIRD TIME THIS 13th DAY OF February 2012, A.D.

THE CITY OF THOMPSON

PER: _____
MAYOR

APPROVED AND ADOPTED THIS 13th DAY OF February, 2012, A.D.

PER: _____
CITY Manager

SCHEDULE “A”

VICIOUS ANIMAL SIGN

Form required for a Vicious Animal sign pursuant to the Bylaw.



SCHEDULE "B"
FORM OF NOTICE OF ANIMAL IMPOUNDMENT/SEIZURE

You are hereby notified that an Animal bearing License No. _____
for 20____ registered under the above name and address, was impounded on
_____, A.D. 20____ pursuant to the provisions of By-law No. _____ of
the City of Thompson, and that, unless the said Animal is claimed and all impoundment
charges are paid, on or before _____, 20____, the said Animal will be
sold, destroyed or otherwise disposed of pursuant to the said Bylaw

ANIMAL CONTROL OFFICER

SCHEDULE "C"

NOTICE TO SURRENDER FOR IMPOUNDMENT
CITY OF THOMPSON BY-LAW NO. 1865-2012

TO: _____

Take Notice that the undersigned has reasonable and probable grounds to believe that

you are in possession of an animal being a _____

that did on or about the _____ day of _____, 20__.

did violate paragraph _____ of By-Law No. 1865-2012

to surrender the said animal to the Animal Control Officer for the City of Thompson within two (2) days of the service of the Notice herein.

Failure to surrender the animal within the time provided will result in liability for a fine each day the failure to surrender continues.

SIGNED AND SERVED THIS _____ DAY OF _____, 20__.

ANIMAL CONTROL OFFICER