

RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE
BY-LAW NO. 3040

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE to regulate the ownership and possession of dogs within the Local Urban District of OAKVILLE.

THE REEVE AND COUNCIL OF **THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE** IN OPEN SESSION ASSEMBLED HEREBY ENACTS AS A BY-LAW OF THE SAID MUNICIPALITY AS FOLLOWS:

- 1) This By-Law may be referred to as “the Oakville Dog By-Law”.
- 2) Whenever used in this By-Law, unless the context otherwise requires:
 - a) CLERK: means the Chief Administrative Officer or the Assistant Chief Administrative Officer.
 - b) DOG: means any male or female dog that is three or more months old.
 - c) DANGEROUS DOG: means any dog which has been declared dangerous pursuant to the Municipality’s Dog Control By-Law, being By-Law No 2957 (hereafter called the Dog Control By-law);
 - d) DOG CONTROL OFFICER: means the person appointed by Council from time to time to carry out the duties of such officer as set forth in the Dog Control By-Law and includes his deputy or assistant.
 - e) DOG POUND or DOG POUNDS: means any pound or pounds acquired and or operated for the Rural Municipality of Portage la Prairie as the case might be.
 - f) PERSON: includes corporation, firm, a partnership and association.
 - g) POUNDKEEPER: means a poundkeeper for the time being of the Rural Municipality of Portage la Prairie and includes his deputy or anyone or more of his assistants or anyone performing any of the

duties of the poundkeeper and includes where the context requires, the Dog Control Officer.

h) OWNER: means any person who keeps or harbours a dog.

3) No person may keep or harbour any DANGEROUS dog within the Local Urban District of OAKVILLE.

EXCEPTION: This paragraph does not apply to any DANGEROUS dog that is duly licensed to an Owner, resident in the Local Urban District of OAKVILLE, in accordance with the Dog Control By-law as of May 9, 2006. This exception is limited to any specific DANGEROUS dog owned and licensed on that date, during its lifetime, and does not permit replacement or substitution.

4) No person or persons may keep or harbour more than 2 dogs of any kind in any house or building or at any property within the Local Urban District of OAKVILLE.

5) The provisions of paragraph 4 do not apply to dogs kept at premises for which a kennel licence has been issued.

6) The OWNER of any dog shall notify the Dog Control Officer within 2 working days in the event his dog has a litter and:

a) shall dispose of the litter before or when the pups are weaned, unless keeping one or two of the pups does not exceed the two dog limit in this By-law;

b) if a litter is born to a DANGEROUS dog, all the pups must be disposed of before or when the pups are weaned.

7) a) Where the Dog Control Officer believes a dog is being kept or harboured in contravention of this By-law;

i) he/she shall seize the dog and deliver it to the Poundkeeper for impoundment, and

ii) where such an impounded dog is not duly licensed as required by the Dog Control By-Law, and if no Owner identifies himself/herself to the Dog Control Officer within 5 working days, he shall cause the dog to be destroyed, or

iii) if the dog is duly licensed as required by the Dog Control By-Law or if an Owner identifies himself/herself as described above, he/she shall deliver to the Owner a notice of the impoundment which

advises that, if the Owner does not provide evidence in writing to the Clerk within 5 business days that the dog was not being kept in contravention of this By-law, the dog will be destroyed.

- b) If the Clerk is satisfied by the evidence provided by the Owner that the dog was not being kept in contravention of this By-law, he/she shall direct that the dog be released by the Poundkeeper, without charge.
- c) If the Clerk is not satisfied by the evidence provided by the Owner that the dog was not being kept in contravention of this By-law, he/she shall direct that the dog be destroyed and inform the Owner of his/her decision and his/her reasons for that decision by ordinary mail addressed to the last known address of the Owner.
- d) The Owner, within 15 days of the mailing by the Clerk of his decision and upon payment of a filing fee of \$150 and all impoundment costs owing to date, may appeal the Clerk's decision to Council.
- e) Within 3 weeks of receipt of a properly constituted appeal, a 3 member panel of Council shall convene an appeal hearing and give effective notice of the hearing date to the Dog Control Officer and the Owner.
- f) At the hearing of the appeal, the panel shall consider the reasons given by the Clerk and submissions from the Owner and the Dog Control Officer and may confirm or reverse the decision of the Clerk.
- g) The decision of the appeal panel or the decision of the Clerk, if not reversed on appeal in accordance with this By-Law, is final and binding on all persons, is not subject to further appeal, and is not subject to review by a court on any grounds whatsoever.
- h) If the Clerk's decision to destroy the dog was not appealed in accordance with this By-law, or if an appeal was dismissed, the dog shall be destroyed without further notice to the Owner.
- i) If Council reverses a decision of the Clerk on appeal, the Owner shall be entitled to a refund of the appeal filing fee and release of the dog, without payment of any impoundment fees.

- 8) Nothing in this By-law exempts an Owner from compliance with the Dog Control By-Law.
- 9) In any prosecution under this By-Law a dog shall be presumed to be three or more months old and the onus shall be on the person charge to prove otherwise.
- 10) Any person who contravenes a provision of this By-Law is guilty of an offence and liable, upon summary conviction, to the following penalty:
 - i) for a first offence, a fine of not less than \$250;
 - ii) for a second offence, occurring within 12 months of the first offence, a fine not less than \$500; and
 - iii) for a third offence, occurring within 24 months of a first offence, a fine not less than \$1,000.
- 11) All expenses incurred in impounding, caring for, destroying, or disposing of a dog, and all fines and costs imposed on a prosecution under this By-Law, are a debt owed by the Owner of the dog to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.
- 12) That By-Law No. 2984 is hereby repealed.

DONE AND PASSED as a By-Law of the Rural Municipality of Portage la Prairie by the Reeve and Council thereof in open session assembled this 8th day of December A.D., 2009.

Joseph T. Trimble
Reeve

Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a first time this 10th day of November, A.D., 2009

Read a second time this 8th day of December, A.D., 2009

Read a third time this 8th day of December, A.D., 2009