

RURAL MUNICIPALITY OF ST. LAURENT
BY-LAW NO. 5/2021

Amendment Resolution #	Date Carried	By-Law #
294/2023	July 19, 2023	13/2023

Being a By-Law of the Rural Municipality of St. Laurent for restraining and regulating the running-at-large of animals, and providing for the impounding and euthanizing of domestic animals.

WHEREAS it is provided by "The Municipal Act" and by Section 232 (1) (k) and amendments thereto, that every Municipal Corporation may pass By-Laws:

A council may pass by-laws for municipal purposes respecting the following matters:

(k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

WHEREAS it is provided by "The Municipal Act" and by Section 236 (1) and amendments thereto, that every Municipal Corporation may pass By-Laws:

Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

(b) remedying contraventions of by-laws, including

(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 subclause (iv),

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

AND WHEREAS the Rural Municipality of St. Laurent deems it expedient to pass a By-Law under the said Section for restraining and regulating the running at large of domestic animals;

NOW THEREFORE the Reeve and Council of the Rural Municipality of St. Laurent in Council duly assembled enact as follows:

1. Definitions:

- a) "Adult Cat or Dog" means any cat or dog that is older than 6 months of age.
- b) "Dangerous Animal" shall mean any dog, cat or any other animal that has on at least one occasion worried, attacked, injured or killed a person, livestock or any other animal, or is for any reason determined to be a risk to any person, livestock or any other animal, or has been declared a dangerous animal by council.
- c) "Prohibited animal" means:
 - (i) pigeons (Columbidae);
 - (ii) any member of the order Primate except a human being;
 - (iii) any member of the order Carnivora except dogs, cats and domestic ferrets (*Mustela Putorius Furo*), but including all hybrids of dogs and cats;
 - (iv) any member of the order Crocodylia;
 - (v) any constrictor snake, venomous snake or other venomous reptile or venomous arthropod; and
 - (vi) any other animal determined by the By-law Enforcement Officer ought to be a prohibited animal, other than a cat or livestock
- d) "Run at Large" means not being under control of the owner, either by being in direct or continuous charge of the owner, his agent, or employees or by confinement within an enclosure, or by being securely fastened so that it is unable to roam at will.
- e) "Owner" includes any person who keeps or harbors a domestic animal.

2) Restrictions

- a. No owner shall permit his domestic animal to kill a person or domestic animal.
- b. No owner or harbourer shall allow a domestic animal to chase or bark at any horse or vehicle on a public Highway or to disturb or annoy the quiet of others anywhere by howling, barking or biting.
- c. No owner shall permit his domestic animal to defecate on any public or private property other than the property of its owner. Where a domestic animal defecates on property other than the property of its owner, the owner shall cause such excrement to immediately be removed.
- d. No owner shall permit his domestic animal to damage public or private property other than that of its owner.
- e. No owner shall permit his domestic animal to be on any school ground or playground or public space or, permit a domestic animal on any park area unless the domestic animal is on a leash of a length not more than 6 feet, and in the actual custody and control of the owner or some competent person permitted by the owner to have the domestic animal.
- f. It shall be unlawful for any owner or harbourer of any domestic animal to permit such domestic animal to run at large. Any domestic animal found running at large contrary to the provisions of this By-

Law shall be liable to be captured and euthanized of as hereinafter provided, and the owner or harbourer of such domestic animal shall be liable to the penalties imposed by this By-Law.

g. No owner shall permit his domestic animal to pursue, chase or wound any person or animal (for the purposes of the section a person may be wounded without the requirement that their skin is punctured).

h. No person shall own or house a prohibited animal.

i. Any owner shall not be permitted to keep more than two adult dogs per property in a non-agriculture area and may not be permitted to keep more than three adult cats per property in a non-agriculture area

j. Any person who captures a domestic animal that has been running at large must contact the designated officer as soon as possible and must release the domestic animal to the designated officer as soon as practical.

3) Enforcement

a. The kennel attendant, by-law enforcement officer, or Police Officer, may capture any domestic animal running at large contrary to the provisions of this By-Law and impound the same. It shall be the duty of the kennel attendant to detain any domestic animal so impounded subject to the right of the owner to redeem the same within a period of seventy-two hours; however, if the animal is deemed a dangerous animal the animal will be quarantined for ten days at the owner's expense. At the expiration of that time any domestic animal not redeemed may be euthanized by a licensed veterinarian, which charges shall be paid by the Municipality. Before euthanizing such domestic animal, if such domestic animal has not been redeemed within a period of seventy-two hours, the kennel attendant may sell the same and shall be entitled to retain the proceeds of such sale for his own use. The kennel attendant shall be entitled to fees in effect of an agreement, as per *The Fees, Fines and Charges* by-law.

b. The By-Law Enforcement Officer or any other person appointed by the RM of St. Laurent to enforce the provisions of this By-Law or any other law, rule or regulation pertaining to animal care or custody, may lawfully enter upon the land and buildings of an animal owner or any other person, other than the personal residence of an individual, for the purposes of apprehending an animal running at large, to ensure compliance with this By-Law (including, without limitation, any license or permit issued pursuant to this By-Law) or to otherwise enforce the provisions of this By-Law, but shall not enter the personal residence of any individual without the consent of the owner or occupant of the personal residence or a valid warrant or order from a provincial court judge, magistrate or justice of the peace, as required to permit such entry.

c. The kennel attendant, by-law enforcement officer or a police officer or such other person as is authorized by the Council of the Rural Municipality of St. Laurent so to do, may use an air pistol or firearm equipped with a device to inject tranquilizers or sleep inducing drugs into a domestic animal for the purpose of capturing a domestic animal found running at large contrary to the provisions of this By-Law, or capturing a domestic animal that has bitten a person or is suspect of being rabid.

d.(i) A domestic animal which bites any person, whether or not the skin is directly punctured or lacerated by the bite, shall be impounded by the kennel attendant, by-law enforcement officer, or a Police Officer, except where the bite occurred on the premises of the owner or harbourer of such domestic animal.

(ii) Any such domestic animal impounded under Section 3.(a) hereof shall be held by the kennel as provided in Section 3 hereof and any person redeeming such domestic animal shall be liable to the impounding fee and a fine, as set forth in the *Fees, Fines and Charges* by-law.

e. The Kennel shall provide and supply to each and every domestic animal captured or impounded under the authority of this By-Law, sufficient food and water during the time such domestic animal remains impounded.

f. Any domestic animal suspected to be rabid shall be immediately euthanized or destroyed by the kennel attendant, veterinarian, or a police officer.

4) Traps

Any person who wishes to obtain a trap from the Municipality to apprehend a cat running at large shall:

- (a) Provide to the Municipality his/her/their name, address, email and telephone number;
- (b) Ensure that any domestic animal that is trapped is treated with care as is required under *The Domestic Animal Care Act*;
- (c) Ensure that any other animal that is trapped is released immediately;
- (d) Contact the designated officer as soon as the domestic animal has been trapped;
- (e) Release the domestic animal to the designated officer with the trap as soon as practical;
- (f) Pay any deposit and/or fee as may be authorized by Council from time to time for the use of the trap, as set out in the *Fees, Fines and Charges By-law*.

5) Recovery/Redemption

a. Unless the impounded animal is determined to be in the opinion of a licensed veterinarian requiring euthanizing, the owner of any dog, cat or any other domestic animal (other than a prohibited animal) impounded by the By-Law Enforcement Officer may be redeemed by applying to the RM of St. Laurent, within 72 hours, or, within the case of a dangerous animal, within 72 hours after the ten day quarantine period, for redemption and paying:

- (i) the impoundment fee;
- (ii) all veterinarian fees incurred by the kennel, while caring for the domestic animal;
- (iii) in the event that the impounded animal is a domestic animal that is unlicensed at the time of apprehension, the relevant license as described in the *Fees, Fines and Charges* by-law;
- (iv) all outstanding fines, damages or costs relating to the contravention of this by-law.

6) Penalty

a. Where the By-Law Enforcement Officer has reason to believe that a domestic animal is a dangerous animal, the By-Law Enforcement Officer shall arrange a hearing before Council at a regularly scheduled meeting of Council to determine whether or not the said domestic animal should be declared a dangerous animal. In the event that an owner voluntarily accepts the dangerous animal declaration and the recommended disposition of the matter made by the By-Law Enforcement Officer, a hearing before Council may be dispensed with, and the recommended disposition of the matter shall constitute a final order in respect of which there is no appeal.

(i) The Municipality shall provide written notice of the hearing to the owner of the animal at least ten (10) days in advance of the hearing by serving notice upon the owner or by mailing the notice by registered mail to the last known address of the owner.

(ii) The owner may attend the hearing and may make submissions to council.

(iii) The decision of Council shall be final. There shall be no appeal from the decision of Council.

(vi) Notwithstanding section 5) a.-c., a domestic animal that is in violation of section 2. a) and whose owner has been granted a fine penalty rather than euthanization by the screening officer will automatically be classified as a dangerous animal.

(v) Upon being designated a dangerous animal, Council may, by resolution, order that the dangerous animal owner or harbourer do any or all of the following:

- Sell, rehome or dispose of the animal within a timeframe set by Council
- Provide proof of notification to any new owner or harbourer that the designated dangerous animal has been designated as such
- Securely fence the property or place a secured pen onto the yard on the property in a manner that will prevent the dangerous animal from running at large, attack or worry people, animals or property as specified by Council
- The dangerous animal must be muzzled even when on the private property of the owner or harbourer
- The owner or harbourer of a dangerous animal shall display on in a conspicuous location, at each entrance to the premises upon which the dangerous animal is kept, a sign stating: WARNING BEWARE OF DANGEROUS ANIMAL. The sign shall be posted in such a manner that it cannot be removed easily by passersby and will be visible and capable of being read from outside of the premises

b. For the purpose of determining the fine payable under this Section by the owner or harbourer of a domestic animal, the offence shall be cumulative per domestic animal but shall only be calculated during one calendar year.

c. All fines and penalties collected under the provisions of this By-Law, except as herein otherwise provided, shall be paid to the Secretary-Treasurer of the Rural Municipality of St. Laurent and received by the Secretary-Treasurer for the said Municipal Corporation.

d. Any person who contravenes, neglects, omits or fails to obey or observe any provisions of this By-Law is guilty of an offence and if no other penalty is imposed therefore in this By-Law, is liable, to a fine not exceeding \$1,000.00, as indicated in the *Fees, Fines and Charges By-law 8/2022*, as amended from time to time.

e. Further to a penalty notice as found in the *Fees, Fines and Charges By-law 8/2022*, enforcement may be carried under the authority of the *General Enforcement By-law 4/2022*.

e. Any person having received a penalty notice for an infraction of this By-Law may request a review by a Screening Officer, per the *Municipal By-Law Enforcement Act*. The screening officer may review the notice and evidence, as well as any information presented by the person charged. Upon review, the screening officer will have options regarding any decisions per the *Fees, Fines and Charges by-law*.

f. Any person that wishes to appeal the decision of the Screening Officer may do so by requesting a review by an Adjudicator within 14 days of having received the decision of the Screening Officer and paying the administrative fee as set out in the *By-Law to Provide an Administrative Fee*.

g. Failure to pay the prescribed penalty within the allotted time may result in a sentence of imprisonment for not more than six months for the nonpayment of fines.

7) Exceptions

Any person that owns more than the permitted maximum number of adult cats or dogs or both under section 2) i., will be permitted to keep those adult cats or dogs or both that are in excess of the by-law, for the duration of the life of those adult cats or dogs or both, as long as they purchase licenses before the deadline set out in an affiliated policy.

Any property owner that owns more than the permitted maximum number of adult cats or dogs or both on their property and does not have the license to demonstrate permission to have the excess of domestic animals, after the date set out in the affiliated policy, must sell or give away the additional adult cats or dogs or both.

8) Coming Into Force

a. This By-Law shall come into force and take effect as and from the date of the passage thereof, and shall apply to the whole of the Rural Municipality of St. Laurent.

b. THAT By-Law No. 9/07 and any former by-laws dealing with regulating the Running-at-large of dogs, and providing for the impounding and euthanizing of dogs be hereby repealed.

By-Law does not limit owner's liability 5(2) An owner's liability under section 2 is not limited or otherwise affected by a by-law referred to in subsection (1).

Originals are signed and dated

Read a first time this 20th day of October, 2021

Reeve

Read a second time this 20th day of October, 2021

Read a third time this 3rd day of November, 2021

Originals are signed and dated

CAO

WARNING



This Photo by Habrown. Author is Licensed under CC BY SA

BEWARE OF
DANGEROUS ANIMAL

ATTENTION



This Photo by Helmutus Author is licensed under CC BY SA

MÉFIEZ-VOUS DES ANIMAUX
DANGEREUX

