CITY COUNCIL REPORT

TITLE:

BY-LAW NO. 7360 - TO AMEND ANIMAL CONTROL BY-LAW 5900
2ND & 3RD READINGS

PRESENTER:

Alexis Sukaroff

DEPARTMENT:

Legislative Services

ATTACHMENTS:

DATE:

10/9/2026

CLEARANCE / APPROVALS:

Dave Wardrop	General Manager
Dave Wardrop	City Manager

RECOMMENDATION(S):

1. That City Council give By-law No.7360 second reading as presented. And that City Council give further give it third and final reading.

2. That By-law No.7360 be given second reading as amended. That By-Law No. 7360 be given third and final reading.

BACKGROUND:

Originating from a report by Councillor Desjarlais presented to City Council at its meeting held January 4, 2022, Administration was requested to complete a review of the Animal Control By-law 5900.

At the regular Council meeting held October 5, 2026, amending by-law 7360 was presented for second and third readings. An amendment to include the option of a lifetime pet license was tabled pending further research being presented for Council consideration.

ANALYSIS:

Benchmarking of lifetime licensing specifically was done with Animal Control by-laws for Dauphin (lifetime option with rabies vaccine requirement), Moosejaw (annual only), and the City of Winnipeg (annual only).

Interviews were conducted with various staff around Animal Control through the Brandon Police Service and the licensed Veterinarian currently contracted by the City.

References include excerpts or summaries from original reports and communications from Staff Sergeants, Manager of Corporate Services, and Councilors dating back to 2022.

SUMMARY OF RESULTS:

Veterinary concerns were primarily around maintaining rabies vaccination by tying reoccurring licensing with proof of vaccination. She noted our relation to wildlife and having a confirmed case in a pet dog as recent as the last 5 years. There is appetite to consider allowing the contracted vet option to provide licensing directly.

Lifetime licensing even with regular proof a vaccination shifts workload and potential fines to enforcement rather than administration, who has consistently recommended maintaining a reoccurring license system.

LEGISLATIVE REQUIREMENTS:

The Animal Care Act (Manitoba), including the Animal Care Regulation establishes legal standards for the care and protection of animals. Authority lays with appointed Animal Protection Officers (Manitoba) or Police over those provided for in the Municipal Act.

The Wildlife Act regulates wildlife and prohibited animals.

FINANCIAL IMPACT:

They are typically nominal (currently $22/dog) and contribute to the administration, database, tags, as well as manual verifications of applications and increased reunification measures.

Lifetime licenses avoid multiple payments by pet owners and provide increased revenues up front, however may not match directly with the overall life of the pet and are non-refundable.

Enforcement of the by-law, including fines are collected by Brandon Police Service and used to provide service delivery, veterinary care, supplies, and pound fees.

Fees can be adjusted in the 2027 Fee Schedule as required.

RISK ASSESSMENT:

Risks of not implementing a lifetime pet license;
-lower compliance due to inconvenience
-not realizing potential reduction of recurring administrative processing
-failing to reduce perceived red tape and equitable payment/program options

Risks of Lifetime Licenses (even with Rabies Vaccine requirements);
-Increased public risk of identifying pets as vaccinated against rabies in situ
-outdated owner information affecting reunification or accountability
-Shifting inefficiency or admin burden to enforcement

COMMUNICATION STRATEGY:

Internal communications will include changes going out to Brandon Police Service/Animal Control Officers, Licensing, and Finance. City of Brandon website verbiage will be updated with a general public service announcement through Communications.

CONCLUSION:
Upon enactment of any amendments to the Animal Control By-law 5900, Licensing will make adjustments as necessary including fees and change in process discussions with Brandon Police Service.

Licensing to execute identified improvements to the online and in person process for applying for pet licenses, including efficiencies for renewal or validity.

BY-LAW NO. 7360

BEING A BY-LAW TO AMEND ANIMAL CONTROL BY-LAW NO. 5900/57/91

WHEREAS Council deems it advisable to amend Animal Control By-law No. 5900/57/91 to help regulate ownership and control of dogs, cats, and other animals as defined;

NOW THEREFORE Council enacts as follows:

1. That the preamble be amended by deleting the words “The Animal Husbandry Act, RSM c.A90” and replacing with “The Animal Care Act, CCSM c. A84”.
2. That Part I Section 1 Definitions numbering be deleted.
3. That in the definition for ANIMAL RESCUE ORGANIZATION, the word “licensed” be inserted immediately following the word “veterinarian”.
4. That the following new definitions be added in alphabetical order to the existing definitions list:
    i. “AT LARGE” means any animal located anywhere in the City of Brandon, exclusive of the Owner’s property and exclusive of where the animal is confined and restrained in an enclosure.
    ii. “DOMESTIC PET” means any animal other than a dog, cat or pigeon that has been domesticated and is kept or harboured within the City of Brandon, but excludes those identified as livestock, prohibited or wildlife.
    iii. “ENCLOSURE” means a pen or other secured area that prevents an animal from leaving the property and prevents contact between the animal and people and other animals, but shall not include an electronic containment system.
    iv. “EXTREME TEMPERATURES” means whenever Environment Canada has issued a cold warning or heat warning for weather in areas that affect the City of Brandon.
    v. “FOSTER HOME” means the dwelling of an individual(s) associated with an Animal Rescue Organization recognized by the City of Brandon, at which a dog and/or cat is harboured on a temporary basis for the purpose of rehabilitation and eventual adoption.
    vi. “GREENSPACE” means parks, open spaces, cemeteries, golf courses, pathways, trails, trailheads, outdoor recreation facilities, school yards, natural lands as defined within the Greenspace Master Plan and any other space owned, leased or maintained by the City of Brandon or jointly with another body.
    vii. “HARBOURING” means to provide a place of shelter or refuge for an animal or allowing an animal to remain on their premises. This can include constructing, erecting, locating or keeping on the premises of which the person is the occupant, a structure designed to be used as a shelter by the animal.
    viii. “LAND ZONED AGRICULTURE” means those lands designated as Agriculture and defined in the Zoning By-law.
    ix. “LICENSE” means a license or permitting issued pursuant to this by-law.
    x. “LICENSEE” means a person named on a license.
    xi. “LIVESTOCK” means animals of a domesticated species used for agricultural purposes and includes horses, cattle, swine, goats, sheep, poultry and bee

colonies but does not include wildlife as defined by The Wildlife Act, even if used for agricultural purposes.

xii. “MUNICIPAL LICENSING” means the department responsible for issuing licenses under this by-law including the Manager of Legal Services or their designate.

xiii. “PET STORE” means a business selling animals or offering animals for sale which operates at a location approved for retail sales use under the Brandon Zoning By-law.

xiv. “POULTRY” includes, but is not limited to: chickens, turkeys, ducks and geese but does not include pigeons.

xv. “PROHIBITED ANIMAL” means those defined and listed in The Wildlife Act (Manitoba).

xvi. “SERVICE ANIMAL” means an animal that is determined by Municipal Licensing to have been legitimately trained and certified to aid a person with a disability that relates to that person’s disability.

xvii. “WILDLIFE” means an Animal that belongs to a species indigenous to Manitoba that is wild by nature, and includes game wildlife and protected wildlife as defined and designated as wildlife by The Wildlife Act of Manitoba.

5. That he definition “OWNER” be deleted and replaced with the words “means any person or organization who owns, possesses, or harbours, or has control of any animal, or allows the animal to remain on their premises within the City of Brandon and shall include breeders.”

6. That the definition “POLICE DOG” be amended by deleting the word “actually” immediately before “in service”, inserting the word “Brandon” between “the” and “Police”, and replacing the acronym ‘R.C.M.P. with “Royal Canadian Mounted Police,”.

7. That the definition “SEVERE INJURY” be amended by deleting the word “disfiguring”.

8. That the definition “GUIDE DOG” be deleted in its entirety.

9. That the definition “SLED DOG” be deleted in its entirety.

10. By deleting the words “the Supervisor of” from the by-law entirely.

11. That Section 2 be amended by:

    i. adding the words “,or keep on a temporary or permanent basis” immediately after the word “harbour”, and

    ii. deleting the words “two (2) dogs and two (2) cats” and replacing with “a combined total of up to four (4) cats and/or dogs, of which a maximum of up to three (3) can be dogs,”, and

    iii. adding the words “regardless of the number of people who may be inhabiting the premises” immediately after the word “age,”

12. That Section 2.1 be amended by:

    i. deleting subsection 2.1 (a) 1.

    ii. deleting the word “two” in subsection 2.1. (a) 2 and inserting the words “any combination of up to four (4) immediately before the word “dogs”; and replacing the words “continue ownership, possession, or harboring of those animals” with “apply for an excessive dog/cat license”.

13. That the following sections be added after Section 2.1 c):

    2.2 No person, or persons, in occupation of a dwelling unit or other premise shall own, possess, harbour, or keep on a temporary or permanent basis any more than one (1) dog which has been declared dangerous.

    2.3 No person shall own, possess, harbour, or keep on a temporary or permanent basis a prohibited animal, as defined herein, within the City of Brandon.

    2.4 No person, or persons shall own, possess, harbour, or keep on a temporary or permanent basis livestock as defined herein, other than in areas zoned Agriculture in the Zoning By-law.

    2.5 No person shall own, possess, harbour, or keep wildlife, as defined herein, on a temporary or permanent basis.

    2.6 No person, or persons, in occupation of a dwelling unit or other premise shall own, possess, harbour, or keep on a temporary or permanent basis any more than eight (8) domestic pets (as defined in Part I), regardless of the number of people who may be inhabiting the premises. Notwithstanding the above:

    a) any person who owned, possessed or harboured more than eight (8) domestic pets prior to January 1, 2027; or

    b) any person who moves into the City from another jurisdiction and owned, possessed, or harboured more than eight (8) domestic pets prior to their move; may continue ownership, possession, or harbouring of those domestic pets, providing sufficient evidence to support the claim is supplied to the satisfaction of Municipal Licensing.

    2.7 Animal rescue organizations registered with the City, can place a dog and/or cat in temporary foster homes. A foster home will be allowed one (1) additional dog/cat over the maximum stated in Section 2, as approved by the Animal Control Officer. The animal rescue organizations must provide a list of all the foster home addresses to Municipal Licensing.

14. That the words in Section 3. (a) be deleted in their entirety and replaced with the following: “The owner of a dog and/or cat over six (6) months of age shall obtain and maintain a valid two (2) year license from Municipal Licensing. To be issued a license, the owner must meet the following criteria:

    i. Be at least 18 years of age;
    ii. Pay the applicable license fee; and
    iii. Provide, in a form acceptable to Municipal Licensing, any information reasonably required to administer and enforce this by-law.

15. That the words in Section 3 (b) be deleted in their entirety and replaced with the words “Upon completion of the license application as outlined in Section 3, the owner shall be issued a license tag for such dog and/or cat.”

16. That subsection 3. (b.1) be amended by:

    i. deleting the words “section 7.1” and replaced with the words “Part III Division II: Dangerous Dogs”;
    ii. inserting the words “dangerous dog” immediately before the word “license”; and
    iii. replacing the words “subsection b.3 and g” with “section 3”.

17. That subsection 3. (b.2) be amended by:

    i. deleting the words “section 7.1” with replacing with the words “Division II Dangerous Dogs”;
    ii. deleting the words “(b.3) and (g)” and replacing with “Section 3”; and
    iii. inserting the words “dangerous dogs” immediately before the words “license tag for such dog.”

18. That subsection 3. (b.3) be deleted in its entirety.
19. That subsection 3. (c) be amended by deleting the word “years”.
20. That subsection 3. (e) be amended by deleting the words “up dog or cat”.
21. That subsection 3. (f) be amended by deleting the word “year” and replacing with the word “term” and that the word “his” be deleted and replaced with the word “their”.
22. That subsection 3. (g) be amended by deleting the words “subsection (h)” and replaced with “Section 3”.
23. That subsection 4. (b) be amended by deleting the words “two dogs and two cats”.
24. That Section 4.1 deleted in entirety.
25. That Section 7.2 deleted and replaced with updated animal welfare provisions wording as follows:

    (a) Where there are reasonable grounds to believe that an animal is experiencing any of the following so as to significantly impair the animal’s health or well-being:

    (1) lacking an adequate source of food and water; or

    (2) impounded, yarded, or confined:

    i. with inadequate space,
    ii. with unsanitary conditions,
    iii. with inadequate ventilation or lighting, or
    iv. without providing an opportunity for exercise,

    (3) is being subjected to pain or discomfort, or lacking adequate medical attention for wounds or illness; or

    (4) is unduly exposed to injurious heat or cold;

The Animal Control Officer may:

(5)supply the animal with necessary food, water, and attention, as long as it remains in that place;

(6) if he deems it necessary, remove the animal; and

(7) recover from the owner of the animal the amount of the expense necessarily incurred providing necessities;

26. That Section 20 be amended by adding the word “continuously” immediately preceding “vaccinated”; deleting the word “annually”; and adding the words “as defined by a veterinarian” immediately after the word “rabies”.

27. That subsection 22 (a) be amended by deleting its entirety and replacing with the words “Any person who contravenes any provision of this by-law commits an offence and is subject to penalty in accordance with the provision of the Compliance By-law No. 7198.”

28. That subsection 22 (a.1) be deleted in its entirety.

29. That Schedule “A” be deleted in its entirety and replaced with Schedule “A” as attached to this by-law.

30. This By-law comes into full force and effect on January 1, 2027.

DONE AND PASSED by the Council of The City of Brandon duly assembled this day of A.D. 2026.

MAYOR	CITY CLERK

Read a first time this	day of	A.D. 2026
Read a second time this	day of	A.D. 2026
Read a third time this	day of	A.D. 2026

Schedule A - Principal Text Amendments

The new definitions and replacement sections shall be as set out in the consolidated text reflected in the proposed Animal Control By-law consolidation prepared for By-law No. 7360, including all wording appearing as enacted by By-law No. 7360.

~~f~~

CONTINUING CONSOLIDATION
ANIMAL CONTROL BY-LAW NO. 5900/57/91

AS AMENDED BY BY-LAW NOS. 5924/81/91, 5989/26/92, 6010/47/92, 6048/85/92, 6115/64/93, 6171/20/94, 6221/70/94, 6333/60/95, 6411/57/96, 6493, 6603, 6647, 6665, 6733, 6759, 6770, 6915 ,7127, 7165, 7309 AND ~~7309~~7360.

BEING A BY-LAW of The City of Brandon to regulate and control dogs, cats and other animals to be known as the "Animal Control By-law".
[AM. B/L 6647]

WHEREAS The City of Brandon is empowered under The Animal ~~Husbandry~~ Care Act, ~~RSM~~ CCSM c.A8~~490~~ and The Municipal Act, RSM 1988, c.M225 to regulate the keeping of animals, including dogs and cats, by by-law;

AND WHEREAS it is deemed expedient and in the public interest to regulate and control animals in the City of Brandon;

NOW THEREFORE the Council of The City of Brandon in regular session assembled, enacts as follows:

PART I - DEFINITIONS

1. ~~(a) All references herein to "he" shall include "she" unless the context thereof requires otherwise.~~

~~(b)~~ In this by-law:

~~(1)~~ "ACT" means The Animal ~~Husbandry~~ Care Act of the Province of Manitoba and current amendments thereto unless otherwise indicated.

~~(2)~~ "ANIMAL" means any animal that is kept in domestication or captivity and includes any part of an animal whether it is dead or alive.

~~(3)~~ "ANIMAL CONTROL OFFICER" means the Animal Control Officer of the City Police Service and any one acting or authorized to act on his behalf.
[AM. B/L 6171/20/94]

"~~(3.01)~~ "ANIMAL RESCUE ORGANIZATION" means an organization that meets all of the following criteria:

i. it is not operating for the preponderant purpose of earning a profit;
ii. its primary goal is the rescue, rehabilitation and adoption of dogs or cats;
iii. it does not adopt dogs or cats unless the dog or cat is sterilized at the time of adoption or, if the adopted dog or cat is under the age of six months, only adopts the dog or cat on condition that the adopter sterilize it within six months of the adoption and it is actively enforcing that condition;
iv. it is not engages in the breeding of dogs or cats; and
v. it has been endorsed as to its care of animals by a veterinarian licensed to practice in the Province of Manitoba.

[EN. B/L 7309]

"AT LARGE" means any animal located anywhere in the City of Brandon, exclusive of the Owner's property and exclusive of where the animal is confined and restrained in an enclosure.
[EN. B/L 7360]

~~(3.1)~~ "AVIARY" means any pen or run enclosed by wire immediately adjacent to the pigeon coop, into which pigeons can only enter directly from the pigeon coop.
[EN. B/L 6411/57/96]

~~(4)~~ "BREEDER" means any person who raises dogs or cats within the City for the purpose of breeding and the sale of the off-spring thereof.

~~(5)~~ "CAT" means all species of the animal commonly known as cats, and which are at least six (6) months of age, and includes the female as well as the male of every breed or classification or mixture of breeds.

(6) [REP. B/L 6010/47/92]

(7) [REP. B/L 6010/47/92]

(8) [REP. B/L 6010/47/92]

(9) [REP. B/L 6010/47/92]

~~(9.1)~~ "DANGEROUS DOG" means a dog which has been declared to be dangerous pursuant to section 7.~~1.~~

[EN. B/L 6171/20/94]

~~(10)~~ "DOG" means all species of the animal commonly known as dogs, and which are at least six (6) months of age, and includes the female as well as the male of every breed or classification or mixture of breeds, unless otherwise specified.

"DOMESTIC PET" means any animal other than a dog, cat or pigeon that has been domesticated and is kept or harboured within the City of Brandon, but excludes those identified as livestock, prohibited or wildlife.
[EN. B/L 7360]

~~(11)~~ "DWELLING UNIT" means one or more rooms in a building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

"ENCLOSURE" means a pen or other secured area that prevents an animal from leaving the property and prevents contact between the animal and people and other animals, but shall not include an electronic containment system.
[EN. B/L 7360]

"EXTREME TEMPERATURES" means whenever Environment Canada has issued a cold warning or heat warning for weather in areas that affect the City of Brandon.
[EN. B/L 7309]

"FOSTER HOME" means the dwelling of an individual(s) associated with an Animal Rescue Organization recognized by the City of Brandon, at which a dog and/or cat is harboured on a temporary basis for the purpose of rehabilitation and eventual adoption.
[EN. B/L 7360]

~~(11.1)~~ "GENERAL HOLIDAY" means a proclaimed and approved holiday by the Federal Government or the Manitoba Provincial Government.
[EN. B/L 7309]

"GREENSPACE" means parks, open spaces, cemeteries, golf courses, pathways, trails, trailheads, outdoor recreation facilities, school yards, natural lands as defined within the Greenspace Master Plan and any other space owned, leased or maintained by the City of Brandon or jointly with another body.
[EN. B/L 7360]

"HARBOURING" means to provide a place of shelter or refuge for an animal or allowing an animal to remain on their premises. This can include constructing, erecting, locating or keeping on the premises of which the person is the occupant, a structure designed to be used as a shelter by the animal.
[EN. B/L 7360]

(12)
~~(12) "GUIDE DOG" means any dog specially trained for and actually used as a guide by a person whose sight or hearing is impaired or who is blind or deaf.~~
~~[AM. B/L 6010/47/92]~~ [REP. B/L 7360]

~~(13)~~ "KENNEL" means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital, or animal pound.

(14) [REP. B/L 6010/47/92]

"LAND ZONED AGRICULTURE" means those lands designated as Agriculture and defined in the Zoning By-law.
[EN. B/L 7360]

"LICENSE" means a license or permitting issued pursuant to this by-law.
[EN. B/L 7360]

"LICENSEE" means a person named on a license.
[EN. B/L 7360]

"LIVESTOCK" means animals of a domesticated species used for agricultural purposes and includes horses, cattle, swine, goats, sheep, poulty and bee colonies but does not include wildlife as defined by The Wildlife Act, even if used for agricultural purposes.
[EN. B/L 7360]

"MUNICIPAL LICENSING" means the department responsible for issuing licenses under this by-law including the Manager of Legal Services or their designate.

[EN. B/L 7360]

~~(14.1)~~ "OFF-LEASH DOG PARKS" means any open space area so designated by signs, where dogs are allowed to be at large, but can be brought under the direct control of the owner at all times.
[EN. B/L 6759]

~~(15)~~ "OWNER" means any person or organization who owns, possesses, or harbours, or has control of any ~~dog or cat~~animal, or allows the animal to remain on their premises within the City of Brandon and ~~shall~~ includes breeders.
[AM. B/L 7360]

~~(15.1)~~ "PEST" means any animal, bird, insect or rodent, domestic or wild, causing a health hazard.
[EN. B/L 6647]

"PET STORE" means a business selling animals or offering animals for sale which operates at a location approved for retail sales use under the Brandon Zoning By-law.
[EN. B/L 7360]

(16) [REP. B/L 6010/47/92]

~~(16.1)~~ "PIGEON" means any pigeon kept for domestic purposes, including as a pet, racing pigeon, and show pigeon.
[EN. B/L 6411/57/96]

~~(16.2)~~ "PIGEON COOP" means any building or structure in which pigeons are housed or kept.
[EN. B/L 6411/57/96]

~~(17)~~ "POLICE DOG" means any dog specially trained for and ~~actually in~~in service with the Brandon Police Service, ~~the~~ R~~.C.M.~~Royal Canadian Mounted Police. or any other police department or government law enforcement agency and under the direct control and supervision of an Officer.
[AM. B/L 6171/20/94/7360]

"POULTRY" includes, but is not limited to: chickens, turkeys, ducks and geese but does not include pigeons.
[EN. B/L 7360]

~~(18)~~ "POUND" means any premises where dogs and cats are confined in accordance with the provisions of the Act or this By-law.

~~(19)~~ "POUNDKEEPER" means a person appointed to have charge and supervision over a pound in accordance with the provisions of the Act or this By-law.

~~(19.1)~~ "PREMISES" means any property and the structures located thereon.
[EN. B/L 5989/26/92]

"PROHIBITED ANIMAL" means those defined and listed The Wildlife Act.

[EN. B/L 7360]

~~(20)~~ "RUN AT LARGE" as applied to an animal means that the animal is not under the direct and continuous charge and effective control of a person competent to control it or is not under control by confinement within an enclosure, and "RUNNING AT LARGE" and "AT LARGE" have a corresponding meaning.

~~(20.1)~~ "SEVERE INJURY" means any physical injury that results in broken bones or ~~disfiguring~~ lacerations requiring multiple sutures or cosmetic surgery.
[EN. B/L 6171/20/94; AM. B/L 7360]

"SERVICE ANIMAL" means an animal that is determined by Municipal Licensing to have been legitimately trained and certified to aid a person with a disability that relates to that person's disability.
[EN. B/L 7360]

~~(20.2) "SLED DOG" means any dog kept or harboured for the purpose, and used in the sport, of dog sledding.~~

~~[EN. B/L 6221/70/94]~~

~~(21) "STERILE" means:~~
~~i) as it applies to male dogs and cats - neutered;~~
~~ii) as it applies to female dogs and cats - spayed, or having undergone ovariohysterectomy.~~[REP. B/L 7360]

(22) [REP. B/L 6010/47/92]

"WILDLIFE" means an Animal that belongs to a species indigenous to Manitoba that is wild by nature, and includes game wildlife and protected wildlife as defined and designated as wildlife by The Wildlife Act of Manitoba.
[EN. B/L 7360]

PART II - LICENSING

2.~~.~~ No person, or persons, in occupation of a dwelling unit or other premise~~s~~ shall own, possess, ~~or~~ harbour, or keep on a temporary or permanent basis any more than ~~two (2) dogs and two (2) cats~~a combined total of up to four (4) cats and/or dogs, of which a maximum of up to three (3) can be dogs, over six months of age, regardless of the number of people who may be inhabiting the premises.
[AM. B/L 5989/26/92, AM. B/L 7360]

2(1).~~1~~ ~~(a)~~ Notwithstanding section 2:

~~(1)~~ ~~any person who owned, possessed, or harboured more than two dogs and/or two cats prior to January 1, 1993; or~~(a) [REP. B/L 7360]

(b) ~~(2)~~ any person who moves into the City from another jurisdiction and owned, possessed, or harboured more than ~~two~~ any combination of up to four (4) dogs and/or ~~two~~ cats prior to their move;

may ~~continue ownership, possession, or harboring of those animals~~apply for an excessive dog/cat license, providing sufficient evidence to support the claim is supplied to the satisfaction of ~~the Supervisor of~~ Municipal Licensing.
[AM. B/L 6171/20/94, AM. B/L 7360]

~~(~~2(2~~b~~) Any person to whom subsection 2(1~~a~~) applies shall not be entitled to acquire, by any means, any additional dogs and/or cats until the number of dogs and/or cats they own, possess, or harbour falls below the number authorized by this by-law, at which time they must comply with the provisions of ~~section 2~~Part II.

(~~(c~~a) Any person to whom subsection 2(1~~a~~) applies shall be subject to all other provisions of this by-law.
[EN.B/L 6048/85/92]

2.1 No person, or persons, in occupation of a dwelling unit or other premise shall own, possess, harbour, or keep on a temporary or permanent basis any more than one (1) dog which has been declared dangerous.
[EN.B/L 7360] ~~[EN. B/L 6048/85/92]~~

2.2 No person shall own, possess, harbour, or keep on a temporary or permanent basis a prohibited animal within the City of Brandon.
[EN. B/L 7360]

2.4 No person, or persons shall own, possess, harbour, or keep on a temporary or permanent basis livestock as defined herein, other than in areas zoned Agriculture in the Zoning By-law.
[EN. B/L 7360]

2.5 No person shall own, possess, harbour, or keep wildlife on a temporary or permanent basis.
[EN. B/L 7360]

2.6 No person, or persons, in occupation of a dwelling unit or other premise shall own, possess, harbour, or keep on a temporary or permanent basis any more than eight (8) domestic pets (as defined in Part I), regardless of the number of people who may be inhabiting the premises. Notwithstanding the above:

a) any person who owned, possessed or harboured more than eight (8) domestic pets prior to January 1, 2027; or
b) any person who moves into the City from another jurisdiction and owned, possessed, or harboured more than eight (8) domestic pets prior to their move; may continue ownership, possession, or harbouring of those domestic pets, providing sufficient evidence to support the claim is supplied to the satisfaction of Municipal Licensing.

[EN. B/L 7360]

2.7 Animal rescue organizations registered with the City, can place a dog and/or cat in temporary foster homes. A foster home will be allowed one (1) additional dog/cat over the maximum stated in Section 2, as approved by the Animal Control Officer. The animal rescue organizations must provide a list of all the foster home addresses to Municipal Licensing.
[EN. B/L 7360]

MANDATORY DOG/CAT LICENSE

3. ~~(a)~~ The owner of ~~every~~ a dog and/or cat over six months of age shall ~~annually~~ obtain and renew a two (2) year license from Municipal ~~the Supervisor of Municipal~~ Licensing. To be issued a license, the owner must meet the following criteria:

a) be at least 18 years of age;
b) pay the applicable license fee; and
c) provide, in a form acceptable to Municipal Licensing, any information reasonably required to administer and enforce this by-law.

[EN. B/L 7360]

3.1 who shall, subject to subsection (g) and uUpon payment ofcompletion of the required license fee application as set out in the City's annual fee schedule, issueoutlined in Section 3, the owner shall be issued a license tag for such dog and/or cat.
[AM. B/L 6603, AM B/L 7360]

(b) The owner of every cat over six months of age shall annually obtain a license from the Supervisor of Municipal Licensing who shall, subject to subsection (g) and upon payment of the required license fee as set out in the City's annual fee schedule, issue a license tag for such cat.
[AM. B/L 6603 REP. B/L 7360]

3.2 (b.1) The owner of any dog which has been declared to be dangerous pursuant to section 7.1Division II: Dangerous Dogs shall annually obtain a dangerous dog license from the Supervisor of Municipal Licensing who shall, subject to subsections (b.3) and (g)Section 3 and upon payment of the required license fee as set out in the City's annual fee schedule, issue a license tag for such dog.
[EN. B/L 6171/20/94; AM. B/L 6603; AM. B/L 7360]

3.3 (b.2) The owner of any dog which has been declared to be dangerous pursuant to Division II: Dangerous Dogs section 7.1 shall, no later than the tenth day after receiving notice from the Supervisor of Municipal Licensing that his dog has been declared to be dangerous, obtain a license for the remainder of the license year from the Supervisor of Municipal Licensing who shall, subject to subsections (b.3) and (g) 3, and upon payment of the required license fee as set out in the City's annual fee schedule, issue a dangerous dog license tag for such dog.
1. [EN. B/L 6171/20/94; AM. B/L 6603 AND 6665]

(a)
(b.3) Every owner of a dangerous dog must produce, prior to a license being issued, evidence that he has in place a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog covering the balance of the license year with a minimum limit of liability of $300,000.00 per occurrence.
[EN. B/L 6171/20/94; REP. B/L7360]

(eb) The owner shall place and keep around the neck of every dog or cat a collar to which shall be securely fastened the current year's license tag issued in accordance with subsection 3s (a), (b), (b.1), or (b.2).

(dc) Where the license tag for any dog or cat becomes lost or stolen, the Supervisor of Municipal Licensing may issue a new license tag upon production of the receipt issued for the current year's license and payment of a replacement fee as set out in the City's annual fee schedule.
[AM. B/L 6603]

(ed) Said license is not transferable from one dog or cat to another, and no refund shall be made on any paid up dog or cat license fee because of the death or sale of the dog or cat, or upon the owner leaving the City before the expiration of the license period. [AM. B/L 7360]

(f(e) Where a change of ownership of a dog or cat licensed hereby occurs during the license yearterm, the new owner may have the current license transferred to his their name upon payment of a transfer fee as set out in the City's annual fee schedule. [AM. B/L 6603; 7360]

(gf) Subject to subsection (h),Section 3 every owner shall have their dog or cat vaccinated and revaccinated against rabies according to the labeled duration of the vaccine used, and prior to a license being issued, must produce a Certificate of Vaccination for rabies for that dog or cat from a licensed Veterinary Surgeon indicating that the dog or cat has been vaccinated for rabies within the prescribed labeled duration of the vaccine used, and current vaccination tags shall be affixed at all times to a collar worn on the neck of the dog or cat. [AM. B/L 6915]

3. (hg) Where a licensed Veterinary Surgeon has stated in writing that a dog or cat, for medical reasons, cannot be vaccinated for rabies and such statement is produced to the Supervisor of Municipal Licensing, that dog or cat and the owner thereof shall be exempt from the provisions of subsection (g).

(ih) The Supervisor of Municipal Licensing shall keep a record of all dog and cat licenses imposed and tags issued under the provisions of this by-law showing the name of the owner of each dog or cat and number of the tag issued in respect to each dog or cat, and shall account for monies received as dog and cat licenses.

4. (a) Every breeder and every person operating a kennel within the City shall annually obtain a Breeder/Kennel license from the Supervisor of Municipal Licensing and pay the required fee as set out in the City's annual fee schedule.
[AM. B/L 6603]

(b) Notwithstanding Section 2, breeders shall be permitted to own, possess or harbour more than ~~two (2) dogs and two (2) cats~~the over six months of age providing the dogs or cats are kept within the dwelling unit or in a property enclosure designed to confine the dogs or cats.

(c) The Council may, from time to time, make regulations respecting breeders and for the operation of kennels within the City as it deems necessary.

(d) The City retains the right to revoke any Breeder/Kennel license for non-compliance, including but not limited to excessive noise.

(e) Compliance with this Section does not negate the obligation to comply with "The City of Brandon Zoning By-law" and the City's Nuisance By-law, and other City by-laws of general application.
[AM. B/L 6010/47/92]

~~4.1 (a) Every person who keeps or harbours sled dogs shall annually obtain a Sled Dog Sport license from the Supervisor of Municipal Licensing, subject to authorization by City Council in accordance with subsection (b), and pay the required fees as set out in the City's annual fee schedule.~~
~~[AM. B/L 6603]~~

~~(b) Each initial request for a Sled Dog Sport license shall be presented to City Council for authorization and, if granted, such authorization shall continue until the license is not renewed or is revoked, or the location where the sled dogs are kept is changed.~~

~~(c) Each request presented to City Council must include:~~

~~(1) the address and zoning designation of the property where the sled dogs are to be kept;~~
~~(2) the zoning designation of surrounding properties; and~~
~~(3) proof that the sled dogs will be used for the sport of dog-sledding.~~

~~(d) Notwithstanding section 2, each Sled Dog Sport licensee shall be permitted to keep a maximum of fifteen (15) sled dogs, however, City Council retains the right to reduce this number as individual circumstances warrant.~~

~~(e) Sled Dog Sport licensees shall not be permitted to breed sled dogs at the licensed premises without first obtaining a Breeder license and complying with all breeder provisions.~~

~~(f) The City retains the right to revoke any Sled Dog Sport license for non-compliance, including but not limited to excessive noise.~~

~~(g) Compliance with this section does not negate the obligation to comply with other provisions of this by-law, the Nuisance By-law, and other City by-laws of general application.~~
[EN. B/L 6221/70/94; REP B/L 7360]

PART III - REGULATIONS

DIVISION I - GENERAL

5. (a) No owner shall:

(1) permit his dog to be anywhere other than on the owner's premises unless:
i) the dog has a collar and the proper license tag, and
ii) the dog is on a leash, not longer than 1.8 metres (6 feet), and
iii) the dog is under the immediate charge and effective control of some competent person.
[AM. B/L 6171/20/94]

(2) permit his cat to be anywhere other than on the owner's premises unless the cat has a collar and the proper license tag;

(3) permit his dog or cat to run at large or be at large except in designated off-leash dog parks;
[AM. B/L 6759]

(4) permit his dog or cat to unduly disturb the quiet of any person, in the case of a dog by howling or barking;

(5) permit his dog or cat to defecate on any public property or on any private property other than the property of the owner;

(5.1) permit any dog or cat feces or urine to accumulate on the owner's property to the point where the presence of same causes, in the opinion of the Animal Control Officer, an offensive odour to emanate from the property;
[EN B/L 6493]

(6) permit his dog or cat to damage public property or private property other than the property of the owner;

(7) harbour or keep any dog or cat over the age of six months for which a license has not been issued for the current license year;

(8) [REP. B/L 6171/20/94]

(9) permit his dog to disturb or annoy any person or persons by chasing or barking at any pedestrian or vehicle on a public thoroughfare;

(10) permit his dog or cat to be a public nuisance or to bite or threaten to attack any person or animal;
[AM. B/L 6647]

(11) permit his dog or cat to pursue, bite, or wound any person or animal, other than on the property of its owner;
[AM. B/L 6171/20/94]

(12) permit a dog on any school ground or playground, whether under control or not.

(13) refuse the Animal Control Officer the right to see and inspect any dog or cat which the Animal Control Officer suspects may have violated or be in violation of the provisions of this by-law.
[EN. B/L 6171/20/94]

(b) Where a dog or cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed immediately and such excrement shall be disposed of by the dog or cat owner in accordance with the City's Solid Waste Disposal By-law.
[AM. B/L 6010/47/92]

(b.1) Any person who has immediate charge and control of a dog or cat on public property or private property, other than the property of the owner, shall have possession of equipment or materials sufficient to properly remove animal excrement and ensure disposal of such excrement is in compliance with the City's Solid Waste Disposal By-law. Such equipment or materials must be produced upon demand of the Animal Control Officer and be suitable for removal and disposal of such excrement in the opinion of the Animal Control Officer.
[EN. B/L 6171/20/94]

(b.2) Any person who removes or causes to be removed dog or cat excrement from any property, including the property of the owner, shall ensure such excrement is disposed of in accordance with the City's Solid Waste Disposal By-law.
[EN B/L 6493]

5. (c) Where public or private property has been damaged by a dog or cat, its owner shall be deemed to have failed or refused to comply with paragraph (a)(6) of this section and shall be subject to claims for restitution upon initiation of a civil action by the party suffering a loss with proof of damages.
[AM. B/L 6171/20/94]

(d) A female dog in heat shall be confined and housed in the dwelling unit or other structure of the owner or person having control of the dog for the period of time that she is in heat, or taken to a licensed kennel for the whole period of time in heat.
[AM. B/L 5989/26/92]

6. It shall be an offence for any person, without lawful excuse, to remove a collar or tag from any dog or cat for which a tag is issued under this by-law.

7. It shall be an offence for any person to tease, entice, bait or throw objects at a dog or cat confined within its owner's property.

8. It shall be an offence for any person to abandon any pet, bird or animal on private property, or any other property including the property of its owner.
[AM. B/L 6733]

DIVISION II - DANGEROUS DOGS

7.1 (a) ~~The Supervisor of~~ Municipal Licensing, upon receiving a request from the Animal Control Officer indicating there is reason to believe that a dog has caused or is likely to cause serious damage or injury, shall hold a hearing to determine whether or not that dog should be declared to be dangerous.

(a.1) Notwithstanding subsection (a), the Animal Control Officer in his discretion may elect to issue a warning letter to the owner advising of the dog's inappropriate behaviour and requiring immediate compliance if a hearing is to be avoided.
[EN. B/L 6647]

(b) ~~The Supervisor of~~ Municipal Licensing shall give written notice of the determination hearing to the owner of the dog at least five days in advance of the hearing by serving a notice upon the owner or by mailing same by certified mail to the last address provided by the owner to ~~the Supervisor of~~ Municipal Licensing in relation to the licensing of the dog. The notice shall include:

(1) a statement of the time, place and purpose of the hearing;

(2) a copy of PART III, DIVISION II of this by-law

(3) a statement that if the owner does not attend at the hearing, the matter may be dealt with in his absence and that he will not be entitled to any further notice in the proceedings.

(c) (1) The owner may appear at the hearing with or without counsel and may call witnesses on his behalf. The owner shall be entitled to hear all evidence presented at the hearing and to inspect any documents filed.

(2) Where the owner does not attend at the hearing, having been given notice as provided in this section, the matter may be dealt with in his absence and the owner shall not be entitled to any further notice in the proceedings.

(d) Within five working days of the determination hearing, ~~the Supervisor of~~ Municipal Licensing shall issue written findings resulting from the hearing and

(1) shall make an order declaring the dog to be dangerous if in his opinion

i) the dog has caused severe injury to a person without provocation, whether on public or private property;
ii) the dog has, while off its owner's property, killed a domestic animal without provocation; or
iii) the dog is kept, harboured or used primarily for the purpose of guarding property and is not a police service dog owned by the City or a government law enforcement agency.

(2) may make an order declaring the dog to be dangerous if, in his opinion, it is likely to cause serious damage or injury, taking the following factors into account:

i) whether the dog has bitten, wounded or injured any person or animal;

ii) the circumstances surrounding any previous biting or wounding incidents; and
iii) whether the dog, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons or animals upon a street, sidewalk or any public or private property.

~~7.1 (d)~~ (3) shall provide a copy of his findings to the owner in the manner provided in subsection (b) hereof.
[AM. B/L 6665]

(e) The decision of ~~the Supervisor of~~ Municipal Licensing on a determination hearing held in accordance with this section, is final and absolute.
[AM. B/L 6665]

(f) [REP. B/L 6665]

(g) Where a dog is declared to be dangerous by ~~the supervisor of~~ Municipal Licensing, any license previously issued in relation to that dog shall be deemed to have been cancelled effective as of the tenth day following the order of ~~the supervisor of~~ Municipal Licensing.
[AM. B/L 6665]

(h) (1) Every owner who has received notification from ~~the Supervisor of~~ Municipal Licensing pursuant to subsection (b) that a determination hearing will be held with respect to his dog shall ensure that the dog remains confined upon the premises of the owner pending the final outcome of the hearing.

(2) Paragraph (1) shall not apply if the dog is impounded or if ~~the Supervisor of~~ Municipal Licensing receives written confirmation from a licensed Veterinary Surgeon that the dog has been placed in his custody pending the outcome of the hearing.

(i) Every owner of a dog which has been declared to be dangerous shall:

(1) cause the dog to be tattooed upon the ear or flank by a licensed veterinary surgeon with the identifying information approved for registration in the Manitoba Tattoo Registry and provide a copy of the record of such tattooing to ~~the Supervisor of~~ Municipal Licensing;

(2) ensure that the dog, while 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 dog from escaping;
ii) has minimum dimensions of 1.5 metres (5 feet) by 3.0 metres (10 feet);
iii) has secure sides; and
iv) provides protection from the elements for the dog;

(3) permit the dog upon public property only if it is muzzled,
restrained by a chain or leash not exceeding 1.8 metres (6 feet) in length and under the control of a responsible person;

(4) display at each entrance to the property and/or building in or upon which the dog is kept a sign, stating "BEWARE DANGEROUS DOG". The said signs shall be a minimum size of 25 cm. X 30 cm. (approx. 10" X 12") and posted to the satisfaction of the Animal Control Officer and in such a manner as cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk, street, and lane, if any, as applicable;

(5) within two working days of selling or giving away the dangerous dog, provide ~~the Supervisor of~~ Municipal Licensing with the name, address and telephone number of the new owner;

(6) advise ~~the Supervisor of~~ Municipal Licensing within two working days of the death of the dangerous dog;

(7) advise the Animal Control Officer forthwith if the dangerous dog is loose or has bitten or attacked any person or animal;

(8) maintain in force a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog with a minimum limit of liability of $300,000.00 per occurrence.

(9) ensure strict compliance with all provisions contained in this subsection or forfeit ownership of the animal to the City whereby the dog will be seized and ownership relinquished.
[EN. B/L 6647]

(j) No person shall deface or remove a sign posted pursuant to paragraph (i)(4) without having first obtained the permission of ~~the Supervisor of~~ Municipal Licensing.

[EN. B/L 6171/20/94]

DIVISION III - NEGLECT OR ILL-TREATMENT

7.2 Pursuant to the Act,

(a) Where there are reasonable grounds to believe that an animal is experiencing any of the following so as to significantly impair the animal's health or well-being:

(1) ~~(1)~~ lacking an adequate source of food and water; or

(2) impounded, yarded, or confined ~~without necessary food, water, or attention, for more than 15 consecutive hours~~
a. with inadequate space
b. with unsanitary conditions,
c. with inadequate ventilation or lighting, or
d. without providing an opportunity for exercise,~~; or~~

(2) is being ~~wantonly, cruelly, or unnecessarily beaten, bound, tortured, ill treated, abused, or~~ subjected to pain or discomfort, or lacking adequate medical attention for wounds or illness; or

(3) is unduly exposed to ~~cold or overcrowding either in an enclosure or in transit~~injurious heat or cold;

the Animal Control Officer may:

(4) by force, if necessary, open and enter into any place in which the animal is so impounded, yarded, or confined;

~~7.2 (a)~~ (5) supply the animal with necessary food, water, and attention, as long as it remains in that place;

(6) if he deems it necessary, remove the animal; and

(7) recover from the owner of the animal the amount of the expense necessarily incurred providing necessities~~by him for food and attention~~;

and the Animal Control Officer is not liable for any entry under paragraph (4) or any removal under paragraph (6).
[AM. B/L 7360]

(b) The Animal Control Officer shall forthwith give written notice of the action he has taken to the owner of the animal, if he is known.

(c) (1) Where the Animal Control Officer has reasonable grounds for supposing that an animal is being ill-treated or neglected, he may take possession of it in any place for the purpose of having it examined by a veterinary surgeon.

(2) Where the owner can be conveniently found the Animal Control Officer shall notify him in writing or verbally where appropriate or necessary of the time and place of the examination.
[AM. B/L 6647]

(3) Where in the judgement of the veterinary surgeon, the animal has been neglected or cruelly treated, the Animal Control Officer, with or without the consent of the owner, may, with the approval of the veterinary surgeon, forthwith destroy it, or may place it under proper and sufficient care and treatment for a period not exceeding 30 days, during which time the owner shall have access to, and the use of the animal, with the consent of the veterinary surgeon.

(4) The owner of any such animal is liable for its food, care, and treatment while so detained; and the person supplying the food, care, and treatment, or responsible therefor, has a lien on the animal for the cost thereof.

[EN. B/L 6171/20/94]

DIVISION IV -- PIGEONS

7.3 (a) No person shall erect, construct, place, relocate or maintain any pigeon coop, or any structure intended for the keeping of pigeons, within the following areas:

(1) the front yard of any premises;

(2) the required side and rear yards for accessory buildings and structures, in accordance with the City of Brandon Zoning By-law, of any premises;

(3) 9.0 metres of any school, place of worship, dwelling or other premises used for human habitation or occupancy; and

(4) a property having a site area of less than 558.0 square metres.
[AM. B/L 7127]

(b) All pigeons must be confined to a pigeon coop which shall:

(1) be situated on the property in accordance with the requirements for accessory buildings and structures as set out in the City of Brandon Zoning By-law;
[AM. B/L 7127]

(2) be of a construction design which will provide adequate ventilation, protection from the elements, and lighting for the number and type of pigeons being housed therein;

7.3 (b) (3) provide a minimum of 0.19 square meters (2 square feet) of floor space for each pigeon;

(4) be maintained on the exterior as well as other buildings on the same lot;

(5) have the interior limewashed, painted, or disinfected at least once in each six month period;

(6) be kept at all times in a sanitary condition and the removal and disposition of all refuse shall be done in a regular and sanitary manner and disposed of in accordance with the City's Solid Waste Collection and Disposal By-law as it pertains to animal waste;

(7) be subject to periodic inspections by the Animal Control Officer.

(c) The provisions set out in subsection (b), clauses (1), (6), and (7) shall also apply to the aviary.

(d) No more than one hundred (100) pigeons shall be permitted at each residence;

(e) For the purpose of supervised exercise, half of an owner's flock may be released at a time and each half of the flock shall be allowed a maximum of one hour flying time each day;

(f) Situations in existence prior to July 24, 1995 are permitted to continue subject only to those regulations relating to release times, number of pigeons, and the condition of the pigeon coop. For such existing situations regulations respecting the location/distance of the pigeon coop are grandfathered, provided however that any major changes, such as rebuilding or repairing of the pigeon coop more than fifty percent (50%) must comply completely with the requirements of this by-law.
[AM. B/L 7127]
[EN. B/L 6411/57/96]

DIVISION V – OFF-LEASH DOG PARKS

7.4 Use of any area designated as an off-leash dog park shall be subject to the following rules and regulations:

(a) Dogs must remain leashed until entry into the park.

(b) All owners to 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.

(c) Female dogs in heat shall not be allowed in the park at anytime.

(d) All animal excrement shall be removed from the off-leash dog park by the person who has immediate charge and control of the dog, and disposed of in accordance with the City's Solid Waste Disposal By-law.

(e) All dogs must have a current City of Brandon License which shall be produced when requested by the Animal Control Officer.

(f) All dogs must have current vaccinations prior to entering the park.

7.5 Any person who contravenes, disobeys or neglects to obey any such rule or regulation pursuant to Section 7.4 shall be subject to expulsion or removal from the said off-leash dog park by persons appointed or authorized to enforce this by-law, and is guilty of an offence and subject to the penalties set out in Part IX – PENALTIES.
[EN. B/L 6770]

PART VI - ESTABLISHMENT OF POUND AND APPOINTMENT OF POUND AGENT

8. (a) There shall be established and continued a pound consisting of property enclosures for the impounding of dogs and cats under the provisions of this by-law and any such pound shall be placed in such location or part of the City or surrounding area as the Council shall from time to

time direct.

(b) Notwithstanding subsection (a), the Council may enter into an agreement with a private party who shall be the City's Pound Agent, for the purpose of providing property enclosures for the impounding of dogs and cats under the provisions of this by-law and any such Pound Agent, during the term of said agreement, shall be authorized to perform duties of the poundkeeper as may herein be assigned and shall be responsible for carrying out the duties so appointed by this by-law and the said agreement.
[AM. B/L 6171/20/94; B/L 6647]

9. The Pound Agent shall:

(a) provide sufficient food, water and shelter to every dog or cat captured, seized, and impounded during the time such dog or cat remains impounded;
[AM. B/L 6171/20/94]

(b) maintain a record, in a form attached hereto as Schedule "D" or containing the same information and approved by the City, of all dogs and cats deposited by the City for impounding together with dispositions of same, and amounts of fees received and to forward records and monies to the City at the end of each month with the signed approval of the Animal Control Officer;
[AM. B/L 6171/20/94]

(c) handle the retention and disposition of all impounded dogs and cats in accordance with the provisions of Part VI of this by-law.

PART VII - DUTIES OF ANIMAL CONTROL OFFICER

10. The Animal Control Officer shall be responsible for enforcing the provisions of this by-law.
[AM. B/L 6647]

11. It shall be the duty of the Animal Control Officer:

(a) to capture, seize, and impound any dog or cat running at large, or which is at large contrary to the provisions of this by-law;
[AM. B/L 6171/20/94]

(a.1) to capture, seize, and impound any dog or cat which is without the proper license tag as required by this by-law;
[AM. B/L 6171/20/94]

(a.2) to destroy any pigeon found flying free and causing a nuisance;
[AM. B/L 6171/20/94]

(a.3) to destroy or remove any pest by the most appropriate method available;
[EN. B/L 6647]

(b) subject to the direction of the Chief of Police or the City Solicitor, to lay an Information against an owner alleged to have committed the offence of permitting his dog or cat to run at large or to be at large contrary to the provisions of this by-law;

(c) to capture, seize, and impound any dog or cat not vaccinated as required by this by-law;
[AM. B/L 6171/20/94]

(c.1) to capture, seize, and impound a dog for incessant barking if the owner of the dog cannot be located after reasonable effort;
[EN. B/L 6647]

(d) to maintain a record of all dogs and cats impounded and of the disposition made of same for financial and statistical purposes.
[AM. B/L 6171/20/94]

(e) (1) upon a dog or cat being seized, to serve to the owner thereof a written notice, in a form attached hereto as Schedule "C", together with a copy of the City's annual fee schedule, and a copy of such notice shall be provided to the Pound Agent.
[AM. B/L 6171/20/94; B/L 6603]

(1.1) upon a dog or cat being impounded, to initiate an Animal Control Officers Report, in a form attached hereto as Schedule "D", and provide same to the Pound Agent for maintaining the record pursuant to subsection 9(b).
[EN. B/L 6171/20/94]

(2) if the owner of an impounded dog or cat cannot be ascertained after reasonable efforts have been made, to instruct the Pound Agent to proceed in accordance with section 14 hereof.

(f) to utilize the most appropriate methods available when enforcing the provisions of this by-law including, where necessary, use of trapping and a tranquillizer gun.
[EN. B/L 6647]

12. Quarantine for Rabies Determination

(a) The Animal Control Officer shall seize and take into custody and place in quarantine any dog or cat that he has reason to believe has bitten or scratched any person, whether on private premises or

elsewhere and whether the skin was directly punctured or lacerated or not, excepting that this provision shall not apply to police dogs while on tour of duty and under the control of a qualified dog handler.

12. (b) The owner of such dog or cat may elect to have it delivered to a place other than the Pound for quarantine, however such place must be in the City and must be under the personal supervision of a licensed Veterinary Surgeon and the dog or cat must remain at such place, at the owner's expense, for ten days commencing from the date of the incident, or until a definite diagnosis that the dog or cat does, or does not, have rabies can be confirmed by a licensed Veterinary Surgeon.
[AM. B/L 6171/20/94]

12.1 (a) The Animal Control Officer may demand to see any dog or cat which he has reason to believe is or may be in violation of the provisions of this by-law.

(b) Where the Animal Control Officer has authority to capture, seize and impound any dog or cat pursuant to the provisions of this by-law and such dog or cat is not voluntarily surrendered to the Animal Control Officer by the owner, the Animal Control Officer shall be empowered to request a Provincial Judge, Magistrate or Justice of the Peace to issue an Order to seize and impound such dog or cat.
[EN. B/L 6171/20/94]

13. It shall be an offence for any person to interfere with or obstruct the Animal Control Officer or any officer who is attempting to capture or seize or who has captured or seized any dog or cat in accordance with the provisions of this by-law.
[AM. B/L 6171/20/94]

PART VIII - IMPOUND REGULATIONS

14. Subject to section 15:

(a) The Pound Agent shall keep all impounded cats and dogs for a period of at least seventy-two (72) hours. Excluding the day of impounding and General Holiday.

(b) The owner of any dog or cat impounded may redeem said dog or cat from the pound within seventy-two hours of impoundment by:

(1) satisfying the Pound Agent as to his ownership of the dog or cat; and

(2) providing proof of current vaccination against rabies and, if such proof is not provided, said owner shall be required to pay the cost of rabies vaccination; and

(3) producing or buying a current City dog or cat license; and

(4) paying to the Pound Agent all applicable impound fees as set out in the City's annual fee schedule.

(c) Upon the expiration of 72 hours from the service of the notice under subsection 11(e), if the dog or cat has not been redeemed by its owner, the Pound Agent shall be authorized to sell the dog or cat for an amount sufficient to cover, where possible, all applicable impound fees as set out in the City's annual fee schedule, and vaccination costs, but in no case shall a dog or cat be released from the pound until a current City dog or cat license has been purchased for said dog or cat.

(d) Notwithstanding subsection (b), the Pound Agent shall not permit the sale or release of a dangerous dog other than to its owner in accordance with subsection (a).

(e) Upon the expiration of 72 hours, if the dog or cat has not been redeemed by its owner, the Pound Agent shall be authorized to contact animal rescue organizations in order to ensure the adoption of an animal that would not otherwise be adopted. Applicable impound fees will be waived for animal rescue organizations.

(f) Upon the expiration of one hundred and forty four (144) hours, if the dog or cat has not been redeemed by its owner, sold or given to an animal rescue organization, the Animal Control Officer may direct the Pound Agent to have the animal destroyed by a Veterinary Surgeon and the owner shall pay to the City the cost of such destruction."
[EN. B/L 7309]

15. Notwithstanding any provision to the contrary:

(a) every impounded dog or cat which has or is suspected of having bitten or scratched any person, whether the skin was directly punctured or lacerated or not, shall be placed in quarantine by the Pound Agent and confined separate and apart from other dogs and cats;

(b) every dog or cat so quarantined shall be kept by the Pound Agent, at the owner's expense, for a period of ten days commencing from the date of the incident, or until a definite diagnosis that the

dog or cat does, or does not, have rabies can be confirmed by a licensed Veterinary Surgeon;

15. (c) every dog or cat which has rabies shall be destroyed by a Veterinary Surgeon and the diagnosis confirmed;

(d) every dog or cat so quarantined which dies during the confinement period shall have its head submitted to a licensed Veterinary Surgeon for rabies examination.

16. No liability shall attach to the Animal Control Officer, to the Pound Agent, to the Pound Agent's employees, to the City's employees or agents, or to the City for any dog or cat destroyed or injured while being captured or seized, or during impoundment.
[AM. B/L 6171/20/94]

17. The Animal Control Officer or any Officer, in the execution of his duties, may enter the land surrounding any private or public building in pursuit of a dog, cat or other animal which has been observed to be at large or running at large.
[AM. B/L 6647]

18. The Animal Control Officer or any Officer may capture, seize, and impound any dog or cat in respect of which he believes or has reasonable grounds to believe an offence has been committed under this by-law or is being committed under this by-law.
[AM. B/L 6171/20/94]

19. Any person filing a complaint with respect to a dog or cat must give the Animal Control Officer or other Officer his name, address and telephone number before any action will be taken, either to impound the dog or cat or to institute any legal proceedings.

PART IX - POLICE DOGS

20. (a) Police Dogs shall be continuously vaccinated ~~annually~~ against rabies as defined by a veterinarian.

(b) With the exception of subsection (a), the Police Service, its officers, and Police Dogs shall not be subject to any other provisions of this by-law.
[AM. B/L 6171/20/94]

PART X - GUIDE DOGS

21. Owners of guide dogs shall be subject to all provisions of this by-law with the following exceptions:

(a) No fee shall be charged for a license issued for a guide dog in accordance with subsection 3(a).

(b) Sight impaired or blind persons shall not be subject to subsections 5(b) and 5(b.1), however every effort should be made to discourage the guide dog from defecating on public or private property.
[AM. B/L 6171/20/94]

PART XI - PENALTIES

22. (a) ~~Any person violating any of the provisions of this by-law shall be liable on summary conviction to a fine of not less than Fifty Dollars ($50.00) for a first offence and not less than One Hundred Dollars ($100.00) for a second or subsequent offence and not exceeding One Thousand Dollars ($1,000.00) in either case, together with costs, or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.~~
~~[AM. B/L 6171/20/94]~~

Commented [AS1]: legal repercussions of fines/veterinary care.

~~(a.1) Notwithstanding subsection (a), any owner of a dog which has been declared dangerous, shall be liable on summary conviction for any subsequent by-law offences to a fine of not less than One Hundred Fifty Dollars ($150.00) and not exceeding One Thousand Dollars ($1,000), together with costs, or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.~~
~~[EN. B/L 6171/20/94]~~Any person who contravenes any provision of this by-law commits an offence and is subject to penalty in accordance with the provisions of the Compliance By-law No. 7198.
[AM. B/L 7360]

(a.2) Any person who hinders or obstructs the Animal Control Officer or any other representative of the City under this by-law in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than $100.00 or more than $1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.
[EN. B/L 6647]

(b) Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.

PART XII: REPEAL AND ENACTMENT

23. (a) By-law No. 5874/31/91 be and the same is hereby repealed.

(b) The repeal of the by-law in the last preceding subsection mentioned shall not revive any By-law or any provision of any By-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

(c) The repeal of the said by-law should not affect:

(1) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or

(2) any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or

(3) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or

(4) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or

(5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.

(d) The repeal of the said by-law shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

24. (a) This By-law, excluding provisions respecting the licensing of cats, shall come into full force and take effect upon the passage thereof.

(b) Provisions respecting the licensing of cats shall come into force and take effect on the 1st day of July A.D. 1991, with all cat licenses issued during 1991 to be valid until the 31st day of December 1992.

25. If any provision of this by-law is held to be invalid by a court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.
[EN. B/L 6171/20/94]

DONE AND PASSED by the Council of The City of Brandon in regular session assembled, this 17th day of June A.D. 1991.

"R. N. Borotsik"
MAYOR

"W. I. Ford"
CITY CLERK

Read a first time this 17th day of June A.D. 1991.

Read a second time this 17th day of June A.D. 1991.

Read a third time this 17th day of June A.D. 1991.

I, Heather Coreen Ewasiuk, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of Animal Control By-law No. 5900/57/91, as amended by By-laws No. 5924/81/91, No. 5989/26/92, No. 6010/47/92, No. 6048/85/92, No. 6115/64/93, No. 6171/20/94, No. 6221/70/94, No. 6333/60/95, No. 6411/57/96, No. 6493, No. 6603, No. 6647, No. 6665, No. 6733, No. 6759, No. 6770, No. 6915, No. 7127, No. 7165 and No. 7309.

Original Signed by
H. Ewasiuk
H. Ewasiuk, City Clerk

SCHEDULE "A"
to By-law No. 5900/57/91 (Sections 3, 4 and 14)
[AM. B/L 6010/47/92; 6048/85/92; 6171/20/94; 6221/70/94]

[REP. B/L 6603]

SCHEDULE "B"
to By-law No. 5900/57/91

[REP. B/L 6647]

SCHEDULE "C"
to Animal Control By-law No. 5900/57/91 (Section 11)

BRANDON CITY POLICE

Incident No.

IMPOUNDED DOG or CAT REPORT

Officer assigned	Section
Description of dog or cat seized/impounded (including approximate age, sex. colour, brand or identification marks)	

Date seized			Time seized (24 hour)	
Day	Month	Year		

Owners surname Given	Sex	Date of Birth			Address	Phone
		Day	Month	Year		

Owner notified by	Time notified (24 hour)	Date notified		
		Day	Month	Year

Reason for Impoundment

Pursuant to Section _____ of The City of Brandon Animal Control By-law

NOTICE TO

Owners surname	Given	Address

TAKE NOTICE THAT THE WITHIN NOTED DOG/CAT HAS BEEN IMPOUNDED PURSUANT TO THE PROVISIONS OF THE CITY OF BRANDON ANIMAL CONTROL BY-LAW AND THAT THE CITY OF BRANDON MAY BE REQUIRED TO PROCEED WITH EUTHANASIA OF YOUR DOG/CAT IN ACCORDANCE WITH THE SAID BY-LAW (copy of disposition provisions attached).

Signature of owner:						
Served by (signature)	Number	Division	Time Served (24 hour)	Date Served		
				Day	Month	Year
Location serviced						

BCP

White: Owner

Pink:

Pound Yellow: File

SCHEDULE "D"
to Animal Control By-law No. 5900/57/91, ss. 9(b), c.11(e)(1.1)

CITY OF BRANDON

ANIMAL CONTROL OFFICERS REPORT

DATE EUTHANIZED _____

MALE-FEMALE-DOG-CAT-OTHER ANIMAL _____

BREED OR CLOSEST RESEMBLANCE thereof _____

COLORS _____

NAME OF OWNER if known _____

ADDRESS _____

LICENSE NO. if known RABIES NO. if known _____

REASON FOR IMPOUNDING ANIMAL _____

_____

AREA WHERE ANIMAL WAS PICKED UP _____

WAS OWNER NOTIFIED HIS/HER ANIMAL WAS IMPOUNDED: YES-NO _____

OFFICER'S REMARKS _____

_____

OFFICER'S SIGNATURE _____

STATEMENT OF VOLUNTARY RELINQUISHMENT:

I, _____ BEING THE OWNER OF THE ABOVE DESCRIBED ANIMAL, DO HEREBY RELINQUISH ALL OWNERSHIP INTEREST IN SAID ANIMAL TO THE POUND. THE POUND WILL ATTEMPT TO FIND A NEW HOME FOR THIS ANIMAL IF POSSIBLE, HOWEVER IT IS UNDERSTOOD THAT EUTHANASIA MAY BE NECESSARY. TO PARTIALLY COVER BOARDING AND CARE EXPENSES I AM PAYING A FEE OF $_____.

SIGNATURE OF OWNER: _____

POUND ACKNOWLEDGMENT AND RECEIPT OF FEE: _____