

Municipality of Louise
LIVESTOCK CONTROL BY-LAW

By law # 2025-06

BEING a by-law of the Municipality of Louise to regulate the running at large of livestock.

WHEREAS Section 232(1) of the Municipal Act (the “Act”) provides that Council may pass by-laws for municipal purposes respecting the following matters:

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

AND WHEREAS Section 232 (2) of the Act provides, in relevant part, as follows:

232(2) Without limiting the generality of subsection (1), a Council may in a by-law passed under this division:

- (a) regulate or prohibit; and
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, management or control of the municipality.

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

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

- (a) providing for procedure, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws including:
 - (i) creating offenses;
 - (ii) subject to regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the by-law;
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act;

- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention; and
- (v) charging and collecting costs incurred in respect of acting under subclause (iv).

AND WHEREAS the Municipality take note of the Animal Liability Act, C.C.S.M c.A95 and does not permit animals to run at large as referred to in subsection 5(1) of the Animal Liability Act;

AND WHEREAS it is deemed expedient and in the best interest of the Municipality of Louise to regulate the running at large of livestock and to provide for a pound facility;

NOW THEREFORE BE IT and it is hereby enacted as a By-law of the Municipality of Louise as follows:

This by-law may be referred to as the Livestock Control By-law.

1. DEFINITIONS

In this By-law, unless the context otherwise requires:

- 1) “By-law Enforcement Officer” (“Officer”) means the person appointed by Council to enforce the provisions of the by-law, and includes any person active as, or an assistant to, or under the direction of, the large animal control officer, as authorized by the Council;
- 2) “Council” means the Council of the Municipality of Louise;
- 3) “Livestock” means:
 - a. animals kept for the purpose of:
 - i. production of meat;
 - ii. production of other products from the animals; or
 - iii. herding, protection of livestock or draft work, and breeding of stock of such animals.
 - b. animals kept for the purpose of improving or preserving any species or kind of animal that may be kept for a purpose set out in subclause (a)(i), (ii) or (iii) of this definition; and
 - c. any other animal determined by the large animal control officer to be livestock for the purposes of this by-law, whether or not intended for profit and including, without limitation:
 - i. dairy cattle and beef cattle, goats, sheep, bison and horses
 - ii. swine (including wild boar); and
 - iii. any other animals that are of a species of kind prescribed as livestock in the regulations pursuant to The Animal Liability Act.
- 4) “Municipality” means the Municipality of Louise;

5) "Owner" includes any person who owns, keeps, harbors or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the animal control officer or any other person;

6) "Person" includes a firm or corporation;

7) "Pound" means any enclosure, premises or place, whether within or outside the Municipality, designated by Council for the impoundment and care of any animal for the purposes of enforcing any provision of the by-law;

8) "Pound keeper" means the person appointed by Council, whether on a temporary or permanent basis, to operate and maintain a pound, and to carry out the duties of a pound keeper as set out in Section 2 of this by-law;

9) "run at large" or "running at large" respecting livestock, that the animal is not:

a) under the direct, continuous and effective control of a person competent to control it;

or

b) securely confined within an enclosure or securely fastened so that it is unable to roam at will.

2. DUTIES OF POUNDKEEPER

It shall be the duty of the pound keeper:

a) to provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every animal impounded;

b) to establish and maintain the pound in a manner in keeping with The Animal Care Act and without limiting the generality of the foregoing, to discharge the duties of an owner as set out in subsection 2 (1) of the Animal Care Act while an animal is in the custody of the pound keeper;

c) to keep record of every animal impounded, as set out in Schedule B, which record shall include the following minimum information:

i. a description in reasonable detail of the animal (including the approximate weight, height and colour of the animal, as well as the order and breed of the animal);

ii. the day and hour of its impoundment;

iii. the day and hour of its redemption, sale disposition or destruction, together with the details of the redemption, sale, disposition or destruction;

iv. the name and address of the owner (being the person to whom the animal was sold or released), and the license number on the animal's tag (if applicable);

v. the amount and particulars of all fees, fines and other charges invoiced to, of the payer (if different from the owner); and

vi. such other particulars as the Chief Administrative Officer (“CAO”) of the Municipality shall direct from time to time.

d) To collect all fees charged by the pound, and to remit all monies received by the pound to the CAO of the Municipality, together with such reports and statements as the said CAO may prescribe from time to time.

3. LIVESTOCK – SEIZURE, IMPOUNDMENT AND REDEMPTION

a) An owner shall not permit their livestock to run at large within the Municipality. If someone discovers roaming livestock on their property, it shall be the duty of that person to make every effort to determine who the rightful owner is and advise that person to remove the animals at a mutually agreed time. If the owner is not able to be determined or located, within a period of 2 hours after reasonable effort to determine their identity, the owner shall be deemed to have refused or failed to comply with the by-law. If the livestock running at large poses an immediate risk to the safety of a person, animal or damage to the property, the owner shall be deemed to have failed to comply with the by-law.

b) The Officer may seize and impound livestock found at large. The Officer may impound seized livestock on any property with the permission of the property owner, but will not require permission from the property owner as provided for under paragraph 6 of this by-law. The Officer may move and transport the seized livestock to the place of impoundment.

c) The Officer shall, if the owner of the livestock is known to the Officer, notify the owner that the livestock have been seized and impounded, the livestock may be redeemed from impoundment on the owner meeting certain terms, and that if the livestock are not redeemed within the time set by the Officer, the livestock may be sold or disposed of. The Officer shall, if the owner of the livestock is unknown to the Officer, post a notice with the same information in the municipal office.

d) An owner of livestock may redeem livestock from impoundment by applying to the Officer. Upon payment of the fees set out in Schedule A and the Municipality’s costs of enforcement, the Officer shall release the livestock.

e) If the livestock have not been redeemed within five (5) calendar days, the Officer may advise the Pound to dispose of or sell the livestock by auction. If the livestock are sold, the proceeds of any such sale will be used to pay expenses, costs and fees incurred in connection with the enforcement of the By-law. Any excess proceeds will be paid to the owner.

f) If in the Officer's opinion, livestock that has been seized and impounded remains a risk to be at large upon being redeemed, the Officer may impose conditions on the release of the livestock to reasonably address the risk. The Officer shall provide the owner of the livestock in writing with the conditions at the time the owner redeems the livestock. The owner shall acknowledge in writing the livestock conditions of redemption at the time the livestock is release.

g) No responsible person for livestock may permit livestock to be in violation of the conditions of redemption for livestock. If the conditions of redemption for livestock are violated, the Officer may seize and impound the livestock. The livestock is not subject to redemption under subsection 3 d). The Officer shall, if the owner of the livestock is known to the Officer, notify the owner that the livestock has been seized and impounded, the owner may request that Council review the sale or disposing of the livestock, and if no request for a review is made within five days of being impounded, the livestock shall be sold or disposed of. Such notice is met if the Officer leaves the notice with a responsible person for the livestock. The Officer shall, if the owner of the livestock is unknown to the Officer, post a notice with this same information in the municipal office.

h) The owner is responsible for the fees set out in Schedule A and the Municipality's cost of enforcement even when the livestock are not redeemed or no request for review is made.

4. INTERFERENCE WITH ENFORCEMENT

It shall be an offense under this by-law for a person to interfere or obstruct any attempt by the Officer/pound keeper or the Council, from carrying out its duties and obligations hereunder. Without limiting the generality of the foregoing, no person shall interfere or obstruct or attempt to interfere or obstruct a large animal control officer/pound keeper, a police officer or any other person authorized to apprehend and impound an animal running at large, who is attempting to apprehend or impound, or who has apprehended and impounded, any animal in accordance with the provisions of this by-law.

It shall be an offense under this by-law

- a) to break into, or assist another person in any manner, directly or indirectly, to break into, any pound, and
- b) to remove or attempt to remove any impounded animal, or to otherwise cause or assist an escape of any impounded animal.

5. APPREHENSION BY RESIDENT

Any resident of the Municipality may apprehend and confine an animal which is running at large on their property, provided that they shall immediately thereafter inform the large animal control officer or the Municipality and the officer shall, as soon as practical, attend upon the resident to take possession of and impound the animal(s).

6. RIGHT OF ENTRY

The Officer or any other person appointed by the Municipality to enforce the provisions of this by-law, or any other law, rule or regulation pertaining to animal care of 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 or to otherwise enforce the provisions of this by-law.

7. COMPLAINANT IDENTIFICATION

Any person who makes a complaint alleging an offense under this by-law against another person shall provide to the Officer/Municipality, their name, address and telephone number. It shall be at the discretion of the Officer/Municipality whether or not to proceed based on an anonymous complaint or information.

8. LIABILITY

No liability shall be attached to the large animal control officer, the pound keeper, the Council and/or the Municipality in carrying out their respective duties under this by-law. Without limiting the generality foregoing, no liability shall attach to the Officer, the pound keeper, the Council and/or the Municipality for any animal destroyed, sold or otherwise disposed of pursuant to the provision of this by-law, or killed or injured during the course of its apprehension or impoundment.

9. PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offense and is liable:

- a) to a fine of not less than \$50.00 and not more than \$500.00, plus all applicable costs and penalties for the first offense
- b) to a fine of not less than \$100.00 and not more than \$1,000.00 plus all applicable costs and penalties for the second offense and for each subsequent offense within 12 months of the first offense.

10. PREAMBLE

The preamble shall form an integral part of this by-law.

DONE AND PASSED by the Council of the Municipality of Louise, in regular session assembled at the Council Chambers in the LUD of Crystal City, in the Province of Manitoba, this 27 day of August, A.D. 2025.



REEVE



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 13th day of August, A.D. 2025

Read a second time this 27th day of August, A.D. 2025

Read a third time this 27th day of August, A.D. 2025

SCHEDULE A – PENALTIES & IMPOUND FEES

For any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with this By-law (breach of By-law)

For the first offence \$250

For the second offence \$500

For the third and further offence (each occurrence) Double to previous fine

For each day of impound, pick-up and returning of livestock – as determined by the Pound/Pound Keeper

SCHEDULE B – NOTICE OF IMPOUND

FOR THE MUNICIPALITY OF LOUISE

Owner (name and address of the owner of the animal(s)) _____

Description of the animal(s) _____

Date of apprehension _____

Time of apprehension _____

Location of apprehension _____

Place of impound _____

Hours of operation of impound _____

Phone # of impound _____

Daily pound fee \$ _____

Impound fee and/or fine total \$ _____

Method of payment required _____

Date the animal(s) will be sold or destroyed _____

Conditions of redemption _____

Date _____ Officer _____

Signature _____