



BY-LAW NO. 13

DOG CONTROL BY-LAW

A BY-LAW RESPECTING DOG CONTROL IN THE VILLAGE OF FUNDY-ST. MARTINS

The Council of the Village Fundy St. Martins, under the authority vested in it by the Local Governance Act, SNB 2017, c18;

WHEREAS Section 10(1)(k) of the Local Governance Act states that a local government may make by-laws for municipal purposes respecting wild, domestic, and exotic animals and activities in relation to them, including dog control activities;

AND WHEREAS Sections 10(2)(c) and (d) of the Local Governance Act state that a local government shall make by-laws imposing a requirement that animals be vaccinated against rabies, and

prescribing requirements for the proof of vaccination of dogs or requirements for the assessment of the effectiveness of a previous vaccination;

BE IT ENACTED by the Council of the Village of Fundy-St. Martins as follows:

1) TITLE

a) This by-law shall be cited as the “Dog Control By-law”

2) PURPOSE

- a) This by-law is enacted for the purpose of dog control.

3) DEFINITIONS

- a) "Dog at large" means an unleashed dog
 - I. in a public place,
 - II. on private property other than the owner's, or
 - III. in a forest or wooded area while not in the company or under the supervision of the owner.
- b) "Dog Control Officer" means the person(s), group, or organization appointed by the Council to administer this by-law.
- c) "Owner" means a person who
 - I. is in possession of a dog,
 - II. harbours a dog,
 - III. is a registered owner of a property (according to Service NB) where a dog is allowed or permitted to remain,
 - IV. registers a dog under this by-law.
- d) "Society" means the NB Society for the Prevention of Cruelty to Animals
- e) "Council" means the municipal council Fundy-St. Martins
- f) "Municipality" means The Village of Fundy-St Martins, also know as the Village.

4) APPLICATION

- a) This by-law applies to all areas of the Village of Fundy-St. Martins.

5) OPERATIONS

- a) The Village of Fundy-St. Martins may engage the services of a Dog Control Officer to carry out the operations of the control of dogs in the Village of Fundy-St. Martins.
- b) The Dog Control Officer shall administer the Village of Fundy-St. Martins Dog Control By-law #13 and its revisions and updates, for the control of dogs within the Village of Fundy-St Martins.

6) REPEAL OF EXISTING BY-LAWS

- a) The enactment of this by-law repeals the following by-laws:
 - i) By-law #5 Village of St Martins Dog Regulation
- b) The repeal of the above by-laws shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at the

time of repeal; nor shall it repeal defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

7) REGISTRATION AND LICENSES

7 (1) The owner of a dog is encouraged to ensure that it is registered in accordance with subsection (3) or (7)

7 (2) A person who becomes the owner of a dog may register the dog with the society or a dog control officer within 30 days by completing the form provided by the society and paying a fee referred to in subsection (3).

7 (3) An owner may pay to the society or a dog control officer one of the following fees:

- a) if registration is for a one year period, \$15;
- b) if registration is for a two year period, \$25; or
- c) if registration is for a three year period, \$35.

7 (4) A registration shall expire at the end of the period referred to in paragraph (3)(a), (b) or (c), as the case may be.

7 (5) An owner may renew a registration of a dog before the registration expires, and the provisions of this section apply with the necessary modifications to the renewal.

8) PROOF OF REGISTRATION

8 (1) On registration or renewal of a registration of a dog, the society or the dog control officer shall issue to the owner a certificate or receipt of registration and a tag showing the number under which the dog is registered.

8 (2) On receiving a registration tag, an owner shall attach and keep attached the tag to the collar of their dog.

8 (3) On application by the owner and on payment of a fee of \$5, a registration tag which is lost may be replaced by the society or a dog control officer.

9) IDENTIFICATION OF DOGS

9 (1) An owner of a dog may ensure that either;

- a) the dog wears a collar displaying the registration tag at all times, other than when the dog is in an enclosure such as a kennel or the owner's residence, or,
- b) that the dog has been fitted with a microchip allowing the Dog Control Officer to identify and contact the owner

10) VACCINATED AGAINST RABIES

10 (1) An owner of a dog that has not been vaccinated against rabies shall cause the dog to be vaccinated against rabies within 10 days after;

- a) acquiring the dog if the dog is three months of age or more, or
- b) the dog has reached the age of three months.

11) SEIZURE OF DOG AT LARGE

11 (1) A dog control officer shall seize and impound any dog at large and

- a) if the owner is known, notify the owner that the dog is seized and impounded, or
- a) if the owner is not known or if the owner is known but cannot be located, give public notice, including by or through the website of the society or by any other public information media, that the dog is seized and impounded.

11 (2) A notice under paragraph (1)(a) or (b) shall state that the dog has been impounded and may be sold or placed for adoption 72 hours from the time of giving the notice, unless the owner, or anyone on the owner's behalf, claims the dog and pays the costs set out in subsection (3).

11 (3) Before releasing a dog that has been seized in accordance with this by-law, as the case may be, a dog control officer shall collect from the owner the sum of \$15 for each day or part of a day during which the dog has been impounded and maintained.

11 (4) If an owner, or anyone on behalf of the owner, does not claim a dog within 72 hours from the time of giving the notice under paragraph (1)(a) or (b) or does not pay the costs set out in subsection (3), a dog control officer may sell or place for adoption the dog.

11 (5) When a dog control officer sells a dog or places a dog for adoption, the dog control officer shall collect from the person who purchases or adopts the dog, at the time of the sale or adoption, the total of all costs of seizing, impounding and maintaining the dog.

12) DOG KNOWN OR SUSPECTED OF BEING RABID

12 (1) A dog that is known to be or suspected of being rabid shall be considered dangerous.

12 (2) Despite section 11, a dog control officer shall seize immediately any dog that is known to be rabid.

12 (3) A dog control officer who seizes a dog under subsection (2) shall notify as soon as possible the owner, if the owner is known.

13) DOG ALLEGED TO HAVE BITTEN

13 (1) A dog control officer may seize a dog that is alleged to have bitten or to have attempted to bite a person and to prescribe mandatory restrictions such as muzzling, on leash at all times, not to be

tethered outside unless in a fenced in area, and any other appropriate measures to ensure the public's safety until the proceedings under subsection (2) have taken place.

13 (2) A judge of the Provincial Court before whom a complaint has been laid alleging that a dog has bitten or attempted to bite a person may summon the owner to appear and show cause why the dog should not be destroyed and may, if from the evidence produced it appears that the dog has bitten a person, make an order directing;

- a) that the dog be destroyed, or
- b) that the owner of the dog keep the dog under control.

14) TRANQUILIZING DEVICES AND MANNER OF DESTROYING DOGS

14 (1) In the course of carrying out their duties under this Regulation, a dog control officer is authorized to make use of tranquillizing devices on dogs.

14 (2) When destroying a dog under this Regulation, a dog control officer shall do so in a humane manner in accordance with the standards specified in Schedule B of New Brunswick Regulation 2000-4 under the *Society for the Prevention of Cruelty to Animals Act*.

15) PROHIBITIONS

15 (1) An owner shall not

- a) allow their dog to be at large,
- b) allow their dog to chase or run after pedestrians or motor vehicles, or
- c) allow their dog to defecate on any public or private property, other than the property of the owner. The owner shall remove such defecation immediately. This subsection does not apply to seeing-eye dogs.
- d) allow their dog to bark incessantly to the extent that annoyance is caused to the public.

15 (2) No person shall

- a) interfere or attempt to interfere with a dog control officer while the officer is seizing or impounding a dog in accordance with the Act or this Regulation, or
- b) not being the owner, remove a collar or registration tag from a dog.

16) OFFENCES

16 (1) A person who violates or fails to comply with section 9 or 10 or paragraph 15(1)(a), (b), (c) and (d) or 15(2)(a) or (b) commits an offence punishable under Part 2 of the *Provincial Offences Procedure Act* as a category B offence.

16 (2) For greater certainty, section 146 of the Act applies when a person violates or fails to comply with an order made under subsection 13(2).

17 ENACTMENT

17 (1) IN WITNESS WHEREOF the local government of the Village of Fundy-St. Martins has caused its corporate seal to be affixed to this by-law.

READ FIRST TIME: _____

READ SECOND TIME: _____

READ THIRD TIME AND ENACTED: _____

Mayor—Jim Bedford

Clerk/Treasurer—Jean McCumber