

BY-LAW NO. 183

ANIMAL CONTROL BY-LAW

The Council of the Town of Sackville enacts the following by-law under Section 96 of the Municipalities Act, R.S.N.B., 1973, c. M-22.

Definitions

1. In this by-law:

“Animal Control Officer “ means the person or persons appointed by Council to administer and enforce this by-law;

“Council” means the Council of the Town of Sackville;

“dog” and “cat” include the male and female of the species;

“kennel” means a commercial operation where more than two dogs are boarded, bred or sold;

“owner” means a person who:

- (i) is in possession of an animal;
- (ii) harbours an animal;
- (iii) permits an animal to habitually remain on property owned or under the control of that person; or
- (iv) licenses an animal under this by-law.

“person” includes a corporation, firm, partnership, society or association;

“running at large” means an animal which is unleashed:

- (a) in a public place including a sidewalk;
- (b) on property other than that of the owner of the animal;
- (c) in a field, forest or wooded area while not in the company and control of the owner of the animal;

“Town” means the Town of Sackville;

Registration of Dogs

2(1) Every owner of a dog in the Town must register the dog under this by-law on or before the 31st day of March in each year.

2(2) Every person who, after the 31st day of March in any year becomes the owner of a dog which is not registered under this by-law, must register the dog within 30 days of becoming the owner once the dog reaches the age of four months.

2(3) An application to register a dog must be made to the Animal Control Officer or at the Town Hall. The application must include the following information:

- (a) the name, address and telephone number of the owner;
- (b) the sex, breed and approximate age of the dog;
- (c) where the dog is more than three months old, proof of vaccination for rabies and distemper; and
- (d) payment of the application fee of \$15.00 for a neutered male or spayed female dog or \$30.00 for an un-neutered male or un-spayed female dog

2(4) Any owner of a dog who does not register the dog under this by-law by the required date must pay a penalty of \$20.00 in addition to the license fee.

2(5) The Animal Control Officer must keep a record of the registration of all dogs with the information provided under paragraph 2(3) of this by-law.

2(6) When a dog is registered, the Animal Control Officer or the Town Hall will issue to the owner a tag showing the year and registration number of the dog.

2(7) Every owner must have the tag affixed to the dog's collar and the collar must be on the dog at all times.

2(8) If a dog tag is lost, the owner may purchase a new one for \$5.00.

2(9) A dog used as a guide or to otherwise assist a disabled person must be registered under this by-law and must wear a current tag. However, if the owner of a dog provides proof satisfactory to the Animal Control Officer that the dog is used as a guide or to otherwise assist a disabled person, the owner is not required to pay the license fee.

Kennels

3(1) Every person who operates or intends to operate a kennel must obtain a kennel license from the Animal Control Officer and must pay the annual license fee of \$50.00 per year.

3(2) A kennel license will not be issued unless the Building Inspector certifies that the property and the buildings to be used for the kennel meet the requirements of the Town's zoning by-law and all other by-laws of the Town and the provincial regulations applicable to kennels.

3(3) Every person who operates a kennel must at all times comply with this by-law and all other Town by-laws and provincial regulations applicable to kennels.

3(4) Every person holding a valid kennel license must keep accurate records of the breeding, selling and boarding of dogs and where dogs are sold. The owner must produce these records at any time at the request of the Animal Control Officer.

3(5) Every person who operates a kennel must permit the Animal Control Officer to enter and inspect the kennel at reasonable times for the purpose of determining compliance with this by-law.

3(6) If the Animal Control Officer finds that the owner or operator of a kennel has not complied with any requirements of this by-law, the Animal Control Officer may seize and impound the dogs in the kennel.

3(7) Any person who fails to comply with provisions of this section commits an offence and, in addition to any other penalty provided in this by-law, may have their kennel license revoked.

Rabies

4(1) Every owner of a dog over the age of three months must have the dog vaccinated against rabies and must keep the rabies vaccinations of the dog up to date.

4(2) The Animal Control Officer may seize and impound any animal which is suspected of being rabid. The Animal Control Officer must hold the dog in quarantine and immediately notify the Health of Animals Branch.

4(3) Every owner of an animal who knows or suspects that the animal is rabid must immediately report the animal to the Health of Animals Branch and the Animal Control Officer.

Aggressive Dogs

5(1) The owner of a dog which is known to be aggressive must not permit the dog to be in a place other than the owner's property unless:

- a) the dog is on a leash no longer than one meter and in the control of a responsible person over the age of 18, and
- b) the dog is wearing a proper muzzle.

5(2) The owner of a dog which is known to be aggressive must display a sign at each entrance of the owner's property, warning in writing and with a symbol, that there is a dangerous dog on the property. The sign must be visible and legible from the nearest road or sidewalk.

5(3) The owner of a dog which is known to be aggressive must not allow the dog to be adopted unless the owner gives written notice to the person adopting the dog that it is aggressive.

6(1) When an Animal Control Officer believes that a dog has bitten or attempted to bite a person or other animal, the Animal Control Officer may make a complaint to a Judge of the Provincial Court as provided in Section 96(1) (b) of the Municipalities Act.

6(2) A Judge of the Provincial Court to whom a complaint has been made under paragraph 6(1) may summon the owner of the dog to appear and to show cause why the dog should not be destroyed and may, if from the evidence produced, it appears that the dog has bitten or attempted to bite a person or other animal, make an order directing:

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

6(3) When an Animal Control Officer intends to make a complaint under Section 6(1), the Animal Control Officer may seize and impound the dog at the expense of the owner pending the disposition of the complaint. If the dog is impounded under this section, the Animal Control Officer must make all reasonable efforts to have the complaint dealt with expeditiously.

Other Animals

7(1) No person shall have a snake or other reptile on a street or other public place unless it is in a case or other container designed to completely confine the snake or other reptile.

7(2) No person shall keep or harbour any type of game animal or bird without first having obtained the written consent of the Department of Natural Resources.

Seizing and Impounding

8(1) The Animal Control Officer may seize and impound any dog if the dog:

- (a) is not registered or licensed under this by-law
- (b) is running at large
- (c) is confirmed by a veterinarian to be infected with rabies or other contagious disease; or
- (d) is not wearing a collar and tag issued under this by-law when the animal is off the property of the owner or when it is pursued onto the property of the owner of such animal.

8(2) The Animal Control Officer may seize and impound any animal other than a dog if the animal:

- (a) is running at large; or

- (b) is confirmed by a veterinarian to be infected with rabies or other contagious disease.

8(3) When the Animal Control Officer impounds an animal, he or she must:

- (a) if the owner of the animal is known, make reasonable efforts to notify the owner of the seizure, or
- (b) if the owner is unknown or cannot be located, post a notice at the Town Hall stating that the animal has been impounded, giving a description of the animal and stating that the animal will be sold or destroyed after 14 days unless the owner claims the animal.

8(4) Before claiming an animal, the owner must:

- (a) establish ownership of the animal to the satisfaction of the Animal Control Officer;
- (b) if the animal is a dog, pay the registration fees set out in section 2(3)(d)
- (c) pay the seizing fee of \$20.00 and the impounding fees of \$25.00 per day; and
- (d) pay the cost of any treatment provided to the animal while it was impounded.

9(1) If an animal has not been reclaimed within 14 days after it has been seized, the Animal Control Officer may, if the animal cannot be adopted to a suitable home, have it destroyed.

9(2) Notwithstanding Section 8(3) of this by-law, the Animal Control Officer may have an animal destroyed by a veterinarian or the SPCA after written confirmation from a veterinarian that:

- (a) the animal is dangerous; or
- (b) the animal is sick or injured and unlikely to recover from such sickness or injury.

9(3) When an animal is to be destroyed, the Animal Control Officer will arrange for this to be done in a humane way by a veterinarian or the S.P.C.A.

10(1) No person authorized by this by-law to seize, impound or destroy an animal will be liable for any injury to the animal.

10(2) Where the use of a tranquilizer gun is deemed necessary, the Animal Control Officer or anyone acting on behalf of the Animal Control Officer must enlist the services of a qualified member of the Police Department.

Owner's Responsibilities

11. No owner of an animal shall permit the animal to:

- (a) cause a disturbance by barking, howling or otherwise making a noise for a prolonged period of time;
- (b) chase pedestrians, drivers of vehicles or riders of bicycles;

- (c) bite or attempt to bite anyone;
- (d) in an aggressive or terrorizing manner approach any person in an apparent attitude of attack on any street, sidewalk or other public place or on private property other than the property of the owner;
- (e) cause damage to property which is not the property of the owner; or
- (f) run at large

12(1) The owner of an animal must remove any faeces left by the animal on a property other than the property of the owner.

Trapping

13(1) No person shall use, set or maintain a trap of any kind in the Sackville Waterfowl Park except as provided under “A By-Law Relating to the Sackville Waterfowl Park” (By-Law No. 160).

13(2) No person shall use, set or maintain a leghold trap, a killing trap or snare elsewhere in the Town except for:

- a) rodent control within buildings; and
- b) the setting of humane underwater traps.

Enforcement

14. Section 13 of “A By-Law Respecting the Municipality of Sackville Respecting the Enforcement of By-Laws” (By-Law No. 169) does not apply to this by-law.

15. Any person who violates any provision of this by-law, other than a Judge’s order, is liable on summary conviction to a fine of not less than \$50.00 and not more than \$500.00. All such fines shall be recoverable under the Provincial Offences Procedure Act, S.N.B. 1987, c. P-22.1.

16. Any person who violates any provision of this by-law, other than failure to comply with a Judge’s order, may at the discretion of the Animal Control Officer, pay the minimum fine prescribed, and upon payment, the person who has committed the violation will not be further prosecuted for the violation.

17. Any person who fails to comply with the provisions of an order made by a Judge of the Provincial Court under paragraph 6(2) of this by-law commits an offence punishable under Part II of the Provincial Offences Procedure Act as a Category B offence.

18. When a person is convicted of doing anything without a license for which a license is required under this by-law, the judge of the Provincial Court may,

unless the person has paid the fee for such license, order payment thereof in addition to the fine.

Repeal

19. The following By-Laws are repealed:
- (a) By-Law No. 145 entitled “A By-Law Relating to the Municipality of Sackville Relating to Establishing Control of Animals in the Town of Sackville”; and
 - (b) By-Law No. 145A entitled “A By-Law Amending By-Law No. 145 – A By-Law Relating to the Municipality of Sackville to Establishing Control of Animals in the Town of Sackville”.

This by-law comes into effect on the date of its enactment.

Read a first time this 7th day of May, 2001.

Read a second time this 11th day of June, 2001.

Read a third time and done and passed Council this _____ day of _____, 2001.

Mayor

Clerk