

**By-law No. S-2 Establishing Control of Animals
in the Village of Perth-Andover**

Table of Contents

| | |
|---------------------------------|---|
| 1. DEFINITIONS | 1 |
| 2. APPOINTMENT..... | 2 |
| 3. LICENSING OF DOGS | 2 |
| 4. RECORDING/ TAGGING | 3 |
| 5. RABIES..... | 3 |
| 6. KENNEL LICENCE | 4 |
| 7. DISTURBANCE..... | 4 |
| 8. SEIZING AND IMPOUNDING | 4 |
| 9. ANIMAL WASTE | 6 |
| 10. PENALTIES | 6 |
| 11. REPTILES..... | 6 |
| 12. REPEAL PROVISION | 7 |
| BY-LAW COMES TO FORCE | 7 |

WHEREAS Council deems it expedient to licence and regulate the keeping of animals and to impose controls and prohibitions for the purpose of health and safety of the public and their animals;

AND WHEREAS section 96 of the *Municipalities Act*, R.S.N.B. 1980, c. M-22, authorizes by-laws for animal control (96 (1)(b)); disturbances by animals (96(1)(c)); the protection of persons and property from animals (96(1)(d)); the seizure of animals on private or public property (96(1)(e)); defining fierce or dangerous animals (96(1)(g)); prohibiting or regulating the keeping of fierce or dangerous animals (96(1)(h)); providing that a Provincial Court Judge may preside over a hearing concerning a dangerous animal (96(1)(i)) and any other matter or thing in relation to animals within the Municipality;

AND WHEREAS section 96 and section 112 of the *Municipalities Act* authorizes by-laws for licencing and imposing fees for licences on behalf of the municipality;

NOW THEREFORE the Council of the Village of Perth-Andover, under the authority vested in it by the *Municipalities Act*, R.S.N.B. 1980, c. M-22, hereby enacts as follows:

1. DEFINITIONS

In this by-law:

“animal” includes all vertebrate animals including dogs, horses, mammals, birds, reptiles, amphibians, and fishes, etc.

“Animal Control Officer” and/or “Pound Keeper” means person or persons appointed by the Village of Perth-Andover to administer this by-law;

“breeder” means a person who keeps animals for breeding, selling, boarding, or any other like purposes;

“dangerous dog” means a dog that

- (a) Has killed, bitten, injured or attacked a person or domestic animal; or
- (b) Is kept for the purpose of security of protection of person or property; or
- (c) Has shown the disposition or tendency to be threatening or aggressive towards any person or domestic animals; or
- (d) Is attack trained; or
- (e) Is suspected to be rabid

“destroy” means to put down in a caring and humane manner.

“impounded” means seized, delivered received or taken into the custody of the Animal Control Officer or Pound Keeper;

“kennel” means a shelter or housing for three (3) or more animal(s) (or other animal) that meets the provisions of Section 6 of this By-Law.

“leash” means a line for leading or restraining an animal which shall not be more than two (2) metres in length;

“owner” means, with reference to an animal, a person who:

- (a) is in possession of it;
- (b) harbours it;
- (c) suffers it to remain about his residence or premises;
- (d) registers it under this by-law (in the case of an animal)

“running at large” means an animal unleashed or unharnessed on any property other than the owners, excepting those animals participating in a sanctioned show or event;

“Village Council” means the Mayor and Councillors of the Village of Perth Andover;

2. APPOINTMENT

- a. The Village Council may appoint one or more By Law Enforcement Officers.
- b. The Village Council may establish one or more animal pounds in the municipality and appoint one, or more pound keepers.
- c. Any person who interferes or attempts to interfere with the Animal Control Officer while the Animal Control Officer is exercising his or her functions under this by-law commits an offence.

3. LICENSING OF DOGS

- a. Every person who owns a dog prior to the second day of January in any year shall register such animal with the Village Office or appointed representative. The term and cost of the license fee will be determined by a policy of Council and reviews on a regular basis. All tagging will be done through the PETDOC software program used by the NBSPCA.
- b. Every person who, becomes the owner of a dog or who, owning a dog, takes up residency in the municipality, shall register the same within fourteen (14) days after becoming such owner or taking up residency and shall pay the license fee.
- c. Every person residing in the Village of Perth-Andover who purchases an unregistered dog from the S.P.C.A. shall register such dog and pay such license fee and any outstanding fine and pound fees as prescribed elsewhere in this by-law prior to taking possession of it.
- d. Every owner of a dog who fails to register it under this by-law is guilty of an offence.

4. RECORDING/ TAGGING

- a. The Village of Perth-Andover shall:
 - i) have a system to keep records of the registration, the name, and description of each animal;
 - ii) keep records of the name, address, and telephone of the owner;
 - iii) deliver to the owner a tag on which shall be inscribed the year of registration and a number under which the animal is registered.
- b. Every owner of a dog shall cause any dog registered by him to wear a collar to which the valid tag shall be attached.
- c. Any person who loses a tag shall obtain a replacement tag from the municipal office at a cost of dependent on the municipal pricing policy.
- d. The owner of a dog registered under this by-law shall not allow or permit the tag issued for said dog to be worn by another dog.
- e. No person shall remove a collar or tag from any registered dog of which he is not the owner.
- f. Tagging fees will be determined by a policy of Council. Currently, the tagging services will be done through the DocuPet system.

5. RABIES

- a. The owner of an animal which has not been vaccinated against rabies shall cause the animal to be so vaccinated:
 - i) within ten (10) days of acquiring such animal if it is more than four (4) months of age; or
 - ii) within ten (10) days after it has reached the age of four (4) months.
- b. When an animal is more than four (4) months of age on the coming into force of this by-law must be vaccinated against rabies within thirty (60) days thereof.
- c. Any owner who neglects or refuses to have their animal vaccinated against rabies under the provisions of this by-law is guilty of an offence and is liable upon summary conviction to a fine of not less than Fifty dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).
- d. The By-Law Enforcement Officer shall immediately seize and impound and report to the proper legal authorities any animal which is known or suspected of being rabid. Every animal determined to be rabid by the Government of Canada or Department of Agriculture veterinarian shall be disposed of as directed by that authority.
- e. Every owner of an animal determined to be rabid by the Government of Canada or Department of Agriculture appointed veterinarian shall dispose of the seized animal as directed by that authority. Every owner who fails to comply with that direction is guilty of an offence under this by-law.
- f. Every owner shall ensure that their pet(s) receives any other inoculations that may be determined necessary by any department of the Federal Government or veterinarian licensed by the Province of New Brunswick to ensure public safety.

6. KENNEL LICENCE

Any person wishing to obtain a Kennel License must do so through the NB SPCA.

7. DISTURBANCE

- a. The owner of any animal shall ensure that such animal shall not:
 - i) bite a person or persons whether on the property of the owner or not;
 - ii) do any other act to injure a person or persons whether on the property of the owner or not;
 - iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - iv) cause damage to property or other animals;
 - v) upset any waste receptacles or scatter the contents thereof either in or about a street, lane or other public property or in or about premises not belonging to or in possession of the owner of the animal;
 - vi) be left unattended in any motor vehicle unless the animal is restricted so as to prevent access to persons as long as such restraint provides for suitable conditions;
 - vii) be tethered between 6:01 am and 5:59 p.m. or kenneled or otherwise restrained, or be allowed to roam unrestrained, on any portion of the owner's property where that portion of the property abuts a sidewalk or other public area normally used by pedestrians and/or cyclists.
 - viii) be tethered outside during the hours of 11:00 p.m. and 6:00 a.m.
- b. Every owner of a bitch who suffers or permits such bitch to be upon a street while in heat is guilty of an offence and liable to a fine as prescribed in Section 11.
- c. Every owner of an animal which:
 - i) persistently disturbs any neighborhood by barking, howling, or in any other similar manner; or
 - ii) persistently annoys pedestrians or drivers of automobiles, bicycles, or other vehicles by chasing or running after same;
- d. is guilty of an offence and liable to a fine as prescribed in Section 11.

8. SEIZING AND IMPOUNDING

- a. No person shall harbour, own, or keep an animal that is deemed to be a dangerous animal as defined in section 1 of this by-law.
- b. For the purposes of this section an animal suspected of being rabid shall be considered dangerous.

- c. A Judge of the Provincial Court may, upon a complaint being made to him or her that an animal is alleged to be a dangerous animal, by reason that the animal has bitten or attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing or threatening a person or another animal, may summon the owner of the animal to appear and to show cause why the animal should not be destroyed.
- d. The Judge of the Provincial Court may, if from the evidence produced it appears that the animal is a dangerous animal by reason that the animal has bitten or attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing or threatening a person or another animal, make an order directing:
 - i) the animal be destroyed, or
 - ii) that the owner or keeper of the animal keep the animal under control.
- e. Until such time as the court makes an order with respect to an animal alleged to be a dangerous animal by reason that the animal has bitten or attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing or threatening a person or another animal, the animal may be seized and impounded by the Animal Control Officer in the interest of public safety. The animal will then be disposed of in accordance with the order of the court and the owner or keeper thereof will be responsible for the payment of accumulated fines and pound fees, should the Court so direct. This section of the by-law shall apply whether the animal is on the property of the owner or not.
- f. Any animal found running at large in the Village, except on the premises of the owner, and not held in leash by a person accompanying it, may be seized and impounded by the Animal Control Officer, a Police Officer or an employee or appointed agent of the Village of Perth-Andover for safe keeping until release or other disposal thereof.
- g. The owner of any animal impounded may, upon establishing the ownership of the animal, and upon payment of a fine as prescribed in the municipal pricing policy, and the fees of the pound keeper for impounding and keeping such animal, obtain the release of same from the pound or S.P.C.A. providing such animal is not an unregistered animal, in which case a licence fee, fine and pound fee are payable before release from the pound or SPCA. Pound fees are established by the kennel housing the animal.
- h. If the owner of a seized animal is known, the Animal Control officer shall make a reasonable attempt to notify the owner that his/her animal has been seized and impounded.
- i. Before any action is taken to seize and impound an animal by the Animal Control Officer as a result of a complaint, the complainant shall give a written statement of complaint, which shall include his/her name, address, and telephone number to the Animal Control Officer. Such information will remain confidential.
- j. The owner of any animal impounded for a violation of this by-law who refuses to claim the animal from the pound or S.P.C.A. is guilty of an offence and liable to a fine as prescribed in the municipal pricing policy, as well as licence and pound fees if applicable.
- k. No impounded animal shall be destroyed, excepting one determined by competent veterinary authority to be rabid and so destroyed, or one without disease that has bitten a person or attempted to bite a person, as determined by a Provincial Court Judge and so ordered destroyed by judicial order. All others will be turned over to the S.P.C.A. Before turning the impounded animal over to the S.P.C.A. the Animal Control Officer shall cause a notice to be posted at the Village Office stating that such animal has been impounded and will be turned over to the S.P.C.A. within 72 hours of such impoundment unless

the owner, or a person acting on his behalf, claims the animal and pays the costs as herein provided for.

- l. No person authorized under this by-law to capture, impound, or destroy an animal shall be liable in damages for any injury or damage caused to such animal while the same is being captured, impounded, or destroyed.
- m. Any person who fails to comply with the provisions of any order made under this section is guilty of an offence and on summary conviction is liable to a fine outlined in the municipal pricing policy.
- n. A complaint referred to in subsection 9(9) hereof shall be made in Form A.

9. ANIMAL WASTE

- a. The owner, or any person having the care, custody and control of the animal, shall remove and dispose of immediately any excrement deposited by the animal on any public property within the Village limits.
- b. This section shall not apply to persons using seeing-eye animals.

10. PENALTIES

- a. Unless otherwise provided herein, any person who fails to comply with any provisions of this by-law is guilty of an offence and is voluntarily liable to, or upon summary conviction, is liable to:
 - i) a fine determined by the municipal pricing policy for a first offence,
 - ii) a fine determined by the municipal pricing policy for a second offence;
 - iii) a fine determined by the municipal pricing policy for a third and subsequent offence; and
- b. in default of payment is subject to imprisonment in accordance with the *Provincial Offences Procedure Act*.
- c. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, costs or charges from which she or he is liable under the provisions of this by-law.
- d. If the voluntary payment set out in this by-law has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on conviction to a fine of not less than One Hundred Dollars (\$100.00) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category B offence, plus applicable licence and impound fees.

11. REPTILES

No person shall have, keep, or possess a reptile in a public place or any property in the Village of Perth-Andover which is not the property of its owner. Notwithstanding this, a person may possess a snake or other reptile on a street or sidewalk provided, in the opinion of the Animal Control Officer, it is in a case or cage or other container designed in such a fashion that it will completely confine such snake or reptile.

12. REPEAL PROVISION

By-Law No. S-2, passed by the Council for the Village of Perth-Andover on April 14th, 2009, and amendments thereto, is hereby repealed.

13. BY-LAW COMES TO FORCE

This by-law comes to force on the date of final enactment thereof.

Read a first time by title the 8th day of April, 2019.

Read a second time by title the 8th day of April, 2019.

Read in its entirety in council the 13th day of May, 2019

Read a third time by title and enacted the 13th day of May, 2019

Marianne Bell, Mayor

DANIEL A. DIONNE, Chief Administrative Officer