

Village of Plaster Rock
By-law No. __ 5A - 3
Respecting the Control and Licensing of Animals

A By-Law of the Municipality of Plaster Rock Respecting Animal Control Pursuant to Section 10 of the Local Governance Act of New Brunswick.

The Council of the Municipality of Plaster Rock under the authority vested in it by Section 10 of the Local Governance Act RSNB 2017. By Law 5A-3 Respecting Animal Control, Replaces By-law 5A-2 Respect the Control & Licensing of Animals.

1. Definitions

- a) **animal**" means all those animal species list in Schedule B
- b) **"animal control officer"** means a person appointed by council to carry out the function of this Regulation
- c) **"attack"** means an assault resulting in bleeding, bone breakage, sprains, or serious bruising;
- d) **"bite"** shall mean the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog;
- e) **"cat"** means a male or female domesticated cat;
- f) **"control"** includes immediate custody or restraint;
- g) **"dangerous dog"** means a dog that;
 - (i) has killed, bitten, injured or attached a person or domestic animal
 - (ii) is kept for the purpose of security or protection of person or property; or
 - (iii) has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal
 - (iv) that is attack trained
 - (vi) is suspected of being rabid
- h) **"dog"** means a male or female domesticated dog;
- i) **"keep"** means to have temporary or permanent control or possession of an animal, and the words "kept" or "keeping" have a similar meaning;
- j) **"municipality"** means the Village of Plaster Rock;

k) "**muzzle**" means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting;

l) "**owner**" means a person who:

- . is in possession of an animal;
- . harbours an animal
- . permits an animal to remain about their residence/premises; or
- . licenses an animal under this by-law; and
- . where the owner is a minor; means any parent or legal guardian of the minor

m) "**peace officer**" means any officer that falls under the Department of Justice and Public Safety

n) "**pound**" means any premises where dogs and cats are confined in accordance with the provisions of this By-law;

o) "**prohibited animal species**" means those animal species listed in Schedule "C"

p) "**running at large**" means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.

q) "**without provocation**" means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

2. Vaccination

(1) The owner of a dog or cat which has not been vaccinated against rabies, shall cause his or her dog or cat to be so vaccinated;

- (a) within ten days of acquiring the animal, if it is more than three months of age, and
- (b) within ten days after it has reached the age of three months.

(2) When a dog or cat is more than six months of age on the coming into force of this By-Law, and it has not been vaccinated, the owner shall cause such dog or cat to be vaccinated against rabies within one month.

(3) An owner who neglects or refuses to have his dog or cat vaccinated under this Section, is guilty of an offence, and is punishable upon conviction to a fine of not less than \$50.00 (Fifty Dollars).

(4) Any Peace Officer or Animal Control Officer shall seize and impound and report to proper legal authorities any animal which is known to be or is suspected of being rabid.

(5) Any owner of an animal who knows or suspects that the animal is rabid or suspected to be rabid or has been exposed to rabies shall immediately report the

matter to the proper legal authorities.

(6) The Animal Control Officer shall seize and cause to be destroyed immediately any animal which is known to be rabid

(7) A dog suspected of being rabid will, for the purposes of this section, be considered dangerous

3. Dogs and Cats

A. Owners' Responsibilities

(1) If a dog or cat defecates on any public or private property other than the property of its owner, the owner shall cause such feces to be removed immediately.

(2) No owner shall suffer, permit, allow or for any reason have his or her animal, bark, howl, or meow excessively or in any other manner disturb the quiet of any person.

(3) No owner of a dog shall permit his or her dog to, without provocation:

a) chase, bite or attack any person

b) chase, bite or attack any domestic animal

c) damage public or private property

d) act in a threatening or aggressive manner toward any person or other domestic animal.

(4) The running at large of dogs or cats is prohibited within the municipality

B. Licensing

(1) The owner of any dog or cat aged four months or more shall obtain a license for the animal by registering the dog or cat paying a fee as noted in Schedule A - Fees

(2) When obtaining a license under subsection (1) the owner of a dog or cat shall provide the Municipality with such information as the Municipality requires and shall include the name and description of the dog, including the breed, the name, address and telephone number of the owner, the most recent year the animal was vaccinated against rabies, and the name of the veterinarian who vaccinated the animal.

(3) The owner shall renew the license annually

(4) When the dog or cat is off the property of the owner the owner shall cause the animal to wear around the neck a collar to which shall be attached the current license tag issued for that dog or cat by the municipality.

(5) A dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current license tag. Any person who produces evidence satisfactory to the municipality showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the license fee.

(6) The municipality shall keep a record of all dogs and cats registered and licensed in the Municipality and this record shall include the information received under subsection (2).

C. Impoundment

(1) The Animal Control Officer or a Peace Officer may seize and impound:

- a) every dog or cat found at large
- b) every dog or cat not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.

(2) The animal control officer or peace officer shall make all reasonable efforts to identify and contact the owner of every stray animal received, whether the animal is living or dead.

(3) Every dog or cat impounded shall be provided with clean food and water and sheltered in sanitary conditions. The animal shall remain impounded for five working days unless the animal is claimed by its rightful owners. If not claimed within that time, the animal shall become the property of the municipality.

(4) Where in the opinion of the animal control officer in consultation with a veterinarian, a dog or cat seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog or cat may be euthanized humanely if reasonable efforts to locate the owner of the animal have failed.

(5) Where a dog or cat seized and impounded is injured or ill and is treated by a veterinarian, the municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment.

(6) During the impoundment period, the owner may claim the dog or cat upon proof of ownership of the animal, and payments made to NBSPCA

- a) the appropriate fine where applicable as outlined in Schedule "A"
- b) maintenance fees as identified in Schedule "A", and
- c) veterinary fees where applicable

(7) Where the owner of a dog or cat does not claim the animal he shall, when known to the animal control officer, pay a pound fee as outlined in Schedule "A" and maintenance fees for each day the animal is in custody.

- (8) A dog or cat that is impounded and not claimed by the owner within the time provided in subsection (3) may
- a) be adopted for such price as has been established
 - b) be euthanized in a human manner



4. Dangerous Dogs

- (1) The owner of a dangerous dog shall ensure that:
- a) such dog is licensed with the municipality as a dangerous dog in accordance with the fees outlined in Schedule "A".
 - b) such dog is spayed or neutered.
 - c) they comply with the owners' responsibilities as outlined in Section 5A.
 - d) at all times when off the owner's property, the dog shall be muzzled.
 - e) at all times when off the owner's property, the dog shall be on a leash not longer than one metre and under the control of a responsible person over the age of eighteen.
 - f) when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.
 - g) a sign is displayed at each entrance to the property and building in which the dog is kept warning in writing, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
 - h) within two working days of selling or giving away the dangerous dog, provide the Village Office with the name, address and telephone number of the new owner;
 - i) the Animal Control Officer is advised forthwith if the dangerous dog is loose or has bitten or attacked any person or animal) a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least five hundred thousand dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (2) The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.



5. Traps

No person shall use, set or maintain a leghold trap, a killing trap or a snare inside the municipality.

6. Other Animals as Pets

(1) Any person within the Municipality may keep, as pets or companion animals, the Acceptable Animal Species listed in Schedule “B” and within any of the conditions set out in Schedule “B”.

(2) No person within the Municipality may keep or bring into the Municipality, the Prohibited Animal Species listed in Schedule “C”.

(a) This provision does not apply to representatives of licensed zoos or qualified handlers of prohibited animals who are permitted by the Village to exhibit the animal(s) to groups of people in an educational or showcase capacity.

7. Complaint to Provincial Court

A judge of the Provincial Court, upon complaint being made to them that a dog has bitten or attempted to bite any person and upon being satisfied that the dog is dangerous may make an order:

- (1) directing the owner of the dog to keep it under control;
- (2) directing the owner of the dog to muzzle the dog at all times while in a place and/or if there is potential access to children; and
- (3) directing the owner of the dog or some other person to destroy the dog

8. Penalties

(1) Any person or persons, corporation, partnership, or society who violates any provision of this By-Law is guilty of an offence and is liable, on Summary Conviction, to the penalties prescribed in this section and in default of payment is liable to imprisonment in accordance with Part II of the Provincial Offenses Procedures Act as a Category D offence, and all such fines shall be recoverable under the provisions of the Summary Convictions Act.

(2) The New Brunswick SPCA may at any time before or after the institution of proceedings against a person alleged to have committed a violation of this By-law, accept from such person payment of a sum equal to the minimum fine prescribed for such violation.

(3) Payments will not be received for any penalties at the village office.

(4) Each day of violation of any provision of this bylaw shall constitute a separate offence.

(5) The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this bylaw.

6) A Provincial Court Judge, in addition to the penalties provided in this bylaw, may, if he considers the offence sufficiently serious, direct or order the owner of a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the municipality, or order the animal destroyed.

(7) Where any person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in section 8(9) of this bylaw in respect of that provision.

(8) Where any person contravenes the same provision of this bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in section 8(9) of this bylaw in respect of that provision.

(9) The minimum and maximum penalties for violating sections of this bylaw are as follows:

Section	Minimum Penalty	Maximum Penalty
3 (3)	\$ 50.00	\$ 75.00
5A(1,2,4)	\$ 25.00	\$ 50.00
5A (3)	\$ 50.00	\$ 75.00
5B	\$ 50.00	\$ 75.00
6	\$250.00	\$275.00
8	\$ 75.00	\$100.00

9. By-Law Repealed

The Village of Plaster Rock By-Law No. 5A-2, "A By-Law Respecting the Control & Licensing of Animals enacted on October 18, 2004 is repealed.

10. Enactment

This By-Law shall come into effect on the date of enactment thereof.

FIRST READING BY TITLE: March 18, 2019

SECOND READING BY TITLE: March 18, 2019

THIRD READING IN SUMMARY April 15th, 2019
AND ENACTED:

Alexis Fenner, Mayor

Patty St. Peter, Clerk

Schedule "A"

LICENSE AND IMPOUNDMENT FEES

License Fees

1. Dog or cat license \$15.00
2. Dangerous Dog License \$250.00

Impoundment Fees – are charged on a daily basis

First impoundment in any calendar year:

Neutered male or spayed female dog or cat-\$25
Non-neutered or unspayed dog or cat-\$50
Dangerous dog-\$250

Second impoundment in any calendar year:

Neutered male or spayed female dog or cat-\$50
Non-neutered or unspayed dog or cat-\$100
Dangerous dog-\$500

Third and subsequent impoundments in any calendar year

Neutered male or spayed female dog or cat-\$75

Non-neutered or unspayed dog or cat-\$150
Dangerous dog- \$1,000

Schedule "B"

LIST OF ACCEPTABLE SPECIES AS PETS

(A)The following captive born species are appropriate as pets or companion animals within the Municipality:

Dog; Cat; Guinea Pig; Rabbit; Mouse; Rat; Gerbil; Golden Hamster; Chinchilla; Canary; Pigeon; Other common cage birds; Aquarium fish (captive born); Finches (captive bred); and Ferret.

(B)The following captive born species may be allowed as pets or companion animals within the Municipality only if the owner or keeper's residence has direct access to enclosed fields or paddocks, plus the appropriate shelter, and that any Provincial and/or Federal regulations concerning the keeping of these animals is met:

Horse; Donkey; Pig; Sheep; Goat; Cattle; Llama; Domestic fowl; Geese; Ducks; Turkey; Guinea fowl; Peafowl; and Alpaca.

Schedule "C"

LIST OF PROHIBITED SPECIES

- All arachnids, (terrestrial arthropods including the spiders and scorpions)
- All artiodactylous ungulates, (except domestic goats, sheep, pigs and cattle)
- All canidae, (except the domestic dog).
- All crocodylians (such as alligators and crocodiles).
- All edentates (such as anteaters, sloths and armadillos).
- All elephantidae (elephants).
- All Erinacidae (except the African pigmy hedgehog)
- All felidae, (except the domestic cat.)
- All hyaenidae (hyenas)
- All marsupials (except sugar gliders).
- All mustelidae (such as skunks, otters and weasels) except the domestic ferret.
- All non-human primates (such as gorillas and monkeys).
- All pinnipeds (such as seals, fur seals and walruses).
- All perissodactylous ungulates, (except the domestic horse and donkey)
- All procyonidae (such as raccoons, coatis and cacomistles).
- All pteropodidae (bats).
- All raptors, diurnal and nocturnal (such as eagles, hawks and owls).
- All ratites (such as ostriches, rheas and cassowaries).
- All ursidae (bears).
- All venomous reptiles.
- All "constrictor" type snakes.
- All viverridae (such as mongooses, civets and genets)