Village of New Maryland

Animal Control By-Law

By-Law No. 52-2006

CONSOLIDATED NOVEMBER 2010

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VILLAGE OF NEW MARYLAND

BY-LAW NO. 52-2006

A BY-LAW RESPECTING ANIMAL CONTROL

The Council of the Village of New Maryland, under the authority vested in it by Section 96 of the *Municipalities Act*, hereby enacts as follows:

1. TITLE

This By-Law may be cited as the Animal Control By-Law.

2. DEFINITIONS

In this By-Law:

"animal" means all domestic animals, and includes, but is not limited to: dogs, cats, and reptiles;

"Animal Control Officer" means any person appointed by the Village of New Maryland Council to enforce this By-Law;

"dog" includes bitch, but does not include a puppy of either gender which is less than six (6) months old;

"dangerous dog" means a dog that:

(a) has bitten or attacked a person or domestic animal;

(b) is attack trained;

(c) is kept for the purpose of security or protection of person or property; or

(d) has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal;

"owner" means any person who:

(a) is in possession of an animal;

(b) harbours an animal;

(c) permits an animal to remain on property owned by or under the control of the person; or

(d) licenses an animal under this By-Law;

and where the owner is a minor, means any parent or legal guardian of the minor;

"person" means an individual, partnership, or corporation, and includes an owner unless the context requires otherwise;

"pound keeper" means any person appointed by the Village Council to retain all animals impounded pursuant to this By-Law;

"running at large" occurs when an animal is in any place, other than on the property of the owner of the animal, and not secured by a leash which is two (2) metres or less in length and under the control of the owner of the animal;

"Village" means the Village of New Maryland; and

"Village Council" means the Mayor and Councillors of the Village of New Maryland.

“Dog-free area” includes the any designated public swimming areas, playgrounds, sports or athletic fields owned and operated by the Municipality.

3. GENERAL

(1) The owner of an animal which has not been vaccinated against rabies shall cause the animal to be vaccinated:

(a) within ten (10) days of acquiring such animal if it is more than four (4) months of age; or

(b) within ten (10) days after it has reached the age of four (4) months.

(2) Every owner of an animal who knows or suspects that his or her animal is rabid shall immediately report the animal to the Animal Control Officer.

(3) An Animal Control Officer shall immediately seize and impound and report to the proper legal authorities any animal which is known to be or suspected of being rabid.

(4) No owner of an animal shall suffer or permit the animal to cause damage to property which is not the property of the owner.

(5) No owner of a dog shall permit the dog to be tied in the front yard of a property if that front yard abuts a public sidewalk.

(6) No person shall have, keep or possess a snake or other reptile upon a street or in any public place.

(7) Notwithstanding subsection 3(6), a person may possess a snake or other reptile on a street or in a public place provided it is in a case, cage or other container designed in such a fashion that it will completely confine such snake or reptile.

(8) No owner of an animal shall suffer or permit the animal to defecate on any property in the Village which is not the property of the owner.

(9) The owner of an animal shall immediately remove any feces left by the animal on any property.

(10) No owner shall cause or permit a dog to be in a dog-free area designated by signage as an area prohibiting dogs, except dogs trained to assist and assisting persons with a disability.

(11) No owner of animal shall suffer or permit the animal to run at large.

4. DOGS

(1) Every owner of a dog shall register such dog with the Village on or before December 31 for the following calendar year and at the time of registration shall pay a license fee as follows:

(a) Thirty dollars ($30.00) for non-neutered or non-spayed dogs;

(b) Fifteen dollars ($15.00) for neutered or spayed dogs; and

(c) Two Hundred dollars ($200.00) for a dangerous dog.

(2) Notwithstanding subsection 4(1) above, every person who becomes the owner of a dog that is not registered pursuant to this By-Law shall immediately register such dog pursuant to this By-Law and shall pay the license fee as set out in subsection 4(1).

(3) Notwithstanding the foregoing, when any person owns a dog wearing valid and current tags issued by another municipality, that person is required to register the dog with the Village within 60 days of taking up residence within the Village, however, the license fee shall be waived for the remainder of that calendar year within which the owner took up residency in the Village.

(4) A license issued pursuant to this By-Law expires on the last day of December in each calendar year.

(5) No dog shall be registered with the Village unless the owner provides proof of current rabies vaccination signed by a licensed veterinarian.

(6) In the case where a dog cannot have a rabies shot, the owner shall provide written confirmation from a licensed veterinarian confirming that the dog is not able to receive a rabies shot.

(7) The Village shall keep a record of all licenses issued showing:

(a) the date and number of registration;

(b) the sex and breed of dog for which a license has been issued; and

(c) the name, address and telephone number of the owner.

(8) Upon registration of a dog, the Village shall issue to the owner a registration as herein provided, together with a license tag which shall indicate the registration number of the dog and the year of registration.

(9) Every owner of a dog shall cause any dog registered by him with the Village to wear a collar to which shall be attached the tag issued pursuant to subsection 4(8).

(10) The owner of a dog which is used as a "seeing eye" dog or "hearing ear" dog is not required to pay the license fee pursuant to this By-Law for such dog but must obtain a tag from the Village, which tag must be worn by the dog at all times.

(11) Any person who loses a tag issued pursuant to this By-Law shall obtain a replacement tag from the Village, the fee for which replacement tag shall be two dollars ($2.00).

(12) The owner of a dog registered under this By-Law shall not allow the tag issued for such dog to be worn by another dog.

(13) No person other than the owner shall remove a collar or tag from any registered dog.

(14) No owner of a dog shall suffer or permit the dog to:

(a) cause a public nuisance or disturb inhabitants of the Village by barking, howling or otherwise making any noise;

(b) chase or run after pedestrians, motor vehicles, bicycles or other animals;

(c) bite or attempt to bite a person or animal;

(d) run at large; or

(e) approach any person or other animal in an aggressive or terrorizing manner upon any street, sidewalk, public grounds or place, or on private property other than the property of the owner.

(15) The owner of a dog trained to guard persons and/or property and/or trained to attack shall provide, maintain and use an escape proof enclosure and shall keep the said dog in the enclosure for such period or periods of time that the dog or other animal is left unattended by the owner.

(16) No person shall interfere or attempt to interfere with an Animal Control Officer, the Pound Keeper or any other person exercising authority pursuant to the By-Law.

(17) No owner of a bitch shall suffer or permit such bitch to be upon the street or in any public place while the bitch is in heat.

5. DANGEROUS DOGS

(1) The owner of a dangerous dog shall ensure that:

(a) the dangerous dog shall be muzzled at all times when off the owner's property;

(b) at all times when off the owner's property, the dangerous dog shall be on a leash not longer than one (1) metre and under the control of a responsible person over the age of eighteen (18) years;

(c) when such dangerous 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 dangerous dog and capable of preventing the entry of any person not in control of the dangerous dog;

(d) a sign is displayed at each entrance to the property and building in which the dangerous dog is kept, warning in writing as well as with a symbol that there is a dangerous dog on the property and such sign shall be visible and legible from the nearest street; and

(e) they have a policy of liability insurance 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 municipality to be named as an additional insured for the sole purpose of the municipality being notified by the insurance company of any cancellation, termination or expiration of the policy. The Village incurs no liability for the failure of a dog owner to comply with these provisions.

6. COMPLAINT TO PROVINCIAL COURT

(1) Where an Animal Control Officer believes that an animal has bitten or attempted to bite a person, the Animal Control Officer may initiate a complaint to a Judge of the Provincial Court.

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

(a) that the animal be destroyed; or

(b) that the owner or keeper of the animal keep the animal under control.

(3) Where an Animal Control Officer initiates or intends to initiate a complaint pursuant to this section 6, the Animal Control Officer may seize and impound the dog at the expense of the owner pending final disposition of the complaint.

(4) In all cases where a dog is impounded pursuant to this section 6, the Village will make all reasonable efforts to have the matter dealt with as expeditiously as possible.

7. SEIZING AND IMPOUNDING

(1) An animal found running at large may be seized and impounded by the Animal Control Officer.

(2) The owner of the animal which has been impounded, upon proving ownership thereof, may reclaim the animal from the Animal Control Officer or Pound Keeper provided they first:

(a) pay the sum of forty dollars ($40.00) to the Village or Animal Control Officer; and

(b) pay a further sum on an actual cost basis invoiced by the Pound Keeper for each day the animal has been impounded plus any other rates and/or charges which may be levied for medication prescribed and administered during the impounding period.

(3) An animal that has been abandoned or appears to the Animal Control Officer to have been abandoned may be seized and impounded by the Animal Control Officer.

(4) Where an Animal Control Officer seizes and impounds an abandoned animal, he/she shall within twenty-four (24) hours notify the owner of the animal, unless such ownership cannot be ascertained, in which case, he/she shall post a written notice at the premises where the animal was seized.

(5) Except where otherwise indicated, all impounding fees and charges shall be the responsibility of the Animal Control Officer to receive and disburse excepting costs for euthanasia which shall be borne by the Village.

(6) If the owner of a seized animal is known, the Animal Control Officer shall make a reasonable attempt to notify the owner of such seizure and impounding.

(7) An impounded animal which has not been claimed within three (3) days of seizure, exclusive of statutory holidays, Saturdays and Sundays may:

(a) be sold by the Pound Keeper or Animal Control Officer; or

(b) may be destroyed by the Pound Keeper or the Animal Control Officer in a manner approved by the Society for the Prevention of Cruelty to Animals.

(8) The Animal Control Officer shall not be required to seize or impound any animal as a result of a complaint of any person unless such person shall furnish the name and address of the complainant to the Animal Control Officer.

(9) The Animal Control Officer shall collect from the owner before releasing the animal, the total of all costs of seizing, impounding, and maintaining the animal.

8. OFFENCES

(1) Every person who violates a provision of this By-Law is guilty of an offence.

(2) Every person charged under this By-Law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars ($50.00) to the Village as follows:

(a) in person at the reception counter, Village Office, Village of New Maryland, 584 New Maryland Highway, New Maryland, New Brunswick by cash, cheque or money order made payable to the Village of New Maryland; or

(b) by mail to: Village of New Maryland, 584 New Maryland Highway, New Maryland, New Brunswick E3C 1K1;

at which time the Municipal By-Law Infraction Ticket or Municipal By-Law Infraction Ticket number shall be surrendered to the Village and such payment shall be deemed payment in full.

(3) If voluntary payment as set out in subsection 8(2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged may make a voluntary payment of seventy-five dollars ($75.00) as follows:

(a) in person at Room 105, Justice Building, 412 Queen Street, by cash or certified cheque or money order payable to the Minister of Finance; or

(b) by mail to: Province of New Brunswick, P.O. Box 6000, Fredericton, New Brunswick E3B 5H1 "Attention Provincial Court";

at which time the Municipal By-Law Infraction Ticket or Municipal By-Law Infraction Ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full.

(4) If voluntary payments set out in subsections 8(2) and 8(3) above have 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 summary conviction to a fine of not less than one hundred forty dollars ($140.00) 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*, S.N.B. 1987, c.P-22.1, as a category D Offence.

9. VALIDITY

(1) If any part of this By-Law is held to be invalid and struck down, it shall not invalidate the remaining provisions of this By-Law.

10. REPEAL AND TRANSITION

(1) By-Law No. 52, the Animal Control By-Law and amendments thereto adopted on January 15, 1992 is hereby repealed.

(2) The repeal of By-Law No. 52, the Animal Control By-Law of the Village of New Maryland 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 the time of repeal.

READ FIRST TIME: 18 December 2006

READ SECOND TIME: 18 December 2006

READ THIRD TIME and ENACTED: 21 February 2007

_____	_____
Cynthia Geldart	Frank Dunn
Clerk	Mayor