

BY-LAW NO. 119

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE
LICENSING AND CONTROL OF DOGS IN THE**

TOWN OF GRAND BAY-WESTFIELD

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The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 11 of the *Municipalities Act*, R.S.N.B. 1973, c.M-22 and amendments thereto enacts as follows:

SHORT TITLE

1. This by-law may be cited as the Dog Control By-law.

DEFINITIONS

2. In this by-law:
 - (a) “dog” includes dogs and means any dog, male or female;
 - (b) “Animal Control Officer” means the person employed or engaged by the Town who is charged with the responsibility of controlling dogs within the Town, and who is appointed by Council to carry out the functions of this by-law;
 - (c) “Council” means the Council of the Town of Grand Bay-Westfield;
 - (d) “day” means a 24 hour period;
 - (e) “leashed” means secured by a leash or similar device of maximum length of 3 metres suitable to keep a dog under the control of its owner;
 - (f) “license” means a tag on which is stamped a license number;
 - (g) “keeper” means a person or persons, partnership, or corporation, other than the owner, who:
 - (i) is in possession or was in possession of a dog;
 - (ii) harbours a dog;
 - (iii) suffers a dog to habitually remain on property owned by or under the control of that person, partnership, or corporation;
 - (iv) habitually and regularly provides food and shelter for a dog;and “keeps”, “keeping”, and “kept” have the corresponding meaning;

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- (h) “neighbourhood” means for the purpose of this by-law an area where no less than 2 people live in separate dwellings;
- (i) “owner” means a person or persons, partnership, or corporation who:
- (i) owns or is or was in possession of a dog;
 - (ii) harbours a dog;
 - (iii) suffers a dog to habitually remain on property owned by or under the control of that person, partnership, or corporation;
 - (iv) habitually and regularly provides food and shelter for a dog;
 - (v) registers and licenses a dog under this by-law; or
 - (vi) is a principal owner of any corporation that registers and licenses a dog under this by-law;
- and “owns” and “owned” have the corresponding meaning;
- (j) “running at large” means a dog is unleashed or untied:
- (i) in a public place;
 - (ii) on property other than that of the owner without the consent of the owner of that property;
 - (iii) in a forest or wooded area or on any street while not in the company and control of the owner or keeper of the dog; or
 - (iv) on property of the owner of the dog immediately after having been observed by the Animal Control Officer or Municipal Peace Officer in the any of the above designated areas;
- and “run at large” has the corresponding meaning;
- (k) “street” includes road, sidewalk, alley, park, public square, or property under the control of the Town;
- (l) “Town Manager” means the Town Manager of the Municipality as described in Section 1 of the *Municipalities Act*, R.S.N.B. 1973. c.M-22 and amendments thereto;

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- (m) "Town" means the Town of Grand Bay-Westfield;
- (n) "treasurer" means the Town Manager.

ANIMAL CONTROL OFFICER

- 3(1) The Animal Control Officer reports to the Town Manager of the Town except in cases where time is of the essence in disposing of or controlling a dog or where suspicion exists of an offence at law requiring him or her to call upon a Municipal Peace Officer.
- 3(2) The Animal Control Officer is hereby authorized to make a complaint in accordance with section 10(4) herein.

RUNNING AT LARGE

- 4(1). The owner or keeper of a dog shall not allow that dog to run at large in the Town at any time. Any owner or keeper who permits a dog to run at large in the Town at any time is subject to fines as follows:

For the first occasion during any calendar year \$70.00.

For the second occasion during any calendar year not less than \$70.00 and not more than \$250.00.

For the third occasion during any calendar year not less than \$70.00 and not more than \$500.00.

Any owner or keeper in default of payment of any of these fines is liable to prosecution in accordance with the provisions of the Provincial Offenses Procedure Act.

- 4(2). No dog shall be permitted by its owner or keeper to be exercised within the boundaries of the Town other than on the owner's own premises without such dog being leashed.
- 4(3). No owner or keeper of a dog shall allow a dog being exercised to excrete on property other than that of the owner.
- 4(4). Every owner or keeper of a dog which excretes on property other than that of the owner shall immediately clean up such excrement and dispose of same on property owned by the owner of the dog.

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REGISTRATION AND LICENSING

5(1). Subject to Section 96(1) of the *Municipalities Act*. R.S.N.B. 1973, c.M-22 and amendments thereto, every owner of a dog shall, before the last day of January of each year.

(a) subject to section 5(6) of this by-law, register with the Town Manager or Animal Control Officer and obtain a license for each dog which he or she owns by providing the following information:

(i) the owner's name and place of residence, phone number;

(ii) the name, age, breed, colour, and sex of the dog;

(iii) evidence that the dog has been vaccinated for distemper;

(iv) evidence that the dog has been vaccinated for rabies; and

(b) at the time of registration pay to the Town Manager or Animal Control Officer a license fee for each dog which he or she owns as follows:

Spayed Female or Neutered Male	\$ 12.00
Non Spayed Female or Non Neutered Male	\$ 30.00

5(2). Every person who becomes the owner of a dog shall within 30 days register the dog in the manner set out in subsection 5(1).

5(3). At the time of registration, the Town Manager or Animal Control Officer shall issue to the owner a license tag upon which is inscribed the registration number and year of registration.

5(4). Every person who becomes the owner by sale, purchase, or gift of a dog which is registered under this by-law shall immediately advise the Town Manager or Animal Control Officer within 30 days of the change of ownership.

5(5). A license tag is not transferable from one owner to another or from one dog to another.

5(6). A license issued under this by-law expires:

(a) when there is a change in ownership of the dog; or

(b) upon the last day of the year in which it was issued.

5(7). An application may be made after November 1 in any year for a license for the following year and such a license shall be valid from the date of issuance.

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- 5(8). A license tag which is lost may be replaced by the Town Manager or Animal Control Officer upon application of the owner for a minimal fee of \$6.00.
- 5(9). The owner of a dog shall ensure that the license tag is securely fixed to the dog by collar at all times.
- 5(10). The provisions of section 5 of this by-law do not apply to any dog whose owner is a non-resident temporarily in the Town, any "aid" dog for a disabled resident, or any governmental police dog.
- 5(11). All dog registrations and licenses previously issued by the Town of Grand Bay-Westfield or are valid for the purpose of compliance with this by-law until such registrations and licenses expire.

RABIES

- 6(1). The owner or keeper if the owner is not available of a dog which has not been vaccinated against rabies shall have the dog vaccinated
 - (a) within 10 days of acquiring the dog if the dog is more than 6 months old; or
 - (b) within 10 days after it reaches the age of 6 months.
- 6(2). When a dog is more than 6 months of age on the date of this by-law coming into force and it has not been vaccinated against rabies, the owner or keeper if the owner is not available shall have the dog vaccinated against rabies within 1 month.
- 6(3). An owner or keeper if the owner is not available who neglects or refuses to have his or her dog vaccinated against rabies is guilty of an offence and is liable to a fine of not less than \$70.00 and not more than \$250.00 and in default of payment hereof to prosecution in accordance with the Provisions of the Provincial Offenses Procedure Act.
- 6(4). The Animal Control Officer shall report a rabid dog to the proper authorities immediately.
- 6(5). The Animal Control Officer shall, where in his or her opinion the condition of the dog warrants the care of a veterinary surgeon, report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to a veterinary surgeon, and the owner or keeper if the owner is not available shall be responsible for any fees incurred as a result of such consultation or treatment by the veterinary surgeon.
- 6(6). Where a dog is suffering from a communicable disease the owner or keeper if the owner is not available shall not permit the dog to be in any public place and shall keep the dog out of the proximity of other dogs.
- 6(7). The owner or keeper if the owner is not available of a rabid dog or a dog suspected of being rabid or has been exposed to rabies shall immediately report the matter to the

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District Medical Health Officer, the Animal Control Officer, and the Head of the Municipal Police.

7. No owner or keeper of a female dog in heat shall allow that dog to be in a public place.

DISTEMPER

- 8(1). The owner or keeper if the owner is not available of a dog which has not been vaccinated against distemper shall have the dog vaccinated:
- (a) within 10 days of acquiring the dog if it is more than 4 months old; or
 - (b) within 10 days after the dog reaches the age of 4 months.
- 8(2). When a dog is more than 4 months old on the date of this by-law coming into force and has not been vaccinated against distemper, the owner or keeper if the owner is not available shall have the dog vaccinated against distemper within 1 month.
- 8(3). An owner or keeper if the owner is not available who neglects or refuses to have his or her dog vaccinated against distemper is guilty of an offence and is liable to a fine of not less than \$70.00 and not more than \$250 and in default of payment thereof, to prosecution in accordance with the Provisions of the Provincial Offences procedure Act.

SEIZING AND IMPOUNDING

- 9(1). The Animal Control Officer or, in his or her absence, a Municipal Peace Officer, may seize and impound or deliver to an animal shelter for safekeeping until released or otherwise disposed of under this by-law any dog:
- (a) not registered or licensed under this by-law;
 - (b) not wearing a collar and tag issued under this by-law when the dog is off the property of the owner or keeper of the dog when it is pursued by the Animal Control Officer or Municipal Peace Officer onto the property of the owner or keeper of the dog;
 - (c) running at large;
 - (d) actually or apparently infected with rabies or other communicable disease;
 - (e) that persistently annoys pedestrians or drivers of horses, automobiles, bicycles, or other vehicles by running, barking, or snapping; or
 - (f) which, in the reasonable belief of the Animal Control Officer or Municipal Peace Officer, has bitten or attempted to bite any person or animal.

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- 9(2). When the Animal Control Officer impounds a dog, he or she shall
- (a) notify the owner or keeper of the dog by the most convenient means; or
 - (b) if the owner or keeper is not known to the Animal Control Officer or cannot be located, post a notice at the animal shelter where the dog is impounded or the Town Office stating that the dog is impounded, giving a description of the dog, and stating that the dog will be sold unless the owner or anyone acting on the owner's behalf claims the dog.
- 9(3). The Animal Control Officer shall provide adequate shelter, food, and water to any impounded dog.
- 9(4). Upon being notified that his or her dog is impounded, the owner or anyone acting on his or her behalf may obtain the release of the dog by:
- (a) establishing ownership;
 - (b) establishing that the dog is registered and licensed under this by-law or by registering and licensing the dog under this by-law; and
 - (c) paying to the Town Office or Animal Control Officer the fees incurred by the Town for seizing, impounding, and maintaining the dog;
- unless the dog was impounded for running at large, biting a person, or having or suspected of having rabies or any other communicable disease.
- 9(5). A dog which has not been released from the animal shelter or Animal Control Officer may be sold after 72 hours by the animal shelter or Animal Control Officer for the best price obtainable, and the money derived from the sale of any impounded dog shall be applied to the payment of fees to the animal shelter or Animal Control Officer for impounding and maintaining the dog.
- 9(6). The Animal Control Officer may keep a dog impounded longer than 72 hours:
- (a) when the owner requests that the dog be kept longer and pays costs in advance; or
 - (b) when the owner advises the Animal Control Officer of his or her ownership but does not pick up the dog from the animal shelter within 72 hours and when:
 - (i) there is sufficient room at the animal shelter to keep the dog;
 - (ii) the animal is not vicious, rabid, suffering from a communicable disease, ill, or injured;
 - (iii) the dog is not required to be destroyed under this by-law; and

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- (iv) the Animal Control Officer is satisfied that the owner or someone acting on behalf of the owner will pay all fees and charges for which the owner is or become liable; or
 - (c) when there is a charge or prosecution pending against the owner under this by-law.
- 9(7). When the owner of an impounded dog requests the Animal Control Officer or animal shelter to destroy the dog, the Animal Control Officer or animal shelter may do so upon receipt of payment by the owner or someone acting on behalf of the owner of a fee equal to the current veterinary rate and any costs incurred in connection with the disposal of the destroyed dog.
- 9(8). Any person who purchases from the Animal Control Officer or animal shelter an impounded dog that is not registered and licensed under this by-law shall register and license the impounded dog before taking possession of it.
- 9(9). The Animal Control Officer may by an accepted humane practice destroy any impounded dog if the dog:
 - (a) has not been claimed by its owner within 72 hours after being seized and cannot be sold;
 - (b) is injured or diseased; or
 - (c) has been ordered destroyed by a Provincial Court Judge.
- 9(10). No person authorized under this by-law to capture and impound or destroy a dog shall be liable in damages for any injury sustained by the dog while it was being captured or destroyed.

OFFENCES

- 10(1). The owner of a dog commits an offence under this by-law if:
 - (a) his or her dog runs at large in the Town;
 - (b) the owner refuses or neglects to register his or her dog;
 - (c) the owner refuses or neglects to have his or her dog wear a collar with a license tag secured to it other than when the dog is on the owner's property;
 - (d) his or her dog runs or chases after pedestrians, automobiles, bicycles, or motorcycles;

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- (e) his or her dog barks so as to annoy the public in the determination of the Animal Control Officer or Municipal Police Officer;
 - (f) the owner refuses or neglects to have the dog vaccinated for rabies and distemper;
 - (g) the owner otherwise refuses or neglects to comply with this by-law.
- 10(2). The keeper of a dog commits an offence under this by-law if:
- (a) the dog he or she is keeping runs at large in the Town;
 - b) the dog he or she is keeping runs or chases after pedestrians, automobiles, bicycles, or motorcycles;
 - (c) the dog he or she is keeping barks so as to annoy the public in the determination of the Animal Control Officer or Municipal Police Officer;
 - (d) the keeper refuses or neglects to have the dog vaccinated for rabies and distemper;
 - (e) the keeper otherwise refuses or neglects to comply with this by-law.
- 10(3). Any person commits an offence under this by-law is subject to a fine of not less than \$70.00 and a not more than \$250.00 if he or she:
- (a) interferes or attempts to interfere in any function of the Animal Control Officer, animal shelter, or Municipal Peace Officer under this by-law;
 - (b) not being the owner removes a dog's collar or license tag;
 - (c) otherwise refuses or neglects to comply with this by-law.
- 10(4). A judge of the Provincial Court to whom a complaint has been made, alleging that a dog has bitten or attempted to bite a person, 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 has attempted to bite a person, make an order directing:
- i) that the dog be destroyed, or
 - ii) that the owner or keeper of the dog keep the animal under control.
- 10(5). A person who fails to comply with the provisions of an order made under the provisions of paragraph 10(4) of this by-law, commits an offense punishable under Part II of the *Provincial Offences Procedure Act* as a category B offense.

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PENALTY

11. A person who has committed a violation of any of the provisions 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 such payment, the person committing the violation is not to be prosecuted or further prosecuted therefor.
12. By-law No. 32, Town of Grand Bay-Westfield Respecting the Licensing and Control of Dogs in the Town of Grand Bay-Westfield and By-law No. 32A, Town of Grand Bay-Westfield By-law Respecting the Licensing and Control of Dogs in the Town of Grand Bay-Westfield are hereby repealed.
13. This by-law comes into effect on the date of final enactment.

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FIRST READING BY TITLE on this 14th day of November

SECOND READING BY TITLE on this 14th day of November

THIRD READING AND ENACTMENT on this 27th day of November

Sandra Gautreau
Manager (Clerk)

Grace Losier
Mayor

seal