

BYLAW NO S- 3.1

Be it Enacted, by the Council of the Village of Bath under the authority vested in it by the Municipalities Act, R.S.N.B., 1973, C.M-22.

SHORT TITLE

- (1) This Regulation may be cited as a Bylaw Relating to Animal Control.

INTERPRETATION

- (2) This Regulation applies to an area inside the territorial limits of the Village of Bath.
- (3) In this Regulation:
 - 3.1 "DOG" includes bitch;
 - 3.2 "OWNER" means any person who has an animal in his possession or harbors or permits it to remain about his premises or residence
 - 3.3 "ANIMAL CONTROL OFFICER" means a person appointed by the Council to carry out the function of this Regulation.
 - 3.4 "RUNNING AT LARGE" means to be unleashed
 - (a) in a public place
 - (b) on private property other than the owner's; OR
 - (c) in a forest or wooded area while not in the company and control of the owner.
 - 3.5 "MUNICIPAL REPRESENTATIVE" means a person designated by the Council to issue the licenses and collect the fee under this Regulation.
 - 3.6 "DESTROY" means to put down in a caring and humane manner by lethal injection from a licensed Veterinarian.
 - 3.7 "VICIOUS DOG" means any dog of any breed that has bitten a person or another domestic animal or any breed of dog which appears to have the characteristics of that dog known as a pitbull or rottweiler including a mixed breed having either a pitbull (bullmastiff) or rottweiler strain.
 - 3.8 The characteristics of the Pitbull(Bullmastif) including breeds having this strain are;
 - (a) large wrinkled head

- (b) broad, deep chest
- (c) powerful and compact build
- (d) back, short and straight
- (e) strong limbs and natural tail with hanging ears
- (f) coat is short and hard
- (g) any color of bridle, fawn or red, with black face or
- (h) mask, very small white spots on chests (sometimes) dark eyes
- (i) adults range from 25" to 27" tall and 110-130 pounds in males and 24" to 26" tall and 100-120 pounds in females.

3.9 The characteristics of the rottweiler including breeds having this strain are:

- (a) broad head, dark brown eyes
- (b) ears folded at skull line
- (c) thick body with deep chest and muscular legs
- (d) short, docked tail
- (e) short, flat coarse coat, softer undercoat on neck and thighs
- (f) colors are black, with tan markings on cheeks, muzzle, chest and legs and over both eyes and beneath tail
- (g) size ranges from 24" to 27" tall, and 110-120 pounds in males and 22" to 25" tall and 95-110 pounds in females.

4.1 Subject to subsection 3.3 every owner of a dog shall before the last day of January in each year:

- (a) register with the Municipal Representative each dog which he/she owns and;
- (b) Pay to the Municipal Representative a License fee of \$10.00 for each dog (male or female)

4.2 A person who becomes an owner of a dog after the last day of January in any year shall register the dog within thirty days of becoming an owner and shall pay the license fee prescribed in subsection 4.1(b)

4.3 An owner who keeps dogs for breeding, boarding or any other like purposes may subject to section 4.1 (a) be issued a kennel license which subject apply to each and every dog kennel and until the dog is sold or otherwise leaves the kennel.

4.4 A kennel license fee is thirty five dollars (\$35.00)

4.5 A license issued under this regulation expires on the last day of the calendar year in which it is issued.

4.6 The Municipal Representative, at the time of registration of a dog, shall issue to the owner a license tag showing the number under which the dog is registered and the year of registration.

4.7 A license tag which is lost after it has been issued may be replaced by the Municipal Representative upon application by the owner and the payment of \$1.50 (one dollar and fifty cents)

4.8 Vicious dogs as described under Section 3.7 must be muzzled when off the owners property.

KENNELS

- 5.1 Prior to the issuance of a kennel license as envisaged herein, the Animal Control Officer shall satisfy himself by inspection that the kennel is so constructed and is being so operated that in his reasonable opinion it adequately provides for the health, safety hygiene and comfort of the dogs at any time housed herein and non kennel license shall be issued until the Animal Control Officer is so satisfied.
- 5.2 At any time during the existence of an issued kennel license the Animal Control Officer may during daylight hours inspect a licensed kennel for the purpose of satisfying himself that in his reasonable opinion the kennel is being operated so as to adequately provide for the health and safety, and hygiene and comfort of the dogs at any time housed therein; and in the event that the Animal Control Officer is not satisfied he shall require that the operations of the kennel be so conducted as in his reasonable opinion to forthwith adequately provide for such health, safety, hygiene and comfort of such dogs, failing which the Animal Control Officer may cancel the kennel license.

RABIES

- 6.1 The owner of a dog or cat or any domesticated animal which has not been vaccinated against rabies shall cause his dog or cat or any domesticated animal to be vaccinated.
 - (a) within ten days of acquiring the dog or cat if it is more than three months of age;
 - OR
 - (b) within ten days after it has reached the age of three months
- 6.2 When a dog or cat or any domesticated animal is more than six months of age on the coming into force of this regulation, and it has not been vaccinated against rabies, the owner shall cause such dog or cat or any domesticated animal to be vaccinated against rabies within one month.
- 6.3 An owner who neglects or refuses to have his dog or cat or any domesticated animal vaccinated under this section is guilty of an offense and is punishable upon conviction to a fine of not less than \$140.00 and not more than \$320.00, for each dog or cat or any domesticated animal not vaccinated.
- 6.4 The Animal Control Officer shall seize and cause to be destroyed immediately any dog or cat or any domesticated animal which is known to be or suspected of being rabied.

SEIZING AND IMPOUNDING

- 7.1 A judge of the Provincial Court, upon complaint being made to him that a dog has bitten or attempted to bite any person, and or other domestic animals 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 or animals, may make an order:
- (a) directing the owner to pay the fines as specified in Section 9.1 and
 - (b) directing the owner or keeper of the dog to keep it under control or
 - (c) directing the owner or keeper of the dog or some other person to destroy the dog
- 7.2 A person failing to comply with an order under Section 7.1 is liable to a fine not exceeding \$50.00 (fifty dollars) for every day that he fails to do so, in addition to any fines previously levied.
- 7.3 The Animal Control Officer may seize and impound any dog found running at large and/or vicious dog as described under Section 3.7 found not to be muzzled when off of the owners property contrary to Section 4.8.
- (a) if the owner of such dog is known or being known cannot be located, post the notice as required by Section 7.4; and after the requirements of subsection are met, may sell or destroy such dog which has not been claimed by the owner or anyone on his behalf.
- 7.4 Before the Animal Control Officer sells or destroys a dog which is impounded, he
- (a) shall post a notice at the office of the Village of Bath stating that such a dog has been impounded and will be sold or destroyed within 48 hours (forty eight) from the time of the posting unless the owner, or anyone on his behalf, claims the dog and pays the cost set out in Section 7.5; and
 - (b) subject to Subsection 7.3 (a) may sell or destroy such a dog after 48 hours (forty eight) have expired from time of posting
- 7.5 The Animal Control Officer shall collect from the owner before releasing the dog or the purchaser at the time of the sale of the dog, the total of all costs of seizing and impounding and maintaining the dog a minimum of \$50.00 (fifty dollars) per day. Or in the case of a vicious dog as described at Section 3.7 a minimum of \$250.00 (two hundred and fifty) in total or \$50.00 (fifty dollars) per day whichever is more.
- 7.6 The Animal Control Officer is authorized to make use of tranquilizer guns and other tranquilizing devices on dogs in the course of carrying out his duties here under.

OFFENSES

- 8.1 The owner of a dog commits an offense under this regulation if:
- (a) He permits his dog to run at large;
 - (b) He refuses or neglects to register his dog under section 4 of this regulation;
 - (c) He refuses or neglects to attach and keep attached a licensed to the collar of his dog;
 - (d) He refuses or neglects to cause his dog to wear a collar at all times other than when it is in the kennel or residence;

- (e) He permits his dog to chase or run after pedestrians, motor vehicles, or other animals; OR
 - (f) He permits his vicious dog as described at Section 3.7 not to be muzzled when off the owners property contrary to Section 4.8.
 - (g) He permits his dog to create a disturbance by barking or howling continuously for a period of five (5) minutes or more.
- 8.2 Any person commits an offense under this Regulation if;
- (a) He interferes or attempts to interfere with the Animal Control Officer while he is exercising his functions under this Regulation, which, for greater certainty includes a failure to allow entry to the Premises to allow inspection or seizure of animals, or
 - (b) He, not being the owner, removes the collar or licensed tag from the dog.
- 8.3 The Animal Control Officer, after, investigating a complaint of an offense and being satisfied that an offence occurred, may issue a fine or recommend to the clerk of the Village of Bath that a fine be issued.
- 8.4 For any owner of a dog that has been penalized for three offenses either in combination or singularly, for Sections 6.3, 7.1, 8.1, or 8.2, the Village of Bath shall:
- (a) Give one week written notice to the owner of the dog, that the village intends to make a motion for the removal of the dog from the Village limits in accordance with Section 2.
 - (b) After being satisfied that the owner of the dog has been given one weeks notice, shall make a motion at a regular or special meeting to direct the owner to remove the dog from the Village in accordance with Section 2. The Village will also direct the owner to provide a statement in writing that the dog has been removed.
- 8.5 An owner who neglects or refuses to remove his dog from the Village as directed in Section 8.4 (b), shall be subject to a fine of \$100.00 (one hundred dollars) for every day he fails to do so to a maximum of \$500.00 (five hundred dollars). The Village may direct the animal control officer to seize and impound the dog after which the owner will be subject to the penalties as described in Section 7.5.
- 8.6 Any owner who neglects or refuses to keep his dog removed from the Village after complying with Section 8.4 (b) and 8.5 shall be subject to a fine of \$100.00 (one hundred dollars) for every day he fails to do so to a maximum of \$500.00 (five hundred dollars)

PENALTIES

- 9.1 Unless otherwise provided herein, a person committing an offense under this bylaw is punishable by a fine of not less than \$140.00 (one hundred and forty dollars) for a first offence under any section of this bylaw, or \$250.00 (two hundred and fifty dollars) for a second offence under any section of this bylaw, or

\$350.00 (three hundred and fifty dollars) for a third offence under any section of this bylaw. And in the case of a vicious dog as described at Section 3.7 a fine of not less than \$250.00(two hundred and fifty dollars) for the first offence under any section of this bylaw, or \$350..(three hundred and fifty dollars) for a second offence under any section of this bylaw or \$500.00(five hundred dollars) for a third offence under any section of this bylaw.

- 9.2 Where 15(fifteen) business days have elapsed from the date of issue of a fine under any penalty provisions of this bylaw without a voluntary payment. Information with respect to violations of this bylaw may be laid in provincial court by the clerk or other persons as designated by council. Notice of an offence committed under this bylaw shall be in the form of an appearance notice under the Provincial Offences Procedures Act and such notice shall be served on the owner presumed to be liable for the offence.
- 9.3 Notwithstanding anything herein contained, the Animal Control Officer or clerk of the Village of Bath may, either before or after the institution of proceedings against an owner for an alleged violation here under accept from the person alleged to have been guilty of such violation a voluntary the payment of a sum equal to the fine prescribed in Section 9.1 for violation the payment of a sum equal to the minimum fine prescribed for violation together with the Village's legal costs of proceedings to that date, if any, and thereupon the Animal Control Officer shall issue a receipt and shall forthwith forward to the Village the amount so received.
- 9.4 A payment made under Section 9.3 shall constitute a full satisfaction, release and discharge of all penalties and imprisonment incurred by such person for such violation, and for the purposes hereof shall have the same effect as if a judge had duly convicted the person of the violation for which the amount was paid, and a certificate purporting to be signed by the Clerk of the Village of Bath, or by the Registrar to the effect that the sum has been paid in respect of a specific violation be "prima-facie" evidence in all courts of the conviction.
- 9.5 If the voluntary payment set out under any penalty provision of this bylaw have not been received on or before the hearing scheduled for entering a plea before the provincial court, the owner charged with the offence is liable on Summary Conviction to a fine of not less than the maximum amount imposed for commission of an offence punishable under Part II of the Provincial Offences Procedures Act as a category C offence, and not more than the maximum amount imposed for a commission of an offence punishable under Part II of the Provincial Offences Procedures Act as a Category D offence.
- 9.6 When an owner of a dog is convicted in relation to Section 4.1(b) the Judge may in addition to the fine, order the owner to pay the license fee as required.

GENERAL

- 10. The Council, may by regulation appoint an Animal Control Officer.
- 10.1 The Council may from time to time enter into agreement with the Province to engage the services of a Provincial employee to act as Animal Control Officer, or registrar.
- 10.2 Bylaw S-3 a Bylaw Respecting Animal Control given third reading on October 20, 2008 is hereby repealed.

READ FIRST _____ **March 12, 2012** _____

READ SECOND TIME _____ **March 12, 2012** _____

READ THIRD TIME AND ENACTED _____ **April 10, 2012** _____

SIGNED: _____
_____ **MAYOR**

_____ **CLERK**