

## BY-LAW NUMBER 147

### A BY-LAW OF THE VILLAGE OF MINTO RELATING TO ESTABLISHING CONTROL OF ANIMALS IN THE VILLAGE OF MINTO.

The Council of the Village of Minto, duly assembled, enacts as follows:

#### INTERPRETATION

1. In this By-Law:

- “Animal” includes all vertebrate pets including but not limited to mammals, birds, reptiles, amphibians, cows, and horses;
- “dog” includes bitch, but does not include a puppy of either gender, which is less than 4 months of age;
- “Dog Constable/Animal Control Officer” means the person or persons appointed by the Village Council to administer the By-Law;
- “Owner” means a person who owns the animal, and includes any person who keeps, harbours, registers it under this by-law or is in control of the animal within the Village and where the owner is a minor, the person responsible for the custody of the minor;
- “running at large” means any animal found in the Village of Minto which is not on the owner’s premises and not secured by a leash having a maximum length of two meters:
  - i) in a public place,
  - ii) on private property other than that of the owner of the animal, or
  - iii) in a forest or wooded area while not in the company or control of the owner of the animal.

- iii) in a forest or wooded area while not in the company or control of the owner of the animal.
- “dangerous dog” means any individual dog:
  - i) that has attacked a person or has killed, bitten or injured another animal;
  - ii) that is attack trained;
  - iii) that is kept for the purpose of security or protection of persons or property; or
  - iv) that has shown the disposition or tendency to be threatening or aggressive.
  - v) grandfathered Pit Bull Terriers, Rottweilers and any animal of this breed or similar breed.
- “property” includes any publicly or privately owned property within the Village of Minto and includes streets and sidewalks.
- “restricted area” means sidewalks, walkways.
- “disturbance” – activity that is an intrusion or interruption.

## REGISTRATION OF DOGS

2. 1. Subject to Subsection 2.2 (a) every owner of a dog shall before the last day of March in each year, register with the Dog Constable or with the Village Clerk, each dog that he/she owns, and pays the registration fee required.
  - a) Registration Fees are:
    - \$15.00 for a neutered male or spayed female (proof required).
    - \$30.00 for an unneutered male or unsplayed female.

2. a) Every owner of a dog shall before the last day of March in each year, register with the Dog Constable or with the Village Clerk, each dog that he/she owns, and pays the registration fee required.
  - b) Any person not obtaining their registration tag by the dates required, shall pay a penalty of \$20.00 to be added to the regular registration fees.
  - c) A license tag, which is lost after it has been issued, may be replaced by the dog constable or the Village Clerk upon application by the owner or request of the dog constable and payment of \$2.00.
  - d) When any person has a dog wearing valid and current tags issued by another municipality, that person is not required to register the dog in the Village of Minto until the following calendar year or the expiration of the tags, whichever comes first.
2. The Village Clerk or Dog Constable at the time of registration of a dog shall issue to the owner a registration tag showing the number under which the dog is registered and the year of registration along with the name of the Village of Minto.
  3. Any person or family who keeps more than three (3) dogs in a dwelling unit or place of business must obtain a *Kennel License* inspected and issued by the Society for the Prevention of Cruelty to Animals Act R.S.N.B, 1997,c.27,s.1

#### RABIES

3. 1) Every owner of a dog over the age of three (3) months, shall have such dog vaccinated against rabies every two (2) years thereafter.

- 2) An owner who neglects or refuses to have his dog vaccinated against rabies under this Section is guilty of an offence and is punishable upon conviction to a fine of not more than \$200.00.
- 3) The dog constable shall seize and impound any dog which is known to be, or suspected to be, or tested to be rabid and cause such dog to be quarantined or destroyed.
- 4) The cost of impounding and seizing such dogs shall not exceed \$20.00 per day up to a maximum of \$200.00 and shall be the responsibility of the owner.
- 5)
  - i) where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place and shall not keep the animal in control with or in proximity of any other animal;
  - ii) A person who owns an animal that is rabid or suspected to be rabid or has been exposed to rabies shall immediately report the matter to District Health Officer and to the RCMP and the dog constable.

#### SEIZING AND IMPOUNDING DOGS

4.

- a) The Dog Constable, any police officer or any control officer, or any employee, agent or company authorized by the Village to enforce this by law may captured and impound any dog on private, (other than in a private dwelling), or public property creating any offence outlined in Section 14.
- b) If the owner of this dog is known, the Dog Constable shall make a reasonable attempt to notify him/her that the dog is impounded;

- c) The owner of any impounded dog shall pay the dog constable upon establishing ownership, the following fees:
  - i) a charge of \$20.00 (twenty dollars) to the Municipality or its agent for the first impounding of the animal, a charge of \$40.00 (forty dollars) to the Municipality or its agent for the second impounding of the animal, for the third impounding of the animal, a charge of \$80.00 (eighty dollars) to the Municipality or its agent. Fourth impoundment the animal will be euthanized.
  - ii) boarding fee of \$15.00 for each day or part thereof that the dog is impounded; and
  - iii) if the dog is not registered, the owner shall pay the registration fee required under this By-law.
- d) if the owner of the dog is not known or cannot be located within a forty eight hour period, exclusive of Statutory Holidays and Sundays, the said dog may be sold by the pound keeper for the best price that can be obtained and the monies derived from such sale shall be applied to the payment of the pound keeper and the balance if any, shall be paid to the Village Clerk.
- e) A dog which is impounded and cannot be sold may be destroyed in such a manner as may be directed by the animal control officer or in a manner deemed most humane by the Society for the Prevention of Cruelty of Animals.
- f) The dog constable or agent is authorized to make use of a tranquilizer gun and any tranquilizing devices on dogs in the course

of carrying out his duties hereunder and shall not be held responsible for any damages caused to the dog while doing so.

- g) No person authorized under this by-law to capture and impound an animal shall be liable in damages for any injury or damage to such animal while the same is being captured or impounded.
  
- h) A Judge or Provincial Court, upon a complaint being made to him that a dog is alleged to have bitten or attempted to bite any person, may summon the owner of the dog to appear and to show cause why the dog should not be destroyed and, that the Judge may, if from the evidence produced it appears that the dog has bitten a person, may make an order that:
  - i) directing the owner or keeper of the dog to keep such dog under control;
  
  - ii) directing the owner or keeper of the dog or some other person to destroy such a dog, at the owner's expense.
  
- i) The pound keeper who collects the fees as described in section 4c shall retain 10% of these fees as restitution for the collection and administration of such fees. Fees collected at the Village office will not be paid to the Pound Keeper.
  
- j) Whether or not the owner of an animal impounded under this by-law has the animal released as per section 4c above, that owner may still be charged with offences under this by-law at the discretion of the Animal Control Officer.

- k) In all cases where a dog is impounded under section 4(h) the Village will make all responsible efforts to have the matter dealt with as expeditiously as possible.
- l) The Council may by regulation appoint an Animal Control Officer.
- m) The Council may establish one (1) or more animal pounds in addition to any general pound now or hereafter established.
- n) The Council may from time to time enter into an agreement with the Province to engage the services of a provincial employee and to act as Animal Control Officer, or registrar.
- o) The Animal Control Officer shall not be required to seize or impound any animal as a result of a complaint of any persons unless such person shall furnish the name and address of the complainant to the Animal Control Officer.

#### LIMIT OF THREE DOGS IN A DWELLING UNIT

- 5. No more than three (3) dogs shall be harboured, at any one time, in a dwelling unit, which shall include any real property associated with such dwelling unit located within the Village of Minto.

#### DOG TYPE RESTRICTION

- 6. Due to the seemingly dangerous nature of Pit Bull Terriers, Rottweilers and any animal of this breed or similar breed will be banned from the Village of Minto and not allowed under any circumstances in the Village limits.

#### DANGEROUS DOGS

- 7. The owner of a dangerous dog shall ensure that:

- 1) such dog is licensed with the municipality as a dangerous dog in accordance with the fees outlined in Section "A"
- 2) such dog is spayed or neutered as soon as is practicable after the dog is determined to be a dangerous dog.
- 3) at all times when off the owners property, the dog shall be on a leash & muzzled not longer than one (1) metre and under the control of a responsible person over the age of eighteen
- 4) when such a dog is on the property of the owner, it shall either securely confined indoors or in a securely enclosed or 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 dog. Such pen or structure must have minimum dimensions of two meters by four meters 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 centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one meter of the property line or within three meters of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.
- 5) a sign provided by the Municipality is to be displayed at each entrance of the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.
- 6) 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.

- i) The Municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.
- ii) If the owner of a dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section, said dog shall then be euthanized by an animal shelter, animal control agency or licensed veterinarian, after a fourteen day holding period. Any dog that has been designated as dangerous under this by-law may not be offered for adoption.

#### VOLUNTARY DESTRUCTION OF ANIMALS AT OWNERS REQUEST

8. The Dog Constable may, at the owner's request, destroy an animal in such a manner as is deemed appropriate under this by law and may a base charge of \$50.00 (fifty dollars), plus veterinarian fees for providing this service.

#### RUNNING AT LARGE

9. No owner of an animal shall allow the animal to run at large:
  - 1) in a public place or restricted area;
  - 2) on a private property other than that of the owner of the animal;
  - 3) in a forested or wooded area while not in the company or control of the owner of the animal;
  - 4) the owner of an animal found to be running at large shall be subject

to the fees specific in Schedule "A"

#### CATS

10. 1) The owner is responsible for Control of his/her cat.
- 2) The Animal Control Officer is not responsible for the seizing of cats.
- 3) a) The Village will supply a trap to Village residents upon availability
- b) The property owner may then trap any stray cat(s) which may be causing said property owner problems.
- c) The said property owner may only trap cat(s) on his own property.
- d) The property owner agrees to sign an agreement stating they will then be responsible for bringing any trapped cat to the S.P.C.A in Moncton.
- e) The trap must then be returned to the Animal Control Officer or Village Office.

#### LEASH LAW

11. 1) Dogs being walked in a restricted area must be secured by a leash.
- 2) Owners may walk their dog (s) in designated areas using a flex leash to a maximum length of 26 ft or 8 metres.
- 3) The Village Council may designate areas where animals are permitted to run when off leash, and may designate areas where organized and controlled events may be held by causing signs to be posted in such areas indicating such designations.

- 4) The Village Council may designate park facilities and areas where animals are prohibited by causing signs to be posted in such areas indicating such designation.
- 5) The owner of an animal shall not permit the animal in any park facilities
- 6) Any dog in a stationary vehicle that is left unattended must be restricted so as to prevent access to persons. Such restraint must provide suitable conditions for the animal.

#### STOOP & SCOOP

12. If an animal defecates on any public or private property other than the property of it's owner, the owner shall remove such defecation immediately. This section shall not apply to persons using seeing-eye dogs.

#### DISTURBANCE

13.
  - 1) No owner shall permit a dog or dogs of which he or she is the owner to bark or bay for such a period of time or in such a manner as to create a disturbance to neighbours or the neighbourhood.
  - 2) An owner shall immediately upon being directed by the Animal Control Officer or the R.C.M.P. take such steps as necessary to cause the disturbance to cease.
  - 3) Subject to sections 13(1) and 13(2) failure to do so shall result in a charge to fees specified in Schedule "A".

#### OFFENCES

14.
  - 1) The owner of a dog commits an offence under this By- Law if:

- i) he/she permits his/her dog to run at large;
  - ii) he/she refuses or neglects to register his/her dog before the last day of March in each year;
  - iii) he/she refuses or neglects to attach and keep attached a registration tag to the collar of the dog;
  - iv) he/she refuses or neglects to cause his/her dog to wear a collar at all times;
  - v) he/she permits his/her dog to chase and run after pedestrians, motor vehicles, bicycles or any other vehicles by running or barking at the same;
  - vi) refuses or neglects to have his/her dog vaccinated against rabies or refuses to show proof of such vaccination to the animal control officer when requested to do so;
  - vii) refuses to have his/her dog on a leash when off their premises;
  - viii) he/she permits his/her dog to unnecessarily bark or howl or otherwise making noise so that annoyance is caused to the public;
- or -
- (ix) he/she permits his/her dog to bite or attempt to bite any person, or alleged to have bitten or attempted to bite a domestic animal;
  - (x) a dog appears to have been abandoned or appears to the

Animal Control Officer to have been abandoned;

- 2) Any person commits an offence under this By-Law if:
- i) he/she interferes or attempts to interfere with the dog constable or agent while exercising his/her functions under this By-Law;
  - or -
  - ii) he/she, not being the owner, removes a collar or a registration tag from any dog.

**PENALTY**

**Penalties**

15. (1) Every person who violates any provision of this by-law is guilty of an offence.
- (2) Every person charged with an offence under any section of 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).
- (3) If the voluntary payment set out in section 15(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 with the offence may make a voluntary payment of seventy five dollars (\$75.00).
- (4) The voluntary payment set out in either section 15(2) or 15(3) shall be made payable to the Village of Minto as follows:
- in person at 420 Pleasant Drive, Minto, in cash or by certified cheque or money order made payable to The Village of Minto;

Or

by mail to: The Village of Minto, 420 Pleasant Drive, Minto, N.B., E4B 2T3, "Attention Clerk Administrator", by certified cheque or money order only, payable to The Village of Minto;

at which time the ticket or ticket number shall be surrendered to the Village of Minto and such payment shall be deemed payment in full.

- (5) If the voluntary payment set out in either section 15(2) or 15(3) 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 summary conviction to a fine of not less than one hundred dollars (\$140.00) and not more than the maximum fine (\$320.00) which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category B offence.
2. When the Dog Constable or Village Clerk or agent accepts a payment under this section, he/she shall:
  - a) issue a receipt therefore, and
  - b) pay over any and all money collected, once a week, to the Village Clerk or Clerk Assistant.
16. This By-law is deemed to have come into force on September 12th, 2006.
17. By-law Number 121, entitled " A By-law of the Municipality of Minto relating to establishing control of animals in the Village of Minto" and all amendments are hereby repealed.
18. This by-law shall be enforced by the Dog Constable or Clerk Administrator or such other person as designated by Council. This person shall have the authority to issue POPA Tickets.

Schedule "A" to By-Law No. 140

A BY-LAW OF THE VILLAGE OF MINTO RELATING TO ESTABLISHING CONTROL OF ANIMALS IN THE VILLAGE OF MINTO.

Annual Dog License Fees

Spayed or Neutered Dog:	\$ 15.00
Not Spayed or Not Neutered:	\$ 30.00
Dangerous Dog:	\$100.00

Annual dog licenses expire on March 31 of each year.

Any person not obtaining their registration tag by the dates required, shall pay a penalty of \$20.00 to be added to the regular registration fees.

Replacement Dog Tag: \$ 2.00

Impounding Fee: \$ 20.00 - First Impoundment  
\$ 40.00 - Second Impoundment  
\$ 80.00 - Third Impoundment  
Animal to be euthanized - Fourth Impoundment

Boarding Fee: \$15.00 per day.

Running at Large \$25.00  
\$50.00  
\$100.00  
Animal to be euthanized - Fourth Impoundment

Disturbance Verbal/Written Warning – First Disturbance  
\$20.00 – Second Disturbance  
\$40.00 – Third Disturbance

\$80.00 – Fourth Disturbance

Rabies \$20 - \$200

**MISCELLANEOUS**

At the time the dog is registered, the owner shall provide proof of current rabies vaccination and the dog shall not be registered until proof is provided.

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

Relating to "*Animal Control*":

No person may possess a snake or other reptile on a street or in any public place unless it is in a case, cage or other container designed in such a fashion that it will completely confine such snake or reptile.

By-Law No. 140 "A BY-LAW OF THE VILLAGE OF MINTO RELATING TO ESTABLISHING CONTROL OF ANIMALS IN THE VILLAGE OF MINTO" and amendments thereto is hereby repealed.

IN WITNESS WHEREOF the Village of Minto has caused the Corporate Seal of the said Village to be affixed to this By-Law the 12<sup>th</sup> day of September, A.D. 2006 and signed:

FIRST READING: April 23, 2013

SECOND READING: April 23, 2013

THIRD READING AND ENACTMENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK ADMINISTRATOR