

BY LAW NO. 22-B

A BY-LAW OF THE MUNICIPALITY OF ST. GEORGE RESPECTING DOG CONTROL PURSUANT TO SECTION 96(1) OF THE MUNICIPALITIES ACT OF NEW BRUNSWICK

1.	Title.....	2
2.	Definitions.....	2
3.	Registration and Licensing.....	5
4.	Kennels.....	7
5.	Animal Control Officer.....	8
6.	Rabies.....	8
7.	Distemper.....	9
8.	Running at Large and Animal Control.....	9
9.	Impounding.....	10
10.	Destruction.....	13
11.	Offences.....	14
12.	Penalty.....	14
13.	Fees and Tariffs.....	16
14.	Severability.....	16
15.	Enforcement.....	17
16.	By-Laws Repealed.....	17
17.	Effective Date.....	17

BY LAW NO. 22-B

A BY-LAW OF THE MUNICIPALITY OF ST. GEORGE RESPECTING DOG CONTROL

The Council of the Town of St. George under authority vested in it by Section 96 of the Municipalities Act of New Brunswick, enacts as follows:

1. TITLE

- a. This By-law may be cited as the "Dog Control By-Law",
- b. The provisions of this By-Law apply within the entire area of the Town of St. George.

2. DEFINITIONS

In this by-law:

- a. "**animal**" means a dog;
- b. "**Animal Control Officer**" means the person or persons appointed by the Council to administer and enforce this by-law, which includes an RCMP officer, any employee, agent or company authorized by the Council to enforce this by-law;
- c. "**animal licence**" means a licence issued hereunder for a dog;
- d. "**animal tag**" means a plate on which is stamped a license number;
- e. "**animal shelter**" means any association, person, pound or agency designated by Council to take possession of and properly care and provide for animals impounded pursuant to this By-law;
- f. "**breeder**" means an owner who keeps and/or sells more than two (2) unaltered dogs and/or three (3) altered dogs;
- g. "**Clerk**" means the Clerk of the Town of St. George;
- h. "**Council**" means the Council of the Town of St. George;
- i. "**day**" means a 24 hour period;

- j. **“dog”** includes a male or female dog;
- k. **“fierce or dangerous animal”** means an animal which meets any one of the following conditions:
 - i. an animal that has attacked, bitten or caused injury to a person, either on public or private property or has demonstrated a propensity, tendency or disposition to do so;
 - ii. an animal that has attacked, bitten or caused injury to a domestic animal, either on public or private property;
 - iii. an animal that, while running at large, has aggressively pursued or harassed a person;
 - iv. an animal that, while running at large, has aggressively pursued or harassed a domestic animal;
 - v. an animal with a known propensity to attack or injure a person without provocation;
 - vi. is attack trained;
 - vii. is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property; or
 - viii. is a potentially dangerous animal.
- l. **“kennel”** means a building or part of a building where animals are kept for sale or are boarded;
- m. **“leashed”** means secured by a leash or similar device of adequate strength to keep an animal under control of the owners;
- n. **“muzzle”** means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting;
- o. **“neighborhood”** means for the purposes of this by-law, not less than 2 people living in an immediate area and occupying separate dwellings;
- p. **“owner”** includes a person, partnership, association or corporation who:
 - i. is in possession of an animal;
 - ii. harbors an animal;

- iii. permits an animal to habitually remain about his or her property or property under his or her control;
 - iv. is a registered owner, according to Service New Brunswick records, of property where an animal is allowed or permitted to remain; or
 - v. registers or licences an animal under this By-law.
- q. **“police officer”** means an officer of the Royal Canadian Mounted Police Force;
- r. **“potentially dangerous animal”** means an animal:
- i. which has been impounded three (3) times within any twenty four (24) month period;
 - ii. for which the owner has received a municipal ticket or official warning concerning animal control three (3) times within any twenty four (24) month period; or
 - iii. for which the total number of impounds, tickets and warnings total three (3) within any twenty four (24) month period.
- s. **“property”** includes public property and private property;
- t. **“public place”** means any property that is not privately owned and includes Municipal, Provincial, and Federal property;
- u. **“running at large”** means:
- i. to be tethered on a tether of sufficient length to permit the animal to leave the property boundaries of the premises occupied by the owner;
 - ii. not secured by a leash having a maximum length of three (3) meters in a public place; or
 - iii. to be unleashed:
 - (1) in a public place;
 - (2) on private property other than that of the owner or keeper of the animal without consent of the owner of the property; or

- (3) in a forest or wooded area, while not in the company or control of the owner or keeper thereof.
- v. “**street**” includes road, sidewalk, alley, park, public square and property under the control of the town;
- w. “**temporary resident**” means residing in the Town for 30 days or less per calendar year;
- x. “**Town or Municipality**” means the Town of St. George;
- y. “**unaltered**” means an unneutered male or an unspayed female dog;

3. **REGISTRATION AND LICENSING**

- a. Every owner of an animal shall:
 - i. register with the Clerk, or other person(s) so designated by Council, by March 31st of each calendar year, each dog which he/she owns, and obtain an animal license and an animal tag pursuant to the provisions of this By-law;
 - ii. provide the Clerk, or other person(s) so designated by Council, with the following information which will be recorded and retained:
 - (1) the owner’s name and place of residence;
 - (2) the name, age, breed, colour and sex of the dog.
 - iii. pay in accordance with Section 13 of this By-law, to the Clerk, or other person(s) so designated by the Council, a license fee for each dog which he/she owns subject to the following:
 - (1) there shall be no license fee for a “service dog”, but it must be licensed and wear a current tag;
- b. All licenses issued pursuant to this By-law shall expire at midnight on the thirty-first day of December of each year. Provided however that the Animal Control Officer may allow for a period of grace up to and not beyond March 31st next ensuing for the renewal of all licenses; and further provided an application may be made after

November 1st in any year for a license for the following year, which shall be valid from the date of its issuance. When an owner ceases to own a dog for which the license was given, the license shall expire.

- c. An approved certificate from a veterinary or animal hospital is required as proof that a male dog is castrated, or a female dog is spayed, and an approved certificate from a veterinary or animal hospital confirming the dog(s) has received their rabies immunization pursuant to Section 6 RABIES.
- d. Every owner of a dog which is registered under this By-law shall forthwith advise the Clerk, or other person(s) so designated by Council, within thirty (30) days of the change of ownership and every owner who sells a dog which is registered under this By-law shall advise the purchaser of the registration and licensing provisions set out herein.
- e. Every person who conveys or receives a dog not necessarily by way of sale and purchase, shall nevertheless follow the same provisions as set out in Subsection 3(d) herein.
- f. The Clerk, or other person(s) so designated by Council, at the time of registration of the dog, shall issue to the owner an animal license tag upon which is inscribed the registration number and the year of registration.
- g. An animal tag is no transferable from one owner to another or from one dog to another.
- h. An animal tag which is lost, after it has been issued for the current year, may be replaced by the Clerk, or other person(s) so designated by Council, upon application by the owner and payment of any fees pursuant to Section 13 of this By-law.
- i. Every owner of a dog shall cause a dog, registered by him or her under this By-law, to wear a collar to which the tag, issued under Subsection 3(f) shall be attached.
- j. The provisions of Subsection 3(a) shall not apply to:
 - i. an owner of a dog who is a temporary resident;
 - ii. an owner of any dog in the Town for the purpose of the dog participating in a dog show;

- iii. hearing-aid dog for the deaf; or
- iv. governmental police dog.

4. **KENNELS**

- a. Every owner who is a breeder or who keeps a dog or dogs for breeding or sale purposes shall obtain an annual kennel license from the Clerk, or other person(s) so designated by Council in accordance with the fees pursuant to Section 13 herein;
- b. A kennel license shall not be issued unless:
 - i. a written application for a kennel license is submitted to the Clerk, or such other person(s) so designated by Council, containing such information as prescribed by the Clerk, or such other person(s) so designated by Council;
 - ii. the Development Officer of Building Inspector certifies that the kennel and its operation meets the requirements of the Building Code, the Zoning By-law and other applicable By-laws;
 - iii. the Clerk, or such other person(s) so designated by Council, is satisfied that, in the opinion of the Animal Control Officer, the kennel will not be a nuisance to the other owners of land in the neighborhood and the Clerk, or such other person(s) so designated by Council, approves the issuance of the license; and
 - iv. the kennel license fee is paid.
 - v. Meets the requirements of the SPCA.
- c. A kennel license may be revoked if:
 - i. the Animal Control Officer provides a written report to the Clerk, or such other person(s) so designated by Council, stating that he is not satisfied that the kennel is being operated so as to adequately provide for the health, safety, hygiene and comfort of the dogs housed therein;
 - ii. the Clerk, or such other person(s) so designated by Council, has determined that its continued operation is a nuisance

and is annoying and disturbing to the owners of land in the neighborhood; or

- iii. its continued operation constitutes a violation of this or any other By-law.

5. **ANIMAL CONTROL OFFICER**

- a. Council may by resolution appoint an Animal Control Officer to carry out any or all of the functions of this By-law.

6. **RABIES**

- a. The owner of a dog which has not been vaccinated against rabies shall cause his or her dog to be so vaccinated:
 - i. within ten (10) days of acquiring the dog if it is more than six (6) months of age; or
 - ii. within ten (10) days after it has reached the age of six (6) months.
- b. When a dog is more than six (6) months of age on the coming into force of this By-law, and it has not been vaccinated against rabies, the owner shall cause such dog to be vaccinated against rabies within one (1) month thereafter and every three (3) years following.
- c. The Animal Control Officer will report an animal suspected of being rabid to the District Medical Health Officer and to the RCMP.
- d. The Animal Control Officer shall, where in his/her opinion the condition of the animal warrants the recommendation or care of a veterinary surgeon, impound and /or report any apparent illness, communicable diseases, injury or unhealthy condition of any animal to a veterinary surgeon. The owner of the animal shall be held responsible for any fees incurred as a result of such consultation or treatment by the veterinary surgeon.
- e. Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place or in proximity of any other people or animals.
- f. A person who owns an animal that is rabid or suspected of being rabid or has been exposed to rabies shall immediately report the

matter to the District Medical Health Officer and to the Royal Canadian Mounted Police Force and to the Animal Control Officer.

7. **DISTEMPER**

- a. The owner of a dog which has not been vaccinated against distemper shall cause the dog to be so vaccinated:
 - i. within ten (10) days of acquiring such dog if it is more than four (4) months of age; or
 - ii. within ten (10) days after it has reached the age of four months.
- b. when a dog is more than four (4) months of age on the coming into force of this By-law and it has not been vaccinated against distemper, the owner shall cause such dog to be vaccinated within thirty (30) days thereof.

8. **RUNNING AT LARGE AND ANIMAL CONTROL**

No owner of an animal shall:

- a. permit the animal to run at large;
- b. permit the animal to bark, bay or make other noise for such a period of time or in such manner as to be a nuisance which is annoying and disturbing to the owners of land in the neighborhood;
- c. permit a female dog to be in public while in heat;
- d. suffer or permit any animal to defecate on any property in the town which is not the property of its owner;
- e. refuse to remove forthwith any feces left by the animal on a property other than the property of the owner;
- f. suffer or permit the animal to cause damage to property which is not the property of the owner;
- g. permit an animal, whether restrained or not, to be on a public beach or be in an area of the water normally used for swimming at a public beach from May 1st through September 30th of each year this By-law is in force.

9. **IMPOUNDING**

- a. The Council may establish one or more animal pounds or designate one or more animal shelters to take possession of and properly care and provide for impounded animals.
- b. The Animal Control Officer or a police officer may capture and impound any animal on private, (other than in a private dwelling), or public property, that is:
 - i. not registered or licensed as required under this By-law;
 - ii. not wearing a collar or a tag attached to a collar as required under this By-law other than when the animal is in a kennel or is in the owner's residence;
 - iii. running at large;
 - iv. actually or suspected to be affected with rabies or any other contagious disease;
 - v. housed in a kennel which is not licensed as required under this By-law or the license for which has been suspended;
 - vi. alleged to be barking, baying or making other noise for such a period of time or in such a manner as to be a nuisance which is annoying and disturbing to the owners of land in the neighborhood;
 - vii. abandoned or appears to the Animal Control Officer to have been abandoned;
 - viii. alleged to have bitten or attempted to bite a person;
 - ix. alleged to have bitten or attempted to bite a domestic animal;
 - x. a female dog in a public place while in heat;
 - xi. a fierce or dangerous animal and is unmuzzled and off the owners private property;
 - xii. damaging property which is not the property of the owner;

- xiii. whether restrained or not, on a public beach or in an area of the water normally used for swimming at a public beach from May 1st through September 30th of each year this By-law is in force;
 - xiv. a fierce or dangerous animal.
- c. The Animal Control Officer may capture and impound any animal in a private dwelling for violations of the By-law provided that a search warrant has been applied for and obtained pursuant to the Entry Warrants Act. The Animal Control Officer shall be accompanied by a peace officer in execution of the search warrant.
 - d. A Provincial Court Judge may issue a search warrant if satisfied that an Animal Control Officer or peace officer has reasonable and probable grounds to believe that an offence has been committed under this By-law involving an animal or its owner and that such animal is in or upon a private dwelling, business or any place whatsoever.
 - e. Where an Animal Control Officer impounds an animal, he or she shall, within 24 hours, make reasonable efforts to notify the owner of the animal.
 - f. Subject to Subsection 9(g) and Section 10, the owner of an animal which has been impounded, upon proving ownership thereof, may reclaim the animal during regular business hours of the animal shelter upon payment of the following to the Clerk or other person(s) so designated by Council, unless the animal has been impounded as a result of having bitten a person or the animal is actually or suspected to be affected with rabies or any other contagious disease:
 - i. the registration and license fee if the animal is a dog which is not registered and licensed;
 - ii. expenses, (including veterinarian fees), costs and legal fees relating to the capturing, impounding and legal proceedings incurred by the town;
 - iii. impounding and other applicable fees shall be as set out pursuant to Section 13 of this By-law;

- iv. if an offence under this By-law has been committed, a voluntary fine as set out pursuant to Section 12 of this By-law.
- g. The owner of any animal which has been impounded three (3) times within any twenty four (24) month period or for which the owner has received a municipal ticket or official warning concerning animal control three (3) times within any twenty four (24) month period or for which the total number of impounds, tickets and warnings total three (3) within any twenty four (24) month period shall not be permitted to reclaim such animal.
- h. An animal, which has not been reclaimed within a period of seventy-two (72) hours after being impounded, exclusive of Statutory Holidays and Sundays, may be sold by the animal shelter for the best price that can be obtained and the monies derived from such sale shall be applied to the payment of the animal shelter and the balance, if any, shall be paid to the Clerk, or other person(s) so designated by Council.
- i. Notwithstanding the foregoing, fierce or dangerous animals may not be offered for sale or adoption, but must be humanely euthanized by an animal shelter, animal control agency or licensed veterinarian.
- i. An animal which is impounded and cannot be sold for any reason, including the fact that the animal is infected with rabies or any other contagious disease, may be destroyed in such manner as may be directed by the Animal Control Officer or in a manner deemed most humane by the New Brunswick Society for the prevention of Cruelty to Animals or a licensed veterinarian and the owner shall pay the costs and expenses referred to in Subsection 9(f)(ii).
- j. The Pound Keeper may continue to keep the animal in the pound longer than the period specified in Subsection 9(h), when the owner:
 - i. requests the animal, which is not a fierce or dangerous animal, be kept for a longer period, or
 - ii. advised the Pound keeper of his/her ownership but does not pick up the animal from the pound within the time provided in Subsection 9(h), and when,
 - (1) there is sufficient room in the pound to continue to keep the animal;

- (2) the animal is not vicious, rabid, suffering from a communicable disease, ill or injured;
 - (3) the animal is not required to be destroyed under this By-law; and
 - (4) the Pound Keeper is satisfied that the owner or anyone acting on his/her behalf will pay all fees and charges for which the owner is or becomes liable.
- k. No person authorized by the By-law to capture and impound or destroy an animal shall be liable in damages for any injury or damage to such animal while the same is being captured and impounded or destroyed.

10. **DESTRUCTION**

- a. Any animal impounded under this By-law may be destroyed, provided that the Animal Control Officer, is satisfied that it is necessary for the protection of persons and/or property, and the animal:
- i. has been or is determined to be running at large;
 - ii. has bitten or attempted to bite a person;
 - iii. has rabies, distemper or any other communicable disease;
 - iv. has suffered injuries and a doctor of veterinary medicine has determined that the animal will not recover and should be destroyed;
 - v. has attacked, bitten or attempted to bite, or caused injury to a domestic animal;
 - vi. is a potentially dangerous animal; or
 - vii. is a fierce or dangerous animal.
- b. A Judge of the Provincial Court to whom a complaint has been made alleging that an animal has:
- i. attacked, bitten, attempted to bite, or cause injury to a person;

- ii. attacked, bitten, attempted to bite or cause injury to a domestic animal;
- iii. while running at large, has aggressively pursued or harassed a person; or
- iv. while running at large, has aggressively pursued or harassed a domestic animal.

May summon the owner of the animal to appear and to show cause why the animal should not be destroyed and may make an order directing:

- (1) that the animal be destroyed, or
 - (2) that the owner or keeper of the animal keep the animal under control.
- c. The Animal Control Officer or An RCMP Officer may kill on site any animal which that person is unable to seize if they have sufficient evidence to believe that the animal has attacked, chased, bitten or injured another person or domestic animal, or poses an immediate threat to the public.

11. OFFENCES

- a. The owner of any person who violates or breaches any provision of this By-law is guilty of an offence.
- b. Any person commits an offence under this By-law if:
 - i. he or she interferes or attempts to interfere with the Animal Control Officer while he or she is exercising his or her functions under this By-law; or
 - ii. he or she, not being the owner, removes a collar or license tag from an animal.

12. PENALTY

- a. Every person charged with an offence 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 Animal Control Officer or the Town Clerk as follows:

- i. in person at the St. George Town Hall, 1 School Street, St. George, NB, in cash or by cheque or money order made payable to the Town of St. George; or
- ii. by mail to the Town of St. George, 1 School Street, St. George, NB, E5C 3N2, Attention Town Clerk, by cheque or money order only, payable to the Town of St. George.

at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.

- b. If the voluntary payment set out in Subsection 12(a) has not been received 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 one hundred dollars (\$100.00) as follows:

- i. in person at the St. George Town Hall, 1 School Street, St. George, NB, in cash or by cheque or money order made payable to the Town of St. George; or
- ii. by mail to the Town of St. George, 1 School Street, St. George, NB, E5C 3N2, Attention Town Clerk, by cheque or money order only, payable to the Town of St. George.

at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.

- c. If the voluntary payments set out in Subsection 12(a) and Subsection 12(b) have not been received 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 not less than two hundred fifty dollars (\$250.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under PART II of the Provincial Offences Procedure Act as a Category D offence.

- d. A person or owner who fails to comply with the provisions of an Order made under the provisions of Subsection 10(b) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a Category F offence.

13. **FEES AND TARIFFS**

Fees and tariffs in this By-law are as follows:

a. **License Fees**

Altered dog	\$10.00
Unaltered dog	\$25.00
Kennel License (Canadian Kennel Club Registered)	\$50.00
Kennel License (Not Canadian Kennel Club Registered)	\$100.00
Replacement Tag	\$2.00

b. **Impounding Fees**

1 st Occasion	\$50.00 + HST + *maintenance + \$40.00 if after hours.
2 nd Occasion	\$100.00 + HST + *maintenance + \$40.00 if after hours.
3 rd (or more) Occasion	\$200.00 + HST +*maintenance + \$40.00 if after hours.

* maintenance – includes \$10.00 per day shelter and \$10.00 for vaccination, which all dogs must receive when entering the shelter, plus any other expenses incurred by the Animal Control Officer including; but not limited to: veterinarian fees, costs and legal fees relating to the capturing, impounding and legal proceedings.

14. **SEVERABILITY**

- a. If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

15. **ENFORCEMENT**

- a. This By-law shall be enforced by the, Animal Control Officer and/or the RCMP.

16. **BY-LAWS REPEALED**

- a. All By-laws, rules and regulations heretofore passed, adopted and observed by the Council of the Town of St. George, By-law ____, relating to dogs and/or animal control are hereby repealed.

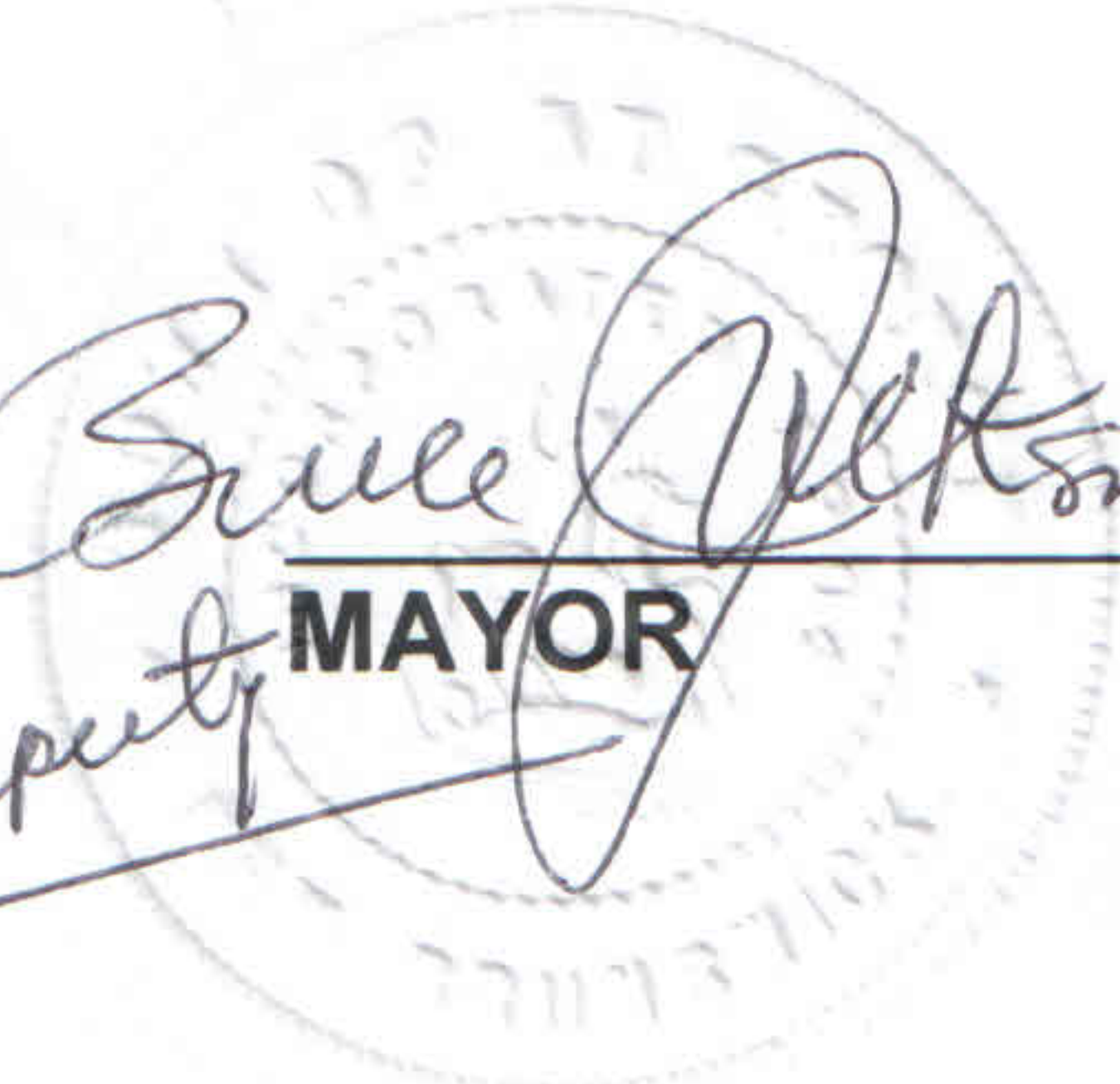
17. **EFFECTIVE DATE**

- a. This By-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: August 9th, 2010

READ SECOND TIME: August 9th, 2010

READ THIRD TIME: September 13, 2010


Deputy **MAYOR**
Deputy Mayor

SEAL


CLERK