

BY-LAW F-6

**A BY-LAW RESPECTING PET ESTABLISHMENT STANDARDS AND ANIMAL CONTROL
WITHIN THE MUNICIPALITY OF HARTLAND**

UNDER SECTIONS 95.1 AND 96 OF THE *MUNICIPALITIES ACT*, R.S.N.B. 1973, c. M-22, THE COUNCIL OF THE MUNICIPALITY OF HARTLAND MAKES THE FOLLOWING BY-LAW:

1 In this By-Law

"Act" means the *Municipalities Act*, R.S.N.B. 1973, c. M-22;

"animal" means a dog, cat, bird, reptile or any other living being of the animal kingdom other than a human being;

"Animal Control Officer" means a person appointed by the Council of the Municipality of Hartland to carry out the functions of this By-Law;

"dog" means the male or female carnivorous quadruped of genus *Canis*;

"owner" means a person who resides within the Municipality of Hartland and

- (a) is in possession of an animal,
- (b) harbours an animal, or
- (c) suffers an animal to remain about his residence or premises.

"running at large" refers to an unleashed dog that is located within the Municipality of Hartland

- (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 its owner.

2 (1) Subject to subsection (4), every owner of a dog shall, before the last day of March in each year,

- (a) register with the Animal Control Officer each dog he owns and
- (b) pay to the Animal Control Officer a licence fee of
 - (i) \$10.00 for each dog which is neutered or spayed; and
 - (ii) \$20.00 for each dog which is not neutered or spayed.

2 (2) A person who becomes an owner of a dog after the last day of March in any year shall, within thirty days of becoming an owner, comply with the requirements of subsection 2(1).

2 (3) No person shall become an owner of any dog that is of the breeds known as "Pit-Bull" or "Rottweiler" or any mix thereof.

2 (4) An owner who keeps dogs for breeding, boarding or any other like purposes may, on payment of a license fee of \$35.00, be issued a kennel license. The kennel license shall apply to each dog in the kennel for which the licence is issued and shall only cease to apply to any such dog when it is sold or otherwise leaves the kennel.

2 (5) Any license issued under this By-Law expires on March 31st of the calendar year immediately following the calendar year in which it is issued.

2 (6) The Animal Control Officer, at the time of registration of a dog or issuance of a kennel license, shall issue to the owner a licence tag showing the number under which the dog or kennel is registered and the year of registration. An owner shall ensure that a dog wears a collar with the licence tag attached at all times other than when it is in a kennel or in a residence.

2 (7) A licence tag which is lost after it has been issued may be replaced by the Animal Control Officer upon application by the owner and the payment of \$2.00.

2 (8) An owner who

- (a) refuses or neglects to register his dog under subsection 2(1) of this by-law;
- (b) refuses or neglects to attach and keep attached a licence tag to the collar of his dog;
- (c) refuses or neglects to cause his dog to wear a collar at all times other than when it is in the kennel or residence;
- (d) becomes an owner of any dog that is a prohibited breed under subsection 2(3); commits an offence and is punishable upon summary conviction to a fine as set out in section 8.

KENNELS

3 (1) Before issuing a kennel licence, 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 in it.

3 (2) At any time during the term of an issued kennel licence the Animal Control Officer may inspect the 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, safety, hygiene and comfort of the dogs housed in it. If the Animal Control officer is not so satisfied he shall require the operation of the kennel to be so conducted as in his reasonable opinion to forthwith adequately provide for the health, safety, hygiene and comfort of the dogs housed in it.

3 (3) Any person who

- (a) operates a kennel without a licence or
- (b) fails to conduct the operation of his kennel in such a manner as required by the Animal Control Officer such that the kennel can adequately provide for the health, safety, hygiene and comfort of the dogs housed in it commits an offence and is punishable upon summary conviction to a fine as set out in subsection 3(4).

3 (4) A person who commits an offence under subsection 3(3) is punishable upon summary conviction to a fine of

- (a) ~~(\$70.00)~~ seventy dollars for a first conviction;
- (b) ~~(\$285.00)~~ two hundred and eighty-five dollars for a second conviction for which there has been a previous conviction of the same offence; and
- (c) ~~(\$500.00)~~ five hundred dollars for a third conviction for which there has been a previous conviction of the same offence.

3 (5) A person who is found guilty of a fourth or more offence under subsection 3(3), for which there has been a previous conviction of the same offence, is punishable upon summary conviction to a fine of ~~(\$1000.00)~~ one thousand

dollars and the Animal Control Officer may, in his discretion, prohibit the person from establishing, operating or maintaining a kennel for up to 2 years.

RABIES

4 (1) The owner of a dog or a cat which has not been vaccinated against rabies shall cause the animal to be so vaccinated

- (a) within 10 days of acquiring the animal if it is more than three months of age; or
- (b) within 10 days after it has reached the age of three months.

4 (2) The Animal Control Officer may request proof of vaccination from an owner if he suspects on reasonable grounds that the owner has failed to vaccinate his dog or cat as required under subsection 4(1).

4 (3) An owner who neglects or refuses to have his animal vaccinated under this section commits an offence and is punishable upon summary conviction to a fine as set out in section 8.

4 (4) The Animal Control Officer is authorized to seize and cause to be destroyed any animal known or suspected, on reasonable grounds, to be rabid.

SEIZING AND IMPOUNDING

5 (1) A Judge of the Provincial Court, upon complaint being made to him that an animal is alleged to have bitten or attempted to bite a person, may summons the owner of the animal to appear and show cause why the animal should not be destroyed and may, if from the evidence produced it appears that the animal has bitten a person, make an order directing

- (a) that the animal be destroyed; or
- (b) that the owner of the animal keep the animal under control in accordance with such terms and conditions as the judge considers appropriate.

5 (2) An owner failing to comply with an order made under subsection 5(1) is liable to a fine of \$10.00 for each day he fails to comply.

5 (3) The Animal Control Officer shall seize and impound any dog found running at large and

- (a) if the owner of such dog is known, notify him that his dog is impounded; or
- (b) if the owner of such dog is not known, or being known cannot be located, comply with the requirement to give notice as set out in subsection (4); and may sell or destroy such dog which has not been claimed by the owner or anyone on his behalf within seventy-two hours.

5 (4) If the owner of a dog that is seized and impounded is not known, or if the owner is known but cannot be located, the Animal Control Officer, before he sells or destroys the dog, shall post a notice at the Town of Hartland office and the Hartland Post Office stating that such dog has been impounded and will be sold or destroyed within seventy-two hours from the time of posting unless the owner, or anyone on his behalf, claims the dog and pays the costs set out in subsection (5).

5 (5) Before releasing a dog that has been seized and impounded, the Animal Control Officer shall collect from the owner, or anyone on his behalf, the sum of \$10.00 dollars for each day or part thereof during which the dog has been impounded and maintained, or shall collect from the purchaser at the time of the sale of the dog the total of all costs

of seizing, impounding and maintaining the dog.

5 (6) The Animal Control Officer is authorized to make use of tranquilizer guns and other tranquilizing devices in the course of carrying out his duties under this By-Law.

5 (7) When it is necessary to destroy an animal under this section, the Animal Control Officer shall do so by arranging for a lethal injection to be administered to the animal by a licensed veterinarian.

GENERAL

6 No person shall have a snake or other reptile in his possession and enter upon any Municipal street or in any public place unless the snake or reptile is completely confined in a case, cage or other such container.

7(1) No owner of a dog shall

- (a) permit his dog to run at large;
- (b) permit his dog to chase or run after pedestrians, bicycles or motor vehicles;
- (c) permit his dog to bark incessantly so that annoyance is caused to the public; or
- (d) permit his animal to defecate on any property in the Municipality which is not the property of the owner.

7 (2) No person shall

- (a) interfere or attempt to interfere with the Animal Control Officer while he is seizing or impounding a dog pursuant to this By-Law or
- (b) not being the owner of a dog, remove a licence tag or a collar from a dog.

8 (1) Unless otherwise provided for in this By-Law, a person who fails to comply with or violates any provision of this by-law is guilty of an offence and is punishable upon summary conviction to a fine of:

- (a) **(\$70.00)** seventy dollars for a first conviction;
- (b) **(\$160.00)** one hundred and sixty dollars for a second conviction for which there has been a previous conviction of the same offence; and
- (c) **(\$250.00)** two hundred and fifty dollars for a third conviction for which there has been a previous conviction of the same offence.

8 (2) A person who is found guilty of a fourth or more offence for which there has been a previous conviction of the same offence is punishable upon summary conviction to a fine of **(\$500.00)** five hundred dollars and the Animal Control Officer may, in his discretion, prohibit the person from being an "owner" for up to 2 years.

8 (3) The Animal Control Officer may, either before or after he starts proceedings against a person for an alleged violation of this By-Law; accept from the person alleged to have committed the violation the payment of a sum equal to the minimum fine prescribed under this by-law for the offence plus the legal costs of proceedings to that date, if any, and the Animal Control Officer shall issue a receipt to the person and shall forward to the Town of Hartland the total amount received.

8 (4) A payment made under subsection (2) shall form a full satisfaction, release and discharge of all penalties and imprisonment incurred by such person for such violation and 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 Town Clerk or the Animal Control Officer to the effect that the sum has been paid in respect of a specific violation shall be *prima facie* evidence in all courts of the conviction.

8 (5) When an owner of a dog is convicted under subsection 2(1) or subsection 3(3) the judge may, in addition to the fine, order the owner to pay the license fee as required.

9 In this By-Law, a word importing a masculine gender includes the feminine gender and a corporation to which the context may extend, and a word importing a feminine gender includes the masculine gender and corporation to which the context may extend .


REPEAL

10 By-Law F-5 , a By-Law Respecting Animal Control is hereby repealed.

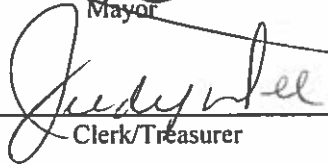
First Reading November 5, 2001

Second Reading November 5, 2001

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Mayor



Clerk/Treasurer