

**BY-LAW NO. 314**

**A BY-LAW ESTABLISHING CONTROL OF ANIMALS  
IN THE TOWN OF OROMOCTO**

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**The Council of the Town of Oromocto, under the authority vested in it by Section 96 of the Municipalities Act, enacts as follows:**

**DEFINITIONS**

1. In this By-Law:
  - (1) "Animal" includes all vertebrate pets including mammals, birds, reptiles, amphibians and fishes;
  - (2) "Dog" includes Abitch@;
  - (3) "Animal Control Officer" and/or "Pound keeper" means the person or persons appointed by the Town of Oromocto to administer the By-Law;
  - (4) "Owner" or AKeeper@ means with reference to an animal, a person who:
    - a. is in possession of it; or
    - b. harbours it; or
    - c. suffers it to remain about his residence or premises; or,
    - d. registers an animal under this By-Law.
  - (5) A person is deemed to be a breeder who is an owner who keeps a dog(s) for breeding, selling, boarding or any other like purposes;
  - (6) "Running at Large" means an animal unleashed or unharnessed on any property other than the owner's, excepting those participating in a sanctioned show or event.
  - (7) "Town Council" means the Mayor and Councillors of the Town of Oromocto.

**LICENSING OF DOGS**

2. 1. Registration
  - (1) Every person who, after the second day of January in any year, becomes the owner of a dog or who, owning a dog, takes up residency in Oromocto, shall register the same within fourteen (14) days after becoming such owner or taking up residency and shall pay the license fee as prescribed in Section 2 (2).
  - (2) Every owner of a dog who takes up residence in the Town of Oromocto after the second day of January in one year, upon providing proof of the date of his taking up residency in the Town and upon providing proof, to the satisfaction of the Town Clerk that his dog was licensed at his previous residence, shall have his animal licensed by the Town of Oromocto at a cost of five dollars (\$5.00) for the remainder of the current year, conditional upon such transaction being completed within fourteen (14) days following such residency.

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- (3) Every owner of a dog who takes up residency in the Town of Oromocto, or becomes the owner of a dog after 1 July in each year, shall have his dog licensed by the Town of Oromocto for the remainder of the current calendar year at half the yearly license fee. This registration must be completed within fourteen (14) working days following such residency or acquisition and the reduced fee is conditional upon providing proof of the date of such residency or acquisition to the satisfaction of the Town Clerk.
- (4) Every person residing in Oromocto who purchases an unregistered dog from the S.P.C.A. shall register such dog with the Town of Oromocto before taking possession of it.
- (5) Dog licenses may be purchased from the following outlets within the specified time periods:
  - i) Town Hall - All year
  - ii) SPCA ) 1 November (preceding
  - iii) Valley Veterinary Hospitals Inc ) calendar year) to 31 March
  - iv) Oromocto Veterinary Hospital ) of license year

3. Fees

Every person who owns a dog prior to the second day of January in any year shall register such dog with the Town Clerk on or before the thirty-first day of March in each year and shall pay to the Town Clerk license fees in accordance with the following schedule:

- (1) On or before the last business day of January:

Twenty-five dollars (\$25.00) in the case of a male or female dog which has not been neutered.
- (2) On or before the last business day of February:

Thirty dollars (\$30.00) in the case of a male or female dog which has not been neutered.
- (3) On or before the last business day of March:

Thirty-five dollars (\$35.00) in the case of a male or female dog which has not been neutered.
- (4) The above license fees will be reduced by five dollars (\$5.00) for those owners who produce evidence that the dog being registered has been neutered and by a further five dollars (\$5.00) upon evidence of a valid vaccination for rabies.
- (5) Every owner requesting a reduced license fee shall, if requested by the licensing outlet under the authority of the Town Clerk, provide proof at the time of registration that such dog has been neutered and/or vaccinated against rabies. A certificate signed by a Veterinarian shall be proof that a dog has been neutered and/or has a valid vaccination.

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- (6) In the case of a juvenile dog, too young to be neutered, the unneutered fee will apply; however, the owner may claim a five dollar (\$5.00) rebate from the Town at a later date in the registration year upon the provision of proof of neutering as outlined in Section 3 (5) above.

**RECORDS/TAGGING**

4. (1) The Town Clerk shall:
- a) Keep a record of the registration and the name and description of each dog; and the name, address and telephone number of the owner; and
  - b) Deliver to the owner at the time of registration a metal license tag on which shall be inscribed OROMOCTO with figures indicating the year of registration together with a number under which the dog is registered.
- (2) Every owner of a dog shall cause any dog registered by him to wear a collar to which shall be attached an aforementioned tag.
- (3) Any person who loses a tag may obtain a tag to replace such lost tag from the Town Clerk upon payment of the sum of five dollars (\$5.00).
- (4) The owner of a dog registered under this by-law shall not allow or permit the tag issued for such dog to be worn by another dog.
- (5) No person shall remove a collar or metal tag from any registered dog of which he is not the owner.

**KENNEL LICENSE**

5. (1) No person shall breed, sell or board dogs or operate a Kennel without obtaining a Kennel License from the Town of Oromocto.
- (2) The annual fee for a Kennel License shall be one hundred dollars (\$100.00).
- (3) A Kennel License shall be in lieu of any other license or registration under this by-law and shall be valid until the thirty-first day of March of the year next succeeding the date of issue and shall be renewed on or before the thirty-first day of March in each and every year thereafter.
- (4) A Kennel License will only be issued subject to the following conditions:
- a) The location must be approved by the Planning Advisory Committee and assure the sanitation, health, hygiene and comfort of the community and the dogs; and
  - b) The applicant maintaining accurate records of the breeding, selling, boarding and ownership of dogs. The Kennel owner will produce such records to the Animal Control Officer upon request.

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- (5) Any person failing to comply with the Kennel License requirements, once issued a license, shall be in violation and punishable upon conviction to a fine as prescribed in Section 9 and may have his Kennel License cancelled or suspended by the Town Clerk until the requirements are met.

**DISTURBANCE**

6. (1) Every owner of a bitch who suffers or permits such bitch to be upon a street while in heat is guilty of an offence and liable to a fine as prescribed in Section 9.
- (2) Every owner of a dog which:
- a) persistently disturbs any neighbourhood by barking, howling, or in any other similar manner; or
  - b) persistently annoys pedestrians or drivers of automobiles, bicycles or other vehicles by chasing or running after same;
- is guilty of an offence and liable to a fine as prescribed in Section 9.

**SEIZING AND IMPOUNDING**

7. (1) A judge of the Provincial Court on a complaint being made to him that an animal has bitten or attempted to bite any person, and upon being satisfied that the complaint is warranted, may make an order:
- a) directing the owner or keeper of the animal to keep it under control, or
  - b) directing the owner or keeper or Animal Control Officer to destroy the animal and the owner or keeper to pay all costs incidental thereto.
- (2) Until such time as the Court makes an order, an animal that has bitten or attempted to bite any person, may be seized and impounded by the Animal Control Officer, in the interest of public safety. The animal will then be disposed of in accordance with the order of the court and the owner or keeper will be responsible for the payment of accumulated fines and pound fees, should the Court so direct.
- (3) Any animal found running at large in the Town, except on the premises of the owner, and not held in leash by a person accompanying it, may be seized and impounded by the Animal Control Officer or a Police Officer for safe keeping until released or otherwise disposed of.

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- (4) The owner of any animal impounded may, upon establishing ownership of the animal and upon payment of a fine as prescribed at Section 9 and the fees of the pound keeper for impounding and keeping such animal, obtain the release of same from the pound or S.P.C.A., providing such animal is not an unregistered dog, in which case a license fee, fine and pound fees are payable before release from the pound or S.P.C.A. Pound fees are established at ten dollars (\$10.00) per day.
- (5) If the owner of a seized animal is known, the Animal Control Officer shall make a reasonable attempt to notify him that his animal has been seized and impounded.
- (6) Before any action is taken to seize and impound an animal by the Animal Control Officer as a result of a complaint, the complainant shall give his name and address to the Animal Control Officer.
- (7) The owner of any animal impounded for a violation of this by-law and who refuses to claim the animal from the pound or S.P.C.A. is guilty of an offence under this by-law.
- (8) Any animal, excepting a rabid one, which has not been redeemed within a period of 72 hours after being impounded, and for a like time having displayed, in Town Hall, a public notice of such impoundment, will be turned over to the S.P.C.A. by the Animal Control Officer or the Police Constable or other peace officers impounding such animal, for their disposal.
- (9) Every owner of an animal determined to be rabid by a Government of Canada, Department of Agriculture appointed veterinarian, shall dispose of the diseased animal as directed by that authority. Every owner who fails to comply with that direction is guilty of an offence under this by-law.
- (10) No impounded animal excepting one determined by competent veterinary authority to be rabid, and so ordered destroyed, or one without disease that has bitten a person or attempted to bite a person, as determined by a Provincial Court Judge and so ordered destroyed by judicial order, shall be destroyed.
- (11) No person authorized under this by-law to capture, impound or destroy an animal shall be liable in damages for any injury or damage caused to such animal while the same is being captured, impounded or destroyed.
- (12) The Town Council may establish one or more animal pounds in the Town and appoint one or more pound keepers.
- (13) The Animal Control Officer will assist a plaintiff person in the trapping of small nuisance animals as follows:
  - a) The Animal Control Officer will supply a trap conditional upon the plaintiff signing a release form for the trap.

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- b) The plaintiff may then trap any problem animal at his residence in accordance with the instructions provided by the Animal Control Officer.
- c) The Animal Control Officer will, upon notification, then be responsible to make arrangements for the custody of any trapped animal.
- d) The plaintiff must return the trap at the call of the Animal Control Officer.

**STOOP AND SCOOP**

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

**PENALTY**

9. (1) Every person who violates any provision of this By-Law is guilty of an offence and is subject to the fines and penalty detailed in subsections (2),(3) and (4) below plus any outstanding license and/or pound fees.
- (2) 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 \$50.00 (Fifty Dollars) to the Town of Oromocto as follows:
- (a) in person at the Cash Payments Counter, Town Hall, Oromocto, 137 MacDonald Avenue, Oromocto, NB in cash or by cheque or money order payable to the Town of Oromocto; or
  - (b) by mail to: Town of Oromocto, 137 MacDonald Avenue, Oromocto, NB, E2V 1A6, Attention Cash Payments Counter, by cheque or money order only, payable to the Town of Oromocto;

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

- (3) If the voluntary payment set out in subsection (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 \$75.00 (seventy-five dollars) as follows:
- (a) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or
  - (b) by mail to : Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, Attention Provincial Court, by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full.

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- (4) If the voluntary payments set out in subsections (2) and (3) above have 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 \$100.00 (one hundred dollars) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category C offence, plus license and pound fees if applicable.

10. By-Law 308 and any amendments thereafter, is hereby repealed.

**READ FIRST TIME: 16 July 1998**

**READ SECOND TIME: 20 August 1998**

**READ THIRD TIME  
AND ENACTED: 17 September 1998**

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ADMINISTRATOR/CLERK

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MAYOR