

PROPOSED BY-LAW #417
A BY-LAW ESTABLISHING CONTROL OF ANIMALS
IN THE TOWN OF OROMOCTO

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 domestic vertebrate pets including cats, dogs and other mammals; birds; reptiles; amphibians and fishes;
- (2) "Animal Control Officer/Pound Keeper" and/or "By-Law Enforcement Officer" means any person or persons appointed by the Town of Oromocto to administer the By-Law;
- (3) "Cats" means either the male or female of the feline family;
- (4) "Dog" includes bitch, but does not include a puppy of either gender which is less than 4 months of age;
- (5) "Dog-Free Area" includes any public splash pad area, playground equipment area or on any sports or athletic fields owned or operated by the Municipality;
- (6) "Farm Animal" means cattle, sheep, horses, pigs poultry, bees and any other animal customarily raised for food or for the use of human.
- (7) "Off-Leash Park" is a facility set aside for dogs and their owners to exercise and play off-leash in a controlled environment.
- (8) "Nuisance" relative to cats includes fighting with other cats, trespassing or defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or garbage containers and running at large.
- (9) "Owner" or "Keeper" 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;
 - e. and where the owner is a minor, the person responsible for the custody of the minor.
- (10) 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;
- (11) "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 or at a designated off-leash park;
- (12) "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 Schedule "A".
- (2) 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.
- (3) Every person residing in Oromocto who purchases an unregistered dog from the Oromocto and Area S.P.C.A. shall have registered at no cost such dog with the Town of Oromocto before taking possession of it.
- (4) Dog licenses may be purchased from the following outlets within the specified time periods:

Oromocto Municipal Building All Year

SPCA} 1 November of proceeding calendar
Valley Veterinary Hospital} year until 31 March of license year.
Oromocto Veterinary Hospital}

- (5) Every operator of a kennel, pet retail store and animal shelter are required to obtain a licence as per the New Brunswick Society for the Prevention of Cruelty to Animals Act – New Brunswick Pet Establishment Regulation.

3. Fees

Every person who owns a dog prior to the first day of January in any year shall register such dog with the Town Clerk on or before the thirty-first day of January in each year and shall pay to the Town Clerk license fees as set out in Schedule "A" of this by-law.

- (1) Application for registration may be made anytime after 1 November of the proceeding calendar year.
- (2) At the time of registration, the owner shall provide proof of a current rabies vaccination and the dog shall not be registered until such proof is provided.
- (3) 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 vaccinated against rabies and neutered. A certificate signed by a Veterinarian shall be proof that a dog has been neutered.

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 replacement tag from the Town Clerk upon payment of the prescribed fee.
- (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.

DISTURBANCE

5. (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 barking or running after same;
 - c) bites or attempt to bite a person;
 - d) in an aggressive or terrorizing manner, approach any person in an apparent attitude of attack upon any street, sidewalk, public grounds or places, or on private property other than the property of the owner;
 - e) cause damage to property which is not the property of the owner;
 - f) is in a restricted dog-free area; or
 - g) runs at large
- is guilty of an offence and liable to a fine as prescribed in Section 9.

SEIZING AND IMPOUNDING

6. (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, may summon the owner

of the animal to appear and to show cause why the animal should not be destroyed and may, if from the evidence produced it appears that the animal has bitten or has attempted to bite a person, make an order directing that:

a) the animal be destroyed, or

b) the owner or keeper of the animal keep the animal under control.

- (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 at the expense of the owner pending disposition of the complaint by the Court.
- (3) Any animal found running at large in the Town, except on the premises of the owner or the premises of the off-leash park, 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.
- (4) The owner of any animal impounded may, upon establishing ownership of the animal and upon payment of a fine as prescribed at Section 10, and the fees of the pound keeper (Schedule "A") for impounding and keeping such animal, obtain the release of same from the pound or SPCA, 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 SPCA.
- (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 the SPCA 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 will be turned over to the SPCA. 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.
 - 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.
- (14) The plaintiff must return the trap at the call of the Animal Control Officer.

CONTROL OF CATS

7. Where an Animal Control Officer receives a complaint of a nuisance caused by a cat, the Animal Control Officer may at his discretion:
- (1) issue a trap to the complainant or
 - (2) seize and impound any cat found causing a nuisance.

Section 6 Seizing and Impounding also applies to the control of cats.

FARM ANIMALS

8. The custody of farm animals is forbidden as per the Zoning By-law.

STOOP AND SCOOP

9. 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

10. (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 Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or
 - (b) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "attention Service Centre 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.

- (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 is liable on summary conviction to a fine punishable under Part II of the Province Offences Procedure Act as a category B offence, plus license and pound fees if applicable.

11. By-Law 314 and any amendments thereafter, is hereby repealed.

READ FIRST TIME BY TITLE ONLY:

READ SECOND TIME IN ITS ENTIRETY:

**READ THIRD TIME BY TITLE ONLY
FOR ENACTMENT:**

A Wayne Carnell
CAO/Clerk

Fay L Tidd
Mayor

Schedule “A”

FEE SCHEDULE

Impounding Fees

Fifty dollars (\$50.00) for the first occurrence,
One hundred dollars (\$100.00) for the second occurrence, and
Two hundred dollars (\$200.00) for the third and any subsequent occurrence;

and

Boarding fee of \$20.00 (twenty dollars) for each day that the animal has been impounded.

Licensing

On or before the 31st day of January:

Thirty dollars (\$30.00) in the case of a male or female dog which has not been neutered.

Twenty dollars (\$20.00) in the case of a male or female dog which has been neutered.

Replacement Tag

Sum of five dollars (\$5.00).