

**TOWN OF FLORENCEVILLE-BRISTOL
A BY-LAW RESPECTING ANIMAL CONTROL
BY-LAW NO. 8**

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING ANIMAL CONTROL PURSUANT TO SECTION 96 OF THE MUNICIPALITIES ACT OF NEW BRUNSWICK.

The Council of the Municipality of Florenceville-Bristol under authority vested in it by Section 96 of the *Municipalities Act*, R.S.N.B. 1973, c. M-22 enacts the following by-law:

1. TITLE

- 1.1. This by-law may be cited as the “Animal Control By-Law,”
- 1.2. This by-law applies to the entire area within the boundaries of the municipality of Florenceville-Bristol.

2. DEFINITIONS

In this by-law:

- 2.1. “ANIMAL” means all domestic animals, and includes, but is not limited to: dogs, cats, birds and reptiles.
- 2.2. “ANIMAL CONTROL OFFICER” means a peace officer or person appointed by the Council to carry out the function of this Regulation.
- 2.3. “CAT” includes male and/or female cat.
- 2.4. “DANGEROUS DOG” means a dog that:
 - 2.4.1. has killed, bitten, injured or attacked a person or domestic animal;
 - 2.4.2. is attack trained;
 - 2.4.3. is kept for the purpose of security or protection of person or property; or
 - 2.4.4. has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal.
- 2.5. “DESTROY” means to put down in a caring and humane manner by lethal injection from a licensed Veterinarian as ordered from the court.
- 2.6. “DOG” includes bitch, male and/or female dog.
- 2.7. “KENNEL” means a commercial operation where more than 2 dogs are boarded for compensation, and/or bred, and/or sold on the premises.

- 2.8. “MUNICIPAL REPRESENTATIVE” means the Animal Control Officer or such person as may be appointed by the Council to issue the licenses and collect the license fees provided for in this by-law.
- 2.9. “OWNER” means a person who
- 2.9.1. is in possession of an animal;
 - 2.9.2. harbors an animal;
 - 2.9.3. permits an animal to remain about his/her residence/premises; or
 - 2.9.4. licenses an animal under this by-law;
 - 2.9.5. and where the owner is a minor, means any parent or legal guardian of the minor.
- 2.10. “PEACE OFFICER” includes police officer.
- 2.11. “RUNNING AT LARGE” occurs when the animal is found in any place other than the premises of the owner of the animal, and not secured by a leash which is two (2) meters or less in length, and is under the control of the owner.

3. REGISTRATION & LICENSING OF DOGS

- 3.1. Subject to Section 6 every owner of a dog will before the last day of January in each year:
- 3.1.1. register with the Municipal Representative each dog which he/she owns and;
 - 3.1.2. pay to the Municipal Representative an annual license fee of \$10 (ten dollars) for each dog.
- 3.2. A person who becomes an owner of a dog after the last day of January in any year shall register the dog within thirty days of becoming the owner and shall pay the license fee prescribed in Section 3.1.2. subject to Section 3.3.
- 3.3. A person who becomes an owner of a dog after July 1st of any year, shall have his dog licensed by the Town of Florenceville-Bristol for the remainder of the current calendar year at half the yearly license fee.
- 3.4. An owner who keeps dogs for breeding, boarding or any other like purposes may, subject to Section 3.1.1. be issued a kennel license which, subject to Section 3.5. shall apply to each and every dog and until the dog is sold or otherwise leaves the kennel.
- 3.5. A license issued under this regulation expires on the last day of the calendar year in which it is issued.
- 3.6. A Municipal Representative, at the time of registration of a dog, shall issue to the owner, a license tag indicating the breed, characteristics and the number under which the dog license tag is registered and the year of registration. No license shall be considered valid unless signed by the Municipal Representative.

- 3.7. 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.
- 3.8. Every owner of a dog shall cause any dog registered by him/her to wear a collar to which shall be attached an aforementioned tag.
- 3.9. No person shall remove a collar or metal tag from any registered dog of which he/she is not the owner.
- 3.10. A license tag that is lost after it has been issued may be replaced by a Municipal Representative upon application by the owner and the payment of \$2.00 (two dollars).
- 3.11. No person shall harbor, own or keep any dog of the type known as Pit Bull Terrier(s) and/or Rottweiler(s) and/or any mix thereof within the Town of Florenceville-Bristol.

4. DANGEROUS DOGS

- 4.1. The owner of a dangerous dog shall ensure that:
 - 4.1.1. the dangerous dog shall be muzzled at all times when off the owner's property;
 - 4.1.2. at all times when off the owner's property, the dangerous dog shall be on a leash not longer than one (1) metre and under the control of a responsible person over the age of eighteen (18) years;
 - 4.1.3. when such dangerous dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and 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 dangerous dog;
 - 4.1.4. a sign is displayed at each entrance to the property and building in which the dangerous dog is kept, warning in writing as well as with a symbol that there is a dangerous dog on the property and such sign shall be visible and legible from the nearest street; and
 - 4.1.5. they have a policy of liability insurance, satisfactory to the municipality, 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 municipality be named as an additional insured for the sole purpose of the municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.
 - 4.1.6. A dog suspected of being rabid will, for the purposes of this section, be considered dangerous.

5. COMPLAINT TO PROVINCIAL COURT

- 5.1. A judge of the Provincial Court, upon complaint being made to him/her that a dog has bitten or attempted to bite any person and upon being satisfied that the dog is dangerous may make an order:

- 5.1.1. directing the owner of the dog to keep it under control;
 - 5.1.2. directing the owner of the dog to muzzle the dog at all times while in a public place and/or if there is potential access to children;
 - 5.1.3. directing the owner of the dog or some other person to destroy the dog.
- 5.2. A person failing to comply with an order under Section 5.1. is liable to a fine not exceeding \$10 (ten dollars) for every day that he/she fails to do so.

6. KENNELS

- 6.1. No person shall breed, sell or board dogs or operate a Kennel without obtaining a Kennel License from the Town of Florenceville-Bristol.
- 6.2. The annual fee for a Kennel License shall be \$50.00 (fifty dollars).
- 6.3. The applicant must maintain 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.
- 6.4. A Kennel license or breeder's license shall not be issued until:
- 6.4.1. Prior to the issuance of a kennel license as envisaged herein, the Animal Control Officer shall satisfy himself/herself by inspection that the kennel is so constructed and is being so operated that in his/her reasonable opinion it adequately provides for the health, safety, hygiene and comfort of the dogs at any time housed therein; and no kennel license shall be issued until the Animal Control Officer is so satisfied.
 - 6.4.2. The Building Inspector or their designate certifies that the kennel and its operation meet the requirements of the Building Code, the Zoning By-Law and other applicable by-laws of the Town.
 - 6.4.3. The Animal Control Officer believes that the Kennel will not be a nuisance to the other owners of land in the neighborhood.
- 6.5. A kennel license or a breeder's license may be revoked if:
- 6.5.1. the Animal Control Officer 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;
 - 6.5.2. the Animal Control Officer has determined that its continued operation is a nuisance and is annoying and disturbing to the owners of land in the neighborhood;
or
 - 6.5.3. its continued operation constitutes a violation of this or any other by-law.
- 6.6. Only those who are registered breeders will have in their possession dogs or cats that are not spayed or neutered.

7. RABIES

- 7.1. All owners of a dog and/or cat which has not been vaccinated against rabies will cause his/her household pet to be vaccinated:
 - 7.1.1. within ten (10) days of acquiring the dog/cat if it is more than three months of age; or
 - 7.1.2. within ten (10) days after it has reached the age of three months.
- 7.2. When a dog/cat is more than three months of age on the coming into force of this regulation, and it has not been vaccinated against rabies, the owner will cause such dog/cat to be vaccinated against rabies within (10) ten days.
- 7.3. An owner who neglects or refuses to have his/her dog/cat vaccinated under this section is guilty of an offence and is punishable upon conviction to a fine of not less than \$100 (one hundred dollars) and not more than \$500 (five hundred dollars).
- 7.4. The Animal Control Officer shall seize and cause to be destroyed immediately any animal which is known to be rabid.

8. RUNNING AT LARGE AND ANIMAL CONTROL

- 8.1. No owner of an animal shall:
 - 8.1.1. permit the animal to run at large;
 - 8.1.2. permit the animal to bark, bay or make 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;
 - 8.1.3. permit the animal to chase or run after pedestrians, motor vehicles, bicycles or other animals;
 - 8.1.4. permit the animal to bite or attempt to bite a person or animal;
 - 8.1.5. permit the animal to approach any person or other animal in an aggressive or terrorizing manner upon any street, sidewalk, public grounds or place, or on private property other than the property of the owner;
 - 8.1.6. suffer or permit any animal to defecate on any property in the Town which is not the property of its owner;
 - 8.1.7. refuse to remove forthwith any feces left by the animal on a property, which is not the property of the owner;
 - 8.1.8. permit the animal, whether restrained or not to be in the area of water normally used for swimming or play which is located on Municipal property.
- 8.2. The owner of a dog trained to guard persons and/or property and/or trained to attack shall provide, maintain and use an escape proof enclosure and shall keep the said dog in

the enclosure for such period or periods of time when the dog is left unattended by the owner.

- 8.3. No owner of a bitch shall suffer or permit such bitch to be upon the street on in any public place while the bitch is in heat.

9. SEIZING AND IMPOUNDING

- 9.1. The Animal Control Officer shall seize and impound any dog found running at large and if the owner of such dog is known or being known cannot be located, post the notice as required by Section 9.2.1. and after the requirements of the sub-section are satisfied, may sell or destroy such dog which has not been claimed by the owner or anyone on his/her behalf.
- 9.2. Before the Animal Control Officer sells or destroys a dog, which is impounded, he/she will give notice to the owner. If the dog cannot be identified the Animal Control Officer will:
 - 9.2.1. post a notice at the Town Office and the Canada Post Office stating that such dog has been impounded and will be sold or destroyed, subject to Section 9.2.1. within 72 (seventy two) hours from the time of the posting unless the owner, or anyone on his/her behalf, claims the animal and pays the cost set out in Section 9.3.; and
 - 9.2.2. subject to Section 5.1. the Animal Control Officer may sell or destroy such dog after 72 (seventy-two) hours have expired from time of posting.
- 9.3. The Animal Control Officer shall collect from the owner before releasing the dog or from the purchaser at the time of the sale of the dog, the total of all costs of maintaining the dog not to exceed \$20(twenty dollars) per day.
- 9.4. The Animal Control Officer is authorized to make use of tranquilizer guns and other tranquilizing devices on dogs in the course of carrying out his duties hereunder.
- 9.5. Until such a 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.
- 9.6. 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.

10. OFFENCES

The owner of a dog commits an offense under this regulation if;

- 10.1. he/she permits his dog to run at large;
- 10.2. he/she refuses or neglects to register his/her dog under Section 3 of this regulation;

- 10.3. he/she refuses or neglects to attach and keep attached a licensed tag to the collar of his/her dog;
- 10.4. he/she refuses or neglects to cause his/her dog to wear a collar at all times other than when it is in the kennel or residence;
- 10.5. he/she permits his dog to chase or run after pedestrians or motor vehicles;
- 10.6. he/she permits his/her dog to bark incessantly so that annoyance is caused to the public;
or
- 10.7. he/she harbors, owns, or keeps any dog of the type known as Pit-Bull Terrier(s) and/or Rottweiler(s) and/or any mix thereof contrary to Section 3.11;
- 10.8. Any person commits an offense under this by-law if;
 - 10.8.1. he/she interferes or attempts to interfere with the Animal Control Officer while he/she is exercising his/her functions under this by-law, or
 - 10.8.2. he/she, not being the owner, removes a collar or licensed tag from the dog.
 - 10.8.3. refuses or neglects to have his/her dog/cat vaccinated regularly for rabies.
- 10.9. Notwithstanding anything herein contained, the Animal Control Officer may, either before or after the institution of proceedings against a person for an alleged violation, hereunder accept from the person alleged to have been guilty of such violation the payment of a sum equal to the minimum fine prescribed for violation together with legal costs of proceedings to that date, if any, and thereupon the Animal Control Officer shall issue a receipt and shall forthwith forward to the Town the amount so received.
- 10.10. A payment made under Section 8.3. shall constitute a full satisfaction, release and discharge of all penalties and imprisonment incurred by such owner for such violation, and for the purposes hereof 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 Clerk of the Town, or by the Registrar to the effect that the sum has been paid in respect of a specific violation be “prima facie” evidence in all courts of the conviction.

11. PENALTY

- 11.1. Unless otherwise provided for herein, a person who fails to comply with or violates any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of:
 - 11.1.1. for the first offence \$250 (two hundred & fifty dollars);
 - 11.1.2. for the second offence \$500 (five hundred dollars);
 - 11.1.3. for the third offence \$750 (seven hundred & fifty dollars);

11.1.4. for the fourth offence, the municipality will have the right to prohibit a person from owning, keeping, possessing, harboring, licensing or registering, or suffer a dog about his property or property under his control an altered or unaltered male or female dog in the municipality in perpetuity or a fine of \$1,000 (one thousand dollars) at the municipality's discretion.

11.2. When an owner of a dog is convicted under Section 3.1.2. the Judge may in addition to the fine, order the owner to pay the license fee as required.

12. MISCELLANEOUS

12.1. The Council may by regulation appoint an Animal Control Officer.

12.2. The Council may from time to time enter into agreement with the Province to engage the services of a provincial employee to act as Animal Control Officer, or registrar.

READ FIRST TIME: September 8, 2009

READ SECOND TIME: October 13, 2009

READ THIRD TIME AND ENACTED THIS 13 DAY OF October, 2009.

MAYOR

CLERK