

# VILLAGE OF GAGETOWN

## BY-LAW NO. 33

### A BY-LAW RESPECTING THE CONTROL OF DOGS

The Council of the Village of Gagetown, under the authority vested in it by Section 96 of the Municipalities Act, enacts as follows:

#### 1. TITLE

This by-law may be cited as the dog control by-law of the Village of Gagetown.

#### 2. DEFINITIONS

“**Breeder**” means any person who:

- (a) is in possession or the owner of a female dog who gives birth to a litter of pups; and
- (b) is an owner who keeps dogs for breeding, selling, boarding or any other like purpose; or
- (c) is the holder of a valid kennel license issued under this By-Law.

“**Clerk**” means the Clerk of the Village of Gagetown

“**Council**” means the Mayor and Councillors of the Village of Gagetown.

“**Dog**” includes bitch,

“**Dog Control Officer**” means the person or persons appointed by the Village Council to administer this by-law.

“**Family**” means one or more persons occupying the same single housekeeping unit.

“**Kennel**” means a commercial operation where more than three (3) dogs are boarded for compensation, and/or bred, and/or sold on the premises.

“**Owner**” or keeper means with reference to a dog, 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 a dog under this By-Law.

“**Person**” means an individual, business or corporate entity, and includes an Owner unless the context requires otherwise.

“**Running at large**” means an unleashed or uncontrolled dog.

- (a) in a public place; or
- (b) on private property other than on that of the owner of the dog; or
- (c) in a forest or wooded area while not in the company and control of the Owner.
- (d) On property of the Owner of the dog immediately after having been observed by the Dog Control Officer in any of the above designated areas;

“**Village**” means the municipality of the Village of Gagetown.

### 3. GENERAL

- (1) (a) The owner of a dog which has not been vaccinated against rabies 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 (4) months.
- (b) Every owner of a dog who knows or suspects that his or her dog is rabid shall immediately report the dog to the proper legal authorities.
- (c) The Dog Control Officer shall immediately seize and impound and report to the proper legal authorities any dog which is known to be or suspected of being rabid.
- (2) No owner of a dog shall suffer or permit the dog to cause damage to property which is not the property of the owner.
- (3) The ownership or possession of a Pit Bull Terrier is prohibited within the Village.

### 4. REGISTRATION AND LICENSING OF DOGS

- (1) Dog Licenses are to be issued by the Clerk on or before the 31st day of January in each calendar year. The Dog Control Officer is to be notified of any licenses issued by the Clerk on a bi-weekly basis.
- (2) All dogs shall be registered by the owner within:
  - (a) Sixty (60) days of the owner acquiring the dog; and
  - (b) Sixty (60) days of the dog entering the Village.
- (3) When any person has a dog wearing valid and current tags issued by another municipality, that person is not required to register the dog in the Village until the following calendar year or the expiration of the tags, whichever comes first.
- (4) The owner of any dog required to be licensed under this by-law shall pay annually a license fee of:
  - (a) Ten dollars (\$10.00) for non neutered or non spayed, neutered or spayed dogs if the license is paid for before January 31 of the current year.
  - (b) Twenty dollars (\$20.00) for any dog if the license is paid for after January 31 of the current year.
- (5) A license under this section expires on the last day of December in each calendar year.
- (6) Upon registration of a dog, the Clerk shall issue to the owner a registration as herein provided, together with a license tag which shall indicate the registration number of the dog and the year of registration.
- (7) Every owner of a dog shall cause any dog registered by him to wear a collar to which shall be attached a tag issued under subsection (6).

- (8) No dog shall be registered unless the owner proves to the satisfaction of the Dog Control Officer or the Clerk, possession of a valid rabies vaccination certificate for such dog signed by a registered veterinarian.
- (9) The owner of a dog which is used as a "seeing eye" or "hearing ear" dog is not required to pay the license fee under this section for such dog, but must obtain a tag from the Village. The tag must be worn by the dog at all times.
- (10) The Clerk shall keep a record of all licenses issued showing:
  - (a) the date and number of registration;
  - (b) The sex, and breed of dog for which a license has been issued;
  - (c) The name, address and telephone number of the owner.
- (11) Any person who loses a tag may obtain one to replace such lost tag from the Clerk upon payment of the sum of two dollars (\$2.00).

#### 5. KENNEL & BREEDER LICENSES

- (1) No person or family shall be the owner of more than three (3) dogs without obtaining a valid kennel or breeder license as hereinafter provided.
- (2) An owner who keeps a dog for breeding shall obtain from the Village a Breeder's License for the calendar year and such license shall cover the bitch and her puppies for the duration of the calendar year. The Breeder's License fee is thirty dollars (\$30.00) per year and shall be paid to the Village.
- (3) An owner of a kennel shall obtain from the Village a license for the calendar year. The Kennel License shall relieve the owner of the responsibility for obtaining a dog license for each bitch kept on the premises, for all puppies under 6 months of age, and for up to 3 male dogs. A kennel License fee shall be fifty dollars (\$50.00) per year and shall be paid to the Village. A Breeder's License is not required for a dog owned by an owner of a kennel.
- (4) The Clerk shall not issue a Kennel License until he/she determines that the property to be used and the buildings thereon comply with all by-laws of the Village.
- (5) Kennel and Breeder Licenses shall expire on the last day of December in each calendar year.
- (6) Licenses issued pursuant to this By-Law are not transferable.

#### 6. SEIZING AND IMPOUNDING

- (1) A dog found running at large may be seized and impounded by the Dog Control Officer and the owner may claim his/her animal if he/she establishes to the satisfaction of the Dog Control Officer his/her ownership and has paid to the Clerk:
  - (a) a sum of forty dollars (\$40.00) for a licensed dog and sixty dollars (\$60.00) for an unlicensed dog and,

(b) a further sum on an actual cost basis for each day the dog has been impounded plus any other rates and/or charges which may be levied for medication prescribed and administered during the impounding period.

(2) Abandoned Dogs

(a) A dog which has been abandoned or who appears to the Dog Control Officer to have been abandoned may be impounded by the Dog Control Officer.

(b) Where the Dog Control Officer impounds an abandoned dog, he shall within 24 hours notify the owner of the dog unless such ownership cannot be ascertained, in which case, he shall post a written notice at the premises where the dog was picked up, or in a public place.

(3) If the owner or harbourer of a seized dog is known, the Dog Control Officer shall make a reasonable attempt to notify the owner or harbourer of such seizure and impounding.

(4) An impounded dog which has not been claimed within three (3) days, exclusive of statutory holidays, Saturdays and Sundays, after seizure, may be sold by the Dog Control Officer, or may be destroyed by the Dog Control Officer in a manner approved by the Society for the Prevention of Cruelty to Animals.

(5) The Dog Control Officer shall not be required to seize or impound any dog as a result of a complaint of any person unless such person shall furnish the name and address of the complainant to the Dog Control Officer.

(6) The Dog Control Officer shall collect from the owner before releasing the dog, the total and all costs of seizing, impounding, maintaining the dog and annual license fee.

(7) A Judge of the Provincial Court, on a complaint made to him/her that a dog 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 of the dog to keep it under control; or

(b) directing the owner of the dog or some other person to destroy the dog.

## 7. OFFENCES

(1) The owner of a dog commits an offence under this by-law if:

(a) he/she permits the dog to run at large at any time;

(b) he/she permits the dog to chase or run after pedestrians, motor vehicles, bicycles or other animals;

(c) he/she refuses or neglects to register his/her dog;

- (d) he/she refuses or neglects to attach and keep attached a current license tag to the collar of the dog;
  - (e) he/she permits the dog to bark, howl or in any other manner, to make noise likely to cause a public nuisance or otherwise disturb inhabitants;
  - (f) he/she neglects or refuses to take all precautionary measures to protect the general public immediately upon becoming the owner or harbourer of a dog trained to guard persons and/or property and/or attack;
  - (g) he/she neglects or refuses to provide, maintain and use an escape proof enclosure for such period or periods of time the dog, trained to guard persons and/or property and/or attack, is left unattended by the owner's immediate presence, at any time.
- (2) Any person commits an offence under this by-law who:
- (a) interferes or attempts to interfere with the Dog Control Officer who is exercising his functions under this By-Law.
  - (b) Not being the "owner", removes the collar or license tag from any dog.
  - (c) Permits a dog to bite or attempt to bite a person or other animal.
  - (d) Permits a dog to approach any person or other animal in an aggressive or terrorizing manner upon any street, sidewalk, public grounds or places, or on private property other than the property of the owner.
- (3) No owner of a dog shall suffer or permit the dog to defecate on any property in the Village which is not the property of its owner without forthwith removing any faeces left by the dog on such property.
- (4) No owner of a bitch shall suffer or permit such bitch to be upon the street or in any public place while the bitch is in heat.
- (5)
- (a) Where the Dog Control Officer believes that a dog has bitten or attempted to bite a person or other animal, the Dog Control Officer may initiate a complaint to a Judge of the Provincial Court pursuant to the provisions of the Municipalities Act.
  - (b) Where the Dog Control Officer initiates or intends to initiate a complaint under (a), the Officer may seize and impound the dog at the expense of the owner pending disposition of the complaint.
  - (c) In all cases where a dog is impounded under (b), the Village will make all reasonable efforts to have the matter dealt with as expeditiously as possible.
  - (d) Once a dog has bitten a person or other animal and is back in the custody of its owner, the owner must ensure that the dog is muzzled when it is outside the owner's home, or its cage.

## 8. PENALTIES

- (1) Every person who violates any provision of the By-Law is guilty of an offence.
- (2) Unless otherwise herein provided, a person guilty of a first offence under this By-Law will receive a written warning.
- (3) Unless otherwise herein provided, a person guilty of a second or subsequent offence under this By-Law is punishable by a fine of:
  - (a) not less than forty dollars (\$40.00) for a second offence involving a dog with a license and not less than sixty dollars (\$60.00) for a second offence involving a dog with no valid license plus the cost of licensing the dog;
  - (b) not less than eighty dollars (\$80.00) for a third offence involving a dog with a license and not less than one hundred dollars (\$100.00) for a third offence involving a dog with no valid license plus the cost of licensing the dog;
  - (c) not less than one hundred dollars (\$100.00) for a fourth or subsequent offence involving a dog with a license and not less than one hundred twenty five (\$125.00) for a fourth or subsequent offence involving a dog with no valid license plus the cost of licensing the dog.
- (4) In determining if an offence by an owner is a first, second, third, fourth or subsequent offence, offences shall be counted cumulatively with respect to that owner regardless of whether the offences relate to one dog or more than one dog, owned by that owner, and the cumulative count shall be carried forward from year to year.
- (5) Any person who interferes with or attempts to interfere with the Dog Control Officer, in the exercise of his duties under this By-Law shall be guilty of an offence and is liable on summary conviction to a fine of not less than one hundred fifty dollars (\$150.00).
- (6) A person failing to comply with an order made under Clause 6 (7) (a) is liable for a fine of twenty dollars (\$20.00) for each day that he fails to comply with the order up to a maximum of two hundred dollars (\$200.00) and in default of payment is liable to imprisonment in accordance with Provincial Offences Procedure Act.
- (7) If an owner is convicted under section 7 (1) (c), the Judge shall order the owner to pay the license fee required in addition to the fine.
- (8) Any person authorized under this By-Law to capture and impound a dog or dogs shall not be liable in damages for any injury or damage caused to such dog or dogs while the same is/are being captured or impounded.

9. REPEAL

By-Law 29 and amendments thereto is hereby repealed.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

Enacted \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk