

BY-LAW NO. 99-2

A BY-LAW OF THE MUNICIPALITY OF DOAKTOWN RELATING TO ESTABLISHING CONTROL OF DOGS IN THE VILLAGE OF DOAKTOWN

The Council of the Village of Doaktown duly assembled enacts as follows:

INTERPRETATION

1. In this By-Law

“Dog Control Officer” means a police officer, a By-Law enforcement officer and any employee, agent or company authorized by the Village Council to enforce and administer this By-Law;

“Owner” means with reference to a dog, a person who

- (i) is in possession of it;
- (ii) harbours it;
- (iii) permits it to remain about his/her residence or premises,
- (iv) registers it under this by-law, or
- (v) where the owner is a minor, the person responsible for the custody of the minor;

“property” includes any publicly or privately owned property within the Village of Doaktown and includes streets and sidewalks;

“running at large” means any dog found in the Village of Doaktown which is not on the owner’s premises and not secured by a leash having a maximum length of two metres:

- (a) in a public place,
- (b) on private property other than that of the owner of the animal, or
- (c) in a forest or wooded area while not in the company or control of the owner of the dog.

GENERAL

2. (1) No owner of a dog shall keep the dog in the Village of Doaktown except where that dog is permitted under the provisions of the Zoning By-Laws of the Village of Doaktown.

(2) No owner of a dog shall allow such dog to run at large.

(3) A dog found running at large may be captured and impounded by any Dog Control Officer or by any private citizen when a dog is running at large in conflict with this By-Law. Said dog is to be turned over to the Dog Control Officer immediately. The Village of Doaktown is not responsible for any injuries caused to or damages by this private citizen in the capture of this dog.

(4) An animal which has been abandoned or who appears to the Dog Control Officer to have been abandoned may be impounded by the Dog Control Officer.

(5) Where a Dog Control Officer impounds an abandoned animal, he shall, within twenty-four (24) hours, post a Notice at the Village Office.

REGISTRATION AND LICENCE

3. (1) Subject to subsection (2) every owner of a dog shall before the last day of January in each year, register with the Dog Control Officer or the Village Clerk, each dog which he/she owns, and pay the Registration fee required:

(i) Registration fees are:

\$5.00 per male dog

\$5.00 spayed female dog

\$10.00 unspayed female dog

(2)(a) A person who becomes an owner of a dog after the last day of January in each year shall register such dog immediately and pay the registration fees required in subsection 3 (1) (i).

(b) Any persons not obtaining their registration tag by the dates required, **shall pay a penalty of \$10.00 to be added to the regular registration fees.**

(3) The Village Clerk or Dog Control Officer shall cause to be kept a record of registration of all dogs which shall show the data and number of registration, the description of each dog and the name of the owner.

(4) The Village Clerk or Dog Control Officer, at the time of registration of a dog, shall issue to the owner a registration tag showing the number under which the dog is registered and the year of registration along with the name of the Village of Doaktown.

(5) A current year's licence tag which is lost after it has been issued may be replaced by the Village Clerk or Dog Control Officer upon application by the owner and payment of two dollars (\$2.00).

(6) Every owner of a dog shall cause any dog registered by him to wear a collar to which shall be attached the tag issued under subsection 4.

(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.

(8) Every person who removes a collar or tag from any registered dog, not being the owner thereof, is guilty of an offence. (Schedule A)

KENNEL LICENCES

4. (1) An owner who keeps more than two dogs or keeps a dog or dogs for breeding, boarding, or any other like purposes must be in possession of a valid kennel licence and must meet the requirements before issued such licence.

(2) Kennel licence requirements are:

(a) an owner must meet the requirements of any Zoning By-Law, or any other by-law, for the sanitation, health, hygiene, and comfort of the dogs;

(b) if issued a kennel licence, the owner must keep accurate records of the breeding, selling or boarding of dogs, and to whom such dogs are sold. The owner must be able to produce these records at any time and upon request of the Village Clerk or Dog Control Officer;

(c) Any owner failing to comply with the kennel licence requirements, once issued such licence, shall be in violation and punishable by a fine of one hundred dollars (\$100.00) and may have his/her kennel licence revoked or canceled by the Dog Control Officer.

(3) A kennel licence shall apply to each and every dog in the kennel until the dog is sold or otherwise leaves the kennel.

(4) The fee for a Kennel Licence shall be \$100.00 each year, payable at the time of issuance.

(5) A Kennel Licence shall be valid until the last day of January of the year next succeeding the date of issue and shall be renewed by the licensee on or before the last day of January in each and every year thereafter.

VACCINATION - RABIES

5. (1) The owner of a dog which has not been vaccinated against rabies, shall cause his/her dog to be so vaccinated,

(a) within ten days of acquiring the dog, if it is more than three months of age, and

(b) within ten days after it has reached the age of three months.

(2) When a dog is more than six months of age on the coming into force of this By-Law and it has not been vaccinated, the owner shall cause such dog to be vaccinated against rabies within one month.

(3) An owner who neglects or refuses to have his/her dog vaccinated under this section, is guilty of an offence, and is punishable upon conviction to a fine of not less than \$50.00 and not more than \$200.00.

(4) Any Dog Control Officer shall seize and impound and report to proper legal authorities any dog which is known to be or is suspected of being rabid.

(5) Any owner of an animal who knows or suspects that the dog is rabid or suspected to be rabid or has been exposed to rabies shall immediately report the matter to the proper legal authorities.

SEIZING AND IMPOUNDING

6. (1) The Council may establish one or more dog pounds and appoint one or more pound keepers. The pound keeper and the Dog Control Officer may be the same person.

(2) The Dog Control Officer or private citizen as noted in paragraph 2 (3) of this By-Law may seize and impound any dog:

(a) not registered or licenced under this By-Law;

(b) not wearing a collar or tag issued under this By-Law, when the dog is off the property of the owner or keeper of the dog, or when it is pursued onto the property of the owner or keeper of the dog;

(c) running at large, or

(d) actually or apparently infected with rabies or other contagious disease.

(3) The Dog Control Officer shall:

(a) if the owner of the dog is known, make a reasonable attempt to notify the owner that the dog is impounded; or

(b) when the owner of an impounded dog is not known, the Dog Control Officer shall make a reasonable attempt to find the owner by posting a notice at the Village Office;

(c) if the owner of the impounded dog is not known or cannot be located within a 48 hour period, said dog may be sold or destroyed.

(4) The owner of any impounded dog shall pay the Dog Control Officer upon establishing ownership, the fees as specified in Schedule "A" of this By-Law.

(5) When destroying any dog under this section which has not been claimed, or for any other reason, the Dog Control Officer, as directed by the Village Council shall do so in a humane manner.

(6) (a) The Dog Control Officer upon receiving and investigating a complaint, may seize and impound a dog which has bitten or attempted to bite a person.

(b) All costs of seizing and impounding, pursuant to Section 5 (4) and Section 6 will be at the owner's expense.

(7) A Judge of the Provincial Court, upon complaint being made to him that a dog has bitten or attempted to bite any person and upon being satisfied that the dog is dangerous, may make an order:

- (a) Directing the owner or keeper of the dog to keep such dog under control;
- (b) Directing the owner or keeper of the dog or some other person to destroy such dog, at the owner's expense.

SALE OF IMPOUNDED DOGS

7. (1) A dog which has not been released from the pound, under Section 6 (3) (c) of this By-Law, may be sold by the pound keeper for the best price obtainable, and the money derived from such sale shall be applied to the payment of fees of the pound keeper for seizing, impounding and maintaining the dog, and the balance, if any, shall be paid to the Village Clerk to be used for the general purposes of the Municipality.

(2) Any person who purchases from the pound keeper any impounded dog which is not registered, under this By-Law, shall register or licence the dog under this By-Law before taking possession of it.

RUNNING AT LARGE

8. The owner of a dog found to be running at large shall be subject to the fees specified in Schedule "A" of this By-Law.

STOOP & SCOOP

9. If a dog defecates on any public or private property other than the property of its owner, the owner/keeper shall remove such defecation immediately. Failure to comply deems the owner/keeper shall be subject to the fees in Schedule "A" of this By-Law.

DISTURBANCE

10. (1) No owner shall permit a dog or dogs of which he/she is the owner, to bark or otherwise make noise for such a period of time or in such a manner as to create a disturbance to neighbours or the neighbourhood.

(2) An owner shall immediately upon being directed by the Dog Control Officer or Village Council take such steps as necessary to cause the disturbance to cease.

(3) Subject to Section 11 (1) and 11 (2) failure to comply with 10 (1) (2) shall result in a charge subject to the fees specified in Schedule "A" of this By-Law.

OFFENCES

11. (1) An owner of a dog commits an offence under this By-Law if:

- (a) he/she permits his/her dog to run at large;
- (b) he/she refuses or neglects to register his/her dog before the last day of January each year;
- (c) by failing to comply with any provisions of this By-Law;
- (d) he/she refuses or neglects to attach and keep attached a registration tag to the collar of the dog;
- (e) he/she refuses or neglects to cause his/her dog to wear a collar at all times;
- (f) he/she permits his/her dog to chase or run after pedestrians, motor vehicles or bicycles;

- (g) he/she permits his/her dog to bark, howl or otherwise make noise so as to cause a public nuisance or disturb inhabitants;
 - (h) he/she permits his/her dog to bite or attempt to bite any person.
 - (i) he/she neglects or refuses to have his/her dog vaccinated against rabies, or refuses to show proof of such vaccination to the Dog Control Officer when requested to do so; or
 - (j) he/she walks or exercises his/her dog without a leash while not on the owners property; or
 - (k) failure to comply as per Section 9 of this By-Law.
- (2) Any person commits an offence under this By-Law if:
- (a) he/she interferes or attempts to interfere with the Dog Control Officer or Private Citizen while exercising his/her functions under this By-Law; or
 - (b) he/she, not being the owner, removes a collar or registration tag from any dog.
 - (c) any person fails to comply with the provision of this By-Law

PENALTY

12. (1) Every person who violates any provision of this By-Law is guilty of an offence.
- (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 to the Village of Doaktown.
- (a) in person at the Village Office in cash, by cheque or money order made payable to the Village of Doaktown.
 - (b) in person to the Dog Control Officer whereupon a receipt shall be issued and the Dog Control Officer will pay over any and all money collected to the Village of Doaktown.
 - (c) by mail to: Village of Doaktown, 328 Main Street, Unit 2, Doaktown, New Brunswick E9C 1E3

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

(3) If the voluntary payment set out in subsection (2) above 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 as follows:

(a) in person at the Court House, 1599 King George Highway, Miramichi, NB or certified cheque or money order payable to Minister of Finance; or

(b) by mail to: Province of New Brunswick, 1599 King George Highway, Miramichi, NB, E1V 5L8, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance;

(4) If the voluntary payments set out in subsection (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 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.

By-Law Number 76-14 entitled "A By-Law of the Municipality of Doaktown Respecting Dogs" is hereby rescinded.

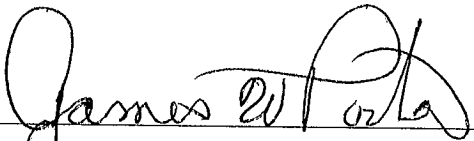
This By-Law is deemed to have come into force on January 12, 2000.

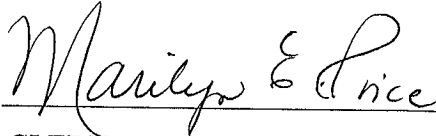
READ FIRST TIME: December 8, 1999

READ SECOND TIME: December 8, 1999

READ THIRD TIME

AND ENACTED: January 12, 2000


MAYOR, JAMES W. PORTER


CLERK, MARILYN E. PRICE

SCHEDULE "A"

1. First offence verbal warning
2. Second offence \$50.00
3. Third offence and each subsequent offence in calendar year \$75.00.
4. Boarding fee of \$20.00 for each day the dog is impounded;
5. And, if the dog is not registered, the owner shall pay the registration fee required under this By-Law.