

BY-LAW NO. 81

A BY-LAW RELATING TO ESTABLISHING CONTROL OF ANIMALS
IN THE VILLAGE OF CHIPMAN

INTERPRETATION

1. In this By-Law:

- "dog" includes bitch but does not include a puppy of either gender, which is less than 4 months of age;
- "animal" includes all vertebrate pets including but not limited to mammals, birds, reptiles, amphibians, cows and horses;
- "owner" means (with reference to a dog) a person who owns the dog, and includes any person who keeps, harbors, registers it under this by-law or is in control of the animal with the Village and where the owner is a minor, the person responsible for the custody of the minor;
- "Dog Constable/Animal Control Officer" means the person appointed by the Council of the Village of Chipman to carry out the functions of this By-Law;
- "running at large" means any dog found in the Village of Chipman which is not on the owner's premises and not secured by a leash having a maximum length of two(2) meters:
 - (I) in a public place;
 - (ii) on private property other than that of the owner of the animal; or
 - (iii) in a forest or wooded area while not in the company and control of the owner.
- "dangerous dog" means any individual dog:
 - (I) that has attacked a person or has killed, bitten or injured another animal;
 - (ii) that is attack trained;
 - (iii) that is kept for the purpose of security or protection of persons or property;
 - (iv) that has been reported and confirmed to be threatening or aggressive.
- "kennel" means a commercial operation where domestic animals are boarded for compensation and for breeding and sold on the premises.
- "property" includes any publicly or privately owned property within the Village of Chipman and includes streets and sidewalks.
- "restricted area" means sidewalks and walkways.
- "disturbance" means activity that is reportedly intrusive or disruptive.
- "Chipman Rural Plan" means By-Law No. 67 A By-Law to Adopt The Village of Chipman Rural Plan.
- "lifetime tag" means a Village of Chipman tag valid for the lifetime of the dog registered to that tag number.

REGISTRATION AND LICENSING

2. (a) Any household may register a maximum of two (2) dogs.

(b) Any resident of a household may, for compelling reasons, request an exemption to Section 2(a) by applying to Council by submitting, in writing, to the Village Clerk. The decision of Council will be final.
3. (a) Every owner of a dog shall register with the Village Clerk or the Dog Constable each dog which he or she owns and pay to the Village Clerk or Dog Constable a fee of \$25.00 for a Lifetime Tag.

(b) A person who became an owner of a dog shall register the dog immediately on becoming an owner and shall pay the license fee prescribed in sub-section 3 (a).

(c) Any persons not obtaining their registration tag within 60 days of taking ownership shall pay \$35.00 as a registration fee.

(d) A license tag which is lost after it has been issued may be replaced by the dog constable or the Village Clerk upon application by the owner or request of the dog constable and the payment of ten dollars (\$10).

(e) Proof of rabies vaccine must be shown at time of registration.
4. The Village Clerk or Dog Constable, 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 Chipman.

RABIES

5. (a) Every owner of a dog over the age of three (3) months shall have such dog vaccinated against rabies every two (2) years thereafter.

(b) Any owner who neglects or refuses to have his or her dog vaccinated under this section is guilty of an offense and is punishable upon conviction to a fine of not less than two hundred dollars (\$200.00)

(c) Any NBSPCA officer or animal control officer shall immediately seize and impound and report to proper legal authorities any dog which is known to be or suspected of being rabid.

(d) The cost of impounding and seizing such dogs shall not exceed twenty dollars (\$20.00) per day up to a maximum of two hundred dollars (\$200.00) and shall be the responsibility of the owner.

(e) Where the animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place and shall not keep the animal in proximity of any other animal.

(f) A person who owns an animal that is rabid or has been exposed to rabies shall immediately report the matter to District Health Officer and to the RCMP and the Dog Constable.

SEIZING AND IMPOUNDING

6. (a) A dog found running at large, may be captured by the Dog Constable, any police officer or any control officer, or any employee, agent or company authorized by the Village to enforce this by-law.

(b) A dog suspected of being rabid shall for the purpose of this section be considered dangerous.

(c) Any dog found not registered or wearing a collar and tag or any dog running at large, may be captured by the Dog Constable, any police officer or any employee, agent or company authorized by the Village to enforce this by-law:

(i) if the owner of such dog is known, notify the owner that his or her dog is impounded; or

(ii) if the owner of such dog is not known, or, being known cannot be located, post a notice at the Village Office and post to social media stating that such dog has been impounded and will be sent to the SPCA in 72 hours from the time of posting unless the owner, or anyone on his or her behalf, claims the dog and pays the costs set out in subsection (d).

(d) The owner of any impounded dog shall pay the pound keeper, upon establishing ownership, the following fees:

(i) a charge of fifteen dollars (\$15.00) to the Municipality or its agents for the first impounding of the animal; for the second impounding of the animal within any 12 month period a charge of thirty dollars (\$30.00) to the Municipality or its agent; for the third and subsequent impounding of the animal, within a twelve month period, a charge of sixty dollars (\$60.00) to the Municipality or its agent;

(ii) a boarding fee of \$20.00 for each day or part thereof that the dog is impounded; and

(iii) if the dog is not registered, the owner shall pay the registration fee required under this by-law before the dog is returned to its rightful owner.

(e) Any agent or company, authorized by the Village, or NBSPCA control officer is authorized to make use of a tranquilizer gun and tranquilizing devices on dogs in the course of carrying out his or her duties hereunder and shall not be held responsible for any damages caused to the dog while doing so.

(f) No person authorized under this by-law to capture and impound an animal shall be liable for damages or injury to such animal while the same is being captured and impounded.

(g) A Judge or Provincial Court, upon a complaint being made to him that a dog is alleged to have bitten or attempted to bite any person, may summon the owner of the dog to appear and to show cause why the dog should not be destroyed and that the Judge may, if from the evidence produced it appears that the dog has bitten a person, make an order that:

(i) the owner or keeper of the dog to keep such dog under strict control; and

(ii) the owner or keeper of the dog or some other person to destroy such a dog, at the owner's expense.

(h) A person failing to comply with an order under the subsection(g) is liable to a fine not exceeding twenty five dollars (\$25.00) for every day that he or she fails to do so.

(i) In all cases, where a dog is impounded under Section 6, the Village will make all responsible efforts to have the matter dealt with as expeditiously as possible.

(j) The Council may, by regulation, appoint an Animal Control Officer.

(k) The Council may establish one or more animal pounds in addition to any general pound now or hereafter established.

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

DANGEROUS DOGS

7. The owner of a dangerous dog shall ensure that:

(1) such dog is licensed with the municipality as a dangerous dog in accordance with the fees outlined in Schedule "A";

(2) such dog is spayed or neutered within 90 days after the dog is determined to be a dangerous dog;

(3) at all times when off the owners property, the dog shall be on a leash not longer than on (1) meter, shall be muzzled and under the control of a responsible person over the age of eighteen;

(4) when such a dog is on the property of the owner, it shall be either securely confined or in a securely enclosed or locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing entry of any person not in control of the dog. Such a pen or structure must have a minimum dimensions of two meters by four meters and must have secure sides, the sides must be embedded into the ground no less than thirty centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure

shall not be within one meter of the property line or within three meters of a neighboring dwelling unit. Such dog may not be chained as a means of confinement; and

(5) a sign is to be displayed at each entrance of the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.

CATS

8. (1) The owner is responsible for control of his/her cat(s).
- (2) The Animal Control Officer is not responsible for the seizing of cats.

STOOP & SCOOP

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

MISCELLANEOUS

10. (1) No person may possess a snake or other reptile on a street or public place unless it is in a case, cage or other container designed in such a fashion that it will completely confine such snake or reptile, unless by special permit from the Village of Chipman. Schools and other institutions can apply for said permit at the Village Office.
- (2) No person shall place or cause to be placed on or near his or her property any matter which has the effect of attracting pigeons, seagulls or wild animals there to.
- (3) No person may possess farm animals, consisting of but not limited to chickens, goats, sheep, etc. unless prior approval has been obtained from the Village of Chipman according to the Chipman Rural Plan.

OFFENCES

11. 1) The owner commits an offence under this regulation if the owner:
- a. Permits his or her dog to run at large.
 - b. Refuses or neglects to register his or her dog under section 2 of this regulation.
 - c. Refuses or neglects to attach and keep attached a licensed tag to the collar of his or her dog.
 - d. Refuses or neglects to cause his or her dog to wear a collar at all times.
 - e. Permits his or her dog to chase or run after pedestrians or motor vehicles, bicycles or other vehicles by running or barking at the same time.
 - f. Permits his or her dog to bark, howl or otherwise make noise so as to cause a public nuisance or disturb inhabitants.
 - g. Refuses or neglects to have his or her dog vaccinated against rabies, or refuses to show proof of such vaccination to the animal control officer when requested to do so.
 - h. Permits his or her dog to bite or attempt to bite any person.
 - i. Refuses or neglects to have his or her dog on a leash when off their premises.
 - j. Permits his or her dog to defecate on any property in the Village which is not the property of its owner and if he or she does not remove forthwith any feces left by the dog on a property other than the property of the owner.
- (2) Any person commits an offence under this by-law if:
- a. he or she interferes or attempts to interfere with the dog constable or agent of the Village of Chipman while exercising his or her functions under this by-law; or
 - b. he or she, not being the owner, removes a collar of registration tag from any dog.

PENALTIES

12. (1) Every person who violates any provisions of the by-law is guilty of an offence.
- (2) Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a payment of \$100.00 to the Village of Chipman as follows:
- a. In person at the Chipman Village office, 10 Civic Court, Unit 1, Chipman, NB, in cash or by cheque or money order made payable to the Village of Chipman, or
 - b. By mail to: Village of Chipman, 10 Civic Court, Unit 1, Chipman NB E4A 2H9, at which time the ticket or ticket number shall be surrendered to the Village of Chipman and such payment shall be deemed to be payment in full.
- (3) If 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 the Provincial Court, the person charged with the offence may make a payment of \$150.00 as follows:

- a. In person at Room 105, Justice Building, 412 Queen Street, by cash or certified cheque or money order only, payable to the Minister of Finance or
- b. By mail to: Province of New Brunswick, PO Box 6000, Fredericton, NB E3B 5H1 (attn: Provincial Court) by certified cheque or money order only, payable to Minister of Finance; at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed to be payment in full.

(4) If the payments set out in the subsection (2) and (3) above have not been received on or before the hearing scheduled for entering a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine not less than \$200.00 and not more than \$500.00.

13. By-law number 73, entitled "A By-Law Relating to Establishing Control of Animals in the Village of Chipman" is hereby repealed.

FIRST READING: February 6, 2017

SECOND READING: March 6, 2017

THIRD READING

AND ENACTED: March 6, 2017



Mayor



Clerk

SCHEDULE "A"

Lifetime Dog License Fees \$25.00

Dangerous Dog Fee \$250.00/year

Replacement Dog Tag \$10.00

Impounding Fees \$15 First Impoundment
\$30 Second Impoundment
\$60 Third Impoundment

Boarding Fees \$20.00 per day

Running at Large Written Warning First Offence
\$15.00 Second Offence
\$30.00 Third Offence

Disturbance Written Warning First Offence
\$20.00 Second Offence
\$40.00 Third Offence
\$50.00 Fourth Offence