



By-Law No. A-17
A By-Law Respecting Dog Control In
Central York Rural Community

Pursuant to subsection 10(1)(k) and 10(2) of the *Local Governance Act*, SNB 2017, c.18, Central York Rural Community Council hereby enacts as follows:

TITLE

- 1** This By-Law may be cited as the Dog Control By-Law.

DEFINITIONS

- 2** The following definitions apply in this Regulation.

"Act" means the *Local Governance Act*.

"dog at large" means an unleashed dog

- a. in a public place,
- b. on private property other than the owner's,
- c. in a forest or wooded area while not in the company or under the supervision of the owner.

"dog control officer" means a person appointed under section 4.

"owner" means a person who

- a. is in possession of a dog,
- b. harbors a dog,

"public place" means any indoor or outdoor location that is open and accessible to the general public, whether owned by the government or by private entities.

"society" means society as defined in the *Society for the Prevention of Cruelty to Animals Act*.



Application

- 3(1)** For the purposes of paragraph 106(1)(a) of the Act, animal control services are prescribed as a service that shall be provided by the Minister in all rural communities and all regional municipalities that have not made a by-law under section 10 of the Act with respect to that service.
- 3(2)** This Regulation applies within all rural communities and regional municipalities referred to in subsection (1), and all local service districts.

Dog Control Officer

- 4** Central York Rural Community Council shall appoint one or more persons to administer and enforce this By-Law, which may include the NB SPCA, a police officer, a by-law enforcement officer, or any person duly authorized by Council to enforce this By-Law.

Wearing a collar

- 5** An owner of a dog must ensure that the dog always wears a collar, other than when the dog is in an enclosure such as a kennel or the owner's residence.

Vaccinated against rabies

- 6** An owner of a dog that has not been vaccinated against rabies must cause the dog to be vaccinated against rabies within 10 days after
- a. acquiring the dog if the dog is three months of age or more, or
 - b. the dog has reached the age of three months.

Seizure of dog at large

- 7(1)** A dog control officer shall seize and impound any dog at large and
- a. if the owner is known, notify the owner that the dog is seized and impounded, or
 - b. if the owner is not known or if the owner is known but cannot be located, give public notice, including by or through the website of the society or by any other public information media, that the dog is seized and impounded.



- 7(2) A notice under section 7(1)(a) or (b) shall state that the dog has been impounded and may be sold, placed for adoption, or destroyed 72 hours from the time of giving the notice, unless the owner, or anyone on the owner's behalf, claims the dog and pays the costs set out in subsection 7 (3).
- 7(3) Before releasing a dog that has been seized, or after destroying a dog in accordance with this Regulation, as the case may be, a dog control officer shall collect from the owner the sum of \$15 for each day or part of a day during which the dog has been impounded and maintained.
- 7(4) If an owner, or anyone on behalf of the owner, does not claim a dog within 72 hours from the time of giving the notice under paragraph 7(1)(a) or (b) or does not pay the costs set out in subsection 7 (3) a dog control officer may sell, place for adoption, or destroy the dog.
- 7(5) When a dog control officer sells a dog or places a dog for adoption, the dog control officer shall collect from the person who purchases or adopts the dog, at the time of the sale or adoption, the total of all costs of seizing, impounding, and maintaining the dog.

Dog known to be or suspected of being rabid

- 8(1) A dog that is known to be or suspected of being rabid shall be considered dangerous.
- 8(2) Despite section 9, a dog control officer shall seize and cause to be destroyed immediately any dog that is known to be or suspected of being rabid.
- 8(3) A dog control officer who seizes and destroys a dog under subsection 8(2) shall notify the owner as soon as possible, if the owner is known.

Dog alleged to have bitten

- 9(1) A dog control officer may seize a dog that is alleged to have bitten or to have attempted to bite a person and impound the dog until the proceedings under subsection 9(2) are resolved, but if the proceedings are not brought 30 days after seizing the dog, the dog control officer shall return the dog to the owner.
- 9(2) A judge of the Provincial Court before whom a complaint has been laid alleging that a dog has bitten or attempted to bite a person may summon the owner to appear and show cause why the dog should not be destroyed and may, if from the evidence produced it appears that the dog has bitten a person, make an order directing
 - a. that the dog be destroyed, or



b. that the owner of the dog keep the dog under control.

9(3) A person to whom an order is directed shall comply with the order within the time, if any, specified in the order.

Tranquillizing devices and manner of destroying dogs

10(1) In the course of performing their duties under this Regulation, a dog control officer is authorized to make use of tranquilizer guns and other tranquillizing devices on dogs.

10(2) When destroying a dog under this Regulation, a dog control officer shall do so in a humane manner in accordance with the standards specified in Schedule B of New Brunswick Regulation 2000-4 under the Society for the Prevention of Cruelty to Animals Act.

Prohibitions

11(1) An owner shall not

- a. allow their dog at large,
- b. allow their dog to chase or run after pedestrians or motor vehicles, or

11(2) No person shall

- a. interfere or attempt to interfere with a dog control officer while the officer is seizing or impounding a dog in accordance with the Act or this Regulation, or
- b. not being the owner, remove a collar from a dog.

Offences

12 A person who violates or fails to comply with the requirements for dog ownership in Central York Rural Community commits an offence and is subject to fines listed in Appendix A.

Liability

No person authorized under this By-Law to capture, impound, or destroy an animal is liable for damages arising from any injury to or damage sustained by the animal during its capture, impoundment, or destruction.



Enforcement

This By-Law shall be enforced by the appointed Dog Control Officer.

Enactment

In case of any conflict between this By-Law and the *Local Governance Act*, the latter shall prevail.

This By-Law shall come into effect on the date of enactment there from:

First Reading: (In Full)	#####
Second Reading: (By Title)	#####
Third Reading And Enactment: (By Title)	#####

SCHEDULE "A" TO THE DOG CONTROL BY-LAW A-17

Fines

Fines 1st Offense

Allowing an animal to run at large	\$100
Allowing an animal to defecate on property not owned by the owner	\$50
Allowing an animal to cause damage to property not owned by the owner	\$50
Allowing an animal to threaten a person or another animal	\$150
Allowing an animal to attack a person or another animal	\$200
Operating a kennel without a licence	\$50

*All fees incurred for handling an animal running at large, including but not limited to, capture, impoundment, vaccination, shall be reimbursed to the Community by the owner.

****FINES DOUBLE FOR REPEAT OFFENDERS**