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## Village of Gagetown

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### BY-LAW #33 A BY-LAW RESPECTING ANIMAL CONTROL

**PURPOSE:** A By-law of the Village of Gagetown, in the Province of New Brunswick, for the purpose of establishing a By-law respecting animal control.

**WHEREAS** the Section 10 (1)(k) of the *Local Governance Act*, authorizes a municipality to may make a by-law in relation to animal control activities, and;

**WHEREAS** the Section 10(2)(c) of the *Local Governance Act*, authorizes and requires local governments to establish a by-law imposing requirements that dogs be vaccinated against rabies.

**NOW THEREFORE** the Council of the Village of Gagetown adopts certain rules in the form of a *By-law* Respecting Animal Control.

#### 1. TITLE

- (a) This by-law may be cited as the Animal Control By-Law of Village of Gagetown.

#### 2. DEFINITIONS

- (a) **Breeder** means any person who:
- is in possession or the owner of a female animal who gives birth to a litter of pups; and
  - is an owner who keeps animals for breeding, selling, boarding or any other likepurpose; or
  - Is the holder of a valid kennel license issued under this By-Law.
- (b) **Clerk** means the Clerk of Village of Gagetown

- (c) **Council** means the Mayor and Councillors the Village of Gagetown
- (d) **Animal** means dog(s).
- (e) **Animal Control Officer** means the person(s), group or company appointed by the Village council to administer this by-law.
- (f) **Family** means one or more persons occupying the same single housekeeping unit.
- (g) **Kennel** means a commercial operation where more than three (3) animals are boarded for compensation, and/or bred, and/or sold on the premises.
- (h) **Owner** means with reference to an animal, a person who:
  - i. is in possession of it; or
  - ii. harbours it; or
  - iii. allows it to remain about his residence or premises; or
  - iv. registers an animal under this By-law.
- (i) **Person** means an individual, business or corporate entity, and includes an owner unless the context requires otherwise.
- (j) **Running at large** means an unleashed or uncontrolled animal:
  - i. in a public place; or
  - ii. on private property other than on 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.
  - iv. On property of the Owner of the animal immediately after having been observed by the Animal Control Officer in any of the above designated areas.
- (k) **Village** means Village of Gagetown.

### **3. GENERAL**

- (a) The owner of an animal which has not been vaccinated against rabies shall cause the animal to be so vaccinated:
  - i. within ten (10) days of acquiring such animal 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 an animal who knows or suspects that his

or her animal is rabid shall immediately report the animal to the proper legal authorities.

- (c) The Animal Control Officer shall immediately seize and impound and report to the proper legal authorities any animal which is known to be or suspected of being rabid.
- (d) No owner of an animal shall suffer or permit the animal to cause damage to property which is not the property of the owner.

#### **4. REGISTRATION AND LICENSING OF ANIMALS**

- (a) Animal Licenses are to be issued by the Village on or before the 31st day of January in each calendar year. The Animal Control Officer is to be notified of any licenses issued by the Village on a bi-weekly basis.
- (b) All animals shall be registered by the owner within:
  - i. Sixty (60) days of the owner acquiring the animal; and
  - ii. Sixty (60) days of the animal entering the Village.
- (c) When any person has an animal wearing valid and current tags issued by another entity, that person is not required to register the animal in Village of Gagetown until the following calendar year or the expiration of the tags, whichever comes first.
- (d) The owner of any animal required to be licensed under this by-law shall pay annually a license fee of:
  - i. Ten dollars (\$10.00) for non neutered or non spayed, neutered or spayed animals if the license is paid for before January 31 of the current year.
  - ii. Twenty dollars (\$20.00) for any animal if the license is paid for after January 31 of the current year.
- (e) A license under this section expires on the last day of December in each calendar year.
- (f) Upon registration of an animal, the Village shall issue to the owner a registration as herein provided, together with a license tag which shall indicate the registration number of the animal.
- (g) Every owner of an animal shall cause any animal registered by him to wear a collar to which shall be attached a tag issued under subsection.
- (h) No animal shall be registered unless the owner proves to the satisfaction of the Animal Control Officer or the Village, possession of a valid rabies vaccination certificate for such animal signed by a registered veterinarian.

- (i) The owner of an animal which is used as a "seeing eye" or "hearing ear" animal or a "service" animal is not required to pay the license fee under this section for such animal but must obtain a tag from the Village. The tag must be worn by the animal at all times.
- (j) The Village shall keep a record of all licenses issued showing:
  - i. the date and number of registration;
  - ii. The sex, breed and any distinguishing markings of the animal for which a license has been issued;
  - iii. The name, address and telephone number of the owner.
- (k) Any person who loses a tag may obtain one to replace such lost tag from the CLERK upon payment of the sum of five dollars (\$5.00).

## **5. KENNEL & BREEDER LICENSES**

- (a) No person or family shall be the owner of more than three (3) animals without obtaining a valid kennel or breeder license as hereinafter provided.
- (b) An owner who keeps an animal for breeding shall obtain from the Village a Breeder's License for the calendar year and such license shall cover the animal 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.
- (c) 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 an animal license for each animal kept on the premises, for all puppies under 6 months of age, and for up to 3 male animals. 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 an animal owned by an owner of a kennel.
- (d) The Village shall not issue a Kennel License until it is determined that the property to be used and the buildings thereon comply with all by-laws of the Village.
- (e) Kennel and Breeder Licenses shall expire on the last day of December in each calendar year.
- (f) Licenses issued pursuant to this By-Law are not transferable.

## **6. SEIZING AND IMPOUNDING**

- (a) An animal found running at large may be seized and impounded by the Animal Control Officer and the owner may claim his/her animal if he/she establishes to the satisfaction of the Animal Control Officer his/her ownership and has paid to the Village:
  - i. a sum of forty dollars (\$40.00) for a licensed animal and sixty dollars (\$60.00) for an unlicensed animal and,
  - ii. a further sum on an actual cost basis for each day the animal has been impounded plus any other rates and/or charges which may be levied for medication prescribed and administered during the impounding period.
- (b) Abandoned Animals:
  - i. An animal which has been abandoned or who appears to the Animal Control Officer to have been abandoned may be impounded by the Animal Control Officer.
  - ii. Where the Animal Control Officer impounds an abandoned animal, he shall within 24 hours notify the owner of the animal unless such ownership cannot be ascertained, in which case, he shall post a written notice at the premises where the animal was picked up, or in a public place.
- (c) If the owner or harbourer of a seized animal is known, the Animal Control Officer shall make a reasonable attempt to notify the owner or harbourer of such seizure and impounding.
- (d) An impounded animal which has not been claimed within three (3) days, exclusive of statutory holidays, Saturdays and Sundays, after seizure, may be sold by the Animal Control Officer, or may be destroyed by the Animal Control Officer in a manner approved by the Society for the Prevention of Cruelty to Animals.
- (e) The Animal Control Officer shall not be required to seize or impound any animal as a result of a complaint of any person unless such person shall furnish the name and address of the complainant to the Animal Control Officer.
- (f) The Animal Control Officer shall collect from the owner before releasing the animal, the total and all costs of seizing, impounding, maintaining the animal and annual license fee.

- (g) A Judge of the Provincial Court, on a complaint made to him/her that an animal has bitten or attempted to bite any person or other animal, and upon being satisfied that the complaint is warranted, may make an order;
  - i. directing the owner of the animal to keep it under control;  
or
  - ii. directing the owner of the animal to destroy the animal.

## **7. OFFENCES**

- (a) The owner of an animal commits an offence under this by-law if:
  - i. he/she permits the animal to run at large at any time;
  - ii. he/she permits the animal to chase or run after pedestrians, motor vehicles, bicycles or other animals;
  - iii. he/she refuses or neglects to register his/her animal;
  - iv. he/she refuses or neglects to attach and keep attached a current licensetag to the collar of the animal;
  - v. he/she permits the animal to bark, howl or in any other manner to make noise likely to cause a public nuisance or otherwise disturb other residents;
  - vi. he/she neglects or refuses to take all precautionary measures to protect the general public immediately upon becoming the owner or harbourer of an animal trained to guard persons and/or property and/or attack;
  - vii. he/she neglects or refuses to provide, maintain, and use an escape proof enclosure for such period or periods of time the animal, trained to guard persons and/or property and/or attack, is left unattended by the owner's immediate presence, at any time.
- (b) Any person commits an offence under this by-law who:
  - i. interferes or attempts to interfere with the Animal Control Officer who is exercising his functions under this By-Law.
  - ii. Not being the "owner", removes the collar or license tag from any animal.
  - iii. Permits an animal to bite or attempt to bite a person or other animal.

- iv. Permits an animal 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.
- (c) No owner of an animal shall suffer or permit the animal to defecate on any property in the Village which is not the property of its owner without forthwith removing any faeces left by the animal on such property.
- (d) No owner of an animal shall suffer or permit such animal to be upon the street or in any public place while the animal is in heat.
- (e) Where the Animal Control Officer believes that an animal has bitten or attempted to bite a person or other animal, the Animal Control Officer may initiate a complaint to a Judge of the Provincial Court pursuant to the provisions of the Local Governance Act.
- (f) Where the Animal Control Officer initiates or intends to initiate a complaint under (a), the Officer may seize and impound the animal at the expense of the owner pending disposition of the complaint.
- (g) In all cases where an animal is impounded under (b), the Village will make all reasonable efforts to have the matter dealt with as expeditiously as possible.
- (h) Once an animal has bitten a person or other animal and is back in the custody of its owner, the owner must ensure that the animal is muzzled when it is outside the owner's home, or its cage.

## **8. PENALTIES**

- (a) Every person who violates any provision of the By-Law is guilty of an offence.
- (b) Unless otherwise herein provided, a person guilty of a first offence under this By-Law is punishable by a fine of not less than forty dollars (\$40.00).
- (c) Unless otherwise herein provided, a person guilty of a second or subsequent offence under this By-Law is punishable by a fine of:

- i. not less than eighty dollars (\$80.00) for a second offence involving an animal with a license and not less than one hundred dollars (\$100.00) for a second offence involving an animal with no valid license plus the cost of licensing the animal;
  - ii. not less than one hundred and fifty dollars (\$150.00) for a third offence involving an animal with a license and not less than two hundred dollars (\$200.00) for a third offence involving an animal with no valid license plus the cost of licensing the animal;
  - iii. not less than two hundred and fifty dollars (\$250.00) for a fourth or subsequent offence involving an animal with a license and not less than three hundred dollars (\$300.00) for a fourth or subsequent offence involving an animal with no valid license plus the cost of licensing the animal.
- (d) 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 animal or more than one animal, owned by that owner, and the cumulative count shall be carried forward from year to year.
- (e) Any person who interferes with or attempts to interfere with the Animal 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).
- (f) A person failing to comply with an order made under Clause 6(g)(i) 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.
- (g) If an owner is convicted under section 7(a)(iii), the Judge shall order the owner to pay the license fee required in addition to the fine.
- (h) Any person authorized under this By-Law to capture and impound an animal or animals shall not be liable in damages for any injury or damage caused to such animal or animals while the same is/are being captured or impounded.



**9. REPEAL**

- (a) Village of Gagetown By-Law 29 and amendments thereto are hereby repealed.

First Reading: April 19<sup>th</sup>, 2022

Second Reading: June 23<sup>rd</sup>, 2022

Third Reading: June 23<sup>rd</sup>, 2022

Enacted: June 23<sup>rd</sup>, 2022

  
Derek Pleadwell - Mayor

  
Robert White - Clerk

