

BYLAW NO. S-8

A BYLAW REGULATING THE KEEPING AND CONTROLLING OF ANIMALS

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. TITLE

This bylaw may be cited as the Animal Control Bylaw.

2. INTERPRETATION

In this bylaw,

"animal" includes all vertebrate pets, mammals, birds, reptiles, amphibians and fish.

"dangerous animal" means an animal

- (a) that has killed a domestic animal while off the owner's property,
- (b) that has bitten or injured a human being or domestic animal on public or private property,
- (c) that is attack trained and is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property, or
- (d) that has shown the disposition or tendency to be threatening or aggressive.

"animal control officer" or "pound keeper" means a peace officer, any bylaw enforcement officer and any employee, agent or company appointed by the Council to enforce this bylaw,

"bylaw enforcement officer" means the bylaw enforcement officer appointed by the Council to enforce municipal bylaws,

"owner" or "keeper" means with reference to a dog or cat, a person who

- (a) is in possession of it,
- (b) harbours it,
- (c) suffers it to remain about his or her residence or premises, or
- (d) registers it under this bylaw.

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"running at large" means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.

"street" means all roads or paths located in the Town and includes highway, road, lane, alley, avenue, drive, bridge, way of public nature, sidewalk, boulevard, court, courtyard, common, public square, park and any other public place in the Town.

"town clerk" means the Clerk of the Town of St. Stephen,

"council" means the Mayor and Councillors of the Town of St. Stephen,

"municipality" means the Town of St. Stephen.

3. PROVISION OF NEEDS

3.01 Every person who keeps an animal within the municipality shall provide the animal or cause it to be provided with,

- (a) clean, fresh drinking water and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight,
- (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta,
- (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control, and
- (d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.

3.02 Every person who keeps an animal, which normally resides outside or which is kept outside unsupervised for extended period of time, shall ensure the animal is provided with an enclosure that meets the following criteria:

- (a) a total area that is at least twice the length of the animal in all directions,

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- (b) contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position.
- (c) an area providing sufficient shade to protect the animal from the direct rays of the sun at all times, and
- (d) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

3.03 No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.

3.04 No person may cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

3.05 No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.

3.06 No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

3.07 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00) for each day the offence occurs.

4. UNSANITARY CONDITIONS PROHIBITED

4.01 No person shall keep an animal in an unsanitary condition within the municipality.

4.02 Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

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5. ANIMAL OWNER RESPONSIBILITIES

5.01 If an animal defecates on any public or private property other than the property of its owner, the owner of the animal shall cause such faeces to be removed immediately.

5.02 No owner shall suffer, permit, allow or for any reason have his or her animal cause any unnecessary excessive noise that would disturb the quiet of any person.)

5.03 No owner of an animal shall permit his or her animal to, without provocation,

(a) chase or run after pedestrians, automobiles or motorcycles,

(b) chase, bite or attack any person,

(c) chase, bite or attack any domestic animal,

(d) damage public or private property.

5.03 No owner of an animal shall allow such animal to run at large in the municipality except for animals in designated off-leash areas. An animal found running at large may be captured and impounded by any animal control officer. ✓

5.04 The minimum penalty for violating the section of the bylaw is Fifty Dollars (\$50.00) for each day the offence occurs.

6. LICENSING AND REGISTRATION

6.01 Every owner of a dog or cat aged four months or more shall before the first day of May in each year register such dog or cat with the Clerk and shall pay a license fee as set out in schedule "A" of this bylaw.

6.02 A person who becomes the owner of a dog or cat after the first day of May in each year shall register such dog or cat within thirty days of becoming the owner and shall pay the license fee as set out in schedule "A" of this bylaw.

6.03 Every owner who keeps dogs for breeding purposes may be issued a kennel license, which subject to section 8 shall apply to each and every dog in the kennel until it is sold or otherwise leaves the kennel. A kennel license fee shall be in the amount that is established from time to time by Council.

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- 6.04 A license issued under this bylaw expires on the thirtieth day of April.
- 6.05 The Clerk of the Town of St. Stephen shall cause to be kept a record of the registration of all dogs and cats which shall show the date and number of registration, the description of each dog or cat, and the name of the owner.
- 6.06 Every owner of a dog or cat shall cause any dog or cat registered by him or her to wear a collar to which shall be attached the tag issued under this bylaw. No person other than the owner shall remove a collar or tag from any registered dog or cat.
- 6.07 The owner of a dog or cat registered under this bylaw shall not allow the tag issued for such dog or cat to be worn by another dog or cat.
- 6.08 When any person has a dog or cat wearing valid and current tags issued by another municipality, that person is not required to register the dog or cat in the Town of St. Stephen until the following calendar year or the expiration of the tags, whichever comes first.
- 6.09 Upon application by the owner and the prescribed fee paid to the Clerk, a license tag, which becomes lost, may be replaced.
- 6.10 An animal, which has not been reclaimed within five days after being impounded exclusive of Statutory Holidays and Sunday's, may be sold by the pound keeper for the best price that can be obtained and the monies derived from such sale shall be applied to the payment of the pound keeper and the balance, if any, shall be paid to the Town Treasurer.
- 6.11 At the time the dog or cat is registered, the owner shall provide proof of current rabies vaccination and the dog or cat shall not be registered until such proof is provided.
- 6.12 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00) for each day the offence occurs.

7. DANGEROUS ANIMALS

- 7.01 The owner of a dangerous animal shall ensure that at all times when off the owners property, the animal shall be on a leash not longer than one metre and is under the control of the owner or a responsible person permitted by the owner.

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7.02 When a dangerous animal is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent its escape and the entry of any person not in control of the animal.

7.03 The owner of a dangerous animal shall ensure that a pen or structure mentioned in subsection 7.02 has minimum dimensions of

- (a) two metres by four metres and must have secure sides and a secure top,
- (b) if it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep,
- (c) the enclosure must also provide protection from the elements for the animal, and
- (d) the pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit.

7.04 The owner shall display a sign at each entrance to the property and building in which the animal is housed, warning in writing as well as with a symbol, that there is a dangerous animal on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

7.05 A comprehensive policy of public liability and property damage insurance, satisfactory to the municipality, will be maintained by the owner in the amount of at least Five Hundred Thousand Dollars (\$500,000.00) covering the twelve month period during which licensing is sought for injuries caused by the owners of dangerous animals. This policy shall contain a provision requiring the Town of St. Stephen to be named as an additional named insured for the sole purpose of the Town being notified by the insurance company of any cancellation, termination or expiration of the policy.

7.06 The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with subsection 7.05 of this bylaw.

7.07 The animal control officer and/or the bylaw enforcement officer have the authority to render a decision on whether or not an animal is considered dangerous.

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7.08 If the owner of an animal that has been designated as dangerous is unwilling or unable to comply with the requirements of section 7, said animal shall then be humanely euthanized by an animal shelter, animal control agency or licensed veterinarian after a fourteen-day holding period. Any animal that has been designated as dangerous under this bylaw may not be offered for adoption.

7.09 The minimum penalty for violating this section of the bylaw is Two Hundred and Fifty Dollars (\$250.00) for each day the offence occurs.

8. KENNELS

8.01 Every person who owns or operates a kennel shall, upon application and payment of a license fee as set out in schedule "A" of this bylaw and upon the approval of the municipality, obtain, no later than the date established by the municipality in each year, a license to operate such kennel.

8.02 A kennel license issued under this bylaw is valid for a period of one year from the date of issue.

8.03 Every person who owns or operates a kennel shall comply with the requirements set out in *A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, September 1994)*.

8.04 Every person who owns or operates a kennel shall comply with the bylaws of the municipality.

8.05 Where an owner or operator of a kennel fails to comply with a bylaw of the municipality, the license may be suspended or revoked.

8.06 Every person who owns or operates a kennel or cattery shall permit the animal control officer to enter and inspect the kennel or cattery at all reasonable times, upon production of proper identification for the purpose of determining compliance with this bylaw.

8.07 Where the animal control officer finds that the owner or operator of a kennel or cattery does not comply with any regulation in this section, he or she may direct that the animals be seized and impounded.

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8.08 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00) for each day the offence occurs.

9. RABBIES

9.01 The owner of a domestic animal, which has not been vaccinated against rabies shall cause it to be vaccinated within ten days of acquiring the dog or cat if it is more than six months of age, or within ten days after it has reached the age of six months.

9.02 When a domestic animal is more than six months of age on the coming into force of this bylaw and it has not been vaccinated against rabies, the owner shall cause the animal to be vaccinated against rabies within one month thereafter.

9.03 The animal control officer shall seize immediately any animal, which is known to be or suspected of being rabid.

9.04 The minimum penalty for violating this section of the bylaw is not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

10. SEIZING AND IMPOUNDING

10.01 A Judge of the Provincial Court, upon complaint being made alleging that an animal has bitten or attempted to bite a person, may summon the owner of the animal to appear and to show cause why the animal should not be destroyed and may, if the evidence produced it appears that the animal has bitten or has attempted to bite a person, make an order directing

- (a) that the animal be destroyed, or
- (b) that the owner or keeper of the animal keeps the animal under control.

10.02 Until such time as the court makes an order, an animal that has bitten or attempted to bite a person, may be seized and impounded by the animal control officer in the interest of public safety. The animal will then be disposed of in accordance with the order of the court and the owner or keeper will be responsible for the payment of accumulated fines and pound fees, should the court so direct.

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10.03 An animal suspected of being rabid shall, for the purposes of this section, be considered dangerous.

10.04 The animal control officer shall seize and impound any animal running at large, except on the premises of its owner, and -

(a) if the owner of such animal is known, make a reasonable attempt to notify the owner that his or her animal has been seized and impounded, or

(b) if the owner of such animal is not known, or being known, cannot be located, an impoundment notice will be posted at the Town Hall stating that such animal has been seized and impounded and will be sold or destroyed within five days from the date of posting unless claimed by the owner or anyone on his or her behalf.

10.05 It shall not be necessary that the animal control officer sell or destroy an animal but may be assisted or delegate such duties to other competent persons.

10.06 The animal control officer shall collect from the owner before releasing the animal or from the purchaser at the time of sale of the animal, the total of all costs of seizing, impounding and maintaining the animal.

10.07 Before an animal may be released, the owner shall establish that the animal is licensed in accordance with section 6 hereof or if unable to do so, purchase a license.

10.08 The minimum penalty for violating this section of the bylaw is Twenty-five Dollars (\$25.00) for each day the offence occurs.

11. PENALTY PROVISION

11.01 Any person who contravenes any provision of this bylaw is guilty of an offence and liable to the penalties prescribed in the sections.

11.02 Each day of violation of any provision of this bylaw shall constitute a separate offence.

11.03 The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this bylaw.

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11.04 Where any person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in this bylaw in respect of that provision.

11.05 If the voluntary payment set out in the prescribed sections 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 conviction to a fine of not less than One Hundred Dollars (\$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 B offence, plus applicable license and pound fees.

12. REPEAL PROVISION


12.01 Bylaw No. 02-07, A Bylaw Establishing Control Of Animals In The Town Of St. Stephen, passed by Town Council on October 21, 2002, Bylaw No. 54, A Bylaw Respecting Housing Of Animals, passed by Town Council on May 4, 1978, and amendments thereto, and Bylaw No. 9, A Bylaw To License Dogs, passed by Town Council on June 21, 1993, and amendments thereto, are hereby repealed.

12.02 Bylaw No. 02-07, A Bylaw Establishing Control Of Animals In The Town Of St. Stephen, Bylaw No. 54, A Bylaw Respecting Housing Of Animals, and amendments thereto, and Bylaw No. 9, A Bylaw To License Dogs, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read a first time this 16th day of February, 2004

Read a second time this 15th day of March 2004

Read a third time and passed this 19th day of April, 2004


W. Robert Brown, Mayor


Brenda Knight, Town Clerk

SCHEDULE "A"

<u>LICENSES</u>	<u>FEE</u>
1. Dog - not neutered or not spayed - male or female	\$ 75.00
2. Dog - neutered male or spayed female <i>(Upon proof that the dog has been neutered or spayed)</i>	\$ 50.00
3. Dog - neutered or spayed and vaccinated <i>(Upon proof that the dog has been neutered and upon evidence of a valid vaccination for rabies)</i>	\$ 15.00
4. Dog - vaccinated, not neutered	\$ 25.00
5. Dangerous Animal	\$250.00
6. Kennel	\$150.00
7. Cat - not neutered or not spayed - male or female	\$ 30.00
8. Cat - neutered male or spayed female <i>(Upon proof that the cat has been neutered or spayed)</i>	\$ 20.00
9. Cat - neutered or spayed and vaccinated <i>(Upon proof that the cat has been neutered and upon evidence of a valid vaccination for rabies)</i>	\$ 10.00
10. Cat - vaccinated not neutered	\$ 15.00
11. Replacement License - Dogs and Cats	\$ 5.00
12. Impound Fee - First Day	\$ 25.00
- Every day thereafter	\$ 10.00