

Village of Sussex Corner
By-law 89-05
A by-law respecting Animal Control

Under the authority of Section 96 of the *Municipalities Act*; the Village of Sussex Corner hereby enacts as follows:

1. In this by-law
 - a) “animal” means a domesticated dog or cat;
 - b) “dog” and “cat” includes both male and female;
 - c) “owner” means a person, partnership or corporation who:
 - i) is in possession of an animal, or
 - ii) harbours an animal, or
 - iii) permits an animal to habitually remain on property owned by, or under the control of, that person, partnership, or corporation, or
 - iv) registers or licenses an animal under this by-law;
 - d) “run at large” means an unleashed animal;
 - i) in a public place; or
 - ii) on private property other than that of the owner or keeper of the animal; or
 - iii) in a forest or wooded area while not in the company and control of the owner of the animal;
 - e) “Village Clerk” means a person or persons designated by the Council of the Village of Sussex Corner to issue licenses, collect license fees and fines under this regulation;
 - f) “Animal Control Officer” means the person or persons contracted by the Village of Sussex Corner who is, or are, charged with the responsibility of controlling animals within the Village of Sussex Corner who is, or are, charged with the responsibility of maintaining and supervising the Animal Shelter;
 - g) “Peace Officer” means any police officer contracted by the Village of Sussex Corner;

- h) “property” includes public property and private property;
 - i) “animal license” means a license issued hereunder for an animal;
 - j) “animal tag” means a plate on which is stamped a license number;
 - k) “kennel” means a building or part of a building where animals are kept for sale or are boarded;
 - l) “leashed” means secured by a leash or similar device of 1.2 meters maximum length, suitable for keeping an animal under the control of an owner;
 - m) “plural” or “feminine” terms may apply whenever the singular, masculine or feminine is used in this by-law, it shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires;
 - n) “day” means a twenty-four (24) hour period;
 - o) “neighbourhood” means, for the purpose of this by-law, not less than two (2) people living in the immediate area and occupying separate dwellings.
2. The Animal Control Officer shall be under the supervision of, and reportable to, the Village Clerk.
 3. No owner of an animal shall allow that animal to run at large in the Village of Sussex Corner.
 4.
 - a) The owner of an animal may register that animal with the Village Clerk at the Village Office during regular office hours;
 - b) The owner of a dog shall register such dog with the Village Clerk on, or before, the thirtieth day of January each year and at the time of that registration shall obtain a license and pay to the Village Clerk a license fee in accordance with the fees outlined in Schedule “A”.
 - c) The owner is required to provide a certificate from a veterinary or approved animal clinic as proof that the animal is castrated or spayed for the purpose of obtaining a license for such animal;
 - d) An animal license for any animal expires on December 31 of the current year; and
 - e) An owner does not require a license for a cat under this by-law.

5. Every person who, after the thirtieth day of January in any year, becomes the owner of a dog that is not registered under this by-law shall forthwith register the same and shall pay the license fee in accordance with Schedule “A”.
6. Every person who becomes the owner of an animal which is registered under this by-law shall advise the Village Clerk within thirty days of the change of ownership.
7. Every person who ceases, for any reason, to be the owner of an animal which is registered under this by-law, shall advise the Village Clerk within thirty days of the circumstances.
8.
 - a) Every person who keeps a dog or dogs for breeding purposes shall obtain from the Village Clerk a license known as a “Kennel License”,
 - i) such kennel license shall apply to every dog in the kennel as long as the dog is owned by the holder of the kennel license; and
 - ii) is in lieu of any other license or registration under this by-law;
 - b) The fee for a kennel license shall be as outlined in Schedule “A” and payable to the Village by the thirtieth day of January.
9. Every owner of an animal required to be licensed under this by-law shall cause such animal to wear a collar to which is attached the tag issued by the Village of Sussex Corner.
10.
 - a) No owner shall be permitted to exercise a dog within the boundaries of the Village of Sussex Corner other than on their own premises without such animal being on a leash or leashes;
 - b) Every owner of a dog(s) shall take proper care and have control of their dog(s) at all times, on or off their property;
 - c) No owner of an animal shall allow an animal being exercised to excrete on property other than that of the owner;
 - d) Every owner of an animal which excretes on property, other than that of the owner, shall immediately clean up such excrement and dispose of the same on property owned by the owner of the animal; and
 - e) No owner shall permit an animal of which he or she is the owner to bark or bay or howl or yowl for such a period of time or in such manner as to create a disturbance of a neighbourhood. An owner shall immediately, upon being directed by an Animal Control Officer to do so, take such steps as are necessary to cause the disturbance to cease.
11. The Council may establish one or more Animal Shelters and appoint one or more Animal Control Officers.

12. The Animal Control Officer may enter upon any property for the purpose of seizing an animal and impound or deliver such animal to the shelter for safekeeping until released or otherwise disposed of under this by-law any animal that;
 - a) is not registered or licensed as required under this by-law;
 - b) is not wearing a collar and tag issued under this by-law when the animal is off the property of the owner or keeper of the animal or when it is pursued onto the property of the owner or keeper of the animal;
 - c) is running at large;
 - d) is injured as a result of any action or accident, actually or apparently affected with rabies, distemper or any other contagious disease;
 - e) persistently annoys pedestrians or drivers of horses, automobiles, bicycles or other vehicles by running or barking at same; and
 - f) has bitten a person or attempted to bite a person,

13. The Animal Control Officer shall be responsible to:
 - a) carry out all directives of the Village Clerk respecting the animal pound;
 - b) have general supervision and control of the animal pound;
 - c) maintain the animal pound in a sanitary condition;
 - d) subject to this by-law, shall have the control of all animals in the pound;
 - e) provide adequate care and sufficient food and water for the animals in the pound;
 - f) supervise and direct the duties of any person employed to assist him in the performance of his duties;
 - g) when an animal brought to the pound has, or appears to have, rabies or any other communicable disease, report such cases of rabies, or suspected rabies, to the District Medical Health Officer;
 - h) shall collect all fees and charges levied under this by-law unless the collection of such fees and levies are otherwise provided for elsewhere in this by-law;
 - i) dispose of all animals as provided under this by-law;
 - j) keep a record of: -

- i) the daily operation of the pound, and
 - ii) the number of animals impounded and disposition of each animal
 - k) charge a fee per day, or part of the day, for maintaining any animal in the pound as outlined in Schedule "A".
14. The Animal Control Officer shall, where in his opinion the condition of an animal warrants the recommendation or care of a veterinary surgeon, report any apparent illness, communicable diseases, injury or unhealthy condition of any animal in the pound to a veterinary surgeon. The owner of the animal shall be held responsible for any fees incurred as a result of such consultation or treatment by the veterinary surgeon.
15. When the Animal Control Officer impounds an animal under Section 12, he shall:
- a) if the owner of the animal is known, notify him by the most convenient means that the animal is impounded or;
 - b) if the owner of the animal is not known, or cannot be located, post a notice at the Animal Shelter or the Village Office stating that the animal will be sold or destroyed unless the owner or anyone acting on his behalf claims the animal.
16. An owner, upon being notified under clause (a) of Section 15, of an impounded animal, or anyone acting on behalf of an owner, may obtain the release of an animal from the pound provided that the animal has not been impounded for having bitten a person, or attempted to bite a person, or been impounded as a result of having, or suspected of having, rabies or any other contagious disease; and
- a) upon establishing ownership and;
 - b) upon establishing that the animal is registered or licensed under this by-law, or upon paying the license fee prescribed in Schedule "A" of this by-law, if the animal is not registered or licensed under this by-law; and
 - c) upon paying the fees to the Village Clerk for seizing, impounding and maintaining the animal within seventy-two (72) hours after the day the notice is received.
17. Any animal which has not been released from the pound under Section 16 may be sold after seventy-two (72) hours by the Animal Control Officer for the best price obtainable and the money derived from the sale shall be forwarded to the Village Clerk with details of the sale; or the Animal Control Officer may have any animal destroyed in a humane manner after such animal has been in the pound beyond seventy-two (72) hours.
18. a) The Animal Control Officer may continue to keep an animal in the pound longer than seventy-two (72) hours when

- i) the owner requests the Animal Control Officer to keep the animal for a longer period; or
 - ii) advises the Animal Control Officer of his ownership, but does not pick up the animal from the pound within the time provided; or
 - iii) there is sufficient room in the pound to continue to keep the animal; or
 - iv) the animal is not vicious, rabid, suffering from a communicable disease, ill or injured; or
 - v) the animal is not required to be destroyed under this by-law; and
 - vi) the Animal Control Officer is satisfied that the owner, or anyone acting on his behalf, shall pay all the fees and charges for which the owner is, or becomes liable.
- b) when the owner of an animal requests the Animal Control Officer to destroy the animal, the Animal Control Officer may do so upon payment by the owner, or anyone acting on his behalf, a fee of the prevailing veterinary rate and any costs incurred in connection with the disposal of the carcass.
19. Any person who purchases from the Animal Control Officer any impounded animal that is not registered or licensed under this by-law shall register or license the animal under this by-law before taking possession of it.
20. An Animal Control Officer may destroy any animal that was injured, has rabies, distemper or any other communicable disease subject to accepted humane practices immediately after an animal has been impounded, subject to any provisions in this by-law.
- 21 a) Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place, or with, or in proximity of, any other animals;
- b) A person who owns an animal that is rabid or suspected of being rabid, or has been exposed to rabies, shall immediately report the matter to the District Medical Health Officer and to the Animal Control Officer.

22. Every person who removes a collar or metal tag from an animal registered under this by-law, not being the owner or keeper thereof, is guilty of an offence.
23.
 - a) The owner of any animal which has not been vaccinated against distemper 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) when an animal is more than four (4) months of age, and it has not been vaccinated against distemper, the owner shall cause such an animal to be vaccinated within ten (10) days thereof; and
 - c) any owner who neglects or refuses to have his animal vaccinated against distemper under the provisions of this by-law is guilty of an offence.
24.
 - a) When a judge of the Provincial Court is satisfied on the basis of evidence presented to him that an animal has bitten, or attempted to bite, any person and upon being satisfied that the animal is dangerous, may make an order
 - i) directing the owner or keeper of the animal to keep it under control, or
 - ii) directing the owner, or keeper of the animal, or some other person, to destroy the animal;
 - b) when a judge of a Provincial Court finds the owner, or keeper of an animal, guilty of an offence under this by-law, he may make an order directing the owner, or keeper of the animal, to pay to the Animal Control Officer all costs incurred for impounding, boarding and caring for the animal including any veterinary fees; and
 - c) a rabid animal, or an animal suspected of being rabid shall, for the purposes of this Section, be deemed dangerous.
25. An Animal Control Officer is authorized to, in the Provincial Court of New Brunswick, make complaints with respect to animal bites (and attempted animal bites) and commence proceedings with respect to violations of this by-law.
26.
 - a) a person who fails to comply with the provisions of an Order made by a Judge of the Provincial Court under this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category B offence;

- b) a person who fails to comply with the provisions of this by-law commits an offence and is liable to a fine as outlined in Schedule “A”, hereto attached.
 - c) a person who has committed a violation of any of the provisions of this by-law, other than failure to comply with a Judge’s order, may, at the discretion of the Animal Control Officer, pay the minimum fine prescribed and upon such payment, the person committing the violation is not to be prosecuted or further prosecuted therefore for the offending violation.
27. If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.
28. By-law 49 entitled “A By-law of the Village of Sussex Corner Respecting Animal Control” is hereby repealed.

READ FIRST TIME: February 12, 2003

READ SECOND TIME: February 12, 2003

READ THIRD TIME
AND ENACTED: April 9, 2003

Schedule "A"

License Fees

The licensing fees to be paid by the owner or keeper of a dog shall be as follows:

- a) Male dogs – \$5.00;
- b) Female dogs not spayed – \$10.00;
- c) Female dogs spayed – \$5.00.

A person who loses a tag issued under this by-law shall receive a replacement tag upon payment of the sum of \$1.00 to the Village Clerk.

Kennel Fees

The fee for operating a kennel shall be \$25.00 per year and expires on December 31st of each year.

Pound Fees

A fee of \$5.00 per day shall be paid to the Animal Control Officer prior to release of the animal.

Fines

A person who fails to comply with the provisions of this by-law commits an offense and is liable to a fine payable to the Village Clerk or the Animal Control Officer as follows:

- a) for the first occasion during any calendar year, twenty-five dollars (\$25.00);
- b) for the second occasion during any calendar year, seventy-five dollars (\$75.00);
and
- c) for the third and any subsequent offenses during any calendar year, one hundred and twenty-five dollars (\$125.00).