

## **PUBLISHED BY AUTHORITY**

The following regulations have been made by the Town Council of the Town of Bay Roberts under the provisions of the Dog Act, R.S.N. Chapter D-26, the Animal Protection Act, R.S.N. Chapter A-10 and Section 414, Sub-Section 1, Sub-Paragraphs G - Q, of the Municipalities Act, 1999, as amended.

Amended and adopted by the Town Council of The Town of Bay Roberts on 13<sup>th</sup> day of June, 2006.

Glenn Littlejohn  
Mayor

Shirley Hawe  
Town Clerk

## **DOG / ANIMAL REGULATIONS**

### **Short Title**

1. These regulations may be cited as the Town of Bay Roberts Dog Regulations.

### **Definitions**

2. In these regulations unless the context otherwise requires:
  - (a) “Act” means Municipalities Act, 1999, as amended;
  - (b) “Council” means the Town Council of the Town of Bay Roberts;
  - (c) “Town” means the Town of Bay Roberts as defined by order in Council dated the 4<sup>th</sup> day of February, 1951;
  - (d) “Town Clerk” means the Town Clerk of the Town of Bay Roberts;
  - (e) “Animal Control Officer” means any person appointed by the Town with the power to enforce the provisions of these Regulations and shall include a Municipal Enforcement Officer. Such persons are deemed Pound Keepers;
  - (f) “Dog” means any dog, male or female, and includes an animal which is a cross between a dog and a wolf;
  - (g) “License” means a numbered dog tag issued in accordance with these Regulations permitting the owner to keep such dogs(s) within the Town of Bay Roberts;

- (h) “Owner” means when used with reference to the ownership of a dog or other animal, the person registered with the Town as the owner by means of a numbered dog tag or in the absence of a tag, the person who has custody, charge or possession of a dog or other animal or who is the owner of a house or premises or part of the premises where the dog or other animal is kept or permitted to live or remain, except where that person proves to the satisfaction of a Provincial Court Judge that he or she was not, at the time in question, the owner of the dog or other animal;
- (i) “Control” means under control by having the animal on a leash;
- (j) “Other Animal” means cats, horses, cattle, sheep, goats, swine, fur bearing animals raised in captivity and poultry;
- (k) “Annoyance” means any obnoxious substance, animal waste or unsanitary matter or noise caused by a dog or other animal; that has an unpleasant effect on the senses or where a dog or other animal causes damage to any lawn, grass plot, garden or flower bed and flower, shrub or plant, such animal shall be deemed a annoyance.
- (l) “At Large” means off the premises of the owner, custodian or keeper of the dog or other animal and not under the immediate control of the owner, custodian or keeper;
- (m) “Injured or injuring” includes injuries caused by wounding, worrying, terrifying or pursuing.

### **General Provision**

3. No person(s) shall have or keep a dog within the Town except subject to the condition that such person(s) comply with the provisions of the Dog Act, R.S.N. Chapter D-26 and regulations and the Animal Protection Act, R.S.N. Chapter A-10 except where insofar as such legislation may be inconsistent with these regulations.

### **License / Permits**

4. From and after the date of the passing of these regulations, no person(s) shall keep any dog, other than a puppy not more than four months old, within the Town unless such a dog has been registered and licensed.

5. No person shall keep any animal or fowl of any kind on any land or in any building in the Town without the written permission of the Town. The Town may by resolution exempt any species, classes, types or categories of animals or fowls generally.
6. Council may limit, at the discretion of the Animal Control Officer, the number of animals kept on any residential or private property within the Town of Bay Roberts.
7. Without limiting the generality of the foregoing the town may refuse to permit the keeping of any animal or fowl which it considers offensive, or likely to create a public nuisance or health hazard, or is perceived as causing a threat to public safety.

### **Register**

8. The Town shall keep a register of all dogs licensed by them showing the dog tag number, owner, address, telephone number and breed of dog.
9. No fee is to be charged for the licensing of dogs, however, if the dog is impounded without a numbered dog tag, a retrieval fee of \$25.00 will be charged. If a dog is impounded with a numbered dog tag, the first retrieval will be free and all subsequent retrievals will be charged \$25.00.
10. License tags will be issued by the Council.
11. The owner(s) of every licensed dog shall immediately on receiving the license tag, attach it to a strong and durable collar, which shall be kept upon the dog's neck at all times when it is outside the enclosed premises of the owner, in accordance with Section 9.

### **Dogs To Be Tethered or Penned Up**

12. (a) An owner(s) of a dog within the Town shall keep it safely tethered or penned up at all times;
- (b) A dog need not be tethered or penned up, where:
  - (i) it is held on a leash by a person capable of restraining its movements;
  - (ii) it is being used by a person for the purpose of lawful hunting or working in a lawful manner with livestock.

13. The owner(s) of a dog within the Town shall not allow or permit such dog to attack, injure, maim, bite or worry human beings or other animals or fowl. In the case where a dog has attacked, injured, maimed or bitten a human being or other animal or fowl, the Town council with the dog owner's permission, shall impound and quarantine the animal for any time required as per regulations and shall have the animal euthanized at the end of the quarantined period where deemed necessary by the Animal Control Officer in consultation with authorities such as the Police, SPCA, or other applicable Government Departments. Further, where the owner refuses permission to have a violent animal euthanized, the town shall obtain on behalf of such authorities, a Court Order to have the animal euthanized. All fees and subsequent costs are the responsibility of the owner.
14. Every owner of a dog present with the dog at the time when the dog fouls with excrement any property (including Town parks, public open space, streets and sidewalks, and private land other than land of the owner of the dog) shall forthwith remove the excrement.
15. If any dog or other animal shall emit sounds in such manner as to disturb the peace or to constitute an annoyance by residents in the neighbourhood, such dog or other animal shall be deemed to be a nuisance and the owner/keeper thereof shall be deemed to have infringed this regulation. 12 midnight to 7 a.m. will be considered quiet time.

### **Seizure and Impounding**

16. The Animal Control Officer may seize and impound any dog or other animal found at large and enter upon any lands for the purpose of recapturing any dog or other animal that may escape from his control.
17. Any dog or other animal found damaging or destroying private property may be seized by the injuriously affected person or persons and held for collection by the Animal Control Officer.
18. When a dog has been impounded, the Animal Control Officer shall make a record of such impounding in a book kept for that purpose, and may then, but shall not be bound to, advertise that such dog has been impounded. An impounding fee of \$25.00 per day may be charged for dogs held after the forty-eight (48) hour expiration period.
19. The owner(s) may recover an impounded dog on such proof of his ownership of the dog as the Council may require, and upon payment of all fees in connection with the impounding and keeping of the dog.

20. The Animal Control Officer shall keep any unclaimed dog, which is licensed, in the pound for a period of forty-eight (48) hours and after the expiration of such period the dog may be sold or euthanized.
21. Where any person(s) is authorized to destroy a dog under these regulations, he or she shall do so through a licensed veterinarian or SPCA.
22. No person shall, in the Town of Bay Roberts, keep an animal in an unsanitary condition where it is exposed to:
  - (a) an accumulation of fecal matter;
  - (b) an odour;
  - (c) insect infestation; or
  - (d) rodent attractions.
23. Any animal that has been seriously injured or diseased, distempered and/or rabid will be destroyed immediately, if in the opinion of the Animal Control Officer that it is the most humane thing to do. Also,
  - (a) the animal owner shall be held responsible to provide medical assistance to an injured or diseased animal and in no way will the Town be held liable.
  - (b) where the owner is not identifiable and the animal is injured or diseased, Section 13 shall apply.
24. The Animal Control Officer may, upon giving the owner(s) or occupant(s) of a dwelling house verbal or written notice, require that such owner(s) or occupant(s) produce for inspection all dogs kept within such dwelling house. Such request shall be for the purpose of enforcing the provisions of these Regulations and shall be carried out only after authorized by a Court Order.
25. A person(s) who fails or refuses to comply with a Court Order issued under Section 13, either verbally or in writing, is guilty of an offence under these Regulations.

### **General Penalty**

26. Any person(s) who is guilty of an offence under these regulations, or acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so, shall be liable on summary conviction to a fine not exceeding two hundred dollars (\$200.00) and in default of payment of the fine to imprisonment for a term not exceeding three months.

## **Obstruction**

27. No person(s) shall interfere or release any impounded animal or in any way obstruct any person(s) including an Animal control Officer(s) in the execution of his or her duties under these Regulations and the Acts and Regulations noted. Refusal or failure of a person(s) to give his or her name and address when asked to is considered prima facie evidence of obstruction under this Section.
28. No action lies against any person(s) including the Animal control Officer(s) acting in good faith for anything done or purporting to be done under these Regulations, Acts and Regulations as noted.

## **Repeal**

29. All previous Dog and Animal Regulations and amendments for the Town of Bay Roberts are hereby repealed.
30. These Regulations were adopted by resolution of Council at a meeting on the 13<sup>th</sup> day of June, 2006, and shall come into effect on the 13<sup>th</sup> day of July, 2006.