



By-Law No. 35-2024

A By-Law Respecting Animal Control

Pursuant to subsection 10(1)(k) and 10(2) of the *Local Governance Act*, SNB 2017, c.18, amendments thereto and New Brunswick Regulation 2022-36, the Council of the rural community of Hanwell hereby enacts as follows:

Title

1 This By-Law may be referred to as the “Dog Control By-Law”.

WHEREAS the following definition applies to this By-Law

“Local Service Districts means rural districts.

WHEREAS Sections 2 and 3 and 5 to 14 of New Brunswick Regulation 2022-36 provides as follows:

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, or
- (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) harbours a dog,
- (c) tolerates that a dog remain about the person’s residence or premises, or

(d) registers a dog under this Regulation.

“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

(a) all rural communities and regional municipalities referred to in subsection (1), and

(b) all local service districts.

Dog Control Officer

4 The council of the rural community of Hanwell shall appoint a person or persons to administer and enforce the Animal Control By-law, and shall include the NB SPCA, a police officer, a by-law enforcement officer and/or any person duly authorized by Council to enforce this by-law.

Registration of dogs

5(1) No person shall be the owner of a dog that is not registered in accordance with subsection (2) or (5).

5(2) A person who becomes the owner of a dog shall register the dog with the society or a dog control officer within 30 days by completing the form provided by the society and paying a fee referred to in subsection (3).

5(3) An owner shall pay to the society or a dog control officer one of the following fees:

(a) if registration is for a one year period, \$15;

(b) if registration is for a two year period, \$25; or

(c) if registration is for a three year period, \$35.

5(4) A registration shall expire at the end of the period referred to in paragraph (3)(a), (b) or (c), as the case may be.

- 5(5) An owner shall renew a registration of a dog before the registration expires, and the provisions of this section apply with the necessary modifications to the renewal.

Proof of registration

- 6(1) On registration or renewal of a registration of a dog, the society or the dog control officer shall issue to the owner a certificate or receipt of registration and a tag showing the number under which the dog is registered.
- 6(2) On receiving a registration tag, an owner shall attach and keep attached the tag to the collar of their dog.
- 6(3) On application by the owner and on payment of a fee of \$5, a registration tag which is lost may be replaced by the society or a dog control officer.

Wearing a collar

- 7 An owner of a dog shall ensure that the dog wears a collar at all times, other than when the dog is in an enclosure such as a kennel or the owner's residence.

Vaccinated against rabies

- 8 An owner of a dog that has not been vaccinated against rabies shall 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

- 9(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.

- 9(2) A notice under paragraph (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 (3).
- 9(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.
- 9(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 (1)(a) or (b) or does not pay the costs set out in subsection (3), a dog control officer may sell, place for adoption or destroy the dog.
- 9(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

- 10(1) A dog that is known to be or suspected of being rabid shall be considered dangerous.
- 10(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.
- 10(3) A dog control officer who seizes and destroys a dog under subsection (2) shall notify as soon as possible the owner, if the owner is known.

Dog alleged to have bitten

- 11(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 (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.
- 11(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.

11(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

12(1) In the course of carrying out their duties under this Regulation, a dog control officer is authorized to make use of tranquillizer guns and other tranquillizing devices on dogs.

12(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

13(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

(c) allow their dog to bark incessantly to the extent that annoyance is caused to the public.

13(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 or registration tag from a dog.

Offences

14(1) A person who violates or fails to comply with subsection 5(1) or 6(2), section 7 or 8 or paragraph 13(1)(a), (b) or (c) or 13(2)(a) or (b) commits an offence punishable under Part 2 of the Provincial Offences Procedure Act as a category B offence.

14(2) For greater certainty, section 146 of the Act applies when a person violates or fails to comply with an order made under subsection 11(2).

- (a) Every owner of an animal shall:
- i. Register their animal, subject to section 6;
 - ii. Vaccinate their animal for rabies, subject to section 7;
 - iii. Maintain control of their animal at all times in a public place; and
 - iv. Obey any other relevant by-laws, acts or regulations dealing with the care, health, safety and comfort of animals.

LIABILITY

- 15 No person authorized by this By-Law to capture, impound or destroy an animal shall be liable in damages for any injury or damage to such animal while the animal is being captured, impounded or destroyed.

ENFORCEMENT

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

ENACTMENT

- 17 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: (By title)

SECOND READING: (By title)

THIRD READING AND ENACTMENT: (By title and in its entirety)

Dave Morrison
Mayor

Sherri Johnston
Clerk

