

BY-LAW NO. 3-95
A BY-LAW OF THE MUNICIPALITY OF
GRAND MANAN RESPECTING DOGS

The Council of the Village of Grand Manan, NB under the authority vested in it by section 97 of the Municipalities Act, enacts as follows:

TITLE

1. This by-law may be cited as the **Dog By-Law**

INTERPRETATION

2. In this by-law,
 - a. “dog” includes bitch
 - b. “owner” means a person who
 1. is in possession of a dog,
 2. harbours it,
 3. suffers a dog to remain about his property or residence under his control,
 4. register or licences a dog under this by-law
 - c. “running at large” includes being unleashed
 1. in a public place,
 2. on private property other than that of the owner or keeper of the dog without the consent of the owner of the property, or
 3. in a forest or wooded area, or beach, while not in the company and control of the owner or keeper thereof.
 - d. “dog constable” means any person appointed by the Council to carry out the functions of this by-law
 - e. The dog constable shall remit all penalties, fees, fines, seizure charges, etc. to the Village of Grand Manan or their representative.

REGISTRATION AND LICENSING

3. 1. Every owner of a dog shall register that dog with the dog constable on or before January 1 in each year and at the time of that registration or license shall pay to the dog constable a license fee of:
 - a. \$100.00 for a dog which has not been neutered or spayed.
 - b. \$10.00 for a dog that has been neutered or spayed. All owners of dogs claiming neutered or spayed status for the dog being licensed shall present proof of the dog having been neutered or spayed at the time of initial licensing. An owner of an unneutered or unsprayed dog will be exempted from these requirements if a certificate from a Veterinarian is produced to the effect that the procedure cannot be carried out due to the dog’s health or age.
 - c. It is not necessary to license dogs under six months of age.

2. A person who after January 1 in any year becomes the owner of a dog that is not register or licensed in accordance with this by-law, shall register that dog with the dog constable within thirty days after becoming the owner and at the time of that registration shall pay to the dog constable the license fee prescribed in subsection (1).

3. All owners of dogs being licensed for the first time shall present proof of the dog having been vaccinated against rabies prior to the issue of license.

4.1 Notwithstanding section 3, an owner who keeps dogs for Commercial undertaking and or income purposes may, upon applying therefore, be issued a kennel license by the dog constable that subject to subsection (3),

- a. applies to every dog in the kennel as long as the dog is owned by the holder of the kennel license.
- b. Is in lieu of any other license or registration under this by-law.

4.2 The fee for a kennel license is one-hundred and fifty dollars (\$150.00) dollars payable to the dog constable at the time of issuance.

4.3 A kennel license is in force until December 31 of the year of issuance.

5. The dog constable shall:

- a. deliver to the owner of the dog at the time of registration of the dog a metal tag on which is inscribed the figures indicating the year of registration and the number under which the dog is registered and shall keep a record of the registration of all dogs showing the date of registration, the registration number, the name and description of each dog, the name and address of the owner, and neutered or spayed status.
- b. When he issues a kennel license, deliver to the holder of the license a tog for each dog owned by the holder of the license, and
- c. Upon the payment of the sum of one dollar (\$1.00) to him by a person who loses a tag issued under this by-law, issued that person a replacement tag.

6. Every owner of a dog shall cause a dog registered by him under this by-law to wear a collar to which is attached the tag issued under section 5.

7. No owner of a dog shall allow that dog to run at large in the Municipality.

RABIES

8.1 The owner of a dog which has not been vaccinated against rabies shall cause his dog to be vaccinated,

- a. within ten days of acquiring the dog if it is more than six months of age; or
- b. within ten days after it has reached the age of six months.

8.2 When a dog is more than six months of age on the coming into force of this by-law and it has not been vaccinated against rabies, the owner shall cause such dog to be vaccinated against rabies within one month thereafter.

8.3 An owner who neglects or refuses to have his dog vaccinated under this section is guilty of an offence and is punishable upon conviction to a fine on not less than \$40.00 (forty dollars) and not more than \$200.00 (two hundred dollars).

8.4 The dog constable shall seize and cause to be destroyed immediately any dog which is known to be rabid, and quarantine any dog suspect of being rabid.

SEIZING AND IMPOUNDING

9.1 A judge of the magistrates or Provincial Court, upon complaint being made to him that a dog has bitten or attempted to bite any person, and upon being satisfied that the dog is dangerous, may make and order

- a. directing the owner or keeper of the dog or some other person to destroy the dog, or
- b. directing the owner of the dog to keep it under control.

9.2 A person failing to comply with an order under subsection 9 (1) is liable to a fine not less than twenty dollars for every day he fails to do so.

9.3 A dog suspected of being rabid shall for the purpose of this section be considered dangerous.

9.4 The dog constable shall seize and impound any dog found running at large, and

- a. if the owner of such dog is known, notify him that his dog is impounded; or
- b. if the owner of the dog is not known, or being known, cannot be located, post the notice as required by subsection (5) and after the requirements of subsection (5) are satisfied, may sell or destroy such dog which has not been claimed by the owner, or any person on his behalf.

9.5 Before the dog constable sells or destroys a dog which is impounded, he

- a. shall post a notice at the nearest Post Office and on the Television Community Channel stating that such dog has been impounded and will be sold or destroyed after three days from the date of posting unless claimed by the owner, or any person on his behalf; and
- b. subject to subsection (4) of section (9) may sell or destroy such dog after three days have expired from the date of posting.

9.6 The dog constable shall collect from the owner before releasing the dog, or from the purchaser at the time of the sale of the dog, the total of all costs of seizing \$40.00 (forty dollars), and \$25.00 (twenty-five dollars) per day for maintaining the dog.

OFFENCES

- 10.1 The owner of the dog commits an offence under this by-law if,
- a. he permits his dog to run at large, or
 - b. he refuses or neglects to register his dog under Section (3) of this by-law, or
 - c. he refuses or neglects to attach and keep attached a license tag to the collar of the dog, or
 - d. he refuses or neglects to cause his dog to wear a collar at all times other than when it is in the kennel or residence, or
 - e. he permits his dog to chase or run after pedestrians, cars, bicycles, motorcycles or any other vehicle, or
 - f. he permits his dog to bark incessantly so that annoyance is caused to the public.
- 10.2 Any person commits an offence under this by-law if
- a. he interferes or attempts to interfere with the dog constable while he is exercising his functions under the by-law, or
 - b. he, not being the owner, removes a collar or licence tag from a dog,
 - c. he violates any provision of this by-law.

PENALTY

11.1 Unless otherwise provided for herein, a person convicted of an offence under this by-law is punishable by a fine not less than \$40.00 (forty dollars) and doubling each time thereafter, together with all legal and court costs of proceedings to that date.

11.2 When an owner of a dog is convicted under clause (b) of subsection (1) of section (10), the judge shall in addition to the fine, order the owner of the dog to pay the license fee required.

12. Grand Harbour By-Law #22, Seal Cove By-Law #16 and North Head By-Law #15 are hereby repealed.

Read First Time: November 15, 1995

Read Second Time: November 15, 1995

Read Third Time And Enacted: December 11, 1995

Clerk

Mayor

Seal