

BY-LAW NO. S-2025-01

**A BY-LAW RELATING TO THE CONTROL AND LICENSING OF DOGS
IN THE NACKAWIC-MILLVILLE RURAL COMMUNITY**

BE IT ENACTED by the Council of the Nackawic Millville Rural Community as follows:

1. Short Title

This By-law may be cited and referred to as the “Dog By-Law”.

2. Interpretation

In this by-law,

“Animal Protection Officer” means an officer, agent or employee of the society or any other person appointed by the Minister under Section 8 of Society for the Prevention of Cruelty to Animals Act.

“Council” means the Mayor and Councillors of the Nackawic Millville Rural Community.

“Dog” means any animal of the canine species, regardless of age or sex.

“Impounded” means seized, delivered, received, or taken into the custody of the Animal Protection Officer, as provided by this by-law.

“Kennel” means a commercial operation where more than three (3) animals are boarded for compensation, and/or bred, and/or sold on the premises. This includes all spaces on the property occupied by dogs such as buildings and fenced runs.

“Muzzled”, when describing a dog, means fastened or controlled around the mouth so as to prevent the dog from biting.

“Owner” means, with reference to a dog, a person who

- i. is in possession of it,
- ii. harbours it,
- iii. suffers it to remain about his or her residence or premises, or
- iv. registers it under this By-Law.

“Peace Officer” means any member of the RCMP or Justice and Public Safety Peace Officer.

“Registrar” means the service provider, or such other person as engaged by the municipality, to perform such duties.

“Running at Large” means a dog that is not on the property of the owner and not on a leash and/or under the control of a person responsible.

“Vicious Dog” means a dog of any age:

- a) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or
- b) any dog which has bitten another domestic animal or human without provocation, or
- c) any dog which, without provocation, chases humans or other animals, or
- d) any dog which is a continuing threat of serious harm to humans or other animals.

3. Licensing and Registration

- 3.01 No person who is resident in the Nackawic Millville Rural Community shall be the owner of a dog that is not registered with the Society (S.P.C.A) pursuant to Section 5(1) of Regulation 2022-36 of the Local Governance Act.
- 3.02 The owner of a dog registered under this by-law shall not allow the tag issued for such dog to be worn by another dog.
- 3.03 When any person has a dog wearing valid and current tags issued by another municipality, that person is not required to register the dog in the Nackawic Millville Rural Community until the following calendar year or the expiration of the tags, whichever comes first.

4. Rabies

- 4.01 The owner of a dog shall cause his or her dog to be vaccinated against rabies pursuant to Section 8 of Regulation 2022-36 of the Local Governance Act which states the dog must be vaccinated:
 - a) within ten days of acquiring the dog if it is more than three months of age, or
 - b) within ten days after it has reached the age of three months.
- 4.02 An owner who neglects or refuses to have his or her dog vaccinated under this section is guilty of an offence pursuant to section 14(1) of Regulation 2022-36 of the Local Governance Act.
- 4.03 The Animal Protection Officer may seize and cause to be destroyed immediately any dog, which is known to be rabid.
- 4.04 The Animal Protection Officer may seize and cause to be impounded immediately any dog suspected of being rabid and shall cause the dog to be examined by a

veterinarian to determine whether or not the dog is rabid. All costs in determining whether or not the dog is rabid shall be borne by the owner of the dog.

5. Seizing and Impounding

- 5.01 A Judge of the Provincial Court, upon complaint being made, alleging that a dog has bitten or attempted to bite a person, may summon the owner of the dog to appear and to show cause why the dog should not be destroyed and may, if the evidence produced appears that the dog has bitten or has attempted to bite a person, make an order directing
- a) that the dog be destroyed, or
 - b) that the owner or keeper of the dog keeps the dog under control.
- 5.02 A dog suspected of being rabid shall for the purposes of this section be considered dangerous.
- 5.03 The Animal Protection Officer shall seize and impound any dog found running at large, except on the premises of its owner, and
- a) If the owner of such dog is known, notify the owner that his or her dog has been seized and impounded, or
 - b) If the owner of such dog is not known, or being known cannot be located, post an impoundment notice as required by subsection 5.05 and after the requirements of subsection 5.05 are satisfied, may sell or destroy such dog which has not been claimed by the owner or anyone on his or her behalf.
- 5.04 Before selling or destroying a dog which is impounded and which is found not to be rabid, the Animal Protection Officer
- a) shall post a notice at the Municipal Office stating that such dog has been impounded and will be sold or destroyed within seventy-two hours from the time of posting unless the owner, or anyone on his or her behalf, claims the dog and pays the costs outlined in subsection 5.06, and
- 5.05 The Animal Protection Officer shall collect from the owner before releasing the dog a fee as outlined Municipal Animal Control Agreement.
- 5.06 When destroying any dog under this section, which has not been claimed by the owner or anyone on his or her behalf, the Animal Protection Officer shall do so in a humane manner.

6. Kennels

6.01 Kennels to follow provincial regulations and zoning by-laws.

6.02 Kennels are to meet the requirements below:

- a) Minimum area of a lot containing a kennel: 0.8 hectares (2 acres)
- b) Minimum setback of a kennel from a front lot or side lot line: 15 meters
- c) Minimum setback of a kennel from a rear lot line: 12 meters; if rear lot is occupied.
- d) Maximum height: same as an accessory building
- e) No building or structure or portion thereof used for kennel purposes may be located closer than 100 meters to any residential use building on adjacent lots.

6.03 Kennels are subject to the approval of council.

6.04 All kennels, existing as of the date of adoption of this By-law which would otherwise be made undersized and non-conforming, are deemed to comply with the required minimum areas.

7. Offences

7.01 The owner of a dog commits an offence under this by-law if:

- a) the dog is permitted to run at large,
- b) he or she refuses or neglects to register the dog or pay any license fee required under Section 3 of this by-law,
- c) he or she refuses or neglects to attach and keep attached a license tag to the collar of the dog,
- d) he or she refuses or neglects to cause the dog to wear a collar at all times other than when it is in a residence, or on the owner's property,
- e) the dog is permitted to chase or run after pedestrians or motor vehicles,
- f) the dog is permitted to bark incessantly so that annoyance is caused to the public.

7.02 Vicious Dogs

- a) If a complaint of a vicious dog is received by the Municipal Office or Animal Protection Officer, the Animal Protection Officer will investigate and determine if a dog is considered vicious. If it is determined that the dog is indeed vicious, the Animal Protection Officer will:
 - i. give the owner a written notice that the dog has been determined to be a vicious dog,
 - ii. require the owner to keep such dog in accordance with subsection 7.02 “e” of this by-law upon the owner’s receipt of the notice, and
 - iii. inform the owner that if the vicious dog is not kept in accordance with subsection 7.02 of this by-law, the owner will be fined, or subject to enforcement action pursuant to section 8 of this by-law.
 - iv. where the owner of a dog that has been determined to be a vicious dog produces information to the By-Law Enforcement Officer that may alter a determination made under subsection 7.02, the By-Law Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
- b) Every owner of a vicious dog shall be responsible for insurance and injuries caused by the owner’s vicious dog.
- c) Every owner shall take all necessary steps to ensure that a vicious dog does not bite, chase or attack any human or other animal whether the person or animal is on the property of the owner or not.
- d) If a vicious dog bites or attacks a person or animal, the owner is guilty of an offence and shall be liable to a fine under this by-law, exclusive of any other civil actions or penalties.
- e) When a vicious dog is on premises of its owner, it shall be kept confined indoors under the effective control of a person over the age of nineteen years, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the dog, and to prevent the entry of persons unauthorized by the owner.
- f) All pens shall have a secure top and sides and either:
 - i. have a secure bottom effectively attached to the sides, or

- ii. the sides shall be embedded in the ground to a minimum depth of 30 centimeters.
- g) In addition to being on a leash when off the owner's property, a vicious dog must be securely muzzled to prevent it from biting another animal or person and must be under the effective control of a person over the age of nineteen years, and
 - i. any dog deemed a vicious dog is not tolerated where there is a public gathering, i.e. Sport events, concerts, parades, etc.
- h) The owner of a dog, which the owner knows or ought to know is a vicious dog, shall keep such dog in accordance with the provisions of subsection 7.02.

7.03 Dog Waste

The owner, or any person having the care, custody or control of a dog shall remove forthwith any excrement deposited by said dog on any property in the Municipality. This does not apply to the dog owner's property.

7.04 Exemption from By-Law

This by-law does not apply to

- a) a specially trained dog that is used as a guide dog by a person whose sight or hearing is impaired or who is blind or deaf,
- b) a dog belonging to and actively working for a police force having jurisdiction in the Nackawic Millville Rural Community.

7.05 Every person commits an offence under this by-law if:

- a) he or she interferes or attempts to interfere with the Animal Protection Officer while exercising his or her functions under this by-law,
- b) he or she, not being the owner, removes a collar or license tag from any dog, or
- c) permits a dog to bite or attempt to bite a person or permits a dog to approach any person in an aggressive or terrorizing manner upon any street, sidewalk, public grounds or places, or on private property other than the property of the owner.

7.06 Noise

No person being the owner or occupant of any premises causes, allows, or permits the sound of a barking dog, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of that person.

7.07 Payment

- a) Payment will be made subject to the contract with the service provider.

8. Penalty Provision

- 8.01 Every person who contravenes any provision of this by-law is guilty of an offence. Unless otherwise provided for herein, a person convicted of an offence under this by-law is punishable by a fine of not less than Twenty-Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00).
- 8.02 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 by-law.
- 8.03 If the payment set out in this by-law has 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 an additional 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.

9. Appointment of Officials

- 9.01 The Council may by resolution appoint one or more Animal Protection Officers, appoint a Registrar, and from time to time fix the remuneration to be paid to an Animal Protection Officer and to a Registrar. One appointed person may be an Animal Protection Officer and a Registrar.
- 9.02 Notwithstanding that one or more persons may have been expressly appointed to the position of Animal Protection Officer hereunder, every peace officer of the Nackawic Millville Rural Community shall be by virtue of his or her position an Animal Protection Officer and such peace officer is authorized to carry out the functions of this by-law and to exercise all of the powers of the Animal Protection Officer hereunder without having been expressly appointed a Animal Protection Officer by the Council.

9.03 The Council may from time to time enter into an agreement or agreements with the Province of New Brunswick whereby an employee or employees of the Province of New Brunswick are engaged to act as Animal Protection Officer or Registrar and to administer and enforce the by-law.

10. Repeal Provision

10.01 By-Law No. S-12, A By-Law relating to the Control and Licensing of Dogs in the Town of Nackawic, passed by Town Council on September 8, 2009, and amendments hereto, is hereby repealed.

10.02 The repeal of By-Law No. S-12, A By-Law relating to the Control and Licensing of Dogs in the Town of Nackawic, 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.

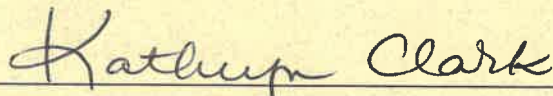
10.03 By-Law No. 23, A By-Law relating to the Licensing and Regulating of Dogs in the Village of Millville, passed by Village Council on March 17, 2009, and amendments hereto, is hereby repealed.

10.04 The repeal of By-Law No. 23, A By-Law relating to the Licensing and Regulating of Dogs in the Village of Millville, 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.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE NACKAWIC MILLVILLE
RURAL COMMUNITY ON MARCH 17, 2025.



Mayor



Chief Administration Officer



First Reading: March 3, 2025
Second Reading: March 3, 2025
Third Reading: March 17, 2025

Schedule A:

Offences within this bylaw are subject to below initial fines, unless otherwise specified. Subsequent offences are to be two times the previous fine, up to a maximum of \$640 per Category B of the Provincial Offences Procedure Act.

Offence	Fine
Section 7.01:	
a) the dog is permitted to run at large,	\$50
b) he or she refuses or neglects to register the dog or pay any license fee required under Section 3 of this by-law,	\$50
c) he or she refuses or neglects to attach and keep attached a license tag to the collar of the dog,	\$50
d) he or she refuses or neglects to cause the dog to wear a collar at all times other than when it is in a residence,	\$50
e) the dog is permitted to chase or run after pedestrians or motor vehicles,	\$100
f) the dog is permitted to bark incessantly so that annoyance is caused to the public.	\$50
Section 7.02:	
d) If a vicious dog bites or attacks a person or animal, the owner is guilty of an offence and shall be liable to a fine under this by-law, exclusive of any other civil actions or penalties.	\$150
Section 7.03: <u>Dog Waste</u>	
The owner, or any person having the care, custody or control of a dog shall remove forthwith any excrement deposited by said dog on any property in the Municipality. This does not apply to the dog owner's property.	\$50