

**VILLAGE OF ALMA
BY-LAW # 101**

**A BY-LAW RELATING TO DOG CONTROL
A BY-LAW IN AMENDMENT TO BY-LAW 91, A BYLAW RELATING TO DOG CONTROL**

Pursuant to the authority vested in it by the Local Governance Act, S.N.B 2017, Chapter 18, the Council of the Municipality of Alma, duly assembled, enacts as follows:

1. DEFINITIONS

“appeals committee for fierce or dangerous dogs” or **“appeals committee”** means an appeals committee formed in order to conduct appeal hearings on decisions for dogs with fierce or dangerous status;

“by-law enforcement officer” means a person appointed and designated by the Council pursuant to by-law # 99, a by-law respecting the enforcement of by-laws of the Village of Alma;

“contractor” means an association or person (including their employees) under contract with the municipality for dog control services;

“dog” includes male and female dogs;

“dog control officer” means any association, contractor or person appointed by the Council to carry out the functions of this by-law.

“fierce or dangerous dog” means any dog that has bitten, attempted to bite, injured or killed a person or another animal, or any dog with fierce or dangerous status pursuant to section 6;

“microchip” means an encoded identification device implanted in an animal, which stores the owner’s name, address and telephone number in a database;

“owner” means a person who

- (1) is in possession of a dog,
- (2) is responsible for a dog,
- (3) harbours a dog,
- (4) allows a dog to remain about his residence or premises, or
- (5) is the registered owner of a dog under this by-law; and

“run at large” means not controlled by a person, and not secured by a leash;

- (1) in a public place, or

(2) on private property other than that of the owner of the dog.

“Police Dog” means a dog trained for and engaged in law enforcement by any federal, provincial or municipal agency.

“service dog” means a dog trained by a qualified dog trainer as a guide dog or assistance dog;

"tag" means a tag is issued upon payment of fees and must be attached to a dog’s collar;

“Village” means the Village of Alma.

2. GENERALITY

(1) This by-law does not apply to a police dog acting in the course of their duties.

(2) A Dog Control Officer, which may include an association, contractor, or person, shall be appointed by Council pursuant to the motion in Schedule “A”.

(3) The Dog Control Officer has the primary responsibility for investigating and enforcing violations of this by-law.

(4) A by-law enforcement officer may investigate or enforce any section of this by-law.

3. LICENSE

(1) Unless the dog is microchipped, no person who is resident in the Village of Alma shall own a dog without having a valid tag for that dog under this by-law.

(2) An application to register a dog for a tag or a dog with a microchip must be made to the Village or to a representative approved by the Village and must include:

(a) the name, address and telephone number of the owner;

(b) the sex and breed of the dog;

(c) the approximate age of the dog;

(d) valid proof of vaccination for rabies;

(e) a payment of ten dollars (\$10.00) per dog.

(f) notwithstanding the provisions of paragraph 2(e), no fee will be applied with proof of the dog having been microchipped or being a service dog. If the owner of a microchipped dog wishes to acquire a dog tag, a payment of two dollars (\$2.00) will be required.

(3) Upon receipt of an application pursuant to subsection (2), the tag will be issued to the applicant.

(4) Unless the dog has been microchipped, each dog must wear a collar with a valid tag attached.

(5) If lost, a tag will be replaced upon payment to the Village of two dollars (\$2.00).

4. RESPONSIBILITIES OF OWNERS

(1) The owner of a dog shall not permit his dog to create a disturbance by chasing, howling, or barking.

(2) If a dog defecates on a public property or on a private property, other than the property of its owner, the owner of the dog must immediately put such feces into a suitable container or garbage bag.

(3) No leash shall measure longer than two (2) metres.

(4) When the owner ties a dog, he must ensure the tie down which the dog is attached to is short enough to prevent him from accessing any neighboring property.

(5) The owner of a dog shall not permit his dog to run at large.

(6) Any dog owner must notify the Village of a change of address or telephone number.

(7) Any dog owner must provide the Village a valid proof of revaccination against rabies.

(8) If a dog control officer has reason to believe the care for a dog is lacking, he shall report the dog to the organization competent in these matters.

(9) The maximum allowable number of dogs per dwelling is three (3).

5. RABIES

(1) Unless a certificate from a veterinarian explaining the medical reasons for which the vaccination was not administered can be provided, the owner must:

a) vaccinate such dog after it has reached four (4) months of age, revaccinate when it has reached one year of age and revaccinate yearly or every three years in accordance with the vaccination calendar prescribed by the veterinarian;

b) when the dog is more than four (4) months of age and it has not a valid vaccination certificate, be vaccinated within ten (10) days of his acquisition or upon reception of a notice from the village to be vaccinated and thereafter yearly or

every three years in accordance with the vaccination calendar prescribed by the veterinarian.

6. SEIZING AND IMPOUNDING

- (1) The dog control officer, may capture, identify and impound any dog that
 - a) is wearing neither a collar nor a valid tag, nor is microchipped;
 - b) runs at large;
 - c) is actually or apparently infected with rabies or any other disease or injury;
 - d) is not controlled pursuant to the conditions set out in this by-law for a dog with fierce or dangerous status; or
 - e) has bitten or attempted to bite a person or an animal.

- (2) The dog control officer is authorized, in the course of carrying out his duties, to make use of any device necessary and shall not be held responsible for any damages caused to the dog while doing so.

- (3) If the owner of the captured dog under subsection (1)
 - a) is identified, the dog control officer shall make a reasonable attempt to notify the owner that the dog is impounded, or

 - b) is not identified, the dog control officer shall make a reasonable attempt to find the owner of the dog for a maximum period of four (4) days.

- (4) If the owner of the dog
 - a) is identified pursuant to paragraph (3)(a) and does not claim the dog within four (4) days after having been notified, or

 - b) is not identified pursuant to paragraph (3)(b) and the maximum period of four (4) days has expired, the dog is deemed abandoned and becomes the property of the Village who can bring the dog to any competent owner or organization.

- (5) A dog that has been impounded may not be released until the owner of the dog has been identified and upon payment of the following applicable fees, if required:
 - a) the reclaiming fee for the dog;

- b) a fee equal to the actual boarding fees for each day the dog has been impounded;
- c) all costs associated with care;
- d) the payment for a tag; and
- e) any other capture or applicable fees.

(6) Notwithstanding subsection (5)(e), the dog control officer or the contractor may release a dog that cannot have a tag due to non vaccination. In such cases, the owner shall have the dog vaccinated and purchase a tag within ten (10) days of the dog's release.

(7) The dog control officer or the contractor shall not release a dog that is under investigation pursuant to Section 7

(8) Any fee for which a person is liable under this by-law becomes a debt due by that person.

(9) notwithstanding the provisions of sections 6(1) & 6(2), a by-law enforcement officer may contact the dog control officer or contractor to perform the tasks or duties as described in sections 6(1) & 6(2).

7. FIERCE OR DANGEROUS DOGS

(1) Where there is reason to believe that a dog has bitten, attempted to bite, injured or killed a person or another animal:

- a) the dog control officer shall conduct an investigation as soon as possible.
- b) the dog must be quarantined in the owner's dwelling for a period of 10 days from the date of the bite or the attempted bite. During the quarantine period, the dog may only go outside to defecate or urinate.

(2) The Village shall notify the complainant and owner of the dog in writing of the results within seven (7) days of the conclusion of the investigation.

(3) Notice under subsection (2) shall be served personally or by registered mail and shall include:

- a) the assessment determining whether the dog has fierce or dangerous status;
- b) the elements selected among those listed in subsection 7(4);
- c) a copy of the documents related to the investigation;
- d) a description of the right to appeal to the appeals committee for fierce or dangerous dogs;
- e) a copy of this by-law;

(4) Pursuant to paragraph (3)(b), the Village may demand from the owner of a dog with fierce or dangerous status the following:

- a) that the dog be muzzled at all times on or off the owner's property;
- b) that, when off the owner's property, the dog be on a leash no longer than one (1) metre and under the control of a responsible person over the age of eighteen (18);
- c) when such dog is at the owner's and unattended, that the dog be either securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the fierce or dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure shall be constructed in accordance with the minimum dimensions and requirements deemed appropriate by the Village. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three (3) metres of a neighbouring building;
- d) that at each entrance to the property and building where the dog is kept, a bilingual sign be posted stating in writing "DANGEROUS DOG / CHIEN DANGEREUX" and that the sign be visible and legible from the nearest road or thoroughfare;
- e) that the dog be microchipped;
- f) that the dog be euthanized;

g) any other measure required as needed.

(5) The owner of a dog with fierce or dangerous status may, upon presenting proof of the successful completion of an obedience course or canine training provided by a trainer or an organization recognized by the Village, request a reassessment of the dog by the Village. If the Village concludes that the dog no longer poses a threat to the public or other animals, the fierce or dangerous dog status may be lifted.

8. APPEAL

(1) Within fifteen (15) days of receiving notice of the decision pursuant to section 7(2), any person may request an appeal by informing the Clerk in writing and indicating the reasons for the appeal.

(2) Upon receipt of a request for appeal, the Clerk shall forward the file, including all documents related to the investigation and decision, to the members of the appeals committee.

(3) The appeal hearing shall be held within sixty (60) days of receipt of the request for appeal. Any member of the committee who may have an actual, potential or presumed conflict of interest in an appeal shall report it as soon as they have learned of it and step down for the appeal in question.

(4) The Clerk shall inform in writing the appellant as well as the dog owner, and the complainant, if applicable, at least fifteen (15) days before the date of the hearing by registered mail. The notice shall include:

a) a statement of the time, place and purpose of the hearing;

b) a copy of this by-law;

c) a statement indicating that the person who requested the appeal shall be present or represented at the hearing; the appeal will be heard whether or not the other parties are present or represented.

(5) The members chosen to hear the appeal or referral shall choose a chairperson amongst themselves to chair the hearing.

(6) The chairperson is the master of proceedings. The hearings shall be informal and open to the public, need not conform to the standard rules of evidence and shall be conducted in the language chosen by the appellant. Hearsay evidence shall be admissible but shall not be relied on as the sole basis of the decision.

(7) The appellant, owner of the dog and the complainant may attend the hearing with or without representation and call upon their witnesses. They have the right to hear all of the evidence presented at the hearing in order to cross-examine witnesses and to examine the documents.

(8) The Village's witnesses shall testify first and present all evidence supporting that decision.

(9) The appeals committee shall provide the Clerk with a copy of its findings within ten (10) days of the hearing.

(10) Regarding the decision, the committee may:

a) confirm the decision;

b) modify the decision; or

c) overturn the decision.

(11) Within five (5) days of receipt of the appeals committee's findings, the Clerk shall forward a copy to the appellant, the owner of the dog and the complainant.

9. OFFENCES

(1) Any person who violates section 4 of this bylaw is guilty of an offence and liable, on conviction, to a minimum fine of \$50 and a maximum fine of \$200.

(2) Any person who violates any other provisions of this by-law is guilty of an offence and liable, on conviction, to a minimum fine of \$140 and a maximum fine of \$1,070.

(3) A judge of the Court may confirm, modify, or overrule, in part or in full, an issued statement of offence and the decision made by the appeals committee.

10. REPEAL

By-Law No. 91 entitled A By-Law of the Municipality of Alma Cited as the Dog By-Law, ordained and passed November 21st, 2005, is hereby repealed.

First Reading by Title: July 19, 2021

Second Reading by Title: July 19, 2021

Read in its Entirety: July 19, 2021

Third Reading by Title & Adoption: September 20, 2021

Mayor:
Andrew Casey

Clerk:
Kim Beers

SCHEDULE "A"

MOTION

APPOINTMENT - DOG CONTROL OFFICER

WHEREAS Council has adopted a by-law pertaining to the control of dogs;

AND WHEREAS Council may appoint Dog Control Officers for the Local Government and determine their mandate;

BE IT RESOLVED that the following association, contractor or person be appointed as the Dog Control Officer of the Local Government in accordance with by-law no. 101 a by-law relating to dog control:

_____;

BE IT ALSO RESOLVED THAT the appointment includes all generalities as prescribed by By-Law, the *Local Governance Act* and it's Regulations, and any other Act or Regulation;

AND THAT the position of Dog Control Officer is employed for the preservation and maintenance of the public peace;

AND THAT the above-mentioned appointment continues as long as the association, contractor or person is retained by the Municipality.

Proposed by _____, seconded by _____.

Motion Carried.