

BY-LAW NO. 41

A BY-LAW RELATING TO ESTABLISHING CONTROL  
OF ANIMALS IN THE VILLAGE OF SALISBURY

The Council of the Village of Salisbury,  
duly assembled, enacts as follows:

INTERPRETATION

1. - dog includes bitch;
- Animal Control Officer means the person or persons appointed by the Village Council to administer the by-law;
- owner means with reference to a dog, a person who:
  - a) is in possession of it;
  - b) harbours it;
  - c) suffers it to remain about his residence or premises; or
  - d) registers it under this by-law;
- running at large means an animal not secured by a leash having a maximum length of two meters.
- Restricted Areas means sidewalks, walkways, park paths & beaches.
- Designated Areas means areas which are posted with appropriate signage.
- Dangerous Dog means any individual dog that has bitten, injured or killed a person or another domestic animal without provocation, or any dog declared dangerous pursuant to paragraph 8(3)(c) or 8(10)(a).

VALIDITY

2. If any part of this by-law is held to be invalid and struck down, it does not invalidate the remaining provisions of the By-law.

ENFORCEMENT

3. This By-law shall be enforced by the Animal Control Officer with the assistance of the R.C.M.P.
4. (1) Subject to Subsection (2) every owner of a dog shall before the last day of March in each year, register with the Animal Control Officer or with the Village of Salisbury, each dog which he owns, and pay the registration fee required.
  - (I) Registration Fees are:
    - \$10.00 for a neutered male or spayed female dog, proof required;
    - \$30.00 for an unspayed female dog, or unneutered male.
    - There shall be no fee for seeing-eye dogs.

- (2) a) A person who becomes an owner of a dog after the last day of March in each year, shall register such dog immediately and pay the registration fees required in subsection 4(1) (I).
- b) Any person not obtaining their registration tag by March 31<sup>st</sup> of each calendar year, shall pay a penalty of \$15.00 to be added to the regular registration fees and if unpaid by June 30<sup>th</sup> then the fee shall be increased to \$50.00.
- (3) The Animal Control Officer at the time of registration of a dog, shall request an official receipt from a licensed veterinarian hospital with the breed, color, name of dog showing on receipt and also the veterinarian hospital tag number. No one will be issued a registration tag without the official receipt. With the official receipt, the Animal Control Officer will issue to the owner, a registration tag showing the number under which the dog is registered and the year of registration along with the name of the Village of Salisbury.
- (4) A license tag which is lost after it has been issued may be replaced by the Animal Control Officer upon application by the owner or request of the Animal Control Officer, and payment of five (\$5.00) dollars.
- (5) No person shall own or harbour any dog commonly known as a pit bull or bull terrier.

#### KENNEL LICENSES

- 5. (1) Any person or residents which harbour more than three (3) dogs or keeps a dog or dogs for the purpose of breeding, selling, boarding, or any other like purposes must be in possession of a valid kennel license and must meet all requirements before issued such license.
- (2) Kennel License requirements are:
  - a) must meet the requirements of any zoning by-law, or any other by-law, for the sanitation, health, hygiene, and comfort of the dog;
  - b) if issued a kennel license, the owner must keep accurate records of the breeding, selling or boarding of dogs, and where such dogs are once sold. The owner must be able to produce these records at any time and upon request of the Animal Control Officer;
  - c) any person failing to comply with the kennel license requirements, once issued such license, shall be in violation and punishable by a fine of \$150.00 and may have his kennel license revoked, or cancelled.

- (3) Each dog in the kennel must be licensed individually with the exception of puppies under (10) ten weeks. Proof of age must be provided.
- (4) A kennel license fee shall be \$60.00 each year, and shall expire on the last day of the same year it was issued.
- (5) A kennel license shall be renewable the 1<sup>st</sup> day of January in each year and subject to a penalty of \$30.00 to be added to the fee after the last day of March in each year.

### VACCINATIONS

- 6. (1) Every owner of a dog/puppy shall have such dog/puppy vaccinated against rabies as follows:
  - a) Puppy of three (3) months of age then again one (1) year later, then every three (3) years.
  - b) An older dog, if received from a shelter with no previous proof of rabies vaccine, one vaccine then a booster one year later. Then every three (3) years.
  - c) All other dogs with previous proof of rabies vaccine, every three (3) years.
- (2) Every owner of a dog over the age of four (4) months, shall have such dog vaccinated against rabies and every three (3) years thereafter.
- (3) Every owner of a dog over the age of three (3) months, shall have such dog/puppy vaccinated against distemper and canine parvovirus and must repeat this process every two (2) years thereafter.
- (4) An owner who neglects or refuses to have his dog vaccinated against rabies, distemper and canine parvovirus under this section is guilty of an offence and is punishable upon conviction to a fine of \$200.00.
- (5) The dog constable shall seize and impound any dog which is known to be rabid, and cause such dog to be quarantined or destroyed.
- (6) The cost for impounding and seizing such dogs shall be in accordance of the Moncton SPCA fee structure at the time of the impounding, and is the sole responsibility of the dog owner.
- (7) a) Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place and shall not keep the animal in control with or in proximity of any other animal.

- b) A person who owns an animal that is rabid or suspected to be rabid or has been exposed to rabies shall immediately report the matter to the District Medical Health Officer and to the R.C.M.P. and the Animal Control Officer.

#### SEIZING AND IMPOUNDING

- 7. (1) The Animal Control officer may seize and impound any dog found running at large, and shall:
  - a) if the owner of the dog is known, make a reasonable attempt to notify him that the dog is impounded; or
  - b) if the owner of the dog is not known or cannot be located within a 48 hour period, said dog may be sold or destroyed.
  - c) when the owner of an impounded dog is not known, the Animal Control Officer shall make a reasonable attempt to find the owner, either by radio announcement or posting a notice at the Village Office.
- (2) The owner of any impounded dog shall pay the Animal Control Officer upon establishing ownership, the fees as per Schedule A attached.
- (3) The Animal Control Officer or agent is authorized to make use of a tranquilizer gun and any tranquilizing devices, or any other restraining device, on a dog in the course of carrying out his duties hereunder and shall not be held responsible for any damages caused to the dog while doing so.
- (4) When destroying any dog under this section which has not been claimed, or for any other reason, the Animal Control Officer or agent shall do so in a humane manner.
- (5)
  - a) The Animal Control Officer upon receiving and investigating a complaint may seize and impound a dog which has bitten or attempted to bite a person. A dog which has bitten or attempted to bite will be deemed dangerous.
  - b) All cost of seizing and impounding subject to Section 7(5)(a) will be at the owner's expense and the owner shall be liable for any expenses incurred by the village for any service provided by any third parties in the seizure impounding care treatments or destruction of any animal.

DANGEROUS DOG PROVISIONS

8. (1) The owner of a dangerous dog shall ensure that:
- (a) at all times when off the owner s property, the dog shall be muzzled:
  - (b) at all times when off the owner s property, the dog shall be on a leash not longer than one meter and under the control of a responsible person over the age of eighteen;
  - (c) when such dog is on the property of the owner and unattended, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two meters by four meters and must have secure sides, the sides must be embedded into the ground no less than thirty centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one meter of the property line or within three meters of a neighboring dwelling unit;
  - (d) a sign is displayed at each entrance to the property and building in which the dog is kept warning in writing stating **Dangerous Dog on Site** . This sign shall be visible and legible from the nearest road or thoroughfare.
- (2) Where there is reason to believe that a dog has bitten, injured or killed a person or another domestic animal without provocation, any peace officer or any agent or employee of the S.P.C.A. shall, as soon as it is practicable, conduct an investigation into the alleged incident, and upon completion of such investigation provide a full report to the Animal Control Review Committee including copies of witness statements, photographs, and all other evidence and relevant information obtained during the investigation.
- (3) (a) There shall be an Animal Control Review Committee (hereinafter referred to as the Committee) consisting of the Village of Salisbury Councillor and the Animal Control Officer responsible for animal control.
- (b) The Committee shall, upon receipt of the investigation report pursuant to subsection (2) herein, as soon as is practicable conduct a complete review of the investigation conducted.
- (c) Following its review the Committee shall, where it is satisfied by the preponderance of the evidence that the dog has bitten, injured or killed a person or another domestic animal without provocation, declare the dog to be dangerous, or if it is not satisfied by the preponderance of the evidence presented that the dog has bitten, injured or killed a person or another domestic animal without provocation, declare the dog to be not dangerous.

- (d) The Committee shall, within five (5) day of concluding its review, give notice to the complainant and the owner of the dog of its findings.
  - (e) Notice under paragraph (d) shall be where ever possible served personally or otherwise by prepaid registered mail and shall include:
    - (i) the Committee s decision as to whether or not the dog is dangerous;
    - (ii) a copy of the investigators reports and all evidence and material considered by the Committee;
    - (iii) a statement advising all parties that they are entitled to appeal the Committee s decision to the Animal Control Panel within fifteen (15) days from the service of the Notice;
    - (iv) a copy of the consolidated version of this by-law; and
    - (v) where a dog is declared dangerous a statement advising the dog owner that he/she is now obligated to comply with the provisions of Section 8(1) herein.
  - (f) Where the Committee is unable to make a determination under paragraph (c) it shall refer the matter to the Animal Control Panel.
- (4) Any person appealing the Committee s decision shall notify the Village Clerk in writing within fifteen (15) days of receiving notice of the Committee s decision.
  - (5) There shall be an Animal control Panel consisting of five (5) members who shall be appointed by the Council of the Village of Salisbury hold office at the pleasure of Council.
  - (6) Upon receipt of a Notice of Appeal pursuant to Section 8(4) or upon a referral pursuant to 8(3)(f), the council member responsible for animal control shall randomly select from the Panel Appointees three (3) members who shall be charged with hearing the referral or appeal.
  - (7) The Village Council shall give written notice of the hearing to the Appellant at least five (5) days in advance of the hearing by serving notice upon the Appellant or by mailing same by certified mail to the address of the Appellant, and where the Appellant is not the owner, notice shall also be given to the owner. 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 that if the owner does not attend at the hearing, the matter may be dealt with in his/her absence and that he/she will not be entitled to any further notice in the proceedings.
- (8)
- (a) The owner and/or appellant may appear at the hearing with or without counsel and may call witnesses on his/her behalf. The owner and/or appellant shall be entitled to hear all evidence presented at the hearing to cross-examine witnesses and to inspect any documents filed.
  - (b) Where the owner does not attend at the hearing, having been given notice as provided in this section, the matter may be dealt with in his/her absence and the owner shall not be entitled to any further notice in the proceeding.
  - (c) Where the appellant is not the owner and the appellant does not attend the hearing having been given notice as provided herein, the Panel shall dismiss the appeal.
- (9)
- (a) At or before the hearing the three members chosen to hear the appeal or referral shall choose a chairperson amongst themselves to chair the hearing.
  - (b) All hearings shall be informal and open to the public, and need not to conform to the standard rules of evidence. Hearsay evidence shall be admissible but shall not be relied on as the sole basis of the Panel's determination.
  - (c) The Panel's deliberations may be conducted in private.
- (10) Within five working days of the determination hearing, the Panel shall issue written findings resulting from the hearing and shall;
- (a) make an order declaring the dog to be dangerous if the Panel is satisfied by the preponderance of the evidence that the dog has bitten, injured or killed a person or another domestic animal without provocation, and
  - (b) provide a copy of its findings to the owner in the manner provided in subsection (3) hereof.
- (11) The Animal Control Officer may seize and impound any pit bull or bull terrier harboured in the Village limits as noted in Section 4(5) and the officer shall have the right to exercise the provisions as contained in Section 7 of the By-Law with respect to any pit bull or bull terrier.

OFFENCE

9. Any peace officer or Animal Control Office is hereby authorized to take such action or issue such tickets as they may deem to be necessary to enforce any provisions of this by-law.
10. (1) Any person who violates Sections 8(1)(a), 8(1)(b), 8(1)(c), and 10(1)(d) of this by-law is guilty of an offence, and liable on conviction to a minimum fine of two hundred and fifty (\$250.00) dollars, and a maximum fine of one thousand seventy (\$1,070.00) dollars.
- (2) A judge of a provincial court on a complaint being made that the dog has bitten or attempted to bite a person, and upon being satisfied that the complaint is warranted, may make an order directing:
- (a) that the owner of the dog keep the animal under control; or
- (b) that the dog be destroyed.

RUNNING AT LARGE

11. (1) No owner of an animal shall allow the animal to run at large:
- a) in a public place or restricted area;
- b) on a private property other than that of the owner of the animal;
- c) in a forested or wooded area while not in the company or control of the owner of the animal;
- d) the owner of an animal found to be running at large shall be subject to the fees specified in Schedule A .

LEASH LAW

12. (1) Dogs being walked in a restricted area must be secured by a leash having a maximum length of 2 meters or 6 ft.
- (2) Subject to Section 12(1), owners must be in control of the leash while walking the dog.
- (3) Owners may walk their dog(s) in designated areas using a flex leash to a maximum length of 26 ft or 8 meters.



- (4) The Village Council may designate areas where animals are permitted to run when off leash, and may designate areas where organized and controlled events may be held by causing signs to be posted in such areas indicating such designations.
- (5) The owner of an animal shall ensure that his animal is under control in any areas which the Village Council has designated pursuant to subsection (4).
- (6) The Village Council may designate park facilities and areas where animals are prohibited by causing signs to be posted in such areas indicating such designation.
- (7) The owner of an animal shall not permit the animal in any park facilities or areas which the Village Council has designated pursuant to subsection (6).
- (8) Any dog in a stationary vehicle that is left unattended must be restricted so as to prevent access to persons. Such restraint must provide for suitable conditions for the animal.
- (9) No owner shall permit his animal to enter a pool of water located in a Village park.
- (10) Owners found to be in contravention of section 12, will be subject to fees specified in Schedule A .

#### STOOP & SCOOP

- 13. (1) If an animal defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately. This section shall not apply to persons using seeing-eye dogs.

#### DISTURBANCE

- 14. (1) No owner shall permit a dog or dogs of which he or she is the owner to bark or bay for such a period of time or in such a manner as to create a disturbance to neighbours or the neighbourhood.
- (2) An owner shall immediately upon being directed by the Animal Control Officer or the R.C.M.P. take such steps as necessary to cause the disturbance to cease.
- (3) Subject to sections 14(1) and 14(2) failure to do so shall result in a charge subject to fees specified in Schedule A .

CATS

15. (1) The owner is responsible for Control of his/her cat.
- (2) The Animal Control Officer is not responsible for the seizing of cats.
- (3) a) The Village will supply a trap to Village residents upon receiving a deposit, which will be determined by Council.
- b) The property owner may then trap any stray cat(s) which may be causing said property owner problems.
- c) The said property owner may only trap cat(s) on his own property.
- d) The property owner will then be responsible for bringing any trapped cat to the S.P.C.A. in Moncton.
- e) The trap must then be returned to the Village Office for a refund subject to Schedule B (Renting of traps).

SNAKES

16. (1) No person shall have, keep or possess a snake or other reptile upon the streets or sidewalks or any park.
- (2) Notwithstanding section (1), a person may possess a snake or other reptile on a street or sidewalk provided it is in a case or cage or other container designed in such a fashion that it will completely confine such snake or reptile.

OFFENSES

17. (1) The owner of a dog commits an offence under this by-law if:
- a) he permits his dog to run at large subject to Section 11
- b) he refuses or neglects to register his dog before the last day of March in each year subject to Section 4;
- c) he refuses or neglects to attach and keep attached a registration tag to the collar of the dog;
- d) he refuses or neglects to cause his dog to wear a collar at all times;
- e) he permits his dog to chase or run after pedestrians, motor vehicles, and bicycles;

- f) he permits his dog to bark incessantly so that annoyance is caused to the public subject to section 14;
  - g) he permits his dog to bite or attempt to bite any person as per section 10(2);
  - h) he walks or exercises his dog without a leash as per section 12 or
  - i) he refuses or neglects to vaccinate his dog as required under section 6.
- (2) Any person commits an offence under this by-law if:
- a) he interferes or attempts to interfere with the Dog Constable or agent while exercising his functions under this by-law; or
  - b) he, not being the owner, removes a collar or registration tag from any dog.

PENALTY

18. (1) Any person or persons, corporation partnership or society who violates any of the provisions of this By-law (unless otherwise specified) is guilty of an offence and is liable on summary conviction, to a fine of not less than \$50.00 (fifty dollars) and not more than \$200.00 (two hundred dollars) and in default of payment is liable to imprisonment in accordance with Provincial Offenses Procedures Act, and all such fines shall be recoverable under the provisions of the Summary Convictions Act.
- (2) The proceeds of all fines assessed as a result of summary conviction are payable to the Village of Salisbury.
19. By-law No. 32 entitled A By-law of the Village of Salisbury relating to establishing Control of Dogs in the Village of Salisbury and any amendments thereafter, are hereby revoked.

IN WITNESS WHEREOF the Village of Salisbury caused the Corporate Seal of the said Village to be affixed to this By-law the 27 day of December, A.D., 2006, and signed:

First Reading: December 21, 2006  
Second Reading: December 21, 2006  
Third Reading & Enactment: December 27, 2006

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MAYOR

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CLERK

SCHEDULE A

Fees

1. First offence \$100.00
2. Second offence \$200.00
3. Third offence and each subsequent offence in a calender year \$300.00
4. All fees charged to the Village by the S.P.C.A. resulting to impounding and boarding of animals or other care and treatment of animals as authorized by the Village or required by the S.P.C.A. are to be the responsibility of the dog owner.
5. and, if the dog is not registered, the owner shall pay the registration fee required and any payment of late fee will apply under this by-law.

SCHEDULE B

Rental of Cat Traps

1. The Village of Salisbury will purchase and keep 2 traps in good working order on hand for use by citizens only.
2. Traps will be rented upon receiving a deposit, which will be determined by Council.
3. The rental period is 3 days. If the trap is not returned after 3 days, a penalty may be deducted from the deposit upon return.
4. Penalty will depend on how long the trap is kept.
5. Once all traps are out, those wishing to rent a trap will have their name put on a list and will be contacted when a trap becomes available.
6. Once notified, they will have 24 hours to pick up the trap or the next person on the list will be contacted.