

Village of Tracy Dog By-Law

By-Law No.33-2022

Under Section 10(2)(k) of the Local Governance Act, the Council of the Village of Tracy enacts the following:

1. Definitions

“animal” means a non-human living being with a developed nervous system;

“Animal Protection Officer” means any person, officer, employee, agent, or company authorized by the Village of Tracy to enforce this by-law;

“animal shelter” means any association, person, pound, or agency designated by Council to take possession of and properly care and provide for animals impounded pursuant to this by-law;

“dangerous dog” means any individual dog:

- a) that has attacked, bitten, or caused injury to another animal or person, either on public or private property or has demonstrated a propensity, tendency, or disposition to do so;
- b) that is attack trained;
- c) that is kept for the purpose of security or protection of persons or property; or
- d) that has shown the disposition or tendency to be threatening or aggressive.

“destroy” means kill;

“domestic animal” means any animal that is kept under human control or by habit or training lives in association with man;

“dog” includes male and female, but does not include puppy of either gender which is less than four months of age;

“dog tag” means a plate on which is stamped a license number;

“council” means Council of the Village of Tracy;

“kennel” means an establishment used to house, board, breed, handle, or otherwise keep or care for five or more dogs or cats over the age of six months;

“owner” means the person who owns the animal, and includes any person who keeps, harbours, registers, or is in control of the animal within the Village and where the owner is a minor, the person responsible for custody of the minor;

“pet establishment” means an animal shelter, a pet retail store, or a kennel;

“property” includes any publicly or privately owned property within the Village of Tracy and includes streets and sidewalks;

“running at large” means where a dog is:

- a) unleashed in a public place, except for any dog in a dog park or a service animal participating in search and rescue, fire, or police work;
- b) unleashed on private property other than that of the owner of the animal without consent of the owner of the property;
- c) unleashed in a forest or wooded area, while not in the company and/or under the control of the owner thereof;
- d) in a public place that is not secured by a leash which is 2 metres or less in length; or
- e) in a public place and not under the control of the owner of such animal.

“service animal” means any animal trained to do work or perform tasks for the benefit of an individual with a disability or an animal used for search and rescue or law and fire enforcement.

“Village representative” means a person designated by the Council to issue the licenses and collect the license fee under this By-Law.

2. General

2.1 Every owner of a dog shall:

- a) license their dog subject to Section 3;
- b) maintain control of their dog at all times in a public place;
- c) obey any other relevant bylaws, acts, or regulations dealing with the care, health and safety, and comfort of animals;
- d) vaccinate their dog against rabies if the dog has not been vaccinated
 - i. within 30 days of acquiring such dog if it is more than 4 months of age; or
 - ii. within 30 days after it has reached the age of 4 months;
- e) immediately report to proper legal authorities if they know or suspect a dog is rabid; and
- f) provide a copy of up-to-date vaccination record of the dog to the Animal Protection Officer if requested.

2.2 No owner of a dog shall:

- a) permit their dog to run at large;
- b) permit their dog to persistently disturb the quiet of the neighbourhood by barking, howling, or otherwise;
- c) permit their dog to defecate on any property in the Village of Tracy which is not property of the Owner, without immediately removing the feces left by the dog.
- d) allow their dog, where it is suffering from a communicable disease, to be in any public place;
- e) permit their dog to attack any person or another animal without provocation;
- f) permit their dog to cause damage to property which is not the property of the owner.

3. Dog Registration

- 3.1 Every owner of a dog shall register such dog with the Village of Tracy on or before January 31st for the following year and, at the beginning of registration, shall pay a license fee as set out in Schedule A. A Dog Tag Application (Schedule B) must be completed and provided in full with the aforesaid fee .
- 3.2 At the time the dog is registered, the owner shall provide proof of current rabies vaccinations, and the dog shall not be registered until such proof is provided.
- 3.3 At the time of registration, the Animal Protection Officer or the Clerk from the Village of Tracy shall give the owner a tag inscribed with a corresponding number under which the dog is registered.
- 3.4 A person who becomes an owner of a dog after the last day of January in any year shall register the dog within thirty days of becoming the owner and shall pay the license fee as set out in Schedule A.
- 3.5 The Village of Tracy shall keep record of the registration of all dogs which shall show the date and number of registrations, the description of each dog, and the name of the owner.
- 3.6 An owner of a dog with a currently registered and licensed tag shall apply for a replacement dog tag if lost. Replacement tag fees are set out in Schedule A.

4. Animal Shelter

- 4.1 The Council of the Village of Tracy may establish or designate one or more animal shelters to take possession of and properly care and provide for impounded dogs.

5. Impounding

- 5.1 A dog found running at large may be seized and impounded by the Animal Protection Officer.
- 5.2 A dog that has been abandoned or appears to the Animal Protection Officer to have been abandoned may be seized and impounded by the Animal Protection Officer.
- 5.3 Where an Animal Protection Officer seizes and impounds an abandoned dog, shall within 24 hours notify the owner of the dog, unless such ownership cannot be ascertained, in which case the Animal Protection Officer shall post a written notice at a public place or at another conspicuous place.
- 5.4 Except where otherwise indicated, all impounding fees and charges shall be the responsibility of the Animal Protection Officer to receive and disburse with the exception of euthanasia costs which shall be borne by the Village of Tracy.
- 5.5 An impounded dog which has not been claimed within 72 hours of seizure, exclusive of statutory holidays, Saturdays and Sundays may:
- a) be sold by the Animal Control Officer; or
 - b) be destroyed by the Animal Control Officer in a manner approved by the Society for the Protection of Cruelty to Animals, as per Section 8.
- 5.6 Any Animal Protection Officer shall immediately seize, impound, and report to the proper legal authorities any dog which is known to be or suspected of being rabid.

6. Reclaiming Animals

- 6.1 The owner of an impounded dog may reclaim the dog after proving ownership of the dog and upon payment of the following to the Clerk, or any other persons so designated by the Council of Tracy:
- a) the unlicensed dog fee if the dog is not licensed;
 - b) expenses, including veterinarian fees, legal fees, and costs relating to the capturing, impounding, and legal proceedings incurred by the Village of Tracy; and
 - c) impounding and other applicable fees as set out by the Resolution of the Council of Tracy made pursuant to this By-Law.

6.2 The owner of an impounded animal may reclaim the animal during the regular business hours of the animal shelter unless the animal has been impounded as a result of it having bitten a person, or if the animal is affected or suspected to be affected with rabies or any other contagious disease. The owner of the animal in question may reclaim the animal during the regular business hours of the animal shelter where the owner enters into a legally binding agreement with the Village in order to ensure the protection of the public, which is to the Village's satisfaction.

7. Unclaimed dogs

7.1 An impounded dog that has not been claimed within 72 hours of being impounded and the notice being posted may be sold for adoption by the animal shelter for the best price that can be obtained, and the monies derived from such sale shall be applied to the payment of the animal shelter and balance, if any, shall be paid to the Clerk, or other persons so designated by Council.

7.2 An impounded dog that cannot be sold or offered for adoption for any reason, including the fact that the dog is affected with rabies or any other contagious disease, may be destroyed, in the manner deemed most humane by the New Brunswick Society for the Prevention of Cruelty to Animals or by a licensed veterinarian, and the owner shall pay the costs and expenses referred to in Appendix A of this By-Law.

7.3 The animal shelter may continue to keep the dog longer than the period specified in Section 7.1 of this By-Law, when the owner:

- a) requests the dog be kept for a longer period; or
- b) advises the animal shelter of their ownership, but does not pick up the dog from the animal shelter within the time frame provided in Section 7.1, and when:
 - i. there is sufficient room in the animal shelter to continue to keep the dog;
 - ii. the dog is not vicious, rabid, suffering from communicable disease, ill, or injured;
 - iii. the dog is not required to be destroyed under this By-Law; and
 - iv. the animal shelter is satisfied that the owner or anyone acting on their behalf will pay the fees and charges for which the owner is or becomes liable.

8. Destruction

8.1 Any dog impounded under this By-Law may be destroyed, or provided that the dog:

- a) has been or is determined to be running at large and nobody has claimed the dog within 72 hours of being impounded;
- b) has bitten, or attempted to bite, or harmed a person and a Judge of the Provincial Court has ordered the dog to be destroyed; or

- c) has suffered injuries and a veterinarian has determined that the dog will not recover and should be destroyed.

8.2 A judge of the Provincial Court may summon the owner of the dog that is alleged to have bitten, attempted to bite, or harmed another person or animal, to appear and to show cause why the dog should not be destroyed. If, from the evidence produced it appears that the dog has bitten, attempted to bite, or harmed any person, household pet, or livestock, the Judge may order that the animal be destroyed.

9. Liability

9.1 No person authorized by this By-Law to capture, impound, or destroy a dog shall be liable for any injury or damage to such dog when the dog is being captured, impounded, or destroyed.

10. Animal Protection Officer

10.1 Council of the Village of Tracy may by resolution appoint an Animal Protection Officer to carry out any or all of the functions of this By-Law.

10.2 An Animal Protection Officer, while pursuing any dog in enforcing this By-Law, may pass over any land of any person, but this section shall not be so construed as to provide immunity against an action for damage suffered.

10.3 The Animal Protection Officer shall capture any dog not on the property of its owner that is:

- a) a dog that is not licensed under this By-Law;
- b) a dog that is not wearing a collar or harness, or a tag attached to the collar or harness as required under this By-Law;
- c) running at large;
- d) actually or suspected of being abandoned to the Animal Protection Officer.

10.4 The Animal Protection Officer may capture and impound any dog that:

- a) is housed in a kennel which is not licensed as required under this By-Law or the license for which has been suspended; or
- b) is alleged to have bitten, attempted to bite, or harmed a person or another animal.

- 10.5 The Animal Protection Officer shall obtain a search warrant, pursuant to the Provincial Offences Procedure Act SNB 1987, C. P-22.1, in order to capture or impound any dogs in the private dwelling or on the property of the dog's owner. The Animal Protection Officer shall be accompanied by a peace officer in the execution of a search warrant.
- 10.6 With respect to the Village of Tracy, the Animal Protection Officer shall perform duties as outlined below:
- a) shall carry an appropriate identification and conduct themselves in an orderly fashion;
 - b) shall respond to a problem in a timely manner;
 - c) shall inform and provide a copy of the By-Law to the owner/violator;
 - d) shall be required to keep accurate notes of all incidents;
 - e) shall provide notice to Council if at any time the Officer considers an incident or urgent matter;
 - f) shall carry out all duties with respect to upholding this By-Law;
 - g) shall issue an order of compliance to any persons found not in compliance with this By-Law; and
 - h) shall ensure all incidents are followed through with notification to applicable parties.

11. Kennels

- 11.1 Any person who operates or intends to operate a Kennel and/or Pet Establishment shall make an application for a Pet Establishment Licenses through the New Brunswick Society for the Prevention of the Cruelty to Animals as per the *Pet Establishment Regulation – Society for the Prevention of Cruelty to Animals Act*. Each license is valid for one year and shall be renewed to operate a Kennel and/or Pet Establishment for each following year. A copy of such license shall be filed with the Village.

12. Offences

- 12.1 The owner of a dog commits an offence under this By-Law if they:
- a) permit their dog to run at large;
 - b) refuse or neglect to register their dog under this By-Law;
 - c) refuse or neglect to attach and keep attached a license tag to the collar of their dog;
 - d) refuse or neglect to cause their dog to wear a collar at all times other than when it is an enclosure such as a kennel or the owner's residence;
 - e) permit their dog to chase or run after pedestrians, motor vehicles, bicycles, or other animals;
 - f) permit their dog to bark incessantly so that annoyance is caused to the public;
 - g) fail to have their dog immediately destroyed when the dog is rabid;

- h) permit their dog to bite or attempt to bite any other person or any other animals;
- i) permit their dog to be improperly kept, including any abuse such as improper feeding, watering, or tying out of doors, especially in excessively hot or cold or other intemperate weather and with special reference to breeds of dogs clearly not capable of tolerating such treatment; or
- j) permit their dog to defecate on any property in the Village of Tracy which is not property of the Owner, without immediately removing the feces left by the dog.

12.2 Any person who commits an offence under this By-Law if they:

- a) interfere or attempt to interfere with the Animal Protection Officer while they are exercising their function under this regulation; or
- b) not being the owner, remove a collar or licensed tag from a dog.

13. Complaint to Provincial Court

13.1 Further to Section 8.2 of this by-law, wherean Animal Protection Officer believes that a dog has bitten or attempted to bite a person, the Animal Control Officer may initiate a complaint to a Judge of the Provincial Court.

13.2 A Judge of the Provincial Court to whom a complaint has been 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, if from evidence produced it appears that the dog has bitten or attempted to bite a person, may make an order directing the dog to be destroyed; or

- a) that the owner or keeper of the dog keep the dog under control;
- b) that the dog shall be muzzled at all times when off the owners property;
- c) that at all times when off the owners property, the dog shall be on a leash not longer than one metre and under the control of a responsible person over the age of eighteen years of age; and
- d) that when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure.

13.3 Where an Animal Protection Officer initiates or intends to initiate a complaint, the Animal Protection Officer may seize and impound the dog at the expense of the owner pending final disposition of the complaint.

13.4 In all cases where a dog is impounded, the Village will make all reasonable efforts to have the matter dealt with as expeditiously as possible.

14. Validity

14.1 If any part of the By-Law is held to be invalid and struck down, it shall not invalidate the remaining provisions of this By-Law.

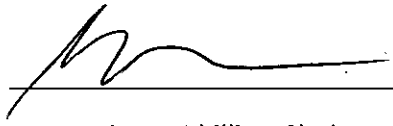
FIRST READING: Oct 24/22

SECOND READING: Oct 24/22

THIRD READING AND ENACTMENT: Nov 14/22



Dale Mowry, Mayor



Susan Phillips, Clerk



Schedule A
Fees and Fines

1. Fees

Dog Tag:

- a. 1 year License : \$10.00
- b. Lifetime: \$25.00
- c. Replacement Tag: \$10.00

2. Fines

1st TIME Offense:

- a. Failure to license an animal: \$50.00
- b. Allowing an animal to run at large \$50 (All fees incurred for handling an animal running at large, including but not limited to, capture, impoundment, vaccination, shall be reimbursed to the Town by the owner.)
- c. Allowing an animal to defecate on property not owned by the owner: \$50.00
- d. Allowing an animal to cause damage to property not owned by the owner: \$50.00
- e. Allowing an animal to threaten a person or another animal: \$75.00
- f. Allowing an animal to attack a person or another animal: \$150.00
- g. Operating a kennel without a licence: \$200.00
- h. Any other offense: \$50.00

For a 2ND time offense and each additional offense, the fines will be doubled (2X).

Schedule B – Dog Tag Application:



Dog Tag Application

Every owner of a dog in the Village of Tracy is required to obtain a license. Registering your dog(s) demonstrates responsible pet ownership and helps with the identification and safe return of your pet. Any dog that is picked up without a tag will incur additional fees and charges. Payment of yearly licence is due January 31st of each year. Lifetime tag \$25 or Yearly tag \$10.

No owner/occupant of a premise in the Village shall keep more than three (3) dogs on one property unless it is a kennel licensed through the New Brunswick Society for the Prevention of Cruelty to Animals (NBSPCA).

PLEASE COMPLETE THE FOLLOWING FOR YOUR DOG TAG REGISTRATION

Owner Information			
Owner Name		Phone Number	
Civic Address			
Mailing Address		Postal Code	
Description of Dog			
Dog Name		Breed	
Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>	Neutered/Spayed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Colour		Markings	
Birthdate	____ / ____ / ____ Month Day Year	Veterinarian	

Note: Please fill out one form per dog

Type of Registration: Yearly (\$10.00) Lifetime (\$25.00)

Tag #

office use only

Method of Payment

- Cheque
 Cash
 Electronic Transfer

Comments: _____

Dog Owner

Village Representative

