

## BY-LAW NO. 8

### A BY-LAW OF THE CITY OF MIRAMICHI RESPECTING ANIMAL CONTROL

The Council of the City of **Miramichi**, under the authority vested in it by the Municipalities Act, enacts as follows:

#### INTERPRETATION

In this By-Law,

- (a) "Chief of Police" - and includes any police officer designated by the Chief of Police to carry out the provisions of this By-Law;
- (b) "Animal Control Officer" - is the person who, under the supervision of the Chief of Police, is authorized and empowered by the Municipal Council of the City of **Miramichi** to carry out and enforce the provisions of this By-Law within the Municipality;
- (c) "dog" - includes bitch;
- (d) "owner" means with reference to an animal, a person who:
  - (i) is in possession of it,
  - (ii) **harbours** it,
  - (iii) suffers it to remain about his property or premises, or
  - (iv) registers a dog under this By-Law;
- (e) "running at large" - means an animal not secured by a leash having a maximum length of two meters in a public place, on private property other than that of the owner of the animal, or in a forest or wooded area, while not in the company or control of the owner of the animal;

#### ENFORCEMENT

- 2. This By-law shall be enforced by the Animal Control Officer with the assistance of the City of **Miramichi** Police Force.

#### REGISTRATION AND LICENSE

- 3. (1) Subject to subsection (2) every owner of a dog shall before the last day of January in each year
  - (a) register with the City Clerk or person appointed each dog he owns;
  - (b) pay the City Clerk or person appointed a license fee of -
    - (i) \$10.00 (ten dollars) for neutered male or spayed female dog, proof is required,
    - (ii) \$25.00 (twenty-five dollars) for an **unspayed** female dog, or **unneutered** male,
    - (iii) there shall be no fee for service dogs.
- (2) A person who becomes the 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 prescribed in subsection 3(1)(b).

## BY-LAW NO. 8

3. (3) The City Clerk shall cause to be kept a record of the registration of all dogs which shall show the date and number of registration, the description of each dog and the name of the owner.
- (4) The City Clerk, at the time of registration of a dog, shall 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 City of **Miramichi**.
- (5) A current year's license tag which is lost after it has been issued may be replaced by the City Clerk upon application by the owner and payment of \$2.00 (Two Dollars).
- (6) Every owner of a dog shall cause any dog registered by him to wear a collar to which shall be attached the tag issued under subsection 4.
- (7) The owner of a dog registered under this By-law shall not allow or permit the tag issued for such dog to be worn by another dog.
- (8) Every person who removes a collar or tag from any registered dog, not being the owner thereof, is guilty of an offence.

### KENNEL LICENSES

4. (1) An owner who keeps more than two dogs or keeps a dog or dogs for breeding, boarding, or any other like purposes must be in possession of a valid kennel license and must meet the 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 dogs;
  - (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 or City Clerk;
  - (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 \$100.00 (One Hundred Dollars) and may have his kennel license revoked, or cancelled.
- (3) A kennel license shall apply to each and every dog in the kennel until the dog is sold or otherwise leaves the kennel.
- (4) The fee for a Kennel License shall be \$100.00 (One Hundred Dollars) each year, payable at the time of issuance.
- (5) A Kennel Licence shall be valid until the second **Tuesday of January of the year next succeeding the date of issue and shall be renewed by the licensee on the second Tuesday of January in each and every year thereafter.**

## BY-LAW NO. 8

### VACCINATION

5. (1) The owner of a dog which has not been vaccinated against rabies, shall cause his dog to be so vaccinated,
  - (a) within ten days of acquiring the dog, if it is more than three months of age, and
  - (b) within ten days **after** it has reached the age of three months.
- (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, the owner shall cause such dog to be vaccinated against rabies within one month.
- (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 of not less than \$50.00 (Fifty Dollars) and not more than \$200.00 (Two Hundred Dollars).
- (4) Any Police Officer or Animal Control Officer shall seize and impound and report to proper legal authorities any animal which is known to be or is suspected of being rabid.
- (5) Any owner of an animal who knows or suspects that the animal is rabid or **suspected** to be rabid or has been exposed to rabies shall immediately report the matter to the proper legal authorities.

### SEIZING AND IMPOUNDING

6. (1) The Council may establish one or more dog pounds and appoint one or more pound keepers. The pound keeper and the Animal Control Officer may be the same person.
- (2) The Animal Control Officer or Police Officer may seize and impound any dog:
  - (a) not registered or licensed under this By-Law;
  - (b) not wearing a collar or tag issued under this **ByLaw**, when the dog is off the property of the owner or keeper of the dog, or when it is pursued onto the property of the owner or keeper of the dog;
  - (c) running at large, or
  - (d) actually or apparently infected with rabies or other contagious disease.
- (3) The Animal Control Officer shall
  - (a) if the owner of the dog is known, make a reasonable attempt to notify him that the dog is impounded; or
  - (b) when the owner of an impounded dog is not known, the Animal Control Officer shall make a reasonable attempt to **find** the owner by posting a notice at **City Hall**;
  - (c) if the owner of the dog is not know or cannot be located within a 48 hour period, said dog may be sold or destroyed.
- (4) The owner of any impounded dog shall pay the Animal Control Officer upon establishing ownership, the fees as specified in Schedule "A".

## BY-LAW NO. 8

6. (5) The Animal Control Officer or Police Constable is authorized to make use of a tranquillizer gun and any tranquillizing devices 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.
- (6) When destroying any dog under this section which has not been claimed, or for any other reason, the Animal Control Officer, as directed by the Chief of Police, shall do so in a humane manner.
- (7) (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.  
(b) All cost of seizing and impounding subject to Section 5(7)(a) will be at the owner's expense.
- (8) A Judge of the Court of Queens Bench, 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 an order:
  - (a) directing the owner or keeper of the dog to keep such dog under control;
  - (b) directing the owner or keeper of the dog or some other person to destroy such dog, at the owner's expense.

### SALE OF IMPOUNDED DOGS

7. (1) A dog which has not been released from the pound, under Section 5 of this By-Law, may be sold by the pound keeper or a Police Constable, for the best price obtainable, and the money derived from such sale shall be applied to the payment of fees of the pound keeper for seizing, impounding and maintaining the dog, and the balance, if any, shall be paid to the Municipal Treasurer to be used for the general purposes of the Municipality.
- (2) Any person who purchases from the pound keeper or a Police Constable, any impounded dog which is not registered or licensed, under this By-law, shall register or license the dog under this By-law before taking possession of it.

### RUNNING AT LARGE

8. The owner of an animal found to be running at large shall be subject to the fees specified in Schedule "A".

### STOOP & SCOOP

9. 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 service dogs.

### DISTURBANCE

10. (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 City of Miramichi Police Force take such steps as necessary to cause the disturbance to cease.
- (3) Subject to sections 8(1) and 8(2) failure to do so shall result in a charge subject to the fees specified in Schedule "A".

## BY-LAW NO. 8

### CATS

11. (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 City will supply a trap to the City residents upon receiving a deposit equal to the cost of the trap.
- (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 Animal Shelter.
- (e) The trap must then be returned to City Hall for a refund subject to Schedule "B" (Renting of traps).

### SNAKES

12. (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.

### OFFENCES

13. (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 8;
  - (b) he refuses or neglects to register his dog before the last day of March in each year subject to Section 3;
  - (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 9;
  - (g) he permits his dog to bite or attempt to bite any person as per section 6(8);
  - (h) he walks or exercises his dog without a leash as per section 8; or
  - (i) he refuses or neglects to vaccinate his dog as required under section 5.

## BY-LAW NO. 8

13. (2) Any person commits an offence under this By-law if:
- (a) he interferes or attempts to interfere with the Animal Control Officer or agent while exercising his functions under this By-law; or
  - (b) he, not being the owner, removes a collar of registration tag from any dog.

### PENALTY

14. (1) Any person or persons, corporation, partnership, or society who violates any provisions of this By-Law 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 Offences Procedures Act, and all such fines shall be recoverable under the provisions of the Summary Convictions Act.
- (2) The Animal Control Officer may at any time before or after the institution of proceedings against a person alleged to have committed a violation of this By-law, accept from such person payment of a sum equal to the minimum fine prescribed for such violation.
- (3) When the Animal Control Officer accepts a payment under this Section he/she shall:
- (a) issue a receipt therefor, and
  - (b) pay over any and all money collected, once a week, to the City Treasurer.

### BY-LAWS REPEALED

15. Town of Chatham By-Law No. 42, "A By-Law Respecting Dogs" ordained and passed April 11, 1977 and all amendments thereto; Town of Newcastle By-Law No. 23, "Newcastle Animal Control ByLaw" ordained and passed June 16, 1988 and all amendments thereto; Village of **Douglastown** By-Law No. 8, "A By-Law to License Dogs" ordained and passed January 28, 1977 and all amendments thereto; Village of **Loggieville** By-Law No. 13, "A By-Law of the Municipality of **Loggieville** Respecting Dogs" ordained and passed April 20, 1978; Village of **Nelson-Miramichi** By-Law No. 43, "A By-Law of the Municipality of **Nelson-Miramichi** Respecting Animal Control" ordained and passed May 11, 1993, are all hereby repealed.

### ENACTMENT

16. This By-Law shall come into effect on the date of enactment thereof.

READ THE FIRST TIME BY TITLE: September 28, 1995

READ THE SECOND TIME BY TITLE: January 25, 1996

READ IN ITS ENTIRETY IN **COUNCIL**: February 22, 1996

**READ THE THIRD TIME BY TITLE  
AND ENACTED: February 22, 1996**

**BY-LAW NO. 8**

**SCHEDULE "A"**

**Fees**

1. First offence \$50.00;
2. Second offence \$75.00;
3. Third offence and each subsequent offence in calendar year \$100.00;
4. Boarding fee of \$5.00 for each day the dog is impounded;
5. and, if the dog is not registered, the owner shall pay the registration fee required under this By-law.

**BY-LAW NO. 8**

**SCHEDULE "B"**

**Rental of Cat Traps**

1. The City of **Miramichi** will purchase and keep 5 traps in good working order on hand for use by citizens only.
2. Traps will be rented at cost (paper work etc.) upon receiving deposit equal to cost of trap.
3. The rental period is 3 days. If the trap is not returned, a penalty will 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.