

## Town Council of the Town of Marystown (Dog) Regulations

The following regulations have been made by the Town Council of Marystown under the provisions Section 414 of the *Municipalities Act, Chapter M-24, RSN 1999*, and were approved by me on this, the 17<sup>th</sup> day of February A.D., 2015.

  
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Mayor

  
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A/ Chief Administrative Officer

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1. These Regulations may be cited as the Town of Marystown (Dog) Regulations.
  2. Interpretations: In these Regulations, unless the context otherwise requires:
    - a) "Act" means the Municipalities Act
    - b) "Council" means the Town Council of Marystown
    - c) "Municipality" means the Town of Marystown as defined by Paragraph 2 or an Order-In-Council dated the 18<sup>th</sup> day of December A.D., 1951, and made under the provisions of the said Act
    - d) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Marystown or his/her duly authorized agent whose duty it shall be to see that these Regulations are implemented and enforced
    - e) "Dog" means any dog, male or female, and includes an animal which is a cross between a dog and a wolf
    - f) "Animal Control Officer" means any person appointed as such by council
    - g) "Licensing Officer" means any person appointed as such by Council
    - h) "License" means a valid numbered license issued in accordance with these Regulations authorizing the licensee to keep a dog in the licensing area or any part thereof and includes a valid renewal thereof
    - i) "Licensing Area" means the Town of Marystown in which the Town Council of the Town of Marystown has jurisdiction as defined in its Articles of Incorporation as subsequent amendments thereto
    - j) "Owner" means, when used in reference to the ownership of a dog, the person registered with the Town as the owner by means of a numbered dog tag or in the absence of a tag, the person who has custody, charge or possession of a dog or who is the owner of a house or premises or part of the premises where any dog is kept or permitted to live or remain, except where such person proves to the satisfaction of a Provincial Court Judge or Council that he or she was not, at the time in question, the owner of the dog
    - k) "Plaintiff" means the individual making a claim
    - l) "Puppy" means a dog of not more than four (4) months old, the proof of which shall be upon the owner

### 3. Health

The Animal Control Officer may inspect a dog(s), bedding, food, water, drugs or other thing related to a dog(s), or an activity which the Animal Control Officer has reasonable grounds to believe is related to a dog(s), or a place in which the Animal Control Officer has reasonable grounds to believe a dog(s), or information related to a dog(s), is kept or has been kept;

- a) Where the Animal Control Officer reasonably believes that it is necessary to carry out an inspection to determine the presence, absence or prevalence of a contagious or infectious disease, or to prevent the spread of a contagious or infectious disease.
- b) To determine compliance with these regulations or an order, a licence or a permit made under these regulations.

The Animal Control Officer may carry out an inspection under subsection (1) at a reasonable time either alone or accompanied by one or more veterinarians or other persons as her or she considers reasonably necessary.

The power to enter and inspect a place under this section shall not be exercised to enter and inspect a place that is a dwelling house except with the consent of the occupant or under a warrant.

The Animal Control Officer conducting an inspection under this section may;

- a) Pass through or over land without being liable for trespass or another action in relation to that land, in order to gain access to the place that is subject to the inspection.
- b) Enter and inspect the place and a dog(s), bedding, food, water, drugs or other things related to a dog(s) found there.
- c) Open a package, crate, cage, or other thing for the purpose of examining the contents.
- d) Detain, or order the owner to detain, or seize a dog(s) for the purpose of inspection, inoculation, or treatment for infectious or contagious disease, or to prevent the spread of that infectious or contagious disease, or for another purpose that is relevant to this regulation.
- e) Implement inoculations of dog(s) that may be considered necessary to prevent the spread of infectious or contagious disease, and treat a dog(s) suffering from or suspected of suffering from that infectious or contagious disease.
- f) Quarantine or dispose of a dog(s), or arrange for the quarantine or disposal of the dog(s), in accordance with the regulations or an order.
- g) Detain, or order the owner to detain, or seize bedding, food, drugs or other thing related to a dog(s).
- h) Mark a dog(s), a container or other thing that has been inspected for the purpose of identification.
- i) Take samples from or perform or arrange for tests on living or dead dog(s), bedding, food, drugs or other things related to dog(s) on, at or in the place, and may exhume or cause to be exhumed the carcass of a dog(s) to do these things.
- j) Conduct or cause to be conducted an examination with respect to a dead dog(s) and transport or cause to be transported the remains of the dog(s) for this purpose.

- k) Take photographs or make videos, notes or other recordings of a thing on, at or in the place that the Animal Control Officer considers to be of assistance to the inspection.
- l) Demand the production of and examine a record or thing that is relevant to the inspection.
- m) Make copies of a record or thing or, upon issuing a receipt, remove them for the purpose of making copies.
- p) Use or cause to be used copying equipment at the place to make copies of a record, book of account or other document.
- q) Require the owner to give the Animal Control Officer all reasonable assistance, including the production of a dog(s), bedding, food, water, drugs or other thing related to a dog(s) that is relevant to the inspection, and to answer all questions relating to matters arising under this Part and the regulations concerning dog(s), dog(s) origins, bedding, food, water, drugs or other things related to dog(s) that are present, have been present, or are expected to be present on, at or in the place, and, for that purpose, require the owner to attend at a place with the Animal Control Officer.

A Provincial Court judge who is satisfied upon oath or affirmation that there are reasonable grounds to believe that dog(s), bedding, food, water, drugs or other things related to dog(s), or information related to dog(s), are being kept or have been kept on, at or in a place and that the Animal Control Officer has been prevented from entering or inspecting a place or that the Animal Control Officer shall be prevented from entering or inspecting a place, under this section, may issue a warrant authorizing the Animal Control Officer named in the warrant, either alone or accompanied by one or more veterinarians or other persons as the Animal Control Officer considers reasonably necessary, to enter the place, by force where necessary, and carry out the activities authorized under this section, subject to the conditions that may be specified in the warrant.

#### 4. Protection

The Animal Control Officer may at a reasonable time and where the Animal Control Officer reasonably believes it is necessary to determine whether a dog(s) is in distress;

- a) Enter onto land on which a dwelling house is located.
- b) Request a person in the dwelling house to produce the dog(s) for inspection.
- c) Where the dog(s) is produced, view the dog(s) or conduct an examination of the dog(s) as may be required to determine whether or not it is in distress.

The Animal Control Officer may provide a dog(s) that is found in distress with food, water, care or treatment in addition to another action that the inspector is authorized to take.

Where it is reasonably necessary for the purpose of ensuring compliance with these regulations, the Animal Control Officer may without a warrant enter a place where dogs are kept for sale, hire, exhibition, sport, boarding, breeding, training, or other commercial purpose that may be prescribed by regulation, during normal business hours, either alone or accompanied by one or more veterinarians or other persons as the Animal Control Officer considers reasonably necessary.

The power to enter and inspect a place under this section shall not be exercised to enter and inspect a place that is a dwelling house except with the consent of the occupant or with a warrant.

The Animal Control Officer conducting an inspection under this section may;

- a) Enter and inspect the place and examine the dog(s) found there to ascertain whether there is a dog(s) in distress.
- b) Provide a dog(s) that is found in distress with food, water, care or treatment, in addition to another action that the Animal Control Officer is authorized to take.

The Animal Control Officer may seek the owner's cooperation;

- a) Where the Animal Control Officer has reasonable grounds to believe that a dog(s) is in distress, the Animal Control Officer may endeavour to obtain the owner's cooperation to relieve the dog's distress.
- b) Subsection (1) applies where the owner of the dog(s) is present or may be found promptly.
- c) The Animal Control Officer may take reasonable steps to find the owner of the dog(s).

5. Keeping of Dogs

Effective from and after the passing of these Regulations, no person shall keep any dog(s), other than a puppy not more than four (4) months old, within the limits of the Municipality, unless such dog(s) has been registered and licensed.

6. Licensing Officer(s)

The Council may appoint Licensing Officer(s) who shall keep registers of all dogs licensed by them showing the dog tag number, owner, address, telephone number and breed of dog.

7. Licenses

The following fees shall be paid on issuance and renewal of licenses:

Male Dogs	No Charge
Spayed Dogs	No Charge
Female Dogs	No Charge

8. License Tags

License Tags shall be supplied by the Council and issued by the Licensing Officer(s) and any other person duly authorized for that purpose. Proof of rabies vaccination is required to be shown at time of licensing.

9. Use of License Tags

The owner of every licensed dog shall immediately, upon receiving the license, attach it to a strong and durable collar, which shall be kept around the dog's neck at all times when it is outside the enclosed premises of the owner. A license tag is to be furnished by the officer issuing the license.

10. Validation of License

Every license, in accordance with these Regulations, shall become valid on the date of issue and shall be valid until such time as otherwise deemed by Council. Every license is good for the life of the dog and shall not be transferable.

11. Tethering

Every owner of a dog(s) within the Town shall keep such dog(s) safely tethered or penned up at all times except under the following conditions;

- a) It is held on a leash by a person capable of restraining its movements.
- b) It is being used by some person for the purpose of lawful hunting.
- c) It is being used by some person to work in a lawful manner with sheep.

12. Nuisance

No owner shall allow a dog(s) to disturb the peace through loud and prolonged barking, whimpering, whining or howling.

13. Vicious Dog(s)

The owner of a dog(s) within the Municipality shall not allow or permit such dog(s) to attack, injure, maim, bite or worry human beings or other animals or fowl. In the case where a dog(s) has attacked, injured, maimed or bitten a human being or other animal or fowl, the Animal Control Officer, with the dog(s) owner's permission, shall impound and quarantine the dog(s) for any time required, as per these regulations. At the end of the quarantine period, where deemed necessary, the dog(s) shall be euthanized (as per regulation 15 of these regulations) by the Animal Control Officer in consultation with authorities such as the Police, Provincial Vet, or other applicable Government Departments. Further, where the owner refuses permission to have a vicious dog(s) euthanized, the Town shall have the option to obtain, on behalf of such authorities, a Court Order to have the dog(s) euthanized.

14. Prohibition

- a) A person shall not confine, or permit to be confined, a dog(s) in an enclosed space, including a motor vehicle, without adequate ventilation.
- b) A person shall not transport, or permit to be transported, a dog(s) in the trunk of a motor vehicle. This does not apply to a station wagon, passenger van, sport-utility vehicle, hatchback or another type of motor vehicle that does not have a trunk.
- c) A person shall not permit a dog(s) to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus.
- d) A person shall not permit a dog(s) to be hitched, tied or fastened to a fixed object by means of a rope or cord tied around the animal's neck.
- e) A person shall not maintain or keep a dog(s) for the purpose of fighting or allow or permit a dog(s) to be used for the purpose of fighting.

15. Seizing and Impounding

- a) The Animal Control Officer may seize and impound any dog(s) found at large or under circumstances contrary to sections 3, 4, 5, 11,12, 13 & 14 of these regulations, and enter any premises (except a dwelling, for which a warrant must be obtained from a provincial court judge) for the purpose of recapturing any dog(s) that may escape from his/her control.
- b) Any dog(s) found damaging or destroying private property, goods or causing injury to another animal or person may be seized by the

injuriously affected person or persons and held for collection by the Animal Control Officer.

- c) When a dog(s) has been impounded, the Animal Control Officer shall make a record of such impounding in a book/computer file kept for that purpose and may then, but shall not be bound to, advertise that such dog(s) has been impounded. It shall be the responsibility of the owner to find out if his pet is impounded.
- d) Upon impounding the Animal Control Officer shall immediately serve written notice on the owner of the dog(s) or take reasonable steps to inform the owner of the dog(s) of his or her actions.
- e) The owner may recover an impounded dog(s) on such proof of his ownership of the dog(s) as Council may require and upon payment of all fees in connection with the impounding and keeping of the dog(s) and upon proof in writing from the Town that the dog(s) has been licensed.
- f) The Animal Control Officer shall keep any unclaimed dog(s), which is licensed, in the pound for a period of seventy-two (72) hours and after the expiration of such period, the dog(s) may be sold or destroyed. However the Animal Control Officer may destroy immediately any dog(s) which is found to be unlicensed, untethered or unattended, or has been impounded twice previously or the owner of which is unknown.
- g) The Animal Control Officer may destroy any dog(s) found at large within the Municipality if, in his opinion, such dog(s) is so diseased, injured or vicious or in such other condition that it ought to be destroyed.

16. Authorization to Destroy and Method

- a) The "Animal Health & Protection Act" authorizes the Animal Control Officer, Police Officer or any person authorized in that behalf to destroy any dog(s) that is found to be diseased, distressed or a nuisance in accordance with these regulations and the "Animal Health & Protection Act".
- b) Any dog(s) to which these Regulations apply may be destroyed by any Police Officer or any person authorized in that behalf, save that this Regulation shall not apply to dogs under the age of four (4) months.
- c) Where any person is authorized to destroy a dog(s) under these Regulations, he shall do so in a manner as humanely as possible and follow the methods approved by the Provincial Vet.
- d) The carcass of any dog(s) destroyed shall not be placed in the sea or in any pond, lake, river or stream or any water which flows into the sea or any water shed area.
- e) The Animal Control Officer, or any other person authorized by the Council for the purpose, shall dispose of the carcass of any dog(s) destroyed under the provision of this regulation, hereof, by;
  - i) Burying the carcass in the earth at a place that meets the approval of the Council and the Provincial Department of Health.
  - ii) Cremation of the carcass by an authorized crematorium.
  - iii) Any other method that meets the approval of the Council and the Provincial Department of Health.

17. Liability

- a) The owner shall be liable for damages or injury caused by that dog(s) to other animals, a person, goods or property. It shall not be necessary for the plaintiff in an action taken in respect of damage or injury done by a companion animal or livestock to show a previous tendency in that animal or livestock or the owner's knowledge of that previous tendency or to show that the damage or injury was attributable to neglect on the part of the owner.
- b) The owner shall be liable for all expenses incurred including the impounding and keeping of the dog(s).

18. Proof of Age

In any proceedings under these Regulations, the proof that a dog(s) was under the age of four (4) months shall be upon the owner of the dog(s) or the person having possession thereof.

19. Tranquilizer Gun

The Animal Control Officer shall have the authority to use a tranquilizer gun for the purpose of impounding a dog(s) and neither the Animal Control Officer nor the Marystown Town Council shall be held responsible should any dog(s) suffer serious or fatal effects caused by the tranquilizer drugs.

20. Seizing and Impounding Fees

a) First Offence:

\$25.00 for the first day  
\$50.00 for the second day  
\$75.00 for the third day

b) Second Offence:

\$30.00 for the first day  
\$60.00 for the second day  
\$90.00 for the third day

c) Third Offence:

The dog(s) shall be sold for the amount of fines owing or destroyed.

d) There is also a daily fee charged of \$20.00 per dog.

21. Prosecution

Prosecution under these Regulations may be taken summarily by any Police Constable or by any person authorized by Council.

22. Penalty

Every person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction, where no penalty is otherwise provided, to a fine not exceeding one thousand

dollars or in default of payment to a period of imprisonment not exceeding ninety (90) days, or to both such fine and period of imprisonment.

The conviction of a person under this section does not operate as a bar to further prosecution for the continued failure on the part of the person to comply with the Regulations.

23. All other aspects of the "Animal Health & Protection Act" SNL2010 CHAPTER A-9.1 Amended: 2013 c1, still apply to all residents & businesses. The "Animal Health & Protection Act" can be found on the Government of Newfoundland & Labrador website, under Dept. of Natural Resources, Animal Protection Division. [www.assembly.nl.ca/legislation/sr/statutes/a09-1.htm#11](http://www.assembly.nl.ca/legislation/sr/statutes/a09-1.htm#11)

24. Effective Date

These Regulations were adopted by Resolution of Council at a meeting held on the 17th day of February, 2015, and will come into effect on the 17 day of February, 2015.

25. All previously adopted Town of Marystown (Dog) Control Regulations are hereby repealed.

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These Regulations shall come into effect on the 17th day of February, A.D. 2015, and may be cited as the Town Council of the Town of Marystown (Dog) Regulations.

Adopted by Council: February 17, 2015