

BY-LAW 517
A BY-LAW ESTABLISHING CONTROL OF ANIMALS
IN THE TOWN OF OROMOCTO

The Council of the Town of Oromocto, under the authority vested in it by Section 10(1) (k) of the Local Governance Act, enacts as follows:

DEFINITIONS

1. In this By-Law:

- 1) **"Animal"** means all domestic pets including dogs, cats, and other mammals; birds, reptiles, amphibians and fish;
- 2) **"Animal Control Officer"** means any person or persons appointed by the Town of Oromocto to administer the by-law;
- 3) **"Dangerous"** with reference to a dog, means that it:
 - a) Has bitten or attacked a person or domestic animal;
 - b) Is attack trained;
 - c) Is kept for the purpose of security or protection of person or property; or
 - d) Has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal.
- 4) **"Dog-Free Area"** includes any designated public swimming areas, splash pad areas, playground areas, or on any sports or athletic fields owned or operated by the Municipality;
- 5) **"NBSPCA"** is the New Brunswick Society for the Prevention of Cruelty to Animals;
- 6) **"Nuisance"** means with reference to cats, includes fighting with other cats, trespassing or defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or garbage containers and running at large;
- 7) **"Nuisance Wildlife"** means wildlife which is destructive or menacing;
 - a) Such wildlife may damage property such as buildings, crops, pets, livestock, gardens, or public parks;
 - b) Such wildlife may threaten human health or safety by spreading diseases through direct attacks or accidentally;
 - c) Nuisance wildlife includes (but not limited to) bats, beavers, chipmunks, coyotes, fox, deer, mice house mice, pigeons, porcupines, raccoons, skunks, squirrels, starlings and groundhogs, and includes any part of such animal or bird;
- 8) **"Off Leash Park"** is a facility set aside for dogs and their owners to exercise and play off-leash in a controlled environment;
- 9) **"Oromocto and Area SPCA"** is the Oromocto and Area Society for the Prevention of Cruelty to Animals;
- 10) **"Owner"** or **"Keeper"** means with reference to an animal, a person who:
 - a) Is in possession of it;
 - b) Harbours it;
 - c) Permits an animal to remain on property owned by or under the control of the person; and
 - d) Where the owner is a minor, means any parent or legal guardian of the minor.
- 11) **"Person"** means an individual;

- 12) **“Running at Large”** means when an animal is in any place, other than on the property of the owner of the animal, and not secured by a leash or harness, for the exception of those participating in a sanctioned show or event, or at a designated off-leash park;
- 13) **“Shelter”** or **“Pound”** means a place where stray, lost, abandoned, or surrendered animals are housed;
- 14) **“Town”** means the Town of Oromocto;
- 15) **“Town Council”** means the Mayor and Councillors of the Town of Oromocto;
- 16) **“Wildlife”** means, as defined in the *New Brunswick Fish and Wildlife Act*;
 - a) Any animal or bird or any hybrid offspring of an animal or bird, excluding fish and the hybrid offspring of fish, and
 - b) any species of animal or bird that is usually wild by nature in the Province, whether or not the animal or bird is bred or reared in captivity; and
 - c) Any exotic wildlife that has been introduced into the wild by the Province and includes any part of such animal or bird;

GENERAL

2. General

Neither the Town of Oromocto or the NBSPCA have authority or jurisdiction for animal noises and sounds originating from inside personal dwellings.

PROHIBITIONS

3. General

No owner shall:

- 1) Allow their animal at large;
- 2) Allow their dog to be in a dog-free area designated by the Town, except service dogs trained to assist persons with a disability;
- 3) Allow their animal to chase or run after pedestrians or motor vehicles;
- 4) Allow their animal to demonstrate or approach any person in an aggressive or terrorizing manner upon any street, sidewalk, public grounds or places, or private property of the owner;
- 5) Allow their animal to bite or attempt to bite a person;
- 6) Allow their animal to cause damage to property which is not the property of the owner;
- 7) Allow their animal to defecate on any property in the Town, which is not the property of the owner, and shall immediately remove any feces left by the animal outside of the property or the owner (this section shall not apply to persons using seeing-eye dogs or guide dogs); or
- 8) Allow their animal to bark, howl, or create noise disturbances in any other similar manner incessantly to the extent that annoyance is caused to the public.

No person shall:

- 9) Interfere or attempt to interfere with an Animal Control Officer while the officer is seizing or impounding an animal;
- 10) Not being the owner, remove a collar or registration tag from an animal; or
- 11) Place, or cause to be placed, on or near the property of that person, any food matter which has the effect of attracting nuisance wildlife.

REGISTRATION OF ANIMALS

4. General

- 1) Every person who becomes the owner of a dog or who, owning a dog, takes up residency in the Town of Oromocto;
- 2) Registration of cats is voluntary;
- 3) At the time of registration, the owner shall provide proof of a current rabies vaccination, the dog shall not be registered until such proof is provided. In the case where a dog cannot have a rabies vaccination, the owner shall provide written confirmation from a licensed veterinarian confirming that the dog is not able to receive a rabies vaccination.
- 4) Registrations may be obtained from the following outlets:
 - Online via DocuPet webportal
 - NBSPCA
 - Oromocto and Area SPCA
 - Service New Brunswick Centre
- 5) An owner shall renew a registration of a dog before the registration expires.
- 6) Every person residing in Oromocto who purchases an unregistered dog from the Oromocto and Area SPCA shall have registered at no cost such dog with the Town of Oromocto before taking possession of it.
- 7) Every operator of a kennel, pet retail store and animal shelter are required to obtain a licence.
- 8) Proof of Registration – On registration or renewal of a registration of an animal, the owner shall receive a certificate or receipt of registration and a tag showing the number under which the animal is registered.
- 9) Fees - Any fees and expenses will be paid at the rates set in accordance with the NBSPCA and the New Brunswick Regulation cited as the *Dog Control Regulation – Local Governance Act*.
- 10) Tagging – On receiving a registration tag, an owner shall attach and keep attached the tag to the collar of their animal.
- 11) An owner of a dog shall ensure that the dog wears a collar at all times, other than when the dog is in an enclosure such as a kennel or the owner's residence.
- 12) Any person who loses a dog tag shall obtain a replacement tag.

SEIZING AND IMPOUNDING

5. General

- 1) The Animal Control Officer shall seize and impound any domestic animal running at large and:
 - a) if the owner is known, the Animal Control Officer shall make a reasonable attempt to notify the owner that their animal has been seized and impounded; or
 - b) if the owner is not known or the owner is known but cannot be located, give the public notice that the animal is seized and impounded
- 2) Animals seized for running at large or otherwise in violation of this by-law will be impounded for up to five (5) working days after which, if not reclaimed, become property of the shelter.
- 3) Before any action is taken to seize and impound an animal by the Animal Control Officer, as a result of a complaint, the complainant shall give their name and address to the Animal Control Officer.
- 4) The owner, or anyone on the owner's behalf, of any animal impounded may, upon establishing ownership of the animal and upon payment of all costs associated with the animal being at large, obtain the release of the animal. This includes:
 - a) Purchase of current dog tags;
 - b) Fines and tickets are paid;
 - c) Related pound fees are paid; and
 - d) Any veterinary expenses.
- 5) Dog known to be or suspected of being rabid:
 - a) A dog that is known to be or suspected of being rabid shall be considered dangerous.
 - b) An Animal Control Officer shall seize and cause to be destroyed immediately any dog that is known to be or suspected of being rapid.
 - c) Animal Control Officer who seizes and and destroys a dog shall notify as soon as possible the owner, if the owner is known.
- 6) Dog alleged to have bitten:
 - a) A judge of the Provincial Court on a complaint being made to them that an animal has bitten or attempted to bite any person, may summon the owner of the animal to appear and to show cause why the animal should not be destroyed and
 - b) may, if from the evidence produced it appears that the animal has bitten or has attempted to bite a person, make an order directing that the animal be destroyed; or the owner or keeper of the animal keep the animal under control.
- 7) Until such time as the Court makes an order, an animal that has bitten or attempted to bite any person may be seized and impounded the Animal Control Officer at the expense of the owner pending disposition of the complaint by the Court.
- 8) No person authorized under this by-law will be held responsible for illness, accident, or death of any dogs while in the custody of the NBSPCA or the shelter.

OFFENCES

6. General

- 1) Every person who violates any provision of this by-law is guilty of an offence.
- 2) Every person guilty of an offence is subject to the fines and penalties outlined by the service provider for animal control services, the NBSPCA.

REPEAL

7. By-Law 417 and any amendments, thereafter, is hereby repealed.

READ FIRST TIME BY TITLE ONLY:

18 APRIL 2024

READ SECOND TIME IN ITS ENTIRETY:

18 APRIL 2024

READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:

John Jackson
CAO/Clerk

Robert Powell
Mayor