

TOWN OF GRAND BANK
ANIMAL CONTROL REGULATIONS, 2005

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred under Section 414 {2} of The Municipalities Act, S.N. 1999 Chapter M-24, the Town Council of the town of Grand Bank has adopted the following Regulations.

MAYOR

ANIMAL CONTROL REGULATIONS

1. These regulations may be cited as the Town of Grand Bank Animal Control Regulations.

DEFINITIONS

2. Interpretations: In these regulations unless the context otherwise requires:
 - (a) “Act” means The Municipalities Act, S.N. 1999 Chapter M-24;
 - (b) “Animal” means dog, cat or other animal prescribed by Council from time to time.
 - (c) “Council” means the Town Council of the Town of Grand Bank;
 - (d) “Town” means the Town of Grand Bank as defined by Order-in-Council dated the 28th day of December, 1943 or any amendments thereto, and made or continued under the provisions of the Act;
 - (e) “Town Manager” means the Town Manager of the Town of Grand Bank.
 - (f) “Town Clerk” means any person appointed as such by the Council under the Act.
 - (g) “Control” means under control by having the animal on a leash of not more than three (3) meters in lengths or other device approved by Council.
 - (h) “Animal Control Officer or Impounder” means the person appointed by the Town who is responsible for carrying out the provisions of the Town of Grand Bank’s Animal Control Regulations with respect to the seizure and impounding of animals. Such people include all town employees.
 - (i) “Livestock” means horses, cattle, sheep, goats, swine, fowls, geese, ducks, fur bearing animals raised in captivity and poultry.
 - (j) “Annoyance” means any obnoxious substance, animal waste or unsanitary matter or noise caused by any animal; that has an unpleasant effect on the senses or where any animal causes damage to any lawn, grass plot, garden or flower bed and flower, shrub or plant, such animal shall be deemed a annoyance.
 - (k) “Premises” for the purpose of these regulations will be deemed to mean all private and public land and all private and public buildings, including residential, commercial and apartment buildings within the Town boundaries.

- (l) “*Dog*” means a male or female dog or pup and includes an animal which is a cross between a dog and a wolf;
- (m) “*Injured*” and “*Injury*” includes, but are not limited to injuries caused by wounding, worrying, terrifying or pursuing;
- (n) “*Kennel*” means an establishment for the keeping, breeding or boarding of dogs for Commercial purposes that is in compliance with SPCA standards.
- (o) “*Owner*” includes any person who has custody, charge or possession or control of an animal of any kind or who is the owner of any house, dwelling, building or premises or part thereof where any animal is kept or permitted to live or remain, except where such person proves to the satisfaction of the judge that he/she was not, at the time in question, the owner of the animal.
- (p) “*Park*” means any land by or under the direct control and management of the Town which is designated or used for a park or recreation purpose.
- (q) “*Private land*” for the purpose of this Regulation means all land within the Town boundaries which is not owned or under the direct control and management of the Town, and includes all lands of Her Majesty the Queen in rights of Canada or of the Province and their respective agencies.
- (r) “*Public Open Space*” means all lands owned by or under the direct control and management of the Town other than a park or parkland or street.
- (s) “*Street*” means any public thoroughfare or sidewalk, including the Nature Trail or any defined Trail, within the boundaries of the Town.
- (t) “*Dangerous/Vicious Animals*” means any individual animal;
 - (i) that has killed a domestic animal without provocation while off the owners’ property;
 - (ii) that has bitten or injured a human being or domestic animal without provocation, on public or private property;
 - (iii) that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property;
 - (iv) that is threatening or aggressive with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, fowl or other animal.
- (u) “*Leash*” means a chain, rope or other restraining device of not more than 3.5 metres.
- (v) “*Muzzled*” means that the mouth of an animal is fastened or covered with a humane fastening or covering device of adequate strength to prevent the animal from biting.

3. No person shall permit any animal of which he/she is the owner to roam at large on any property within the Town including Town streets, sidewalks, public open spaces, parks and private land, other than the land of the owner of the animal.

4. It shall be the duty of the Impounder, or any town employee charge with the enforcement of this Regulation, to seize and impound any animal found roaming at large contrary to section 2 and he/she shall have the powers to enter upon all lands and into any building for the purposes of carrying out the provisions of this

Regulation provided that the entrance to any private residence shall be limited to the hours between 8:00 a.m. and 8:00 p.m..

5. The Impounder may humanely destroy any animal found roaming at large within the Town, if, in his/her opinion, such animal is so diseased or injured or vicious or unfit for impounding, the Impounder, in consultation with the Veterinarian, may cause the dog to be disposed of or humanely destroyed forthwith.
6. Where any person is authorized to destroy any animal under the terms of these regulations he/she shall do so in a manner as humanely as possible.
7. When an animal has been impounded, the Impounder shall notify the Town Clerk or such other official of the Council as shall have the care of such matters and the Clerk, or such other official, shall make record of such impounding in a book to be kept for that purpose. The Council may then, but shall not be bound to, advertise that such animal has been impounded.
8. The owner may recover the animal impounded on such proof of his/her ownership of the animal as the Impounder may require and upon payment of all fees and expenses in connection with the impounding and keep of the animal.
9. (a) No person shall, in the Town of Grand Bank, keep an animal in an unsanitary condition.
 - (b) For the purpose of this section an animal is kept in an unsanitary condition where it is exposed to:
 - (i) an accumulation of fecal matter;
 - (ii) an odour;
 - (iii) insect infestation; or
 - (iv) rodent attractants
10. No person shall keep or permit to be kept on any land or in any building in any area of the Town designated as residential or apartment more than two dogs or two cats at any one time, except under the following conditions:
 - (i) newborn puppies;
 - (ii) special permits
 - (i) licenced Newfoundland and Labrador kennel breeders;
 - (ii) unregistered breeders complying with SPCA standards;
 - (iii) owners with more than two household pets that comply with SPCA standards.

DANGEROUS/VICIOUS ANIMAL

11. (a) The owner of any animal that has been determined to be dangerous/vicious by an officer in accordance with the definition as set out in this by-law shall be required to do any or all of the following:
 - (i) not allow the animal to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the animal is on a substantial chain or leash not exceeding 1.5 metres in length, **and under the control of a responsible person over the age of eighteen**, and muzzled in a manner that will not cause injury to the animal or interfere with its vision or respiration but will prevent the animal from biting another animal or human;

- (ii) when the animal is on the owner's premises it shall be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet (1.5 m x 3 m), capable of preventing the entry of children or other animals and adequately constructed to prevent the animal from escaping or causing personal injury;
- (iii) conspicuously display a sign on the owner's premises warning that there is a vicious animal on the property;
- (iv) so confine the said animal in a manner that will allow persons who have lawful entry onto the premises of the animal owner to have such entry without fear of attack by the said animal;

21. Every person shall remove forthwith any feces deposited by an animal under that person's control on any highway, street, sidewalk, public park, open space, or private property within municipal boundaries and shall immediately place such feces in a non-porous plastic bag and dispose of it in a proper public or private garbage container.

22. Any animal which is not under the control of its owner and which is found damaging or destroying or fouling with excrement any public or private property may be seized by the property owner, its agent or person injuriously affected and held for collection by the Impounder.
23. If any animal shall make noise in such a manner as to disturb the peace, or to constitute an annoyance to residents in the neighborhood, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence under the terms of these regulations.
24. Whenever an animal is found in any public place or on any private property without the consent of the owner, occupant or person having control of such private property or is not held securely on a leash by a person capable of restraining its movements or confined to private property, the Impounder/Control Officer shall, and any person may, cause the dog to be impounded.
25. The Impounder, in consultation with the SPCA, shall have the right to seize any animal within the Town limits which in his/her opinion is being mistreated.
26. No persons shall keep in any dwelling or part thereof in the Town any horse, cow, calf, swine, sheep, goat, fowls, geese or ducks.
27.
 - (a) No person shall keep any livestock of any kind on any land or in any building in the Town without the written permission of the Town. The Town may, by resolution, exempt any species, classes, types or categories of animals or fowls generally, and prescribe any conditions to such exemption.
 - (b) Without limiting the generality of the foregoing, the Town may refuse to permit the keeping of any animal or livestock which it considers offensive, or likely to create a public nuisance or health hazard, or is perceived as causing a threat to public safety.
28. Council may limit the number of animals kept on any residential or private property within the Town of Grand Bank.
29. The animal owner shall be held responsible to provide medical assistance to an injured or diseased animal and in no way will the town be held liable.
30. Any person who has custody, charge or possession of any animal or who is the owner or occupant of any house or premises where an animal is kept or permitted to live or remain shall be deemed to be the owner of the animal for the purposes of the Regulations unless they prove that they are not the owner of the animal.
31. The Impounder who reports to the Town Manager or the Town Clerk, shall:
 - (a) Report the name and address of any person observed or reliably reported to have violated any of the provisions of these regulations.
 - (b) Report the time and nature of such violations and any other circumstances related thereto.
 - (c) Serve upon the person violating any of the provisions of these regulations a letter of notice that such person has violated a provision of these regulations and instructing such person where to report to in regard to such violation.
 - (d) File with the Town Manager or the Town Clerk a duplicate copy of each letter of notice served as aforesaid.

- 32. Any person who interferes with or attempts to interfere with an Animal Control Officer in the exercise of their duties, such person shall be deemed to have committed an offence in terms of these regulations.
 - (a) Any person who, without the authority of the Animal Control Officer releases any animal which has been impounded, shall be deemed to have committed an offence in terms of these regulations.
 - (b) Every person requested by the Animal Control Officer shall, on request, forthwith give his/her proper name and address.
- 33. Prosecutions under these Regulations may be taken summarily by any RCMP Officer.
- 34. Any court of summary jurisdiction may take cognizance of a complaint that an animal is dangerous and not kept under proper control or has bitten or attempted to bite any persons and if it appears to the court that the animal is dangerous or has done any of the things referred to herein, the court may order the owner of the animal to destroy it.
- 35. Any person authorized to destroy a animal under these regulations may destroy or may complain to a Provincial Court Judge who, upon verification of the authorization, may make an order directing the owner of the animal to destroy it.
- 36. The owner of an animal who fails to comply with an order made under either section 11 or 12 shall be deemed to have committed an offence in terms of these regulations.
- 37. Every person who contravenes or fails to comply with any of the provisions of these regulations for which no other penalty is prescribed is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1000.00) or in default of payment to a period of imprisonment not exceeding ninety (90) days or to both such fine and period of imprisonment.
- 38. Every person who violates any of the provisions of these regulations shall be guilty of an offense and shall be liable on summary conviction to a penalty as prescribed by these regulations.
- 39. These Regulations were adopted and passed by Council at a meeting held on the ____ day of _____, 2005, and will come into effect on the ____ day of _____, 2005 , and may be cited as the Town of Grand Bank Animal Control Regulations, 2005.
- 40. All previous By-Laws, Rules or Regulations of the Town of Grand Bank dealing with the control of animals are hereby repealed.

MAYOR

CLERK