

VILLAGE OF MCADAM
BY LAW NO. 49
A BY LAW RESPECTING ANIMAL CONTROL

The Council of the Village of McAdam, under the authority vested in it by Section 96 of the Municipalities Act, enacts as follows:

ABBREVIATED TITLE

1. This By-Law may be cited as the Animal Control By-Law of the Village of McAdam.

DEFINITIONS

2. In this By-Law:
 - (1) Animal includes all vertebrate pets including mammals, birds, reptiles, amphibians and fishes;
 - (2) “Dog” includes bitch;
 - (3) A person is deemed to be the owner who;
 - (a) is in possession of an animal,
 - (b) harbours an animal,
 - (c) suffers an animal to remain about his house or premises, or
 - (d) registers a dog as her in provided;
 - (4) A person is deemed to be a breeder who is an owner who keeps a dog(s) for breeding, selling, boarding or any other like purposes;
 - (5) “Running at large” means to be unleashed;
 - (a) in public place,
 - (b) on private property other than the owner’s, or
 - (c) in a forest or wooded area while not in the company and control of the owner, and

- (6) “Village Council” means the Mayor and Councillors of the Village of McAdam.

DOG REGISTRATION

3. (1) Every person who owns a dog prior to the second day of January in any year shall register such dog with the Village Clerk on or before the thirty first day of March in each year and shall pay to the Village Clerk a license fee of ten dollars (\$10.00), in the case of a neutered male or female dog which has not been neutered. Licenses for each calendar year may be purchased commencing the first day of November of the preceding calendar year.
- (2) Every person who, after the second day of January in any year, becomes the owner of a dog or who, owning a dog, takes up residency in McAdam shall register the same within fourteen (14) days after becoming such owner or taking up residency and shall pay the license fee as prescribed elsewhere in this by-law.
- (3) Every person residing in McAdam who purchases an unregistered dog shall register such dog before taking possession of it and pay such license fee as prescribed elsewhere in this by-law.
- (4) Every owner requesting a neutered dog license fee shall, at time of registration, provide proof that such dog has been neutered. A certificate signed by a Veterinarian shall be proof that a dog has been neutered.
- (5) In the case of a juvenile dog, too young to be neutered, the unneutered fee of fifteen dollars (\$15.00) will apply; however, the owner may claim a five dollar (\$5.00) rebate from the Village at a later date in the registration year upon the provision of proof of neutering as outlined in section 3 (4) above.
- (6) Every owner of a dog who takes up residence in the Village of McAdam after January 2 in each year, upon providing proof of the date of his having taken up residence in the Village and upon providing proof, to the satisfaction of the Village Clerk, that his dog was licensed at his previous

residence, shall have his animal licensed by the Village of McAdam at a cost of two dollars (\$2.00) for the remainder of the current year.

- (7) Every owner of a dog who takes up residence in the Village of McAdam after August 1st in each year, upon providing proof of the date of his having taken up residency in the Village and upon failing to provide proof, to the satisfaction of the Village Clerk, that his dog was licensed at his previous residence shall have his animal licensed by the Village of McAdam at half the yearly rate for the current year.

KENNEL LICENSE

4. (1) No person shall breed, sell or board dogs or operate a Kennel without obtaining a Kennel License.
- (2) The annual fee for a Kennel License shall be one hundred dollars (\$100.00).
- (3) A Kennel License shall be in lieu of any other license or registration under this by-law and shall be valid until the thirty first day of March of the year next succeeding the date of issue and shall be renewed on the thirty first day of March in each and every year thereafter.
- (4) A Kennel License will only be issued subject to the following conditions:
- (a) The location must be approved by the Planning Advisory Committee and assure the sanitation, health, hygiene and comfort of the community and the dogs: and
 - (b) The applicant maintaining accurate records of the breeding, selling, boarding and ownership of dogs. The Kennel owner will produce such records to the Animal Control Officer upon request.
- (5) Any person failing to comply with the Kennel License requirements, once issued license, shall be in violation and punishable upon conviction to a fine as prescribed in section 19 and may have his Kenned License cancelled or suspended by the Village Clerk until the requirements are met.

RECORDS/TAGGING

5. (1) (a) The Village Clerk shall keep a record of the registration and the name and description of each dog; and the name, address and telephone number of the owner; and
(b) deliver to the owner at the time of registration a metal license tag on which shall be inscribed McAdam with figures indicating the year of registration together with a number under which the dog is registered.
(2) Any person who loses a tag may obtain a tag to replace such lost tag from the Village Clerk upon payment of the sum of two dollars (\$2.00)
6. Every owner of a dog shall cause any dog registered by him to wear a collar to which shall be attached a tag referred to in section 5.
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. No person shall remove a collar or metal tag from any registered dog of which he is not the owner.

IMPOUNDMENT AND DISPOSAL

9. (1) A Judge of the Provincial Court, upon a 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 made an order;
(a) directing the owner or keeper of the dog to keep it under control, or
(b) directing the owner or keeper of the dog or some other person to destroy the dog.
(2) A person who fails to comply with the provisions of any order made under this section is guilty of an offence and on summary conviction is liable to

a fine of not more than twenty dollars (\$20.00) per day for each day the failure continues, to a maximum of two hundred dollars (\$200.00) and in default of payment, to imprisonment for not more than fifteen (15) days.

10. Any animal found running in the Village, except on the premises of the owner, and not held in leash by a person accompanying it, may be captured by a Police Constable or Animal Control Officer of the Village and may be held by him or delivered to Pet Motel Kennel for safe keeping until released or otherwise disposed of.
11. The Village Council may establish one or more animal pound in the Village and appoint one or more pound keepers.
12.
 - (1) The owner of any animal impounded may, upon establishing his ownership of the animal and upon payment of a fine as prescribed at section 19 and the fees of the pound-keeper for impounding and keeping such animal, obtain the release of same from the pound; providing such animal is not an unregistered dog, in which case a license fee, fine and pound fees are payable before release from the pound.
 - (2) The owner of any animal impounded for a violation of this by-law and who refuses to claim the animal from the pound is guilty of an offence and liable to a fine as prescribed in section 19 as well as license and pound fees, if applicable.
13. Any animal, excepting a rabid one, which has not be redeemed within a period of 48 hours after being impounded at the Pet Motel Kennel in St. Stephen, NB shall become the property of the Pet Motel Kennel for this disposal.
14. Every owner of an animal determined to be rabid by a Government of Canada, Department of Agriculture appointed Veterinarian shall dispose of the diseased

animal as directed by the authority. Every owner who fails to comply with that direction is guilty of an offence under this by-law.

15. No impounded dog excepting one determined by competent Veterinary authority to be rabid, and so ordered destroyed, or one without disease that has bitten a person, as determined by a Provincial Court Judge and so ordered destroyed by judicial order, shall be destroyed. All others will be turned over to the Pet Motel Kennel, St. Stephen, for 48 hours impoundment and for a like time having displayed in the Village Hall, a Public Notice of such impoundment.
16. No person authorized under this by-law to capture, impound or destroy any animal shall be liable in damages for any injury or damage caused to such animal while the same is being captured, impounded or destroyed.

DISTURBANCE

17. Every owner of a bitch who suffers or permits such bitch to be upon a street while in heat is guilty of an offence and liable to a fine as prescribed in section 19.
18. Every owner of dog which:
 - (a) persistently disturbs any neighborhood by barking, howling, or in any other similar manner; or
 - (b) persistently annoys pedestrians or drivers of horses, automobiles, bicycles or other vehicles by chasing or running after same;

is guilty of an offence and liable to a fine as prescribed in section 19.
19. Any person who fails to comply with any provisions of this by-law, unless otherwise provided in this by-law, is guilty of an offence and is voluntarily liable to, or upon summary conviction is liable to, a fine of twenty-five dollars (\$25.00) for a first offence; a fine of fifty dollars (\$50.00) for a second offence and a fine

of one hundred and fifty dollars (\$150.00) , or greater, to a maximum of two hundred (\$200.00) for a third and subsequent offence, and in default of payment if subject to imprisonment in accordance with Section 31 (3) and amendments thereto of the Summary Convictions Act.

20. By-Law No. 35 & 46 is hereby repealed.

READ FIRST TIME: January 12, 1988

READ SECOND TIME: January 12, 1988

READ THIRD TIME AND ENACTED: February 9, 1988

EFFECTIVE: April 1, 1988

Original signed by: Ralph Annis

Original signed by: Donna Johnston