



## TOWN OF RIVERVIEW

### BY-LAW 600-05-04

#### A BY-LAW Relating to the Control of Animals in the Town of Riverview

BE IT ENACTED by the Town Council of the Town of Riverview, under the authority vested in it by the Local Governance Act, SNB 2017, c18 as follows:

#### 1. DEFINITIONS

**“Accredited Shelter”** means a licensed animal shelter that is registered through the Province of New Brunswick.

**“Aggressive Dog”** means any individual dog that has bitten, injured or killed a person or another domestic animal without provocation.

**“Animal”** means domestic animal and includes dog and cat.

**“Animal Controller”** means the person or persons appointed by the Town Council to administer this by-law.

**“Indoor Cat”** means a domesticated cat described by its owner as a cat that never leaves the confines of the owner’s residence.

**“Owner”** includes a person owning, possessing, harbouring or having the charge of an animal or permitting an animal to remain about the person’s house or premises and, where the owner is a minor, the person responsible for the custody of the owner.

**“Representative of the Town”** includes any person or company working for or on behalf of the Town of Riverview directly or indirectly in regards to animals.

**“Running at Large”** means any animal not secured by a leash, either

- (a) in a public place; or
- (b) on premises not owned by or in the possession of the owner of the animal.

**“Service Animal”** means an assistance dog, and may include other animals specifically trained to perform physical tasks to mitigate an individual’s disability. Assistance dogs include: guide dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness.

**“Town Clerk”** means the Town Clerk of the Town of Riverview.

## **2. REGISTRATION AND LICENSING OF ANIMALS**

- (1)** All dogs and cats shall be registered by the owner within:
  - (a)** One Hundred Thirty (130) days (4 1/2 months) of the owner acquiring the animal in the case of a newborn animal; and
  - (b)** Sixty (60) days of the animal entering the Town of Riverview for other than newborn animals.
- (2)** The owner of any animal required to be licensed under this by-law shall pay an annual licencing fee of:
  - (a)** Thirty (\$30.00) Dollars for non-neutered/non-spayed animals;
  - (b)** Fifteen (\$15.00) Dollars for neutered/spayed animals.
- (3)** A license under this section expires one year from the date of completed registration.
- (4)** Upon registration of an animal, a representative of the Town shall issue to the owner a license tag which shall indicate the registration number of the animal and the year of the registration.
- (5)** Every owner of an animal required to be licensed shall cause such animal registered by him to wear a collar to which shall be attached the tag issued under Section 2(4).
- (6)** Except as provided for in Section 2(7), no animal shall be registered unless the owner provides to a representative of the Town, a valid rabies vaccination certificate for such dog or cat signed by a registered veterinarian.
- (7)** Upon an owner asserting that his or her cat is an indoor cat, the Animal Controller or Town Clerk shall register the cat as an indoor cat and the owner shall not be required to provide evidence of a valid rabies vaccination. A cat may be designated as an indoor cat only at the time of first registration.
- (8)** There shall be no licence fee for a “service animal” but it must be licensed and wear a current tag.
- (9)** A representative of the Town shall keep a record of all licences issued showing:
  - (a)** The date and number of registration;
  - (b)** The sex and breed of dog or cat for which a licence has been issued; and
  - (c)** The name, address and phone number of the owner.

## **3. SEIZING AND IMPOUNDING**

The Animal Control Officer may seize and impound any dog or cat if;

- (1)** An animal is found running at large,
- (2)** Is not properly registered,

- (3) Is confirmed by a veterinarian to be infected by rabies or other contagious disease,
- (4) Is not wearing a collar and valid tag issued under this By-Law when the animal is off the property of the owner or when pursued onto the property of the owner of such animal.

The owner may claim his animal if he establishes, to the satisfaction of the Animal Controller, his ownership and has paid to the Animal Controller;

- (a) a sum of Fifty (\$50.00) Dollars for the first offence; a sum of One Hundred (\$100.00) Dollars for the second offence; and a sum of Two Hundred and Fifty (\$250.00) Dollars for the third and subsequent offences.
  - (b) a further sum based on an actual cost basis for each day the animal has been impounded plus any other rates and/or charges which may be levied for medication and services administered during the impounding period; and
  - (c) the cost of a rabies vaccination for an animal found running at large, such vaccination to be administered before the animal is returned to the owner unless proof of valid vaccination has been determined.
- (5) Collection of all impounding fees and charges for services shall be the responsibility of the Town.
  - (6) Impounded animals, which have not been claimed within five (5) days' time after seizure, shall be relinquished to an accredited shelter.
  - (7) If the owner of a seized animal is known, the Animal Controller shall make a reasonable attempt to notify the owner of such seizure and impounding.
  - (8) The Animal Controller shall collect from the owner before releasing the animal, or from the purchaser at the time of the sale or adoption of the animal, the total costs of seizing, impounding and maintaining the animal.
  - (9) The Animal Controller may, at their discretion, have an animal destroyed if he/she judges that the animal poses a risk to persons through its behaviour or if he/she suspects the animal is diseased.

#### **4. AGGRESSIVE DOGS**

- (1) The owner of a dog, which is known to be aggressive, must not permit the dog to be in a place other than the owner's property unless
  - a) the dog is on a leash no longer than one meter and in the control of a responsible person over the age of 18 years, and
  - b) the dog is wearing a muzzle,
- (2) The owner of a dog, which known to be aggressive, must display a sign at each entrance of the owner's property, warning in writing with a symbol, that there is an aggressive dog on the property. The sign must be visible and legible from the nearest road or sidewalk.

- (3) The owner of a dog, which is known to be aggressive, must not allow the dog to be adopted within the Town of Riverview unless the owner gives written notice to the person adopting the dog that it is aggressive, and having provided a change of registration to the Town of Riverview.

## **5. COMPLAINTS**

- (1) A Judge of the Provincial Court, on a complaint being made to him that an animal has bitten or attempted to bite any person or any other animal, and upon being satisfied that the complaint is warranted, may make an order;
- (a) directing the owner of the animal to keep it under control; or
- (b) directing the owner of the animal or some other person to destroy the animal.

## **6. OWNER'S RESPONSIBILITIES**

- (1) The owner of any animal must keep his/her animal under control at all times including but not limited to the following:
- (a) The animal must not be permitted to run at large any time, except in a designated approved off-leash area;
- (b) The animal must be registered and licensed under the provisions of this by-law;
- (c) The owner must attach and keep attached a current licence tag to the collar of the animal;
- (d) The owner must not permit his/her animal to make excessive noises so annoyance is caused to the public;
- (e) The owner must remove any feces left by the animal on any property in the Town of Riverview.

## **7. OFFENCE**

- (1) A person commits an offence under this by-law who:
- (a) Interferes or attempts to interfere with the Animal Controller, and/or their agents who is/are exercising his/their functions under this by-law.
- (b) Not being the "owner" removes the collar or a licence tag from any animal.
- (c) Violates any provision of this by-law.
- (2) No person shall place or cause to be placed on or near his property, any matter which has the effect of attracting pigeons, seagulls or wildlife thereto.
- (3) Any peace officer or by-law officer is hereby authorized to take such action or issue such tickets as they may deem necessary to enforce any provision of this bylaw.

**8. PENALTY**

- (1)** A person convicted of an offence under this by-law shall pay a fine in accordance with the provisions under Part II of the *Provincial Offences Procedure Act* as a category D offence.
- (2)** Where an owner is convicted under section 7(1), the Judge shall order the owner to pay the licence fee required in addition to the fine.
- (3)** Every person convicted of an offence under section 7(1) a. shall pay a fine to the Animal Control Officer or the Town Clerk one hundred dollars (\$100.00) for the first offence within 12 months, two hundred and fifty dollars (\$250.00) for the second offence within twelve months, and five hundred dollars (\$500.00) for the third offence within twelve months.
- (4)** Every person charged with an offence under this by-law, except section 7(1) a. may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of a minimum of fifty dollars (\$50.00) to the Animal Control Officer or the Town Clerk for the first offence within 12 months, one hundred dollars (\$100.00) for the second offence within twelve months, and two hundred dollars (\$200.00) for the third offence within twelve months.

**9. REPEAL**

- (1)** By-law 600-05-03 including any subsequent amendments and all former by-laws Respecting the Licensing, Registration, Immunization, and Impounding of Animals in the Town of Riverview are hereby repealed.

**10. ORDAINED AND PASSED**

- (1)** This by-law comes into effect on the date of third and final passing by the Town Council of Riverview.

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**Ann Seamans, Mayor**

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**Annette Crummey, Town Clerk**

**First Reading:**

**Second Reading:**

**Third Reading:**