



By-Law F 7

A By-Law to replaced By-Law No. F 6 Regarding Responsible Dog Ownership within the Town of Hartland

Authority:

The Council of the Town of Hartland, under the authority vested in it by Section 96 of the Municipalities Act of New Brunswick, enacts as follows:

Title:

This by-law may be cited as: Responsible Dog Ownership By-Law for the Town of Hartland.

Definitions:

In this By-Law:

1. Animal Protection Officer(s) a person or group or organization, duly appointed by the Town of Hartland to carry out the enforcement of this by-law.
2. “Bite” (noun) means a wound received from the mouth and, in particular, the teeth of an animal, which may result in abrasions, cuts, punctures, tearing of the skin or bruising;
3. “Bite” verb or “bitten” means to;
 - a. To cut, puncture, wound, tear or bruise with teeth
 - b. To sever with teeth; or
 - c. To grip with teeth
4. “Dog” Definition – Male or Female carnivorous quadruped of genus Canis;
5. “Dangerous Dog” means a dog:
 - 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 persons or property; or
 - d. Has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal;
6. “Muzzle” means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting;

7. "Notice to muzzle" means a notice issued by the animal control officer to the owner of a dangerous dog requiring that the dangerous dog be muzzled and restrained pursuant to the provisions of this by-law.
8. "Restrained" means being kept inside a building or house in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons, other than the owner of the dog, or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside.
9. "Victim" for purposes of this by-law means the person or domestic animal who is injured, attacked, bitten or killed as a result of a dangerous dog; and
10. "Without Provocation" means that the dog has not been cited or induced to behave aggressively because:
 - a. The dog was acting in defense of an attack on itself by a person or domestic animal;
 - b. The dog was acting in defense of its offspring or reacting to a person or domestic animal trespassing on the property of its owner; or,
 - c. The dog was being teased, provoked or tormented.
11. "Witness" means a person who has, claims to have, or is thought, by someone with authority to compel testimony, to have knowledge relevant to an even or other matter of interest and includes the victim.

General Specifications:

This by-law was drafted to ensure the safety and respect of the public and dogs within the Town of Hartland.

Whether dog owners or not it is important that the public be made aware that the teasing/tormenting/abusing dogs will not be tolerated and those proven though the necessary documentation (sworn declaration) or witnessed by the Animal Protection Officer will be fined in accordance with Schedule A of this by-law and the Town may seek criminal charges against the abuser.

Also, enticing them to leave the property, untying or releasing them into the public without the necessary safety elements in place in accordance with this by-law, will result in a fine in accordance with Schedule A of this by-law.

Fines listed in the Schedule A attached to this by-law are minimum fine limits for first offences, an additional fine amount of \$50 per offence will be added to the minimum fine for each additional offence.

Rules for Payment

Payments of fines must be made within 30 calendar days, of issuance. If you cannot afford to pay the fine in full, you must make arrangements at the Town Hall. Payment arrangements cannot be carried out more than 90 days from date of issuance.

If payments are not made or payment arrangement contracts broken, the matter will be forwarded to the Municipal Solicitor for collection through the New Brunswick Provincial Court in accordance with the procedures provided in the Provincial Offences Procedure Act, S.N.B., c P-22.1 as amended.

Licensing:

General

1. No person shall keep or own a dog within the Town of Hartland unless said owner/holder is eighteen (18) years of age.
2. Licenses are non-transferrable, if the dog is given or sold to a new owner within the Town of Hartland, the previous owner must notify the Animal Protection Officer(s) or the Town of Hartland within 7 days, and the new owner must purchase a new license for the dog.
3. If the license holder and dog move from the municipality during the year, they shall advise the Town of Hartland or the Animal Protection Officer of the move within thirty (30) days so they can be removed from the Town's records.
4. Upon the dog's death the owner must notify the Town of Hartland or Animal Protection Officer(s) within thirty (30) days.
5. A person who become an owner of a dog after the last day in January, within thirty (30) days of becoming an owner and the dog is over six months of age, shall comply with the licensing requirements, prorated licensing fees are not an option.
6. Licenses expire on December 31 of the calendar year they were issued.
7. All replacement tag/licenses, may be issued by the Animal Protection Officer(s) or the Town of Hartland upon application by the owner. The owner is responsible for payment of the replacement tag/license in the amount proscribed in Schedule A of this by-law
8. No person shall be entitled to a license rebate under this by-law.
9. If a person fosters a dog for a period of more than thirty (30) days, they will be required to license the dog in accordance with this by-law.
10. While all dogs require licenses, there shall be no fee payable to the Town or Animal Protection Officer(s), if an animal is deemed through Department of Social Development or a Service Agency to be a licensed and trained service dog.
11. A person who has a secondary residence in the Town of Hartland and has purchased a unexpired dog license from the municipality in which their primary residence is located, shall provide the Town of Hartland with the necessary licensing information to license the dog within the Town of Hartland, however they will not be required to purchase a separate license.

Requirements for Licensing

1. Everyone owner of a dog shall,
 - a. before the last day of January in each year must register with the Animal Protection Office(s) each dog he owns and
 - b. Pay to the proscribed license fee (see: Schedule A)
 - c. Comply and make available all pertinent information related to the Health and Wellbeing section of this by-law
 - d. After licensing and without delay, affix the tag to the dog collar.
 - e. Dogs under the age of six months are exempt of subsection a and b, as soon as a dog becomes six months of age owners must abide and license their dog in accordance with subsection a and b of this section.

Licensing Information

1. When applying for a license under this by-law, the Owner shall provide the following information to the Animal Protection Officer(s):
 - a. Description of Dog, including Name, Age and Gender
 - b. Name, Address, Date of Birth and Telephone number of the Owner
 - c. Where the Owner is a corporate body, the name, address and telephone number of the natural person responsible for the dog
 - d. Information establishing the dog is neutered or spayed
 - i. If the animal cannot be spayed or neutered a letter from the veterinary stating so must be provided and the licensing fee will be set as the animal has been spayed or neutered.
 - e. Information in relations to current vaccinations
 - ii. It is required to ensure the health and wellbeing of all dogs within the Town of Hartland and to prevent communicable diseases owners shall provide proof of vaccination against the following illness/diseases, or in compliance with the most current best practices available through the local veterinaries.
Vaccines shall include:
No later than 8 Weeks of age – Distemper, Hepatitis, Parainfluenza, Parvovirus and Coronavirus
No later than 12 Weeks of age – Booster of Distemper, Hepatitis, Parainfluenza, Parvovirus and Coronavirus
No later than 16 Weeks of age – Distemper, Hepatitis, Parainfluenza, Parvovirus, Leptospirosis and Rabies
Annual Vaccines – Distemper and Leptospirosis
Minimum of Every 3 Years – Rabies
(Vaccine schedule may change in accordance with the current best practices for animal care.)
 - iii. If you animal is not able to have vaccines due to its chronic health conditions a letter must be received addressed to the Town of Hartland from the owner's Veterinary.
 - f. Any other information as required by the Animal Protection Officer(s)
2. An owner who:
 - a. is found not to be eighteen (18) years of age, or
 - b. provides false information when licensing/tagging, or
 - c. refuses or neglects to register his dog, or

- d. refuses or neglects to attach and keep attached a license/tag to the collar of his dog, or
 - e. refuses or neglects to cause his dog to wear a collar at all times other than when in his kennel or residence, or
- Will be subject to a fine outlined in Schedule A.

Control of Dogs:

1. No owner shall
 - a. Permit their dog to run at large or a dog in their custody to run at large;
 - i. A leash shall be no more than 2 meters in length
 - ii. Notwithstanding the previous section, when a person is legally hunting wildlife, that person may keep a dog under physical control by means other than a leash;
 - iii. If a dog becomes at large, the owner or those with custody of the dog must notify the Animal Protection Officer
 - b. Permit their dog to chase or run after or bite, pedestrians, bicycles or vehicles;
 - c. Permit their dog to bark constantly to disturbed the peace. (It is understood that dogs to bark, however owners must prevent them from barking for extended periods of time.)
 - d. Permit his animal to defecate on any property in the Municipality which is not the property of the owner.
 - i. Municipal properties include – Streets, Highways, Roadways, Public Parks, Sidewalks, Recreation and Picnic Grounds
 - ii. However, if a dog does defecate on public property, the owner shall be responsible to immediately remove the excrement and deposit it an appropriate trash receptacle. Failure to remove the excrement will may result in a fine, in accordance with Schedule A.
2. No person shall
 - a. Interfere or attempt to interfere with the Animal Protection Officer(s) while carrying out their duties
 - b. Removing a license of a dog, which they are not the owner of.
3. A person who keeps or is responsible for a dog, that is found within the Town of Hartland off the owners premises, with or without a tag and not being under the immediate charge and control of a responsible person by means of leash, may be seized and impounded by the Animal Protection Officer and delivered to the contracted facility used by the Town.
 - a. A dog which had been impounded at the contracted facility will be sold, euthanized or disposed of if not claimed from the facility within three (3) days, excluding holidays, following the day on which the dog was impounded.
 - b. Where the dog is claimed from the facility, the operator shall release the dog to the owner only upon receipt of:
 - i. Proof that the claimant owns the dog;
 - ii. Proof the dog is properly licensed by the Town of Hartland;
 - iii. Proof of payment of all fees, fines, boarding fees and veterinary expenses incurred with respect to the dog.
4. A person found to be in contravention of the control of dog section, shall be fined in accordance with schedule A.

Prohibited Areas

No owner or responsible adult will allow their dog(s) to be in the Municipal arena, swimming pool, playground, ball diamond, soccer fields or the Hartland Community School Soccer Field.

Persons found in contravention of this section, shall be fined in accordance with Schedule A.

Health and Wellbeing:

1. Every person who owns an animal within the Town of Hartland shall ensure that such animal is treated humanely and is provided with:
 - a. A clean and sanitary environment free from accumulated fecal matter;
 - b. A shelter that is waterproof and the protects it from exposure to the elements;
 - c. A shelter for the animal that is adequate and appropriate for its size and breed; and
 - d. Adequate and appropriate care, food, water, shelter, exercise, attention, veterinary care and opportunity for physical activity as may be required to meet the needs of the breed.
 - e. Dogs must not be left unattended in vehicles, when doing so can be detrimental to their health.
2. Persons found in contravention of this section shall be fined in accordance with schedule A and reported to the SPCA and/or RCMP to see if criminal charges need to be laid.

Requirement to Report & Dangerous Dogs

1. No owner of a dog shall permit such dog to injure, attack, bite or kill, without provocation, a person or domestic animal.
2. Incidents involving a dangerous dog shall be reported to the RCMP and the Animal Protection Officer(s) within forty-eight hours (48) of the occurrence of the incident.
3. A declaration regarding a dangerous dog shall be completed by a witness to the incident in the form prescribed by the Municipal Clerk and shall include, but not limited to, the following information:
 - a. Name of the owner of the dangerous dog
 - b. Name, address and phone number of the victim or the witness to the incident involving the dangerous dog;
 - c. Description of the dangerous dog, including breed, if known, color and other distinguishing features of the dog;
 - d. The municipal dog tag number, if available;
 - e. Date and time of incident, location where incident occurred and description of incident;
 - f. Name of other witnesses and agencies involved, if applicable;
 - g. Signature of witness or victim; and
 - h. If possible the signature of RCMP officer.
4. The witness shall provide any additional evidence related to the incident to either the RCMP officer or Animal Protection Officer(s) investigating the incident when the declaration is completed and signed by the witness and the RCMP officer or Animal Protection Officer(s):

- a. Pictures of the injury or damage caused by the dog, with date and time stamp noted on the picture;
- b. Picture of the dog;
- c. Information regarding treatment required from a person in the medical field;
- d. Any other information deemed to be pertinent to the incident.

Power to Declare a Dog Dangerous

1. Upon receipt of a signed declaration or statement regarding a dangerous dog that has been attested to by a witness who actually saw the alleged dangerous dog injure, attack, bite, or kill a person or domestic animal, the Animal Protection Officer shall be empowered to declare the dog a Dangerous Dog.
2. Within two days of receipt of a duly executed declaration regarding a dangerous dog, the Animal Protection Officer shall hand deliver, or send by registered mail a Notice to Muzzle and Restrain to the owner of the dangerous dog requiring that the dangerous dog be muzzled and restrained pursuant to the provisions of this by-law.

Notice to Muzzle and Restrain

1. Upon serving the notice to muzzle and restrain, the Animal Protection Officer shall attest to the date and time of serving the notice to muzzle and restrain, and sign the Notice to Muzzle and Restrain confirming service. At the time of serving the notice, the owner of the dog will be provided with a signed copy of the Notice to Muzzle and Restrain and a copy of the relevant by-law related to dangerous dogs. One original signed copy of Notice to Muzzle and Restrain will be provided to the Municipal Clerk; and
 - a. The Notice to Muzzle and Restrain will be deemed to have been served on the day it was hand delivered to the owner or within three business days of the date it was sent by registered mail.

Appeal Hearing with Respect to the Issuance of a Notice to Muzzle and Restrain

1. Any owner that chooses to appeal the Notice to Muzzle and Restrain will need to do so through a Provincial Court Judge.

Requirements of Dog Owner-Notice to Muzzle and Restrain

1. Every person who owns a dog for which a Notice to Muzzle and Restrain has been served, shall:
 - a. Immediately upon being served a notice to muzzle and restrain, keep the dangerous dog restrained at all times when the dangerous dog is on the property of the owner in accordance with the definition for “restrained” as outlined in the definitions;
 - b. Immediately upon being served a notice to Animal Protection Officer, when the dangerous dog is off the property of the owner,;
 - c. Keep the dog securely on a leash attached to a dog collar or halter with such a leash to be a maximum length of 1 ½ m and of sufficient strength to restrain the dog and keep it from chasing a person or a domestic animal;
 - d. Muzzle the dog; and
 - e. Ensure the dog is under the control of a person eighteen years of age or older.

- f. Within three business days after being served a notice to muzzle and restrain, pay to the town of Hartland the additional license fee for dangerous dogs as outlined in Schedule A;
- g. Notify the Municipal Clerk in writing within 48 hours of any changes to the residency of the dangerous dog;
- h. Notify the Municipal Clerk in writing within 48 hours after the ownership of the dangerous dog is transferred to another person;
- i. Notify the Municipal Clerk in writing within 48 hours of the death or euthanasia of a dangerous dog to provide proof of such death or euthanasia;
- j. Within three business days of being served a notice to muzzle and restrain, provide proof of personal liability forms and the amount of not less than one million dollars (\$1,000,000.00) with such insurance policy being divorced to provide that the policy will not be altered canceled or allowed to laps without providing 30 days written notice to the Municipal Clerk of the Town of Hartland;
- k. Within three business days of being served a notice to muzzle and restrain, place signage on the property of the dog owners that clearly warns people of the dangerous dog; and
- l. The owner of a dangerous dog shall be prohibited from allowing such dangerous dog to enter a designated off-leash area, which is so designated by signage and permits dogs to be kept off-leash.
- m. The owner of a dangerous dog shall notify the Animal Protection Officer, if the dangerous dog should become at large, so public notification can be made.

Unattended or Abandoned Dogs

1. The owner of a dog shall ensure that it will not be left unattended while tethered or tied on premises where the public has accesses whether the access is expressed or implied.
2. Owners shall ensure that a dog is not tethered, tied, or otherwise contained outside the home structure on private property while the owner is not home.
3. Dogs that have been left unattended or abandoned will be collected by the Animal Protection Officer and held by the contract facility, until such time they are collected by the owner, providing proof of ownership and licensing and paying all fines, fees and necessary veterinary bills prior to release.
4. Anyone found in contravention of this section will be fined in accordance with schedule A.

Pet Establishments

Anyone owning a breeding facility or kennel must be licensed in accordance with Provincial Regulations.

By-Law Repealed:

All By-Laws, rules and regulations heretofore passed, adopted and observed by the Council of the Town of Hartland, By-Law F 6, A By-Law Respecting Pet Establishment Standards and Animal Control are hereby repealed.

Effective Date:

This By-Law comes into effect on January 1, 2017.

Read for the first time by title only November 7, 2016

Read for the second time by title and in its entirety November 21, 2016

Read for a third time by title and enacted December 5, 2016

J. Craig Melanson
Mayor
Town of Hartland

Linda N. S. Brown
CAO/Municipal Clerk – Treasurer
Town of Hartland

SEAL

Schedule A

Licensing Fees

Neutered or Spayed Dog	\$10
Un-neutered or un-spayed dog	\$20
Dangerous Dog	\$200
Replacement Tag Cost	\$5.00

FINES

First Offense FINE RATE listed below, all fines will increase by \$50.00 per offense

Dangerous Dog Related Offenses

Refusing/Neglecting to License Dangerous Dog	\$250 + Licensing Fees
Off Leash -	\$250
Dangerous Dog Attack (Bites, Chase) of Animal or Person -	\$750
Failure to Keep Dangerous Dog Confined -	\$250
Improperly Confined or Improperly Leash Dangerous Dog -	\$500 (per month Dog is not properly confined)
Failure to Muzzle or Restrain	\$500
Failure to notify of Dangerous Dog At Large -	\$250
Failure to post signage on property for Dangerous Dog -	\$250
Leaving Dangerous Dog in custody/control of a minor	\$250
Failure to notify of change in residency	\$250
Failure to Insurance Dangerous Dog	\$ 500

Fines Relating to Licensing

Providing False Licensing Information	\$50
Refusing/Neglecting to License Dog	\$50
Failure to keep tag attached to dog	\$50
Failure to keep collar attached	\$50
Removing a License	\$50

Fines Relating to Running At Large or Not Under Control of the Dog Owner or Guardian

Running at large	\$50
Failure to Notify of Dog at Large	\$50
Chasing Pedestrians	\$100
Chasing Cyclist	\$100
Chasing Motorized Vehicles	\$100
Dog Bite – Person	\$200
Dog Bite – Person severe Injury	\$750
Dog Bite – Animal	\$ 150 + payment of an veterinary fees
Failure to keep a dog under-control	\$50
Inappropriate leash length	\$50

Fines Relating to Animal Health & Well Being

Failure to remove feces	\$150
Interfere with the Animal Protection Officer	\$250

Prohibited Spaces \$50
Failure to keep a clean living space for dog \$250
Failure to provide shelter \$250
Failure to provide food/water \$ 250
Failure to provide veterinary care \$250
Abandonment Fine \$500
Failure to Vaccinate \$250
Animal Unattended in a Public Area \$50
Tethering Animal in Public Area \$50
Tethering/Confining Animal outside when not at home \$50
Abandoning Animal \$200
Animal left in a vehicle \$50

Other Fines-

Harass, tease, abuse or poke Animals \$50
Untie, Loosen or free restrained Dog \$50
Entice Animal to Run at Large \$50