

This is not the official version.

ANIMAL CONTROL BY-LAW

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the Towns and Local Service Districts Act, chapter T-6.2, Part I, Section 8 (1) (k), the Town of Conception Bay South has made the following By-law.

DARRIN BENT
MAYOR

1. TITLE

This By-law may be cited as the “Town of Conception Bay South Animal Control By-law”.

2. INTERPRETATION

In this By-law:

- (a) **“By-law”** means the Town of Conception Bay South Animal Control By-law.
- (b) **“Act”** means the Towns and Local Service Districts Act.
- (c) **“Animal”** means any living animal including any mammal, bird, reptile or amphibian including a dog or cat.
- (d) **“Animal Health and Protection Act”** means the *Animal Health and Protection Act* and the *Animal Protection Regulations, Animal Protection Standards Regulations, Nuisance Animal Regulations* and *Animal Health and Protection Ticket Offences Regulations* made under that Act.
- (e) **“Humane Services Officer”** means any person appointed by the Town with the power to enforce this By-law and shall include a Municipal Enforcement Officer.
- (f) **“Cat”** means a non-feral or feral cat regardless of age or sex.

- (g) **“Council”** means the Town Council of the Town of Conception Bay South.
- (h) **“Distress”** means the state of being in need of proper care, water, food or shelter, being sick, injured, abused or in pain or of suffering undue or unnecessary hardship, privation or neglect.
- (i) **“Dog”** means an animal of the canine species regardless of age or sex and includes an animal which is a cross between a wolf and a dog.
- (j) **“Kennel”** means an establishment for the keeping, breeding or boarding of dogs for commercial purposes.
- (k) **“License”** means a numbered tag issued by the Town in accordance with this By-law.
- (l) **“Owner”** means a person who owns, harbours, has custody or has possession of an animal or a person who has charge of a house, premises, part of the premises or place where an animal is kept, permitted to live or remain. When used with reference to the ownership of a dog or cat, **“Owner”** means the person registered with the Town as the owner by means of a numbered dog or cat tag or in the absence of a tag, the person who has custody, charge or possession of a dog or cat or who is the owner of a house or premises, part of the premises or place where the dog/or cat is kept, permitted to live or remain, a guardian of an animal or a person who is responsible for the care of an animal.
- (m) **“Person”** means any person, firm, partnership, association, corporation, company or organization of any kind.
- (n) **“Premises”** means any land and all buildings situated thereon within the Town.
- (o) **“Puppy”** means a dog not more than three (3) months in age.
- (p) **“Roam”** means being elsewhere than on the property of the person who owns the animal without a leash or restraint; where the animal is found on any private property or premises without the permission of the property owner; where the animal is found on a street, road, lane, body of water, park, or field without being under the control of its owner; or where the

animal is not under the immediate charge and control of a responsible person.

- (q) **“Shelter”** means a structure intended to house a dog which is weather proof, water proof and insulated containing an entrance and a hallway which is separated from the sleeping area and has a canvas or rubber flap attached to the entrance and meet the standards prescribed in the Animal Protection Standards Regulations made under the Animal Health and Protection Act.
- (r) **“Tag”** means a metal tag issued by the Town bearing a registration number.
- (s) **“Tether”** means a rope or similar material that is attached on one end to the neck, head or body of an animal for restraint or control and is affixed at the other end to a stationary object.
- (t) **“Town”** shall mean the Town of Conception Bay South.

3. APPLICATION

This By-law shall apply within the boundaries of the Town.

4. PROHIBITION ON ROAMING

- (a) No owner shall permit any animal to roam at large on any street, road, lane, municipal park or playground or body of water within the Town, or in any open field or common from which free access can be had to such street, road, lane or body of water.
- (b) If an animal while not in the company of its owner, or a member of its owner’s household, is found in any public place including bodies of water or any private property without the consent of the property owner, occupant or person having control of such property, the owner of such animal, as well as the person who caused the animal to be in such a place, shall be deemed to have committed an offence in terms of this By-law.
- (c) All owners must maintain control of an animal on their property by means of a fence or use other appropriate and approved methods of restraint.

5. REMOVING EXCREMENT

- (a) When an animal defecates on any public or private property other than the property or premise of the owner, the owner shall immediately remove and clean-up any animal excreta or feces from the property or premise.
- (b) If an owner does not immediately remove excreta or feces from Town owned property including Town parks, dog parks, public open space, sidewalks or streets, Council may deny the owner access to Town owned facilities.
- (c) An owner shall remove in a timely manner from his or her property excreta or feces left by such animal, so as not to disturb the enjoyment, comfort or convenience of any person in the vicinity of the property.

6. UNSANITARY CONDITIONS

No owner shall keep an animal in an unsanitary condition. Conditions shall be considered unsanitary where, in the opinion of the Humane Services Officer, the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or material that may attract rodents which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person.

7. LICENSES

- (a) No person shall keep any dog, except for a puppy, within the Town unless a license has been issued by the Town for such a dog.
- (b) The Town may issue a license for a cat at the request of the owner.
- (c) A license issued by the Town is good for the life of the dog or cat.
- (d) A license issued by the Town is not transferable.

- (e) The owner shall advise the Town of any changes in licensing information including, but not limited to, change of ownership, address or phone number.
- (f) No person or owner shall keep a licensed dog within the Town unless the license is attached to a collar, which collar shall be kept upon the dog's neck at all times.
- (g) The Town shall keep a register of all dogs and cats licensed by the Town showing the tag number, owner, address, telephone number and breed of dog.

8. DOGS TO BE TETHERED OR PENNED

An owner of a dog shall keep it safely tethered or penned at all times except where:

- (a) it is held on a leash by a person capable of restraining its movement;
- (b) it is being used by a person for the purpose of lawful hunting; or
- (c) it is being used for working in a lawful manner with livestock.

9. DOG PEN OR ENCLOSURE

An owner of a dog that is penned, unsupervised, outside shall ensure that:

- (a) the pen or enclosure in which a dog is confined shall be constructed in accordance with the Animal Health and Protection Act, basic standards of care, made of materials that are non-toxic to the dog and maintained in a good state of repair;
- (b) the flooring of a pen or enclosure shall be made of a texture and design that prevents the dog from being injured and shall not be made of wire mesh, metal or wood;
- (c) a pen or enclosure in which a dog is confined shall not contain more than 3 dogs, except in the circumstance of nursing offspring;

- (d) a pen or enclosure shall provide a dog with shade at all times and contain at least one shelter for a dog, that is designed in accordance with the Animal Health and Protection Act; and
- (e) the area in which a dog is penned shall be cleaned and have excreta removed from it on a daily basis;
- (f) a dog confined in a pen or enclosure shall have social interaction with people or animals or both, toys and other enrichments that are appropriate for the dog's well-being and have daily access to exercise that is adequate and appropriate for that dog and that is untethered from a fixed area; and
- (g) the dog shall be provided with clean, fresh, unfrozen drinking water at all times and a sufficient quality of food to allow for normal, healthy growth and the maintenance of normal, healthy body weight.

10. TETHERING

An owner of a dog that is tethered, unsupervised, outside shall ensure that:

- (a) the dog is provided with clean, fresh, unfrozen drinking water at all times and a sufficient quality of food to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
- (b) The dog is tethered in a location that does not pose a high risk of injury or other distress to the tethered dog and is tethered in an environment that:
 - i) is free of debris; and
 - ii) does not cause harm or undue strain or stress on the tethered dog;
- (c) the area in which a dog is tethered shall be cleaned and have excreta removed from it on a daily basis;
- (d) the restraining device used to tether a dog shall be at least 5 times the length of the dog, shall allow the dog to move in a manner that is safe and unrestricted except by the length of the restraint and shall not weigh more than 10 per cent of the dog's body weight;

- (e) a tethered dog shall have social interaction with people or animals or both, toys and other enrichments that are appropriate for the dog's well-being and have daily access to exercise that is adequate and appropriate for that dog and that is untethered from a fixed area;
- (f) an owner or caretaker shall provide protection from severe weather to which the animal could otherwise be exposed and that could cause the animal to be in distress;
- (g) shade is accessible to the animal at all times within the area; and
- (h) a dog that is young, aged or infirm shall not be tethered, unsupervised, outside for an extended period of time.

11. PROHIBITION ON TETHERING

- (a) Notwithstanding section 10 (f), an animal's owner or caretaker must ensure that the animal is not left tethered outside during extreme heat, extreme cold or severe weather conditions.
- (b) In deciding whether protection from weather is required, the following must be considered:
 - i) the animal's age;
 - ii) the animal's health;
 - iii) the animal's breed;
 - iv) the animal's ability to adapt to the heat or cold;
 - v) the animal's coat;
 - vi) the outdoor temperature; and
 - vii) the severe weather that the animal could be exposed to.

- (c) A Humane Services Officer may immediately remove an animal left tethered, outside during extreme heat, extreme cold or severe weather conditions, if in the opinion of the Humane Services Officer, the animal's safety appears to be in immediate danger.
- (d) The Humane Services Officer who removes an animal from a property must take it to the animal shelter or if the animal is in extreme distress to a veterinary hospital for treatment.
- (e) A Humane Services Officer who removes an animal from a property must leave a written notice bearing his or her name and title, and the address of the location where the animal can be claimed, in a secure and conspicuous location on the property. The animal may be claimed by the owner only after payment of any charges that have accrued for the maintenance, care, medical treatment or impoundment of the animal.

12. BARKING OR HOWLING

No person or owner of an animal within the Town shall keep or permit to be kept in any building, premises or yard or any part thereof, such animal which by reason of its barking, howling, meowing, crowing or otherwise disturbs the peace and quiet of residents in the neighbourhood.

13. REFUSE CONTAINERS

No person or owner of a dog or a cat within the Town shall permit the dog or cat to upset or break into a refuse container on a street or any other public place.

14. KENNELS

- (a) No person shall operate a kennel or carry on any business or operation for the boarding, keeping, training or treating of dogs without a permit in writing from the Town.
- (b) No permit for a kennel shall be issued unless it conforms to the standards, conditions and requirements established in the Town's Land Use Zoning, Subdivision and Advertisement By-laws and the Animal Health and Protection Act.

- (c) Such kennel, business or operation may be inspected by a Humane Services Officer for the purpose of enforcing this By-law.

15. ANIMALS IN DISTRESS

- (a) An Owner or a person shall produce an animal for inspection by a Humane Services Officer where the Humane Services Officer reasonably believes it is necessary to determine whether an animal is in distress.
- (b) If the Humane Services Officer determines that the animal is in distress, the owner shall immediately relieve the animal's distress by providing food, water, care or treatment.
- (c) A Humane Services Officer may provide an animal that is found in distress with food, water, care or treatment.
- (d) A Humane Services Officer may take custody of an animal in distress in the following circumstances:
 - i. A veterinarian has examined the animal and has advised the Humane Services Officer in writing that the health and well-being of the animal necessitates its removal;
 - ii. The Humane Services Officer has reasonable grounds for believing that the animal is in distress and the owner of the animal cannot be found promptly; or
 - iii. An owner does not promptly take reasonable steps to relieve the distress of the animal.
- (e) A Humane Services Officer who takes custody of an animal in distress may retain custody of the animal and shall relieve the animal's distress by providing food, water, care or treatment with a full written report of the of the incident.
- (f) A Humane Services Officer who has taken custody of an animal in distress will immediately serve written notice of his/her actions on the owner of the

animal, or take reasonable steps to find the owner and inform him/her of the actions taken

16. UNATTENDED ANIMAL

- (a) A person must not leave or confine an animal in any unattended motor vehicle or enclosed container under any conditions that could endanger the health or well-being of the animal or any circumstances that could reasonably be expected to cause distress or death to the animal, including any of the following:
- i. heat;
 - ii. cold;
 - iii. lack of adequate ventilation; or
 - iv. lack of food or water.
- (b) A Humane Service Officer may remove an animal from a motor vehicle or other enclosed container if the animal's safety appears to be in immediate danger from any of the conditions or circumstances listed in subsection (a) and take it to the animal shelter or, if the animal is in extreme distress, to a veterinary hospital for treatment.
- (c) A Humane Services Officer is authorized to take all steps that are reasonably necessary to remove an animal from a motor vehicle or other enclosed container, including breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible has been made.
- (d) A Humane Services Officer who removes an animal from a motor vehicle must leave a written notice bearing his or her name and title, and the address of the location where the animal can be claimed, in a secure and conspicuous location on or within the motor vehicle.
- (e) An animal that has been removed from a motor vehicle or enclosed container by an inspector or peace officer may be claimed by the owner only after payment of any charges that have accrued for the maintenance, care, medical treatment or impoundment of the animal.

17. IMPOUNDING ANIMALS

- (a) The Humane Services Officer may seize and impound any animal within the Town found roaming, at large, or in contravention of this By-law, and may enter upon any premises for the purpose of capturing any animal.
- (b) When an animal has been impounded, the Humane Services Officer shall make a record of such impounding. It shall be the responsibility of the owner to find out if his or her animal is impounded
- (c) Any animal found damaging or destroying private property may be seized by the injuriously affected person or persons and held for collection by the Humane Services Officer.
- (d) The owner may recover an impounded animal on such proof of his ownership of the animal, as the Council may require, and upon payment of all fees and expenses in connection with the impounding and keep of the animal.
- (e) The Humane Services Officer may euthanize any animal found roaming within the Town, if in his/her opinion, such animal is diseased, injured, dangerous, in such condition that it ought to be destroyed and may so dispose of the carcass and hide in an appropriate manner.
- (f) The Humane Services Officer shall keep any unclaimed domestic animal in the pound, having regard to all the circumstances, for a minimum of five (5) days.
- (g) An impounded animal that the Humane Services Officer believes to be dangerous shall not be offered for adoption.

18. DESTROYING ANIMALS

- (a) Where a Humane Services Officer must euthanize an animal under this Regulation, the services of a licensed veterinarian shall be used.

- (b) Any resident who is the known owner of an animal that has been euthanized shall be responsible for the costs incurred by the Town.

19. ADOPTION

An animal that is impounded and not claimed by the owner within the time provided in section 17 (f) may:

- (a) be adopted in accordance with conditions as may be established; or
- (b) be euthanized by humane methods.

20. FEEDING OF WATERFOWL AND PIGEONS

No person shall feed waterfowl or pigeons on residential properties or at a location determined by resolution of Council.

21. FEES

The Town shall prescribe licensing and impounding fees in its annual budget.

22. NO INTERFERENCE

No person shall interfere with, or impede in any way, the Humane Services Officer in the performance of their duties, or in any way tamper with equipment or vehicles utilized for the purpose of enforcing this By-law.

23. PENALTIES

Every person who is guilty of an offence under this By-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- (a) Shall be liable to penalties as stipulated in accordance with section 290 of the Towns and Local Service Districts Act

- (b) Shall be subject to a violation notice issued under section 287.(1) of the Towns and Local Service Districts Act or
- (c) Shall be issued a ticket under the Provincial Offenses Act in accordance with section 288 of the Towns and Local Service Districts Act.

24. REPEAL OF PREVIOUS REGULATIONS

All previous Town of Conception Bay South Animal Control Regulations and amendments are hereby repealed.

25. COMPLIANCE WITH OTHER ACTS

- (a) Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town or any statute or regulation of the Province of Newfoundland and Labrador.
- (b) Where conflicts occur between this By-law and the Animal Health and Protection Act or any other Provincial Regulations, the Animal Health and Protection Act and associated Regulations shall apply.

26. EFFECTIVE DATE

This By-law shall come into force on the 22nd day of January, 2025.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and this By-law have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 22nd day of January, 2025.

Darrin Bent
Mayor

Brian Crawley
Chief Administrative Officer