

District Of Tobique Valley
By-law No. 2025-07
Control of Animals in the District of Tobique Valley

A By-law of the District of Tobique Valley Respecting Animal Control Pursuant to Section 10 of the Local Governance Act of New Brunswick.

The Council of the District of Tobique Valley under the authority vested in it by Section 10 of the Local Governance Act RSNB 2017, By-law 2025-07 – Control of Animals – replaces By Law 5A-3 Respecting the Control and Licensing of Animals.

General Specifications

This by-law was drafted to ensure the safety and respect of the public and dogs within the District of Tobique Valley, including the List of Acceptable Species as Pets, as identified under Schedule B, and the List of Prohibited Species, as identified under Schedule C.

Whether dog owners or not, it is important that the public be made aware that the teasing/tormenting/abusing of dogs will not be tolerated and those proven through the necessary documentation (sworn declaration) or witnessed by the Animal Control Officer will be fined in accordance with Schedule A of this by-law and the District 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, will result in a fine in accordance with Schedule A of this by-law.

1. Definitions

- a) **“animal”** means all those animal species listed in Schedule B
- b) **“animal control officer”** means a person appointed by council to carry out the function of this Regulation
- c) **“attack”** means an assault resulting in bleeding, bone breakage, sprains, or serious bruising
- d) **“bite”** shall mean the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog
- e) **“control”** includes immediate custody or restraint
- f) **“dangerous dog”** means a dog that:
 - (i) has killed, bitten, injured or attacked a person or domestic animal
 - (ii) is kept for the purpose of security or protection of person or property
 - (iii) has shown the disposition or tendency to be threatening or aggressive toward any person or domestic animal
 - (iv) that is attack trained
 - (vi) is suspected of being rabid

- g) **"dog"** means a male or female domesticated dog
- h) **"Excessive Noises"** means barking for such a period of time or in such a manner as to be a disturbance to nearby residents
- i) **"keep"** means to have temporary or permanent control or possession of an animal, and the words "kept" or "keeping" have a similar meaning
- j) **"Kennel"** means a premises where dogs are bred or boarded for consideration
- k) **"municipality"** means the District of Tobique Valley
- l) **"muzzle"** means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting
- m) **"owner"** means a person who:
 - (i) is in possession of an animal
 - (ii) harbors an animal
 - (iii) permits an animal to remain about their residence/premises
 - (iv) licenses an animal under this by-law
 - (v) where the owner is a minor; means any parent or legal guardian of the minor
- n) **"peace officer"** means any officer that falls under the Department of Justice and Public Safety
- o) **"pound"** means any premises where dogs are confined in accordance with the provisions of this By-law
- p) **"prohibited animal species"** means those animal species listed in Schedule "C"
- q) **"running at large"** means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible
- r) **"without provocation"** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack
- s) **"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 event or other matter of interest and includes the victim

2. Vaccination

- (1) The owner of a dog which has not been vaccinated against rabies, shall have the dog vaccinated;
 - (a) within ten days of acquiring the animal, if it is more than four months of age, or
 - (b) within ten days after it has reached the age of four months.
- (2) When a dog is more than six months of age on the coming into force of this By-Law, and it has not been vaccinated, the owner shall have the dog vaccinated against rabies within one month.

(3) An owner who neglects or refuses to have their dog vaccinated under this Section, is guilty of an offence, and is subject to a fine of not less than \$50.00 (Fifty Dollars).

(4) Any Peace Officer or Animal Control Officer shall seize and impound and report to proper legal authorities any animal which is known to be or is suspected of being rabid.

(5) Any owner of an animal who knows or suspects that the animal is rabid or has been exposed to rabies shall immediately report the matter to the proper legal authorities.

(6) The Animal Control Officer shall seize and have destroyed immediately any animal which is known to be rabid.

(7) A dog suspected of being rabid will, for the purposes of this section, be considered dangerous.

3. A. Dog(s) Owners' Responsibilities

(1) If a dog defecates on any public or private property other than the property of its owner, the owner shall have such feces removed immediately.

(2) No owner shall allow, permit, or for any reason have his or her animal bark or howl excessively, or in any other manner, disturb the quiet of any person.

(3) No owner of a dog shall permit their dog to, without provocation:

- a) chase, bite or attack any person
- b) chase, bite or attack any domestic animal
- c) damage public or private property
- d) act in a threatening or aggressive manner toward any person or other domestic animal.

(4) Dogs running at large is prohibited within the municipality.

4. Licensing

(1) The owner of any dog aged four months or more shall register the dog with the District of Tobique Valley office.

(2) When registering under subsection (1), the owner of a dog shall provide the Municipality with such information as the Municipality requires and shall include the name and description of the dog, including the breed, the name, address and telephone number of the owner, the most recent year the animal was vaccinated against rabies, and the name of the veterinarian who vaccinated the animal.

(3) Registration is current for the life of the dog.

(4) When the dog is off the property of the owner, the owner shall cause the animal to wear around the neck a collar to which shall be attached a rabies tag issued for that dog by the Veterinarian.

(5) The municipality shall keep a record of all dogs registered in the Municipality and this record shall include the information received under subsection (2).

5. Impoundment

- (1) The Animal Control Officer or a Peace Officer may seize and impound:
 - a) every dog found at large
 - b) every dog not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.
- (2) The animal control officer or peace officer shall make all reasonable efforts to identify and contact the owner of every stray animal received, whether the animal is living or dead.
- (3) Every dog impounded shall be provided with food and fresh water and sheltered in sanitary conditions. The animal shall remain impounded 72 hours unless the animal is claimed by its rightful owner(s). If not claimed within that time, the animal shall become the property of the municipality.
- (4) Where, in the opinion of the animal control officer in consultation with a veterinarian, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely if reasonable efforts to locate the owner of the animal have failed.
- (5) Where a dog seized and impounded is injured or ill and is treated by a veterinarian, the municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment.
- (6) During the impoundment period, the owner may claim the dog upon proof of ownership of the animal, and payments made to the municipality shall be:
 - a) the appropriate fine where applicable as outlined in Schedule "A"
 - b) daily impoundment fees as identified in Schedule "A"
 - c) veterinary fees where applicable
- (7) Where the owner of a dog does not claim the animal, he shall, when known to the animal control officer, pay a daily impoundment fee as outlined in Schedule "A".
- (8) A dog that is impounded and not claimed by the owner within the time provided in subsection (3) may:
 - a) be adopted for such price as has been established
 - b) be euthanized in a humane manner

6. Dangerous Dogs

- (1) No owner of a dog shall permit such dog to injure, attack, bite or kill, without provocation, as defined in Section 1, a person or animal.
- (2) Incidents involving an already declared or potentially dangerous dog shall be reported by the owner to the Municipality within forty-eight (48) hours of the occurrence of the incident.

(3) A request for the declaration of a potentially dangerous dog shall be completed by the witness to the incident in the form prescribed by the Municipal Clerk and/or Animal Control Officer and shall include, but not be limited to, the following information:

- (a) Name of the owner of the dog
- (b) Name, address and phone number of the victim or the witness to the incident involving the dog
- (c) Description of the dog, including breed, if known, color and other distinguishing features
- (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
- (h) If possible, the signature of the Animal Control Officer

(4) The witness shall provide any additional evidence related to the incident to the Municipal Clerk and/or Animal Control Officer investigating the incident when the request of declaration is completed, such as:

- (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

(5) Upon receipt of a signed request of declaration or statement regarding a potentially 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 animal, the Municipal Council and/or Animal Control Officer shall be empowered to investigate and declare the dog a Dangerous Dog.

(6) Within two days of receipt of a duly executed declaration regarding a dangerous dog, the Animal Control Officer shall hand deliver, or send by registered mail, a Notice of Declaration to the owner of the dangerous dog requiring that the dangerous dog be muzzled and controlled pursuant to the provisions of this by-law.

(7) The owner of a dangerous dog 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
- (b) the dog is wearing a muzzle

(8) When a dangerous dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent its escape and the entry of any person not in control of the dog.

(9) The owner of a dangerous dog must display a sign at each entrance of the owner's property, warning in writing with a symbol, that there is a dangerous dog on the property. The sign must be visible and legible from the nearest road or sidewalk.

(10) The owner of a dangerous dog must not allow the dog to be rehomed within the District of Tobique Valley unless the owner gives written notice to the person taking ownership of the dog that it is dangerous and has provided a change of registration to the District of Tobique Valley.

(11) The owner of a dangerous dog must register the dog as such for the amount set forth in Schedule A within five (5) business days after being served a notice of declaration. Upon the receipt of a written appeal request within ten (10) business days from the date of notice delivery, the registration may be delayed until a decision of declaration has been made by the Municipal Council and/or Animal Protection Officer.

(12) The owner of a dangerous dog shall inform the District of Tobique Valley in writing within forty-eight (48) hours of a change of address within the municipal boundaries.

(13) The owner of a dangerous dog shall have a policy of liability insurance, satisfactory to the municipality, that is in force in the amount of at least five hundred thousand dollars, covering the period during which registration is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the municipality to be named as an additional insured for the sole purpose of having the municipality notified by the insurance company of any cancellation, termination or expiration of the policy.

(14) The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.

7. 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 Control Officer or Municipal Council shall be empowered to declare the dog a Dangerous Dog.

8. Appeal

Any owner who has a dog that has been declared "Dangerous" may appeal against the declaration by submitting a request in writing to the Municipal Clerk within ten business days of the date of delivery of the Notice of Declaration.

9. Complaint to Provincial Court

A judge of the Provincial Court, upon complaint being made to them that a dog has bitten or attempted to bite any person or animal and upon being satisfied that the dog is dangerous may make an order:

- (1) declaring the dog as a "Dangerous Dog" and directing the owner to comply by the provisions of Section 6 of this By-law; or
- (2) directing the owner of the dog or some other person to destroy the dog

10. Traps

Individuals are to follow provincial guidelines set forth under the Hunt & Trap Regulations.

11. Other Animals as Pets

(1) Any person within the Municipality may keep, as pets or companion animals, the Acceptable Animal Species listed in Schedule "B" and within any of the conditions set out in Schedule "B".

(2) No person within the Municipality may keep or bring into the Municipality the Prohibited Animal Species listed in Schedule "C".

(a) This provision does not apply to representatives of licensed zoos or qualified handlers of prohibited animals who are permitted by the Municipality to exhibit the animal(s) to groups of people in an educational or showcase capacity.

12. Pet Establishments

Every person who operates a pet establishment shall be licensed in accordance with Provincial regulations and comply with zoning requirements of the municipality.

13. Penalties

(1) Any person or persons, corporation, partnership, or society who violates any provision of this By-Law is guilty of an offence and is liable, to the penalties prescribed in this section and, in default of payment, is liable to imprisonment in accordance with Part II of the Provincial Offenses Procedures Act as a Category D offence, and all such fines shall be recoverable under the provisions of the Summary Convictions Act.

(2) The municipality may at any time before or after the institution of proceedings against a person alleged to have committed a violation of this By-law, accept from such person payment of a sum equal to the minimum fine prescribed for such violation.

(3) Payments for penalties will be received at the Municipal office.

(4) Each day of violation of any provision of this by-law shall constitute a separate offence.

(5) The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which they are liable under the provision of this bylaw.

(6) A Provincial Court Judge, in addition to the penalties provided in this by-law, may, if he considers the offence sufficiently serious, direct or order the owner of a dog to prevent such dog from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the municipality, or order the animal destroyed.

(7) Where any person contravenes the same provision of this bylaw twice within one twelve-month period, the specified penalty payable in respect of the second contravention is double the amount specified in Schedule "A" of this bylaw in respect of that provision.

(8) Where any person contravenes the same provision of this bylaw three or more times within one twelve-month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in Schedule “A” of this bylaw in respect of that provision.

14. Rules for Payment

Payments of fines shall be made within thirty (30) calendar days of issuance. If payment cannot be made in full, a payment contract shall be agreed to and signed at the municipal office. Payment arrangements shall not exceed ninety (90) calendar days from date of issuance.

15. By-Law Repealed

The Village of Plaster Rock By-Law No. 5A-3, A By-Law Respecting the Control & Licensing of Animals, enacted on April 15, 2019, is repealed.

16. Enactment

This By-Law shall come into effect on the date of enactment thereof.

FIRST READING BY TITLE: January 20, 2025

SECOND READING BY TITLE: January 20, 2025

THIRD READING IN SUMMARY
AND ENACTED: February 18th, 2025

Mayor

Patty St. Peter, Clerk

Schedule “B”
LIST OF ACCEPTABLE SPECIES AS PETS

(A)The following captive born species are appropriate as pets or companion animals within the Municipality:

Dog; Cat; Guinea Pig; Rabbit; Mouse; Rat; Gerbil; Golden Hamster; Chinchilla; Canary; Pigeon; Other common cage birds; Aquarium fish (captive born); Finches (captive bred); and Ferret.

(B)The following captive born species may be allowed as pets or companion animals within the Municipality only if the owner or keeper’s residence has direct access to enclosed fields or paddocks, plus the appropriate shelter, and that any Provincial and/or Federal regulations concerning the keeping of these animals is met:

Horse; Donkey; Pig; Sheep; Goat; Cattle; Llama; Domestic fowl; Geese; Ducks; Turkey; Guinea fowl; Peafowl; and Alpaca.

Schedule “C”
LIST OF PROHIBITED SPECIES

- All arachnids (terrestrial arthropods, including spiders and scorpions)
- All artiodactyl ungulates (except domestic goats, sheep, pigs and cattle)
- All canidae (except the domestic dog)
- All crocodylians (such as alligators and crocodiles)
- All edentates (such as anteaters, sloths and armadillos)
- All elephantidae (elephants)
- All erinaceidae (except the African pigmy hedgehog)
- All felidae (except the domestic cat)
- All hyaenidae (hyenas)
- All marsupials (except sugar gliders)
- All mustelidae (such as skunks, otters and weasels, except the domestic ferret)
- All non-human primates (such as gorillas and monkeys)
- All pinnipeds (such as seals, fur seals and walruses)
- All perissodactyl ungulates (except the domestic horse and donkey)
- All procyonidae (such as raccoons, coatis and cacomistles)
- All pteropodidae (bats)
- All raptors, diurnal and nocturnal (such as eagles, hawks and owls)
- All ratites (such as ostriches, rheas and cassowaries)
- All ursidae (bears)
- All venomous reptiles
- All “constrictor” type snakes
- All viverridae (such as mongooses, civets and genets)