

**Village of McAdam  
Animal Control By-Law #57**

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# Village of McAdam

## Animal Control By-Law #57

### TABLE OF CONTENTS

|  |    |
|--|----|
| SECTION 1: TITLE   | 1  |
| SECTION 2: DEFINITIONS   | 1  |
| SECTION 3: DOG CONTROL OFFICER                                     | 3  |
| SECTION 4: POWERS OF LICENSE ADMINISTRATOR                         | 3  |
| SECTION 5: LICENSING OF DOGS                                       | 3  |
| SECTION 6: LICENSING PROCEDURE                                     | 3  |
| SECTION 7: IDENTIFICATION  | 4  |
| SECTION 8: VACCINATIONS  | 4  |
| SECTION 9: DUTIES OF AN ANIMAL CONTROL OFFICER                     | 5  |
| 9.1 NON-COMPLIANCE AND APPEAL                                      | 5  |
| SECTION 10: DUTIES OF A CAT OWNER                                  | 6  |
| SECTION 11: DUTIES OF A DOG OWNER                                  | 6  |
| SECTION 12: NOISE  | 7  |
| SECTION 13: ANIMAL ATTACKS   | 7  |
| SECTION 14: DANGEROUS DOG  | 8  |
| SECTION 15: PROHIBITED ANIMAL OFFENCES                             | 8  |
| SECTION 16: POWERS OF A PEACE OFFICER OR<br>ANIMAL CONTROL OFFICER | 9  |
| SECTION 17: SHELTER KEEPER   | 9  |
| SECTION 18: DELIVERING OF APPREHENDED OR SEIZED ANIMALS            | 9  |
| SECTION 19: KENNELS AND CATTERIES                                  | 10 |
| SECTION 20: INJURED OF IMPOUNDED SICK ANIMALS                      | 10 |

**Village of McAdam  
Animal Control By-Law #57**

|  |    |
|--|----|
| SECTION 21: IMPOUNDED PERMITTED ANIMALS  | 10 |
| SECTION 22: IMPOUNDED PROHIBITED ANIMALS | 11 |
| SECTION 23: FEES                         | 12 |
| SECTION 24: OFFENCES AND PENALTIES       | 12 |
| SECTION 25: COST OF WORK                 | 12 |
| SECTION 26: REFERENCE                    | 13 |
| SECTION 27: SCHEDULES                    | 13 |
| SECTION 28: REPEAL                       | 13 |

**Village of McAdam  
Animal Control By-Law #57**

VILLAGE OF MCADAM BY-LAW NUMBER \_\_\_\_\_

**RESPECTING ANIMALS AND RESPONSIBLE PET OWNERSHIP**

**SECTION 1: TITLE**

This By-law shall be known as By-Law No. \_\_\_\_\_ and may be cited as the “*Animal Control By-Law*”.

**SECTION 2: DEFINITIONS**

In this By-law,

“**animal**” means any living mammal, livestock, bird, reptile, amphibian, insect or arachnid, and excludes human being;

“**Animal Control Officer**” means a person or persons appointed by Council to perform animal control duties;

“**apprehend**” means to take an animal into custody without a warrant;

“**attack**” means to injure, bite, or threaten;

“**breeding**” means producing more than nine offspring in a one-year period for sale or to give away;

“**cat**” means a non-feral or feral cat, either male or female;

“**cattery**” means an establishment for the breeding and/or boarding of cats;

“**Chief Administrative Officer**” means an officer responsible for the overall administration of the Village in accordance with the policies and directives of Council;

“**dog**” means a dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;

“**kennel**” means an establishment for the breeding and/or boarding of dogs;

“**leash**” means a device made of rope, cord or similar material used by a person to restrict the movement of an animal that;

i) is adequate for the purpose of restricting the animal; and

ii) does not exceed 3 meters in length;

## **Village of McAdam Animal Control By-Law #57**

**“License Administrator”** means the person or persons designated by the Chief Administrative Officer and includes a person acting under the supervision and direction of the License Administrator;

**“license tag”** means the tag issued by the Village upon licensing of the animal and which contains a serial number or other means of identification corresponding with the number under which the animal is licensed by the License Administrator;

**“livestock”** means cattle, sheep, swine, goats, horses, ponies, poultry, mules, alpacas, llamas and ratites;

**“municipal public park”** means any municipal park, school grounds, public swimming areas, service animal areas, playgrounds or sports or athletic fields owned or maintained by the Village but excludes Provincial or Federal lands;

**“municipal registry”** means the records maintained by the License Administrator regarding every licensed animal in the Village, which shows:

- i) the date of issue, expiry date and number of the license;
- ii) the name and description of the animal;
- iii) the name and address of the owner;
- iv) the category of license assigned to the animal; and

- v) if the animal is a dog, whether the dog has been designated as a dangerous dog;

**“muzzle”** means a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting;

**“owner”** means:

- a) when used in respect of an animal
  - i) any person who possesses, has the care of, has the control of, or harbours the animal, and where the person is a minor, includes the person responsible for the custody of the minor; or
  - ii) the registered owner; or
- b) when used in respect of property
  - i) a part owner, joint owner, tenants in common or joint tenant of the whole or any part of land or a building;

## Village of McAdam Animal Control By-Law #57

ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, mortgagee in possession, or a person having the care or control of the land or building including a tenant; or

iii) in the absence of proof to the contrary, the person assessed for the property;

**“Peace Officer”** means a police officer or member of the local RCMP Detachment;

**“prohibited animal”** means

- a) all venomous snakes, venomous reptiles, venomous insects, and venomous arachnids;
- b) green anacondas, yellow anacondas, reticulated pythons, African rock pythons, Burmese pythons, Indian pythons, and amethyst pythons; and
- c) snakes exceeding 3.3 metres in length, and lizards exceeding 2 metres in length, with length being measured from the animal’s snout to the tip of its tail;

**“poultry”** means common domestic fowl, including any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guineafowl, peacock, peahen, swan, or pigeon;

**“registered owner”** means the person or persons listed as the owner of the animal in the municipal registry;

**“running at large”** means to be off the property of its owner

- a) without a leash; or
- b) on a leash that is not held by a person; or
- c) on a leash but not under the control of a person;

**“seize”** means to take an animal into custody pursuant to a warrant;

**“service animal”** means any animal that is a licensed service animal under this By-law and

- a) any animal individually trained to do work or perform tasks for the benefit of an individual with a disability; or
- b) any animal used for search and rescue or law enforcement purposes;

## **Village of McAdam Animal Control By-Law #57**

**“shelter”** means any premise or facility designated by the Village as an animal shelter for the keeping and disposition of impounded animals;

**“Shelter Keeper”** means a person appointed by the Village to be in charge of a shelter and includes a person acting under the supervision and direction of a Shelter Keeper;

**“Village”** means the Village of McAdam.

### **SECTION 3: DOG CONTROL OFFICER**

- 1) A Peace Officer, while discharging the responsibilities and exercising the powers pursuant to this By-law, is deemed to be a “Dog Control Officer”.

### **SECTION 4: POWERS OF LICENSE ADMINISTRATOR**

- 1) The License Administrator is authorized and empowered to
  - a) grant a license; and
  - b) issue an Order to comply with this By-law.

### **SECTION 5: LICENSING OF DOGS**

- 1) No person shall own a dog within the Village without having obtained a license from the License Administrator
  - a) within twenty (20) calendar days after the person becomes the owner of the dog or brings the dog into the Village; or
  - b) an annual license, before the expiration of any current license; or
  - c) a lifetime license for the dog.
- 2) A dog designated a dangerous dog that has a lifetime license shall also be licensed according to Subsection 12(3)(b).
- 3) Notwithstanding Subsection 5(1) a person is not required to license a dog if such person is
  - a) not the owner of the dog; and

## **Village of McAdam Animal Control By-Law #57**

b) has the care and control of, or harbours a dog for less than twenty (20) calendar days.

### **SECTION 6: LICENSING PROCEDURE**

- 1) The owner shall provide to the License Administrator
  - a) the owner's name, address and telephone number;
  - b) the name of the animal;
  - c) the description, including its sex, breed and known or approximate age;
  - d) if the animal is a dog, a declaration of whether the dog is spayed or neutered; and
  - e) the applicable license fee established by Council.
- 2) When the application is for the licensing of a service animal, the owner shall comply with Subsection 6(1) and also provide to the License Administrator, where appropriate
  - a) a certificate from the Canadian National Institute for the Blind or the Hearing Ear Dogs of Canada or a certificate indicating the animal is a certified service dog; or
  - b) a certificate from a qualified medical practitioner indicating that the owner requires the use of a service animal for medical reasons; or
  - c) a certificate that the dog is used for search and rescue or law enforcement purposes.
- 3) The License Administrator shall keep a record of every licensed animal in the Village in the municipal registry.
- 4) In the case of annual license, upon the License Administrator being provided the information required by Subsection 6(1), the License Administrator shall issue an annual license to the owner and supply the owner with a license tag, directions respecting the placement of the tag and a receipt.
- 5) Every annual license shall be effective from January 1<sup>st</sup> to December 31<sup>st</sup>.
- 6) Every lifetime license shall be effective during the lifetime of the licensed animal.

## **Village of McAdam Animal Control By-Law #57**

- 7) A licence issued under this By-law shall not be transferrable, including not being transferrable between people or animals.
- 8) The owner shall notify the Licence Administrator if the ownership or place of residence of the animal changes at any time.
- 9) It shall be an offence to provide false information to the Licence Administrator when applying for a licence under this section.

### **SECTION 7: IDENTIFICATION**

- 1) The owner of every animal licensed pursuant to this By-law shall keep the license tag issued to the owner securely affixed or attached to the animal at all times.
- 2) Notwithstanding Subsection 7(1) a license tag secured to a dog may be removed from a dog temporarily while the dog is being used lawfully for search and rescue or law enforcement purposes.
- 3) Where an owner files with the License Administrator a declaration that a license tag is lost or unusable, the License Administrator may replace the license tag upon payment of the applicable fee.

### **SECTION 8: VACCINATIONS**

- 1) Every owner of a dog or cat over the age of three months must have the animal vaccinated against rabies
  - (a) The juvenile rabies vaccination is to be followed by a rabies booster vaccination after one year.
- 2) Every owner of a dog over the age of 3 months must have the animal vaccinated against distemper and parvovirus (standard DHP&P + rabies). This vaccination is required on an annual basis.
- 3) Every owner must maintain the vaccinations of his/her animal according to veterinary recommendation, or upon notification due to an epidemic.
- 4) An owner who neglects or refuses to have his/her animal vaccinated under Section 8 is guilty of an offence and is subject upon conviction to a fine as per Schedule 1 of the current By-law.

**Village of McAdam  
Animal Control By-Law #57**

- 5) The Animal Control Officer shall seize and impound any dog and/or cat which is known or suspected to be, or there are reasonable and probable grounds to believe to be rabid, and shall cause such dog and/or cat to be quarantined or destroyed. All costs associated therewith shall be the responsibility of the owner.
- 6) Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place and shall not keep the animal in contact with, or in proximity of, any other animal.
- 7) A person that owns an animal that is rabid, suspected to be rabid or has been exposed to rabies, shall immediately report the matter to the District Medical Health Officer and the Animal Control Officer.

**SECTION 9: DUTIES OF AN ANIMAL OWNER**

- 1) It shall be an offence to own an animal not being a cat or dog
  - a) that is off the property of the owner at any time unless that animal is
    - i) enclosed inside an escape-proof building or fenced area with the permission of the owner or occupant of the building or fenced area;
    - ii) enclosed inside an escape proof aquarium, pen, cage or container of durable construction; or
    - iii) securely tethered on a leash, harness, chain or other device that is held by a person in an escape proof manner;
  - b) that damages any public or private property; or
  - c) that defecates on any public or private property other than the property of its owner, unless the owner immediately removes the defecation.
- 2) Subsection 9(1)(c) shall not apply to an animal that is a licensed service animal.
- 3) Subsection 9(1)(a) shall not apply to an animal that is a bee and is owned by a person authorized as a beekeeper under the *Apiary Inspection Act, 2011, c.111* for the Province of New Brunswick.
- 4) The owner of an animal that is livestock shall build and maintain an enclosure sufficient to prevent escape.

## **Village of McAdam Animal Control By-Law #57**

### **SECTION 9.1: NON-COMPLIANCE AND APPEAL**

- 1) Where the Chief Administrative Officer has determined that the owner of an animal is not in compliance with Subsection 9(4) he or she may issue an Order to the owner that the owner shall, at the owner's sole expense, build or maintain an enclosure.
- 2) An Order issued pursuant to Subsection 9.1(1) shall specify the date on which the enclosure is to be built or repaired.
- 3) An owner may, within seven (7) calendar days of being served with an Order that was issued pursuant to Subsection 9.1(1), appeal the Order of the Chief Administrative Officer to the Planning Advisory Committee.
- 4) The day an owner receives an Order shall not be counted in determining the seven calendar day period.
- 5) Where the seventh calendar day falls on a day that the Village Office is not open, the final appeal date shall be the next business day.
- 6) An appeal pursuant to Subsection 9.1(3) shall be commenced by filing a written notice to the Planning Advisory Committee that clearly states the grounds for the appeal.
- 7) If the owner files an appeal, but the Planning Advisory Committee is not scheduled to meet before the date on which enclosure is to be built or repaired, the Order shall be held in abeyance until the Planning Advisory Committee has rendered its decision on the appeal.
- 8) After hearing an appeal pursuant Subsection 9.1(3) the Planning Advisory Committee shall make recommendations to Council to:
  - a) deny the appeal; or
  - b) allow the appeal and reverse the decision of the Chief Administrative Officer.
- 9) The Village may cause the enclosure to be built or repaired if the owner does not comply with an Order to build or repair the enclosure on the date specified in the Order.

### **SECTION 10: DUTIES OF A CAT OWNER**

- 1) It shall be an offence to own a cat that

**Village of McAdam  
Animal Control By-Law #57**

- a) damages public or private property; or
- b) defecates on any public or private property, other than the property of its owner, without the owner of the cat immediately removing the defecation.

**SECTION 11: DUTIES OF A DOG OWNER**

- 1) It shall be an offence to own a dog that
  - a) runs at large;
  - b) damages public or private property;
  - c) is in a municipal public park designated by signage as an area prohibiting dogs;
  - d) defecates on any public or private property other than the property of its owner without the owner immediately removing the defecation;
    - (i) this clause shall not apply to a dog that is a licenced service animal;
  - e) is un-spayed and in heat unless confined inside an escape proof enclosure at all times.
- 2) A dog shall be deemed to be running at large where it is on any private property or premises or property owned or controlled by the Village including streets, parks or sidewalks within the bounds of the Village without the permission of the owner or occupant.
- 3) It is a defence to a charge under Subsection 11(1)(a) to prove that the dog was on the property in question with the property owner's permission.
- 4) Notwithstanding Subsection 11(1)(a) the owner of a dog may allow such dog to run at large, provided that the dog is
  - a) participating in a search and rescue training or operation, or police training or operation; or
  - b) within a municipal public park where the area is designated by signage as an area where dogs are permitted to be without a leash subject to such limitations as are posted on the signage.

## Village of McAdam Animal Control By-Law #57

### SECTION 12: NOISE

- 1) It is an offence to own a dog that unreasonably disturbs the quiet of the neighbourhood including by barking, howling, or otherwise making noise.
- 2) For the purposes of this Section evidence that one neighbour was unreasonably disturbed by the barking, howling or by the making of noise by the dog is *prima facie* evidence that the neighbourhood was unreasonably disturbed by such barking, howling or noise.

### SECTION 13: ANIMAL ATTACKS

- 1) The owner of
  - a) any animal; or
  - b) a dangerous dog;that attacks any person or other animal is guilty of an offence.
- 2) This section shall not apply to an animal acting in furtherance of law enforcement work at the time of the attack.
- 3) Where a Peace Officer has reason to believe that a dog has attacked a human being or animal the Peace Officer may take any one or combination of the following actions:
  - a) issue the owner an order to muzzle the dog, which order shall specify the times and circumstances when the dog must be muzzled;
  - b) subject to Section 14, designate the dog as a dangerous dog in the municipal registry.
- 4) The owner of a dog designated a dangerous dog pursuant to Subsection 13(3)(b) shall
  - a) license the dog as a dangerous dog within ten (10) days of receiving the designation;
  - b) when the dog is on the property of its owner, keep the dog securely restrained either indoors or inside an escape-proof enclosure while outdoors; and
  - c) when the dog is off the property of its owner
    - i) muzzle the dog;
    - ii) ensure that the dog is under the control of a person not less than eighteen (18) years of age;

**Village of McAdam  
Animal Control By-Law #57**

iii) ensure the dog is on a leash; or

iv) ensure the dog is securely restrained indoors or inside an escape-proof enclosure, including a motor vehicle.

**SECTION 14: DANGEROUS DOG**

- 1) A dog may be designated as a dangerous dog pursuant to Subsection 13(4) if the dog
  - a) attacks or demonstrates a propensity, tendency or disposition to attack a human being or animal;
  - b) has caused injury to or otherwise endangered the safety of a human or animal;  
or
  - c) is a dog for which a muzzle order had been made pursuant to Subsection 13(3)(a) or pursuant to an order of the Court.
  
- 2) A dog shall not be designated as a dangerous dog solely because the dog
  - a) attacks a trespasser on the property of its owner;
  - b) harms or menaces anyone who has tormented or abused it;
  - c) is acting in defence to an attack from a person or animal;
  - d) is acting in defence to an attack of its young; or
  - e) is a professionally trained guard dog for law enforcement or guard duties.
  
- 3) When a dog has been designated as a dangerous dog the License Administrator may, at his/her sole discretion, disclose information about the dangerous dog including information that identifies the dog.

**SECTION 15: PROHIBITED ANIMAL OFFENCES**

- 1) No person shall
  - a) be the owner of a prohibited animal;

## **Village of McAdam Animal Control By-Law #57**

- b) dispose of any prohibited animal except by releasing the prohibited animal to a Peace Officer or Animal Control Officer appointed by Council; or
  - c) sell or offer for sale any prohibited animal.
- 2) Where a Peace Officer believes, on reasonable grounds, that a person is the owner of a prohibited animal, the Peace Officer may seize or capture the prohibited animal and deliver it to the care of the Shelter Keeper.
- 3) Subsection 15(1) shall not apply where the owner of a prohibited animal or person to whom a prohibited animal is being released, sold or offered for sale
  - a) is a university, zoo, museum or other facility for the preservation of animals as specimens of natural history or for scientific purposes; or
  - b) has authorization to be the owner of the animal under any Federal or New Brunswick Provincial *Act or Regulation*.
- 4) Subsection 15(1) shall not apply to the Shelter Keeper.

### **SECTION 16: POWERS OF A PEACE OFFICER OR ANIMAL CONTROL OFFICER**

- 1) Any animal that is not a cat that is found running at large may be apprehended and impounded by a Peace Officer or Animal Control Officer.
- 2) A Peace Officer or Animal Control Officer, while pursuing any animal in enforcing this By-law, may pass over the land of any person.
- 3) If any animal that is not a cat is running at large and cannot be apprehended safely, a Peace Officer, who believes on reasonable grounds that the animal poses a serious danger to the health or safety of a person or another animal, may immediately, without notice to the owner, destroy the animal in a humane manner.
- 4) A Peace Officer or Animal Control Officer may apprehend or seize an animal which he or she has reason to believe
  - a) attacked a person or animal; or
  - b) is injured.

### **SECTION 17: SHELTER KEEPER**

- 1) The Village may take one or a combination of any of the following actions:
  - a) establish and maintain such shelters as may be necessary;

## **Village of McAdam Animal Control By-Law #57**

- b) appoint a Shelter Keeper who shall have charge of such facilities together with any necessary assistants; or
  - c) contract for the provision of the services that would otherwise be provided by the Shelter Keeper.
- 2) The Village may enter into an agreement in writing with any person appointing that person as the Shelter Keeper.
- 3) The Village may, by Administrative Order, establish a committee to monitor shelter operations and establish guidelines on humane treatment and euthanasia.

### **SECTION 18: DELIVERING OF APPREHENDED OR SIEZED ANIMALS**

- 1) All animals apprehended or seized by a Peace Officer or Animal Control Officer shall be delivered to the Shelter Keeper after capture or seizure.
- 2) The Shelter Keeper shall receive all animals apprehended or seized and delivered by a Peace Officer or Animal Control Officer pursuant to this By-law and subject to Subsection 20(2) and Subsection 21(2) shall detain the same and furnish them with food and water for a period of three (3) business days unless
- a) the animal that is not a dog is redeemed by the owner; or
  - b) the dog is redeemed by the registered owner.
- 3) All animals that are apprehended or seized and delivered under this Section are impounded animals.

### **SECTION 19: KENNELS AND CATTERIES**

- 1) An owner who keeps dogs or cats for breeding, selling, boarding or any other like purpose must be in possession of a valid kennel or cattery license from the New Brunswick Society for the Protection and Cruelty of Animals (NBSPCA).
- 2) An owner who suffers his/her animals to produce more than nine puppies or kittens in a one-year period will be subject to Section 19 of this By-law.
- 3) An owner who keeps more than five dogs is subject to Section 19 of this By-law.
- 4) Every person who owns or operates a kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" (Canadian Veterinary Medical Association 2007) and any other applicable legislation.

## **Village of McAdam Animal Control By-Law #57**

- 5) Every person who owns or operates a kennel or cattery shall comply with the by-laws of the Village, including the Zoning By-law.
- 6) Where an owner or operator of a kennel or cattery fails to comply with a by-law of the Village, the license may be suspended or revoked.
- 7) Every person who owns or operates a kennel or cattery shall permit an Animal Control Officer to enter and inspect the kennel or cattery at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this By-law.
- 8) The owner or operator of a kennel or cattery must keep accurate records of breeding, selling or boarding of dogs and cats, and where such animals are sold. The owner or operator must be able to produce these records at any time upon the request of the Animal Control Officer.
- 9) Where an Animal Control Officer finds that an owner or operator of a kennel or cattery does not comply with any clause in this Section, he and/or she may direct that the animals be seized and impounded.

### **SECTION 20: INJURED OR IMPOUNDED SICK ANIMALS**

- 1) If an impounded animal is injured, sick or otherwise in need of veterinary care, the Shelter Keeper shall ensure that basic veterinary treatment is provided so that life is not endangered and that pain is reduced consistent with humane principles.
- 2) The Shelter Keeper may destroy an impounded animal that is injured, sick or otherwise in need of medical care, if the Shelter Keeper has received an opinion from a licensed veterinarian that the animal should be destroyed because its quality of life has been seriously diminished due to illness, sickness, injury or a medical condition.

### **SECTION 21: IMPOUNDED PERMITTED ANIMALS**

- 1) Nothing in this Section shall apply to impounded prohibited animals.
- 2) During the three (3) business day period designated by Subsection 18(2) the Shelter Keeper shall make reasonable efforts to notify the owner of the animal that such animal has been impounded.
- 3) An animal that has not been redeemed within the three (3) business days by the owner, shall become the property of the Shelter Keeper and may be
  - a) sold or adopted; or
  - b) destroyed.

## **Village of McAdam Animal Control By-Law #57**

- 4) Subject to Subsection 21(5) and Subsection 21(6) where there is a proceeding before a Court involving an impounded animal the Shelter Keeper shall continue to hold and care for the animal and the animal shall not be sold, adopted out, destroyed or otherwise disposed of until such time as a Court orders otherwise or any Court proceeding related to the animal is concluded.
- 5) The Shelter Keeper may sell or adopt out an impounded animal if
  - a) the owner of the animal not being a dog has consented to its sale or adoption;  
or
  - b) the registered owner of the dog has consented to its sale or adoption.
- 6) The Shelter Keeper may destroy an impounded animal if
  - a) the Shelter Keeper has received an opinion from a licensed veterinarian that the animal should be destroyed because its quality of life has been seriously diminished due to illness, sickness, injury or a medical condition;
  - b) the owner of the animal not being a dog has consented to its destruction; or
  - c) the registered owner of the dog has consented to its destruction.
- 7) Notwithstanding any other provision of this By-law no animal kept by the Shelter Keeper may be sold, adopted out, or otherwise disposed of to a laboratory or to any person for an experimental purpose.

### **SECTION 22: IMPOUNDED PROHIBITED ANIMALS**

- 1) Nothing in this Section shall apply to impounded animals that are permitted animals.
- 2) During the three (3) business day period designated by Subsection 18(2) the Shelter Keeper shall make reasonable efforts to determine if
  - a) the owner of the prohibited animal is one of the classes identified in Subsection 15(3); or
  - b) the prohibited animal is a member of a species that has been designated as extirpated, endangered, threatened or protected under any Federal or New Brunswick Provincial *Act* or *Regulation*.
- 3) After the three (3) business days the Shelter Keeper shall destroy an impounded prohibited animal without permitting any person to claim it unless

**Village of McAdam  
Animal Control By-Law #57**

- a) the owner is one of the classes identified in Subsection 15(3); or
  - b) the prohibited animal is a member of a species that has been designated as extirpated, endangered, threatened or protected under any Federal or New Brunswick Provincial *Act* or *Regulation* in which case the Shelter Keeper must determine which federal or provincial governmental authority has jurisdiction over the prohibited animal; and
  - c) the owner of the prohibited animal has authorization to be the owner of the animal by the federal or provincial authority; or
  - d) the prohibited animal is sold or transferred to another person in a jurisdiction where the prohibited animal may be legally owned.
- 4) Notwithstanding any other provision of this By-law no prohibited animal kept by the Shelter Keeper may be sold, adopted, or otherwise disposed of to a laboratory or to any person for an experimental purpose.

**SECTION 23: FEES**

- 1) Subject to any other Section of this By-law the owner of any impounded animal or a person having the written authorization of the owner may redeem the animal from the shelter upon payment of the following fees:
  - a) redemption fee;
  - b) boarding fee for each day, or part thereof, that the animal has been impounded;
  - c) any veterinary fees incurred while the animal is impounded; and
  - d) a license fee, if required.
- 2) The fees payable in Subsection 23(1) shall be those established by Council, by policy, and as published on the Village's web page <http://www.mcadamnb.com>.
- 3) If an animal is not released to its owner the fees payable pursuant to Subsection 23(1) may be recovered by the Village from the owner as a debt.

**SECTION 24: OFFENCES AND PENALTIES**

- 1) A person is guilty of an offence if the person
  - a) violates a provision of this By-law or of an order in force in accordance with this By-law;

## **Village of McAdam Animal Control By-Law #57**

- b) fails to do anything required by an order in force in accordance with this By-law;
  - c) permits anything to be done in violation of this By-law or of an order in force in accordance with this By-law; or
  - d) obstructs or hinders any person in the performance of their duties under this By-law or under any order in force in accordance with this By-law.
- 2) A person who contravenes any section of this By-law is voluntarily liable to, or upon summary conviction is liable to the fine amount shown for that offence in Schedule 1 and in default of payment to imprisonment for a term not exceeding sixty (60) days.
- 3) Every day during which an offence pursuant to Subsection 24(1) continues is a separate offence.
- 4) In addition to a fine imposed for contravening a provision of this By-law a judge may order the person to comply with the provision or order under which the person was convicted, within the time specified in the order.
- 5) Upon conviction any fees incurred by the Village or the Shelter Keeper, as well as any license fees imposed by this By-law, may be imposed as a fine.
- 6) No Shelter Keeper shall release any animal to its owner until all fees owed to the Village are paid.

### **SECTION 25: COST OF WORK**

- 1) If Council, a committee, the License Administrator or another employee of the Village causes work to be done pursuant to Subsection 9.1(9) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by Council, by policy, from the date of the completion of the work until the date of payment.
- 2) In addition to any other remedies at law, if Council, a committee, the License Administrator or another employee of the Village causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

**Village of McAdam  
Animal Control By-Law #57**

**SECTION 26: REFERENCE**

- 1) A reference in any By-law, Administrative Order or posted sign to the *Animal Control By-law*, shall be read as a reference to the provisions of this By-law relating to the same subject matter.

**SECTION 27: SCHEDULES**

- 1) Schedule 1 forms part of this By-law.

**SECTION 28: REPEAL**

- 1) By-Law 57 of the Village of McAdam, the *Animal By-law*, is repealed.

READ FIRST TIME: November 14, 2018

READ SECOND TIME: November 14, 2018

READ THIRD TIME AND ENACTED: December 5, 2019

  
CLERK

  
MAYOR

**Village of McAdam  
Animal Control By-Law #57**

**SCHEDULE 1: FINE AMOUNTS**

| <b>SECTION</b> | <b>DESCRIPTION</b>  | <b>MINIMUM FINE</b> | <b>MAXIMUM FINE</b> |
|----------------|---|---------------------|---------------------|
| 5(1)           | Owning unlicensed dog.  | \$100               | \$5000              |
| 6(9)           | Providing false information to the licence administrator when applying for a licence.   | \$100               | \$5000              |
| 7(1)           | Failing to keep a license tag affixed to animal.  | \$100               | \$5000              |
| 8 (1)          | Failing to have a dog or cat over three months of age vaccinated against rabies   | \$300               | \$5000              |
| 8(1)(a)        | Failing to have the juvenile rabies vaccination followed-up by a rabies booster after one year  | \$300               | \$5000              |
| 8(2)           | Failing to have a dog over three months of age vaccinated against distemper and parvovirus each year  | \$300               | \$5000              |
| 8(6)           | Failing to keep an animal suffering from a communicable disease away from a public place and/or away from another animal  | \$300               | \$5000              |
| 8(7)           | Failing to immediately report to the District Medical Health Officer and the Animal Control Officer that an animal is rabid, suspected of being rabid or has been exposed to rabies | \$300               | \$5000              |
| 9(1)(a)        | Owning animal not being cat or dog that is off the property of owner and not secured.   | \$200               | \$5000              |
| 9(1)(b)        | Owning animal not being cat or dog that damages property.   | \$200               | \$5000              |
| 9(1)(c)        | Failing to immediately remove animal defecation not being of cat or dog.  | \$200               | \$5000              |
| 9(4)           | Owning livestock that is off the property of the owner  | \$200               | \$5000              |
| 11(1)(a)       | Owning cat that damages property.   | \$200               | \$5000              |
| 11(1)(b)       | Failing to immediately remove defecation of cat.  | \$200               | \$5000              |
| 11(1)(a)       | Owning dog that is running at large.  | \$200               | \$5000              |
| 11(1)(b)       | Owning dog that damages property.   | \$200               | \$5000              |
| 11(1)(c)       | Owning dog that is in municipal park designated by signage as area prohibiting dogs.  | \$200               | \$5000              |
| 11(1)(d)       | Failing to immediately remove defecation of dog.  | \$200               | \$5000              |
| 11(1)(e)       | Owning dog that is un-spayed and in heat and not enclosed.  | \$200               | \$5000              |
| 11(4)(b)       | Failing to adhere to limitations posted on signage.   | \$200               | \$5000              |
| 12(1)          | Owning dog that persistently or unreasonably disturbs the quiet of the neighbourhood.   | \$200               | \$5000              |
| 13(1)(a)       | Owning an animal that attacks a person or other animal.   | \$300               | \$5000              |
| 13(1)(b)       | Owning dangerous dog that attacks human being or animal.  | \$600               | \$5000              |

**Village of McAdam  
Animal Control By-Law #57**

|               |   |       |        |
|---------------|---|-------|--------|
| 13(4)(a)      | Failing to license dog as dangerous dog within 10 days of receiving notice.   | \$300 | \$5000 |
| 13(4)(b)      | Failing to keep dog classified as dangerous securely restrained in a building or structure.   | \$300 | \$5000 |
| 13(4)(c)(i)   | Failing to keep dog classified as dangerous muzzled.  | \$300 | \$5000 |
| 13(4)(c)(ii)  | Failing to keep dog classified as dangerous under the control of a person not less than 18 years of age.  | \$300 | \$5000 |
| 13(4)(c)(iii) | Failing to keep dog classified as dangerous on leash  | \$300 | \$5000 |
| 13(4)(c)(iv)  | Failing to keep dog classified as dangerous in a locked pen or other structure, including a motor vehicle, in order to prevent escape when the dog is outdoors. | \$300 | \$5000 |
| 15(1)(a)      | Owning prohibited animal.   | \$200 | \$5000 |
| 15(1)(b)      | Disposing of prohibited animal other than by releasing it to Peace Officer.   | \$200 | \$5000 |
| 15(1)(c)      | Selling or offering for sale prohibited animal.   | \$200 | \$5000 |
| 19(1)         | Failing to possess a valid kennel or cattery license  | \$300 | \$5000 |
| 19(4)         | Failing to comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" by the Canadian Veterinary Medical Association 2007      | \$200 | \$5000 |
| 19(5)         | Failing to comply with the By-laws of the Village   | \$200 | \$5000 |
| 19(7)         | Failing to permit an Animal Control Officer to entre and/or inspect a kennel or cattery   | \$200 | \$5000 |
| 19(8)         | Failing to keep and/or produce accurate records of breeding, selling or boarding of dogs and/or cats including the buyer's name                                 | \$300 | \$5000 |
| 24(1)(a)      | Violating a provision of the By-law or an Order that is not otherwise provided for in this schedule   | \$300 | \$5000 |
| 24(1)(b)      | Failing to do what is required in an Order that is not otherwise provided for in this schedule  | \$300 | \$5000 |
| 24(1)(c)      | Permitting anything to be done in violation of the By-law or an Order that is not otherwise provided for in this schedule                                       | \$300 | \$5000 |
| 24(1)(d)      | Obstructing or hindering a person in the performance of duties under the By-law or an Order   | \$300 | \$5000 |
|               |   |       |        |