

**Valley Waters**  
**By-Law #2023-07-01**  
**Animal Control By-Law**

Be it enacted by the Council of Valley Waters, under the authority vested in it by the Local Governance Act, S.N.B. 2017, c.18 as follows:

**I. TITLE**

- (i) This by-law may be cited as the “Animal Control By-law”
- (ii) The provisions of this by-law apply within the entire area of the Village of Valley Waters.

**II. DEFINITIONS**

In this By-Law

- a) “animal” means any domestic mammal, including a dog, reptile, or farm animal;
- b) “dog” includes both male and female dog;
- c) “owner” means a responsible person, partnership, or corporation who:
  - (i) is in possession of an animal, or
  - (ii) harbours an animal, or
  - (iii) permits an animal to habitually remain on property owned by or under the control of that person, partnership, or corporation, or
  - (iv) is a registered owner, according to Service New Brunswick records, of property where an animal is allowed or permitted to remain;
- d) “running at large” means an unleashed animal:
  - (i) on a tether of sufficient length to permit the animal to leave the property boundaries of the premises occupied by the owner;
  - (ii) not secured by a leash having a maximum length of 1.2 meters in a public place;
  - (iii) on private property other than that of the owner or keeper of the animal, or
  - (iv) in a forest or wooded area, while not in the company and control of the owner of the animal.
- e) “Council” means the Mayor and Council for the Village of Valley Waters;
- f) “Animal Control Officer” means the person or persons contracted by the Village of Valley Waters, or by the Province of New Brunswick who is, or are, charged with the responsibility of controlling animals within the village and are charged with the responsibility of maintaining and supervising an animal shelter. Animal welfare and protection are enforced in New Brunswick by the NB SPCA.
- (g) “Peace Officer” means any peace officer contracted by the Village of Valley Waters or by the Province of New Brunswick.

- (h) "public place" means any property that is not privately owned and includes Municipal, Provincial and Federal property;
- (i) "animal license" means a license issued hereunder for an animal;
- (j) "animal tag" means a plate on which is stamped a license number;
- (k) "kennel" means a building or part of a building where animals are kept for sale or are boarded;
- (l) "leashed" means secured by a leash or similar device of 1.2 meters maximum length, suitable to keep an animal under the control of an owner;
- (m) "day" means a twenty four (24) hour period;
- (n) "fierce or dangerous animal" means an animal which meets any one of the following conditions:
  - (i) an animal that has attacked, bitten or caused injury to a person, either on public or private property or has demonstrated a propensity, tendency or disposition to do so;
  - (ii) an animal that has attacked, bitten or caused injury to a domestic animal, either on public or private property;
  - (iii) an animal that, while running at large, has aggressively pursued or harassed a person;
  - (iv) an animal that, while running at large, has aggressively pursued or harrassed a domestic animal;
  - (v) an animal with a known propensity to attack or injure a person without provocation;
  - (vi) is attack-trained;
  - (vii) is kept for the purpose of security or protection, whether residential, commercial or industrial, or persons or property; or
  - (viii) is a potentially dangerous animal.

### **III. REGISTRATION AND LICENSING**

A. Every owner of a dog shall register with the person(s) so designated by Council each calendar year, each dog which he/she owns, and shall, upon payment of a license fee, obtain a license pursuant to the provisions of this by-law. There shall be no license fee for a "seeing eye dog", but it must be licensed and wear a current tag;

B. The person(s) so designated, at the time of registration of the dog, shall issue to the owner a license tag upon which is inscribed the registration number and the year of registration. A license tag is not transferable from one owner to another or from one dog to another.

C. Every owner of an animal required to be licensed under this by-law shall cause such animal to wear a collar to which is attached the license tag, other than when the dog is in an enclosure such as a kennel or the owner's residence.

D. Every owner who operates a kennel which keeps a dog or dogs for breeding purposes shall hold a valid Pet Establishment License issued by the New Brunswick Society for the Prevention of

Cruelty to Animals.

#### **IV. ANIMAL HEALTH**

- A. The owner of a dog which has not been vaccinated against rabies shall cause his or her dog to be so vaccinated:
- (i) within ten (10) days of acquiring the dog if it is more than three (3) months of age; or
  - (ii) within ten (10) days after it has reached the age of three (3) months.
- B. When a dog is more than three (3) months of age on the coming into force of this by-law, and there is no proof of rabies vaccination, the owner shall cause such dog to be vaccinated against rabies within 10 days. It must get a booster shot within 1 year of the date they were vaccinated. After that, the dog must be vaccinated for rabies every 1 to 3 years depending on the type of vaccine your veterinarian uses.
- C. The Animal Control Officer will report an animal suspected of being rabid to the District Medical Health Officer and to the Royal Canadian Mounted Police.
- D. The Animal Control Officer shall, where in his/her opinion the condition of the animal warrants the recommendation or care of a veterinary surgeon, impound and/or report any apparent illness, communicable diseases, injury or unhealthy condition of any animal to a veterinary surgeon. The owner of the animal shall be held responsible for any fees incurred as a result of such consultation or treatment by the veterinary surgeon.
- E. Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place or in proximity of any other people or animals.
- F. A person who owns an animal that is rabid or suspected of being rabid or has been exposed to rabies shall immediately report the matter to the District Medical Health Officer and to the Royal Canadian Mounted Police and to the Animal Control Officer.

#### **V. RUNNING AT LARGE AND ANIMAL CONTROL**

- A. No owner of an animal shall be permitted to exercise an animal within the boundaries of Valley Waters other than on their own premises or within an enclosed animal park, without such animal being on a leash.
- B. Every owner of an animal shall take proper care and have control of their animal at all times, on or off their property. No owner of an animal shall permit the animal to be at-large nor allow their dog to chase or run after pedestrians or motor vehicles or other animals.
- C. No owner of an animal shall permit the animal to bark, bay or make other noise for such a period of time or in such a manner as to be a nuisance which is annoying and disturbing to the owners of land in the neighbourhood. Any owner shall immediately, upon being directed by an Animal Control officer to do so, take such steps as a necessary to cause the disturbance to cease.

- D. No owner of an animal will permit a female dog to be in public while in heat.
- E. Every owner of an animal shall make every attempt to prevent any animal from excreting on any property which is not the property of its owner. Every owner of an animal which excretes on a property other than that of the owner, shall immediately clean up such excrement and dispose of it on property owned by the owner of the animal.
- F. No owner of an animal shall suffer or permit the animal to cause damage to property which is not the property of the owner.

## **VI. FIERCE OR DANGEROUS ANIMALS**

- A. The Animal Control Officer, if he or she has sufficient evidence to believe that an animal should be declared a fierce or dangerous animal, may make application by means of a report to the Valley Waters Council to have that animal declared a fierce or dangerous animal.
- B. Upon application of the Animal Control Officer to have an animal declared fierce or dangerous, Council shall convene a meeting to hear evidence from the Animal Control Officer, the animal's owner, and other witnesses as necessary, to determine if such animal should be declared fierce or dangerous. After hearing all the evidence presented, Council shall then declare whether such animal is a fierce or dangerous animal or not.
- C. If Council declares an animal to be fierce or dangerous, the owner of such animal may appeal the decision to a Court.
- D. The owner of an animal which has been declared a fierce or dangerous animal shall ensure that:
  - (i) such animal is licensed as a fierce or dangerous animal;
  - (ii) such animal is spayed or neutered;
  - (iii) such animal complies with the owners' responsibilities as outlined in this by-law;
  - (iv) such animal shall be muzzled at all times when the animal is off the owner's property;
  - (v) at all times when off the owner's property, the animal shall be on a leash not longer than one (1) metre and under the control of a responsible person over the age of eighteen (18);
  - (vi) when such animal 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 the escape of the fierce or dangerous animal and capable of preventing the entry of any person not in control of the animal. Such pen or structure must have minimum dimensions of two (2) metres by four (4) metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimeters deep. The enclosure must also provide protection from the elements for the animal. The pen or structure shall not be within one (1) metre of the property line or within three (3) metres of a neighbouring dwelling unit. Such animal may not be chained as a means of confinement; and a sign with minimum dimensions of two hundred fifty by hundred (250 X 100) millimeters, is displayed at each entrance to the property and building in which the animal is kept warning in writing, as well as with a symbol, that there is a dangerous animal on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

## **VII. IMPOUNDING**

- A. The Animal Control Officer or a Peace Officer may capture, seize and impound any animal for circumstances outlined in the NB Dog Regulation Society 2022-36, the Society for the Protection of Animals Act 2022, or this by-law.
- B. The Animal Control officer must follow the requirements of the SPCA Act for Notice to the Owner after seizure of an animal, and for destruction of an animal.

## **IX. REPTILES**

- A. No person shall have, keep or possess a reptile in a public place or on any property in the Village of Valley Waters which is not the property of its owner unless it is in a case or cage or other container designed in such a fashion that it will completely confine such reptile.

## **X. NOTIFICATION OF INJURY TO A DOMESTIC ANIMAL**

- A. A person operating a motor vehicle that strikes and injures a domestic animal shall stop and use reasonable diligence to notify the owner, a peace officer, or an animal control officer, and shall take other reasonable and appropriate action so that the animal may receive proper care.

## **XI. OFFENCES**

- A. The owner or any person who violates or breaches any provision of this by-law is guilty of an offence.
- B. Any person commits an offence under this by-law if:
  - (i) he or she interferes or attempts to interfere with the Animal Control Officer while he or she is exercising his or her functions under this by-law; or
  - (ii) he or she, not being the owner, removes a collar or license tag from an animal.

## **XII. PENALTY**

- A. A person, who fails to comply with the provisions of an order made by a Judge of the Provincial Court under this by-law, commits an offence punishable under Part II of the Provincial Offences Procedure Act as a Category B offence.

**XII. REPEAL**

A. ) The by-law entitled "Village of Norton Dog By-Law", By-Law #2003-15-02, enacted on December 07, 2016 and all amendments thereto is hereby repealed.

READ 1st TIME BY TITLE June 06, 2023 *[Signature]* Mayor *[Signature]* Clerk

READ 2nd TIME BY TITLE Aug 1, 2023 *[Signature]* Mayor *[Signature]* Clerk

READ 3rd TIME, by HEADING, and ENACTED Aug 1, 2023

*[Signature]*  
MAYOR

*[Signature]*  
CLERK

