



## BY-LAW NO. 57

### A BY-LAW REGULATING THE CONTROL OF ANIMALS IN THE MUNICIPALITY OF THE VILLAGE OF HILLSBOROUGH

BE IT ENACTED by the Council of the Municipality of the Village of Hillsborough under the authority vested in the Local Governance Act, S.N.B. 2017, c.18, as follows:

#### 1. TITLE

- 1) This by-law may be cited as the “**Animal Control By-Law**”.

#### 2. DEFINITIONS

In this by-law:

- a) “**Animal Control Officer**” means a person or persons appointed by the Village of Hillsborough to administer this by-law.
- b) “**Animal Shelter**” means the premises at which any individual designated by Council may take an animal impounded pursuant to this by-law and includes the Greater Moncton SPCA and other animal shelters licensed as such pursuant to the *Society for the Prevention of Cruelty to Animals Act*, RSNB 1973, c S-12, and the regulations thereunder.
- c) “**Bite**” or “**Bitten**”
  - i. To cut, puncture, wound, tear or bruise with teeth;
  - ii. To sever with teeth; or
  - iii. To grip with teeth.
- d) “**Breeder**” means any person who:
  - i. Is in possession of, or the owner of a female dog who gives birth to a litter of pups; and
  - ii. Is an owner who keeps dogs for breeding, selling, or another like purpose; or



- iii. Is the holder of a valid kennel licence issued under this by-law.
- e) **“By-Law Enforcement Officer”** means a person named and sworn by Council for the purpose of the enforcement of the Village of Hillsborough By-Laws.
- f) **“Clerk”** means the Clerk of the Village of Hillsborough.
- g) **“Collar”** means a strap which is placed around an animal’s neck, to which a leash, restraining device or tab may be attached.
- h) **“Council”** means the Council of the Village of Hillsborough.
- i) **“Dangerous Dog”** means any individual dog:
- i. that has attacked a person or has killed, bitten or injured another animal;
  - ii. that is attack trained;
  - iii. that is kept for the purpose of security or protection of persons or property; or
  - iv. that has shown the disposition or tendency to be threatening or aggressive.
- j) **“Impound”** means to seize or take custody of an animal in order to place the animal in an animal shelter.
- k) **“Leash”** means a rope, chain or other restraining material that is attached to a Collar or halter worn by an animal and that is capable of restraining the animal on which it is being used. A leash must have a maximum length of two (2) metres, or six (6) feet and the owner must be in control.
- l) **“Licence”** means a licence for a dog, as verified by a tag issued by, or on behalf, of the Village of Hillsborough.
- m) **“Muzzle”** means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.



- n) **“Owner or Guardian”** means a person who is in possession, care and/or control of an animal.
- o) **“Running at Large”** means for a dog to be unleashed and /or uncontrolled in a public place or on private property other than that of the owner/guardian.
- p) **“Service Animal”** means a dog that has been individually trained by an organization or person specializing in service dog training and performs a task to assist a person with a disability with a need related to their disability.
- q) **“Ungulate”** means a hooved mammal.

### **3. ENFORCEMENT**

- a) This by-law shall be enforced by the Animal Control Officer and/or By-Law Enforcement Officer with the assistance of the Clerk of the Municipality and/or the R.C.M.P.

### **4. REGISTRATION AND LICENSING**

- a) Every owner or guardian of a dog shall, before the last day of March in each year, register with the Village of Hillsborough, each dog owned or harbours and pay the registration fee required as set out in Schedule “A” of this by-law.
- b) Any person who becomes an owner or guardian of a dog after the last day of March in any year shall register the dog within 10 days of becoming the Owner or guardian and shall pay the registration fee as set out in Schedule “A” of this by-law.
- c) A registration or license issued under this by-law expires on the last day of the year in which it is issued.
- d) A license tag or registration tag lost after it has been issued may be replaced by the Village of Hillsborough upon application by the owner or guardian for a payment as set out in Schedule “A” of this by-law.



- e) No dog shall be registered unless the owner or guardian proves to the satisfaction of the Village of Hillsborough, possession of a valid rabies vaccination certificate for such dog, signed by a registered veterinarian.
- f) The Village of Hillsborough, at the time of registration of a dog, shall issue to the owner a license tag showing the number under which the dog is registered, the year of registration along with the name of the Village of Hillsborough.
- g) The Village of Hillsborough shall keep a record of all licences issued showing:
  - i. The name and address of the owner of guardian;
  - ii. Date and duration of the registration;
  - iii. Dog's name, color, breed, sex, neutered or spayed and tag number; and
  - iv. Date of expiry of the rabies vaccination.

## **5. KENNEL LICENSES**

- a) Any person or resident who harbours more than three (3) dogs or keeps a dog or dogs for the purpose of breeding, selling, boarding or any other like purposes must make application for a kennel license and must meet all the requirements before being issued such license.
- b) Kennel license requirements are:
  - i) Must meet the requirements of any zoning by-law, or any other by-law (including building permit) for the sanitation, health, hygiene, and comfort of the dogs;
  - ii) If a kennel license is issued, the owner must keep accurate records of breeding, selling or boarding of dogs, and where such dogs are once sold. The owner must be able to produce these records at any time and upon request by the Animal Control Officer or the Village of Hillsborough.



- iii) Any person failing to comply with the kennel license requirements, once such license is issued, or fails to comply with any part of this by-law, shall be in violation and punishable by a fine as set out per Schedule “A” of this by-law and may have their kennel license revoked, or cancelled.
- iv) A kennel license fee as set out per Schedule “A” shall be paid each year and shall expire on the last day of the same year it was issued.
- v) Each dog being harboured in a kennel over the age of four months must be licensed and registered with the Village subject to the fees set out per Schedule “A” of this by-law.
- vi) The Animal Control Officer or the Village of Hillsborough shall have the authority to inspect any kennel licensed under this by-law at anytime.

## **6. RABIES – VACCINATIONS**

- a) Every owner or guardian of a dog shall have such dog vaccinated against rabies no later than twelve (12) months of age. Proof of vaccination shall be provided before obtaining a license.
- b) An owner or guardian who neglects or refuses to have their dog vaccinated against rabies under this by-law is guilty of an offence and is punishable upon conviction.
- c) The Animal Control Officer shall seize and impound any dog which is suspected to possibly be rabid and cause such dog to be quarantined and/or destroyed. All costs of seizing and impounding subject to Section 6 will be at the owner’s expense.
- d) A person who owns or harbours a dog that is suspected to be rabid or has been exposed to rabies shall immediately report the matter to the District Medical Health Officer and to the Animal Control Officer.
- e) Where an animal is suffering from any communicable disease, the owner or guardian shall not permit the animal to be in any public place and shall not keep the animal in contact with or proximity of any other animals.



## **7. SEIZING AND IMPOUNDING**

- a) The Animal Control Officer may seize and impound any dog found running at large, and shall:
  - i. if the owner or guardian is known, make reasonable attempt to notify him/her that the dog is impounded; or
  - ii. when the owner of an impounded dog is not known, the animal Control Officer shall make a reasonable attempt of four (4) days to find the owner.
- b) The Animal Control Officer upon receiving and investigating a complaint, may seize and impound a dog which has bitten or attempted to bite a person or other animal.
- c) The Animal Control Officer may seize and impound a fierce or dangerous dog that is unmuzzled and off the owner's private property.
- d) The Animal Control Officer may seize and impound an abandoned dog or a dog that appears to the Animal Control Officer to have been abandoned.
- e) All costs of seizing and impounding subject to Section 7 will be the owner's expense.

## **8. RUNNING AT LARGE**

No owner or guardian of an animal shall allow the animal to run at large. The owner or guardian of the animal found to be running at large shall be subject to the fees specified in "Schedule A."

## **9. STOOP & SCOOP**

If an animal defecates on any public or private property other than the property of its owner or guardian, the owner or guardian shall remove such defecation immediately. This section shall not apply to municipally licensed service dogs.



## **10. DISTURBANCES**

- a) No owner shall permit a dog or dogs of which he or she is the owner or guardian to bark or bay for such period of time or in such a manner as to create a disturbance to neighbors or the neighbourhood.
- b) An owner or guardian shall immediately, upon being directed by the Animal Control Officer, By-Law Enforcement Officer, R.C.M.P. or the Village of Hillsborough, take such steps as necessary to cause the disturbance to cease.
- c) Subject to Section 10 failure to do so shall result in a charge subject to the fines specified in “Schedule A.”

## **11. DANGEROUS DOGS**

The owner of a dangerous dog shall ensure that:

- a) At all times when off the owner’s property, the dog shall be muzzled;
- b) At all times when off the owner’s property, the dog 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);
- c) When such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure 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 centimetres deep. The enclosure must also provide protection from the elements for the dog. 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;
- d) A sign is displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road; and
- e) The dog is neutered or spayed as soon as is practicable after the dog is determined to be a dangerous dog.



## **12. HORSES**

- a) An owner or guardian of a horse(s) or the persons responsible of horse(s) is responsible and must clean the result immediately if such and when the animal defecates/excrement in a public place or on property other than their own.
- b) No person shall allow a horse owned or controlled by them to be out of control in a public place on a property other than their own.

## **13. DEER AND MOOSE**

No person shall on their property or on public property feed or otherwise purposefully attract deer, moose or other undomesticated ungulates or allow, cause or permit the feeding or attraction of ungulates.

## **15. OFFENCES**

The owner of a dog commits an offence under this by-law if:

- a) No person shall permit their dog to run at large subject to Section 8
- b) No person shall refuse or neglect to register their dog before the last day of March each year subject to Section 4 (a) and 4 (b);
- c) No person shall refuse or neglect to attach a registration tag to the collar of the dog;
- d) No person shall refuse or neglect to cause their dog to wear a collar at all times;
- e) No person shall permit their dog to chase or run after pedestrians, motor vehicles and bicycles;
- f) No person shall permit their dog to bark incessantly so that an annoyance is caused to the public subject to Section 10;
- g) No person shall permit their dog to bite or attempt to bite any person or another animal as per Section 7(b);
- h) No person shall walk or exercise their dog without a leash;
- i) No person shall refuse or neglect to vaccinate their dog as required under Section 6.





## **PENALTY**

- a) Any person or persons, corporation, partnership or society who violates any of the provisions of this by-law is guilty of an offence as set out in Schedule “A” of this by-law.
- b) The proceeds of all fines assessed as a result of summary conviction are payable to the Village of Hillsborough.

## **SEVERABILITY**

If any part of this by-law is deemed to be invalid or struck down, it does not invalidate the remaining provisions of the by-law.

## **BY-LAWS REPEALED**

By-law #46 and amendments thereto, are hereby repealed.

## **19. ORDAINED AND PASSED**

- a) This by-law comes into effect on the date of third and final reading by the Council of the Village of Hillsborough.

First reading: February 7, 2022

Second reading: February 7, 2022

Third reading

And enacted: March 7, 2022

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Mayor

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Clerk



## SCHEDULE "A"

### FEES and FINES

#### Dog License Fees

<b>Ownership</b>	<b>Jan 1<sup>st</sup> to March 31<sup>st</sup></b>	<b>After March 31<sup>st</sup></b>
Neutered male or spayed female dog	\$10.00	\$20.00
Un-neutered male or un-spayed female dog	\$20.00	\$30.00
Service dog	no fee	no fee
Replacement Tag		\$2.00

If the dog is not registered, the owner shall pay the registration fee required under this by-law along with late penalty fee if required.

### FINES

- 1) First Offence \$50.00
- 2) Second Offence \$75.00
- 3) Third offence \$100.00
- 4) Boarding fee of \$30.00 for each day a dog is impounded, and \$30.00 for each day a dog is quarantined (if quarantine is required). The dog owner is responsible for payment of any required medical fees that may be incurred while an animal is impounded or quarantined.

#### Kennel License

Kennel Licence Fee \$60.00 each year and shall expire on the last day of the same year it was issued.

Any person failing to comply with the kennel license requirements, once such license is issued, or fails to comply with any part of this by-law, shall be in violation and punishable by a fine of \$100.00 of this by-law and may have their kennel license revoked, or cancelled.



## DOG KENNEL LICENSE

This DOG KENNEL LICENSE issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Grants permission to \_\_\_\_\_ at \_\_\_\_\_.  
Hillsborough, N.B. to operate a kennel to house more than three dogs. The following  
Requirements will take effect the date of issue of the permit and in accordance with  
The Village of Hillsborough Animal Control By-law Number 57:

- 1). This license shall expire on the last day of the same year it was issued, unless otherwise cancelled by the village. Application to renew this license must be made to the Village of Hillsborough within thirty (30) days of expiration.  
Expiration Date: \_\_\_\_\_
- 2). It is understood that All sections of By-Law Number 57 will be strictly Enforced by the Village of Hillsborough.
- 3). Should a legitimate complaint be made to the Village of Hillsborough which indicates a violation of By-Law Number 57 as a result of the Kennel operation at the above location, the village may cancel this license immediately and the owner must cease to operate a kennel.
- 4). If the Kennel License is cancelled the owner will only be permitted to house A maximum of three (3) dogs.
- 5). All dogs, over the age of four months, under this license must have valid proof of Rabies Vaccination and must be licensed and registered with the Village as per Section 4 of By-Law # 57.

The intent of this Kennel License is to protect the neighbourhood and municipal residents from any nuisance caused by dogs barking or running at large, any injury and any damage to private property. Also, it is the intent of this license to ensure the dogs are cared for in a humane manner.

Issued this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ \_\_\_\_\_

# of Dogs In Kennel at Issue Date: \_\_\_\_\_