

[TOWN OF MCIVERS LOGO]

Town of McIvers
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Pursuant to Section 414 of the *Municipalities Act, 1999* the Town Council of the Town of McIvers in session convened on the 8th day of *August*, passes and enacts the following Regulations.
2011

Warren Blanchard
Mayor

Bernie Parsons
Town Clerk

ANIMAL CONTROL REGULATIONS

1. This Regulation may be cited as the Town of McIvers Animal Control Regulation.

DEFINITIONS:

2. In this Regulation:

- (a) "dog" means any dog, male or female and include an animal which is a cross between a dog and a wolf;
- (b) "impounder" means any person appointed by the Town who is responsible for carrying out the provisions of this Regulation with respect to the seizure and impounding of animals;
- (c) "owner" includes any person who has custody, charge, possession or control of an animal or fowl of any kind or who is the owner of any house, dwelling, building or premises or part thereof, or tenant of any house, dwelling, building or premises thereof, where any animal or fowl is kept or permitted to live or remain;
- (d) "park" or "parkland" means any land owned by or under the direct control and management of the Town which is designated or used for a park or recreation purpose;
- (e) "private land" for the purpose of this Regulation means all land within the Town boundaries which is not owned or under the direct control and management of the Town and includes all lands of Her Majesty the Queen in right of Canada or of the Province and their respective agencies;
- (f) "public open space" means all lands owned by or under the direct control and management of the Town other than a park or parkland or street; and

- (g) "street" means any highway, bridge, road, lane, footway, square, court, alley, passage, cave or firebreak whether used as a thoroughfare or not and a highway as defined in *The Highway Traffic Act*, and includes sidewalks.

REGISTRATION OF DOGS

3. In this Regulation:

- (a) The owner of every dog within the Town limits which is six months old or older shall register such dog at the Town Hall annually and shall pay to the Town Clerk such fees as the Council may determine.
- (b) The burden of proving that a dog is under the age of six months shall be upon the owner of the dog.
- (c) The registration fee referred to in subsection (a) hereof may from time to time be fixed by resolution of Council.
- (d) Notwithstanding subsection (a) hereof Council may determine that the registration fee be payable only once upon the initial registration of the dog.
- (e) The Town Clerk shall cause to be kept a register of all dogs registered pursuant to this Regulation.

DOG TAGS

4. In this Regulation:

- (a) The Town Clerk shall supply such registered owner with a metal tag for each dog registered with the number of registration stamped thereon, and the owner of every registered dog shall keep on such dog a collar with the tag attached thereto.
- (b) Each numbered dog tag shall be assigned to a specific dog and is not transferable.
- (c) The owner of each dog shall advise the Town Clerk's office immediately upon the demise of a registered dog and shall destroy the tag or return it to the Town Hall.

HOUSING AND CONTROL OF DOGS

- 5. It shall be the duty of the owner of every dog to see that the same is under effective control by means of a leash or other device approved by council when off the owner's premises; to ensure that it is safely tethered or penned up at all times unless otherwise exempted by law; and further, to ensure that their dog does not become a nuisance to persons in any neighbourhood by reason of barking or howling.
- 6. No person shall keep or permit to be kept on any land or in any building in any area of the Town more than three dogs at any one time, except under the following conditions:
 - (a) Newborn puppies;
 - (b) Special permits;

- (i) Licensed Newfoundland kennel breeders;
 - (ii) Unregistered breeders complying with SPCA standards;
 - (iii) Owners with more than three household pets that comply with SPCA standards.
7. Any dog or other animal which is not under the control of its owner and which is found damaging or destroying or fouling with excrement any public or private property may be seized by the property owner, its agent or person injuriously affected and held for collection by the impounder.
8. Every owner of a dog present with the dog at the time when the dog fouls with excrement any property (including Town parkland, public open spaces, streets and sidewalks, and private land other than land of the owner of the dog) shall forthwith remove the excrement. Every owner who contravenes this section is guilty of an offence and in addition to any other penalties imposed by this Regulation is subject to being denied access to any park or parkland.

KEEPING OF ANIMALS (other than dogs)

9. No person shall keep in any dwelling or part thereof in the town any horse, cow, calf, swine, sheep, goat, fowl, goose or duck.
10. No person shall keep any animal or fowl of any kind on any land or in any building in the Town without the written permission of the Town. The Town may by resolution exempt any species, classes, types or categories of animals or fowls generally.
11. Without limiting the generality of the foregoing the Town may refuse to permit the keeping of any animal or fowl which it considered offensive, or likely to create a public nuisance or health hazard or is perceived as causing a threat to public safety.
12. If any dog or other animal or fowl shall bite any person other than its owner or a member of the owner's household and while not on the owner's premises, such dog, animal or fowl shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of the Regulation.
13. If any dog or other animal or fowl shall make any noise in such manner as to disturb the peace or to constitute any annoyance to the residents in the neighbourhood, such dog, particularly, without limiting the generality of the foregoing, any dog, animal or fowl barking or howling is deemed a nuisance and the owner thereof shall be deemed to have committed an offence in terms of this Regulation and liable on summary conviction to a fine not exceeding \$1,000 or in default of payment of such fine and imprisonment.

SEIZING AND IMPOUNDING FEES

14. The following seizing and impounding fees shall be paid by the owner of an animal seized or impounded:
- (a) Unlicensed animal first offence - \$45.00
 - (b) Second offence - \$75.00

- (c) Third and subsequent offences – animal destroyed
- (d) Boarding fees - \$10.00 per day

15.

- (a) The owner of any dog who contravenes or fails to comply with Sections 3, 4, or 5 shall be subject to the following fines for each offence:
 - (i) First offence - \$100.00
 - (ii) Second offence - \$200.00
 - (iii) Third and subsequent offences \$300.00
- (b) Any person who contravenes or fails to comply with any other provisions of this Regulation shall for each offence be liable to a fine not exceeding One Thousand Dollars (\$1,000).

SEIZING AND IMPOUNDING ANIMALS

16.

- (a) It shall be the duty of the impounder and he shall have power:
 - (i) To seize and impound any dogs, horses, horned cattle, sheep and swine or other domestic animals which may be found straying or at large or causing a nuisance, in any street or public place or park of the Town, or in any open field or common from which free access can be had thereto, and to enter any premises for the purpose of causing a nuisance as aforesaid or recapturing any such animal which may escape from his control using any methods of capture by the Town Council;
 - (ii) To deal with animals impounded according to the following rules:
 - (A) Any animal that has been seized by the impounder may, with the consent of the Town Clerk, be immediately destroyed.
 - (B) Any animal that has been seized by the impounder and is in his opinion so diseased or injured or is in such physical condition that it ought to be destroyed, or the keeping of which within the Town limits (if such animal has been seized within the Town limits) is prohibited, shall be immediately destroyed.
 - (C) When an animal has been impounded, the impounder shall notify the Town Clerk, and the Town Clerk shall make a record of such impounding in a book to be kept for that purpose. The Council may advertise that such animal has been impounded.
 - (D) The owner may recover the animal impounded on such proof of ownership of the animal as the impounder may require and upon payment of the impounding fees and expenses.

- (E) The impounder may keep any unclaimed animal in the pound for such period, not exceeding forty-eight (48) hours, as he or she shall in his or her discretion think fit, and after the expiration of such period shall either sell such animal by public or private sale, and after deducting the fees and expenses of impounding and sale and compensation of the Town, pay the balance, if any, to the Town Clerk, or shall destroy such animal.
- (F) Without restricting the powers of the impounder, any person charged with the enforcement of this Regulation which includes, without limiting the generality of the foregoing, any staff of the Town, members of The Royal Newfoundland Constabulary, or Royal Canadian Mounted Police, shall have the power to enter upon all lands private or public and into all buildings for the purpose of carrying out the provisions of this Regulation.
- (G) Where any person is authorized to destroy any animal under this Regulation he shall do so in a manner as humanely as possible.