

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of Section 414(2)(g) to (q) of the Municipalities Act, 1999 as amended.

Amended and adopted by the Town Council of the Town of Carbonear on the 17th day of November, 2003.

MAYOR

TOWN CLERK

TOWN OF CARBONEAR DOG REGULATIONS

1. These regulations may be cited as the Town of Carbonear Dog Regulations.
2. In these regulations unless the context otherwise requires :
 - (a) “Act means the Municipalities Act, 1990 as amended:
 - (b) “Council” means the Town Council of the Town of Carbonear:
 - ©) “Enforcement Officer” for the purpose of these regulations means person appointed by the Council to enforce the Town of Carbonear Dog Regulations :
 - (d) “Town means the Town of Carbonear as defined in the Order dated under the said Act;
 - (e) “Premises” for the purpose of these regulations will be deemed to mean land all buildings with the exception of residential buildings :
 - (f) “Dog” means a male or female dog or pup and includes an animal which is a cross between a dog and a wolf:
 - (g) “Injured” and “Injury” includes, but are not limited to injuries caused by wounding, worrying, terrifying or pursuing.
 - (h) “Kennel” means an establishment for the keeping, breeding or boarding of dogs for Commercial purposes.
 - (I) “Owner” when used with reference to the ownership of a dog, includes a person who has custody, charge or possession of a dog of who is the owner of a house or premises or part of premises where a dog is kept or permitted to live or remain, where that persons proves to the satisfaction of a Provincial Court Judge that he or she was not, at the time in question, the owner of the dog:
3. No person shall keep any dog other than a puppy not more than four (4) months old, within the limits of the Town, unless a license has been issued by the Council for such dog and such dog license is still in force, and unless such dog bears a numbered tag or plate indicating that such license is in force for the current year.

4. The Town shall keep a register of all dogs licensed by them.
5. No person shall lead, have or take a dog in or to any public place in the Town unless such dog bears a numbered tag or plate indicating that a license has been issued for such dog for the current year by the Town or by another municipality.
6.
 - (a) Every such license from the Town shall expire on the 31st day of December next after the date of issuance and shall be non transferrable;
 - (b) The fee payable for a license shall be \$10.00 for each dog and shall not be reduced or remitted by reason of the death, loss or removal of any dog after the date of issuance of the license.
 - © The fee payable for a license to operate a kennel within the Town shall be \$50.00.
 - (d) The owner of every licensed dog shall immediately on receipt of the license tag, attach it to a strong and durable collar, which collar shall be kept upon the dog's neck at all times.
7. Any dog found at large in the Town contrary to these regulations may be humanely destroyed by the Enforcement Officer at the expiration of forty eight hours, Saturdays, Sundays and Statutory Holidays excluded, after the time of impounding.
8. Any court of summary jurisdiction may take cognizance of a complaint that a dog is dangerous and not kept under proper control or has bitten or attempted to bite any persons and if it appears to the court that the dog is dangerous or has done any of the things referred to herein, the court may order the owner of the dog to destroy it.
9. Any person authorized to destroy a dog under these regulations may destroy or may complain to a Provincial Court Judge who upon verification, may of the authorization, may make an order directing the owner of the dog to destroy it.
10. The owner of a dog who fails to comply with an order made under either section 7 or 8 shall be deemed to have committed an offence in terms of these regulations.
11. No person shall establish a kennel or carry on any business or institution for boarding, keeping, training or treating dogs unless the permission of Council, in writing, has been obtained thereafter.
12.
 - (1) An owner of a dog shall keep it safely tethered, or penned up at all times.
 - (2) Notwithstanding subsection (1) a dog need not be tethered or penned up, where
 - (a) it is held on a leash by a person capable of restraining its movement.
 - (b) it is kept or used for another purpose and under the condition described in the Regulation.

13. If any dog shall bite any person other than its owner or a member of its owner's household and while not in its owner's premises, such dog shall be deemed to have committed an offence in terms of these regulations.
14. If any dog shall cause damage to any lawn, grass plot, garden, or flower bed or flower, shrub or plant, such dog shall be deemed to have committed an offence in terms of these regulations.
15. If any dog shall bark or howl in such a manner as to disturb the peace or to constitute an annoyance to residents in the neighbourhood, such dog shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these regulations.
16. Whenever a dog is found in any public place or on any private property without the consent of the owner, occupant or person having control of such private property or without a tag or plate as required by section 3 preceding or is not accompanied as required by section 12 preceding or is not held securely on a leash by a person capable of restraining its movements or confined to private property, the Enforcement Officer shall, and any person may, cause the dog to be impounded and shall be deemed to have committed an offence in terms of these regulations.
17. (a) When a dog, which bears a current numbered tag or plate, as required by these regulations, has been impounded, the Enforcement Officer shall give notice thereof to the licensee or owner of the dog. If the dog has not been redeemed by or on behalf of the licensee or owner within forty eight hours, excluding Saturdays, Sundays and Statutory Holidays, after the dispatch of such notice, the Enforcement Officer shall have the right to have the dog disposed of or humanely destroyed. Notice will be given in the first instance by telephone to be followed by having a letter dropped off at the residence or sent by registered mail.
- (b) The fee which shall be paid to the Animal Control Officer for the redemption of an impounded dog shall be as follows:
 1. \$10.00 without any infractions of the Animal Control Regulations during the previous twelve (12) month period and being licensed for the current year.
 2. \$20.00 with one previous infraction of the Animal Control Regulations, during the previous twelve (12) month period including being without a current dog license.
 3. \$40.00 with two previous infractions of the Animal Control Regulations, during the previous twelve (12) month period including being without a current dog license.

4. \$10.00 for each day the dog is impounded once the owner has been notified. This fee to be charged if the dog is impounded beyond 12:00 noon of the day following notification.
5. A current dog licence must be obtained if the dog is without a current dog licence.
 - (c) When a dog which does not bear a current numbered tag or plate, as required by these regulations, has been impounded, the Enforcement Officer shall have the right to have the dog disposed of or humanely destroyed at the expiration of Forty-eight hours, excluding Saturdays, Sundays, and Statutory Holidays, after the time of impounding.
 - (d) Where, in sole discretion of the Enforcement Officer, the dog liable to be impounded, appears to be vicious, dangerous, diseased, or otherwise unfit for impounding, the Enforcement Officer, in consultation with the Veterinarian, may cause the dog to be disposed of or humanely destroyed forthwith.
 - (e) The Enforcement Officer, in consultation with the SPCA, shall have the right to seize any dog within the Town limits which in his opinion is being mistreated.
18. The Animal Control Officer may seize and impound any dog found at large and may enter premises for the purpose of capturing any dog that he was in pursuit of or which had escaped from his control.
19. The Enforcement Officer, who reports to the Town Clerk, shall:
 - (a) Report the name and address of any person observed or reliably reported to have violated any of the provisions of these regulations.
 - (b) Report the time and nature of such violation and any other circumstances related therein.
 - (c) Serve upon the person violating any of the provisions of these regulations a serially numbered notice that such person has violated a provision of these regulations and instructing such persons where to report to in regard to such violation.
 - (d) File with the Town Clerk a duplicate copy of each serially numbered notice served as aforesaid.
20. Any person who interferes with or attempts to interfere with an Enforcement Officer, or their agents, in the exercise of their duties, such person shall be deemed to have committed an offence in terms of these Regulations.
 - (a) Any person who, without the authority of the Enforcement Officer releases any animal which has been impounded, shall be deemed to have committed an offence in terms of these regulations.
 - (b) Every person requested by the Enforcement Officer shall, on request, forthwith give his/her proper name and address.

21. Except for violations of section 13 and subject to the provisions of section 21 of these regulations, each person served with a notice in terms of section 19 preceding may within forty-eight (48) hours of the time when such notice was served exclusive of Saturdays, Sundays and Statutory Holidays, pay to the Town Clerk, who is authorized to accept the sum of \$10.00 as a mitigated penalty for each violation.
22. Every person who is served with a notice of violation under section 3 or 5 of these regulations may within forty-eight (48) hours of the time when such notice was served, exclusive of Saturdays, Sundays and Statutory Holidays, pay to the Town Clerk who is authorized to accept such payment and furnish an official receipt, the sum of \$10.00 as a mitigated penalty for each violation: and shall pay the license fee for the current year.
23. (a) Any person who fails to make payment of the mitigated penalties provided for under Section 21 preceding within the time prescribed or any person who fails to make payment of fines provided for under Section 17 shall be prosecuted.
- (b) Any person who violates any of the provisions of these regulations shall be guilty of an offence and shall, subject to the rights of such person to make payment of the mitigated penalty in terms of Section 21 preceding, payment of fines provided for under Section 17 preceding, be liable to pay any other expenses incurred if the animal has to be humanely destroyed, be liable to a minimum fine of \$10.00 for a first offence and a minimum fine of \$20.00 for a second and each subsequent offence.
24. Any person who violates any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty as prescribed by these regulations.
25. Fees to be paid on issue and renewal of licenses shall be as follows:
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| All dogs | \$10.00 |
| All dogs - Partial licence (6 months & under) | \$ 6.00 |
| Replacement tags | \$ 2.00 |
- (Partial Licence to be issued only in cases where dogs are acquired after July 1st in a given year).
26. Prosecutions under these Regulations may be taken summarily by the Enforcement Officer or any Police Constable.
27. These regulations were amended and adopted by a resolution of council at a meeting held on the 17th day of November, 2003 and shall come into effect on the 18th day of November, 2003.
28. All previous Dog Control Regulations for the Town are hereby repealed.