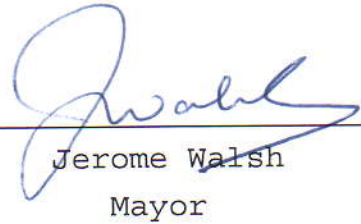


TOWN OF MARYSTOWN

Pursuant to the powers conferred by Section 240 of The Municipalities Act, Chapter M-23, the Town Council of Marystown has made the following Regulations.



Jerome Walsh
Mayor

R E G U L A T I O N S

1. SHORT TITLE

These Regulations may be cited as the Town of Marystown (Dog) Regulations, 1995

2. INTERPRETATIONS: In these regulations, unless the context otherwise requires:

- a) "Act" means the Municipalities Act.
- b) "Council" means the Town Council of the Town of Marystown.
- c) "Town" means the Town of Marystown as defined by Paragraph 2 of an Order-In-Council dated the 18th day of December A.D., 1951, and made under the provisions of the said Act.
- d) "Dog" means any dog, male or female, and includes an animal which is a cross between a dog and a wolf.
- e) "Licensing Officer" means any person appointed as such by Council.
- f) "License" means a valid license issued in accordance with the regulations authorizing the licensee to keep a dog in the licensing area or any part thereof and includes a valid renewal thereof.
- g) "Licensing Area" means the Town of Marystown in which the Town Council of the Town of Marystown has jurisdiction as defined in its articles of Incorporation as subsequent amendments thereto.

- h) "Owner when used in reference to the ownership of a dog, includes any person who has custody, charge or possession of a dog or who is the owner of any house or part of premises where any dog is kept or permitted to live or remain, except where such person proves to the satisfaction of a magistrate or Council that he is not, at the time in question, the owner of the dog.
- i) "Town Clerk" shall mean the Town Clerk of the Town of Marystown, or his authorized agent.
- j) "Town Manager" shall mean the Town Manager of the Town of Marystown or his duly authorized agent whose duty it shall be to see that these regulations are implemented and enforced.

3. Keeping of Dogs

Effective from and after the passing of these Regulations no person shall keep any dog other than a puppy, not more than four months old within the limits of the Town, unless such dog has been registered and licensed.

4. Licensing Officer(s)

The Council may appoint Licensing Officer(s) who shall keep registers of all dogs licensed by them.

5. Licenses

The following fees shall be paid on issuance and renewal of licenses:

Male Dogs	No charge
Spayed Dogs	No charge
Female Dogs	No charge

6. License Tags

License Tags shall be supplied by the Council and issued by the Licensing Officer(s) and any other person duly authorized for that purpose.

7. Use of License Tags

The owner of every licensed dog shall immediately on receiving the license attach to a strong and durable collar which collar shall be kept upon the dog's neck at all times when it is outside the enclosed premises of the owner, a license tag is to be furnished by the officer issuing the license.

8. Validation of License

Every license in accordance with these Regulations shall become valid on date of issue and shall be valid until such time as otherwise deemed by Council.

9. Tethering

Every owner of a dog within the Town shall keep, such dog safely tethered or penned up at all times except under the following conditions:

- a) It is held on a leash by a person capable of restraining its movements
- b) It is being used by some person for the purpose of lawful hunting
- c) It is being used by some person to work in a lawful manner with sheep

10. Seizing and Impounding

- a) The Impounder may seize and impound any dog found at large contrary to Regulation 9 of these Regulations, and enter any premises for the purpose of recapturing any dog that may escape from his control.
- b) Any dog found damaging or destroying private property may be seized by the injuriously affected person or persons and held for collection by the Impounder.
- c) When a dog has been impounded, the Impounder shall make a record of such impounding in a book kept for that purpose and may then, but shall not be bound to advertise that such dog has been impounded. It shall be the responsibility of the owner to find out if his pet is impounded.
- d) The owner may recover an impounded dog on such proof of his ownership of the dog as Council may require, and upon payment of all fees in connection with the impounding and

keep of the dog and upon showing proof in writing from the Town that the dog has been licensed.

- e) The Impounder shall keep any unclaimed dog which is licensed, in the Pound, for a period of 72 hours and after the expiration of such period, the dog may be sold or destroyed, however the Impounder may destroy immediately any dog which is found not to be licensed, untethered or unattended, or has been impounded twice previously or the owner of which is unknown.
- f) The Impounder may destroy any dog found at large within the Municipality if, in his opinion, such animal is so diseased, injured or vicious or in such other condition that it ought to be destroyed.

11. Authorization To Destroy & Method

- a) Any dog to which these regulations apply may be destroyed by any Police Constable or any person, authorized in that behalf, save that this Regulation shall not apply to dogs under the age of four (4) months.
- b) Where any person is authorized to destroy a dog under these Regulations, he shall do so in a manner as humanely as possible and follow the methods approved by the S.P.C.A.
- c) The carcass of any dog destroyed shall not be placed in the sea or in any pond, lake or river or stream or any water which flows into the sea, or any water shed area.
- d) The Impounder, or any other person authorized by the Council for the purpose, shall dispose of the carcass of any dog destroyed under the provision of Regulation 10, hereof, by
 - a. Burying the carcass in the earth at a place that meets the approval of the Council and the Provincial Department of Health
 - or
 - b. cremation of the carcass by placement thereof in the local municipal waste disposal incinerator;
 - or

c. any other method that meets the approval of the Council and the Provincial Department of Health.

12. Proof of Age

In any proceedings under these Regulations, the proof that a dog was under the age of four (4) months shall be upon the owner of the dog or the person having possession thereof.

13. Tranquilizer Gun

The Impounder shall have the authority to use a tranquilizer gun for the purpose of impounding a dog and neither the Impounder nor the Marystown Town Council shall be held responsible should any dog suffer serious or fatal effect caused by the tranquilliser drugs.

14. Seizing and Impounding Fees

a) First Offence:

\$25.00 for the first day
50.00 for the second day
75.00 for the third day

b) Second Offence:

\$30.00 for the first day
60.00 for the second day
90.00 for the third day

c) Third Offence:

The dog shall be sold for the amount of fines owing or destroyed.

15. Prosecution

Prosecution under these Regulations may be taken summarily by any Police Constable or by any person authorized by Council.

16. Penalty

Every person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction, where no penalty is otherwise provided, to a fine not exceeding one thousand dollars or in


default of payment to a period of imprisonment not exceeding ninety days, or to both such fine and period of imprisonment.

The conviction of a person under this section does not operate as a bar to further prosecution for the continued failure on the part of the person to comply with the Regulations.

17. Effective Date

These Regulations were adopted by Resolution of Council at a meeting held on the 16th day of May, 1995 and will come into effect on the 17th day of May, 1995.

18. All previously adopted Town of Marystown (Dog) Control Regulations are hereby repealed.



Dennis Kelly
Town Clerk