

Animal Control By-Law # 052



Town of Quispamsis

BY-LAW NO. 052

A By-law of the Municipality of Quispamsis respecting Animal Control pursuant to Section 96(1) of the Municipalities Act of New Brunswick.

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A By-Law of the Municipality of Quispamsis respecting Animal Control.

The Council of the town of Quispamsis, under authority vested in it by Section 96 of the Municipalities Act of New Brunswick, enacts as follows:

1. TITLE

- a. This By-law may be cited as the Animal Control By-law;
- b. The provisions of this By-law apply within the entire area of the town of Quispamsis; and
- c. All animal owners in the Town of Quispamsis must comply with the provisions outlined herein. Furthermore, all animal owner(s) shall keep the Town, and their employees, indemnified against all claims and damages whatsoever by any person, whether in respect to damage to person or property arising out of or occasioned by the enforcement of this By-law, and/or arising from the action, default or negligence of any animal(s) or animal owners.

2. DEFINITIONS

In this By-law:

- a. "animal" includes, but is not limited to, a dog, cat, or horse;
- b. "Animal Control Appeal Committee" is a Committee established under Section 8 herein;
- c. "Animal Control Officer" includes a peace officer and/or a person appointed by Council to carry out any or all of the functions of animal control pursuant to this By-law;
- d. "animal shelter" means any association, person, or agency designated by Council to take possession of and properly care and provide for animals impounded pursuant to this By-law;
- e. "attack" means to cause harm without provocation, to aggressively chase, to injure or bite, or to threaten or give the impression of threatening as an aggressive act;

- f. "breeder" means an owner who keeps and/or sells more than two (2) unaltered dogs and/or three (3) altered dogs;
- g. "cat" includes male and female cat;
- h. "Clerk" means the Clerk of the town of Quispamsis;
- i. "Council" means the Council of the town of Quispamsis;
- j. "day" means a 24 hour period;
- k. "dog" includes a male or female dog;
- l. "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 harassed a domestic animal;
 - v. an animal with a known propensity to attack or injure a person without provocation;
 - vi. is attack trained; or
 - vii. is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property;
- m. "horse" includes a male or female horse;
- n. "kennel" means a place where animals are housed which can include a residence or place of business;
- o. "muzzle" means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting;

- p. "owner" includes a person, partnership, association or corporation who:
 - i. is in possession of an animal;
 - ii. harbors an animal;
 - iii. suffers an animal to remain about his or her property or property under his or her control;
 - iv. is a registered owner, according to Service New Brunswick records, of property where an animal is allowed or permitted to remain; or
 - v. registers or licenses an animal under this By-law;
- q. "public place" means any property that is not privately owned and includes Municipal, Provincial, and Federal property;
- r. "reptile" means an air-breathing, scaly cold-blooded vertebrate and includes snakes;
- s. "running at large" means:
 - i. to be tethered 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 three (3) meters in a public place; or
 - iii. to be unleashed:
 - 1) in a public place;
 - 2) on private property other than that of the owner or keeper of the animal without consent of the owner of the property; or
 - 3) in a forest or wooded area, while not in the company or control of the owner or keeper thereof;
 - iv. Notwithstanding the foregoing, a dog shall not be deemed to be "running at large" while unleashed in an area delineated by Town of Quispamsis signage as being a "Dog Friendly Beach and Swim Area", "Dog Park" (or similar words to that effect).

- t. "street" includes road, sidewalk, alley, park, public square and property under the control of the town;
- u. "surrender" means to give up, abandon, or relinquish ownership of an animal;
- v. "unaltered" means an unneutered male or an unspayed female dog or cat;
- w. "service animal" means an assistance dog, and may include other animals specifically trained to perform physical tasks to mitigate an individual's disability. Assistance dogs include: guide dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness. The presence of an animal as being trained to mitigate an individual's disability does not qualify said animal as a service animal;
- x. "voluntary payment" means any payment made in accordance with Section 13.

3. REGISTRATION AND LICENSING

- a. Every owner of a dog or cat shall:
 - i. register with the Clerk, or other person(s) so designated by Council by December 31st of each calendar year, each dog or cat which he/she owns, and obtain a license pursuant to the provisions of this By-law for the next calendar year
 - ii. provide the Clerk, or other person(s) so designated by Council, with the following information which will be recorded and retained:
 - 1) the owner's name and place of residence,
 - 2) the name, age, breed, colour and sex of the dog or cat.
 - iii. pay, in accordance with Section 14 of this By-law, to the Clerk, or other person(s) so designated by the Council, a license fee for each dog or cat which he/she owns, subject to the following:
 - 1) the license fee for any dog or cat owned by a citizen sixty five (65) years of age or over shall be reduced by fifty percent (50%);

- 2) the license fee for any newly acquired dog or cat that is being registered between July 1 and October 31 in any year shall be fifty percent (50%) of the fee set out in Section 14 of this By-law;
 - 3) all licenses issued pursuant to this By-law shall expire at midnight on the thirty-first day of December of each year. Further provided an application may be made after November 1st in any year for a license for the following year, which shall be valid from the date of its issuance. When an owner ceases to own a dog or cat for which the license was given, the license shall expire; and
 - 4) there shall be no license fee for a "service animal", but it must be licensed and wear a current tag.
- b. An approved certificate from a veterinary or animal hospital is required as proof that a male dog or male cat is castrated, or a female dog or female cat is spayed, and an approved certificate from a veterinary or animal hospital confirming the cat(s) or dog(s) has received their rabies immunization pursuant to Section 5.
 - c. Every owner of a dog or cat which is registered under this By-law shall forthwith advise the Clerk, or other person(s) so designated by Council, within thirty (30) days of the change of ownership and every owner who sells a dog or cat which is registered under this By-law shall advise the purchaser of the registration and licensing provisions set out herein.
 - d. Every person who conveys or receives a dog or cat not necessarily by way of sale and purchase, shall nevertheless follow the same provisions as set out in Section 3.c. herein.
 - e. The Clerk, or other person(s) so designated by Council, at the time of registration of the dog or cat, shall issue to the owner a license tag upon which is inscribed the registration number and the year of registration.
 - f. A license tag is not transferrable from one owner to another or from one dog or cat to another.
 - g. A license tag which is lost, after it has been issued for the current year, may be replaced by the Clerk, or other person(s) so designated by Council, upon application by the owner and payment of any fees pursuant to Section 14 of this By-law.

- h. Every owner of a dog or cat shall cause a dog or cat, registered by him or her under this By-law, to wear a collar to which the tag, issued under Section 3.e. shall be attached.
- i. The provisions of Section 3.a. shall not apply to:
 - i. an owner of a dog or cat who is visiting in the Town for less than twenty one (21) days per calendar year;
 - ii. an owner of any dog or cat in the Town for the purpose of the dog or cat participating in a dog or cat show; or
 - iii. a dog in a pet establishment as defined in Regulation 2010-74 under the Society For the Prevention of Cruelty to Animals Act until the dog is sold or otherwise leaves the pet establishment.
- j. The maximum numbers of dogs permitted to be kept on a lot in a Residential Zone is limited to four (4) adult dogs and one (1) litter of puppies under six (6) months of age.
- k. The keeping and/or breeding five (5) or more dogs is only permitted in a Commercial or Light Industrial Zone as a discretionary use, subject to the provisions of the Regulation 2010-74 under the Society for the Prevention of Cruelty to Animals Act.

4. ANIMAL CONTROL OFFICER

- a. Council may by resolution appoint an Animal Control Officer to carry out any or all of the functions of this By-law.

5. RABIES

- a. The owner of a dog or cat which has not been vaccinated against rabies shall cause his or her dog or cat to be so vaccinated:
 - i. within ten (10) days of acquiring the dog or cat 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 or cat is more than three (3) months of age on the coming into force of this By-law, and it has not been vaccinated against rabies, the owner shall cause such dog or cat to be vaccinated against rabies within one (1) month thereafter and every three (3) years following.
- c. The Animal Control Officer will report an animal suspected of being rabid to the District Medical Health Officer and to the Kennebecasis Regional Police Force.
- 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 Kennebecasis Regional Police Force and to the Animal Control Officer.

6. DISTEMPER

- a. The owner of a dog or cat which has not been vaccinated against distemper shall cause the dog or cat to be so vaccinated:
 - i. within ten (10) days of acquiring such dog or cat if it is more than four (4) months of age; or
 - ii. within ten (10) days after it has reached the age of four (4) months.
- b. When a dog or cat is more than four (4) months of age on the coming into force of this By-law and it has not been vaccinated against distemper, the owner shall cause such dog or cat to be vaccinated within thirty (30) days thereof.

7. RUNNING AT LARGE AND ANIMAL CONTROL

- a. No owner of an animal shall:
 - i. permit the animal to run at large;
 - ii. 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 neighborhood;
 - iii. permit a female dog or cat to be in public while in heat;
 - iv. suffer or permit any animal to defecate on any property in the town which is not the property of its owner;
 - v. refuse to remove forthwith any feces left by the animal on a property other than the property of the owner;
 - vi. suffer or permit the animal to cause damage to property which is not the property of the owner;
 - vii. permit an animal, whether restrained or not, to be on a public beach or be in an area of the water normally used for swimming at a public beach at any time during the year; or
 - viii. permit an animal, whether restrained or not, to be on a public ballfield, a public soccer field or a public tennis or volleyball court at any time during the year. Without limiting the foregoing, no owner of an animal shall permit an animal to be on the Walter Jewett Ballfield, Memorial Ballfield, Meenan's Cove Ballfield, Centennial Ballfield, James Rolfe Soccer Field, the Saunders Soccer Field and all Quispamsis Beach Volleyball Courts and Tennis Courts.
- b. Notwithstanding the foregoing, dogs will be permitted at the Gondola Point Beach within the area delineated by Town of Quispamsis signage as being a "Dog Friendly Beach and Swim Area", "Dog Park" (or similar words to that effect).

8. FIERCE OR DANGEROUS ANIMALS

- a. The Town Administrator and the Chief By-law Enforcement Officer / Director of Engineering and Works, upon the recommendation of the Animal Control Officer if he or she has sufficient evidence of the animal's actions meeting the criteria of a "fierce or dangerous animal" as set out in the definition 2.l. written herein may deem an animal as fierce or dangerous.
 - i. If an animal is deemed as fierce or dangerous, a notice of deeming will be hand delivered to the owner of the animal or posted on the property where the animal is reported to reside.
- b. If an animal is deemed to be fierce or dangerous pursuant to paragraph 8.a., the owners of such animal may appeal the decision to the appropriate Animal Control Appeal Committee by hand delivering or sending a notice of appeal by registered mail to the clerk of the municipality within fourteen (14) days after having been given the notice of the animal being deemed.
 - i. The "Animal Control Appeal Committee" is a group of individuals residing in the Town of Quispamsis and including, where possible, member(s) of the Kennebecasis Regional Police Force and Veterinary Service Provider(s) who may or may not reside within the Town of Quispamsis, appointed by Council, who are willing to objectively participate in a review process when an animal owner appeals a decision made in relation to fierce or dangerous deeming of an animal.
 - ii. A decision to deem an animal Fierce or Dangerous that is not appealed within the time referred to in Section 8.b. shall be deemed to be confirmed.
 - iii. On an appeal, the Animal Control Appeal Committee shall hold a hearing into the matter at which the owner bringing the appeal has a right to be heard and may be represented by counsel.
 - iv. An owner that gave the notice shall have the burden of proving that the animal should not be deemed fierce or dangerous.
 - v. On an appeal, the Animal Control Appeal Committee may confirm, modify or rescind the notice.

- vi. The Animal Control Appeal Committee shall provide a copy of its decision to the owner of the animal who brought the appeal within fourteen (14) days after making its decision.
- c. The owner provided with a copy of a decision under Section 8.b.vi. may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within fourteen (14) days after the copy of the decision was provided to the owner on the grounds that:
 - i. the procedure required to be followed by this By-law was not followed; or
 - ii. the decision is unreasonable.
- d. An animal deemed fierce or dangerous shall be held at the SPCA shelter or other approved shelter during an appeal.
 - i. An owner appealing the deeming may be permitted to keep the animal secured at the owner's home if the owner can prove to the Town compliance with Sections 8.f.iv., 8.f.v. and 8.f.vi.
- e. A deeming notice that is deemed to be confirmed under Section 8.a. or that is confirmed or modified by the Animal Control Appeal Committee under Section 8.b. or a judge of The Court of Queen's Bench of New Brunswick under Section 8.c., as the case may be, shall be final and binding upon the owner who shall comply within the time and in the manner specified in the notice.
- f. The owner of an animal which has been deemed a fierce or dangerous animal under the By-law shall ensure that:
 - i. such animal is licensed with the Town as a fierce or dangerous animal in accordance with Section 14;
 - ii. such animal is spayed or neutered;
 - iii. they comply with the owners' responsibilities as outlined in this By-law;
 - iv. at all times when off the owner's property, the animal shall be muzzled;
 - v. at all times when off the owner's property, or outside of the pen or structure as in Section 8.f.vi., 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 sixteen (16);

- vi. when such animal is on the property of the owner, it shall be either securely confined indoors so as not to escape outdoors or come in contact with any person(s) who are not the owner, or if outdoors in a securely enclosed and locked pen or structure which is 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) centimetres 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, roped or cabled as a means of confinement nor shall an electronic fence be considered adequate; and
- vii. a Town supplied sign, as depicted below with minimum dimensions of two hundred fifty by two hundred (250 x 200) millimetres, 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.



9. IMPOUNDING

- a. The Council may establish one or more animal shelters or designate one or more animal shelters to take possession of and properly care and provide for impounded animals.
- b. The Animal Control Officer or a member of the Kennebecasis Regional Police Force may capture and impound any animal on private, (other than in a private dwelling), or public property, that is:
 - i. not registered or licensed as required under this By-law;
 - ii. not wearing a collar or a tag attached to a collar as required under this By-law other than when the animal is in a kennel or is in the owner's residence;
 - iii. running at large;
 - iv. actually or suspected to be affected with rabies or any other contagious disease;
 - v. alleged to be barking, baying or making 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 neighborhood;
 - vi. abandoned or appears to the Animal Control Officer to have been abandoned;
 - vii. alleged to have bitten or attempted to bite a person;
 - viii. alleged to have bitten or attempted to bite a domestic animal;
 - ix. a female dog or cat in a public place while in heat;
 - x. a fierce or dangerous animal and is unmuzzled and off the owners private property;
 - xi. damaging property which is not the property of the owner;
 - xii. whether restrained or not, on a public beach, other than within the area of the Gondola Point Beach that is delineated by the Town of Quispamsis signage as being a "Dog Friendly Beach and Swim Area", or in an area of the water normally used for swimming at a public beach each year this by-law is in force; or
 - xiii. a fierce or dangerous animal and its owner has not complied with the provisions of Section 8.

- c. The Animal Control Officer may capture and impound any animal in a private dwelling for violations of the By-law provided that an entry warrant has been applied for and obtained pursuant to the Entry Warrants Act. The Animal Control Officer shall be accompanied by a peace officer in the execution of the entry warrant.
- d. A Provincial Court Judge may issue an entry warrant if satisfied that an Animal Control Officer or peace officer has reasonable and probable grounds to believe that an offence has been committed under this By-law involving an animal or its owner and that such animal is in or upon a private dwelling, business or any place whatsoever.
- e. Where an Animal Control Officer impounds an animal, he or she shall, within twenty-four (24) hours, make reasonable efforts to notify the owner of the animal.
- f. Subject to Sections 8, 9.g. and 10, the owner of an animal which has been impounded, upon proving ownership thereof, may reclaim the animal during the regular business hours of the animal shelter and the Town of Quispamsis (Monday to Friday, 8:00 a.m. to 4:30 p.m.), unless the animal has been impounded as a result of having bitten a person or the animal is actually or suspected to be affected with rabies or any other contagious disease, subject to the following:
 - i. Payment of the following to the Clerk, or other person(s) so designated by Council:
 - 1) the registration and license fee if the animal is a dog or cat which is not registered and licensed;
 - 2) expenses, (including veterinarian fees), costs and legal fees relating to the capturing, impounding and legal proceedings incurred by the town;
 - 3) impounding and other applicable fees shall be as set out pursuant to Section 14 of this By-Law; and
 - 4) if an offence under this By-law has been committed, a voluntary fine as set out pursuant to Section 13 of this By-law.
 - ii. If payment is not received within seventy-two (72) hours, or arrangements have not been made to make such payment within seventy-two (72) hours, the dog may be delivered to an SPCA or other approved shelter.

- g. The owner of any animal which has been impounded four (4) times within any twenty four (24) month period or for which the owner has received a municipal ticket or official warning, including but not limited to a written warning posted on the property, concerning animal control four (4) times within any twenty four (24) month period or for which the total number of impounds, tickets and warnings total four (4) within any twenty four (24) month period, shall not be permitted to reclaim such animal.
 - i. Notwithstanding 9.g., any animal deemed fierce or dangerous as per Section 8 of the By-law herein, may be impounded if found running at large, or in any way found to be non-compliant with Section 8.d.i or 8.f., and will not be returned to the owner.
- h. An animal, which has not been reclaimed after a minimum of seventy-two (72) hours after being impounded, exclusive of Statutory Holidays and Sundays, may be delivered to the SPCA shelter or other approved shelter.
 - i. Notwithstanding the foregoing, any animal deemed fierce or dangerous may only be offered for sale or adoption with full disclosure of all documentation relating to the deeming as per Section 8 herein.
 - ii. If a shelter determines an animal is fit for sale or adoption, it shall not be sold or adopted to anyone who may house the animal in Quispamsis.
 - iii. An animal delivered to the SPCA shelter or other approved shelter becomes the property of the said shelter and all liabilities are removed from the Town of Quispamsis.
- i. The owner of an animal that has been euthanized in accordance with Section 10.a. or 10.b. shall also pay costs and expenses referred to in Section 9.f.2), 9.f.3) and 9.f.4).
- j. The Animal Shelter may continue to keep the animal in a shelter longer than the period specified in Section 9.h. when the owner:
 - i. requests the animal, which is not a fierce or dangerous animal, be kept for a longer period, or
 - ii. advised the animal shelter of his/her ownership but does not pick up the animal from the shelter within the time provided in

Section 9.h., and when:

- 1) there is sufficient room in the shelter to continue to keep the animal;
 - 2) the animal is not vicious, rabid, suffering from a communicable disease, ill or injured;
 - 3) the animal is not required to be euthanized under this By-law;
 - 4) the animal shelter is satisfied that the owner or anyone acting on his/her behalf will pay all fees and charges for which the owner is or becomes liable; and/or
 - 5) is being prosecuted pursuant to Section 8.b. of this by-law.
- k. No person authorized by this By-law to capture and impound or euthanize an animal shall be liable in damages for any injury or damage to such animal while the same is being captured and impounded or euthanized.

10. DESTRUCTION

- a. An animal impounded or surrendered under this By-law may be humanely euthanized after ten (10) days, provided that the Town Administrator and the Chief By-law Enforcement Officer/Director of Engineering & Works upon the recommendation of the Animal Control Officer and the Animal Control Appeal Committee, is satisfied that it is necessary for the protection of persons and/or property, and the animal:
 - i. has indicated signs or symptoms of rabies;
 - ii. has attacked, bitten or caused serious injury to a person; or
 - iii. has attacked, bitten, or caused serious injury to a domestic animal.
- b. Notwithstanding Section 10.a., the Animal Control Officer, upon recommendation of a doctor of veterinary medicine, may have an animal humanely euthanized immediately if he/she is satisfied that it is necessary for the protection of persons and/or property, and for the

betterment of the animal if the animal:

- i. has indicated signs or symptoms of rabies;
 - ii. has distemper or any other communicable disease causing extreme stress or aggression; or
 - iii. has suffered injuries and a doctor of veterinary medicine has determined that the animal will not recover and should be humanely euthanized.
- c. A Judge of the Provincial Court to whom a complaint has been made, alleging that an animal has:
- i. attacked, bitten, attempted to bite, or cause injury to a person;
 - ii. attacked, bitten, attempted to bite, or cause injury to a domestic animal;
 - iii. while running at large, has aggressively pursued or harassed a person; or
 - iv. while running at large, has aggressively pursued or harassed a domestic animal;
- may summon the owner of the animal to appear and to show cause why the animal should not be destroyed and may make an order directing:
- 1) that the animal be destroyed, or
 - 2) that the owner or keeper of the animal keep the animal under control.
- d. If the owner of an animal that has been designated as fierce or dangerous is unwilling or unable to comply with the requirements of Section 8, the said animal shall be delivered to an SPCA shelter or other approved shelter where it will be determined if the animal is adoptable subject to Section 9.h.
- e. The Animal Control Officer or a member of the Kennebecasis Regional Police Force may kill on site an animal which that person is unable to seize if they have sufficient evidence to believe that the animal has attacked, chased, bitten or injured another person or domestic animal, or poses an immediate threat to the public.

11. REPTILES AND OTHER ANIMALS

- a. No person shall have, keep or possess a reptile in a public place or any property in the town which is not the property of its owner. Notwithstanding this, a person may possess a snake or other reptile on a street or sidewalk provided, in the opinion of the Animal Control Officer, it is in a case or cage or other container designed in such a fashion that it will completely confine such snake or reptile.
- b. No person shall, on their property or the property of others, including public property, feed deer or allow, cause or permit the feeding of deer in the town of Quispamsis.

12. 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.

13. PENALTY

- a. Every person charged with an offence under this By-law may, before a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00) to the Quispamsis Town Clerk as follows:
 - i. in person at the Quispamsis Town Hall, 12 Landing Court, Quispamsis, NB, in cash or by cheque, credit card or money order made payable to the Town of Quispamsis;
 - ii. by mail to the Town of Quispamsis, 12 Landing Court, Quispamsis, NB, E2E 4R2, Attention Town Clerk, by cheque or money order only, payable to the Town of Quispamsis; or
 - iii. by phone with credit card to the main office at 506-849-5778

at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.

- b. If the voluntary payment set out in Section 13.a. has not been received, in accordance with the provisions of Section 13.a., the person charged with the offence may make a voluntary payment of one hundred dollars (\$100.00) as follows:
 - i. in person at the Quispamsis Town Hall, 12 Landing Court, Quispamsis, NB, in cash or by cheque, credit card, or money order made payable to the Town of Quispamsis;
 - ii. by mail to the Town of Quispamsis, 12 Landing Court, Quispamsis, NB, E2E 4R2, Attention Town Clerk, by cheque or money order only, payable to the Town of Quispamsis; or
 - iii. by phone with credit card to the main office at 506-849-5778.

at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.

- c. If the voluntary payments set out in Section 13.a or Section 13.b. have not been received before a plea is entered in Provincial Court, the person charged with the offence is liable, on summary conviction, to a fine not less than two hundred fifty dollars (\$250.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under PART II of the Provincial Offences Act as a Category D Offence.
- d. A person or owner who fails to comply with the provisions of an Order made under the provisions of Section 10.c. commits an offence punishable under Part II of the Provincial Offences Procedure Act as a Category F offence.

14. FEES AND TARIFFS

Fees and tariffs in this By-law are as follows:

- a. Deleted & Replaced with the following (**AMENDMENT #52-01 DATED 2018_12_18**)

License Fees

	1 Year	3 Years	Life Time <i>with Microchip</i>
Altered Dog or Cat	\$10	\$25	\$60
Unaltered Dog or Cat	\$25	\$60	\$100
Fierce or Dangerous Animal <i>Includes 2 signs</i>	\$100		
Replacement Sign Fierce or Dangerous Animal	\$15		
Dogs trained for Law Enforcement	\$100		
Service Dog	N/C	N/C	N/C
Replacement Tag	\$2		

Senior's discounts (aged 65+) of fifty percent (50%) apply.

b. Impounding Fees

1st Occasion No charge
(*If the animal is registered with the Town and the Owner can be found*)

1st Occasion \$50 + HST + maintenance*
Plus \$40 if after hours
(*If the animal is NOT registered with the Town*)

2nd Occasion \$75 + HST + maintenance*
Plus \$40 if after hours

3rd & Subsequent Occasion \$100 + HST + maintenance*
Plus \$40 if after hours

c. Surrender Fee \$150 + HST
(Imposed at the Town's discretion)

d. Appeal Process Fee \$100

*maintenance - includes \$10 per day shelter and \$110 for vaccination, which all dogs and cats must receive when entering a shelter, plus any other expenses incurred by the Animal Control Officer including, but not limited to: veterinarian fees, costs and legal fees relating to the capturing, impounding and legal proceedings. All Impounding Fees and any outstanding tickets for Animal Control Offences must be paid in full before impounded animals are released.

15. SEVERABILITY

- a. If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

16. ENFORCEMENT

- a. This By-law shall be enforced by the, Animal Control Officer and/or the Kennebecasis Regional Police Force.

17. BY-LAWS REPEALED

- a. By-laws No 031 and all amendments are hereby repealed;
- b. The repeal of By-law No 031, a By-law of the Municipality of Quispamsis Respecting Animal Control, shall not affect any By-law infraction, penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any Agreement completed, existing or pending at the time of repeal.

18. EFFECTIVE DATE

- a. This By-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: February 7, 2017

READ SECOND TIME: February 7, 2017

READ THIRD TIME & ENACTED: February 21, 2017

AMENDMENT NO. 52-01 READ THIRD TIME & ENACTED: December 18, 2018

MAYOR

Seal

CLERK