

By-Law B-2-2025**A By-Law Respecting Dog Control in the Rural Community of Fundy Shores**

The Council of the Rural Community of Fundy Shores (hereinafter referred to as “Fundy Shores”), under the authority vested in it by the *Dog Control Regulation (Regulation 2022-23) – Local Governance Act*, R.S.N.B (2017) Section 10 (1) (k), and amendments thereto, hereby enacts as follows:

1. Title

This By-Law may be cited as the “Dog Control By-Law”

2. Definitions

The following definitions apply in this Regulation.

- a. “Act” means the *Local Governance Act*.
- b. “by-law” means *this by-law*.
- c. “dog at large” means an unleashed dog:
 - i. in a public place,
 - ii. on private property other than the owner’s, or
 - iii. in an unmanaged public area e.g. Beaches, forest or wooded area while not in the company or under the supervision of the owner.
- d. “dog control officer” means a person appointed under section 3.
- e. “owner” means a person who
 - i. is in possession of a dog,
 - ii. harbours a dog,
 - iii. tolerates that a dog remain about the person’s residence or premises, or
 - iv. registers a dog under this by-law,
 - v. is a registered owner, according to Service New Brunswick records, of property where a dog is allowed or permitted to remain.
- f. “society” means society as defined in the *Society for the Prevention of Cruelty to Animals Act*.

3. Dog Control Officers

- a. The Council shall appoint dog control officers and/or agencies for the purposes of this By-Law.

4. Registration of Dogs

- a. No person shall be the owner of a dog that is not registered in accordance with subsection (b) or (e).

- b. A person who becomes the owner of a dog shall register the dog with the society or a dog control officer within 30 days by completing the form provided by the society and paying a fee referred to in subsection (c).
- c. An owner shall pay to the society or a dog control officer one of the following fees:
 - i. if registration is for a one-year period, \$15;
 - ii. if registration is for a two-year period, \$25; or
 - iii. if registration is for a three-year period, \$35.
- d. A registration shall expire at the end of the period referred to in paragraph (c)(i), (ii) or (iii), as the case may be.
- e. An owner shall renew a registration of a dog before the registration expires, and the provisions of this section apply with the necessary modifications to the renewal.

5. Proof of Registration

- a. On registration or renewal of a registration of a dog, the society or the dog control officer shall issue to the owner a certificate or receipt of registration and a tag showing the number under which the dog is registered.
- b. On receiving a registration tag, an owner shall attach and keep attached the tag to the collar of their dog.
- c. On application by the owner and on payment of a fee of \$5, a registration tag which is lost may be replaced by the society or a dog control officer.

6. Wearing a Collar

- a. An owner of a dog shall ensure that the dog wears a collar at all times, other than when the dog is in an enclosure such as a kennel or the owner's residence.

7. Vaccinated against Rabies

- a. An owner of a dog that has not been vaccinated against rabies shall cause the dog to be vaccinated against rabies within 10 days after
 - i. acquiring the dog if the dog is three months of age or more, or
 - ii. the dog has reached the age of three months.

8. Seizure of Dog At Large

- a. A dog control officer may seize and impound any dog at large (see section 2.c) and shall
 - i. if the owner is known, notify the owner that the dog is seized and impounded, or

- ii. if the owner is not known or if the owner is known but cannot be located, give public notice, including by or through the website of the society, the Rural Community, or by any other public information media, that the dog is seized and impounded.
- b. A notice under paragraph (a)(i) or (ii) shall state that the dog has been impounded and may be placed for adoption after 72 hours from the time of giving the notice, unless the owner, or anyone on the owner's behalf, claims the dog and pays the costs set out in subsection (c).
- c. Before releasing a dog that has been seized, or after destroying a dog in accordance with this by-law, as the case may be, a dog control officer shall collect from the owner the sum of \$15 for each day or part of a day during which the dog has been impounded and maintained.
- d. If an owner, or anyone on behalf of the owner, does not claim a dog within 72 hours from the time of giving the notice under paragraph (a)(i) or (ii) or does not pay the costs set out in subsection (c), a dog control officer may place for adoption.
- e. When a dog control officer places a dog for adoption, the dog control officer shall collect from the person who adopts the dog, at the time of the adoption, the total of all costs of seizing, impounding and maintaining the dog.

9. Dog known to be or suspected of being rabid

- a. A dog that is known to be or suspected of being rabid shall be considered dangerous.
- b. Despite section 8, a dog control officer shall seize and cause to be destroyed immediately any dog that is known to be or suspected of being rabid.
- c. A dog control officer who seizes and destroys a dog under subsection (a) shall notify as soon as possible the owner, if the owner is known.

10. Dog alleged to have bitten

- a. A dog control officer may seize a dog that is alleged to have bitten or to have attempted to bite a person and impound the dog until the proceedings under subsection (b) are resolved, but if the proceedings are not brought 30 days after seizing the dog, the dog control officer shall return the dog to the owner.
- b. A judge of the Provincial Court before whom a complaint has been laid alleging that a dog has bitten or attempted to bite a person may summon the owner to appear and show cause why the dog should not be destroyed and may, if from the evidence produced it appears that the dog has bitten a person, make an order directing
 - i. that the dog be destroyed, or

- ii. that the owner of the dog keep the dog under control.
- c. A person to whom an order is directed shall comply with the order within the time, if any, specified in the order.

11. Tranquillizing devices and manner of destroying dogs

- a. In the course of carrying out their duties under this by-law, a dog control officer is authorized to make use of tranquilizer guns and other tranquillizing devices on dogs, when necessary for their protection and the protection of the dog in question.
- b. When destroying a dog under this by-law, a dog control officer shall do so in a humane manner in accordance with the standards specified in Schedule B of New Brunswick Regulation 2000-4 under the *Society for the Prevention of Cruelty to Animals Act*.
- c. Aside from section 8.b and 9 of this by-law, a dog may not be destroyed, unless ordered by a Provincial Court Judge following an investigation, or if in the opinion of a licensed Veterinarian it would be inhumane to keep the animal alive.

12. Prohibitions

- a. An owner shall not
 - i. allow their dog at large,
 - ii. allow their dog to chase or run after pedestrians or motor vehicles, or
 - iii. allow their dog to bark incessantly to the extent that annoyance is caused to the public.
- b. No person shall
 - i. interfere or attempt to interfere with a dog control officer while the officer is seizing or impounding a dog in accordance with the Act or this by-law, or
 - ii. not being the owner, remove a collar or registration tag from a dog.

13. Offences

- a. A person who violates or fails to comply with subsection 4(a) or 5(b), section 6 or 7 or paragraph 12(a)(i), (ii) or (iii) or 12(b)(i) or (ii) commits an offence punishable under Part 2 of the *Provincial Offences Procedure Act* as a category B offence.
- b. For greater certainty, section 146 of the Act applies when a person violates or fails to comply with an order made under subsection 10(b).

14. Effective Date

This by-law comes into effect on April 2, 2025.

Read First Time by Title ONLY	March 5, 2025
Read Second Time by Title and by Summary	April 2, 2025
Read Third Time by Title	April 2, 2025

George (Denny) Cogswell
Mayor
Rural Community of Fundy Shores

Linda Sullivan Brown
Chief Administrative Officer/Clerk
Rural Community of Fundy Shores