

**R.M. of Grayson No. 184 including the Organized Hamlets of Sunset Beach,
Greenspot, Moose Bay, and Exner's Twin Bay**

Bylaw No. 2019:02

A BYLAW OF THE RURAL MUNICIPALITY OF GRAYSON NO. 184 INCLUDING THE ORGANIZED HAMLETS OF SUNSET BEACH, GREENSPOT, MOOSE BAY, AND EXNER'S TWIN BAY TO PROHIBIT, REGULATE, AND CONTROL ANIMALS RUNNING AT LARGE AND PROHIBITING THE KEEPING OF DANGEROUS DOGS

Title:

1. This Bylaw may be referenced as the "Animal Control Bylaw".

Purpose:

2. The purpose of the Bylaw is as follows:
 - a) To control and regulate dogs and cats;
 - b) To provide for the impounding of dogs and cats that are at large;
 - c) Prohibiting the keeping of dangerous dogs.

Definitions:

3. For the purpose of this Bylaw, the expression:
 - a) "Municipality" means the R.M. of Grayson No. 184 including the Organized Hamlets of Sunset Beach, Greenspot, Moose Bay, and Exner's Twin Bay;
 - b) "Administrator" shall mean the Administrator of the Municipality;
 - c) "Council" shall mean the duly elected Municipal Reeve and Councillors;
 - d) "Animal Control Officer" means the person appointed by Council for the enforcement of the provision of this Bylaw, or any person authorized to act on their behalf;
 - e) "Dogs" shall mean members of the canis genus species;
 - f) "Cats" shall mean a member of the felis catus species;
 - g) "Kennel" means any structure used by a person or persons for boarding or otherwise caring for, training, or whelping dogs/cats in exceeding two dogs/cats in number over the age of three months, whether or not for reward, but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of their profession.
 - h) "Pound" means those facilities as may be designed by Council, from time to time, as the Pound;
 - i) "Public Nuisance" means with respect to the activities of any dog including, but not limited to the following: repeated barking, howling, whining, yelping, chasing of vehicles, persons or other animals; scattering of garbage or debris; defecating on public or private property; digging in public or private flowerbeds or gardens; and with respect to the activities of any cat including, but not limited to any of the following: harmful, offensive, annoying, troublesome and/or pest, fighting with other cats, defecating or spraying on private property or on any public property, and digging in garbage.
 - j) "Running at Large" means it is beyond the boundaries of the land occupied by the owner, possessor, or harbourer of the said dog or cat, or beyond the boundaries of any land where it may be with permission of the owner or occupant of the said land, and when it is not under control by being:
 - i. In direct control and continuous charge of a person competent to control said dog or cat; or
 - ii. Securely confined within an enclosure; or securely fastened so that said dog or cat cannot roam at will.
 - k) "Owner" includes:
 - i. A person who owns or who has possession of, or control over an animal; and
 - ii. The person responsible for the custody of a minor where the minor is the owner of an animal

Maximum Number of Dogs and Cats:

4. Maximum amount of dogs and/or cats per household shall be four.

Kennels:

5. No person shall operate a kennel within the boundaries of the Municipality without approval of the Council. This approval shall be obtained on an annual basis.

Regulation and Control of Dogs and Cats:

6. No owner of a dog or cat shall permit the dog or cat to be at large.
7. No owner of a dog or cat shall allow the animal to become a nuisance by the sound of howling, whining, or excessive barking; which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of that person.
8. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
9. If a dog or cat defecates on any public or private property other than the property of its owner, the owner of the dog or cat shall remove the defecation immediately.
10. A person who owns, possesses, or harbours a dog or cat found running at large shall be deemed guilty of an infraction of this Bylaw.
11. In the event that a complaint is received that a dog or cat is being a public nuisance, the Animal Control Officer shall investigate the complaint and if the complaint is justified, shall notify the owner of the dog or cat of the complaint, and shall request the owner to prevent the reoccurrence.

Impounding of Dogs and Cats:

12. A dog or cat may be seized and impounded if the animal is at large.
13. The Animal Control Officer may enter onto land surrounding any building in pursuit of any dog or cat which is found at large.
14. The Pound shall keep all impounded dogs and cats for a period of at least seventy-two (72) hours, excluding the day of impounding. Statutory holidays shall not be included in the seventy-two (72) hour period.
15. During this period, the owner may reclaim the dog or cat from the Pound upon payment to the Municipality the fees as set out in this Bylaw.
16. The Animal Control Officer shall keep a record of all dogs and cats impounded.
17. If a dog or cat is not reclaimed within the period set out in Section 14, or if the owner of the dog or cat fails or refuses to comply within this period with the conditions set out in Sections 14 and 15, the Pound keeper may dispose of the dog or cat.

Dangerous Dogs

18. Dangerous dog is defined as any dog with a known propensity, tendency, or disposition to attack without provocation, other domestic animals or human, or;
19. Any dog which has bitten other domestic animals or human without provocation.
20. No person shall keep, possess, or harbor a dangerous dog within the Municipality.
21. In the event of the owner or keeper of such dog not being known or being before the Court, the Magistrate or Justice of the Peace may direct any person to seize and destroy such dog.
22. Provided that where a Magistrate or Justice of the Peace has made an order for a dog to be kept under proper control by the owner or keeper, the said dog shall not thereafter be allowed to be on any street or in any public place, or on any private grounds other than the premises of the owner or keeper, unless the said dog is securely enclosed in a kennel or similar cage.
23. If upon information or complaint, it is alleged that a dog has bitten or attempted to bite any person, the Magistrate or Justice of the Peace having cognizance of such complaint may, if it appears to them that such a dog is dangerous, either order the owner or keeper of such dog to keep the said dog under proper control, or order such owner or keeper to deliver such dog over to any Constable or other person to be destroyed.
24. The Municipality or Animal Control Officer, assigned by the Municipality, shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in the Bylaw.
25. If the owner of a dangerous dog is unwilling or unable to comply with the requirements of this section, said animal shall then be humanely euthanized by an animal shelter, animal control agency, or licensed Veterinarian.

26. Any dogs that have been designed as dangerous under this Bylaw may not be offered up for adoption or sold.

Penalties:

27. A Notice of Violation will be issued if found in violation of this Bylaw. If a Notice of Violation is not voluntarily paid, a summary offence ticket will be issued and you will have the right to appeal in Provincial Court.

- i. \$250.00 for the first offence plus expenses, \$350.00 for the second offence plus expenses, and \$500.00 plus expenses for each subsequent offence.
- ii. In the event of a dangerous dog and that person does not remove the dog or cat by a given date, an additional penalty of \$50.00 per day shall be applied to the original amount.

Voluntary Payment to Avoid Prosecution:

28. A person who contravenes any provision upon being served with a Notice of Violation may voluntarily pay the penalty as per Section 27.

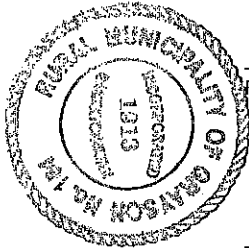
29. For the purposes of determining the prescribed penalty required by Section 27, the number of prior offences shall be determined by the number of Notices of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.

Notice of Violations:

30. The Notice of Violation is attached hereto and forms part of this Bylaw as known as "Form A"

Miscellaneous:

31. Bylaw No. 2011-08 is hereby repealed.

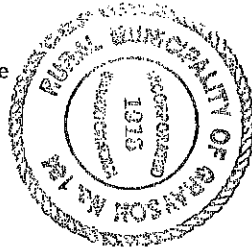


Reeve

Administrator

Certified a true copy of Bylaw 2019:02

Adopted by resolution of Council on the
10 day of April, 2019.



Administrator