

DOG CONTROL REGULATION

PASSED BY COUNCIL ON October 21, 2014

Pursuant to the powers vested in it under the *Municipalities Act*, 1999, S.N.L. 1999, c. M-24, as amended and all other powers enabling it, the Town Council of the Town of Long Harbour-Mount Arlington Heights enacts the following By-Law relating to the regulation and control of dogs within the Town of Long Harbour-Mount Arlington Heights.

BY-LAW

1. This By-Law may be cited as the Long Harbour-Mount Arlington Heights Dog Control Regulation.
2. In this By-Law:
 - (a) "**animal**" means a non-human vertebrate;
 - (b) "**dog**" means a male or female domesticated dog and includes an animal which is a cross between a dog and a wolf or a dog and a coyote;
 - (c) "**officer**" means a Municipal Enforcement Officer in the employ of the Town of Long Harbour-Mount Arlington Heights or other person or persons designated by the Town of Long Harbour-Mount Arlington Heights to enforce the provisions of this By-Law; and
 - (d) "**owner**" when used with reference to a dog includes a person who has custody, charge or possession of that dog or who is the owner of property, a house, premises or part of a premises where a dog is kept or permitted to live or remain.
3. (1) Every owner of a dog is responsible to ensure that the dog is provided with the following:
 - a. clean, fresh, unfrozen drinking water and food of sufficient quantity and quality so as to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - b. clean food and water receptacles located so as to avoid contamination by excreta and which are properly affixed or supported so as to prevent spillage;
 - c. exercise sufficient to maintain good health; and
 - d. adequate veterinary medical care when necessary.
- (2) Every Owner whose dog normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the dog is provided with an enclosure which meets the following criteria:
 - a. no more than three (3) dogs may be in an enclosure;
 - b. a total area that is at least twice the length of the first dog in all directions and not less than nine (9) square metres where one (1) dog is housed; however where more than one

dog is housed the width and length of the enclosure shall be increased by one (1) meter for each additional dog;

- c. a minimum height of one (1) metre over and above the height of the tallest dog in the enclosure;
- d. contains a shelter or shelters, which in the opinion of the officer, provides protection from the elements and is of sufficient size so as to allow each dog to turn around freely and lie in a normal position;
- e. is sufficiently ventilated in a manner that prevents the accumulation of moisture and odors;
- f. contains an entrance and a hallway that are separate from a sleeping area;
- g. has a canvas or rubber flap attached at the entrance;
- h. is situate so as to, in the opinion of the Officer, provide sufficient shade at all times;
- i. is cleaned, including the removal of excreta, on a daily basis;
- j. contains, in the sleeping area, bedding of sufficient depth to provide insulation from cold weather conditions and which such bedding shall be changed every seven (7) to fourteen (14) days, or as otherwise required to keep the interior of the shelter clean and dry.
- k. does not have wire mesh, metal, wooden slat or bare ground flooring;
- l. has flooring that is sufficiently elevated above the ground such that the floor remains free of water or dampness;
- m. provides or allows for access to clean, fresh, unfrozen drinking water at all times;
- n. shall be in a good state of repair and made of materials that are not toxic to the dog;
- o. shall not be located such that it poses a high risk of injury or other distress to the confined dog(s);
- p. shall not contain a dog that may pose a danger to another dog in the same pen or enclosure;
- q. is not stacked with other enclosures; and,
- r. is insulated and heated, in an approved manner and to a temperature acceptable to the Officer, from November 1st to April 30th, and is generally weather-proof and water-proof.

(3) No owner shall house a pregnant or nursing dog with other dogs other than its nursing offspring.

(4) No owner shall cause a dog to be left unattended/hitched, while tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus or where rope or cord is tied directly around the dog's neck.

- (5) No owner shall cause a dog to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- (6) No owner shall transport a dog in a motor vehicle outside the passenger compartment unless the dog is, in the opinion of the Officer, adequately confined or secured in a body harness or other manner of fastening which is adequate to prevent the dog from falling from the motor vehicle or otherwise injuring itself.
- (7) An owner of a dog shall keep it safely tethered or penned at all times except where:
- (a) it is held on a leash by a person capable of restraining its movement;
 - (b) it is being used by a person for the purpose of lawful hunting;
 - (c) it is being used by a person to work in a lawful manner with sheep; or
 - (d) it is kept or used for another purpose and under the conditions prescribed in regulations enacted pursuant to the *Animal Health and Protection Act*, S.N.L. 2010 c. A-9.1.
4. A dog that is confined to a pen or enclosure shall be provided:
- (a) daily social interaction with people or animals or both;
 - (b) toys and other enrichments that are appropriate for the dog's well-being; and,
 - (c) daily access to exercise that is adequate and appropriate for that dog outside of the pen or enclosure.
5. A dog that is tethered, unsupervised, outside shall be:
- (a) tethered in a location that does not pose a high risk of injury or other distress to the tethered dog; and,
 - (b) tethered in an environment that is free of debris and does not cause harm or undue strain or stress on the tethered dog.
6. The area in which a dog is tethered, unsupervised, outside shall be cleaned and have excreta removed from it on a daily basis.
7. The restraining device used to tether a dog that is tethered, unsupervised, outside:
- (a) shall be at least 5 times the length of the dog;
 - (b) shall allow the dog to move in a manner that is safe and unrestricted excepted by its length; and,
 - (c) shall not weigh more than 10 per cent of the dog's body weight.
8. A dog that is tethered, unsupervised, outside shall be provided:
- (a) daily social interaction with people or animals or both;
 - (b) toys and other enrichments that are appropriate for the dog's well-being; and.

- (c) daily access to exercise that is adequate and appropriate for that dog and that is unfettered from a fixed area.
9. A dog that is young, aged or infirm shall not be tethered, unsupervised, outside for an extended period of time.
 10. No owner shall keep a dog in an unsanitary condition. Conditions shall be considered unsanitary where, in the opinion of the Officer, the keeping of the dog results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the dog or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.
 11.
 - (1) When a dog defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately.
 - (2) No owner shall suffer, permit, allow or for any reason have his or her dog, bark or howl so as to become a nuisance in the opinion of the officer.
 - (3) The running at large of dogs is prohibited unless otherwise exempted by law.
 12. The owner of a dog shall not permit the dog to cause a hazard to people, livestock operations, other animals, goods, property or the safe operation of motor vehicles.
 13.
 - (1) The officer may seize and impound:
 - (a) every dog found at large; and
 - (b) every dog found off the premises of the owner and not accompanied by a person responsible.
 - (2) The officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or dead.
 - (3) Every dog shall be provided with clean food and water and sheltered in sanitary conditions. The dog shall remain impounded for a minimum of three (5) days or for the length of time prescribed by provincial legislation, unless the dog is claimed by its owner. If not claimed within that time, the dog shall become the property of the Town.
 - (4) Where in the opinion of the officer, in consultation with a veterinarian, an impounded dog is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely.
 - (5) Where an impounded dog seized and impounded is injured or ill and is treated by a veterinarian, the Town shall, in addition to any impoundment fees, be entitled to charge the person claiming the dog for the cost of the treatment.
 - (6) During the impoundment period, the owner may claim the dog upon proof of ownership of the dog and payment to the Town of:
 - (c) maintenance fees as specified in Schedule A, and
 - (d) veterinary fees where applicable.

- (7) A dog that is impounded and not claimed by the owner within the time provided in subsection (3) may:
- (a) be adopted for such fees as may be established; or
 - (b) be euthanized by humane methods.
- (8) An impounded dog which is in the opinion of the officer and a veterinarian or Peace Officer, dangerous to persons and/or animals may be humanely destroyed immediately. An impounded dog that has been designated as dangerous shall not be offered for adoption.
14. These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by Council.
15. It shall be the duty of the Officer or any person appointed by the Council to enforce these Regulations.
- a. To report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations.
 - b. To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation.
 - c. To serve upon the person violating any provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations and instructing such person to carry out any order in regard to such violation within a stated period of time.
 - d. To furnish the Town Clerk a duplicate of each serially numbered notice of violation.
16. Every person served with a notice of violation shall carry out the instruction contained in such notice.
17. Every person who acts in contravention of or fails to comply with any provision of these Regulations, or neglects or refuses to do so:
- i) Shall be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with section 414(2)(q) of the Act; or,
 - ii) where a violation notice has been issued pursuant to Section 421.1 of the Act, be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with Sections 421.2, 421.3 and 421.4 of said Act; or,
18. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a fine and/or imprisonment as provided for in section 420 of the *Municipalities Act*, 1999, S.N.L. 1999, c. M-24, as amended, or, if acting pursuant to a designation by the Minister pursuant to section 77 of the *Animal Health and Protection Act*, S.N.L. 2010 c. A-9.1, as amended, shall be guilty of an offence and liable upon summary conviction to a fine and/or imprisonment as provided for in section 76 of the *Animal Health and Protection Act*, S.N.L. 2010 c. A-9.1.


19. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of these Regulations shall not affect the validity of the remaining parts of these Regulations.
20. Schedule "A" attached hereto shall form part of these Regulations.
21. These Regulations shall come into effect on the 1st day of January, 2016
23. A copy of these regulations was sent to the Minister and Provincial Affairs on the 31st day of October, 2014.
24. All previous Town of Long Harbour-Mount Arlington Heights Dog Control and Animal Control Regulations and amendments are repealed.

SCHEDULE A

IMPOUND FEES:

- First Impoundment in any twelve (12) month period:
 - \$150.00 for the first day and \$ 50.00/day thereafter
- Second Impoundment in any twelve (12) month period:
 - \$150.00 for the first day and \$75.00/day thereafter
- Third Impoundment in any twelve (12) month period:
 - \$150.00 for the first day and \$ 100.00/day thereafter

*These fees shall increase by \$50.00 for each impoundment in excess of three (3) in a twelve (12) month period. Please note that people claiming a dog will be required to pay all impounding fees in addition to any veterinary fees if applicable.

Certified by:  on this 10th day of December 2015.
April Reid
Town Clerk
Town of Long Harbour-Mount Arlington Heights