



WABUSH

ANIMAL REGULATIONS

PUBLISHED BY AUTHORITY

TITLE

1. These Regulations may be cited as the Town of Wabush *Animal Control Regulations* 2023

INTERPRETATION

2. In these Regulations, unless the context otherwise requires:
 - a. "Act" means the *Municipalities Act, 1999*, SNL 1999 c M-24 as amended.
 - b. "Animal" means any living animal, including any mammal, bird, reptile or amphibian, including a Dog or Cat.
 - c. "Animal Control Officer" means a person designated by the Town to be responsible for enforcing these by-laws.
 - d. "Cat" means a male or female domesticated cat.
 - e. "Council" means the Town Council of the Town of Wabush constituted under the provisions of the *Municipalities Act, 1999*.
 - f. "Dangerous Dog" means any individual Dog that:
 - i. has killed a domestic Animal without provocation while off the Owner's property;
 - ii. has bitten or injured a human being or domestic Animal without provocation, on public or private property;

- iii. is attack trained;
 - iv. is kept for the purpose of security or protection, whether residential, commercial, or industrial, of persons or property; or
 - v. has shown the disposition or tendency to be threatening or aggressive.
- g. "Dog" means a male or female domesticated dog.
- h. "Kennel" means an establishment for the breeding and/or boarding of Dogs.
- i. "Muzzle" means a humane fastening or covering device of adequate strength over the mouth of an Animal to prevent it from biting.
- j. "Owner" means any person, partnership, association, or corporation that owns, possesses, or has control, care, or custody over an Animal.
- k. "Running at Large" means an Animal that is not on the property of the Owner and not on a leash and/or under the control of a person responsible.
- l. "Town" means the Town of Wabush as defined by paragraph 2 of Order-In-Council dated the 11th day of April 1967 and made under the provisions of the said Act.

APPLICATION

3. These Regulations shall apply within the boundaries of the Town.

PROVISION OF NEEDS

4. Every person who keeps an Animal within the Town shall provide the Animal or cause it to be provided with:
- a. clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - b. food and water receptacles kept clean and disinfected and located to avoid contamination by excreta;

- c. the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control, and
 - d. necessary veterinary medical care when the Animal exhibits signs of pain, illness or suffering.
- 5. Every person who keeps an Animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the Animal is provided with an enclosure that meets the following criteria:
 - a. a total area that is at least twice the length of the Animal in all directions;
 - b. contains a house or shelter that will provide protection from the elements that is appropriate to the Animal's weight and type of coat. Such shelter must provide sufficient space to allow the Animal the ability to turn around freely and lie in a normal position;
 - c. in an area providing sufficient shade to always protect the Animal from the direct rays of the sun; and
 - d. pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
- 6. No person may cause an Animal to be hitched, tied, or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the Animal's neck.
- 7. No person may cause an Animal to be hitched, tied, or fastened to a fixed object as the primary means of confinement for an extended period.
- 8. No person may cause an Animal to be confined in an enclosed space, including a car, without adequate ventilation.
- 9. No person may transport an Animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

10. Inclusive of Sections 4 through 9 of these Regulations, non-compliance will result in a \$75.00 penalty

UNSANITARY CONDITIONS PROHIBITED

11. Animals must be kept in a sanitary condition within the Town. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of faecal matter, an odor, insect infestation or rodent attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort, or convenience of any person in or about any dwelling, or commercial establishment. Non compliance will result in a \$75.00 penalty.

DOGS AND CATS

12. Owner's responsibilities include, but are not limited to the following:

- a. if a Dog or Cat defecates on any public or private property other than the property of its Owner or caregiver, the Owner shall cause such feces to be removed immediately. Non-compliance will result in a \$50.00 penalty.
- b. no Owner shall permit, allow or for any reason have his or her Animal bark howl excessively, or in any other manner disturb the quiet of any other person. Non-compliance will result in a \$50.00 penalty.
- c. no Owner of a Dog shall permit his or her Dog, without provocation, to:
 - i. chase, bite, or attack any person;
 - ii. chase, bite, or attack any domestic Animal; or
 - iii. damage public or private property.
 - iv. Non-compliance within Section 12(c) will result in a \$50.00 penalty.
- d. The Running at Large of Dogs or Cats is prohibited within the Town. Non-compliance will result in fines as follows:
 - i. 1st offence: \$100.00;
 - ii. 2nd offence: \$150.00;

- iii. 3rd offence: \$225.00;
- iv. 4th offence: \$300.00;
- v. 5th offence and beyond: \$375.00.

TETHERING AND ROAMING

13. 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 movements;
- b. it is being used by a person for the purpose of lawful hunting; or
- c. it is being used by a person to work in a lawful manner with livestock.

14. No Owner shall permit any Animal to roam or Run at Large on any street, road, lane, municipal park, open field, playground, or body of water within The Town from which free access can be had to such roadway, area, or body of water.

LICENSING

15. The Owner of any Dog or Cat shall obtain a license for the Animal by registering the Dog or Cat within 14 days of ownership with the Town and paying a one-time fee as set out below:

- a. Dangerous Dog: \$250.00, one time only;
- b. any other Cat or Dog, spayed or neutered: \$20.00, one time only; or
- c. any other Cat or Dog, not spayed or neutered: \$100.00, annually.

16. When a Dog or Cat is off the property of the Owner, the Owner shall cause the Animal to wear around the neck a collar to which shall be attached the current license tag issued for that Dog or Cat by the Town. Non-compliance will result in a \$25.00 penalty.

17. The Town shall keep a record of all Dogs and Cats registered and licensed, showing the date and number of registration and license, and the name and description of the Dog and Cat with the name and address of the Owner.

REMOVAL OF EXCREMENT

18. When an Animal defecates on any public or private property other than the property of its Owner, the Owner shall immediately remove the excreta from the property
19. Failure to remove excreta from Town owned property, including parks, dog pars, public open space, sidewalks, or street, may result in Council denying the Owners access to the Town owned property in the future
20. When an Animal defecates on the private property of its Owner, the Owner shall cause such excreta to be removed in a timely manner so as to not disturb the enjoyment, comfort or convenience of any person in the vicinity of the property.

IMPOUNDMENT

21. The Animal Control Officer may seize and impound:
 - a. every Dog or Cat found Running at Large;
 - b. every Dog or Cat not wearing a collar and tag while off the premises of the Owner and not accompanied by a person responsible.
22. The Animal Control Officer shall make all reasonable efforts to identify and contact the Owner of every stray Animal received, whether the Animal is living or dead.
23. The Animal Control Officer shall keep a record of all Animals impounded.
24. Every Dog or Cat impounded shall be provided with clean food and water and sheltered in sanitary conditions. The Animals shall remain impounded for three days unless the Animal is claimed by its rightful Owners. If not claimed within that time, the Animal shall become the property of the Town.
25. Where, in the opinion of the Animal Control Officer, in consultation with a veterinarian, a Dog or Cat seized and impounded who is injured or ill and should be destroyed without delay for humane reasons, or for reasons of safety, the Dog or Cat may be euthanized humanely if reasonable efforts to locate the Owner of the Animal have failed.

26. Where an Animal 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 Animal for the cost of the treatment.
27. During the impoundment period, the Owner may claim the Dog or Cat upon proof of ownership of the Animal, and payment to the Town of:
- a. the appropriate fine where applicable;
 - b. the appropriate license fee where a Dog or Cat is not licensed;
 - c. maintenance fees; and
 - d. veterinary fees where applicable.
28. Where the Owner of a Dog or Cat does not claim the Animal, he shall, when known to the Animal Control Officer, pay a daily impounding fee of \$40.00 or applicable kennel fee rates.
29. A Dog or Cat that is impounded and not claimed within the time provided in Section 24 may be adopted.

DANGEROUS DOGS

30. The Owner of a Dangerous Dog shall ensure that:
- a. such Dog is licensed with the Town as a Dangerous Dog;
 - b. such Dog is spayed or neutered;
 - c. they comply with the Owner's responsibilities as outlined in Section 12;
 - d. at all times when off the Owner's property, the Dog shall be Muzzled;
 - e. at all times when off the Owner's property, the Dog shall be on a leash not longer than one meter and under the control of a responsible person over the age of eighteen;
 - f. when such Dog is on the property of the Owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure,

suitable to prevent the escape of the Dangerous Dog and capable of preventing the entry of any person or other Animal not in control of the Dog. Such pen or structure must have minimum dimensions of two meters by four meters, and must have secure sides and secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimeters deep. The enclosure must also provide protection from the elements for the Dog. The pen or structure shall not be within one meter of the property line or within three meters of a neighboring dwelling unit. Such Dog may not be chained as a means of confinement;

- g. a sign is displayed at each entrance to the property and building in which the Dog is kept warning in writing, as well as with a symbol, that there is a Dangerous Dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare;
- h. the Town shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section;
- i. if the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of this section, said Dangerous Dog shall then be humanely euthanized by an Animal shelter, Animal control agency or licensed veterinarian, after a fourteen-day holding period. Any Dangerous Dog may not be offered for adoption;
- j. if a Dangerous Dog chases, bites, or attacks another Animal or person without being provoked, the Dangerous Dog must be humanely destroyed.

KENNELS

- 31. Every person who owns or operates a Kennel shall, upon application and the approval of the Town, obtain, no later than the date established by the Town in each year, a license to operate such Kennel.
- 32. Every person who owns or operates a Kennel shall comply with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, September 1994).
- 33. Every person who owns or operates a Kennel shall comply with the by-laws of the Town.

34. Where an Owner or operator of a Kennel fails to comply with a by-law of the Town, their license may be suspended or revoked
35. Every person who owns or operates a Kennel shall permit an inspector to enter and inspect the Kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this by-law.
36. Where an inspector finds that the Owner or operator of a Kennel does not comply with any Regulation in this section, they may direct that the Animals be seized and impounded

TRAPS

37. No person shall use, set, or maintain a leghold trap, a killing trap, or a snare within 1000 feet of a residential area. Non-compliance may result in a \$75.00 penalty.

COMPLAINTS

38. Any person may file a complaint with the Town with regard to issues arising under these Regulations.
39. A complaint may be investigated by the Animal Control Officer or any other person authorized by the Town.
40. If a complaint is investigated, the investigator shall forward a report to Council outlining any action deemed necessary and any other recommendations.

PENALTIES

41. The Town may enforce these Regulations by any manner prescribed by law.
42. Any person who contravenes any provision of these Regulations is guilty of an offence and liable to the penalties prescribed herein or in any Act to which it has power to enforce such penalty.
43. Daily breach of any provision of these Regulations shall constitute a separate offence.

44. The levying and payment of any fines shall not relieve a person from the necessity of paying fees, charges or costs from which he or she is liable under the provisions of these Regulations.
45. A Provincial Court Judge, in addition to the penalties provided by these Regulations, may, if they consider the offence sufficiently serious, direct or order the Owner of a Dog to prevent such Dog from doing mischief or causing the disturbance or nuisance complained of, or have the Animal removed from the Town, or order the Animal destroyed
46. Where any person contravenes the same provision of these Regulations twice within one twelve-month period, the specified penalty payable in respect of the second contravention is double the amount specified in respect of that provision.
47. Where any person contravenes the same provision of these Regulations three or more times within one twelve-month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in respect of that provision, excluding Section 12(d).

COMING INTO EFFECT

48. These Regulations shall come into effect on the 20 day of July, 2023.

PUBLICATION

49. A copy of these Regulations was published at Town of White on the 20 day of July, 2023.

COMPLIANCE WITH OTHER ACTS

50. No provision in these Regulations shall exempt any person from obtaining any license, permission, permit, authority, or approval required by any other regulation of the Town or regulation of the Province of Newfoundland and Labrador or law of Canada.
51. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

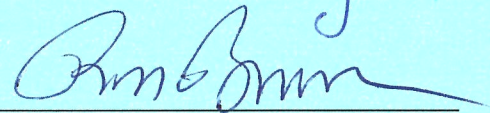
REPEALING OF PREVIOUS REGULATIONS AND AMENDMENTS

52. The Town of Wabush Dog Regulations, 2002, are hereby repealed.

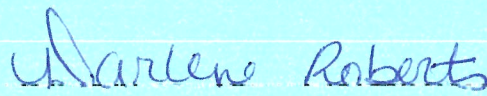
Pursuant to the powers vested in it under and by virtue of Section 414(1)(9) of the Municipalities Act, 1999, and all other powers it enables the Town Council of the Town of Wabush in the regular session convened on the 20 day of July, 2023, hereby passes and enacts the following Animal Control Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 20 day of July, 2023.

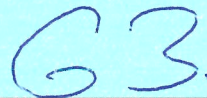
In witness whereof, the seal of the Town of Wabush has been affixed herewith and the Mayor and the Town Manager have signed these Regulations on behalf of the Wabush Town Council, this 20 day of July, 2023.



Ron Barron, Mayor



Witness



Charlie Perry, CAO/Town Manager