

**A BY-LAW OF THE VILLAGE OF BELLEDUNE RESPECTING DOGS  
# 1994-15**

**Amendment to By-law # 1990-14, Village of Belledune and By-law #11, Village of Jacquet River, By-law respecting Dogs.**

THE COUNCIL OF THE MUNICIPALITY OF BELLEDUNE DULY ASSEMBLED,  
hereby enacts as follows:

By-law # 1994-15 may be known and cited as the Village of Belledune dog by-law.

Definitions:

In this by-law

- a) “dog” includes a bitch
  
- b) “owner” includes a person who,
  - (i) is in possession of a dog,
  - (ii) harbours a dog,
  - (iii) suffers a dog to remain about his property under his control,
  - (iv) registers or licences a dog under this by-law.
  
- c) “running at large” means to be unleashed
  - (i) in a public place,
  - (ii) on private property other than that of the owner or keeper of the dog, without the consent of the owner of the property.
  
- d) “municipal representative” means a person designated by the village council to carry out the functions of this by-law.
  
- e) “posted notice” means a written description of the dog and publicly exhibited at the municipal building in Belledune and at the Jacquet River fire hall.
  
- f) “fierce or dangerous dog” means a dog that has bitten, attempted to bite, injured or killed a person or another domestic animal without provocation, or any dog declared fierce or dangerous pursuant to paragraph 15.1 (1) or section 7(9)
  
- g) “nuisance dog” means a dog who has repeatedly demonstrated off leash behavior such that neighbours have complained that the animal is making them fearful or is diminishing their personal enjoyment, or feeling of safety to either person or pets. S.P.C.A. officers will make such a determination when necessary.

1. Every owner of a dog shall register that dog with the municipal representative, on or before the 1<sup>st</sup> day of October, in each year.

2. Any person who, after the 1<sup>st</sup> day of October, in any year, becomes the owner of a dog that is not registered, shall register that dog within thirty days after becoming the owner.

3. No owner, or house hold shall, at any time register more than two dogs.

4. Notwithstanding section 3, an owner, who keeps dogs for breeding or dogs for boarding or other purposes must obtain, upon applying therefore, a kennel license, if the following is observed:

a) upon inspection of the kennel by the municipal representative, insure that the kennel is so constructed and is being operated that, in his reasonable opinion, it adequately provides for the health, safety, hygiene and comfort of the dogs at any time housed therein.

b) insure that the holder of the licence has a tag for each dog owned or board by the license.

c) at any time during the existence of an issued kennel license the municipal representative may during daylight inspect such kennel for the purpose of satisfying himself that the kennel is being operated according to the by-laws, failing which the municipal representative may cancel the kennel licence.

5. The annual fees for registering are as follows:

a) Male dog neutered .....	\$ 5.00	(five dollars)
b) Male dog not neutered .....	\$ 20.00	(Twenty dollars)
c) Bitch spayed.....	\$ 5.00	(five dollars)
d) Bitch not spayed .....	\$ 35.00	(thirty five)
e) Kennel licence.....	\$ 100.00	(one hundred dollars)

6. The municipal representative shall:

a) deliver to the owner of the dog, at the time of registration of the dog, a tag on which is inscribed the year and registration number of the dog, and collect the fees and charges levied under the by-law

b) issue a replacement tag to a person who loses a tag for a fee of \$2.00 (two dollars)

c) keep a record of the registration of all dogs under this by-law showing the date of registration, the registration number, the name and description of each dog, and the name, address and telephone number of the owner.

d) have general supervision and control of the dog pound.

e) provide adequate care and sufficient food and water to the dogs under his care.

f) keep a record of the daily operation of the pound and the notices sent to owners and the notices posted pursuant to this by-law.

g) dispose of all dogs as provided for under the by-laws, including euthanizing if appropriate.

h) supervise and direct the duties of any person employed to assist him in the performance of his duties.

i) report any apparent illness, communicable disease, injury or unhealthy condition of any dog in the pound to a veterinary surgeon.

j) not be liable in damages for any injury or damages caused to the dog while it is being captured, impounded or destroyed.

## OFFENCES

7. Every owner of a dog, shall cause a dog registered by them under this by-law, to wear a collar to which is attached the dog tag with the year and registration number.

8. No owner of a dog shall allow that dog to “run at large” in the municipality at anytime.

9. No owner of a bitch that is not spayed, while in heat, shall allow the dog to be in a public place or allow the dog to be outdoors unless in a kennel.

10. No owner of a dog shall allow that dog to persistently disturb the neighbourhood by barking and chasing residents or their pets.

11. No owner of a dog shall allow that dog to persistently annoy pedestrians, drivers of horses, motor vehicles, bicycles or other vehicles, by running after or barking at them.

12. No person shall, not being the owner of a dog, remove the collar or licence tag from a dog.

13. No owner shall, where a dog is suffering from a communicable disease, permit the dog to be in any public place, and shall not allow the dog to be in contact with, or in proximity of, any other animal.

14. Any person who owns a dog shall cause the dog to be vaccinated against rabies,  
a) within ten days of acquiring the dog if it is more than three months of age; or  
b) within ten days after it has reached the age of three months.

15. A person who owns a dog 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, the RCMP, and municipal representatives for dogs.

### 15.1 FIERCE OR DANGEROUS DOGS

(1) Where there is reason to believe that a dog has bitten, attempted to bite, injured or killed a person or another domestic animal without provocation, the dog control officer shall conduct an investigation into the alleged incident as soon as possible.

(2) Upon concluding the investigation under subsection (1), the dog control officer shall give notice of its findings to the complainant and owner of the dog within 7 days of having

reached a decision or, if they are unable to render a decision, shall refer the matter to council. The complainant and owner shall also be advised if a complaint is filed under subsection 8(4).

(3) Notice under subsection (2) shall be where ever possible served personally or otherwise by prepaid registered mail and shall include:

- a) the decision as to whether or not the dog is deemed fierce or dangerous;
- b) a copy of the investigation report;
- c) a statement advising all parties that they are entitled to appeal the decision to the municipal council within fifteen (15) days from the service of the Notice;
- d) a copy of this by-law; and
- e) where the dog is declared fierce or dangerous, a statement advising the dog owner that he is now obligated to comply with the provisions of subsection 6.(4).

(4) The owner of a fierce or dangerous dog shall ensure that:

(a) at all times when off the owner's property, the dog shall be muzzled:

(b) at all times when off the owner's property, the dog shall be on a leash not longer than one metre and under the control of a responsible person over the age of eighteen;

(c) when such dog is on the property of the owner and unattended, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the fierce or dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure shall be constructed in accordance with the minimum dimensions and requirements deemed appropriate by the dog control officer. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit;

(d) a sign is displayed at each entrance to the property and building in which the dog is kept, a sign is posted stating in writing "Dangerous Dog" or a similar sign provided by the dog control officer. This sign shall be visible and legible from the nearest road or thoroughfare; and

(e) the dog is in compliance with other reasonable measures that may be required as a result of the completed investigation report under subsections 15.1 (2) and (3).

## 15.2 Nuisance Dog's

(1) Where in the opinion of the S.P.C.A. dog control officer a dog is a nuisance dog Sections 15.1 (4) (b) and (c) shall apply.

## SEIZING AND IMPOUNDING

16. The council may establish one or more dog pounds, and appoint one or more pound keepers.

17. The pound keeper, under the supervision of the village council:
- a) shall carry out all directions of the village council respecting the dog pound,
  - b) may in a sportsmanlike manner capture and impound any dog that is permitted to commit an offence under the by-laws.
18. When a municipal representative impounds a dog under an offence of the by-laws he shall:
- a) if the owner of the dog is known, notify them by mail that the dog is impounded.
  - b) if the owner of the dog is not known or cannot be located, post a notice at the municipal office stating that the dog has been impounded, giving a description of the dog, and stating that the dog will be destroyed or sold unless the owner or anyone acting on their behalf claims the dog.

### PENALTIES

The Village of Belledune retains the right to appoint any such representative (subsequently known as Animal Control Officer) to enforce the above by-laws with the additional authority to impose the following penalties. The amount of any fine shall be at the discretion of the Animal Control Officer unless explicitly stated in the following by-laws.

19. a) any owner who neglects or refuses to have the dog vaccinated against rabies is punishable to a fine of not less than \$100.00 (one hundred dollars) and not more than \$300.00 (three hundred dollars). Payable to the Village of Belledune not less than thirty (30) days after the receipt of the fine.
- b) any owner of a dog commits any offence under sections 7, 8, 9, 10, 11, & 13 of the by-laws, and has the dog impounded is subject to a fine of \$50.00 (fifty dollars), per offence, and to a fee of \$20.00 (twenty dollars) for capturing the dog and additional \$20.00 (twenty dollars) per day or any part of a day for maintaining a dog in the pound, and any additional charge for veterinary care. Payable to the Village of Belledune not less than thirty (30) days after the receipt of the fine.
- c) any person who commits an offence under section 12 of the by-laws is subject to a fine of \$25.00 (twenty dollars). Payable to the Village of Belledune not less than thirty (30) days after the receipt of the fine.
- d) any dog which has not been claimed by the owner within 48 hours after notification by mail, and/or posted notice may be destroyed or may be sold by the pound keeper for the best price obtainable, and the money derived from the sale, shall be applied to the payment of the fees of the pound keeper, for seizing, impounding and maintaining the dog, and the balance if any, shall be paid to the village clerk, to be used for the general purpose of the village. Payable to the Village of Belledune not less than thirty (30) days after the receipt of the fine.

e) Should a person not pay the fine assessed provided in the above by-laws they shall appear in Provincial Court at a specified time and date set by the court for plea, along with the above mentioned Animal Control Officer and the case shall be decided by the Provincial Court Judge at the date set.

20. When a complaint is made to him, that a dog has bitten or attempted to bite any person or any other animal, and upon being satisfied that the dog is dangerous, or rabid a Judge of the Province Court may make an order:

- a) directing the owner or keeper of the dog, to keep it under control,
- b) directing the owner or keeper of the dog, or some other person, to destroy the dog.

21. Fines for non-compliance of the provisions of this by-law shall be levied if after a warning by the RSPCA incidences continue. Said fines at that point shall start at \$50.00 with each additional incident increasing by \$50.00 to a maximum of \$200.00. Once the \$200.00 threshold has been reached, each successive incident shall be \$200.00 dollars.

This by-law comes into effect on the date of final passing thereof

READ A FIRST TIME, this 11<sup>th</sup> day of April 1994

READ A SECOND TIME, this 11<sup>th</sup> day of April 1994

READ A THIRD TIME AND ENACTED, this 9<sup>th</sup> day of May 1994

Andy Flanagan  
Mayor

Don McAlister  
Clerk

**By-law 1997-04**

A BY-LAW AMENDING BY-LAW NO. 1994-15 OF THE MUNICIPALITY OF BELLEDUNE RESPECTING DOGS

Read the First Time	<u>April 14, 1997</u>
Read the Second Time	<u>April 14, 1997</u>
Read the Third Time	<u>May 12, 1997</u>
And Enact	<u>May 12, 1997</u>

Brenda Cormier  
Clerk/Treasurer

Andy Flanagan  
Mayor

**By-Law 1997-011**

**A BY-LAW AMENDING BY-LAW NO. 1994-15 OF THE MUNICIPALITY OF BELLEDUNE RESPECTING DOGS.**

Read the First Time            November 10, 1997  
Read the Second Time        November 10, 1997  
Read the Third Time         December 8, 1997  
And Enacted                   December 8, 1997

Brenda Cormier  
Clerk/ Treasurer

Andy Flanagan  
Mayor

**By-Law 2016-03**

**A BY-LAW AMENDING BY-LAW NO. 1994-15 OF THE MUNICIPALITY OF BELLEDUNE RESPECTING DOGS.**

Read the First Time            March 21, 2016  
Read the Second Time        March 21, 2016  
Read the Third Time         April 18, 2016  
And Enacted                   April 21, 2016

Brenda Cormier  
Clerk/ Treasurer

Ronald Bourque  
Mayor