

TOWN OF HAPPY VALLEY-GOOSE BAY DOG/CAT REGULATIONS

PUBLISHED BY AUTHORITY

Whereas the *Municipalities Act, 1999*, SNL 1999, c M-24, Sections 414(2)(g), (h),(i),(j),(k),(l),(m),(n),(o),(p), and (q) permits municipalities to pass regulations controlling the keeping of dogs and other animals within the municipality,

AND whereas the Town Council considers it advisable to pass such regulations;

Therefore, the Town Council of the Town of Happy Valley-Goose Bay enacts as follows:

SECTION 1: DEFINITIONS

1. In these Regulations, unless the context otherwise requires:
 - 1.1. "Aggressive Behavior" means any behavior by a dog that, in the opinion of a Peace Officer, is connected with an attack or impending attack, and includes snarling, growling, snapping, biting, barking, or lunging.
 - 1.2. "Animal" means a dog or a cat.
 - 1.3. "Animal Control Officer" means a person appointed by Council to seize and Impound dogs, and to enforce these Regulations as a Municipal Enforcement Officer pursuant to the *Municipalities Act, 1999*, SNL 1999 c M-24, as amended.
 - 1.4. "Certified Service Animal" means an Animal trained to provide assistance to a person with a disability and having the qualifications prescribed by the *Service Animal Act*, SNL 2012, c S-13.02, and used by a person with a disability.
 - 1.5. "Council" means the Town Council of Happy Valley-Goose Bay.
 - 1.6. "Dangerous Dog" means any dog that:
 - 1.6.1. in the absence of any Mitigating Factor, has attacked, bitten or caused injury to a human being, or has demonstrated the propensity, tendency or disposition to do so;
or,
 - 1.6.2. in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a Domestic Animal requiring the services and treatment of a veterinarian, or has demonstrated the propensity, tendency or disposition to do so.
 - 1.7. "Distress" means the state of being in need of proper care, water, food or shelter, being sick, injured, abused or in pain or in suffering undue or unnecessary hardship, privation or neglect.
 - 1.8. "Domestic Animal" means an Animal or other species that is kept for companionship or bred or raised for sale for companionship and not for agricultural purpose, and excludes livestock or wild life. "Impounded" means to seize and hold in custody.

- 1.9. "Impounded" means to seize and hold in custody.
- 1.10. "Law Enforcement Animal" means an Animal in service with the Royal Canadian Mounted Police, Police Dog Services.
- 1.11. "License" means a license confirming the registration of a dog with the Town of Happy Valley-Goose Bay.
- 1.12. "Mitigating Factor" means a circumstance which excuses Aggressive Behavior of a dog, and without limiting the generality of the foregoing, may include circumstances where:
- 1.12.1. the dog was acting in defense to an attack from a person or Domestic Animal at the time of the Aggressive Behavior;
 - 1.12.2. the dog was acting in defense of its young, or to a person or Domestic Animal trespassing on the property of its owner at the time of the Aggressive Behavior;
 - 1.12.3. the dog bite, attack, or threat of attack was sustained by a person who was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; or,
 - 1.12.4. the dog was being tormented at the time of the Aggressive Behavior.
- 1.13. "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- 1.14. "Peace Officer" means a Municipal Enforcement Officer, a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police, Canadian Forces Military Police, or an Animal Control Officer.
- 1.15. "Regulations" means these *Dog/Cat Regulations*.
- 1.16. "Restrained" means being kept inside a building or house or in an enclosure of sufficient dimension and strength to be humane and secure so as to prevent an Animal from coming in contact with, or making a real and substantial threat of attack on, a person other than the owner of the Animal, or invitee of the owner, and includes keeping such Animal securely on a leash of not more than two (2) meters in length when outside of such building, house or enclosure.
- 1.17. "Running at Large" means to be found in any place other than the premises of the owner and not under the physical control of any person by means of a leash.
- 1.18. "Town" means the Town of Happy Valley-Goose Bay.

SECTIONS 2-6: LICENSING REQUIREMENTS

2.1 From and after the date of the passing of these Regulations, no person shall keep a dog within the limits of the Town unless such dog has been licensed in accordance with the following:

- i. The owner of any dog being three (3) months of age or older shall obtain a License for the dog by registering it with the Town and paying the applicable fee.

- ii. The owner of any dog being three (3) months of age or older shall obtain a License for the dog within 20 business days of acquiring the dog, or within 20 business days of the dog attaining three (3) months of age.

2.2 A Law Enforcement Animal is exempt from these Regulations.

2.3 A Certified Service Animal is exempt from any License fee but shall be registered.

3.1 A fee of \$30.00 for each License will be charged.

4.1 The Town shall keep a register of all Licensed dogs.

5.1 License tags will be issued and supplied by the Town and be valid for the life of the dog.

5.2 A License is not transferable to another dog, nor to another dog owner.

5.3 The owner shall notify the Town if their dog has become deceased, moved, or permanently transferred in or out of the municipal boundary within 20 days of the occurrence.

6.1 The owner of every Licensed dog shall immediately, upon receiving the License, attach it to a strong and durable collar, which collar shall be kept upon the dog's neck at all times when it is outside the enclosed premises of the owner.

SECTIONS 7-20: IMPOUNDING PROCEDURES AND REQUIREMENTS

7.1 When an unlicensed dog is Impounded, the owner shall obtain a License from the Town prior to having the dog returned to them.

8.1 A Peace Officer is authorized to seize and Impound an Animal in accordance with these Regulations.

9.1 A Peace Officer shall seize and Impound an Animal as humanely as possible and without the use of a firearm except where the Animal cannot be Impounded by other means and the Animal is killing, maiming or pursuing natural persons or livestock.

10.1 Where a Peace Officer is in pursuit of an Animal which has escaped their custody, or which is or was Running at Large, the Peace Officer may enter onto a property for the purpose of capturing that Animal.

10.2 Where a Peace Officer reasonably believes it necessary to determine whether an Animal is in Distress, the Peace Officer may, at a reasonable time, enter onto land on a residential property to request an inspection of that Animal, and may inspect or conduct an examination as may be required to determine whether to not it is in Distress. Where the Animal is not within a dwelling house, the inspector may conduct the examination without making a request.

10.3 Where a Peace Officer has reasonable grounds to believe that there is on, at, or in a premises, an Animal in urgent Distress, the Peace Officer may, at any reasonable time and without notice, enter the premises, but not a dwelling house without the consent of the occupant or a court warrant, to examine Animals found there to ascertain whether there is an animal in Distress.

10.4 A Peace Officer may provide an animal that is found in Distress with food, water, care, or treatment, in addition to any other action that the Peace Officer is authorized to take.

11.1 An Animal may be seized or Impounded by a Peace Officer if is:

- i. Running at Large;
- ii. found damaging or destroying private property; or,
- iii. found to be in urgent Distress and the owner is not present, cannot be found promptly, or does promptly take reasonable steps to relieve the Animal's Distress.

12.1 Every owner of a dog within the Town shall keep the dog safely tethered or penned in accordance with the *Animal Health and Protection Act*, SNL 2010, c A-9.1, as amended, and the *Animal Protection Standards Regulations*, NLR 36/12, as amended, unless the circumstances fall within one of the exemptions set out therein, or set out in the *Nuisance Animal Regulations*, NLR 41/12, as amended.

12.2 Every owner of a cat within the Town shall keep the cat on its premises or safely tethered or penned up at all times.

12.3 An Animal that is kept in non-compliance with this section constitutes a dog or cat that is Running at Large.

13.1 The Town will make all reasonable efforts to determine the owner of the Impounded Animal and will notify the owner of that Impounded Animal.

14.1 Any person who has custody, charge, or possession of an Animal, or who is the principal resident of any house or premises where an Animal is kept or permitted to live or remain, shall be deemed to be the owner of that Animal for the purposes of these Regulations.

15.1 The owner of an Impounded Animal may recover that Animal on such proof of its ownership as the Town may require and upon payment of all fees in connection with the Impounding and maintenance of the Animal.

16.1 The following seizure and Impounding fees shall be paid by the owners of the Animal:

- i. Seizing and Impounding, Licensed, 1st instance, \$50.
- ii. Seizing and Impounding, unlicensed, 1st instance, \$80.
- iii. Seizing and Impounding, 2nd instance within a 12-month period, \$150.
- iv. For Animals Impounded and quarantined for five days, the costs involved are to be recovered from the owner.
- v. The costs to address requests for assistance of problems with Animals after regular business hours are to be recovered from the owner.
- vi. such other costs as are required to properly compensate the Town for the cost of seizing, Impounding and maintaining the Animal.

17.1 Where an owner of an Animal is not found within five days after that Animal is Impounded, the Town may, in its discretion, surrender that Animal to the S.P.C.A, or with consultation with a veterinarian, euthanize that Animal in accordance with the *Animal Protection Regulations*, NLR 35/12, as amended.

18.1 Prior to surrendering to the S.P.C.A or euthanizing any Animal, the Town shall make reasonable efforts to find and notify the owner.

19.1 The carcass of any Animal that is euthanized pursuant to these Regulations shall be disposed of exclusively by burying.

20.1 The Town shall make a record of all Impounded Animals, charged fees and fines.

SECTIONS 21-23: OFFENCES AND PENALTIES

21.1 Any person who contravenes any of the provisions of these Regulations is guilty of an offence and is liable on summary conviction:

- i. for the first offence to a fine, not less than \$100.00 and not exceeding \$500.00, or to a term of imprisonment for a period not exceeding one month or to both the fine and imprisonment; and,
- ii. for a subsequent offence to a fine of not less than \$500.00 and not more than \$1,000.00 or a term of imprisonment of not more than 3 months or both the fine and imprisonment.

22.1 It is deemed to be an offence under the Regulations where:

- i. An Animal causes damage to any lawn, grass plot, garden, or flower bed or flower, shrub, or plant owned by a person other than the owner of that Animal.
- ii. A dog barks or howls in such a manner as to disturb the peace or to constitute an annoyance to residents in the neighborhood.
- iii. A person interferes with, or attempts to interfere with, a Peace Officer in the exercise of its duties.
- iv. A person, without the authority of an Animal Control Officer, releases an Animal that has been Impounded.

23.1 For the purposes of subsections 22.1 (i) and (ii), the owner of the Animal will be deemed to have committed the offence.

SECTIONS 24-27: STANDARDS OF ANIMAL CARE

24.1 Every owner of an Animal, or person responsible with its care, has a duty to care for that Animal and shall not allow any Animal to be in Distress in accordance with the *Animal Protection Standards Regulations 36/12*:

- i. Every owner of an Animal shall report to the Town an Animal which may have a communicable disease or virus.
- ii. Every owner shall ensure that their Animal is quarantined when ordered by an authority.

25.1 Every owner who's Animals normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure that no more than three Animals are housed in the same enclosure.

26.1 No owner shall cause an Animal 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 that Animal's neck.

27.1 When an Animal defecates on any public or private property, other than the property of its owner, the owner shall cause such feces to be removed immediately.

SECTION 28: PROHIBITION AGAINST AGGRESSIVE BEHAVIOR

28.1 No owner of a dog shall permit their dog to:

- i. chase, bite, or attack any person;
- ii. chase, bite, or attack any other animal; or,
- iii. damage public or private property.

28.2 An owner of an Animal may be liable for damages or injury caused by that Animal to a person, other animals, goods or property.

28.3 It may not be necessary for the plaintiff in an action taken in respect of damage or injury done by an Animal to show a previous propensity in that Animal or the owner's knowledge of that previous propensity or to show that the damage or injury was attributable to neglect on the part of the owner.

28.4 A court of summary jurisdiction may take notice of a complaint that a dog is dangerous and not kept under proper control or has bitten or attempted to bite a person or has injured, worried or chased livestock, and where it appears to the court that the dog is dangerous or has done the things referred to, the court may order the owner of the dog to destroy it.

28.5 A Peace Officer may deem a Dangerous Dog if a dog acts in a dangerous or aggressive manner that jeopardizes the safety of any person, Animal, or domesticated animal in accordance with Appendix "A" to these Regulations. A person who fails to comply with an order or requirements made under section 28 of these Regulations, or under Appendix "A" to these Regulations, is guilty of an offence.

SECTION 29: PROPER IDENTIFICATION UPON REQUEST

29.1 Every person requested by a Peace Officer shall, on request, forthwith give his/her proper name and address. A person who fails to provide proper name and address is guilty of an offence.

SECTION 30: NO ACTION LIES FOR ACTS DONE IN GOOD FAITH

30.1 No action lies against any person acting in good faith for anything done or proposing to be done under these Regulations.

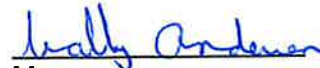
SECTION 31: REPEAL OF PREVIOUS REGULATIONS

31.1 The Town of Happy Valley-Goose Bay Dog/Cat Regulations passed on October 23, 2012, are hereby repealed.

SECTION 32: COMING INTO EFFECT

32.1 These regulations shall come into force on the 3 day of May 2021.

32.2 The above regulations have been made by the Town Council of the Town of Happy Valley-Goose Bay and were approved on the 27 day of April, 2021.


Mayor


Town Clerk

Appendix "A"

DANGEROUS DOGS

1.1 The decision to designate a dog a Dangerous Dog shall be at the sole absolute and unfettered discretion of a Peace Officer following an investigation of an incident.

1.2 A Peace Officer shall provide written notice to the owner of the Dangerous Dog outlining the required actions to be completed within a specified time period.

i. Any such notice may be served personally, by regular letter mail, by electronic transmission, by telephone transmission of a facsimile or by some other method that allows proof of receipt.

ii. Service by regular letter mail under Section 1.2.i. of Appendix "A" of these Regulations shall be deemed to be received by the person on the fifth day after mailing unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive a copy until a later date than the deemed date of receipt.

iii. No person shall fail to comply with the required actions outlined in a notice issued under Section 1.2 of Appendix "A" of these Regulations within the specified notice period.

2.1 After a dog is designated as a Dangerous Dog by a Peace Officer, no owner shall fail to comply with the provisions of the dangerous dog designation as outlined within Sections 3.1 to 3.3 of Appendix "A" of these Regulations.

3.1 When a Dangerous Dog is off its owner's property, the owner shall:

- i. ensure the dog is securely Muzzled in a humane manner at all times;
- ii. ensure the dog is on a leash not longer than one (1) meter in length; and,
- iii. ensure the dog is under the control of a person over the age of eighteen.

3.2 When a Dangerous Dog is on its owner's property, the owner shall ensure the dog is securely confined within an enclosure that meets the following standards:

i. shall be suitable to prevent the escape of the Dangerous Dog and capable of preventing the entry of any person not in control of that Dangerous Dog.

ii. shall have minimum dimensions of two (2) meters long by 2 meters wide, and have secure sides and secure top.

iii. if the enclosure has no bottom secured to the sides, then the sides must be embedded into the ground no less than thirty (30) centimeters deep.

iv. shall also provide protection from the elements for the dog.

v. shall not be within three (3) meters of the property line or within three (3) meters of a neighboring dwelling unit.

3.3 An owner of a dog which has been designated a Dangerous Dog pursuant to these Regulations shall advise the Town immediately if he or she transfers ownership of such dog to another person, or changes the address at which such dog is kept, or has the dog euthanized, and shall furnish to the Town particulars of the same and any other information which may be reasonably requested by a Peace Officer.

3.4 A Peace Officer may, at any reasonable time, enter upon the land of any property for the purpose of carrying out an inspection to determine whether or not the provisions of these Regulations are being complied with.

3.5 A Peace Officer shall have the power to seize and Impound any Dangerous Dog found within the Town contrary to the provisions of these Regulations.

3.6 A Peace Officer exercising the power to inspect, seize or impound pursuant to Sections 3.4 and 3.5 of Appendix "A" to these Regulations may be accompanied by an assisting agency acting under the Peace Officer's direction.

4.0 A person who owns a dog that has been designated a "Dangerous Dog", may in writing to the Town, request a hearing of appeal to a committee designated to hear such an appeal.