



PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the Provisions of Section 414(2)(g) to (q) of the Municipalities Act, 1999 as amended (the "Act").

Amended and adopted by the Town Council of the Town of Carbonear on the 12th day of June 2018.



MAYOR


TOWN CLERK

TOWN OF CARBONEAR ANIMAL REGULATIONS

1. These regulations may be cited as the Town of Carbonear Animal Regulations.
2. In these regulations unless the context otherwise requires:
 - (a) "Act" means the Municipalities Act, 1999 as amended;
 - (b) "Animal" means any non-human vertebrate, including but not limited to any mammal, bird, reptile or amphibian including a Dog or Cat;
 - (c) "at large" means to be found in any place other than the property of the owner of the animal and "be at large" has a corresponding meaning;
 - (d) "Control" means under control by having the animal on a leash or in an enclosure sufficient to prevent the animal from escaping;
 - (e) "Council" means the Town Council of the Town of Carbonear;
 - (f) "Dog" means a male or female dog or pup and includes an animal which is a cross between a dog and a wolf;
 - (g) "Enforcement Officer" for the purpose of these regulations means a person appointed by the Council to enforce the Town of Carbonear Animal Control Regulations;
 - (h) "Inspector" means an inspector appointed under the *Animal Health and Protection Act*, SNL 2010 Chapter A-9.1;
 - (i) "Nuisance" as applied to animals means:
 - i) any obnoxious substance, animal waste or unsanitary matter or noise caused by any animal, that has an unpleasant effect on the senses;
 - ii) any animal that causes damage to any lawn, grass plot, garden or flower bed, flower, shrub or plant;
 - iii) any animal which by reason of barking, howling or other means becomes an annoyance;
 - iv) any animal which has been shown to have trespassed upon land

- enclosed by fence by breaking, going under or jumping over such fence; or
- v) any animal which has caused a hazard to people, other animals, livestock operations, property or to the safe operation of motor vehicles.
 - (j) "Exotic Animal" means all venomous arachnids (such as spiders, scorpions and tarantulas); All Canids (such as wolves and coyotes), except domestic dogs; All crocodilians (such as alligators and crocodiles); All felids (such as lions, tigers, and cougars), except domestic cats; All venomous reptiles; All snakes of the families *Pythonidae* and *Boidae* (such as pythons and boa constrictors); All ursids (such as bears), and for greater certainty examples of animals of a particular class are given in parentheses and are examples only and shall not be construed as limiting the generality of the class
 - (k) "Town" means the Town of Carbonear as defined in the Order dated under the said Act;
 - (l) "Premises" for the purpose of these regulations will be deemed to mean land and or all buildings with the exception of residential buildings;
 - (m) "Injured" and "Injury" includes, but are not limited to injuries caused by wounding, worrying, terrifying or pursuing;
 - (n) "Livestock" means horses, cattle, sheep, goats, swine, fur bearing animals raised in captivity, and poultry;
 - (o) "Kennel" means an establishment for the keeping, breeding or boarding of dogs for Commercial purposes;
 - (p) "Owner" when used with reference to the ownership of an animal, includes a person who has custody, charge or possession of the animal and is the owner or tenant of a house or premises or part of premises where an animal is kept or permitted to live or remain, whether or not such person is the owner of the dog;
 - (q) "Park" or "Parkland" means any land owned by or under the direct control and management of the Town which is designated or used for a park or recreational purpose;
 - (r) "Rehabilitation Centre" means a facility established for the care and treatment of injured, sick or orphaned animals with the objective of restoring the animals to their former capacity or function and then returning and releasing them to their natural habitat
 - (s) "SPCA" means the corporation known as The Society for the Prevention of Cruelty to Animals (Newfoundland and Labrador).

- 3.(1) No person shall keep any dog, other than a puppy not more than four (4) months old, within the limits of the Town, unless a license has been issued by the Council for such dog and unless such dog bears a numbered tag as provided by the Town upon issuance of such licence.
- (2) A licence for any such dog may be issued by the Council upon written application therefore by the owner in such form as may be required by Council, including the provision of such personal information of the owner as may be required by such form.

4. No person shall lead, have or take a dog, in or to any public place in the Town unless such animal bears a numbered tag indicating that a license has been issued to the owner by the Council or by another municipality.
- 5(1) No person shall establish a kennel or carry on any business or institution for the boarding, keeping, training or treating of dogs unless a permit therefore has been issued by Council which issuance shall be at the sole discretion of Council and may be subject to such terms and or conditions as council may deem appropriate to attach thereto.
- (2) Council may in it's sole discretion, limit the number of establishments set out in sub paragraph (1) which may operate in the Town at any one time or decline the operation of any such type kennel, or business or institution whatsoever.
6. Council may by resolution, limit the number of any animal species not otherwise limited in these regulations, which may be kept in or upon any residential or private property within the Town and no person shall so keep any animals in excess of such number.
7. No owner shall keep more than three cats in or about any dwelling unit except that any owner who, on the date of the passage of this by-law, was lawfully keeping more than three cats may keep those cats until they have died or are otherwise disposed of.
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 - (1) Every such license from the Town shall be issued for the life of the dog and shall be non-transferrable;
 - (2) The fee payable for a license shall be \$15.00 for each dog and shall not be reduced or remitted by reason of the death, loss or removal of any dog after the date of issuance of the license.
 - (3) The fee for a replacement tag is \$5.
 - (4) The fee payable for any permit which may be issued, if any, to operate a kennel within the Town shall be \$50.00.
 - (5) The owner of every licensed dog shall immediately on receipt of the license tag, attach it to a strong and durable collar, which collar shall be kept upon the dog's neck at all times.
 - (6) The Town may keep a register of all dog licenses which may be issued to any owner.
9.
 - (1) An owner of a dog shall keep it safely tethered, or penned up at all times.
 - (2) Notwithstanding subsection (1) a dog need not be tethered or penned up while at any time:
 - (a) it is held on a leash by a person capable of restraining its movement;
or,
 - (b) it is kept or used without a leash for a purpose and under the conditions authorized in these Regulations or any Act or

ministerial regulations thereunder.

10. If any dog shall bite any person other than its owner or a member of its owner's household and while not in its owner's premises, the owner shall be deemed to have committed an offence in terms of these regulations.
11. If any animal shall cause damage to any lawn, grass plot, garden, or flower bed or flower, shrub or plant, including to discharge excreta or to defecate upon any property other than the property of the owner of the said animal, the owner of the animal shall be deemed to have committed an offence in terms of these regulations if the owner does not immediately thereafter repair such damage within 48 hours or forthwith remove and clean up such excreta or defecation from the property.
12. Every owner of an animal shall remove from his or her property, in a timely manner, feces left by such animal, so as not to disturb the enjoyment, comfort or convenience of any person in the vicinity of the property.
13. Any animal found damaging or destroying private property may be seized by the injuriously affected person or persons and held for impounding by the Enforcement Officer.
14. No property owner shall permit or allow any dog kept on the property to bark or howl in such a manner as to disturb the peace of or otherwise constitute an annoyance to, residents in neighbouring and or adjacent properties.
15. Whenever a dog is found upon any private property, without the consent of the owner, occupant or person having control of such private property or in any public place without a tag or plate as required by section 1 preceding or is not accompanied as required by section 10 preceding or is not held securely on a leash by a person capable of restraining its movements or confined to private property, the Enforcement Officer may, and any person may, cause the dog to be impounded
16. The Enforcement Officer may seize and impound any animal found at large and may enter premises for the purpose of capturing any animal that he was in pursuit of or which had escaped from his control.
17.
 - (1) When a dog, which bears a current numbered tag, as required by these regulations, has been impounded, the Enforcement Officer shall give notice thereof to the licensed owner or other owner of the dog if known. If the dog has not been claimed by or on behalf of the licensee or owner within forty eight hours, excluding Saturdays, Sundays and Statutory Holidays, after the dispatch of such notice, the Enforcement Officer may have the animal disposed of by sale or gift as circumstances may allow or humanely destroyed.
 - (2) The fees which shall be paid to the Town by an owner for the redemption

of an impounded animal shall be as follows:

1. \$25.00 without any infractions of the Animal Control Regulations during the previous twelve (12) month period;
 2. \$50.00 with one previous infraction of the Animal Control Regulations, during the previous twelve (12) month period including being without a license;
 3. \$100.00 with two previous infractions of the Animal Control Regulations, during the previous twelve (12) month period including being without a license, and
 4. \$25.00 boarding fee for each day the animal is impounded commencing 12:00 noon of the second day of impoundment.
- (3) A dog license shall be obtained prior to redemption of a dog for which no licence has been issued.
- (4) When an unlicensed dog, or other animal not required to be licenced, has been impounded, the Enforcement Officer may have the animal disposed of by sale or gift as circumstances may allow or humanely destroyed, at the expiration of forty-eight hours, excluding Saturdays, Sundays, and Statutory Holidays, after the time of impounding where the animal has not been claimed by or on behalf of the owner.
- (5) Where, in sole discretion of the Enforcement Officer, an animal liable to be impounded appears to be vicious, dangerous, diseased, or otherwise unfit for impounding, the Enforcement Officer, in consultation with a Veterinarian, may cause the animal to be humanely destroyed forthwith.
- (6) The Enforcement Officer, in consultation with an Inspector, may seize any animal within the Town limits which in his opinion is being mistreated.
- (7) the owner of an animal that is impounded not claimed within 48 hours of notification of impound shall in the case such animal is humanely destroyed, pay to the Council immediately upon demand therefor all costs of such disposal.
18. (1) No person shall interfere with or attempt to interfere with or hinder an Enforcement Officer, or their agents, in the exercise of their duties pursuant to these regulations;
- (2) No person shall, without the authority of the Enforcement Officer release any animal which has been impounded;

- (3) Any dog or other animal which is not under the control of its Owner and which is found damaging or destroying or fouling with excrement any public or private property may be seized by the property owner, its agent or person injuriously affected and held for collection by the Enforcement Officer.
- (4) Any dog or other animal which is not under the care and control of its Owner and which is found destroying garbage containers or garbage bags may be seized and as well, the Owner is subject to fees as stated in Section 9 of these Regulations and the Owner will also be liable for any costs incurred by the property owner to clean and restore the site to original appearance.
- (5) Every Owner of a dog present with the dog at the time when the dog fouls with excrement any property (including Town Parkland, Public Open Spaces, Streets, and Sidewalks, and private land other than land of the Owner of the dog) shall forthwith remove the excrement. Every Owner who contravenes this Section is guilty of an offence, and in addition to any other penalties imposed by these Regulations, is subject to being denied access to any Park or Parkland.

19. Keeping of Animals

- (1) Except where provided for in the Town of Carbonear Development Regulations:
 - (a) No person shall keep in any dwelling or part thereof in the Town any horse, cow, calf, swine, sheep, goat, fowl, goose or duck; and
 - (b) No person shall keep any animal of any kind on any land or in any building in the Town without the written permission of the Town. Small domestic pets such as songbirds, guinea pigs, hamsters and others that are considered to be household pets by the Enforcement Authority are exempt from this policy. The Town may by resolution exempt any species, classes, types or categories of animals generally;
 - (c) Without limiting the generality of the foregoing, the Town may refuse to permit the keeping of any animal which it considers offensive or likely to create a public Nuisance or health hazard or is perceived as causing a threat to public safety.
- (2) the Enforcement Officer shall have power to and may:
 - (a) seize and impound any dogs, horses, homed cattle, sheep and swine or other animals which may be found straying or at least or causing a nuisance, on or in any street or public place or Park of the Town, or in any open field or common from which free access

can be had thereto, and to enter any premises for the purpose of ceasing a Nuisance as aforesaid or recapturing any animal which may escape from his control, using any methods of capture;

- (b) The Owner may recover the animal impounded on such proof of his ownership of the animal as the Enforcement Officer may require and upon payment of the impounding fees and expenses together with any applicable license fee.

20. Right of Entry

Pursuant to Section 51 of the Urban and Rural Planning Act, 2000, without restricting the powers of the Enforcement Officer, any person charged with the enforcement of this Regulation which includes, without limiting the generality of the foregoing, any staff of the Town or members of The Royal Newfoundland Constabulary or Royal Canadian Mounted Police, shall have the power to enter upon all lands private or public and into all buildings for the purpose of carrying out the provisions of these Regulations.

21. Failure to Comply

- (1) Pursuant to Section 404 (5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 10 (b) of these Regulations, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the term of the order are recoverable from the person against whom the order was made as a civil debt owed to Council and shall attach to the property as a secured claim.
- (2) Council may delegate to an official or employee of Council the power to issue orders under this Section.

CHICKENS

- 22(1)(a) No person shall erect and or maintain a chicken coop without a permit from the Town;
- (b) The Council may limit the number of chicken coops which may be permitted to be Erected and or maintained within the town
- (2) No person shall operate and or maintain a chicken coop otherwise than in accordance with any conditions that Council may in its sole discretion cause to be inserted in any particular permit and Council may in its sole discretion

require and or cause different conditions to be inserted in different permits which may be issued.

- (3) Subject to section 6 and any variation which may be provided for in a permit for erection and maintenance of a chicken coop no person shall erect and or maintain a chicken coop or keep chickens otherwise than as follows:

1. No owner shall allow or permit chickens to be at large.
2. The maximum number of chickens that maybe kept on a property shall be ten.
3. No roosters shall be permitted to be kept on a property
4. Chicken enclosures shall be located only in a rear yard and must fully enclose the chickens in such manner as shall prevent any such chicken from escaping therefrom.
5. Chickens may only be permitted to be kept on properties of single family dwellings.
6. Chicken enclosures shall be a minimum of 3 m from the side yard and a minimum of 1.5 m from the rear yard of a dwelling situate on the property.
7. Chicken enclosures shall be a minimum of 4.5 m from abutting dwellings.
8. A chicken enclosure shall contain an enclosed roof structure and shall be no greater than 3 m x 3 m and no greater than 4.5 m in height.
9. A chicken enclosure shall be designed and constructed to ensure proper ventilation/heating and sufficient space for the chickens and maintained in accordance with good animal husbandry practices and shall keep all vermin out
10. Any chicken(s) kept on property must be contained within a chicken coop from 9 pm to 7 am.
11. Any chicken(s) kept on property must be contained within an enclosed chicken run when not contained within a chicken coop.
12. No person shall sell eggs, manure, and or other products associated with keeping chickens.
13. Home slaughter of chickens is prohibited and any diseased chickens shall be disposed of at a proper disposal facility for livestock or through the services of a veterinarian and must be disposed of within 24 hours.
14. All chicken feces shall be removed from property promptly.
15. All chicken food supply shall be maintained and kept in such manner as shall prevent access by vermin.
16. Chicken coops and chicken runs shall be located a minimum of 15 m from any school.
17. Chicken coops and chicken runs shall be located a minimum of 7.5 m from any church or business.
18. No person shall construct or otherwise maintain a chicken coop with or without chickens unless a permit for same has been issued

by the Town.

EXOTIC ANIMALS

- 23(1) Any other regulation herein notwithstanding no person shall keep an exotic animal without having first obtained from the Town a permit for such specific animal and in accordance with the terms and conditions which may be set forth in such permit.
- (2) No person shall keep an exotic animal in the Town unless such animal is kept:
 - (1) in a Veterinary Hospital under the care of a licensed Veterinarian;
 - (2) on the lands and premises of the SPCA or a licensed organization licensed to care for animals, or a rehabilitation center and such lands and premises, as may be required by the SPCA or a licensed organization licensed to care for animals, to house or shelter exotic animals, on a temporary basis, because of space or special requirements or a rehabilitation center;
- (3) Unless as otherwise permitted in these regulations, no owner shall keep an exotic animal in the Town.
- (4) A permit for an exotic animal is non-transferable.
- (5) Exotic animals may be kept on lands and premises where exotic animals are kept for public exhibition and display as part of a commercial establishment and which has been approved by Council.
6. Exotic animals may be temporarily kept on the lands and premises used for a circus or similar exhibition and display of exotic animals provided that Council has given its prior approval for the lands and premises to be used for such circus or similar exhibition and display of exotic animals.
7. Prosecutions under these Regulations may be taken summarily by the Enforcement Officer or any Police Constable.
8. These regulations were amended and adopted by a resolution of council at a meeting held on the 12th day of June, 2018 and shall come into effect on the 13th day of June, 2018.
9. All previous dog or Animal Regulations for the Town are hereby repealed.