

ANIMAL CONTROL REGULATIONS

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Lewisporte under the provisions of Section 414 (2) (g to q inclusive) of The Municipalities Act, S.N. 1999 Chapter M-24.

Amended and adopted by the Town Council of the Town of Lewisporte on the 16th day of November, 2004.

Mayor

Town Clerk

1. These regulations shall be known and cited as the Animal Control Regulations of the Town of Lewisporte, 2004.

2. INTERPRETATIONS

For the purpose of these Regulations, unless the context otherwise requires:

- (a) "Act" means The Municipalities Act, Statutes of Newfoundland, Chapter M-24 (as amended from time to time).
- (b) "Animal" means dog, cat, livestock or other animal prescribed by Council from time to time.
- (c) "Animal Control Officer" means any person contracted by the Town of Lewisporte to provide services to enforce these Regulations.
- (d) "Animal Pound" means the facility operated by or on behalf of the Town of Lewisporte for the keeping and disposition of animals.
- (e) "Cat" means a member of any breed of domesticated feline or crossbreed of domesticated feline whether spayed or neutered.
- (f) "Council" means the Town Council of the Town of Lewisporte.

Animal Control Regulations

- (g) "Dog" means a member of any breed of domesticated canine or cross-breed of domesticated canine whether spayed or neutered.
 - (h) "Impounder" (same as Animal Control Officer) means a person, including a Municipal Enforcement Officer or person appointed by the Town Manager and authorized to enforce the Town of Lewisporte Animal Control Regulations.
 - (i) "Live Trap" means a cage like device, approved by the SPCA, used in the capture of cats, without injury to the animal.
 - (j) "Owner" includes any person who has custody, charge, possession or control of an animal and where the owner is under 18 years of age, the person responsible for the custody of the minor.
 - (k) "Premises" shall mean any property within the boundaries of the Town.
 - (l) "Running at Large" means to be unleashed:
 - (i) in a public place; or
 - (ii) on premises not owned by or in the possession of the owner of the animal, and
 - (iii) not under the control of any person when the animal is not on a leash held by a person or is not otherwise physically restrained.
 - (m) "Town" shall mean the Town of Lewisporte as defined by Order-in-Council dated the 29 day of June, 1946, and any amendments thereto, according to The Municipalities Act.
 - (n) "Town Clerk" means the Town Clerk of the Town of Lewisporte.
3. No person shall keep any dog or cat, unless less than four (4) months old, within the limits of the Town, unless a license has been issued by the Town for such animal and such license is still in force, and unless such animal bears a numbered tag indicating that such license is in force.
- (a) The Town shall keep a register of all dogs and cats licensed by them.
 - (b) Every license issued by the Town shall have no expiry date and shall be non-transferable.
 - (c) Fee for a license shall be:
 - (i) \$10.00 neutered or spayed dog
 - (ii) \$30.00 for an un-neutered dog or an unspayed dog
 - (iii) \$10.00 for a neutered or spayed cat
 - (iv) \$20.00 for an un-neutered or unspayed cat
 - (v) \$50.00 for a breeding license

Animal Control Regulations

- (vi) \$50.00 for a license to operate a kennel
- (d) The owner of every licensed animal shall immediately on receiving the license attach it to a strong and durable collar, which collar shall be kept upon the animal's neck at all times when it is outside the enclosed premises of the owner.
- 4. Every owner of a dog or cat within the Town shall keep such animal safely tethered or penned up at all times except when under the control of some person capable of controlling it at the time.
- 5. Any dog or cat in respect of which a license has not been issued and found running at large in the Town with or without a license tag may be destroyed by any Municipal Enforcement Officer/Animal Control Officer or any person generally or specifically authorized by the Council on their behalf except that this Regulation shall not apply to dogs or cats under the age of four months.
- 6. The Impounder may seize, capture, or impound any animal found at large contrary to Regulations 4 and 5 of these Regulations, and enter any premises for the purpose of recapturing any animal that may escape from his/her control.
- 7. If any dog defiantly confronts, chases, or bites a person, that dog's owner shall be levied a fine of \$150.00. For a second offense, the fine will be \$300.00. For any future offenses, the dog will be either seized and humanely destroyed, or at the discretion of the Town, a fine of \$600.00 may be levied.
- 8. Any animal found damaging or destroying private property may be seized by the injuriously affected person or persons and held for collection of the Impounder.
- 9. If an animal shall bark or howl in such a manner as to disturb the peace, such animal will be deemed as a nuisance and the owner shall be deemed to have committed an offence in terms of these regulations.
- 10. The owner may receive an impounded animal on such proof of his/her ownership of the animal as the Council may require, and upon payment of all fees in connection with the impounding and keep of the animal.
- 11. The registered owner of an animal that has been seized with a registration tag will be notified immediately and will be required to pay a fine as listed in Regulation 12. If an animal is without its tag or is unregistered and is seized and impounded, there will be an additional \$25.00 fine to reclaim the animal.
- 12. In addition to the fine in Regulation 11 of these Regulations, the following seizing and impounding fees shall be paid by the owners of animals seized or impounded:

Seizing and impounding, 1st offence \$ 25 .00

Animal Control Regulations

Seizing and impounding, 2 nd offence	\$50.00
Seizing and impounding, 3 rd offence	\$100.00
Seizing and impounding, additional offences	\$200.00
Daily fee for impounding	\$10.00

13. The Impounder shall keep any unclaimed animal in the pound for a period of 48 hours and after the expiration of such period the animal may be humanely destroyed.
14. Where, in the sole discretion of the impounder, the animal liable to be impounded, appears to be vicious, dangerous, diseased, or otherwise unfit for impounding, the impounder may cause the animal to be disposed of or humanely destroyed forthwith.
15. If veterinarian services are required, the owner of the animal will be responsible for reimbursing the town for the cost of these services.
16. In any proceedings under these Regulations, the proof that an animal was under the age of four months shall be upon the owner of the animal or the person having possession thereof.
17. Any person who has custody, charge or possession of any animal or who is the owner of any house or premises where a animal is kept or permitted to live or remain shall be deemed to be the owner of the animal for the purposes of these Regulations unless he/she proves that he/she was not the owner of the animal.
18. Any person who interferes with or attempts to interfere with a Municipal Enforcement Officer/Animal Control Officer, or their agents, in the exercise of their duties, such person shall be deemed to have committed an offense in terms of these Regulations.
 - (a) Any person who, without authority of the Municipal Enforcement Officer/Animal Control Officer releases any animal which has been impounded, shall be deemed to have committed an offence in terms of these Regulations.
 - (b) Every person requested by the Municipal Enforcement Officer/Animal Control Officer shall, on request, forthwith give his/her proper name and address.
19. Any person who violates any of the provisions of these Regulations with the exception of Regulations 7, 11, and 12 shall be guilty of an offence and shall, be liable, to a minimum fine of \$100 for a first offence and a minimum fine of \$200 for a second and each subsequent offence.
20. Any person who violates any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty as prescribed by these Regulations.

Animal Control Regulations

21. Any person who removed an animal from an impound without having first paid the fees required by these regulations commits an offence.
22. (a) Any person who interferes with or attempts to interfere with a Municipal Enforcement Officer, or Animal Control Officer, or SPCA representative in the exercise of their duties shall be deemed to have committed an offence in terms of these regulations.

(b) Any person who, without the authority of a Municipal Enforcement Officer, or Animal Control Officer, or SPCA representative, releases any animal which has been impounded, shall be deemed to have committed an offence in terms of these regulations.

(c) Every person requested by a Municipal Enforcement Officer, or Animal Control Officer, or SPCA representative, shall forthwith give his or her proper name and address.
23. All previous Municipal Dog Control Regulations and Cat Regulations or amendments thereto are hereby rescinded.
24. These Regulations were passed and adopted by Council on the 16th day of November, 2004, and will come into effect on the 1st day of January, 2005, and may be cited as the Town of Lewisporte Animal Control Regulations. All previous Dog and Cat Control Regulations or amendments thereto are hereby rescinded.