

POLICIES AND PROCEDURE

RE: VILLAGE OF FREDERICTON JUNCTION

DOG CONSTABLE

1. The Dog Constable must carry an appropriate Village identification for his position.
2. When the Dog Constable is called or hears of a problem, he should respond as quickly and courteously as possible.
3. If an offense occurs under the Dog By-Law, then the Dog Constable should quote and/or give a copy of the relevant By-Law section to the violator and describe to them the policy and legal procedure relative to their case.
4. The Dog Constable should make as detailed notes as possible of what was said to the violator, what they said to the Constable, with wording expressed as precisely as possible. It is suggested that the Constable write these notes in a note pad as soon after the events of the case as possible. These notes can be used to inform Council and for evidence in possible court cases. Also, if possible, it would help to get the violator to agree that the Constable's notes are accurate, and to get the violator to sign them accordingly.
5. Detailed Reports must be submitted to the Village Council prior to a Council meeting, in the form of a routine general Report, at least once a month. If a particularly urgent case occurs, where the Councillor responsible for dogs, and/or the Council in general should be informed in order to take appropriate decisions and actions, then the Dog Constable must phone and inform the Councillor concerned, and prepare an immediate detailed Report in writing such that the said Councillor can prepare an appropriate response for the next Council meeting, or deal with the matter in a more direct fashion.

6. The Dog Constable may use their own discretion in either directly ticketing a violator for an offense or, relative to a first offense, in issuing a formal warning on the appropriate Village form. This procedure for warnings should only be used in less serious cases, such as those described in 5(1) a, b, c, d, (sometimes e), f, and j of the Dog By-Law, and following the issuance of said warning, demand immediately rectification of the problem. Failure to comply would result in ticketing the violator using the appropriate Village form. Official warnings should only apply to FIRST OFFENSES.
7. In the event of a bite covered as an offense under the By-Law, the owner must provide proof of vaccination against rabies to the Dog Constable. This might simply involve the Constable contacting the veterinarian who vaccinated the dog.
8. Violations of the By-Law which have gone unnoticed and are eventually discovered should be immediately brought into compliance with the By-Law, either with or without an official warning from the Dog Constable.
9. Failure to pay official tickets within the specified time will result in a notice of court proceedings being issued to the violator by Village Council.
10. All cases should be followed up by the Constable such that the person with a complaint is told what was done about their complaint and what action will likely occur in the future.

shall require that the operations of the kennel be so conducted, failing which the Dog Constable may cancel the kennel license.

OFFENCES

5. (1) The Owner of a dog commits an offence under this By-Law if he:
- (a) permits his dog to run at large;
 - (b) refuses or neglects to register his dog under this By-Law;
 - (c) refuses or neglects to attach and keep attached a licensed tag to the dog;
 - (d) refuses or neglects to cause his dog to wear a tag at all times other than when it is in the kennel or residence;
 - (e) permits his dog to chase or run after pedestrians, bicycles, or motor vehicles, or other animals;
 - (f) permits his dog to bark so that it creates a public annoyance or nuisance to the neighbouring property owners;
 - (g) fails to have his dog immediately destroyed when the dog is rabid;
 - (h) permits his dog to bite or attempt to bite any other person or any other animal;
 - (i) permits his dog to be improperly kept, including any abuse, such as improper feeding, watering, tying out of doors, especially in excessively hot or cold or other intemperate weather, and with special reference to breeds of dogs clearly not capable of tolerating such treatment;

- (j) permits his dog to defecate on any property in the Village which is not the property of the Owner, without immediately removing any faeces left by the dog; or
 - (k) as a kennel owner, fails to comply with any direction or order given pursuant to subsection 4(3).
- (2) Any person commits an offence under this By-Law if he:
- (a) interferes or attempts to interfere with the Dog Constable while he is exercising his functions under this regulation; or
 - (b) not being the Owner, removes a collar or licensed tag from the dog.

COMPLAINT PROCEDURE

6. (1) (a) Where a Dog Constable believes that a dog has bitten or attempted to bite a person or animal, while at large, the Dog Constable may initiate a complaint to a Judge of the Provincial Court pursuant to the provisions of the **Municipalities Act**.
- (b) Where a Dog Constable initiates or intends to initiate a complaint under subparagraph (1)(a) hereof, the Dog Constable may seize and impound the dog at the expense of the owner pending disposition of the complaint.
- (c) In all cases where a dog is impounded under subparagraph (1)(b) hereof, the Village will make all reasonable efforts to have the matter dealt with as expeditiously as possible.

(3) A Judge of the Provincial Court, upon complaint being made to him that any dog has been barking and creating a public annoyance, or nuisance to neighbouring property owners, and that the Owner of the dog, having ignored due warning to control said dog by the Dog Constable, shall:

- (a) direct the Owner of the dog to keep it from barking so that it creates a public annoyance or nuisance in the future; and
- (b) direct the Dog Constable to seize and impound said dog upon failure to comply with the order contained in subparagraph 6(3)(a) hereof with said dog to be sold or transferred to the nearest SPCA, or sold outright.

(4) A Judge of the Provincial court, upon a complaint being made to him that a dog has been mistreated as described in subparagraph 5(1)(i) shall: (2)

A Judge of the Provincial Court, upon complaint being made to him that a dog is alleged to have bitten or attempted to bite a person or animal may summon the Owner of the dog to appear and show cause why the dog should not be destroyed and may, if from the evidence produced, it appears that the dog has bitten a person or animal, make an order directing:

- (a) that the Owner of the dog keep the animal under control and is muzzled when it is outside of the owner's home or its cage; or
 - (b) that the Owner or some other person destroy the dog.
- (a) direct the Owner of the dog to alleviate the mistreatment as described in subsection 5(1)(i); and
 - (b) direct the Dog Constable to seize and impound said dog upon failure of the Owner to comply, with said dog being sold or

transferred to the nearest SPCA, or give to an appropriate alternate home.

SEIZING AND IMPOUNDING

7. (1) The Dog Constable shall seize and impound any dog suspected of having rabies, until such time as proper test results can be achieved.
- (2) The Dog Constable may seize and impound at the expense of the Owner any dog suspected of biting or attempting to bite a person or animal pending disposition of the complaint filed pursuant to subsection 6(1) hereof.
- (3) The Dog Constable shall seize and impound any dog found running at large and:
 - (a) if the Owner of a dog seized and impounded is known, notify him that their dog is impounded; or
 - (b) if the Owner of a dog seized or impounded is not known, or being known cannot be located, post the notice as required by subsection 7(4) are satisfied, may sell or transfer to the nearest SPCA, or sell or give an appropriate alternate home, such dog which has not been claimed by the Owner or anyone on his behalf.
- (4) Before the Dog Constable sells or transfers a dog which is seized or impounded, he:
 - (a) shall post a notice at the Fredericton Junction Village Office and at the larges local General Store, stating that such dog has been impounded and will be sold or transferred within 120 hours from

the time of posting unless the Owner, or anyone on his behalf, claims the dog and pays the cost set out in subsection 7(5); and

(b) may sell or transfer such dog to the nearest SPCA after 120 hours have expired from the time of posting, or give to an appropriate alternate home.

(5) The Dog Constable shall collect from the Owner before releasing the dog the sum of five (\$5.00) dollars for each day or part thereof during which the dog has been impounded and maintained.

(6) Neither the Village nor the Dog Constable shall be liable in damages for any injury or damage caused to a dog while the same is being captured or impounded.

PENALTIES

8. (1) Every person who violates any provision of the By-Law is guilty of an offence.
- (2) Upon a violation of this By-Law by any person, the Dog Constable may issue a ticket which imposes a minimum fine in accordance with this By-Law. Failure of the person to pay this fine to the Village Office on or before the date a complaint pertaining to the offence has been laid in Provincial Court shall become liable on summary conviction to a fine not less than seventy (\$70.00) dollars and not more than five hundred (\$500.00) dollars.
- (3) Notwithstanding anything herein contained, a Village Representative or Dog Constable may at any time before the hearing of the complaint in Provincial Court against a person for any alleged violation hereunder,

accept from the person the payment of a sum equal to the minimum fine prescribed for such violation. Thereupon, the Village Representative or Dog Constable shall issue a receipt to the person and such payment shall be deemed payment in full, and thereafter the person shall not be prosecuted for the alleged violation of this By-Law.

- (4) Unless otherwise provided for herein, and in addition to any other order made by a Judge of the Provincial Court, a person convicted of an offence under this By-Law is punishable by a fine of not less than seventy (\$70.00) dollars and not more than five hundred (\$500.00) dollars.
- (5) When an Owner of a dog is convicted under subparagraph 3(1)(b) or 3(3)(b), the Judge may in addition to the fine, order the Owner to pay the license fee required.
- (6) A person failing to comply with an order under subsection 6(2) is liable to a fine not less than seventy (\$70.00) dollars and not more than two hundred and fifty (\$250.00) dollars.
- (7) Conviction of a person for violation of this By-Law does not relieve him from compliance with the By-Law and a Judge of the Provincial Court may, in addition to any fine imposed, order him to do within a specified time any act or thing necessary for the proper observance of the By-Law or to remedy the violation thereof. Subject to subsection 8(6), a person who, after expiry of such specified time, fails to comply with the order of the Judge of the Provincial Court commits an offence punishable by a fine of not less than one hundred and twenty (\$120.00) dollars and not more than five thousand (\$5000.00) dollars.

BY-LAW REPEALED

9. By-Law No. 10A By-Law to License and Regulate Dogs is hereby repealed by
By-Law No. 2002-02.

READ FIRST TIME this 11th day of November, 2002.

READ SECOND TIME this 9th day of December, 2002.

READ THIRD TIME AND ENACTED this 9th day of December, 2002.

JOCELYN NASON
VILLAGE CLERK

GARY MERSEREAU
MAYOR