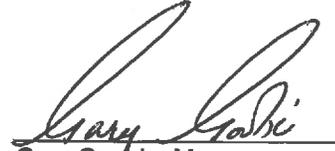




PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, SNL 1999 c M-24, s 414(2)(g)-(p) and any other enabling sections of the Act, the following Regulations have been made by the Town Council of the Town of Holyrood on the 2 day of May, 2017.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 3 day of May, 2017.


Gary Goobie, Mayor


Gary Corbett, Town Clerk

ANIMAL CONTROL REGULATIONS

TITLE

1. These Regulations may be cited as the Town of Holyrood *Animal Control Regulations*.

INTERPRETATION

2. In these Regulations, unless the context requires otherwise:
 - (a) **"Act"** means the *Municipalities Act, 1999*, SNL 1999 c M-24;
 - (b) **"Animal"** means any living animal, including any mammal, bird, reptile, or amphibian, including a Dog or Cat;
 - (c) **"Animal Control Officer"** means any person appointed by the Town with the power to enforce these Regulations, including a Municipal Enforcement Officer;
 - (d) **"Cat"** means a non-feral or feral cat regardless of age or sex, including a Kitten;
 - (e) **"Council"** means the Town Council of the Town of Holyrood;
 - (f) **"Dog"** means an animal of the canine species regardless of age or sex, including an Animal that is a cross between a wolf and a dog, and including a Puppy;
 - (g) **"Kitten"** means a Cat not more than twelve (12) months in age;
 - (h) **"Kennel"** means an establishment for keeping, breeding, or boarding of Dogs for commercial purposes;

- (i) **"License"** means a individualized numbered tag for an Animal issued by the Town in accordance with these Regulations;
- (j) **"Municipal Enforcement Officer"** means an Municipal Enforcement Officer appointed under the Act;
- (k) **"Owner"** means:
 - (i) a Person who owns, harbours, has custody of an Animal;
 - (ii) a Person who has charge of a house, premises, part of the premises or place where an Animal is kept, permitted to live, or remain;
 - (iii) when used in reference to the ownership of a Dog or Cat with a License, the person registered with the Town as an owner by means of a numbered Dog or Cat tag;
 - (iv) when used in reference to the ownership of a Dog or Cat without a License, the person who has custody, charge, or possession of a Dog or Cat or is the owner of a house or premises, part of the premises, or place where the Dog or Cat is kept, permitted to live, or remain; or,
 - (v) the guardian of an Animal or person responsible for the care of an Animal.
- (l) **"Person"** means a person, firm, partnership, association, corporation, company, or organization of any kind;
- (m) **"Puppy"** means a Dog not more than twelve (12) months in age;
- (n) **"Regulations"** shall mean the Town of Holyrood *Animal Control Regulations*;
- (o) **"Schedule A"** means Schedule A to these Regulations;
- (p) **"Town"** shall mean the Town of Holyrood.

APPLICATION

3. These Regulations shall apply within the boundaries of the Town.

LICENSES

4. No Person shall keep a Dog, except for a Puppy, within the Town unless the Town has issued a License for the Dog.
5. In the event that a Person obtains a Dog, either by virtue of a Puppy reaching the age of a Dog or by other means, of the Owner must obtain a License within thirty (30) days of acquisition of the Dog.
6. The Town may issue a License to the Owner of a Cat at the request of the Owner, but such License is not mandatory.
7. A License for a Dog or Cat shall be valid for the life of the Dog or Cat and is not transferable.

8. Every Owner shall ensure that the License of a Dog is attached to its collar, which shall be kept on the Dog at all times.
9. Information provided by an Owner to obtain a License shall be kept on record and up to date, specifically by
 - (a) the Town keeping a registry of all Licensed Dogs or Cats, which will indicate the date and License number, the name and description/breed of the Animal, and the name, address, and contact information of the Owner.
 - (b) the Owner of any Licensed Dog or Cat advising the Town of any changes in the Dog or Cat's License information, including the death of the Animal, change of Owner, address, or phone number.

THEATHERING & ROAMING

10. An owner of a Dog shall keep it safely tethered or penned at all times, except where:
 - (a) it is held on a leash by a person capable of restraining its movement;
 - (b) it is being used by a person for the purpose of lawful hunting; or,
 - (c) it is being used by a person to work in a lawful manner with livestock.
11. No Owner shall permit any Animal to roam or run at large on any street, road, lane, municipal park, open field, playground, or body of water within the Town from which free access can be had to such roadway, area, or body of water.

REMOVAL OF EXCREMENT

12. When an Animal defecates on any public or private property other than the property of its Owner, the Owner shall immediately remove the excreta from the property.
13. Failure to remove excreta from Town owned property, including parks, dog parks, public open space, sidewalks, or street, may result in Council denying the Owners access to the Town owned property in the future.
14. When an Animal defecates on the private property of its Owner, the Owner shall cause such excreta to be removed in a timely manner so as not to disturb the enjoyment, comfort or convenience of any person in the vicinity of the property.

NUISANCE

15. No Owner of an Animal within the Town shall keep or permit to be kept in any building, premises, or yard or any part thereof, such Animal, which by reason of its barking, howling, meowing, crowing, or otherwise, disturbs the peace and quiet of residents in the neighborhood.
16. No Owner of an Animal shall permit the Animal to:
 - (a) chase, bite or attack any Person;
 - (b) chase, bite or attack any domestic Animal; or

- (c) damage public or private property.

KENNELS

- 17. No person shall operate a Kennel or carry on any business or operation for the purpose of boarding, keeping, training or treating Animals without a permit, which may be associated with a fee set by Council, in writing from the Town.
- 18. An Animal Control Officer may inspect a Kennel, business or operation for the purpose of these Regulations.

IMPOUNDING

- 19. The Animal Control Officer may
 - (a) seize and impound every Animal found roaming at large, including every Dog not wearing its License while off the premises of the Owner;
 - (b) seize any Animal found damaging or destroying private or public property; and
 - (c) enter any property for the purpose of capturing and impounding any Animal that has escaped the control of the Animal Control Officer;

- 20. The Animal Control Officer shall
 - (a) make all reasonable efforts to identify and contact the Owner of every stray Animal received, whether the Animal is living or dead; and,
 - (b) keep a record of all Animals impounded,

however, it is the Owner's responsibility to determine whether an Animal has been impounded and the Animal Control Officer shall not be bound to advertise that an Animal has been impounded.

- 21. When a Dog without a License is impounded by the Animal Control Officer, the Dog shall not be released to the Owner without obtaining a License from the Town.
- 22. Every Animal impounded shall be provided with clean food, water, and shelter in sanitary conditions. The Animal shall remain impounded for a minimum of five (5) days, unless the Animal is claimed by its Owner. If the Animal is not claimed within that time, the Animal shall become the property of the Town.
- 23. An Animal that is impounded and not claimed by the Owner within the time provided in section 22 shall be offered for adoption for such fees as may be established.
- 24. Where an impounded Animal is injured or ill the Town shall have the Animal treated by a veterinarian and shall be entitled to recover the costs associated with the treatment from the Person claiming the Animal.
- 25. During the impoundment period, the Owner may claim the Animal upon proof of ownership of the Animal, compliance with section 21, and payment to the Municipality of
 - (a) impounding fees, as specified in Schedule A;
 - (b) the daily boarding fee for the Animal, as specified in Schedule A;

- (c) veterinary fees where applicable; and,
- (d) any other costs reasonably incurred by the Animal Control Officer for the purpose of impounding the Animal.

QUANTITY

- 26. Council may limit the number of Animals to be kept on any residential or private property within the Municipality.

FEES

- 27. The Town shall prescribe licensing and impounding fees, which will be maintained in Schedule A to these Regulations.

COMPLAINTS

- 28. Any Person may file a complaint with the Town with regard to issues arising under these Regulations.
- 29. A complaint may be investigated by the Animal Control Officer or any other person authorized by the Town.
- 30. If a complaint is investigated, the investigator shall forward a report to Council outlining any action deemed necessary and any other recommendations.

WARNINGS

- 31. The Animal Control Officer has authority to issue written warnings and orders to an Owner of any Animal found in violation with any provision of these Regulations or to an Owner of any Animal that in the opinion of the Animal Control Officer, is not being properly cared for to
 - (a) remove the Animal from the premises or dwelling; or
 - (b) comply in any other manner as directed.

OFFENCES

- 32. Any person who contravenes the provisions of these Regulations or who fails to comply with any provision thereof, including orders made pursuant to these Regulations, or neglects or refuses to do so, is guilty of an offence.
- 33. Any person who interferes with or impedes in any way the Animal Control Officer or any person authorized by Council in the performance of their duties, or who in any way tampers with equipment or vehicles used for the purpose of enforcing these regulations, is guilty of an offence.

PENALTIES

34. Any person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuses to do so
- (a) shall be liable to penalties as stipulated in accordance with section 420 of the Act;
 - (b) shall be subject to a violation notice issued under section 421.1(2) of the Act; or,
 - (c) shall be issued a ticket in accordance with section 421.2 of the Act.

COMPLIANCE WITH OTHER ACTS

35. No provision in these Regulations shall exempt any Person from obtaining any license, permission, permit, authority, or approval required by any other regulation of the Town or regulation or law of the Province of Newfoundland and Labrador or law of Canada.
36. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

REPEALING OF PREVIOUS REGULATIONS AND AMENDMENTS

37. All previous Town of Holyrood *Animal Control Regulations* and amendments are repealed.

EFFECTIVE DATE

38. These Regulations come into force on the 5 day of September, 2017.

SCHEDULE A

Fines & Fees

IMPOUNDING FEES

1. For seizing and impounding Animals with a License

First seizure and impounding.....	\$75.00
Second seizure and impounding.....	\$100.00
Third seizure and impounding.....	\$125.00
Fourth and subsequent seizures and impoundings.....	\$200.00

2. For seizing and impounding Animals without a License, the fee shall be \$125.00.

DAILY BOARDING FEES

3. Before claiming an Animal that has been seized and impounded under these Regulations, the Owner shall pay \$10.00 per Animal for each night that the Animal has been impounded, with a minimum amount payable of \$45.00.