BY-LAW NO. 2026-10

A BY-LAW RESPECTING DOG CONTROL IN FUNDY ALBERT

The Council of Fundy Albert, under the authority vested in it by the Local Governance Act, S.N.B. 2017, c. 18, and amendments thereto, enacts as follows:

WHEREAS paragraph 10(1)(k) of the Local Governance Act authorizes a local government to make by-laws for municipal purposes respecting wild, domestic and exotic animals and activities in relation to them, including animal control activities;

AND WHEREAS paragraphs 10(2)(c) and (d) of the Local Governance Act require a local government to make by-laws respecting rabies vaccination and proof of vaccination or assessment of the effectiveness of a previous vaccination;

AND WHEREAS New Brunswick Regulation 2022-36, the Dog Control Regulation – Local Governance Act, establishes provincial standards respecting dog control;

BE IT ENACTED by the Council of Fundy Albert as follows:

1. TITLE

1.1 This By-law may be cited as the "Fundy Albert Dog Control By-law".

2. PURPOSE

2.1 The purpose of this By-law is to provide for the control of dogs within Fundy Albert and to promote public safety and responsible dog ownership, consistent with the Local Governance Act and New Brunswick Regulation 2022-36.

3. DEFINITIONS

3.1 In this By-law, unless the context otherwise requires:

"Act" means the Local Governance Act, S.N.B. 2017, c. 18, as amended.

"Animal shelter" means having an active Pet Establishment License in accordance with the SPCA of New Brunswick and its Regulations.

"Attack" means to cause harm without provocation, to aggressively chase, to injure or bite, or to threaten or give the impression of threatening as an aggressive act'

"Bite" means penetrating the skin by tooth or teeth.

"Council" means the Council of Fundy Albert.

"Clerk" means the Clerk of the Village of Fundy Albert

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“Dog Control Officer” means a person, group or organization appointed or engaged by Council to administer and enforce this By-law.

"Fierce or Dangerous Dog" means a dog which meets any one of the following conditions:

i. a dog that has attacked, bitten or caused injury to a person, either on public or private property or has demonstrated a propensity, tendency or disposition to do so;

ii. a dog that has attacked, bitten or caused injury to a domestic animal, either on public or private property;

iii. a dog that, while running at large, has aggressively pursued or harassed a person;

iv. a dog that, while running at large, has aggressively pursued or harassed a domestic animal;

v. a dog with a known propensity to attack or injure a person without provocation;

vi. is attack trained; or

vii. is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property;

“Kennel” means a place where animals are bred, boarded, or held.

“Leash” means a device used to restrict the movement of a dog in order to keep the dog under the control of the owner and, except where otherwise permitted by this By-law, shall not exceed two (2) metres in length, unless otherwise specified herein.

“Licence” means a valid dog licence issued in accordance with the applicable laws and regulations of the Province of New Brunswick.

“Municipality” means Fundy Albert.

“Muzzle” means a humane covering device placed over a dog's mouth and of sufficient strength to prevent it from biting;

“Owner” means a person who: (a) is in possession of a dog; (b) harbours a dog; (c) tolerates that a dog remain about the person’s residence or premises; or (d) licenses a dog under this By-law.

“Public place” means any property that is not privately owned and includes Municipal, Provincial, and Federal property.

“Regulation” means New Brunswick Regulation 2022-36, Dog Control Regulation – Local Governance Act, as amended from time to time.

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"Running at large" means where a dog is:

i) unleashed in a public place, except for any dog in a dog park or a service animal participating in search and rescue, fire or police work.

ii) unleashed on private property other than that of the owner or keeper of the animal without consent of the owner of the property;

iii) unleashed in a forest or wooded area, while not in the company and/or under control of the owner or keeper thereof;

iv) in a public place and is not secured by a leash; or

v) in a public place and not under the control of the owner of such animal;

"Service animal" means:

1. Any animal individually trained to do work or perform tasks for the direct benefit of an individual with a disability; and
2. Any animal officially deployed and used for search and rescue operations or law enforcement purposes.

"Society" means society as defined in the Society for the Prevention of Cruelty to Animals Act.

"Threaten" means an un-muzzled animal, whether or not in the presence of its owner, leashed or unleashed, that approaches any person or any other animal in a vicious, terrorizing aggressive or attacking manner

4. APPLICATION

4.1 This By-law applies throughout Fundy Albert.

4.2 The requirements of the Regulation are incorporated into and form part of the dog control framework administered by the Municipality, except where this By-law lawfully establishes an additional municipal requirement.

5. DOG CONTROL OFFICER

5.1 Council may by resolution appoint a Dog Control Officer to carry out any or all of the functions of this By-law.

6. DOG LICENSING

6.1 Licence Required - Every owner of a dog residing within the Village of Fundy Albert shall ensure that the dog is registered and licensed in accordance with the applicable laws and regulations of the Province of New Brunswick.

6.2 Registration - Where a dog is required to be registered and licensed through the New Brunswick Society for the Prevention of Cruelty to Animals (NBSPCA), or its authorized licensing service provider, the owner shall:

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a) register each dog as required;

b) obtain and maintain a current and valid licence for each dog;

c) pay the applicable licence fee;

d) provide the information required for registration and licensing; and

e) renew the licence prior to its expiration.

Registration and licensing may be completed through the NBSPCA or its authorized licensing service provider, including DocuPet, in accordance with the procedures established by the licensing authority.

6.3 Licence Term and Fees - The term, fee and conditions applicable to a dog licence shall be those established under applicable provincial legislation or regulation and administered by the NBSPCA or its authorized licensing service provider.

6.4 Licence Tag- The owner of a licensed dog shall ensure that the current licence tag issued for that dog is securely affixed to the dog's collar or harness when required by applicable legislation or regulation.

A licence tag issued for one dog shall not be transferred to or displayed on another dog.

6.5 Proof of Licence - Upon request by a Dog Control Officer or other person authorized to enforce this By-law, an owner shall provide satisfactory proof that the dog is currently registered and licensed as required by law.

6.6 Change of Information - An owner shall ensure that information associated with the dog's registration and licence is kept current, including the owner's contact information and the dog's ownership and residency information, in accordance with the requirements of the applicable licensing authority.

7. KENNEL LICENSES

7.1 Any person or residence which harbour more than ~~three (3)~~ six (6) dogs or keeps a dog or dogs for the purpose of breeding, selling, boarding, or any other like purposes must be in possession of a valid kennel license and must meet all requirements before issued such license. These licenses are issued by the NBSPCA under the Regulations of the *Society for the Prevention of Cruelty to Animals Act*.

7.2 In order to obtain and maintain a Kennel License, applicants must:

i) meet the requirements of any zoning by-law, any other by-law, and provincial legislation for the sanitation, health, hygiene, and comfort of the dog(s);

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ii) upon issuance, maintain accurate records of the breeding, selling or boarding of dogs, and where such dogs are once sold. The Owner must be able to produce these records at any time and upon request of an Officer.

7.3 Each dog in the kennel must be licensed individually (with a dog tag) except for puppies under ten (10) weeks. Proof of age must be provided.

8. VACCINATIONS

8.1 Every owner of a Dog shall have such Dog vaccinated against rabies. Rabies vaccinations must be valid as per veterinarian records, at all times. An Officer or their designate shall rely on the proof of vaccination from the Veterinarian.

8.2 An Officer may seize and impound any dog which is known to be rabid and cause such dog to be quarantined or destroyed.

8.3 Where an animal is suffering from any communicable disease, the Owner shall not permit the animal to be in any public place and shall not keep the animal in control with or in proximity to any other animal.

8.4 A person who owns an animal that is rabid or suspected to be rabid or has been exposed to rabies shall immediately report the matter to the appropriate Provincial Department.

9. SEIZING AND IMPOUNDING

9.1 An Officer may seize and impound any dog found running at large, and shall:

i) If the owner of the dog is known, make a reasonable attempt to notify them that the dog is impounded; or

ii) If the owner of the dog is not known or cannot be located within a 72-hour period, said dog may be forfeited to the possession of a Shelter or destroyed.

iii) When the owner of an impounded dog is not known, the Officer shall make a reasonable attempt to find the owner. Pursuant to Section 70(1)(c) of the *Act*, a notice on the Municipality's website may be deemed notice.

9.2 The Owner of any impounded dog shall pay the Officer, upon establishing ownership, any Administrative Penalty provided in a Penalty Notice, pursuant to the Penalties in Schedule A of this By-law, for having had their dog run at large.

9.3 The Dog Control Officer or agent is authorized to make use of restraining device on a dog while carrying out their duties hereunder and shall not be held responsible for any damages caused to the dog while doing so.

9.4 When destroying any dog under this section which has not been claimed, or for any other reason, the Dog Control Officer or agent shall do so in a humane manner.

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9.5 An Officer, upon receiving and investigating a complaint under this By-law related to an alleged or attempted bite towards a person, may seize and impound a dog for the duration of an investigation. In this instance, an Officer reserves the authority to request all vaccination(s) records as part of the investigation, in addition to issuing administrative penalties, if the Owner(s) is not in compliance with Section 8 of this By-law.

9.6 All costs of seizing and impounding a Dog for any reason under this By-law will be at the Owner's expense and the Owner shall be liable for any expenses incurred by the Village or any Officer for any service provided by any third parties in the seizure, impounding, care, treatments, or destruction of any animal.

10. DANGEROUS DOG PROVISIONS

10.1 The owner of a dangerous dog shall ensure, unless otherwise stated in an Order and for a time period stipulated in the Order at the discretion of the Village, that:

i) at all times when off the Owner's property, the dog shall be muzzled:

ii) at all times when off the Owner's property, the dog shall be on a leash not longer than one (1) meter and under the control of a responsible person over the age of eighteen;

iii) when such dog is on the property of the Owner and unattended, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two (2) meters by four (4) meters and must have secure sides, the sides must be embedded into the ground no less than 30 centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one (1) meter of the property line or within three (3) meters of a neighboring dwelling unit;

iv) A sign is displayed at each entrance to the property and building in which the dog is kept warning in writing stating "Dangerous Dog on Site" (or other similar wording). This sign shall be visible and legible from the nearest road or thoroughfare.

10.2 Where there is reason to believe that a dog has bitten, injured or killed a person or another domestic animal without provocation, an Officer shall, as soon as it is practicable, conduct an investigation into the alleged incident and upon completion of such investigation provide a full report to the Village, the Owner(s), and the Complainant, including copies of witness statements, photographs, and all other evidence and relevant information obtained during the investigation.

10.3 In the event that, upon investigation, the Officer is satisfied by the preponderance of the evidence that the dog has bitten, injured or killed a person or another domestic animal without provocation, the Officer may, by way of order, declare the dog to be dangerous. If it is not satisfied by the preponderance of the evidence presented that the dog has bitten, injured or killed a person or another domestic animal without provocation, the Officer shall

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refrain from declaring the dog as dangerous on the basis of this specific investigation, or, refer the matter to the Animal Control Appeal Committee.

10.4 An investigation report under Section 10.2 shall be considered served and received when delivered personally or, in the case of registered mail sent to the latest known address of the person, on the day following the date on which the registered mail was sent. Proof of service of an investigation report may be given by a certificate purporting to be signed by the Officer, identifying the person upon whom the report was served and specifying the time, place and manner of service.

The investigation report shall include:

i) the conclusion of the investigation as to whether the dog is a Dangerous Dog;

ii) a copy of the investigator's report and all evidence and material considered by the Officer in making the determination;

iii) a statement advising all parties that they are entitled to appeal the Officer's decision to the Animal Control Panel within fourteen (14) days from the date of service of the investigation report, pursuant to Section 10.6;

iv) a copy of the consolidated version of this By-law; and

v) where the dog is declared to be a Dangerous Dog, notice that the dog shall be considered a Dangerous Dog for the purposes of this By-law and that the Owner shall be required to comply with all provisions of this By-law applicable to Dangerous Dogs. The Owner shall also be provided with any Order issued pursuant to section 151 of the *Local Governance Act*, which may include:

- requirements respecting the confinement, restraint, control, muzzling, identification, registration or keeping of the Dangerous Dog, as applicable under this By-law;

- any other conditions or requirements authorized by this By-law or the *Local Governance Act* that the Officer considers necessary for the protection of persons, animals or property; and

- where authorized by the *Local Governance Act* and warranted by the circumstances, a requirement that the dog be destroyed.

Any Order provided pursuant to paragraph (v) shall be considered served and received on the same day as the investigation report.

10.5 In the event that it is not possible to make a determination upon investigation as to whether or not a dog is dangerous, an Officer reserves the right to refer the matter to the Animal Control Appeal Committee, or the Court of Kings Bench.

10.6 Any person appealing the Officer’s decision shall notify the Clerk, in writing via registered mail, within fourteen (14) days of receiving the Officer’s investigation report and

decision. Any appeal of a decision under this Section shall be referred to the Animal Control Appeal Committee.

10.7 In the event that a dog is proven to have bitten or attempted to bite any person, regardless of whether or not the dog shall be deemed dangerous, the Owner may be deemed to be in contravention of this By-law.

11. ANIMAL CONTROL APPEAL COMMITTEE

11.1 The Animal Control Appeal Committee shall consist of three (3) voting members appointed from any combination of the following:

i) the Chief Administrative Officer (CAO);
ii) a By-law Enforcement Officer who was not involved in the investigation, determination or issuance of the Order that is the subject of the appeal;
iii) a solicitor appointed by the Municipality;
iv) an Animal Protection Officer with the New Brunswick SPCA;
v) a member of Council; or
vi) a veterinarian.

The Clerk shall preside over and provide administrative support to meetings of the Animal Control Appeal Committee but shall not be considered one of the three (3) voting members of the Committee and shall not participate in the Committee's decision on the appeal.

11.2 Upon receipt of a Notice of Appeal pursuant to Section 10.6 or upon a referral pursuant to Section 10.5, the Clerk shall convene the Animal Control Appeal Committee.

11.3 The Clerk shall give written notice of the hearing to the Appellant at least ten (10) days in advance of the hearing by serving notice upon the Appellant or by mailing same by registered mail to the latest known address of the Appellant, and where the Appellant is not the Owner, notice shall also be given to the owner. The notice shall include:

i) a statement of the time, place and purpose of the hearing;

ii) a copy of this By-law;

iii) a statement that if the Owner does not attend the hearing, the matter may be dealt with in their absence and that they will not be entitled to any further notice in the proceedings.

11.4 Proof of the service of a notice under Section 11.3 may be given by a certificate purporting to be signed by an Officer, naming the person on whom the notice was made and specifying the time, place and manner of service of the demand.

11.5 The Appellant and/or the Owner shall be required to provide any evidence to the Clerk no less than five (5) days before the Appeal hearing. This evidence shall be circulated to all parties no less than three (3) days before the Appeal hearing.

11.6 An appeal hearing shall be conducted as follows:

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i) The Clerk shall preside over the meeting;

ii) The Officer(s) in charge of the investigation shall begin by presenting the investigation report and their findings in ten (10) minutes or less;

iii) The Appellant or their representative(s) shall have an opportunity to present evidence and make their case, and shall be provided a maximum of ten (10) minutes;

iv) The Owner(s) or their representative(s), if different than the Appellant, or the original complainant, shall then have a maximum of ten (10) minutes to present evidence and make their case;

v) Following all presentations, the Appeal Panel reserves the right to question any individual(s) and/or any witnesses that were in attendance at the Appeal. The Panel reserves the right to deem questions not be necessary.

vi) All hearings shall be informal and open to the public and need not conform to the standard rules of evidence, nor the Muncipality's Procedural By-law. Hearsay evidence shall be admissible but shall not be relied on as the sole basis of the Panel's determination.

vii) The Panel's deliberations may be conducted in private.

11.7 The owner and/or appellant may appear at the hearing with or without counsel and may call witnesses on their behalf as part of their maximum allotted time. All documents filed must be conducted pursuant to Section 11.5 and new documents or evidence filed shall not be permissible at the appeal.

11.8 Where the owner does not attend the hearing, having been given notice as provided in this section, the matter may be dealt with in their absence and the owner shall not be entitled to any further notice in the proceedings.

11.9 Where the appellant is not the owner and the appellant does not attend the hearing having been given notice as provided herein, the Panel shall dismiss the appeal.

11.10 Within five working days of the appeal hearing, the Clerk shall, on behalf of the Panel, issue written findings to the Owner and the Appellant, resulting from the hearing. Should the Panel be satisfied by the preponderance of the evidence that the dog has bitten, injured or killed a person or another domestic animal without provocation and that the dog be deemed dangerous, an Officer shall serve an Order, pursuant to Section 151 of the Act. Should the Appeal Committee not be satisfied, the written findings will state accordingly, or where applicable, shall revoke an order previously served under Section 10.3.

11.11 A decision of the Animal Control Appeal Committee may only be appealed by an appellant to the Court of Kings Bench, at the sole expense of the appellant.

11.12 In the event that an appeal is made, or a matter is referred, to the Court of Kings Bench, a judge of the Provincial Court may summon the Owner of the animal to appear and

show cause why the animal should not be destroyed and may, if from the evidence produced it appears that the animal has bitten a person, make an order directing:

i) That the animal be destroyed; or

ii) That the Owner or Keeper of the animal keep the animal under control.

12. RUNNING AT LARGE

12.1 No owner of an animal shall allow the animal to run at large:

i) in a public place or restricted area;

ii) on a private property other than that of the owner of the animal;

iii) in a forested or wooded area while not in the company or control of the owner of the animal.

13. DOGS ON LEASH

13.1 Dogs being walked in a restricted area must be secured by a leash having a maximum length of two (2) metres.

13.2 Subject to Section 13.1, owners must be in control of the leash while walking the dog.

13.3 Owners may walk their dog(s) in designated areas using a flex leash to a maximum length of eight (8) metres.

13.4 The Municipality may designate areas where dogs are permitted to run when off leash and may designate areas where organized and controlled events may be held by causing signs to be posted in such areas indicating such designations.

13.5 The owner of a dog shall ensure that their dog is under control in any areas which the Municipality has designated pursuant to Section 13.4.

13.6 The Municipality may designate park facilities and areas where dogs are prohibited by causing signs to be posted in such areas indicating such designation.

13.7 The Owner of a dog shall not permit the dog in any park facilities or areas which the Municipality has designated pursuant to Section 13.6

14. LIABILITY

14.1 No person authorized by this By-law to capture, impound or destroy a dog shall be liable in damages for any injury or damage to such dog while the dog is being captured, impounded or destroyed.

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15. GENERAL VIOLATIONS

15.1 If an animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such defecation immediately. This section shall not apply to persons using seeing-eye dogs.

15.2 No Owner shall permit a dog or dogs to bark, howl, whine, yelp or otherwise make noise for such a period, with such frequency, or in such a manner as to create a Disturbance. Upon receipt of an Order relating to a Disturbance, the Owner shall take all reasonable steps necessary to cause the Disturbance identified in the Order to cease.

15.3 No person shall keep an Animal in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, an odor, insect infestation or rodent attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment. A circumstance of unsanitary conditions shall subject to enforcement by the NBSPCA under the Society for the Prevention of Cruelty to Animals Act.

15.4 No person shall exhibit cruelty upon an Animal within Fundy Albert by causing the Animal to be in distress or fail to act to cause a circumstance of distress for an Animal to end by seeking appropriate veterinary care or other attention, in each case whether willfully or by negligence. A circumstance of distress shall subject to enforcement by the NBSPCA under the Society for the Prevention of Cruelty to Animals Act.

16. VIOLATIONS AND OFFENCES

16.1 Any person who violates a provision(s) of this By-law has contravened this by-law and is liable to a penalty outlined in Schedule “A”, to be paid within 30 days of the date in which a penalty is given, and in which shall not exceed fifteen hundred dollars ($0.00-$1,500.00).

16.2 Any person who fails to pay the administrative penalty within the time prescribed is guilty of an offence and is liable on summary conviction to an additional fine of, at minimum, $140.00 but that shall not exceed $2,100 ($140.00-$2,100).

16.3 Any person commits an offence under this by-law if they interfere or attempt to interfere with any Officer authorized to enforce provisions of this By-law.

16.4 Pursuant to Section 149(4) of the Act, a Judge of the Provincial Court may:

i) in addition to or instead of imposing a fine, order that the animal in respect of which the offence was committed be disposed of or destroyed;

ii) provide that if a complaint has been made to a judge of the Provincial Court alleging that an animal has bitten or attempted to bite a person, the judge may summon the owner of the animal to appear and show cause why the animal should not be

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destroyed and may, if from the evidence produced it appears that the animal has bitten a person, make an order directing:

(i) that the animal be destroyed, or,

(ii) that the owner or keeper of the animal keep the animal under control.

16.5 The proceeds of all Administrative Penalties assessed because of summary conviction are payable to the Fundy Albert.

17. FINES

17.1 All fees and penalties made pursuant to this By-law are set out in Schedule "A", attached hereto, which Schedule "A" forms part of this By-law. Council may adopt and, from time to time, amend fees and penalties as set out in Schedule "A".

18. REPEAL AND TRANSITION

18.1 By-law No. 2025-01, A By-law Respecting Dog Control in Fundy Albert, and all amendments thereto, is repealed upon this By-law coming into force.

18.2 For greater certainty, the former dog or animal control by-laws of the former Village of Alma, Village of Hillsborough and Village of Riverside-Albert that were repealed by By-law No. 2025-01 remain repealed.

18.3 The repeal of a by-law shall not affect any penalty, forfeiture or liability incurred before the repeal, or any proceeding commenced or pending at the time of repeal, nor shall it invalidate or prejudicially affect any matter completed, existing or pending at the time of repeal.

19. SEVERABILITY

19.1 If any provision of this By-law is declared invalid or unenforceable by a court of competent jurisdiction, that provision shall be severed and the remaining provisions shall continue in full force and effect.

20. ENACTMENT

20.1 This By-law comes into force on the date it is enacted by Council.

IN WITNESS WHEREOF the local government of Fundy Albert has caused its corporate seal to be affixed to this By-law.

READ FIRST TIME: _____

READ SECOND TIME: _____

READ THIRD TIME AND ENACTED: _____

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_____ _____

Mayor Clerk

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SCHEDULE "A" TO THE DOG CONTROL BY-LAW

Pursuant to Section 16 of this By-law, any person who contravenes a Section of this By-law is deemed to have committed an offence and may be subject to a Penalty. This Penalty shall be in addition to any fee(s) required to be paid by the Owner.

Contraventions of the following Sections of the By-law are subject to a Penalty that shall escalate in the event of re-occurrences:

Section(s) of By-law Contravened	Administrative Penalty
Section 6.4 – Failure to comply with licence tag requirements	First Offence: $100.00 Second Offence: $250.00 Third Offence and each subsequent offence in a calendar year: $500.00
Section 10.7 – Dog bites or attempts to bite any person	
Section 12.1 – Running at large	
Section 13 – Dogs on leash	
Section 15.1 – Stoop and scoop	
Section 15.2 – Disturbances	

Contraventions of the following Sections of the By-law shall be subject to the following Penalty:

Section(s) of By-law Contravened	Administrative Penalty
Section 8.1 – Failure to comply with Rabie vaccination requirements, unless authorized by a Veterinarian	First Offence: $150.00 Second Offence: $200.00

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