

By-law No. S-2 Establishing Control of Animals **in the Village of Southern Victoria**

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WHEREAS Council deems it expedient to license and regulate the keeping of animals and to impose controls and prohibitions for the purpose of health and safety of the public and their animals;

AND WHEREAS section 96 of the *Municipalities Act*, R.S.N.B. 1980, c. M-22, authorizes animal control by-laws (96-b) respecting the keeping of animals; (96-c) respecting disturbances by animals; (96-d) respecting the protection of persons and property from animals; (96-e) respecting the seizure of animals on private or public property; (96-f) respecting the licensing of animals; (96-g) defining fierce or dangerous animals, including defining them by breed, cross-breed or partial breed; (96-h) prohibiting or regulating the keeping of fierce or dangerous animals; (96-i) providing that a judge of the Provincial Court to whom a complaint has been made, alleging that a animal has bitten or attempted to bite a person, may summon the owner of the animal to appear and to show cause why the animal should not be euthanized and may, if from the evidence produced it appears that the animal has bitten or has attempted to bite a person, make an order directing (96-i-i) that the animal be euthanized, or (96-i-ii) that the owner or keeper of the animal keep the animal under control; and (96-j) respecting any other matter or thing in relation to animals within the municipality.

AND WHEREAS section 96 and section 112 of the *Municipalities Act* authorizes by-laws for licensing and imposing fees for licenses on behalf of the municipality;

NOW THEREFORE the Council of the Village of Southern Victoria, under the authority vested in it by the *Municipalities Act*, R.S.N.B. 1980, c. M-22, hereby enacts as follows:

1. DEFINITIONS

In this By-law:

“animal” means all vertebrate animals, including dogs, horses, mammals, birds, reptiles, amphibians, and fishes, etc.

“horse” means any equine animal, including but not limited to horses, ponies, and miniature horses.

“beehive” means a manufactured receptacle for housing bees.

“beekeeping” means the ownership, maintenance, or breeding of bees for honey or other bee-related products.

“By-law Enforcement Officer” and/or “Pound Keeper” means the person or persons appointed by the Village of Southern Victoria to administer this By-law.

“breeder” means a person who keeps animals for breeding, selling, boarding, or any other similar purpose.

“dangerous animal” means any dog that:

- (a) has attacked a person or has killed, bitten, or injured another animal;
- (b) is attack-trained;
- (c) is kept for the purpose of security or protection of persons or property; or
- (d) has shown a disposition or tendency to be threatening or aggressive.

“euthanize” means to put down in a caring and humane manner.

“hobby beekeeping” means the ownership, maintenance, or keeping of beehives for personal enjoyment and not for commercial purposes.

“impounded” means seized, delivered, received, or taken into the custody of the By-law Enforcement Officer or Pound Keeper.

“keeping of laying hens” means the keeping of a maximum of fifteen (15) hens on a residential lot, where a laying hen is defined as a female chicken raised for egg production of the subspecies *Gallus Gallus Domesticus*.

“kennel” means a shelter or housing for three (3) or more animals that complies with Section 6 of this By-law.

“leash” means a line for leading or restraining an animal that shall not exceed two (2) metres in length.

“nuisance” means any activity or situation resulting from or related to animal noise and/or beekeeping that causes a substantial and unreasonable interference with a person’s use or enjoyment of their land or property.

“owner” means a person who:

- (a) is in possession of the animal;
- (b) harbours the animal;
- (c) allows the animal to remain on their premises; or
- (d) registers the animal under this By-law.

“running at large” means an animal that is unleashed or unharnessed on any property other than the owner’s, except for animals participating in a sanctioned show or event.

“manure-catching device” means a properly fitted apparatus or mechanism designed to collect manure while the horse is in motion so as to prevent animal waste from being deposited on public property.

“village council” means the Mayor and Councillors of the Village of Southern Victoria.

“municipal pricing policy” means a policy determined by Village Council that outlines all pricing for the municipality, including fines and fees for animal control.

2. APPOINTMENT

- a. The Village Council may appoint one or more By-law Enforcement Officers to administer and enforce the provisions of this By-law.
- b. The Village Council may establish one or more animal pounds within the municipality and appoint one or more Pound Keepers to operate such facilities.

- c. Any person who interferes with, obstructs, or attempts to interfere with a By-law Enforcement Officer while that officer is performing duties under this By-law commits an offence.

3. LICENSING OF DOGS

- a. Every person who owns a dog prior to the second day of January in any year shall register such an animal with the Village Office or the By-law Enforcement Officer.
- b. Every person who becomes the owner of a dog or who, owning a dog, takes up residency in the municipality, shall register the same within fourteen (14) days after becoming such owner or taking up residency and shall pay the license fee.
- c. Every person residing in the Village of Southern Victoria who purchases an unregistered dog from the S.P.C.A. shall register such dog and pay any outstanding fine and pound fees as prescribed elsewhere in this by-law prior to taking possession of it.
- d. Every owner of a dog who fails to register it under this by-law is guilty of an offence.

4. RECORDING/ TAGGING

- a. The Village of Southern Victoria shall:
 - i) have a system to keep records of the registration, the name, and description of each animal;
 - ii) keep records of the name, address, and telephone of the owner;
 - iii) deliver to the owner a tag on which shall be inscribed the number under which the animal is registered;
- b. Every dog owner shall cause any dog registered by them to wear a collar with the valid tag attached.
- c. Any person who loses a tag shall obtain a replacement tag from the municipal office at a cost dependent on the municipal pricing policy.
- d. The owner of a dog registered under this by-law shall not allow or permit the tag issued for said dog to be worn by another dog.

- e. No person shall remove a collar or tag from any registered dog of which he is not the owner.
- f. The tagging services will be done through the Village Office or the By-law Enforcement Officer.

5. RABIES

- a. The owner of an animal which has not been vaccinated against rabies shall cause the animal to be vaccinated:
 - i) within ten (10) days of acquiring such animal, if it is more than four (4) months of age; or
 - ii) within ten (10) days after the animal reaches (4) months of age;
 - iii) when an animal is more than four (4) months of age on the coming into force of this by-law, and it has not been vaccinated against rabies within thirty (30) days thereof.
- b. Any owner who neglects or refuses to have an animal vaccinated against rabies under the provisions of this by-law is guilty of an offence and is liable upon summary conviction to a fine set forth by the Municipality.
- c. The By-Law Enforcement Officer shall immediately seize, impound and report to the proper legal authorities any animal which is known or suspected of being rabid. Any animal determined to be rabid by the Government of Canada or Department of Agriculture veterinarian shall be disposed of as directed by that authority.
- d. Every owner of an animal determined to be rabid by the Government of Canada or Department of Agriculture appointed veterinarian shall dispose of the seized animal as directed by that authority. Any owner who fails to comply with such a direction is guilty of an offence under this by-law.
- e. Every owner shall ensure that their pet(s) receive any other inoculations that may be determined necessary by any department of the Federal Government or veterinarian licensed by the Province of New Brunswick to ensure public safety.

6. KENNEL LICENCE

- a. Any person wishing to obtain a Kennel License must do so through the NB S.P.C.A. and abide by their policies regarding kennel structure size requirements and animal protection standards.
- b. A Kennel License must comply with the municipal zoning requirements as outlined in Section 5.1.5.8 Subsection 1-B of the Village of Southern Victoria's Zoning By-Law No. L-7.

7. DISTURBANCE

- a. The owner of any animal shall ensure that such animal shall not:
 - i) bite a person or persons whether on the property of the owner or not;
 - ii) do any other act to injure a person or persons whether on the property of the owner or not;
 - iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
 - iv) cause damage to property or other animals;
 - v) upset any waste receptacles, or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in possession of the owner of the animal;
 - vi) be left unattended in any motor vehicle unless the animal is restricted to prevent access to persons as long as such restraint provides for suitable conditions;
 - viii) be tethered outside during the hours of 11:00 p.m. and 6:00 a.m.
- b. No owner shall permit a female dog that is in heat to be at large or upon any street within the municipality. Any person who contravenes this section is guilty of an offence and liable to a fine as set out in the Municipal Pricing Policy.
- c. The owner of the animal shall ensure the animal be either tethered, kenneled, or otherwise restrained between 6:00 a.m. and 6:00 p.m. They are not allowed to roam unrestrained on any part of the owner's property that borders a sidewalk, or

other public areas commonly used by pedestrians and/or cyclists without supervision.

d. Every owner of an animal which:

- i) persistently disturbs any neighborhood by barking, howling, or in any other similar manner; or
- ii) persistently annoys pedestrians or drivers of automobiles, bicycles, or other vehicles by chasing or running after same;

Is guilty of an offence and liable to a fine as prescribed in the Municipal Pricing Policy which is determined annually by the council.

e. Whether dog owners or not, it is important that the public be made aware that the teasing/tormenting/abusing of dogs will not be tolerated and those proven through the necessary documentation (sworn declaration) or witnessed by the By-law Enforcement Officer will be fined in accordance with the Municipal Pricing Policy. The Village may seek criminal charges against the abuser.

Also, enticing them to leave their property, untying or releasing it into the public without the necessary safety elements in place in accordance with this by-law, will result in a fine in accordance with the Municipal Pricing Policy.

8. KEEPING OF LAYING HENS

a. General Provisions, where permitted, the keeping of laying hens shall comply with the following in accordance with zoning:

I. Rural Residential & Agriculture

- i) be restricted only to lots where there is an existing single detached dwelling;
- ii) a maximum of 75 hens can be kept; roosters are permitted
- iii) any manure or waste material shall be removed from the site (or composted) on a regular basis
- iv) Hens are permitted to be free range.

II. Residential Zones

- i) be restricted only to lots where there is an existing single detached dwelling;
- ii) a maximum of 15 hens can be kept; roosters are prohibited;
- iii) the slaughter of animals on the lot is prohibited; and,
- iv) any manure or waste material shall be removed from the site (or composted) on a regular basis,
- v) Chickens are not permitted to be loose on the property at any time.
- vi) Any rooster or quantity of hens exceeding the limit established in this by-law shall be permitted to remain on the premises, providing they were owned prior to the date on which this by-law comes into effect and are registered with the Clerk. This exemption is non-transferable and expires upon the death of the registered animal(s).

b. Standards where permitted, the keeping of hens shall comply with the following:

- I) the enclosure shall be set back a minimum of 5 metres from any dwelling on an adjacent lot;
- II) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators; and,
- III) the enclosure shall be visually screened from a public street and neighbouring properties,

9. HOBBY BEEKEEPING

a. Hobby beekeeping is permitted in any zone subject to the provision of this by-law

b. Hobby beekeeping is subject to the following provisions:

- I) Hobby beekeeping shall be secondary to the main use on the lot;
- II) Any person who keeps bees as a hobby within the municipality shall provide to the Town proof of registration with the New Brunswick Bee Association (NBAA) and with the Provincial Apiarist pursuant to the *Bee Act of New Brunswick*, prior to a permit being issued by the Development Officer;
- III) Notwithstanding, hobby beekeeping in any residential (R) zone is restricted to Single and Two-Family Dwelling (R1) and Rural (RU) zones;
- IV) Hobby beekeeping is limited to a maximum of four (4) beehives per lot in a Residential (R1) Zone, with less than four thousand (4000) sq metres of land area. In Rural (RU) Zones on lots with at least four thousand (4000) sq metres of area the maximum number of beehives permitted is eight (8). All other considerations for hobby beekeeping must be approved by the Planning Advisory Committee, who shall have the right to impose such terms and conditions as they may consider necessary to protect properties, or to protect the health, safety, and welfare of the general public;
- V) The minimum lot size requirement for hobby beekeeping is one thousand one hundred forty (1140) sq metres;
- VI) All beehives in Single and Two-family Residential (R1) and Rural (RU) Zones are to be located in the rear yard; for all other zones the siting of beehives will be approved by the Planning Advisory Committee, who shall have the right to impose such terms and conditions as they may consider necessary to protect properties, or to protect the health, safety, and welfare of the general public;
- VII) A continuous source of water, containing crushed rock such as limestone and/or saline, must be placed on a lot containing beehives and shall be available to active bees beginning while the hives are still in dormancy before the snow melts and continuing until late into the Fall when the bees become dormant;
- VIII) All beehive entrances must be directed away from adjacent properties;

- IX) All beehives must be located at least three (3) metres from any rear and side lot lines;
 - X) Notwithstanding, a fifteen (15) metre setback is required for any rear or side yard abutting a public right-of-way;
 - XI) A site plan must be submitted identifying the proposed location of the beehive(s) on a lot including all required setbacks, the direction of the beehive entrances, and the location of the continuous water supply;
 - XII) No hobby beekeeper shall cause or permit to cause a nuisance, as defined by this by-law; and
 - XIII) A Development Permit is issued prior to the installation of any beehive on a lot within the municipal boundary;
 - XIV) A beekeeper must keep an EpiPen on the property.
- c. Any person who contravenes any of the provisions of this by-law is guilty of an offense and liable, on summary conviction, to a fine in accordance with the Municipal Pricing Policy.

10. SEIZING AND IMPOUNDING

- a. No person shall harbour, own, or keep an animal that is deemed to be a dangerous animal as defined in section 1 of this by-law.
- b. For the purposes of this section, an animal suspected of being rabid, shall be considered dangerous.
- c. A Judge of the Provincial Court may, upon a complaint being made to him or her that an animal is alleged to be a dangerous animal, by reason that the animal has bitten or attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing or threatening a person or another animal, may summon the owner of the animal to appear and to show cause why the animal should not be euthanized.
- d. The Judge of the Provincial Court may, if from the evidence produced it appears that the animal is a dangerous animal by reason that the animal has bitten or

attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing, or threatening a person or another animal, make an order directing:

- i) the animal be euthanized, or
 - ii) that the owner or keeper of the animal keeps the animal under control.
- e. Until such time as the court makes an order with respect to an animal alleged to be a dangerous animal by reason that the animal has bitten or attempted to bite a person, or has displayed aggressive behaviour such as attacking, chasing or threatening a person or another animal, the animal may be seized and impounded by the By-law Enforcement Officer in the interest of public safety. The animal will then be disposed of in accordance with the order of the court and the owner or keeper thereof will be responsible for the payment of accumulated fines and pound fees, should the Court so direct. This section of the by-law shall apply whether the animal is on the property of the owner or not.
- f. Any animal found running at large in the Village, except on the premises of the owner, and not held in leash by a person accompanying it, may be seized and impounded by the By-law Enforcement Officer, an employee, or an appointed agent of the Village of Southern Victoria for safe keeping until release or other disposal thereof.
- g. The owner of any animal impounded may, upon establishing the ownership of the animal, and upon payment of a fine as prescribed in the municipal pricing policy, and the fees of the pound keeper for impounding and keeping such animal, obtain the release of same from the pound or S.P.C.A. providing such animal is not an unregistered animal, in which case a licence fee, fine and pound fee are payable before release from the pound or S.P.C.A. Pound fees are established by the kennel housing the animal.
- h. If the owner of a seized animal is known, the By-law Enforcement Officer shall make a reasonable attempt to notify the owner that his/her animal has been seized and impounded.
- i. Before any action is taken to seize and impound an animal by the By-law Enforcement Officer as a result of a complaint, the complainant shall give a written statement of complaint, which shall include his/her name, address, and telephone number to the By-law Enforcement Officer. Such information will remain confidential.
- j. The owner of any animal impounded for a violation of this by-law who refuses to claim the animal from the pound or S.P.C.A. is guilty of an offence and liable to a

fine as prescribed in the municipal pricing policy, as well as licence and pound fees if applicable.

- k. No impounded animal shall be euthanized, excepting one determined by competent veterinary authority to be rabid and so euthanized, or one without disease that has bitten a person or attempted to bite a person, as determined by a Provincial Court Judge and so ordered destroyed by judicial order. All others will be turned over to the S.P.C.A. Before turning the impounded animal over to the S.P.C.A. the By-law Enforcement Officer shall cause a notice to be posted at the Village Office stating that such animal has been impounded and will be turned over to the S.P.C.A. within 72 hours of such impoundment unless the owner, or a person acting on his behalf, claims the animal and pays the costs as herein provided for.
- l. No person authorized under this by-law to capture, impound, or euthanize an animal shall be liable in damages for any injury or damage caused to such animal while the same is being captured, impounded, or euthanized.
- m. Any person who fails to comply with the provisions of any order made under this section is guilty of an offence and on summary conviction is liable to a fine outlined in the municipal pricing policy.

11. ANIMAL WASTE

This Section applies to all animals, including horses present or used within streets, sidewalks, trails, parking lots, and any other public spaces within the Regional Community.

- a. This section shall not apply to persons using seeing-eye animals.
- b. No owner shall permit any animal to deposit excrement on any public property, roadway, sidewalk, trail, or parking lot.
- c. If any animal deposits excrement on public property, the owner must immediately remove and properly dispose of it.
- d. Every owner of a horse using public streets, sidewalks, trails, or parking lots must ensure the horse is equipped with a manure-catching device at all times.
 - I) no owner shall permit a horse to deposit manure on any public property, roadway, sidewalk, trail, or parking lot.
 - II) if a horse deposits manure on public property, the owner must

immediately remove and properly dispose of the waste.

11.1 PENALTIES – ANIMAL WASTE

- a. Any person who contravenes any provision of Section 11 of this By-Law commits an offence.
- b. Failure to remove and properly dispose of excrement deposited by any animal, as required under subsections 11(a) or 11(e), is an offence and is subject to a fine in accordance with the Municipal Pricing Policy.
- c. Failure to ensure a horse is equipped with a manure-catching device while using public streets, sidewalks, trails, or parking lots, as required under subsection 11(e), is an offence and is subject to a fine in accordance with the Municipal Pricing Policy.
- d. Each occurrence of non-compliance with Section 11 constitutes a separate offence.

12. PENALTIES

- a. Unless otherwise provided herein, any person who fails to comply with any provisions of this by-law is guilty of an offence and is voluntarily liable to, or upon summary conviction, is liable to:
 - i) a fine determined by the municipal pricing policy for a first offence;
 - ii) a fine determined by the municipal pricing policy for a second offence;
 - iii) a fine determined by the municipal pricing policy for a third and subsequent offence; and
- b. in default of payment is subject to imprisonment in accordance with the *Provincial Offences Procedure Act*.
- c. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, costs or charges from which she or he is liable under the provisions of this by-law.
- d. If the voluntary payment set out in this by-law has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on conviction to a fine of not less than One

Hundred and Forty Dollars (\$140.00) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category B offence, plus applicable licence and impound fees.

13. REPTILES

- a. No person shall have, keep, or possess a snake or other reptile any larger than three (3) feet long in a public place or any property in the Village of Southern Victoria which is not the property of its owner.
- b. Notwithstanding, a person may possess a snake or other reptile in restricted areas, provided it is in a case or cage, or other container designed in such a fashion that it will completely confine such snake or reptile.

14. REPEAL PROVISION

By-Law No. S-2, passed by the Council for the Village of Southern Victoria on May 13, 2019, and amendments thereto, are hereby repealed.

15. BY-LAW COMES TO FORCE

This by-law comes to force on the date of final enactment thereof.

Read a first time by title the ____ day of _____, 2026.

Read a second time by title the ____ day of _____, 2026.

Read in its entirety in council the ____ day of _____, 2026.

Read a third time by title and enacted the ____ day of _____, 2026.

Cindy McLaughlin, Mayor

DANIEL A. DIONNE, Chief Administrative Officer

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