



## ANIMAL CONTROL REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 5<sup>th</sup> day of February, 2014 and to come into effect as of the 5<sup>th</sup> day of February, 2014.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 10<sup>th</sup> day of February, 2014

*Claude Elliott*  
MAYOR

*J. Brian*  
TOWN CLERK

Town of Gander Animal Control Regulations


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**PUBLISHED BY AUTHORITY**

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Animal Control Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 5<sup>th</sup> day of February, 2014.

  
MAYOR

  
TOWN CLERK

**ANIMAL CONTROL REGULATIONS**

**1. Title**

These Regulations may be cited as the Town of Gander Animal Control Regulations, 2003.

**2. Definitions**

In these Regulations unless the context otherwise requires:

- a. "Act" means the Municipalities Act, 1999 SNL, Chapter M-24 as amended;
- b. "Council" means the Town Council of the Town of Gander;
- c. "Municipal Enforcement Officer/Animal Control Officer" for the purpose of these Regulations means a peace officer with powers as outlined in the Municipalities Act, Section 181, and who is appointed by Council with the power to enforce the Town of Gander Animal Control Regulations;
- d. "Town" means the Town of Gander as defined in the Order-in-Council dated the 16<sup>th</sup> day of December, 1958, A.D., and continued as a Town under the said Act;
- e. "Premises" for the purpose of these Regulations will be deemed to mean land and all buildings with the exception of residential buildings;

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- f. "Dog" means a male or female dog or puppy and includes an animal which is a cross between a dog and a wolf;
- g. "Injured" and "Injury" includes, but is not limited to injuries caused by wounding, worrying, terrifying or pursuing;
- h. "Kennel" means an establishment for the keeping, breeding or boarding of dogs or cats for Commercial purposes;
- i. "Owner" when used with reference to the ownership of a dog or cat, includes a person who has custody, charge or possession of a dog or cat of who is the owner of a house or premises or part of premises where a dog or cat is kept or permitted to live or remain, except where that person proves to the satisfaction of a Provincial Court Judge that he or she was not, at the time in question, the owner of the dog or cat;
- j. "Animal Pound" means the facility operated by the Town of Gander for the keeping and disposition of strays and admitted animals;
- k. "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
- l. "Cat" means a member of any breed of domesticated feline or cross-breed of domesticated feline whether spayed or neutered.
- m. "Impounder" means a person, including a Municipal Enforcement Officer, or person appointed by Council and authorized to enforce the Town of Gander Animal Regulations;
- n. "Live Trap" means a cage-like device used in the capture of Cats without injury to the animal, thus enabling the impounder to remove these animals humanely;
- o. "Town Clerk" means the Town Clerk of the Town of Gander;
- p. "Animal" means cat or dog as defined in Section 2. (f.) and (l.);
- q. "Puppy/Kitten" - Domesticated dog or cat less than twelve months old.

### 3. Application

- 1. No person shall keep any animal other than a puppy or kitten, not more than four (4) months old, within the limits of the Town, unless a license has been issued by the Council allowing the owner to own a licenced animal and unless such animal bears a numbered tag or plate indicating that such license is in force for the current year;

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2. The Town shall keep a register of all animals licensed by them;
3. No person shall lead, have or take an animal in or to any public place in the Town unless such animal bears a numbered tag or plate indicating that a license has been issued to the owner by the Town or by another municipality.
4.
  - a. The license should be issued for the lifetime of the Owner;
  - b. The fee payable for a license shall be \$30 for each animal and shall not be reduced or remitted by reason of the death, loss or removal of any animal after the date of issuance of the license;
  - c. The owner of every licensed animal shall immediately on receipt of the license tag, attach it to a strong and durable collar, which shall be kept upon the animal's neck at all times;
  - d. The fee payable for replacement tags shall be \$2.
5. Any animal found at large in the Town contrary to these Regulations may be humanely destroyed by the Municipal Enforcement Officer/Animal Control Officer at the expiration of seventy-two (72) hours for dogs and ten (10) days for cats, Saturdays, Sundays and Statutory Holiday excluded, after the time of impounding;
6. Any court of summary jurisdiction may take cognizance of a complaint that an animal is dangerous and not kept under proper control or has bitten or attempted to bite any persons and if it appears to the court that the animal is dangerous or has done any of the things referred to herein, the court may order the owner of the animal to destroy it;
7. Any person authorized to destroy an animal under these Regulations may destroy or may complain to a Provincial Court Judge who, upon verification of the authorization, may make an order directing the owner of the animal to destroy it;
8. The owner of an animal who fails to comply with an order made under either section 7 or 8 shall be deemed to have committed an offence in terms of these Regulations;
9. No person shall establish a kennel or carry on any business or institution for boarding, keeping, training or treating animals unless the permission of the Council, in writing, has been obtained therefore:
10.
  - a. An owner of an animal shall keep it safely tethered, or penned up at all times;
  - b. Notwithstanding subsection (a), an animal need not be tethered or penned up, where:

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- i. It is held on a leash by a person capable of restraining its movement.
  - ii. It is kept or used for another purpose and under condition prescribed in the Regulations.
11. If any animal shall bite any person other than its owner or a member of its owner's household and while not in its owner's premises, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations;
12. If any animal shall cause damage to any lawn, grass plot, garden, or flower bed or flower, shrub or plant, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations;
13. If any animal shall bark or howl in such a manner as to disturb the peace or to constitute an annoyance to residents in the neighbourhood, such animal shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of these Regulations;
14. 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 includes Town parks, streets, sidewalks, parking lots, Cobb's Pond Boardwalk, and other private and public lands other than the land of the owner of the animal;  
If such defecation is not immediately removed, the owner of such animal shall be deemed to have committed an offence in terms of these Regulations. This section shall not apply to persons using seeing eye animals;
15. Whenever an animal is found in any public place or on any private property without the consent of the owner, occupant or person having control of such private property or without a tag or plate as required by Section 3 preceding is not accompanied as required by section 12 preceding or is not held securely on a leash by a person capable of restraining its movements or confined to private property, the Municipal Enforcement Officer/Animal Control Officer shall, and any person may, cause the animal to be impounded;

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16.

- a. No person shall:
  - i. Tease a cat caught in a cat trap; or
  - ii. Throw or poke any object into a cat trap when a cat is caught therein.
- b. Any person, excepting a person who has obtained a trap from the Municipal Enforcement Officer/Animal Control Officer for the trapping of cats, who contravenes Section 11 is guilty of an offence and, upon conviction, shall be liable for a fine of \$500.00;
- c. When any person who contravenes Section 11 is a person who has obtained a trap from the Municipal Enforcement Officer/Animal Control Officer for the purpose of trapping cats, such person is guilty of an offence and, upon conviction, shall be liable for a fine of \$1,000.00.

17.

- a. When an animal, which bears a current numbered tag or plate, as required by these Regulations, has been impounded, the Municipal Enforcement Officer/Animal Control Officer shall give notice thereof to the licensee or owner of the animal. If the animal has not been redeemed by or on behalf of the licensee or owner within seventy-two (72) hours for dogs and ten (10) days for cats, excluding Saturdays, Sundays and Statutory Holidays, after the dispatch of such notice the Municipal Enforcement Officer/Animal Control Officer shall have the right to have the animal disposed of or humanely destroyed. Notice will be given in the first instance by telephone to be followed by having a letter dropped off at the residence or sent by registered mail;
- b. The fee which shall be paid to the Municipal Enforcement Officer/Animal Control Officer for the redemption of an impounded animal shall be as follows:
  - i. \$50.00 with any previous infraction of the Animal Control Regulations, during the previous twelve (12) month period including being without an animal license;
  - ii. \$25.00 without any infractions of the Animal Control Regulations during the previous twelve (12) month period and being licensed;
  - iii. \$5.00 for each day the animal is held at the pound.

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- c. When an animal which does not bear a current numbered tag or plate, as required by these Regulations, has been impounded, the Municipal Enforcement Officer/Animal Control Officer shall have the right to have the animal disposed of or humanely destroyed at the expiration of seventy-two (72) hours, excluding Saturdays, Sundays and Statutory Holidays, after the time of impounding;
  - d. Where, in sole discretion of the Municipal Enforcement Officer/Animal Control Officer, the animal liable to be impounded, appears to be vicious, dangerous, diseased, or otherwise unfit for impounding, the Municipal Enforcement Officer/Animal Control Officer, in consultation with the Veterinarian, may cause the animal to be disposed of or humanely destroyed forthwith.
18. The Municipal Enforcement Officer/Animal Control Officer, in consultation with the SPCA, shall have the right to seize any animal within the Town limits which in his opinion is being mistreated.
19. The Municipal Enforcement Officer/Animal Control Officer, who reports to the Town Clerk, shall:
- a. Report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations;
  - b. Report the time and nature of such violations and any other circumstances related thereto;
  - c. Serve upon the person violating any of the provisions of these Regulations a serially numbered notice that such person has violated a provision of these Regulations and instructing such person where to report to in regard to such violation;
  - d. File with the Town Clerk a duplicate copy of each serially numbered notice served as aforesaid.
- 4. Enforcement**
- 1. The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
  - 2. Any person who interferes with or attempts to interfere with a Municipal Enforcement Officer, an Animal Control Officer, or their agents, in the exercise of their duties, such person shall be deemed to have committed an offence in terms of these Regulations:

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- a. Any person who, without the 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.
  3. Any person who violates any of the provisions of these Regulations shall be guilty of an offence and shall, be liable to a minimum fine of \$50 for a first offence and a minimum fine of \$75 for a second and each subsequent offence;
  4. Any person who violates any of the provisions of these Regulations shall be guilty of an offence and shall be liable to a penalty as prescribed by these Regulations;
  5. Enforcement and prosecution under these Regulations may be under taken by any Police Officer or by any other person so authorized by the Enforcement Authority;
  6. Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations
  7. Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- 5. Failure to Comply**
1. Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 4(6), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
  2. Council may delegate to an official or employee of Council the power to issue orders under this section;
  3. The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.



**6. Offence and Penalties**

1. Every person who commits 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. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
  - b. May be subject to an order under section 404 (1) of the Act; or
  - c. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
  - d. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
2. The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (1) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.

**7. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

**8. Repeal**

All previous Animal Control Regulations thereto, are hereby repealed.