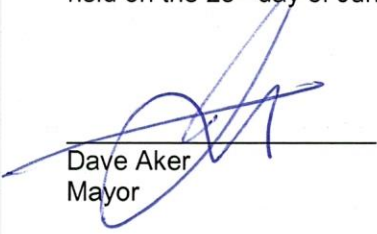



PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by sections 44, 263, 264, 278 and 279 of the *City of Mount Pearl Act*, RSNL 1990, Chapter C-16, the City of Mount Pearl has enacted the following Regulations, which were adopted at its regular Public Council meeting held on 9th day of July, A.D. 2019. Notice of Motion to adopt these Regulations was given at the Public Council Meeting held on the 25th day of June, A.D. 2019.



Dave Aker
Mayor



Steve Kent
Chief Administrative Officer

ANIMAL CONTROL REGULATIONS 2019

Title

1. These regulations may be cited as the ***“City of Mount Pearl Animal Control Regulations 20xx”***, hereinafter referred to as “these Regulations”.

Definitions

2. In these regulations, unless the context otherwise requires:
 - (a) “Act” means the City of Mount Pearl Act, Chapter C-16, RSNL 1990, as amended;
 - (b) “animal” means a dog or a cat;
 - (c) “animal control officer” means an animal control officer appointed as such by the Council;
 - (d) “cat” means a small domesticated carnivorous mammal with soft fur, a short snout, and retractable claws, male or female;
 - (e) “City” means the City of Mount Pearl as defined by the Act;
 - (f) “control” means under control by having the animal on a leash;
 - (g) “Council” means the Council as defined by the Act;
 - (h) “dog” means a domesticated carnivorous mammal that typically has a long snout, an acute sense of smell, nonretractable claws, and a barking, howling, or whining voice, male or female, and includes an animal which is a cross between a dog and a wolf;

- (i) "domestic pet" means an animal kept in or adjoining the home for companionship or pleasure (i.e. songbird, hamster, guinea pig, or other species as may be determined by Council); however, for the purposes of these Regulations, shall not include a cat or a dog;
- (j) "inspector" means a person authorized by the Minister under the *Animal Health and Protection Act*, SNL 2010 Chapter A-9.1;
- (k) "livestock" means any farm animals (i.e. cows, swine, poultry, horses, sheep, goats, fur bearing animals raised in captivity, or other species as may be determined by Council); however, for the purposes of these Regulations, shall not include a cat or a dog;
- (l) "municipal enforcement officer" means a municipal officer employed by the municipal authority as appointed under the *Animal Health and Protection Act*, SNL 2010 Chapter A-9.1;
- (m) "nuisance", as applied to animals or domestic pets, means:
 - i. any obnoxious substance, waste or unsanitary matter or noise caused by any animal or domestic pet that has an unpleasant effect on the senses;
 - ii. any damage to any lawn, grass plot, garden or flower bed, flower, shrub, or plant caused by any animal or domestic pet;
 - iii. any barking, howling, whining, or other noise caused by an animal or a domestic pet which is an annoyance;
 - iv. any trespassing upon land enclosed by a fence by breaking, going under or jumping over the fence by an animal or domestic pet; or
 - v. any animal which has caused a hazard to people, other animals, property, or to the safe operation of motor vehicles; and
- (n) "nuisance animal or domestic pet" means any animal or domestic pet which causes a 'nuisance' as defined under these Regulations;
- (o) "peace officer" means a member of the Royal Newfoundland Constabulary or a member of the Royal Canadian Mounted Police;

Livestock and Domestic Pets

- 3. No person shall keep, or permit to be kept, any livestock on any land or in any building or part thereof. The owner will be responsible for the removal, adoption or rehoming of any livestock or other animal which is determined to be in contravention of these Regulations.
- 4. Domestic pets are exempt from these Regulations; however, should Council determine that a domestic pet is a nuisance as defined in these Regulations, the owner shall not keep, or permit to be kept, such a domestic pet on any land or in any building or part thereof. The owner will be responsible for the removal, adoption or rehoming of such a domestic pet.

Licensing

5. No person shall keep any animal in the City unless such animal has been registered and licensed with the City.
6. For the purpose of these regulations, a person is presumed to be the owner of an animal if he or she occupies any house or premises where the animal is kept, unless such person can prove that he or she is not the legal owner of the animal.
7.
 - (a) An owner is required to register their animal by obtaining a licence and shall provide the City with:
 - i. the owner's name and contact information; and
 - ii. a description of the animal including the name and age of the animal.
 - (b) An owner may also provide, but is not required to provide, an alternative contact number and a microchip number for registration.
8. Upon completion of a licence application, the City shall provide the owner with a metal licence tag showing the registration number for the animal. The owner shall attach the licence to the animal's collar.
9. A licence issued by the City is valid for the life of the animal.
10. The City shall keep a register of all animals licensed by the City.
11. No person shall have an animal in a public place in the City unless such animal bears a metal licence tag issued by the City, or a licence tag issued by another municipality.
12. Every owner who has been issued a licence must contact the City when there is a change to their contact information or the ownership of the animal.

Tethering

13.
 - (a) Every owner of an animal within the City shall keep such animal either indoors, safely tethered or penned up at all times, except when it is under control by having the animal on a leash.
 - (b) Notwithstanding subsection (a), a dog need not be tethered, penned or on a leash when it is in a City-owned dog park.

Nuisance Animals

14. The owner of an animal shall not permit such animal to become a nuisance.
15. The owner of an animal shall remove, or have removed, from private and public property, in a timely manner, feces left by such an animal, so as not to disturb the enjoyment, comfort or convenience of any person in the vicinity of the property.
16. No person shall keep, or permit to be kept, more than five animals on any land or in any building, with the following exceptions:

- (a) this section does not apply to animals under the age of three months; and
 - (b) the Council may issue a permit to allow a licensed kennel operation, an unregistered breeder, or an owner to house more than five animals, where the facilities or home complies with standards set out in:
 - i. Animal Health and Protection Act, SNL Chapter A-9.1,
 - ii. Mount Pearl Regulations, and
 - iii. any regulations thereunder.
17. Without limiting the generality of these Regulations, the City may refuse to permit the keeping of any animal or domestic pet that it considers offensive or likely to create a public nuisance or health hazard or is perceived as causing a threat to public safety.

Impounding

18. An animal control officer may seize and impound any animal found at large contrary to these regulations and may enter upon any property for the purpose of capturing any animal that they are in pursuit of or has escaped their custody.
19. Where an animal has been impounded, the animal control officer shall take reasonable steps to locate the owner of the animal.
20. Where an animal has been impounded, the City may arrange for appropriate food, care, shelter and veterinary medical treatment.
21. (a) The animal control officer shall keep any unclaimed animals impounded for a period not less than five days;
- (b) After the expiry of five days set out in section (a), the City may:
- i. release the animal to an animal welfare organization for placement in a foster home or a permanent home;
 - ii. keep an animal for a further five days at the discretion of the Director of Infrastructure and Public Works (IPW) of the City; or
 - iii. have the animal euthanized.
22. Where an animal is released, the animal shall become the property of the organization to which it is released.

Injured Animals

23. All injured animals shall be taken to a veterinary medical clinic to determine the nature of injuries. If the animal is seriously injured or diseased and in the opinion of the veterinarian cannot be relieved of it distress or live without undue suffering, and there is no other way to relieve the animal of it distress it may be euthanized by the veterinarian.
24. If an injured animal has an identification tag or microchip attached, the owner shall be notified and if such owner can be contacted, shall be responsible for specific instructions to the veterinarian with respect to the care of the animal. The owner shall be responsible for all costs incurred by the City for the impounding and care of the animal.

25. If identification tags or a microchip are not attached to an injured animal and the owner cannot be contacted, the animal may be euthanized if the veterinarian considers the injuries of the animal to be serious.
26. Where, in the opinion of the veterinarian, an injured animal is in such distress that it cannot be relieved of its distress or live without undue suffering, the animal may be euthanized.

Recovery of Costs

27. When an animal is impounded or an injured animal is treated under these regulations, the City may charge the owner:
 - (a) an impounding fee as set by Council from time to time;
 - (b) where an animal is impounded after normal working hours and an employee call-in is required, an additional fee associated with the call-in; and/or
 - (c) any veterinary medical expenses incurred by the City, including any expenses associated with euthanizing an animal.
28. The owner of an animal that is impounded shall enter into an agreement to pay the City expenses with respect to the transportation, food, care, shelter or veterinary treatment required for the animal, and for the costs associated with destroying the animal if applicable.
29. The City may, before delivering an animal to its owner, require the owner to pay expenses referred to in Section 27. After the agreed upon holding period (minimum 5 days) the Director may authorize the release of animals to animal rescue groups upon signing of an agreement authorizing the animal rescue group to find a home for the animal.
30. The City may recover expenses referred to in Section 27 as a civil debt, where the owner does not enter into an agreement under Section 28 or does not make a payment set out in such agreement.

Enforcement

31. These regulations may be enforced by an animal control officer, an inspector, a municipal enforcement officer, a peace officer, or any other person appointed by the Council.
32. Any person who interferes with or attempts to interfere with those authorized, as per Section 31 above, to enforce these regulations in the exercise of their duties, is guilty of an offence.
33. Any person who, without the authority of the Council or its agents, releases an animal which has been impounded, is guilty of an offence.
34. Any person shall, upon request, provide those authorized, as per Section 31 above, with their name and address.

Penalties

35. Where any person contravenes any provision of these regulations:
- (a) such person is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment in accordance with section 438 of the Act;
 - (b) such person is guilty of an offence and liable on summary conviction to a fine, in accordance with the *Animal Health and Protection Act*, SNL 2010; or
 - (c) such person may be issued a violation notice pursuant to sections 280.1 and 280.2 of the Act.
36. Municipal enforcement officers are designated persons employed by the Council who may issue a violation notice or a summons pursuant to section 280.4 of the Act for any contravention of or failure to comply with these regulations.

Coming into Effect

37. These regulations shall come into effect on the 19th day July, 2019.

Publication, Copy to Minister and Repeal

38. These regulations were published in *The Pearl* on the 17th day July, 2019, and in the Newfoundland and Labrador Gazette on the 19th day of July, 2019.
39. A copy of these regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 19th day of July, 2019.

Repeal of Previous Regulations and Amendments

40. All previous City of Mount Pearl Animal Control Regulations and amendments are repealed.