

A By-Law Respecting the Control and Regulation of Dogs

PART 1 - INTERPRETATION

Short Title

1. This by-law shall be known, and may be cited as, the “*Dog By-Law*”.

Definitions

2. (1) In this By-Law:

“Clerk” means the Clerk of the Municipality.

“Council” means the Council of the Municipality.

“Dog” means any dog, male or female, of any age, or any animal that is the result of the breeding of a dog and any other animal.

“Muzzled” means covered with a device of sufficient strength, placed over the mouth of a dog, to prevent it from biting.

“Organized hunt” means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters.

“To Own” means to possess or harbour a dog.

“Owner” means any person who owns, possesses, has the care of, has control of, or harbours a dog and where the person is a minor, includes a person responsible for the custody of the minor.

“Dog Control Officer” means a person appointed or authorized by the Municipality to enforce this by-law, a by-law enforcement officer appointed under the Police Act, or a peace officer.

“Municipality” means the Municipality of the County of Antigonish.

- (2) Any term not defined herein shall have that meaning given in the *Municipal Government Act*, or in any replacement or successor legislation that empowers the Municipality to enact a by-law regulating dogs.

Headings

3. The headings used in this by-law are inserted for reference purposes only and are not to be considered or taken into account in construing the by-law.

PART 2 - RABID DOGS

Diseased Dogs

4. A dog control office may, without notice to or complaint against the owner, kill or seize and impound a dog that is, or appears to be, rabid or exhibiting symptoms of canine madness.

Seizure & Impoundment

5. (1) When a dog is impounded under this clause, the dog control officer shall consult with a veterinarian, or other qualified person, to confirm that the dog is in fact rabid or suffering from canine madness and, if so, the dog shall be killed.
- (2) If a dog impounded under this clause is found not to be rabid or suffering canine madness, it shall be dealt with under Part 7.

PART 3 - FIERCE OR DANGEROUS DOGS

Dogs that Attack or Bite

6. (1) A dog is fierce or dangerous within the meaning of this section if it has attacked or bitten a person or domestic animal.
- (2) A dog control officer shall seize, impound and destroy a dog that is fierce or dangerous within the meaning of subsection (1), provided that such a dog may be released where the officer is satisfied that, at the time of the attack or the biting:
 - (a) The dog was being tormented or abused by the person or animal;
 - (b) The dog was acting in defense of itself or a person; or
 - (c) The dog was acting as a trained guard dog or for law enforcement purposes;

and the officer is satisfied that the public safety would not be endangered by failing to seize the dog.

- (3) Any person who own, keeps or harbours a fierce or dangerous dog within the meaning of this section commits an offence, provided that it shall be a defense to a charge under this subsection that the dog falls within subsection (2)(a), (b) or (c), and is not otherwise a danger to public safety.

Dogs known to be Fierce or Dangerous

7. (1) A dog is fierce and dangerous within the meaning of this section where it has a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals, or where it approaches any person in a vicious or terrorizing manner in an apparent attitude of attack.

- (2) A dog that is fierce or dangerous within the meaning of subsection (1) shall be kept in a fenced area or other enclosure suitable to prevent the dog from escaping, or from attacking or biting a person or animal located outside of the area or enclosure, and when such a dog is removed from the said enclosure it shall be securely muzzled and kept under control with a leash.
- (3) A dog that is fierce or dangerous within the meaning of subsection (1), and which is not maintained or controlled in accordance with subsection (2) may be seized and impounded by the dog control officer.
- (4) Any person who fails to maintain and control a dog as required by this section commits an offence and is subject to the penalties prescribed in section 32.

Restricted Dogs

8. A dog is deemed to be fierce or dangerous where it is a pit bull, a pit bull terrier, an American pit bull terrier, a Staffordshire bull terrier, and American Staffordshire terrier, or any dog of mixed breeding which includes any of the aforementioned breeds and shall, for the purpose of this by-law, be a restricted dog.

Registration of Restricted Dogs

9. (1) Every owner of a restricted dog shall, within 60 days of the coming into force of this by-law, register that dog by making written application in Form "A" to the Municipality and by remitting a fee of \$25.00.
 - (2) The Clerk, upon receipt of a completed application shall endorse the same and cause a registration tag to be issued, which shall be affixed to a collar on the restricted dog.
 - (3) The registration of a restricted dog under this section shall be renewed annually, on or before the anniversary date of the original registration, by payment of a fee of \$10.00.
 - (4) A new born restricted dog need not be registered until it reaches the age of three months.
 - (5) The owner of every restricted dog shall advise the Clerk:
 - (a) Of any change in the information provided in the application to register;
 - (b) Of the death or the permanent removal from the Municipality of the dog.

Control of Restricted Dogs on Premises

10. (1) Every restricted dog shall, when it is on the lands and premises of the owner, be kept within a dwelling, under the effective control of an adult, or in an enclosure or pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or with sides embedded in the ground to a minimum depth of 30 centimeters (1 foot).

- (2) The pen referred to in subsection (1) shall provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry of unsupervised children.

Control of Restricted Dogs off Premises

11. Every restricted dog, when it is off the lands or premises of the owner, shall be securely muzzled and securely leashed or harnessed to prevent it from attacking or biting a person or animal.

Offence

12. Any person who
- (a) Keeps a restricted dog that is not registered in accordance with this by-law;
 - (b) Provides false or inaccurate information in an application for registration of a restricted dog; or
 - (c) Keeps a restricted dog contrary to sections 10 or 11;
- commits an offence and is subject to the penalties prescribed in section 32.

Seizure and Impoundment

13. A restricted dog that is not registered, or which is kept contrary to sections 10 or 11 shall be seized and impounded.

Application of By-Law

14. Nothing in sections 8 to 13, inclusive, shall prevent a restricted dog from being dealt with pursuant to any other provision of this by-law which controls or regulates dogs.

PART 4 -DOGS RUNNING AT LARGE

Control of dogs

15. (1) No dog shall be permitted to leave the premises of its owner, unless it is under the effective restraint of a leash and the control of a person in charge thereof.
- (2) A dog shall be deemed to run at large where it is on any private property or premises without the permission of the owner or occupant thereof.
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Offence

16. The owner of a dog which runs at large contrary to section 9 commits an offence and is subject to the penalties prescribed in section 21.

Seizure and Impoundment

17. A dog control officer shall seize and impound any dog found running at large or which, on reasonable and probable grounds, he believes was running at large.

Exception

18. It shall not be an offence under section 16, and a dog shall not be subject to seizure under section 17, if the dog is
- a) Participating in an organized hunt, organized dog exhibition or dog field trails;
 - b) Participating in a search or rescue operation or police operation; or
 - c) Working on a farm;

if, at time, the dog is under the continuous and effective control of its owner or another person.

PART 5 - DOGS CAUSING DISTURBANCE

Disturbance

19. (1) No dog shall be permitted to persistently disturb the quiet of a neighborhood by barking, howling or otherwise.
- (2) A dog control officer or the Clerk may issue a written warning to the owner or keeper of a dog which disturbs the quiet of a neighborhood by barking, howling or otherwise, giving notice that continued disturbance may result in the seizure, impoundment and destruction or disposal of the dog and, if the dog continues to cause such disturbance following service of the warning, that disturbance shall be deemed to be persistent under this section, provided that persistent disturbance of a neighborhood by a dog may be proved otherwise than by issuance of a warning under this paragraph.

Seizure & Impoundment

20. The dog control officer may seize and impound a dog which disturbs the quiet of a neighborhood within the meaning of this part.

Offence

21. The owner of a dog which persistently disturbs the quiet of a neighborhood within the meaning of this part commits an offence and is subject to the penalties prescribed in section 32.

PART 6 - REVIEW

Review Body

22. A Review under this part shall be conducted by Council, or by such committee of Council as may from time to time be designated by resolution of Council for that purpose.

Application for Review

23. (1) The owner of a dog, or any person authorized in writing by the owner, may apply to the Clerk for a review of the following matters under this by-law;
- a) Whether a dog that has been seized under subsection 6(2) falls within the exceptions set out therein;
 - b) Whether a dog falls within the definition of a fierce or dangerous dog under section 7(1); or
 - c) Whether a dog is a restricted dog under section 8.
- (2) An application under this section shall be in writing in Form "B", and shall be filed with the Clerk within 72 hours of the seizure of a dog under the relevant provision, provided that an application under paragraphs (1) (b) or (c) may be made at any time in regard to a dog that has not been seized.
- (3) The Clerk, upon receiving an application for review shall refer the matter to Council or the designated committee of Council, as the case may be, which shall convene a meeting within 7 days.

Hearing

24. At the meeting referred to in section 23, the owner or the owner's representative, and the dog control officer shall be given an opportunity to be heard.

Decision

25. (1) At the conclusion of the meeting, or within 72 hours thereafter, Council or the committee shall render a decision in writing in regard to an application for review.
- (2) A decision under this section shall indicate whether or not the dog in respect of which the application was made is within the section of this by-law in issue, and shall be binding upon the dog control officer.

- (3) Nothing in this Part shall prevent a dog control officer from acting on new information in regard to a dog, or the behavior of a dog subsequent to a review.

PART 7 - IMPOUNDED DOGS

Destruction of Certain Dogs

26. The dog control officer shall kill, or cause to be killed, any impounded dog
- a) Which is found to be suffering from rabies or canine madness;
 - b) That has bitten or attacked a person or domestic animal and is not a dog described in subsection 6(2);

provided that, where a dog described in paragraph (b) is the subject of an application for review under Part 6, it shall be held until the completion of that review.

Holding Dogs

27. Any other dog impounded under this by-law shall be held for a minimum of 72 hours. The dog control officer shall, if the owner is known, attempt to contact that person by telephone to advise as to the impoundment of the dog.

Releasing Dogs

28. (1) Where a dog has been impounded under section 7, or where the dog control officer is not satisfied that releasing a dog under subsection 6(2) would be conducive to public safety, the officer may require the owner to provide him with a written description of measures that will be taken to ensure that the dog is properly controlled, and an undertaking to carry out those measures and, upon receipt of that description and undertaking, as well as seizure and impoundment fees, the officer may release the dog.
- (2) Where a restricted dog has been impounded it shall not be released to the owner until the dog control officer is satisfied that it has been registered in accordance with this by-law and that a suitable pen or enclosure has been prepared for the dog in accordance with section 10, and seizure and impoundment fees have been paid.
- (3) The dog control officer may refuse to release a dog that has been previously seized under this by-law (or pursuant to any previous by-Law) two or more times, the dog control officer may refuse to return the dog, and deal with it under section 30.

Offence

29. An owner who fails to comply with an undertaking given under subsection 28(1) commits an offence, and the dog shall be seized and impounded and dealt with under section 30.

Disposal of dogs

30. (1) Where an impounded dog;

- (a) Has not, been claimed, and the required fees paid, within 72 hours of seizure;
- (b) Has not been released under subsections 28(2) or (3); or
- (c) Has been seized and impounded under section 29;

and any application for review under Part 6 in respect of the dog has been heard and rejected, a dog control officer, or any person authorized by a dog control officer, may sell, kill or otherwise dispose of the dog.

(2) Where a dog is killed under this by-law, the means used shall be humane.

PART 8 - PENALTIES & GENERAL

Payment in lieu of prosecution

31. A person who has contravened any part of this by-law may offer to pay to the Municipality the sum of \$100 to avoid prosecution and, if the Municipality agrees to accept that payment, and the payment is made, that person will not be prosecuted for the contravention.

Punishment

32. A person convicted of an offence under this by-law shall be liable to pay a fine of not more than \$10,000 and not less than \$300 and, in default of payment, shall be liable to serve a term of imprisonment for a period not exceeding 30 days.

- (A) While pursuing any dog in accordance with this By-Law, the Dog Control Officer may pass over the land of any person, but this section is not to be construed so as to provide immunity against action for actual damage to the property of any person.

Repeal

33. All former by-laws passed by the Council of the Municipality in respect of the control, registration and regulation of dogs are hereby repealed and this by-law substituted therefor.

THIS IS TO CERTIFY that the foregoing is a true and exact copy of a by-law passed at a duly called meeting of the Council of the Municipality of the County of Antigonish held on the 17th day of April, 2001.

32(A) Amendment approved April 17, 2007

Warden

Clerk

FORM "B"

Application for Review

I hereby apply for a review in regard to a dog under the following provision of the Dog By-Law of the Municipality of the County of Antigonish:

_____ Subsequent 6(2) - Whether the dog that has attacked or bitten is within the exceptions provided

_____ Subsection 7(1) - Whether the dog is fierce or dangerous as defined therein

_____ Section 8 - Whether the dog is a restricted dog

Provide, and affix as a schedule, a brief account of the basis for the application, attaching copies of any documents or other material upon which you intend to rely.

Date: _____

***Signature of Owner or Owner's
authorized representative.***