

A1 DOGS BYLAW

Be it enacted by the Municipal Council for the Municipality of the County of Annapolis as follows:

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SHORT TITLE

This Bylaw shall be known as A1 Dogs Bylaw and may be cited as the “Dog Bylaw.”

PART I - DEFINITIONS

1. In this bylaw,

- (a) "Clerk" means the Municipal Clerk of the Municipality or the person designated by the Clerk to administer this bylaw.
- (b) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
- (c) “fierce or dangerous” includes without being limited to:
 - (1) any dog which shows a propensity, tendency or disposition to attack without provocation any other domestic animals or persons;
 - (2) any dog when either unmuzzled, unleashed or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner.
 - (3) any dog which has bitten another domestic animal or person without provocation.
 - (4) any dog which is owned, trained or harboured primarily or in part for the purpose of dog fighting provided that no dog shall be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behaviour acting in defence to an attack from a person or animal or acting in defence of its young, its owner or is a professionally-trained guard dog for law enforcement or guard duties.
- (d) “identification system” means any system, either external or internal, for the identification of a dog which contains a serial number or other means of identification as prescribed by the Clerk

- (e) “kennel” means any premises where dogs are harboured or bred as a commercial service or for sport or exhibition purposes for periods longer than 60 days.
- (f) “municipality” means the Municipality of the County of Annapolis.
- (g) “owner” of a dog includes any person who possesses, has the care of, has the control of or harbours a dog, and where the person is a minor, includes the person responsible for the custody of the minor.
- (h) “registration fee” is the fee stipulated in AM-1.4.7 Dog Registration Fees Policy.
- (i) “runs at large” means a dog off the premises of its owner, with or without a leash; and furthermore, a dog shall be deemed to be running at large where it is on any private property or premises without the permission of the Owner or occupant thereof.
- (j) “spayed or neutered” means incapable of reproduction as certified by a licensed veterinarian.

PART II - DOG CONTROL**2. The owner of any dog which:**

- (a) runs at large; or
- (b) is fierce or dangerous or;
- (c) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or
- (d) fails to remove the dog’s faeces from public or private property, subject to paragraph 3;

is guilty of an offence against this Bylaw and is subject on conviction to a penalty of not less than \$165.00 and not more than \$1,000.00. Each of (a), (b), (c) or (d) is a separate and distinct offence.

- 3. It shall be a defence to a charge under 2(d) that the dog is trained to assist and is assisting a person with a disability, or that the dog owner is prohibited by the owner of private property from entering upon it to remove the faeces.
- 4. Notwithstanding clause 2(a) of this section and the definition of runs at large, it shall not be an offence where a dog is without a leash provided that at all time the dog is under the continuous and effective control of its owner or some other person if at the time the dog is:
 - (a) participating in an organized hunt, organized dog exhibition event or dog field trials;
 - (b) participating in a search and rescue operation or police operation;
 - (c) working on a farm;
 - (d) in a public area where dogs are permitted to be without a leash subject to such limitations as are posted.
- 5. The Animal Control Officer may, without notice or complaint against the owner of any dog, impound, sell, destroy or have destroyed on sight or after capture or otherwise dispose of a dog that:
 - runs at large contrary to the bylaw; or
 - is fierce or dangerous; or
 - is rabid or appears to be rabid or exhibiting symptoms of canine madness.

- 6. The Animal Control Officer may, without notice or complaint against the owner of any dog, impound and subsequently sell or otherwise dispose of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or

PART III - REGISTRATION

- 7. Residents have the option of paying for a one-time registration pursuant to policy and receive a dog tag, with identification information compiled by the Municipality.

PART V - DOG POUND

- 8. The Council shall appoint a pound keeper who shall keep all dogs delivered to him or which have been impounded after persistently running at large, and furnish them with food and water.
- 9. Upon a dog being impounded, the pound keeper shall, if the dog bears a tag issued by the Clerk of this Municipality, mail to the registered owner by ordinary mail postage prepaid and shall, whether the dog bears a tag or not, post on his premises and in three other public places within the Municipality not later than seventy-two hours before the time fixed thereon, a notice in the following form:

DOG NOTICE

TAKE NOTICE that a dog (insert brief description with number on tag, if any) has been impounded in the animal pound of the Municipality of Annapolis County at _____, and unless such dog is claimed (and registered) not later than _____ (hour, day and date) the said dog may be destroyed or disposed of according to law.

Dated at _____, N.S. this ___ day of _____, A.D. 20__.
(name)
Pound Keeper

- 10. The proceeds of any sale shall be paid over to the Clerk.
- 11. If at the expiration of the time fixed by the notice, the dog is not claimed and not registered according to this Bylaw, the pound keeper shall dispose of the dog, either by selling, giving it away or by destroying it.
- 12. If the owner appears and claims the dog before the time fixed by the said notice, the dog shall be turned over to him/her on payment of an impounding fee of \$30.00 plus travel expense at the Nova Scotia Government approved rate for the actual distance traveled out and back and upon payment of any tax required by this bylaw and on payment of an administration fee of \$10.00 for posting the notice, and the pound keeper's fees and all necessary veterinary fees incurred by him in respect thereof. The pound keeper's fees shall be for board of each dog, for each 24 hour period and for any portion of any 24 hour period, \$15.00. An amount of \$25.00 shall be charged for a dog which had not been registered.

The Clerk or designate is authorized to make payment arrangements for the release of an impounded dog provided that thirty percent is received prior to the dog being released and the owner signs a consent document which acknowledges that should the payment arrangement not be honoured, the dog will be impounded and not released to the original owner until all impounding fees are paid in full.

- 13. An administration fee shall be charged for processing any cheque returned for insufficient funds.
- 14. Notwithstanding the foregoing, the owner of any dog which has been impounded for its third infraction within twelve months of running at large contrary to this bylaw shall not be allowed to redeem this dog.
- 15. Council may appoint such officers as it deems necessary for the carrying out of this bylaw including a dog regulation officer who may be appointed a bylaw enforcement officer under the terms of the Police Act.

Clerk’s Annotation For Official Bylaw Book

Date of first reading:	January 18, 2011
Date of advertisement of Notice of Intent to Consider:	January 27, 2011
Date of second reading:	February 15, 2011
Date of advertisement of Passage of Bylaw*:	March 17, 2011

I certify that this *AI DOGS BYLAW* was adopted / amended by Municipal Council and published as indicated above.

Carolyn A. Young
Municipal Clerk

February 16, 2011
Date

** Effective Date of the Bylaw unless otherwise specified*