



## DOG BY-LAW No. 2018-04-23 (#51)

### PART 1 – INTERPRETATION

1. This By-Law is entitled the “Dog By-Law”.

#### **Definitions:**

2. In this By-Law:

(1) “destroy” means kill;

(2) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;

(3) “domestic animal” includes pets and farm animals;

(4) "extraordinary expense" means any expense incurred by **Town of Stellarton** Staff in relation to a dog except for provision of food and shelter;

(5) “fierce or dangerous dog” has the meaning stipulated in s. [16] of this By-Law;

(6) "mitigating factor" means a circumstance which excuses the aggressive behavior of a dog where:

- i. the dog, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;

(7) "**Town of Stellarton** Staff" means the **Municipality's** Dog Control Officer or a person appointed by the Clerk or Council to act on the **Municipality's** behalf for the purposes of this By-Law, and includes the Pound Keeper;

(8) “urban” areas" means those areas within the Town boundaries.

(9) "owner" means the owner of a dog and any person who possesses, has the care or control of, or harbors a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;

(10) “wolf-dog hybrid” means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;

## **PART 2 - REGISTRATION**

### **Registration:**

3. On or before the **1st day of April** in each year the owner of any dog shall register such dog with the **Town of Stellarton** Staff and obtain from the **Town of Stellarton** Staff a tag for such dog.

4. Every owner of a dog shall, within thirty (30) days of having become owner, register such dog with **Town of Stellarton** Staff and obtain from **Town of Stellarton** Staff a tag for such dog and shall supply **Town of Stellarton** Staff with the following:

- (1) Name, civic address, mailing address and telephone number of the owner;
- (2) Name and breed of the dog;
- (3) Description of the dog including whether the dog is male or female, spayed or unsprayed or neutered or unneutered as the case may be;

At the discretion of the owner, the following additional information may be supplied:

- (i) A photograph of the dog;
- (ii) Identification information such as micro-chip implants, tattoos or other special markings; and
- (iii) The name of the veterinary clinic frequented by the dog and veterinary file ID Number.

5. Registration shall be effective until the death of the dog. Dog Tags are non-transferrable.

6. The following are exempt from registration:
  - (1) The **Town of Stellarton** Staff or Pound Keeper or the SPCA shall not be required to register a stray;
  - (2) a dog shall be exempt from registration in the event the owner proves that the dog is under the age of three months;
7. A dog that is trained to assist and assists a person with a disability is not exempt from registration.
8. The owner of every dog shall keep on the dog a collar with the tag issued for that dog by **Town of Stellarton** Staff at the time of registration and such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued.
9. The owner of a dog shall deliver in writing to the **Town of Stellarton** Staff a statement of the number of dogs owned or harbored, or that are kept upon the premises occupied by the owner within 10 days after having received notice requiring it to be provided.

### **PART 3 – DOG CONTROL & POUND**

#### **Dog Control and Pound:**

10. **Town of Stellarton** Staff shall be responsible for the enforcement of this By-Law.
11. Council shall appoint a Pound Keeper who shall:
  - (1) collect on behalf of **the Town** any Impounding Fees, Daily Pound Fees as listed in schedule “A” and any other additional charges or fees as are authorized in this By-Law and as may be set by resolution of Council;

- (2) be responsible for the operation of the pound;
- (3) provide adequate food and water to impounded dogs;
- (4) keep the pound in a reasonable state of cleanliness;
- (5) keep the pound premises neat and tidy in appearance.

## **PART 4 – DOGS RUNNING AT LARGE**

### **Dogs Running At Large:**

- 12. Any dog which is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-Law. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large.
- 13. In urban areas the owner of a dog shall, while the dog is off the premises occupied by the owner, keep the dog under control by means of a harness or leash, and the dog shall be deemed to be running at large where the owner fails to use such apparatus, except that an unleashed and unharnessed dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:
  - (1) Participating in a search and rescue operation or a law enforcement operation
  - (2) Assisting a person with a disability, providing the dog is trained for that purpose, or:
  - (3) Within a municipal public park where the area is designated by signage, as an area where dogs are permitted without leash subject to such limitations as posted.

## **PART 5 – FIERCE OR DANGEROUS DOGS**

### **Fierce or Dangerous Dogs:**

14. (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 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:
- i. The dog was being tormented or abused by the person or animal;
  - ii. The dog was acting in defense of itself or a person; or The dog was acting as a trained guard dog or for law enforcement purposes;
  - iii. And the officer is satisfied that the public safety would not be endangered by failing to seize the dog.

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

### **Dogs known to be Fierce or Dangerous:**

15. (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 35

## **PART 6 – DISTURBANCE**

### **Disturbance:**

16. (1) No dog shall be permitted to persistently disturb the quiet of a neighborhood by barking, howling or otherwise.  
  
(2) A dog control officer, Clerk or **Town of Stellarton Staff** 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 or impoundment 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.  
  
(3.) A follow up with complainant within 15 days.

### **Seizure & Impoundment:**

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

### **Offence:**

18. The owner of a dog which persistently disturbs the quiet of a neighborhood within the meaning of this part commits an offence and subject to penalties prescribed in section 35.

## **PART 7 – RESPONSIBILITIES OF OWNERS**

### **Responsibilities of Owners:**

19. Every owner of a dog
  - (1) whose dog runs at large;
  - (2) whose dog is not wearing a tag required by this By-Law;
  - (3) whose dog is not registered pursuant to this By-Law;
  - (4) whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;
  - (5) who neglects or refuses to provide a written statement required by this By-Law;

(6) who harbors, keeps, or has under care, control or direction a dog that is fierce or dangerous;

(7) who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;

is in contravention of this By-Law.

## **PART 8 - IMPOUNDING**

### **Impounding:**

20. **Town of Stellarton** Staff may, without notice to or complaint against the owner, impound any dog that:

(1) runs at large contrary to this By-Law;

(2) is not wearing a tag required by this By-Law;

(3) is not registered pursuant to this By-Law;

(4) is fierce or dangerous;

(5) is rabid or appears to be rabid or exhibits symptoms of canine madness; or

(6) persistently disturbs the quiet of the neighborhood by barking, howling or otherwise.

21. A fixed Impounding Fee, and a Daily Pound Fee in schedule "A" shall be payable by any person seeking to redeem an impounded dog.
22. Subject to Sections [25 to 28] of this By-Law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper, or making arrangement for payment satisfactory to the Pound Keeper, of the Impounding Fee and the Daily Pound Fee(s), along with reimbursement for any Extraordinary Expenses incurred by the **Town of Stellarton** Staff in relation to the dog.
23. In the case of redemption of a dog which has not been registered pursuant to this By- Law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
24. Any dog which has not been redeemed by its owner at the expiry of a period of **7 days** after being impounded may be given away or sold by the Pound Keeper and, if sold, the proceeds shall belong to **the Town**.
25. Whenever the **7 days** of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

**Notice:**

26. Upon any dog being impounded the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least **every effort** to contact the registered owner of the dog using the tag number on the records of **Town of Stellarton** Staff. Provided however that if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-Law, whether the dog has been impounded, and neither the Pound Keeper nor the **The Town** shall incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

## **PART 9 – DOG ATTACKS**

**Dog Attacks:**

27. The owner of any dog that attacks any person or another animal is guilty of an offence under this By-Law.

(1) Where an Animal Control Officer has reason to believe that a dog has attacked a person or another animal, and the owner of the dog has been identified, the Animal Control Officer may do any one or combination of the following enforcement actions:

- (a) issue the owner a notice to muzzle the dog;
- (b) issue the owner a notice to microchip the dog;
- (c) classify the dog as a dangerous dog" in the municipal registry; or
- (d) impound the dog until the owner accepts the responsibility to abide by conditions set out in the notice

(2) When a dog has been classified as a dangerous dog the owner shall:

- (a) keep the dog securely restrained either indoors or inside an escape-proof enclosure that does not allow the dog to jump, climb or dig its way out of while it is on the property of the owner; and
- (b) muzzle, securely leash, and ensure that the dog is under the control of a person not under 18 years of age when the dog is off the property of the owner.

(3) Where an owner has been served with a notice pursuant to clause (a) or (b) of subsection (1), the failure of the owner to comply with any notice shall be an offence under this By-Law.

(4) Any owner of a dog who fails to comply with subsection (2) shall be guilty of an offence under this By-Law.

**Destroying:**

28 **Town of Stellarton** Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:

- (1) is fierce or dangerous and proposes a threat to any person
- (2) is rabid or appears to be rabid or exhibits symptoms of canine madness.

## **PART 10 – REVIEW**

### **Review Body:**

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

### **Application for review:**

- 30 (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 16 (2) falls within the exceptions set out therein;
  - (b) Whether a dog falls within the definition of a fierce or dangerous dog under sections 16 and 17
- (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 paragraph (1) (b) 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:**

31. At the meeting referred to in section 32 (3) the owner or owner’s representative, and the dog control officer shall be given an opportunity to be heard.

### **Decision:**

- 32 (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 will 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 11 - PENALTY**

### **Penalty:**

- 33 Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than **\$250.00** and not more than **\$5000.**

**Application of By-Law:**

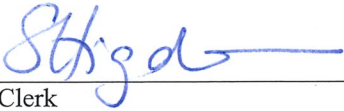
34 The "Dog By-law" passed by Council on November 19, 2018 and all amendments thereto are hereby repealed.


**Clerk's Annotation For Official By-Law Book**

Date of first reading: October 22, 2018

Date of advertisement of Notice of Intent to Consider: November 1, 2018

Date of second reading: November 19, 2018

  
Clerk

  
Date

