



MUNICIPALITY OF THE COUNTY OF PICTOU DOG BY-LAW

PART 1

GENERAL

1. This By-Law may be cited as the Dog By-Law.
2. In this By-Law,
 - (a) "Clerk" means the Municipal Clerk of the Municipality of the County of Pictou, and includes any person appointed by the Clerk to act on the Clerk's behalf for the purposes of this by-law;
 - (b) "Council" means the Municipal Council of the Municipality of the County of Pictou;
 - (c) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
 - (d) "Dog Control Officer" means any person or persons appointed by the Municipality under this By-law;
 - (e) "fierce or dangerous dog" includes any dog that behaves in an aggressive manner, or any dog that attacks or injures, or has attacked or injured any person, domestic animal, or property;
 - (f) "muzzled" means covered with a device of sufficient strength, placed over the mouth of a dog, to prevent it from biting.
 - (g) "owner" includes the owner of a dog, any person who possesses, has the care of, has the control of, or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor;
 - (h) "Municipality" means the Municipality of the County of Pictou.

PART II

TAGS AND REGISTRATION

3. (1) Every owner of a dog shall register such dog with the Clerk and shall obtain from the Clerk a tag for such dog and shall attach and keep the tag securely fixed to the dog at all times.

(2) Notwithstanding subsection (1) of this section, the tag may be removed while the dog is being lawfully used for hunting purposes.

(3) Notwithstanding anything in this by-law, the Clerk may replace a tag that has been lost upon being satisfied that the same has been lost, upon payment by the owner of One Dollar (\$1.00).

(4) Every owner of a dog, the tag for which has been lost, shall apply to the Clerk for a replacement tag.
4. The Clerk may, by letter sent by ordinary mail postage paid and addressed to the owner, at the address of such owner last known to him, such letter being deemed to have been received five ordinary business days after it is posted, require the owner of a dog to deliver to the Clerk a statement in writing of the number of dogs owned or harboured, or that are habitually kept upon the premises occupied by the owner.
5. Any owner who sells or transfers any dog shall report to the Clerk the sale or transfer, the name and address of the person to whom it was sold or transferred, a description of the dog and the number of the registration as shown on the tag issued by the Clerk.
6. The Clerk shall transfer the registration of such dog to the new owner.
7. At the time of registration, the owner shall furnish to the Clerk the name, mailing address, civic address and telephone number of the owner, and the Clerk shall keep a record thereof of every dog registered, showing the date and number of registration and the name and description of the dog.
8. The Clerk shall immediately notify every person reported to him as the owner of an unregistered dog in the Municipality by letter sent by ordinary mail, postage paid and addressed to the owner's address last known to him, such letter being deemed to have been received five ordinary business days after it is posted, requiring such owner forthwith to register such dog.

PART III

DOG CONTROL

9. (1) The Council shall appoint one or more persons to be Dog Control Officers under this by-law and any person so appointed shall enforce this by-law and shall perform such duties as specified in the job description for the position which job description is subject to the approval of, and to amendment from time to time by the Committee designated by Council as having responsibility for dog control.
- (2) The Dog Control Officer shall be entitled to received from the Municipality such remuneration as the Council determines.
10. A Dog Control Officer may impound, return to owner, kill, order a dog to be muzzled, or otherwise dispose of any dog:
- (a) that runs at large, or;
 - (b) which is fierce or dangerous, or;
 - (c) that is rabid, or appears to be rabid or exhibiting symptoms of canine madness, or;
 - (d) that persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.

PART IV

DOG POUNDS and POUNDKEEPER

11. The Council shall appoint one or more persons to be poundkeepers who shall keep all dogs delivered to the poundkeeper in accordance with this By-Law and shall:
- (a) collect impounding fees, daily pound fees and any other additional charges as outlined in this by-law and forward such funds to the finance office;
 - (b) be responsible for the operation of the pound;
 - (c) provide adequate food and water to impounded dogs;
 - (d) keep the pound in a reasonable state of cleanliness;
 - (e) keep the pound premises neat and tidy in appearance.

12. The Council shall make arrangements to provide for a pound premises so as to provide sufficient yards and enclosures for the safe keeping of such animals as it is the duty of the poundkeeper to impound.
13. It shall be the duty of the poundkeeper to make reasonable efforts to notify the owner of any impounded dog that the dog has been impounded but if the poundkeeper is unable to notify the owner after seventy-two (72) hours, the poundkeeper shall dispose of the dog, either by adoption to a new owner, or, if the dog cannot be adopted within a reasonable period of time, by destroying it in a humane manner.
14. A person resident within the Municipality adopting an unregistered dog from a poundkeeper shall register the dog before taking him from the pound.
15. Where an owner claims his dog before the dog is adopted or destroyed, the dog shall be delivered to the owner upon payment of all fees, fines, poundkeeper's fees, costs and expenses of all kinds, and penalties, if any, levied under this by-law.
16. Notwithstanding anything in this By-Law, no owner shall be allowed to claim any dog which, while owned by him, has been impounded for running at large three times within the space of twenty-four months and the poundkeeper may destroy the dog in a humane manner.
17. Notwithstanding anything in this By-Law, the poundkeeper shall not adopt out or allowed to be claimed by any owner or any person, any dog which is fierce or dangerous or that is rabid or appears to be rabid or exhibits symptoms of canine madness, and the poundkeeper may destroy the dog in a humane manner.

PART V

OFFENCES, ENFORCEMENT and PENALTIES

18. Any owner,
 - (a) whose dog runs at large contrary to this by-law, or;
 - (b) who owns a dog which is fierce or dangerous, or;
 - (c) whose dog, without evidence of any mitigating factor, the proof of which mitigating factor lies on the owner, attacks or injures, or has attacked or injured any person, domestic animal, or property, or;

- (d) who keeps a dog that persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or
- (e) of a dog, other than a dog that is trained to assist and is assisting a person with a disability, who does not remove the dog feces from public property, and from private property other than the owner's; or
- (f) who fails to register a dog as required under this By-Law; or
- (g) who fails, neglects or refuses to do any act or thing required to be done by him by the order of a court made pursuant to section 23 of this By-Law;
- (h) who:
 - (i) allows a dog to remain without a tag; or,
 - (ii) fails to obtain a tag; or
 - (iii) uses a tag upon a dog other than that for which it was issued; or
- (i) who, within ten days after the date of deemed receipt of notice to do so, neglects or fails or refuses to provide the statement referred to in section 4 of this by-law; or
- (j) who, within ten days after the date of deemed receipt of notice to do so, neglects or fails or refused to provide the statement referred to in section 5 of this by-law; or
- (k) who sells or transfers the ownership of any dog and fails to provide the report required by section 5 of this by-law to the Clerk;
- (l) who provides false information to the Clerk concerning any dog, owner, or purported owner of any dog, or the registration thereof;
- (m) who permits his dog to leave the premises of the owner without that dog being under the actual effective restraint or control of some person in charge thereof;

is guilty of an offence against this by-law.

19. Any person found guilty of an offence against this by-law is liable on summary conviction:

- (a) for a violation of sections 18 (a), (b), (c), (d), (e), (f) or (g), to a penalty not exceeding three thousand dollars (\$3,000.00) and in default of payment to imprisonment for a period not exceeding thirty days;
 - (b) for a violation of section 18(h), to a penalty not exceeding ten dollars (\$10.00); and
 - (c) for a violation of sections 18 (i), (j), (k), (l), or (m) to a penalty not exceeding twenty dollars (\$20.00), and in default of payment to imprisonment for a period not exceeding ten days;
20. In any prosecution for a violation of this By-Law, evidence that one person is disturbed or offended is *prima facie* evidence that the public, or the neighbourhood, is disturbed or offended.
21. In any prosecution for an offence under this By-Law, except a prosecution for a violation of section 18(m) of this By-Law, it shall not be a defence that at any material time the dog was chained, muzzled or otherwise restrained.
22. (1) Every Dog Control Officer, and any assistants he may reasonably require, when engaged in determining whether this By-law is being complied with, may enter upon and pass over any land and may enter upon or into private property, and there inspect any apparatus or thing necessary to the carrying out of his duties under this act.
- (2) No Dog Control Officer or any assistant commits an offence by reason only of his entry onto or into private property pursuant to subsection (1) of this section, and neither he, nor any assistant, nor the Municipality shall have or suffer any criminal or civil liability for any act done or omitted to be done under subsection (1) of this section.
23. Where any person is found guilty of an offence, under this by-law, whether a conviction is entered or not, the court, in addition to any other punishment that may be imposed, may make an order:
- (c) directing that offender to do any or all acts necessary to remedy any contravention of this by-law;
 - (d) directing the apprehension, removal, impounding, disposal of, sale, or destruction of any dog by means of which a contravention of this by-law was committed;

- (e) charging or collecting the costs of any order made under this section, including the power to order those costs to be a first lien on the property affected.

24. A person who has contravened any part of this by-law may offer to pay to the Municipality, the sum of \$100.00 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.

PART VI

TRANSITIONAL and REPEAL

25. No provision of this By-Law shall affect,

- (a) the validity of any license, tag or registration in respect of a dog which was granted by the Municipality before the coming into force of this By-Law, for the period for which such license, tag or registration was originally granted;
- (b) any action, cause of action, suit, debt, duty, account, bond, covenant, contract, claim or demand whatever that has accrued to or against the Municipality, its servants or agents before the coming into force of this By-Law.

26. This by-law comes into effect and has the force of law upon publication thereof in accordance with the provisions of the *Municipal Government Act*.

27. All former By-Laws of the Municipality heretofore enacted relating to:

- (a) dogs, and;
- (b) kennels

are hereby repealed, on and not before the date of the coming into force of this By-Law.

1st Reading: November 3, 2003
2nd Reading: December 1, 2003
Evening News: December 6, 2003
Advocate: December 10, 2003



MUNICIPALITY OF THE COUNTY OF PICTOU
DOG BY-LAW AMENDMENT

Section 18(a) of the Dog-By-law be is hereby amended to read as follows:

18(a) whose dog runs at large, or;

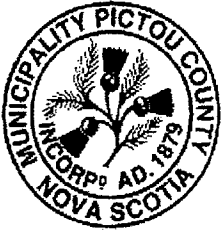
THIS IS TO CERTIFY that the foregoing is a true copy of an amendment to the Dog By-Law of the Municipality of the County of Pictou duly adopted by the Council of the Municipality at a duly called meeting of the Council held on the 5th day of September, 2006.

GIVEN under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 12th day of July, 2006.

Brian Cullen

BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising:</u>	<u>1st Reading</u>	<u>2nd Reading</u>
The News:	08/16/06	09/18/06
Pictou Advocate:	08/16/06	09/20/06



MUNICIPALITY OF THE COUNTY OF PICTOU
DOG BY-LAW AMENDMENT

- Section 2 is amended by adding the following subclause (e1) thereto:

(e1) "hunting", in relation to a dog, means the actions of a dog, at the direction and while under the supervision and control of an adult dog handler licensed to hunt the wildlife in question, in chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, lying in wait for, or retrieving any wildlife.

- Section 2 of the Dog By-Law is further amended by adding the following subclause (i1) thereto:

(i1) "Working", in relation to a dog, means the herding of sheep or livestock by a dog at the direction and while under the supervision and control of an adult dog handler;

- Section 18 of the Dog By-Law is amended:

(a) by striking out the figures and punctuation "18." And substituting therefor the figures and punctuation "18(1)";

(b) by adding to subsection 18(1), the following subclause (a1):

(a1) whose dog is taken off the property of its owner and is not restrained at all times by a leash sufficient to lead or otherwise control the movement of the dog;

(c) by adding thereto the following subsection (2):

(2) Subsection 18(a1) does not apply to the owner of a dog which is hunting or working.

(d) by adding thereto the following subsection (3):

(3) Subsection 18(2) does not provide a defence to any charge of an offence under this by-law other than the offence created by section 18(1) (a1).

THIS IS TO CERTIFY that the foregoing is a true copy of an amendment to the Dog By-Law of the Municipality of the County of Pictou duly adopted by the Council of the Municipality at a duly called meeting of the Council held on the 7th day of June, 2010.

GIVEN under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 15th day of June, 2010.



BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising:</u>	<u>1st Reading</u>	<u>2nd Reading</u>
The News:	05/12/2010	06/23/2010
Pictou Advocate:	05/12/2010	06/23/2010