



## MUNICIPALITY OF THE COUNTY OF PICTOU ANIMALS AT LARGE BY-LAW

1. This By-law may be cited as the “*Animals at Large By-Law*”.

### PART I

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#### GENERAL

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2. In this By-law,
  - (a) “animal” includes cattle, horses, ponies, mules, sheep, swine, goats, geese, chickens, turkeys, and livestock;
  - (b) “at large” means off the property of the owner or owners and not under the care of the owner or some person acting on the owner’s account;
  - (c) “By-Law Enforcement Officer” means a By-Law Enforcement Officer appointed pursuant to the *Police Act*, R.S.N.S., 1989, c. 348;
  - (d) “CAO” means the Municipal Clerk/Chief Administrative Officer of the Municipality, or any person acting in that capacity or designated by the CAO to administer this by-law;
  - (e) “impound” means to seize and place in a pound and includes all activities incidental thereto;
  - (f) “impoundment fees and expenses” means all costs and expenses incurred for the transport and seizure of any impounded animal and the keeping of any such animal in a pound and includes:
    - ( i) all impounding fees, all pound fees, penalties and any other fees and expenses set by the pound keeper or by the policy of the Municipality, and includes, whether included in the policy or not, any veterinary fees expended by the pound keeper under section 11(3) of this by-law, payable in relation to the impoundment of animals; and

( ii) all costs of seizing, rounding up, corralling or pursuing any animals; and

(iii) all costs of transport of any animal and engagement of personnel required therefore from time to time of engagement of transport and related personnel until the animal is returned to the owner or destroyed or sold under this by-law, as the case may be.

(g) “livestock” has the same meaning as in the *Fences and Detention of Stray Livestock Act*, R.S.N.S., 1989, c 166;

(h) “Municipality” means the Municipality of the County of Pictou;

(i) “owner” includes:

( i) as it refers to the owner of any animal, any person who possesses, has the care of, has the control of, or harbours an animal and, where the person is a minor, includes a person responsible for the custody of the minor,

(ii) as it refers to the owner of property,

(A) part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(B) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(C) a person who occupies shores, beaches or shoals,

and

(D) in the absence of proof to the contrary, the person assessed for the property.

(j) “pound” means a pound or pounds set up by the Municipality, or if no pound is set up, any place designated by the Municipality or by the CAO for the impounding of animals;

- (k) "pound keeper" means a person or persons appointed by resolution of Council as a keeper of animals under this by-law, or, in the absence of any such resolution, means the CAO, or any person or persons designated by the CAO as the pound keeper;
3. No owner shall allow his animals to be at large, either on private or public property, within the limits of the Municipality.
  4. Livestock are not allowed to run at large on any public street, square or common, or other public ground in the Municipality.
  5. No owner of an animal suffering from any infection or contagious disease shall cause or permit the animal to leave the owner's premises except under effective control or permit the animal to herd with non-diseased animals.
  6. No person shall break any pound, or, by direct or indirect means, deliver any animals there from.

## PART II

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### **POUNDS AND POUND KEEPERS**

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7. Any animal which has gone at large may be impounded by the Municipality, whether or not the animal is at large at the time of impoundment.
8. The Municipality, for the safekeeping of such animals as are impounded, may establish a pound or pounds for animals and may appoint a pound keeper or pound keepers in respect thereof.
9. (1) A pound keeper shall keep all animals delivered to him in accordance with this by-law and shall
  - (a) collect all impoundment fees and expenses and forward such funds to the finance office of the Municipality;
  - (b) be responsible for the operation of the pound;
  - (c) provide adequate food and water to impounded animals;
  - (d) keep the pound in a reasonable state of cleanliness;
  - (e) keep the pound premises neat and tidy in appearance.

10. No pound keeper nor the Municipality or its employees, servants, agents or officers shall be responsible for any injury to or for the death of any animal while impounded.
11.
  - (1) The owner of impounded livestock shall pay to the pound keeper all outstanding impoundment fees and expenses.
  - (2) Notwithstanding anything in this by-law, no owner shall be allowed to claim any animal, which, while owned by him, has been impounded for running at large unless he first pays all outstanding impoundment fees and expenses.
  - (3) Where a pound keeper believes that an animal impounded may suffer from an infection or contagious disease, he may cause the animal to be examined by a veterinarian for the purpose of determining whether the animal does or does not suffer from any infection or contagious disease.
  - (4) Notwithstanding anything in this by-law, the pound keeper shall not allow to be claimed, by any owner or any person, any animal which is or appears to the pound keeper to be suffering from an infection or contagious disease and the pound keeper may destroy the animal in a humane manner.
  - (5) Where any animal is impounded and impoundment fees are outstanding and where the owner of any impounded animal is unknown, or cannot be located, or does not pay any outstanding impoundment fees and expenses after having been given notice to do so, the pound keeper may sell the animal for the best price which can be obtained for it, and, after deducting from the sale price all of the expenses of the sale, shall apply the balance to pay any outstanding impoundment fees and expenses.
  - (6) Any balance remaining after the payment referred to in subsection (5) of this section shall be returned to the owner, or if the owner is unknown or cannot be located, shall be remitted by the pound keeper to the finance office of the Municipality and shall form part of the general revenues of the Municipality.

### PART III

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## **OFFENCES, ENFORCEMENT AND PENALTIES**

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12. Any person,
  - (a) who, being an owner of any animal, whose animal is at large within the Municipality whether on public or on private property;
  - (b) who, being the owner of any animal suffering from an infection or contagious disease and who

- ( i) does not prevent it from leaving his premises under effective control; or
- (ii) does not prevent it from herding with non-diseased animals;
- (c) who breaks any pound;
- (d) who, by direct or indirect means, delivers any animal from any pound;
- (e) who does anything prohibited by this by-law or who fails to do anything required by this by-law to be done;

is guilty of any offence against this by-law.

13. Any person found guilty of an offence against this by-law is liable on summary conviction to a penalty of not less than Two Hundred and Fifty (\$250.00) Dollars, and not exceeding Ten Thousand (\$10,000.00) Dollars, and in default of payment to imprisonment for a period not exceeding forty-five (45) days.
14. (1) The CAO, and every By-Law Enforcement Officer, when engaged in determining whether this by-law is being complied with, together with such assistants as they may deem necessary, may enter upon and pass over any land and may enter upon or into private property, and there inspect any apparatus, enclosure, or thing necessary for the purposes of any inspection to determine if this by-law is being complied with, and for its maintenance and enforcement.  
  
(2) Neither the CAO, nor By-Law Enforcement Officer, nor any assistant, nor the Municipality, commits an offence by reason only of his entry onto or into private property pursuant to subsection (1) of this section, and neither the CAO, nor the By-Law Enforcement Officer, 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.
15. 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:
  - (a) directing that offender to do any or all acts necessary to remedy any contravention of this by-law;
  - (b) directing the apprehension, removal, impounding, veterinarian examination, disposal of, sale, or destruction of any animal by means of which a contravention of this by-law was committed;

- (c) 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;
  - (d) imposing a penalty for an offence that is in addition to a fine or imprisonment where the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gave rise to the offence.
16. A person who has contravened any part of this by-law may offer to pay to the Municipality, the sum of Five Hundred (\$500.00) Dollars 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.
17. The Animals Running at Large By-Law of the Municipality, approved by the Municipal Council on March 6, 2006 is repealed on and not before this by-law becomes effective.

**THIS IS TO CERTIFY** that the foregoing is a true copy of a By-Law duly adopted by the Municipal Council for the Municipality of the County of Pictou at a duly called meeting of the Council held on the 7<sup>th</sup> day of March, 2011.

**GIVEN** under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 9<sup>th</sup> day of March, 2011.

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BRIAN CULLEN, MUNICIPAL CLERK

Advertising:	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
Evening News	02/12/2011	03/16/2011
Pictou Advocate	02/16/2011	03/16/2011