

## **Bylaw No. 8**

### **Town of Mulgrave**

#### **Dog Bylaw**

BE IT ENACTED by the Council of the Town of Mulgrave, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as amended, as follows:

#### **Title:**

1. This Bylaw is entitled the "Dog Bylaw"

#### **Definitions**

2. In this By-Law, unless the context otherwise requires, the expression:

- (a) "CAO" means the Chief Administrative Officer of the Town of Mulgrave
- (b) "Council" means the Mulgrave Town Council.
- (c) "destroy" means kill;
- (d) "dog" means any dog, male or female, of any age;
- (e) "Dog Control Officer" means any person authorized by the Town of Mulgrave to enforce this By-Law pursuant to the provisions of the Police Act and who may also be the Pound Keeper.
- (f) "domestic animal" includes pets and farm animals;
- (g) "extraordinary expense" means any expense incurred by the Town of Mulgrave in relation to a dog except for provision of food and shelter;
- (h) "fierce or dangerous dog" includes without being limited to:
  - i. Any dog which shows a propensity, the tendency or disposition to attack without provocation any other domestic animals or persons;
  - ii. Any dog which has bitten another domestic animal or person without provocation
- (i) "mitigating factor" means a circumstance which excused the aggressive behavior of a dog where:
  - i The dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner.

ii The dog, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;

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

(k) "Running at Large" means to be unleashed:

- i. An animal not secured by a leash having a maximum length of three (3) meters in a public place;
- ii. On private property other than that of the owner or keeper the animal without consent of the owner of the property; or
- iii. In a forest or wooded area, while not in the company or control of the owner or keeper thereof.

(l) "Town" means the Town of Mulgrave

### **Registration**

3. a) On or before the first day of March in each year, the owner of any dog shall register such dog and pay the applicable fees and taxes set by council by recorded resolution.
- b) The owner of a dog who has become owner thereof after the first day of March and which dog is not registered in his name with the Town, shall, within seven (7) days after he has become owner, register the dog and pay the tax.
- c) The owner of a dog not registered with the Town, which dog at any time has become or is over the age of three months, shall immediately register the dog and pay the tax.
- d) Registration made and tax paid after the first day of March shall be effective until the last day of February next following the making and payment thereof.
- e) A tax paid at any time after the 1st day of March shall be the same amount of tax required to be paid on or before the 1st day of March, notwithstanding that it is for any part of the year; but where the owner acquires ownership of the dog after the expiration of six months of the registration year, he shall only be charged one-half of the dog tax.

**Registration Information and Tags**

4. a) The Town shall keep a record of every dog registered showing the date and number of registration, and the name and description of the dog with the name and address of the owner. The owner shall furnish this information to the Town at or before the time of registration.
- b) The Town shall issue the owner a tag for each dog registered, and the owner shall keep the tag securely fixed on the dog at all times, excepting that the tag may be removed while the dog is being lawfully used for hunting purposes.
- c) If any owner files with the Town a statutory declaration that a tag has been lost, the Town may replace the tag that has been lost upon payment by the owner of an amount of two dollars.
- d) Any owner within the Town who sells or transfers any dog, shall report to the Town the sale or transfer, the name and address to whom it was sold or transferred, a description of the dog and the number of the registration as shown on the tag issued.
- e) The CAO shall transfer the registration of such dog to the new owner and shall notify the new owner of any tax payable under this by-Law.

**Variations/ Exemption to Registration Requirements**

5. a) A dog that is a stray may be harboured for up to seven (7) days without having to be registered. At the expiration of the seven (7) day time limit the person harbouring the dog shall be responsible for payment of the registration fee for the dog;
- b) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee;
- c) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club, may, in any year pay to the Town the amount as set by Council by recorded resolution as a tax upon the kennel for that year, and upon payment of such amount, the owner of the kennel is exempt from any further fee in respect to dogs for that year.

**Bylaw Offences**

6. The owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, shall be required remove the dog's feces from public property.
7. a) It shall be an offence against this By-law for a dog to run at large in the Town. A dog that is not physically restrained by a leash or rope or some similar form of restraint and is not under the direct control of some person shall be considered to be running at large when not on the owner's property.

b) The owner of a dog:

- i) In respect of which the fee or tax imposed by this bylaw is not paid;
- ii) That is fierce or dangerous; or
- iii) Which persistently disturbs the quiet of the neighborhood by barking, howling or otherwise is guilty of an offence under this bylaw and upon conviction is subject to a fine.

**Dog Control**

- 8. The Town shall appoint a Dog Control Officer as a by-law enforcement officer under the terms of the Police Act who shall be responsible for enforcing the provisions of this by-law.
- 9. The Dog Control Officer may, without notice to or complaint against the owner of any such dog, may impound any dog that:
  - (a) is running at large contrary to this By-Law;
  - (b) in respect of which the tax imposed by this By-Law hasn't been paid;
  - (c) is fierce or dangerous;
  - (d) without provocation has attacked or injured any person or damaged property

**Destroying**

- 10. The Dog Control Officer or any Peace Officer may, without notice to or complaint against the owner, kill on sight, any dog that:
  - (a) is fierce or dangerous; or
  - (b) is rabid, or appears to be rabid or exhibits symptoms of canine madness.

**Impounding**

- 11. Council shall appoint a pound keeper to carry out the pound keeper duties and responsibilities set out in this bylaw, specifically as follows.
- 12. (a) Shall keep all dogs delivered to him or her, and furnish them with food and water;
- (b) If, at the expiration of Seventy-Two (72) hours following the impounding of any dog, no claim of ownership for such dog is made, it shall be the duty of the pound keeper to make all reasonable efforts to notify the owner of such dog; and, if unable to notify the owner, the pound keeper shall dispose of the dog, either by selling it for

the best price obtainable or if the dog cannot be sold, by destroying it in a humane manner. Upon impounding a dog that bears a tag issued by the Town, the Pound Keeper shall advise the registered owner by ordinary mail postage prepaid, not later than Seventy-two (72) hours before the time fixed therein, 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 Town of Mulgrave 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 Mulgrave this \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 20\_\_.

\_\_\_\_\_  
(Name)  
Pound Keeper

(c) Whenever the seventy-two (72) hours 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.

(d) If the owner is a resident within the Town and is purchasing an unregistered dog from a pound keeper, the owner shall register the dog before taking him from the pound.

- 13. Except in the case where a dog is impounded for being fierce or dangerous, or is rabid or appears to be 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 of any tax required by this bylaw, together with such necessary extraordinary expenditures as defined in this bylaw.
- 14. In the case of redemption of a dog which has no tag attached to it, the Pound Keeper shall collect the dog tax and forward same along with the necessary information, to the Town for issuance of a tag to the owner as provided in the bylaw.
- 15. Notwithstanding section 13, the owner of any dog which has been impounded for its third infraction of running at large contrary to this bylaw within the space of twenty-four (24) months, shall not be permitted to redeem such dog.
- 16. Any dog which has not been redeemed by its owner at the expiry of a period of seventy-two (72) hours after being impounded may be either sold or destroyed by the Pound Keeper and, if sold, the proceeds after deducting the fees of the Pound Keeper, apprehension costs, together with such necessary expenditures made for medicines and veterinary service, shall be paid over to the Town.

17. The Pound Keeper shall be entitled to collect the following fees:

- (a) For board of each dog, for each twenty-four hour period and for any portion of a twenty-four hour period (\$15.00).
- (b) Pound Fee (\$50.00)
- (c) On sale by the Town of any dog, the Pound Keeper shall receive a commission of 20%.

**Responsibilities of the Owner**

18. The owner of a dog:

- (a) which runs at large contrary to this By-Law, or;
  - (b) in respect of which a tax or fee imposed by this By-Law is not paid, or;
  - (c) which is fierce or dangerous, or;
  - (d) which, without provocation, has attacked or injured any person or property, or;
  - (e) disturbs the quiet of the neighborhood by howling, barking, or in any other manner, or;
  - (f) whose dog is not wearing a tag required by this by-law, or;
  - (g) who neglects or refuses to provide a written statement required by the by-law, or;
  - (h) who fails or refuses to remove the feces or 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 guilty of an offence against this by-law.

19. Every owner of a dog shall pay to the Town full costs for each dog destroyed by the Town.

**Notice**

20. The Town shall immediately notify every person reported as the owner of an unregistered dog in the Town of Mulgrave by letter, by ordinary mail, postage paid and addressed to the owner's address, requesting such owner forthwith to register the dog and to comply with this By-Law.

21. The CAO or an employee designated by the CAO shall immediately notify every person reported to the Town as being the owner of an unregistered dog in the Town

by letter, by ordinary mail, postage paid and addressed to the owner's address, requesting such owner forthwith to register the dog and to comply with this By-Law.

**Penalty**

- 22. Any person who contravenes any provision of this by-law, other than Sections 23 and 25, or who fails to pay any tax or fee required to be paid by this by-law, is guilty of a summary offence and liable to a fine of \$25.00 for the first offence, \$50.00 for the second offence, and \$100.00 for the third and subsequent offences, and in default of payment thereof to imprisonment for a period not exceeding thirty (30) days.
- 23. The owner of any dog may be required by the Town to deliver in writing, a statement of the number of dogs owned or harboured by the person of which are habitually kept upon the premises and for neglect or refusal to do so, and for every false statement made in respect thereof, he shall be liable to a penalty of \$25.00 for the first offence, \$50.00 for the second offence, and \$100.00 for the third and subsequent offences.
- 24. Every owner who neglects to obtain a tag for each dog owned by him and keep it securely fixed on his dog excepting while the dog is lawfully used for hunting purposes, or who uses the tag upon the dog other than that for which it was issued, shall be liable to a penalty of \$25.00 for the first offence, \$50.00 for the second offence, and \$100.00 for the third and subsequent offences.

**Other**

- 25. Any Police dog while acting in the performance of its duties shall be exempt from the provisions of this bylaw.
- 26. All former Dog Bylaws of the Town are hereby repealed and this Bylaw is substituted therefore.

<b>Date of first reading:</b>	May 3, 2010
<b>Date of advertisement of notice of intent to consider:</b>	August 18, 2010
<b>Date of second reading:</b>	September 7, 2010
<b>Date of advertisement of passage of by-law:</b>	October 2, 2010
<b>Date of mailing to Minister a certified copy of By-Law:</b>	October 3, 2010
I, Hugh Landry, Chief Administrative Officer of the Town of Mulgrave do hereby certify that the foregoing is a true copy of a Bylaw pertaining to the Dog By-Law duly passed by the full Council of the Town of Mulgrave at a meeting duly held and convened on the ____ day of _____, 20__.	
_____ Chief Administrative Officer/ Municipal Clerk	_____ DATED at Mulgrave, in the County of Guysborough, Nova Scotia, this day of _____, A.D., 2010