

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 any other domestic animals or persons;
 - ii. Any dog which has bitten another domestic animal or person.
 - (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) The Annual Registration Fee shall be reduced by 50% in the year of acquisition where the owner acquires ownership of the dog after June 30th.

Registration Information and Tags

4. a) The Town shall keep a record of every dog registered showing:
 - i. Name, civic address, mailing address and telephone number of the owner;

- ii. Name and breed of the dog;
- iii. Description of the dog including whether the dog is male or female, spayed or non-spayed, neutered or non-neutered, as the case may be;
and, at the discretion of the owner, the following additional information may be supplied:
 - iv. A photograph of the dog;
 - v. Identification information such as micro-chip implants, tattoos or other special markings;
 - vi. The name of the veterinary clinic frequented by the dog and veterinary file Id number.
- b) The owner of every dog shall keep on the dog a collar with the metal tag issued for that dog by Town 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, except that such tag may be removed while the dog is being used for lawful hunting purposes in the line of sight and under the control of the dog's owner and wearing a collar bearing the owner's name and address.
- c) Where the metal tag issued pursuant to this By-Law has been lost, destroyed or mutilated, the owner shall acquire for the remainder of the current licensing year, a replacement tag, upon providing proof of purchase of a valid dog license and upon payment of the prescribed fee.
- 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.

Variances/ 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.

Notice

6. 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.
7. 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.

Dog Control and Pound

8. The Town of Mulgrave shall be responsible for the enforcement of this By-Law.
9. Council shall appoint a Pound Keeper who shall:
 - (a) collect on behalf of the Town of Mulgrave any Impounding Fees, Daily Pound Fees and any other additional charges or fees as are authorized in this By-Law and as may be set by resolution of Council;
 - (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; and
 - (e) keep the pound premises neat and tidy in appearance.

Responsibilities of the Owner

10. 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 and is not muzzled, harnessed and leashed while the dog is off the premises occupied by the owner, or is not under restraints such as tethering or confined by an electric fence on the premises occupied by the owner outside of the home, or;
 - (d) which 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 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 guilty of an offence against this by-law.

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

Bylaw Offences

12. 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 to remove the dog's feces from public property.
13. 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. A person walking a dog(s) must be fully responsible as well as physically capable of controlling the dog(s) at all times. The dog(s) must be on a leash at all times and, if considered fierce or dangerous, must be harnessed, leashed and muzzled any time the dog(s) are not on the owner's property. A dog(s) deemed fierce or dangerous is required to be under restraints, such as tethering or confined by an electric fence, while outside the home on its owner's property.
14. 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 shall not be deemed to be running at large if at the time the dog is:
- (i) participating in an organized hunt, dog exhibition event or dog field trials;
 - (ii) participating in a search and rescue operation or law-enforcement operation;
 - (iii) assisting a person with a disability, provided the dog is trained for such purpose;
 - (iv) within a municipal public park where the area is designated by signage as an area in which dogs are permitted to be without a leash subject to such limitations as are posted; or
 - (v) within the land owned by a person who has given prior consent to the dog being off the leash.

15. The owner of a dog that is considered fierce and dangerous shall, while the dog is off the premises occupied by the owner, keep the dog under control by means of a harness and leash, and ensure the dog is muzzled at all times. If the dog is on the premises occupied by the owner outside of the home, the dog is required to be under restraints such as tethering or confined by an electric fence. The dog shall be deemed to be running at large where the owner fails to use such apparatus.

Dog Control

16. 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.
17. 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 and is not muzzled, harnessed and leashed while the dog is off the premises occupied by the owner, or under restraints such as tethering or confined by an electric fence while on the premises occupied by the owner outside of the home, or;
 - (d) has attacked or injured any person or damaged property

Impounding

18. Council shall appoint a pound keeper to carry out the pound keeper duties and responsibilities set out in this bylaw, specifically as follows.
19. (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.
20. Except in the case where a dog is impounded for being fierce or dangerous and not muzzled, harnessed and leashed while the dog is off the premises occupied by the owner, or not under restraints such as tethering or confined by an electric fence while on the premises occupied by the owner outside of the home, 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.
 21. 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.
 22. 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.
 23. 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.

24. 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%.

Destroying

25. Town Staff may, without notice to or complaint against the owner, contact the RCMP regarding any dog that is fierce or dangerous and not muzzled, harnessed and leashed while the dog is off the premises occupied by the owner or not under restraints such as tethering or confined by an electric fence while on the premises occupied by the owner outside of the home, is running at large and eluding capture, or is rabid or appears to be rabid, if:
- (a) the dog poses an immediate danger to a person or a domestic animal or to property of persons other than the owner; or
 - (b) the dog poses an immediate and significant threat to the public safety; and
 - (c) it is not reasonably possible to safely capture the dog.
26. Where a dog has been captured, the By-Law Enforcement Officer may destroy the dog, after consultation with the CAO, if the dog:
- (a) has a previous record of an attack on another domestic animal or person on file with the Town of Mulgrave;
 - (b) is fierce or dangerous and was not muzzled, harnessed and leashed while the dog was off the premises occupied by the owner or not under restraints such as tethering or confined by an electric fence while on the premises occupied by the owner outside of the home; or
 - (c) is rabid or appears to be rabid;

provided that the owner has been given the opportunity to make written representations to the CAO in respect of the dog in accordance with sections 28 and 29.

27. If the By-Law Enforcement Officer destroys the dog, the Town will arrange for the disposal of the remains and will make reasonable efforts to inform the dog owner that the dog has been destroyed. The owner of the dog will be responsible for all Extraordinary Expenses related to the destruction/disposal of the dog.
28. (a) If a dog has been captured to which section 26 applies and the dog has a current tag issued by the Town of Mulgrave or any tag by which the Town

Staff could ascertain the owner's name and address, the Town shall send a notice to the owner by registered mail including:

- (i) the date and time when the dog will be destroyed, provided that the date of destruction shall not be less than 7 days from the date of mailing of the notice; and
- (ii) notice that the owner may make written representations to the CAO respecting the destruction of the dog by delivering to the CAO written representations three (3) days prior to the scheduled date of destruction of the dog.

(b) If a dog has been captured to which section 26 applies and the dog does not have a tag issued by the Town of Mulgrave or a tag by which the Town Staff could ascertain the owner's name and address, the Town is not required to send a notice to the owner, but shall not destroy the dog until at least 72 hours after it has been captured to permit the owner an opportunity to make representations respecting the destruction of the dog.

29. Where written representations have been provided by an owner to the CAO pursuant to section 28, the Town shall consider the representations and if the Town concludes that the dog:

- (a) has a previous record of an attack on another domestic animal or person on file with the Town of Mulgrave;
- (b) is fierce or dangerous and was not muzzled, harnessed and leashed while the dog was off the premises occupied by the owner or not under restraints such as tethering or confined by an electric fence while on the premises occupied by the owner outside of the home; or
- (c) is rabid or appears to be rabid;

the By-Law Enforcement Officer may destroy the dog, after consultation with the CAO, and shall notify the owner by registered mail prior to or immediately following the destruction of the dog. The notice must include written reasons for the decision to destroy the dog.

30. If, following consideration of the owner's written representations, the Town decides not to destroy the dog, the dog shall be impounded and dealt with in accordance with sections 18 through 24 of this By-Law.

Penalty

31. Any person who contravenes any provision of this by-law, 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:
\$165.00 for the first offence,
\$195.00 for the second offence,
\$395.00 for the third offence, if payment is made within 14 days.

32. Any person who contravenes any provision of this by-law, 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:
\$222.00 for the first offence,
\$280.00 for the second offence,
\$682.00 for the third offence, if payment is made after 14 days but within 30 days, and in default of payment thereof to imprisonment for a period not exceeding thirty (30) days.

A fourth offence will result in the dog being impounded.

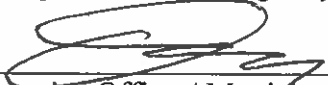
Other

33. Any Police dog while acting in the performance of its duties shall be exempt from the provisions of this bylaw.

34. All former Dog Bylaws of the Town are hereby repealed and this Bylaw is substituted therefore.

Date of first reading:	July 4, 2022
Date of advertisement of notice of intent to consider:	July 6, 2022
Date of second reading:	August 2, 2022
Date of advertisement of passage of by-law:	August 10, 2022
Date of mailing to Minister a certified copy of By-Law:	August 10, 2022

I, David Gray, 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 2nd day of August, 2022


 Chief Administrative Officer/ Municipal Clerk

August 10, 2022
 DATED at Mulgrave, in the County of Guysborough, Nova Scotia, this 10th day of August, A.D., 2022