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# Town of Annapolis Royal

## Dog By-Law

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### Title

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

### Definitions

2. In this By-Law:
  - (a) “CAO” means the Chief Administrative Officer of the Town of Annapolis Royal
  - (b) “destroy” means kill;
  - (c) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
  - (d) “domestic animal” includes pets and farm animals;
  - (e) "extraordinary expense" means any expense incurred by Town of Annapolis Royal Staff in relation to a dog except for provision of food and shelter;
  - (f) “fierce or dangerous dog” means any dog:
    - (i) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
    - (ii) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
    - (iii) that, in the absence of a mitigating factor as defined herein, when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
    - (iv) owned or harbored in whole or in part for the purpose of dog fighting; or

(v) trained for dog fighting;

provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged in law enforcement.

(g) "mitigating factor" means a circumstance which excuses 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;

(h) "Town Staff" means the Town of Annapolis Royal Dog Control Officer or a person appointed by Council or, a member of the Annapolis Royal Police Department to act on the Town's behalf for the purposes of this By-Law, and includes the Pound Keeper or Animal Control;

(i) "neighborhood" means one or more persons;

(j) "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; and

(k) "Town" means the Town of Annapolis Royal.

### **Registration**

3. Must register their dog for a one-time set fee by Council on or before the 30<sup>th</sup> day of April.

4. Every owner of a dog shall, within ten (10) days of having become owner, register such dog with the Town and obtain from the Town a tag for such dog.

5. In order to register a dog, an owner shall pay the registration fee set forth in the Fees Policy for each spayed or neutered dog, non-spayed, or non-neutered dog and must supply the Town with the following:

(a) Name, civic address, mailing address and telephone number of the owner;

- (b) Name and breed of the dog;
- 6. In addition to section 5 the owner of a dog shall supply any of the following;
  - (a) Description of the dog including whether the dog is male or female, spayed or non-spayed or neutered or non-neutered, as the case may be;  
and, at the discretion of the owner, the following additional information may be supplied:
    - (b) identification information such as micro-chip implants, tattoos or other special markings;  
and
    - (c) The name of the veterinary clinic frequented by the dog and veterinary file ID number.
- 7. The following are exempt from registration:
  - (a) the Town staff or Pound Keeper or Animal Control or local chapter of the SPCA shall not be required to register a stray;
  - (b) a dog shall be exempt from registration and registration fees in the event the owner proves that the dog is under the age of six months; and
- 8. A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee but not from registration.
- 9. The owner of every dog shall keep on the dog a collar with the tag issued for that dog by the Town at the time of registration and such tag shall be kept securely fixed on the dog at all times.
- 10. The owner of a dog shall deliver in writing to the town 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.

### **Dog Control and Pound**

- 11. Town staff shall be responsible for the enforcement of this By-Law and council may appoint a person or organization for the enforcement of this bylaw.
- 12. Council shall appoint a Pound Keeper or Animal Control who shall:
  - (a) collect on behalf of the Town 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.

### **Dogs Running At Large**

13. Any dog which is:

- (a) off the premises occupied by the owner without being under the continuous restraint and control of a person; or
- (b) tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner; or
- (c) a dog that is off any private property or premises, without being under the continuous control and restraint of the Owner by means of a harness or leash.
- (d) unleashed or unharnessed in a public place that is posted as a dog on leash area;
- (e) except within designated area 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 posted.
- (f) 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;
  - (i) participating in an organized hunt, dog exhibition event or dog field trials;  
or
  - (ii) participating in a search and rescue operation or law-enforcement operations; or
  - (iii) assisting a person with a disability, provided the dog is trained for such purpose; or
  - (iv) within a municipal public park where the area is designated by signage as an area in which dogs are permitted to without a leash subject to such limitations as are posted except in location posted as a dog on leash area.
  - (v) is deemed to be running at large for the purposes of this By-Law.

### **Responsibilities of Owners**

14. Every owner of a dog
- (a) whose dog runs at large, contrary to section 13;
  - (b) whose dog is not wearing a tag required by this By-Law;
  - (c) whose dog is not registered pursuant to this By-Law;
  - (d) whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;
  - (e) who neglects or refuses to provide a written statement required by this By-Law;
  - (f) who harbors, keeps, or has under care, control or direction a dog that is fierce or dangerous;
  - (g) 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 the By-Law

### **Impounding**

15. Town of Annapolis Royal may, without notice to or complaint against the owner, impound any dog that:
- (a) runs at large contrary to this By-Law;
  - (b) is not wearing a tag required by this By-Law;
  - (c) is not registered pursuant to this By-Law;
  - (d) is fierce or dangerous;
  - (e) is rabid or appears to be rabid; or
  - (f) persistently disturbs the quiet of the neighborhood by barking, howling or otherwise.
16. An Impounding Fee set forth in the Fees Policy, daily from the time the dog is impounded shall be payable by any person seeking to redeem an impounded dog.
17. Subject to Sections 20 to 23 of this By-Law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid, 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

Animal Control, or making arrangement for payment satisfactory to the Pound Keeper or Animal Control, of the Impounding Fee and the Daily Pound Fee(s), along with reimbursement for any Extraordinary Expenses incurred by the Town who supplies the animal control contract in relation to the dog.

18. 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.
19. Any dog which has not been redeemed by its owner at the expiry of a period of Seventy two (72) hours after being impounded and after every effort has been exhausted by the Pound Keeper or Animal Control as specified in Section 22, to identify and contact the owner of the dog to facilitate its return may be:
  - (a) given away;
  - (b) sold; or
  - (c) destroyed; this shall be the resolution of last resort.

by the Pound Keeper or Animal Control and, if sold, the proceeds shall belong to the Town of Annapolis Royal.

20. Whenever the Seventy two (72) hours of impounding time expires on a weekend, the Pound Keeper or Animal Control shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

### **Notice**

21. Upon any dog being impounded the Pound Keeper or Animal Control shall check for a tag and/or microchip and if a tag is found, the Pound Keeper or Animal Control shall make at least three (3) attempts to contact the registered owner of the dog using the tag number on record. In addition, to the owner will be mailed a registered letter giving notice that a dog registered to them is impounded. However, 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 or Animal Control nor

the Town of Annapolis Royal 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 or Animal Control to determine whether the dog was impounded.

22. A notice under this by-law will be posted on the dog pound plus two (2) public location around the town within seventy-two hours.

### **Destroying**

23. The Pound Keeper or Animal Control may order, without notice to or complaint against the owner, destroy on sight any dog that is fierce or dangerous, 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; and
- (b) it is not reasonably possible to safely capture the dog.

24. Where a dog has been captured, The Pound Keeper or Animal Control may have the dog destroyed if the dog:

- (a) was running at large and three (3) previous written warnings have been given to the owner that the dog has been running at large;
- (b) is fierce or dangerous; or
- (c) is rabid or appears to be rabid;

provided that the owner has been given the opportunity to make written representations to the Pound Keeper or Animal Control in respect of the dog in accordance with s. 27 and 28.

25. (a) If a dog has been captured to which s. 26 applies and the dog has a current tag issued by the Town, the Town shall send a notice to the owner by registered mail or by hand,

Including:

- (i) the date and time when the dog will be given away, sold, or destroyed, provided that the date of destruction shall not be any less than Seven (7) days from the date of mailing of the notice; and

(ii) notice that the owner may make written representations to the Town respecting the destruction of the dog by delivering to the Pound Keeper or Animal Control such written representations Three (3) days prior to the scheduled date of destruction of the dog.

(b) If a dog has been captured to which s. 25 applies and the dog does not have a tag issued by the Town, the Town is not required to send a notice to the owner, but shall not destroy the dog until at least Seventy Two (72) hours after it has been captured to permit the owner an opportunity to make representations respecting the dog given away, sold, or destruction of the dog.

26. Where written representations have been provided by an owner to the Pound Keeper or Animal Control pursuant to s. 26, The Pound Keeper or Animal Control shall consider the representations and if the Pound Keeper or Animal Control concludes that the dog:

- (a) was running at large and three (3) previous written warnings have been given to the owner that the dog has been running at large;
- (b) is fierce or dangerous; or
- (c) is rabid or appears to be rabid;

Pound Keeper or Animal Control may order the dog be destroyed 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.

27. If, following consideration of the owner's written representations, The Pound Keeper or Animal Control decides not to destroy the dog, the dog shall be impounded and dealt with in accordance with s. 17 through 22 of this By-Law.

28. A decision to destroy a dog shall not be made by the Dog Control Officer where, in the sole opinion of the Dog Control Officer, it is believed that they have insufficient time to first consult with the CAO with respect to such a decision.



**Penalty**

29. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$165.00 and not more than \$10,000.00 and to imprisonment of not more than Sixty (60) days in default of payment thereof.

**Repeal**

30. The Town of Annapolis Royal Dog By-Law effective January 11, 2017.

**Effective Date**

31. This by-law shall be effective on the date of publishing.

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**William MacDonald, Mayor**

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**CAO**

This is to certify that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this \_\_\_\_ day of \_\_\_\_\_ 2020.

FIRST READING	<b>July 20, 2020</b>
NOTICE OF INTENT PUBLICATION	
SECOND READING	
MINISTERIAL APPROVAL	
DATE OF PUBLISHING	
FORWARDED TO MINISTER	
POSTED TO TOWN WEBSITE	

**DOG NOTICE**

**Town of Annapolis Royal**

TAKE NOTICE that a dog *described as/bearing tag#*, has been impounded in the animal pound of The Town of Annapolis Royal, located at \_\_\_\_\_, and unless such dog is claimed and registered not later than \_\_\_\_\_, the said dog may be destroyed or disposed according to law.

Dated at \_\_\_\_\_, NS. This \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_

\_\_\_\_\_  
Animal Control Officer