

## DOG CONTROL BY-LAW

### Definitions

1. In this By-law:
  - (a) "Municipal Staff" means the Dog Control Officer of the Town of Pictou or a person appointed by the Town Clerk of the Town of Pictou or the Town Council of the Town of Pictou to act on the Town's behalf for the purposes of this By-law, and includes the Pound Keeper;
  - (b) "Dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
  - (c) "Owner" means the owner of a dog and any person who possesses, has the care or control of, or provides shelter for a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
  - (d) "Extraordinary Expense" means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter.
  - (e) "Town" means the Town of Pictou.

### Registration

2. On or before the 1<sup>st</sup> day of April in each year the owner of any dog shall register such dog with the Municipal Staff and obtain from the Municipal Staff a tag for such dog.
3. Every owner of a dog shall, within ten (10) days of having become owner, register such dog with Municipal Staff and obtain from Municipal Staff a tag for such dog.
4. In order to register a dog, an owner shall pay the annual registration fee as set by Council from time to time in a recorded resolution and shall supply Municipal Staff with the following:
  - (a) Name, civic address, mailing address and telephone number of the owner;
  - (b) Name and breed of the dog;
  - (c) Description of the dog including whether the dog is male or female, spayed or unspayed or neutered or unneutered as the case may be;

and, at the discretion of the owner, the following additional information may be supplied:

- (d) A photograph of the dog;
  - (e) Identification information such as micro-chip implants, tattoos or other special markings; and
  - (f) The name of the veterinary clinic frequented by the dog and veterinary file ID number.
5. Registration shall be effective until the last day of March of the year following the year of registration.
6. The registration fee shall be in such amount as Council may authorize by resolution, and where the owner acquires ownership of the dog after September 30<sup>th</sup> he shall only be charged one-half of the dog registration fee in the year of acquisition.
7. The following are exempt from registration:
- (a) the Municipal Staff or Pound Keeper or Pictou County SPCA shall not be required to register a stray that they are sheltering for a maximum of 30 days;
  - (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 three months.
8. The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Municipal 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.
9. The owner of a dog shall deliver in writing to the Municipal Staff a statement of the number of dogs owned or sheltered, 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

10. Municipal Staff shall be responsible for the enforcement of this By-law.
11. Council shall appoint a Pound Keeper who shall:
- (a) Collect on behalf of the Municipality any Impounding Fees, Daily Pound Fees and any 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;
- (e) Keep the pound premises neat and tidy in appearance.

### Dogs Running at Large

12. Any dog which is off the premises occupied by the owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purposes of this By-law.
13. Within the Town of Pictou, the owner of a dog shall, while the dog is off the property 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.

### Fierce or Dangerous Dogs

14. For the purpose of this By-law a dog that is fierce or dangerous means any dog;
- (a) (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;
  - (b) owned or sheltered in whole or in part for the purpose of dog fighting;
  - (c) 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 for law enforcement.

15. "Mitigating Factor" means a circumstance which excuses the aggressive behaviour of a dog where:
- (i) the dog, at the time of the aggressive behaviour, attacked or injured any

trespasser on property occupied by its owner;

- (ii) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;

### Responsibilities of Owners

16. Every owner of a dog
- (a) whose dog runs at large;
  - (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 neighbourhood by barking, howling or otherwise;
  - (e) who neglects or refuses to provide a written statement required by this By-law;
  - (f) who harbours, 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 guilty of an offence.

### Impounding

17. Municipal Staff 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 exhibits symptoms or canine madness; or
  - (f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
18. Council, by resolution, may set an Impounding Fee and a Daily Pound Fee.
19. Subject to Sections 24 to 27 of this By-law, except in the case where a dog is impounded for being fierce or dangerous, or is 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 or any Impounding Fee, Daily Pound Fee, along with reimbursement for any Extraordinary Expenses incurred by the Municipal Staff in relation to the dog.
20. 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.
21. Any dog which has not been redeemed by its owner at the expiry of a period of 48 hours after being impounded may be given away, sold or destroyed by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
22. Whenever the 48 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.

### Notice

23. Upon any dog being impounded the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least one attempt to contact the registered owner of the dog using the tag number on the records of Municipal Staff. Provided however that 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.

### Dogs that may be destroyed

24. Municipal Staff may, without notice to or complaint against the owner, destroy or put down on sight or after capture any dog that:
- (a) is fierce or dangerous;

(b) is rabid or exhibits symptoms of canine madness.

25. Municipal Staff may, after two written warnings have been given to the owner that a dog has been running at large or eluding capture, destroy such dog on sight or after capture.

26. Municipal Staff may, destroy on sight any dog that is running at large and which the Dog Control Officer believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property or persons other than the owner.

Registration Fees

27. The registration fee for dogs on an annual basis shall be as follows:

One male or spayed dog	\$5.00
Each additional male or spayed dog, where more than one dog is owned by any one person	\$4.00
One female dog, not spayed	\$50.00
Each additional female dog, not spayed where more than one such dog is owned by any one person	\$40.00
Each dog that does not have the ability to reproduce because of infirmity or age	\$5.00
Each kennel owner	\$50.00

Penalty

28. Any person who violates any provision of this By-law shall be liable on conviction to a penalty of not less than one hundred (\$100.00) dollars and not more than six hundred (\$600.00) dollars and in default of payment to imprisonment for a period not exceeding 30 days.

Repeal

29. The previous Dog By-law of the Town of Pictou as amended is hereby repealed.

**AMENDMENTS TO****DOG CONTROL BY-LAW OF THE TOWN OF PICTOU**

BE IT RESOLVED by the Town of Pictou that the Dog Control By-Law is hereby amended as follows:

1. Section 2 of the Dog Control By-Law is hereby amended to read as follows:
  2. On or before the 1st day of April, the owner of any dog shall register such dog with the Municipal Staff and obtain from the Municipal Staff a tag for such dog.
2. Section 4 of the Dog Control By-Law shall be amended to read as follows:
  4. In order to register a dog an owner shall pay the registration fee as set by Council from time to time in a recorded resolution and shall supply Municipal Staff with the following:
    - (a) Name, civic address, mailing address and telephone number of the owner;
    - (b) Name and breed of the dog;
    - (c) Description of the dog including whether the dog is male or female, spayed or unsplayed or neutered or unneutered as the case may be;  
and, at the discretion of the owner, the following additional information may be supplied;
      - (d) A photograph of the dog;
      - (e) Identification information such as micro-chip implants, tattoos or other special markings; and
      - (f) The name of the veterinary clinic frequented by the dog and veterinary file ID number;
3. Section 27 of the Dog Control By-Law concerning registration fees shall be amended as follows:

27. The registration fee for dogs on a one time basis shall be as follows:

- One male or spayed dog; \$ 5.00
- One female dog not spayed; 50.00
- Each dog does that not have  
the ability to reproduce because of  
infirmity or age; 5.00
- Each kennel owner; 50.00

In all other respects the Dog-Control By-Law of the Town of Pictou is hereby confirmed.

I CERTIFY that these Amendments to the Dog Control  
By-Law was duly passed by the Town Council of the  
Town of Pictou, at a duly called meeting held on the  
9<sup>th</sup> day of June, A. D., 2003.



D. L. STEELE, Town Clerk and Treasurer