

## *AI Dog Bylaw*

The Municipal Council of the Municipality of the County of Annapolis under the authority vested in it by Sections 175-179 of the *Municipal Government Act* enacts as follows:

### **Title**

1. This Bylaw may be cited as *AI Dog Bylaw*, the “Dog Bylaw.”

### **Definitions**

2. In this Bylaw words and phrases have the same meaning as in the *Municipal Government Act* or as provided below:

- (1) “at large” means:
  - (a) off the premises of the owner without being on a leash or under the effective care and control at all times of a responsible and capable person; or
  - (b) on a tether of sufficient length to permit the dog to wander beyond the property boundaries of the premises of the owner
- (2) “destroy” means kill;
- (3) “dog” has the same meaning as in the *Municipal Government Act* or successor legislation from time to time;
- (4) “domestic animal” includes pets and farm animals;
- (5) "extraordinary expense" means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter;
- (6) “fierce or dangerous dog” means any dog:
  - (a) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
  - (b) that, in the absence of a mitigating factor as defined herein, has attacked or injured a domestic animal;
  - (c) that, in the absence of a mitigating factor as defined herein, approaches any person or domestic animal 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;
  - (d) trained or used for dog fighting; or
  - (e) that is rabid or appears to be rabid or exhibiting symptoms of canine madness.
- (7) “impound” means to seize and hold in custody;
- (8) “mitigating factor” means a circumstance that may excuse the dangerous behaviour of a dog and, without limiting the generality of the foregoing, may include:
  - (a) aggressive behavior while acting in defense of an attack by a person or domestic animal;
  - (b) aggressive behaviour while acting in defense of its young;
  - (c) aggressive behavior as a reaction to a person or domestic animal trespassing on the property of its owner;
  - (d) aggressive behaviour resulting from being teased, provoked, or tormented;
  - (e) aggressive behavior caused by the complainant leaving food or attractants of any type out of doors;
  - (f) the dog is a professionally trained dog lawfully engaged in law enforcement duties under the control of a law enforcement officer.
- (9) "Municipality" means the Municipality of the County of Annapolis;
- (10) “Municipal Staff” means a municipal employee designated by the Chief Administrative Officer (CAO) to act on the Municipality’s behalf for the purpose of this Bylaw or a peace officer designated to act on the Municipality’s behalf for the purpose of this Bylaw;
- (11) “owner” has the same meaning as in the *Municipal Government Act* or successor legislation from time to time.

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### **Registration**

3. County residents have the option to register their dog and receive a dog tag on a volunteer basis for a one-time fee as set by Municipal Council from time to time by policy or motion.
4. The registration can be transferred to a subsequent dog, with the registration information updated.
5. A fee as set by Municipal Council from time to time by policy or motion is required for a replacement tag.
6. Residents may register their dog and receive a tag at the Lawrencetown, Bridgetown or Annapolis Royal Municipal Offices.

### **Administration of Bylaw**

7. Municipal Staff shall be responsible for the enforcement of this Bylaw.
8. Municipal Staff shall collect on behalf of the Municipality any impounding fees, daily pound fees and any other additional expenses, charges or fees as are authorized in this Bylaw.

### **Contravention of Bylaw**

9. Every owner:
  - (1) whose dog runs at large; or
  - (2) whose dog has attacked or injured a person; or
  - (3) whose dog has attacked or injured a domestic animal; or
  - (4) who fails to comply with a notice to muzzle, securely leash, and ensure that the dog is under the control of a person not under 18 years of age when the dog is off the property of the owner the dog; or
  - (5) who fails to comply with a notice to keep the dog securely restrained either indoors or inside an escape-proof enclosure that does not allow the dog to jump, climb or dig its way out of while it is on the property of the owner; or
  - (6) who fails to remove the feces of his / her dog from public property or private property other than the owners; or
  - (7) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or
  - (8) who owns, keeps or harbours a fierce or dangerous dog

is guilty of an offence under this Bylaw. Each contravention is a separate offence and subject to a separate charge.

### **Dogs at Large**

10. Municipal Staff may, without notice to or complaint against the owner, impound any dog that runs at large contrary to this Bylaw.
11. When a dog is impounded, Municipal Staff shall check for a tag or electronic identification device. If a tag or electronic identification device is found, Municipal Staff shall make at least one attempt to contact the owner of the dog. However, it remains the responsibility of the owner of a missing dog to contact Municipal Staff to ascertain whether the dog has been impounded.
12. Any dog which has not been recovered by its owner at the expiry of a period of 72 hours after being impounded may be given away or destroyed.
13. Whenever the 72 hours of impounding time expires on a weekend or holiday, Municipal Staff shall hold such dog until the expiry of the first business day following the weekend or holiday to permit the owner to recover the dog.
14. Where a dog is injured, ill or diseased before or after being impounded such that in the opinion of Municipal Staff it should be destroyed without delay for humane reasons, the dog may be destroyed in a humane manner without giving notice to the owner or permitting any person to recover the animal.
15. Where a dog is injured, ill or diseased before or after being impounded such that in the opinion of Municipal Staff it should receive veterinary treatment without delay for humane reasons, the dog may receive treatment without giving notice to the owner or permitting any person to recover the animal prior to receiving treatment.

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16. Upon verification of proof of ownership, the owner of a dog which has been impounded for being at large may recover the dog after making payment (or satisfactory arrangements for payment) of:
  - (1) an impounding fee (as set by Municipal Council from time to time by policy or practice);
  - (2) a daily pound fee (as set by Municipal Council from time to time by policy or practice);
  - (3) all travel expenses incurred by the Municipality;
  - (4) all necessary veterinary costs incurred to care for the dog;
  - (5) reimbursement for any extraordinary expenses incurred by Municipal Staff in relation to the dog; and
  - (6) a mandatory registration fee (tag and / or microchip at the discretion of Municipal Staff).
17. If a dog is not released to its owner, the fees, expenses and costs payable in Section 16 may be recovered by the Municipality from the owner as a debt.
18. In a circumstance that previous warnings or tickets have been given to the owner of a dog which has been at large, Municipal Staff may refuse to permit the owner to recover the dog. Any dog which is not permitted to be recovered by its owner may be given away or destroyed.

### **Fierce or Dangerous Dogs**

19. Where a dog is fierce or dangerous, Municipal Staff may do any one or a combination of the following:
  - (1) impound the dog;
  - (2) issue the owner a notice to muzzle, securely leash, and ensure that the dog is under the control of a person not under 18 years of age when the dog is off the property of the owner the dog;
  - (3) issue the owner a notice to keep the dog securely restrained either indoors or inside an escape-proof enclosure that does not allow the dog to jump, climb or dig its way out of while it is on the property of the owner;
  - (4) have the dog destroyed without permitting the owner to recover it and issue a notice to the owner informing that the dog has been destroyed.
20. Where a dog poses an imminent danger to a person or a domestic animal, Municipal Staff may:
  - (1) have the dog destroyed on sight; or
  - (2) have the dog destroyed after capture.
21. If a notice has been issued to the owner in accordance with Section 19, the owner may recover the dog after making payment (or satisfactory arrangements for payment) of:
  - (1) an impounding fee (as fixed by policy or motion);
  - (2) a daily pound fee (as fixed by policy or motion);
  - (3) all travel expenses incurred by the Municipality;
  - (4) all necessary veterinary costs incurred to care for the dog; and
  - (5) reimbursement for any extraordinary expenses incurred by Municipal Staff in relation to the dog;
  - (6) a mandatory registration fee.
22. Where a dog impounded in accordance with Section 19 is injured, ill or diseased before or after being impounded such that in the opinion of Municipal Staff it should be destroyed without delay for humane reasons, the dog may be destroyed in a humane manner without giving notice to the owner or permitting any person to recover the animal.
23. If a dog is destroyed, the fees, expenses and costs payable in Section 21 may be recovered by the Municipality from the owner as a debt.
24. The failure of the owner to comply with any notice issued in accordance with Section 19 shall be an offence under this Bylaw.

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### **Penalty**

25. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 for a first offence; and not less than \$300.00 and not more than \$1,000 for a second offence; and not less than \$400.00 and not more than \$1,000 for a third or subsequent offence.

### **Repeals**

26. Any previous Dog(s) Bylaws and amendments thereto are repealed upon coming into force of this bylaw.

<b>Clerk 's Annotation for Official Bylaw Book</b>	
Date of First Reading	December 14, 2021
Date of Advertisement of Notice of Intent to Consider	December 23, 2021
Date of Second Reading	January 18, 2022
Date of advertisement of Adoption of Bylaw	January 27, 2022 *
I certify that this Bylaw was adopted by Municipal Council and published as indicated above.	
<i>Carolyn Young</i>	January 28, 2022
Municipal Clerk	Date
<i>*Effective date of the Bylaw unless otherwise specified.</i>	

### **Enacted June 25, 2015 (replaced and repealed previous bylaw)**

#### ***Amended January 25, 2018:***

- In sub-section 2 (11) replaced *“owner” means a person who owns, possesses harbours or has the custody of a dog and, where the owner is a minor, the person who has legal custody of the minor.* with *“owner” has the same meaning as in the Municipal Government Act or successor legislation from time to time.*
- In Section 6 added *“Bridgetown”*
- In Section 8 added *“expenses”*
- In sub-sections 9 (4), (5), (6) and (7) added *“or”*
- In Section 9 replaced *Each of (1), (2), or (3) is a separate offence and subject to a separate charge.* with *Each contravention is a separate offence and subject to a separate charge.*
- Deleted Section 10 *“Any person who owns, keeps or harbours a fierce or dangerous dog is guilty of an offence under this Bylaw.”* and re-numbered subsequent sections
- In Section 12 deleted *“sold”* and *“and, if sold, the proceeds shall belong to the Municipality”*
- In Section 14 deleted *“or offering it for sale”*
- In sub-section 16 (6) added *“(tag and / or microchip at the discretion of Municipal Staff)”*
- In Section 17 added *“expenses and costs”*
- In Section 18 added *“Any dog which is not permitted to be recovered by its owner may be given away or destroyed”*
- In sub-section 19 (4) deleted *“destroy the dog or”*
- In Section 20 deleted *“do any one or a combination of the following”*
- In sub-section 20 (1) and (2) deleted *“destroy the dog or”*
- In Section 22 replaced *“18”* with *“19”* and deleted *“or offering it for sale”*
- In Section 23 added *“expenses and costs”* and replaced *“20”* with *“21”*
- In Section 24 replaced *“18”* with *“19”*

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*Amended January 18, 2022:*

*Replaced Section*

~~25. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 and to imprisonment of not more than three months in default of payment thereof.~~

**25. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 for a first offence; and not less than \$300.00 and not more than \$1,000 for a second offence; and not less than \$400.00 and not more than \$1,000 for a third or subsequent offence.**