

Town of Truro – Bylaws

Subject: Dogs
Bylaw Number: B1031300
Approval Date: January 7, 2008 (amendments)
Departments: Police Service

1 This By-law may be cited as the “Dog By-Law”.

INTERPRETATION

2 In this By-law unless the context otherwise requires:

“Animal Control Officer” or “ACO” means the person designated by Council to be the by-law enforcement officer for this by-law. An Officer of the Truro Police may destroy a vicious dog where the circumstances call for that action in the normal course of carrying out the Officer’s duties. The poundkeeper may be the Animal Control Officer, if Council so designates.

“At Large” means being elsewhere than on the lands or premises owned or occupied by the dog owner and not on a Leash.

“Attack” means an assault resulting in bleeding, bone breakage, sprains, or serious bruising.

“Bite” means wound to the skin causing it to puncture or break.

“Council” means the Municipal Council of the Town of Truro.

“Dog” means a male or female animal of the species canine over the age of twelve (12) weeks.

“Dog License” means a license for a dog for the current licensing year that has been paid for and that has been issued by the Town.

“Dog Owner” means any person:

- (a) whose name appears on a dog license;
- (b) who is in possession of a dog;
- (c) who has the care, custody or control of a dog; or
- (d) who possesses, harbours or allows a dog to remain about a house, land or premises owned or occupied by that person.

“Highway” includes every highway within the meaning of the *Public Highways Act, R.S.N.S., c. 371*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passageway owned or operated by the Town for the purpose of providing off-street parking or for the use of pedestrian or bicycle traffic.

“Impounded” means seized and delivered into the pound or in the custody of the poundkeeper.

“Keep” means to have temporary or permanent control or possession of a dog, and the words “kept” or “keeping” have a similar meaning.

“Kennel” means a licensed enterprise dealing with the breeding, buying, selling or boarding of dogs.

“Leash” means a line, thong or chain that does not exceed a length of 6 feet or 183 centimetres that is of sufficient strength to safely and humanely restrain a dog without breaking. It may also include a retractable lead device with no more than 8 metres of extendible lead.

“Licensed Dog” means a dog that is wearing, either on its collar or harness, a metal tag on which is stamped figures corresponding to a dog license for that specific dog.

“Licensing Year” shall mean a period from April 1st in any year to April 1st in the following year.

“Town Staff” means the Town’s Dog Control Officer or a person appointed by the Chief Administrative Officer or Council to act on the Town’s behalf for the purposes of this By-law, and includes the Poundkeeper.

“Pound” means premises used by the poundkeeper to harbour and maintain dogs pursuant to this By-law or any vehicle used by the poundkeeper.

“Poundkeeper” means the person appointed as poundkeeper by Council and any person or persons acting the direction of the poundkeeper.

“Premises” means a building or part of a building or a place.

“Premises of the owner” includes premises where a dog is habitually harboured or fed.

“Provocation” means teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

“Puppy” means a male or female dog aged 12 months or less.

“Service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose.

“Sterilized” means either spayed or neutered.

“Town” means the Town of Truro.

“Unlicensed Dog” means a dog which is not a licensed dog.

“Vicious Dog” means a dog which:

- (a) has bitten a human without provocation;
- (b) has bitten an animal without provocation; or
- (c) has a known propensity, tendency or disposition to attack or aggressively pursue, without provocation, a human or an animal.

2.1 The Definitions in the Town's Municipal Planning Strategy and Land Use By-Law shall apply to this By-Law except where inconsistent with definitions contained herein.

2.2 Any Schedules to this By-Law form part of this By-Law.

IMPOUNDMENT

3 The Council does hereby authorize:

- (a) the establishment, maintenance and operation of facilities for the impounding of dogs at such place or places and upon such premises, as the Council may determine, by resolution.
- (b) the appointment, by resolution, of a poundkeeper to maintain and operate the pound or pounds established under this By-law.
- (c) the making of an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a pound, for regulating the conduct of the Pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the pound.

3.1 Any poundkeeper in charge of the pound shall impound and detain all dogs delivered to him and shall furnish them with reasonable food, water, shelter and care.

CONTROL, LICENCING AND IMPOUNDING OF DOGS

Control of Dogs

4 Except as otherwise permitted by this By-law:

- (a) A dog owner shall not permit, suffer or allow a dog to be at large.

4.1 Every owner of a dog shall ensure that the dog is kept on a leash and under the control of some person when the dog is on any land in the Town unless:

- (a) the land is the premises of the owner of the dog,

- (b) the land is owned by a person who has given prior consent to the dog being off the leash, or
- (c) the land is parkland that is:
 - i) owned by the Town, and
 - ii) designated by sign as an area where dogs are permitted to go off-leash

4.2 Police officers with the Truro Police Service and any By-Law Enforcement Officers appointed by the Town shall, along with the ACO, be responsible for enforcing and have the authority to enforce section 4 and section 4.1.

Vicious Dogs

5 The ACO has the power and authority hereunder, upon reasonable grounds, to make the determination that any dog is a vicious dog.

5.1 When the ACO determines that a dog is a vicious dog, the ACO, if the ACO determines, in the ACO's discretion, that the vicious dog poses an immediate and significant threat to the public safety, may destroy the vicious dog.

5.2 If the ACO destroys the dog, the ACO will arrange for the disposal of the remains and will make reasonable efforts to inform the dog owner that the dog has been destroyed.

5.3 If a dog attacks a person and causes injury, the Truro Police Service shall, along with the ACO, have the authority to investigate the circumstances of the attack if the Police Service decides that it is appropriate to do so, and the Truro Police Service may make such recommendations to the ACO as it sees fit.

Scooping

6 Every owner of a dog shall immediately remove any feces left by the dog in the Town:

- (a) on a highway or roadway,
- (b) in a public park,
- (c) on any public property other than a public park, or
- (d) on any private property other than the property of:
 - i) the owner of the dog, or
 - ii) the person having care, custody or control of the dog.

6.1 Every owner of a dog shall dispose of any feces removed pursuant to this Section on his or her premises.

6.2 Every owner of a dog shall remove from his or her property, in a reasonably timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

- 6.3 This section does not apply to a handler of a service dog, where the handler is not reasonably able to remove the excrement left by such dog due to a physical disability or impediment.
- 6.4 This section does not apply to a blind or visually impaired handler of a service dog if the feces was left during the course of the dog fulfilling its duties as a service dog.

Disruptive Dog

- 7 No dog shall be permitted to consistently disturb the quiet of a neighbourhood by barking, howling, or otherwise making noise to a degree beyond what the Animal Control Officer determines to be normal.
- 7.1 In determining what is "normal" in the context of this section, the ACO shall consider one or more, but not be limited to, the following factors:
 - (a) the time of day that the dog is reported as disruptive;
 - (b) the frequency and duration of the reported disruptive behaviour;
 - (c) the proximity of neighbours and population density of the neighbourhood.
- 7.2 If the ACO determines, upon reasonable grounds, that a dog is being disruptive, as defined in this section, the ACO shall give a written warning to the dog owner before taking any other action under this by-law.

Interference with ACO or Poundkeeper

- 8 Anyone who obstructs or interferes with the Animal Control Officer, or his/her duly authorized delegate, or the poundkeeper, engaged in the execution of his/her duties, commits an offence under this by-law.

Licensing of Dogs

- 9 No person shall own, possess or harbour an unlicensed dog within the boundaries of the Town.
- 9.1 A person who owns, possesses or harbours any dog before the first day of April in each year, shall obtain a dog license in accordance with the provisions of this by-law. (Amended February 6, 2006)
- 9.2 A dog license issued pursuant to this by-law is valid for the licensing year in which it is purchased and shall expire on the 31st day of March in that licensing year. (Amended February 6, 2006)
- 9.3 Applications for and the issuance of a dog license shall be the responsibility of the ACO, and such other persons as may be appointed by Council.

- 9.4 Every person who obtains a dog license shall be given a metal tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the dog license was obtained.
- 9.5 The number on the dog license shall correspond to the stamped number on the metal tag.
- 9.6 Where a dog owner finds that the metal tag issued by the Town has been lost, destroyed or mutilated, the dog owner shall acquire for the remainder of the current licensing year a replacement tag, upon producing proof of purchase of a valid dog license and upon payment of a prescribed fee.
- 9.7 The dog license fees pursuant to this by-law shall be those set out in Schedule 'A' attached to and forming part of this By-law.
- 9.8 Notwithstanding this section, the following dogs need not have a dog license:
- (a) a trained guide dog owned or utilized by a blind person;
 - (b) a dog owned and utilized as a law enforcement service dog; and
 - (c) a dog determined by the ACO to be a service or assistance dog.

Impounding of Dogs

- 10 Town 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 as required by this By-law;
 - (c) is not registered pursuant to this By-law;
 - (d) is fierce and dangerous;
 - (e) is rabid or appears to be rabid or exhibits symptoms of canine madness; or persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
- 10.1 The poundkeeper, upon seizure and impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded, including review of available information from licenses, tattoos or microchips.
- 10.2 If after the expiration of not less than 72 hours, Sundays and holidays not included in the calculation, the impounded dog is not claimed, the poundkeeper may, on the expiration of this period, destroy, or place for adoption, the impounded dog.
- 10.3 The poundkeeper, upon receiving a certificate from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, may immediately destroy that impounded dog.

- 10.4 The poundkeeper may, upon receipt of a dog delivered to him by the ACO, a Peace Officer, or a member of the general public, deal with that Dog in the same manner as other Dogs received and retained by him pursuant to this by-law.
- 10.5 The poundkeeper shall maintain a log book, in which he shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing and the manner of disposal of the impounded dog.
- 10.6 The poundkeeper shall each month deliver to Council a report of the log book activity.
- 10.7 An impounded dog may be destroyed immediately upon receipt if it is diseased, suffering, or unremittably vicious, and this is verified either by a veterinarian or the ACO; or if requested by the owner of record and proof of identification is received and a waiver and indemnification form signed.
- 10.8 All impounded dogs are eligible for sale seventy-two (72) hours after impoundment, subject to 12.3 above, Sundays and holidays excluded from the calculation.
- 10.9 The owner of record of an impounded dog shall be responsible for all uncollected fees or costs in respect of an impounded dog whether or not he/she effects the release of the dog.
- 10.10 In this Section, where an impounded dog is to be destroyed, the poundkeeper shall make all reasonable efforts to retain the services of a veterinarian for that purpose.

ENFORCEMENT

- 11 No dog owner or puppy owner shall do anything, or fail to do anything, where that action or omission, as the case may be, results in a violation of this by-law.
- 12 This by-law may be enforced, at the discretion of the Town:
 - (a) in accordance with the procedures set out in the *Municipal Government Act*; or
 - (b) by means of a summary offence ticket under the *Municipal Government Act*.
- 13 The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this by-law.
- 14 Except as otherwise provided in this By-law, any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this by-law, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this by-law shall be liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) but not less than the fines set out in this by-law.
- 15 The poundkeeper may enter, at all reasonable times, upon any property subject to this by-law in order to ascertain whether this By-law is being obeyed.

- 16 Every person who contravenes any part of this by-law is guilty of an offence and is subject to the provisions of the *Summary Proceedings Act*.
- 17 Each day an offence continues shall be a separate offence.
- 18 The penalties prescribed are as follows:
- (a) with respect to the first contravention in any consecutive 12 month period, payment of \$60.00;
 - (b) with respect to a second contravention within any consecutive 12 month period, payment of the sum of \$200.00;
 - (c) with respect to a third contravention within any consecutive 12 month period, payment of the sum of \$500.00;
 - (d) with respect to any subsequent contravention within any consecutive 12 month period, payment of a sum not less than \$500.00 and not more than \$2000.00.
- 19 Any contravention of any provision of this By-Law, in the preceding twelve months by the person charged, shall be counted as a previous contravention for the purpose of the preceding paragraphs.
- 20 If payment is not made in accordance with these procedures, the fine is recoverable under the *Summary Proceedings Act*.

COSTS

- 21 In all cases the Town shall have the right to recover from the owner of the dog the costs incurred by the Town in applying this by-law to the owner's dog.
- 21.1 In all cases the Town shall have the right to recover from the owner of the dog the costs incurred by the Town in the first instance in connection with the owner's dog, such as in the cases of suspected rabies, etc.
- 21.2 In all cases the costs of the Town shall include the actual payments made by the Town, together with its reasonable administrative charges.
- 21.3 The provisions of this by-law shall be enforceable pursuant to the *Municipal Government Act*.

INTERPRETATION

- 22 This by-law shall be read with all changes in gender and number, as may be appropriate.
- 23 Any part of this by-law found to be illegal shall be severed from the balance of the bylaw.
- 24 Any and all fees referred to in the by-law shall be as set out in Schedule "A" to this bylaw, as amended by Council from time to time.

SCHEDULE "A"

DOG LICENCE FEES

1. Dog License fees shall be:
 - (a) \$12.00 for each Dog. Each license fee shall be payable for the Licensing Year in which the License shall be applied for regardless of the date within that year when the application for the License shall be made. (Amended February 6, 2006)

DOG IMPOUND FEES

2. A Dog Owner may reclaim their Impounded Dog upon proving ownership and upon paying to the poundkeeper the following impound fees, maintenance fees and any overdue dog license fees pursuant to Schedule 'A'.
 - (a) An impoundment fee in respect of a Licensed Dog:
 - First impoundment - \$30.00
 - Second impoundment - \$70.00
 - Third and subsequent impoundments - \$100.00
 - (b) An impoundment fee in respect of an Unlicensed Dog - \$100.00
 - (c) A maintenance fee in respect of each day or part of a day of the impoundment period - \$8.00