



BYLAW

“Animal Control Bylaw”

A BYLAW OF THE TOWN OF SPRINGHILL, IN THE PROVINCE OF NOVA SCOTIA, TO REGISTER DOGS AND CONTROL DOGS AND OTHER ANIMALS WITHIN THE TOWN OF SPRINGHILL

WHEREAS, the Council deems it necessary to regulate and provide for the Registration of dogs, and to provide for the confinements of certain animals within the Town, and to regulate and control other animals; and

WHEREAS, Part 7 (VII) of the Municipal Government Act, as amended or replaced, for the Province of Nova Scotia, gives the Council the authority to pass such a bylaw;

NOW THEREFORE, the Council of the Town of Springhill in the Province of Nova Scotia duly assembled hereby enacts as follows:

TITLE

1. This By-law is entitled the “Animal Control By-law”.

DEFINITIONS

2. In this By-Law:
 - (1) “Animal Control Officer” means a special constable or by-law enforcement officer appointed pursuant to the Police Act or similar legislation and empowered by such appointment to enforce this By-

law, or a police officer for the Town, and an Animal Control Officer is not an Owner of any animals seized by him as Animal Control Officer;

- (2) "Chief Administrative Officer" means the Chief Administrative Officer for the Town;
- (3) "Council" means the Council of the Town;
- (4) "Destroy" means kill;
- (5) "Director of Finance" means the Director of Finance for the Town;
- (6) "Dog" means any dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;
- (7) "Dog Registration Fee" means such fee as is set out in Schedule "B" attached to and forming a part of this By-law, or such other fee as is set by Policy of Council, for registering a dog, such fee to be set considering the cost of maintaining and improving a registry system for Dogs and enforcing this By-law, and the Fee may:
 - a. be greater for female Dogs than for male Dogs;
 - b. be greater for unspayed or unneutered Dogs than for spayed or neutered Dogs; and
 - c. be less for initial registration of a Dog where such registration by the Owner was not required prior to September 30th of the year of registration;
- (8) "Extraordinary Expense" means any expense incurred in relation to an animal except for provision of food and shelter;
- (9) "Impounding Fees" mean such fees as are set out in Schedule "B" for the cost of impounding an animal by the Animal Control Officer, and the Fees may differ for different types of animals;
- (10) "Owner" of an animal includes any person who possesses, has the care of, has the control of, or harbours an animal and, where the person is a minor, includes a person with custody of the minor;
- (11) "Police" means the Springhill Police Services

- (12) "Pound Fees" means such fees as are set out in Schedule "B" for the provision of food and shelter to animals harboured at the pound, and such Fees may differ for different types of animals.
- (13) "Pound Keeper" means a person or organization appointed by Council or the Chief Administrative Officer as Pound Keeper and a Pound Keeper becomes owner of the animal after the redemption period has expired;
- (14) "Redemption Period" means that period of time which commences with the possession of an animal by the Pound Keeper and expires 72 hours later.
- (15) "Registration Tag" means a tag bearing the name of the town, a serial number and the year in which it is issued by Staff to the Owner of a Dog upon registration of the Dog to identify the Dog, and includes a Replacement Tag issued to replace a missing tag;
- (16) "Replacement Tag Fee" means such fee as is set out in Schedule "B" for providing a Replacement Tag to an Owner of a Dog when a Registration Tag is lost;
- (17) "Staff" means those persons assigned by Council or the Chief Administrative Officer to administer the provisions of this By-law,
- (18) "Town" means the Town of Springhill.

DOG REGISTRATION

- 3. (1) Every Owner of a Dog shall register such Dog with Staff within 10 days of becoming the Owner and annually thereafter on or before the 31st day of March in each year and shall pay a Dog Registration Fee to the Town for each Dog.
- (2) The following persons are exempt from paying a Dog Registration Fee:
 - (a) a veterinarian who temporarily harbours a Dog for the sole purpose of providing it with medical care;
 - (b) an Owner of a Dog that is less than 3 months old; and
 - (c) a person who harbours a stray Dog for less than 7 days

- (3) The Owner of a Dog that is trained to assist and assists the Owner with a disability must register their dog however, they are exempt from paying a Dog Registration Fee.

The onus is on such persons to prove the exemption.

REGISTRATION PROCESS

4. To register a Dog, the Owner shall provide to Staff the following:
 - (1) name, civic address, mailing address and telephone number of the Owner;
 - (2) name, sex and breed of the Dog;
 - (3) description of the Dog including any identifying characteristics, special markings or any other information that may assist in identifying the Dog) i.e. tattoos, microchips;
 - (4) proof that the Dog has been spayed or neutered (if applicable); and
 - (5) applicable Dog Registration Fee.
5. Staff shall keep a record of every Dog registered, recording the following information:
 - (1) registration date;
 - (2) registration number;
 - (3) information attained by the owner as per Section 4and shall issue to the Owner a Registration Tag bearing the name of the Town, a serial number and the year in which it is issued.
6. The Animal Control Officer may revoke a Registration if:
 - (1) the applicant fails to comply with any condition of the Registration;
 - (2) the Registration was issued on the basis of incorrect information or a misrepresentation by the applicant; or
 - (3) the Registration was issued in error; or
 - (4) the Owner breaches a provision of this Bylaw; or

- (5) a Registered Veterinarian certifies that the Animal is a health risk.
7. If the Registration application is rejected, or a Registration that has been issued is subsequently revoked or cancelled, the Owner shall remove the animal from the Town or turn the animal over to the Animal Control Officer within forty-eight (48) hours of being given written notice that the Registration application has been rejected or the Registration has been revoked or cancelled.
8. Where a Registration Tag issued by Staff to an Owner of a Dog becomes lost, the Owner shall obtain a Replacement Tag from Staff upon payment of a Replacement Tag Fee.
9. The Owner of every Dog shall keep on the Dog a collar with the Registration Tag issued for that Dog at the time of registration or a Replacement Tag, and the Tag shall be kept securely fixed on the Dog at all times during the year.
10. Where an Owner has registered a Dog and subsequently ceases to be the Owner of the Dog as a result of death, sale or transfer of the Dog, the Owner shall provide to Staff within 30 days of ceasing to be the Owner of the Dog written notice of:
 - (1) the name, civic address, mailing address, and telephone number of the person to whom the Dog was sold or transferred;
 - (2) the Dog's name and registration number; and
 - (3) the reason for ceasing to be the Owner of the Dog.
11. The Owner of a Dog shall deliver in writing to Staff a statement of the number of Dogs owned, harboured, or that are habitually kept upon the premises occupied by the Owner, within 10 days after receiving notice from Staff requiring such information to be provided.
12. No more than three Dogs may be kept on any property without expressed (sic) written consent from the Town.

ENFORCEMENT AND OFFENCES

13. The Animal Control Officer shall enforce this By-Law.
14. An animal runs at large in the Town when:

- (1) the animal is off the property owned or occupied by the animal's Owner without the animal being on a leash and under the apparent restraint or control of some person;
 - (2) the animal, although tethered in some form is still able to leave property owned or occupied by the animal's owner or pose a threat to individuals off the property owned or occupied by the animal's owner.

15. A Dog may be declared fierce or dangerous by an Animal Control Officer without limiting the generality of the foregoing, a dog is fierce or dangerous if:
 - (1) the Dog, without provocation, has bitten a person or domestic animal;
 - (2) the Dog, without provocation, when either unmuzzled or unleashed, has approached any person in a vicious or terrorizing manner in an apparent attitude of attack at any place other than the property owned or occupied by the Dog's Owner;
 - (3) the Dog, without provocation, has a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals;
 - (4) the Dog is owned or harboured in whole or in part for the purpose of dog fighting; or
 - (5) the Dog is trained for dog fighting.

16.
 - (1) No owner of an animal shall knowingly or unknowingly allow any animal to persistently disturb the quiet of a neighbourhood.
 - (2) Without limiting the generality of the foregoing, the dog shall be deemed to be persistently disturbing the quiet of the neighborhood if it barks, howls or otherwise repeatedly makes noise for a period of thirty (30) minutes.

17. Every Owner of a Dog:
 - (1) whose Dog is not registered pursuant to this By-law;
 - (2) whose Dog is not wearing a Registration Tag pursuant to this By-law;

- (3) who fails to notify Staff of cessation of ownership of a Dog pursuant to this By-law;
- (4) who neglects or refuses to provide a written statement required by this Bylaw;
- (5) who keeps more than 3 dogs on any property without express (sic) written consent from the Town.
- (6) whose Dog runs at large in the Town;
- (7) whose Dog persistently disturbs the quiet of a neighbourhood as per 16(1);
- (8) who harbours, keeps, or has under care, control or direction a Dog that is fierce or dangerous; or
- (9) Except as provided by the MGA (Municipal Government Act) who fails to completely remove, in a sanitary manner, the Dog's feces from public property or private property other than the Owner's;

is guilty of an offence.

18. It shall be a defence to a charge under subsection 17(9) of this By-law that, at the time of the failure to remove the Dog's feces, the Owner had a disability that prevented the Owner from complying with the subsection and the Dog was trained to assist a person with such a disability and the Dog was assisting the Owner with such a disability.
19. Every owner of an animal who allows said animal to run at large in the Town is guilty of an offence.

IMPOUNDING

20. An Animal Control Officer may, without notice to or complaint against the Owner, impound any animal that:
 - (1) runs at large in the Town;
 - (2) is not registered or not wearing a Registration Tag required by this By-Law;
 - (3) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or

- (4) is fierce or dangerous*;and deliver the animal to the Pound Keeper.
- (5) appears to be rabid or exhibits symptoms of canine madness;
and deliver the animal to a registered Veterinarian.

* at the Pound Keepers discretion.

21. The Pound Keeper shall:

- (1) provide adequate facilities for the keeping of such animals as may be seized by the Animal Control Officer;
- (2) collect Impounding Fees, Pound Fees and any other charges as provided in this By-Law and forward Impounding Fees and any other monies other than pound fees to the Director of Finance; and
- (3) be responsible for the operation of the pound, including providing adequate food and water to impounded animals, maintaining the pound in a reasonable state of cleanliness, and keeping the pound premises neat and tidy in appearance.

22. (1) An animal must be redeemed by its Owner within the Redemption Period.
- (2) If an impounded Dog has a Registration Tag fixed to it, the Pound Keeper shall make every reasonable effort to locate the registered owner of the animal using the records associated with the Registration Tag. If an impounded animal other than a Dog has the name and telephone number of its Owner attached to it, the Pound Keeper shall attempt to contact the Owner.
- (3) Neither the pound keeper nor the Town shall incur any liability in the event of any failure to contact the owner of an impounded animal.
- (4) Upon the expiry of the Redemption Period for an animal, and upon reasonable notice to the owner, the pound keeper may put up for adoption any animal that is eligible by this by-law.
- (5) If an animal cannot be adopted out by the pound keeper within a reasonable period of time, the pound keeper, upon reasonable notice to the owner, may choose to destroy the animal if all other options fail.

- (6) If the animal owner is known, and they neglect to claim their animal, pound fees and euthanasia fees shall be charged and invoiced to that owner. For purposes of this section, reasonable notice shall consist of an attempt to contact the owner in accordance with 22(2).
23. No Dog may be redeemed by its Owner or adopted out by the Pound Keeper if the Dog:
- (1) is fierce or dangerous;
 - (2) is rabid or appears to be rabid; or
 - (3) exhibits symptoms of canine madness;
- and the Dog may be destroyed, upon reasonable notice as per section 22(6) by the Pound Keeper.
24. An animal cannot be redeemed by its Owner until reasonable proof of ownership of the animal is provided by the Owner, Impounding Fees, Pound Fees, and any Extraordinary Expense are paid by the Owner, and, where applicable, the Dog is registered and a Registration Tag is fixed to the Dog.

OTHER CONTRAVENTIONS

25. The owner of an animal that is inside or on a vehicle:
- (1) the animal is secured so that it is unable to fall out or vacate the vehicle; and
 - (2) the animal is secured preventing the animal from posing a threat or disturbing people or animals when walking by.
 - (3) any person in contravention of Section 25 is guilty of an offence.
26. Residences or grounds where any animals are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.
27. Every owner of an animal shall provide sufficient food, water, care and medical attention when required, and shelter including protection from the atmospheric elements such as the sun, snow, rain, hail, wind, cold or hot temperatures, or any other atmospheric or environmental condition which could reasonably be expected to cause an adverse effect on the animal.

28. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise release an animal which has been confined, thereby allowing said animal to run at large in Town.
29. No person shall tease, torment, annoy or harm any dog, cat or domestic animal.
30. No person shall in any manner hinder or obstruct a Peace Officer in the performance of his/her duties under this Bylaw.
31. It is an offence under this bylaw for any person to abandon an animal in or around the Town and when the offence pertains to a litter, each animal in the litter is a separate offence.

OTHER PROVISIONS

32. Whereas the provisions of this Bylaw fall under the jurisdiction of the Police, the Police are the first contact for animal complaints and inquiries concerning impounded animals. Therefore, the Animal Control Officer shall be dispatched by the Police upon receiving a formal complaint and the Animal Control Officer will notify dispatch immediately upon impound, and dispatch will maintain a record of all impounded animals.
33. It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
34. No action, civil or otherwise, lies against any Peace Officer, registered veterinarian, Town Council or Town Staff, or any person acting in good faith and under authority afforded under this Bylaw.

AS PER THE MUNICIPAL GOVERNMENT ACT

Dangerous Dogs (As per Part 7 Section 176 of the MGA)

- (1) Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise contrary to this by-law, a justice of the peace may, by warrant, authorize and empower the person named in the warrant to:

- (a) enter and search the place where the dog is, at any time;
 - (b) open or remove any obstacle preventing access to the dog; and
 - (c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.
- (2) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

Additional Penalty (As per Part 7 Section 177 of the MGA)

- (1) At the trial of a charge laid against the owner of a dog that is fierce or dangerous, that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or runs at large, contrary to a by-law, in addition to the penalty, the judge may order that the:
- (a) dog be destroyed or otherwise dealt with; and
 - (b) owner pay any costs incurred by the municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog, and it is not necessary to prove that the
 - (c) dog previously attacked or injured a domestic animal, person or property;
 - (d) dog had a propensity to injure or to damage a domestic animal, person or property; or
 - (e) defendant knew that the dog had such propensity or was, or is, accustomed to doing acts causing injury or damage.

REPEAL

35. All previous bylaws that provide for the registration of dogs and for the control of dogs and other animals within the town of Springhill are hereby repealed.

EFFECTIVE DATE

36. This By-law is effective upon publication.



Bylaw - Animal Control Bylaw

CAO's Annotation (Office Use Only)

Date of First Reading: October 27, 2009

Date of Second Reading: June 29, 2010

***Date of Advertisement of Passage of By-law:**

Date of Mailing to Minister a Certified Copy of By-law: September 14, 2010

I certify that this Animal Control By-law was adopted by Council and published as indicated above.

June 29, 2010
Date

D. F. (Don) Tabor
D. F. (Don) Tabor, CMM
Chief Administrative Officer
TOWN OF SPRINGHILL

*Effective Date of the By-law unless otherwise specified in the text of the By-law.



Bylaw - Animal Control Bylaw

TOWN OF SPRINGHILL

SCHEDULE "A"

PENALTIES

Section	Payment
17(1)	\$50.00 + Registration Fee
17(2)	\$50.00
17(3)	\$50.00
17(4)	\$50.00
17(5)	\$50.00
17(6) First Offence	\$25.00
17(6) Second Offence	\$50.00
17(6) Third Offence	\$75.00
17(6) Subsequent Offences	\$100.00
17(7) First Offence	Warning Letter
17(7) Second Offence	\$50.00
17(7) Third Offence	\$75.00
17(7) Subsequent Offences	\$100.00
17(8)	\$200.00
17(9)	\$50.00
19 First Offence	\$25.00
19 Second Offence	\$50.00
19 Third Offence	\$75.00
19 Subsequent Offences	\$100.00
25(1)	\$50.00
25(2)	\$50.00
26	\$50.00
27	\$100.00
28	\$50.00 + Costs and Fines incurred as a result
29	\$100.00
30	\$100.00
31	\$100.00 per animal



Bylaw - Animal Control Bylaw

TOWN OF SPRINGHILL

SCHEDULE "B" FEES AND CHARGES

DOG REGISTRATION

Spayed or Neutered	\$15.00 (Annual Fee)
Non-spayed or Non-neutered	\$45.00 (Annual Fee)
Replacement Tag (lost or stolen)	\$5.00 (Fee)

ANIMAL IMPOUND FEES (24 MONTH CYCLE)

1 st Offense – Registered (with tag affixed)	\$0.00 No Charge
1 st Offense – Unregistered (or without tag affixed)	\$35.00 + Registration
Subsequent Offences	\$50.00 (+ Registration if applicable)
Pound Fee – per day or part day	\$20.00



Bylaw - Animal Control Bylaw

TOWN OF SPRINGHILL

SCHEDULE "C"

SECTIONS 175 – 179 OF THE MUNICIPAL GOVERNMENT ACT

Dog by-law

175 (1) Without limiting the generality of Section 172, a council may make by-laws

(a) regulating the running at large of dogs, including permitting the running at large of dogs in certain places or at certain times;

(b) imposing a registration fee upon the owner of every dog, the amount to be set by policy, for such length of time as is specified in the by-law with the power to impose a larger fee for female dogs than for male dogs, or for unspayed or unneutered dogs than for spayed or neutered dogs;

(c) requiring tags for the identification of dogs registered under the by-law;

(d) exempting from any registration fee a dog that is a stray dog and is harboured for up to the maximum period of time set by by-law;

(e) defining fierce or dangerous dogs, including defining them by breed, cross-breed, partial breed or type;

(f) regulating the keeping of fierce or dangerous dogs;

(g) prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;

(h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs

(i) that run at large contrary to the by-law,

(ii) in respect of which the fee or tax imposed by a by-law is not paid,

(iii) that are fierce or dangerous,

(iv) that are rabid or appear to be rabid or exhibiting symptoms of canine madness,

(v) that persistently disturb the quiet of a neighbourhood by barking, howling or otherwise;

(i) requiring the owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, to remove the dog's feces from public property and from private property other than the owner's;

(j) requiring the owner of a dog to provide a written statement of the number of dogs owned, harboured or that are habitually kept upon the premises occupied by the owner.

(2) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.

(3) Where a dog tag is required by by-law, the dog tag shall bear a serial number and the year in which it is issued and a record shall be kept showing the name and address of the owner and the serial number of the tag.

(4) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club may, in any year, pay a fee set by council, by policy, as a tax upon the kennel for that year and upon payment of the amount, the owner of the kennel is exempt from any further fee regarding the dogs for that year.

(5) Where required by by-law to do so, the owner of a dog may enter upon private property to remove the dog's feces.

Dangerous dogs

176 (1) Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise *contrary to a by-law*, a justice of the peace may, by warrant, authorize and empower the person

named in the warrant to

- (a) enter and search the place where the dog is, at any time;
- (b) open or remove any obstacle preventing access to the dog; and
- (c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.

(2) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

(3) ~~The peace officer shall appear before, and satisfy, the justice of the peace of the grounds for belief before a warrant pursuant to this Section may be issued.~~

Additional penalty

177 At the trial of a charge laid against the owner of a dog that is fierce or dangerous, *that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or runs at large*, contrary to a by-law, in addition to the penalty, the judge may order that the

- (a) dog be destroyed or otherwise dealt with; and
- (b) owner pay any costs incurred by the municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog,

and it is not necessary to prove that the

- (c) dog previously attacked or injured a domestic animal, person or property;
- (d) dog had a propensity to injure or to damage a domestic animal, person or property; or
- (e) defendant knew that the dog had such propensity or was, or is, accustomed to doing acts causing injury or damage.

Rabid animals

178 A person may kill or destroy a rabid dog or other rabid animal found at large and may secure and confine a dog or other animal at large and appearing to be rabid or exhibiting symptoms of canine madness.

Proof at trial

179 Upon the trial of an action brought against the owner or harbourer of a dog for any injury caused, or damage occasioned by, such dog, it is not necessary to prove knowledge by, or notice to, the owner or harbourer of any mischievous propensity of the dog.