
Municipality of Cumberland By-Law

Chapter 03-01 Dog By-Law

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

Definitions

2. In this By-Law:
 - (1) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipality of the County of Cumberland, as appointed pursuant to the Municipal Government Act;
 - (2) "Council" means the Council of the Municipality;
 - (3) "destroy" means kill;
 - (4) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
 - (5) "domestic animal" includes pets and farm animals;
 - (6) "extraordinary expense" means any expense incurred by municipal Staff in relation to a dog except for provision of food and shelter;

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- (7) “fierce or dangerous dog” has the meaning stipulated in section 7 of this By-Law;
- (8) “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;
- (9) “Municipal Staff” means the Municipality’s Dog Control Officer and any person appointed by the Chief Administrative Officer or Council to act on the Municipality’s behalf for the purposes of this By-Law, and includes the Pound Keeper;
- (10) “Municipality” means the Municipality of the County of Cumberland;
- (11) "owner" means the owner of a dog and any person who possesses, has the care or control of, or harbours a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (12) “public road” means any road, street, or highway owned and maintained by the Province of Nova Scotia or the Municipality; and
- (13) “traveled portion or shoulder” means, in the case of a paved road, the paved surface and any unpaved area between the paved area and the ditch,

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and where there is no ditch, the nearest property line; and in the case of an unpaved road means the entire width of the road between the ditches, and where there is no ditch, the nearest property line.

Dog Control and Pound

3. Municipal Staff as appointed by the Chief Administrative Officer shall be responsible for the enforcement of this By-Law.
4. The Chief Administrative Officer shall appoint a Pound Keeper who shall:
 - (1) collect on behalf of the Municipality 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;
 - (2) be responsible for the operation of the pound;
 - (3) provide adequate food and water to impounded dogs;
 - (4) keep the pound in a reasonable state of cleanliness;
 - (5) keep the pound premises neat and tidy in appearance.

Dogs Running At Large

5. Any dog which is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large

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for the purposes of this By-Law. A Dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large.

6. The owner of a dog shall, at any time while the dog is on the traveled portion or shoulder of any public road, 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, except 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:
 - (1) participating in a search and rescue operation or law-enforcement operation;
 - (2) assisting a person with a disability, provided the dog is trained for such purpose; or
 - (3) within a municipal public park 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 are posted.

Fierce or Dangerous Dogs

7. For the purpose of this By-Law a dog that is fierce or dangerous means any dog:
 - (1) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;

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- (2) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
- (3) 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;
- (4) owned or harboured in whole or in part for the purpose of dog fighting; or
- (5) 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.

Responsibilities of Owners

8. Every owner of a dog
 - (1) whose dog runs at large;
 - (2) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
 - (3) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous; or

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- (4) who fails to remove the feces of the dog, other than a dog that is trained to assist and is assisting a person with a disability, from public or private property, other than property of the owner;

is in contravention of this By-Law.

Impounding

9. Municipal Staff may, without notice to or complaint against the owner, impound any dog that:
 - (1) runs at large contrary to this By-Law;
 - (2) is fierce or dangerous;
 - (3) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
 - (4) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
10. An Impounding Fee of \$50.00 and a Daily Pound Fee of \$20.00 shall be payable by any person seeking to redeem a dog which has been impounded for the first time. An Impounding Fee of \$100.00 and a Daily Pound Fee of \$40.00 shall be payable by any person seeking to redeem a dog which has been impounded for the second or any subsequent time.
11. Subject to Section 12 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

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canine madness, the owner of a dog which has been impounded may redeem the dog after payment to the Pound Keeper, or making arrangement for payment satisfactory to the Pound Keeper, of the Impounding Fee and the Daily Pound Fee(s), along with reimbursement for any Extraordinary Expenses incurred by Municipal Staff in relation to the dog.

12. Any dog which has not been redeemed by its owner at the expiry of a period of 72 hours after being impounded may be given away, sold or destroyed by the Pound Keeper and, if sold, the proceeds shall belong to the Pound Keeper.

Notice

13. 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 three attempts to contact the owner of the dog using any information provided on the tag. 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 the By-Law, whether the dog has bene impounded, and neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to give Notice to the owner.

Destroying

14. Municipal Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:
 - (1) is fierce or dangerous;
 - (2) is rabid or appears to be rabid or exhibits symptoms of canine madness.

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15. 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.
16. Municipal Staff may, destroy on sight, any dog that is running at large and which he or she believes, on reasonable or probable grounds, to pose a danger to a person, a deer or a domestic animal, or to property of persons other than the owner.

Penalty

17. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Dollars (\$2,000.00) and to imprisonment of not more than twenty (20) days in default of payment thereof.
18. Any person who contravenes section 8 of this By-Law and who is given notice of the contravention may pay to the Municipality, at the place specified in the notice, the sum of \$75.00 (Seventy-five Dollars) within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

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Clerk's Annotation For Official By-Law Book

Date of first reading: May 7, 2003

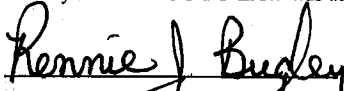
Date of advertisement of Notice of Intent to Consider: May 28, 2003

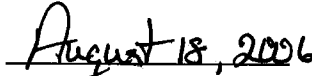
Date of second reading: June 18, 2003

*Date of advertisement of Passage of By-Law: July 16, 2003

Date of mailing to Minister a certified copy of By-Law: August 25, 2003

I certify that this DOG BY-LAW was adopted by Council and published as indicated above.


Rennie L. Engley, Clerk


Date

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