

# MUNICIPALITY OF THE DISTRICT OF ARGYLE

## BY-LAW # 12A

### DOGS

#### 1. SHORT TITLE

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

#### 2. DEFINITIONS

In this By-Law:

- (a) “**canine madness**” a form of rabid madness non-communicable to man; characterized by foaming at the mouth, impairment of deglutition, and a desire to vomit; or any contagious fatal dog illnesses such as parvo or distemper;
- (b) “**destroy**” means kill;
- (c) “**dog**” means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
- (d) “**domestic animal**” means any dogs, cats, pets or farm animals;
- (e) “**extraordinary expense**” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter;
- (f) “**fierce or dangerous dog**” has the meaning stipulated in s. **8(1)** of this By-Law;
- (g) “**mitigating factor**” means a circumstance which excuses the aggressive behavior of a dog where:
  - (i) the dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner provided that the presence of the dog is clearly posted;
  - (ii) the dog, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;

- (h) **“Municipal Staff”** means the Municipality of the District of Argyle’s By- Law Enforcement Officer or a 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.
- (i) **“Municipality”** means the Municipality of the District of Argyle;
- (j) **“owner”** means the owner of a dog and any person who possesses, has the care or control of, or harbors a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (k) **“wolf-dog hybrid”** means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;
- (l) **“Kennel”** means a commercial operation where more than two dogs are boarded for compensation, and/or bred, and/or sold on the premises, which are registered in the Canada Kennel Registry.

### **3. REGISTRATION**

- (1) 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 taxation department or Municipal Staff and obtain a tag for such dog.
- (2) A dog owned by a person under the age of eighteen (18) needs to be registered by the parent, guardian or custodian of that owner with the Municipality.
- (3) The Municipality shall not accept any dog for registration if the owner has any unpaid fines levied against him or her as a result of a conviction under this By-Law, or any unpaid fines levied with respect to a conviction under this By-Law involving the dog to be registered.
- (4) The failure to pay any fine levied under this By-Law within the time period granted by the Court shall result in the immediate revocation of the registration of any dog under this By-Law.
- (5) Every owner of a dog shall, within ten (10) days of having become owner, register such dog with the Municipal Staff and obtain a tag for such dog.
- (6) In order to register a dog, an owner shall pay the annual registration fees set out in Schedule A of this By-Law and shall supply the 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 unsprayed or neutered or unneutered as the case may be; and, at the discretion of the owner, the following additional information may be supplied;
  - (i) A photograph of the dog;
  - (ii) Identification information such as micro-chip implants, tattoos or other special markings;
  - (iii) The name of the veterinary clinic frequented by the dog and veterinary file ID number.
- (7) Registration shall be effective until the first day of April in the year following the year of registration.
- (8) The registration fee shall be reduced by 50 percent in the year of acquisition where the owner acquires ownership of the dog after September 30<sup>th</sup>.
- (9) When Municipal Staff is satisfied that a tag validly issued has been lost; and upon payment of one dollar (\$1.00), the Clerk may issue a new tag to replace the one lost.
- (10) The following are exempt from registration:
  - (a) the Municipal Staff or the Yarmouth SPCA shall not be required to register a stray;
  - (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.
- (11) A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee, but not from registration.
- (12) 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. Such a tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued. However, such a tag may be removed while the dog is being used for lawful hunting purposes in the presence and under the control of the dog's owner and wearing a collar bearing the owner's name and address.
- (13) The owner of a dog shall deliver in writing to Municipal Staff a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner with ten (10) days after having received notice requiring it to be provided.

#### **4. DOG CONTROL AND POUND**

- (1) Municipal Staff shall be responsible for the enforcement of this By-Law.
- (2) The Council may appoint a Pound Keeper who shall:

- (a) 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;
- (a) be responsible for the operation of the pound;
- (b) provide adequate food and water to impounded dogs;
- (c) keep the pound in a reasonable state of cleanliness;
- (d) keep the pound premises neat and tidy in appearance.

## **5. DOG CONTROL PROVISIONS**

- (1) The owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, shall immediately remove the dog's feces from any public property or private property, other than the property of its owner.
- (2) If a dog is on any public property or private property other than the property of its owner, the owner shall have in his or her possession a suitable means of facilitating the removal of the dog's feces.
- (3) The owner of a dog may enter upon private property for the purpose of removing a dog's feces.
- (4) No owner shall suffer, permit, allow or for any reason have his or her dog persistently bark, howl or otherwise disturb the quiet of a neighborhood.
- (5) The owner of a dog shall ensure that such dog does not enter or remain in or on any area where dogs are prohibited by posted signs.

## **6. UNSANITARY CONDITIONS**

- (1) No person shall keep a dog in an unsanitary condition within the Municipality. Conditions shall be deemed unsanitary where the keeping of the dog results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or is likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

## **7. DOGS RUNNING AT LARGE**

- (1) Any dog which is off the premises occupied by its owner must be on a leash or harness and under the continuous restraint and control of some person. Whether a dog is under the continuous restraint and control of a person is to be determined by reference to:

- (a) the size and strength of the person in relation to the size and strength of the dog;
  - (b) whether the dog has responded to voice, sound or sight commands from the owner;
  - (c) whether the dog has bitten, attacked or done any act that injures a person or domestic animal;
  - (d) whether the dog has chased or otherwise threatened a person;
  - (e) whether the dog has caused damage to property.
- (2) Any dog that does not comply with the requirements of section 7(1) is deemed to be running at large.
- (3) 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.
- (4) 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:
- (a) participating in an organized dog exhibition event or dog field trials;
  - (b) participating in a search and rescue operation or law-enforcement operation;
  - (c) assisting a person with a disability, provided the dog is trained for such purpose; or
  - (d) 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.

## **8. FIERCE OR DANGEROUS DOGS**

- (1) For the purpose of this By-Law a dog that is fierce or dangerous means any dog:
- (a) that is a wolf-dog hybrid;
  - (b) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
  - (c) that, in the absence of a mitigating factor as defined herein, has attacked or injured a domestic animal;
  - (d) 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;

- (e) owned or harboured in whole or in part for the purpose of dog fighting; or
- (f) 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.

- (2) In addition to a prosecution of an offence under this By-Law for having a fierce or dangerous dog, or after the conviction of any person for having a fierce or dangerous dog, the Municipality may require the registered owner of a fierce or dangerous dog to ensure that within ten (10) days after the notice to do so:
  - (a) such dog is registered with the Municipality as a fierce or dangerous dog in accordance with the fees outlined in Schedule A;
  - (b) such dog is spayed or neutered;
  - (c) at all times when off the owner's property, the dog shall be muzzled;
  - (d) at all times when off the owner's property, the dog shall be on a leash not longer than 1.2 metres with a tensile strength of at least 140 kilograms and under the control of a responsible person sixteen (16) years of age or older;
  - (e) when such a dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two (2) metres by four (4) metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one (1) metre of the property line or within three (3) metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement;
  - (f) a sign displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare;
  - (g) a policy of liability insurance, satisfactory to the Municipality, is in force in the amount of at least \$500,000, covering the twelve (12) month period during which licensing is sought, for injuries caused by the owner's dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.

- (3) The Municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this By-Law.
- (4) If the owner of a dog that is fierce or dangerous in unwilling or unable to comply with the requirements of section 8(2) after fourteen (14) days, the said dog shall then be destroyed. Any dog that is fierce or dangerous under this By-Law may not be offered for adoption.
- (5) The owner of a fierce and dangerous dog who does not comply with the provisions of this section of the By-Law, will have all current dog licenses revoked, and no future dog licenses will be issued for a period of 5 years.

## **9. RESPONSIBILITIES OF THE OWNER**

- (1) The owner of a dog:
  - (a) whose dog is not wearing a tag as required by this By-Law;
  - (b) whose dog is not registered pursuant to this By-Law;
  - (c) who fails to remove the feces of a dog as required by this By-Law;
  - (d) who fails to have in his or her possession a suitable means of facilitating the removal of a dog's feces when required by this By-Law;
  - (e) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
  - (f) who permits his or her dog to enter or remain in or on a school ground, playground, sports field, golf course, or any other area where dogs are prohibited by posted signs;
  - (g) who keeps a dog in an unsanitary condition;
  - (h) who neglects or refuses to provide a written statement required by this By-Law;
  - (i) which runs at large;
  - (j) which is fierce or dangerous;
  - (k) who fails to comply with the requirements for registering or keeping a fierce or dangerous dog;

is guilty of an offence under this By-Law.

## **10. IMPOUNDING**

- (1) 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 of canine madness; or
  - (f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
- (2) Owners seeking to redeem an impounded dog shall pay an impoundment fee as outlined in Schedule A of this By-Law.
- (3) Subject to Section **10(1)** 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 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 the Municipal Staff in relation to the dog.
- (4) 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.
- (6) Any person resident within the Municipality purchasing an unregistered and unlicensed dog from a pound keeper shall register and license the dog before taking him from the pound.
- (7) 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 in a humane way by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
- (8) Whenever the 72 hours of impounding time expires on a weekend or holiday, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend or holiday to permit the owner to redeem the dog.



## **11. NOTICE**

- (1) 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 (1) attempt to contact the registered owner of the dog using the tag number on the records of the 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, and neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

## **12. DESTROYING**

- (1) Municipal Staff may after complying with the requirements of Section **12(2)**, destroy after capture any dog that:
  - (a) is fierce or dangerous;
  - (b) is rabid or appears to be rabid or exhibits symptoms of canine madness.
- (2) Before destroying any dog pursuant to this section, the Municipal Staff shall have given written notice of its intent to destroy the dog to the registered owner of the dog, or in the event there is no registered owner of the dog, any owner of the dog. The written notice shall provide the owner with the circumstances as known by the Municipal Staff which lead to the decision to destroy the dog. The written notice shall specify that the owner has ten (10) days to provide a written response to the notice which shall be considered by the Municipal Staff. After receiving the written response, the Municipal Staff shall either confirm or deny the decision to destroy the dog.
- (3) Municipal Staff may, after two (2) 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 if found to be at large..
- (4) Municipal Staff may, kill on sight any dog that is running at large and which he or she believes, on reasonable and probable grounds, to pose a danger to a person or an animal or to property of persons other than the owner.

## **13. PENALTIES**

- (1) Any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction and is liable to a penalty as set out in Schedule B.
- (2) A Judge of a Court of Competent Jurisdiction, in addition to the penalties provided in this By-Law, may, if he or she considers the offence sufficiently serious, direct or order the owner of a dog to prevent such dog from doing mischief or causing the disturbance or

nuisance complained of, or have the animal removed from the Municipality, or order the animal destroyed.

- (3) Where any person contravenes the same provision of this By-Law twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount specified in Schedule B of this By-Law.
- (4) Where any person contravenes the same provision of this By-Law three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in Schedule B of this By-Law.
- (5) Any person in default of payment may be imprisoned for a term not exceeding ninety (90) days.

**Schedule A – LICENCE REGISTRATION AND IMPOUNDMENT FEES**

<b>ANNUAL REGISTRATION FEES</b>	
<b>Registration Type</b>	<b>Cost</b>
Dog registration (male or female)	\$20
Dog registration for neutered male or spayed female	\$10
Dog registration for neutered male or spayed female that is implanted with a microchip or tattooed	\$5
Fierce and Dangerous Dog registration	\$100
Kennel registration	\$100
<b>DAILY IMPOUNDMENT FEES</b>	
<b>Impoundment Type</b>	<b>Cost</b>
<b>First impoundment in any calendar year</b>	
Neutered male or spayed female dog	\$25
Non-neutered or unspayed dog	\$50
Fierce and Dangerous dog	\$100
<b>Second impoundment in any calendar year</b>	
Neutered male or spayed female dog	\$75
Non-neutered or unspayed dog	\$150
Fierce and Dangerous dog	\$250
<b>Third impoundment in any calendar year</b>	
Neutered male or spayed female dog	\$150
Non-neutered or unspayed dog	\$300
Fierce and Dangerous dog	\$500

**Schedule B – PENALTIES**

<b>Penalties</b>	<b>Applicable Sections</b>	<b>Cost</b>	
(1) Failure to remove the feces of a dog as required in this By-Law;	Section 5(1)	\$100	
(2) Failure to have in his or her possession a suitable means of facilitating the removal of a dog’s feces when required by this By-Law;	Section 5(2)	\$100	
(3) Whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;	Section 5(4)	\$100	
(4) Who permits his or her dog to enter or remain in or on a school ground, playground, sports field, golf course, or any other area where dogs are prohibited by posted signs;	Section 5(5)	\$100	
(5) Who keeps a dog in an unsanitary condition;	Section 6(1)	\$100	
(6) Who neglects or refuses to provide a written statement required by this By-Law;	Section 3(13)	\$100	
(7) Which runs at large;	Section 7(2)	If licensed fierce or dangerous:	\$500
		If unlicensed:	\$150
		If licensed:	\$100
(8) Which is fierce or dangerous;	Section 8(1)	\$500	
(9) Who fails to comply with the requirements for registering or keeping a fierce or dangerous dog	Section 8(2)	\$500	
(10) Whose dog is not wearing a tag as required by this By-Law;	Section 3(1)	\$50	

**NOTE:** Penalties 1 through 6 and 10 will be issued after one (1) written warning is issued.

The contravention of the same provision of this By-Law twice within one twelve (12) month period shall double the above.

The contravention of the same provision of this By-Law three (3) or more times within one twelve (12) month period shall triple the above.

**Chief Administrative Officer's Annotation for Official By-Law Book**

Date of First Reading	September 27, 2012
Date of Advertisement of Notice of Intent to Consider	November 6, 2012
Date of Second Reading	December 11, 2012
Date of Advertisement of Passage of By-Law	December 18, 2012
Date of Mailing to Minister a Certified Copy of By-Law	December 20, 2012
Effective Date of By-Law	December 18, 2012

I certify that this Dogs By-Law #12A was adopted by Council and published as indicated above.

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Warden

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Date

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Chief Administrative Officer

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Date