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## **By-Law No. 12**

### **Dog By-Law**

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#### **Title**

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

#### **Definitions**

2. In this By-Law:
  - (1) “destroy” means kill;
  - (2) “dog” means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
  - (3) “domestic animal” includes pets and farm animals;
  - (4) “extraordinary expense” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter;
  - (5) “fierce or dangerous dog” has the meaning stipulated in s. 7 of this By-Law;
  - (6) “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;

- (7) “Municipal Staff” means the Municipality’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;
- (8) “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;
- (9) “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;

**Dog Control and Pound**

- 3. Municipal Staff shall be responsible for the enforcement of this By-Law.
- 4. Council 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 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, while the dog is off the premises occupied by the owner, 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 effective human restraint and control shall not be deemed to be running at large. When using Municipal Trails and Sidewalks, dogs must be on a leash, at all times, held by a person able to control the dog.

### **Fierce or Dangerous Dogs**

7. For purpose of this By-Law a dog that is fierce or dangerous means any dog:
  - (1) that is a wolf-dog hybrid;
  - (2) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
  - (3) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
  - (4) 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;
  - (5) owned or harboured in whole or in part for the purpose of dog fighting; or

- (6) 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 neglects or refuses to provide a written statement required by this By-law;
  - (4) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
  - (5) who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;
- is in contravention of the 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 neighborhood by barking, howling or otherwise.
10. An Impounding Fee of \$25.00 and a Daily Pound Fee of \$10.00 shall be payable by any person seeking to redeem an impounded dog.

11. 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.
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 killed by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
13. Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

#### **Notice**

14. Upon any dog being impounded the Pound Keeper shall make at least one attempt to contact the owner of the dog if ownership can be reasonably determined. 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.

### **Destroying**

15. 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;
  - (3) is sick or injured such that it requires a veterinarian or would cause undue distress to the animal or costs to treat would be excessive to the Municipality.
  
16. 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 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 conviction by a fine of not less than \$100.00 and not more than \$500.00 and to imprisonment of not more than thirty (30) days in default of payment thereof.
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