



Town of Antigonish Animal Control By-law

Amendments to Animal Control By-law

The Animal Control By-law of the Town of Antigonish is hereby amended as follows:

- Addition of Section 1 (m): “Fierce or dangerous” includes without being limited to:
 - Any dog which shows a propensity, tendency or disposition to attack without provocation any other animals or persons;
 - Any dog when unmuzzled or unleashed or unattended by its owner, and in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon a street, sidewalk or on any public property or on any private property other than the property of the owner;
 - Any dog which bites or has bitten another animal or person without provocation;
 - Any dog which is owned, trained or harboured primarily or in part for the purpose of dog fighting, provided that a dog shall not be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behaviour acting in defence to an attack from a person or animal or acting in defence of its young or it is a professionally-trained guard dog for law enforcement or guard duties.
 - Section 8 (d): add the word “or animal” after the word “someone”
-

1. In this By-law, the following definitions shall apply:

- (a) “Chief Administrative Officer and/or CAO” shall mean the Chief Administrative Officer and/or the CAO of the Town;
- (b) “Cat” shall mean any cat, male or female, and shall include a cat of any age;
- (c) “Animal” shall mean any cat or dog as defined herein;
- (d) “Constable” shall mean the By-law Enforcement Officer for the Town of Antigonish;
- (e) “Peace Officer” shall mean any member of the Royal Canadian Mounted Police or a Municipal Police Force;
- (f) “Dog” shall mean any dog, male or female, and shall include a dog of any age and shall include the definition of dog given in the Municipal Government Act;
- (g) “Owner” shall mean the owner of a dog or cat, any person(s) who possesses, has the care of, has the control of, or harbours a dog or cat and, where the owner(s) of the dog or cat is a minor(s), includes a person(s) responsible for the custody of the minor(s);
- (h) “Town” shall mean the Town of Antigonish;
- (i) “Premises” shall mean property of the owner(s) and shall include property which an owner(s) of a dog or cat is renting or residing in;

- (j) "Animal Control Officer and/or ACO" shall mean the dog catcher and pound keeper for the Town of Antigonish;
 - (k) "Responsible Person(s)" shall mean anyone aged twelve (12) years or older;
 - (l) "At Large" shall mean being anywhere other than the owner's premises.
2. (a) The owner of any dog shall register such animal with the Town.
(b) The fee for such registration will be \$25.00 for the life of the dog; a dog tag will be issued upon receipt of the fee.
 3. The Chief Administrative Officer shall keep a record of every dog registered including a description of the animal along with name and address of the owner.
 4. The Town shall supply the owner with a metal tag for each dog registered with the tag number, and the owner of every registered dog shall keep on such a dog a collar with the tag attached thereto.
 5. Town Staff shall use their discretion as to whether or not a fee shall be assessed when a dog owner reports that a tag has been lost.
 6. Animal owners must keep their animals under effective restraint or control at all times and specifically this shall mean that the following conditions must always apply:
 - (a) an animal must be tied in such a way that it cannot leave the owner's premises;
or
 - (b) an animal may be restrained through the use of caging or fencing so that the animal cannot leave the owner's premises; or
 - (c) an animal shall only be permitted to leave the owner's premises when it is leashed and under the effective control of a responsible person.
 7. It shall be an offence under this By-law for the owner of any animal to allow such animal to:
 - (a) run at large and otherwise not comply with Section 7;
 - (b) create a disturbance by barking or howling;
 - (c) not be registered in accordance with this By-law;
 - (d) attack someone or damage or destroy someone's property; or
 - (e) defecate anywhere except on the owner's premises and not cause such defecation to be removed immediately.
 8. Any Animal Control Officer, Constable or Peace Officer, without notice to or complaint against the owner of any such animal may impound such animal or take court action against its owner when any provision of Section 8 is not complied with.

9. Any Peace Officer without notice to or complaint against the owner of any such animal may kill on sight any animal:
 - (a) which is believed to be sick, fierce or dangerous; or
 - (b) which is running at large and attempts to capture the animal have failed.
10. Any Animal Control Officer after impounding a dog for a minimum of five (5) days and after attempting to notify the owner, if known, of such animal may either
 - (a) make arrangements to give the animal to another owner; or
 - (b) destroy the animal.
11. Any Animal Control Officer, Constable or Peace Officer without notice to or complaint against the owner of any such cat may make arrangements to dispose of a cat(s) when Sections 7 or 8 are not complied with through the following means:
 - (a) giving the cat to a new owner; or
 - (b) destroying the animal.
12. When a dog has been impounded, a notice in accordance with Schedule "A" shall be delivered to the residence of the owner if known. When the owner is not known, no advertising or notice of same shall be required.
13. An Animal Control Officer shall provide care to any cats that are impounded.
14. An Animal Control Officer shall enforce all provisions of this By-law and will also maintain the Dog Pound Facility and provide care to any dogs impounded therein. The ACO must at all times maintain complete records of all aspects of those activities associated with enforcement of this By-law.
15. In those cases where an animal must be destroyed the ACO shall remove the animal to a veterinary clinic for euthanasia.
16. All fines, fees and impounding costs must be paid to the Town prior to a dog or cat being released to its owner.
17. An administrative fee of \$25.00 shall be charged to owners to retrieve a cat from the animal control pound.
18. Whenever fees or fines are collected an official Town receipt must be issued to the owner for the full amount collected and a duplicate receipt shall be submitted to the Town Office on a bi-weekly basis.
19. The ACO must be responsible for ensuring that all monies collected are deposited to the Town at least every second week and that adequate records of all such transactions are kept.

20. If it becomes necessary to dispose or destroy an animal the fines, fees and impounding costs under this By-law may be waived.
21. A Fine Schedule is included with this By-law and shall be referred to as Schedule "B". This schedule has three (3) components which are 1) Pound Fees; 2) General Fines; and 3) Defecation Fines. The General Fines and Defecation Fines shall be assessed in an ascending basis and if no violation has occurred over the previous twelve (12) months a first offence fine value shall apply.
22. An ACO while pursuing any animal in accordance with this By-law may pass over the land of any person within the Town of Antigonish but this Section shall not be so construed as to provide immunity against an action for damage to the property of any person.
23. The Animal Control Officer may designate an assistant(s) when required.

Date of First Reading:	<u>March 15, 2010</u>
Date of Advertisement of Notice of Intent to Consider:	<u>March 29, 2010</u>
Date of Second Reading:	<u>April 19, 2010</u>
Date of Advertisement of By-law Passage and Approval:	<u>May 17, 2010</u>
Date of Mailing Certified Copy to SNS & MR:	<u>August 9, 2010</u>

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

D. Kasper
Chief Administrative Officer

August 9, 2010
Date

Schedule "A"

Notice

Please take notice that a dog with tag # _____ has been impounded in the Animal Control Pound for the Town of Antigonish. This animal must be claimed prior to

Time

Day

Date

or will be given away or destroyed thereafter in accordance with the Town's Animal Control By-law.

Dated at Antigonish
this Day of

Animal Control Officer

Schedule "B"

Pound Fees – Part 1

1) First Day	\$10.00
2) For <u>each</u> additional day	8.00

General Fines – Part 2

	<u>If payment is made within fourteen (14) days, the fine shall be:</u>	<u>If payment is made after fourteen (14) days, the fine shall be:</u>
First Offence **(Within a twelve (12) month period)	\$135.75	\$164.50
Second Offence **(Within a twelve (12) month period)	\$164.50	\$222.00
Third Offence **(Within a twelve (12) month period)	\$193.25	\$279.50
Fourth Offence **(Within a twelve (12) month period)	\$394.50	\$682.00

Defecation Fines – Part 32

	<u>If payment is made within fourteen (14) days, the fine shall be:</u>	<u>If payment is made after fourteen (14) days, the fine shall be:</u>
First Offence **(Within a twelve (12) month period)	\$135.75	\$164.50
Second Offence **(Within a twelve (12) month period)	\$164.50	\$222.00
Third Offence **(Within a twelve (12) month period)	\$193.25	\$279.50
Fourth Offence **(Within a twelve (12) month period)	\$394.50	\$682.00

***"Within a twelve (12) month period" shall refer to time elapsed between offences and not to a calendar year.