

TOWN OF STEWIACKE

BY-LAW NUMBER 2002 – 12

1. Short Title

This By-law may be cited as the “*Dog By-law*”.

2. Interpretation

In this By-law, unless the context otherwise requires, the expression:

- a) “**At large**” means a dog that is off the premises of its owner, without being on a leash or under the effective care and control, at all times, of a responsible person;
- b) “**Council**” means the Council of the Town of Stewiacke;
- c) “**Dog**” means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
- d) “**Dog Control Officer**” means the Town’s Dog Control Officer or a person appointed by the Chief Administrative Officer or Council to act on the Town’s behalf for the purposes of this by-law.
- e) “**Enclosure**” means a building, house, or an enclosed pen of sufficient strength to prevent a dog from coming in contact with persons other than the owner of the dog. The enclosure for a fierce and dangerous dog shall have secure sides and a secure top and if it has no bottom secured to the sides, the sides must be imbedded in the ground to a minimum depth of one foot and shall be locked at all times;
- f) “**Fierce or Dangerous Dog**” means any dog:
 - Which, in the absence of a mitigating factor as defined herein, inflicts injury or bites a human being or domestic animal; or
 - which, in the absence of a mitigating factor as defined herein, when either unmuzzled, unleashed, or unattended by its owner or a person in whose care the dog was placed by its owner, 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; or
 - owned, harboured or trained primarily or in part for the purposes of fighting;
- g) “**Impound**” means to seize, deliver, receive or take into custody;
- h) “**Mitigating factor**” means a circumstance which excuses the aggressive behavior of a dog where:
 1. the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or assaulting the dog or its owner or keeper, or has, in the past, been observed or reported to have teased, tormented, abused, threatened assaulted the dog or its owner or keeper or was committing or attempting to commit a crime;
 2. the threat, injury or damage was sustained by another animal which, at the time was trespassing upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or attacking the dog or its owner or keeper, or has, in the past, been observed or

reported to have teased, tormented abused, threatened or attacked the dog or its owner or keeper or was accompanying a person engaged in activities described in Section “1” above.

- i) **“Muzzle”** means to use a covering device of sufficient strength placed over the dog’s mouth to prevent it from biting;
- j) **“Owner”** means the owner of a dog and any person who possesses, has the care or control of, or harbours a dog and where the person is a minor, owner includes the person with custody of the minor;
- k) **“Town”** means the Town of Stewiacke.

3. Registration

- a) On or before the 31st day of January in each calendar year the owner of any dog shall register each dog with the Town of Stewiacke by filling out and filing an application for dog license;
- b) Registration shall include the name and description of the dog, the name, address and telephone number of the owner and may include any other forms of identification which the Town may request or which the owner may present;
- c) The owner of the registered dog shall receive a tag with a registration number, and the year for which it was issued stamped thereon and the tag shall be worn by the dog at all times, except when participating in certified dog shows;
- d) The owner of any dog shall pay a license/tag fee to the Town for each dog in the amount set by the Council in a recorded resolution;
- e) A dog license/tag is not transferable and shall not be transferred from one dog to another;
- f) No license/tag fee is chargeable with respect to a stray dog that is harboured for less than six (6) weeks;
- g) No license/tag fee is chargeable with respect to a dog that is professionally trained to assist and assists a person with a disability;
- h) An owner may obtain replacement tags from the Town where the original tags have been lost, or stolen or otherwise rendered unusable, upon payment, by the owner; of a fee in the amount set by Council in a recorded resolution;

4. Records

- a) The Town of Stewiacke shall keep a record of all dogs registered including:
 - the date and number of registration;
 - the name and description of the dog;
 - if the dog is spayed or neutered; and
 - name, address and telephone number of the owner.

- b) The Town of Stewiacke shall keep a record of every dog for which a report has been received in compliance with the Part of this By-law titled “Owner’s Report”. The record shall include the name and description of the dog reported and the name, address and telephone number of the person who submitted the report.
- c) The Town of Stewiacke shall keep a record of every dog whose owner was reported with an offence under this By-law. The record shall include the name and description of the dog reported and the name, address and telephone number of the owner.

5. Dogs running at large

- a) Any dog which is:
 - 1. off the premises occupied by the owner without being under the continuous restraint and control of a person ; or
 - 2. 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 for the purposes of this By-law.

Responsibility of Owner

6. Every owner of a dog:

- a) whose dog runs at large;
 - b) whose dog is not registered and wearing a tag required by this By-law;
 - c) who neglects or refuses to provide a written statement (Owners Report) required by this By-law;
 - d) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
 - e) who fails to remove feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from a public property or private property other than the owners;
 - f) who interferes with the Dog Control Officer or Town staff in the performance of their duties under this by-law;
- is in contravention of this By-law.

7. Disruptive Dog

- a) No dog shall be permitted to consistently disturb the quiet of a neighborhood by barking, howling or otherwise making noise to a degree beyond what the Dog Control Officer determines to be normal.
- b) In determining what is “normal” in the context of this section, the Dog Control Officer shall consider one or more, but not limited to the following factors:
 - The time of day that the dog is reported as disruptive;
 - The frequency and duration of the reported disruptive behavior; and
 - The proximity of neighbors and population density of the neighborhood.
- c) If the Dog Control Officer determines, upon reasonable grounds, that a dog is being disruptive, as defined in this section, the Dog Control Officer shall give a written warning to the dog owner before taking any other action under this by-law.

8. Impounding

- a) The Dog Control Officer, without notice to or complaint against the owner of any such dog, may impound any dog:
- found running at large contrary to this By-law;
 - for which a registration tag has not been obtained or is not worn by the dog in compliance with the Part of this By-law titled “Registration”; or
 - which is persistently disturbing the quiet of the neighborhood or resident thereof by barking, howling or otherwise.
- b) While pursuing any dog in accordance with this By-law, Dog Control Officer(s) may pass over the land of any person, but this Section is not to be construed so as to provide immunity against action for actual damage to the property of any person.
- c) The pound keeper shall be obliged:
- to provide shelter, food and water for any dog.
- d) Upon impounding a dog under this section where the owner is known, the Dog Control Officer shall within a reasonable period of time, notify the owner that the dog has been impounded and that the dog may be euthanized if not reclaimed within 72 hours from the time of notification.
- e) Where the owner of a dog impounded under this section is unknown, the Dog Control Officer shall cause a notice of impoundment to be posted on the notice board at the Town Hall and on the Town’s web site.
- f) The notice shall include a description of the dog and shall specify the place where, and the time when the dog may be euthanized if not reclaimed.
- g) Where the Dog Control Officer posts the notice of impoundment in accordance with section (e) above, he/she shall be deemed to have informed the owner of the impounded dog as required under this by-law.
- h) If the owner appears at the pound and claims the dog prior to the time fixed by section d) above, the dog shall be discharged to him/her:
- on payment of an administration fee as set by resolution of Council;
 - on payment of a per day impounding fee for room and board;
 - when the owner of the dog signs a Release in the form attached to this By-law
 - on payment of any license fee required in compliance with the Part of this By-law titled “Registration”; and
 - on payment of any veterinary bills incurred by the pound.
- i) All fees payable under subsection h) must be paid to the Town of Stewiacke at the Town's main office, 295 George Street, Stewiacke, NS.
- j) The Dog Control Officer shall retain any dog impounded under this section for a period of 72 hours, and if such dog is not reclaimed within the 72 hours from notification, he/she may at his/her discretion allow its adoption by any person by means of a sale or auction; or euthanize the dog.

- k) A person residing within the Town of Stewiacke purchasing an unregistered dog from the pound keeper shall register the dog before taking it from the pound keeper.
- l) Any dog which is injured, sick or otherwise in need of medical care when apprehended by the Dog Control Officer shall receive basic first aid medical treatment at the impoundment facility so that life is not endangered and that pain is reduced consistent with practices deemed humane by the S.P.C.A. Costs of treatment provided shall be recovered from the owner before the dog is released.

9. Owner's Report

- a) The owner of any dog may be required by a Dog Control Officer to deliver in writing, a statement:
 - identifying the number of dog(s) owned or harboured by him/her or which are habitually kept upon the premises; and
 - a description of each dog.
- b) The owner requested to deliver a report to the Dog Control Officer pursuant to Section a) of this Part shall, submit the report no later than 10 days from the date the request was received.
- c) If the owner's report shows there are dog(s) that have not been registered by obtaining a dog license / tag in compliance with the Part of this By-law titled "Registration", all such dog(s) shall be registered within 10 days.

10. Provoked Attacks

No dog may be declared fierce or dangerous if:

- a) the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or assaulting the dog or its owner or keeper, or has, in the past, been observed or reported to have teased, tormented, abused, threatened assaulted the dog or its owner or keeper or was committing or attempting to commit a crime;
- b) the threat, injury or damage was sustained by another animal which, at the time was trespassing upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or attacking the dog or its owner or keeper, or has, in the past, been observed or reported to have teased, tormented abused, threatened or attacked the dog or its owner or keeper or was accompanying a person engaged in activities described in Section "a" above.

11. Fierce or Dangerous Dogs

- a) Where the Dog Control Office finds a dog attacking or viciously pursuing a person or domestic animal, he/she may destroy the dog if necessary to prevent further injury.
- b) The Dog Control Officer, without notice to or complaint against the owner of any such dog, may impound a dog that is a fierce or dangerous dog.
- c) Upon impounding a fierce or dangerous dog where the owner is known, the Dog Control Officer shall, within a reasonable period of time, notify the owner that the owner must either:

- Arrange to have the dog euthanized within 24 hours; or
 - Have the dog assessed, within 4 business days of the date of the notice, by a qualified person acceptable to the Dog Control Officer, with the owner paying the cost of the assessment.
- d) If the owner wishes to have the dog assessed, the owner must inform the Dog Control Officer and provide a deposit of \$400 within 24 hours of receiving the notice under subsection c), and if the owner does not do so, the Dog Control Officer may euthanize the dog and the owner shall be liable to the Town for the administration fee, per day impound fee, and the costs of euthanizing the dog.
- e) If the Dog Control Officer is unable to determine the identity or address of the owner of a fierce or dangerous dog that is impounded, no notice to the owner is required and the Dog Control Officer may euthanize the dog.
- f) An assessor under subsection c) shall provide a written report to the Dog Control Officer, which must state the assessor's opinion and the reasons for that opinion as to whether the dog:
- poses a risk to human beings or to domestic animals;
 - should be euthanized for the protection of human beings or domestic animals.
- g) After the expiry of the notice period of 4 business days set out in subsection c), the Dog Control Officer must consider the available information, including any report prepared by an assessor under subsection c), and decide whether the dog will be euthanized or may be released to its owner with any conditions or restrictions that the Dog Control Officer determines are appropriate to protect human beings and domestic animals.
- h) The Dog Control Officer must notify the owner of the dog of the decision.
- i) If the Dog Control Officer decides that the dog will be euthanized, he/she may euthanize the dog at any time after notifying the owner of the dog of the decision, and must apply the \$400 deposit to pay the administration fee, the per day impounding fee, any veterinary bills incurred by the pound, and the costs of euthanizing the dog. Any remaining balance of the deposit must be returned to the owner, and if the deposit is insufficient to pay the administration fee, per day impounding fee, veterinary bills, and costs of euthanization, the owner must pay the balance to the Town.
- j) If the Dog Control Officer decides that the dog may be released to its owner, the owner must do all of the following within 2 business days of being notified of the decision, upon which the dog must be released to the owner:
- pay the administration fee as set by resolution of Council;
 - pay a per day impounding fee for room and board;
 - sign a Release in the form attached to this By-law;
 - pay any license fee required in compliance with the Part of this By-law titled "Registration";
 - pay any veterinary bills incurred by the pound;
 - sign a written agreement to adhere any conditions established by the Dog Control Officer.
- k) The owner may apply the \$400 deposit to the administration fee, per day impounding fee, license fee and veterinary bills owing pursuant to subsection j), and any balance of the deposit must be returned to the owner.

- l) If the owner does not complete all of the requirements of subsection j) within 2 business days of being notified of the Dog Control Officer's decision, the Dog Control Officer may in his/her discretion euthanize the dog or allow the dog's adoption by means of sale or auction, and must apply the \$400 deposit to pay the administration fee, the per day impounding fee, any veterinary bills incurred by the pound, and costs of euthanizing the dog. Any remaining balance of the deposit must be returned to the owner, and if the deposit is insufficient to pay the administration fee, per day impounding fee, veterinary bills, and costs of euthanization, the owner must pay the balance to the Town.

12. Tethering of Dogs

The tethering of dogs shall comply with the "Standards of Care for Cats and Dogs Regulations" made under Section 39 of the *Animal Protection Act* and as amended from time to time.

13. Dog Training and the Leash Provisions

Obedience training of unleashed dogs conducted off the property occupied, or owned, by the owner of the dog may be permitted by the Dog Control Officer provided the following provisions are met.

- a) The applicant provides an affidavit stating the dog is not fierce or dangerous as defined in this By-law and the dog has not received aggression or protection training.
- b) The applicant provides a Companion Dog Certificate issued by the Canadian Kennel Club in compliance with the Canadian Kennel Club Obedience Trial Rule Book which ensures the applicant has trained at least one dog to the Companion Dog Level.
- c) The site approved is on private property and a letter from the owner of the property granting permission to train the dog has been obtained.

14. Penalty

Any person who contravenes any section of this By-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$500 and to imprisonment of not more than 3 months in default of payment thereof.

15. Repeal of Previous By-laws

All previous by-laws of the Town of Stewiacke respecting dogs are hereby repealed.

Annotations for Official Bylaw Book	
Date of first reading:	<u>January 26th 2017</u>
Date of advertisement of Notice of Intent to Consider:	<u>February 3rd 2017</u>
Date of second reading:	<u>February 23rd 2017</u>
Date of advertisement of Passage of By-law:	<u>April</u>
I certify that this <i>Dog By-law</i> was adopted by Council and published as indicated above.	
_____	_____
CAO / Clerk	Date

Town of Stewiacke



APPLICATION FOR DOG LICENSE 20

Owner's Name: _____ Phone No: (h) _____

Mailing Address: _____ Phone No: (w) _____

Civic Address: _____

Breed	Male / Female	Spayed / Neutered	Color	Name	Characteristic's	Age	Tag # <small>Office use only</small>
	M <input type="checkbox"/> F <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
	M <input type="checkbox"/> F <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
	M <input type="checkbox"/> F <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
	M <input type="checkbox"/> F <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
	M <input type="checkbox"/> F <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
Registration Fee: \$15.00 for each dog					Total Fee:		

Signature of applicant

Date

Dog registration is an easy way to ensure that your dog is returned to you if you ever lose your animal. It also may keep you from being liable for any damage your dog may do to someone else's property. The Town receives numerous calls from residents who have found a stray and because of a tag; the animal and their owner are able to be reunited.

This Application Form should be taken to the Town Office, or mailed to P.O. Box 8, Stewiacke, Nova Scotia, B0N 2J0, with the appropriate fee.

**NOTICE TO DOG OWNERS
IS YOUR DOG REGISTERED FOR 20**

The following are extracts from the Municipal Dog By-laws, and items of advice for the information of Dog Owners within the Town of Stewiacke:

- 1. “Dog” includes any dog of any age, male or female, spayed or neutered or any animal that is the result of the breeding of a dog and any other animal.
- 2. “Owner” of a dog includes any person who possesses or harbours a dog.
- 3. The annual dog license fee is as follows:
 - (a) One dog\$
 - (b) Any additional dog after the first in any household\$
- 4. **IT IS THE RESPONSIBILITY OF THE OWNER OF A DOG TO ENSURE THAT THEIR DOG OR DOG (S) ARE LICENSED.**
- 5. An owner of a dog may be prosecuted if the dog:
 - (i) runs at large, or
 - (ii) is fierce or dangerous, or
 - (iii) without provocation attaches or injures any person or property
 - (iv) **IS NOT LICENSED**
 - (v) disturbs the quiet of any neighborhood by barking, howling, or in any manner.
- 6. A By-Law Enforcement Officer, a Constable or a Peace Officer may without complaint, impound or destroy on site without impounding, any dog;
 - (i) which is found running at large, or
 - (ii) which is fierce or dangerous, or
 - (iii) **WHICH IS UNLICENSED.**
- 7. Copies of the Municipal Dog By-Law are available for review at the Town Office.

Town of Stewiacke



ANIMAL CONTROL RELEASE FORM

I hereby agree, upon claiming this dog, to keep the dog, within the confines of my dwelling, or an enclosure, or that I will keep the dog on a leash or chain of sufficient strength and length to prevent the dog from coming in contact with persons other than the owner.

Name of Dog: _____

Tag #: _____

Date Tag Issued: _____

Breed: _____

Gender: Male Female

Color: _____

Owners Name: _____

Address _____

Phone Number: _____

Owner's Signature: _____

Date: _____

Town of Stewiacke



Owners Report:

In accordance to section 9. a), b), and c) of the Town of Stewiacke Dog Control, By-law

Name: _____

Address _____

Phone: _____

Description of Dog(s)

Breed	Name of Dog	Color(s)	Tag #	Spayed/ Neutered	Age	Gender
						<input type="checkbox"/> Male <input type="checkbox"/> Female
						<input type="checkbox"/> Male <input type="checkbox"/> Female
						<input type="checkbox"/> Male <input type="checkbox"/> Female
						<input type="checkbox"/> Male <input type="checkbox"/> Female

Animal(s) Owner Signature: _____

Date: _____

Dog Control Officer Signature: _____

Section 3a) states that you must purchase a current Town of Stewiacke dog tag for each dog that you own. You have ten days in which to purchase said tags or charges may be laid. Tags are valid January 1st of each year until December 31st of the following year.

We have received a complaint about your dog barking. Please read the following information to help you curb your dogs barking behavior. If you have any questions about this situation, please feel free to contact the Stewiacke Town Office at (902) 639 – 2231.

Thank you.

PROBLEM BARKERS – CAUSES AND POSSIBLE SOLUTIONS

Barking is a natural behavior that becomes a nuisance when it is carried to extremes. The Town of Stewiacke has a by-law, which states the following:

5 a) iii) Every owner of a dog which allows the dog to persistently disturb the quiet of a neighborhood, or any resident thereof by howling, barking, or in any other manner shall be guilty of an offense under the By-law.

Here is what you can do about the problem barker.

WHY DO DOGS BARK?

There are at least seven different reasons dogs bark and each causes a unique bark from the dog.

- **Barking at pup (litter discipline)** - This is often a snap followed by a sharp bark, displayed when the adult dog is irritated by the pup(s). This is often a bark that will not be persistent as it is utilized to discipline a pup in a certain circumstance.
- **Barking to induce play** - This type is a muffled bark that is accompanied by tail wagging and play posture (head down, hind quarters in the air). Dogs will cease to bark if the play is undertaken. If play is not the result, the dog will usually cease to bark after a short period of time.
- **Barking to warn of intruders** - This is the most common type. The bark may be accompanied by a growl. This type will be vocalized when someone is on or near its property (this will include people walking down the street, slamming doors, yelling, etc.) To stop this type of barking you must remove the “intruder” or remove the dog from the situation. Often this type can be stopped if you simply go to the dog and reassure it.
- **Barking out of curiosity** - This type is displayed when activity is happening around the dog but the dog can't see what is happening. The dog will be excited and will often pace back and forth. To stop the barking simply let the dog see what it is that it is curious about.
- **Barking to warn of danger** - This is a deep, repetitive bark. The dog will display intense body posture which includes the tail being motionless and the dogs forelegs will be ridged and widely spaced. This type of barking will persist till the perceived danger is removed (like someone who appears to the dog to be threatening it or a household member).
- **Barking for companionship** - This is often the type of barking that causes complaints about your dog. The bark is incessant and repetitive. The dog will often focus it's attention on the location the owner often appears from (the back door, the driveway, etc.). The only solution is to spend more time with the animal every day and to allow the dog access to the area where the owners are most often located. This bark is most often demonstrated by dogs that are tied for extended periods, ignored, or locked up alone (even inside your home).

- **Barking for a reward -** You can cause this problem yourself by rewarding the negative behavior. For instance, you are in your yard and the dog is barking to get you to play. To keep it quiet you throw it a treat and keep going. The dog barks again and you repeat the procedure. You have just taught it to bark for treat and to get your attention. They will also be rewarded when the paperboys and mailmen leave the property – they bark, the people leave – end result they “won” and scared the intruder away. The barking will be repeated as a result. To break the cycle you must interrupt the natural system of reward, which could include distracting the dog.

SOLUTIONS FOR THE PROBLEM

- Although barking for companionship is a common problem, you must be cautious to not increase the problem by going to the dog every time it barks. Schedule times to play and be with the dog, and don't run to its side every time it is barking. Rather try to go when the barking ceases, even if it is momentary. Then you will reward the quiet and not the barking.
- Teach your dog to accept strangers (the paperboy, mailmen) is harder to do. You need their cooperation. You need to gradually introduce them on a daily basis with the dog restrained at your side. Gradually they will learn to recognize them as friends rather than an intruder. This is only advisable if your dog is friendly and does not pose a danger to the individuals you are trying to introduce to your dog.
- If your dog is barking because you are away from your residence, there are several solutions. One is to act as if you are leaving, then stand outside the door till the dog barks. When it does, return and verbally scold it. Never use physical force to discipline your dog. If you do, you will make the dog afraid of your return, which creates a new set of problems. Next, you may try a companion for your pet. This may include another pet or a neighbor or friend. Ask around to see if someone is willing to spend time while you are absent. Maybe they take a daily walk around and would be happy for a companion to walk with them. Sometimes you can “hire” an older neighborhood child (no less than 13 years old) who would walk or play with the dog for a nominal fee. If you are lucky they will do it for the fun of it! A third method is a tape-recording of your voice on a sound activated tape recorder. When the dog barks, the system clicks on and the dog will hear your voice scolding it.

Overall it is important to remember that the only way to reduce the barking your dog is doing is to pay attention to the reason it is barking in the first place. If you can satisfy the dogs needs, the barking will automatically reduce. As an alternative, speak to your veterinarian regarding humane systems, which will alter dogs barking problems. One such method is an anti-barking collar, which contains a chemical called citronella that sprays from the collar when the dog barks. This has no harmful effects to the dog, but does make it unpleasant when it barks, thus discouraging the problem.

DON'T FORGET!!!!

**If your dog barks and disturbs the neighborhood try to get it to stop.
If the barking is continuing after you have been notified of the problem
charges could be laid under the Stewiacke Dog Control By-law.
Fines of \$50.00 to \$500.00 could result!**

Be a good neighbor and keep your dog from barking too much!!

Dog Control By-law 2002 - 12

General Complaints

Name of Complainant: _____

Address _____

Date: _____

Time of Complaint: _____

Nature of Complaint: _____

Description of Dog:

- Breed _____
- Color _____
- Other distinguishing features _____

Action Taken: _____