

BE IT RESOLVED that the following be and the same is hereby adopted and enacted as a By-Law of the Town of Shelburne when and if the same has received the approval of the Minister of Municipal Affairs and that the Town Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1998

TOWN OF SHELBURNE DOG BY-LAW

Short Title

1. This By-Law shall be known as and may be cited as the “Dog By-Law”.

Interpretation

2. In this By-Law unless the context otherwise indicates:
 - (a) “**constable**” means any person appointed by the Town Council as a By-Law enforcement officer under the provisions of the Police Act for the Province of Nova Scotia;
 - (b) “**dog**” means any dog male or female except when “bitch” is specifically mentioned;
 - (c) “**owner**” of a dog includes any person who keeps, harbors or possesses a dog and any person on or about whose premises or in whose possession, company or charge the dog is usually found.

Exception

3. No dog under the age of one month shall be subject to this By-Law.

Registration

4. On or before the first day of May in each and every year the owner of each dog within the Town shall ensure that such dog is registered, described, numbered and licensed in the office of the Town Clerk and shall on such registration pay to the Town Clerk for each male dog or spayed bitch a fee of Ten Dollars (\$10.00) and for each bitch, other than the above mentioned, a fee of Twenty-Five Dollars (\$25.00) and every registration shall be and remain in force until the first day of May next ensuing.

Late Registration

5. Any person who after the first day of May in any year becomes the owner of a dog previously unregistered for that year shall immediately register the same and shall pay the fee as set forth on Section 4 and such registration shall be sufficient until the first day of May in the next ensuing when such dog shall be registered under Section 4.

Dog Tag

6. (a) On or before the first day of May in each year every person who is the owner of a dog within the Town shall procure from the Town Clerk a tag for each dog owned by him and shall keep the tag securely affixed to the dog at all times during the year and until he procures a tag for the following year.

Number and Year

- (b) The tag shall bear a serial number and the year in which it was issued and a record shall be kept by the Town Clerk showing the number and address of the owner and also a description of the said dog and the date of the payment of the fee in each year.

Lost Tag

- (c) If the owner of a dog files with the Town Clerk a statutory declaration that a dog tag has been lost, the Town Clerk shall replace the tag lost upon payment by the owner of One Dollar (\$1.00).

Tag to be on Dog

- (d) Every owner who neglects to keep the tag for each of his dogs securely fixed on his dog, except when the dog is being lawfully used for hunting purposes, or who uses a tag upon a dog other than that for which it was issued, shall be liable to a penalty of Ten Dollars (\$10.00) and in default of payment to imprisonment for not more than Ten (10) days.

No Dog to be at Large

7. No dog shall be permitted to run at large within the Town and no dog shall be permitted to leave the premises of the owner unless the dog is under the effective restraint or control of some person in charge thereof, and the fact that the dog is running at large shall be an offense against this By-Law.

Dogs Impounded

8. (a) It shall be the duty of all constables of the Town and other authorized persons to take and impound at the pound provided by the Council for such purpose any dog found at large within the Town and it shall be the duty of the pound keeper to receive and impound such dog and to furnish it with food and water.

Notice Thereof

(b) On any dog being impounded as aforesaid, the constable, pound keeper or other authorized person shall forthwith prepare a notice in the following form:

DOG NOTICE

TAKE NOTICE that a dog (giving a short description) has been this day impounded at the Dog Pound (name and address of Pound), and unless such dog is claimed by the owner on or before the day of , A.D., 19 at o'clock in the noon and registered according to law, the said dog may be sold or killed if no sale can be made of the same.

DATED at the Town of Shelburne, this day of , A.D., 19 .

POUND KEEPER, CONSTABLE
OR AUTHORIZED PERSON

Posting of Notice

(c) The said notice shall be posted in the Town Hall, two other public places within the Town and a copy forwarded to the owner, if known, not less than seventy-two (72) hours before the time fixed by the said notice.

Dog to be Sold

(d) If at the expiration of the time fixed by said notice no claim of ownership for such dog is made, it shall be the duty of the pound keeper to sell it for the best price obtainable.

If Not Sold

(e) Any dog, which cannot be sold, may be killed by the pound keeper.

Redemption of Dog

9. (a) The owner of any dog impounded may, upon providing his ownership thereof, and the payment of a fee of Two Dollars (\$2.00) in addition to the registration fee if the dog is not registered, and all expenses to impound and keep such dog, at the Town Office or to a constable or pound keeper, redeem the same from the pound.

Dog Census

10. (a) The constable of the Town shall annually in the month of March take a census of the dogs in the Town and report the same to the Town Clerk.

Constables' Duty to Report

(b) It shall be the duty of such constables on every occasion in which they become aware of the presence of a dog in the Town not registered or not before reported, to ascertain the name of the owner thereof, and as accurate a description as possible of the dog and report the same to the Town Clerk.

Notice to Owner

(c) It shall be the duty of the Town Clerk immediately to notify every person reported to him as the owner of an unregistered dog in the Town by letter, postpaid to the owner's address and to require such owner forthwith to register the same, to pay the fee and to comply generally with the requirements of this By-Law.

Fierce Dog

11. A constable of the Town may kill a dog, which is fierce and dangerous.

Dog at Large

12. The owner of any dog which has run at large contrary to this By-Law, in respect of which a fee imposed by this By-Law is not paid, or which is fierce or dangerous, or which without provocation attacks and injure any person or property shall be liable to a penalty not exceeding Two Hundred Fifty Dollars (\$250.00) and not less than Twenty-five Dollars (\$25.00), and in default of payment to imprisonment for a period not exceeding ten (10) days.

Dog May be Killed

13. If any dog runs at large within the Town whose present or former owner has been convicted under this By-Law by reason of any act of said dog, it may be killed by any constable of the Town without notice to or complaint against the owner of the same.

Rabid Dog

14. Any dog known to be rabid shall be immediately killed.

Dog May be Killed

15. In cases where dogs cannot be captured the person or persons authorized to capture dogs unlawfully running at large may immediately kill such dog.

Canada Kennel Registration

16. The owner of a kennel of purebred dogs which are registered in the Canada Kennel Register may, in any year, pay to the Town Clerk Ten Dollars (\$10.00) as a tax upon the kennel for that year, and upon the production of the Town Clerk's certificate of payment, the owner of such kennel shall be exempt from assessment and any further tax in respect of such dogs for that year.

Sale of Dog

17. (a) Any owner of a dog within the Town who sells or transfers a dog shall report to the Town Clerk the sale or transfer, the name and address of the person to whom it was sold or transferred, a description of the dog and the number of the registration as shown on the tag issued by the Town Clerk.

Fee Therefore

- (b) The Town Clerk shall transfer the registration of such dog to the new owner thereof on payment of the amount of which the tax on the dog to the new owner would exceed any tax paid on the dog that year by the previous owner, or in any other case, without charge.

Recovery and Payment of Fees

18. If any fees due to the pound keeper are not recovered under this By-Law from the owner of a dog, the same shall be paid by the Town.

Report by Owner

19. The owner of any dog shall be required by the Town Clerk or a person nominated by him to deliver to him in writing, a statement of the number of dogs owned or harbored by him, or which are habitually kept upon the premises for which he is assessed by whomsoever owned, and for neglect or refusal to do so, and for every false statement made in respect thereof he shall be liable to a penalty of paying Twenty Dollars (\$20.00) and in default of payment to imprisonment for not more than Ten (10) days.
20. If a dog, other than a dog that is trained to assist and is assisting a person with a disability, defecates on any public or private property, other than the property of its owner, the owner of the dog shall remove such defecation immediately or cause such defecation to be removed immediately. The failure of such owner to remove such defecation immediately or to cause to be removed such defecation immediately is in offence against this By-Law.

21. Unless otherwise provided in this By-Law, anyone guilty of an offence against this By-Law shall be liable, on conviction, to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Five Hundred Dollars (\$500.00) and, on default of payment, to imprisonment for a period not exceeding Forty-five (45) days.

Repeal

22. All former Dog By-Laws of the Town are hereby repealed and this By-Law substituted therefore.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy and was duly passed at duly called meeting of the Council of the Town of Shelburne, held on the 8th day of July, A.D., 1998.

GIVEN under the hand of the Clerk and the corporate seal of the said Town this 14th day of July, A.D., 1998.

Mayor P.G. Comeau

Town Clerk Wilmont Hardy