

# Town of Truro – Policy & Procedure Manual

**Subject:** A Bylaw Regulating Dogs  
**Policy Number:** B160-014  
**Approval Date:** June 13, 2016  
**Departments:** Planning

## **TITLE**

1. This Bylaw is entitled the “Dog Bylaw”.

## **DEFINITIONS**

2. In this Bylaw:

- (1) “Council” means the Council of the Town;
- (2) “Destroy” means kill;
- (3) “Dog Control Staff” means the Pound Keeper, the Town’s Bylaw Enforcement Officer, members of the Truro Police Service, and any other person or persons appointed by the Chief Administrative Officer to act on the Town’s behalf for the purposes of this Bylaw;
- (4) “Extraordinary expense” means any expense incurred by Dog Control Staff in relation to a dog except for provision of food and shelter;
- (5) “Fierce or dangerous dog” means any dog:
  - (a) that, in the absence of a mitigating factor as defined in this Bylaw, has attacked or injured a person or a pet;
  - (b) that, in the absence of a mitigating factor as defined in this Bylaw, 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; or
  - (c) trained, owned or harboured in whole or in part, for the purpose of dog fighting;

provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged in law enforcement.

- (6) “Mitigating factor” means a circumstance which excuses the aggressive behavior of a dog where:
  - (a) the dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner;
  - (b) the dog, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;
- (7) “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;
- (8) “Pound keeper” means the person or persons appointed as Pound Keeper under section 12 of this Bylaw;
- (9) “Town” means Town of Truro.

## **REGISTRATION**

- 3. On or before the 1<sup>st</sup> day of April in each year the owner of any dog shall register the dog with Dog Control Staff and obtain from Dog Control Staff a tag for the dog, unless the dog is exempt from registration pursuant to section 7 (or section 8) of this Bylaw.
- 4. Every owner of a dog shall, within 10 days of having become an owner, register the dog with Dog Control Staff and obtain from Dog Control Staff a tag for such dog, unless the dog is exempt from registration pursuant to section 7 (or section 8) of this Bylaw.
- 5. In order to register a dog, an owner shall pay the annual registration fee of \$12.00 for each spayed or neutered dog and \$16.00 for each other dog and shall supply Dog Control Staff with the following:
  - (1) Name, civic address, mailing address and telephone number of the owner;
  - (2) Name and breed of the dog;
  - (3) Description of the dog including whether the dog is male or female, spayed or unspayed or neutered or unneutered as the case may be.
- 6. Registration shall be effective until the 1<sup>st</sup> day of April in the year following the year of registration.

7. The following are exempt from registration:
  - (1) Dog Control Staff shall not be required to register a stray;
  - (2) A dog shall be exempt from registration and registration fees if the owner proves that the dog is under the age of three months.
8. 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.
9. The owner of every dog shall keep a collar on the dog with the tag issued for that dog by Dog Control Staff and the tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued.
10. The owner of a dog shall deliver in writing to Dog Control Staff a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner, within 10 days after having received notice requiring it to be provided.

#### **DOG CONTROL AND POUND**

11. Dog Control Staff shall be responsible for the enforcement of this Bylaw.
12. Council shall appoint a Pound Keeper who shall:
  - (1) Collect on behalf of the Town any impounding fees, daily pound fees and any other additional charges or fees as are authorized in this Bylaw and as may be set by resolution of Council;
  - (2) Be responsible for the operation of the pound;
  - (3) Provided reasonable food, water, care and shelter to impounded dogs;
  - (4) Keep the pound in a reasonable state of cleanliness and neat and tidy in appearance.

#### **DOGS RUNNING AT LARGE**

13. Subject to section 14, 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 any dog that is off the premises occupied by the owner which is not being kept under control by means of a harness or leash shall be deemed to be running at large.

14. An unleashed and unharnessed dog shall not be deemed to be running at large if at the time the dog is:
- (1) Participating in an organized dog exhibition event or dog field trails;
  - (2) Participating in a search and rescue operation or law-enforcement operation;
  - (3) Assisting a person with a disability, provided the dog is trained for such purpose; or
  - (4) 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.

### **RESPONSIBILITIES OF OWNERS**

15. Every owner of a dog:
- (1) Whose dog runs at large;
  - (2) Whose dog is not wearing a tag required by this Bylaw;
  - (3) Whose dog is not registered pursuant to this Bylaw;
  - (4) Whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
  - (5) Who neglects or refuses to provide a written statement required by this Bylaw;
  - (6) Who harbours, keeps, or has under their care, control or direction a dog that is fierce or dangerous;
  - (7) Who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person who has a disability, from public property or private property other than the owner's;

is in contravention of this Bylaw.

### **IMPOUNDING**

16. Dog Control Staff may, without notice to or complaint against the owner, capture and impound any dog that:
- (1) Runs at large contrary to this Bylaw;

- (2) Is not wearing a tag required by this Bylaw;
  - (3) Is not registered pursuant to this Bylaw;
  - (4) Is fierce or dangerous;
  - (5) Is rabid or appears to be rabid or exhibits symptoms of canine madness; or
  - (6) Persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
17. 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 attempt to contact the registered owner of the dog using the tag number on the records of Dog Control Staff. However, if a dog is missing, the onus is on the owner of the dog to ascertain whether the dog has been impounded, and neither the Pound Keeper nor the Town shall incur liability in the event of failure to contact the owner.

#### **REDEMPTION OF IMPOUNDED DOGS**

18. A daily pound fee of \$35 plus an impounding fee as set out below shall be payable by any person seeking to redeem an impounded dog:
- (1) Impounding fee for a first impoundment of a registered dog - \$30;
  - (2) Impounding fee for the second impoundment of a registered dog - \$70;
  - (3) Impounding fee for the third and subsequent impoundment of a registered dog - \$100;
  - (4) Impounding fee for an unregistered dog - \$100.
19. Subject to sections 20 to 23 of this Bylaw, 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 of the impounding fee and the daily pound fees, along with reimbursement for any extraordinary expenses incurred by the Dog Control Staff in relation to the dog.
20. In the case of a dog which has not been registered pursuant to this Bylaw, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
21. 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 by the Pound Keeper without any further notice to the owner.

22. 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.

**FIERCE OR DANGEROUS DOGS, RABID DOGS AND RUNNING AT LARGE  
REPEAT OFFENDERS**

23. Where a dog has been captured and impounded and Dog Control Staff believe any of the following apply, the dog shall be dealt with in accordance with sections 24 to 26:
- (1) The dog was running at large and has been captured or impounded on two previous occasions while running at large;
  - (2) The dog is fierce or dangerous; or
  - (3) The dog is rabid or appears to be rabid.
24. (1) If the dog that has been captured has a current tag issued by Dog Control Staff or a tag by which Dog Control Staff could ascertain the owner's name and address, Dog Control Staff shall send a notice to the owner by registered mail including:
- (a) a statement that the dog will be given away, sold or destroyed by the Pound Keeper, provided that the date the dog will be given away, sold or destroyed shall not be any less than 5 days from the date of mailing of the notice; and
  - (b) notice that the owner may make written representations to the Town respecting the giving away, sale or destruction of the dog by delivering to the Town such written representations 2 days prior to the scheduled date that the dog will be given away, sold or destroyed.
- (2) If the dog does not have a tag issued by Dog Control Staff or a tag by which Dog Control Staff could ascertain the owner's name and address, Dog Control Staff are not required to send a notice to the owner, but shall not give away, sell or destroy the dog until at least 72 hours after it has been captured to permit the owner an opportunity to make written representations respecting the dog.

25. Where written representations have been provided by an owner to Dog Control Staff pursuant to section 24, Dog Control Staff shall consider the representations and if Dog Control Staff concludes that the dog:

- (1) Was running at large and two previous written warnings have been given to the owner that the dog has been running at large;
- (2) Is fierce or dangerous; or
- (3) Is rabid or appears to be rabid;

Dog Control Staff may give away, sell or destroy the dog, and shall notify the owner of the decision by registered mail. The notice must include written reasons for the decision to give away, sell or destroy the dog.

26. If, following consideration of the owner's written representations, Dog Control Staff decide not to destroy the dog, the dog shall remain impounded and dealt with in accordance with section 19 through section 22 of this Bylaw.

#### **DESTROYING ON SIGHT**

27. Dog Control Staff may, without notice to or complaint against the owner, destroy on sight any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:

- (1) The dog poses an immediate danger to a person or a pet or to property of persons other than the owner; and
- (2) It is not reasonably possible to safely capture the dog.

#### **PENALTY**

28. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$100 and not more than \$2,000 and to imprisonment of not more than 90 days in default of payment thereof.

#### **REPEAL**

29. Bylaw number B1031300, the "Dog Bylaw", is repealed.