

**BY-LAW NO. 14**

**DOG BY-LAW**

1. (1) This By-law shall be known and may be cited as the "Dog By-law" of the Town of New Glasgow.

(2) For the purposes of the By-laws and in the construction thereof, the word "dog" shall (except when bitch is hereinafter specifically mentioned) include bitch, and the word "owner" shall be deemed to include:

- (a) any person who possesses or harbors a dog;
- (b) any person in whose presence the dog is habitually seen;
- (c) any person on whose premises a dog commonly resides;

2. No dog which appears to be under the age of three (3) months shall be subject to these By-laws.

3. (a) The owner of each dog within the Town of New Glasgow shall cause such dog to be registered, described, numbered and licensed in the name of the owner in the office of the Town Clerk of the Town, and shall upon such registration pay to the Town Clerk for each dog or spayed bitch a fee of Ten Dollars and for each bitch, other than the above-mentioned spayed bitch, a fee of Ten Dollars.

(b) The registration shall apply to the dog initially registered; provided however, if the owner subsequently acquires another dog as a result of the death of the dog initially registered or the sale or transfer of that dog, the registration shall apply to the dog subsequently acquired by the owner.

4. Any owner within the Town who sells or transfers any dog shall report to the 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 Clerk.

5. Every owner who fails to comply with Sections 3 and 4 shall be liable to a penalty not exceeding Twenty-five Dollars (\$25.00), and in default of payment to imprisonment for a period not exceeding ten (10) days.

6. (a) The owner of each dog with the Town of New Glasgow shall procure from the Town Clerk a tag for each dog owned by him and he shall keep the tag securely affixed at all times to the dog to which the tag is assigned.

(b) (i) The tag shall bear a serial number and a record shall be kept by the Town Clerk containing the name and address of the owner, the serial number of the tag, a description of the dog and the date of the payment of the fee.

(ii) The owner of each dog for which a tab number has been issued shall inform the Town Clerk of any dog subsequently acquired in lieu thereof, and the Town Clerk shall update the records described in subsection 6(b) (i) accordingly.

7. (a) For the purpose of this By-law "running at large" means unaccompanied and not under the care and control of a responsible person.

(b) No dog shall run at large within the Town of New Glasgow.

(c) Every owner of a dog which runs at large within the Town contrary to the provisions of Section 7, Subsection (b), shall be liable to a penalty not exceeding Fifty (\$50,00) Dollars, and, in default of payment, to imprisonment for a period not exceeding fifteen (15) days.

8. (a) The Council may establish a pound for dogs and appoint a Pound Keeper or Dog By-law Enforcement Officer, and fix his remuneration.

(b) All Constables and Peace Officers of the Town shall have the same powers and authorities conveyed by this By-law to the aforementioned Pound Keeper.

9. It shall be the duty of any Constable, Peace Officer, Dog By-law Enforcement Officer, or Pound Keeper, to take and impound at the Pound provided by Council for such purposes, any dog found running at large within the Town, or any dog not wearing a tag as required herein. It shall be the duty of the Pound Keeper to receive and impound such dog and to furnish it with food and water.

10. On any dog being impounded as aforesaid, the Pound Keeper shall forthwith prepare a Notice in the following form:

DOG NOTICE

TAKE NOTICE that a dog (giving short description) has been this day impounded at the Dog Pound (describe name of pound and address) in the Town of New Glasgow, 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 shall become the property of the Town and may be destroyed or disposed of as the undersigned deems fit.

DATED at the Town of New Glasgow, this \_\_\_\_ day of \_\_\_\_\_ A.D., 19 \_\_\_\_.

\_\_\_\_\_  
Pound Keeper

11. (a) The said Notice shall be posted in the Town Hall at least forty-eight (48) hours prior to the time fixed by said Notice, and a copy forwarded by ordinary prepaid mail to the usual or last known address of the persons whom the Pound Keeper believes to be the Owner, if known, not less than forty-eight (48) hours before the time fixed for claiming the dog by said Notice.

(b) The mailing of such notice to the owner shall not be necessary if the Pound Keeper is not aware of the name and address of the owner.

12. (a) If, at the expiration of the time fixed by the said Notice, no claim of ownership for such dog is made and registration effected, the Pound Keeper may dispose of the dog, either by selling it or by destroying it, as he deems fit. The disposing of such dog by the Pound Keeper shall in no way relieve the owner from liability to any penalty by these By-laws provided for failure to comply therewith in respect to said dog.

(b) The proceeds of any such sale or disposition shall be kept by the Town.

(c) The killing of dogs by persons duly authorized under this By-law shall be in such a manner as Council shall direct.

(d) Notwithstanding the foregoing provisions, any dog found  
(i) which is fierce or dangerous;  
may be destroyed by any Constable or Peace Officer without notice to or complaint against the owners of the dog.

13. (a) The owner of any dog impounded may upon proving his ownership thereof and payment of the registration fee if the dog is not registered, plus pound fees, plus a fee of Ten (\$10.00) Dollars, at the office of the Town Clerk or to the Pound Keeper, redeem the same from the pound.

(b) The Pound Keeper shall be entitled to collect on behalf of the Town from the owner board for each dog the sum of Fifteen (\$15.00) Dollars for each forty-eight (48) hour period or for a portion of a forty-eight (48) hour period.

(c) Any person resident within the Town purchasing an unregistered dog from a Pound Keeper shall register the dog before taking him from the pound.

14. It shall be the duty of the Town Clerk immediately to notify every person report to him as the owner of an unregistered dog in the Town by letter postpaid through the Post Office at New Glasgow to the owners' address and require such owner forthwith to register the same, to pay the fee and to comply generally with the requirements of this By-law.

15. (a) No person shall keep or harbor within the Town any dog which by excessive howling or barking or in any other way unreasonably disturbs the neighborhood

- (b) The owner of a dog which:
  - (i) without provocation or other excuse bites or attacks any person or injures any property;
  - (ii) annoys the riders or drivers of horses, motor vehicles, or bicycles, or

(iii) is otherwise fierce and dangerous

shall be liable to a penalty not exceeding Fifty (\$50,00) Dollars, or in default of payment, to imprisonment for a period not exceeding fifteen (15) days.

(c) Upon conviction under Section 15 the Presiding Magistrate or Justice of the Peace may order the dog to be destroyed within a specified time.

16. Any dog which the Pound Keeper, Dog By-law Enforcement Officer, or any Peace Officer reasonably believes to be rabid shall be immediately destroyed.

17. In cases where dogs unlawfully running at large cannot be captured, the Dog By-law Enforcement Officer, Pound Keeper, or any Peace Officer may immediately destroy such dog or use such means as such person deems necessary to capture the dog, including the use of a long range projectile for the purpose of injecting the dog with a tranquilizer to assist in its capture.

18. The Town Clerk shall provide a copy of this By-law to every owner of a dog at the time of registration.

19. Except where a penalty is otherwise specified herein, any person who violates any provision of this By-law shall be liable upon conviction to a penalty not exceeding Fifty (\$50.00) Dollars, or in default of payment to imprisonment for a period not exceeding fifteen (15) days.

20. The "Dog By-law" passed by Town Council on November 19, 1979 and approved by the Minister of Municipal Affairs on December 10, 1979 and any amendments thereof, are hereby repealed.

I, J. K. Langille, Clerk of the Town of New Glasgow, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council duly convened and held on the 24th day of October, 1994 A.D.

Given under the hand of the Town Clerk and under the seal of the said Town this 8th day of November, 1994 A.D.

DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for approval of the Minister

Sections 5, 15(a) & 15(c) ASU

*Cathleen O'Grady*  
Minister

APPROVED BY *2*  
of *Section 5, 15(a) & 15(c) ASU*

*[Signature]*  
Minister of Municipal Affairs

*[Signature]*  
Town Clerk

**AMENDMENT  
TO  
BYLAW NO. 14  
DOG BYLAW**

The Dog Bylaw of the Town of New Glasgow (Bylaw No. 14) is hereby amended as follows:

1. By adding immediately after the word "bitch" (being the third last word) in line 2 of Clause (2) of Section 1 the words or "any animal that is the result of the breeding of a dog in any other animal".

2. By repealing Section 5 and substituting the following Section therefore:

5. An owner who fails to comply with the provisions of this section is guilty of an offence and is liable on conviction to the penalty prescribed in Section 20.

3. By repealing Clause (c) of Section 7 and substituting the following Clause therefore.

(c) An owner who fails to comply with the provisions of this Section is guilty of an offence and shall be liable to the penalty prescribed in Section 20.

4. By repealing Clause (d) of Section 12

5. By repealing Section 15 and substituting the following therefore;

15(a) Any person who keeps or harbours within the Town of New Glasgow a dog that unreasonably disturbs the quiet of the neighbourhood by barking, howling or otherwise is guilty of an offence and shall be liable on conviction to the penalty prescribed in Section 20.

(b) The owner of a dog which:

(i) without provocation or other excuse bites or attacks any person or injures any property;

(ii) annoys pedestrians or the riders or drivers of horses, motor vehicles, bicycles, or

(iii) is fierce and dangerous is guilty of an offence and shall be liable on conviction to the penalty prescribed in Section 20.

6. By adding immediately after Section 17 the following Sections:

18. An owner of a dog, other than a dog that is trained to assist and does assist a person with a disability, is required to immediately remove the dog's feces from public property and private property other than the owner's and an owner who does not is guilty of an offence and shall be liable on conviction to the penalty described in Section 20.
19. Notwithstanding any other Section of this bylaw, the Dog Control Officer may kill or otherwise dispose of a dog:
  - (a) that runs at large contrary to this bylaw
  - (b) in respect of which fee or tax imposed by this bylaw is not paid
  - (c) that is fierce or dangerous
  - (d) that is rabid, or appears to be rabid or exhibiting symptoms of canine madness, or
  - (e) that persistently disturbs the quiet of the neighborhood by barking, howling or otherwise, without notice to or complaint against the owner of the dog
20. Any person who violates any provision of this bylaw shall be liable upon conviction to a minimum penalty of One Hundred Dollars and to a maximum penalty not exceeding Five Thousand Dollars, or in default of payment to imprisonment for a period not exceeding ninety days.

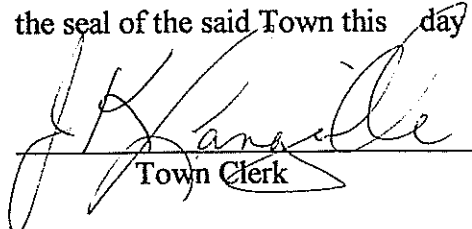
7. Section 18 is renumbered as Section 21.

8. Section 19 is repealed.

9. Section 20 is renumbered as Section 22 and amended as follows:

I, J. K. Langille, Clerk of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw duly passed at a duly called meeting of the Town Council duly convened and held on the 17<sup>th</sup> day of July, 1995.

Given under the hand of the Town Clerk and under the seal of the said Town this day of , 1995.

  
Town Clerk

**AMENDMENT  
TO  
BYLAW NO. 14  
DOG BYLAW**

The Dog Bylaw of the Town of New Glasgow (Bylaw No. 14) is hereby amended as follows:

1. By adding immediately after Section 1 Subsection (2) the following Subsection:
  - (3) "fierce or dangerous" includes without being limited to:
    - (a) any dog which shows a propensity, tendency or disposition to attack without provocation any other animals or persons;
    - (b) 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;
    - (c) any dog which bites or has bitten another animal or person without provocation;
    - (d) any dog which is owned, trained or harbored 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.
2. By adding immediately after Section 7 the following section:

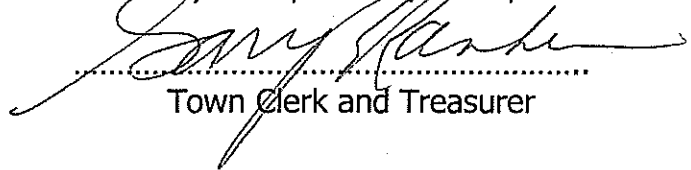
7 A The owner of a dog which is on the property known as the Samson Trail or any other municipal park in the Town of New Glasgow without a leash is guilty of an offence and shall be liable on conviction to the penalty prescribed in Section 20.
3. By deleting "and" being the third word of the first line of Section 15 Clause (b) Subclause (iii) and replacing it with the word "or".
4. By adding immediately after Section 15 Clause (b) the following clause:

(c) The owner of a fierce or dangerous dog who permits or allows the dog to be on any public property or on any private property that is not owned or controlled by the owner without first ensuring that the dog is muzzled, leashed and physically restrained to prevent it from biting or attacking another person or animal is guilty of an offence and shall be liable on conviction to the penalty prescribed in Section 20.

5. By adding immediately after the word "Officer" in the second line of Section 19 "without notice to or complaint against the owner of the dog".
6. By deleting immediately after the word "otherwise" in the second line of Section 19 Clause (e) the words "without notice to or complaint against the owner of the dog" and by adding a period immediately after the word "otherwise" in the second line.

I, Gary R. Rankin, Acting Clerk of the Town of New Glasgow, do hereby certify that the foregoing is a true copy of a bylaw duly passed at a duly called meeting of the Town Council duly convened and held on the 18th day of September, 2000 A.D.

Given under the hand of the Town Clerk and under the seal of the said Town this 20th day of September, 2000, A.D.

  
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Town Clerk and Treasurer

1<sup>st</sup> Reading - August 14/00  
Advertisement of Intent to Consider- August 24/00  
2<sup>nd</sup> Reading - September 18/00  
Date of Publication September 22/00