

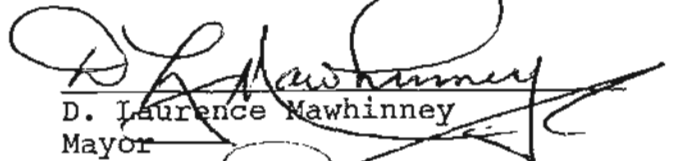
AMENDMENT TO TOWN OF LUNENBURG BY-LAW NO. 22

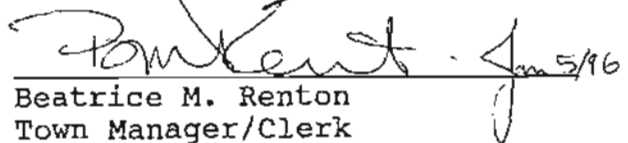
BY-LAW RESPECTING DOGS

That Section 9 of the Town of Lunenburg By-law No. 22, Dog By-law, be amended by deleting the word "or" after Subsection 9 (a) and adding the following words after Subsection 9 (b):

;or (c) persistently disturbs the quiet  
of the neighbourhood by barking,  
howling or otherwise making noise.

Done and passed in Council this  
8th day of November, 1995, A.D.

  
D. Laurence Mawhinney  
Mayor

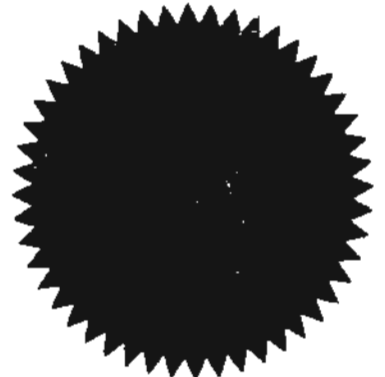
  
Beatrice M. Renton  
Town Manager/Clerk

I, Beatrice M. Renton, Town  
Manager/Clerk for the Town of  
Lunenburg do certify that the  
foregoing is a true and current  
copy of an amendment to By-law  
No. 22 of the Town of  
Lunenburg, duly passed by the  
Town Council on November 8,  
1995.

First Reading: September 28, 1995

Second and Third Reading: October 26, 1995

Effective/Advertisement Date: November 8, 1995

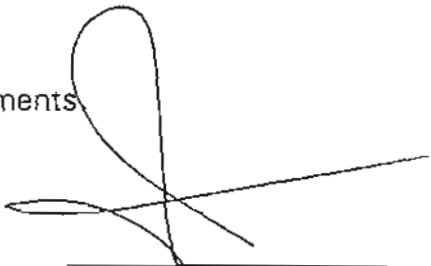


Town of Lunenburg

Dog Bylaw, No. 22

Passed at a Meeting of Town Council held on April 29, 1993

Recommended for approval with amendments

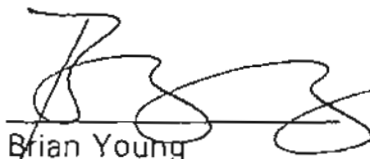


James G. MacLean  
Counsel

The Dog Bylaw which was adopted at a meeting of Town Council held on April 29, 1993, is approved, pursuant to Section 29 of the Municipal Affairs Act, with the following amendment:

1. Section 2 (j) (v) is amended in line 4 by deleting the word "on" and substituting therefore the word "in".

Dated at Halifax, Nova Scotia, this 2<sup>th</sup> day of May, 1993.



Brian Young  
Minister of Municipal Affairs

TOWN OF LUNENBURG

BY-LAW NO. 22

A BY-LAW RESPECTING DOGS

The Council of the Town of Lunenburg under the authority vested in it by the Sheep Protection and Dog Regulation Act, R.S.N.S.1989, c.425 enacts as follows:

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) "Council" means the Town of Lunenburg Town Council;
- (b) "Director of Finance/Treasurer" means the Director of Finance/Treasurer for the Town of Lunenburg;
- (c) "dog" means any dog, male or female;
- (d) "dog control officer" means a Town police officer or a by-law enforcement officer appointed pursuant to the Police Act or any other person authorized by the Lunenburg Town Council to carry out the terms of this By-law;
- (e) "enclosure" means a building, house, or an enclosed pen or a fence of sufficient strength, to prevent a dog from coming in contact with persons other than the owner of the dog;
- (f) "muzzled" means a covering device of sufficient strength over the mouth to prevent a dog from biting;
- (g) "owner" of a dog includes any person who possesses or harbours a dog;

- (h) "running at large" when used in relation to a dog means a dog not on its owner's premises and not under the immediate, continuous and effective control of its owner or some other person;
- (i) "Town" means the Town of Lunenburg; and
- (j) "fierce and dangerous dog" refers to any dog:

- (i) whose owner reasonably knows that the dog has a propensity, tendency or disposition to attack without provocation or cause injury to or to otherwise endanger the safety of human beings or domestic animals;

- (ii) that inflicts bites to or attacks a human being or other animal either on public or private property;

- (iii) which when either unmuzzled, unleashed or unattended 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 place, or on private property other than the owner's;

- (iv) owned or harboured primarily for or in part for the purpose of dog fighting or trained for dog fighting;

- (v) provided that no dog shall be deemed "fierce or dangerous" if it bites, attacks or menaces a person engaged on criminal activity on the owner's property or harms or menaces anyone who has tormented or abused it or is a trained guard dog for law enforcement or

guard duties which bites, attacks or menaces a person engaged in criminal activity while carrying out such duties.

Young Dog 3. No dog under the age of four months shall be subject to this By-law.

All dogs 4.(1) On or before the first day of April in each and every year the owner of each dog licensed within the Town shall ensure that such dog is described, registered, numbered and licensed at the office of the Town's Director of Finance/Treasurer, and shall on such registration pay to the Director of Finance/Treasurer a licence fee as follows:

(a) for each neutered male dog or spayed bitch a license fee of Ten Dollars (\$10.00); and

(b) for each unneutered male dog and unspayed bitch, a fee of Twenty-five Dollars (\$25.00).

(2) Every license issued under this By-law shall be and remain in force until the thirty-first day of March following the date of issue.

License Period (3) Any person who after the first day of April in any year becomes the owner of a dog previously unlicensed for that year shall immediately license the same and shall pay the fee as set forth in Section 4.1 and such license shall be sufficient until the thirty-first day of March in the next year ensuing when such dog shall be registered and re-licensed pursuant to Section 4.1 of this By-law.

Canada Kennel Register (4) The owner of a kennel of purebred dogs which are registered in the Canada Kennel Register may, in any year, pay to the Director of Finance/Treasurer Ten Dollars (\$10.00) as a tax upon the kennel for that year, and upon the production of the Director of Finance/Treasurer's certificate of payment, the owner of such kennel shall be exempt from assessment and any further tax or license fees in respect of such dogs for that year.

Guide Dogs Exempted (5) This section shall not apply to any owner of a dog who produces a certificate from the Canadian Institute for the Blind that the subject dog is being used as a guide dog for a blind person.

Dog Tags

5.(1) On or before the first day of April in each year every person shall procure from the Director of Finance/Treasurer a tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year until he procures a tag for the following year, excepting that the tag may be removed while the dog is being lawfully used for hunting purposes.

(2) The tag shall bear a serial number and the year in which it was issued, and a record shall be kept by the Director of Finance/Treasurer showing the name and address of the dog's owner and the serial number of the tag.

(3) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on his dog or who uses a tag upon a dog other than that for which it was issued shall be liable to a penalty not exceeding ten dollars (\$10.00).

(4) Where an owner of a dog applies to the Director of Finance/Treasurer for a tag after the assessment roll has been returned and before the collector's roll has been delivered to the collector and the Director of Finance/Treasurer finds that such owner has not been assessed for the dog, the owner shall forthwith make and deliver to the Director of Finance/Treasurer the statement mentioned in subsection (1) of Section 15 and the Director of Finance/Treasurer shall make the necessary entries in the assessment and collector's roll, but, where the owner acquires ownership of the dog after the expiration of six months of the year, he shall only be charged on the collector's roll with one half of the dog tax.

Running at  
Large  
Prohibited

6. No dog shall run at large within the Town and every owner of a dog whose dog is found running at large is guilty of an offence.

Defecation  
Prohibited

7. If a dog defecates on any public or private property other than the property of its owner, the omission by the owner of the dog to cause such defecation to be immediately removed shall constitute a nuisance and every owner who causes such a nuisance is guilty of an offence.

Rabid Dog

8. Any dog known to be rabid shall be immediately destroyed by a dog control officer or

licensed veterinarian. The owner of a rabid dog destroyed pursuant to the By-law shall not have any cause of action whatsoever against the Town, dog control officer and veterinarian.

Miscellaneous 9. Every owner of a dog whose dog,  
(a) bites or attacks any person; or  
(b) damages public or private property,  
is guilty of an offence.

Fierce and Dangerous Dog 10.(1) It shall be a nuisance for the owner of a fierce and dangerous dog to keep or maintain such dog, unless such dog is at all times kept in an enclosure.

(2) Notwithstanding subsection 10(1), a fierce and dangerous dog may be allowed out of the enclosure,

(a) if it is necessary for the purpose of obtaining veterinary care for the dog;

(b) to sell or give away the dog;

(c) to move the dog from one enclosure to another; or

(d) to remove the dog from the Town, and provide the dog is securely muzzled and restrained with a chain of sufficient strength to prevent the dog from coming in contact with persons other than the owner and not exceed three (3) feet in length, and under the direct control and supervision of the owner of the dog.

(3) Every owner who causes a nuisance as defined in subsection 10(2) shall be guilty of an offence.

(4) Any owner of a fierce and dangerous dog shall sell or give away the dog shall give written notice to the person who will be receiving the dog that the said dog is a fierce and dangerous dog.

Dog Pounds

11. The Council may establish one or more pounds for dogs and may appoint keepers thereof.

Dogs Impounded

12.(1) It shall be the duty of the dog control officer to capture and impound at the pound established by Council any dog,

(a) found running at large contrary to this By-law;

(b) in respect of which the taxes or fees imposed by this By-law have not been paid; or

(c) which is fierce and dangerous.

(2) A dog control officers may, in any case in which a dog may be captured and impounded, without notice to or complaint against the owner of any such dog, kill the same if he is unable to capture it.

(3) The keeper of a dog pound shall receive all dogs delivered to him by a dog control officer and shall detain the same and furnish them with food and water.

(4) On any dog being impounded as aforesaid, the dog control officer shall forthwith prepare a notice in the following form:

DOG NOTICE

Take notice that a dog (giving a short description) has been impounded at the Dog Pound (name and address of Pound) this            day of            A.D., 19            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 Lunenburg, this            day of            , A.D., 19            .

\_\_\_\_\_  
DOG CONTROL OFFICER

.../7



Posting of  
Notice

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

Dog to be  
Sold

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

Proceeds  
of Sale

(7) The proceeds of sale shall be paid over to the Town Manager/Clerk.

If Not Sold

(8) Any dog which has been impounded and which cannot be sold by the pound keeper, not less than ninety-six hours after impounding may be killed by the pound keeper in such manner as Council direct from time to time.

Redemption  
of Dog

13. The owner of any dog impound may, upon proving his ownership thereof, redeem the dog from the pound upon payment of the following to the Director of Finance/Treasurer;

- (a) the registration and licence fee if the dog is not registered and licensed;
- (b) ten dollars (\$10.00) per day for each day or part thereof, that the dog has been kept in the pound; and
- (c) a charge of twenty-five dollars (\$25.00) for impounding of the dog.

Registration  
and Licensing  
of Purchased  
Dog

14. Any person resident within the Town purchasing an unregistered and unlicensed dog from a pound keeper shall register and license the dog pursuant to the within By-law before taking it from the pound.

Statement of  
Number of  
Dogs Owned

15.(1) The Director of Finance/Treasurer may require the owner of a dog to deliver to him in writing a statement of the number of dogs owned or harboured by him, or which are habitually kept upon the premises occupied by him by whomsoever owned.

(2) Any person who neglects or refuses to provide a statement within ten days after having received notice requiring him to provide it is guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty dollars (\$20.00) and in default of payment to imprisonment not exceeding ten days.

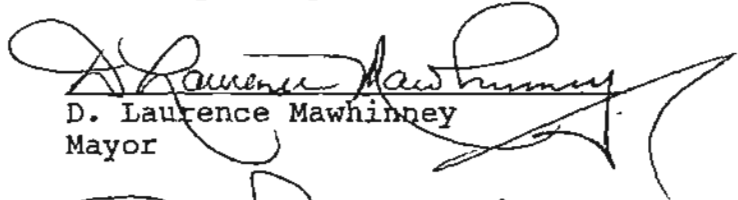
Penalty

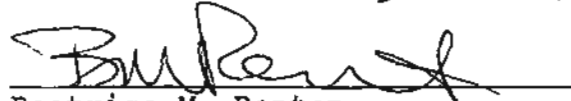
16. Any person who violates a provision of this By-law or fails to pay any fee or tax imposed under this By-law, unless otherwise provided, shall be liable on conviction to a penalty not exceeding five hundred dollars (\$500.00) and in default of payment to imprisonment for a period not exceeding ten days.

Repeal

17. All former Dog By-laws of the Town are hereby repealed and this By-law substituted therefor.

Done and Passed in Council, this 29th day of April, 1993, A.D.

  
D. Laurence Mawhinney  
Mayor

  
Beatrice M. Renton  
Town Manager/Clerk

I, Beatrice M. Renton, Town Manager/Clerk for the Town of Lunenburg do certify that the foregoing is a true and current copy of By-law #22 of the Town of Lunenburg, duly passed by the Town Council on April 29, 1993.

Effective Date: April 29, 1993.

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
..... Departmental Sector	
APPROVED this.....day	of.....19.....
..... Member of Municipal Affairs	