

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COMMITTEE OF THE WHOLE AGENDA

Tuesday, October 16, 2018, 5:30 pm

Council Chambers

Municipal Administration Building

285 Beech Hill Road

Beech Hill, NS B2G 0B4

-
1. Call to Order – Chairman, Warden Owen McCarron
 2. Approval of Agenda
 3. Approval of October 2nd Committee of the Whole Minutes
 4. Business Arising from the Minutes
 5. New Business

- a. Recreation Registration Program

The recreation department adopted an online registration package in December 2015. This registration platform which is part of the Diamond Municipal Municipal Suite is being discontinued. Recreation Director will provide and update and recommendations for a new registration software.

- b. St. Andrews Junior School Playground Equipment Fundraising Request

The Principal of St. Andrews Junior School has provided a written request for assistance with fundraising efforts for playground consideration at the junior school. A copy of this letter is included for the Committee's consideration.

- c. Draft Dog By-law Public Consultation Plan

Staff have updated the Dog By-law, reflecting operational and general updates, including:

- Removing reference to restrictions based on breed;and,
- Fierce and Dangerous classification based on behaviour.

Staff is looking to release a draft of the document to the public for general consultation in advance of Council's approval of the amendments. Public consultation is planned to include notification in the Casket, as well through the Municipality's website and social media outlets.

- d. Discussion About Council Stipend Review & Tax Changes

An upcoming change in federal taxation of remuneration for elected municipal officials is expected to take place on January 1, 2019. Staff has prepared a memo providing further background and options for moving forward, which will be provided at the meeting.

- e. Discussion About Municipal Authority to Set Speed Limits

The NSFAM has asked Municipalities whether they are in favour of having the authority to be able to set speed limits. This is an opportunity for discussion in advance of preparing a response to the NSFAM.

f. Interim Appointment of Members to the Arena Corporation

This is an interim appointment of members to the Antigonish Arena Association to formalize the establishment of the new structure.

6. Reports from Inter-Municipal Boards, Committees and Commissions

- a. Antigonish Heritage Museum Board
- b. Antigonish Arena Commission
- c. Antigonish Crime Prevention
- d. Eastern District Planning Commission
- e. Eastern Regional Solid Waste Management Committee
- f. Eastern-Strait Regional Enterprise Network
- g. Pictou Antigonish Regional Library
- h. RK MacDonald Nursing Home

7. Community Events

This item provides Councillors with an opportunity to briefly bring to the attention of Council events that are taking place in their communities.

8. Additions to the Agenda

9. In Camera Items

This subject matter falls within Section 22(2) of the Municipal Government Act as that which a committee may discuss in a closed session. It is recommended a motion be made to initiate an in-camera session to discuss Contract Negotiations. Materials will follow.

10. Adjournment

MUNICIPALITY OF THE COUNTY OF **ANTIGONISH**

Committee of the Whole Meeting Minutes

Tuesday, October 2, 2018, 6:30 pm
Council Chambers
Municipal Administration Building
285 Beech Hill Road
Beech Hill, NS B2G 0B4

Present were: Warden Owen McCarron
Deputy Warden Hugh Stewart
Councillor Mary MacLellan
Councillor Donnie MacDonald
Councillor Vaughan Chisholm
Councillor Remi Deveau
Councillor John Dunbar
Councillor Neil Corbett
Councillor Bill MacFarlane
Regrets: Councillor Gary Mattie
Staff Present: Glenn Horne, Clerk-Treasurer
Beth Schumacher, Deputy Clerk
John Bain, Director - Eastern District Planning Commission

1. Call to Order – Chairman, Warden Owen McCarron

The meeting of the Committee of the Whole was called to order by the Chair, Warden McCarron, at 6:34

2. Approval of Agenda

The following items were added to the agenda:

- Shredding documents
- Card for Councillor Mattie
- Update on Antigonish Community Transit (in-camera)

Moved By Councillor Deveau

Seconded By Councillor MacLellan

That the agenda be approved as amended.

Motion : Carried

3. **Approval of September 18th Committee of the Whole Minutes**

Warden McCarron called for any errors or omissions in the September 18th Committee of the Whole Minutes.

Moved By Councillor MacDonald

Seconded By Councillor Corbett

That the Committee of the Whole minutes of September 18th, 2018 be approved as presented

Motion : Carried

4. **Business Arising from the Minutes**

Councillor MacFarlane asked whether there were any updates regarding the skateboard park. A review of the discussions that took place on September 18th and at the Joint Town and County Council meeting was provided.

5. **New Business**

a. **Amendments to the Municipal Government Act Related to Planning**

Mr. Bain provided members of the Committee with a copy of Bill 58, which received first reading last week and is currently being reviewed at Law Amendments. Mr. Bain provided some background on the amendment, and the public consultation process. He also highlighted some of the key changes that this proposed Bill makes to the Municipal Government Act (MGA). Discussion followed. Mr. Bain was thanked for the update.

b. **Consideration of a Nuisance By-law**

Mr. Horne introduced a discussion regarding the possibility of a Nuisance By-law, in response to an ongoing concern with an operation that is generating dust that is impacting a neighbouring residence. Letters have been written to the operator that is causing concern. The residents have requested that the discussion be brought back to the Committee for discussion.

Mr. Bain provided further updates about the involvement of the Planning Commission regarding this particular site over the past few years. Mr. Bain noted that the Municipality would need to appoint the Building Inspector as a Special Constable to be able to apply fines under the By-law. Mr. Bain will write a letter to the property owner for this year regarding the land use, and will send Council a request regarding the appointment of Special Constable for the local Building Inspectors at a future date.

c. Approval of An Excused Absence

Mrs. Schumacher brought forward a request for the Committee to provide Councillor Mattie with an excused absence from regular Council meetings due to an extended medical treatment in Halifax. Councillor Mattie is expected to return at the end of October.

Moved By Councillor MacFarlane

Seconded By Councillor Dunbar

The Committee recommends that Municipal Council provide Councillor Mattie with an excused absence from regular Council Meetings for medical reasons.

Motion : Carried

6. Reports from Inter-Municipal Boards, Committees and Commissions

a. Antigonish Heritage Museum Board

Councillor Corbett provided an update: the Committee met at the end of September, and the operations of the museum over the summer were reviewed. An idea of a gift shop was brought up, and the site is having challenges with their software.

b. Antigonish Arena Commission

Nothing to report; the next meeting is October 18th. The parking lot has been paved.

c. Antigonish Crime Prevention

Nothing to report.

d. Eastern District Planning Commission

A Board meeting took place on the 27th; it was the first meeting since the Town joined, and went well.

e. Eastern Regional Solid Waste Management Committee

September 27th the Board met, and discussed the EPR. A survey with the NSFMS is being run through the consultation sessions over the fall, including the session that was held in Port Hawkesbury on October 1st. The Efficiency Study has been stalled, but there are some municipalities that still need to respond. The paint program has changed, and only damaged cans can be picked up curbside; all others must be delivered to the landfill or a designated depot. C&D material management was also discussed.

f. Eastern-Strait Regional Enterprise Network

Nothing to report.

g. Pictou Antigonish Regional Library

Antigonish Library Staff received a cheque for \$7,100 from the McHappy Day fundraising effort. The Library has posted a grant position that involves advocating library services in the community. Mr. Horne provided an update regarding the motion to provide funds to allow a cost of living raise to PARL staff; the cheque was returned as not all PARL municipalities participated.

h. RK MacDonald Nursing Home

The 60th anniversary of the facility is taking place this week; Councillors have received invitations.

i. NSFM Community Consultations

Councillor Corbett attended the NSFM priorities session in Port Hawkesbury on October 1st. The funding programs for accessibility upgrades was discussed, as well as the CAP program, upcoming cannabis legislation, EPR, and schools that are closing and reverting to municipalities. Further discussions included housing for seniors, immigration, and doctor recruitment.

7. Community Events

The following community events were reported:

- Chase the Ace is taking place in various community centres
- Christmas Bazaar in Arisaig November 4th
- Dinner and auction to provide the Maryvale school was well attended on September 29th
- In St. Joseph's, the local mural was unveiled and well received by the community
- PowWow took place at Paqtnkek: those who attended provided an update
- Deputy Warden Stewart and Councillor Chisholm provided a summary from the Police Conference they attended earlier in September.

8. Additions to the Agenda

a. Document Shredding

Councillor MacLellan asked about the proper method for disposing of unwanted paperwork. Discussion followed.

b. Get Well Gift for Councillor Mattie

Councillor MacLellan asked that a card and basket be sent to Councillor Mattie.

9. In Camera Items

Moved By Councillor Deveau

Seconded By Councillor Dunbar

That the Committee of the Whole Meeting be adjourned to an In-Camera Session to discuss the Acquisition, Sale, Lease, and Security of Municipal Property and Contract Negotiations at 7:55pm

Motion : Carried

Moved By Councillor Dunbar

Seconded By Councillor Deveau

That the in-camera session be adjourned at 8:25

Motion : Carried

10. Adjournment

Moved By Councillor Chisholm

That the Committee of the Whole meeting be adjourned at 8:26

Motion : Carried

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

St. Andrew Junior School

2 Appleseed Drive, Antigonish, NS B2G 3B6

Tel. 902-863-3046



Fax 902-863-2273

Principal: Glenn Austen

Vice Principal: Lynn Casey

Acting Vice Principal: Jerry Delorey

Guidance: Marie Kennedy/ Allana

MacGillivray

Oct 1, 2018

To the Warden and Council of the Municipality of the County of Antigonish,

Saint Andrew Junior School is a Grade 5-8 school in Antigonish, Nova Scotia with 568 students. Saint Andrew Junior School (SAJS) serves the Town and County of Antigonish, with a catchment area including small communities extending from Arisaig to Bayfield, and families encompassing a wide socio-economic range.

The school has been fundraising for the past three years to purchase a much needed playground, as currently students have only a very small fitness oriented structure capable of accommodating no more than 20 students. Recess at SAJS sees all 568 students head outside with extremely limited options for play, which remains extremely important for the Grades 5-8 age range. Current play options for students aside from taking turns on the small play structure are very limited, and include playing basketball on a small court, running around on the field (conditions permitting), or, as the default option for the majority of our students, walking the bus loop. While the school has made efforts to provide students with equipment such as balls to provide recess options, not all students enjoy this type of play, and it is apparent that many students would benefit from and enjoy the addition of other options for physical activity such as a climbing apparatus.

Our three year fundraising efforts to date, which have included a "Toy Bingo", a Prize raffle and a Ford "Drive 1 4 UR School" fundraiser have resulted in just over \$18,000 raised. Estimates for a very reasonable sized play structure that would accommodate up to 50 students came in just over \$75,000, with site preparation and installation costs bringing the total cost of our project to \$150,000.

Students transition to SAJS from a number of feeder schools, and attend the school for a maximum period of 4 years. Our current Grade 8 students arrived at SAJS three years ago as our playground fundraising began, and will leave the school in June of this year with no playground as yet in place. I am asking for your support in helping the students of Saint Andrew Junior School to realize their dream of adding a developmentally appropriate play structure in order to ensure that students are actively engaged in physical play before, during and after the school day. Donations can be made to the registered charity number 888039351RR001.

Thank you in advance for any support you may be able to provide to support this important initiative.

Glenn Austen

Principal, Saint Andrew Junior School
Strait Regional Centre for Education

DRAFT BY-LAW XX-2018

BEING A BY-LAW RESPECTING THE RESPONSIBLE OWNERSHIP OF DOGS

WHEREAS Section 172(1) of the Nova Scotia Municipal Government Act (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; the regulation of businesses and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise; and,

WHEREAS Section 174(f) of the MGA provides Municipalities with the power to make by-laws respecting wild and domestic animals and activities in relation to them; and,

WHEREAS Section 175 of the MGA provides Municipalities with the power to make by-laws specifically pertaining to dogs; and,

WHEREAS Section 176 of the MGA provides Peace Officers with the power to make application for a warrant to search and seize a dangerous dog; and,

WHEREAS the Municipality of the County of Antigonish does not subscribe to nor endorse Breed Specific Legislation in relation to its Dog By-law;

NOW THERE BE IT ENACTED AS FOLLOWS:

INTERPRETATION

1. Short Title

1.1. This by-law shall be known, and may be cited as, the “**Dog By-Law**”.

2. Purpose

2.1. The purpose of this By-law is to provide for responsible ownership and orderly control of dogs in the Municipality.

3. Definitions

In this By-Law:

3.1. “Attack” means an assault resulting in bleeding, bone breakage, sprains, or serious bruising.

3.2. “Bite” means a wound to the skin causing it to puncture or break.

3.3. “Clerk” means the Clerk of the Municipality.

3.4. “Council” means the Council of the Municipality.

- 3.5. “Dog” means any dog, male or female, of any age, or any animal that is the result of the breeding of a dog and any other animal, including a wolf.
- 3.6. “Dogs Running At Large” means any dog that is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-law.
- a) A dog that is 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.
- b) A dog shall be deemed to run at large where it is on any private property or premises without the permission of the owner or occupant thereof.
- 3.7. “Dog Control Officer” means a person appointed or authorized by the Municipality to enforce this by-law, a by-law enforcement officer appointed under the Police Act, or a peace officer.
- 3.8. “Domestic Animal” includes pets and farm animals.
- 3.9. “Extraordinary Expense” means any expense incurred by the staff of the Municipality of the County of Antigonish in relation to a dog except for the provision of food and shelter.
- 3.10. “Guide Dog” - see “Service Animal”.
- 3.11. “Leash” means a device used by a person to restrict movement of a dog which is adequate for the effective control by the accompanying human of the movements of the dog;
- 3.12. “Municipality” means the Municipality of the County of Antigonish.
- 3.13. “Municipal Staff” means the Municipality’s Dog Control Officer or a person appointed by the Clerk or Council to act on the Municipality’s behalf for the purposes of this By-law, whose duties shall include acting as the Municipal Pound Keeper.
- 3.14. “Muzzled” means covered with a device of sufficient strength, placed over the mouth of a dog, to prevent it from biting.
- 3.15. “Organized hunt” means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters.
- 3.16. “Owner” means any person who owns, possesses, has the care of, has control of, or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor.
- 3.17. “Service Animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other persons in need and includes an animal used in therapy, registered with a recognized organization for that purpose.
- 3.18. Any term not defined herein shall have that meaning given in the *Municipal Government Act*, or in any replacement or successor legislation that empowers the Municipality to enact a by-law regulating dogs.

4. Headings

- 4.1. The headings used in this by-law are inserted for reference purposes only and are not to be considered or taken into account in construing the by-law.

RESPONSIBILITIES OF OWNERS

5. Responsible Dog Ownership

- 5.1. The owner of a dog shall ensure, while the dog is off the property occupied by the owner that the dog is under control by means of either a harness or a leash.
- 5.2. The owner of a dog shall ensure that the dog is not running at large anywhere in the Municipality.
- 5.3. An unleashed and unharnessed dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:
- a) Participating in an organized hunt, organized dog exhibition or dog field trials;
 - b) Participating in a search and rescue operation or law enforcement operation;
 - c) Assisting a person with a disability, provided the dog is trained for such purposes; or
 - d) Working on a farm
- 5.4. The owner of a dog shall ensure that the dog:
- a) Does not, without provocation, attack, chase, bite or injure any other domestic animal or person;
 - b) Does not, without provocation, damage any property; and,
 - c) Does not disturb the quiet of the neighbourhood by howling, barking or in any other manner, as outlined in Section 17.2.
- 5.5. Every owner of a dog that defecates on public or private property other than the property of its owner shall immediately remove the feces. Failure to remove the feces shall constitute a nuisance and every owner who causes such nuisance is guilty of an offence.
- a) This requirement does not apply to a handler of a service dog, where the handler is not reasonably able to remove the feces left by such dog due to a physical disability or impediment.
- 5.6. 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 in a sparsely populated area of the Municipality on private property and approved by the Dog Control Officer.
 - d) The applicant provides a letter from the owner of the property granting permission to train dogs and hold the Municipality not liable for any action which may occur.
- 5.7. Any person who fails to maintain and control a dog as required by this section commits an offence and is subject to the penalties prescribed in section 18.

DOG CONTROL AND POUND

6. Dog Control Officer and Pound

- 6.1. The Council of the Municipality may hereby authorize:
- a) The establishment, maintenance and operation of facilities for the impounding of dogs at such place or places and upon such premises, as the Council may determine, by resolution.
 - b) The making of an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a pound, for regulating the conduct of the pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the Pound.
- 6.2. Municipal staff shall be responsible for the enforcement of this By-law.
- 6.3. Council shall appoint a Dog Control Officer who shall:
- a. Collect on behalf of the Municipality any Impounding Fees, Daily Pound Fees as listed in Schedule “A”, and any other additional charges or fees as are authorized in this By-law and as may be set by policy of Council.
 - i. Whenever fees or fines are collected, an official municipal receipt must be issued to the owner for the full amount collected.
 - ii. The Dog Control Officer must be responsible for ensuring that all monies collected are deposited to the Municipality and that adequate records of such transactions are kept.
 - b. Be responsible for the operation of the pound;
 - c. Provide adequate food and water to impounded dogs;
 - d. Keep the pound in a reasonable state of cleanliness; and,
 - e. Keep the pound premises neat and tidy in appearance.
- 6.4. The Dog Control Officer shall maintain a recorded log, in which they shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing or paid, and the what happened to the impounded dog once it is released from the custody of the Municipality.

7. Impounding Dogs

- 7.1. The Dog Control Officer, without notice or complaint against the Owner of a dog, may capture and impound any dog in circumstances where the Dog Control Officer reasonably believes the dog:
- a) Is running at large contrary to this By-law;
 - b) Without provocation, has attacked, bitten, or injured any other domestic animal or person, or damaged any property contrary to this By-law; or,
 - c) Is fierce or dangerous; is rabid or appears to be rabid or exhibits symptoms of canine madness.
- 7.2. Notwithstanding subsection 7.1, a Dog Control Officer, without notice or complaint against the Owner of a dog, may apply for a warrant to seize any dog where the Dog Control Officer is investigating a report and the Dog Control Officer reasonably believes a person is harbouring, keeping, or an under care, control, or direction a dog that:
- a) Is fierce or dangerous;
 - b) Is rabid or appears to be rabid;
 - c) Exhibits symptoms of canine madness; or,
 - d) Persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
- 7.3. The Dog Control Officer or member of the Police force may pass over the land of any person while pursuing a dog under this By-law but this section is not to be construed to provide immunity against the action for actual damage to the property of any person.

8. Procedure After Impounding

- 8.1. The Dog Control Officer, upon seizure or impoundment of a dog at large, shall make every effort to inform the dog owner(s), if known, that the dog has been seized and impounded, including review of information from tags, tattoos, or microchips.
- 8.2. Notwithstanding subsection 8.1, if a dog is missing, the onus is on the Owner of the dog to ascertain whether the dog has been impounded, by personally visiting the pound or calling the pound within the time limit provided in this By-law.
- 8.3. Within forty-eight (48) hours of a dog being impounded, and if the owner can be determined, the Dog Control Officer:
- a) Shall mail a dog impound notice to the owner, by registered mail from the Antigonish Post Office, made in time to be delivered at least seventy-two (72) hours before the time fixed in the notice; and,
 - b) Shall post a dog impound notice in the Municipal Office and on the Municipality's website and social media outlets at least seventy-two (72) hours before the time fixed in the notice.

8.4. The dog impound notice shall be in the following form:

<p><u>Dog Impound Notice</u></p> <p>Take Notice that a dog (<i>insert brief description with any tag information</i>) has been impounded in the dog pound of the Municipality of the County of Antigonish at (<i>insert location of dog pound</i>).</p> <p>Unless such dog is claimed no later than (<i>hour, day, date</i>), the dog may be disposed of or euthanized according to law.</p> <p>Dated at Antigonish, this _____ day of _____, 20_____.</p> <p>_____</p> <p style="text-align: center;">Dog Control / Peace Officer</p>
--

9. Rabid or Diseased Dogs

- 9.1. A Dog Control Officer may, without notice to or complaint against the owner, impound a dog that is, or appears to be, rabid or exhibiting symptoms of canine madness. Such dogs shall be held for ten (10) days, in accordance with the Nova Scotia Rabies Response Plan.
- 9.2. When a dog is impounded under this clause, the Dog Control Officer shall consult with a veterinarian, or other qualified person, to confirm that the dog is in fact rabid or suffering from canine madness and, if so, the dog shall be humanely euthanized.
- 9.3. If a dog impounded under this clause is found not to be rabid or suffering canine madness, it shall be dealt with under section 8.

10. Reclaiming and Releasing Dogs

- 10.1. If the owner claims the dog and proves ownership, before the dog is sold or euthanized, and pays the Dog Impound fee, the Dog Control Officer shall deliver the dog to the owner at the Pound.
- 10.2. Where a dog has been impounded and deemed fierce or dangerous, or where the Dog Control Officer is not satisfied that releasing a dog under subsection would be conducive to public safety, the officer may require the owner to provide him with a written description of measures that will be taken to ensure that the dog is properly controlled, and an undertaking to carry out those measures.
 - a) The Dog Control Officer must be satisfied that a fierce or dangerous dog has been registered in accordance with this By-law if they have deemed that measure necessary, and that a suitable pen or enclosure has been prepared for the dog in accordance with section 13.

- b) Upon receipt of a description of work and undertaking and/or following an inspection to ensure that measures are in place, as well as the payment of any seizure and impoundment fees, the officer may release the dog.

10.3. An owner who fails to comply with an undertaking given under subsection 10.2 commits an offence, and the dog shall be seized and impounded and dealt with under section 15.

10.4. Notwithstanding the foregoing, the owner of any dog that has been impounded either pursuant to this By-law, any previous by-law, or the warrant provisions contained in the Municipal Government Act, for its third infraction of running at large or persistently disturbing the quiet of the neighbourhood by barking, howling, or in any other manner contrary to this By-law within the space of twenty-four (24) months may not be permitted to redeem such dog at the discretion of the Dog Control Officer. The dog may be surrendered to the local SPCA or euthanized by the Pound Keeper.

11. Euthanizing a Dog

11.1. The Dog Control Officer, without notice to or complaint against the Owner, may request the assistance of enforcement officers to euthanize 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:

- a) The dog poses an immediate danger to a person or a domestic animal or to property of persons other than the Owner; and,
- b) It is not reasonably possible to safely capture the dog.

11.2. Where a dog has been captured or impounded and charges have been laid against the Owner of the dog, the Dog Control Officer may make application to the Court to have the dog euthanized if the dog:

- a) Was running at large and two previous written warnings have been given to the Owner that the dog has been running at large; or,
- b) Without provocation, has attacked, bitten or injured any other domestic animal or person, or damaged any property contrary to this By-law; or,
- c) Is fierce or dangerous; or,
- d) Is rabid or appears to be rabid.

11.3. In cases where a dog is to be euthanized that:

- a) Is rabid or appears to be rabid; or,
- b) Without provocation has attacked or bitten any other domestic animal or person and no current rabies vaccination certificate is in effect for the dog, the dog must first be kept under quarantine and observation for a period of ten (10) days in accordance with the Nova Scotia Rabies Response Plan (2016).

11.4. Where a dog is to be euthanized with the Owner's consent:

- a) The dog may be returned to the Owner so long as the Owner signs a temporary undertaking in relation to the destruction of the dog;

- b) The temporary undertaking contains such conditions, safeguards, and limitations that the Dog Control Officer deems to be appropriate;
- c) The temporary undertaking contains a timeframe for the dog being euthanized; and,
- d) The temporary undertaking contains a clause requiring the Owner to provide the Dog Control Officer with proof that the dog has been euthanized.

11.5. Where an impounded dog;

- a) Has not, been claimed, and the required fees paid, within 72 hours of seizure;
- b) Has not been released under subsections 10.2 or 10.4; or
- c) Has been seized and impounded under subsection 10.3

and any application for review under Section 16 in respect of the dog has been heard and rejected, a Dog Control Officer, or any person authorized by a Dog Control Officer may surrender the dog to the local SPCA or humanely euthanize the dog.

11.6. Where a dog is euthanized under this by-law, the means used shall be humane.

DOGS THAT BITE OR ATTACK

12. Fierce or Dangerous Dogs

12.1. A dog is fierce and dangerous within the meaning of this By-law if:

- a) The dog has bitten a person or domestic animal;
- b) The dog has approached any person in a vicious or terrorizing manner in an apparent attitude of attack;
- c) The dog has a known propensity, tendency, or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals;
- d) Without provocation has injured or damaged any property;
- e) The dog is owned or harboured in whole or in part for the purpose of dog fighting; or,
- f) The dog is trained for dog fighting.

12.2. Any person who owns, harbours, keeps or has under care, control and direction a dog that is fierce or dangerous within the meaning of this By-law commits an offence, unless there is a circumstance that excuses the aggressive behaviour of a dog, such as:

- a) The dog, at the time of the aggressive behaviour, was acting in defense of itself or a person;
- b) The dog, or its young, immediately prior to the aggressive behaviour, was being abused or tormented by the person or domestic animal attacked or injured;
- c) The dog was acting as a professionally trained guard dog while lawfully engaged for law enforcement or guard duties;

- d) The attack or bite was inflicted upon or sustained by a person who was committing one or more of the following:
 - I. A willful trespass or other tort;
 - II. A criminal act upon the premises occupied by the owner of the dog; or,
 - III. A trespass contrary to Provincial or Federal Legislation.

12.3. Where an Animal Control Officer has reason to believe that a dog has attacked a person or another animal, and the owner of the dog has been identified, the Animal Control Officer may do any one or combination of the following enforcement actions:

- a) Impound the dog for a period of no less than ten (10) days, as a means of quarantine to ensure that the dog is not suffering from rabies;
- b) Issue the owner a notice to muzzle the dog;
- c) Issue the owner a notice to microchip the dog;
- d) Classify the dog as a “Fierce or Dangerous” dog and require that it be registered; or
- e) Destroy the dog without permitting the owner to claim it and issue the owner a notice informing that the dog has been destroyed.

12.4. The owner of a “Fierce or Dangerous” dog shall ensure that:

- a) Such dog does not, without provocation:
 - i. Chase a person or other domestic animals; or,
 - ii. Injure a person or other domestic animals; or,
 - iii. Bite a person or other domestic animals.
- b) Such a dog does not damage or destroy public or private property.

13. Containing Fierce or Dangerous Dogs

13.1. When such a dog is on the property of the owner:

- a) Either such dog is confined indoors and under the control of a person over the age of eighteen (18) years; or,
- b) When such dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the fierce or dangerous dog and capable of preventing entry of any person not in control of the dog (e.g. unsupervised children).
 - i. The locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum of thirty (30) centimetres.
 - ii. The locked pen or other structure shall provide the fierce of dangerous dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height.

- iii. The locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.

13.2. At all times, when off the property of the owner, such dog is securely:

- a) Muzzled; and,
- b) Harnessed or leashed on a lead with a length not exceeding one (1) metre, so as to prevent the dog from chasing, injuring or biting humans or other domestic animals, as well as preventing damage to public or private property; and,
- c) Under the control of a person over the age of eighteen (18) years.

14. Registering Fierce and Dangerous Dogs

14.1. If the Dog Control Officer deems registration as a “fierce or dangerous” dog as the most appropriate course of action, the owner shall, within 30 days of receiving notification of that classification in writing from the Dog Control Officer, register the dog with the Municipality.

14.2. The Clerk, upon receipt of a completed application, shall keep the registration on file.

14.3. The owner of every registered dog shall advise the Clerk:

- a) Of any change in the information provided in the application to register;
- b) Of the death or the permanent removal of the dog from the Municipality.

14.4. A dog that is fierce or dangerous within the meaning of subsection 12.1, and which is not maintained or controlled in accordance with subsection 13.2 may be seized and impounded by the dog control officer.

15. Offence

15.1. Any person who fails to maintain and control a dog as required by sections 12 through 14 commits an offence and is subject to the penalties prescribed in section 19.

16. Appealing a Fierce or Dangerous Dog Classification

16.1. The owner of a dog, or any person authorized in writing by the owner, may apply to the Clerk for a review of the following matters under this by-law;

- a) Whether a dog that has been seized under subsection 12.3 falls within the exceptions set out therein; or,
- b) Whether a dog falls within the definition of a fierce or dangerous dog under section 12.1.

16.2. An application under this section shall be in writing in Form “B”, and shall be filed with the Clerk within 72 hours of the seizure of a dog under the relevant provision, or at any time in regard to a dog that has not been seized.

- 16.3. The Clerk, upon receiving an application for review shall refer the matter to Council or the designated committee of Council, as the case may be, which shall convene a meeting within seven (7) days.
- 16.4. A Review under this part shall be conducted by Council, or by such committee of Council as may from time to time be designated by resolution of Council for that purpose.
- 16.5. At the meeting referred to in section 16.3, the owner or the owner's representative, and the dog control officer shall be given an opportunity to be heard.
- 16.6. At the conclusion of the meeting, or within 72 hours thereafter, Council or the committee shall render a decision in writing in regard to an application for review.
- a) A decision under this section shall indicate whether or not the dog in respect of which the application was made is within the section of this by-law in issue, and shall be binding upon the Dog Control Officer.
- 16.7. Nothing in this Part shall prevent a Dog Control Officer from acting on new information in regard to a dog, or the behaviour of a dog subsequent to a review.

DOGS CAUSING DISTURBANCE

17. Forms of "Disturbance"

- 17.1. No dog shall be permitted to persistently disturb the quiet of a neighbourhood by barking, howling or otherwise making noise to a degree beyond what the Dog Control Officer determines to be normal.
- 17.2. 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:
- a) The time of day that the dog is reported as disruptive;
- b) The frequency and duration of the reported disruptive behaviour; and,
- c) The proximity of neighbours and population density of the neighbourhood.
- 17.3. The owner of a dog which persistently disturbs the quiet of a neighbourhood within the meaning of this part commits an offence under this By-law. 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, which may include:
- a) Seizing and impounding a dog that disturbs the quiet of a neighbourhood within the meaning of this part.
- b) The penalties prescribed in section 18.

PENALTIES

18. Penalties

- 18.1. Any person who contravenes any provision of this By-law is punishable on summary conviction and is liable to a penalty as set out by Policy of Council in Schedule "A" of this By-law.
- 18.2. Any person in default of payment may be subject to further legal action, however the Municipality may, at its sole discretion, issue a written warning for a first offence rather than immediately imposing a fine.
- 18.3. In addition to the prosecution of any offence under this By-law, the Municipality may elect to charge the cost of impounding or the destruction of a dog, or the cremation and transportation of the remains of the dog to the owner's property and collect such charge as a first lien on the owner's property.
- 18.4. A person convicted of an offence under this by-law shall be liable to pay a fine of not more than \$10,000 and not less than \$300 and, in default of payment, shall be liable to serve a term of imprisonment for a period not exceeding 30 days.
- 18.5. A person who has contravened any part of this by-law may offer to pay to the Municipality a fee, as per the policy, to avoid prosecution and, if the Municipality agrees to accept that payment, and the payment is made, that person will not be prosecuted for the contravention. (Schedule "A")

Repeal

19. All former by-laws passed by the Council of the Municipality in respect of the control, registration and regulation of dogs are hereby repealed and this By-law substituted therefore.
20. Notwithstanding section 19, this repeal shall not affect any investigation, fee, debt or charges incurred before such repeal or any procedure for enforcing the same completed or pending at the time of repeal, nor shall it repeal, defeat, disturb or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

CERTIFICATION PAGE

By-law XX-2018; Being a By-Law Respecting the Control and Regulation of Dogs

READ a first time this

_____ day of _____, 2018

READ a second time and passed this

_____ day of _____, 2018

Warden

Clerk

Notice of Adoption Published _____, 2018

FORM "A"

Application to Register a Fierce or Dangerous Dog

Name of Applicant: _____

Address: _____

Telephone Number: _____

Particulars of Dog: _____

Breed : _____

Physical description, including approximate weight, colouring and any distinguishing characteristics.

A current photograph of the dog must be attached.

Dog Name (if any) : _____

Dog Age (if known) : _____

Location where dog is to be kept: _____

I confirm that I now have, or will have within 14 days of registration, a pen or enclosure for the dog at the location at which it will be kept that conforms to the requirements of the Dog By-Law of the Municipality of the County of Antigonish.

I confirm that all of the information entered in this application is true and accurate.

Date: _____

Applicant

Registered this _____ day of _____, 20____.

Clerk

DRAFT By-law XX-2018

Being a By-Law Respecting the Responsible Ownership of Dogs

FORM "B"

Application to Appeal a Fierce or Dangerous Dog Classification

I hereby apply for a review in regard to a dog under the following provision of the Dog By-Law of the Municipality of the County of Antigonish:

- Subsection 12.1 - Whether the dog is fierce or dangerous as defined in the By-law

- Subsection 12.2 - Whether the dog that has attacked or bitten is within the exceptions provided in the By-law

Provide, and affix as a schedule, a brief account of the basis for the application, attaching copies of any documents or other material upon which you intend to rely.

Signature of Owner or Owner's authorized representative

Name (please print)

Date

SCHEDULE "A"

TOPIC:	Dog Control Policy
POLICY NUMBER:	20
DATE APPROVED:	November 18, 2003 (Min#158)
DATE REVISED:	April 16, 2013 (2013-032)

1.0 POLICY:

This Policy is in full support of the Municipality’s By-law Respecting the Control and Regulation of Dogs. All definitions in the “Dog Control By-law” apply to this policy. The purpose of this Policy is to establish fees when seizing and impounding dogs within the Municipality of the County of Antigonish. This Policy, in partnership with the “Dog Control By-law”, provides structure and guidance for the Municipal Dog Control Officer, who is employed by contract.

2.0 FEES:

- 2.1 Release fee for Impounded Dog first (1st) offence \$50.00
- 2.2 Second (2nd) offence of same dog or same owner \$75.00

Note: multiple dogs = multiple fees

2.3 Additional fees for an impounded dog requiring special care, will depend on time dog was in Municipal care and type of care required. This may include veterinarian care should the dog be ill or injured when entering Municipal care. Fee will reflect the cost of associated care.

3.0 PAYMENT OF FEES:

- 3.1 The owner or individual responsible for a dog(s) that has been impounded must first pay the Dog Control and Impoundment fees to the Municipality prior to the release of the dog(s).
- 3.2 This payment can be made directly to the Dog Control Officer or at the Municipal Administration Centre, 285 Beech Hill Road.
- 3.3 Personal cheques cannot be accepted for the payment of fees.
- 3.4 Upon receipt of verification of payment of the Dog Control and Impoundment fees, the Dog Control Officer for the Municipality may proceed with the release of the dog(s) in accordance with all other relevant sections of the By-law.

4.0 POLICY REVIEW:

- 4.1 This Policy is to be reviewed once each calendar year, unless deemed otherwise by the Policy Committee from time to time.