

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, March 5, 2019, 7:30 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 Municipal Council Minutes
4. Business Arising from Minutes
5. Public Hearings
 - a. A By-law Respecting the Responsible Ownership of Dogs

Council of the Municipality of the County of Antigonish intends to consider, on second reading, amendments to their Dog By-law. The objective of the proposed amendments is to update the document, including the removal of breed-specific restrictions.

6. Committee Reports
 - a. March 5, 2019 Committee of the Whole Report
7. Motions
8. Miscellaneous Business
9. Adjournment

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

Municipal Council Meeting- Minutes

Tuesday, February 19, 2019

7:30 pm

Councillors Present:

Warden Owen McCarron

Deputy Warden Hugh Stewart

Councillor Mary MacLellan

Councillor Donnie MacDonald

Councillor Vaughn Chisholm

Councillor Remi Deveau

Councillor John Dunbar

Councillor Gary Mattie

Councillor Neil Corbett

Councillor Bill MacFarlane

Staff Present:

Glenn Horne, Clerk-Treasurer

Beth Schumacher, Deputy Clerk

Allison Duggan, Director of Finance

John Bain, Director - Eastern District Planning
Commission (EDPC)

Also Present:

Andrew Jones, EDPC

Tony Peltin

Blair Doiron, STRUM Consulting

Blake Beaton, STRUM Consulting

Matthew MacInnis

Brendan MacInnis

Drake Lowthers, The Reporter

Corey LeBlanc, The Casket

Greg Morrow, 101.5 The Hawk

Call to Order- Chairman, Warden Owen McCarron

Warden McCarron called the meeting to order at 7:39 pm.

Approval of Agenda

Warden McCarron called for any additions or deletions to the agenda.

Min # 2019-013

MOVED by Councillor Deveau

SECONDED by Councillor Mattie

That the agenda be approved as presented.

Motion Carried

Approval of January 22, 2019 Municipal Council Minutes

Warden McCarron called for any errors or omissions.

Min # 2019-014

MOVED by Councillor MacDonald

SECONDED by Councillor MacLellan

That the Municipal Council Minutes of January 22, 2019 be approved.

Motion Carried

Business Arising from Minutes

There was no business arising from the minutes.

Public Hearings

Mr. Horne reviewed the Public Hearing protocol for those who were in attendance.

Development Agreement - Ron MacGillivray Holdings Ltd.

Mr. John Bain provided a presentation to members of Council regarding the Development Agreement before them for consideration. The public hearing was advertised in the Casket on January 30th and February 6th, and was advertised on the EDPC website. No written submissions were received regarding the application. Planning staff's recommendation is for the approval of the Development Agreement.

Warden McCarron called for anyone present to speak in favour or against the Development Agreement.

Min # 2019-015

MOVED by Councillor MacFarlane

SECONDED by Councillor Deveau

That Council approve the development of an automobile sales establishment to be located off of a proposed new road immediately across from 124 Beech Hill Road, Beech Hill, Antigonish County by entering into a development agreement with Ron MacGillivray Holdings Ltd.

Motion Carried

Zone and Designation Amendment - Somers Road

Mr. Andrew Jones provided a presentation to Council regarding the request to redesignate and rezone parcels on Somers Road in order to permit a commercial storage facility use. Mr. Jones noted that the public hearing was advertised in the January 30 and February 6 editions of the Casket, as well as on the EDPC website.

Warden McCarron asked for any parties wishing to speak in favour or against the proposal. No parties spoke in favour or against the proposal. Mr. Jones was thanked for his presentation.

Min # 2019-016

MOVED by Councillor Chisholm

SECONDED by Deputy Warden Stewart

That Municipal Council approve the following proposed amendments to the Antigonish Fringe Planning Strategy and Land Use By-law by:

- amending the Generalized Future Land Use Map re-designating PID 01299726 and PID 10113082 and the area around the properties to the Flood Plain Designation from the Residential Designation to the Rural Development designation;
- adding a policy the intention of Council to permit commercial storage facilities in the Rural General (RG-1) by development agreement;
- rezoning property PID 01299726 from Residential (R-1) to Rural General (RG-1) zone;
- adding “Commercial storage facilities by development agreement” as a permitted use with in the Rural General (RG-1) Zone; and,
- adding a new definition for “COMMERCIAL STORAGE FACILITY” in the definitions section of the Land Use By-law.

Motion Carried

Presentations

There are no presentations

Correspondence

Mr. Horne reviewed the correspondence that was included in the agenda package.

- NSCC - Rural Innovation District Information
- Town of Westville - Response to Library Funding Formula Change

Committee Reports

January 22, 2019 Committee of the Whole

Min # 2019-017

MOVED by Deputy Warden Stewart

SECONDED by Councillor Deveau

That Municipal Council approve a conditional permit for Nova Scotia Summer Fest, proposed to take place at Keppoch Mountain on August 23 & 24, 2019.

Motion Carried

Min # 2019-018

MOVED by Deputy Warden Stewart
SECONDED by Councillor MacDonald

That Municipal Council approve the proposed amendments to the Community Partnership Grants Policy

Motion Carried

Min # 2019-019

MOVED by Councillor MacLellan
SECONDED by Councillor Chisholm

That Municipal Council adopt the Leadership and Travel Assistance Grants Policy as presented

Motion Carried

Min # 2019-020

MOVED by Deputy Warden Stewart
SECONDED by Councillor Mattie

The Committee recommends to Municipal Council that written notice of intent to withdraw from the Eastern-Strait Regional Enterprise Network, effective April 1, 2019, be withdrawn. It is further recommended that as outlined in article 13(a) of the Eastern-Strait Regional Enterprise Network Inter-Municipal Agreement, the Municipality of the County of Antigonish provides written notice of its intent to withdraw from the Eastern-Strait Regional Enterprise Network, effective April 1, 2020

Motion Carried

January 22, 2019 Asset Management Committee

Councillor MacFarlane read the Committee report for Council.

February 19, 2018 Committee of the Whole

Min # 2019-021

MOVED by Councillor Deveau
SECONDED by Councillor MacFarlane

That Municipal Council adopt "Communities in Movement: A recreation and physical activity plan for Antigonish County"

Motion Carried

Min # 2019-022

MOVED by Councillor MacLellan

SECONDED by Councillor MacDonald

That Municipal Council provide a sponsorship in the amount of \$3,000 to the Arisaig Pickleball Club and Antigonish Pickleball Association for the 2019 Provincial Pickleball Championships.

Motion Carried

Min # 2019-023

MOVED by Councillor MacLellan

SECONDED by Councillor Mattie

That Municipal Council write a letter expressing support for the proposed library funding formula from Communities Culture and Heritage.

Motion Carried

Reports from Individual Council Members on Outside Boards, Commissions

Councillor MacFarlane reported that he attended:

- Planning Commission meeting coming March 14

Councillor MacDonald reported that he attended:

- Jan 23 - Launch of Summerfest at Library
- Jan 24 - Festival Antigonish event
- Jan 27 - Mini Trails AGM

Councillor Corbett Reported that he attended:

- Jan 24 - Festival Antigonish
- Red Shoe production at the Bauer

Warden McCarron reported that he attended:

- Jan 16 - Arena Commission meeting
- Jan 18 - St. FX Homecoming meeting
- Jan 21 - Municipal Planning Session - Provincial Consultation
- St. Joseph's Warden's Tour Stop
- Jan 30 - Halifax Special Olympics Gala Celebration
- Jan 31 - African Heritage Month Launch
- Lochaber Warden's Tour Stop
- Doctor Recruitment tours
- Fed of Ag session at the University regarding Food Security
- CEDI group meeting February 15th
- February 16th Pomquet Winter Carnival events

Adjournment of Council to Resume Committee of the Whole

Min # 2019-024

MOVED by Deputy Warden Stewart

That the Council meeting adjourns at 8:19 pm.

Motion Carried

Warden McCarron called the meeting back to order at 9:22pm.

Min # 2019-025

MOVED by Councillor Deveau

SECONDED by Councillor Mattie

That Municipal Council approve hiring Linda Arsenault for the term position of Receptionist.

Motion Carried

Adjournment

Min # 2019-026

MOVED by Councillor MacLellan

That the Council meeting adjourn at 9:23pm

Motion Carried

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

BY-LAW XX-2019

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.

- 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, but which is appropriate to ensure that the dog’s ability to breathe is not impaired.
- 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 certain provisions, as outlined in the Dog Control Policy, are met.
- 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.

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 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. Details on the steps of notifying the owner of a dog's impoundment are detailed in the Dog Control Policy.
- 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.

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, within the given timeframe, 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.
- 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 dealt with under section 11.2.

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 an impounded dog;

- a) Has not been claimed, and the required fees paid, within three (3) business days 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.

11.3. 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) Provide the owner of notice of their intent to have the dog euthanized.

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).

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. Any review shall be undertaken following the procedures outlined in the Dog Control Policy.

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, in addition to any impound or release fees, 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-2019; Being a By-Law Respecting the Control and Regulation of Dogs

READ a first time this

_____ day of _____, 2019

READ a second time and passed this

_____ day of _____, 2019

Warden

Clerk

Notice of Adoption Published _____, 2019

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

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