

Municipality of St. Mary's
**DOG CONTROL
BY-LAW**

Updated
07/18/2006

1. **In this by-law the following definitions shall apply:**
 - A) "Clerk" shall mean Clerk of the Municipality;
 - B) "Animal" shall mean any dog as defined herein;
 - C) "Constable" shall mean the by-law Enforcement Officer for the Municipality of St. Mary's
 - D) "Peace Officer" shall mean any member of the Royal Canadian Mounted Police;
 - E) "Dog" shall mean any dog, male or female and shall include a dog of any age and shall include the definition of dog given in the Municipal Government Act;
 - F) "Owner" includes the owner of a dog any person who possesses, has the care of, has the control of, or harbours a dog and, where the owner of the dog is a minor, includes a person responsible for the custody of the minor;
 - G) "Municipal" shall mean the Municipality of St. Mary's;
"Premises" shall mean property of the owner and shall include property which an owner of a dog is renting or residing in;
 - H) "Dog Control Officer" shall mean the dog catcher for the Municipality of St. Mary's
 - I) "Responsible Person" shall mean anyone twelve (12) years or older;
 - J) "At Large" shall mean being anywhere other than the owner's property.
2. **On or before the thirty first (31st) day of July in each year the owner of the dog shall register such animal with the municipality, shall pay the appropriate fee as provided under this by-law and shall obtain a tag for such dog.**
3. **The annual fee for purchase of dog tag shall be \$20.00, or \$10.00 for neutered, tie annual fee covers the period April 1st to March 31st.**
4. **The Municipality shall keep a receipt of every dog registered along with name and address of owner.**
5. **The Municipality shall supply the owner with a metal tag for each dog registered with the tag number and year stamped thereon, and the owner of every registered dog shall keep on such a dog a collar with the tag attached thereto.**
6. **Municipal Staff shall use their discretion as to whether or not a fee shall be assessed when a dog owner reports that a tag has been lost.**

- 7. Animal owners must keep their animals under effective restraint or control at all times and specifically this shall mean that the following conditions must always apply;**
- a) an animal must be controlled in such a way that it cannot leave the owner's premises; or
 - b) an animal may be restrained through the use of caging or fencing so that the animal cannot leave the owner's premises; or
 - c) an animal shall only be permitted to leave the owner's premises when it is leashed and under the effective control of a responsible person.
- 8. It shall be an offence under this by-law for the owner of any animal to allow such animal to:**
- 1) run at large and otherwise not comply with Section 7;
 - 2) create a disturbance by barking or howling;
 - 3) not be registered by this by-law;
 - 4) to attack someone or damage or destroy someone's property; or
 - 5) to defecate anywhere except on the owner's property and not cause such defecation to be removed immediately.
- 9. Any dog which is off the premises occupied by the owner of such dog 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 dog that is secured by a tether of sufficient length to permit the dog to leave the property boundaries of the premises where tethered is deemed running at large.**
- 10. Notwithstanding the foregoing, a dog shall not be deemed to be running at large if at the time the dog is:**
- a) participating in a search and rescue operation or a law-enforcement operation;
 - b) assisting a person with a disability, provided the dog is trained for such purpose.
- 11. Any Dog Control Officer, or Peace Officer, without notice to or complaint against the owner of any such animal shall impound such animal and may take legal action against it's owner when any provision of Section 8 is not complied with.**
- 12. A Dog Control Officer, or any Peace Officer without notice to or complaint against the owner of any such animal may kill on sight any animal:**
- a) which is believed to be fierce or dangerous; or
 - b) which is running at large and attempts to capture the animal have failed.

- 13. A dog is deemed to be , and have been, fierce or dangerous if it:**
- a) has attacked or injured a person or a domestic animal without good reason;
 - b) is owner primarily, or in part, for the purpose of fighting;
 - c) is trained to attack or to fight.
- 14. Notwithstanding the foregoing, a dog shall not be deemed to be fierce or dangerous if it is a professionally trained guard dog engaged in the protection of a Commercial, Institutional or Industrial Property. Property owners must post signs warning people to Beware of Dog when such a dog is present for the purpose of protecting a Commercial, Institutional or Industrial Property.**
- 15. The Dog Control Officer after impounding a dog for a minimum of five (5) days and after attempting to notify the owner, if known, of such animal may either;**
- a) make arrangements to give the animal to another owner; or
 - b) destroy the animal.
- 16. When a dog has been impounded, a notice in accordance with Schedule "A" shall be delivered to the residence of the owner if the owner is known. When the owner is not known no advertising or notice of same shall be required.**
- Every person who contravenes this by-law is liable to the Municipality;
 - i. In the case of a first offence, to a fine of \$100.
 - ii. In the case of a subsequent offence, to a fine of \$250.
 - Where any applicable fine under this by-law has not been paid within fourteen (14) days of notice being provided to the owner under this by-law, every person who has contravened this by-law shall be liable to the Municipality;
 - i. In the case of a first offence, to a fine of \$200.
 - ii. In the case of a subsequent offence, to a fine of \$500.
 - For every offence that is not a first offence, all applicable fines must be paid to the Municipality prior to a dog being released to its owner.
 - In respect of a specific dog, if no violation of this by-law has occurred for a twelve (12) month period, a subsequent offence shall be considered a first offence.

- 17. **A Dog Control Officer shall enforce all provisions of this by-law and will also maintain the Dog Pound Facility or arrange for a rented facility and have care provided to any dogs impounded therein. The Dog Control Officer must at all times maintain complete records of all aspects of those activities associated with enforcement of this by-law.**
- 18. **Whenever fees or fines are collected an official municipal receipt must be issued to the owner for the full amount collected.**
- 19. **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.**
- 20. **If it comes necessary to dispose of or destroy an animal, the fines, fees and impounding costs under the by-law may be waived.**
- 21. **A Dog Control Officer while pursuing any animal in accordance with this by-law may pass over the lands of any person within the Municipality but this section shall not be so construed as to provide immunity against an action for damage to the property of any person.**
- 22. **The Dog Control Officer may designate an assistant(s) when required.**

*This is to certify that the foregoing By-Law
Was duly passed at a duly called meeting
of the Municipal Council of the Municipality
of St. Mary's held the Day of ,
A.D.*

Municipal Clerk & Treasurer

SCHEDULE "A"

NOTICE

Please take notice that a dog with tag # _____ has been impounded in the Animal Control Pound in the Municipality of the District of St. Mary's. The animal must be claimed prior to:

Time: _____ Date: _____ Day: _____

*Dated at Sherbrooke
this Day of
 , A.D.*

Dog Control Officer

SCHEDULE "B"

POUND FEES:

As per contract arrangement with the Dog Pound Provider.

	Fines	
	<i>If payment is made within fourteen (14) days the fine shall be:</i>	<i>If payment is made after fourteen (14) days, the fine shall be:</i>
First Offence (within a 12 month period)	\$ 100.00	\$ xxxxxx
Second Offence (within a 12 month period)	\$ 250.00	\$ xxxxxx

Within a twelve (12) month period shall refer to time elapsed offences and not to a calendar year.
