

TOWN OF AMHERST

COMPANION ANIMAL BY-LAW

1. This By-law shall be known and may be cited as the “Companion Animal By-Law” of the Town of Amherst.

INTERPRETATION

2. In this By-law unless the context otherwise requires:

“**Animal Control Officer**” or “**ACO**” means the person designated by the Chief of Police to be the by-law enforcement officer for this by-law. An officer of the Amherst Police Department may destroy a dangerous dog where the circumstances call for that action in the normal course of carrying out the Officer’s duties.

“**At Large**” means being elsewhere than on the lands or premises owned or occupied by the dog owner and not on a leash.

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

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

“**Cat**” means a male or female animal of the species feline

“**Companion Animal**” means a domestic cat or dog

“**Council**” means the Municipal Council of the Town of Amherst

“**Dangerous Dog**” means a dog which:

- a) Attacks or demonstrates a propensity, tendency or disposition to attack a human being or animal either on public or private property
- b) Has caused injury to or otherwise endangered the safety of a human being or animal
- c) Is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting
- d) Is a dog for which a muzzle order has been made

“**Dog**” means a male or female animal of the species canine over the age of sixteen (16) weeks.

“**Dog License**” means a license for a dog for the current licensing year that has been paid for and that has been issued by the Town or an assignee of the Town.

“Dog Owner” means any person:

- a) whose name appears on a dog license
- b) who is in possession of a dog
- c) who has the care, custody or control of a dog; or
- d) who possesses, harbors or allows a dog to remain about a house, land or premises owned or occupied by that person.

“Impounded” means seized and delivered into the pound or in the custody of the poundkeeper.

“Kennel” means a licensed enterprise dealing with the breeding, buying, selling or boarding of dogs.

“Licensed Dog” means a dog that is wearing, either on its collar or harness, a metal tag on which is stamped figures corresponding to a dog license for that specific dog.

“Licensing Year” shall mean a period from April 1st in any year to March 31st in the following year.

“Muzzle” shall mean a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting.

“Pound” means premises used by the poundkeeper to harbor and maintain dogs pursuant to this bylaw or any vehicle used by the poundkeeper.

“Poundkeeper” means the person or organization appointed by resolution of Council to operate and maintain the facilities for the impounding of dogs.

“Premises” means a building or part of a building, structure or a place.

“Premises of the owner” includes premises where a dog is habitually harboured or fed.

“Register” means annual no-cost voluntary registration of domestic cats with the Town by cat owners

“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 challenged persons and includes an animal used in therapy, registered with a recognized organization for that purpose.

IMPOUNDMENT

3. The Council 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 appointment, by resolution, of a poundkeeper to maintain and operate the pound or pounds established under this by-law.
- c) 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.

CONTROL, LICENSING, REGISTERING AND IMPOUNDING OF DOGS

Control of Dogs

- 4. Except as otherwise permitted by this By-law:
 - a) A dog owner shall not permit, suffer or allow a dog to be at large.
- 4.1 Every owner of a dog shall ensure that the dog is kept on a leash and under the control of some person when the dog is on any land in the Town unless:
 - a) the land is the premises of the owner of the dog;
 - b) the land is owned by a person who has given prior consent to the dog being off the leash.
- 4.2 The owner of a dog which is known to be aggressive must not permit the dog to be in a place other than the owner's property
 - a) Unless the dog is on a leash no longer than one meter and in the control of a person who is responsible and capable of controlling the dog.
 - b) unless the dog is wearing a proper muzzle
- 4.3 Police Officers with the Amherst Police Department and any By-Law enforcement officers appointed by the Chief of Police, along with the ACO, are authorized to enforce this by-law.

Dangerous Dogs

- 5. The ACO has the power and authority hereunder, upon reasonable grounds, to make the determination that any dog is a dangerous dog.

Where the ACO has reason to believe that a dog has attacked a person or another animal, or has the propensity to do so, the ACO may:

- a) Classify the dog as a dangerous dog;

- b) Issue the owner a notice to muzzle the dog
 - c) Order the owner to keep the dog securely restrained either indoors or inside an escape-proof enclosure that does not allow the dog to jump, climb or dig its way out of while it is on the property of the owner; and
 - d) Muzzle, securely leash and ensure the dog is under the control of a person who is responsible and capable of controlling the dog, when the dog is off the property of the owner.
- 5.1 When the ACO determines that a dog is a dangerous dog, the ACO, if he/she determines in their discretion, that the dangerous dog poses an immediate and significant threat to the public safety, may, after consultation with a police manager, destroy the dangerous dog, without permitting the owner to claim it.
- 5.2 If the ACO destroys the dog, the ACO will arrange for the disposal of the remains and will make reasonable efforts to inform the dog owner that the dog has been destroyed. The owner of the dog will be responsible for all costs related to the destruction/disposal.
- 5.3 If a dog attacks a person and causes injury, the Amherst Police Department shall, along with the ACO, have the authority to investigate the circumstances of the attack if it is decided that it is appropriate to do so, and the Town of Amherst Police Department may make such recommendations to the ACO as it deems appropriate.

Feces and Scooping

6. Every owner of a dog shall immediately remove any feces left by the dog in the Town:
- a) on any roadway, sidewalk or parking lot
 - b) in a public park
 - c) on any public property other than a public park, or
 - d) on any private property other than the property of:
 - i. the owner of the dog, or
 - ii. the person having care, custody or control of the dog.
- 6.1 Every owner of a dog shall dispose of any feces removed pursuant to this Section on his or her premises.
- 6.2 Every owner of a dog shall remove from his or her property, in a reasonable timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.
- 6.3 This section 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.

Noise

7. No dog shall be permitted to consistently disturb the quiet of a neighborhood by barking, howling, or otherwise making noise to a degree beyond what the Animal Control Officer determines to be normal.
- 7.1 In determining what is “normal” in the context of this section, the ACO shall consider one or more, but not limited too, the following factors:
 - a) the time of day that the dog is reported as disruptive;
 - b) the frequency and duration of the reported disruptive behavior;
 - c) the proximity of neighbors and population density of the neighborhood.
- 7.2 If the ACO determines, upon reasonable grounds, that a dog is being disruptive, as defined in this section, the ACO shall give a written warning to the dog owner before taking any other action under this by-law.

Interference with ACO or Poundkeeper

8. Anyone who obstructs or interferes with the Animal Control Officer, or his/her duly authorized delegate, or the poundkeeper, engaged in the execution of his/her duties, commits an offense under this by-law.

Licensing of Dogs

9. No person shall own, possess or harbor an unlicensed dog within the boundaries of the Town.
- 9.1 A person who owns, possesses or harbors any dog before the first day of April in each year, shall obtain a dog license in accordance with the provisions of this by-law.
- 9.2 Applications for and the issuance of a dog license shall be the responsibility of the Town Hall staff, or person so designated by the Town of Amherst.
- 9.3 The Town of Amherst and/or its recognized agent for this purpose will maintain a record of all dogs registered, showing the date and number of the registration, and the name and address of the owner of the dog.
- 9.2 Every person who obtains a dog license shall be given a metal tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the license was obtained.
- 9.3 Where a metal tag issued pursuant to this by-law has been lost, destroyed or mutilated, the dog owner shall acquire, for the remainder of the current licensing year, a replacement tag, upon producing proof of purchase of a valid dog license and upon payment of a prescribed fee.

- 9.4 Fees pursuant to this by-law are set out in Schedule "A" attached hereto.
- 9.5 Notwithstanding this section, the following dogs need not have a dog license:
- a) a trained guide dog owned or utilized by a blind person, or any dog determined by the ACO to be a service or assistance dog
 - b) a dog owned and utilized as a law enforcement service dog

Registering of Cats

10. Every owner of every cat may register the cat with the Town on the first day of April in each year, and may obtain a registration tag for the cat. There is no cost for such registration.
- 10.1 Applications for and the issuance of a cat registration shall be the responsibility of Town Hall staff, or person so designated by the Town of Amherst.
- 10.2 The Town of Amherst and/or its recognized agent for this purpose will maintain a record of all cats registered, showing the date and number of the registration, and the name and address of the owner of the cat.
- 10.3 Every person who obtains a cat registration shall be given a metal tag which shall be fastened to a collar or harness worn by the cat for which the registration was obtained.

Rabies

11. Every owner of a dog over the age of four months must have the dog vaccinated against rabies and must keep the rabies vaccinations of the dog up to date.
- 11.1 The ACO may seize and impound any animal which is suspected of being rabid, and must immediately notify the a veterinary clinic.
- 11.2 Every owner of an animal who knows or suspects that the animal is rabid must immediately report the animal to a veterinary clinic and the ACO.
- 11.3 No dog license will be issued to an owner who does not present proof of such vaccination.

Impounding of Dogs

12. The Town of Amherst and/or its designates by resolution may, without notice to or complaint against the owner, impound any dog that:

- a) runs at large contrary to this by-law
- b) is not wearing a tag as required by this by-law
- c) is not registered pursuant to this by-law
- d) is fierce and dangerous
- e) is rabid or appears to be rabid or exhibits symptoms thereof; or persistently disturbs the quiet of the neighborhood by barking, howling or otherwise, after a written warning has been delivered to dog owner

(renumber paragraphs)

- 11.1 The poundkeeper, upon seizure or impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded, including review of available information from tags, tattoos or microchips.
- 11.2 If after the expiration of not less than 72 hours, the impounded dog is not claimed, the poundkeeper may, on the expiration of this period, destroy, or place for adoption, the impounded dog.
- 11.3 The poundkeeper, upon receiving a certificate from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, may immediately destroy that impounded dog.
- 11.4 The poundkeeper shall maintain a recorded log, in which he/she 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 and the manner of disposal of the impounded dog.
- 11.5 The owner of record of an impounded dog shall be responsible for all uncollected fees or costs in respect of an impounded dog whether or not he/she effects the release of the dog.

Enforcement

- f) No companion animal owner shall do anything, or fail to do anything, where that action or omission, as the case may be, results in a violation of this by-law.
- g) This by-law may be enforced, at the discretion of the Town:
 - a. in accordance with the procedures set out in the Municipal Government Act; or
 - b. by means of a summary offence ticket under the Municipal Government Act.

- h) The Summary Proceedings Act, where applicable, shall apply to proceedings under this by-law.
- i) The Animal Control Officer may enter, at all reasonable times, upon any property subject to this by-law in order to ascertain whether this By-law is being obeyed.
- j) Every person who contravenes any part of this by-law is guilty of an offense and is subject to the provisions of the *Summary Proceedings Act*.
- k) Each day an offense continues shall be a separate offense.
- l) The penalties prescribed are as follows:
 - a. with respect to the first contravention and/or impoundment in any consecutive 12 month period, payment of \$60.00;
 - b. with respect to a second contravention and/or impoundment within any consecutive 12 month period, payment of \$100.00;
 - c. with respect to a third contravention and/or impoundment within any consecutive 12 month period, payment of a sum of \$150.00;
 - d. with respect to any subsequent contravention and/or impoundment within any consecutive 12 month period, payment of a sum not less than \$300.00 and not more than \$500.00.
- m) Any contravention of any provision of this By-law, in the preceding twelve months by any person charged, shall be counted as a previous contravention for the purpose of the preceding paragraphs.
- n) If payment is not made in accordance with these procedures, the fine is recoverable under the *Summary Proceedings Act*.

Costs

- o) In all cases the Town shall have the right to recover from the owner of the dog the cost incurred by the Town in applying this by-law to the owner's dog.
- 21.1 In all cases the costs of the Town shall include the actual payments made by the Town, together with its reasonable administrative charges.
- 21.2 The provisions of this by-law shall be enforceable pursuant to the *Municipal Government Act*.

Interpretation

- p) This by-law shall be read with all changes in gender and number, as may be appropriate.
- q) Any part of this by-law found to be illegal shall be severed from the balance of the by-law.
- r) Any and all fees referred to in the by-law shall be as set out in the Town of Amherst User Fee Policy #3470-03 and will be reviewed annually.

Repeal

- s) The Town of Amherst Dogs By-Law approved by Council on July 16, 2010 is hereby repealed.

SCHEDULE "A"

Dog License Fees

1. Dog License fees shall be:
 - a) \$15 for each spayed/neutered dog;
 - b) \$30 for each un-sprayed/un-neutered dog.
 - c) \$15 for tag replacement

Each license shall be payable to the Town of Amherst annually.

Dog Impound Fees

2. A dog owner may reclaim their impounded dog upon proving ownership and upon paying to the poundkeeper the following impound fees, maintenance fees and any overdue dog license fees pursuant to Schedule "A"
 - a) An impoundment fee in respect of a Licensed Dog:
 - i) First Impoundment - \$30.
 - ii) Second Impoundment - \$70.
 - iii) Third and subsequent Impoundments - \$100.
 - b) An impoundment fee in respect to an Unlicensed Dog - \$100.
 - c) A maintenance fee in respect of each day or part of a day on the impoundment period - \$15.

Amendment / Consolidation Notes

July 16, 2010 – Council approved 2nd reading of the Dog Bylaw

November 23, 2015 – Council approved 2nd reading of a Bylaw to Amend the Dog Bylaw. Amendment includes:

- Rename to Companion Animal Bylaw
- Add a new section that allows for the no cost, voluntary registration of cats