

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 12A

ANIMAL CONTROL BY-LAW

DEFINITIONS

1. In this By-law:
 - (a) “Animal Control Officer” means a person appointed by the Municipality of the County of Kings pursuant to the provisions of Section 44 of the Police Act, Chapter 348, R.S.N.S. 1989 and who is responsible for the enforcement of this By-law;
 - (b) “Animal” shall include livestock but shall not include Cats or Dogs or Urban Chickens;
 - (c) “Cat” shall mean a feline of any breed of domesticated cat or crossbreed domesticated cat;
 - (d) Chicken Coop shall mean an accessory building designed and built for use as an enclosure for an urban chicken(s);
 - (e) “Corporate Services” means the Department of Corporate Services of the Municipality of the County of Kings located in the Municipal Administration Building on Cornwallis Street in the Town of Kentville, Province of Nova Scotia;
 - (f) “Livestock” shall mean cattle, horses, ponies, mules, sheep, swine, goats, geese, turkeys, chickens, ducks and rabbits;
 - (g) “Municipal Staff” means those persons assigned by the Municipality to administer the provisions of this By-law and for the purposes of this By-law shall also include individuals at locations other than the Municipal Administration Building in Kentville who are authorized to accept information and fees related to the registration of Cats;
 - (h) “Owner” of an Animal or a Cat or Urban Chicken includes any person who possesses, has the care of, has the control of, or harbours an Animal or a Cat or an Urban Chicken and, where the person is a minor, includes a person with the custody of the minor;
 - (i) “Persistently Crowing” shall mean an Urban Chicken that, unprovoked, crows or otherwise makes noise persistently in such a manner that disturbs the quiet of the neighbourhood.

- (j) "Pound Keeper" means a person appointed by the Municipality of the County of Kings, pursuant to the provisions of Section 3 of this By-law;
- (k) "Runs at Large" means to be found in any place other than the premises of the owner and not under the apparent restraint or control of some person.
- (l) "Urban Chicken" shall mean a domestic fowl *Gallus gallus domesticus*, which includes an Urban Chicken Rooster, but shall not fall within the definition of Livestock for the purposes of this By-law.
- (m) "Urban Chicken Rooster" shall mean a male Urban Chicken.

ANIMAL, CAT AND URBAN CHICKEN CONTROL

2. The Animal Control Officer or Officers employed by the Municipality of the County of Kings shall be responsible for the enforcement of this By-law.
3. The Council shall appoint a Pound Keeper who shall:
 - (a) Collect impounding fees, daily pound fees and any other additional charges as outlined in this By-law and forward such funds to Corporate Services;
 - (b) Be responsible for the operation of the pound;
 - (c) Provide adequate food and water to impounded Animals, Cats and Urban Chickens;
 - (d) Keep the pound in a reasonable state of cleanliness;
 - (e) Keep the pound premises neat and tidy in appearance.
4. The Council shall make arrangements to provide for a pound so as to provide sufficient yards and enclosures for the safe keeping of such Animals, Cats and Urban Chickens as it is the duty of the Pound Keeper to impound.
5. When a person finds a stray Animal, Cat or Urban Chicken on his premises, he may confine the Animal, Cat or Urban Chicken, as the case may be, in any suitable manner and notify the Animal Control Officer thereof, or if such person is unable to confine the animal, he may notify the Animal Control Officer of the likely whereabouts of the said animal.
6. The Animal Control Officer may, without notice to or complaint against the Owner, impound any Animal, Cat or Urban Chicken that:
 - (a) runs at large contrary to this By-law;

- (b) is rabid or appears to be rabid or exhibits symptoms of infection or contagious disease;
 - (c) is placed into the care of the Animal Control Officer pursuant to the provisions of Section 5 of this By-law; or
 - (d) is persistently crowing contrary to this By-law.
7. An Owner of an Urban Chicken shall keep the Chicken Coop in a reasonable state of cleanliness.
8. An Owner of an Urban Chicken shall keep the Chicken Coop premises neat and tidy in appearance.
9. An Owner of an Urban Chicken Rooster shall keep the Urban Chicken Rooster in a fully enclosed Chicken Coop, which is impervious to light, between the hours of 4 a.m. to 8 a.m.
10. No person shall interfere with or attempt to obstruct the Animal Control Officer when the Animal Control Officer is engaged in carrying out the duties of the Animal Control Officer, including but not limited to an Animal Control Officer who is attempting to capture, or, who has captured an Animal, Cat or Urban Chicken, which is subject to impoundment pursuant to the provisions of this By-law.
11. (a) If the Animal Control Officer knows the name and current address of the Owner of any impounded Animal or Cat or Urban Chicken, he/she shall serve the Owner with a copy of the Notice in Schedule "A" of the By-law, either personally or by leaving or mailing it to the current address of the Owner;
- (b) An owner of an Animal, a Cat or an Urban Chicken to whom a Notice is mailed pursuant to the provisions of subsection 11(a) is deemed to have received a Notice within forty-eight (48) hours of the time the Notice is mailed;
- (c) Notwithstanding subsection 11(a), if an Animal, Cat or Urban Chicken is missing, the onus is on the Owner of the Animal, Cat or Urban Chicken to ascertain whether the Animal, Cat or Urban Chicken has been impounded, by personally visiting the pound or calling the pound within the time limit provided in Section 13 of the By-law.

RECLAIMING, DISPOSITION OR EUTHANASIA

12. The Owner of any impounded Animal, Cat or Urban Chicken may reclaim the Animal, Cat or Urban Chicken by paying to the Pound Keeper the costs of impoundment as set out in the Policy for Fees.

13. (a) Any Animal, Cat or Urban Chicken which has not been redeemed by its Owner at the expiry of a period of seventy-two hours after being impounded, may be either sold or euthanized by the Pound Keeper and, if sold the proceeds shall be forwarded to Corporate Services;
- (b) Notwithstanding subsection 13(a), whenever the seventy-two (72) hours of impounding time expires on a weekend, the Pound Keeper shall hold such Animal, Cat or Urban Chicken until the expiry of the first business day following the weekend to permit the Owner to redeem the Animal, Cat or Urban Chicken.
14. Notwithstanding the foregoing, where an Animal, Cat or Urban Chicken is injured before or after being impounded and if in the opinion of the Pound Keeper the Animal, Cat or Urban Chicken should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Pound Keeper may euthanize the Animal, Cat or Urban Chicken in a humane manner as soon after capture or custody as the Pound Keeper may determine without giving notice to the Owner or permitting any person to reclaim the Animal, Cat or Urban Chicken or offering it for sale or adoption.

OFFENCES

15. An Animal, Cat or Urban Chicken runs at large in the Municipality of the County of Kings when the Animal, Cat or Urban Chicken is found in any place other than the premises of the Owner and is not under the apparent restraint or control of some person.
16. Every Owner of an Animal whose animal runs at large is guilty of an offence.
17. The Owner of an Animal shall prevent any Animal which is suffering from infection or contagious disease from heading with undiseased Animals and any Owner who fails to do so is guilty of an offence.
18. Every Owner of a Cat whose cats runs at large is guilty of an offence.
19. Every Owner of an Urban Chicken whose Urban Chicken runs at large is guilty of an offence.
20. Every Owner of an Urban Chicken whose Urban Chicken is Persistently Crowing is guilty of an offence.
21. Every Owner of an Urban Chicken who does not keep the Chicken Coop in a reasonable state of cleanliness is guilty of an offence.
22. Every Owner of an Urban Chicken who does not keep the Chicken Coop premises neat and tidy in appearance is guilty of an offence.

- 23. Every Owner of an Urban Chicken Rooster who does not keep the Urban Chicken Rooster in a fully enclosed Chicken coop, which is impervious to light, between the hours of 4 a.m. to 8 a.m. is guilty of an offence.
- 24. Municipal Staff shall apply to the Governor in Council pursuant to the Summary Proceedings Act, R.S.N.S. 1989, c.450, as amended, to have the offences under this By-law designated by the Summary Office Ticket Regulations to permit the use of summary offence tickets for prosecuting such offences in appropriate circumstances.

PENALTIES

- 25. Any Person who contravenes this By-law is liable on summary conviction to a fine of not less than One Hundred dollars (\$100.00) and not more than Five Thousand dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.

REPEAL

- 26. By-law # 12 of the Municipality of the County of Kings entitled Animal By-law is hereby repealed.

History of this By-law

Enacted - January 4, 2005

Amended - May 1, 2007

Amended - December 10, 2013 (to allow for the Control of Urban Chickens)

SCHEDULE "A"

You are hereby notified that an Animal, Cat or Urban Chicken believed to be owned by you was impounded on _____, A.D. 20____ pursuant to the provisions of By-law # 12A of the Municipality of the County of Kings, and that, unless the said Animal, Cat or Urban Chicken is claimed and all impoundment charges are paid, on or before _____, A.D. 20____, the said Animal, Cat or Urban chicken will be sold or euthanized pursuant to the said By-law.