

BY-LAW TO AMEND THE COMPANION ANIMAL BY-LAW

The By-law to Amend the Companion Animal By-law, C-04 is hereby amended as follows:

Under the Interpretation Section 2. add the following definitions:

- b. **“Accredited Training”** means a certificate from Assistance Dogs International or the International Guide Dog Federation. A dog that has not been trained by an accredited training school may be accredited if the handler and the dog pass a service dog assessment administered by an accredited organization;
- h. **“Continuous Restraint and Control”** means the dog is on a leash controlled by a person of sufficient size and strength to completely restrain and control the dog;
- s. **“Mitigating Factor”** means a circumstance that may excuse the aggressive behavior of a dog where the dog:
 - i. At the time of the aggressive behavior, attacked or injured any person trespassing on property occupied by its owner; or
 - ii. While off the owner’s property and the continual restrain and control of the owner was reacting to a perceived aggressive or threatening behavior to the dog, it’s owner; or
 - iii. Immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured.

Any other mitigating factors that may not be conveyed in the above definitions will be determined in a fair and unbiased manner by the Animal Control Officer, Police Officer or Delegate on a case-by-case basis.

- u. **“Muzzle Order”** means an Order issued by the Animal Control Officer to require that a dog’s muzzle be restricted while off the owner’s property as outlined in section 9(a)(ii);
- bb. **“Town”** means the Municipality of the Town of Amherst

Add a new Section 7 as follows:

1. An unleashed or unharnessed dog, under continuous human restraint or control, shall not be deemed to be running at large at the time if the dog is:
 - a. Participating in a search and rescue operation or a law-enforcement operation; or

- b. Assisting a person with a disability, provided the dog is professionally trained for such purpose; or
- c. Within a municipal park where the area is designated by signage as an area in which dogs are permitted to be without a leash, subject to such limitations as posted.

Under Section 9 add:

- i. Post a “Beware of Dog” sign in a conspicuous place on their property;
- ii. Have the dog evaluated by a Certified Animal Behaviorist or a Certified Veterinary Behaviorist with the completion of any training or treatment as deemed appropriate by that expert; and
- iii. Have the dog spayed or neutered, to assist with problem aggression, hardheaded and roaming behaviour.

Add new Sections 10 through 17 as follows:

Notice to Owner of a Dangerous Dog

10. The notice to an owner of a dangerous dog shall include:

- a. A statement explaining why the ACO has deemed the dog to be a dangerous dog;
- b. A statement of requirements that the owner must comply with, and in accordance with Section 9(a);
- c. A statement that the owner may request, within five (5) working days of receipt of the notice, a council hearing which may affirm or rescind the Animal Control Officer’s designation of the dog as dangerous.

Appeal of Designation

- 11. The owner of a dog who receives a “Notice to Owner of a Dangerous Dog” from the ACO may, within five (5) working days of receipt of such notice, provide a written notice of appeal delivered to the Town Clerk.
- 12. Council shall hear the appellant in accordance with the rules of natural justice and may:
 - d. Accept the Animal Control Officer’s decision to deem the dog as a dangerous dog;
 - e. Rescind the Animal Control Officer’s decision to deem the dog as a dangerous dog.

13. Section 9(a) requirements, which may be imposed on a dog owner by the Animal Control Officer, shall not come into effect until either the time for appeal under section 11 has elapsed without the dog owner requesting an appeal under that section, or after council has made a decision as per section 12 if an appeal is made.

Dangerous and Fierce Dogs

14. The Animal Control Officer may seize any dog that has exhibited dangerous and fierce behavior and shall kennel such animal until an evaluation of the animal has been done by the Animal Control Officer and an authority in dog behavior as recognized by the Town, which may also include quarantining if required vaccinations cannot be proven.
15. Based on the evaluation, the ACO, in consultation with a police manager, shall determine if a dog can be rehabilitated and safely returned to its owner. If it is proven that the dog poses a substantial risk of such behaviour recurring, and the owner is unable or unwilling to deal with the requirements imposed, based on the evaluation, the ACO, in consultation with a police manager, will determine if there are any remedies that might allow the dog to live safely with people. If no satisfactory remedy is found, the dog will be euthanized.
16. If it is determined that the dog can be rehabilitated, it will be returned to the pound-keeper with the stipulation that it may only be adopted if the requirements for rehabilitation are met.
17. Any kennel costs or extraordinary expenses incurred while the dog is impounded shall be borne by the dog owner, whether the dog is redeemed or not.

Section 18 add the words “and fierce” to read “When the ACO determines that a dog is a dangerous and fierce dog,”

Add new Section 21 as follows:

21. No dog shall be deemed fierce or dangerous if it is a professionally trained guard dog or a law enforcement dog while lawfully engaged as such

Under Section 59 a. change the payment from \$60.00 to \$75.00.

Under Section 59 b. change the payment from \$100.00 to \$150.00.

Under Section 59 remove c. and d. and insert a new c. to read "Third and subsequent Impoundments - A dog impounded for a third time shall not be redeemable and shall become the property of the pound-keeper and will be dealt with accordingly, on a case-by-case basis."

Under Schedule "A" Section 2 a. i. change the amount for First Impoundment from \$30 to \$75.

Under Schedule "A" Section 2 a. ii change the amount for Second Impoundment from \$70 to \$150.

Under Schedule "A" Section 2. iii. Remove the amount of \$100 for third and subsequent impoundments and add "A dog impounded for a third time shall not be redeemable and shall become the property of the pound keeper and will be dealt with accordingly, on a case-by-case basis.