

MUNICIPALITY OF THE COUNTY OF COLCHESTER

CHAPTER 14 - LIVESTOCK CONTROL BY-LAW

BE IT RESOLVED that the Council of the Municipality of the County of Colchester, under the authority of the *Municipal Government Act*, SNS 1998, c 18, wishes to adopt the following By-law:

1. Short Title

1.1 This By-law may be cited as the "Livestock Control By-Law."

2. Definitions

2.1 In this By-law,

- a) "Animal Control Officer" means any person appointed by the Municipality and designated with responsibility of assisting with the enforcement of this By-law.
- b) "CAO" means the Chief Administrative Officer of the Municipality;
- c) "Committee" means the standing Committee of Council designated under this By-law, provided the Committee includes a representative from the Nova Scotia Federation of Agriculture;
- d) "Council" means the Council of the Municipality of the County of Colchester;
- e) "Enclosure" means
 1. a secure barn or other secure building; or
 2. a piece of land properly fenced with fences built in accordance with the Fencing Guidelines of Nova Scotia established by the Nova Scotia Department of Agriculture;
- f) "Impound" means to seize and place in a Pound and includes all activities incidental thereto;
- g) "Impoundment Fees and Expenses" means all costs and expenses incurred for the seizure and transport of any Impounded Livestock and the keeping of any Livestock in a Pound and includes:
 1. All Impounding fees, all Pound fees, penalties and any other fees and expenses set by the Pound Keeper or as determined by policy of the Municipality from time to time, which may include (but is not limited to):
 - i. Redemption fee;
 - ii. Boarding fee for each day, or part thereof, that the Livestock has been impounded;
 - iii. Any veterinary fees or expenses which are incurred while the Livestock has been impounded;
 - iv. Licensing fees, if required; and
 2. All costs of seizing, rounding up, corralling or pursuing any Livestock; and

3. All costs of transport of any Livestock and engagement of personnel required therefore from time to time until the Livestock is returned to the owner or sold or destroyed under this By-law, as the case may be.
- h) "Inspector" means any person appointed by the Municipality and designated with responsibility to administer this By-law and shall include, but not be limited to, the Manager of Inspection Services for the Municipality, Animal Control Officer, or other persons designated by the Inspector;
 - i) "Livestock" includes cattle, horses, ponies, mules, donkeys, sheep, swine, and goats;
 - j) "Livestock Owner" includes any person who possesses, has the care of, has the control of or harbours Livestock, and, where the person is a minor, includes a person having custody of the minor;
 - k) "Municipality" means the Municipality of the County of Colchester;
 - l) "Pound" means a pound or pounds established by the Municipality, or if no pound is so established, any place designated by the Municipality or by the CAO for the Impounding of Livestock;
 - m) "Pound Keeper" means a person or persons appointed by resolution of Council as keeper of Livestock under this By-law, or, in the absence of any such resolution, any person or persons designated by the Inspector as the Pound Keeper;

3. Livestock Running at Large

3.1 Within the boundaries of the Municipality, no Livestock Owner shall allow Livestock to run at large on property not owned by the Livestock Owner unless the Livestock Owner has permission. Notwithstanding that a property owner or occupier has permitted Livestock owned by another on his/her property, the Livestock Owner continues to be responsible for the care and control of the Livestock.

3.2 Every Livestock Owner whose Livestock runs at large is guilty of an offence.

3.3 Livestock run at large in the Municipality where:

- a) the Livestock is off the property owned or occupied by the Livestock Owner or without the Livestock being under the apparent restraint or control of some person;
- b) the Livestock is tethered on a tether of sufficient length to permit the Livestock to leave the property owned or occupied by the Livestock Owner;
- c) the Livestock is on property not owned by the Livestock Owner where a sign has been erected prohibiting such Livestock from being on the property; or
- d) the Livestock is on property not owned by the Livestock Owner where a sign has been erected requiring such Livestock to be under the control of some person by means of a harness or leash while on the property, and the Livestock is not under such control.

4. Duties of a Livestock Owner

4.1 It shall be an offence by the Livestock Owner if Livestock:

- a) is off the property of the Livestock Owner at any time unless that Livestock is:
 - 1. enclosed inside an Enclosure with the permission of the owner or occupant of the building or fenced area;
 - 2. securely tethered on a leash, harness, chain or other device that is held by a person in an escape-proof manner;
- b) damages any public or private property; or
- c) defecates on any public or private property other than the property of the Livestock Owner, unless the Livestock Owner immediately removes the defecation.

4.2 Subsection 4.1(c) shall not apply to a licensed service animal.

4.3 The Livestock Owner shall build and maintain an Enclosure sufficient to prevent the escape of Livestock.

4.4 Where the Inspector has determined that the Livestock Owner is not in compliance with section 4.3, the Inspector may issue an Order to the Livestock Owner that the Livestock Owner shall, at the Livestock Owner's sole expense, build or repair an Enclosure.

4.5 An Order issued pursuant to section 4.4 shall specify the date on which the Enclosure is to be built or repaired.

4.6 A Livestock Owner may, within seven (7) calendar days of being served with an Order issued pursuant to section 4.4, appeal the Order of the Inspector to the Committee. For further clarity:

- a) The day a Livestock Owner receives an Order shall not be counted in determining the seven (7) calendar day period; and
- b) Where the seventh (7th) calendar day falls on a day that the Municipal Clerk's Office is not open, the final day on which to file an appeal is the next business day.

4.7 An appeal filed pursuant to section 4.6 shall be commenced by the Livestock Owner filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.

4.8 If the owner files an appeal pursuant to section 4.6 but the Committee is not scheduled to meet before the date on which the Enclosure is to be built or repaired as set out in the Order, the Order shall be held in abeyance until the Committee has rendered its decision on the appeal. Notwithstanding the filing of an appeal, a Livestock Owner's obligations pursuant to this By-law, including but not limited to those obligations set out at sections 3 and 4 of this By-law, remain in full force and effect.

4.9 After hearing an appeal filed pursuant to section 4.6, the Committee may:

- a) dismiss the appeal;
- b) allow the appeal and reverse the decision of the Inspector; or

- c) make any decision the Inspector could have made under this By-law.

5. Pound, Pound Keeper and Fees

Impoundment of Livestock which Runs at Large

5.1 Any Livestock which runs at large may be Impounded by the Municipality, whether or not the Livestock is at large at the time of Impoundment.

5.2 Fees for Impoundment of Livestock which run at large shall be as determined by policy of the Municipality from time to time.

Pound and Pound Keeper

5.3 The Municipality, for the safekeeping of such Livestock as are impounded, may establish a Pound or Pounds for Livestock and may appoint a Pound Keeper or Pound Keepers in respect thereof.

5.4 A Pound Keeper shall keep all Livestock delivered to it in accordance with this By-law and shall:

- a) Ensure the collection of all Impoundment Fees and Expenses;
- b) Be responsible for the operation of the Pound;
- c) Provide adequate and appropriate food, water and care to Impounded Livestock;
- d) Keep the Pound in a reasonable state of cleanliness; and
- e) Keep the Pound premises neat and tidy in appearance.

5.5 Notwithstanding anything in this By-law, where the Inspector determines that the Livestock Owner does not have an Enclosure sufficient to prevent the escape of Livestock, on direction of the Inspector the Pound Keeper shall not allow Livestock to be claimed by the Livestock Owner or a person on his or her behalf.

Impounded Livestock that are Injured, Ill or otherwise in Need of Medical Care

5.6 Where a Pound Keeper believes that Livestock which has been Impounded may suffer from an injury or illness or otherwise requires medical attention, the Livestock may be examined by a licensed veterinarian for the purpose of assessing the Livestock's condition and providing reasonable veterinary care to the Livestock so that its life is not endangered and any pain endured by the Livestock is reduced consistent with humane principles.

5.7 Should Livestock be examined by a licensed veterinarian in accordance with section 5.6 of this By-law, all licensed veterinarian expenses shall be recoverable against the Livestock Owner together with any Impoundment Fee and Expenses.

5.8 Notwithstanding anything in this By-law, the Pound Keeper shall not allow to be claimed, by a Livestock Owner or any other person, Livestock which a licensed veterinarian

determines to be suffering permanently diminished quality of life due to injury, illness or other medical condition and the Pound Keeper may, on recommendation of the licensed veterinarian, have the Livestock destroyed in a humane manner.

5.9 Neither the Pound Keeper nor the Municipality, its employees, servants, agents or officers, shall be responsible for any injury to or for the death of any Livestock while Impounded.

5.10 The Livestock Owner of an Impounded Livestock shall not be allowed to claim any Livestock that has been Impounded until such time as all outstanding Impoundment Fees and Expenses have been paid.

Sale of Livestock

5.11 Where Livestock has been impounded for a period of seventy-two (72) hours and where the Livestock Owner of any Impounded Livestock:

- a) is unknown, or cannot be located;
- b) has not complied with an Order pursuant to Section 4.4; or
- c) does not pay any outstanding Impoundment Fees and Expenses after having been given notice to do so;

the Pound Keeper may sell the Livestock for the best price which can be obtained for it, and, after deducting from the sale price all of the expenses of the sale, shall apply the balance (the "net proceeds") as set out in sections 5.14 and 5.15 of this By-law.

5.12 The Pound Keeper shall give notice of sale pursuant to section 5.11 of this By-law in writing, as follows:

- a) where the Livestock Owner of the Livestock to be sold is unknown, or cannot be located, by posting a notice in three (3) conspicuous public places; and
- b) where the Livestock Owner of the Livestock to be sold is known to the Pound Keeper, by delivering notice by personal delivery to the Livestock Owner as soon as practicable, but no less than twenty-four (24) hours prior to the completion of the sale.

5.13 The notice referred to in Section 5.12 shall be in the form attached hereto as Schedule "A" and shall contain the following:

- a) A description of the Livestock;
- b) The time, date and location of finding the Livestock;
- c) The place where the Livestock is detained; and
- d) A statement advising that unless the Livestock is claimed and all Impoundment Fees and Expenses are paid, that the Livestock will be sold, or if the Livestock is unable to be sold, that the Livestock will subsequently be destroyed in a humane manner.

Sale Proceeds

5.14 Any net proceeds resulting from a sale of Livestock pursuant to section 5.11 of this By-law shall be applied to pay any outstanding Impoundment Fees and Expenses.

5.15 Any net proceeds resulting from a sale of Livestock which remain after the payment of any outstanding Impoundment Fees and Expenses pursuant to section 5.14 of this By-law shall be returned to the Livestock Owner, or if the Livestock Owner is unknown or cannot be located, shall be remitted by the Pound Keeper to the Finance Officer of the Municipality and shall form part of the general revenues of the Municipality.

5.16 Where outstanding Impoundment Fees and Expenses remain after the net proceeds resulting from a sale of Livestock are applied to said outstanding Impoundment Fees and Expenses, the Municipality may recover the remaining outstanding Impoundment Fees and Expenses from the Livestock Owner as a debt.

6. Enforcement and Penalties

6.1 Any person found guilty of an offence under this By-law is liable on summary conviction to a penalty of not less than one hundred (\$100) dollars and not more than five thousand (\$5,000) dollars.

6.2 The Inspector, when engaged in determining whether this By-law is being complied with, together with such personnel as the Inspector may deem necessary to do so, may enter upon and pass over any land and may enter upon or into private property, and on said private property may inspect any Enclosure, apparatus or other thing necessary to determine whether this By-law is being complied with.

6.3 The Animal Control Officer, when engaged in enforcing this By-law, together with such personnel as the Animal Control Officer may deem necessary to do so, may enter upon and pass over any land and may enter upon or into private property, and on said private property may take all reasonable steps to gain custody and control of any Livestock at large.

6.4 Pursuant to section 6.3 of this By-law, the Animal Control Officer may, without or without notice to or complaint against the Livestock Owner, destroy on sight and in a manner consistent with humane principles any Livestock at large to which this By-law applies where the Animal Control Officer believes on reasonable and probable grounds:

- a) that destroying the Livestock is the only way to protect people or public or private property from harm; or
- b) that the Livestock has sustained fatal injuries.

6.5 Pursuant to sections 6.3 and 6.4 of this By-law, neither the Animal Control Officer nor the Municipality, its employees, servants, agents or officers, shall be responsible for any injury to or the death of Livestock while at large.

6.6 Neither the Inspector, Animal Control Officer, the Municipality, its employees, servants, agents or officers, commits an offence by reason only of their entry onto or into private property pursuant to sections 6.2, 6.3 or 6.4 of this By-law.

6.7 Neither the Inspector, Animal Control Officer, the Municipality, its employees, servants, agents or officers, shall have or suffer any criminal or civil liability for any act done or omitted to be done under this By-law.

THIS IS TO CERTIFY that Chapter 14 - Livestock at Large By-law, was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 25th day of August, A.D., 2016.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 7th day of September, A.D., 2016.

Rob Simonds
Municipal Clerk

I, Rob Simonds, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 14 of the By-laws of the Municipality of the County of Colchester, the Livestock Control By-law, duly advertised in the Thursday, September 1, 2016 issue of the Truro Daily News.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 7th day of September, A.D. 2016.

Rob Simonds
Municipal Clerk



First Reading: June 30, 2016
Notice of Intent: August 9, 2016
Second Reading: August 25, 2016
Notice of Approval: September 1, 2016

Schedule "A"

NOTICE OF IMPOUNDMENT

YOU are hereby notified that Livestock believed to be owned by you was impounded on the ____ day of _____, 20____, pursuant to the provisions of the Livestock at Large By-Law of the Municipality of the County of Colchester. Unless the said Livestock is claimed and all impoundment fees and expenses are paid on or before the ____ day of _____, 20____, the Livestock will be sold and/or destroyed in a humane manner pursuant to the By-law.

DATED at _____, in the County of Colchester and Province of Nova Scotia, the ____ day of _____, 20____.

Description of the Livestock

Time, Date and Location of Finding the Livestock

Arrangement for Release to be made with Manager of Inspection Services or Animal Control Officer

Manager of Inspection Services

or Animal Control Officer