
Municipality of Cumberland By-Law 20-01

Livestock Control By-Law

1. This By-Law is entitled the Livestock Control By-Law.
2. Section 49 (1)(iv) and (e), Section 172 (1)(a),(b) and (d), and Section 174 (f) of the *Municipal Government Act* grants municipalities authority to institute By-Laws relating to livestock.

Definitions

3. In this by-law
 - (a) "Destroy: means to kill, euthanize, put down;
 - (b) "Enclosure" means
 - i. a secure barn or building; or
 - ii. a parcel of land properly surrounded by fences built and maintained in accordance with the *Fencing Guidelines of Nova Scotia* established by the Nova Scotia Department of Agriculture;
 - (c) "Impound" means to seize and take legal custody of something due to an infringement of a law, bylaw, or regulation;
 - (d) "Impoundment Fees and Expenses" means all costs and expenses incurred for the impounding, seizure, transport and maintenance of any impounded livestock;
 - (e) "livestock" means cattle, chickens, donkeys, emus, geese, goats, horses, lamas, mules, ponies, ostriches, rabbits, swine, turkeys, or other animals or fowl (excluding dogs and cats);
 - (f) "livestock farm" means a parcel of land that is used for grazing, pasturing or housing livestock;
 - (g) "Municipality" means the Municipality of the County of Cumberland; and
 - (h) "owner" means
 - i. with respect to livestock any person who has lawful custody of the livestock; and,
 - ii. with respect to a livestock farm, the person occupying or operating the farm.

Interpretation

4. Any livestock that are not on property owned, leased, rented or utilized by the owner of such livestock, and are not under the continuous restraint and control of some person shall be deemed to be "at large" for the purposes of this By-Law.
5. An owner of livestock who becomes aware, or should reasonably be aware, that any of those livestock may be at large or are at large, must immediately take all reasonable steps to regain custody and control of that livestock.

6. Subject to Section 8 of this By-law, every owner of livestock whose livestock is or are at large or who fails to comply with Section 4 of this By-Law, is in contravention of this By-Law.
7. Every livestock owner shall take all necessary steps to prevent livestock from escaping from their property, including, but not limited to, erecting and maintaining fences adequate for the type of livestock being contained; and, subject to Section 8 of this By-Law, every owner who fails to take such steps is in contravention of this By-Law.
8. No owner shall be found to have contravened this By-Law if it is proven to the satisfaction of the Court that the owner has exercised due diligence in securing their livestock and that the alleged contravention is proven to be a first-time occurrence.
9. Whenever livestock strays onto land owned by someone other than the owner of the livestock and that person has detained said livestock, they shall communicate this to the Municipality. This communication must include a description and location of the livestock. Should such person not wish to further detain the livestock, the Municipality shall arrange accommodation pending the determination of ownership.
10. The By-Law Officer who receives notification of livestock at large, or who arranges accommodation as per Section 9 shall post a notice at the Municipal Service Centers with the information outlined in Section 9. The Notice shall also be distributed in a fashion applicable to the practices of the Municipality, i.e. newspaper, social media, web-notice, etc.
11. If the owner of the livestock at large is not established within 14 days or the owner is unable or unwilling to claim the livestock, the livestock will be sold. Proceeds from this sale will be used to cover expenses incurred during the impoundment with the balance (if any) to go to the owner if, and when they are identified.

Seizure of livestock at large

12. Whenever livestock at large is causing physical damage to neighbouring properties or unnecessary emotional distress to neighbouring individuals, the Municipal By-Law Officer may take whatever steps necessary to remove the offending livestock, including, but not limited to herding, confiscating, corralling or destroying the offending livestock.

Penalties

13. Any person who contravenes this By-Law is guilty of an offence punishable by a summary conviction subject to a fine of not less than \$100 and not more than \$1000 for a first offence, not less than \$200 and not more than \$2000 for a second offence, and not less than \$500 and not more than \$5000 for subsequent offences. For the purposes of this section it is irrelevant whether the offences were prosecuted pursuant to the same section of this By-Law.

14. Where a person is given a Notice of By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy, the person may pay to the Municipality, at the place specified in the Notice, the sum of \$100 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
15. All previous Livestock At Large By-Laws of the Municipality are hereby repealed.
16. This By-law shall come into force upon publication.

Clerk's Annotation for Official By-Law Book

Date of first reading: March 4, 2020
Date of Second Reading: June 3, 2020
Date of Public Hearing: May 20, 2020

I certify that this by-law was adopted by Council and published as indicated above.

Municipal Clerk

Date