

MUNICIPALITY OF EAST HANTS
By-Law No. 111

DOG BY-LAW

WHEREAS Section 175 of the Municipal Government Act provides that the Municipality of East Hants, may, by by-law regulate the running at large and barking of dogs; and to control fierce and dangerous dogs; and

WHEREAS the aforementioned Section of the Municipal Government Act provides that the Municipality of East Hants may register and charge a licensing fee for dogs within the Municipality; and

WHEREAS it is deemed expedient that such a by-law be now enacted;

BE IT NOW THEREFORE ENACTED by the Council of the Municipality of East Hants, as follows:

SECTION 1 – DEFINITIONS

In this By-Law:

- 1.1 “Dog” means any dog, male or female, or any animal that is the result of the breeding of a dog and any other canine animal;
- 1.2 “Dog Pound” – means the buildings, yards, enclosures and other facilities for the keeping and disposition of impounded animals.
- 1.3 “Extraordinary Expense” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter.
- 1.4 “Fierce and Dangerous” - means any dog or any dog hybrid that:
 - a) In the absence of a mitigating factor as defined herein, has attacked or injured a person;
 - b) In the absence of mitigating factor as defined herein, has injured a domestic animal.

- c) Has demonstrated a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals;
- d) When either unmuzzled, unleashed or unattended by its owner or a responsible individual, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner.
- e) Is owned or harboured in whole, or in part, for the purpose of dog fighting;
- f) Is trained for dog fighting;

provided that no dog shall be deemed a "fierce or dangerous dog" solely because it bites, attacks, or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behavior acting in defense to an attack from a person or animal or acting in defense of its young or is a professionally trained guard dog for law enforcement or guard duties.

- 1.5 "Kennel" – means any premises, where purebred dogs registered with the Canadian Kennel Club are harboured or bred as a commercial service or for sport or exhibition purposes for longer than sixty (60) days.
- 1.6 "Mitigating Factor" means circumstances that excuse the aggressive behaviour of a dog.
- 1.7 "Municipality" means the Municipality of the District of East Hants;
- 1.8 "Municipal Staff" means the Municipality's Dog Control Officer or a person appointed by the Chief Administrative Officer or Council to act on the Municipality's behalf for the purpose of this By-Law, and shall include the Pound Keeper;
- 1.9 "Owner" means the owner of a dog and any person who possesses, has the care or control of, or harbours a dog and where such a person is a minor, includes a parent, guardian or custodian of such a person.
- 1.10 "Pound Keeper" – means the individual employed by the Municipality of East Hants to care for dogs being held and maintain the cleanliness of the pound.
- 1.11 "Running at Large" – means any dog that is off the premises occupied by the owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purpose of this By-Law. In all areas of the Municipality, the owner of a dog shall, while the dog is off the property occupied by the owner, keep the dog under control by means of a harness or leash. The dog shall be deemed to be running at large where the owner fails to use such apparatus.

SECTION 2 – REGISTRATION

- 2.1** On or before the 31st day of January in each year, the owner of any dog shall register such dog with the Municipal Staff and obtain, from the Municipal Staff, a tag for such dog.
- 2.2** Every owner of a dog shall, within ten (10) days of having become owner, register such dog with Municipal Staff and obtain, from Municipal Staff, a tag for such dog.
- 2.3** In order to register a dog, an owner shall pay the annual registration fee as set by Council, from time to time, by policy and shall supply Municipal Staff with the following:
- a)** Name, civic address, mailing address and telephone number of the owner;
 - b)** Name and breed of the dog;
 - c)** Description of the dog including whether the dog is male or female, spayed or unsprayed or neutered or unneutered as the case may be; and, at the discretion of the owner, the following additional information may be supplied:
 - i)** A photograph of the dog;
 - ii)** Identification information such as micro-chip implants, tattoos or other special markings; and
 - iii)** The name of the veterinary clinic frequented by the dog and veterinary file ID number.
- 2.4** Registration shall be effective until the last day of December in the year of registration.
- 2.5** The following are exempt from registration:
- a)** The Municipal Staff or Chapter of the SPCA shall not be required to register a stray that they are harbouring for a maximum of 30 days.
 - b)** Owners of a kennel licensed with the Municipality of East Hants.
- 2.6** The owner of every dog shall keep on the dog, a collar with the tag issued for that dog by Municipal Staff at the time of registration. Such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued.
- 2.7** The owner of a dog shall deliver in writing, to the Municipal Staff, a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner, within ten (10) days after having received notice requiring it to be provided.

SECTION 3 – KENNEL REGISTRATION

- 3.1 On or before the 31st day of January in each year, any person wishing to register a kennel with the Municipality shall register such kennel with the Municipal Staff and obtain, from the Municipal Staff, a tag for such dog.
- 3.2 A kennel license shall be issued only if the Planning and Development Department of the Municipality of East Hants certifies that the requirements of the zoning by-law and any other by-laws or regulation of the Municipality of East Hants have been met.
- 3.3 Any person who holds a valid kennel licence shall not be required to pay the dog licence fee for any dog kept by such person for breeding purposes or for sale.
- 3.4 Registration shall be effective until the last day of December in the year of registration.

SECTION 4 – DOG CONTROL AND POUND

- 4.1 Municipal Staff shall be responsible for the enforcement of this By-Law.
- 4.2 Municipal Staff or the Pound Keeper shall:
- a) Collect on behalf of the Municipality, any impounding fees, daily pound fees and any other additional charges or fees as are authorized in this By-Law and as may be set out by resolution of Council;
 - b) Be responsible for the operation of the pound;
 - c) Provide adequate food and water to impounded dogs;
 - d) Keep the pound in a reasonable state of cleanliness;
 - e) Keep the pound premises neat and tidy in appearance.

SECTION 5 – FIERCE OR DANGEROUS DOGS

- 5.1 Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping, or has under care, control or direction, a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise, a justice of the peace may, by warrant, authorize and empower the person named in the warrant to:
- a) enter and search the place where the dog is, at any time;
 - b) open or remove any obstacle preventing access to the dog; and
 - c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.

5.2 Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

5.3 The peace officer shall appear before, and satisfy, the justice of the peace of the grounds for belief before a warrant, pursuant to this Section, may be issued.

- a) At the trial of a charge laid against the owner of a dog that is fierce or dangerous contrary to a By-Law, in addition to the penalty, the judge may order that the:
 - i) dog be destroyed or otherwise dealt with; and
 - ii) owner pay any costs incurred by the Municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog;
- b) It is not necessary to prove that the:
 - i) dog previously attacked or injured a domestic animal, person or property;
 - ii) dog had a propensity to injure or to damage a domestic animal, person or property; or
 - iii) defendant knew that the dog has such propensity or was, or is, accustomed to doing acts causing injury or damage.

SECTION 6 – RESPONSIBILITIES OF OWNERS

6.1 Every owner of a dog:

- a) whose dog runs at large;
- b) whose dog is not wearing a tag required by this By-Law;
- c) whose dog is not registered pursuant to this By-Law;
- d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
- e) whose dog at any time without provocation has attacked or injured any person or animal or damaged any property;
- f) who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous;
- g) who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability from public property or private property other than the owners;

- h) whose dog damages public or private property
is guilty of an offence under this By-Law.

SECTION 7 – IMPOUNDING

- 7.1** Municipal Staff 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 required by this By-Law;
 - c) is not registered pursuant to this By-Law;
 - d) is fierce or dangerous;
 - e) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
 - f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
- 7.2** Subject to Section 7.1(d) and (e) of this By-Law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper of any Impounding Fee or Daily Pound Fee along with the reimbursement for any extraordinary expenses incurred by the Municipal Staff in relation to the dog.
- 7.3** In the case of redemption of a dog that has not been registered pursuant to this By-Law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
- 7.4** Any dog, which has not been redeemed by the owner at the expiry of a period of 72 hours, becomes the property of the Municipality, and after being impounded may be given away, sold or killed by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
- 7.5** Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

SECTION 8 – NOTICE

Upon any dog being impounded, the Pound Keeper shall check for a tag. If a tag is found, the Pound Keeper shall make at least one attempt to contact the registered owner of the dog using the tag number on the records of Municipal Staff. Provided, however, that if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-Law whether the dog has been impounded.

SECTION 9 – DESTRUCTION OF A DOG

- 9.1 Municipal Staff may, without notice to or complaint against the owner, destroy on sight or after capture, any dog that:
 - a) is fierce or dangerous
 - b) is rabid or exhibits symptoms of canine madness
- 9.2 Municipal Staff may, after two written warnings have been given to the owner that a dog has been running at large or eluding capture, kill such dog on sight or after capture.
- 9.3 Municipal Staff may destroy on sight any dog that is running at large and which the Dog Control Officer believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property or persons other than the owner.

SECTION 10 - PENALTIES

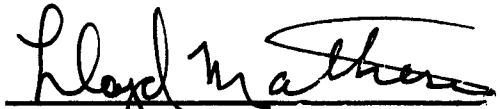
- 10.1 A person who does anything prohibited by this by-law or who neglects or fails to do anything required by this by-law to be done by him is guilty of an offence and except where some other penalty is provided by this by-law for the act, refusal, neglect or failure, is liable on summary conviction to a penalty of not more than five hundred dollars (\$500.00) and, in default of payment, to imprisonment for a term not exceeding ten (10) days.
- 10.2 Every owner of a dog that commits an offence under Section 6 of this by-law, upon conviction shall be liable to a penalty of not more than five thousand dollars (\$5,000.00) and, in default of payment, to imprisonment for a term not exceeding thirty days.

SECTION 11 - FEES

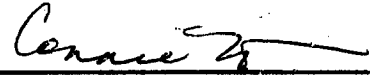
- 11.1 The registrations and pound fees for Dogs within the Municipality of East Hants shall be set by policy and amended by Council from time to time.
- 11.2 The registration fee for any dog acquired after June 30th of that year will be equal to one-half of the total registration fee.
- 11.3 The license fees for kennels shall be set by policy and amended by Council from time to time.

SECTION 12 – REPEAL

All previously enacted By-Laws of the Municipality of East Hants relating to the regulation, registering and harbouring of dogs are hereby repealed.



**Lloyd Matheson
Warden**



**Connie Nolan
Acting CAO**

First Reading: November 18, 2003

Second Reading and Enactment: December 16, 2003