



**MUNICIPALITY OF EAST HANTS
BYLAW NUMBER P-1000
A BYLAW AMENDMENT TO BYLAW 111-A, DOG BYLAW**

WHEREAS Section 172 (1) (a), (b), and (d) of the Nova Scotia Municipal Government Act (MGA) provides Municipalities with the power to make bylaws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise; and

WHEREAS Section 174 (f) of the MGA provides Municipalities with the power to make bylaws respecting wild and domestic animals and activities in relation to them; and

WHEREAS Section 175 of the MGA provides Municipalities with the power to make bylaws specifically pertaining to dogs; and

WHEREAS Section 176 of MGA provides Peace Officers with the power to make application for a warrant to search and seize a dangerous dog; and

WHEREAS The Municipality of East Hants does not subscribe nor endorse Breed Specific Legislation in relation to its Dog Bylaw;

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

1. SHORT TITLE

1.1. This bylaw shall be renumbered to P-1000 and shall be known as the Dog Bylaw.

2. DEFINITIONS

For the purposes of this Bylaw, the following words shall have the meanings hereby assigned to them:

(a) **“Animal”** means an owned animal under care and control of a person.





- (b) **“Attack”** means to injure, scratch or bite, or to threaten or give the impression of threatening, or an assault resulting in real or perceived injury to another person or animal.
- (c) **“Bite”** means wound, pierce, or penetration of the skin by a tooth or teeth.
- (d) **“Bylaw Enforcement Officer”** means a person appointed by the Chief Administration Officer or Council to act on the Municipality’s behalf to enforce the provisions of this bylaw, and includes the Pound Keeper.
- (e) **“Canine Madness”** means a dog exhibiting conditions of insanity or rage.
- (f) **“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.
- (g) **“Emergency”** means a present or imminent event where a Constable, Peace Officer or Bylaw Enforcement Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals.
- (h) **“Fierce or Dangerous Dog”** means any dog:
 - (i) (1) that, in the absence of a mitigating factor as defined herein, attacks, or injures a person;
 - (2) that, in the absence of a mitigating factor as defined herein, attacks or injures an animal;
 - (ii) that attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;
 - (iii) that has caused injury to or otherwise endangered the safety of a person or animal;
 - (iv) that threatens any person or domestic animal;
 - (v) that is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.

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.





- (i) **“Holiday”** means a day on which normally scheduled work is suspended by law or Municipal policy.
- (j) **“Kennel”** means an establishment for the breeding or boarding of dogs as a commercial service, or for sport or exhibition purposes.
- (k) **“Leash”** means a device used by a person to restrict movement of an animal which is adequate for the purpose.
- (l) **“License”** means a license/tag/registration issued pursuant to this Bylaw.
- (m) **“Mitigating Factor”** means a circumstance that excuses the aggressive behavior or actions of a dog:
 - (i) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser on property occupied by its owner;
 - (ii) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;
 - (iii) the dog was acting in defense of itself or a person.
- (n) **“Municipality”** means the Municipality of the District of East Hants.
- (o) **“Municipal Staff”** means the Municipality’s Bylaw Enforcement Officer or a person appointed by the Chief Administrative Officer (CAO) or Council to act on the Municipality’s behalf for the purpose of this Bylaw, and shall include the Pound Keeper.
- (p) **“Muzzle”** means a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting.
- (q) **“Noise”** means an unwanted sound or activity that unreasonably disturbs the quiet, peace, rest, enjoyment, comfort of convenience of a neighbourhood of the Municipality or a part thereof.
- (r) **“Owner”** means any person or body corporate:
 - (i) who is the licensed Owner of the dog; and/or;

 - (ii) who has legal title to the dog; and/or;

 - (iii) who has possession or custody of the dog, either temporarily or permanently; and/or;

 - (iv) who has care or control of the dog; and/or;





(v) who harbours the dog, or allows the dog to remain on his/her premises.

Where such a person is a minor, includes the parent, guardian, or custodian of such a person.

- (s) **“Owner of Premises”** includes a tenant, occupier, a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, an agent, a mortgagee in possession, an attorney under a valid Power of Attorney or a person having the care or control of the land or building. means the
- (t) **“Municipal Kennel”** means such premises and facilities designated by the Municipality as a dog kennel for the keeping and disposition of impounded animals.
- (u) **“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.
- (v) **“Running at Large”** means any dog that is off the property of its 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 Bylaw. 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. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large. Notwithstanding this definition, dogs participating in a designated off-leash area are not considered to be ‘running at large’.
- (w) **“Service Dog”** means any dog individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement.
- (x) **“Tag”** means License as defined in this Bylaw
- (y) **“Threatens”** means un-muzzled, leashed or unleashed, or unattended by its owner, or a member of the owners family, in a vicious or terrorizing manner, approaches 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, to any person or animal.

3. REGISTRATION

3.1. No person shall own a dog within the Municipality without having obtained a license from





Municipal staff within ten (10) days after the person becomes the owner of the dog.

Notwithstanding this a person who possesses, has the care of, and has the control of or harbours a dog for less than 60 days is not required to license the dog;

- 3.2. 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;
- 3.3. Registration shall be effective until the last day of December in the year of registration.
- 3.4. In order to register a dog, an owner shall pay the annual registration fee as set by policy of Council, and shall supply the following:

- (i) dog owner's name, civic address, mailing address, and telephone numbers;
- (ii) the name of the dog;
- (iii) the description of the dog including its sex, breed, colour, and known or approximate age; and
- (iv) at the discretion of the owner, any pertinent information the owner feels may help in identifying the dog such as microchip implants, tattoo, special markings, temperament, spay /neuter, inoculations or photograph of the dog.

Upon receipt of this information, Municipal staff shall supply the owner with a tag and directions respecting the placement of the tag and a receipt.

- 3.5. The following are exempt from registration:

- (i) owners of a Kennel licensed with the Municipality of East Hants, and
- (ii) a service dog as defined in Section I (w) of this Bylaw, that is trained to assist and regularly assist a person shall be registered, but is exempt from any registration fee.

- 3.6. When the application is for the licensing of a service animal the owner shall also provide Municipal staff, where appropriate:

- (i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada in respect of the dog;





- (ii) a certificate from a qualified practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or
 - (iii) a certificate that the dog is used for search and rescue or law enforcement.
- 3.7. 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;
- 3.8. The owner shall not use the tag issued for one dog on any other dog;
- 3.9. When Municipal staff are satisfied that a tag validly issued has been lost, and upon payment of a fee set out by the Municipality by policy of Council, Municipal staff shall issue a new tag to replace the lost one;
- 3.10. Municipal staff shall keep a record of every dog licensed, showing the date and number of the license, the name and description of the dog with the name and address of the owner and the respective license category.
- In the event that the license fee is not paid within ten (10) days of the owner coming into possession of the dog, the Bylaw Enforcement Officer shall have the authority to impound the dog.

4. KENNEL REGISTRATION

- 4.1. 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 a license for the kennel;
- 4.2. 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 bylaw and any other bylaws or regulation of the Municipality of East Hants have been met;
- 4.3. Any person who holds a valid kennel license shall not be required to pay the dog license fee for any dog kept by such person for breeding purposes or for sale;
- 4.4. A kennel license shall be effective until the last day of December in the year of registration.





5. DOG CONTROL AND POUND

- 5.1. The Bylaw Enforcement Officer shall be responsible for the enforcement of this By- Law;
- 5.2. Municipal Staff or the Pound Keeper shall:
 - (i) collect on behalf of the Municipality, any impounding fees and any other additional charges or fees as are authorized in this bylaw and as may be set out by resolution of Council;
 - (ii) be responsible for the operation of the pound; and
 - (iii) receive all dogs delivered or seized and shall detain the same and furnish them with food, water and shelter in accordance with the Nova Scotia SPCA Standards of Care guidelines.

6. RESPONSIBILITIES OF THE OWNER

- 6.1. Every owner of a dog:
 - (i) whose dog runs at large;
 - (ii) whose dog is not wearing a tag required by this Bylaw;
 - (iii) whose dog is not licensed pursuant to this Bylaw;
 - (iv) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
 - (v) whose dog at any time without the presence of a mitigating factor has attacked or injured any person or animal or damaged any property;
 - (vi) who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous;
 - (vii) who fails to remove the feces of such dog, other than a service dog that is trained to assist and assisting a person with a disability from public property or private property other than the owners;
 - (viii) whose dog damages public or private property;
 - (ix) who sells or transfers a registered dog and does not report the sale or transfer to the Dog Enforcement Officer, along with the name and address of the person to whom the dog was sold or transferred, a description of the dog and the dog's





registration number;

is guilty of an offence under this Bylaw.

- 6.2 When requested to do so, the owner shall deliver to the Municipal staff a statement in writing of the number of dogs owned or harboured or habitually kept on the premises of the owner, and in the event the owner neglects or refuses to provide the statement within a period of ten (10) business days after having received notice requiring the statement to be provided shall be guilty of an offence under this Bylaw.

7. DOG ATTACKS

- 7.1. The owner of any dog that attacks any person or another animal, without the presence of a mitigating factor, is guilty of an offence under this Bylaw;
- 7.2. Where a Bylaw Enforcement Officer has reason to believe that a dog has attacked or threatened a person or another animal, without the presence of a mitigating factor, and the owner of the dog has been identified, the Bylaw Enforcement Officer may:
- (i) issue the owner a notice to muzzle the dog, which requires the dog to be muzzled at all times when outside of its residence, including the owners yard; and/or
 - (ii) issue the owner a notice to microchip the dog; and/or
 - (iii) obtain a warrant to seize and impound the dog for public safety until the owner satisfies the Municipality that the dog no longer threatens the public.

8. IMPOUNDMENT

- 8.1. Any Constable, Peace Officer, or Bylaw Enforcement Officer, without notice to, or complaint against the owner of any dog, may impound a dog:
- (i) found running at large contrary to this bylaw;
 - (ii) which is rabid or appears to be rabid or exhibiting symptoms of canine madness;
 - (iii) which appears to be threatening or fierce and dangerous;
 - (iv) which persistently disturbs the quiet of the neighbourhood or area, by barking,





howling or otherwise;

- 8.2. Every owner who redeems a dog from the pound keeper shall be liable for payment of all fees incurred in impounding a dog including, but not limited to, the cost of apprehension, board, food, care, and any veterinary fees prior to reclaiming such dog. In addition the owner must produce a valid Municipal Dog License before the dog(s) can be redeemed from the pound;
- 8.3. Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours, excluding Saturdays, Sundays, and Holidays, may, after the expiration of that period, become the property of the Municipality, and may be offered to the SPCA for adoption;
- 8.4. If a dog is missing the onus is on the owner of the dog to ascertain within the time period provided for impounding under section 8.4 of this Bylaw, whether the dog has been impounded;
- 8.5. Any dog with a tag shall require the Municipality to give written notice to the owner, and only after the written notice is given to the owner, or left at the owners residence, shall a period of seventy-two (72) hours, excluding Saturdays, Sundays, and Holidays, commence. The registered dog may, after the expiration of that period, become the property of the Municipality, and may be offered to the SPCA for adoption.

9. SEIZURE

- 9.1. 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:
 - (i) Enter and search the place where the dog is located;
 - (ii) Open or remove any obstacle preventing access to the dog; and
 - (iii) Seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.

10. DESTRUCTION OF A DOG





10.1. Where the owner of a dog:

- (i) which is fierce or dangerous;
- (ii) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; or has euthanized or caused to be euthanized said dog; shall provide to the Municipality or the Bylaw Enforcement Officer, upon request, evidence of euthanization;

10.2. 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; Municipal Staff may destroy on sight any dog that is running at large and which the By-Law Enforcement Officer believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property or person other than the owner.

11. DUTY TO REPORT

11.1. In the event of an emergency, or during the course of a normal Bylaw response, it is suspected that a dog has been abused or neglected, the Bylaw Enforcement Officer must notify a peace officer having authority under the Animal Protection Act. The officer(s) may with the assistance of the Bylaw Enforcement Officer take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

12. PENALTIES

- 12.1. A person who does anything prohibited by this bylaw or who neglects or fails to do anything required by this bylaw to be done by him is guilty of an offence and except where some other penalty is provided by this bylaw 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.
- 12.2. Every owner of a dog that commits an offence under Section 6 of this bylaw, 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.

Any person who obstructs or hinders the Dog Control Officer in the performance of their duties under this Bylaw is guilty of an offence, and is liable, upon summary conviction to a penalty of not less than \$100 and not more than \$10,000 and in default of payment to imprisonment for a term of not more than two (2) months.

13. FEES

- 13.1. The registrations and impound fees for Dogs within the Municipality of East Hants shall be set by policy and amended by Council from time to time as outlined in the Municipal Fee Policy.
- 13.2. The registration fee for any dog acquired after June 30th of that year will be equal to one-half of the total registration fee.
- 13.3. The license fees for kennels shall be set by policy and amended by Council from time to time.
- 13.4. The owner of any impounded dog, or person having the written authorization of the owner, may redeem the animal from the shelter upon payment of the following:
 - (i) Redemption fees;
 - (ii) Boarding fee for each day, or part thereof, that the dog has been impounded;
 - (iii) Any veterinary fees incurred while the animal is impounded; and a registration fee, if required.
- 13.5. No animal shall be release to its owner, until such owner pays all fees, costs and expenses of the shelter keeper while the animal was impounded and kept at the shelter

14. REPEAL

- 14.1. All previously enacted Bylaws of the Municipality of East Hants relating to the regulation, registering and harbouring of dogs are hereby repealed. Bylaw 111-A - Dog Bylaw is hereby repealed and replaced upon the coming into force of this Bylaw.





I, Connie Nolan, CAO and Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on October 25, 2017.

Connie Nolan, CPA, CA, CFE
CAO/Municipal Clerk

Bylaw Adoption	
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Notice of Public Hearing Publication:	October 11, 2017
Second Reading and Enactment:	October 25, 2017
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Version Number	Amendment Description	Council Approval Date
Version 1.0	Bylaw 111	December 16, 2003
Version 2.0	Bylaw 111A	December 14, 2011
Version 3.0	Updated including renumbering to P-1000	October 25, 2017

