



**MUNICIPALITY OF THE DISTRICT OF EAST HANTS  
BYLAW NUMBER P-1000-1, AN  
AMENDMENT TO BYLAW P-1000  
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, wellbeing, 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 the District 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 the District 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) **“Canine Madness”** means a Dog exhibiting conditions of insanity or rage.
- (e) **“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.
- (f) **“Emergency”** means a present or imminent event where a Constable, Peace Officer or the Municipality believes immediate action must be undertaken to protect the health, safety or welfare of people and/or Animals.
- (g) **“Fierce or Dangerous”** means any Dog:
  - (i) that, in the absence of a Mitigating Factor as defined herein,
    - (1) Attacks, or injures a person;
    - (2) Attacks or injures an Animal; or
    - (3) when either unmuzzled or unleashed, 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.
  - (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.

- (h) **“Holiday”** means a day on which normally scheduled work is suspended by law or Municipal policy.
- (i) **“Kennel”** means an establishment for the breeding or boarding of Dogs as a commercial service, or for sport or exhibition purposes.
- (j) **“Kennel Operator”** means the organization employed by the Municipality to care for Dogs in the care and control of the Municipality.
- (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 which excuses the aggressive behavior or actions of a Dog where:
  - (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;
  - (iv) the Municipality determines there is another circumstance that excuses the aggressive behavior of a Dog.
- (n) **“Municipality”** means the Municipality of the District of East Hants and any employee, contractor or other person with authority to act on behalf of the Municipality for purposes of this Bylaw.
- (o) **“Municipal Kennel”** means such premises and facilities designated by the Municipality as a Dog Kennel for the keeping and disposition of impounded Animals.
- (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 a Dog;
  - (ii) who has legal title to a Dog;
  - (iii) who has possession or custody of a Dog, either temporarily or permanently;





- (iv) who has care or control of a Dog; or
- (v) who harbours a Dog, or allows a Dog to remain on his/her premises.

Where such a person is a minor, “Owner” 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.
- (t) **“Running at Large”** means
  - (i) a Dog is off the property owned or occupied by the Dog’s Owner and is not under control by a Leash or harness; or
  - (ii) a Dog is on the property owned or occupied by the Dog’s Owner but is tethered on a tether of sufficient length to permit the Dog to leave that property.

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.

Notwithstanding this definition, Dogs participating in a designated off-Leash area are not considered to be ‘Running at Large’.





- (u) **“Service Dog”** means any Dog trained to do work or perform tasks for the benefit of an individual with a disability or used for search and rescue or law enforcement.
- (v) **“Tag”** means License as defined in this Bylaw
- (w) **“Threatens”** means un-Muzzled, Leashed or unleashed, or unattended by its Owner, or a member of the Owner’s 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 the Municipality 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 Municipality and obtain, from the Municipality, 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, the Municipality 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 2 (u) 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 the Municipality, where appropriate:

- (i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada in respect of a Dog; or
- (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 a 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 the Municipality 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 the Municipality is satisfied that a Tag validly issued has been lost, and upon payment of a fee set out by the Municipality by policy of Council, the Municipality shall issue a new Tag to replace the lost one;
- 3.10. The Municipality 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 Municipality 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 Municipality, 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 certifies that the requirements of the zoning bylaw and any other bylaws or regulation of the Municipality 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 Municipality shall be responsible for the enforcement of this Bylaw;
- 5.2. The Municipality or the Kennel Operator 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 Municipal Kennel; 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; or
- (ix) who sells or transfers a registered Dog and does not report the sale or transfer to the Municipality, 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 Municipality 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 the Municipality has reason to believe that a Dog is Fierce or Dangerous, 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 Municipality may:
- (i) issue the Owner a notice to Muzzle , securely Leash, and ensure that the Dog is under the control of a person not under eighteen (18) years of age when the Dog is off the property of the Owner of the Dog;





- (ii) issue the Owner a notice to keep the Dog securely restrained either indoors or inside an escape-proof enclosure in accordance with Section 9 of this Bylaw;
- (iii) issue the Owner a notice to microchip the Dog; and
- (iv) 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.

7.3. In an Emergency, the Municipality may have a Dog destroyed without permitting the Owner to recover it and issue a notice to the Owner informing that the Dog has been destroyed.

## 8. IMPOUNDMENT

8.1. Any Constable, Peace Officer, or the Municipality, 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) is not wearing a Tag required by this bylaw;
- (iii) which is rabid or appears to be rabid or exhibiting symptoms of Canine Madness;
- (iv) which appears to be Threatening or Fierce or Dangerous;
- (v) 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 Kennel Operator shall be liable for payment of all fees incurred in impounding the 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 Municipal Kennel.

- 8.3. The Municipality may impose such conditions on an Owner who redeems a Dog from the Kennel Operator as the Municipality determines are appropriate and necessary to ensure further violations of this Bylaw are unlikely to occur. Conditions may include but are not limited to the following: a muzzle order, leash requirement, microchip, or fencing/containment requirements.
- 8.4. If a dog is released to its Owner on conditions pursuant to Section 8.3 and the Owner fails to comply with one or more conditions:
  - (i) The failure to comply with the condition or conditions is a contravention of this Bylaw; and
  - (ii) The Municipality may capture and impound the Dog that is subject to the conditions and deal with it in accordance with Section 9 of this Bylaw.
- 8.5. Any Dog without a Tag which has not been redeemed after a period of seventy-two (72) hours may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality, and may be offered to the SPCA for adoption without further notice to the Owner. Whenever the 72 hours impounding time expires on a weekend or Holiday, the Kennel Operator shall hold such Dog until the expiry of the first business day following the weekend or Holiday to permit the Owner to redeem the Dog.
- 8.6. If a Dog without a Tag is missing the onus is on the Owner of the Dog to ascertain within seventy-two (72) hours of the Dog being impounded, whether the Dog has been impounded; neither the Kennel Operator nor the Municipality shall incur liability in the event of failure to contact the Owner.





- 8.7. Any Dog with a Tag shall require the Municipality to make at least one attempt to contact the registered Owner of the Dog using the Tag number on the records at the Municipality. The registered Dog may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality, and may be offered to the SPCA for adoption.

### 9. FIERCE OR DANGEROUS DOGS, RABID DOGS, AND RUNNING AT LARGE REPEAT OFFENDERS

- 9.1. Where a Dog has been captured and impounded and the Municipality has reasonable grounds to believe any of the following apply, the Dog shall be dealt with in accordance with the sections below:
- (ii) The Dog was Running at Large and has been captured and impounded on two previous occasions while Running at Large within the past two (2) years;
  - (iii) The Dog is Fierce or Dangerous; or
  - (iv) The Dog is rabid or appears to be rabid.
- 9.2. If the Dog that has been captured has a current Tag issued by the Municipality or a Tag by which the Municipality could ascertain the Owner's name and address, the Municipality shall send a notice to the Owner by registered mail including:
- (i) A statement that the Dog will be given away, sold or destroyed by the Kennel Operator, provided that the date the Dog will be given away, sold or destroyed shall not be any less than 5 days from the date of mailing of the notice; and
  - (ii) Notice that the Owner may make written representations to the Municipality respecting the giving away, sale or destruction of the Dog by delivering to the Municipality such written representations 2 days prior to the scheduled date that the Dog will be given away, sold or destroyed.





- 9.3. If the Dog does not have a Tag issued by the Municipality or a Tag by which the Municipality could ascertain the Owner's name and address, the Municipality are not required to send a notice to the Owner, but shall not give away, sell or destroy the Dog until at least seventy-two (72) hours after it has been captured to permit the Owner an opportunity to make written representations respecting the Dog.
- 9.4. Where written representations have been provided by an Owner to the Municipality pursuant to Section 9.2, the Municipality shall consider the representations and if the Municipality concludes that the Dog:
- (i) Was Running at Large and two previous written warnings have been given to the Owner that the Dog has been Running at Large within the past two (2) years; and/or
  - (ii) Is Fierce or Dangerous; and/or
  - (iii) Is rabid or appears to be rabid;

The Municipality may give away, sell or destroy the Dog, and shall notify the Owner of the decision by registered mail. The notice shall include written reasons for the decision to give away, sell or destroy the Dog.

- 9.5. If, following consideration of the Owner's written representations, the Municipality decides not to destroy the Dog, the Dog shall remain impounded and dealt with in accordance with Section 8 of this Bylaw.
- 9.6. The Owner of a Fierce or Dangerous Dog shall ensure that, when the Dog is on the property of the Owner:
- (i) The Dog is confined indoors and not left in the control of a person under eighteen (18) years of age; or





(ii) The Dog is confined outdoors:

- a. In a locked pen or other structure to prevent its escape and capable of preventing the entry of any person not in control of the Dog, which locked pen or other structure has secure sides and top and has no bottom secured to the sides, the sides are embedded in the ground to a minimum depth of thirty (30) centimetres, and the locked pen or structure is at least one and one-half (1.5) metres wide by three (3) metres long and one and one-half (1.5) metres in height, and is not located within 1.2 metres of the property line'; or
- b. Muzzled, and under the control of a person over eighteen (18) years of age by means of a Leash not exceeding one (1) metre in length in a manner that prevents it from chasing, injuring, Attacking or Biting other Animals or humans as well as preventing damage to public or private property.

9.7. The Owner of a Fierce or Dangerous Dog shall ensure that, when off the property of the Owner, the Dog is:

- (i) Muzzled;
- (ii) Harnessed or Leashed on a lead not exceeding one (1) metre in length in a manner that prevents it from chasing, injuring, or Biting other Animals or humans as well as preventing damage to public or private property; and
- (iii) Under the control of a person at least eighteen (18) years of age.

## 10. SEIZURE

- 10.1. A Dog satisfying the requirements of Section 176 of the Municipal Government Act shall be seized in accordance with the requirements of that section.





### 11. DESTRUCTION OF A DOG ON SITE

11.1. The Municipality may, without notice to or complaint against the Owner, destroy on site any Dog that is Fierce or Dangerous, is Running at Large and eluding capture, or is rabid or appears to be rabid, if:

- (i) There is an Emergency and the Dog poses and immediate danger to a person or a domestic Animal or to property or person other than the Owner; or
- (ii) The person named in a warrant issued to seize a Dog is unable to seize the Dog safely.

### 12. DUTY TO REPORT

12.1. 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 Municipality must notify a peace officer having authority under the Animal Protection Act. The officer(s) may with the assistance of the Municipality 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.

### 13. PENALTIES

13.1. 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.

13.2. 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 one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment to imprisonment for a term of not more than two (2) months.

#### 14. FEES

- 14.1. The registrations and impound fees for Dogs within the Municipality shall be set by policy and amended by Council from time to time as outlined in the Municipal Fee Policy.
- 14.2. The registration fee for any Dog acquired after June 30th of that year will be equal to one-half of the total registration fee.
- 14.3. The License fees for Kennels shall be set by policy and amended by Council from time to time.
- 14.4. The Owner of any impounded Dog, or person having the written authorization of the Owner, may redeem the Animal from the Municipal Kennel 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.
- 14.5. No Animal shall be release to its Owner, until such Owner pays all fees, costs and expenses of the Kennel Operator while the Animal was impounded and kept at the shelter.





### 15. REPEAL

15.1. All previously enacted Bylaws of the Municipality relating to the regulation, registering and harbouring of Dogs are hereby repealed and replaced by this version.

Kim Ramsay, 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 November 27, 2019.

Kim Ramsay, CPA, CMA  
CAO/Municipal Clerk

Bylaw Adoption	
P-1000 First Reading:	September 27, 2017
Formal Notice of Publication:	October 11, 2017
Second Reading:	October 25, 2017
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Notice to Service Nova Scotia & Municipal Relations:	November 8, 2017
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Website and Social Media Notifications:	October 31, 2019
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Formal Final Publication and Enactment:	December 11, 2019
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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
Version 4.0	Updates to Section 2 - Definitions, section 7 - Dog Attacks, Section 8 - Impoundment & new Section 9 added, as well as housekeeping amendments.	November 27, 2019

