



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Dog By-law

WHEREAS Section 172 (1) of the Nova Scotia *Municipal Government Act* (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; the regulation of businesses 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 by-laws 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 by-laws 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 West Hants does not subscribe to nor endorse Breed Specific Legislation in relation to its Dog By-law;

NOW THERE BE IT ENACTED AS FOLLOWS:

1 DEFINITIONS

In this By-law, the following words and phrases shall have the following meanings:

- (a) "Apprehend" means to take an animal into custody without a warrant;
- (b) "Attack" means to injure, scratch or bite, or to commit 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) "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;
- (e) "Dog Control Officer" includes a person appointed as such by the Council, and in the absence of such person a temporary replacement designated by the CAO, and includes the Pound Keeper, Special Constables and, all other Peace Officers responsible for providing policing services within the Municipality when they are engaged in dog control activities in an

emergency or as a support to another Dog Control Officer;

- (f) "Emergency" means a present or imminent event where a Peace Officer or Dog Control Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;
- (g) "Fierce or Dangerous Dog" means any dog that, in the absence of a mitigating factor as defined herein:
 - (i) attacks, or injures a person
 - (ii) attacks or injures an animal other than an insect;
 - (iii) attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;
 - (iv) has caused injury to or otherwise endangered the safety of a person or animal;
 - (v) with unreasonable ferocity threatens any person or domestic animal;
 - (vi) 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 provided that any such bite, attack or menacing behavior is a reasonable defensive response in the circumstances.

- (h) "Kennel" means a building or structure where four or more dogs over the age of six months are kept, bred, boarded, trained, or groomed, but shall not include a veterinary clinic;
- (i) "Leash" means a device used by a person to restrict movement of a dog which is adequate for the effective control by the accompanying human of the movements of the dog;
- (j) "Microchip" means an approved Canadian Standard encoded tag implanted into a dog, which contains unique code that permits or facilitates access to an owner's name address and telephone number, which is stored in the municipal registry;

- (k) "Mitigating Factor" means a circumstance that reasonably explains and excuses the aggressive behavior or actions of a dog;
- (l) "Municipality" means the Municipality of the District of West Hants;
- (m) "Muzzle" means a humane covering device of sufficient strength placed over a dog's mouth to prevent it from biting;
- (n) "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, "owner" includes the parent, guardian, or custodian of such a person.
- (o) "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;
- (p) "Peace Officer" includes a police officer or a special constable;
- (q) "Pound" means such premises and facilities designated by the Municipality as a dog pound for the keeping and disposition of impounded animals;
- (r) "Pound Keeper" means a person appointed as such by the Council, and in the absence of such person a temporary replacement designated by the CAO, and is the person responsible to care for dogs being held and to maintain the cleanliness of the pound;
- (s) "Registration" means the recording of information regarding a dog for the

purposes of issuing a tag pursuant to this By-law.

- (t) "Running at Large" includes any dog that is off the property of its owner without being under the effective restraint or control of a person;
- (u) "Service Dog" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability or which is used for search and rescue or law enforcement;
- (v) "SPCA" means the Society for Prevention of Cruelty to Animals;
- (w) "Seize" means to take a dog into custody pursuant to a warrant;
- (x) "Tag" means a piece identification issued upon registration as defined in this By-law;

2 ANNUAL REGISTRATION

- (a) Registration of a dog is required with the Municipality
 - (i) within ten (10) days after the person becomes the owner of the dog;
 - (ii) notwithstanding subsection (a)(i), a person who possesses, has the care of, and has the control of or harbours a dog for less than 20 days is not required to license the dog.
 - (iii) notwithstanding subsections (a)(i) and (a)(ii), a kennel used for the purposes of breeding are exempt from registering puppies under the age of twelve (12) weeks.
 - (iv) owners of breeding dogs with litters less than the age of twelve (12) weeks are exempt from annual registration for the puppies, but after twelve (12) weeks subsections (a)(i) and (a)(ii) apply.
- (b) Subject to section 3 of this By-law, on or before the 1st day of April in each year, the owner of any dog shall register such dog and obtain a tag from the Municipality.
- (c) Annual registration shall be effective until the last day of March.
- (d) An owner shall pay the annual registration fee and shall supply the following information:

- (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, spayed or neutered.

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, inoculations or photograph of the dog.

- (e) Service dogs are not exempt from registration but are exempt from annual registration fees when the owner has provided, in the case of a service dog for persons with a disability:
 - (i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada or other proof satisfactory to the Dog Control Officer of the training received by the dog as a service dog; or
 - (ii) a certificate from a qualified health services 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 or other proof satisfactory to the Dog Control Officer that the dog is used for search and rescue or law enforcement.
- (f) The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Municipality at the time of registration. Such tag shall be kept securely fixed on the dog at all times during the year of current registration.
- (g) The owner shall not use the tag issued for one dog on any other dog.
- (h) When the Municipality is satisfied that a tag validly issued has been lost, and upon payment of a fee, the Municipality shall issue a new tag to replace the lost one.
- (i) The Municipality shall keep a record of every dog registered, showing the date and number of the tag, the name and description of the dog with the name and address of the owner and the respective registration category.
- (j) The owner shall notify the Municipality if the ownership or place of residence of the dog changes at any time.

- (k) It shall be an offence to provide false information to the Municipality when registering a dog.

3 LIFETIME REGISTRATION

- (a) In order to obtain a lifetime registration tag, the owner shall provide proof microchip has been installed, and the owner shall:
 - (i) provide the Municipality with the information required in Section 2 (d), and Section 2 (e) as required.
 - (ii) provide to the Municipality the identification number of the microchip attached to the dog;
 - (iii) pay the lifetime registration fee.
- (b) Once the requirements under Section 3 (a) have been provided to the Municipality, the Municipality shall issue a lifetime tag to the owner, and supply the owner with a receipt.
- (c) Every lifetime registration and tag shall be effective during the lifetime of the registered dog.
- (d) Lifetime registration and a tag issued under this By-law shall not be transferrable, including not being transferrable between people or dogs.
- (e) Lifetime registration shall only apply to individual dogs and shall not apply to kennels.
- (f) Sections 2 (f), 2 (h), 2 (i), 2 (j), and 2 (k) shall also apply to lifetime registration and tags with any necessary changes for context.

4 KENNEL REGISTRATION

- (a) To qualify for a kennel registration, the kennel must:
 - (i) be registered with the Canadian Kennel Club, or
 - (ii) meet the definition of a Kennel herein; and
 - (iii) be a lawful structure and land use under any applicable land use

planning laws or bylaws.

- (b)** To obtain a kennel registration the owner of the kennel will pay the annual kennel registration fee and provide the Municipality with the following information:

 - (i)** provided information as under Section 2 (d) for each dog;
 - (ii)** kennel's owner's name, civic address, mailing address, and telephone numbers;
 - (iii)** the maximum number of dogs to be kenneled;
 - (iv)** the registered name of the kennel;
 - (v)** any land use planning documents which may reasonably be requested by the Dog Control Officer; and
 - (vi)** where applicable, a copy of the current Canadian Kennel Club license.
- (c)** Upon receipt of this information, the Municipality shall supply the kennel owner with a receipt and sufficient number of tags which shall be kept on the dogs.
- (d)** Tags issued to a kennel may be transferred within the registration year to replacement dogs upon notification to the Municipality. The Municipality shall issue additional tags during the registration year as required.
- (e)** The Municipality shall keep a record of every kennel registered, showing the date and number of the tag, the kennel owner's name and address of the owner.
- (f)** The owner shall notify the Municipality if the ownership or address of the kennel changes at any time.
- (g)** Sections 2 (h), 2 (i), and 2 (j) shall also apply to a kennel registration with any necessary changes for context.
- (h)** It shall be an offence to provide false information to the Municipality when registering a kennel.

5 FEES

- (a) All fees referred to in this By-law shall be set by policy and amended by Council from time to time.
- (b) The registration fee for annual dog and kennel registrations after October 1st of that year will be equal to one-half of the otherwise applicable annual registration fee.

6 DOG CONTROL AND POUND

- (a) The Dog Control Officer shall be primarily responsible to enforce this By-law as it pertains to dog control and impounding.
- (b) The Pound Keeper shall:
 - (i) collect on behalf of the Municipality, any impounding fees, daily pound fees and any other additional charges, expenses or fees as are authorized in this By-law;
 - (ii) be responsible for the operation of the pound; and
 - (iii) receive all dogs duly impounded 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 and as amended from time to time.

7 RESPONSIBILITIES OF THE OWNER

- (a) 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, except in officially designated off leash parks where the dog must be under the effective control of the owner. The dog shall be deemed to be running at large where the owner fails to use such apparatus or the dog is not under effective control.
- (b) Every owner of a dog:
 - (i) whose dog runs at large;
 - (ii) whose dog is not wearing a tag required by this By-law;
 - (iii) whose dog is not licensed pursuant to this By-law;
 - (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 attacks or injures any person or animal, or damages 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 reasonably preventing removal of feces by that person, from public property or private property other than the owners;

is guilty of an offence under this By-law.

- (c) 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 By-law.

8 ADDITIONAL REMEDIES FOR FIERCE OR DANGEROUS DOGS

- (a) Where a Dog Control Officer has reason to believe that a dog is a fierce or dangerous dog and the owner of the dog has been identified, the Dog Control Officer, in addition to any other remedies provided by statute or under this By-law may, after giving the owner a fair opportunity to be heard except in emergency situations:
 - (i) issue the owner a notice to muzzle the dog, which requires the dog to be muzzled at all times when outside of its owner's residence or its owner's fenced yard; and/or
 - (ii) issue the owner a notice to microchip the dog at the owner's expense; and/or
 - (iii) issue the owner a Notice of Violation or Notice to Appear; and/or
 - (iv) impound or seize the dog under section 9 or 10 hereof.
- (b) Every owner who, having received a notice to muzzle under section 8(a)(i) or 9(g) (1) fails to ensure their dog is muzzled while the dog is off the property occupied by the owner is guilty of an offence under this By-law.

- (c) Every owner who, having received a notice to microchip under section 8 (a)(ii) or section 9(g)(ii), fails to have a microchip implanted, or fails to have the microchip remain functional and effective is guilty of an offence under this Bylaw.

9 IMPOUNDMENT

- (a) Any Dog Control Officer, without notice to, or complaint against the owner of any dog, may impound a dog:
 - (i) found running at large contrary to this By-law;
 - (ii) which is rabid or appears to be rabid or exhibiting symptoms of canine madness;
 - (iii) which is fierce and dangerous;
 - (iv) which persistently disturbs the quiet of the neighborhood or area, by barking, howling or otherwise.
- (b) Every owner who redeems a dog from the Pound Keeper shall be liable to the Municipality for payment of all fees, charges, and expenses incurred in impounding or seizing 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 provide valid proof the impounded dog is their dog, before the dog(s) can be redeemed from the pound.
- (c) Every owner who redeems a dog from the Pound Keeper, which has not been registered or is not wearing a tag, shall also register the dog or obtain a replacement tag, before the dog(s) can be redeemed from the pound.
- (d) Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours from seizure or impoundment, 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, and, if refused by the SPCA, may be humanely euthanized under the direction of the Dog Control Officer.
- (e) Any dog seized or impounded with a valid tag shall require the Municipality to contact the owner, which may include written notice to the owner, and only after notice is given to the owner, personally or by being left at the owner's 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, and if refused by the SPCA, may be humanely euthanized under the direction of the Dog Control Officer.

- (f) Impounded or seized dogs suspected of being inflicted with rabies or canine madness shall be examined by a veterinarian. Any dog reasonably requiring such veterinary examination or other veterinary care, including humane euthanasia, once in control of any Dog Control Officer or Pound Keeper will receive such care. Except in emergency situations, reasonable efforts shall be used to allow the owner a fair opportunity to be heard before a dog is euthanized. All veterinary fees must be paid by the owner before a dog shall be released to the owner, and shall also be due and payable by the owner in the event the dog is not released to the owner but is euthanized on veterinary advice.
- (g) Where an impounded or seized dog has previously been the subject of two warnings or convictions or to one warning and one conviction under this By-law to its owner and former owners, the Dog Control Officer may give notice to its owner to present himself or herself to the Dog Control Officer to show cause why the dog should not be the subject of one or more of the following remedial actions, which may be considered and acted upon by the Dog Control Officer thereafter after duly considering and balancing the health and safety of people and animals in the Municipality against the interests of the owner:
 - (i) a notice to the owner to muzzle the dog, which requires the dog to be muzzled at all times when outside of its owner's residence or its owner's fenced yard;
 - (ii) a notice to the owner to microchip the dog at the owner's expense;
 - (iii) humane euthanization of the dog at the owner's expense;
 - (iv) offering the dog to the SPCA for adoption, and if refused by the SPCA, humane euthanization under the direction of the Dog Control Officer at the owner's expense.

10 SEIZURE UNDER WARRANT

- (a) 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 contrary to this By-law, and where the dog is located on private property to which the Peace Officer does not have consent of the occupant to enter and search 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.
- (b) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

11 DESTRUCTION OF A DOG

- (a) 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;

has euthanized or caused to be euthanized said dog; the owner shall provide to the Municipality or the Dog Control Officer, upon request, evidence of euthanization.

- (b) In an emergency any Dog Control Officer, without notice to the owner, may destroy or tranquilize any dog that is running at large and which he or she reasonably believes, to pose an imminent danger to a person (including the Dog Control Officer) or to a domestic animal.

12 DUTY TO REPORT ABUSE

- (a) If in the course of performing his or her duties he or she reasonably believes that a dog has been abused or neglected, the Dog Control Officer must notify a peace officer having authority under the Animal Protection Act. The peace officer(s) may with the assistance of the Dog Control 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 or reimbursed by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

13 PENALTIES

- (a) A person who does anything else 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, the offence is liable on summary conviction to a penalty of not more than ten thousand dollars (\$10,000) per offence and, in default of payment, to imprisonment for a term not exceeding sixty (60) days.
- (b) In lieu of prosecution under this By-law, the Dog Control Officer may, in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under this By-law a Notice of Violation, which Notice shall require the person to whom it is directed to pay to the Municipality within fourteen (14) days of the issuance of the Notice the sum of \$250.00 for an offence under section 8 (a) of this By-law and \$150.00 for all other offences. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the Municipality to issue a Notice of Violation before initiating a prosecution.

14 REPEAL

The Dog By-law of the Municipality of the District of West Hants approved October 21, 2009, By-law 2008-3 Respecting the Registration and Regulation of Dog of the former Town of Hantsport approved July 8, 2008, and all previously enacted By-Laws of the Municipality of West Hants and the former Town of Hantsport relating to the regulation, registering and harbouring of dogs are hereby repealed, on the effective date of this By-law.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____ day of _____(month), _____(year).

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	<i>Date</i>
Notice Published:	<i>Date</i>
Second Reading & Approval	<i>Date</i>
Final Publication	<i>Date</i>
Notice to Municipal Affairs	<i>Date</i>
Description: Initial Approval of D-003 Dog By-law which includes the repeal of West Hants Dog By-law approved October 21, 2009 and Hantsport Dog By-law approved July 8, 2008.	

DRAFT