



DOG BY-LAW

WHEREAS Section 172 (1) (a), (b), and (d) of the Nova Scotia Municipal Government Act (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, wellbeing, 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 the 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 Guysborough does not subscribe to nor endorse Breed Specific Legislation in relation to its Dog By-law;

The Municipality of the District of Guysborough Dog By-law works in conjunction with the Nova Scotia SPCA's Standards of Care as are in effect from time to time.

INTERPRETATION

1. In this By-law:

- 1.1 "Attack" means an assault resulting in bleeding, bone breakage, sprains, serious bruising or approaching in a vicious or terrorising manner, in an apparent attitude of aggression.
- 1.2 "Bite" means a wound to the skin causing it to puncture or break, or a bruise and/or contusion.
- 1.3 "Bylaw Enforcement Officer" means a person named by the CAO, Clerk, and/or Council as an Officer to enforce bylaw compliance for the Municipality, and may have other titles, such as but not limited to, Constable, Peace Officer or Animal Control Officer.
- 1.4 "Clerk" means the Clerk of the Municipality of the District of Guysborough.
- 1.5 "Council" means the Council of the Municipality of the District of Guysborough.
- 1.6 "Dog" means any dog, male or female, or an animal that is the result of the breeding of a dog and any other animal.

- 1.7 “Dogs Running At Large” means any dog that is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-law;
- a) A dog that 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.
 - b) A dog shall be deemed to run at large where it is on any private property or premises without the permission of the owner or occupant thereof.
- 1.8 “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.
- 1.9 “Fierce or Dangerous” includes a dog:
- a) Which bites or attacks a person or domestic animal.
 - b) Which in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack.
 - c) Known to have a propensity to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals.
 - d) Owned or harboured in whole or in part for the purpose of dog fighting.
- 1.10 “Guide Dog” – see “Service Animal”.
- 1.11 “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 movement of the dog.
- 1.12 “Municipality” means the Municipality of the District of Guysborough.
- 1.13 “Muzzled” means covered with a device of sufficient strength, placed over the mouth of a dog, to prevent it from biting, but which is appropriate to ensure that the dog’s ability to breath is not impaired.
- 1.14 “Organized hunt” means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters.
- 1.15 “Owner” means any person who owns, possesses, has the care of, has control of, or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor.
- 1.16 “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 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.

1.17 "Service Animal" means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other persons in need and includes an animal used in therapy, and registered with a recognized organization for that purpose.

1.18 Any term not defined herein shall have that meaning given in the Municipal Government Act, or in any replacement or successor legislation that empowers the Municipality to enact a by-law regulating dogs.

REGISTRATION

2. Dog registration and dog tags within the Municipality are free to all dog owners.

2.1 Every owner of a dog shall, within ten (10) days of having become an owner, register such dog with the Municipality and obtain a tag for such dog.

2.2 Where the owner of any dog sells or gives it to any other person, the new owner shall register the dog with the Municipality and shall alter the registration of such dog accordingly.

2.3 In order to register a dog, an owner shall supply the Municipality with the following:

- a) Name, civic address, mailing address, telephone number of the owner.
- b) Name and breed of the dog.
- c) A description of the dog including whether the dog is male or female, spayed or not spayed, neutered or not-neutered as the case may be.
- d) A photograph of the dog, if requested.
- e) Identification information such as micro-chip implants, tattoos or other special markings if available.
- f) The name of the veterinary clinic frequented by the dog and the veterinary file identification number, if available.

2.4 Dogs captured with no tag will automatically be charged an impoundment fee.

2.5 The Owner of a dog shall not use the tag issued for one dog on any other dog.

RESPONSIBILITIES OF OWNERS

3. Responsible dog ownership.

3.1 The owner of a dog shall ensure, while the dog is off the property occupied by the owner that the dog is under control by means of either a harness or a leash.

3.2 The owner of a dog shall ensure that the dog is not running at large anywhere in the Municipality.

3.3 The owner of a dog shall ensure that the dog:

- a) Does not, attack, chase, bite or injure any other domestic animal or person.
- b) Does not damage any property.
- c) Does not disturb the quiet of the neighbourhood by howling, barking or in any other manner, as outlined in subsection 10.1.

3.4 Every owner of a dog that defecates on public or private property other than the property of its owner, shall immediately remove the feces.

RUNNING AT LARGE

4.1 The owner of a dog shall confine such dog to the lands and premises of the owner;

- a) The owner of a dog, however may permit such dog to leave the lands and premises when it is under the fully effective restraint of a responsible person.

4.2 An unleashed and unharnessed dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:

- a) Participating in an organized hunt or organized dog exhibition.
- b) Participating in a search and rescue operation or law enforcement operation.
- c) Assisting a person with a disability, provided the dog is trained and certified for such purposes.
- d) Working on a farm.

4.3 Any person who fails to maintain and control a dog as required by this section commits an offence and is subject to the penalties prescribed in subsection 11.1 through 11.3.

4.4 If a Constable, Peace Officer or Bylaw Enforcement Officer can prove that a dog has been running at large but is unable to apprehend the dog while off the owner's property, the Constable, Peace Officer or Bylaw Enforcement Officer may treat the dog as running at large and treat accordingly.

FECES

5.1 Every owner of a dog that defecates on public or private property other than the property of its owner shall immediately remove the feces. Failure to remove the feces shall constitute as an offence by the owner;

- a) This requirement does not apply to a handler of a service dog, where the handler is not reasonably able to remove the feces left by such dog due to physical disability or impediment.

5.2 The owner of a dog is responsible for the immediate removal of the dog's feces from any public or private property when the dog is running at large.

SEIZURE AND IMPOUNDMENT

6.1 Any Constable, Peace Officer, Dog Control Officer or Bylaw Enforcement Officer, without notice or complaint against the owner of any dog, may capture and impound any dog in circumstances where it is reasonably believed the dog:

- a) Is found running at large contrary to this Bylaw.
- b) Has attacked, bitten, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw.
- c) Is fierce or dangerous.
- d) Is rabid or appears to be rabid or exhibiting symptoms of canine madness.
- e) Persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.

6.2 A Constable, Peace Officer, Dog Control Officer or Bylaw Enforcement Officer in apprehending any dog may use a tranquilizer in order to capture any dog that:

- a) Is running at large.
- b) Is fierce or dangerous.
- c) Is rabid or appears to be rabid or exhibiting symptoms of canine madness.

6.3 A Constable, Peace Officer, Dog Control Officer or Bylaw Enforcement Officer shall not be liable for the injury or death of such dog in the use of the tranquilizer gun.

6.4 Upon seizure or impoundment of a dog at large, the Constable, Peace Officer, Dog Control Officer or Bylaw Enforcement Officer, shall make every effort to inform the dog owner(s) if known or identified from registration details, subsection 2 through 2.5.

6.5 Notwithstanding subsection 6.4, if a dog is missing, the onus is on the Owner of the dog to ascertain whether the dog has been impounded, by personally visiting the pound or calling within seventy-two (72) hours, excluding Saturdays, Sundays and Holidays.

6.6 In the event of an emergency, or during the course of a normal by-law response, if it is suspected that a dog has been abused or neglected, the Bylaw Enforcement Officer must notify a peace officer having authority under Animal Protection Act. The officer 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.

- a) These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

6.7 The keeper of a dog pound shall receive all dogs delivered to him/her or seized by him/her and shall detain the same and furnish them with food, water and shelter as outlined in the Nova Scotia SPCA Standards of Care as are in effect from time to time.

RECLAIM OR ADOPTION

- 7.1 Every owner who reclaims a registered dog from the pound keeper shall be liable for payment of the cost of apprehension of the dog, board for the keeping of the dog by the pound keeper, and/or veterinary fees to reclaim such dog. In addition, the owner must pay all fines or penalties levied against the owner of the dog before it can be reclaimed from the pound.
- 7.2 If the owner claims the dog, proves ownership, within the given timeframe and pays all fees, the dog shall be released from the pound by the pound keeper.
- 7.3 Any dog which has not been reclaimed after a period of seventy-two (72) hours, excluding Saturdays, Sundays and Holidays, may after the expiration of that period, be offered to the local SPCA for adoption.
- 7.4 Every owner who reclaims an unregistered dog from the pound keeper shall be liable for payment of the cost of apprehension of the dog, board for the keeping of the dog by the pound keeper and veterinary fees. In addition, the owner must register the dog and pay all fines or penalties levied against the owner of the dog before it can be reclaimed.
- 7.5 When requested to do so, the owner of a dog shall deliver to the Clerk or Deputy 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.
- 7.6 Any Constable, Peace Officer, Dog Control Officer, Bylaw Enforcement Officer, without notice to, or complaint against the owner of any dog, may kill on sight without impounding any dog or impound and kill any dog.
 - a) Which is fierce or dangerous.
 - b) Which is rabid or appears to be rabid or exhibiting symptoms of canine madness.
- 7.7 Where a dog has been impounded and deemed fierce or dangerous, or where the Bylaw Enforcement Officer is not satisfied that releasing a dog would be conducive to public safety, the officer may require the owner to provide him with a written description of measures that will be taken to ensure that the dog is properly controlled, and an undertaking to carry out those measures;
 - a) The Bylaw Enforcement Officer must be satisfied that a fierce or dangerous dog has registered in accordance with this Bylaw if they have deemed that the measure necessary, and that a suitable pen or enclosure has been prepared for the dog;
 - b) Upon receipt of a description of work and undertaking and/or following an inspection to ensure that measures are in place, as well as the payment of any seizure and impoundment fees, the Bylaw Enforcement Officer may release the dog.
- 7.8 An owner who fails to comply with undertaking given under subsection 7.7 commits an offence, and the dog shall be seized and impounded and dealt with accordingly.

7.9 Notwithstanding the forgoing, the owner of any dog that has been impounded either pursuant to this Bylaw, any previous Bylaw, or the provisions contained in the MGA, for its third infraction of running at large or persistently disturbing the quiet of the neighbourhood by barking, howling, or in any other manner contrary to this Bylaw within the span of twenty-four (24) months may not be permitted to redeem such dog at the discretion of the Bylaw Enforcement Officer. This dog may be surrendered to the Nova Scotia SPCA or dealt with under subsection 8.1 through 8.6.

EUTHANIZATION

8.1 Any Constable, Peace Officer, Dog Control Officer or Bylaw Enforcement Officer, without notice to or complaint against the owner, may euthanize on sight any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:

- a) The dog poses an immediate danger to a person or a domestic animal or to property of persons other than the owner;
- b) It is not reasonably possible to safely capture the dog;

8.2 Where an impounded dog:

- a) Has not been claimed, and cannot possibly be rehomed;
- b) Has not been released under subsection 7.7 or 7.9;
- c) Has been seized and impounded under subsection 7.8;

8.3 In cases where a dog is to be euthanized that:

- a) Is rabid or appears to be rabid;
- b) Has attacked or bitten another domestic animal or person;

and no current rabies vaccination certificate is in effect for the dog, the dog must first be kept under quarantine and observation for a period of ten (10) days in accordance with the Nova Scotia Rabies Response Plan (2016).

8.4 Where the owner of a dog:

- a) Which is fierce or dangerous;
- b) Which is rapid or appears to be rabid or exhibiting symptoms of canine madness;

has euthanized or caused to be euthanized said dog, shall before disposal or burial of the carcass of the dog, exhibit the said carcass to the Bylaw Enforcement Officer.

8.5 Where the owner of a dog disposes of the carcass of a dog without exhibiting it to the Bylaw Enforcement Officer, the owner shall provide to the Municipality or the Bylaw Enforcement Officer a statutory Declaration which shall set forth the following information:

- a) The date the dog was euthanized and the method of euthanization;

- b) Where the dog is euthanized by veterinarian indicating that he or she euthanized the dog, the date of euthanization and disposal of the carcass;
- c) Where the owner disposes of the carcass of a dog, a statement of how the owner of the dog disposed of the carcass.

8.6 Where a dog is euthanized under this Bylaw, the means used shall be humane.

FIERCE OR DANGEROUS

9.1 A dog is fierce or dangerous within the meaning of the Bylaw if:

- a) The dog has bitten a person or domestic animal.
- b) The dog has approached any person in a vicious or terrorizing manner in an apparent attitude of attack.
- c) The dog has a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals.
- d) Has injured or damaged any property, private or public.

9.2 Where the Bylaw Enforcement Officer believes, on reasonable grounds, that a person is harbouring 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 located.
- b) Open or remove any obstacle preventing access to the dog.
- 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.

9.3 The Bylaw Enforcement Officer may, without notice to or complaint against the owner, destroy on sight or after capture any dog that is believed to be fierce or dangerous.

DOGS CAUSING DISTURBANCE

10.1 No dog shall be permitted to persistently disturb the quiet of a neighbourhood by barking, howling or otherwise making noise to a degree beyond what the Bylaw Enforcement Officer determines to be normal.

10.2 In determining what is "normal" in the context of this section, the Bylaw Enforcement Officer shall consider one or more, but not limited to, the following factors:

- a) The time of day that the dog is reported as disruptive.
- b) The frequency and duration of the reported disruptive behaviour.
- c) The proximity of neighbours and population density of the neighbourhood.

10.3 The owner of a dog which persistently disturbs the quiet of a neighbourhood within the meaning of this part commits an offence under this Bylaw. If the Bylaw Enforcement Officer determines, upon reasonable grounds, that a dog is being disruptive, as defined in this section, the Bylaw Enforcement Officer shall give a written warning to the dog owner before taking any other action under this Bylaw, which may include:

- a) Providing a warning in writing to the owner;
- b) Seizing and impounding a dog that disturbs the quiet of a neighbourhood within subsection 6.1.

PENALTIES

11.1 A person who does anything prohibited by this bylaw or who neglects or fails to do anything required by this bylaw 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.

11.2 Every owner of a dog that commits an offence under 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.

11.3 Any person who obstructs or hinders the Bylaw Enforcement 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 \$1,000.00 and not more than \$10,000.00 and, in default of payment to imprisonment for a term of not more than two (2) months.

FEES

12.1 The impoundment fees for dogs within the Municipality of the District of Guysborough shall be set by policy and amended by Council from time to time as outlined in the Municipal Fee Policy.

REPEAL

13.1 All previously enacted Bylaws of the Municipality of the District of Guysborough relating to the regulation, registration and harbouring of dogs are hereby repealed and replaced upon the coming into force of this Bylaw.