

THE MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

DOG BY-LAW #8

AMENDED: JANUARY 2020

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;

PART 1- 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 terrorizing 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 “Clerk” means the Clerk of the Municipality of the District of Guysborough

1.4. “Council” means the Council of the Municipality of the District of Guysborough.

1.5 “Dog” means any dog, male or female, or an animal that is the result of the breeding of a dog and any other canine animal.

1.6 “Dog Control Officer” means a person named by the CAO, Clerk, and/or Council as an Officer to enforce bylaw compliance for the Municipality, and shall include a Constable, Peace Officer, Bylaw Enforcement Officer or Animal Control Officer.

1.7 “Dogs Running At Large” means:

- a) any dog that is off the premises occupied by the Owner without being under the continuous restraint and control of some person; or
- b) 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.
- c) A dog which 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 Dog Control 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; or
- b) which in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack and creates a reasonable apprehension of imminent bodily harm in
the person approached; or
- c) known to have a propensity to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals; or
- d) owned or harboured in whole or in part for the purpose of dog fighting.

1.10 “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.

1.11 “Municipality” means the Municipality of the District of Guysborough.

1.12 “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.

1.13 “Organized hunt” means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters.

1.14 “Owner” means any person who owns, possesses, has the care of, has control of, or harbours a dog or allows a dog to remain on the premises or who has possession of the dog either temporarily or permanently and, where the person is a minor, includes a person responsible for the custody of the minor.

1.15 “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.

1.16 “Service Dog” means a dog 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 a dog used in therapy, and registered with a recognized organization for that purpose.

1.17 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.

PART 2- REGISTRATION

2. The fees for Dog registration and dog tags within the Municipality shall be determined from time to time by the Municipality.

2.1 Every Owner of a dog located within the Municipality 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 update 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; and

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 shall be impounded and charged an impoundment fee.

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

PART 3- 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 as set out in Section 4.

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; or b) does not damage any property; or

c) does not disturb the quiet of the neighbourhood by howling, barking or in any other manner, as set out in Section 7.

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.

3.5 Any person who fails to comply with the requirements of this section commits an offence and is subject to the penalties prescribed in Section 11.2.

PART 4- RUNNING AT LARGE

4.1 The Owner of a dog shall confine such dog to the lands and premises of the Owner; however, the Owner of a dog may permit such dog to leave the lands and premises when it is under the fully effective restraint of a responsible person.

4.2 Notwithstanding anything else as contained herein, 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; or

b) participating in a search and rescue operation or law enforcement operation; or

c) assisting a person with a disability, provided the dog is trained and certified for such purposes; or

d) working on a farm.

4.3 The Dog Control Officer may apprehend a dog that has been running at large, notwithstanding that at the time of apprehension the dog may be located on its Owner's land and premises.

4.4 Any person who fails to comply with the requirements of this section commits an offence and is subject to the penalties prescribed in Section 11.2.

PART 5- 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.

5.2 Notwithstanding Section 5.1 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, is not required to remove the feces.

5.3 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.

5.4 Any person who fails to comply with the requirements of this section commits an offence and is subject to the penalties prescribed in Section 11.2.

PART 6- FIERCE OR DANGEROUS

6.1 Where the Dog Control 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; and

c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.

6.2 The Dog Control Officer may, without notice to or complaint against the Owner, destroy on sight or after capture any dog that the Dog Control Officer believes on reasonable grounds to be fierce or dangerous.

6.3 The Owner of a dog which is fierce or dangerous within the meaning of this Bylaw commits an offence under section 11.2 of this Bylaw

PART 7- DOGS CAUSING DISTURBANCE

7.1 No dog shall be permitted to persistently disturb the quiet of a neighbourhood by barking, howling or otherwise making noise to a degree in excess of what the Dog Control Officer reasonably determines to be normal.

7.2 In determining what is “normal” in the context of this section, the Dog Control 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; and
- c) the proximity of neighbours and population density of the neighbourhood.

7.3 The Owner of a dog which persistently disturbs the quiet of a neighbourhood within the meaning of this part commits an offence under section 11.2 of this Bylaw. If the Dog Control Officer determines, upon reasonable grounds, that a dog is being disruptive, the Dog Control

Officer may give a verbal 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; or
- b) seizing and impounding a dog that disturbs the quiet of a neighbourhood as set out in subsection 8.1.

PART 8- SEIZURE AND IMPOUNDMENT

8.1 Any Dog Control Officer without notice or complaint against the Owner of any dog, may capture and impound any dog in circumstances where the Dog Control Officer reasonably believes the dog:

- a) has been 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.

8.2 A Dog Control Officer in apprehending any dog may use a tranquilizer in order to capture any dog that:

a) is running at large; or

b) is fierce or dangerous; or

c) is rabid or appears to be rabid or exhibiting symptoms of canine madness.

8.3 The Municipality and its officers and employees are not liable for damages, including the injury or death of a dog caused by the Municipality or its officers and employees in seizing or impounding a dog or attempting to remedy a contravention of this Bylaw, unless the Municipality or its officers and employees are grossly negligent.

8.4 Upon seizure or impoundment of a dog running at large, the Dog Control Officer, shall make reasonable effort to inform the dog Owner(s) if known or identified from the dog's registration details.

8.5 Notwithstanding subsection 8.4, 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.

8.6 In the event of an emergency, or during the course of a normal by-law response or investigation, if the Dog Control Officer reasonably suspects a dog has been abused or neglected, the

Dog Control Officer may notify a peace officer having authority under Animal Protection Act. The peace officer may with the assistance of the Dog Control Officer take the dog into protective care and, if necessary, arrange for the provision of veterinary services to such dog. The cost of care of any veterinary services so provided shall be the responsibility of the Owner.

PART 9- RECLAIM OR ADOPTION

9.1 Every Owner who reclaims a registered dog from impoundment shall be liable for payment of the cost of apprehension of the dog, board for the keeping of the dog, and/or veterinary fees before reclaiming such dog, in addition to all fines or penalties levied against the Owner of the dog before the dog shall be released from impoundment.

9.2 If the Owner claims the dog, proves Ownership, within the given timeframe and pays all fees, costs and penalties the dog shall be released from impoundment to the Owner.

9.3 Any dog which has not been reclaimed after a period of seventy-two (72) hours' notice to the Owner of the dog, if the Owner can be identified, and excluding Saturdays, Sundays and Holidays, may after the expiration of that period, be offered to an animal welfare society for adoption.

9.4 Notwithstanding anything else contained in this Bylaw, any Dog Control 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.

9.5 a) Where a dog has been impounded and is determined to be fierce or dangerous, or where the Dog Control Officer is not satisfied that releasing a dog would be conducive to public safety, the officer may require the Owner to provide a written description of measures that will be taken to ensure that the dog is properly controlled, and require an undertaking from the Owner to carry out those measures before the dog is released to the Owner;

b) The Dog Control Officer must be satisfied that a suitable pen or enclosure has been prepared for the dog and compliance with such other conditions as the Dog Control Officer may impose.

c) Upon receipt of a description of work and undertaking and/or following an inspection to ensure that all directed measures are in place, as well as the payment of any seizure and impoundment costs and fees, the Dog Control Officer may release the dog to the Owner.

9.6 An Owner who fails to comply with undertaking given under subsection 9.5 commits an offence pursuant to Section 11.1, and the dog may further be seized and impounded and dealt with according to law.

9.7 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 be surrendered to the Nova Scotia SPCA or another Animal Welfare Agency or dealt with pursuant to section 10 of this Bylaw.

PART 10- EUTHANIZATION

10.1 Any, Dog Control 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; or

b) it is not reasonably possible to safely capture the dog;

10.2 Where an impounded dog:

- a) has not been claimed, and cannot reasonably be rehomed; or
- b) has not been released under subsection 9.5; or
- c) Has been seized and impounded under subsection 9.7;

may be euthanized by the Dog Control Officer.

10.3 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 in effect from time to time.

10.4 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 a dog, the said dog, shall before disposal or burial of the carcass of the dog, exhibit the said carcass to the Dog Control Officer.

10.5 Notwithstanding section 10.4, where the Owner of a dog disposes of the carcass of a dog without exhibiting it to the Dog Control Officer, the Owner shall provide to the Municipality or the Dog Control Officer a statutory Declaration which shall set forth the following information:

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

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

PART 11- 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 Dog Control Officer in the performance of his or her 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

PART 12- 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 Schedule.

PART 13- 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.