

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

DOG BY-LAW D-200

BE IT RESOLVED that the Council of the Municipality of the District of Shelburne, under the authority of the *Municipal Government Act*, wishes to adopt the following by-law :

1. SHORT TITLE

This By-Law may be cited as By-Law D-200, the "Dog By-Law" .

2. CONFLICT WITH OTHER BY-LAWS

Nothing in this by-law shall be construed as authorizing non-compliance with any laws, regulations, by-laws, lawful orders or directives pursuant to any other statute, regulation or statutory or regulatory authority.

3. DEFINITIONS

In this By-Law:

1. "Attack" means to injure, bite, or to threaten or give the impression of threatening, or an assault resulting in real or perceived injury to a person or animal;
2. "At Large" means off the property occupied, or owned by the Owner of the dog;
 - (a) Not in the physical restraint of a leash no more than 6 feet in length controlled by the Owner; or
 - (b) While within 300 feet of a body of water accessed by the general public for the purpose of recreation or swimming and in the presence of the owner or some person in charge thereof the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the Owner;
 - (c) While on or within any trail, park, sport fields, street, sidewalk, parking area or other recreational space within the Municipality and in the presence of the Owner, the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the Owner;

- (d) For the purposes of clarification, a dog shall be considered at large if, while tied or chained to a structure or object on the dog Owner's property, it trespasses onto any adjacent property.
- 3. "Bite" means wound, pierce, or penetration of the skin by a tooth or teeth.
- 4. "Control or restraint" means to restrain or directly influence the control of a dog with the use of a leash while off the Owner's property.
- 5. "Dog" includes any dog of any age, male, or female or any animal that is the result of the breeding of a dog or any other animal;
- 6. "Dog Control Officer" means any person appointed as By-Law Enforcement Officer for the Municipality of the District of Shelburne, and in the absence of such person a temporary replacement designated by the CAO, and include the Pound Keeper, Special Constables and all other Peace Officers responsible for providing services within the Municipality when they are engaged in dog control; activities in an emergency or as a support to another Dog Control Officer.
- 7. "Enclosure" means a building, house or an enclosed pen of sufficient strength to prevent a dog from coming in contact with persons other than the owner of the dog.
- 8. "Fierce or Dangerous" means any individual dog:
 - (a) That, in the absence of a mitigating factor as defined herein attacks or injures a person;
 - (b) That, in the absence of a mitigating factor as defined herein, attack or injures an animal;
 - (c) That attacks or demonstrates a tendency or disposition to attack a person or animal either on public or private property;
 - (d) That has caused injury to or otherwise endangered the safety of a person or animal;
 - (e) That threatens any person or animal.

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 of its young or is a professional guard dog for law enforcement or guard duties.

9. "Judge" means the Judge of the Provincial Court of the Province of Nova Scotia.
10. "Kennel" means a commercial operation where more than two dogs are boarded for compensation, and/or bred, and/or sold on the premises, including registered and unregistered operations.
11. "Mitigating Factor" means a circumstance which shall exempt the aggressive behaviour of a dog where:
 - (a) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser on property occupied by its owner;
 - (b) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured.
12. "Muzzle" means a humane covering device of sufficient strength placed over the mouth of a dog to prevent it from biting.
13. "Municipality" means the Municipality of the District of Shelburne.
14. "Owner" as it refers to the owner of a dog, means any person who possesses, has the care of, has the control of, or harbours a dog and where the person is a minor, includes a person responsible for the custody of the minor.
15. "Persistently" means continuously for ten minutes or more without significant periods of rest, or sporadically for a cumulative total of fifteen minutes or more within one hour.
16. "Registration Fee" means a one-time fee for the registration of each dog.
17. "Summary Offence Ticket" (SOT) means a ticket issued by a Peace Officer under Nova Scotia Laws, some Federal Laws and Municipal By-Laws. The purpose of a SOT is to provide an alternative to a long form information under the *Summary Proceedings Act* for laying a charge for an offence. The ticket incorporates the information, the summons to accused, an affidavit of service and the Officer record.

4. REGISTRATION

- (1) Any person who is the owner of a dog shall:

- (a) register such dog with the Municipality also see section 11(1) (c); and
 - (b) pay the registration fee as in the Municipality's Fees Policy; and
 - (c) obtain from the Municipality an identification tag for such dog; and
 - (d) securely attach such identification tag to that same dog.
- (2) Any person who becomes the owner of a dog shall, within thirty (30) days of so becoming, comply with registration as outlined in this by-law.
- (3) The registration paid and any identification tag obtained shall be valid and effective for the life of the dog or the repeal of this by-law, whichever occurs first.
- (4) An identification tag is non-transferable; thus, a new owner of a dog shall re-register the dog, pay the registration fee and obtain a new identification tag pursuant to this by-law.
- (5) In the event that an identification tag has been lost, a replacement tag may be purchased.
- (6) The owner of a dog shall, at the time of registration, provide to the Municipality:
- (a) Name, civic address, mailing address and telephone number of the owner;
 - (b) Notify the Municipality of any changes in mailing address/civic number or phone number;
 - (c) Name and breed of the dog; and
 - (d) Description of the dog, including whether the dog is male or female, spayed or neutered.
- (7) Any owner within the Municipality who sells or transfers any dog shall report to the Dog Control Officer the sale or transfer, the name and address of the person to whom it was sold or transferred, a description

of the dog and the number of the registration as shown on the tag issued by the Municipality.

5. EXCEPTIONS AND EXEMPTIONS

- (1) A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee but not from registration.
- (2) The owner of a kennel shall pay an annual fee listed in the Municipality's Fee Policy and upon payment of such amount, the owner of such a kennel is exempt from any further fee in respect of such dogs for that year.
- (3) An identification tag may be removed from a dog temporarily when and if the dog is being used, lawfully, for hunting purposes and in farming practices.

6. RESPONSIBILITIES OF THE OWNER

1. 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 a leash. 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; and
2. The owner of a dog shall take whatever step necessary to ensure that a dog does not persistently disturb the quiet of a neighborhood or any resident thereof by howling, barking or in any other manner

7. DUTY TO REPORT ABUSE

If in the course of performing his or her duties, if 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 assistance of the Dog Control Officer take the dog into protective care and if necessary, provide veterinary services to such dog. The cost of the 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 Provincial Inspector.

8. THE POUND

- (1) The Dog Control Officer 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's Standards of Care, as are in effect from time to time.
- (2) Upon any dog being impounded, the Dog Control Officer shall check for a tag and if a tag is found, shall make at least three attempts to contact the registered owner of the dog using the tag number on the records of Municipal staff; provided however, that if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this by-law, whether the dog has been impounded, and neither the Dog Control Officer nor the Municipality shall incur liability in the event of failure to give notice to the owner, if the owner has not made inquiry of the Dog Control Officer to determine whether the dog was impounded.
- (3) All dogs shall be kept for a minimum period of seventy-two (72) hours from the time of impounding, or, in the case of a notice, seventy-two (72) hours after the posting of such a notice, excluding Saturdays, Sundays and holidays. If after that time, the dog is not claimed or not registered according to this by-law, the Dog Control Officer may make arrangements to relieve the Municipality of the dog in the most humane manner, including, but not limited to, an adoption process.

9. FEES

- (1) All fees referred to in this by-law shall be set by policy and amended by Council from time to time.
- (2) In the case of dogs which are eligible to be redeemed from the pound by an owner, if the owner of a dog wishes to claim it before it is adopted or disposed of, the owner may redeem the said dog upon payment of any registration fee required, as well as all fees, and for any veterinary services necessary to preserve the life or prevent the undue suffering of the dog or to protect the health or safety of other dogs in the pound.
- (3) In addition to any Summary Offence Tickets that are issued the following fees will be applied according to the Municipality's Fees Policy when any dog is impounded by the Municipality:

- (a) Impounding Fees.
 - (b) Boarding fee for every 24-hour period thereof, of retention at the pound.
 - (c) Current Government Rate per kilometer for travel associated with the capture and impounding of the said dog.
 - (d) Any other expenses incurred in relation to the capture, impounding, maintenance, or care of the said dog, including, but not limited to, all veterinary bills.
- (4) It shall be an offence against this by-law for any person to take any dog from the pound in the absence of all fees having been properly paid.

10. IMPOUNDING

The Dog Control Officer:

- (1) Without notice to or complaint against the owner if any such dog, may, impound dogs:
- (a) Found running at large contrary to this By-law.
 - (b) For which a registration tag has not been obtained and is not worn by the dog in compliance with the part of this By-Law titled "Registration".
 - (c) The dog persistently disturbs the quiet of a neighborhood or any resident thereof by howling, barking or in any other manner.
- (2) Upon complaint against the owner, verified by the offended party or an independent witness willing to swear that they witnessed the attack, the Dog Control Officer shall impound a fierce or dangerous dog which has inflicted bites or attacked a human being, or killed or injured another animal unless the other animal was killed or injured on property owned or occupied by the owner of the fierce or dangerous dog.
- (3) While pursuing any dog in accordance with this By-Law, the Dog Control Officer may pass over the land of any person, but this section is not to be construed so as to provide immunity against action for actual damage to the property of any person.
- (4) Every owner who redeems a dog from the pound shall be liable for payment of all fees incurred on impounding a dog including but not limited to, the cost of apprehension board, food, care, and any veterinary fees prior to reclaiming such dog. In addition, the owner must produce a valid Municipal Dog License before the dog(s)

can be redeemed from the pound.

11. FIERCE OR DANGEROUS DOGS

- (1) Where the Dog Control Officer has reason to believe that a dog is fierce or dangerous and the Owner has been identified, the Dog Control Officer, in addition to any other remedies provided by statute or under this by-law, after giving the owner fair opportunity to be heard except in emergency situations:
 - (a) Order the Owner to surrender the dog for a ten (10) day observation period at the pound or seize the dog in accordance with section 12 of this by-law.
 - (b) Issue the Owner a notice to muzzle the dog, which requires the dog to be muzzled at all times when outside of the owner's residence or its owner's fenced yard or enclosure built to ensure the dog cannot escape.
 - (c) Issue the Owner a notice to register the dog as fierce or dangerous accordance with the by-law and pay the associated fee as outlined in the Municipality's Fee Policy.
 - (d) Issue the Owner a notice to have the dog spayed or neutered.
 - (e) Issue the Owner a notice that at all times when off the owner's property in addition to being muzzled the dog shall be on a leash not longer than four (4) feet with a tensile strength of 308 pounds and under control of a responsible person sixteen years of age or older.
 - (f) Issue the Owner a notice when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of six (6) feet by twelve (12) feet and must have secure sides and a secure top. If it has no bottom secured to the sides,

the sides must be embedded into the ground no less than twelve (12) inches deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within three (3) feet of the property line or within 10 (10) feet of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.

(g) Issue the owner a notice to display a sign at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

(h) Issue the Owner a notice to carry a policy of liability insurance satisfactory to the Municipality in force in the amount of at least five hundred thousand dollars (\$500,000). A current copy of the policy must be supplied to the Municipality in order to satisfy this condition.

{2} The Municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this by-law.

(3) If the owner of a dog that is fierce or dangerous is unwilling or unable to comply with the requirements of this section after fourteen (14) days, the said dog shall then be humanely euthanized. Any dog that is fierce or dangerous under this by-law may not be offered for adoption.

(4) The owner of a fierce or dangerous dog who does not comply with the provisions of this section of the by-law will have all current dog licenses revoked, and no future dog licenses will be issued for a period of five (5) years.

12. SEIZE UNDER WARRANT

(1) Where a Dog Control Officer, Special Constable or Peace Officer believes on reasonable grounds, that a person is harboring, 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 persistently disturbs the quiet of a neighborhood by barking, howling or otherwise contrary to this by-law, and where the dog is located on private property to which the Officer does not have consent of the occupant to enter and search a Judge 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 and 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.

13. PENALTIES

Any person who violates any provision of this By-Law may still be charged with offences under this by-law at the discretion of the By-Law Enforcement Officer and shall be guilty of an offence and liable, upon conviction, to a penalty of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00).

14. REPEAL

All former Dog By-Laws passed by the Council of the Municipality of the District of Shelburne are hereby repealed and this by-law substituted, therefore.

Date - First Reading: <u>June 29, 2020</u>	
Date - Notice, in paper, to Public: <u>July 6, 2020</u>	
Date - Second Reading: <u>July 27, 2020</u>	
*Date - ad re of Passage of By-Law: <u>Sept 9/20</u>	
Adopted by the Council of the Municipality of the District of Shelburne on the <u>9</u> day of <u>September</u> , 2020.	
Clerk(Sign) <u>Erin Hartley</u>	
Clerk(Print) <u>Erin Hartley</u>	Date: <u>Sept 9/20</u>
*Effective Date of By-Law unless otherwise specified in the text of the By-Law	