

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

DOG BY-LAW D-100

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-100, 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:

- (a) “Dog” means any dog, male or female, of any age;
- (b) “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;
- (c) “Municipality” means the Municipality of the District of Shelburne;
- (d) “Dog Control Officer” means any person appointed as By-Law Enforcement Officer for the Municipality of the District of Shelburne;
- (e) “Registration Fee” means a one-time fee for the registration of each dog;

- (f) "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;
- (g) "Mitigating Factor" means a circumstance which may exempt the aggressive behaviour 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.

4. REGISTRATION

- (1) Any person who is the owner of a dog shall:
 - (a) register such dog with the Finance Department; and
 - (b) pay the registration fee as provided for in this by-law; and
 - (c) obtain from the Finance Department 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 this by-law.

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 of fifty dollars (\$50.00) 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. REGISTRATION FEE

- (1) The registration fee shall be ten dollars (\$10.00) per dog whether male or female, whether spayed or neutered and regardless of age.
- (2) 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.

7. IDENTIFICATION TAG

- (1) 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.
- (2) In the event that an identification tag has been lost, a replacement tag may be purchased for a fee of five dollars (\$5.00).

8. INFORMATION TO THE DOG CONTROL OFFICER

- (1) The owner of a dog shall, at the time of registration, provide to the Finance Department:
 - (a) Name, civic address, mailing address and telephone number of the owner;
 - (b) Name and breed of the dog; and
 - (c) Description of the dog, including whether the dog is male or female, spayed or neutered.
- (2) 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 Finance Department.

9. DOG CONTROL RESPONSIBILITIES

- (1) Any dog which is off the premises of its owner and is not under the effective control or restraint of some person is deemed to be running at large.
- (2) The owner of a dog:
 - (a) which is deemed to be, or have been, running at large;
 - (b) which is fierce or dangerous; or
 - (c) which, without provocation, has attacked or injured any person, animal or property; or
 - (d) has not paid for the registration of the animal;is guilty of an offence against this By-Law.
- (3) The Dog Control Officer may, without notice to or complaint against the owner of any such dog, impound and not return any dog:
 - (a) found running at large twice within a six (6) month period;
 - (b) which is fierce or dangerous; or
 - (c) is rabid or appears to be rabid or exhibits symptoms of canine madness.
- (4) The Dog Control Officer may, without notice to or complaint against the owner of any such dog, impound any dog which has `p e r s i s t e n t l y` disturbed the quiet of the neighbourhood by barking, `h o w l i n g` or otherwise.

10. UNSANITARY & HARMFUL CONDITIONS

- (1) The Municipality works in conjunction with the Nova Scotia SPCA's Standards of Care, as are in effect from time to time.
- (2) No person shall keep a dog in an unsanitary condition within the Municipality. Conditions shall be deemed unsanitary where the keeping

of the dog results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or is likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment. _

- (3) Subject to Subsection (4), dogs may be tethered, provided that:
 - (a) Only one dog may be tethered on a single run, which must be of adequate size and strength to effectively restrain the dog, based on age, size and health of the dog; and
 - (b) The tether allows the dog convenient access to food, water, dry ground or shelter and sufficient room for exercise.
- (4) No person shall tether a dog:
 - (a) In such a manner as to cause injury, strangulation or entanglement of the dog on fences, trees or other man-made or natural obstacles;
 - (b) Within five hundred (500') feet of a school;
 - (c) That is under six months of age; or
 - (d) That is sick or injured.
- (5) In the event of an emergency, or during the course of a normal by-law response, a dog is being kept in an unsanitary condition or it is suspected that it is being abused or neglected, the Dog Control Officer must notify a peace officer having authority under the Animal Protection Act. The officer 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 by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

11. 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.

12. FEES

- (1) 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 by this by-law 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.
- (2) The following fees apply in the Municipality:
 - (a) first impoundment, a fee of thirty-five dollars (\$35.00) per dog in any calendar year;
 - (b) second impoundment, a fee of seventy-five dollars (\$75.00) per dog in any calendar year;
 - (c) boarding fee at the commercial rate for each dog for each twenty-four (24) hour period, or any portion thereof, of retention at the pound;

- (d) sixty cents (\$0.60) per kilometre for travel associated with the capture and impounding of the said dog; and
 - (e) a fee of five hundred dollars (\$500.00) for any dog deemed to be fierce and dangerous;
 - (f) 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.
- (3) It shall be an offence against this by-law for any person to take any dog from the pound in the absence of the pound fees and any other fees required by the by-law having been properly paid.

13. FIERCE OR DANGEROUS DOGS

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- (1) For the purpose of this by-law, a dog that is fierce or dangerous means any dog:
- (a) that is owned or harboured in whole or in part for the purpose of dog fighting;
 - (b) that is attack trained;
 - (c) that is kept for the purpose of security or protection of persons or property;
 - (d) that has caused significant damage or destroyed public or private property, or has threatened or created the reasonable apprehension of a threat to a human and/or has been previously determined to be vicious;
 - (e) that, in the absence of a mitigating factor as defined herein, has attacked a person or has killed, bitten or injured another animal;
or
 - (f) that, in the absence of a mitigating factor as defined herein, 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 other than the property of the owner;

provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

- (2) In addition to a prosecution of an offence under this by-law for having a fierce or dangerous dog, or after the conviction of any person for having a fierce or dangerous dog, the Municipality shall require the registered owner of a fierce or dangerous dog to ensure that within seven (7) days after the notice to do so:
 - (a) such dog is registered with the Municipality as a fierce or dangerous dog in accordance with the fees outlined in this by-law;
 - (b) such dog is spayed or neutered;
 - (c) at all times when off the owner's property, the dog shall be muzzled;
 - (d) at all times when off the owner's property, the dog shall be on a leash not longer than 1.2 metres with a tensile strength of at least 140 kilograms and under the control of a responsible person sixteen years of age or older;
 - (e) 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 two (2) metres by four (4) metres 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 thirty (30) centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one (1) metre of the property line or within three (3) metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement;
 - (f) a sign is displayed 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;

- (g) a policy of liability insurance, satisfactory to the Municipality, is in force in the amount of at least five hundred thousand dollars (\$500,000). This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy. A current copy of the policy must be supplied to the Municipality in order to satisfy this condition.
- (3) The Municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this by-law.
- (4) 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 destroyed. Any dog that is fierce or dangerous under this by-law may not be offered for adoption.
- (5) 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.

14. PENALTIES

- (1) Any person who repeatedly 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).

15. REPEAL

- (1) 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: September 24, 2012

Date – Notice, in paper, to Public: October 1 & 8, 2012

Date – Second Reading: October 15, 2012

*Date – ad re of Passage of By-Law: October 29, 2012

Adopted by the Council of the Municipality of the District of Shelburne on the 29th day of October, 2012.

Clerk (Sign) _____

Clerk (Print) _____ Date: _____

*Date – mailed to SNS&MR a certified copy of By-Law: November 27, 2012

*Effective Date of By-Law unless otherwise specified in the text of the By-Law

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Municipality of the District of Shelburne, held the 15th day of October, 2012 .

Given under the hand of the Clerk and under the seal of the Municipality of the District of Shelburne this 27th day of November, 2012.

Ms. Penny Smith