

THE MUNICIPALITY OF TH DISTRICT OF GUYSBOROUGH

DOG BY-LAW

BEING A BY-LAW regulating the licensing and control of Dogs in the Municipality of the District of Guysborough and shall be known and may be cited as the “Dog Control By-Law”

PART 1 - DEFINITIONS

1. Unless the context specifically states otherwise the meaning of the terms in the By-Law shall be as follows:
 - a) CLERK means the Municipal Clerk Treasurer of the Municipality of the District of Guysborough or such person as designated by the Municipality;
 - b) DOG means any dog, male or female, of any age;
 - c) DOG CONTROL OFFICER means any person authorized by the Municipality of the District of Guysborough to enforce this By-Law under the Police Act and who may also be the pound keeper;
 - d) FIERCE OR DANGEROUS means:
 - (1) Any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or person; or
 - (2) Any dog which has bitten another domestic animal or person without provocation;
 - (3) A Pit Bull Terrier, American Pit Bull Terrier; Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler or any dog of mixed breeding which includes any of the aforementioned breeds.
 - (4) Notwithstanding Section 1(d)(3) and Section 27 of the By-Law herein, the definition of ‘fierce and dangerous’ insofar as it includes Rottwieler or any dog of mixed breeding which includes the Rottwieler breed, does not include a dog which:
 - i) is registered with the Municipality on or before May 1, 2004 and continues to be registered in accordance with the By-Law, and
 - ii) is in the company and control of the owner or keeper and is secured by a leash having a maximum length of three meters and is wearing a muzzle if on property other than the private property of the owner or keeper thereof; or

iii) is secured in a kennel or enclosed or by a leash or tether if on the private property of the owner, such kennel, enclosure, tether or leash to be approved by a Dog Control Officer.

e) MUNICIPAL COUNCIL means the Council of the Municipality of the District of Guysborough;

f) MUNICIPALITY means the Municipality of the District of Guysborough;

g) 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.

h) RUNNING AT LARGE means to be unleashed;

i. an animal not secured by a leash having a maximum length of three (3) meters in a public place;

ii. on private property other than that of the owner or keeper of the animal without consent of the owner of the property; or

iii. in a forest or wooded area, while not in the company or control of the owner or keeper thereof;

2. On or before the first day of January in each calendar year the owner of any dog shall register such dog with the Clerk and shall pay a registration fee for each dog owned and shall obtain from the Clerk a tag for such dog. If a tag is not purchased before March 31st of that calendar year the fees will be increased as shown in the fee schedule. The Dog Control Officer shall be empowered commence the collection of the Dog Tax as early as the first of January of any given year and any taxes so collected shall be for that given year.
3. The Dog Control Officer may visit any or all properties in the Municipality for the purpose of collecting the Dog Tax, however, the owner of any dog is solely responsible for paying the tax whether contacted by the Dog Control Officer or not. Should the Dog Control Officer not find anyone at home or should the tax not be paid at that time a Notice shall be left indicating that the owner of any dog shall have fourteen days to pay the taxes in question. The notice shall further provide that in the event the tax is not paid within 14 days the Dog Control Officer shall have the authority Pursuant to Clause 14 (a) of this By-Law to impound the Dog.
4. A dog shall be exempt from registration and from tax if the owner proves that the dog is under the age of three months.

5.
 - a) The owner of a dog who has become owner thereof after the first day of January and which dog is not registered in his name with the Clerk, shall, within fourteen (14) days after he has become owner, register the dog in his/her name and pay the tax if due.
 - b) The owner of a dog not registered with the Clerk, which dog at any time has become or is over the age of three (3) months, shall immediately register the dog and pay the tax.
 - c) Registration made and tax paid after the first day of January shall be effective until the last day of December next following the making and payment thereof.

6. Annual Dog Tax:

i) every owner of a dog shall pay to the Municipality for the dog an annual dog tax, also known as a license fee.

ii) the Municipal Council may set, from time to time, the amount of the annual Dog Tax by Resolution and may set different amounts for neutered/spayed and non-neutered/non-spayed dogs.

7. The owner of a kennel of pure-bred dogs which are registered in the Canada Kennel Register shall, in any year, pay to the Clerk of the Municipality, ten (\$10.00) dollars as a tax on the kennel for that year, and upon the production of the Treasurer's Certificate of Payment, the owner of such kennel shall be exempt from any assessment of further tax in respect of such dogs for that year.
8. The Clerk shall supply the owner with a suitable tag for each dog registered, with the number and year of registration stamped thereon, and the owner of every registered dog shall keep on such a dog collar with the tag attached thereto excepting that the tag may be removed while the dog is being lawfully used for hunting purposes.
9. The Clerk shall keep a record of every dog registered, showing the date and number of registration and the breed and description of the dog with the name and address of the owner. The owner shall furnish this information to the Clerk at or before the time of registration.
10. If an owner files with the Clerk a statutory declaration that a tag had been lost, the Clerk may replace the tag that has been lost upon payment by the owner for two (\$2.00) dollars.
11. Any owner within the Municipality who sells or transfer any dog shall report to the Clerk 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 Clerk.

12. No dog shall be permitted to leave the premises of the owner unless the said dog is under the effective restraint of a leash and under the control of some person in charge thereof, and the fact that any dog is running at large shall be an offence against this By-Law.
13. The owner of a dog:
 - a) which runs at large contrary to this By-Law; or
 - b) in respect of which the tax imposed by this By-Law is not paid; or
 - c) which, without provocation, has attacked or injured any domestic animal or person or property; or
 - d) which is fierce or dangerous; or
 - e) which is permitted to disturb the peace and quiet of a neighbourhood or other persons by barking, or by making other loud or unusual noises;

is guilty of an offence against this By-Law whether or not such dog is chained, muzzled, or otherwise restrained, and is subject on conviction to the penalties prescribed by Section 25.
14. a) Every owner of a dog which defecates on public or private property other than property of its owner, shall immediately remove the defecation. Failure to immediately remove the defecation shall constitute a nuisance and every owner causing such nuisance is guilty of an offence.
 - b) A constable, peace officer or dog control officer without notice to or complaint against the owner of any such dog, may impound any dog other than a dog that is trained to assist and is assisting a person with a disability which defecates on public or private property other than the property of its owner.
15. a) A constable, peace officer or dog control officer without notice to or complaint against the owner of any such dog, may impound any dog found running at large contrary to this By-Law or in respect of which the tax imposed by this By-Law has not been paid.
 - b) Without notice to or complaint against the owner of any such dog, may impound and destroy or may destroy on sight without impounding any dog which is fierce or dangerous.
 - c) A constable, peace officer or dog control officer without notice to or complaint against the owner of any such dog may destroy or kill on sight without impounding any dog which is fierce or dangerous and which has without provocation, attacked or injured another domestic animal or person.
16. a) Upon information on oath by any constable, peace officer or dog control officer that he believes any person is harbouring, keeping or has under his care, control or direction in

any residence, building or premises, a dog that he has reasonable and probable grounds to believe has

- 1) without provocation attacked or injured any domestic animal or person, or;
- 2) is dangerous to domestic animals or persons.

(a) It shall be lawful for any Judge, by warrant under his hand to authorize and empower the constable, peace officer, dog control officer or any other person named therein, to enter and search the residence, building or premises and every part thereof at any time of the day or night and for such purpose to break, remove or undo any chain, rope, lock, or fastening of the dog to the premises, or any part thereof, or any door, lock, fastening or obstacles preventing access to the dog, and to seize and deliver the dog to the pound.

(b) If the Dog Control Officer, constable, peace officer or other person named in the warrant, is unable to seize the dog in safety, he may destroy the dog.

(c) It shall be necessary for the Dog Control Officer, constable or peace officer to satisfy the Judge upon information on oath the reasons or grounds for his belief to the satisfaction of the Judge before a warrant under this Section will be issued.

17. The Council shall appoint a pound keeper who shall keep all dogs delivered to him, and furnish them with food and water. The Dog Control Officer may also act as the pound keeper.
18. The Municipality of the District of Guysborough and its officers and employees shall not be liable for damages caused by remedying or attempting to remedy a contravention unless the Municipality was grossly negligent.
19. Any person who obstructs or hinders the Dog Control Officer in the performance of his duties under this By-law is guilty of an offence, and is liable, upon summary conviction to a penalty of not less than \$100 and not more than \$10,000 and in default of payment to imprisonment for a term of not more than 2 months.
20. Upon any dog being impounded, the pound keeper shall, if the dog bears a tag issued by the Clerk, mail to the registered owner by ordinary mail, postage prepaid or by

personal service a notice in the following form. In the event the dog Control Officer is unable to determine ownership he shall post in the Court House in Guysborough and in two other places with the Municipality, one being in the area where the dog was impounded in notice in the following form.

DOG NOTICE

TAKE NOTICE that a dog (insert brief description with number of tag, if any) has been impounded in the animal pound of the Municipality of the District of Guysborough, at Guysborough, Nova Scotia and unless such dog is claimed (and registered) no later than (hour, day and date), the said dog may be destroyed or disposed of according to law.

DATED AT _____

THIS DAY OF _____ A.D., 20 _____

.....
Dog Control Officer/Pound Keeper

21. If at the expiration of the time fixed by the notice, the dog is not claimed and not registered according to this By-Law, the dog/control officer shall dispose of the dog in a responsible manner, sell it or destroy it.
22. The proceeds of any sale shall be paid over to the Clerk.
23. If the owner appears before the Clerk or Dog Control Officer and claims his dog before the time fixed by the said notice, the dog shall be released to him, on payment of any tax and expenses required.
24. Every owner who neglects to obtain a tag for each dog owned by him and to keep it securely fixed on his dog except while the dog is being lawfully used for hunting purposes, or who used a tag upon a dog other than that for which it was issued shall be liable to a penalty of not less than fifty (\$50.00) dollars.
25. The person who violates any provision of this By-Law excepting Section 22 hereof shall be liable on conviction of a penalty of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars and in default of payment to imprisonment for a period not exceeding thirty (30) days.
26. a) The Judge presiding at the Trial of a charge laid against the owner of a dog that has, without provocation, attacked or injured a domestic animals or persons, may, in addition to the penalty herein prescribed, order that the dog be destroyed by the Dog Control Officer or otherwise dealt with.

- b) No Judge shall order the release of any dog, and no pound keeper shall release any dog, to the owner or purchaser thereof, until such owner or purchaser pays for all fees, costs and expenses of the Municipality while the dog was impounded and kept at the pound.
27. Notwithstanding the provisions of the Sheep Protection and Dog Regulation Act or any other Act in any prosecution under this By-Law, it shall not be necessary for the Municipality to prove that:
- a) the dog previously attacked or injured any person or property, or;
 - b) the dog has a propensity to injure any person or property or to do damage thereto, or;
 - c) the defendant knew that the dog has such propensity or was or is of a vicious or mischievous nature or was or is accustomed to doing acts causing injury.
28. “Notwithstanding Section 1(d)(3) of the By-Law herein, the definition of fierce and dangerous in so far as it includes Rottweilers or any dog of mixed breeding which includes the Rottweiler breed shall come into force and effect on the 1st. day of May, 2004. For greater certainty, the remainder of Section 1(d)(3) shall come into force immediately on the coming into force of this By-law.”
29. All former Dog By-Laws passed by the Council of the Municipality of the District of Guysborough are hereby repealed and this By-Law substituted therefor.

THIS IS TO CERTIFY THAT the foregoing is a true and exact copy of a By-Law passed at a duly called meeting of the Municipal Council of the Municipality of the District of Guysborough held on the 11th Day of February, A.D., 2004.

GIVEN under the hands of the Warden and CAO and under the Corporate Seal of the Municipality aforesaid, this th day of , A.D., 2004.

WARDEN

CAO