

**Title**

1. This By-Law shall be known and may be cited as the “**Dog Control By-Law**” and is enacted to provide for the orderly control of dogs in the County of Inverness.
2. This By-Law repeals and replaces the former Dogs, By-Law No. 13 as amended on August 21<sup>st</sup>, 1997.

**Definitions**

3. In this By-Law, unless the context otherwise indicates:
  - a) “dog” means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal.
  - b) “Dog Control Officer” means any person authorized by the Municipality of the County of Inverness to enforce this by-law and all its provisions, and approved to enforce the Dog Control By-Law under the *Police Act* and to issue Summary Offence Tickets pursuant to this by-law and the *Summary Proceedings Act*.
  - c) “domestic animal” includes pets and farm animals;
  - d) “fierce or dangerous dog” means
    - i. any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or persons;
    - ii. any dog which has bitten another domestic animal or person without provocation;
    - iii. any dog which attacks a person or other domestic animal;
    - iv. any dog which injures a person or other domestic animal;
    - v. any dog which terrorizes, including by approaching in an apparent attitude of attack, a person or other domestic animal on any public space, street, sidewalk, road, or on any private property other than the property of the owner;
    - vi. any dog owned or harboured for the purpose of dog fighting;
    - vii. any dog trained for dog fighting;

viii. any dog designated “fierce or dangerous” by the Dog Control Officer in notice to the owner;

provided that no professionally trained guard dog shall be deemed “fierce or dangerous” while lawfully engaged in law enforcement.

- e) **“impounded”** means seized or taken into possession or control by the Dog Control Officer;
- f) **“Municipality”** means the Municipality of the County of Inverness, its officers, agents or employees as the context requires;
- g) **“owner”** means any person who possesses, has care or control of, or shelters a dog and, where the person is a minor, includes a person responsible for the custody of the minor.

### **Registration**

- 4. Every dog residing in the Municipality must be registered annually with the Municipality.
- 5. Dogs are to be registered in the month of April for the fiscal year commencing on April 1<sup>st</sup>.
- 6. To register a dog, the owner must provide the Municipality with the required registration information (Appendix A) and the applicable registration fee.

### **Required Registration Information**

- 7. The following information is required for the registration of a dog in the Municipality:
  - a) owners’ name, civic and mailing address, telephone number(s);
  - b) name of the dog;
  - c) breed(s) of the dog, including insofar as known where the dog is of mixed breed;
  - d) Description of the dog, including: gender, color, whether spayed or neutered or not, and tattoo / chip number if available.

### **Registration Fees**

- 8. The following registration fees apply until and unless revised by Municipal Council by amendment, by schedule or by costs and fees by-law:
  - a) annual registration fee for a spayed / neutered dog = \$10;

- b) annual registration fee for an un-spayed / un-neutered = \$25.
9. Every dog registration must be renewed by payments of registration fee no later than April 30<sup>th</sup> for the fiscal year commencing April 1<sup>st</sup>.
  10. Registration fees are due and payable notwithstanding the owner has received no notice of registration renewal from the Municipality.
  11. The Municipality shall record fees paid for each registered dog.
  12. Proof of payment of dog registration fees shall be by receipt received from the Municipality or by cancelled cheque.
  13. Any person, who becomes a dog owner after the April 30<sup>th</sup> in any year, shall ensure the dog is registered with the Municipality for that fiscal year within one week of becoming owner.
  14. Any dog for whom the registration fee has not been paid in full to the Municipality within the required time shall be an unregistered dog under this by-law.

#### **Additional Information**

15. At registration, a dog owner may provide additional information respecting the dog being registered, provided that by receiving such information, the Municipality does not agree nor is it required to give particular notices, make particular contacts, or use particular veterinary services in respect of the subject dog.

#### **Updates**

16. On renewing registration, an owner should provide in writing any new relevant information about the dog, such as neutering or spaying since last registered.
17. The Municipality may require certification of neutering or spaying for purposes of confirming the subject registration fee.
18. Where a registered dog has died or is sold or given to another owner, the registered owner shall, within ten days, notify the Municipality in writing of the same, providing the dog's registration number and new owners' name and contact information.
19. On receiving notice of death of a registered dog, the Municipality shall cancel its registration.
20. Dog registration fees are not refundable on the death of the registered dog.
21. Any person who becomes the owner of a registered dog shall, within one week of becoming

the owner, provide the Municipality with written confirmation of ownership, giving the dog's registration number and such other particulars as required, including the new owner's full contact information.

### **Required Statements**

22. The Municipality may by written notice require an owner to provide particulars including number of dogs owned, harboured or kept on the owner's property and the owner shall provide the required information by written statement within ten days of receiving the notice.

### **Dog Registration Records**

23. The Municipality may require dog registration information to be provided by owners on forms provided for that purpose by the Municipality.
24. In every case, whether on a Municipal form or by letter or written or typed statement, dog registration information provided by an owner shall be confirmed as accurate by the owner by signature and date.
25. Dog registration information shall be the property of the Municipality for the purposes of dog control and enforcement of this by-law in the Municipality.
26. Dog registration information may be tendered in evidence by the Municipality in any prosecution of the owner pursuant to this by-law.

### **Complaints and actions**

27. In addition to registration and other information provided by the owner, the Municipality may maintain and compile records of complaints received and enforcement actions taken by the Dog Control Officer, including notices and warnings issued or given, in respect of any dog, and these records may be introduced and used in evidence by the Municipality in any prosecution of the owner pursuant to this by-law.

### **Dog Tags**

28. On the registration of a dog, the Municipality shall provide the dog owner with a Municipal dog tag bearing a serial number and the year in which the registration is issued.
29. Every owner is required to ensure that his or her dog is wearing a collar fastened securely and with the proper dog tag securely affixed at all times when the dog is outside.
30. The dog tag is re-issued when registration is renewed and payment has been confirmed.

31. In the event a dog tag is lost, the owner is responsible to notify the Dog Control Officer and/or the Municipal Offices within 24 hours or as soon as reasonably possible and to provide the Municipality with a signed statement confirming the loss and to purchase a replacement dog tag.
32. Dog tags may not be transferred from one dog to another.

### **Exemptions**

33. Notwithstanding any of the foregoing, the following exemptions may apply:
  - a) a dog trained for and providing assistance to a person with a disability must be registered but is exempt from registration fees;
  - b) dogs under the age of 3 months old are exempt from registration;
  - c) Persons with disabilities who are assisted by trained service dogs are exempt from the requirement to remove the dog's feces from properties;
  - d) working or hunting dogs, while working or hunting, are exempt from the requirement to wear collar and tag;
  - e) owners or operators of animal shelters or kennels which house dogs for temporary periods whether by rescue or under contract shall be exempt from the registration requirements in this by-law with respect to such dogs, provided that such owners or operators may be required to provide particulars to the Municipality or Dog Control Officer with respect to the dogs being housed.

### **Dogs Running At Large**

34. Any dog which is off its owner's property without being under continuous restraint and control of some person, is deemed to be running at large for the purposes of this by-law and any prosecution hereunder.
35. A dog tethered on a tether of sufficient length to allow the dog to leave its owner's property is deemed to be running at large for the purposes of this by-law and any prosecution here under.

### **Fierce or Dangerous Designation**

36. The Dog Control Officer may designate a dog as "fierce or dangerous" within meaning of this by-law by serving written notice of same on the owner, providing explanation for the designation, and requiring muzzling restraints on such dog when in public.

### **Owner Responsibilities**

37. Every owner shall be responsible for the following:
- a) to provide appropriate, adequate care and conditions for his/her dog;
  - b) to ensure the dog is under effective control;
  - c) to ensure the dog does not and is not creating a disturbance or nuisance;
  - d) to ensure the dog is registered;
  - e) to ensure additional restraint including but not limited to muzzling is used in public where the dog is “fierce and dangerous” within the meaning of this by-law;
  - f) to remove the dog’s feces from public or private property other than the owner’s own property;
  - g) to ensure an unsprayed female dog is not accessible by any male dogs while the female dog is in heat, excepting in the case of arranged breeding of purebred dogs;
  - h) to make immediate attempts to locate the dog if it goes missing and to notify the Dog Control Officer that the dog is missing, providing registration and other particulars to help identify the dog;
  - i) to provide to the Municipality such information as may be required pursuant to this by-law;
  - j) to comply with all of the provisions of this by-law respecting dog ownership.

### Offences

38. Every owner:
- a) whose dog runs at large;
  - b) whose dog is unregistered;
  - c) whose dog is not wearing its dog tag as required by this by-law;
  - d) whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;
  - e) who fails to remove the dog’s feces from public or private property other than the owner’s own property;

- f) who fails to confine an un-spayed female dog as required by this by-law;
- g) who neglects or refuses to provide a written statement or information required by this by-law;
- h) who interferes with the Dog Control Officer in the performance of his duties;
- i) who refuses to hand over dog to the Dog Control Officer when told to do so;
- j) who does anything prohibited by this by-law or neglects or fails to do anything required by this by-law to be done by him or her;

is guilty of an offence and subject to penalty on summary conviction to the penalties prescribed in the By-Law and under the *Municipal Government Act* and such other penalties as may lawfully apply.

### **Impounding and Other Remedies**

- 39. The Dog Control Officer has the authority to seize, take control of, impound, sell, humanely euthanize, or otherwise dispose of any dog:
  - a) which is fierce or dangerous within the meaning of this by-law;
  - b) which is rabid or appears rabid or is exhibiting symptoms of canine madness;
  - c) which runs at large contrary to this by-law;
  - d) which persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;
  - e) which is not registered as required by this by-law.
- 40. On impounding a dog wearing a Municipal dog tag, the Dog Control Officer will attempt to identify and contact the owner by reference to the registration records, provided that nothing in this section makes the Municipality or Dog Control Officer liable where the owner is not contacted.
- 41. If, in the opinion of the Dog Control Officer, the dog is fierce or dangerous or rabid or is exhibiting signs of canine madness, the Dog Control Officer may destroy the dog on sight or on capture without attempting to contact the owner first.
- 42. If the Dog Control Officer has destroyed a dog wearing a Municipal dog tag, the Dog Control Officer shall attempt to identify and contact the owner by reference to the registration records to inform the owner of the action taken.

43. The owner of a dog which has been seized or impounded or humanely euthanized by the Municipality shall be responsible to pay the costs in relation thereto, including but not limited to the costs of providing shelter, food and care for the dog.
44. In any case where the Dog Control Officer determines need, he or she may arrange for veterinarian services for a dog seized by the Dog Control Officer, in which case the owner of the dog shall be responsible to pay to the Municipality such costs as are incurred for veterinarian services.
45. All costs and expenses incurred by the Municipality in relation to a seized or impounded dog shall constitute a debt owed to the Municipality by the dog owner and may be recovered as a debt.
46. The Dog Control Officer may refuse to release the dog to the owner pending payment of costs owing, in which case, every day the dog remains in the Municipality's custody shall be costed to the owner for recovery as a debt to the Municipality.
47. In the exercise of his responsibilities under this By-Law, the Dog Control Officer may pass over the land of any person where reasonably necessary.
48. Notwithstanding any provision of this by-law, the Dog Control Officer and the Municipality are not owners within the meaning of this by-law with respect to any dogs seized, captured, taken into possession or control of the Dog Control Officer or Municipality pursuant to this by-law.

### **Evidence**

49. In any prosecution for violation of this by-law, evidence that one person is disturbed or offended in prima facie evidence that the public or the peace of the neighborhood is disturbed or offended.

### **Penalty**

50. (a) Any person who violates or fails to comply with any provision or provisions of this by-law shall be liable on conviction to a penalty of not less than \$100.00 and not more than \$5,000.00, and in default of payment to imprisonment not exceeding ninety (90) days, providing that where a person has been issued a Summary Offence Ticket by the Dog Control Officer in respect of such offence under this by-law, the person may settle out of Court by endorsing a guilty plea and paying the minimum fine, together with the administrative and victim surcharges payable thereon, to the Clerk of the Provincial Court at the Justice Centre in Port Hawkesbury, Nova Scotia.  
  
(b) Every day in which an offence under this by-law continues may be considered a further offence and further Summary Offence Tickets may be issued.



**General**

- 51. All fees payable under this by-law are taxes within the meaning of the *Municipal Government Act* and where unpaid, may be collected as debt owing to the Municipality by the owner.
- 52. All fees and information required to be paid or provided by dog owners herein shall be paid at and provided to the Municipal Office in Port Hood.
- 53. That Bylaw No. 13 Dogs is hereby repealed upon this bylaw coming into effect.

Date of First Reading to Approve	
Date of Advertisement of Notice of Intention To Approve	
Date of Second Reading	
Date of Advertisement of Passage of By-Law	
Date of Mailing to Minister a Certified Copy of By-Law	

THIS IS TO CERTIFY that the foregoing By-Law is a true copy of a by-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness duly held on the \_\_ day of \_\_\_\_\_ A.D., 2018.

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Tanya Tibbo, Interim CAO