

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 71A

DOG BY-LAW

DEFINITIONS

1. In this By-Law:
 - (a) "Corporate Services" means the Department of Corporate Services of the Municipality of the County of Kings located in the Municipal Administration Building on Cornwallis Street in the Town of Kentville, Province of Nova Scotia.
 - (b) "Municipal Staff" means those persons assigned by the Municipality to administer the provisions of this By-law and for the purposes of this By-law shall also include individuals at locations other than the Municipal Administration Building in Kentville who are authorized to accept information and fees related to the registration of dogs.
 - (c) "Dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal.
 - (d) "Owner" of a dog includes 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 with the custody of the minor.
 - (e) "Hamlets" shall mean hamlets as established or designated in the Municipal Planning Strategy of the Municipality of the County of Kings.
 - (f) "Growth centres" shall mean growth centres as established or designated in the Municipal Planning Strategy of the Municipality of the County of Kings.
 - (g) "Kennel" means any premises where dogs are harboured or bred as a commercial service or for sport or exhibition purposes for periods longer than 60 days.

REGISTRATION

2. Every owner of a dog, shall, on or before the first day of January in each year or within ten (10) days of having become owner, register such dog with Municipal Staff and shall pay a registration fee for each dog owned.

3. At the time of registering a dog, the owner shall supply Municipal Staff with the following:
 - (a) Name, civic address, mailing address and telephone number of the owner.
 - (b) Name and breed of the dog.
 - (c) Description of the dog including, where appropriate, proof that the dog has been spayed or neutered.
 - (d) Registration fee.
4.
 - (a) The annual registration fee for each spayed or neutered dog and for each dog which has not been spayed or neutered, is as set out in the Policy for Fees.
 - (b) For the purposes of this By-law, the registration year shall mean the period from January 1st to December 31st.
 - (c) The registration fee shall be reduced by 50% in the year of acquisition where the owner acquires ownership of the dog after June 30th.
 - (d) 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.
5. Municipal Staff shall keep a record of every dog registered, recording the following information:
 - (a) Registration date
 - (b) Registration number
 - (c) Name of dog
 - (d) Description of the dog – breed and
 - (e) Name, civic address, mailing address, and telephone number of the owner

and shall issue to the owner a tag for the identification of each dog registered by the owner.
6. Where a tag issued by Municipal Staff to an owner becomes lost, the owner shall obtain a replacement tag from Municipal Staff for a registration fee of \$5.00 or such other fee set by Policy of Council.

7. The owner of every dog shall keep on the dog a collar with the tag issued for that dog at the time of registration and such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued, except that such tag may be removed while the dog is being used for lawful hunting purposes in the presence and under the control of the dog's owner and wearing a collar bearing the owner's name and address.
8. Where an owner has registered a dog and subsequently ceases to be the owner of the dog as a result of sale or transfer of the dog, the owner shall provide to Municipal Staff within 30 days of ceasing to be the owner of the dog written notice of:
 - (a) the name and address of the person to whom the dog was sold or transferred;
 - (b) the dog's name and description;
 - (c) the dog's registration number; and
 - (d) the reason for ceasing to be the owner of the dog.
9. The owner of a dog shall deliver in writing to the Municipal Staff a statement of the number of dogs owned or harboured, or that are habitually kept upon the premises occupied by the owner within ten (10) days after having received notice requiring it to be provided.
10. Any person resident within the Municipality of the County of Kings who purchases an unregistered and untagged dog from the Pound Keeper shall register the dog, pay the appropriate fee and obtain a tag for such dog before taking it from the pound.

KENNELS

11. (a) Every owner of a kennel shall, on or before the first day of January in each year or within ten (10) days of having become owner, register such kennel with Municipal Staff and shall pay a registration fee for each kennel owned.
- (b) At the time of registering a kennel, the owner shall supply Municipal Staff with the following:
 - (i) name, civic address, mailing address and telephone number of both the owner and kennel;
 - (ii) the trade or business name of the kennel;
 - (iii) the registration fee.

- (c) The annual registration fee for a kennel shall be as set out in the Policy for Fees.
- (d) The owner of a kennel registered pursuant to this By-law is exempt from the provisions of Section 2.
- (e) When a kennel owner ceases to be the owner of a dog as a result of the sale or transfer of the dog to a new owner, the kennel owner shall provide to Municipal Staff within 30 days of ceasing to be the owner of the dog written notice of:
 - (i) the name and address of the person to whom the dog was sold or transferred;
 - (ii) the dog's name and description;
 - (iii) the dog's registration number, if applicable; and
 - (iv) the reason for ceasing to be the owner of the dog.

DOG CONTROL AND POUND

- 12. The Dog Control Officer or Officers employed by the Municipality of the County of Kings shall be responsible for the enforcement of this By-law.
- 13. The Council shall appoint a Pound Keeper who shall:
 - (a) Collect impounding fees, daily pound fees and any other additional charges as outlined in this By-law and forward such funds to Corporate Services;
 - (b) Be responsible for the operation of the pound;
 - (c) Provide adequate food and water to impounded dogs;
 - (d) Keep the pound in a reasonable state of cleanliness;
 - (e) Keep the pound premises neat and tidy in appearance.
- 14. The Council shall make arrangements to provide for a pound so as to provide sufficient yards and enclosures for the safe keeping of such animals as it is the duty of the Pound Keeper to impound.

OFFENCES

- 15. (a) A dog runs at large in the Municipality when the dog is off the property owned or occupied by the dog's owner without the dog being under the apparent restraint or control of some person.

- (b) A dog runs at large in hamlets and growth centres when the dog is off the property owned or occupied by the dog's owner without the dog being under the control of some person by means of a harness or leash.

16. Every owner of a dog

- (a) who fails to register the dog pursuant to Section 2;
- (b) whose dog is not wearing a tag pursuant to Section 7;
- (c) who fails to notify Municipal Staff of cessation of ownership of a dog pursuant to Section 8;
- (d) who fails to provide a written statement pursuant to Section 9;
- (e) whose dog runs at large;
- (f) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
- (g) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
- (h) other than a dog that is trained to assist and is assisting a person with a disability, who fails to remove the dog's faeces from public property or private property other than the owner's;

is guilty of an offence.

17. Every owner of a kennel

- (a) who fails to register the kennel pursuant to subsection 11(a);
- (b) who fails to notify Municipal Staff of cessation of ownership of a dog pursuant to subsection 11(e);

is guilty of an offence.

18. (1) A dog is fierce or dangerous within the meaning of this By-law if:

- (a) the dog has bitten a person or domestic animal;
- (b) the dog has approached any person in a vicious or terrorizing manner in an apparent attitude of attack;

- (c) the dog has a known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals;
 - (d) the dog is owned or harboured primarily for the purpose of dog fighting;
 - (e) the dog is trained for dog fighting.
- (2) Any person who owns, harbours, keeps or has under care, control and direction a dog that is fierce or dangerous within the meaning of this By-law commits an offence, provided that it shall be a defense to a charge under subsection 16 (g) of this By-law that at the time of the attack or the biting:
- (a) the dog was being tormented or abused by the person or domestic animal attacked or bitten;
 - (b) the dog was acting in defense of itself or a person;
 - (c) the dog was acting as a professionally trained guard dog while lawfully engaged for law enforcement or guard duties; and
 - (d) the attack or bite was inflicted upon or sustained by a person who was committing one or more of the following:
 - (i) a willful trespass or other tort;
 - (ii) a criminal act upon the premises occupied by the owner of the dog; or
 - (iii) a trespass contrary to Provincial or Federal Legislation.
19. Evidence that one person is disturbed by a dog barking, howling or otherwise is *prima facie* evidence that the quiet of the neighbourhood is disturbed.
20. Municipal Staff shall apply to the Governor in Council pursuant to the *Summary Proceedings Act*, R.S.N.S. 1989, c.450, as amended, to have the offences under this By-law designated by the *Summary Offence Ticket Regulations* to permit the use of summary offence tickets for prosecuting such offences in appropriate circumstances.

IMPOUNDING

21. The Dog Control Officer may, without notice to or complaint against the owner, impound any dog that:
- (a) runs at large contrary to this By-law;

- (b) is not registered or not wearing a tag required by this By-law;
 - (c) is fierce or dangerous;
 - (d) is rabid or appears to be rabid or exhibits symptoms of canine madness;
or
 - (e) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
22. Except in the case where a dog is impounded for being fierce or dangerous, or is rabid or appears to be rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper as set out in the Policy for Fees.
23. In the case of redemption of a dog which has no tag attached to it, the Pound Keeper shall register the dog and issue a tag, or replace the tag, and require payment of the appropriate registration fee as provided by this By-law.
24. (a) Notwithstanding the foregoing, the owner of any dog which has been impounded for its third infraction of running at large contrary to this By-law within the space of twenty-four (24) months, shall not be permitted to redeem such dog.
- (b) Notwithstanding the foregoing, the owner of any dog which has been impounded either pursuant to Section 21, or to the warrant provisions contained in the *Municipal Government Act*, S.N.S. 1998, c.18, as amended, for its third infraction of persistently disturbing the quiet of the neighbourhood by barking, howling or otherwise contrary to this By-law within the space of twenty-four (24) months shall not be permitted to redeem such dog. The dog may be sold or euthanized by the Pound Keeper and, if sold, the proceeds shall be forwarded to the Municipality of the County of Kings' Department of Corporate Services.

KILLING

25. (a) The Dog Control Officer may, without notice to or complaint against the owner, kill on sight, any dog that:
- (i) is fierce or dangerous
 - (ii) is rabid, or appears to be rabid or exhibits symptoms of canine madness.
- (b) The Dog Control Officer may, after two (2) written warnings have been given to the owner that the dog has been running at large, or eluding

capture, kill on sight, any dog which has successfully eluded the capture attempts of the Dog Control Officer.

26. (a) Any dog which has not been redeemed by its owner at the expiry of a period of seventy-two (72) hours after being impounded, may be either sold or killed by the Pound Keeper and, if sold, the proceeds shall be forwarded to Corporate Services.
- (b) Notwithstanding subsection 26(a), the Pound Keeper shall not sell a dog: which is fierce or dangerous, or which is rabid, or which appears to be rabid or which exhibits symptoms of canine madness.
- (c) Notwithstanding subsection 26(a), whenever the seventy-two (72) hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

NOTICE

27. (a) Upon any dog being impounded, the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall attempt to contact the registered owner of the dog using the tag number and the records of Municipal Staff;
- (b) Notwithstanding subsection 27(a), 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 the pound within the time limit provided in Section 26 of this By-law.

PENALTIES

28. Any person who contravenes this By-law is liable on summary conviction to a fine of not less than One Hundred dollars (\$100.00) and not more than Five Thousand dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.

History of this By-law

Enacted - September 7, 2004

Amended - May 1, 2007