

TOWN OF HANTSPORT

BY-LAW 2008-3

RESPECTING THE REGISTRATION AND REGULATION OF DOGS

The Council of the Town of Hantsport, in the Province of Nova Scotia, enacts as follows:

Short Title:

1. This By-Law shall be known as and may be cited as the "Dog By-Law".

Interpretation:

2. In this By-Law:

2.1 "Dog" means any Dog, male or female, or any animal that is the result of the breeding of a Dog and any other animal.

2.2 "Dog Control Officer" means a peace officer or a by-law enforcement officer appointed pursuant to the Police Act, S.N.S.

2.3 "Disposed of" means put to death.

2.4 "Fierce or Dangerous Dog" means any Dog that has:

- (a) Bitten a person or domestic animal;
- (b) Approached any person in a vicious or terrorizing manner in an apparent attitude of attack;
- (c) A known propensity, tendency or disposition to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals, or
- (d) Is owned or harboured primarily for the purpose of Dog fighting;
- (e) Is trained for Dog fighting.

2.5 "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.

2.6 "Municipal Staff" means those persons assigned by the Town of Hantsport to administer the provisions of this By-Law.

2.7 "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.

2.8 "Town Office" means the administrative office of the Town of Hantsport located at 20 Main Street, Hantsport, Province of Nova Scotia.

2.9 "Runs at Large" A Dog Runs at Large in the Town of Hantsport 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.

3. Registration

3.1 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.

3.2 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) Description of the Dog including, where appropriate, proof that the Dog has been spayed or neutered.
- (c) Name and breed of the Dog.

(d) Registration fee.

3.3 The annual registration fee shall be \$20.00 for each Dog or as amended by Policy of Council from time to time.

3.4 For the purposes of this By-Law, the registration year shall mean the period from January 1st to December 31st.

3.5 A Dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee.

3.6 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

3.7 Upon registration Municipal Staff shall issue a tag bearing a serial number and the year in which it is issued for each Dog registered by the Owner.

3.8 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 from time to time

3.9 The Owner of every Dog shall keep the tag issued at the time of registration on the collar of the registered Dog at all times.

3.10 A tag may be removed from a registered Dog's collar 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.

3.11. The Owner of a Dog shall provide notice to Municipal Staff when they cease to be the Owner of a Dog which sets out the following information:

- (a) The name and address of the new Owner of the Dog;
- (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.

3.12. Municipal Staff may require the Owner of a Dog to deliver in writing within ten (10) days of receiving an oral request, a statement of the number of Dogs the Owner owns, harbours, or habitually keeps on the premises occupied by the Owner.

3.13 Any person resident within the Town of Hantsport 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.

4. Kennels

No person shall operate a Kennel within the Town of Hantsport.

5. Dog Control and Pound

5.1. The Town may contract to fill the position of Dog Control Officer or Pound Keeper

5.2 The Dog Control Officer(s) may enforce the provisions contained in this By-Law.

6. Offences

6.1 Every Owner of a Dog is guilty of an offence:

- (a) Who fails to register the Dog pursuant to Section 3.1;

- (b) Whose Dog is not wearing a tag pursuant to Section 3.9;
- (c) Who fails to notify Municipal Staff of cessation of Ownership of a Dog pursuant to Section 3.11;
- (d) Who fails to provide a written statement pursuant to Section 3.12;
- (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; other than a Dog that is trained to assist and is assisting a person with a disability.
- (h) Who fails to remove a Dog's feces from public property or private property, other than the Owner's, unless the Dog is trained to assist and is assisting a person with a disability.

6.2 Where a person harbours, keeps or has under care, control or direction a Fierce or Dangerous Dog that attacks or bites an individual, it shall be a defence to a charge under Section 6.1 (g) 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 defence 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 wilful 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.

6.3. For the purpose of prosecutions under 6.1(f), proof that one individual has been persistently disturbed shall be *prima facie* proof that the neighbourhood has been disturbed by barking, howling or otherwise

6.4. Municipal Staff may 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.

7 Impounding

7.1 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.

7.2. 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 of Pound Fees.

7.3 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.

7.4 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.

7.5 Notwithstanding the foregoing, the Owner of any Dog which has been impounded either pursuant to Section 6.1, or to the warrant provisions contained in the Municipal Government Act, S.N.S. 1998, c.18, as amended, or 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.

8. Disposal

8.1 The Dog Control Officer may, without notice to or complaint against the Owner, Dispose Of on sight, any Dog that:

- (a) Is Fierce or Dangerous
- (b) Is rabid, or appears to be rabid or exhibits symptoms of canine madness.

8.2 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, Dispose Of on sight, any Dog which has successfully eluded the capture attempts of the Dog Control Officer.

8.3 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 Disposed Of by the Pound Keeper.

8.4 Notwithstanding Section 8.3, 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.

8.5 Notwithstanding Section 8.3, 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.

8.6 Wherever the Pound Keeper has been granted the authority to sell a Dog under this By-Law, the proceeds of the sale shall be forwarded to the Town.

9. Notice

9.1 The Owner of a missing Dog has the onus to determine whether their Dog has been impounded.

9.2 The Pound Keeper shall check the tag of every impounded Dog and attempt to contact the registered Owner.

10. Penalties

Any person who contravenes this By-Law is liable on summary conviction to a fine of not less than Two Hundred dollars (\$200.00) 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.

11. Additional Penalty

At the trial of a charge laid against the Owner of a Dog that is Fierce or Dangerous, that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or that Runs at Large, contrary to this By-Law, in addition to the penalty, the judge may order that the:

- (a) Dog be destroyed or otherwise dealt with, and
- (b) Owner pay any costs incurred by the Town related to the Dog, including costs related to the seizure, impounding or destruction of the Dog, and it is not necessary to prove that the
- (c) Dog previously attacked or injured a domestic animal, person or property, or
- (d) Dog had a propensity to injure or to damage a domestic animal, person or property: or

(e) Defendant knew that the Dog had such propensity or was, or is, accustomed to doing acts causing injury or damage.

12. Repeal

All previous Dog By-Laws and amendments of the Town of Hantsport are hereby repealed.

I, Jeffrey A. Lawrence, Chief Administrative Officer for the Town of Hantsport, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Hantsport and held on the day of

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this day of .

JEFFREY A. LAWRENCE Chief Administrative Officer