

TOWN OF DIGBY BY LAW # 2006 - 06

THE DOG BY LAW

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1. Purpose

The purpose of this Bylaw is to provide for orderly control of dogs in the Town.

2. Definitions

In this By-law;

- (1) "Leashing Area of Town"** means all areas of Town of Digby within any of the Residential Zones or Commercial Zones designated in the Town of Digby Land Use Bylaw.
- (2) (a) "Dog"** includes any dog, male or female
- (b) "wolf-dog hybrid"** means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;
- (3) "Guide Dog"** means a dog which has been trained to lead, assist, or guide a person who is visually or physically impaired.
- (4) "Owner"** means the owner of a dog and any person who possesses, has the care, custody or control of, or harbours a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;

- (5) **“ Dogs Running At Large ”** any dog which is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-Law. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large. Provided that a dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:
- (1) participating in an organized hunt, dog exhibition event or dog field trials;
 - (2) participating in a search and rescue operation or law-enforcement operation;
 - (3) assisting a person with a disability, provided the dog is trained for such purposes;
or
 - (4) within a municipal public park where the area is designated by signage as an area in which dogs are permitted to be without a leash subject to such limitations as are posted.
- (6) **“Fierce or Dangerous Dogs ”**for the purpose of this By-Law a dog that is fierce or dangerous means any dog:
- (1) that is a wolf-dog hybrid;
 - (2) that, in the absence of a mitigating factor as defined herein, inflicts bites to or attacks a human being or a domestic animal either on public or private property;
 - (3) that, in the absence of a mitigating factor as defined herein, when unmuzzled or unleashed, or unattended by its owner, or some other person having care or control of the dog, approaches any person in a vicious or fierce manner;
 - (4) owned or harboured in whole or in part for the purpose of dog fighting; or
 - (5) trained for dog fighting;
- (7) **"mitigating factor"** means a circumstance which excuses 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, or its young, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;
 - (iii) the dog is a professionally trained guard dog while lawfully engaged for law enforcement.
- (8) **“muzzled”** means to wear upon a dog a covering device of sufficient strength placed over a dog’s mouth to prevent it from biting;

3. Dog Control Officer

Dog Control Officer” means a Police Officer, Peace officer, Constable or the Bylaw Enforcement Officer or a person appointed by the Town Council to carry out the provisions of this Bylaw.

4. Annual Dog Tax

- (1) Every owner of a dog shall pay to the Town for the dog an annual dog tax, also known as a license fee.
- (2) The owner shall pay the dog tax before on or before the first day of March in each year or within thirty (30) days of becoming an owner of a dog.
- (3) If a person becomes the owner of a dog after 31 October in any year, the owner shall pay one-half the dog tax for that fiscal year.
- (4) The Town 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.
- (5) The owner of a kennel of purebred dogs which are registered in the Canada Kennel Register shall in any year, pay to the Town the annual fee of \$25.00 as a tax upon the kennel for the fiscal year and such owner is then exempt from the assessment and any other tax for the dogs for that year.
- (6) The owner of a guide dog is exempt from the dog tax for the guide dog.

5. Registration and Dog Tag

- (1) The Clerk shall register each dog when the dog tax is paid, recording the following information:
 - (a) Registration date;
 - (b) Registration number;
 - (c) Name of dog;
 - (d) Description of dog;
 - (e) Name of owner; and
 - (f) Address of owner.
- (2) The Clerk shall supply to each owner of a registered dog, a metal tag stamped with the number and year of registration.
- (3) The owner of every dog shall keep on the dog a collar, with the dog tag issued for that dog, attached thereto while the dog is off the property occupied by the owner.
- (4) If a dog owner files with the Town a Statutory Declaration that the dog tag has been lost or destroyed and pays a fee of five (\$5.00) dollars, the Clerk may provide a replacement dog tag.

6. Notice to Owner and Statement of Dogs Owned

- (1) The Clerk shall immediately notify every person reported to him as the owner of an unregistered dog in the Town by letter, by ordinary mail, postage paid and addressed to the owner's address, requesting such owner forthwith to register the dog, and to comply with this Bylaw.
- (2) The Clerk shall keep a record of every dog and its owner so reported to him/her together with a description of the dog, if available and the name of the reporting person.
- (3) The owner of a dog shall deliver to the Clerk or a person nominated by the Clerk, a written Statement of the number of dogs owned or harboured by the owner or which are habitually kept on the premises occupied by the owner by whomsoever owned, if the Clerk, or person nominated by the Clerk, requires the owner to do so.
- (4) The owner shall provide this written Statement within ten (10) days of receiving the notice requiring the owner to provide it.

7. Responsibilities of Owners

- (1) The owner of a dog shall ensure, while the dog is off the property occupied by the owner that the dog is under control by means of either a harness or a leash.
- (2) The owner of a dog shall ensure that the dog is not running at large, anywhere in Town.
- (3) The owner of a dog shall ensure that the dog:
 - (a) does not, without provocation, attack, chase, bite or injure any other domestic animal or person,
 - (b) does not, without provocation, damage any property,
 - (c) if left unattended on a harness or a leash, does not frighten or harass any passerby.
 - (d) does not disturb the quiet of the neighbourhood by howling, barking or in any other manner.
- (4) Every owner of a dog which defecates on public or private property other than the property of its owner, shall immediately remove the defecation. Failure to immediately remove the defecation shall constitute a nuisance and every owner causes such nuisance is guilty of an offence.
- (5) Every owner of a Rottweiler, Bull Mastiff, Doberman, or Staffordshire Bull Terrier or Pit Bull Terrier dog(or a hybrid Rottweiler, Bull Mastiff, Doberman, Staffordshire bull terrier or Pit-bull terrier); or of a "fierce or dangerous" dog shall ensure that the dog when on any street or in any public place, or place accessible to the public or any other place that is not owned or controlled by that person is muzzled and under control by means of a harness or a leash.

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- (6) The owner of a “**Fierce or Dangerous**” dog shall ensure that:
- (1) such dog does not, without provocation:
 1. chase a person or other domestic animals; or
 2. injure a person or other domestic animals: or
 3. bite a person or other domestic animals: or
 - (2) such dog does not damage or destroy public or private property
 - (3) when such dog is on the property of the owner
 1. either such dog is confined indoors and under the control of a person over the age of 18 (eighteen) years, or
 2. when such dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the fierce or dangerous dog and capable of preventing entry of any person not in control of the dog, or
 3. such dog is kept as if the provisions of section 7 (6)(5) applied to such dog while on the property of the owner.
 - (4)
 1. the locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum of thirty (30) centimetres.
 2. the locked pen or other structure shall provide the fierce or dangerous dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height.
 3. the locked pen or other structure shall not be within One (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
 - (5) at all times, when off the property of the owner, such dog is securely
 1. muzzled, and
 2. harnessed or leashed on a lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or biting humans or other domestic animals, as well as preventing damage to public or private property, and
 3. under the control of a person over the age of eighteen (18) years.
 - (6) such dog is not running at large.

8. Dog Pound and Pound Keeper

Town Council shall appoint a Pound Keeper and provide a pound to keep all dogs delivered to the Pound Keeper and to furnish the dogs with food and water.

9. Impounding

- (1) The Dog Control Officer may without notice to or complaint against the owner of a dog, may impound and kill, and may kill on sight without impounding any dog found outside a residence or building, if the Officer or member reasonably believes the dog;
- (a) is running at large;
 - (b) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
 - (c) without provocation, has attacked, chased, bitten, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw;
 - (d) is not wearing a dog tag required by this Bylaw
- (2) The Dog Control Officer or member of the Police force may kill on sight a dog which that person is unable to seize if the dog has, without provocation, attacked, chased, bitten or injured another domestic animal or person, or if the dog is fierce or dangerous.
- (3) The Dog Control Officer or member of the Police force may pass over the land of any person while pursuing a dog under this Bylaw but this section is not to be construed to provide immunity against the action for actual damage to the property of any person.

10. Procedure after Impounding

When a dog is impounded, the Dog Control Officer or Pound Keeper, within forty-eight (48) hours, if the owner can be determined:

- (1) shall mail to the owner, by ordinary mail from the Digby Post Office, postage prepaid, made in time to be delivered at ninety-six (96) hours before the time fixed in the notice, and,
- (2) shall post in the Town Hall and at two other public places in the Town, at least ninety-six (96) hours before the time fixed in the notice; a Notice in the following form:

DOG IMPOUND NOTICE

Take Notice that a dog (insert brief description with number tag, if any) has been impounded in the dog pound of the Town of Digby at (insert location of dog pound). Unless such dog is claimed and (and registered, if applicable) no later than (hour, day and date), the dog may be destroyed or disposed of according to law.

Dated at Digby, this _____ day of _____ 200__.

Dog Control Officer / Peace Officer

10 (a) Rabid Dogs

Any dog rabid or at large and suspected / known to be rabid shall be immediately killed.

11. Reclaiming

If the owner claims the dog and proves ownership, before the dog is killed or sold, and pays the Pound Keeper's fees and any dog tax due, the Pound Keeper shall deliver the dog to the owner at the Pound. Notwithstanding the foregoing, the owner of any dog which has been impounded either pursuant to this Bylaw, or the warrant provisions contained in the Municipal Government Act, for its third infraction of running at large or persistently disturbing the quiet of the neighbourhood by barking, howling or in any other manner contrary to this Bylaw 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 Town of Digby.

12. Sale or Destruction

- (1) If the dog is not claimed and registered, if applicable, under this Bylaw, and pound fees are not paid before the time fixed in the Dog Impound Notice, the Pound Keeper shall sell, for the best price obtainable, or kill the dog.
- (2) If the Pound Keeper, the Dog Control Officer or member of the Police force kills a dog under this Bylaw, that person shall cause the body of the dog to be retained for up to twenty-four (24) hours.
- (3) Within that time, the Pound Keeper, Dog Control Officer or member shall notify the owner, if the Pound Keeper, Dog Control Officer or member can determine the owner.
- (4) If the owner pays the Pound Keeper's fees, the owner shall be permitted to claim the body of the dog.
- (5) If the Pound Keeper sells the dog, the Pound Keeper shall report to the Dog Control Officer:
 - (a) the name and address of the purchaser, and
 - (b) the amount paid for the dog.
- (6) The Pound Keeper shall deliver to the Dog Control Officer all proceeds from the sale of any dog, and any other monies received by the Pound Keeper under this Bylaw, after deduction of the Pound Keeper's commission and fees.

13. Pound Keeper's Fees and Commission

- (1) The owner, or the Town, if the owner does not pay, shall pay to the Pound Keeper, as set out in Schedule 2, the following fees;
 - (a) for board for each dog, for each twenty-four (24) hour period and for any portion of a twenty-four (24) hour period, a sum set by Resolution of Town Council.

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- (b) for impounding a dog, a fee set by resolution of Town Council.
- (c) for room and board, a fee set by resolution of Town Council, per day, but a person purchasing an unclaimed dog shall not be required to pay these fees.
- (d) any extraordinary expenses incurred by the Pound Keeper for the dog.

- (2) The Pound Keeper is entitled to retain from the sale proceeds of any dog under this Bylaw, a commission of twenty (20%) percent of the sale price.
- (3) Every owner shall pay to the Town a fee set by Resolution of Town Council for each dog destroyed by the Town at the request of the owner.

14. Offences and Penalties

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine, and in default of payment, to a term of imprisonment as set forth in Schedule 1 of the Bylaw.
- (2) In imposing a penalty under Section 7 (3) (a) or (b), in addition to the penalties set out in Schedule 1 of the Bylaw, the judge may order that the dog be destroyed by the Pound Keeper or otherwise dealt with.
- (3) The levying and payment of any fine or the imprisonment for any period under Schedule 1 of this Bylaw does not relieve a person from the necessity of paying any fees, charges or costs for which the person is liable under this Bylaw.

15. Repeal

All Dog Bylaws of the Town now in force are hereby repealed.

Clerk's Annotation for Official Bylaw Book

Date of First Reading: 06 February 2006


Date of Advertisement of Notice of Intent to Consider: 15 February 2006

Date of Second Reading: 06 March 2006

*Date of Advertisement of Passage of Bylaw: 15 March 2006

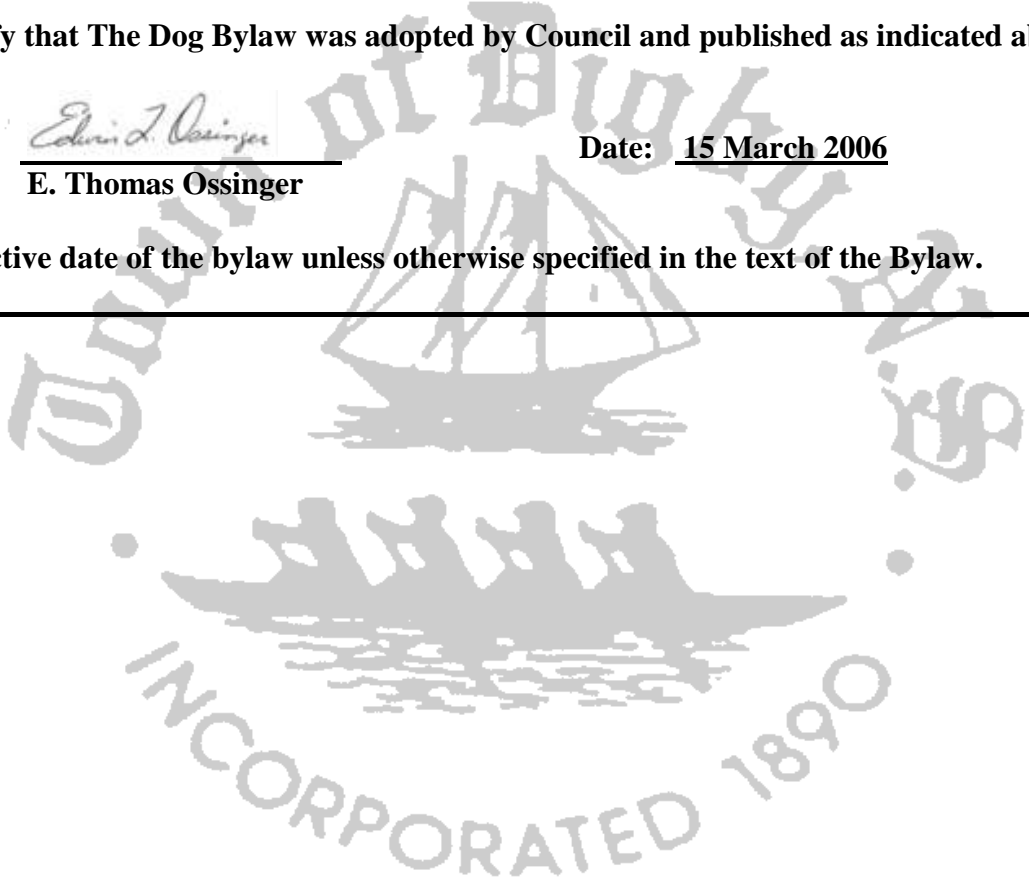
Date of mailing to Minister a Certified copy of Bylaw: 15 March 2006

I certify that The Dog Bylaw was adopted by Council and published as indicated above.

Clerk: 
E. Thomas Ossinger

Date: 15 March 2006

* Effective date of the bylaw unless otherwise specified in the text of the Bylaw.



SCHEDULE 1

OFFENCES AND PENALTIES

Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable upon summary conviction under:

1. **Section 4**, owning a dog for which the tax imposed by bylaw is not paid, to a fine of one hundred sixty-five (**\$165.00**) dollars and in default to a term of imprisonment of not more than thirty (**30**) days.
2. **Section 5**, owner fails to affix tag on dog, to a fine of ten (**\$10.00**) dollars and in default of payment to a term of imprisonment of not less than one (**1**) day and not more than thirty (**30**) days.
3. **Section 6**, owner neglects or refuses to comply with request and for every false statement made in respect thereof; to a fine of not more than twenty (**\$20.00**) dollars, and in default of payment, to term of imprisonment of not less than one (**1**) day and not more than thirty (**30**) days.
4. **Section 7 (1)** owner fails to prevent dog from running at large, to a fine of one hundred sixty-five (**\$165.00**) dollars and in default of payment to a term of imprisonment of not more than thirty (**30**) days.
5. **Section 7 (3) (a) and (3) (b)**, owning a dog which without provocation has attacked, chased, bitten or injured any other domestic animal or person or property, to a fine of three hundred thirty-seven dollars and fifty cents (**\$337.50**) and in default of payment to a term of imprisonment of not more than sixty (**60**) days.
6. **Section 7 (3) (c)**, owner leaves dog unattended, leashed or harnessed, and dog frightens or harasses passers-by, to a fine of not less than fifty (**\$50.00**) dollars and not more than two hundred (**\$200.00**) dollars and in default of payment to a term of imprisonment not more than thirty (30) days.
7. **Section 7 (3) (d)**, owning a dog which disturbs the quiet of the neighbourhood by howling, barking or in any other manner, to a fine of one hundred sixty-five (**\$165.00**) dollars and in default of payment to a term of imprisonment of not more than thirty (30) days.
8. **Section 7 (4)**, owner failing to remove from public or private property the defecation of a dog, to a fine of one hundred sixty-five (**\$165.00**) dollars and in default of payment to a term of imprisonment of not more than thirty (**30**) days.
9. **Section 7 (5)**, owner of dog (identified by breed; fierce or dangerous) who permits, suffers or allows said dog to be on any street or in any public place or any other place that is not owned or controlled by that person failing to ensuring that the dog is muzzled and physically

restrained, to a fine of three hundred thirty-seven dollars and fifty cents (**\$337.50**) and in default of payment to a term of imprisonment of not more than sixty (**60**) days.

10. Any other Section of this Bylaw shall be liable upon summary conviction to a penalty of not exceeding one thousand (**\$1000.00**) dollars and in default of payment to a term of imprisonment of not more than thirty (**30**) days.



SCHEDULE 2

Dog Tax, Pound Keeper's Fees, and Impound Fees

Dog Tax

- (1) For each *neutered male* and *spayed female* the annual tax shall be **\$15.00**
- (2) For each *non-neutered male* and *non-spayed female* the annual tax shall be **\$20.00**
- (3) Kennels, the annual tax shall be **\$25.00**

Dog Tag Lost or Destroyed

Replacement Dog Tag **\$5.00**

Pound Keeper's Fees

- (1) for board for each dog, for each 24 hr period or any portion thereof **\$ 5.00**
- (2) for impounding a dog, the fee shall be **\$10.00**
- (3) for room and board, the fee per day shall be **\$ 5.00**