

1. BE IT ENACTED — by the Council of the Municipality of the District of Digby, pursuant to authority contained in the *Municipal Government Act*, as follows:

### **DOG BYLAW # 2006-02**

#### **Definitions:**

1. In this bylaw:
  - 1) "Dog" has the meaning assigned to it by definition in the Municipal Government Act, as amended from time to time;
  - 2) "Owner", when used in reference to the owner of a dog, has the meaning assigned to it by definition in the Municipal Government Act, as amended from time to time;
  - 3) "Dog Control Officer" means that person appointed - by the C.A.O. or by the Council of the District of Digby - as either dog catcher or pound keeper or both, for the District;
  - 4) "Fierce or dangerous dog" means:
    - (1) any dog with a known propensity, tendency or disposition to attack, without provocation, another dog, any other domestic animal, any person or persons; or,
    - (2) any dog which has bitten, without provocation, another dog, any other domestic animal, or any person; or,
  - 5) "Extraordinary expense" means any expense incurred by the Dog Control Officer or Pound Keeper in relation to a dog except for the provision of food and shelter.

#### **Registration:**

2. Any person who is the owner of a dog, shall:
  - 1) register such dog with the Municipality , and
  - 2) obtain from the Municipality an identification tag for such dog, and
  - 3) securely attach such identification tag to that same dog.

3. Any person who becomes the owner of a dog shall, within thirty (30) days of so becoming, comply with the requirements outlined in this bylaw.

**Exceptions and Exemptions:**

4. Notwithstanding the previous clauses, the owner of a dog which is less than six (6) months old is exempted, until that dog becomes six (6) months old, from the requirement of registering said dog and the acquiring of an identification tag.

5. The owner of a dog that is trained to assist, and does assist, a person with a disability is exempt from any registration fee that may hereafter apply by way of this bylaw.

6. An identification tag may be removed from a dog temporarily when and if the dog is being used, lawfully, for hunting purposes.

**Identification Tag:**

7. The identification tag shall be valid and effective for the life of the dog or the repeal of this bylaw, whichever occurs first.

8. An identification tag is non-transferable thus a new owner of a dog shall reregister the dog and obtain a new identification tag pursuant to this bylaw.

9. In the event that an identification tag has been lost, a replacement tag may be purchased for a fee of One Dollar (\$1.00).

**Information to the Dog Control Officer:**

10. The owner of a dog shall, at the time of registration, provide to the Municipality the name, breed and description of the dog with the name and address of the owner.

11. Any owner within the Municipality who sells or transfers any dog shall report to the Municipality 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 Municipality.

12. The Dog Control Officer may give Notice, in writing and by registered mail, to any person residing within the District of Digby that such person shall provide, within ten (10) days, or such longer time as may be outlined in the Notice, to the Municipality, a written statement of the number of dogs possessed, controlled or harbored by that person.

13. The owner of any kennel upon the sale of any dog to a resident of the District of Digby shall give notice to the Municipality stating the name of the buyer, the date of sale, the breed and the approximate date of birth of the dog.

**Dog Control Responsibilities:**

14. Any dog which is off the premises of its owner and is not under the effective restraint or control of some person is deemed to be running at large.

15. The owner of a dog:

- 1) which is deemed to be, or have been, running at large;
  - 2) who has failed to register their dog;
  - 3) which is fierce or dangerous; or
  - 4) which, without provocation, has attacked or injured any person or property;
  - 5) persistently disturbs the quiet of any neighborhood between the hours of 9:00pm and 9:00 am by barking, howling or in any other manner;
- is guilty of an offence against this bylaw.

16. (1) In accordance with Sec. 176 of the Municipal Government Act, — where a Peace Officer believes, on reasonable grounds, that a person is harboring, keeping or has under care, control or direction a dog that:

- 1) is fierce or dangerous; or
- 2) is rabid or appears to be rabid; or
- 3) exhibits symptoms of canine madness; or
- 4) persistently disturbs the quiet of a neighborhood between the hours of 9:00pm and 9:00 am by barking, howling or otherwise

a Justice of the Peace may, by warrant, authorize and empower the person named in the warrant to:

- a) enter and search, at any time, the place where the dog is; and
- b) open or remove any obstacle preventing access to the dog; and

c) seize and deliver the dog to the pound and for such purpose break, remove or undo any fastening of the dog to the premises.

(2) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

(3) The Peace Officer shall appear before, and satisfy, the Justice of the Peace of the grounds for belief before a warrant pursuant to this Section may be issued.

**The Pound:**

17. The Council may, by resolution, establish one or more pounds for dogs, appoint keepers thereof as well as remuneration for same.

18. The keeper of a dog pound shall receive, impound and hold, feed water and shelter - all dogs delivered to the pound and shall keep the pound in a reasonable state of cleanliness.

19. Upon a tagged dog being impounded, the Dog Control Officer shall make all reasonable efforts to notify the owner of the dog.

20. Upon an untagged dog being impounded, the Dog Control Officer shall give notice of such impounding by posting in the Municipal Office Building, a notice in the following form:

**TAKE NOTICE that a dog (insert brief description ) has been impounded in the animal pound of the Municipality of the District of Digby, at \_\_\_\_\_ and unless such dog is claimed (and registered) not later than (hour, day and date) the said dog may be destroyed or disposed of according to law.**

**DATED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_,**

**(Name of Dog Control Officer)**

21. Notwithstanding the foregoing, any dog which is impounded pursuant to either clause 15 or 16 above may be destroyed, by the pound keeper or Dog Control Officer, without Notice of any kind to the owner or possible owner.

22. If, within 5 days from the time of impounding - or in the case of a Notice within 5 days from the posting of such Notice - the dog is not claimed or not registered according to this bylaw, the pound keeper or the Dog Control Officer may dispose of the dog, either by selling it or by destroying it.

### **Pound Fees:**

23. In the case of dogs which are eligible to be redeemed from the pound by an owner, if the owner of a dog wishes to claim it before it is sold or destroyed, the owner may redeem said dog upon payment of:

1. an impounding fee of \$20.00 first offence and \$40.00 second offence and \$60.00 third offence (in the latter two cases within any 12 month span); and
2. a boarding fee of \$5.00 for each dog for each 24 hour period, or any portion thereof, of retention at the pound; and
3. any other extraordinary expenses incurred in relation to the capture, impounding, maintenance or care of the said dog.

24. It shall be an offence against this bylaw for any person to remove any dog from the pound without first having paid the impounding fee and any other fees required by the bylaw.

25. Any person resident within the District of Digby who purchases an unregistered dog from the pound keeper or Dog Control Officer shall register the dog according to this bylaw before such dog is removed from the pound.

26. The Dog Control Officer may charge a fee to be paid by any owner requesting the services of the Dog Control Officer or pound keeper in euthanasia of their dog. The fee shall be appropriate to cover all necessary expenses incurred by the Municipality in carrying out the euthanasia of the dog.

*Increase this fee from \$50 to \$60 to cover costs*

### **Penalties:**

27. Any person who violates any provision of this bylaw shall be guilty of an offence and liable, upon summary conviction under:

- 1) Section 15(1), owning a dog which is deemed to be, or have been, running at large, to pay a fine of two hundred dollars (\$200.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 2) Section 15(2), in the case of a first offence - owning a dog and has failed to register their dog, to pay a fine of one hundred dollars (\$100.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.

- 3) Section 15(2), in the case of a second offence - owning a dog and has failed to register their dog, to pay a fine of one hundred and fifty dollars (\$150.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 4) Section 15(2), in the case of a third offence - owning a dog and has failed to register their dog, to pay a fine of two hundred dollars (\$200.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 5) Section 15(3), owning a dog which is fierce or dangerous, to pay a fine of two hundred dollars (\$200.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 6) Section 15(4), owning a dog which, without provocation, has attacked or injured any person or property, to pay a fine of three hundred dollars (\$300.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 7) Section 15(5), owning a dog which persistently disturbs the quiet of a neighborhood between the hours of 9:00pm and 9:00 am by barking, howling or otherwise to pay a fine of two hundred dollars (\$200.00) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 8) Any other section of this By-Law, a fine of not less than \$ 100.00, and not more than \$ 1000.00, and in default of payment, to imprisonment for a period not to exceed 30 days.

28. Any person who contravenes Sections 15 (1) (2) (3) (4) & (5) of this bylaw and who is given notice of the contravention may pay to the Municipality, at the place specified in the notice, the sum noted in Section 27, for first time offense, within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

**Repeal:**

By-law 2000-01 (Dogs) and any amendments thereto of the Municipality of the District of Digby, is hereby repealed.

THIS IS TO CERTIFY THAT the foregoing is a true copy of a bylaw passed at a duly called and convened meeting of the Council of the Municipality of the District of Digby held on the 20th day of November, 2006

Given under the hands of the Warden and Chief Administrative Officer and the Seal of the Municipality of the District of Digby this 22<sup>nd</sup> day of November, 2006.

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James R. Thurber, WARDEN

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Linda Fraser, Chief Administrative Officer

**FIRST READING**  
**“NOTICE OF INTENT” PUBLICATION**  
**SECOND READING**  
**MINISTERIAL APPROVAL**  
**DATE OF PUBLISHING**  
**FORWARDED TO THE MINISTER**

**OCTOBER 30, 2006**  
**NOVEMBER 9, 2006**  
**NOVEMBER 20, 2006**  
**NOT REQUIRED**  
**NOVEMBER 29, 2006**  
**NOVEMBER 23, 2006**