

Municipality of the District of Lunenburg

A BYLAW RESPECTING DOGS

Preamble

WHEREAS it is the intent of this Bylaw to deal with dogs running at large, dogs that are fierce and dangerous, and dogs that persistently bark;

AND WHEREAS it is not the intention of the provisions of this Bylaw which deal with persistently barking dogs to prevent what would be reasonably considered to be normal barking or to prevent the responsible operation of kennels which have taken reasonable steps to limit or control the amount of noise emanating therefrom.

Short Title

1. This Bylaw shall be known and may be cited as the “Dog Bylaw”.
2. In this Bylaw unless the context otherwise indicates:

Definitions

- (a) “clerk” means the Municipal Clerk for the Municipality;
- (b) “coyote” means the animal commonly known as “Canis Latrans”;
- (c) “coyote hybrid” means any animal resulting from the breeding of a coyote with a domestic dog or the breeding of a coyote of its offspring with a domestic dog, and includes the offspring resulting from the breeding of a coyote hybrid with another coyote hybrid;
- (d) “dog” means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal and shall include coyote, coyote hybrid, wolf, and wolf hybrid;
- (e) “dog control officer” means the person appointed as dog control officer by the Municipality and approved by the solicitor-general pursuant to section 44 of the Police Act, R.S.N.S., 1989, c. 348;
- (f) “deputy registrar” means a deputy registrar appointed under the provisions of this Bylaw;
- (g) “fierce or dangerous dog” means any dog which has bitten a person or animal in a manner dangerous to that person or animal, without provocation; **[amended Dec 12, 2006]**
- (h) “Municipality” means the Municipality of the District of Lunenburg;
- (i) “ordinarily resident” means ordinarily resident as defined by subsection (7) of Section 5;
- (j) “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;
- (k) “peace officer” means a police officer, police constable, or other person employed for the preservation and maintenance of the public peace;
- (l) “wolf” means the animal commonly known as “Canis Lupus”;
- (m) “wolf hybrid” means any animal resulting from the breeding of a wolf with a domestic dog or the breeding of its offspring with a domestic dog, and includes the offspring resulting from the breeding of a wolf hybrid with

another wolf hybrid;

(n) “persistently barking dog” means:

- (i) other than a dog at a kennel, a dog that, unprovoked, barks, howls, or otherwise makes noise, persistently and for a prolonged period, in such a manner that disturbs the quiet of the neighbourhood; or
- (ii) a dog at a kennel that, unprovoked, barks, howls or otherwise makes noise, persistently and for a prolonged period in such a manner that disturbs the quiet of the neighbourhood, except where the operator of the kennel has taken all reasonable steps to control and limit such noise, including all reasonable sound abatement, modifications or procedures recommended by the Municipality.

(o) “kennel” means a facility for the boarding and/or breeding of dogs operated commercially and assessed for taxes as a commercial property.

Kennels

3. The owner of a Kennel of pure-bred dogs, that are registered with the Canada Kennel Club may, in any year, pay a fee set by Council by recorded resolution as a fee upon the kennel for that year and upon payment of such amount, the owner of the kennel is exempt from any further fee in respect to dogs for that year.

Deputy Registrar

4. The Council may appoint Deputy Registrars of Dogs as issuers of tags and licenses and shall pay such Deputy Registrars as amount to be determined from time to time.

Registration

5. (1) (a) Subject to subsection 1 (b), the owner of a dog shall registrar each dog with the Clerk, Dog Control Officer or Deputy Registrar of Dogs, on or before the first day of April in each year. Upon registration the owner of a dog shall pay a registration fee of \$13.00 for each neutered dog and \$25.00 for each unneutered dog. A Certificate from a veterinarian shall be provided to the Clerk, Dog Control Officer or Deputy Registrar of Dogs for proof of neutering. The fee herein described shall be payable on or before the first day of April in each year.

(b) Provided, however, if an owner of a dog provides a certificate from a veterinarian, or if the Dog Control Officer is satisfied, that the dog is either too young or too old to be neutered, the registration fee for

such dog shall be the fee for a neutered dog.

- (c) Provided, however, if an owner of a dog, who has received notice from the Dog Control Officer or a Deputy Registrar of Dogs, that he must register his dog within thirty (30) days after the due date of dog taxes or thirty (30) days after the demand for dog tax, whichever is later, and if he pays the registration fee as required by this Bylaw and within the time limits stated herein, he shall receive a discount of \$5.00 for each dog registered and licensed.
- (2) The owner of a dog who has become owner thereof after the first day of April and which dog is not registered in his name with the Clerk, Dog Control Officer, or a Deputy Registry of Dogs, shall, within one (1) week after he has become the owner, register the dog and pay the registration fee.
- (3) A registration fee paid at any time after the first day of April shall be the same amount as the registration fee required to be paid on or before the first day of April notwithstanding that it is for only part of a year.
- (4) Registration made and fee paid after the first day of April shall be effective until the thirty-first day of March next following the making and payment thereof.
- (5) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.
- (6) Subsections (1) and (2) of this section shall not apply to an owner of a dog who is not ordinarily resident within the Municipality of the District of Lunenburg, and whose dog is registered or licensed where that person is ordinarily resident.
- (7) The place where a person is ordinarily resident is:
 - (a) if a the person is a married person;
 - (i) at the place where his family lives and sleeps and to which, when away, he intends to return, or
 - (ii) if he is living apart from his family with the intent to remain so apart from it, then at the place where he usually lives and sleeps and to which, when away, he intends to return, without regard to where he takes his meals or is employed; and
 - (b) if the person is not married, at the place where he usually lives and sleeps, and to which, when away, he intends to return, without

regard to where he takes his meals or is employed or where his family lives and sleeps.

Records

6. The Clerk, Dog Control Officer, or Deputy Registrars of Dog shall keep a record of every dog registered, showing the date and number of registration and the name and address of the owner. The owner shall furnish this information to the Clerk, Dog Control Officer, or a Deputy Registrar of Dogs at or before the time of registration.

Tags

7. (1) The Clerk, Dog Control Officer or a Deputy Registrar of Dogs shall supply the owner with a tag for each dog registered with the number and year of registration subscribed thereon, and the owner of every registered dog shall keep on such dog a collar with the tag attached thereto.
- (2) A tag may be removed from a dog temporarily when the dog is being lawfully used for hunting purposes.
- (3) If an owner files with the Clerk a Statutory Declaration that a tag has been lost, the Clerk may replace the tag that has been lost upon payment by the owner of a fee to be set by recorded Resolution.

Sale of Dogs

8. (1) Any owner, including the owner of a kennel of pure-bred dogs, which are registered in the Canada Kennel Club, shall report to the Clerk, Dog Control Officer, or a Deputy Registrar of Dogs, the sale or transfer of such dogs, the name and address of the person to who it was sold or transferred and the number of the registration as shown on the tag issued by the Clerk.

Transfer

- (2) The Clerk, Dog Control Officer, or a Deputy Registrar of Dogs shall transfer the registration of such dog to the new owner thereof on payment of the amount by which the registration fee on the dog to the new owner thereof on payment of the amount by which the registration fee on the dog to the new owner would exceed any registration fee paid on the dog that year by the previous owner or in any other case, without charge.

Offences

9. (1) The owner of a dog:
- (a) which runs at large contrary to this Bylaw; or
 - (b) which is fierce or dangerous, or
 - (c) which without provocation has attacked or injured any person, or
 - (d) which is a persistently barking dog, or

- (e) other than a dog that is trained to assist and is assisting a person with a disability, which fails to remove the dog's defecation from public property or private property other than the owner's, unless the owner is denied access by a property owner, **[amended Dec 12, 2006]** is guilty of an offence and liable to a penalty not exceeding one thousand dollars (\$1,000) and in default of payment to imprisonment for a term not exceeding thirty (30) days.
- (2) Any person who keeps or possesses a fierce or dangerous dog is guilty of an offence and liable to a penalty not exceeding one thousand dollars (\$1,000) and in default of payment to imprisonment for a term not exceeding thirty (30) days.
- (3) Any person who keeps or possesses a persistently barking dog is guilty of an offence.
- (4) No dog shall be permitted to leave the premises of its owner unless it is under effective restraint and control.
- To Be Kept Under Control
- Fierce and Dangerous Dogs
10. (1) Any Peace Officer or Dog Control Officer may, without notice to or complaint against the owner, kill a dog which is fierce or dangerous that is off of the owner's property. (Procedure approved by Council - see attached).
- (2) Any Peace Officer or Dog Control Officer shall follow the specified procedure to impound or destroy a fierce or dangerous dog located on the owner's property. (Procedure approved by Council - see attached).
- Impounding and Destroying
11. (1) The Dog Control Officer or any Peace Officer, may without notice to or complaint against the owner, impound any dogs and then sell or otherwise dispose of any dogs in accordance with the provisions of this Bylaw,
- (i) that run at large contrary to this Bylaw;
- (ii) in respect of which the fee or tax imposed by this Bylaw has not been paid; or
- (iii) that are rabid, or appear to be rabid or exhibiting symptoms of canine madness; or
- (iv) is a persistently barking dog".
- (2) The Dog Control Officer or any Peace Officer may, without notice to or complaint against the owner, impound dogs that are fierce or dangerous. Fierce or dangerous dogs which have not been redeemed

- in accordance with the provisions of this Bylaw shall be destroyed by the Dog Control Officer or licensed veterinarian.
- (3) Any Peace Officer or Dog Control Officer shall follow the specified procedure before impounding a persistently barking dog. (Procedure approved by Council - see attached).
- Redeeming of Dogs Unregistered and Unlicensed 12. (1) The owner of any dog, not registered which has been impounded, may upon proving their ownership thereof, and the payment to the Clerk, Dog Control Officer or a Deputy Registrar of Dogs of the registration and the boarding or any other fees, may redeem their dog.
- (2) Any dog which is injured, sick or otherwise in need of medical care when apprehended by the Dog Control Officer shall receive basic treatment so that life is not endangered and that pain is reduced consistent with humane principles.
- (3) Such costs shall be recovered from the owner before the dog is released to him or from the purchaser if the dog is sold.
- (4) If the dog is not released to its owner, or sold, the cost of such treatment may be recovered as a debt from the owner, if known.
- Sale of Dogs 13. (1) Any dog which has not been redeemed in accordance with Section 12 at the expiration of forty-eight (48) hours after the time of the impounding of the dog, shall be offered for sale for a period of forty-eight (48) hours and may be sold within that period by the Dog Control Officer for a sum not less than twenty dollars (\$20).
- (2) Any person resident within the Municipality purchasing an unregistered dog from the Dog Control Officer shall register the dog before taking him from the pound.
- (3) Any dog which has not been redeemed in accordance with Section 12 or sold in accordance with Section 13 (1) at the expiration of ninety-six (96) hours after the time of the impounding of the dog, may be transferred to an animal shelter if the Dog Control Officer is of the view that another home could be found for it, and if not so transferred shall be destroyed by the Dog Control Officer or a licensed veterinarian.
- Impounding Registered Dogs 14. (1) Where a dog has been impounded and that dog has a current year tag affixed to its collar, then the Dog Control Officer shall notify the owner by registered mail that their dog is impounded outlining the conditions by which the owner has the right to redeem their dog.

- (2) The owner of any registered dog which has been impounded, upon proving their ownership, and upon the payment to the Clerk, Dog Control Officer, or Deputy Registrar of Dogs of the boarding and any other fees, may redeem their dog.
- (3) Where the registered owner of a registered dog which has been impounded fails to notify the Dog Control Officer of his intention to redeem the dog and pay the boarding fees or notifies the Dog Control Officer and refuses to pay the boarding fees, then at the expiration of ninety-six (96) hours after the time of posting of the letter, the dog shall be offered for sale for a period of forty-eight (48) hours and may be sold within that period by the Dog Control Officer for a sum not less than twenty dollars (\$20).

- Penalty
- 15. (1) Every owner who neglects to register his dog or neglects to keep a tag securely fixed on his dog, excepting while the dog is being lawfully used for hunting purposes, or who uses a tag upon a dog other than for which it was issued, shall be liable to a penalty of:
 - (i) for a first offence to a fine of not less than One Hundred Dollars (\$100);
 - (ii) for a second offence to a fine of not less than Two Hundred Dollars (\$200);
 - (iii) for each subsequent offence to a fine of not less than Three Hundred Dollars (\$300).

- Order for Payment of Registration and License Fees
- (2) Upon conviction for a violation of Subsection (1), in addition to any penalty imposed under Subsection (1), a justice or magistrate may order the defendant to pay the fee for the registration of his dog and in default of payment, to be imprisoned for a period not exceeding twenty (20) days. Upon payment of the fee for registration, the defendant shall receive a dog tag if otherwise entitled thereto.
 - (3) Subsection (1) and (2) shall not apply to an owner of a dog who is not ordinarily resident within the Municipality of the District of Lunenburg.
- 16. (1) (a) The Clerk or Dog Control Officer may require the owner of a dog to deliver in writing a statement of the number of dogs owned or harboured, or that are habitually kept upon the premises occupied by the owner.

(b) The owner of a dog who neglects or refuses to provide a statement required in subsection (a) within the ten days after having received notice requiring it to be provided is guilty of an offence under this Bylaw.

17. Any person who violates any provision of this Bylaw for which no penalty is expressly provided heretofore, shall be liable on conviction to a penalty not exceeding two hundred and fifty (\$250) dollars, and in default of payment to imprisonment for a period not exceeding thirty (30) days.

Repeal 18. Chapter VI of the Bylaws of the Municipality of the District of Lunenburg, "Dogs", as approved by the Minister of Municipal Affairs on May 24, 1977, and amendments thereto, is hereby repealed and this Bylaw substituted therefore.

**DOG BYLAW PROCEDURE
FOR THE KILLING OF FIERCE OR DANGEROUS DOGS**

1. The Dog Control Officer shall immediately upon receiving a complaint of a dangerous or fierce dog shall go to the site to investigate.
2. The Dog Control Officer shall determine whether the dog is dangerous or fierce:

A dog shall be considered to be dangerous or fierce if it has:

without provocation has attacked or injured any person, or animal. **[amended Dec 12, 2006]**

Dog Off Owner's Property

3. If the Dog Control Officer is satisfied that a dog is fierce or dangerous and is running at large, off the owner's property, the dog shall be impounded and destroyed.

Dog On Owner's Property

4. If the Dog Control Officer is satisfied that a dog is fierce or dangerous and is not running at large, or is on the owner's property, the Dog Control Officer shall immediately attempt to contact the dog's owner to determine if the owner will promptly have the fierce and dangerous dog destroyed. If the owner cannot be immediately contacted or will not have the fierce or dangerous dog promptly destroyed, the Dog Control Officer shall immediately initiate the following process to obtain a warrant from a Provincial Court Judge to enter upon the owner's property and impound the dog.
 - (a) The Municipal Office shall be advised of the necessity of obtaining a warrant.
 - (b) The Dog Control Officer shall prepare a report setting out the name of the complainant, the dog owner's name, the nature of the complaint, names of any witnesses and any other relevant information.
 - (c) The Municipal Solicitor shall then be contacted to take whatever action is necessary to obtain the warrant.
5. Once a warrant has been obtained, the Dog Control Officer, accompanied by an RCMP Officer, shall go to the dog owner's premises and impound the dog.

**DOG BYLAW PROCEDURE
FOR THE KILLING OF FIERCE OR DANGEROUS DOGS**

Undetermined Status

6. If the Dog Control Officer cannot conclude that a dog is fierce or dangerous, the Dog Control Officer shall report his findings to the Municipal Office for further instructions.

Approved at June 11, 2002 Council Meeting

**DOG BYLAW PROCEDURE
FOR IMPOUNDING A PERSISTENTLY BARKING DOG**

1. Upon receipt of a complaint about a persistently barking dog, the Dog Control Officer shall go to the site to investigate.
2. The Dog Control Officer shall determine whether the dog is persistently barking, howling or otherwise making sounds so as to disturb the quiet of the neighbourhood. The Dog Control Officer can make this determination by personal observation and/or by contacting the complainant and sufficient other neighbours to obtain information so as to satisfy the Dog Control Officer that a dog was persistently barking at the subject property or location.
3. If the Dog Control Officer determines that a dog is persistently barking, the Dog Control Officer shall contact the dog's owner, the property owner, or the person having care and custody of the dog, to advise of the complaint and the determination that the dog has been deemed to be persistently barking by the Dog Control Officer. The Dog Control Officer shall issue a written warning to the dog's owner by registered mail.
4. When a second complaint about a dog persistently barking at the subject property or location is received, the Dog Control Officer shall again investigate. If the Dog Control Officer confirms that a dog is again persistently barking at this location, the Dog Control Officer shall issue a Summary Offence Ticket to the dog's owner.
5. On the third and any subsequent occasion when a complaint about a dog persistently barking at the subject property or location is received, or the Dog Control Officer makes a follow-up inspection, and the Dog Control Officer confirms that a dog is again persistently barking at the same property or location, the Dog Control Officer shall impound the dog and issue an impoundment notice.
6. On the fourth and any subsequent occasion when the Dog Control Officer determines either from a complaint or by personal observation that a dog is again persistently barking at the same property or location, in addition to the Dog Control Officer impounding the dog, the Dog Control Officer shall issue a Summary Offence Ticket to the owner.

Approved at June 11, 2002 Council Meeting

Excerpt from March 27, 2012 Council Minutes

RECOMMENDATIONS/REFERRALS FROM COMMITTEES & BOARDS

9.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

9.1.2 - Elimination of Yearly Dog Tag Tax and Allow for One-time Tag Purchase

Moved by Councillor Carver, seconded by Councillor Veinot that Council accepts the recommendation of the Committee of the Whole and approves the elimination of the yearly dog tag tax and allow for a one-time tag purchase for the life of a dog; and further, that it be implemented as a voluntary system.

Concern was expressed by some about the change that is proposed to a one-time dog tag purchase. Some of the reasons noted for opposing it were:

- the number of registered dogs is down – maybe only 1/3 of the dogs are actually registered – the registered numbers could decrease more with the change
- revenue loss by the Municipality
- as it's a voluntary system, many dog owners will not purchase tags
- if the Dog Control Officer needs to pick up a dog reported to be running at large, and if the dog doesn't have a tag, there will be no way to identify the owner

Some feel that the current dog tag system, as well as the recommended system, are both unfair, as only conscientious dog owners register their dogs. As the numbers greatly increase when a door-to-door registration of dogs is done, it was suggested that maybe we should be looking at doing that again.

Ms. Whynot-Lohnes reported on some of the costs associated with the registration of dogs and dog control in the Municipality.

Ms. Wilson noted that we are in the process of getting the tax bills printed, so a decision will have to be made soon, otherwise we will have to continue with the system we have now.

The motion to change to a one-time dog tag purchase system for the life of the dog was carried.