THE MUNICIPALITY OF THE COUNTY OF RICHMOND
LA MUNICIPALITÉ DU COMTÉ DE RICHMOND

DOG CONTROL BY-LAW – BY-LAW #70

1. Title and Purpose

1.1. This by-law shall be known and may be cited as the "Dog Control By-law" and is enacted to provide for the orderly control of dogs in the Municipality of the County of Richmond. All fees referenced in this by-law shall be set by policy and amended by Council from time to time.

2. Definitions

2.1. **"Attack"** means to injure, bite, threaten, or an assault resulting in real or perceived injury to another person or animal.

2.2. **"Bite"** means wound, pierce, or penetration of the skin by a tooth or teeth.

2.3. **"Canine Madness"** means a dog exhibiting conditions of insanity or rage.

2.4. **"Dog"** means any dog, male or female, of any age, or any canine animal that is the result of the breeding of a dog and any other canine animal.

2.5. **"Dog Control Officer"** means a Constable, Peace Officer, or any person(s) authorized by the Municipality of the County of Richmond to enforce this by-law and all its provisions and approved to enforce this by-law under the Police Act and to issue Summary Offence Tickets pursuant to this by-law and the Summary Proceedings Act.

2.6. **"Emergency"** means a present or imminent event where a Dog Control Officer believes immediate action must be undertaken to protect the health, safety, or welfare of people and/or animals.

2.7. **"Fierce or Dangerous"** means any dog:

a) that, in the absence of a mitigating factor as defined herein,

i) attacks, or injures a person;

ii) attacks or injures a domestic animal; or

iii) when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack

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upon streets, sidewalks, any public grounds or places, or on private property.

b) that is known to have exhibited a pattern of aggressive or dangerous behaviour without a mitigating factor;

c) that attacks or demonstrates a propensity, tendency, or disposition to attack a person or animal, either on public or private property;

d) that has caused injury to or otherwise endangered the safety of a person or animal;

e) that threatens any person or domestic animal;

f) that is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.

Except for Section 2.7 (b), no dog shall be deemed a "fierce or dangerous dog" solely because it bites, attacks or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behavior acting in defense to an attack from a person or animal or acting in defense of its young or is a professionally trained guard dog for law enforcement or guard duties.

2.8. **"Holiday"** means a day on which normally scheduled work is suspended by law or municipal policy.

2.9. **"Kennel**" means an establishment for the breeding or boarding of dogs as a commercial service, or for sport or exhibition purposes.

2.10. **"Leash"** means a device used by a person to restrict movement of an animal which is adequate for the purpose**.**

2.11. **"License"** means a license/tag/registration issued pursuant to this by-law.

2.12. **"Mitigating Factor"** means a circumstance which excuses the aggressive behavior or actions of a dog where:

a) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser or individual who, through inadvertence, entered the property occupied by its owner;

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b) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;

c) the dog was acting in reasonable defense of itself, its owner, or another person against an imminent threat;

d) the Municipality determines, through consultation with a veterinarian or other qualified person, that there is another circumstance that excuses the aggressive behavior of a dog.

2.13. **"Municipal Kennel"** means such premises and facilities designated by the Municipality as a dog kennel for the keeping and disposition of impounded animals.

2.14. **"Muzzle"** means a humane covering device of sufficient strength placed over a dog's mouth to prevent it from biting.

2.15. **"Noise"** means an unwanted sound or activity that unreasonably disturbs the quiet, peace, rest, enjoyment, comfort of convenience of a neighbourhood of the Municipality or a part thereof.

2.16. **" Off-leash Area"** means a marked location that has been designated by the Municipality as an area where owners can allow dogs to roam without a leash. Guidelines for off-leash areas are established through policy.

2.17. **"Owner" means any person or body corporate:**

a) who is the licensed owner of a dog;

b) who has legal title to a dog;

c) who has possession or custody of a dog, either temporarily or permanently;

d) who has care or control of a dog; or

e) who harbours a dog, or allows a dog to remain on his/her premises.

Where such a person is a minor, "owner" includes the parent, guardian, or custodian of such a person.

2.18. **"Owner of Premises**" includes a tenant, occupier, a part owner, joint owner,

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tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, an agent, a mortgagee in possession, an attorney under a valid power of attorney or a person having the care or control of the land or building.

2.19. **"Running at Large"** means:

a) a dog is off the property owned or occupied by the dog's owner and is not under control by a leash or harness; or

b) a dog is on the property owned or occupied by the dog's owner but is tethered on a tether of sufficient length to permit the dog to leave that property.

Any dog that is off the property of its owner without being under the apparent restraint or control of a person shall be deemed to be running at large for the purpose of this by-law. In all areas of the Municipality, the owner of a dog shall, while the dog is off the property occupied by the owner, keep the dog under control by means of a harness or leash. The dog shall be deemed to be running at large where the owner fails to use such apparatus.

Notwithstanding this definition, dogs participating in a designated off-leash area are not considered to be 'running at large.'

2.20. **"Service Dog"** means any dog trained to do work or perform tasks for the benefit of an individual with a disability or used for search and rescue or law enforcement.

2.21. **"Tag"** means license as defined in this by-law.

2.22. **"Threatens"** means un-muzzled, leashed or unleashed, or unattended by its owner, or a member of the owner's family, in a vicious or terrorizing manner, and approaches in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner, to any person or animal.

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3. Registration and Fees

3.1. To register a dog, the owner must pay a registration fee and provide the information as outlined in Section 3.3. If the dog is under one year old, the owner must pay an initial registration fee. Once the dog turns one year old, the owner must pay for the lifetime registration. The owner is also responsible for replacing any lost tag.

3.2. Every owner of a dog shall, within thirty (30) days of having become owner, register such dog with municipal staff, and obtain from the Municipal Administration Office a tag for such dog. Tags shall bear a serial number and a year of registration stamp.

3.3. The owner of a dog shall provide the Municipality with the following upon registration:

a) Name, civic address, mailing address, and telephone number of the owner;

b) Name, breed, and approximate age of the dog;

c) Description of the dog, including whether the dog is male or female, spayed or unspayed, neutered or unneutered as the case may be;

d) A recent photo of the dog, to be updated at the one-year mark or upon request;

e) Identification information such as micro-chip implants, tattoos, or other special markings;

f) Emergency or alternate contact in the event the dog has been found; and

g) At the discretion of the owner, any pertinent information the owner feels may help in identifying the dog, such as temperament, inoculations, or other identifying characteristics.

h) Upon receipt of this information, the Municipality shall supply the owner with a tag and directions respecting the placement of the tag and a receipt.

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i) The Municipality shall be notified immediately of any changes to the information required under this section.

3.4. Where a registered dog has died or is sold or given to another owner, the registered owner shall, within thirty (30) days, notify the Municipality in writing of the same, providing the dog's registration number and new owner's name and contact information.

3.5. On receiving notice of the death of a registered dog, the Municipality shall cancel its registration.

3.6. Dog registration fees are not refundable on the death of a registered dog.

3.7. Any person who becomes the owner of a registered dog is subject to a change of owner registration/administration fee, and shall, within thirty (30) days of becoming the owner, provide the Municipality with a written confirmation of ownership, giving the dog's registration number and such other particulars as required, including the new owner's full contact information.

3.8. The owner shall not use the tag issued for one dog on any other dog.

3.9. The owner of every dog shall keep on the dog, a collar with the tag issued for that dog by Municipality at the time of registration and such tag shall be kept securely fixed on the dog at all times while in a public place, accepting that the tag may be removed for hunting purposes.

3.10. The owner of a dog shall deliver in writing to the Dog Control Officer a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner, within ten (10) days after having received notice requiring it to be provided.

3.11. The Municipality shall keep a record of every dog registered, showing the date and number of the registration, the name and description of the dog with the name and address of the owner, and the respective registration category.

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4. Exemptions

4.1. Notwithstanding any of the foregoing, the following exemptions may apply:

a) a stray dog that is harboured for less than six (6) months is exempt from registration fees;

b) a service dog as defined in Section 2.20 of this by-law, that is trained to assist and regularly assist a person shall be registered, but is exempt from any registration fee (evidence of certification may be required at the discretion of the Municipality);

c) if Council authorizes by recorded resolution a fee to be paid by the owner of a kennel of pure-bred dogs that are registered with the Canadian Kennel Association as an annual tax upon the kennel, upon payment of such fee the owner of the kennel is exempt from any further fee in respect to dogs kept at the kennel that year.

5. Responsibilities of the Owner

5.1. Every owner of a dog:

a) whose dog runs at large;

b) whose dog is not wearing a tag required by this by-law;

c) whose dog is not licensed pursuant to this by-law;

d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;

e) whose dog, at any time without the presence of a mitigating factor, has attacked or injured any person or animal;

f) who harbours, keeps, or has under care, control, or direction, a dog that is fierce or dangerous;

g) whose dog damages public or private property;

h) who fails to remove the feces of such dog, other than a service dog that is trained to assist and assisting a person with a disability from public property or private property other than the owners.

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i) who sells or transfers a registered dog and does not report the sale or transfer to the Municipality within thirty (30) days, along with the name and address of the person to whom the dog was sold or transferred, a description of the dog, and the dog's registration number;

j) who fails to provide a statement, when requested by the Municipality in writing within ten (10) days of receiving notice, regarding the number of dogs owned, harboured, or habitually kept on the premises of the owner;

k) who obstructs or hinders the Dog Control Officer in the performance of their duties;

is guilty of an offence under this by-law.

6. Impoundment

6.1. The Dog Control Officer, without notice or complaint against the owner of a dog, may impound a dog in circumstances where the Dog Control Officer reasonably believes the dog:

a) is running at large contrary to this by-law;

b) is fierce or dangerous;

c) is a dog for which the registration fee has not been paid;

d) is rabid or appears rabid or exhibits symptoms of canine madness; or

e) persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise.

6.2. Notwithstanding subsection 6.1, the Dog Control Officer, without notice to, or complaint against the owner of any dog, may apply for a warrant to seize and impound any dog where the Dog Control Officer is investigating a report and reasonably believes a person is harbouring, keeping, or has under care, control and direction a dog that:

a) is rabid or appears to be rabid,

b) exhibits symptoms of canine madness,

c) is fierce or dangerous, or

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d) persistently disturbs the quiet of the neighbourhood or area, by barking, howling, or otherwise.

6.3. As outlined in Section 6.2, a Dog Control Officer may, under the authority of a warrant, empower the person named on the warrant to:

a) enter and search the place where the dog, at any time;

b) open and remove any obstacle preventing access to the dog; and

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

d) destroy the dog where the person named on the warrant is unable to seize the dog safely.

7. General Procedures After Impounding

7.1. Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality, and may be offered to the SPCA for adoption without further notice to the owner. Whenever the 72 hours impounding time expires on a weekend or holiday, the Dog Control Officer shall hold such dog until the expiry of the first business day following the weekend or holiday to permit the owner to redeem the dog.

7.2. If a dog without a tag is missing, the onus is on the owner of the dog to ascertain within seventy-two (72) hours of the dog being impounded, whether the dog has been impounded; neither the Dog Control Officer nor the Municipality shall incur liability in the event of failure to contact the owner.

7.3. Any dog with a tag shall require the Municipality to make at least one attempt to contact the registered owner of the dog using the tag number on the records at the Municipality. The registered dog may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality and may be offered to the SPCA for adoption.

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8. Dogs Repeatedly Running at Large

8.1. In cases where a dog has been captured or impounded on two (2) previous occasions while running at large within the past twelve (12) months, and the dog has a tag, the owner will be provided with:

a) A statement that the dog will be given away, sold, or destroyed by the Dog Control Officer, provided that the date of such action shall not be any less than five (5) days from the date of mailing of the notice; and

b) Notice that the owner may make written representations to the Municipality respecting the giving away, sale, or destruction of the dog by delivering to the Municipality such written representations two (2) days prior to the scheduled date that the dog will be given away, sold, or destroyed.

8.2. If a dog is without a tag and has been captured and impounded and is deemed to be impounded on two previous occasions, Section 7.1 applies.

8.3. 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 twelve (12) months, shall not be permitted to redeem such dog. The dog becomes the property of the Municipality and may be offered to the SPCA for adoption without further notice to the owner.

9. Dogs Causing Disturbance

9.1. Evidence that one person is persistently disturbed by a dog barking, howling, or otherwise shall be considered prima facie evidence that the ongoing peace of the neighbourhood is being disrupted, thereby warranting an investigation to determine whether the noise exceeds what is considered normal.

9.2. In determining what is “normal” in the context of this Section, the Dog Control Officer shall consider one or more, but not limited to, the following factors:

a) The time of day that the dog is reported as disruptive;

b) The frequency and duration of the reported disruptive behaviour; and,

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c) The proximity of neighbours and population density of the neighbourhood.

9.3. If it is determined, based on reasonable grounds, that a dog is being disruptive, as defined in this Section, the owner shall be subject to a penalty as outlined in Section 16.

9.4. The owner of any dog impounded for a third infraction of persistently disturbing the quiet of the neighborhood by barking, howling, or making other noise in violation of this by-law within a twelve (12) month period shall not be permitted to redeem the dog. The dog shall become the property of the Municipality and may be offered to the SPCA for adoption without further notice to the owner.

10. Rabid or Diseased Dogs

10.1. Dogs impounded that appear to be rabid or exhibiting symptoms of canine madness shall be held for ten (10) days in accordance with the Nova Scotia Rabies Response Plan.

10.2. When a dog is impounded under this clause, the Dog Control Officer shall consult with a veterinarian or other qualified person to confirm that the dog is rabid or suffering from canine madness, and if so, the dog shall be euthanized.

10.3. If the dog impounded under this clause is found not to be rabid or suffering from canine madness, it shall be dealt with under Section 7.

11. Fierce or Dangerous Dogs / Dog Attacks

11.1. The Dog Control Officer shall investigate any dog alleged to be fierce or dangerous in a timely manner following the alleged occurrence. If the Dog Control Officer believes, on reasonable grounds, that the dog acted fiercely or dangerously without the presence of a mitigating factor, may:

a) Obtain a warrant, as outlined in Section 6.2, to seize and impound the dog for public safety until the owner satisfies the Municipality that the dog no longer threatens the public.

b) Impose an order of conditions, as outlined in Section 11.2.

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c) Have a dog destroyed, as outlined in Section 14.

d) Hold a dog for 10 days to undergo welfare and behavioural assessment to determine eligibility for return to the owner. The Dog Control Officer may extend the period of impoundment, under the direction of a veterinarian or other qualified person, if more time for assessment is required.

i. Prior to making a decision as to return a dog, the Dog Control Officer shall share the results of any tests or assessments with the owner and shall provide the owner at least two (2) business days to submit a written response.

11.2. When a dog is determined to be “fierce or dangerous” within the meaning of this by-law, the Dog Control Officer may impose an order of conditions that the dog owner is obligated to follow, including but not limited to:

a) Requiring the dog to be muzzled, securely leashed, and ensure that the dog is under the control of a person not under eighteen (18) years of age when the dog is off the property and/ or outside of an enclosure.

b) Requiring the dog to be microchipped.

c) Requiring appropriate signage warning of the risk posed by the dog.

d) Any other condition deemed necessary to ensure the safety of the public.

e) Requiring the dog to be secured indoors or if outside, in an escape-proof enclosure on property owned by the owner.

i. An outdoor escape-proof enclosure must be a locked pen or other structure to prevent its escape and capable of preventing the entry of any person not in control of the dog, which locked pen or other structure has secure sides and top and has no bottom secured to the sides, the sides are embedded in the ground to a minimum depth of thirty (30) centimeters, and the locked pen or structure is at least one and one-half (1.5) meters wide by three (3) meters long

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and one and one-half (1.5) meters in height, and is not located within 1.2 meters of the property line.

11.3. If a dog declared fierce or dangerous is not maintained or controlled in accordance with the conditions of its release, the Dog Control Officer may, as outlined in Section 6.2, obtain a warrant to seize and impound the dog.

12. Fees and Conditions for Release of a Dog from a Kennel

12.1. For dogs that are eligible to be redeemed from the municipal kennel by an owner, or person having the written authorization of the owner, may reclaim the dog from the municipal kennel before it is adopted or disposed of, upon payment of all fees, including but not limited to: impoundment fees, boarding fees, apprehension expenses, veterinary treatment and testing fees, and any charges related to special care provided during impoundment. In addition, the owner must produce a valid municipal dog tag before the dog can be redeemed from the municipal kennel.

12.2. In addition to any Summary Offence Tickets that are issued, every owner who redeems a dog from the municipal kennel shall be liable for payment of all fees incurred as described in Section 12.1., and must produce a valid municipal dog tag before the dog(s) can be redeemed.

12.3. The Municipality may impose conditions on an owner who redeems a dog from the municipal kennel as the Dog Control Officer determines are appropriate. Conditions may include but are not limited to the following: a muzzle order, leash requirement, microchip, or fencing/containment requirements.

13. Tranquilizing of a Dog on Site

13.1. The Dog Control Officer may tranquilize any dog, whether or not it is fierce or dangerous, without notice or impounding if:

a) the dog is running at large; and

b) the Dog Control Officer is unable to safely seize the dog due to concerns for their safety or the safety of others.

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14. Destruction of a Dog on Site

14.1. The Municipality may, without notice to or complaint against the owner, destroy on site any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:

a) There is an emergency, and the dog poses an immediate danger to a person or a domestic animal or to property or person other than the owner; or

b) The person named in a warrant issued to seize a dog is unable to seize the dog safely.

15. Duty to Report

15.1. In the event of an emergency, or during the course of a normal by-law response, it is suspected that a dog has been abused or neglected, the Municipality must notify a peace officer having authority under the Animal Protection Act. The officer(s) may, with the assistance of the Dog Control Officer, take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

16. Penalty

16.1. The Dog Control Officer, at their sole discretion and based on factors including, but not limited to, the severity of the offence, history with the dog, any mitigating factors, and the likelihood of repeat offences, may issue a written warning for an offence rather than immediately imposing a fine.

16.2. Every owner of a dog that commits an offence under Section 5 of this by-law, upon conviction, and was not issued a warning, shall be liable to a penalty of not less than one hundred dollars ($100) and not more than five thousand dollars ($5,000.00) and, in default of payment, to imprisonment for a term not exceeding thirty days. The penalties are outlined in Schedule A.

16.3. Where any person contravenes the same provision of this by-law twice within

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one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount specified in Schedule A of this by-law.

16.4. Where any person contravenes the same provision of this by-law three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount specified in Schedule A of this by-law.

17. Repeal and Replace

17.1. The By-Law Respecting Dogs, By-law No.13, and all other versions of By-Law No.13, are repealed and replaced with this by-law.

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