

BYLAW NO. 3

A BYLAW RESPECTING DOGS

BE IT ENACTED by the Council of the Region of Queens Municipality, under the authority of the *Municipal Government Act*, S.N.S. 1998, Chapter 18, as follows:

1. This Bylaw shall be known as Bylaw Number 3 and may be cited as "The Dog Bylaw".

DEFINITIONS

2. Words in this bylaw shall take their meanings from their context and from dictionaries of the Canadian language, except as follows:

- a) "Clerk" means the Municipal Clerk of the Region of Queens Municipality.
- b) "Dog registration fee" means the registration fee imposed with respect to dogs under this bylaw.
- c) "Fierce or dangerous dog" means any dog:
 - (1) that is a wolf-dog hybrid;
 - (2) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
 - (3) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
 - (4) that, in the absence of a mitigating factor as defined herein, when either muzzled or unleashed, in a vicious or terrorizing manner, approaches any person 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;

provided that no dog shall be deemed fierce or dangerous if it is a professional trained guard dog while lawfully engaged in law enforcement.

- d) "mitigating factor" means a circumstance which excuses the aggressive behaviour of a dog where the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured.
- e) "Owner" means the owner of a dog and any person who possesses, has the care 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.

- f) "Special Constable" means an officer appointed under the Police Act to enforce bylaws and for the purpose of these bylaws shall mean Law Enforcement Officer of the Region of Queens Municipality.
3. a) Each owner of a dog, shall register such dog with the Treasurer and pay the dog registration fee as provided by this Bylaw:
- i) within thirty days of the dog reaching the age of six months;
 - ii) within thirty days of bringing the dog into the Municipality; or
 - iii) on or before the 30th day of April in the year in all other cases.
- b) A dog registration fee paid at any time after the thirtieth day of April shall be the same amount as the fee required to be paid on or before the thirtieth day of April notwithstanding that it is only for part of the year; but, where an owner acquires ownership of the dog after the thirtieth day of October, the owner shall only be charged one half of the dog registration fee.
- c) The dog registration fee shall be as set by the Council of the Region of Queens Municipality by administrative order.
- d) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee, but the dog shall be registered.
4. a) The owner of a kennel of pure-bred dogs that are registered in the Canadian Kennel Club, in any year, may pay to the Treasurer such amount that is set by administrative order as a registration fee upon the kennel for that year, and upon the production of the Treasurer's certificate of payment, the owner of such kennel shall be exempt from assessment and payment of any further registration fee in respect of such dogs for that year.
- b) The owner of any kennel upon the sale of any dog to a resident of the Region of Queens Municipality shall give notice to the Treasurer of the Municipality stating the name of the buyer, the date of the sale and the approximate date of birth of the dog.
5. a) The Special Constable shall keep a record of every dog registered, showing the date and the number of registration and the name and description of the dog with the name and address of the owner. The owner shall furnish this information to the Treasurer at the time of registration.
- b) i) Upon registration of a dog, the Treasurer shall supply the owner with a tag of metal or other durable material for each dog registered, with the number and year of registration stamped thereon, and any inscription the Clerk deems necessary and the owner of every registered dog shall keep on such a dog a collar with the tag attached

thereto at all times except while the dog is being used for lawful hunting purposes.

- ii) The tag described in paragraph (b)(i) of this subsection may be removed while a dog is being used for lawful hunting purposes or the dog is wearing a collar upon which is inscribed the name and address of the owner of the dog.
 - c) Any owner of a dog within the Municipality who sells or transfers any dog shall report to the Special Constable 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 Treasurer.
 - d) The Treasurer shall transfer the registration of such dog to the new owner thereof on payment of the amount by which the registration fee on the new 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.
6. a) No owner shall permit his or her dog(s) to leave the premises of the owner in any District in the Municipality at any time during the year unless the said dog is under the effective restraint or control of the owner in charge thereof.
- b) Notwithstanding any other provision thereof, a dog shall be deemed to be running at large contrary to this bylaw when such dog is not on the premises of the owner, unless it is under the effective restraint or control of some person in charge thereof.
7. a) Any Special Constable, Constable or Peace Officer, without notice to or complaint against the owner of any such dog, may impound or destroy any dog:
- i) found running at large contrary to this bylaw;
 - ii) in respect of which the registration fee imposed by this bylaw has not been paid;
- b) Any Special Constable, Constable or Peace Officer, without notice to or complaint against the owner of any such dog, may impound any dog which persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
- c) Any Special Constable, Constable or Peace Officer, without notice to or complaint against the owner of any such dog may impound or destroy on sight any dog:

- i) which is fierce or dangerous; or
 - ii) which is rabid or appears to be rabid or exhibiting symptoms of canine madness.
- 8.
 - a) The owner of a dog, other than the owner of a dog which is trained to assist and is assisting a person with a disability, is required to remove the dog's feces from public property and from private property other than that of the owner.
 - b) The owner of a dog may enter upon private property to remove dog feces.
- 9.
 - a) The owner of a dog shall, within ten days of being requested to do so by the Special Constable, deliver in writing a statement containing the following information:
 - i) the number of dogs owned or harboured that are habitually kept upon the premises occupied by the owner
 - ii) the ages, names and sex of all such dogs
 - iii) confirmation of when all such dogs were brought into the Region of Queens Municipality
 - iv) a statement as to whether each dog has previously been registered with the Region of Queens Municipality.
 - b) Any person who fails to provide such statement within ten days after having received notice requiring a statement, is guilty of an offence under this bylaw.
- 10.
 - a) The Council may appoint a pound keeper who shall keep all dogs delivered to him and furnish them with food, water and shelter. In the absence of an appointed pound keeper, the aforementioned duties shall be carried out by the Special Constable who is assigned to that duty.
 - b) Upon a dog being impounded, the pound keeper 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 with number on tag, if any) has been impounded in the animal pound of the Region of Queens Municipality, 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 at _____ this ____ day of _____, A.D., _____

Pound Keeper

- c) If the dog is registered under this bylaw, or if the owner is otherwise known to the pound keeper, the pound keeper shall in addition to any posted notice, notify such owner of the impounding of the dog by posting a notice in the foregoing form by prepaid registered mail to the owner at the address shown on the Treasurer's records and shall, if possible, further notify the owner by telephone. The dog shall be kept for at least five (5) days after such dog is impounded.
 - d) If, at the expiration of the time fixed by the notice, the dog is not claimed and not registered in accordance with this bylaw, the pound keeper shall dispose of the dog, either by destroying it, finding an alternate owner, or giving the dog to a recognized animal protection agency.
 - e) The pound keeper or the Region of Queens Municipality shall be entitled to charge the following fees:
 - i) impounding fee including the capture of the dog, preparation of notices and disposition of the dog - twenty-five dollars (\$25.00)
 - ii) board of each dog for each twenty-four (24) hour period or portion thereof - five dollars (\$5.00)
11. a) Upon information on oath by a peace officer that it is believed on reasonable grounds that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, any judge may, by warrant, authorize and empower a person named in the warrant to enter and search the place where the dog is at any time and to open or remove any door, lock, fastening or obstacle preventing access to the dog, and to seize and deliver the dog to the pound, and for such purpose to break, remove or undo any chain, lock or fastening of the dog to the premises.
- b) If the person named in the warrant is unable to seize the dog in safety, that person may destroy the dog.
- c) The peace officer must satisfy the judge, upon information on oath, of the reasons or grounds of belief before a warrant under this Section may be issued.
12. a) At the trial of a charge laid against the owner of a dog that is fierce or dangerous contrary to a bylaw:
 - i) the judge may, in addition to the penalty, order that the dog be destroyed by the pound keeper or otherwise dealt with, and order that the owner pay any costs incurred by the Regional Municipality related to the dog including costs related to the seizure, impounding or destruction of the dog; and

- ii) it is not necessary to prove that
 - 1) the dog previously attacked or injured any domestic animal, person or property;
 - 2) the dog had a propensity to injure or to damage any domestic animal, person or property; or
 - 3) the defendant knew that the dog had such propensity or was or is accustomed to doing acts causing injury or damage.

13. The owner of a dog

- a) which runs at large contrary to this bylaw,
 - b) in respect of which the dog registration fee imposed by this bylaw is not paid,
 - c) which is fierce or dangerous,
 - d) *repealed July 16, 2001,*
 - e) which persistently disturbs the quiet of a neighbourhood by barking or howling or otherwise,
 - f) who fails to remove his dog's feces from public or private property, other than that of the owner, or
 - g) who fails to provide the statement required in Section 9 hereof,
- is guilty of an offence under this bylaw.

PENALTY

14. Any person who violates any provision of this bylaw, shall be liable on conviction to a minimum penalty of one hundred dollars (\$100.00) and a maximum penalty not exceeding one thousand dollars (\$1,000.00) and in default of payment thereof to imprisonment for a period not exceeding ninety (90) days.

VOLUNTARY PAYMENT

15. A person who is alleged to have violated this bylaw and where the notice so provides, may pay a penalty in the amount of fifty dollars (\$50) to the office of the Region provided that said payment is made within a period of fourteen (14) days

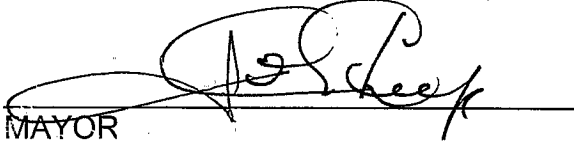
following the day on which the alleged violation was committed and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation.

REPEAL

16. The Bylaw Respecting Dogs, adopted by the Council of the Region of Queens Municipality, on the 16th day of July, 2001, is hereby repealed.

THIS IS TO CERTIFY THAT the bylaw of which the foregoing is a true copy was passed by the Council of the Region of Queens Municipality at a meeting duly held on the 18th day of June, 2007.

SIGNED by the Mayor and Municipal Clerk this 19th day of June, 2007.


MAYOR


MUNICIPAL CLERK

READINGS: First: May 22, 2007
Second: June 18, 2007
Date of Publication: May 29, 2007
Newspaper: June 26, 2007
Office of the Minister of Service Nova Scotia & Municipal Relations
Filed / Approved: June 26, 2007