

DOG CONTROL BYLAW

Be it enacted, by the Council of the Town of Wolfville under the authority of Sections 172 and 175 of the Municipal Government Act, as amended:

1 Title

This Bylaw is titled and referred to as the '**Dog Control Bylaw**'.

2 Background

The Municipal Government Act gives Council the specific authority to establish a Dog Bylaw under Section 175. The purpose of this Bylaw is to provide for the orderly control of dogs in the Town of Wolfville including registration requirements.

3 Definitions

In this Bylaw:

(1) "**Dog Control Officer**" means:

- (a) a person appointed by the Chief Administrative Officer who is a Special Constable or a Bylaw Enforcement Officer appointed pursuant to the Police Act or similar legislation, and empowered by such appointment to enforce this Bylaw,
- (b) A Police Officer for the Town, and,
- (c) Includes the Pound Keeper

A Dog Control Officer is not an Owner of any animals seized by that person as Dog Control Officer.

(2) "**Chief Administrative Officer**" means the Chief Administrative Officer for the Town.

(3) "**Designated Off Leash Area**" means those areas of the Town indicated by cross hatching on the map attached in Appendix A and commonly known as:

- (a) Woodmans Grove Park;
- (b) Olsen Pond;
- (c) Reservoir Park;
- (d) Sherwood-Rawding Ravine;
- (e) Pompano Development Green Space (Pond View) ; and

Between November 1st of one year and March 31st of the following year, the Designated Off Leash Area also includes the area of the Town indicated by grey shading on the map attached in Appendix A and commonly known as:

- (a) Rotary Park
- (4) “**Dog**” includes any dog, male or female.
- (5) “**Effective Control**” means control by leash or harness by the person responsible for the dog, such that the dog’s behaviour is restricted.
- (6) “**Fierce or Dangerous**” means any dog that:
- (a) without provocation has bitten, attacked or injured a person;
 - (b) has injured a domestic animal;
 - (c) without provocation has damaged any property;
 - (d) when either un-muzzled or unleashed, has approached any person in a vicious or terrorizing manner in an apparent attitude of attack at any place other than the property owned or occupied by the Dog’s Owner;
 - (e) has a known propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of persons or domestic animals;
 - (f) is owned or harboured in whole or in part for the purpose of dog fighting;
 - (g) is trained for dog fighting; or
 - (h) Is unattended on a harness or a leash, and is frightening or harassing a passerby.
- A dog is not Fierce or Dangerous if it bites, attacks or injures:
- (a) a person who is tormenting, teasing or physically abusing the dog;
 - (b) while acting in defense of itself or a person;
 - (c) while acting as a professionally trained guard dog lawfully engaged for law enforcement or guard duties;
 - (d) a person who was committing one or more of the following:
 - (i) a wilful trespass or other tort;
 - (ii) a criminal act upon premises owned or occupied by the Owner of the dog; or
 - (iii) a trespass contrary to Provincial or Federal Legislation.
- (7) “**Guide Dog**” means a dog that is trained to assist and assists a person with a disability.
- (8) “**Owner**” includes any person who possesses, has the care of, has the control of, or harbours a dog, and when the person is a minor, includes a person responsible for the custody of the minor
- (9) “**Running at large**” or “**Runs at Large**” means:



- (a) the dog is off the property owned or occupied by the dog's Owner and is not under control by a leash or harness;
- (b) the dog is in a Designated Off Leash Area and is not under Voice Control or control by a leash or harness;
- (c) the 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;
- (d) the dog is on property not owned by the dog's Owner where a sign has been erected prohibiting a dog from being on that property;
- (e) the dog is on property not owned by the dog's Owner where a sign has been erected requiring a dog to be under the control of some person by means of a harness or leash while on that property, and the dog is not under such control.

A dog is not Running at Large if it is:

- a) in a Designated Off-Leash Area between dawn and dusk, or at a time indicated by signage placed at the Designated Off-Leash Area by Town Staff if the dog remains under Voice Control and if the dog is behaving in accordance with all posted signage at that location
- b) participating in a dog exhibition event;
- c) participating in a search and rescue operation or law-enforcement operation; or
- d) a Guide Dog

(10) "**Town**" means Town of Wolfville.

(11) "**Town Police Officer**" means any member of a Municipal, Provincial or Federal law enforcement agency that is contracted to provide police services to the Town.

(12) "**Voice Control**" means the dog's behavior is under verbal or sign command at all times regardless of distractions.

4 Enforcement

A Dog Control Officer or any other person so appointed by the Chief Administrative Officer may enforce this By-Law.

A Dog Control Officer, the Director of Public Works, or any other person so appointed by the Chief Administrative Officer may erect signage at a Designated Off-Leash Area that clearly displays any limitations or restrictions that may be in force at that particular Designated Off-Leash Area.

5 Annual Dog Registration Fee

- (1) Every Owner of a dog shall pay to the Town an annual registration fee.
- (2) The Owner shall pay the registration fee before January 31st of each year or within thirty (30) days of becoming an Owner.



- (3) If a person becomes owner of a dog during the year, the owner shall pay a pro-rated dog registration fee based on the number of full months remaining in the calendar year.
- (4) The Town Council may set by policy, from time to time during the annual budgeting process, the amount of the annual registration fee payable until varied by further policy. Council may impose a larger fee for unspayed or unneutered dogs than for spayed or neutered dogs.
- (5) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club, may, in any year, pay a fee set by Council, by policy, as a tax upon the kennel for that year. Upon payment of that amount, the kennel is exempt from any further fee regarding the dogs for that year.
- (6) A Guide Dog is exempt from any registration fee.

6 Registration and Dog Tag

- (1) The Town shall register each dog when the registration fee is paid, recording the following information:
 - (a) Registration date;
 - (b) Registration number;
 - (c) Name and breed of dog;
 - (d) Description of dog, including whether the dog is female or male and whether the dog is spayed or not or neutered or not;
 - (e) Name of Owner, and
 - (f) Civic and mailing address and telephone number of Owner.
- (2) The Town 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 securely affixed to the collar at all times.
- (4) If an Owner files with the Town a written confirmation that the dog tag has been lost or destroyed and pays a replacement fee, in the amount set by policy, the Town shall provide a replacement dog tag.
- (5) Each Owner of a dog shall deliver to the Town a written Statement of the number of dogs owned or harboured by the Owner or which are kept on the premises occupied by the Owner, if the Town requires the Owner to do so.
- (6) The Owner shall provide this written Statement within ten (10) days of receiving the written notice requiring the Owner to provide it.

7 Responsibilities of Owners

Every Owner is in contravention of this Bylaw:

- (1) Whose dog runs at large
- (2) Whose dog is not wearing a tag required by this Bylaw
- (3) Whose dog is not registered as required by this Bylaw
- (4) Whose dog persistently disturbs the quiet of the neighbourhood by barking, howling, or by any other activity;
- (5) Whose dog, while left unattended on a harness or a leash frightens or harasses any passerby;
- (6) Who neglects or refuses to provide a written statement required by this Bylaw.
- (7) Who harbours, keeps or has under care, control, or direction a dog that is fierce or dangerous unless the dog:
 - a. while on the property owned occupied by the Owner, is confined:
 - i. indoors; or
 - ii. outdoors in a locked pen or other structure to prevent the dog from escaping and to prevent entry of any person not in control of the dog;
 - b. while off the property owned or occupied by the Owner:
 - i. is muzzled, and
 - ii. is harnessed, or leashed, on a lead no more than one metre long held by a person at least nineteen (19) years of age.
- (8) Who fails to remove immediately the feces of a dog, other than a Guide Dog, from public property or private property other than the Owner's. The Owner may enter upon private property to remove the dog's feces.

8 Pound Keeper

Town Council or Chief Administrative Officer may appoint a Pound Keeper who shall:

- (1) keep in a pound all dogs delivered to the Pound Keeper;
- (2) furnish the dogs with adequate food and water;
- (3) keep the pound in a reasonable state of cleanliness and;
- (4) collect any impounding fees, daily pound fees or other charges authorized by this Bylaw.

9 Impounding Dogs

- (1) The Dog Control Officer, without notice to or complaint against the Owner of a dog, may capture and impound any dog in circumstances where the Dog Control Officer reasonably believes the dog;
 - (a) is running at large contrary to this Bylaw;
 - (b) without provocation, has attacked, chased, bit, or injured any other domestic animal or person, or damaged any property contrary to this By-Law;
 - (c) is fierce or dangerous
 - (d) is a dog for which the annual registration fee has not been paid;
 - (e) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
 - (f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;

- (2) Notwithstanding subsection 9 (1), a Dog Control Officer, without notice to or complaint against the Owner of a dog, may apply for a warrant to seize any dog where the Dog Control Officer is investigating a report and the Dog Control Officer reasonably believes a person is harbouring, keeping or has under care, control or direction a dog that :
 - (a) is fierce or dangerous;
 - (b) is rabid or appears to be rabid;
 - (c) exhibits symptoms of canine madness; or
 - (d) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.

- (3) In cases where a dog has been captured or impounded that:
 - (a) was running at large contrary to this Bylaw;
 - (b) without provocation, has attacked, chased, bit, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw;
 - (c) is fierce or dangerous and was not confined or was not muzzled and harnessed or leashed as required by subsection 7(7);
 - (d) was not wearing a dog tag required by this Bylaw;
 - (e) was not registered pursuant to this Bylaw; or
 - (f) persistently disturbed the quiet of the neighbourhood by barking, howling or otherwise

The Dog Control Officer, in that officer's discretion, and upon application by the Owner with proof of ownership, may enter into an agreement with the Owner of a dog and that agreement may contain conditions, safeguards and limitations as the Dog Control Officer deems reasonably appropriate to protect the neighbourhood and otherwise serve the purpose of this Bylaw upon the dog and its Owner, and return the dog to the Owner only after the Owner has signed the agreement indicating their acceptance of such conditions, safeguards and limitations.

- (4) Subject to subsection 9(1) and subsection 9(2) of this Bylaw, except in the case where a dog is impounded for being rabid or appearing to be rabid, the Owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog. The Owner shall pay to



the Pound Keeper, or make arrangement for payment satisfactory to the Pound Keeper, the Impounding Fee and the Daily Pound Fee(s), along with the reimbursement for any Extraordinary Expenses incurred by the Town in relation to the dog.

- (5) In the case of redemption of a dog which has not been registered pursuant to this Bylaw, the Owner is also required to register the dog and pay the registration fee before redeeming the dog.
- (6) Any dog which has not been redeemed by its Owner within 72 hours of being impounded may be:
 - (a) given away;
 - (b) sold; or
 - (c) destroyed in accordance with Section 11.
- (7) Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the Owner to redeem the dog.

10 Notice to Owner

Upon any dog being impounded, the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least one attempt to contact the registered Owner of the dog using the tag number on the records of Town Staff. However the onus is on the Owner of the dog to ascertain within the time period provided for impounding under this Bylaw whether the dog has been impounded. Neither the Pound Keeper nor the Town shall incur liability in the event of failure to give Notice to the Owner if the Owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

11 Destroying a Dog

- (1) The Dog Control Officer, without notice to or complaint against the Owner, may destroy on sight any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:
 - (a) the dog poses an immediate danger to a person or a domestic animal or to property of persons other than the Owner; and
 - (b) it is not reasonably possible to safely capture the dog.
- (2) Where a dog has been captured or impounded and charges have been laid against the Owner of the dog, the Dog Control Officer may make application to the Court to have the dog destroyed if the dog:
 - (a) was running at large and two previous written warnings have been given to the Owner that the dog has been running at large; or

- (b) without provocation, has attacked, chased, bitten, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw; or
- (c) is fierce or dangerous; or
- (d) is rabid or appears to be rabid.

(3) In cases where a dog is to be destroyed that:

- (a) is rabid or appears to be rabid or;
- (b) without provocation has attacked, bitten any other domestic animal or person

and no current rabies vaccination certificate is in effect for the dog, the dog must first be kept under quarantine and observation for a period of ten (10) days in accordance with the Nova Scotia Rabies Response Plan (2016).

(4) Where a dog is to be destroyed with the Owner's consent:

- (a) the dog may be returned to the Owner so long as the Owner signs a temporary undertaking in relation to the destruction of the dog;
- (b) the temporary undertaking contains such conditions, safeguards and limitations that the Dog Control Officer, deems to be appropriate;
- (c) the temporary undertaking contains a timeframe for the destruction of the dog; and
- (d) the temporary undertaking contains a clause requiring the Owner to provide the Dog Control Officer, with proof that the dog has been destroyed.

12 Offence

- (1) Every Owner of a dog who is in contravention of this Bylaw is guilty of an offence.
- (2) Where an offence is committed contrary to the provisions of this Bylaw, and that offence continues beyond 12:00 midnight on the day it was committed, each subsequent day the offence continues shall be deemed to be a separate offence.
- (3) Evidence that one person is disturbed or offended is *prima facie* evidence that the public, or the neighbourhood, is disturbed or offended.

13 Penalties

- (1) Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$100 and not more than \$1,000 and to imprisonment of not more than 180 days in default of payment.



14 REPEAL

The Dog Bylaw passed by Town Council on October 23, 2013 and acknowledged by the Minister of Municipal Affairs on November 14, 2013 is repealed.

Clerk's Annotation for Official Bylaw Book

Date of first reading: 2016-09-06


Date of advertisement of Notice of Intent to Consider: 2016-09-12

Date of second reading: 2016-09-27

Date of advertisement of Passage of By-law: 2016-10-03

Date of mailing to Minister a certified copy of Bylaw: 2016-10-04

I certify that this **DOG CONTROL BYLAW #16** was adopted by Council and published as indicated above.



Dan S. Stovel, Town Clerk

October 4, 2016
Date

Appendix A – Map of Designated Off-Leash Areas.

