

CHAPTER 35

DOGS

Definitions

1. In this By-law:

- (a) ~~“Municipal Staff”~~ **“Animal Control Officer”** means the Municipality’s Animal Control Officer or a person appointed by the Chief Administrative Office or Council, **or any Animal Control Officer employed by an outside agency** to act on the Municipality’s behalf for the purpose of this By-law, and includes the Pound Keeper.
- (b) **“Chief Administrative Officer”** means the Chief Administrative Officer for the Municipality of Colchester.
- (c) **“Development Areas”** means the area or areas within the Municipality defined as **“Area 1”** pursuant to Schedule **“A”** to the Municipality’s Subdivision By-law as amended from time to time.
- ~~(b)~~(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;
- (e) **“Domestic Animal”** means an animal that has been bred and/or genetically adapted to live alongside humans.
- (f) **“Extraordinary Expense”** means any expense incurred by Animal Control Officer in relation to a dog except for provision of food or shelter.
- (g) **“Farm Animal”** has the same meaning as defined in the Animal Protection Action S.N.S 2018, c.21, as amended, but does not include any wild game.
- (h) **“Municipality”** means the Municipality of Colchester.
- ~~(e)~~(i) **“Owner”** means the owner of a dog and any person who processes, 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)~~(j) **“Pound Keeper”** means Municipality or contracted agreement with a provider.
- (k) **“Public Place”** means any place where the public would ordinarily have access to, whether invited or implied.
- ~~(d)~~ **“Development Areas”** means the area or areas within the Municipality defined as **“Area 1”** pursuant to Schedule **“A”** to the Municipality’s Subdivision By-law.

~~from time to time.~~

~~(e) “Extraordinary Expense” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter.~~

~~(e) “Pound Keeper” means Municipality or contracted agreement with a provider.~~

Registration

2. On or before the 10th day of January in each year the owner of any dog shall register such dog with the ~~Municipal Staff~~ **Municipality** and obtain from the ~~Municipal Staff~~ **Municipality** a tag for such dog.
3. Every owner of a dog shall, within ten (10) day of having become owner, register such dog with Municipal Staff and obtain from ~~Municipal Staff~~ **Animal Control Officer** a tag for such dog.
4. In order to register a dog, an owner shall pay the annual registration fee as set by Council from time to time in a recorded resolution and shall supply ~~Municipal Staff~~ **the Municipality** with the following:
 - (a) Name, civic address, mailing address and telephone number of the owner;
 - (b) Name and breed of the dog;
 - (c) description of the dog including whether the dog is male or female, spayed or unspayed or neutered or unneutered as the case may be; and, at the discretion of the owner, the following additional information may be supplied;
 - (d) Identification information such as micro-chip implants, tattoos or other special markings; and
 - (e) Emergency or alternate contact in the event the dog has been found.
5. Registration shall be effective until the last day of December in the year of registration.
6. The registration fee shall be in such amount as Council may authorize by resolution, and where the owner acquires ownership of the dog after June 30 shall be charged one-half of the dog registration fee in the year of acquisition with proof of acquisition.
7. The following are exempt from registration:
 - (a) the ~~Municipal Staff~~ **Animal Control Officer** or Pound Keeper or Colchester Chapter of the SPCA shall not be required to register a stray that they are

harbouring for a maximum of 30 days;

- (b) a dog shall be exempt from registration and registration fees in the event the owner proves that the dog is under the age of three months; and,
 - (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.
8. The owner of every dog shall keep on the dog, a collar with the tag issued for that dog by ~~Municipal Staff~~ **the Animal Control Officer** at the time of registration and such tag shall be kept securely fixed on the dog at all times **while in a public place** during the year until a replacement tag is issued.
9. The owner of a dog shall deliver in writing to the ~~Municipal Staff~~ **Animal 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.

Dog Control and Pound

10. ~~Municipal Staff~~ **Animal Control Officer** or another person or agency appointed by Council shall be responsible for the enforcement of this By-law.
11. Council shall appoint a Pound Keeper who shall:
- (a) Collect on behalf of the Municipality any Impounding Fees, Daily Pound Fees and any other additional charges or fees as are authorized in this By-law and as may be set by resolution of Council and found in the Municipal Fees Policy;
 - (b) Be responsible for the operation of the pound;
 - (c) Provide adequate food and water to impounded dogs;
 - (d) Keep the pound in a reasonable state of cleanliness;
 - (e) Keep the pound premises neat and tidy in appearance.
 - (f) Ensure any dogs that have been impounded do not leave the premises until they have been registered with the Municipality and all dues paid.
 - (g) Supply monthly and annual reports to the Municipality of dogs kept, the duration of their stay, and the fate of such animal.

Dog Running At Large

12. Any dog which is off the premises occupied by the owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purposes of this By-law.
13. In Development Areas 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, and the dog shall be deemed to be running at large where the owner fails to use such apparatus.
 - 13.1 The Municipality may designate any park, trail, or area of land owned by the Municipality, marked by signage, prohibiting dogs from being off leash.

Fierce or Dangerous Dogs

14. For purposes of this By-law a dog that is fierce or dangerous means any dog
 - (a)
 - (i) that, in the absence of a mitigating factor as defined herein in Section 15, has attacked or injured a person;
 - (ii) that, in the absence of a mitigating factor as defined herein in Section 15, has injured a domestic or farm animal;
 - (iii) that, in the absence of a mitigating factor, demonstrates a propensity to be aggress, threatening or otherwise overtly intimidating off the property of the owner;
 - (b) owned or harboured in whole or in part for the purpose of dog fighting;
 - (c) trained for dog fighting;
 - (d) ~~provided that~~ Notwithstanding Section 14(a) through 14(c), no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement or lawful security purposes.
- 14.1 Any Animal Control Officer investigating a dog alleged to be fierce or dangerous may do any one or more of the following:
 - (a) Declare the offending dog to be fierce or dangerous;
 - (b) Impose an Order of Conditions on the dog that the dog owner is obligated to follow, including buty not limited to:

- (i) Requiring the dog to be muzzled and tethered at all times off property and/or outside of an enclosure.
 - (ii) Requiring the dog to be secured indoors or in an enclosure on property owned by the owner.
 - (iii) Requiring appropriate signage warning of the risk posed by the dog.
 - (iv) Any other condition deemed necessary to ensure the safety of the public.
- (c) Order any dog under investigation for being fierce and dangerous, be impounded for 10 days, at the owner's expense. The Animal Control Officer may extend the period of impoundment if more time for assessment is required.
- (i) Any dog impounded may, in the investigating Animal Control Officer's discretion, undergo any testing deemed necessary to ensure the health and safety of the public, including a welfare and behavioural assessment to determine eligibility for return.
- (d) A dog that the Animal Control Officer believes on reasonable grounds acted in a fierce or dangerous manner be seized, at any time following the alleged occurrence of being fierce or dangerous, may:
- (i) undergo welfare and behavioural assessment to determine eligibility for return to the owner or rehoming.
 - (ii) prior to making a decision as to return or rehome a dog, the Animal Control Officer shall share the results of any tests or assessments with the owner and shall provide the owner at least two business days to submit a written response.
 - (iii) if the Animal Control Officer decides to rehome a dog, the owner must be provided at least five (5) business days' notice before the permanent placement in a new home occurs.
15. "Mitigating Factor" means a circumstance which may excuse the aggressive behaviour of a dog where:
- (i) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser on property occupied by its owner;
 - (ii) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;

- (iii) any other reasonable circumstance that explains the fierce or dangerous behaviour.

Responsibilities of Owners

16. 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 registered pursuant to this By-law;
 - (d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
 - (e) who neglects or refuses to provide a written statement required by this By-law;
 - (f) who harbours, keeps, or has under care, control or direction a dog that **is has previously been declared fierce or dangerous and does not comply with conditions imposed by the Animal Control Officer;**
 - (g) who fails to remove the faeces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;
- is guilty of an offence.

Impounding

17. Municipal Staff may, without notice to or complaint against the owner, impound any dog that:
- (a) runs at large contrary to this By-law;
 - (b) is not wearing a tag required by this By-law;
 - (c) is not registered pursuant to this By-law;
 - (d) is fierce or dangerous;
 - (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.

18. Council, by resolution, may set an Impounding Fee and a Daily Pound Fee (see last page for current resolution).
- ~~19. Subject to Section 24 to 27 of this By law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine-madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper of any Impounding Fee, Daily Pound Fee, along with reimbursement for any Extraordinary Expenses, including veterinarian costs if warranted, incurred by the Municipal Staff or other provider in relation to the dog.~~
- ~~20.~~19. In the case of redemption of a dog which has not been registered pursuant to this By-law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
- ~~21.~~20. Any dog which has not been redeemed by its owner at the expiry of a period of 72 hours after being impounded may be given away, or sold by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
- ~~22.~~21. 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.
- ~~23.~~22. ~~Municipal Staff may give away or sell any dog captured~~ **Animal Control Officer may impound and not permit the return of a dog impounded** for running at large or persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise provided its owner has been provided written warnings for at least two previous instances of **violating** the dog running at large **By-law**.

Notice

- ~~24.~~23. 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 Municipal Staff~~ **most recent information provided by the owner to the Municipality**. Provided, however, that if a dog is missing the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-law, whether the dog has been impounded.

Euthanasia

- ~~25.~~24. (a) ~~Municipal Staff~~ **Animal Control Officer** may, without notice to or complaint against the owner, euthanize on sight ~~or after capture any~~ **if the** dog that:

- (i) ~~is~~ appears fierce or dangerous and capture is not safe or reasonable;
 - (ii) is rabid or exhibits symptoms of canine madness
 - (ii) is sick or injured beyond reasonable treatment.
- (b) In the event a dog has been captured, before the Animal Control Officer determines the dog should be euthanized, there shall be a testing as provided for in Section 14.
- (c) Prior to making a decision to euthanize, the Animal Control Officer shall provide the owner with the results of test or assessments and allow at least five (5) business days to provide written submissions from others in support, unless it is determined that delay in euthanizing would cause pain and suffering to the dog in which case the Animal Control Officer must give as much notice as reasonably possible in the circumstances.
- (d) If the Animal Control Officer decides to euthanize a dog, the owner must be provided at least five (5) business days' notice before euthanizing unless it is determined that delay in euthanizing would cause pain and suffering to the dog in which case the Animal Control Officer must give as much notice as reasonable possible in the circumstances.

~~26.25.~~ **Municipal Staff Animal Control** may, euthanize on sight or after capture any dog that is running at large and which the Animal Control Officer believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property of persons other than the owner.

Enforcement

26. In the event that any person is convicted of an offence under this By-law, an Animal Control Officer may prohibit the dog owner from owning a dog within the Municipality of Colchester. Before exercising the discretion to prohibit the Animal Control Officer shall provide the owner at least five (5) business days to provide written submissions including submissions from other in support.
27. An Animal Control Officer may utilize any proceedings found under the Municipal Government Act S.N.S. 1998, c.18, as amended, as necessary for the purpose of enforcing this By-law.
28. Any person convicted of an offence on summary conviction under this By-law is liable to a penalty not exceeding \$10,000.00 or imprisonment not exceeding 90 days, or both.

29. In any event, no dog shall be returned to an owner without all fees and costs incurred by the Animal Control Officer or Municipality being paid in full.

Repeal

~~20-30~~. All previously enacted Dog By-laws of the Municipality are hereby repealed.

First Reading: February 27, 2020
Notice of Intent: May 12, 2020
Second Reading: May 28, 2020
Notice of Approval: June 4, 2020