

# Proposed new Dog Bylaw for Nova Scotia

May, 2008

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## Dog by-law

175 (1) Without limiting the generality of Section 172, a council may make by-laws

(a) regulating the running at large of dogs, including permitting the running at large of dogs in certain places or at certain times, **INCLUDING A FIERCE, DANGEROUS OR RESTRICTED DOG;**

(b) imposing a registration fee upon the owner of every dog, the amount to be set by policy, for such length of time as is specified in the by-law with the power to impose a larger fee for female dogs than for male dogs, or for unspayed or unneutered dogs than for spayed or neutered dogs;

(c) requiring tags for the identification of dogs registered under the by-law;

(d) exempting from any registration fee a dog that is a stray dog and is harboured for up to the maximum period of time set by by-law;

~~(e) defining fierce or dangerous dogs, including defining them by breed, cross-breed, partial breed or type;~~

~~(f) regulating the keeping of fierce or dangerous dogs;~~

**(E) DEFINING FIERCE, DANGEROUS OR RESTRICTED DOGS, INCLUDING DEFINING THEM BY BREED, CROSS-BREED, PARTIAL BREED, BEHAVIOUR OR TYPE;**

**(F) REGULATING THE KEEPING OF FIERCE, DANGEROUS OR RESTRICTED DOGS, INCLUDING REQUIRING SPAYING OR NEUTERING, LIABILITY INSURANCE, WARNING SIGNS, PHYSICAL CONTROLS ON OR OFF THE OWNER'S PROPERTY OR TRAINING REQUIREMENTS;**

(g) prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;

(h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs

(i) that run at large contrary to the by-law,

(ii) in respect of which the fee or tax imposed by a by-law is not paid,

(iii) that are fierce or dangerous,

(iv) that are rabid or appear to be rabid or exhibiting symptoms of canine madness,

**IV(A) IN RESPECT OF WHICH A REQUIREMENT IMPOSED BY A BY-LAW HAS NOT BEEN COMPLIED WITH AND**

**IV(B) REQUIRING THE OWNER OF A DOG TO REPORT WHETHER A DOG HAS BEEN SPAYED OR NEUTERED, THE BREED OR TYPE OF DOG AND WHETHER THE OWNER HAS LIABILITY INSURANCE FOR ANY**

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## **INJURY OR DAMAGE THE DOG MAY CAUSE, INCLUDING PROVIDING PROOF OF SUCH INSURANCE;**

- (v) that persistently disturb the quiet of a neighbourhood by barking, howling or otherwise;
- (i) requiring the owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, to remove the dog's feces from public property and from private property other than the owner's;
- (j) requiring the owner of a dog to provide a written statement of the number of dogs owned, harboured or that are habitually kept upon the premises occupied by the owner.
- (2) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.
- (3) Where a dog tag is required by by-law, the dog tag shall bear a serial number and the year in which it is issued and a record shall be kept showing the name and address of the owner and the serial number of the tag.
- (4) 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 and upon payment of the amount, the owner of the kennel is exempt from any further fee regarding the dogs for that year.
- (5) Where required by by-law to do so, the owner of a dog may enter upon private property to remove the dog's feces. *1998, c. 18, s. 175.*

## **Dangerous dogs**

176 (1) Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness **THAT IS RESTRICTED BY BY-LAW AND ANY OF THE REQUIREMENTS OF THE BY-LAW HAVE NOT BEEN MET** or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise contrary to a by-law, a justice of the peace may, by warrant, authorize and empower the person named in the warrant to

- (a) enter and search the place where the dog is, at any time;
- (b) open or remove any obstacle preventing access to the dog; and
- (c) seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.
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(2) Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.

(3) repealed 2004, c. 7, s. 11.

*1998, c. 18, s. 176; 2003, c. 9, s. 56; 2004, c. 7, s. 11.*

## Additional penalty

177 At the trial of a charge laid against the owner of a dog that is fierce or dangerous, **THAT IS RESTRICTED BY BY-LAW AND ANY OF THE REQUIREMENTS OF THE BY-LAW HAVE NOT BEEN MET** that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or that runs at large, contrary to a by-law, in addition to the penalty, the judge may order that the

(a) dog be destroyed or otherwise dealt with; and

(b) owner pay any costs incurred by the municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog, and it is not necessary to prove that the

(c) dog previously attacked or injured a domestic animal, person or property;

(d) dog had a propensity to injure or to damage a domestic animal, person or property; or

(e) defendant knew that the dog had such propensity or was, or is, accustomed to doing acts causing injury or damage. *1998, c. 18, s. 177; 2000, c. 9, s. 42.*

## Rabid animals

178 A person may kill or destroy a rabid dog or other rabid animal found at large and may secure and confine a dog or other animal at large and appearing to be rabid or exhibiting symptoms of canine madness. *1998, c. 18, s. 178.*

## Proof at trial

179 Upon the trial of an action brought against the owner or harbourer of a dog for any injury caused, or damage occasioned by, such dog, it is not necessary to prove knowledge by, or notice to, the owner or harbourer of any mischievous propensity of the dog. *1998, c. 18, s. 179.*

Legislation found at <http://gov.ns.ca/LEGISLATURE/LEGC/index.htm>

<http://dogkisser.blogspot.com/2008/05/banning-breeds-of-dogs-in-nova-scotia.html>

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