



1. TITLE

This By-law is made pursuant to the Municipal Government Act, Chapter 18 of the Acts of 1998 as amended from time to time.

This By-law shall be administered in accordance with the Municipal Government Act, R.S.N.S. 1989.

2. DEFINITIONS

In this By-law, the following words and phrases shall have the following meanings:

Attack means to injure, scratch or bite, or to commit an assault resulting in real or perceived injury to another person or animal;

Bite means wound, pierce, or penetration of the skin by a tooth or teeth;

Dog means any dog, male or female, or any animal that is the result of the breeding of a dog and any other canine animal;

By-law Officer means a person appointed by Council, and in the absence of such person a temporary replacement designated by the CAO, including the Pound Keeper, Special Constables and all other Peace Officers responsible for providing dog control activities in an emergency or as a support to a By-law Officer;

Emergency means a present or imminent event where a Peace Officer or Dog Control Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;

Fierce or Dangerous Dog means any dog that, in the absence of a mitigating factor as defined herein:

- attacks a person
- attacks an animal other than an insect;
- attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;
- has caused injury to or otherwise endangered the safety of a person or animal;
- with unreasonable ferocity threatens any person or domestic animal;



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

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- is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.
- 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 provided that any such bite, attack or menacing behavior is a reasonable defensive response in the circumstances.
- Kennel** means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain and does not include a veterinary clinic.
- Leash** means a device adequate for the effective control of the movements of the dog which is used by a person to restrict movement of a dog.
- Microchip** means an approved Canadian Standard encoded tag implanted into a dog which contains a unique code that permits or facilitates access to an owner’s name, address and telephone number, which is stored in the municipal registry;
- Mitigating Factor** means a circumstance that reasonably explains and excuses the aggressive behavior or actions of a dog;
- Muzzle** means placing a humane covering device of sufficient strength over a dog’s mouth to prevent it from biting;
- Owner** means any person or body corporate:
- who is the licensed Owner of the dog; and/or;
 - who has legal title to the dog; and/or;
 - who has possession or custody of the dog, either temporarily or permanently; and/or;
 - who has care or control of the dog; and/or;
 - who harbours the dog, or allows the dog to remain on their premises.



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

	Where such a person is a minor, “owner” includes the parent, guardian, or custodian of such a person.
Owner of Premises	includes a tenant, occupier, a part owner, joint owner, 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, agent, mortgagee in possession, attorney under a valid Power of Attorney or a person having the care or control of the land or building;
Peace Officer	includes a police officer or a special constable;
Pound	means any premises or facilities designated by the Region as a dog pound for the keeping and disposition of impounded animals;
Pound Keeper	means a person engaged by the Region to be responsible for caring for dogs being held and for maintaining a clean environment for the dogs.
Region	means West Hants Regional Municipality
Registration	means the recording of information regarding a dog for the purposes of issuing a tag pursuant to this By-law.
Running at Large	means any dog that is off the property of its owner without being under the effective restraint or control of a person;
Service Dog	means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability or which is used for search and rescue or law enforcement;
SPCA	means the Society for Prevention of Cruelty to Animals;
Seize	means to take a dog into custody pursuant to a warrant;
Tag	means a piece of identification issued upon registration as defined

in this By-law.

3.0 REGISTRATION

3.1 Registration of a dog with the Region is required:

- (a) within ten (10) days after the person becomes the owner of the dog;
- (b) notwithstanding subsection (a), above, a person who possesses, has the care of, and has the control of or harbours a dog for less than 20 days is not required to license the dog;
- (c) notwithstanding subsections (a) and (b), a kennel used for the purposes of breeding is exempt from registering puppies under the age of twelve (12) weeks; and
- (d) owners of breeding dogs with litters less than the age of twelve (12) weeks are exempt from annual registration for the puppies, but after twelve (12) weeks must register the puppies;
- (e) service dogs must be registered but are exempt from registration fees when the owner has provided:
 - (i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada or other proof satisfactory to the Region of the training received by the dog as a service dog; or
 - (ii) a certificate from a qualified health services practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or
 - (iii) a certificate or other proof satisfactory to the Dog Control Officer that the dog is used for search and rescue or law enforcement.

3.2 In order to register a dog, an owner shall pay the required fee and shall supply the following information:

- (a) name, civic address, mailing address and telephone number of the owner;
- (b) name and breed of the dog;
- (c) a description of the dog including whether the dog is male or female, spayed or not-spayed; neutered or not-neutered;
- (d) a photograph of the dog, if available;
- (e) identification information such as micro-chip implants, tattoos or other special markings, if available; and
- (f) the name of the veterinary clinic frequented by the dog and veterinary file identification number, if available.



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

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- 3.3 The owner of every dog shall keep on the dog at all times a collar with the tag issued for that dog by the Region.
- 3.4 The owner shall not use the tag issued for one dog on any other dog.
- 3.5 When the Region is satisfied that a tag has been lost, and upon payment of a fee, the Region shall issue a replacement tag.
- 3.6 Every registration and tag shall be effective during the lifetime of the registered dog.
- 3.7 Registration and a tag issued under this By-law shall not be transferrable, including not being transferrable between owners or dogs.
- 3.8 The Region shall keep a record of every dog registered, showing the date and number of the tag, the name, description of the dog and the name and address of the owner.
- 3.9 The owner shall notify the Region if the ownership or place of residence of the dog changes at any time.
- 3.10 It shall be an offence to provide false information to the Region when registering a dog.

4.0 KENNEL REGISTRATION

4.1 To qualify for a kennel registration, the kennel must:

- (a) be registered with the Canadian Kennel Club, or
- (b) meet the definition of a Kennel herein; and
- (c) have obtained any required development and building permit.

4.2 To obtain a kennel registration the owner of the kennel must pay the annual kennel registration fee and provide the region with the following information:

- information required by s. 3.2 for each dog;
- kennel's owner's name, civic address, mailing address, and telephone numbers;
- the maximum number of dogs to be kenneled;
- the registered name of the kennel;
- copies of required development and building permits; and
- where applicable, a copy of the current Canadian Kennel Club license.

Upon receipt of this information, the Region shall supply the kennel owner with a receipt and a tag for each dog, which shall be kept on each dog. No individual dog tag fee is required for the individual tags used by a kennel.

4.3 Tags issued to a kennel may be transferred within the registration year to replacement dogs only if the Region is notified. The Region shall issue additional tags during the registration year as required.

4.4 The Region shall keep a record of every kennel registered, showing the date and number of the tags, the kennel owner's name and address of the owner.

4.5 The owner shall notify the Region if the ownership or address of the kennel changes at any time. If the location changes, the owner shall provide copies of the relevant development and building permits.

4.6 It shall be an offence to provide false information to the Region when registering a kennel.



5. FEES

- 5.1 All fees referred to in this By-law shall be set by policy and may be amended by Council from time to time.
- 5.2 The registration fee for annual kennel registrations after October 1st of any year will be one-half of the annual registration fee.

6. DOG CONTROL AND POUND

- 6.1 The By-law Officer shall be primarily responsible to enforce this By-law as it pertains to dog control and impounding.
- 6.2 The Pound Keeper shall:
- (a) be responsible for the operation of the pound; and
 - (b) receive all dogs impounded or seized, detain them and provide food, water and shelter in accordance with the Nova Scotia SPCA Standards of Care guidelines as amended from time to time.

7. RESPONSIBILITIES OF THE OWNER

- 7.1 The owner of a dog shall confine such dog to the lands and premises of the owner.
- 7.2 Notwithstanding s. 7.1, the owner of a dog may permit such dog to leave the lands and premises when it is under the effective control of a responsible person.
- 7.3 The dog shall be deemed to be running at large where the dog is not under effective control.
- 7.4 Every owner of a dog:
- (a) whose dog runs at large; or
 - (b) whose dog is not wearing a tag required by this By-law; or
 - (c) whose dog is not licensed pursuant to this By-law; or
 - (d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or
 - (e) whose dog at any time without the presence of a mitigating factor attacks or

injures any person or animal, or damages any property; or

- (f) who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous; and
- (g) who fails to remove the feces of their dog from public property or private property other than the owners;
is guilty of an offence under this By-law.

Clause (g) does not apply to the owner of a service dog that is trained to assist and is assisting a person with a disability which reasonably prevents removal of the feces by that person.

7.5 At the request of the Region, the owner shall provide a written statement of the number of dogs owned or harboured or habitually kept on the premises of the owner.

7.6 If the owner neglects or refuses to provide the statement within ten (10) business days of the request of the Region, the owner shall be guilty of an offence under this By-law.

8. REMEDIES FOR FIERCE OR DANGEROUS DOGS

8.1 Where a By-law Officer has reason to believe that a dog is fierce or dangerous and the owner has been identified, the By-law Officer, in addition to any other remedies provided by statute or under this By-law may, after giving the owner a fair opportunity to be heard, except in emergency situations may:

- (a) issue the owner a notice to muzzle the dog at all times when outside of its owner's residence or its owner's fenced yard; and/or
- (b) issue the owner a notice to microchip the dog at the owner's expense; and/or
- (c) issue the owner a Notice of Violation or Notice to Appear; and/or
- (d) impound or seize the dog under section 9, *Impoundment* or 10, *Seizure under Warrant*.

8.2 Every owner who, having received a notice to muzzle fails to ensure their dog is muzzled while the dog is off the property occupied by the owner is guilty of an offence under this By-law.

9 IMPOUNDMENT



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

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- 9.1 The By-law Officer without notice to, or complaint against the owner of any dog, may impound a dog:
- (a) found running at large contrary to this By-law; and/or
 - (b) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; and/or
 - (c) which is fierce and dangerous; and/or
 - (d) which persistently disturbs the quiet of the neighborhood or area, by barking, howling or otherwise.
- 9.2 Every owner who redeems a dog shall be liable to the Region for payment of all fees, charges, and expenses incurred in impounding or seizing a dog including, but not limited to, the cost of apprehension, board, food, care, and any veterinary fees prior to reclaiming such dog.
- 9.3 Every owner who redeems a dog must provide valid proof the impounded dog is their dog, before the dog(s) can be redeemed from the pound.
- 9.4 Every owner who redeems a dog from the Pound Keeper which has not been registered or is not wearing a tag, shall also register the dog or obtain a replacement tag, before the dog(s) can be redeemed from the pound.
- 9.5 Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours from seizure or impoundment, excluding Saturdays, Sundays, and Holidays, may, after the expiration of that period, become the property of the Region and may be offered to the SPCA for adoption, and, if refused by the SPCA, may be humanely euthanized at the direction of the By-law Officer.
- 9.6 If a dog is seized or impounded with a valid tag:
- (a) the Region shall contact the owner, in writing in person or by a notice left at the owner's residence; and
 - (b) following a minimum of seventy-two (72) hours from the time the notice was provided, excluding Saturdays, Sundays, and Holidays the registered dog may become the property of the Region, and may be offered to the SPCA for

adoption, and if refused by the SPCA, may be humanely euthanized under the direction of the By-law Officer.

- 9.7 Impounded or seized dogs suspected of being infected with rabies or canine madness shall be examined by a veterinarian.
- 9.8 Except in emergency situations, reasonable efforts shall be used to allow the owner a fair opportunity to be heard before a dog is euthanized.
- 9.9 All veterinary fees must be paid by the owner either if the dog is euthanized on veterinary advice or if the dog is being released to the owner.
- 9.10 Where an impounded or seized dog has been the subject of either two warnings or convictions or one warning and one conviction under this By-law, the By-law Officer may give notice to its owner to present themselves to the By-law Officer to show why the dog should not be the subject of one or more of the following remedial actions:
- (a) a notice to muzzle the dog at all times when outside of its owner's residence or its owner's fenced yard;
 - (b) a notice to the owner to microchip the dog at the owner's expense;
 - (c) humane euthanization of the dog at the owner's expense; or
 - (d) offering the dog to the SPCA for adoption, and if refused by the SPCA, humane euthanization at the direction of the By-law Officer at the owner's expense,
- any of which may be considered and acted upon by the By-law Officer after considering and balancing the health and safety of people and animals in the Region against the interests of the owner.

10 SEIZURE UNDER WARRANT

- 10.1 Where a By-law Officer believes on reasonable grounds, that a person is harbouring, keeping, or has under their care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise, contrary to this By-law, and where the dog is located on private property to which the By-law Officer does not have consent of the occupant to enter and search, a Justice of

the Peace Officer may by warrant, authorize and empower the person named in the warrant to:

- (a) enter and search the place where the dog is located;
 - (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. Where the person named in the warrant is unable to seize the dog in safety, the person may have the dog destroyed.

11. DESTRUCTION OF A DOG

11.1 Where the owner of a dog:

- which is fierce or dangerous; or
 - which is rabid or appears to be rabid or exhibiting symptoms of canine madness;
- has euthanized or caused to be euthanized said dog, upon request from the Region the owner shall provide evidence of euthanization.

11.2 In an emergency the By-law Officer, without notice to the owner, may destroy or tranquilize any dog that is running at large and which they reasonably believe pose an imminent danger to a person (including the By-law Officer) or to a domestic animal.

12. DUTY TO REPORT ABUSE

12.1 If in the course of performing their duties the By-law Officer reasonably believes that a dog has been abused or neglected, they must notify a peace officer having authority under the Animal Protection Act. The peace officer(s) may with the assistance of the By-law 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 or reimbursed by the owner. Any instance must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

13. PENALTIES

13.1 A person who does anything else prohibited by this By-law or who neglects or fails to do anything they are required to do by this By-law is guilty of an offence and except where some other penalty is provided by this By-law for the act, refusal, neglect or failure, the



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

offence is liable on summary conviction to a penalty of not more than ten thousand dollars (\$10,000) per offence and, in default of payment, to imprisonment for a term not exceeding sixty (60) days.

13.2 Every day during which an offence pursuant to Clause 13.1 continues shall be a separate offence.

13.3 In lieu of prosecution under this By-law, the By-law Officer may, in their sole and absolute discretion, issue to any person they believe upon reasonable grounds has committed an offence under this By-law a Notice of Violation. This Notice shall require the person to whom it is directed to pay to the Region within fourteen (14) days of the issuance of the Notice the sum of \$250.00 for an offence under s. 8.1 of this By-law and \$150.00 for all other offences. Where a Notice of Violation is issued and the required amount is paid, no prosecution shall follow respecting the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the Region to issue a Notice of Violation before initiating a prosecution.

14 REPEAL

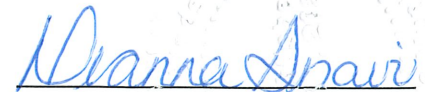
The Dog By-law of the former Municipality of the District of West Hants approved July 11, 2017 Respecting the Registration and Regulation of Dogs and the Dog By-law of the former Town of Windsor approved February 22, 2011 are hereby repealed on the effective date of this By-law.



WEST HANTS REGIONAL MUNICIPALITY
DOG BY-LAW

RD-002

I, Deanna Snair, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on 24th the day of May, 2022.


Deanna Snair, Municipal Clerk

By-law Adoption	
First Reading:	<i>April 26, 2022</i>
Notice Published:	<i>May 3, 2022</i>
Second Reading & Approval	<i>May 24, 2022</i>
Final Publication	<i>May 31, 2022</i>
Notice to Municipal Affairs	<i>May 31, 2022</i>
Description: Initial approval of the Regional Dog By-Law, RD-002, which includes the repeal of the previous Dog By-Laws of the former Municipality of the District of West Hants approved July 11, 2017 Respecting the Registration and Regulation of Dogs and the Dog By-law of the former Town of Windsor approved February 22, 2011.	