

MUNICIPALITY OF THE DISTRICT OF
YARMOUTH

DOG BY-LAW
D-048-02

Effective Date:
August 9, 2004

Title

1. This By-Law is entitled the "Dog By-Law".

Definitions

2. In this By-Law:

- (a) "**canine madness**" a form of rabid madness non-communicable to man; characterized by foaming at the mouth, impairment of deglutition, and a desire to vomit.
- (b) "**destroy**" means kill;
- (c) "**dog**" means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
- (d) "**domestic animal**" includes pets and farm animals;
- (e) "**extraordinary expense**" means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter;
- (f) "**fierce or dangerous dog**" has the meaning stipulated in s. [16] of this By-Law;
- (g) "**mitigating factor**" means a circumstance which excuses the aggressive behavior of a dog where:
 - (i) the dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner provided that the presence of the dog is clearly posted OR
 - (ii) the dog, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;
- (j) "**Municipal Staff**" means the Municipality of the District of Yarmouth's Dog Control Officer or a person appointed by the Chief Administrative Officer or Council to act on the Municipality's behalf for the purposes of this By-Law, and includes the Pound Keeper;
- (k) "**Municipality**" means the Municipality of the District of Yarmouth;
- (l) "**owner**" means the owner of a dog and any person who possesses, has the care or control of, or harbors a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (m) "**wolf-dog hybrid**" means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;
- (n) "**kennel**" means any facility that breeds or harbours four (4) or more dogs

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Registration

3. On or before the **1st day of May** in each year the owner of any dog shall register such dog with the Municipal Staff and obtain from the Municipal Staff a tag for such dog.
4. Every owner of a dog shall, within ten (10) days of having become owner, register such dog with Municipal Staff and obtain from Municipal Staff a tag for such dog.
5. In order to register a dog, an owner shall pay the annual registration fee as set out by Municipal Council each year. These fees are to be reviewed annually by Council. Dog Taxes being paid between January 1st and May 1st of the same calendar year shall be discounted by an amount to be set out by Municipal Council each year. The owner of each dog shall supply Municipal Staff with the following:
 - 1) Name, civic address, mailing address and telephone number of the owner;
 - 2) Name and breed of the dog;
 - 3) 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:
 - 4) Identification information such as micro-chip implants, tattoos or other special markings; and
6. Registration shall be effective until the **20th day of January** in the year following the year of registration.
7. The registration fee shall be reduced by 50% in the year of acquisition where the owner acquires ownership of the dog after June 30th.
8. The following are exempt from registration:
 - 1) the Municipal Staff or Pound Keeper or the Yarmouth Chapter of the SPCA shall not be required to register a stray;
 - 2) 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,
 - 3) the owner of a kennel in any year, shall pay to the Municipal Staff, a fee (as indicated in the Municipality of Yarmouth's Fees Policy F-020-02) as a tax upon the kennel for that year. Upon the sale of dogs from the kennel,

the kennel owner shall be responsible for licensing and tagging each dog and shall provide the Municipality with information on the dog, the time of sale, and address of new owners, or confirm that the owner does not reside in the municipality, and any other information that may be required by the municipality form time to time to adequately keep track of these dogs.

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9. A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee but not from registration.
10. The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Municipal Staff at the time of registration and such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued, except that such tag may be removed while the dog is being used for lawful hunting purposes in the presence and under the control of the dog's owner and wearing a collar bearing the owner's name and address.
11. The owner of a dog shall deliver in writing to the Municipal Staff a statement of the number of dogs owned or harbored, or that are kept upon the premises occupied by the owner within 10 days after having received notice requiring it to be provided.
12. If an owner files a Statutory Declaration that a tag has been lost, with the Municipal Staff, the Municipal Staff may replace the tag that has been lost upon payment by the owner of an amount of One Dollar (\$1.00).

Dog Control and Pound

13. Municipal Staff shall be responsible for the enforcement of this By-Law.
14. Council shall appoint a Pound Keeper who shall:
 - 1) 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;
 - 2) be responsible for the operation of the pound;
 - 3) provide adequate food and water to impounded dogs;
 - 4) keep the pound in a reasonable state of cleanliness;
 - 5) keep the pound premises neat and tidy in appearance

Dogs Running At Large

15. Any dog which is off the premises occupied by the owner without being under the continuous restraint or control of some person is deemed to be running at large for the purposes of this By-Law. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large.

Fierce or Dangerous Dogs

16. For purpose of this By-Law a dog that is fierce or dangerous 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 unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an

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- apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
- 5) owned or harbored in whole or in part for the purpose of dog fighting; or
 - 6) trained for dog fighting; provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

Responsibilities of Owners

17. Every owner of a dog
 - 1) whose dog runs at large;
 - 2) whose dog is not wearing a tag required by this By-Law;
 - 3) whose dog is not registered pursuant to this By-Law;
 - 4) whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise;
 - 5) who neglects or refuses to provide a written statement required by this By-Law;
 - 6) who harbors, keeps, or has under care, control or direction a dog that is fierce or dangerous;
 - 7) who fails to remove the feces 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 in contravention of the By-Law.

Impounding

18. Municipal Staff may, without notice to or complaint against the owner, impound any dog that:
 - 1) runs at large contrary to this By-Law;
 - 2) is not wearing a tag required by this By-Law;
 - 3) is not registered pursuant to this By-Law;
 - 4) is fierce or dangerous;
 - 5) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
 - 6) persistently disturbs the quiet of the neighborhood by barking, howling or otherwise.
19. An Impounding Fee and daily pound fee shall be set out by Municipal Council each year and shall be payable by any person seeking to redeem an impounded dog.
20. Subject to Sections [22 to 24] 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, or making arrangement for payment satisfactory to the Pound Keeper, of the Impounding Fee and the Daily Pound Fee(s), along with reimbursement for any Extraordinary Expenses incurred by the Municipal Staff in relation to the dog.
21. In the case of redemption of a dog which has not been registered pursuant to this By-

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Law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.

22. 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, sold or killed by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
23. 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.

Notice

24. 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 two attempts to contact the registered owner of the dog using the tag number on the records of Municipal Staff. 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, and neither the Pound Keeper nor the Municipality 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

Destroying

25. Municipal Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:
- 1) is fierce or dangerous;
 - 2) is rabid or appears to be rabid or exhibits symptoms of canine madness.
26. Municipal Staff may, after two written warnings have been given to the owner that a dog has been running at large or eluding capture, kill such dog on sight or after capture.
27. Municipal Staff may, kill on sight any dog that is running at large and which he or she 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.

Penalty

28. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$1000.00 and to imprisonment of not more than 45 days in default of payment thereof.

Any person who has contravened Sections 17 (1) (3) (4) (6) or (7) of this by-law and where notice so provides may pay a penalty in the amount of \$50.00 dollars (first offence, \$100.00 dollars for a second offence, and \$150.00 dollars for subsequent offences) to the office of the Municipality of Yarmouth provided that said payment is made within a period of fourteen (14) days from the date of the notice and where the said notice so provides for a voluntary payment, said payment shall be in full

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satisfaction, releasing and discharging all penalties incurred by the person for said violation. in accordance with the Payment In Lieu of Prosecution Policy, P-082-02.

PROCEDURE FOR BARKING DOGS attached

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CAO's Annotation For Official By-Law Book

Date of first reading: August 13, 2009

Date of advertisement of Notice of Intent to Consider: September 8, 2009

Date of second reading: September 23, 2009

*Date of advertisement of Passage of By-Law: _____

Date of mailing to Minister a certified copy of By-Law: _____

I certify that this by-law was adopted by Council and
published as indicated above.

CAO

Date

Date last reviewed: September 23, 2009

Date of last amendment: September 23, 2009