

BE IT ENACTED - by the Council of the Municipality of the District of Digby, pursuant to authority contained in the *Municipal Government Act*, as follows:

**DOG BY-LAW  
#2006-02**

**Definitions**

1. In this By-Law:

- 1) "Council" means Council for the Municipality of the District of Digby;
- 2) "Destroy" means kill;
- 3) "Dog" means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
- 4) "Dog Control Officer" means that person appointed by Council or by the Chief Administrative Officer to act on behalf of the Municipality for the purposes of this By-Law;
- 5) "Extraordinary expense" means any expense incurred by the Dog Control Officer in relation to a dog except for the provision of food and shelter;
- 6) "Fierce or dangerous dog" means:
  - (1) any dog with a known propensity, tendency or disposition to attack, without provocation, another dog, any other domestic animal, any person or persons; or
  - (2) any dog which has bitten, without provocation, another dog, any other domestic animal, or any person or persons;
- 7) "Kennel" means any facility that breeds or harbors four (4) or more dogs;
- 8) "Municipality" means the Municipality of the District of Digby;
- 9) "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 person is a minor, includes a parents, guardian or custodian of such person;

**Registration**

2. Any person who is the owner of a dog, shall:

- 1) register such dog with the Municipality by providing the required information which includes the name, civic address, and telephone number of the owner, the name and breed of the dog, a description of the dog, including whether the dog is male or female, and whether the dog is spayed or neutered; and
  - 2) obtain from the Municipality an identification tag for such dog; and
  - 3) securely attach such identification tag to that same dog.
3. The registration fee shall be \$10.00 per dog and includes one identification tag.
4. Any person who becomes the owner of a dog shall, within thirty (30) days of so becoming, comply with the requirements outlined in this By-Law.
5. The owner of a dog who has failed to register their dog is guilty of an offence under this By-Law.
6. The owner of a dog which is not wearing an identification tag is guilty of an offence under this By-Law.

### **Exceptions and Exemptions**

7. Notwithstanding the previous clauses, the owner of a dog which is less than six (6) months old is exempted, until that dog becomes six (6) months old, from the requirement of registering said dog and the acquiring of an identification tag.
8. The owner of a dog that is trained to assist, and does assist, a person with a disability is exempt from any registration fee that may apply by way of this By-law.
9. An identification tag may be removed from a dog temporarily when and if the dog is being used, lawfully, for hunting purposes.

### **Identification Tag**

10. The identification tag shall be valid and effective for the life of the dog or the repeal of this By-Law, whichever occurs first.
11. An identification tag is non-transferable thus a new owner of a dog shall reregister the dog and obtain a new identification tag pursuant to this By-Law.
12. In the event that an identification tag has been lost, a replacement tag will be provided at a cost of \$10.00 to the owner.

### **Information to the Dog Control Officer**

13. Any owner who sells or transfers any dog shall report to the Municipality the sale or transfer, the name and address of the person to whom it was sold or transferred, a description of the dog and the number of the registration as shown on the identification tag issued by the Municipality.

14. The Dog Control Officer may give Notice, in writing and by registered mail, to any person residing within the District of Digby that such person shall provide, within ten (10) days, or such longer time as may be outlined in the Notice, to the Municipality, a written statement of the number of dogs possessed, controlled or harbored by that person.

15. The owner of any kennel, upon the sale of any dog to a resident of the Municipality, shall give notice to the Dog Control Officer which states the name of the buyer, the date of the sale, the breed, and the approximate date of birth of the dog.

### **Dogs Running at Large**

16. Any dog which is off the premises of its owner, and is not on the premises of another person where permission has been given, and is not under the effective restraint or control of some person, is deemed to be running at large.

17. The owner of a dog which is deemed to be, or have been, running at large is guilty of an offence under this By-Law.

### **Fierce or Dangerous Dogs**

18. The owner of a dog which is fierce or dangerous is guilty of an offence under this By-Law.

19. The owner of a dog which, without provocation, has attacked or injured any person or property is guilty of an offence under this By-Law.

### **Barking Dogs**

20. The owner of a dog which persistently disturbs the quiet by barking, howling, or in any other manner, is guilty of an offence under this By-Law.

21. When a complaint is first received, the Dog Control Officer will give a verbal warning to the owner. On a second complaint, the Dog Control Officer will give the owner a written warning. On a third complaint, the Dog Control Officer will give the owner a final written warning, with the support of a signed statement from the complainant that details the dates and times of the dog barking. If the dog barking remains persistent, and the evidence is deemed sufficient for prosecution by legal counsel for the Municipality, then a Summary

Offence Ticket will be issued to the owner.

22. The complainant must provide evidence which identifies the dog, states the dates and times of the barking, and shows that the barking is persistent, unless the Dog Control Officer is otherwise able to verify all of the complaint information through the investigation.

23. All complainants must be willing to testify in court if the owner of the dog pleads not guilty to the Summary Offence Ticket. Complainants may be subpoenaed to testify.

24. Two separate complaints, from different complainants, are required, unless deemed not possible by the Dog Control Officer, before any Summary Offence Ticket for dog barking is issued under this By-Law.

### **Search and Seizures**

25. (1) In accordance with Sec. 176 of the *Municipal Government Act*, where a Peace Officer believes, on reasonable grounds, that a person is harboring, keeping or has under care, control or direction a dog that:

- 1) is fierce or dangerous; or
- 2) is rabid or appears to be rabid; or
- 3) exhibits symptoms of canine madness; or
- 4) persistently disturbs the quiet of a neighborhood by barking, howling or otherwise

a Justice of the Peace may, by warrant, authorize and empower the person named in the warrant to:

- a) enter and search, at any time, the place where the dog is; and
- 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.

(2) Where the person named in the warrant is unable to seize the dog safely, the person may destroy the dog.

(3) The Peace Officer shall appear before, and satisfy, the Justice of the Peace of the grounds for belief before a warrant pursuant to this Section may be issued.

### **The Pound**

26. The Dog Control officer may impound any dog which is in violation of this By-Law.

27. Council may, by resolution, establish one or more pounds for dogs, appoint keepers thereof as well as remuneration for same

28. The keeper of a dog pound shall receive, impound and hold, feed water and shelter all dogs delivered to the pound and shall keep the pound in a reasonable state of cleanliness.

29. Upon a tagged dog being impounded, the Dog Control Officer shall make all reasonable efforts to notify the owner of the dog.

30. Upon an untagged dog being impounded, the Dog Control Officer shall give notice of such impounding by posting notice on social media and in the Municipal Office Building.

31. Notwithstanding the foregoing, any dog which is impounded may be destroyed by the Dog Control Officer, without Notice of any kind to the owner or possible owner.

32. If, within five (5) days from the time of impounding, or in the case of a Notice within five (5) days from the posting of such Notice, the dog is not claimed, or the impound fees are not paid, or the dog is not registered according to this By-Law, the Dog Control Officer may dispose of the dog, either by finding a new owner, giving it to an organization that finds homes for dogs, or by destroying it.

### **Pound Fees**

33. In the case of dogs which are eligible to be redeemed from the pound by an owner, if the owner of a dog wishes to claim it before it is given away, sold, or destroyed, the owner may redeem said dog upon payment of:

1. For a first offence, an impounding fee of \$50.00, plus \$10.00 per dog per day for each day of impoundment; For a second offence, an impounding fee of \$75.00, plus \$10.00 per dog per day for each day of impoundment; and for a third and any subsequent offence, an impounding fee of \$100.00, plus \$10.00 per dog per day of impoundment and
2. any other extraordinary expenses incurred in relation to the capture, impounding, maintenance or care of the said dog.

34. It shall be an offence under this By-law for any person to remove any dog from the pound without first having paid the impounding fee and any other fees required under this By-Law.

35. Any person resident within the Municipality who purchases or receives an unregistered dog from the Dog Control Officer shall register the dog according to this By-Law before such dog is removed from the pound.

36. The Dog Control Officer may charge a fee to be paid by any owner requesting the services of the Dog Control Officer in euthanasia of their dog. The fee shall be appropriate to cover all necessary expenses incurred by the Municipality in carrying out

the euthanasia of the dog.

### **Penalties**

37. Any person who violates any provision of this By-Law shall be guilty of an offence and liable, upon summary conviction under:

- 1) Sections 5 and 6, owning a dog and has failed to register their dog, or owning a dog which is not wearing an identification tag, to pay a fine of two hundred thirty-seven dollars and fifty cents (\$237.50) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 2) Sections 16 and 17, owning a dog which is deemed to be, or have been, running at large, to pay a fine of three hundred fifty-two dollars and fifty cents (\$352.50) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 3) Section 18, owning a dog which is fierce or dangerous, to pay a fine of three hundred fifty-two dollars and fifty cents (\$352.50) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 4) Section 19, owning a dog which, without provocation, has attacked or injured any person or property, to pay a fine of four hundred sixty-seven dollars and fifty cents (\$467.50) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 5) Section 20, owning a dog which persistently disturbs the quiet of a neighborhood by barking, howling or otherwise to pay a fine of three hundred fifty-two dollars and fifty cents (\$352.50) and in default of payment to imprisonment for a period of time not to exceed thirty (30) days.
- 6) Any other section of this By-Law, a fine of not less than two hundred thirty-seven dollars and 50 cents (\$237.50), and not more than one thousand dollars (\$1000.00), and in default of payment, to imprisonment for a period not to exceed 30 days.

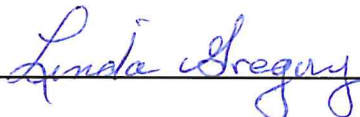
### **Repeal**

By-law 2000-01 (Dogs) and any amendments thereto of the Municipality of the District of Digby, is hereby repealed.

**Certification**

This is to certify that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 31<sup>st</sup> day of May, 2022.

Given under the hands of the Warden and Chief Administrative Officer and the seal of the Municipality of the District of Digby this 31<sup>st</sup> day of May, 2022.



---

Linda Gregory, Warden



---

Jeff Sunderland  
Chief Administrative Officer

**FIRST READING**  
**“NOTICE OF INTENT” PUBLICATION**  
**SECOND READING**  
**MINISTERIAL APPROVAL**  
**FORWARDED TO MINISTER**  
**DATE OF PUBLISHING**

**MARCH 22, 2022**  
**APRIL 30, 2022**  
**MAY 31, 2022**  
**NOT REQUIRED**  
**JUNE 3, 2022**