

DRAFT Model Dog Bylaw - November 20, 2006

Title

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

Definitions

2. In this Bylaw:

- (1) "fierce and dangerous dog" is any dog that:

***(a) is a Pit Bull Terrier, American Pit Bull Terrier; Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler or any dog of mixed breeding which includes any of the aforementioned breeds.***

(b) has attacked or injured a person;

(c) has attacked or injured an animal;

(d) in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack;

(e) is owned or harboured in whole or in part for the purpose of dog fighting; or 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.

(f) that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property.

- (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) "extraordinary expense" means any expense incurred by [Town] Staff in relation to a dog except for provision of food and shelter;

(5) "Town Staff" means the person appointed by the Chief Administrative Officer or Council to act on the Town's behalf for the purposes of this Bylaw, and includes the dog control officer, pound keeper; inspector or police officer.

(6) "owner" means the owner of a dog and any person who possesses, 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;

(7) "Town" means Town of Yarmouth

#### Provision of Needs

3. Every person who keeps an animal within the Town shall provide the animal or cause it to be provided with:

- (a) clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
- (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
- (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
- (d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering;

4. Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:

- (a) a total area that is at least twice the length of the animal in all directions;
- (b) contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
- (c) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
- (d) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

5. No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.

6. No person may cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

7. No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.

8. No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

#### Unsanitary Conditions Prohibited

9. No person shall keep an animal in an unsanitary condition within the Town of Yarmouth. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

#### Registration

10. On or before the 1st day of April in each year the owner of any dog shall register such dog with the Town and obtain from the Town a tag for such dog.

11. Every owner of a dog shall, within ten (10) days of having become owner, register such dog with the Town and obtain from the Town a tag for such dog.

12. In order to register a dog, an owner shall pay the annual registration fees in accordance with Schedule A of this bylaw and shall supply the Town 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) A photograph of the dog;
  - (e) Identification information such as micro-chip implants, tattoos or other special markings; and

(f) The name of the veterinary clinic frequented by the dog and veterinary file ID number.

13 Registration shall be effective until the first day of April in the year following the year of registration.

14 The registration fee shall be reduced by 50 percent in the year of acquisition where the owner acquires ownership of the dog after September 30.

15 The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Town Staff at the time of registration. Such a tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued. However, such a 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.

16 The owner of a dog shall deliver in writing to Town Staff a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner within 10 days after having received notice requiring it to be provided.

#### Registration Exemptions

17. The following are exempt from registration:

- (a) the Town Staff or the Yarmouth SPCA shall not be required to register a stray;
- (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,

18. 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.

#### Dog Control Provisions

19 If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately.

20 No owner shall suffer, permit, allow or for any reason have his or her dog bark or howl excessively or in any other manner disturb the quiet of any person.

21 No owner of a dog shall permit his or her dog to, without provocation:

- (a) chase, bite or attack any person or animal;

- (b) behave in a manner that poses a menace to the safety of persons or animals;
- (c) damage public or private property; or
- (d) run at large within the Town except in designated off-leash areas.

#### Number of dogs allowed

22. No more than two (2) dogs shall be permitted to remain upon or in any land, house, shelter, room or place, building, structure or premises within the Town unless:

- (a) the premises are lawfully used for the care and treatment of dogs operated by a licensed veterinarian
- (b) the premises are temporarily being used for the purpose of a dog show
- (c) the owner is a not-for-profit association engaged in the provision of specialized dog services, including but not limited to guide dogs, police dogs and search and rescue dogs

23. This Section does not apply to offspring under 12 weeks of age.

#### Dogs Running At Large

24 Any dog which is off the premises occupied by the owner without being on a leash or harness , under the continuous restraint and control of some person is deemed to be running at large for the purposes of this bylaw. 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, except that an unleashed and unharnessed dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:

- (a) participating in an organized dog exhibition event or dog field trials;
- (b) participating in a search and rescue operation or law-enforcement operation;
- (c) assisting a person with a disability, provided the dog is trained for such purpose; or
- (d) within a Town public park where the area is designated by signage as an area in which dogs are permitted to be without a leash subject to such limitations as are posted.

## Fierce and Dangerous Dogs

25. The owner of a dangerous dog as defined in Section 2(1), or as declared by a judge, shall ensure that within ten (10) days:

a) such dog is registered with the Town as a dangerous dog in accordance with the fees outlined in Schedule A

b) such dog is spayed or neutered

c) they comply with the dog control provisions as outlined in Sections 19-21

d) at all times when off the owner's property, the dog shall be **muzzled**

e) at all times when off the owner's property, the dog shall be on a leash not longer than 1.2 metres with a tensile strength of at least 140 kilograms and under the control of a responsible person sixteen years of age or older

f) when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.

g) a sign is displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

h) a policy of liability insurance, satisfactory to the Town, is in force in the amount of at least \$500,000, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.

26 The Town shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.

27 If the owner of a dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section after fourteen days, the said dog shall then be humanely

euthanized by an animal shelter, animal control agency or licensed veterinarian. Any dog that has been designated as dangerous under this bylaw may not be offered for adoption.

**28 The owner of a dangerous dog who is unwilling or unable to comply with the provisions of this section of the By-law, will have all current dog licenses revoked, and no future dog licenses will be issued for a period of 5 years.**

Impounding

28. Town staff may, without notice to or complaint against the owner, impound any dog that:

(a) runs at large contrary to this bylaw;

(b) is not wearing a tag required by this bylaw;

(c) is not registered pursuant to this bylaw;

(d) is fierce and 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.

29 Owners seeking to redeem an impounded dog must pay an impoundment fee as outlined in Schedule A of this bylaw.

30. Subject to Section 28 of this Bylaw, except in the case where a dog is impounded for being 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 Town Staff in relation to the dog.

31 In the case of redemption of a dog which has not been registered pursuant to this Bylaw, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.

32 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 destroyed in a humane way by the Pound Keeper and, if sold, the proceeds shall belong to the Town.

32 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.

33 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 Town 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 Bylaw, whether the dog has been impounded, and neither the Pound Keeper nor the Town 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

34. Town Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:

- (a) is fierce and dangerous;
- (b) is rabid or appears to be rabid or exhibits symptoms of canine madness.

35 Town staff may, after one written warning, has been given to the owner that a dog has been running at large or eluding capture, destroy such dog on sight or after capture.

36 Town 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 animal or to property of persons other than the owner.

#### Proceedings Against Dog Owner

37. A proceeding may be commenced in the Provincial Court against an owner of a dog if it is alleged that,

- (a) the dog has bitten, attacked or injured a person or domestic animal;
- (b) the dog has behaved in a manner that poses a menace to the safety of persons or animals; or
- (c) the owner did not exercise reasonable precautions to prevent the dog from:
  - (i) biting, attacking or injuring a person or domestic animal; or

- (ii) behaving in a manner that poses a menace to the safety of persons or animals.

38. In exercising its powers to make an order under Section 37, the Provincial Court Judge may take into consideration the following circumstances:

- (a) the dog's past and present temperament and behaviour
- (b) the seriousness of the injuries caused by the biting or attack
- (c) unusual contributing circumstances tending to justify the dog's action
- (d) the improbability that a similar attack will be repeated
- (e) the dog's physical potential for inflicting harm
- (f) precautions taken by the owner to preclude similar attacks in the future
- (g) any other circumstances that the court considers to be relevant

39. If, in a proceeding under Section 37, the court finds that the dog has bitten or attacked a person or domestic animal or that the dog's behaviour is such that the dog is a menace to the safety of persons or domestic animals, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

- (a) that the owner of the dog take the measures specified in the order for the more effective control of the dog or for purposes of public safety.
- (b) that the dog be destroyed in the manner specified in the order; or
- (c) prohibiting the dog's owner from owning another dog for a specified period of time.

#### Penalties

1 Any person who contravenes any provision of this bylaw is guilty of an offence punishable on summary conviction and is liable to a penalty as set out in Schedule B.

2 A Provincial Court Judge, in addition to the penalties provided in this bylaw, may, if he or she considers the offence sufficiently serious, direct or order the owner of a dog to prevent such dog from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the Town, or order the animal destroyed.

3 Where any person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in Schedule B of this bylaw.

4 Where any person contravenes the same provision of this bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in Schedule B of this bylaw.

5 Any person in default of payment may be imprisoned for a term not exceeding ninety (90) days.

#### Schedule A - Licence, Registration and Impoundment Fees

##### Registration Fees

Registration Type	Cost
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Dog registration (male or female)	\$50
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Dog registration for neutered male or spayed female	\$25
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Dog registration for neutered male or spayed female that is implanted with a microchip or tattooed	\$10
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Fierce and Dangerous Dog registration	\$250
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Kennel registration	\$100
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##### Impoundment Fees Penalties

First impoundment in any calendar year	Cost
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Neutered male or spayed female dog	\$25
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Non-neutered or unspayed dog	\$50
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Fierce and Dangerous dog	\$250
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Second impoundment in any calendar year	
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Neutered male or spayed female dog	\$250
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Non-neutered or unspayed dog	\$100
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Fierce and Dangerous dog	\$500
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Third impoundment in any calendar year

Neutered male or spayed female dog                 \$75

Non-neutered or unspayed dog                     \$150

Fierce and Dangerous dog                         \$1000

Offence                 Section Penalty

Provision of Needs                     \$100

Unsanitary Conditions                 \$100

Harbouring more than two dogs                 \$100

dog barking or howling excessively             \$100

Failure to immediately remove a dog's defecation on private or public property             \$100

Dogs at Large

Fierce and Dangerous                     \$1000

Unlicensed                                 \$150

Licensed                                     \$100

Dog:

chase, bite or attack a person                 \$500

chase, bite or attack a domestic animal         \$350

Fierce and Dangerous Dogs:

chase, bite or attack a person	\$1000
chase, bite or attack a person causing physical injury	\$2500
chase, bite or attack a domestic animal	\$500

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chase, bite or attack a domestic animal causing physical injury or death	\$1000
damage public or private property	\$500
failure to keep vicious dog confined	\$1000
Improper pen or structure	\$1000
Failure to keep dog muzzled, harnessed or leashed properly	\$1000
Failure to notify Town Staff if dog is sold, gifted, transferred or dies	\$200
Failure to show proof of liability insurance	\$1000
Failure to post "fierce and dangerous dog" signage	\$100
contravenes the same provision of this bylaw twice within one twelve month period the above	double
contravenes the same provision of this bylaw three or more times within one twelve month period triple the above	