

## HALIFAX REGIONAL MUNICIPALITY

### BY-LAW NUMBER D-100

#### RESPECTING THE REGISTRATION AND REGULATION OF DOGS

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

#### **Short Title**

1 This By-law shall be known as Bylaw No. D-100 and may be cited as the “Dog By-law”.

#### **Interpretation**

- 2 (1) In this By-law,
- (a) “Clerk” means the Clerk of the Municipality or the person designated by the Clerk to administer this by-law;
  - (b) “dog” means any dog, male or female;
  - (c) “dog control officer” means a police officer or a by-law enforcement officer appointed pursuant to the Police Act;
  - (d) “dog hybrid” means any animal which results from the breeding of a dog and a wolf;
  - (e) “fierce or dangerous dog” means any dog or any dog hybrid which
    - (I) inflicts bites to or attacks a human being or domestic animal either on public or private property;
    - (ii) has demonstrated a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
    - (iii) when either unmuzzled, unleashed, or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;

- (iv) is owned or harbored primarily or in part for the purpose of dog fighting; or
- (v) is trained for dog fighting;

provided that 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 or is a professionally trained guard dog for law enforcement or guard duties;

- (f) “identification system” means any system for the identification of a dog which contains a serial number or other means of identification corresponding with the number under which the dog is registered by the Clerk. Without limiting the generality of the foregoing, an identification system may include external identification devices such as tags, and/or internal identification devices such as microchips;
- (g) “kennel” means any premises where dogs are harbored or bred as a commercial service or for sport or exhibition purposes for periods longer than 60 days;
- (h) “Municipal public park” includes any municipal park, school grounds, public swimming areas, playgrounds or sports or athletic fields, but does not include Provincial or Federal lands;
- (i) “Municipality” means Halifax Regional Municipality;
- (j) “muzzled” means a covering device of sufficient strength placed over a dog’s mouth to prevent it from biting;
- (k) “organized hunt” means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters;
- (l) “owner” of a dog includes any person who possesses, has the care of, has the control of or harbors a dog, and where the person is a minor, includes the person responsible for the custody of the minor;
- (m) “registration fee” is the fee for a given period of time payable to the

Clerk by the owner of a dog at or before the time of registration in the amount established by the Council of the Municipality from time to time by Administrative Order;

- (n) “runs at large” means a dog off the premises of its owner *and without a leash*; and furthermore a dog shall be deemed to be running at large where it is on any private property or premises without the permission of the owner or occupant thereof; [*see effective date*]
- (o) “spayed or neutered” means incapable of reproduction as certified by a licensed veterinarian.
- (2) Where a period of time is prescribed by this by-law, expressed as a number of days, the period shall be computed as the number of days exclusive of
  - (a) any Saturday or Sunday;
  - (b) New Year’s Day, Good Friday, Canada Day, Christmas Day, Victoria Day, Labor Day, Remembrance Day, Natal Day or other municipal holidays and any day appointed by any Statute in force in the Province of Nova Scotia or by Proclamation of the Governor General or the Lieutenant Governor as a general holiday or for Thanksgiving; and
  - (c) when any of the days specified in paragraph (b) falls on a Sunday, the following day.

## **PART I - REGISTRATION**

### **Dog Registration**

- 3 (1) No owner shall own a dog within the Municipality without having registered the dog with the Clerk:
- (a) on the first day of April in every year for annual registration period; or
  - (b) within ten days after the owner becomes the owner of the dog between the second day of April in any year and the 31st day of March in the next year; or

- (c) for multiple year registrations, as enacted by Council, which covers the time period when the dog is within the Municipality.

(2) Notwithstanding subsection 3(1), a person who possesses, has the care of, has the control of or harbors a dog for less than sixty (60) days is not required to register the dog.

(3) Any dog which does not have a valid identification system shall be deemed not to be registered under this by-law.

### **Registration Procedure**

- 4 (1) At or before the time of registration, the owner of a dog shall furnish to the Clerk:
- (a) the owner's name, address, and telephone number;
  - (b) the name of the dog;
  - (c) the dog's description, including its sex, breed, and known or approximate age, and Canadian Kennel Club individual identification number, if applicable;
  - (d) a certificate of spaying or neutering for the dog, where appropriate;
  - (e) a certificate of inoculation for the dog, where appropriate;
  - (f) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada in respect of the dog, where appropriate;
  - (g) a certificate from a qualified medical 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, where appropriate; and
  - (h) the applicable registration fee;
  - (I) a government issued certificate that the animal is used for law enforcement.

(2) The Clerk shall keep a record of every dog registered, showing the date and number of registration, the name and description of the dog with the name and address of the owner.

(3) Upon receipt of the matters described in subsection 4(1), the Clerk shall supply the owner of the dog with an identification system and a receipt.

### **Registration Year**

5 (1) Every registration made and registration fee paid on or after the 1st day of April in any year shall be effective until 11:59 in the forenoon on the 31st day of March in the next year.

### **Sale of Dog**

6 (1) Where an owner, including kennels, has registered a dog with the Clerk and subsequently ceases to be the owner of the dog as a result of the death, sale or transfer of the dog, the owner shall provide to the Clerk within 30 days of ceasing to be the owner of the dog written notice of:

- (a) the name and address of the person to whom the dog was sold or transferred, where appropriate;
- (b) the dog's name and description;
- (c) the dog's registration number; and
- (d) the reason for ceasing to be the owner of the dog.

### **Identification**

7 (1) The owner of every dog registered pursuant to section 3 and 4 of this by-law shall keep the identification system issued in respect of the dog securely affixed or attached to, or installed or lodged in place on the dog at all times.

(2) Notwithstanding section 7(1), an identification system which is intended to be externally secured to a dog may be removed from the dog temporarily while the dog is being used lawfully for hunting or exhibition purposes.

(3) No dog registered pursuant to sections 3 and 4 of this by-law shall be permitted to wear any other identification system in place of the identical one issued for such dog and for the registration period for which it was issued, but the owner may attach a supplementary owner's identification tag, if desired.

(4) In the event that an owner files with the Clerk a statutory declaration that an identification system is lost or unusable, the Clerk may replace the identification system upon payment by the Owner of Five Dollars (\$5.00).

### **Report of Dogs on Premises**

8 (1) Within ten (10) days of receiving a request by the Clerk, a dog control officer or a Deputy Registrar, every person shall deliver in writing to the person making the request a statement of the number and breed of all dogs kept upon the premises occupied by the person.

### **Deputy Registrars**

9 (1) The Clerk may appoint a Deputy Registrar or Deputy Registrars upon application by any person or persons on such terms specified in the appointment.

(2) Upon his appointment, a Deputy Registrar shall carry out the responsibilities of the Clerk pursuant to section 4 of this by-law.

(3) The Deputy Registrar(s) appointed pursuant to subsection 8(1) shall be paid such sums as the Council of the Municipality shall determine by resolution.

(4) A Deputy Registrar shall report promptly to the Clerk on actions taken pursuant to this By-law and shall account on the first day of each month to the Clerk for any registration fees collected and identification systems issued during the immediately preceding month.

### **Kennels**

10 (1) No person shall own or operate a kennel within the Municipality without having registered the kennel with the Clerk.

(2) At or before the time of registration, the owner or operator of a kennel shall furnish to the Clerk:

- (a) the name, address and telephone number of the owner or operator;
- (b) the trade or business name of the kennel, where appropriate;
- (c) the applicable registration fee.

(3) The provisions respecting the sale of a dog, set out in section 6, apply to the owner or operator of a kennel.

## PART II - DOG CONTROL

### Duties of Owners

- 11 (1) Every owner of a dog which dog:
- (a) at any time runs at large;
  - (b) at any time without provocation has attacked or injured any person or animal or damaged any property;
  - (c) is fierce and dangerous to persons or animals;
  - (d) persistently disturbs the quiet of any neighborhood by barking, howling or in any other manner; or
  - (e) damages public or private property;

shall be guilty of an offence under this by-law.

(2) Every owner of a fierce or dangerous dog who permits, suffers or allows the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person without first ensuring that the dog is muzzled and physically restrained to prevent it from biting another animal or person, is guilty of an offence under this by-law.

(3) *Notwithstanding clause (1)(a) of this section and the definition of runs at large, it shall not be an offence where a dog is without a leash provided that at all times the dog is under the continuous and effective control of its owners or some other person if at the time the dog is:*

- (a) *participating in an organized hunt; organized dog exhibition events; or dog field trials;*
- (b) *participating in a search and rescue operation; or police operation;*
- (c) *working on a farm;*
- (d) *within a municipal public park where the area is designated by signage as an area where dogs are permitted to*

*be without a leash subject to such limitations as are posted;*

- (e) *within a municipal public park which is a sport or athletic field between November 1 and May 1 and between the hours of 6:00 a.m. and 10:00 a.m. only, provided that the area is not otherwise posted, or in use.*

[see effective date]

(4) Notwithstanding any other provisions, no dogs shall be permitted in a municipal public park area where the area is designated by signage as an area prohibiting dogs.

12 The owner of any dog which runs at large is guilty of an offence even if the dog is not impounded.

13 (1) Every owner of an unspayed female dog shall keep the said dog confined inside a dog-proof enclosure while it is in heat.

(2) Every owner who fails to comply with subsection (1) is guilty of an offence under this bylaw.

14 If a dog, other than a dog that is trained to assist and is assisting a person with a disability, defecates on any public or private property other than the property of its owner, the omission by the owner of the dog to cause such defecation to be removed immediately shall be an offence.

### **Treatment by Poundkeeper**

15 (1) Any dog which is injured, sick or otherwise in need of medical care when apprehended by the Pound Keeper shall receive basic treatment so that pain is reduced consistent with humane principles, and so that life is not endangered except where after a reasonable period of observation the Pound Keeper concludes that destruction of the dog is required.

(2) Costs of treatment provided pursuant to subsection (1) shall be recovered from the owner before the dog is released to him or from the purchaser if the dog is sold.

(3) If the dog is not released to its owner nor sold, and, if the owner is known, the costs as referred to in subsection (1), of such treatment may be recovered from the owner as a debt.

### **Duties of Dog Control**

- 16 (1) Any dog control officer may pursue, impound, sell, destroy or otherwise dispose of dogs
- (a) that run at large contrary to the bylaw;
  - (b) that has without provocation attacked or injured any person or animal or damaged property;
  - (c) that are fierce or dangerous to persons or animals;
  - (d) that persistently disturb the quiet of the neighborhood by barking, howling or otherwise;
  - (e) that are not registered in accordance with this bylaw;
  - (f) in respect of which the fee or tax imposed by any bylaw is not paid;
  - (g) that are rabid or appear to be rabid or exhibiting symptoms of canine madness;

with notice to the registered owner at the address provided to the Clerk.

(2) Where any dog has, without provocation, attacked or injured a person, or attacked or injured another animal:

- (a) any dog control officer may destroy such dog if he is unable to seize it safely; and
- (b) such dog may, after being seized, be destroyed by the Pound or ordered out of the Municipality by the Pound Keeper, without permitting the owner to claim it and without offering it for sale.

17 A dog control officer, Pound Keeper or Assistant Pound Keeper, while pursuing any dog in accordance with this bylaw, may pass over the land of any person, but this section shall not be so construed as to provide immunity against an action for actual damage to the property of any person.

18. (1) Every life guard and park attendant employed by the Municipality while on duty, shall have the authority to order the owner of a dog at large to remove the said dog from public property.

(2) Every owner who fails to comply with an order under subsection (1) shall be guilty of

an offence under this bylaw.

### **Poundkeeper**

19. The Municipality may establish and maintain such buildings, yards, enclosures and other facilities for the keeping and disposition of impounded animals as may be necessary and may appoint a Pound Keeper who shall have charge of such facilities together with any necessary assistants, or may contract for the provision of the services.

20. The Municipality may enter into an agreement in writing with any person or association appointing that person or association Pound Keeper.

21. (1) **The Pound Keeper shall keep all dogs seized and delivered to him pursuant to this by-law and shall furnish them with food and water for a minimum period of 72 hours after which if unclaimed by the owner, or otherwise dealt with by this by-law the dog can be sold, and any dog which cannot be sold may be destroyed after that period.**
- (2) **Where a dog is unclaimed by the owner or sold, the poundkeeper may keep the dog for a maximum period of 30 days, or where there is an action before the court, until such time as a Court orders otherwise.**

### **PART III - PENALTIES**

22. (1) A person who does anything prohibited by this bylaw or who neglects or fails to do anything required by this bylaw to be done by him is guilty of an offence and except where some other penalty is provided by this bylaw for the act, refusal, neglect or failure, is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100) and not more than five hundred dollars (\$500.00) and, in default of payment, to imprisonment for a term not exceeding ten (10) days.

(2) Every owner of a dog which commits an offence under section 11, upon conviction shall be liable to a penalty of not less than One Hundred Dollars (\$100) and not more than five thousand dollars (\$5,000.00) and, in default of payment, to imprisonment for a term not exceeding thirty days.

(3) A person alleged to have violated this bylaw given notice of the alleged violation may pay a penalty in the amount of \$100.00 to the HALIFAX REGIONAL MUNICIPALITY; provided that, said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed, and where the said notice so provides, payment shall be in full satisfaction,

releasing and discharging all penalties and imprisonments incurred by the person for said violation.

(4) The Judge presiding at the trial of a charge laid against the owner of a dog that has (a) without provocation, attacked or injured a person or animal; or (b) is dangerous to persons or animals, whether the dog was seized and impounded under a warrant, pursuant to section 112 of the Halifax Regional Municipality Act, or otherwise, may, in addition to the penalty herein prescribed, order that the dog be destroyed by the Pound Keeper or otherwise dealt with.

(5) No Judge shall order the release of any dog, and no Pound Keeper shall release any dog, to the owner or the purchaser, until such owner or purchaser pays for all fees, costs and expenses of the Pound Keeper while the dog was impounded and kept at the Pound.

### **Effective Date**

**23 (1) The following changes shall come into force on September 1, 1998 and not before;**

**(a) amendment to section 2(1)(a)(n) to add the words “and without a leash” following “owner” in the first line; and**

**(b) Section 11(3).**

**(2) All other provisions of this bylaw will come into force and effect on the date they are proclaimed.**

### **PART IV- REPEAL OF BY-LAWS AND ORDINANCES**

**24 (1) The following are hereby repealed:**

(a) By-law 22930 of the Town of Bedford, the By-law Respecting Regulation of Animals and any amendments thereto;

(b) By-laws D-200 and D-201 of the City of Dartmouth, the Dog By-law and any amendments thereto;

(c) By-law Number 13 of the Halifax County Municipality, the Dog By-law and any amendments thereto; and

(d) Ordinance Number 147 of the City of Halifax, the Dog Ordinance and any amendments thereto.



Done and passed by Council this 30<sup>th</sup> day of June, A.D., 1998.

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Mayor

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Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on June 30, 1998.

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Vi Carmichael  
Municipal Clerk

BY-LAW D-100

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Notice of Motion:	November 18, 1997
First Reading:	December 2, 1997
“Notice of Intent” Publication:	December 6, 1997
Second Reading:	June 30, 1998
Third Reading:	June 30, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	July 4, 1998

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Amendment # 1 (V-101)

Amending Subsection (1) & (2) of Section 22

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
“Notice of Public Hearing” Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003