

DOG BY-LAW

of the

Cape Breton Regional Municipality

This by law is made pursuant to the Nova Scotia *Municipal Government Act*.

1. **Definitions**

In this By-law the following definitions shall apply:

“**At large**” means off the property occupied, or owned, by the owner of the dog and:

1. not in the physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge; or
2. while within 100 yards of the shoreline of a body of water accessed by the general public for purposes of recreation or swimming from May 1 up to and including October 31, and in the presence of the owner or some person in charge thereof, the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge; or
3. while on or within any trail, park, sports field, street, sidewalk, parking area or other recreational space within the Municipality in the Cape Breton Regional Municipality and in the presence of the owner or some person in charge thereof, the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge.

For the purposes of clarification, a dog shall be considered at large if, while tied or chained to a structure or object on the dog owner’s property, it trespasses onto any adjacent property sharing

“**Attack Dog**” means any dog trained to respond in a fierce or dangerous way to the commands of its owner or trainer.

“**Certified Show Dog**” means a dog eligible for registration with the Canadian Kennel Club (C.K.C.) that has competed in more than one official C.K.C. event, without disqualification, within the past 12 months.

“**Citizen Service Centres**” mean the payment centres under the Clerk’s Department of the Cape Breton Regional Municipality.

“**Council**” means the Council of the Cape Breton Regional Municipality.

“Controlled” means to restrain or directly influence the control of a dog with the use of a leash while off the owner’s property.

“Dog” includes any dog of any age, male, female or neutered, or any animal that is the result of the breeding of a dog and any other animal.

“Dog Control Officer” is any official delegated by the Council of the Cape Breton Regional Municipality under Section 121 of the Cape Breton Regional Municipality Act to administer and enforce this By-law.

“Enclosure” means a building, house, or an enclosed pen of sufficient strength to prevent a dog from coming in contact with persons other than the owner of the dog.

“Fierce or Dangerous” means any individual dog:

- which inflicts bites or attacks a human being or domestic animal; or
- with a demonstrated propensity, tendency or disposition to attack, to cause injury to or otherwise endanger the safety of human beings or domestic animals; or
- which when either unmuzzled, unleashed, or unattended by its owner, or a person in whose care the dog was placed by its owner, 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; or
- owned, harboured or trained primarily or in part for the purposes of fighting; unless the circumstances described in the Part of this By-law titled “Provoked Attacks” are met.

“Guide Dog” means any dog formally trained in a school recognized by the Canadian National Institute for the Blind (*C.N.I.B.*) to guide a blind person.

“Judge” means the judge of the Provincial Court of the Province of Nova Scotia.

“Justice of the Peace” means a judicial officer who can perform a number of specified judicial duties within the Province of Nova Scotia.

“Breeding Kennel” means any building, structure, compound, group of pens or cages or property in which or where more than two (2) dogs are kept or raised for the purpose of breeding and selling any dog or dogs so kept and raised. The breeding kennel does not necessarily have to be registered with the Canadian Kennel Club; however, is required to get a kennel licence from the Municipality.

“Boarding Kennel” means any building, structure, compound, group of pens or cages or property in which or where a dog or dogs are kept from time to time. The boarding kennel does not necessarily have to be registered with the Canadian Kennel Club; however, is required to get a kennel licence from the Municipality.”

“General Kennel” means a location where a dog owner keeps more than two dogs that are registered to the owner but are not used for breeding or selling purposes.”

“**Municipality**” means the Cape Breton Regional Municipality.

“**Muzzled**” means a covering device of sufficient over the mouth of a dog to prevent it from biting.

“**Owner**” means any person who owns, possesses or harbours a dog or dogs, and shall include a registered owner under this By-law. Where the person is a minor, owner includes a person with custody of the minor.

“**Tranquilize**” means injection of a non-lethal amount of drugs approved by the Nova Scotia Veterinary Association into the body of a dog that immobilizes the dog enough to enable a Dog Control Officer to seize and impound it.”

2. Registration

- a. On or before the first day of January in each calendar year the owner of any dog shall register the dog with the Dog Control Officer or any of the Citizen Service Centres of the Cape Breton Regional Municipality.
- b. Registration shall include the name and description of the dog and name, address and telephone number of the owner and may include any other forms of identification, which the owner may request. The registered owner of a dog will be 19 years of age or older.
- c. The owner of the registered dog shall receive a tag with the registration number and the year for which it was issued stamped thereon which shall be worn by the dog at all times except when the dog is being lawfully used for hunting purposes or participating in certified dog shows.
- d. The owner of any dog shall pay a licence fee to the Municipality for each dog in the amount set in this By-Law and as amended from time to time by Committee of Council.
- e. No licence fee is chargeable with respect to a stray dog that is harboured for less than six (6) weeks.
- f. No licence fee is chargeable with respect to a dog that is trained to assist and assists a person with a disability.
- g. If the owner declares that the tag has been lost, the Dog Control Officer or the Citizen Service Centres of the Cape Breton Regional Municipality may replace the tag upon payment by the owner of a fee to the Municipality in the amount set by the Council in a recorded resolution.
- h. On or before the first day of January in each calendar year every owner of a kennel shall pay a licence fee to the Municipality in the amount set by the Council in a recorded resolution.

No licence fee for a kennel in a location for which such a licence has not been issued shall be accepted by a Dog Control Officer or the Citizen Service Centres of the Municipality unless:

- the applicant provides a development permit from the Development Officer of the Municipality verifying the operation of a kennel is/will be in compliance with the zoning provisions of the Land Use By-law in effect; or
- the applicant provides an affidavit stating that their kennel is not a kennel as defined in the Land Use By-law in effect for their property on which the kennel is located.

Upon issuance of such a licence, if it is for a commercial kennel as defined in the Land Use By-law in effect which requires a development permit from the Development Officer of the Municipality, the Dog Control Officer or the Citizen Service Centre employee shall notify the regional office of the Assessment Division of the Department of Municipal Affairs that a professional dog kennel business is/will be in operation at the site identified by the applicant.

3. **“Kennel Guidelines”**

- a. No person shall own or operate a kennel within the Municipality without having registered the kennel with the Municipality and obtained a kennel licence.
- b. No person shall keep or maintain a kennel without having complied with the zoning regulations under the Land Use By-Law for that zone.
- c. Prior to the issuance of a kennel licence, the Dog Control Officer shall satisfy himself or herself by inspection that the kennel is so constructed and is being so operated that, in his or her opinion, it adequately provides for the health, hygiene and comfort of the dogs.
- d. Any kennel must be regularly cleaned and sanitized and all excreta removed at least once a day.
- e. Any person possessing a kennel licence must keep accurate records of the breeding, selling or boarding of the dogs in the kennel, and where such dogs are sold. The owner must be able to produce these records at any time upon request of the Dog Control Officer.
- f. These kennel guidelines shall pertain to all kennels. Where required, a grace period of three months (90) days shall be granted in order to meet compliance requirements.
- g. Every owner who fails to comply with the kennel regulations is guilty of an offence.

4. Records

- a. The Dog Control Officer and the Citizen Service Centres of the Cape Breton Regional Municipality shall keep a record of all dogs registered including:
 - the date and number of registration;
 - the name and description of the dog; and
 - name, address and telephone number of the owner.
- b. The Dog Control Officer shall keep a record of every dog for which a report has been received in compliance with the Part of this By-law titled “Owner’s Report”. The record shall include the name and description of the dog reported and the name, address and telephone number of the person who submitted the report.
- c. The Dog Control Officer shall keep a record of every dog whose owner was charged with an offence under this By-law. The record shall include the name and description of the dog charged and the name, address and telephone number of the owner.

5. Offence

- a. It is an offence of this By-law when any of the following occur;
 - i. The dog runs at large contrary to this By-law.
 - ii. The dog is fierce or dangerous within the meaning of this By-law; unless such dog is at all times kept in an enclosure or, if out of an enclosure, the circumstances described in the Part titled “Fierce and Dangerous Dogs” are complied with.
 - iii. The dog persistently disturbs the quiet of a neighbourhood or any resident thereof by howling, barking, or in any other manner.
 - iv. If a dog, other than a guide dog, defecates on any public or private property other than the property of its owner, the omission by the owner to cause such defecation to be removed immediately shall be an offence.
 - v. The owner of any dog which violates the Part of this By-law titled “Owner’s Report”.
 - vi. A registration tag has not been obtained or is not worn by the dog in compliance with the Part of this By-law titled “Registration”.
 - vii. A kennel licence fee has not been obtained in compliance with Section h. of the Part of this By-law titled “Registration”.

- viii. While the dog is at large within 100 yards of the shoreline of a body of water regularly accessed by the general public for purposes of recreation or swimming from May 1 up to and including October 31, and in the presence of the owner or some person in charge thereof, the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge.
 - ix. While the dog is at large on or within any trail, park, sports field, street, sidewalk, parking area or other recreational space within the Municipality in the Cape Breton Regional Municipality and in the presence of the owner or some person in charge thereof, the dog is not under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge
 - x. "Every owner of any unspayed female dog shall, during each period the animal is in heat, keep it confined in an enclosure except while under the effective physical restraint of a leash no more than 6 feet in length directly controlled by the owner or a person in charge."
- b. Any individual or individuals training a dog or dogs to be attack dogs within the meaning of this By-law:
- outside of an impoundment area which does not prevent the dog(s) from exiting the training area; and/or
 - within 500 feet of a residence other than the residence of the trainer;
- shall be deemed to be in breach of this By-law and is subject on summary conviction to be liable to a fine of not less than \$600.00 and not more than \$1000.00 on each violation, and in default thereof to thirty (30) days imprisonment on each violation, and in default thereof to thirty (30) days imprisonment.
- c. The Offence section of the By-Law is not applicable to the K-9 Units of the Cape Breton Regional Municipality.
- d. Proof at Trial
- Upon the trial of an action brought against the owner or harbourer of a dog for any injury caused, or damage occasioned by, such dog, it is not necessary to prove knowledge by, or notice to, the owner or harbourer of any mischievous propensity of the dog.
- e. Additional Penalty
- At the trial of a charge laid against the owner of a dog that is fierce or dangerous or that persistently disturbs the quiet of a neighborhood by barking, howling or otherwise or that runs at large, in addition to the penalty, the judge or justice of the peace may order that the:

- i. dog be destroyed or otherwise dealt with; and
- ii. owner pay any costs incurred by the Municipality related to the dog, including costs related to the seizure, impounding, or destruction of the dog, and it is not necessary to prove that the
- iii. dog previously attacked or injured a domestic animal, person or property;
- iv. dog had a propensity to injure or to damage a domestic animal, person or property; or
- v. defendant knew that the dog had such propensity or was, or is, accustomed to doing acts causing injury or damage.
- vi. order any dog which has violated any provision of this by law for a third time to be seized by the Dog Control Officer.

6. Penalty

- a. The owner of any dog which is guilty of any of the offences against this By-law is subject on summary conviction to be liable to a fine as follows:

First Offence

(Within in a 24 month Period) \$165.00

Second Offence

(Within in a 24 month Period) \$279.00

Third Offence

(Within in a 24 month Period) \$425.00

Fourth Offence

(Within in a 24 month Period) \$605.00

7. Impounding

- a. The Dog Control Officer:

1. without notice to or complaint against the owner or any such dog, may impound dogs:
 - a. found running at large contrary to this By-law; or
 - b. for which a registration tag has not been obtained and is not worn by the dog in compliance with the Part of this By-law titled "Registration".
 - c. The dog persistently disturbs the quiet of a neighbourhood or any resident thereof by howling, barking, or in any other manner.
2. upon complaint against the owner, verified by the offended party or an independent witness willing to swear that they witnessed the attack, the dog control officer shall impound a fierce or dangerous dog which has inflicted bites, or attacked a human being, or kills or injures another domestic animal, unless:

- the other animal was killed on property owned; or
- occupied by the owner of the fierce or dangerous dog.

Where any dog has, without provocation, attacked or injured a person or another animal or is deemed to be fierce or dangerous to persons or animals:

- i. any Dog Control Officer shall seize the dog and if he/she is unable to seize it safely; may destroy such dog and
 - ii. such dog may, after being seized, be destroyed by the Pound, without permitting the owner to claim it and without offering it for sale.
- b. While pursuing any dog in accordance with this By-law, the Dog Control Officer may pass over the land of any person, but this Section is not to be construed so as to provide immunity against action for actual damage to the property of any person.
 - c. The Council shall appoint a pound keeper who shall keep all dogs impounded by the Dog Control Officer and provide them with shelter, food and water.
 - d. The pound keeper shall be obliged:
 - to provide shelter, food and water for any dog impounded for a period of 72 hours beginning at the time the dog was picked up by the Dog Control Officer; and
 - to scan for microchips and check for tattoos
 - e. The pound keeper shall notify the registered owner of an impounded dog bearing a tag that:
 - the dog has been impounded; and
 - the dog may be destroyed or disposed of in a manner deemed humane by the S.P.C.A. after 72 hours impoundment (*excluding Sundays or statutory holidays*) if it is not claimed by the owner in compliance with Section f. of this Part.
 - f. If the owner appears at the pound and claims the dog prior to the time fixed by Section d. of this Part, the dog shall be discharged to him/her:
 - on payment of a first impoundment fee of \$25.00 per day for room and board, second impoundment fee of \$50.00 per day; plus
 - when the owner of the dog signs a Release Form explaining the graduated impoundment fee schedule and the provision of sub-section g. below stipulating the dog shall not be claimed by the owner if it is impounded a **3rd** time within 12 months;
 - payment of any licence fee required in compliance with the Part of this By-law titled "Registration";
 - any veterinary bills incurred by the pound keeper;
 - the person claiming to be the owner of the dog is not under the age of 19 years.
 - "Provide a picture ID such as a NS Driver's Licence in order to claim the dog."

- g. The owner of any dog that has been impounded for its third infraction within 12 months shall not redeem the dog.
- h. If, at the expiration of 72 hours following the impoundment of any dog (*excluding Sundays or statutory holidays*), no claim of ownership for such a dog is made in compliance with Section f. of this Part, the pound keeper shall dispose of the dog, either by selling it for the best price obtainable or, if the dog cannot be sold, by destroying it in a manner deemed humane by the S.P.C.A.
- i. A person resident within the Municipality purchasing an unregistered dog from the pound keeper shall register the dog before taking it from the pound keeper.
- j. Any dog which is injured, sick or otherwise in need of medical care when apprehended by the Dog Control Officer shall receive basic first aid medical treatment at the impoundment facility so that life is not endangered and that pain is reduced consistent with practices deemed humane by the S.P.C.A. Costs of treatment provided shall be recovered from the owner before the dog is released.

8. Owner's Report

- a. The owner of any dog may be required by the Dog Control Officer to deliver to the Dog Control Officer, in writing, a statement:
 - identifying the number of dogs owned or harboured by him/her or which are habitually kept upon the premises; and
 - a description of each dog.

Neglect or refusal to do so, and for every false statement made in respect thereof, the owner shall be liable to the penalty described in the Part of this By-law titled "Offences".
- b. The owner requested to deliver a report to the Dog Control Officer pursuant to Section a. of this Part shall submit the report no later than 10 days from the date the request was received.
- c. If the owner's report shows there are dogs that have not been registered by obtaining a dog tag in compliance with the Part of this By-law titled "Registration", all such dogs shall be registered within 10 days or the owner shall be liable to the penalty described in the Part of this By-law titled "Offences".

9. Provoked Attacks

No dog may be declared fierce or dangerous if:

- a. the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or assaulting the dog or its owner or keeper, or has, in the past, been observed or reported to have teased, tormented, abused, threatened assaulted the dog or its owner or keeper or was committing or attempting to commit a crime;
- b. the threat, injury or damage was sustained by another animal which, at the time was trespassing upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, threatening or attacking the dog or its owner or keeper, or has, in the past, been observed or reported to have teased, tormented abused, threatened or attacked the dog or its owner or keeper or was accompanying a person engaged in activities described in Section “a” above.

10. Fierce and Dangerous

- a. Notwithstanding Section 6.a.2., and provided the dog is securely muzzled and restrained with a good, tight lead (leash) to prevent the dog from coming in contact with persons other than the owner and not exceeding 3 feet in length, and under the direct control and supervision of the owner of the dog, a fierce or dangerous dog may be allowed out of an enclosure:
 - if it is necessary for the purposes of obtaining veterinary care for the dog;
 - to move the dog from the Municipality.
- b. Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness a Justice of the Peace may, by warrant, authorize and empower the person named in the warrant to:
 - i. enter and search the place where the dog is, at any time;
 - ii. open or remove any obstacle preventing access to the dog; and
 - iii. seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.
- c. Rabid Animals

An officer may kill or destroy a rabid dog found at large and may secure and confine a dog appearing to be rabid or exhibiting symptoms of canine madness.

d. Tranquilizing a Dog

The Dog Control Officer may tranquilize “any dog whether or not it is fierce or dangerous”, without notice or impounding if:

- the dog is running at large; and
- the Dog Control Officer is unable to seize the dog in safety.

11. Un-spayed Female Dogs

Every owner of any unspayed female dog shall, during each period the animal is in heat, keep it confined in an enclosure except while under the effective physical restraint of a leash no more than 6 feet in length directly controlled by the owner or a person in charge.

12. Dog Training and Dog Park Leash Provisions

1. Obedience training of unleashed dogs conducted off the property occupied, or owned, by the owner of the dog may be permitted by the Dog Control Officer provided the following provisions are met.
 - a. The applicant provides an affidavit stating the dog is not fierce or dangerous as defined in this By-law and the dog has not received aggression or protection training.
 - b. The applicant provides a Companion Dog Certificate issued by the Canadian Kennel Club in compliance with the Canadian Kennel Club Obedience Trial Rule Book which ensures the applicant has trained at least one dog to the Companion Dog Level.
 - c. The site approved is in a sparsely populated area of the Municipality on private property and approved by the Dog Control Officer.
 - d. The applicant provides a letter from the owner of the property granting permission to train dogs and hold the Municipality not liable for any actions which may occur.
2. Unleashed dogs are permitted by the Dog Control Officer when within the confines of a designated off leash dog park which complies with the Guidelines for Unleashed Dog parks found in APPENDIX- A of this by law.

13. Repeal of Previous By-laws

Any Dog By-laws or any provision thereof passed and adopted by any of the eight (8) former municipalities of Cape Breton County prior to July 31, 1995 which conflict with or acts contrary to the provisions By-law are hereby repealed with this By-law becoming law and any other provisions of such By-laws are hereby ratified and confirmed insofar as they are not in conflict with this By-law.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on August 20, 1996, and amended on August 18, 1998, February 17, 2004, October 16, 2006, May 21, 2013 and November 18, 2014.

MAYOR CECIL P. CLARKE

DEBORAH CAMPBELL, CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Dog By-law of the Cape Breton Regional Municipality as adopted by Council on August 20, 1996, and amended on August 18, 1998, February 17, 2004, October 16, 2006, May 21, 2013 and November 18, 2014

DEBORAH CAMPBELL, CLERK

Publication Date: November 22, 2014

Schedule "A"

**of the
Dog By-law
of the
Cape Breton Regional Municipality**

Upon information on oath by a peace officer /duly appointed special constable / dog control officer that it is believed on reasonable and probable grounds that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, any judge or justice of the peace may, by warrant under the judge's or justice of the peace hand, authorise and empower a person named in the warrant to enter and search the place where the dog is at any time, to open or remove any door, lock, fastening or obstacle preventing access to the dog, to break, remove or undo any chain, rope, lock or fastening of the dog to the premises and to seize and deliver the dog to the pound.

Nova Scotia

Municipal Government Act

CHAPTER 18

Dangerous dogs

176 (1) Where a peace officer believes, on reasonable grounds, that a person is harbouring, keeping or has under 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 neighborhood by barking, howling or otherwise contrary to a by-law, a justice of the peace may, by warrant, authorize and empower the person named in the warrant to

- (a) enter and search the place where the dog is, at any time;
- (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 in safety, the person may destroy the dog.

Nova Scotia

Police Act

CHAPTER 31

SPECIAL CONSTABLES,
BY-LAW ENFORCEMENT OFFICERS AND
AUXILIARY CONSTABLES**Special constables**

88 (1) The Minister or chief officer with the approval of the Minister may

- (a) appoint special constables as necessary;
 - (b) define the offices, positions, territorial jurisdiction and duties of special constables, generally or specifically;
 - (c) make rules and regulations governing the qualifications, office, position, duties, conduct and discipline of special constables and any other matter concerning special constables;
 - (d) suspend or revoke the appointment of a special constable
- (2) Subject to the limitations of the appointment under subsection (1), a special constable is, while discharging the responsibilities and exercising the powers of a special constable, a peace officer.
- (3) Before the suspension or revocation of the appointment of a special constable, the special constable shall be given reasonable information with respect to the reasons for the suspension or revocation and an opportunity to reply orally or in writing as the Minister or chief officer may determine.
- (4) The employer of a special constable is responsible for ensuring that the special constable fulfils the duties imposed by this Act and the rules and regulations made pursuant to this Act and exercises the power and authority conferred by this Act and the appointment in a proper manner.
- (5) The employer of a special constable is liable in respect of a tort committed by the special constable in the performance of the special constable's duties. 2004, c. 31, s. 88.

APPENDIX – A

Guidelines for Off Leash Dog Parks in CBRM

Introduction:

Traditionally suburban and rural areas of our community contained most of the pet population; however there has been an increase in pet population and urbanization over the past 15 years.

As the dog population increases along with development, regulations are needed for pet owners and facilities need to be provided to allow pet owners and their canine companions to exercise together.

The provision of ample space for human/dog companion recreation promotes the well-being of both dog and human.

Definition:

Dog Park- A dog park is a fenced in area set aside for dogs and their owners to exercise and play off-leash in a controlled environment.

Mission:

To provide a fun, safe and friendly environment for dogs to exercise and play with other dogs and provide a place for citizens of CBRM to socialize with other dog owners.

Goals:

In creating an off leash dog park it is hoped to accomplish these goals;

1. To allow registered, not-for-profit groups and others to form and operate off leash dog parks in our communities.
2. To develop easily maintained space, open to all dog lovers and friends who are willing to uphold the group's park rules and restrictions.
3. To view these parks as community projects in partnership with CBRM, designed to satisfy the needs of dog owners and non-dog owners.

Park Requirements:

1. An off leash dog park shall be a minimum of 20,000 square feet in area to allow ample space for multiple dogs and their owners to enjoy the space.
2. The perimeter of the park shall be fenced a minimum of 4ft. high and provided with a double entry gated system. The only exception to this rule shall apply to the off-leash trail area of Rotary Park which is approximately 3.5 hectares in size.
3. Parks shall be provided with signage indicating rules of the park as established by the organization responsible for its operation.
4. Provisions shall be made for the disposal of garbage and dog waste at the entrance to the gate entry.
5. Hours of operation shall be posted which shall require off leash dog parks to be closed at dusk and not to open any earlier than 8:00 AM.
6. Parks shall not be located within 500 feet of a residence.