



## Dog By-law D-048-22

Effective Date:

February 22,  
2023

### Part 1 Purpose

- 1.1 The purpose of this By-law is to provide for the regulation, control, restriction, keeping and licensing of dogs in the Municipality of the District of Yarmouth.

### Part 2 Definitions

In this By-Law:

- 2.1 **“Canine Madness”** means a form of rabid madness non-communicable to man; characterized by foaming at the mouth, impairment of deglutition, and a desire to vomit;
- 2.2 **“CAO”** means the Chief Administrative Officer of the Municipality of the District of Yarmouth;
- 2.3 **“Destroy”** means kill;
- 2.4 **“Dog”** means any *dog*, male or female, or any animal that is the result of the breeding of a *dog* with any other animal;
- 2.5 **“Domestic Animal”** includes pets and farm animals;
- 2.6 **“Extraordinary Expense”** means any expense incurred by *Municipal Staff* in relation to a *dog* except for provision of food and shelter;
- 2.7 **“Fierce or Dangerous Dog”** has the meaning stipulated in *Section 5* of this By-law;
- 2.8 **“Mitigating Factor”** means a circumstance which excuses the aggressive behavior of a *dog* where:
- 2.8.1 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
- 2.8.2 the *dog*, immediately prior to the aggressive behavior, was being abused or tormented by the person attacked or injured;
- 2.9 **“Municipal Staff”** means the *Municipality* of the District of Yarmouth’s *Dog Control Officer* or a person/organization 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;

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



**Dog By-law  
D-048-22**

Effective Date:

February 22,  
2023

- 2.10 **“Municipality”** means the *Municipality* of the District of Yarmouth;
- 2.11 **“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;
- 2.12 **“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;

**Part 3 Registration**

- 3.1 Annually, on or before the **1<sup>st</sup> day of January** the *owner* of any *dog* shall register such *dog* with the *Municipal Staff* and obtain from the *Municipal Staff* a tag for such *dog*;
- 3.2 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*;
- 3.3 in order to register a *dog*, an *owner* shall pay the annual registration fee as set out by Municipal Council in Fees Policy F-044-02. The *owner* of each *dog* shall supply *Municipal Staff* with the following:
  - 3.3.1 name, civic address and telephone numbers of the *owner*;
  - 3.3.2 name and breed of the *dog*;
  - 3.3.3 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; identification information such as micro-chip implants, tattoos or other special markings.
- 3.4 The following are exempt from registration:
  - 3.4.1 the *Municipal Staff* or Pound Keeper or the Yarmouth Chapter of the SPCA shall not be required to register a stray;
- 3.5 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;

## MUNICIPALITY OF THE DISTRICT OF YARMOUTH

 <p>MUNICIPALITY OF THE DISTRICT OF <b>YARMOUTH</b> <i>truly connected</i></p>	<h3>Dog By-law</h3> <h3>D-048-22</h3>	Effective Date:  February 22, 2023
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- 3.6 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;
- 3.7 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;
- 3.8 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 five (\$5.00) dollars.

### Part 4 Dogs Running at Large

- 4.1 Any dog which is off the premises occupied by the *owner* without being under the continuous restraint or control of a 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.

### Part 5 Fierce or Dangerous Dogs

- 5.1 For the purpose of this By-law a dog that is *fierce or dangerous* means any dog:
- 5.1.1 that is a *wolf-dog hybrid*;
  - 5.1.2 that, in the absence of a *mitigating factor* as defined herein, has attacked or injured a person;
  - 5.1.3 that, in the absence of a *mitigating factor* as defined herein, has injured a *domestic animal*;
  - 5.1.4 that, in the absence of a *mitigating factor* as defined herein, when either unmuzzled or unleashed, in a vicious or terrorizing manner, approached 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*;

 <p>MUNICIPALITY OF THE DISTRICT OF <b>YARMOUTH</b> <i>truly connected</i></p>	<h2>Dog By-law</h2> <h3>D-048-22</h3>	Effective Date:  February 22, 2023
---	---------------------------------------	---

- 5.1.5 owned or harbored in whole or in part for the purpose of dog fighting; or
- 5.1.6 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.

## Part 6 Responsibilities of Owners

- 6.1 Every *owner* of a dog:
  - 6.1.1 whose dog runs at large;
  - 6.1.2 whose dog is not wearing a tag required by this By-law;
  - 6.1.3 whose dog is not registered pursuant to this By-law;
  - 6.1.4 whose dog persistently disturbs the quiet of the neighborhood by barking, howling or otherwise (refer to Appendix A Procedure for Barking Dogs);
  - 6.1.5 who neglects or refuses to provide a written statement required by this By-law;
  - 6.1.6 who harbors, keeps, or has under care, control or direction a dog that is *fierce or dangerous*;
  - 6.1.7 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 *owner's*;

is in contravention of the By-law.

## Part 7 Impounding

- 7.1 *Municipal Staff* may, without notice to or complaint against the *owner*, impound any dog that:
  - 7.1.1 runs at large contrary to this By-law;
  - 7.1.2 is not wearing a tag required by this By-law;

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



**Dog By-law  
D-048-22**

Effective Date:

February 22,  
2023

- 7.1.3 is not registered pursuant to this By-law;
  - 7.1.4 is *fierce or dangerous*;
  - 7.1.5 is rabid or appears to be rabid or exhibits symptoms of *canine madness*; or
  - 7.1.6 persistently disturbs the quiet of the neighborhood by barking, howling or otherwise.
- 7.2 An impounding fee and daily pound fee shall be set out by the Municipal Council and shall be payable by any person seeking to redeem an impounded dog;
- 7.3 Subject to *Sections 7.5, 7.6 and 8.1* 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;
- 7.4 In the case of redemption of a dog which has not been registered pursuant to this By-law, the *owner* shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog;
- 7.5 Any dog which has not been redeemed by its *owner* at the expiry of a period of seventy-two (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*;
- 7.6 Whenever the seventy-two (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.

**Part 8 Notice**

- 8.1 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



## Dog By-law D-048-22

Effective Date:

February 22,  
2023

*owner*, if the *owner* has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

### Part 9 Destroying

- 9.1 *Municipal Staff* may, without notice to or complaint against the *owner*, *destroy* on sight or after capture any dog that:
- 9.1.1 is *fierce or dangerous*;
  - 9.1.2 is rabid or appears to be rabid or exhibits symptoms of canine madness.
- 9.2 *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;
- 9.3 *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*.
- 9.4 *Part 9* of this By-law shall apply in emergency situations where destroying the dog is necessary to protect others or other animals. A decision to destroy, in non-emergency situations, should be communicated to the owner, and the owner given an opportunity to make representations (in writing or in person) to the CAO, before the actual destruction of the dog is undertaken.

### Part 10 Enforcement

- 10.1 *Municipal Staff* shall be responsible for the enforcement of this By-law.

### Part 11 Penalty

- 11.1 Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1000.00) dollars.
- 11.2 Any person who has contravened *Section 6* of this By-law and where notice so provides may pay a penalty in the amount of fifty (\$50.00) dollars (first offence, one hundred (\$100.00)

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

	<h2>Dog By-law</h2> <h3>D-048-22</h3>	Effective Date:  February 22, 2023
---	---------------------------------------	---

dollars for a second offence, and one hundred fifty (\$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 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.

**Part 12 Repeal**

12.1 This By-law hereby repeals and replaces Dog By-law D-048-02.

Chief Administrative Officer’s Annotation for Official By-Law Book	
Date of First Reading	November 23, 2022
Date of Advertisement of Notice of Intent to Consider	January 26, 12023
Date of Second Reading	February 22, 2023
Date of Advertisement of Passage of By-Law	March 9, 2023
Date of Mailing to Minister a Certified Copy of By-Law	March 20, 2023
I certify that this Dog By-Law D-048-22 was adopted by Council and published as indicated above.	
 _____ Chief Administrative Officer	<u>April 3, 2023</u> _____ Date

**Date last reviewed: February 22, 2023**  
**Date of last amendment: February 22, 2023**

 <p>MUNICIPALITY OF THE DISTRICT OF <b>YARMOUTH</b> <i>truly connected</i></p>	<h2>Dog By-law</h2> <h3>D-048-22</h3>	Effective Date:  February 22, 2023
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## Appendix A Procedure for Barking Dogs

### Part 1 Complaints

1. All complainants must be willing (if required) to testify in court if the dog owner pleads not guilty to the Summary Offense Ticket. Complainants should be aware that they may be subpoenaed.
2. There should be complaints (written, signed and dated) from at least two separate complainants before any investigation begins (where possible). **See complaint procedure below.**
3. Complaints about first time offenders should be treated as a warning, with care taken to explain to the owners that a second complaint could result in a fine.
4. All complaints shall be followed up on in writing to the complainants in writing to the complainants.
5. Any dispute that is clearly a result of neighbor unrest shall be assessed by the By-law Officer who will determine the direction to be taken.

### Part 2 Complaint Procedure

- 2.1 It is important that the following questions are asked, and that as much information as possible is obtained and documented from the complainant:
  - 2.1.1 Identity of dog(s): Civic address of property on which dog is situated; owner of the dog(s); the number of dog(s) barking; where the dog(s) are observed barking; distance between complainant's home and the dog(s) barking.
  - 2.1.2 If dog barks at night, how is the complainant certain as to the identity of the dog(s)?
  - 2.1.3 Is the complainant certain that the dogs are in fact owned by the person alleged to be the owner?
  - 2.1.4 On what days are the dog(s) barking?



 <p>MUNICIPALITY OF THE DISTRICT OF <b>YARMOUTH</b> <i>truly connected</i></p>	<h2>Dog By-law</h2> <h3>D-048-22</h3>	Effective Date:  February 22, 2023
---	---------------------------------------	---

- 2.1.5 Describe the barking: How long does it last? Is it howling? How often does the barking repeat itself?
- 2.1.6 What was the complainant doing when the dog(s) were barking?
- 2.1.7 In what way did the barking dog(s) disturb the complainant?

NOTE: The answers to the above noted questions must be specific. A Court will not convict if the complainant is only able to say that a dog barks “all the time” or “a lot” and that it really “bothers me.” A Court must be told when exactly the dog barks, the nature of the barking and the manner in which it disturbs the peace and quiet of the complainant.

### Part 3 Enforcement Process

The enforcement process is as follows:

On the first call, information of the complaint is received. A visit to the owner’s home is made and a verbal warning to the owner as well as a copy of the by-law shall be given so that the owner may be educated as to their responsibilities.

On the second call, the owner shall be given a written warning.

If *Municipal Staff* deem this a persistent problem and the owner has not taken measures to remedy their barking dog(s), the next course of action shall be to prepare a file for prosecution.