



PO Box 1749
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Item No. 10.1.6

Halifax Regional Council
May 27, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "G. L. Kaiser".

SUBMITTED BY:

Geri Kaiser, Acting Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Frank Beazley".

Frank Beazley, Chief of Police

DATE: May 1, 2008

SUBJECT: **Proposed By-Law A-302, An Amendment to By-Law A-300,
Respecting Animals and Responsible Pet Ownership**

SUPPLEMENTARY REPORT

ORIGIN

As a result of a motion of Regional Council on March 18, 2008, Council requested that staff remove the provisions of the cat legislation from By-law A-300 and move that particular legislation with respect to the nuisance of cats component to By-law N-300 which is a nuisance by-law and therefore eliminate the requirement for registration and licencing of cats.

RECOMMENDATION

It is recommended that Regional Council:

1. Give first reading to By-Law A-302 (attached as Appendix A), and set a public hearing date to adopt the By-Law.
2. approve amended Section 3, of Administrative Order #11 (attached as Appendix B)

BACKGROUND

Regional Council approved By-Law A-300, Respecting Animals and Responsible Pet Ownership on October 23, 2007 to come into effect April 1, 2008.

At the March 18, 2008 Regional Council meeting, Council requested staff remove the provisions relating to cat legislation from By-Law A-300.

During a review of By-Law A-300 by staff, it was noted that some minor housekeeping amendments are required including but not limited to Duties of the Owner, Section 7 (1) and Animal Offenses, 9 (1).

DISCUSSION

Staff have removed all provisions of By-Law A-300 that pertain to cats.

In addition, minor housekeeping amendments have been made, including the following:

Duties of the Owner:

- 7 (1) No dog shall:
- (a) run at large at any time;
 - (b) damage public or private property;
 - (c) defecate on any public or private property other than the property of it's owner without the owner immediately removing the defecation;
 - (d) be un-spayed, in heat and not be confined inside a dog-proof enclosure; or
 - (e) be in a municipal public park designated by signage as an area prohibiting dogs.
- (2) Notwithstanding clause (a) of subsection (1), a dog can be without a leash provided that the dog is:
- (a) participating in an organized hunt, organized dog exhibition events, or dog field trials;
 - (b) participating in a search and rescue training or operation, or police training or operation;

- (c) working on a farm; or
- (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.

(3) Any owner of a dog which dog engages in any of the prohibited activities or fails to comply with any of the duties in subsection (1) shall be guilty of an offence under this By-Law.

Animal Offences

9 (1) No animal not being a cat, dog or bird shall:

- (a) be off the premises of the owner at any time unless the animal is:
 - (i) enclosed inside an escape-proof building or fenced area; or
 - (i) enclosed inside an escape-proof aquarium, pen, cage or container of durable construction; or
 - (ii) securely tethered on a leash, harness, chain or other device in an escape-proof manner, provided that this sub-clause shall not apply to reptiles;
- (b) attack a person or another animal;
- (c) damage any public or private property; or
- (d) defecate on any public or private property other than the property of its owner, and the owner fails to immediately remove the defecation.

(2) Any owner of an animal **which animal engages in** any of the prohibited activities or fails to meet any of the duties in subsection (1) shall be guilty of an offence under this By-Law.

By-Law A-302 (attached as Appendix A) includes all the recommended amendments to By-Law A-300.

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to By-Law A-300, Respecting Animals
and Responsible Pet Ownership
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BUDGET IMPLICATIONS

It is possible that costs could increase as this is a change in service under the Nuisance By-law, however, costs cannot be quantified at this time. Staff will monitor activity and project any changes through the monthly forecasting process.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Maintaining the status quo, and not adopt the recommended amendments to By-Law, A-300.
2. Amend By-Law A-300 to limit cat legislation solely to damaging public or private property and defecation on private property.
3. Amend By-Law A-300 to limit cat legislation solely to damaging public or private property, defecation on private property and licensing of cats.

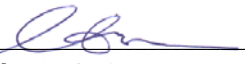
ATTACHMENTS

Appendix A: By-Law A-302, Respecting Animals and Responsible Pet Ownership
Appendix B: Amended Section 3 of Administrative Order #11

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Robin McNeil, Staff Sergeant, Halifax Regional Police 490-4817

Report Approved by: 
Deputy Chief F. A. Burbridge, Halifax Regional Police 490-7138

Financial Approval by: 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Appendix A

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-302**

RESPECTING ANIMALS AND RESPONSIBLE PET OWNERSHIP

BE IT ENACTED by the Council of the Halifax Regional Municipality that by-law A- 300 be amended as follows:

1. Clause 2(1)(a) is repealed and the following clause substituted:

2(1)(a) “License Administrator” means the Administrator responsible for the licensing of **animals** appointed by the Chief Administrative Officer or designate;
2. Clause 2(1)(b) is repealed and the following clause substituted:

2(1)(b) “animal” includes any living mammal, bird, reptile, amphibian, insect or arachnid, and **excludes livestock as** defined in the *Fences and Detention of Stray Livestock Act* and wildlife as defined by the *Wildlife Act*, **humans and cats;**
3. Clause 2(1)(i) is repealed. “Dwelling Unit”
4. Clause 2(1)(k) is repealed and the following clause substituted:

2(1)(k) “identification device” means any device required for the identification of **an animal** which contains a serial number or other means of identification corresponding with the number under which the animal is licensed by the License Administrator. Without limiting the generality of the foregoing, an identification device may include external identification devices such as tags, and/or internal identification devices such as microchips;
5. Clause 2(1)(n) is repealed and the following clause substituted:

2(1)(n) “license fee” is the fee for a given period of time payable to the License Administrator by the owner of an animal required to be licensed at or before the time of licensing in the amount established by the Council of the Municipality from time to time by Administrative Order;

6. Clause 2(1)(o) is repealed and the following clause substituted:

2(1)(o) “microchip” means an approved ‘Canadian Standard’ encoded identification device implanted into **an animal**, which contains a unique code that permits or facilitates access to an owner’s name, address and telephone number, which is stored in a central database;

7. Section 3 is repealed and the following section substituted:

Licensing Of Dogs

- 3 (1) No person shall own a dog within the Municipality without having obtained a license from the License Administrator within ten (10) days after the person becomes the owner of the dog, brings the dog into the Municipality or annually before the expiration of any current license.
- (2) Notwithstanding subsection (1), a person who possesses, has the care of, has the control of or harbours a dog for less than sixty (60) days is not required to license the dog.

8. Subsection 4 (1) is repealed and the following subsection substituted:

- 4 (1) The owner shall provide to the License Administrator:
- (a) the owner’s name, address, and telephone number;
 - (b) the name of the **animal**;
 - (c) the description, including its sex, breed, and known or approximate age;
 - (d) a certificate of spaying or neutering for **a dog**, where appropriate;
 - (e) a certificate of rabies inoculation for **a dog**, where appropriate; and
 - (f) the applicable license fee.

9. Subsection 4 (3) is repealed and the following subsection substituted:

- (3) The License Administrator shall keep a record of every animal licensed, showing the date and number of the license, the name and description of the animal with the name and address of the owner and the respective license category.

10. Section 6 is repealed and the following section substituted:

- 6 (1) The owner of every **animal** licensed pursuant to this By-Law shall keep the identification device issued to the owner securely affixed or attached to, or installed or lodged in place on the **animal** in accordance with the directions provided pursuant to subsection (4) of Section 4 at all times.
- (2) Notwithstanding subsection (1), an identification device intended to be externally secured to a dog may be removed from **a dog** temporarily while the dog is being used lawfully for hunting, exhibition purposes or engaged in law enforcement duties.
- (3) Where an owner files with the License Administrator a statutory declaration that an identification device is lost or unusable, the License Administrator may replace the identification device upon payment of the fee pursuant to Administrative Order 11.
- (4) Any **animal** which does not have a valid identification device shall be deemed not to be licensed under this By-Law.

11. Section 7 is repealed and the following section substituted:

- 7 (1) No dog shall:
- (a) run at large at any time;
 - (b) damage public or private property;
 - (c) defecate on any public or private property other than the property of it's owner without the owner immediately removing the defecation;
 - (d) be un-spayed, in heat and not be confined inside a dog-proof enclosure; or
 - (e) be in a municipal public park designated by signage as an area prohibiting dogs.
- (2) **Notwithstanding clause (a) of subsection (1), a dog can be without a leash provided that the dog is:**

(a) participating in an organized hunt, organized dog exhibition events, or dog field trials;

(b) participating in a search and rescue training or operation, or police training or operation;

(c) working on a farm; or

(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.

(3) Any owner of a dog which dog engages in any of the prohibited activities or fails to comply with any of the duties in subsection (1) shall be guilty of an offence under this By-Law.

12. Section 9 is repealed and the following section substituted:

9 (1) No animal not being a cat, dog or bird shall:

(a) be off the premises of the owner at any time unless the animal is:

(i) enclosed inside an escape-proof building or fenced area; or

(ii) enclosed inside an escape-proof aquarium, pen, cage or container of durable construction; or

(iii) securely tethered on a leash, harness, chain or other device in an escape-proof manner, provided that this sub-clause shall not apply to reptiles;

(b) attack a person or another animal;

(c) damage any public or private property; or

(d) defecate on any public or private property other than the property of its owner, and the owner fails to immediately remove the defecation.

(2) Any owner of an animal **which animal engages in** any of the prohibited activities or fails to meet any of the duties in subsection (1) shall be guilty of an offence under this By-Law.

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13. Subsection 11(2) is repealed.
14. Subsection 11(3) is repealed.

Done and passed on this ??th day of ??, 2008.

Mayor

Acting Municipal Clerk

I, Julia Horncastle, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-Law was passed at a meeting of the Halifax Regional Council held on ???, 2008.

Julia Horncastle, Acting Municipal Clerk

Appendix B

ADMINISTRATIVE ORDER NUMBER #11

BE IT ENACTED by the Council of the Halifax Regional Municipality that Administrative Order # 11 be amended as follows:

1. Section 3 is repealed and the following section substituted:

3. The annual license fees payable by the owners of animals commencing April 1, 2008 shall be as follows:

Dog	\$50.00
Spayed/Neutered dog	\$15.00
Dangerous Animal Registration	\$100.00
Service Animal	No Charge
Senior citizens, upon presentation of Government issued identification confirm age 65 years or greater	50% discount
Prohibited animals	\$50.00
Prohibited animal owned as in A-300 Section 10, 3 (a),(b)	No Charge
Replacement Tag	\$5.00