



PO Box 1749
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Item No. 11.1.6

Halifax Regional Council
May 27, 2008
June 17, 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: April 7, 2008

SUBJECT: **Proposed By-Law N-301, An Amendment to By-Law N-300,
Respecting Nuisances**

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 component to By-law N-300 which is a nuisance by-law, therefore eliminating registration and licencing of cats.

RECOMMENDATION

It is recommended that Regional Council:

1. Give first reading to By-Law N-301 (attached as Appendix A), and set a public hearing date to adopt the By-Law.

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 of the cat legislation from By-law A-300 and move that particular legislation with respect to the nuisance component to By-law N-300 which is a nuisance by-law eliminating registration and licencing of cats.

DISCUSSION

Staff have removed all provisions of By-Law A-300 that pertain to cats. The following provisions with minor housekeeping amendments have been transferred from By-Law A-300, and added as Part 3 Nuisance Cats to By-Law N-300, Respecting Nuisances:

Duties of Cat Owners

- 12.** (1) No cat shall:
- (a) damage public or private property; or
 - (b) defecate on any public or private property, other than the property of its owner, without the owner of the cat immediately removing the defecation.
- (2) Any owner of a cat which cat 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 and liable upon summary conviction to a minimum penalty of not less than two hundred dollars (\$200.00) and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.
- (3) This Part shall come into effect on thest day of2008

The by-law and enforcement strategy for this amendment will not include a sheltering component. The process will be complaint driven with the Animal Services Officer initiating an investigation of the alleged violation and should the owner of the cat be known charges may be laid.

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. If additional resources are required for fiscal 2008/2009 they will come from within the existing budget.

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, all cat provisions remain in By-Law A-300 and not adopt the recommended amendments to By-Law, N-300. This alternative is not recommended.
2. Amend the original By-Law A-300 to include By-Law N-301 amendments.
3. Amend the original By-Law A-300 to include By-Law N-301 plus retain the licensing of cats component. This alternative is recommended.

ATTACHMENTS

Appendix A: Amended By-Law N-301, Respecting Nuisances

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: _____ 490-7138
Deputy Chief R. A. Burbridge, Halifax Regional Police

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

Appendix A

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER N-301

RESPECTING NUISANCE

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

1. Section 2 is repealed and the following section substituted:

2. In this Bylaw

- (a) “abandon” means to leave a shopping cart on any public or private property outside the premises of the business that owns the shopping cart;
- (b) **“cat” means a non-feral or feral cat, either male or female;**
- (c) "Council" means the Regional Council of the Municipality;
- (d) "Inspector" means the Inspector appointed by the Chief Administrative Officer or his designate;
- (e) “Municipality” means the Halifax Regional Municipality;
- (f) “owner” means, **in respect of a shopping cart**, a person or business who owns or provides shopping carts to its customers, or the assessed owner of the property where the business who provides shopping carts to its customers is located;
- (g) **“owner of a cat” means any person who possesses, has the care of, has the control of or harbours the animal, and where the person is a minor, includes the person responsible for the custody of the minor;**
- (h) “parking area” means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;
- (i) “premises” means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, “premises” shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;
- (j) "public place" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, water courses including the shore of the water course, municipal, provincial or federal owned lands or any other place to which the public has access as a right or by invitation, express or implied;
- (k) “shopping cart” means a nonmotorized basket which is mounted on wheels, or a similar device, generally used by a customer of a business for the purpose of transporting goods;

(l) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge,

square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the Municipal Government Act.

2. Section 12 is repealed and the following substituted:

Duties of Cat Owners

12. (1) No cat shall:

- (a) damage public or private property; or
- (b) defecate on any public or private property, other than the property of its owner, without the owner of the cat immediately removing the defecation.

(2) Any owner of a cat which cat 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 and liable upon summary conviction to a minimum penalty of not less than two hundred dollars (\$200.00) and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.

(3) This Part shall come into effect on thest day of2008

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