

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE

June 19, 2007

MINUTES

PRESENT:

Mayor Peter Kelly, Chair
Councillors: Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn M. Sloane
Sheila Fougere
Debbie Hum
Linda Mosher
Stephen Adams
Robert P. Harvey
Gary Martin
Reg Rankin
Gary G. Meade

REGRETS:

Deputy Mayor Sue Uteck
Councillors: Steve Streach
Russell Walker
Brad Johns

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Chrissy White, Legislative Assistant

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1. **CALL TO ORDER**

Mayor Kelly called the meeting to order at 10:05 am.

2. **APPROVAL OF THE MINUTES - NONE**

3. **PROPOSED BY-LAW A-300- RESPECTING ANIMAL CONTROL**

- A staff report dated June 29, 2005 was before Council.
- An extract from the October 25, 2005 minutes was before Council.
- An information report dated December 7, 2005 was before Council.
- A copy of the PowerPoint presentation was before Council.
- A supplementary report dated June 14, 2007 was circulated.

Staff Sergeant Robin McNeil gave a brief presentation regarding the proposed By-Law A-300 set out in a supplementary report dated June 14, 2007 and highlighted the following points:

- The terminology has changed from “respecting animals” to “responsible pet ownership,”
- The plan is designed to address the pet owners and not the pet,
- The proposed By-law (A-300) harmonizes seven animal and exotic pet related By-laws from the former municipalities,
- Present dealings are with dogs, dangerous and prohibited animals
- Main offences include failure to obtain a licence, running at large, attacks and failure to remove defecation,
- Less than 10% of dogs are licenced, and limited enforcement could be the cause,
- Park enforcement and animal control now fall under the Chief of Police,
- There will be more concentration on the enforcement component,
- The Administrative Order (outlined in the supplementary report dated June 14, 2007) outlines a limited time offer with lower licencing fees to encourage increased compliance,
- The intent is to increase public education around this issue.

Councillor Kent and Karsten entered the meeting at 10:12 a.m.

- Animal Enforcement is hoping to move from a complaint driven approach to a more proactive approach,
- There are approximately 50 to 75,000 dogs and over 200,000 cats in the region,
- There is sufficient sheltering for dogs,

- Staff recommend addressing the issues of licensing, enforcement and service to the dog community before making recommendations for cats.

Members of Council raised the following comments/concerns during discussion on the presentation:

- The By-law A -300 should include cats,
- A request was noted for an amended definition of “noise” to be outlined in the proposed By-law under section 13,
- It was noted that a cat shelter is being constructed in Woodside and it could raise an opportunity for cost sharing.

Councillor Sloane entered the meeting at 10:22 am.

Staff Sergeant McNeil advised that the enforcement of dog licencing must increase before cats can be properly introduced into the plan.

Council took a brief recess at 10:29 a.m to review the supplementary report dated June 14, 2007.

Council reconvened at 10:55 a.m.

Discussion ensued regarding the staff report dated June 29, 2005.

Councillor Younger noted that in 2005, Regional Council directed staff to include cat lisencing in the pending By-law.

Mr. Anstey clarified that the motion outlined in the extract of the minutes dated October 25, 2007 was never voted on; therefore, no final decision was made regarding cats. He further advised that after review of the minutes, the item was deferred until a supplementary report was presented.

The following motion, deferred from the October 25th, 2005 Committee of the Whole session was before Council for further discussion:

MOVED by Councillor Hendsbee, seconded by Councillor Harvey, that Council give first reading to By-law A-300, Respecting Animals (attached as Appendix “A”) and set a public hearing date to adopt the By-law and repeal the existing animal related By-laws.

During discussion the following concerns and suggestions were expressed:

- The lack of cat licencing regulations outlined in the proposed By-law A-300,
- The amount of time lapsed between the presentation of the initial staff report and the delivery of the supplementary report,
- That cat sheltering be addressed in the 2008/09 budget,
- A complete breakdown of costs be provided regarding the hiring of additional animal enforcement officers and sheltering.

Councillor Rankin entered the meeting at 11:06 am.

Ms. Mary Ellen Donovan, Municipal Solicitor provided clarification surrounding the motion by advising that the extract dated October 25, 2005 supports the motion on the floor. She further advised that the motion was not voted on, and during the process of the debate amendments were made. She noted that there was a subsequent motion to defer; coupled with a proposal that staff provide a supplementary report, further to the debate.

MOVED by Councillor Snow, seconded by Councillor Karsten, that there be no limitations to the number of animals (dogs and cats) an owner may have.

Members of Council discussed the above noted amendment:

Councillor Fougere expressed concern regarding procedure, suggesting that the amendments proposed during the October 25, 2005 Committee of the Whole session be addressed before new amendments are placed.

Mayor Kelly advised that discussion will continue on the 2005 amendments once the amendment on the floor is voted on.

During discussion on the amendment it was suggested:

- That no more then six animals be housed by an individual,
- No limitations on the amount of animals one can own will cause noise violations,
- There be a limitation of three dogs and three cats per household
- That limitations be implemented in urban areas.

Councillor McCluskey referenced a survey where 69% of the participants completely or mostly supported limitations.

MOTION DEFEATED.

The following amendments, deferred from the October 25, 2005 Committee of the Whole

session were before Council for further discussion:

1.) 14 NOISE

- (1) No owner of an animal shall knowingly or not knowingly allow any animal to make noise excessively
- (2) For the purposes of this section, a dog shall be deemed to be making noise excessively if it barks or howls repeatedly for a period of twenty (20) minutes.

2.) Add the following to section 17:

- (9) The municipality may, by Administrative Order, establish a committee to monitor shelter operations and establish guidelines on the humane treatment and euthanasia.

3.) Add and/or modify Section 18 as follows:

Amend (1) by adding:

“Business” between “three (3)” and “days”

Amend (a) to read:

(a) be sold, adopted; or

Add a new section (3) as follows:

(3) Notwithstanding any other provision of this By-law, no animal kept by the shelter keeper may be sold, adopted, or otherwise disposed of for laboratory or any other experimental purpose.

4.) In Section 20 replace the minimum fine of \$100 with a minimum fine of \$200.

Councillor Harvey advised that measures should be imposed outlining a time period when animals are considered to be making excessive noise.

MOVED by Councillor Harvey, seconded by Councillor McCluskey, for the

purposes of this section, a dog shall be deemed to be making excessive noise if it barks or howls repeatedly for a period of five minutes.

Councillor Fougere advised that she would like to debate the June 14th supplementary report and disregard the four original amendments,

Councillor Younger noted that 20 minutes is an accepted time frame in other municipalities.

Councillor Mosher noted that five minutes does not allow for sufficient proof of a noise violation.

MOTION DEFEATED.

Discussion continued on the October 25th, 2005 amendments:

Councillor Sloane requested information regarding the possible Committee that could be created under amendment 2- 9 reading "*The municipality may, by Administrative Order, establish a Committee to monitor shelter operations and establish guidelines on the humane treatment and euthanasia.*"

Mayor Kelly now called for the vote on the October 25, 2005 amendments.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Murphy, that staff amend section 15 to address the feeding of pigeons and other birds in the municipality.

- Concern was expressed regarding bird feeders and controlling birds feeding on private property,
- It was suggested that regulations be placed on wild pigeons but not competitive pigeons,
- Education around this issue should be addressed,
- The feeding of pigeons can cause health concerns for the birds and the feeder.

In response to Councillor Karsten's request for clarification regarding enforcement of children feeding pigeons, Ms. Donovan advised that the definition section in the proposed By- law A-300 outlines the following "*when used in respect of an animal, 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.*" Ms. Donovan further advised that Children would not be penalized for feeding

pigeons, the onus would be on the guardian.

MOTION PUT AND PASSED.

Council recessed at 12:00 p.m.
Council reconvened at 1:15 p.m.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Administrative Order #11- Responsible Pet Ownership attached to the June 29, 2005 Harmonized By-law A-300 Respecting Animals; and the fees for cats and any other animal required to be registered, be provided under the Administrative Order.

Councillor Sloan questioned if HRM has the staff, budget and education to enforce and regulate the proposed By-law. She requested information regarding fees; outlining what animals will be included and if there will be a distinction between rural and urban animals.

Councillor Hendsbee suggested a one time only licencing fee tracked with the use of a micro chip.

MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded Hendsbee, that a change be made to Administrative Order 11 to include a one time only licencing and registration fee for animals.

During discussion on the above noted amendment, Members of Council expressed the following comments:

- Incentives should be provided for those who licence their animals,
- A lifetime registration fee should cost more then an annual registration fee,
- The one time only fee could be an option, but not exclusive,
- This could cause funding implications,
- An increase in cost may encourage more violations.

MOTION DEFEATED.

Discussion continued regarding the main motion which states:

MOVED by Councillor Hendsbee, seconded by Councillor Harvey, that Council give first reading to By-law A-300, Respecting Animals (attached as Appendix "A") and set a public hearing date to adopt the By-law and repeal the existing animal

related By-laws.

Councillor Fougere noted that the staff and budget implications associated with the proposed By-law A-300 should be resolved before regulatory requirements are imposed. She noted that there were 11,000 service requests regarding animal enforcement in 2006, and only 700 were addressed. She continued by noting that service and shelter issues must be addressed through the creation of a comprehensive plan that allots time to strengthen resources.

During discussion, Council made the following comments:

- Backyard kennels tend to cause noise violations,
- A phased approach was suggested,
- There should be different regulations for urban and suburban areas as there is less space between homes in the urban area.

Councillor McInroy entered the meeting at 2:03 p.m.

Staff Sergeant McNeil advised that the Society for the Prevention of Cruelty to Animals (SPCA) does not have the facilities to shelter cats. He noted that the cost to build an adequate facility to address the sheltering issue would be approximately \$1 million.

MOVED by Councillor Adams, seconded by Councillor Sloane, that staff investigate the possibility of implementing a spaying and neutering by-law for cats and dogs, including show dogs.

Councillor Younger questioned if the above noted would be a legal practise. The Municipal Solicitor advised that this information would be outlined in the report coming back to Council.

MOTION PUT AND PASSED.

Discussion on the main motion resumed.

Staff Sergeant McNeil advised that HRM employs seven Animal Control Officers.

Mayor Kelly noted that this issue will come back to Regional Council, not Committee of the Whole.

Councillor Sloane noted that public education should increase around this issue.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that micro-chip and/or tattooed registration be required by the municipality at no cost to the owner.

MOTION DEFEATED.

Discussion on the main motion resumed.

Councillor Fougere advised that the supplementary report dated June 14, 2007 uses the word animals, not cats. She noted that a business plan and budget should be created regarding this issue.

Councillor Younger advised that there is a non-profit shelter being built in Woodside, Dartmouth. He suggested partnering with this organization to cost share for shelter accommodations.

Councillor Wile requested that staff further define the word "dwelling" in By-law A-300 to include apartments and condominiums.

MOVED by Councillor Martin, seconded by Councillor Murphy, that all funds collected from licencing, fines and fees be allocated for the cost of animal enforcement.

Mr. Anstey advised that Council will make a decision regarding surplus funds if necessary. He further advised that Council can decide how the licencing funds will be allocated, but a future Council could make changes.

MOTION PUT AND PASSED.

Councillor Hendsbee questioned at what point are wild animals that have become domesticated considered domestic. He referenced the rabbits at White Point Beach Resort as an example.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that staff provide information regarding the inclusion of rabbits as domestic animals.

MOTION PUT AND PASSED.

The main motion as amended was now before Council:

MOVED by Councillor Hendsbee, seconded by Councillor Harvey, that Regional

Council give first reading to By-law A-300, Respecting Animals as outlined in the staff report dated June 29, 2005 and attached as Appendix "A," and set a public hearing date to adopt the By-law and repeal the existing animal related By-laws, and include the following amendments:

1. Replace Section 14 with:

NOISE

- 14 (10) No owner of an animal shall knowingly or not knowingly allow any animal to make noise excessively.
 - (2) For the purposes of this section, a dog shall be deemed to be making noise excessively if it barks or howls repeatedly for a period of twenty (20) minutes.

2. Add the following to section 17:

(9) The municipality may, by administrative Order, establish a committee to monitor shelter operations and establish guidelines on the humane treatment and euthanasia.

3. Add and/or modify Section 18 as follows:

Amend (1) by adding:

"Business" between "three (3)" and "days"

Amend (a) to read:

(a) be sold, adopted; or

Add a new section (3) as follows:

(3) Notwithstanding any other provision of this By-law, no animal kept by the shelter keeper may be sold, adopted, or otherwise disposed of for laboratory or any other experimental purpose.

4. In Section 20 replace the minimum fine of \$100 with a minimum fine of \$200.

5. **Staff to amend Section 15 to add wording to address the feeding of pigeons and other birds within the municipality.**
6. **That Administrative Order #11- Responsible Pet Ownership attached to the June 14, 2007 supplementary report to be added to the June 29, 2005 Harmonized By-law A-300 Respecting Animals; and that fees for cats or any animal required to be registered, be provided under the Administrative Order.**
7. **Staff to investigate the possibility of implementing a spaying and neutering By-law for cats and dogs, including show dogs.**
8. **That funds collected from licencing, fines and fees be allocated for the cost of animal enforcement.**
9. **Staff to provide information regarding the inclusion of rabbits as domestic animals.**

MOTION PUT AND PASSED.

4. ADJOURNMENT

The meeting adjourned at 3:05 p.m.

Jan Gibson
Municipal Clerk