

10.1.16

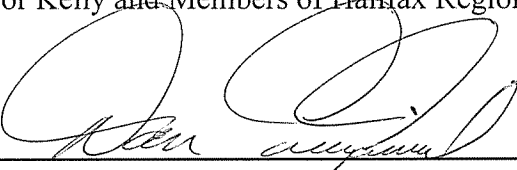


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
July 13, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: July 8, 2004

SUBJECT: Regulation of Cats

ORIGIN

Motion of Regional Council on June 29, 2004, (Item 9.3.2) for a staff report outlining whether or not a Cat By-law is the appropriate course of action for the current cat situation that was presented to Council and further that staff look to providing some resolution to the problems being experienced by the residents of Jackson Road on a more immediate basis.

Subsequently, Councillor Smith gave Notice of Motion of his intention to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 6th day of July 2004, introduce for First Reading, By-law C-400, the Cat By-law, the purpose of which is to limit the number of cats which may be kept in any dwelling.

RECOMMENDATION

It is recommended that Regional Council defer consideration of the attached By-Law C-400, Respecting the Regulation of Cats, until staff can consider the issue in context of the pending harmonized By-Law A-300, Respecting Animals & Prohibited Animals which will be brought to Regional Council in the Fall.

BACKGROUND

Since July 1996, staff have appeared before Regional Council on approximately 22 occasions regarding cat related issues in the municipality. On November 26, 2002, Regional Council defeated a motion to adopt a cat by-law drafted by staff.

The proposed By-Law C-400, Respecting the Regulation of Cats has not been processed according to Administrative Order 32, Respecting the Procedures for Developing By-Laws for consideration by Regional Council.

DISCUSSION

Cat Legislation

The most recent request is for a by-law “to limit the number of cats which may be kept in any dwelling.” Staff have conducted preliminary research regarding limitations of cats per household. The research indicates that licensing or micro-chipping is a critical component to assist in the enforcement of such programs. Licensing of cats is currently not required in HRM. Staff anticipates substantial resistance to a licensing or micro-chipping program and associated fees from cat owners. An undertaking of this nature would also require considerable resources from HRM that have not been budgeted.

From a legal perspective enforcement of a Cat By-Law would be problematic.

59 Jackson Road

Further to complaints regarding excessive cat defecation on the neighboring properties to 59 Jackson Road, the NSSPCA was contacted by staff on Monday, June 28, 2004 to advise them of the situation. The complainant advised they observed filthy conditions inside the house including an overflowing litter box and a strong odour of urine. Staff on behalf of the complainant, asked the NSSPCA to conduct an investigation of the living conditions of the cats.

An NSSPCA investigator advised staff on July 2, 2004 that they investigated the matter at 59 Jackson Road. The investigator’s findings were as follows:

1. there is a total of twelve cats that live at this location;
2. a number of the cats are indoor cats only according to the owner;
3. the cats were healthy;
4. the home was clean; and,
5. it was determined there are no violations of the NS Animal Cruelty Prevention Act.

Notice of Motion

During the July 6, 2004 Regional Council meeting a draft copy of the proposed By-Law C-400 was circulated and Regional Council deferred the matter until receipt of a staff report.

BUDGET IMPLICATIONS

If Regional Council adopts the attached By-Law C-400, Respecting the Regulation of Cats, funds will have to be identified to commence necessary components of a program that will make the by-law enforceable.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

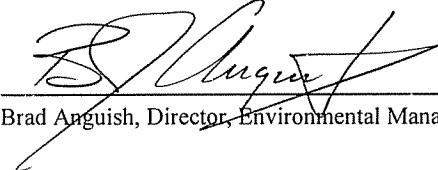
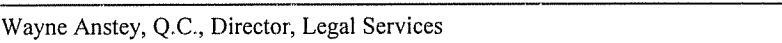
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could approve proceeding with First Reading of the attached By-Law C-400, Respecting the Regulation of Cats, which is not recommended.

ATTACHMENTS

Appendix A: Proposed By-Law C-400, Respecting the Regulation of Cats

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.		
Report Prepared by:	Andrea MacDonald, Manager of Contractual Services, Community Projects, EMS	490-7371
	Allan Wayne, General Manager, Community Projects, EMS	490-6484
Report Approved by:	 Brad Anguish, Director, Environmental Management Services	490-4825
	 Wayne Anstey, Q.C., Director, Legal Services	490-4229

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY

BYLAW NUMBER C-400

RESPECTING THE REGULATION OF CATS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Sections 172(1)(a), 172(1)(b), 172(1)(d),, 171(2)(b) and Section 174(f) of the Municipality Government Act as follows:

Short Title

1. This Bylaw shall be known as Bylaw No. C-400 and may be cited as the "Cat Bylaw."

Definitions

2. In this Bylaw:

- (f) "cat" means the male or female of the feline family;
- (g) "dwelling" means any building or portion thereof which is designed or used for residential purposes; and
- (h) "Municipality" means Halifax Regional Municipality.;

Limit On Number of Cats

9. (1) No person shall keep or harbour more than four (4) cats aged six (6) months or more in any dwelling in the Municipality, exclusive of cats which are continuously confined to the inside of the dwelling.
- (10) A Special Constable, By-law Enforcement Officer or Peace Officer who seizes a cat under a warrant obtained pursuant to the Summary Proceedings Act shall ensure that the cat is impounded at the facility designated by the Municipality for the impoundment of cats.
- (11) A person who contravenes Sub-section (1) is guilty of an offence and liable upon summary conviction to payment of a fine of not less than one hundred dollars (\$100.00) and nor more than one thousand dollars (\$1,000.00) or in default of payment of the fine to a period of imprisonment not exceeding ninety (90) days.