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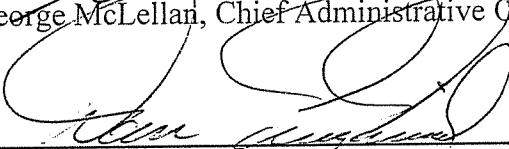
Halifax Regional Council
Committee of the Whole
January 25, 2005

February 1, 2005
February 8, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: January 20, 2005

SUBJECT: Proposed By-Law A-300 - Cat Regulations

RECOMMENDATION REPORT

ORIGIN

Motion of Regional Council on July 13, 2004, that Regional Council defer consideration of 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. Due to the unavoidable absence of HRM's key staff resource on this matter, and partially due to Council's COW schedule, this report and the subsequent development of By-Law A-300 have been delayed.

RECOMMENDATION

It is recommended that Council maintain the status quo relative to any regulations regarding cat control.

BACKGROUND

Since July 1996, Regional Council has discussed cat related issues in the municipality on approximately 30 occasions. Currently, there is no legislation regulating cats in the HRM. In accordance with Council's request, staff have researched and developed a draft set of cat regulations (attached in Appendix A) to be included in the pending By-Law A-300, Respecting Animals and Prohibited Animals, as a potential alternative to staff's prior recommendation of status quo.

Staff are currently working on By-Law A-300 which rationalizes eight (8) animal/exotic pet related by-laws from the former municipalities of HRM. Staff intend to present By-Law A-300 to Regional Council before the end of the fiscal year. Dog control will continue to be addressed through By-Law D-100, Respecting Dogs, in the short term due to current contractual considerations. Staff intend to further rationalize By-Law D-100 with By-Law A-300 in the long term.

DISCUSSION

Staff conducted research regarding cat regulations in major Canadian municipalities. Approximately half of the municipalities researched did not have any cat regulations. Of the municipalities that do have regulations, the one consistent feature in addressing cat related issues is that the onus is on the complainant to retrieve the cat. Other than this feature, the research indicates there is very little consistency in the way municipalities are addressing cat issues. There is a consensus in the Animal Control Service industry that it is very difficult to retrieve cats and enforce cat legislation. The draft cat regulations (attached as Appendix A), were designed to minimize the enforcement demands and related costs.

The draft cat regulations that could be included in the pending By-Law A-300, Respecting Animals and Prohibited Animals if approved in the future by Regional Council, includes an identification strategy and prohibits:

- cats being "at large" on private property without the permission of the owner or occupant;
- cats attacking or injuring any person or animal or damaging any property; and
- a person from establishing or continuing a cat colony.

The enforcement strategy for the potential by-law has three alternatives:

1. A citizen who can identify a cat at large or cat colony along with the address of the owner can file a complaint with Animal Control Services, which will deliver educational material to the cat owner.
2. A citizen can attempt to capture a cat with the use of humane live traps provided by the Animal Control Service. All cats captured will be turned over to the Animal Control Services. The procedure is as follows:

- a) A citizen acquires a cat trap and education on how to use the trap from the Animal Control Service; or the Animal Control Service can deliver a trap for a service fee. A deposit for the use of the trap will be required.
 - b) Once the cat is trapped the citizen takes the cat to the pound, or the citizen contacts Animal Control Service to retrieve the captured cat for a service fee, and Animal Control Services refunds the citizen the deposit upon return of the cat trap.
 - c) Once the cat is impounded, if the owner can be identified, the owner is contacted to retrieve the cat. When retrieving the cat, the owner must pay applicable boarding, impound and associated veterinary fees.
 - d) If the cat's owner is not identifiable, Animal Control Services will house the impounded cat for a minimum of 72 hours. Following the 72 hours the Animal Control Service may attempt to have the cat adopted or euthanize the cat in an immediate, safe and humane manner.
3. The Animal Control Service will dispatch an Officer when a citizen files a complaint about a public safety issue caused by a cat (i.e. cat attack).

Cat complaints are not formally tracked in HRM; therefore staff have no benchmark of public demand for such a service. Enforcing cat regulations would be a new and unbudgeted service. A program would need to be developed, which would create additional demands for our current service provider to administer and enforce the draft cat regulations. It is difficult to estimate the costs, as staff has no experience delivering such a program. There are a number of cost drivers including, but not limited to:

- animal control officers to enforce by-law violations;
- administrative staff to process service requests and the issuance and tracking of cat traps;
- vehicles and related costs to address service requests;
- purchase of cat traps;
- education and promotion;
- adoption, veterinary and euthanizing services; and
- service demands over a large geographical area.

Depending on the service demands, there will be a variable and direct impact on staff, vehicle and equipment requirements. Staff's best guess at the estimated annual operating costs would be at least \$200,000.00, with significant additional start-up costs in the first year.

Staff will continue to prepare a recommendation report introducing By-Law A-300, Respecting Animals & Prohibited Animals, which may or may not include cat regulations pending Regional Council's decision with respect to the recommendation in this report. By-Law A-300 will be presented during a Committee of the Whole meeting, preferably before the end of the fiscal year, Council's schedule permitting.

BUDGET IMPLICATIONS

There will be no budget implications if the Staff recommendation is approved.

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's alternative is to approve in principle the Section respecting the Regulation of Cats (attached as Appendix A), to be included in the pending By-Law A-300, Respecting Animals and Prohibited Animals. Regional Council will then need to consider an appropriate budget allocation during the upcoming 05/06 budget deliberations.

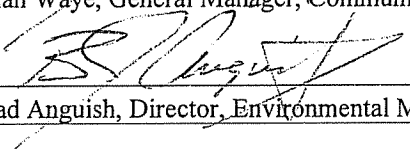
ATTACHMENTS

Appendix A: Proposed By-law Number A-300 (Cat Regulations Section)

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.

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Brad Anguish, Director, Environmental Management Services (490-4825)

**HALIFAX REGIONAL MUNICIPALITY
PROPOSED BY-LAW NUMBER A-300
CAT REGULATIONS SECTION**

1. Short Title

This section if approved in principle will be integrated into pending By-Law A-300, Respecting Animals and Prohibited Animals.

2. Schedules

N/A for this Section.

3. Definitions

For the purposes of this Section:

“animal control officer” means a police officer, by-law enforcement officer or a Special Constable appointed pursuant to the Police Act, R.S.N.S. 1989, c. 348, as amended from time to time;

“at large” means off the premises of its owner and not under the physical restraint and control of the owner

“cat” means a domestic cat and includes a domestic cat which does not reside within a human dwelling;

“cat colony” means a property, premises, lot or dwelling in which four (4) or more cats reside, are cared for or are harbored;

“cat owner” includes any person who, either temporarily or permanently, possesses, has the care of, has the control of or harbors a cat;

“municipality” means the Halifax Regional Municipality;

“pound” means a building, yard, enclosure or other facility overseen by the

Municipality for the keeping of impounded animals

“pound keeper” means a person appointed by the Municipality, including an employee of the Municipality, to be in charge of a pound and includes a person acting under the supervision and direction of the Pound Keeper;

“property owner” means:

- (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;
- (b) in the absence of proof to the contrary, the person or persons assessed for the property;

4. Exceptions

N/A for this Section.

5. Identification of Cats

Every owner of a cat shall ensure it is identified by a collar, which will easily allow the owner’s name, address, and telephone number to be ascertained.

6. Cat Offences

Every cat owner shall be guilty of an offence if

- (1) their cat is at large;
- (2) their cat attacks or injures any person or animal or damages any property;
- (3) they permit the establishment or continuation of a cat colony.

7. Capture and Seizure of Cats

- (1) In addition to recovering a penalty as provided in Section 10:
 - (a) Any cat found at large may be captured or seized by the property owner.
 - (b) All cats captured or seized shall be delivered to the Pound Keeper

as soon as possible to be dealt with according to the provisions of this By-Law.

- (2) An Animal Control Officer may seek a warrant under the **Summary Proceedings Act**, R.S.N.S. 1989, c. 450, as amended from time to time, if the Animal Control Officer believes, on reasonable grounds, that a person:
 - (a) is the owner of a cat that has attacked or injured any person or animal or damaged any property and is likely to attack or injure another person or animal or damage other property; or
 - (b) has permitted the establishment or continuation of a cat colony.
- (3) The warrant issued under subsection (2) shall authorize and empower the person named in the warrant to:
 - (a) enter and search the place where the cat is, at any time;
 - (b) open or remove any obstacle preventing access to the cat; and
 - (c) seize and deliver the cat to the pound and for such purpose, break, remove or undo any fastening of the cat to the premises.
- (4) Where the person named in the warrant is unable to seize the cat safely, the person may euthanize the cat in a immediate, safe and humane manner.

8. Duties of Pound Keeper

- (1) The Pound Keeper shall receive all cats delivered pursuant to this By-Law, and subject to Sections (6) and (7), shall detain and furnish them with food and water for 72 hours. During the 72 hour period, the Pound Keeper shall make reasonable efforts to notify the owner of the cat.
- (2) Subject to sections (6) and (7), if an impounded cat is injured, sick or otherwise in need of medical care, the Pound Keeper shall ensure that basic veterinary treatment is provided so that life is not endangered and that pain is reduced consistent with humane principles. The Pound Keeper may after a reasonable period of observation and based upon reasonable grounds, euthanize the cat in an immediate, safe and humane manner.

- (3) If the impounded cat is not claimed by the owner within the 72 hour period, the Pound Keeper may sell or euthanize the cat in an immediate, safe and humane manner.
- (4) If the Pound Keeper believes on reasonable grounds that a cat poses a danger to a person or another animal, the Pound Keeper may, without notice to the owner, euthanize the cat in an immediate, safe and humane manner.

9. Cost Recovery

- (1) Subject to sections (6) and (7), the owner of an impounded cat, or a person having the written authorization of the owner, may claim the cat from the pound upon payment of the following:
 - (a) impound fee;
 - (b) boarding fee for each day, or part thereof, that the cat has been impounded; and
 - (c) any veterinary fees incurred while the cat is impounded.
- (2) The fees payable in subsection (1) shall be those established pursuant to Administrative Order 15, the License and Fees Administrative Order.
- (3) If the cat is not released to its owner, the fees payable in subsection (1) may be recovered by the municipality from the cat owner.

10. Penalties

- (1) A person who contravenes any section of this by-law is liable upon summary conviction to a minimum penalty of not less than One Hundred Dollars (\$100.00) 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.
- (2) Upon conviction, any costs incurred pursuant to this by-law, by the municipality or the pound keeper, may be imposed as a fine upon the cat owner.