



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 8.1

Halifax Regional Council
October 2, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

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

Frank Beazley, Chief of Police

DATE: September 25, 2007

SUBJECT: Harmonized By-Law A-300 - Respecting Animals

SUPPLEMENTARY REPORT

ORIGIN

As a result of a motion of Regional Council on September 11, 2007, Council requested staff provide a supplementary report regarding all commentary and concerns that were brought forward at the Public Hearing.

RECOMMENDATION

It is recommended that Regional Council:

1. Approve Administrative Order #11 as amended and attached.
2. Approve the Proposed A-300 By-Law, Respecting Animals as amended and attached;
3. Upon adoption of By-law A-300, authorize staff to submit a request to the Province to include penalties levied under the By-law in the Summary Offence Proceedings Act.

BACKGROUND

On July 31, 2007 Regional Council:

1. gave first reading to By-Law A-300, Respecting Animals and set a public hearing date to adopt the By-Law and repeal the existing animal related By-Laws to come into effect January 1, 2008;
2. removed the limits on the number of cats and dogs kept by a person; and
3. Section 15(1) of the proposed A-300 By-Law Respecting Animals was amended to read as follows:
No person shall feed waterfowl or pigeons at site specific locations as determined by Council or Community Council on property owned by the Municipality.

On September 11, 2007, Regional Council held a public hearing on the proposed A-300 By-Law Respecting Animals. During the public hearing 35 people spoke on various aspects of the proposed By-Law with some speaking in favour while others spoke against.

DISCUSSION

During the public hearing, a number of statements/comments were made by the various speakers and Council asked staff to bring forward a supplementary report. Staff have reviewed all statements/comments and attempted to summarize these comments in a table, attached as appendix D. Staff then attempted to provide a response to each area of concern. In addition to reviewing the public's comments, staff have completed research on 17 Canadian Municipalities and consulted other key stakeholder and experts.

BUDGET IMPLICATIONS

Based on the limited available information to date, we will not suggest what the demand for this service will be. Staff will operate within the existing resources, and should a spike in service occur, we will prepare a business case to address the identified need.

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

The following alternatives are identified for Regional Council:

1. Maintain status quo of seven animal and exotic pet related By-Laws from the former municipalities and D-100, Respecting the Registration and Regulation of Dogs.

This alternative is not recommended because there is a need to enhance public health and safety in animal related matters.

2. Approve the proposed By-Law A-300, with the exclusion of cats.
3. Approve the proposed By-Law A-300, with any number of the ammendments from the provided Options identified in the table listed as Appendix D.

ATTACHMENTS

Appendix A: Proposed bylaw A-300, Respecting Animals

Appendix B: Amended Administrative Order #11

Appendix C: HRM Cat Strategy

Appendix D: Table addressing Citizen's comments

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, HRP, 490-4817

Report Approved by:



Tony Burbridge, Deputy Chief Administration, HRP,490-7238

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-300
RESPECTING ANIMALS**

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

Short Title

1 This By-Law shall be known as By-Law No. A-300 and may be cited as the “Animal By-Law”.

Interpretation

2 (1) In this By-Law,

- (a) “License Administrator” means the Administrator responsible for the licensing of dogs and cats and the registering of kennels appointed by the Chief Administrative Officer or designate;
- (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*;
- (c) “Animal Control Officer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*;
- (d) “attack” means without provocation, to chase, injure or bite, or to threaten or give the impression of threatening;
- (e) “bite” includes to penetrate the skin by a tooth or teeth;
- (f) “cat” means a non-feral or feral cat, either male or female;
- (g) “dangerous dog” means any dog which
 - (i) attacks or demonstrates a propensity, tendency or disposition to attack a human being or animal either on public or private property;
 - (ii) has caused injury to or to otherwise endangered the safety of a human being or animal;
 - (iii) threatens any human being or animal;
 - (iv) is owned or harboured primarily or in part for the purpose of dog fighting;

(v) is trained for dog fighting; or

(vi) is a dog for which a muzzle order has been made;

provided that no dog shall be deemed a “dangerous dog” solely because it attacks or threatens a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behaviour acting in defence to an attack from a person or animal, acting in defence of its young or is a professionally trained guard dog for law enforcement or guard duties;

- (h) “dog” means a dog, male or female, or the offspring resulting from the breeding of a dog and any other animal;
- (i) “dwelling unit” means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;
- (j) “feral cat” means any homeless, wild or untamed cat;
- (k) “identification device” means any device required for the identification of any dog or cat 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;
- (l) “kennel” means any premises where animals are harboured or bred as a commercial service or for sport or exhibition purposes for periods longer than sixty (60) days;)
- (m) “leash” means a device used by a person to restrict movement of an animal which is adequate for the purpose;
- (n) “license” means a license issued pursuant to this By-Law;
- (o) “license fee” is the fee for a given period of time payable to the License Administrator by the owner of a dog or cat 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;
- (p) “microchip” means an approved ‘Canadian Standard’ encoded

identification device implanted into a dog or cat, 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;

- (q) "Municipality" means Halifax Regional Municipality;
- (r) "Municipal public park" includes any municipal park, school grounds, public swimming areas, playgrounds or sports or athletic fields owned or operated by the Municipality or the Halifax Regional School Board, but does not include Provincial or Federal lands;
- (s) "muzzle" means a humane covering device of sufficient strength placed over a dog's mouth to prevent it from biting;
- (t) "noise" means an unwanted sound or activity that unreasonably disturbs the quiet, peace, tranquility, rest, enjoyment, comfort of convenience of a neighbourhood of the Municipality or a part thereof;
- (u) "organized hunt" means a controlled, organized pursuit of game or fowl using trained dogs, by duly licensed hunters;
- (v) "owner" 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;
- (w) "prohibited animal" means an animal listed in the Prohibited Animals of Administrative Order 11
- (x) "property owner" means:
 - (i) in the absence of proof to the contrary, the person or persons assessed for the property; or
 - (ii) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;
- (y) "runs at large" when used in respect of an animal, means an animal that is off the property of its owner without a leash; and an animal shall be deemed to be running at large where it is on any private property or premises without the permission of the owner or occupant thereof;
- (z) "shelter" means such premises and facilities designated by the Municipality as an animal shelters for the keeping and disposition of impounded animals;

- (aa) “Shelter Keeper” means a person appointed by the Municipality, which may include an employee of the Municipality, to be in charge of a shelter and includes a person acting under the supervision and direction of a Shelter Keeper;
- (ab) “spayed or neutered” means incapable of reproduction as certified by a licensed veterinarian;
- (ac) “threatens” means unmuzzled, leashed or unleashed, or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, approaches in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
- (ad) “waterfowl” means a type of bird that primarily lives on or about the water.

Licensing Of Dogs And Cats

- 3 (1) No person shall own a dog or a cat 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 or cat or brings the dog or cat 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 or cat for less than sixty (60) days is not required to license the dog or cat.

Licensing Procedure

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

the License Administrator, where appropriate

- (a) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada in respect of the dog;
 - (b) a certificate from a qualified medical practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or
 - (c) a certificate that the dog is used for search and rescue or law enforcement.
- (3) The License Administrator shall keep a record of every dog or cat licensed, showing the date and number of the license, the name and description of the dog or cat with the name and address of the owner and the respective license category.
- (4) Upon receipt of the information described in subsection (1), the License Administrator shall supply the owner with an identification device and directions respecting the placement of the device and a receipt.

License Year

5 Every license shall be effective for 12 months.

Identification

- 6
- (1) The owner of every dog or cat 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 dog or cat 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 or cat may be removed from the dog or cat temporarily while the dog or cat 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 15, the License and Fees Administrative Order.
 - (4) Any dog or cat which does not have a valid identification device shall be deemed not to be licensed under this By-Law.

Kennel Registration

- 7
- (1) No person shall own or operate a kennel within the Municipality without having registered the kennel and licensed the dogs or cats owned by the kennel with the

License Administrator.

- (2) At or before the time of registration, the owner or operator of a kennel shall provide to the License Administrator:
 - (a) the name, address and telephone number of the owner or operator;
 - (b) the trade or business name of the kennel, where appropriate;
 - (c) proof that the breeder operating a kennel is registered with the Canadian Kennel Club, if applicable;
 - (d) an occupancy permit for the kennel issued by the Development Officer; and
 - (e) the applicable registration fee pursuant to Administrative Order 11, the License and Fees Administrative Order.
- (3) The acceptance of any kennel registration does not relinquish or release any kennel owner or operator from complying with any other By-Law of the Municipality or Provincial legislation.

Duties of Owners

- 8 (1) No owner of a dog shall:
- (a) cause or permit a dog at any time to run at large;
 - (b) cause or permit a dog to damage public or private property;
 - (c) fail to immediately remove defecation on any public or private property other than the property of its owner; except a dog trained to assist and assisting a person with a disability;
 - (d) fail to keep an un-spayed female dog confined inside a dog-proof enclosure while it is in heat; or
 - (e) cause or permit a dog to be in a municipal public park designated by signage as an area prohibiting dogs.
- (2) Notwithstanding clause (a) of subsection (1), it shall not be an offence where a dog is 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) No owner of a cat shall:
- (a) cause or permit a cat at any time to run at large;
 - (b) cause or permit the cat to attack a person or another animal, other than wild rodents and birds;
 - (c) cause or permit a cat to damage public or private property; or
 - (d) fail to immediately remove defecation on any public or private property other than the property of its owner.
- (4) Any owner who causes or permits the occurrence of any of the prohibited activities or fails to comply with subsections (1) or (3) shall be guilty of an offence under this By-Law.

Dog Attacks

- 9 (1) The owner of any dog that attacks any person or another animal is guilty of an offence under this By-Law.
- (2) Where an Animal Control Officer has reason to believe that a dog has attacked a person or another animal, and the owner of the dog has been identified, the Animal Control Officer may do any one or combination of the following enforcement actions:
- (a) issue the owner a notice to muzzle the dog;
 - (b) issue the owner a notice to microchip the dog;
 - (c) classify the dog as a 'dangerous dog' in the municipal registry; or
 - (d) destroy the dog without permitting the owner to claim it and issue the owner a notice informing that the dog has been destroyed.
- (3) When a dog has been classified as a dangerous dog pursuant to clause (c) of

subsection (2), the owner shall:

- (a) keep the dog securely restrained either indoors or inside an escape-proof enclosure that does not allow the dog to jump, climb or dig its way out of while it is on the property of the owner; and
 - (b) muzzle, securely leash, and ensure that the dog is under the control of a person not under 18 years of age when the dog is off the property of the owner.
- (4) Where an owner has been served with a notice pursuant to clause (a) or (b) of subsection (2), the failure of the owner to comply with any notice shall be an offence under this By-Law.
- (5) Any owner of a dog who fails to comply with subsection (3) shall be guilty of an offence under this By-Law.

Animal Offences

10 (1) No owner of an animal not being a cat or a dog shall:

- (a) cause or permit the animal at any time to be off the premises of the owner 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) cause or permit an animal to attack a person or another animal;
 - (c) cause or permit an animal to damage any public or private property; or
 - (d) fail to immediately remove defecation on any public or private property other than the property of its owner.
- (2) Any owner who causes or permits the occurrence of 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.

Prohibited Animal Offences

- 11 (1) No person shall:
- (a) be the owner of a prohibited animal;
 - (b) dispose of any prohibited animal except by releasing the said animal to an Animal Control Officer; or
 - (c) sell or offer for sale any prohibited animal.
- (2) Any owner who causes or permits the occurrence of 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.
- (3) Notwithstanding clause (a) of subsection (1), it shall not be an offence to be the owner of a prohibited animal if:
- (a) the owner is a university, zoo, museum or other facility for the preservation as specimens of natural history or for scientific purposes; or
 - (b) the animal is owned for the purpose of entertaining the public; and the owner has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.
- (4) Clause (a) of subsection (1) shall come into effect ninety (90) days after the By-Law is adopted.

Seizure and Impounding of Animals

- 12 (1) Any animal found running at large may be seized and impounded by an Animal Control Officer.
- (2) Any cat found running at large may be captured or seized by the owner of the property on which the cat is found running at large.
- (3) All cats captured or seized shall be delivered to the Shelter Keeper as soon as possible to be dealt with according to the provisions of this By-Law.

Noise

- 13 (1) No owner of an animal shall knowingly or unknowingly 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.

Feeding of Waterfowl and Pigeons

- 14 (1) No person shall feed waterfowl or pigeons at site specific locations as determined by Council or Community Council on property owned by the Municipality as prescribed by an Administrative Order.
- (2) Subsection (1) shall not apply to Municipal staff or contractors on behalf of the Municipality who feed waterfowl or pigeons on property owned by the Municipality.

Powers of Animal Control Officer

- 15 (1) An Animal Control Officer, while pursuing any animal in enforcing this By-Law, may pass over the land of any person, but this section shall not be so construed as to provide immunity against an action for damage suffered.
- (2) If any animal is at large and cannot be seized safely, an Animal Control Officer, who believes on reasonable grounds that the animal poses a danger to a person or another animal and the owner is not readily able to be found, may immediately, without notice to the owner, destroy the animal, in a humane manner.

Shelter Keeper

- 16 (1) The Municipality may establish and maintain such shelters as may be necessary and may appoint a Shelter Keeper who shall have charge of such facilities together with any necessary assistants, or may contract for the provision of the services.
- (2) The Municipality may enter into an agreement in writing with any person or association appointing that person or association as the Shelter Keeper.
- (3) All animals captured by a citizen or an Animal Control Officer shall be delivered to the Shelter Keeper as soon as possible after capture.
- (4) The Shelter Keeper shall receive all animals seized and delivered pursuant to this By-Law, and shall detain the same and furnish them with food and water for a period of three (3) days.
- (5) During the three (3) day period designated by subsection (4), the Shelter Keeper shall make reasonable efforts to notify the owner of the animal.
- (6) If an impounded animal is injured, sick or otherwise in need of medical care, the Shelter 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 Shelter Keeper may decide, after a reasonable period of observation and based upon reasonable grounds, to destroy the animal.

- (7) If the Shelter Keeper believes on reasonable grounds that an impounded animal poses a danger to a person or another animal, the Shelter Keeper may, without notice to the owner, destroy the animal in an immediate and safe manner.
- (8) The Shelter Keeper shall sell or destroy an impounded prohibited animal without permitting any person to claim it, unless the owner is one of the classes identified in subsection (3) of Section 11 and has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.
- (9) The municipality may, by administrative Order, establish a committee to monitor shelter operations and establish guidelines on the humane treatment and euthanasia.

Unredeemed Animals

- 17 (1) If an animal is not redeemed within three (3) business days, or otherwise dealt with by this By-Law, the animal shall become the property of the Shelter Keeper and may:
 - (a) be sold; adopted; or
 - (b) be euthanized.
- (2) The Shelter Keeper shall keep all animals seized. Where there is an action before the Court involving a seized animal, until such time as a Court orders otherwise.
- (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.

Fees

- 18 (1) Subject to subsections (7) and (8) of Section 16, the owner of any impounded animal, or a person having the written authorization of the owner, may redeem the animal from the shelter upon payment of the following:
 - (i) redemption fee;
 - (ii) boarding fee for each day, or part thereof, that the animal has been impounded;
 - (iii) any veterinary fees incurred while the animal is impounded; and
 - (iv) a license fee, if required.
- (2) The fees payable in subsection (1) shall be those established by the Regional

Council pursuant to Administrative Order 11, the License and Fees Administrative Order.

- (3) If an animal is not released to its owner, the fees payable in subsection (1) may be recovered by the Municipality from the owner as a debt.

Offenses and Penalties

- 19 (1) A person who contravenes any section of this By-Law is 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.
- (2) Upon conviction, any costs incurred, including license fees for any unlicensed fee charge pursuant to this By-Law, by the Municipality or the Shelter Keeper, may be imposed as a fine upon the person.
- (3) No Shelter Keeper shall release any animal to its owner, until such owner pays all fees, costs and expenses of the Shelter Keeper while the animal was impounded and kept at the shelter.

Effective Date

20. This By-Law shall come into effect on November 1, 2007.

Repeal

21. (1) Section 7 of By-Law No. 8 of the Halifax County Municipality, the Mischiefs and Nuisances By-Law, is repealed.
- (2) By-Law W-201 of the City of Dartmouth, being a by-law with respect to the feeding of waterfowl, is repealed.
- (3) By-Law Number 63 of the Halifax County Municipality, the Animal Defecation By-Law, is repealed.
- (4) By-Law Number 22931 of the Town of Bedford, Respecting Exotic Pets, is repealed.
- (5) By-Law Number 12 of the Halifax County Municipality, the Animals By-Law, is repealed.
- (6) Ordinance 184 of the City of Halifax, the Reptiles Ordinance, is repealed.
- (7) By-Law E-300 of the City of Dartmouth, being a by-law to regulate keeping of reptiles and arachnids within the City of Dartmouth, is repealed.

- (8) By-law D-100 of the Halifax Regional Municipality, Respecting the Registration and Regulation of Dogs is repealed.

ADMINISTRATIVE ORDER NUMBER #11

IT IS ENACTED by the Council of the Halifax Regional Municipality as follows:

1.
 - (a). The Shelter Keeper for the Municipality is the Nova Scotia Society for the prevention of cruelty to Animals.
 - (b). The Shelter for the Municipality shall be the facility of the Nova Scotia Society for the Prevention of Cruelty to Animals located at 5 Scarfe Court, Halifax, N.S..
 - (c). The Shelter is authorized to receive any animals impounded by the Halifax Regional Municipality Animal Services.
 - (d). The Shelter Keeper may charge an redemption fee of \$100.00 from the owner of any impounded animal released to the owner.
 - (e). The Shelter Keeper may charge a daily boarding fee of \$25.00 from the owner of any impounded animal released to the owner.

2. The annual license fees payable by the owners of animals for the period between the 1st of April 2007 and 31st of March 2008 shall be as follows:

Unaltered dog	\$30.00
Unaltered and rabies inoculated dog	\$25.00
Spayed/Neutered dog	\$15.00
Spayed/Neutered and rabies inoculated dog	\$10.00
Unaltered Cats	\$30.00
Spayed/Neutered cat	\$15.00
Spayed/Neutered/inoculated cat`	\$10.00
Senior citizens, upon presentation of Government issued identification confirm age 65 years or greater	20% discount
Service animal upon providing proof of the service animal status of the animal to be registered	No Charge
Prohibited animals	\$30.00
Kennel Registration Fees	\$100.00

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
Cat	\$35.00
Spayed/Neutered cat	\$10.00
Dangerous Animal Registration	\$100.00
Service Animal	No Charge

Senior citizens, upon presentation of Government issued identification confirm age 65 years or greater	20% discount
Prohibited animals	\$50.00
Prohibited animal owned as in A-300 section 3 (a),(b)	No Charge
Kennel Registration Fees	\$100.00
Replacement Tag	\$5.00

4. The registration fee payable by the owners of animals for any period starting after the 1st of October of any year and continuing to the 31st of March of the following year, shall be the amounts indicated in Section (1) and (2) reduced by 33.3%.
5. Notwithstanding the foregoing license fees there will be a one time, special license fee of \$10.00 for all licenses purchased between January 1st, 2008 - May 31st, 2008.
6. Notwithstanding the forgoing license schedule as above, any registration or renewal received after January 1st, 2008, will be issued the 2008/09 licence (1, 2 or 3 bonus months).
7. Prohibited Animals:
 - (1) wildlife as defined by the Wildlife Act which has been designated as endangered, threatened or protected pursuant to any laws of Nova Scotia or Canada;
 - (2) all venomous snakes, reptiles, insects and arachnids;
 - (3) these seven species of the Boid Family;

Species	English Common Name
<i>Eunectes murinus</i>	Green anaconda
<i>Eunectes notaeus</i>	Yellow anaconda
<i>Python reticulatus</i>	Reticulated python
<i>Python sebae</i>	African rock python
<i>Python molurus bivittatus</i>	Burmese python
<i>Python molurus molurus</i>	Indian python
<i>Morelia amethystina</i>	Amethyst python

- (4) An adults snake's length cannot exceed three meters and an adult lizard's length cannot exceed two meters (measured from snout to the tip of the tail).

Proposed Cat Enforcement Strategy

Complaints

Complaints received regarding:

1. cat without a license;
2. cat at large;
3. cat attacks on a person or another animal;
4. cat damaging public or private property; and
5. cat defecating without the owner immediately picking up after it

will be investigated provided the citizen can describe the cat and provide the owner's address.

Method of Capture by Citizen

A citizen can attempt to capture a cat on their own property with the use of humane live traps provided by the Animal Control Service. All cats captured will be delivered to the Animal Control Services shelter. 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 delivers the cat to the shelter; or, the citizen contacts Animal Control Services to retrieve the captured cat for a service fee, and Animal Control Services refunds the citizen's deposit upon return of the trap.

Citizen Concerns	Proposed By-Law	Staff Comments
	*animal definition	
<p>1. Animal Control Officer definition does not include qualifications.</p>	<p>1. Section 2.(1) (c)“Animal Control Officer”- “Animal Control Officer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the <i>Police Act</i></p>	<p>1. Qualifications are not appropriate in a by-law. They are stated in the Job Posting/Description and must be met prior to an individual being hired. Option: Amend to “Animal Service Officer”, appropriately reflecting the duties (enforcement and education).</p>
<p>2. Shelter Keeper definition is vague and does not include qualifications.</p>	<p>2. Section 2.(1)(ad)“Shelter Keeper”- “Shelter Keeper” means a person appointed by the Municipality, which may include an employee of the Municipality, to be in charge of a shelter and includes a person acting under the supervision and direction of a Shelter Keeper</p>	<p>2. Qualifications are not appropriate in a by-law. They would be stipulated in the Request for Proposals (RFP) or Tender and met before a RFP or Tender is awarded.</p>
<p>3. “Attack” definition states “threatens or gives the impression of threatening” this was an area of concern. One resident also commented that the term without provocation may be hard to prove as a required element.</p>	<p>3. Section 2(1)(d) - “attack” means without provocation, to chase, injure or bite, or to threaten or give the impression of threatening.</p> <p>Section 2(1)(e)- “bite” includes to penetrate the skin by a tooth or teeth;</p> <p>Section 2(1)(ac)- “threatens” means unmuzzled, leashed or unleashed, or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, approaches in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner</p>	<p>3. The Municipal Solicitor is recommending that:</p> <ul style="list-style-type: none"> i). the definitions of both “bite” and “threatens” be deleted leaving the courts to assess whether within common parlance the animal has bitten or threatened the victim; ii) the words “without provocation” be removed from “attack” definition consistent with the Calgary By-law; and iii) remove the reference to “chase” leaving the courts to decide whether a threat exist as a result of a chase event. <p>Option: Amend definition of “attack” means to injure or bite, or to threaten or give the impression of threatening</p>

<p>4. Kennel definition concern with portion stating “for sport or exhibition purposes”</p>	<p>4. Section 2(1)(l) “kennel” means any premises where animals are harboured or bred as a commercial service or for sport or exhibition purposes for periods longer than sixty (60) days;</p>	<p>4. Staff concur with this concern.</p> <p>Options:</p> <p>1. Delete definition. This is not an A-300 issue, it is a land use issue; or</p> <p>2.Delete reference to “for sport or exhibition purposes”;</p> <p>and</p> <p>3. Amend the reference of “60 days” to “90 days”.</p> <p>Options 2 and 3 would result in the following definition: “kennel” means any premises where animals are harboured or bred as a commercial service or where animals are boarded as an ongoing business for periods not exceeding ninety(90) days;</p>
<p>5.Canadian Kennel Club (CKC) does not register kennels</p>	<p>5. Section 7.2(c) proof that the kennel is registered with the Canadian Kennel Club, if applicable;</p>	<p>5. Staff concur.</p> <p>If option 4 (1) above is supported then there would not be a requirement for Section 7, Kennel Registration.</p> <p>Option:</p> <p>1. Delete all of Section 7, Kennel Registration; or</p> <p>2. Delete Section 7.2(c).</p>

<p>6. Concern re: affordability of licensing fees to low income individuals, including the disabled.</p>	<p>6. Section 4(2) When the application is for the licensing of a dog, the owner shall also provide to the License Administrator, where appropriate</p> <p>(a) a certificate from the Canadian National Institute of the Blind or the Hearing</p> <p>(b) a certificate from a qualified medical practitioner indicating that the owner suffers from a disability and requires the use of an animal that is trained to assist persons with such disabilities; or</p> <p>(c) a certificate that the animal is used for search and rescue or law enforcement.</p> <p>Administrative Order #11: - Senior citizens, upon presentation of Government issued identification confirming age 65 years or greater 20% discount - Service animal upon providing proof of the service animal status of the animal to be registered No Charge</p>	<p>6. The proposed Administrative Order permits a 20% discount for seniors, and no charge for service animals. No change is recommended in this approach.</p> <p>Option: 1. For clarity, the Municipal Solicitor has recommended the following definitions be added “ service animal” means any animal individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement.</p> <p>Amend Section 4(2) to “When the application is for the licensing of Service Animal, the owner shall also provide to the License Administrator, where appropriate.</p>
<p>7. Euthanizing- should be vet only ASO and Shelter given too much authority - Courts should make the ultimate decision</p>	<p>7.n/a</p>	<p>7. It has been the practice of HRM to require a vet to euthanize any animals. Staff are recommending this continue to be addressed by administrative practice.</p> <p>No change recommended</p>
<p>8.Citizen recommended licensing for Professional Dog Walkers</p>	<p>8. n/a</p>	<p>8. No change recommended</p>
<p>9. Lack of training for Police in animal related situations</p>	<p>9. n/a</p>	<p>9. Police are extensively trained in the Use of Force Continuum and Judgement training. As with any subject, if new training can enhance our current practices, it will be added.</p>

<p>10. Spay/ Neutering and Trap, Neuter and Release(TNR) programs discussed by numerous speakers. Include reduced fees, subsidized by HRM, license cost to cover S/N HRM, should support and finance a TNR program</p>	<p>10. A program re: the spaying/neutering or TNR of animals was not advertised as part of the proposed by-law and therefore cannot be considered at this time.</p>	<p>10. Based on research completed on 17 Canadian cities and Municipalities there is limited legislation in place regarding Spay/neutering or TNR programs. These programs are being done in Canada thru various animal groups. In Calgary the SPCA deals with all feral related calls and actions - in several other cities such as Toronto, Ottawa any complaints of feral - callers must trap the cats and bring to the city owned shelters.</p>
<p>11. Potential lack of education on proper use and monitoring of traps</p>	<p>11. n/a</p>	<p>11. Staff intend to provide a guide line and some form of a contract for a trap renter to sign.</p>
<p>12. Lack of fines for dumping cats</p>	<p>12. n/a</p>	<p>12. Existing legislation through the Criminal Code and Animal Cruelty Prevention Act addresses this violation.</p>
<p>13. No Grandfather clause exists for Prohibited Animals and reptiles should be registered. Further recommended they be microchipped</p>	<p>13. n/a</p>	<p>13. Option: Replace section 11 (4) with the following: Provided that the animal is licensed and microchipped in accordance with this By-Law within ninety (90) days of this By-Law coming into force and effect, this section shall not apply to an animal owned on the coming into force of this by-law.</p>
<p>14. Registering of Reptiles</p>	<p>14. n/a</p>	<p>14. support the registering to create and maintain records for what reptiles are kept within the Municipality.</p>
<p>15. Lack of sheltering for Prohibited Animals. Individuals did offer their services for sheltering.</p>	<p>15. Section 2(1)(z) “shelter” means such premises and facilities designated by the Municipality as an animal shelters for the keeping and disposition of impounded animals</p>	<p>15. No by-law change required. Council may add additional shelters already. This can be done by future changes to Adminstrative Order #11.</p>

<p>16. Preference for “education” to be used instead of “Entertainment”.</p>	<p>16. Section 11.3(b) the animal is owned for the purpose of entertaining the public; and the owner has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia</p>	<p>16. Option: 1. Amend 11.(3)(a) to “the owner is a university, zoo, museum or other facility for the preservation as specimens of natural history, for scientific purposes, or invited to participate in an educational program; or 2. and amend Section 11.3(b) “the owner has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.”</p>
<p>17. 3/2 meter rule for snakes and iguanas be increased to include any reptiles that may grow beyond 3/2 meters</p>	<p>17. Administrative Order # 11: Section 4. An adults snake’s length cannot exceed three meters and an adult lizard’s length cannot exceed two meters (measured from snout to the tip of the tail).</p>	<p>17. Staff recommend retaining the current rule based on research that the majority of municipalities have the same restriction or shorter and PIJAC’s recommendation. Option: Move the length to 3.3 and 2 meters. 1 m equals 3.28 feet and therefore would accommodate the 6’6" Iguana and 10’6" female boa Constrictor.</p>
<p>18. Spider, scorpions and reptiles should not be prohibited</p>	<p>18. Administrative Order #11 . Section 7.Prohibited Animals: (2) all venomous snakes, reptiles, insects and arachnids..</p>	<p>18. No change recommended.</p>
<p>19. requirement to increase and have fines vary depending on the severity of he violation</p>	<p>19.</p>	<p>19.This could be considered, but any fines issued through Summary Offence tickets are established in the schedule for the Summary Proceedings Act.</p>
<p>20. Rabbits should not be tethered?</p>	<p>20.</p>	<p>20. No change recommended.</p>
<p>21. Requirement to increase education</p>	<p>21.</p>	<p>21. Not a by-law issue. It is a potential Animal Program issue.</p>
<p>22. Additional enforcement required for current legislation?</p>	<p>22.</p>	<p>22. Not a by-law issue. It is a potential Animal Program issue.</p>
<p>23. Against Cat portion of the by law</p>	<p>23.</p>	<p>23. Options: 1. All provisions related to cats could be deleted.</p>

