

# HALIFAX

P.O. Box 1749  
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## Item No. 9.2

Halifax Regional Council

October 20, 2015

November 10, 2015

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** September 18, 2015

**SUBJECT:** By-Law A-700 Respecting Animals and Responsible Pet Ownership

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### ORIGIN

At the September 13, 2011 Regional Council meeting, the following motion was passed:

“MOVED by Councillor McCluskey, seconded by Councillor Johns that Halifax Regional Council:

1. Request staff to review By-Law A-300 Respecting Animals and Responsible Pet Ownership, giving consideration to increasing fines for owners of dogs, who while running at large, attack another dog or person, to a minimum of \$1,000 and also hold owners responsible for expenses incurred as a result of the attack; and
2. Further, that staff review By-Law A-300 and give consideration to providing stricter enforcement of the muzzle order within the existing by-law, as well as the provision of stipulations that an owner of a vicious dog which attacked an animal or person be prevented from owning another dog, and; that leashes for dogs be restricted to 2 metres in length and that no retractable/extendible leashes be used.
3. Review wording of Clauses 12 (1) and (2) of By-Law A-300 in regard to unreasonable disturbance by noise under the by-law and consider the following wording for Subsection (2): “Any owner of a dog that makes noise that unreasonably disturbs the peace and tranquility of a neighbourhood is guilty of an offence.”

At the April 21, 2009 Regional Council meeting, the following motion was passed:

“MOVED by Councillor Adams, seconded by Councillor Sloane that the Mayor write a letter to the Province requesting that legislation be put in place to prohibit the feeding of water fowl including ducks, seagulls, etc. on all lakes within HRM, as it interferes with migratory patterns; the feces is bad for the lakes; and bread, etc., is bad for the birds.”

**RECOMMENDATION ON PAGE 2**

At the February 18, 2013 Halifax & West Community Council meeting, the following motion was passed: MOVED by Deputy Mayor Rankin, seconded by Councillor Adams that Halifax & West Community Council request a staff report exploring best practices for controlling dogs on leashes in urban HRM.

### **LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter*, Section 192 (f), Power of Council to Make By-Laws respecting “wild and domestic animals and activities in relation to them”;
- *Halifax Regional Municipality Charter*, Section 193, Power of Council to Make By-Law respecting dogs including:
  - regulating the running at large of dogs,
  - regulating the keeping of fierce or dangerous dogs;
  - prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood
  - authorizing the dog control officer to impound, sell, kill or otherwise dispose of dog.
- HRM By-Law A-300, Respecting Animals and Responsible Pet Ownership;
- HRM By-Law N-300, Respecting Nuisances, and
- HRM Administrative Order #11, Respecting the Animal By-Law.
- Fences and Impounding of Animals Act, R.S.N.S., 1989, c.167.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Adopt By-Law A-700, Respecting Animals and Responsible Pet Ownership, which will repeal and replace By-Law A-300, including housekeeping and general amendments, as set out in Appendix A;
2. Adopt By-law N-302 (attached as Appendix C) amending By-Law N-300, Respecting Nuisances to repeal Part 3 – Cats, Section 12 (1)(a) and (b) to include these provisions in A-700, as set out in Appendix A; and
3. Adopt the amendments to Administrative Order 11, Respecting the Animal By-Law, as set out in Appendix F.

### **BACKGROUND**

This report addresses the following issues:

#### **Fines:**

Originally Dog By-Law D-100 had all violations set at the same fine amount of \$100.00 each. Subsequently, upon adoption of Animal By-Law A-300 on April 1, 2008, Regional Council increased fines to \$200.00.

#### **Victim Expenses:**

No previous HRM by-laws have addressed recovery of victim expenses. Victims may take private action in Court. Alternatively, if a charge is laid and the offender found guilty, a judge has authority under the Criminal Code to Order the restitution of expenses incurred as a result of the offence.

#### **Leashes and Tethering:**

The Animal By-Law A-300 has no leash length restrictions. Tethering which is defined as the restriction of an animal’s movement by fastening it to a fixed object has not been regulated in previous HRM by-laws.

**Muzzles:**

Prior to the adoption of Animal By-Law A-300, legislation did not include the option of a Muzzle Order as a form of enforcement. Since the adoption of Animal By-Law A-300, Animal Services has issued approximately 50 Muzzle Orders.

**Dog Ownership Ban:**

No previous by-laws have addressed banning a person from owning a dog.

**Noise:**

Animal By-Law A-300 includes a provision that a dog is deemed to be barking excessively if it barks repeatedly for a period of 20 minutes or more.

**Feeding Waterfowl:**

Animal By-Law A-300 prohibits the feeding of waterfowl or pigeons at site specific locations owned by HRM.

**Registration:**

Currently all dogs are required to be licensed annually. The license term is April 1 – March 31. The lifetime licensing option has been discussed at Regional Council previously. At the June 19, 2007 Committee of the Whole session, a motion to support such an amendment was defeated.

**Staffing:**

The Animal Services' staff complement is seven full time officers servicing all of HRM with a core service 7 days a week from 9:00 a.m. – 8:00 p.m. Officers respond to citizen complaints of violations in relation to Animal By-Law A-300 and Nuisance By-Law N-300 including afterhours emergency response by staff as required.

**Livestock:**

A request from the Minister of Agriculture, Province of Nova Scotia, dated December 12, 2013 was received relative to the possible designation of HRM as a Municipality for the purposes of the Fences and Detention of Stray Livestock Act to address the issue of stray livestock.

**DISCUSSION**

**Fines:**

Based on research of other Canadian Municipalities, staff recommends weighing fine amounts with emphasis on safety violations. The \$1000.00 fine requested in the motion of Council was not found to be consistent with the other Canadian jurisdictions relative to attacking violations. Of the 17 municipalities in our jurisdictional scan fine amounts of \$300.00 for an animal attack was the norm. Calgary was singular exception with fines ranging from \$300.00 to 1,500.00 dependent upon severity of the incident. Examples of the recommended fine amounts are:

<b>Violation</b>	<b>Existing Fine</b>	<b>Proposed Fine</b>	<b>Ticket Amount*</b>
Unlicensed dog minimum	\$200.00	\$100.00	\$237.50
Running at large minimum	\$200.00	\$200.00	\$352.50
Failing to comply with Orders minimum	\$200.00	\$300.00	\$467.50
Animal attack minimum	\$200.00	\$300.00	\$467.50
Dangerous dog that attacks minimum	\$200.00	\$600.00	\$812.50

\*Ticket amount is fine amount plus 15% Victim surcharge plus Provincial Court costs of \$122.50

The schedule of fines identifies a scale considered on the basis of severity of any individual violation (attached as Schedule 2 in Appendix A – Proposed By-Law A-700).

**Victim Expenses:**

The *Halifax Regional Municipality Charter* would require an amendment to enable the Municipality to enact by-law provisions for the recovery of costs incurred, such as veterinary or property damage costs, for the purposes of recovering victim expenses. Staff does not recommend amending the current legislation.

**Leashes and Tethering:**

Having reviewed decisions of Nova Scotia Courts, and following a review of 17 Canadian Municipalities, staff recommends the definition of leash be revised. Proposed by-law amendments require a leash to not exceed a maximum of 3 meters in length and to be held securely by a person.

Tethering of animals is being discussed amongst animal advocate groups, the Nova Scotia Society for the Prevention of Cruelty (NSSPCA) and the Province of Nova Scotia. Tethering is considered an animal cruelty issue and therefore regulated by provincial statute and Criminal Code. The NS Government recently amended *The Animal Protection Act* to include a provision regarding tethering of animals to deal with this issue. HRM was provided the draft Provincial Standards of Care for Companion Animals, and met with Provincial Officials on May 9, 2014 to discuss the proposed legislation. Staff support policy development towards legislation that will assist with regulating animal cruelty issues. Staff has reviewed and provided feedback relative to the current Standards of Care for Companion Animals draft Regulation that was forwarded for comment.

In addition to addressing the tethering issue, staff has been advised that the Province amended the *Animal Protection Act* to improve the processes available to address cruelty violations such as the issues of dogs being abandoned in hot vehicles. The Province has included the ability to issue Summary Offence Tickets (SOTs) for violations of the *Animal Protection Act*. The previous version of the Act did not permit the issuance of SOTs. Such amendments will be of great assistance to the agencies responsible for the enforcement of cruelty legislation, NSSPCA, HRP and RCMP.

**Muzzles:**

Current provisions regarding the issuance of Muzzle Orders have proved an effective strategy owing to owner compliance and complainant feedback. Staff is recommending an increase to the fine amount for failing to comply with a Muzzle Order from \$200.00 to \$300.00.

**Dog Ownership Ban:**

*The HRM Charter* would require an amendment to enable the Municipality to enact by-law provisions to restrict people from owning any specific breed or type of animal. Upon conviction, a Court Order can, using clause 195(a) of the *HRM Charter*, transfer ownership of a dog that is the subject of an offence. This step however would not prevent the accused from obtaining another dog. Staff does not recommend amending the current legislation to restrict ownership. The current legislation that permits the seizing of animals and/or the issuance of fines has proven to be effective.

**Noise:**

Staff recommends replacing the barking and 20 minute threshold provisions with a provision similar to the Noise By-Law. This provision would require evidence that one neighbour was persistently or unreasonably disturbed by the barking or making of noise by an animal as prima facie evidence that the neighbourhood was persistently or unreasonably disturbed. This amendment will assist Animal Services in situations not previously addressed such as dogs barking at a regular time of day for a shorter period of time.

**Feeding Waterfowl:**

Staff is recommending a general prohibition of the feeding of all birds, including waterfowl and pigeons, at specific locations owned by HRM. A provision to restrict the feeding of waterfowl on all lands abutting or

adjacent a lake has been added in response to the council motion asking this issue be addressed.

**Registration:**

Lifetime Registration – Based on research of 17 Canadian municipalities, staff has determined that a majority of these municipalities do not offer lifetime registrations. Only three of these municipalities investigated offered lifetime options. Where lifetime options are available the animal must be micro chipped. Staff is recommending a lifetime license option be made available with similar terms. The addition of a lifetime license is reflected in the proposed By-Law A-700, the amended Administrative Order 11 and the registration amounts are as follows:

	Lifetime (requires microchip)	Annual
*Unaltered Dog	\$200.00	\$50.00
*Spayed/Neutered Dog	\$75.00	\$15.00
*Senior citizens, upon presentation of Government issued identification confirming age 65 years or greater	Discount 50%	Discount 50%
Dangerous Dog Registration	\$300.00	\$100.00
Prohibited Animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continually licensed	\$150.00	\$50.00
Service Animal	No Charge	No Charge

Annual Registration – Staff recommends changing the expiry date of annual licenses to 12 months from date of issue instead of March 31 annually. This amendment will assist staff with administrative responsibilities as the license expirations will stagger over a 12 month period. This also removes the need for a prorated fee and subsequent calculations in the Administrative Order 11.

**Staffing:**

Animal Enforcement Officers address approximately 9000 service requests annually. In addition to responding to citizen complaints, Animal Enforcement Officers proactively patrol HRM parks, and assist the HRP/RCMP and Fire Service with incidents involving domestic animals.

In December 2005, the hours of operation for Animal Services were 8:00 a.m. – 9:00 p.m. An analysis of the calls for service determined the extra hour at the beginning and end of shift was not required. Operational hours were subsequently amended, June 2010, to the current hours which are 9:00 a.m. to 8:00 p.m.

The current complement of Animal Enforcement Officers appears to be sufficient for meeting the vast majority of calls for service and service standards. If Council wishes to increase services or hours of operation, consideration of financial impacts would require a separate and subsequent analysis.

The Animal Services' office has contacted HRM Trail Associations to discuss the possibility of training HRM Trail Wardens as special constables to enforce Animal By-Law A-700. Discussions are ongoing with the expectation some Trail Wardens could be trained and be provided Special Constable status to support enforcement of the by-law.

**Livestock:**

Council passed a motion on February 3, 2015 that HRM would not seek to be a designated municipality pursuant to the *Fences and Detention of Stray Livestock Act*. HRM does not currently have legislation that can effectively address the issue of stray livestock. The proposed Animal By-Law includes provisions to address the issue of stray livestock such as: impounding and boarding fees, an option to issue "Orders" to provide remedies to fencing issues and an animal "at large" violation. By introducing this legislation all aspects of the relevant Provincial Legislation (the *Fences and Detention of Stray Livestock Act* and the

*Fences and Impounding Animal Act*) will have been served with the exception of the ability to recover cost for damages which are recoverable by private action.

The *Fences and Detention of Stray Livestock Act* and the *Fences and Impounding Animal Act* do not address fowl and poultry directly. Staff addresses poultry by amending the definition of "Animal" in the proposed By-Law A-700, to include poultry, thus allowing controls.

**Administrative Amendments:**

As part of the By-Law A-700 review, the following are general and administrative housekeeping amendments:

- Expand "animal attacks" from dogs only to "all animals"
- Add "cats" to the definition of "animal" thereby allowing an owner of a cat to be charged with an attack
- Include birds in the definition of "animal"
- Enhance the definition of "running at large"
- Make it an offence to provide false information to the License Administrator
- Remove the "working on a farm" exemption
- Remove references to hunting or dog trials as that is provided for under Provincial regulations
- Enhance the power of a Peace Officer to capture and seize prohibited animals and critically injured cats
- Enhance the power of the Shelter Keeper to relocate prohibited animals to another municipality
- Alphabetize the definitions
- Remove redundant definitions
- Relocate cat offences from the Nuisance By-Law and place them in the Animal By-Law so regulations of all animals are under one by-law
- Redefine "Animal Control Officer" as "Peace Officer"
- General reformatting for ease of reading
- Clarify that the owner of the dog is responsible for the offence
- Clarify that provocation is a defense
- Clarify the owner of a seized animal may, at any time, consent to its destruction
- Clarify that the powers of the Shelter Keeper based on whether the animal is a non-prohibited animal or a prohibited animal
- Replace "service dog" with "service animal"
- Move non fee related provisions from Administrative Order #11 to Animal By-Law A-700
- Remove the licensing requirement for prohibited animals that fall within section 15 (3)

**FINANCIAL IMPLICATIONS**

There are no financial implications. The proposed changes to By-Law A-700, Respecting Animals and Responsible Pet Ownership, and N-300, the Nuisance By-Law, can be delivered at current resource and funding levels.

**COMMUNITY ENGAGEMENT**

Staff has consulted with the NSSPCA, the Shelter Keeper and the Nova Scotia Veterinary Medical Association (NSVMA) regarding the proposed amendments. These associations participated in the consultation and acknowledged the necessary reorganization and comprehensive refinements to the by-law.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

**ALTERNATIVES**

Halifax Regional Council may decide not to adopt proposed By-Law A-700, amendments to By-Law N-300 and Administrative Order #11. This alternative is not recommended.

**ATTACHMENTS**

Appendix A: Proposed By-Law A-700, Respecting Animals and Responsible Pet Ownership  
Appendix B: Showing Proposed Changes to N-300, the Nuisance By-Law  
Appendix C: Amending By-law N-302  
Appendix D: Incorporating All Proposed Changes to N-300, the Nuisance By-Law  
Appendix E: Showing Proposed Changes to Administrative Order 11  
Appendix F: Amending Administrative Order for Administrative Order 11  
Appendix G: Incorporating All Proposed Changes to Administrative Order 11

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by:

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**Appendix A  
(Proposed Animal By-law)**

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER A-700**

**RESPECTING ANIMALS AND RESPONSIBLE PET OWNERSHIP**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, S.N.S. 2008, c.39 including Sections 188, 192, 193, 194, 195 as follows:

**Short Title**

1. This By-law shall be known as By-Law No. A-700 and may be cited as the “Animal By-Law”.

**Definitions**

2. In this By-law,

(a) “animal” includes any living mammal, livestock, bird, reptile, amphibian, insect or arachnid, and excludes:

- (i) wildlife as defined by the *Wildlife Act*, R.S.N.S. 1989, c. 504, and
- (ii) human being;

(b) “apprehend” means to take an animal into custody without a warrant;

(c) “attack” means to injure, bite, or threaten;

(d) “cat” means a non-feral or feral cat, either male or female;

(e) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;

(f) “Committee” means the Appeals Committee established pursuant to By-law A-100, the *Appeals Committee By-law*;

(g) “dog” means a dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;

(h) “leash” means a device made of rope, cord or similar material:

- (i) used by a person to restrict the movement of an animal;
- (ii) that is adequate for the purpose of restricting the animal; and
- (iii) that does not exceed 3 meters in length;

(i) “License Administrator” means the person or persons designated by the Chief Administrative Officer and includes a person acting under the supervision and direction of the License Administrator;



(j) “license tag” means the tag issued by the Municipality upon licensing of the animal and which contains a serial number or other means of identification corresponding with the number under which the animal is licensed by the License Administrator;

(k) “livestock” includes cattle, sheep, swine, goats, horses, ponies, poultry, mules, alpacas, llamas and ratites;

(l) “microchip” means an approved Canadian Standard encoded tag implanted into an animal, which contains a unique code that permits or facilitates access to an owner’s name, address and telephone number, which is stored in the municipal registry;

(m) “municipal public park” includes any municipal park, Point Pleasant Park, Shubie Park, school grounds, public swimming areas, service animal areas, playgrounds or sports or athletic fields owned or operated by the Municipality or the Halifax Regional School Board, but excludes Provincial or Federal lands;

(n) “municipal registry” means the records maintained by the License Administrator regarding every licensed animal in the Municipality, which shows:

(i) the issuance date, expiry date and number of the license;

(ii) the name and description of the animal;

(iii) the name and address of the owner;

(iv) the category of license assigned to the animal; and

(v) if the animal is a dog, whether the dog has been designated as a dangerous dog.

(o) “Municipality” means the Halifax Regional Municipality;

(p) “muzzle” means a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting;

(q) “owner” includes:

(i) when used in respect of an animal:

(A) 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; or

(B) the registered owner; or

(ii) when used in respect of property:

(A) a part owner, joint owner, tenants in common or joint tenant of the whole or any part of land or a building;

(B) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, mortgagee in possession, or a person having the care or control of the land or building including a tenant; or

(C) in the absence of proof to the contrary, the person assessed for the property;

(r) "Peace Officer" means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;

(s) "prohibited animal" means:

(i) all venomous snakes, venomous reptiles, venomous insects, and venomous arachnids;

(ii) green anacondas, yellow anacondas, reticulated pythons, African rock pythons, Burmese pythons, Indian pythons, and amethyst pythons; and

(iii) snakes exceeding 3.3 meters in length, and lizards exceeding 2 meters in length, with length being measured from the animal's snout to the tip of its tail;

but excludes any animal that was licensed and microchipped in accordance with By-Law A-300, the Animal By-law, within ninety (90) days of April 1, 2008 and which has been continuously licensed since that date;

(t) "poultry" means common domestic fowl, including any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guineafowl, peacock, peahen, swan, or pigeon;

(u) "registered owner" means the person or persons listed as the owner of the animal in the municipal registry;

(v) "running at large" means to be off the property of its owner and:

(i) without a leash;

(ii) on a leash that is not held by a person; or

(iii) on a leash but not under the control of a person;

(w) "seize" means to take an animal into custody pursuant to a warrant;

(x) "service animal" means any animal that is a licensed service animal under this By-law and:

(i) any animal individually trained to do work or perform tasks for the benefit of an individual with a disability; or

(ii) any animal used for search and rescue or law enforcement purposes;

(y) “shelter” means any premises and facilities designated by the Municipality as animal shelters for the keeping and disposition of impounded animals; and

(z) “Shelter Keeper” means a person appointed by the Municipality, including an employee, to be in charge of a shelter and includes a person acting under the supervision and direction of a Shelter Keeper.

### **Dog Control Officer**

3. A Peace Officer, while discharging the responsibilities and exercising the powers pursuant to this By-law, is deemed to be a “Dog Control Officer” under section 193 of the *Halifax Regional Municipality Charter*.

### **Powers of License Administrator**

4. The License Administrator is authorized and empowered to:

(a) grant a license, and

(b) issue an Order to comply with this By-law.

### **Licensing Of Dogs**

5. (1) No person shall own a dog within the Municipality without having obtained a license from the License Administrator:

(a) within twenty (20) calendar days after the person becomes the owner of the dog or brings the dog into the Municipality; or

(b) an annual license, before the expiration of any current license; or

(c) a lifetime license for the dog.

(2) A dog designated a dangerous dog that has a lifetime license shall also be licensed according to clause (a) of subsection 13(4).

(3) Notwithstanding subsection (1) of this section, a person is not required to license a dog if such person is:

(a) not the owner of the dog; and

(b) has the care and control of, or harbours a dog for less than twenty (20) calendar days.

**Licensing Procedure**

6. (1) The owner shall provide to the License Administrator:

- (a) the owner's name, address, and telephone number;
- (b) the name of the animal;
- (c) the description, including its sex, breed, and known or approximate age;
- (d) if the animal is a dog, a declaration of whether the dog is spayed or neutered; and
- (e) the applicable license fee as set out in Administrative Order 11, *Animal Administrative Order*.

(2) When the application is for the licensing of a service animal, the owner shall comply with subsection (1) of this section and also provide to the License Administrator, where appropriate:

- (a) a certificate from the Canadian National Institute for the Blind or the Hearing Ear Dogs of Canada in respect of the service animal;
- (b) a certificate from a qualified medical practitioner indicating that the owner suffers from a disability and requires the use of a service animal 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 purposes.

(3) The License Administrator shall keep a record of every licensed animal in the Municipality in the municipal registry.

(4) In the case of annual license, upon the License Administrator being provided the information required by subsection (1) of this section, the License Administrator shall issue an annual license to the owner, and supply the owner with an license tag, directions respecting the placement of the tag, and a receipt.

(5) In the case of a lifetime license, upon the License Administrator being provided the information required by subsection (1) of this section,

- (a) the owner shall provide to the License Administrator the identification number of the microchip attached to the animal, and
- (b) once the microchip number has been provided to the License Administrator, the License Administrator shall issue a lifetime license to the owner, and supply the owner with a receipt.

(6) Every annual license shall be effective for 12 months from the date on which it is issued.

(7) Every lifetime license shall be effective during the lifetime of the licensed animal.

(8) A licence issued under this By-law shall not be transferrable, including not being transferrable between people or animals.

(9) The owner shall notify the Licence Administrator if the ownership or place of residence of the animal changes at any time.

(10) It shall be an offence to provide false information to the Licence Administrator when applying for a licence under this section.

### **Identification**

7. (1) The owner of every animal licensed pursuant to this By-law shall keep the license tag issued to the owner securely affixed or attached to the animal at all times.

(2) Notwithstanding subsection (1) of this section, a license tag secured to a dog may be removed from a dog temporarily while the dog is being used lawfully for search and rescue or law enforcement purposes.

(3) The owner of every animal licensed pursuant to subsection (5) of section 6 shall keep a viable microchip implanted in the animal for the duration of the license.

(4) Where an owner files with the License Administrator a declaration that a license tag is lost or unusable, the License Administrator may replace the license tag upon payment of the fee pursuant to Administrative Order 11, *Animal Administrative Order*.

### **Duties of An Animal Owner**

8. (1) It shall be an offence to own an animal not being a cat or dog:

(a) that is off the property of the owner at any time unless that animal is:

(i) enclosed inside an escape-proof building or fenced area with the permission of the owner or occupant of the building or fenced area;

(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 that is held by a person in an escape proof manner, provided that this sub-clause shall not apply to snakes.

(b) that damages any public or private property; or

(c) that defecates on any public or private property other than the property of its owner, unless the owner immediately removes the defecation.

(2) Clause 8(1)(c) shall not apply to an animal that is a licensed service animal.

(3) The owner of an animal that is livestock shall build and maintain an enclosure sufficient to prevent escape.

9. (1) Where the License Administrator has determined that the owner of an animal is not in compliance with clause 8(3), he or she may issue an Order to the owner that the owner shall, at the owner's sole expense, build or maintain an enclosure.

(2) An Order issued pursuant to subsection (1) of this section shall specify the date on which the enclosure is to be built or repaired.

(3) (a) An owner may, within seven (7) calendar days of being served with an Order that was issued pursuant to subsection (1) of this section, appeal the Order of the License Administrator to the Committee.

(b) The day an owner receives an Order shall not be counted in determining the seven calendar day period.

(c) Where the seventh calendar day falls on a day that the Municipal Clerk's office is not open, the final appeal date is the next business day.

(4) An appeal pursuant to subsection (3) shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.

(5) If the owner files an appeal, but the Committee is not scheduled to meet before the date on which enclosure is to be built or repaired, the Order shall be held in abeyance until the Committee has rendered its decision on appeal.

(6) After hearing an appeal pursuant to subsection (3) of this section the Committee may:

(a) deny the appeal,

(b) allow the appeal and reverse the decision of the License Administrator,  
or

(c) make any decision the License Administrator could have made under this By-law.

(7) The License Administrator may cause the enclosure to be built or repaired if the owner does not comply with an Order to build or repair the enclosure on the date specified in the Order

#### **Duties of A Cat Owner**

10. It shall be an offence to own a cat that:

(a) damages public or private property; or

(b) defecates on any public or private property, other than the property of its owner, without the owner of the cat immediately removing the defecation.

### **Duties of A Dog Owner**

11. (1) It shall be an offence to own a dog that:

(a) runs at large;

(b) damages public or private property; or

(c) is in a municipal public park designated by signage as an area prohibiting dogs.

(2) (a) It shall be an offence to own a dog that defecates on any public or private property other than the property of its owner without the owner immediately removing the defecation.

(b) This clause shall not apply to a dog that is a licenced service animal.

(3) It shall be an offence to own a dog that is un-spayed and in heat unless confined inside an escape proof enclosure at all times.

(4) A dog 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.

(5) It is a defence to a charge under clause (a) of subsection (1) of this section to prove that the dog was on the property in question with the property owner's permission.

(6) Notwithstanding clause (a) of subsection (1) of this section, the owner of a dog may allow such dog to run at large, provided that the dog is:

(a) participating in a search and rescue training or operation, or police training or operation; or

(b) 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 on the signage.

### **Noise**

12. (1) It is an offence to own a dog that unreasonably disturbs the quiet of the neighbourhood including by barking, howling, or otherwise making noise.

(2) For the purposes of this section, evidence that one neighbour was unreasonably disturbed by the barking, howling or by the making of noise by the dog is *prima facie* evidence that the neighbourhood was unreasonably disturbed by such barking, howling or noise.

### **Animal Attacks**

13. (1) The owner of:

- (a) any animal, or
- (b) a dangerous dog

which attacks any person or other animal is guilty of an offence.

(2) This section shall not apply to an animal acting in furtherance of law enforcement work at the time of the attack.

(3) Where a Peace Officer has reason to believe that a dog has attacked a human being or animal the Peace Officer may take any one or combination of the following actions:

- (a) issue the owner an order to muzzle the dog, which order shall specify the times and circumstances when the dog must be muzzled;
- (b) issue the owner an order to secure a microchip registration for the dog, as defined in clause 2 (n) of this By-law; or
- (c) subject to section 14, designate the dog as a dangerous dog in the municipal registry.

(4) The owner of a dog designated a dangerous dog pursuant to clause (c) of subsection (3) of this section shall:

- (a) license the dog as a dangerous dog within ten (10) days of receiving the designation;
- (b) when the dog is on the property of its owner, keep the dog securely restrained either indoors or inside an escape-proof enclosure while outdoors; and
- (c) when the dog is off the property of its owner,
  - (i) muzzle the dog;
  - (ii) ensure that the dog is under the control of a person not less than eighteen (18) years of age;
  - (iii) ensure the dog is on a leash; or
  - (iv) is securely restrained indoors or inside an escape-proof enclosure, including a motor vehicle.

### **Dangerous Dog**

14. (1) A dog may be designated as a dangerous dog pursuant to subsection (4) of section 13 if the dog:



(a) attacks or demonstrates a propensity, tendency or disposition to attack a human being or animal;

(b) has caused injury to or otherwise endangered the safety of a human being or animal;

(c) is owned primarily or in part for the purpose of dog fighting;

(d) is trained for dog fighting; or

(e) is a dog for which a muzzle order had been made pursuant to clause (3)(a) of section 13 or pursuant to an order of the Court.

(2) A dog shall not be designated as a dangerous dog solely because the dog:

(a) attacks a trespasser on the property of its owner;

(b) harms or menaces anyone who has tormented or abused it;

(c) is acting in defence to an attack from a person or animal;

(d) is acting in defence to an attack of its young; or

(e) is a professionally trained guard dog for law enforcement or guard duties.

(3) When a dog has been designated as a dangerous dog the License Administrator may, at the sole discretion of the License Administrator, disclose information about the dangerous dog including information that identifies the dog.

### **Prohibited Animal Offences**

15. (1) No person shall:

(a) be the owner of a prohibited animal;

(b) dispose of any prohibited animal except by releasing the prohibited animal to a Peace Officer; or

(c) sell or offer for sale any prohibited animal.

(2) Where a Peace Officer believes, on reasonable grounds, that a person is the owner of a prohibited animal, the Peace Officer may seize or capture the prohibited animal and deliver it to the care of the Shelter Keeper.

(3) Subsection (1) of this section shall not apply where the owner of a prohibited animal or person to whom a prohibited animal is being released, sold or offered for sale:

(a) is a university, zoo, museum or other facility for the preservation of animals as specimens of natural history or for scientific purposes; or

(b) 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) Subsection (1) of this section shall not apply to the Shelter Keeper.

### **Feeding of Birds**

16. (1) Subject to subsection (2) of this section, no person shall feed:

(a) waterfowl on lands abutting or adjacent to a lake; or

(b) birds including waterfowl and pigeons on the lands abutting or adjacent to the bodies of water as set out in Schedule 1 of this By-law.

(2) Subsection (1) of this section shall not apply to staff of the Municipality, including contractors hired by the Municipality, who feed birds on or from the lands abutting or adjacent to the bodies of water as set out in Schedule 1 of this By-law.

### **Powers of Peace Officer**

17. (1) Any animal that is not a cat that is found running at large may be apprehended and impounded by a Peace Officer.

(2) A Peace Officer, while pursuing any animal in enforcing this By-law, may pass over the land of any person.

(3) If any animal that is not a cat is running at large and cannot be apprehended safely, a Peace Officer, who believes on reasonable grounds that the animal poses a serious danger to the health or safety of a person or another animal, may immediately, without notice to the owner, destroy the animal, in a humane manner.

18. A Peace Officer may apprehend or seize an animal which he or she has reason to believe:

(a) attacked a person or animal; or

(b) is injured.

### **Shelter Keeper**

19. (1) The Municipality may take one or a combination of any of the following actions:

(a) establish and maintain such shelters as may be necessary;

(b) appoint a Shelter Keeper who shall have charge of such facilities together with any necessary assistants; or

(c) contract for the provision of the services that would otherwise be provided by the Shelter Keeper.

(2) The Municipality may enter into an agreement in writing with any person appointing that person as the Shelter Keeper.

(3) The Municipality may, by Administrative Order, establish a committee to monitor shelter operations and establish guidelines on humane treatment and euthanasia.

#### **Delivering of Apprehended or Seized Animals**

20. (1) All animals apprehended or seized by a Peace Officer shall be delivered to the Shelter Keeper after capture or seizure.

(2) The Shelter Keeper shall receive all animals apprehended or seized and delivered by a Peace Officer pursuant to this By-law or the *Halifax Regional Municipality Charter*, and subject to sections 23 and 28 of this By-law shall detain the same and furnish them with food and water for a period of three (3) business days unless:

- (a) the animal that is not a dog is redeemed by the owner, or
- (b) the dog is redeemed by the registered owner.

(3) All animals that are apprehended or seized and delivered under this section are impounded animals.

#### **Injured or Sick Impounded Animals**

21. (1) If an impounded animal is injured, sick or otherwise in need of veterinary 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.

(2) The Shelter Keeper may destroy an impounded animal that is injured, sick or otherwise in need of medical care, if the Shelter Keeper has received an opinion from a licensed veterinarian that the animal should be destroyed because its quality of life has been seriously diminished due to illness, sickness, injury or a medical condition.

#### **Impounded Permitted Animals**

22. Sections 23, 24, 25 and 26 of this By-law do not apply to impounded prohibited animals.

23. During the three (3) business day period designated by subsection (2) of section 20 of this By-law, the Shelter Keeper shall make reasonable efforts to notify the owner of the animal that such animal has been impounded.

24. An animal that has not been redeemed within the three (3) business days by the owner, shall become the property of the Shelter Keeper and may be:

- (a) sold or adopted; or

(b) destroyed.

25. (1) Subject to subsections (2) and (3) of this section, where there is a proceeding before a Court involving an impounded animal, the Shelter Keeper shall continue to hold and care for the animal, and the animal shall not be sold, adopted out, destroyed or otherwise disposed of until such time as a Court orders otherwise or any Court proceeding related to the animal is concluded.

(2) The Shelter Keeper may sell or adopt out an impounded animal if:

(a) the owner of the animal not being a dog has consented to its sale or adoption, or

(b) the registered owner of the dog has consented to its sale or adoption.

(3) The Shelter Keeper may destroy an impounded animal if:

(a) the Shelter Keeper has received an opinion from a licensed veterinarian that the animal should be destroyed because its quality of life has been seriously diminished due to illness, sickness, injury or a medical condition;

(b) the owner of the animal not being a dog has consented to its destruction, or

(c) the registered owner of the dog has consented to its destruction.

26. Notwithstanding any other provision of this By-law, no animal kept by the Shelter Keeper may be sold, adopted out, or otherwise disposed of to a laboratory or to any person for an experimental purpose.

### **Impounded Prohibited Animals**

27. Sections 28, 29, 30 and 31 of this By-law apply only to impounded animals that are prohibited animals.

28. During the three (3) business day period designated by subsection (2) of section 20 of this By-law, the Shelter Keeper shall make reasonable efforts to determine if:

(a) the owner of the prohibited animal is one of the classes identified in subsection (3) of section 15; or

(b) the prohibited animal is a member of a species that has been designated as extirpated, endangered, threatened or protected under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.

29. After the three (3) business days, the Shelter Keeper shall destroy an impounded prohibited animal without permitting any person to claim it, unless:

(a) the owner is one of the classes identified in subsection (3) of section 15;

(b) (i) the prohibited animal is a member of a species that has been designated as extirpated, endangered, threatened or protected under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia, in which case the Shelter Keeper must determine which federal or provincial governmental authority has jurisdiction over the prohibited animal; and

(ii) the owner of the prohibited animal has authorization to be the owner of the animal by the federal or provincial authority; or

(c) the prohibited animal is sold or transferred to another person in a jurisdiction where the prohibited animal may be legally owned.

30. Notwithstanding any other provision of this By-law, no prohibited animal kept by the Shelter Keeper may be sold, adopted, or otherwise disposed of to a laboratory or to any person for an experimental purpose.

### **Fees**

31. (1) Subject to any other section of this By-law, 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 fees:

(a) redemption fee;

(b) boarding fee for each day, or part thereof, that the animal has been impounded;

(c) any veterinary fees incurred while the animal is impounded; and

(d) a license fee, if required.

(2) The fees payable in subsection (1) of this section shall be those established by the Regional Council pursuant to Administrative Order 11, the *Animal Administrative Order*.

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

### **Offenses and Penalties**

32. (1) A person who

(a) violates a provision of this By-law or of an order in force in accordance with this By-law;

(b) fails to do anything required by an order in force in accordance with this By-law;

(c) permits anything to be done in violation of this By-law or of an order in force in accordance with this By-law; or

(d) obstructs or hinders any person in the performance of their duties under this By-law or under any order in force in accordance with this By-law,

is guilty of an offence.

(2) A person who contravenes any section of this By-law is liable upon summary conviction to the fine amount shown for that offence in Schedule 2, and in default of payment to imprisonment for a term not exceeding sixty (60) days.

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(4) In addition to a fine imposed for contravening a provision of this By-law, a judge may order the person to comply with the provision or order under which the person was convicted, within the time specified in the order.

(5) In addition to the penalties pursuant to this By-law, additional penalties are provided for under section 195 of the *Halifax Regional Municipality Charter*.

33. Upon conviction, any fees incurred by the Municipality or the Shelter Keeper, as well as any license fees imposed by this By-law, may be imposed as a fine.

34. No Shelter Keeper shall release any animal to its owner, until all fees owed to the Municipality are paid.

### **Cost of Work**

35. If the Council, a committee, the License Administrator or another employee of the Municipality causes work to be done pursuant to section 9 the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

36. In addition to any other remedies at law, if the Council, a committee, the License Administrator or another employee of the Municipality causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

### **Reference**

37. A reference in any By-law, Administrative Order or Sign to A-300, the *Animal Control By-law*, shall be read as a reference to the provisions of this By-law relating to the same subject-matter.

### **Schedules**

38. Schedules 1 and 2 form part of this By-law.

**Repeal**

39. (1) Clauses 2(b) and 2(g) and section 12 of By-law N-300, the *Nuisance By-law*, are repealed.

(2) By-Law A-300 of the Halifax Regional Municipality, the *Animal By-law*, is repealed.

Done and passed in Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Cathy Mellett, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**SCHEDULE 1**

Albro Lake Little  
Albro Lake  
Bayers Lake  
Belchers Marsh/Little Belchers Pond  
Bell Lake  
Black Rock Beach (Point Pleasant Park Lovett Lake)  
Bissett Lake  
Chadwick Place Pond  
Chocolate Lake  
Cranberry Lake  
Cunard Pond -Williams Lake  
Dingle Beach  
Frenchmans Lake  
Frog Pond  
Hail Pond  
Hatchet Lake  
Heart Shaped Pond (Hemlock Ravine)  
Kearney Lake Beach  
Kidston Lake  
Kinap Beach-Porters  
Kinsmen Beach (First Lake)  
Lake Banook (Grahams Grove, Birch Cove, Turtle Grove, Senobe, Banook Boardwalk)  
Lake Echo  
Lake Thomas  
Long Pond  
Maynard Lake  
Moody Lake  
Morash Park  
Morris Lake  
Oathill Lake  
Penhorn Lake  
Powder Mill Lake  
Public Gardens  
Punch Bowl Pond  
Range Park  
Russell Lake  
Sandy Lake Beach  
Scott Saunders Memorial Park (Paper Mill Lake)  
Settle Lake  
Shubie Park (Lake Charles and Lake Mic Mac)  
Spectacle Lake  
Springfield Lake  
Sullivans Pond  
Victoria Park  
Whimsical Lake



**SCHEDULE 2 – FINE AMOUNTS**

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>MINIMUM FINE</b>	<b>MAXIMUM FINE</b>
5(1)	Owning unlicensed dog.	\$100	\$5000
6(10)	Providing false information to the licence administrator when applying for a licence.	\$100	\$5000
7(1)	Failing to keep a license tag affixed to animal.	\$100	\$5000
7(3)	Failing to keep a viable microchip in an animal.	\$100	\$5000
8(1)(a)	Owning animal not being cat or dog that is off the property of owner and not secured.	\$200	\$5000
8(1)(b)	Owning animal not being cat or dog that damages property.	\$200	\$5000
8(1)(c)	Failing to immediately remove animal defecation not being of cat or dog.	\$200	\$5000
8(3)	Owning livestock that is off the property of the owner	\$200	\$5000
10(a)	Owning cat that damages property.	\$200	\$5000
10(b)	Failing to immediately remove defecation of cat.	\$200	\$5000
11(1)(a)	Owning dog that is running at large.	\$200	\$5000
11(1)(b)	Owning dog that damages property.	\$200	\$5000
11(1)(c)	Owning dog that is in municipal park designated by signage as area prohibiting dogs.	\$200	\$5000
11(2)(a)	Failing to immediately remove defecation of dog.	\$200	\$5000
11(3)	Owning dog that is un-spayed and in heat and not enclosed.	\$200	\$5000
11(6)(b)	Failing to adhere to limitations posted on signage.	\$200	\$5000
12(1)	Owning dog that persistently or unreasonably disturbs the quiet of the neighbourhood.	\$200	\$5000
13(1)(a)	Owning an animal that attacks a person or other animal.	\$300	\$5000

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>MINIMUM FINE</b>	<b>MAXIMUM FINE</b>
13(1)(b)	Owning dangerous dog that attacks human being or animal.	\$600	\$5000
13(4)(a)	Failing to license dog as dangerous dog within 10 days of receiving notice.	\$300	\$5000
13(4)(b)	Failing to keep dog classified as dangerous securely restrained in a building or structure.	\$300	\$5000
13(4)(c)(i)	Failing to keep dog classified as dangerous muzzled.	\$300	\$5000
13(4)(c)(ii)	Failing to keep dog classified as dangerous under the control of a person not less than 18 years of age.	\$300	\$5000
13(4)(c)(iii)	Failing to keep dog classified as dangerous on leash	\$300	\$5000
13(4)(c)(iv)	Failing to keep dog classified as dangerous in a locked pen or other structure, including a motor vehicle, in order to prevent escape when the dog is outdoors.	\$300	\$5000
15(1)(a)	Owning prohibited animal.	\$200	\$5000
15(1)(b)	Disposing of prohibited animal other than by releasing it to Peace Officer.	\$200	\$5000
15(1)(c)	Selling or offering for sale prohibited animal.	\$200	\$5000
16(1)(a)	Feeding waterfowl on land abutting or adjacent to lake.	\$200	\$5000
16(1)(b)	Feeding birds at prescribed locations.	\$200	\$5000
32(1)(a)	Violating a provision of the By-law or an Order that is not otherwise provided for in this schedule	\$300	\$5000
32(1)(b)	Failing to do what is required in an Order that is not otherwise provided for in this schedule	\$300	\$5000
32(1)(c)	Permitting anything to be done in violation of the By-law or an Order that is not otherwise provided for in this schedule	\$300	\$5000
32(1)(d)	Obstructing or hindering a person in the performance of duties under the By-law or an Order	\$300	\$5000

**Appendix B  
(Showing Proposed Changes to N-300)**

**HALIFAX REGIONAL MUNICIPALITY  
BYLAW N-300**

**RESPECTING NUISANCES**

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(1)(a), (b), (c) and (d) and Section 174(f) of the *Municipal Government Act*, enacts as follows:

**Interpretation**

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~~ **Repeal**;
- (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;~~ **Repeal**;
- (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 non-motorized 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.

### **PART 3 - CATS**

#### **Duties of Cat Owner** \_\_\_\_\_

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 it's 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 this payment, to imprisonment for a term not exceeding sixty (60) days.~~

~~(3) This Part shall come into effect on the <sup>1<sup>st</sup></sup> day of July 2008. **Repeal**~~

**Appendix C**

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW N-302  
RESPECTING AN AMENDMENT OF BY-LAW N-300  
THE NUISANCE BY-LAW**

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

1. Clause (b) of section 2 is Repealed.
2. Clause (g) of section 2 is Repealed.
3. The header, “Part 3 – CATS” is Repealed.
4. The section title “Duties of a Cat Owner” is Repealed.
5. Section 12 is Repealed.

Done and passed in Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Cathy Mellett, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**Appendix D**

**(Incorporating All Proposed Changes to N-300)**

**HALIFAX REGIONAL MUNICIPALITY**

**BYLAW N-300**

**RESPECTING NUISANCES**

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(1)(a), (b), (c) and (d) and Section 174(f) of the *Municipal Government Act*, enacts as follows:

**Short Title**

1. This Bylaw may be cited as Bylaw N-300, the “Nuisance Bylaw”.

**Interpretation**

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) Repealed;

(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) Repealed;

(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 non-motorized 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.

## **PART 1 - NUISANCE ON STREETS**

### **Street Nuisance Defined and Prohibited**

3. (1) No person shall create, continue or suffer any nuisance to exist on or near a street.

(2) For the purposes of this Part, nuisance includes:

- (a) engaging in any activity or pastime which:
  - (i) obstructs any person;
  - (ii) creates a disturbance; or
  - (iii) causes any damage to any structure, object, sod, plant or tree.

(b) interfering with, moving, damaging, or altering in any way, the operation of any barrier or fence, warning sign, signal or light placed on or near a street for purposes of closing the street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the street; and

(c) entering, traveling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director of Public Works and Transportation.

### **Penalty**

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

## **PART 2 - SHOPPING CARTS**

### **Removal Or Abandonment Prohibited**

5. (1) No owner shall suffer or permit a shopping cart owned or used by the business to be removed from the premises of the business without providing written consent to the person removing the shopping cart.

(2) No owner shall suffer or permit a shopping cart owned or used by the business to be abandoned upon any public or private property.

(3) No owner shall knowingly have on their premises shopping carts identified as

belonging to another business.

(4) This section shall not apply to shopping carts removed as authorized by the owner for the purposes of repair, maintenance or disposal.

**Information Required On Shopping Carts**

6. The owner shall permanently affix to the front of each shopping cart a weather proof sign including the following information:

- (1) name of shopping cart owner or business or both;
- (2) valid published telephone number and address for returning shopping cart to owner; and
- (3) notification that removal of a shopping cart from the owner's premises, unauthorized possession of a shopping cart and abandonment of a shopping cart on public or private property is not permitted.

**Parameters Of Cart Recovery Service**

7. The owner of a business shall have a proactive shopping cart recovery service which shall include:

- (1) establishment of a dedicated phone line with 24 hour machine answering service (telephone number as in subsection 6(2));
- (2) conspicuous notification on premises that the following are prohibited:
  - (ii) the removal of a shopping cart from the owner's premises;
  - (iii) the unauthorized possession of a shopping cart; and
  - (iv) the abandonment of a shopping cart on public or private property.
- (3) retrieval of the shopping carts by the owner within 24 hours of receipt of notification through a dedicated phone line; and
- (4) shopping cart retrieval at the expense of the owner.

**Impoundment by Municipality**

8. (1) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.

(2) Within 48 hours, the Municipality shall inform the owner that the shopping cart has been impounded by phoning the owner's dedicated phone line.

(3) An impound fee in the amount set by Administrative Order 15, Respecting License, Permit and Processing Fees shall apply to each shopping cart impounded pursuant to subsection (1).



**Retrieval By Owner**

9. The Municipality shall release impounded shopping carts to the owner on the payment of the impound fee pursuant to clause 8(3).

**Disposal by the Municipality**

10. (1) The Municipality may sell or otherwise dispose of any impounded shopping carts not retrieved by the owner within 7 working days following the date of impoundment.

(2) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner.

**Penalty**

11. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) dollars and not exceeding One Thousand Dollars (\$1,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding sixty days.

**PART 3**

12. Repealed.

**REPEAL OF BY-LAWS**

13. The following by-laws are repealed:

**By-Law 22104** of the former Town of Bedford, the Loitering By-Law;  
**By-Law 22141** of the former Town of Bedford, the discharge of Firearms By-Law;  
**By-Law A-300** of the Former City of Dartmouth, the Air Guns and Rifles By-Law;  
**By-Law F-300** of the Former City of Dartmouth, the Firearms By-law;  
**By-Law L-400** of the former City of Dartmouth, the Littering By-Law;  
**By-Law L-600** of the former City of Dartmouth, the Loitering By-Law;  
**By-Law N-300** of the former City of Dartmouth, the Abatement of Nuisances By-Law;  
**Ordinance 159** of the former City of Halifax, the discharge of Guns and Other Firearms;  
**Part VI of Ordinance 180** of the former City of Halifax, the Streets Ordinance;  
**Sections 4, 5, 5A and 6 of By-law 8** of the former Halifax County Municipality, the Mischiefs and Nuisance By-Law;  
**By-Law 39** of the former Halifax County Municipality, the Loitering By-Law,  
**By-Law 47** of the former Halifax County Municipality, the Dumping of Garbage and Litter By-law, and any amendments thereto

Done and passed in Council this 7th day of August, 2007.

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MAYOR

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MUNICIPAL CLERK

**Appendix E  
(Showing Proposed Changes)**

**ADMINISTRATIVE ORDER NUMBER ELEVEN  
RESPECTING THE ANIMAL BY-LAW**

**IT IS BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** by the Council of the Halifax Regional Municipality as follows:

**Short Title**

1. This Administrative Order may be cited as Administrative Order 11, the *Animal Administrative Order*.

**Designation of Shelter Keeper**

1A. (a) The Shelter Keeper for the Municipality is Homeward Bound City Pound.

(b) The Shelter for the Municipality shall be the facility of Homeward Bound City Pound located at 201 Brownlow Avenue, Unit # 9, Dartmouth, N.S.

(c) The Shelter is authorized to receive any animals impounded by the Halifax Regional Municipality Animal Services.

**Fees of Shelter Keeper**

1B. (da) The Shelter Keeper may charge a redemption fee of \$100.00 from the owner of any impounded animal released to the owner.

(eb) The Shelter Keeper may charge a daily boarding fee of \$25.00 from the owner of any impounded animal released to the owner.

**Other Fees**

2. The annual license fees payable by the owners of animals commencing April 1, 2008 shall be as follows:

~~**2009 Special – Dogs \$10.00 from period of February 1 to April 30**~~

<b>Unaltered Dog</b>	\$50.00
Spayed/Neutered dog	\$15.00
Senior citizens, upon presentation of Government issued identification confirming age 65 years or greater discount	50%
Service Animal	No Charge
Dangerous Animal Registration	\$100.00
Prohibited animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date	\$50.00

~~Prohibited animal owned as in A-300 section 10,3(a),(b)~~ ————— ~~No Charge~~

Replacement Tag \$5.00

2A. The Lifetime License Fee payable by the owners of microchipped animals shall be as follows:

Unaltered Dog \$200.00

Spayed/Neutered dog \$75.00

Senior citizens, upon presentation of Government issued identification confirming age 65 years or greater discount 50%

Service Animal No Charge

Dangerous Animal Registration \$300.00

Prohibited animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date \$150.00

Replacement Tag \$5.00

3. ~~The registration fee payable by the owners of animals for any period starting after the 1<sup>st</sup> of October of any year and continuing to the 31st of March of the following year, shall be the amounts indicated in Section (2) and (3) reduced by 33.3%.~~  
**Repeal.**

4. **Prohibited Animals: Repeal.**

~~(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**

~~*Eunectes murinus* Green anaconda~~

~~*Eunectes notaeus* Yellow anaconda~~

~~*Python reticulatus* Reticulated python~~

~~*Python sebae* African rock python~~

~~*Python molurus bivittatus* Burmese python~~

~~*Python molurus molurus* Indian python~~

~~*Morelia amethystina* Amethyst python~~

~~(4) an adult snake's length cannot exceed 3.3 meters and an adult lizard's length cannot exceed 2 meters (measured from snout to the tip of the tail).~~

**Feeding Waterfowl and Pigeons**

5. — ~~No person shall feed waterfowl or pigeons on or from the Municipal owned lands located at or adjacent to the site specific locations as set out in Schedule 1 of this Administrative Order.~~ **Repeal.**

Done and passed in Council this 23rd day of October, 2007.

**Appendix F  
(Amending Administrative Order)**

**ADMINISTRATIVE ORDER NUMBER ELEVEN  
RESPECTING THE ANIMAL BY-LAW**

**BE IT RESOLVED** by the Council of the Halifax Regional Municipality that Administrative Order 11 is amended follows:

1. The first sentence is amended by:
  - (a) striking out the words “IT IS” before the words “by the Council”; and
  - (b) adding the words “**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER**” before the words “by the Council”.
2. Section 1 is amended by:
  - (a) adding the header “**Designation of Shelter Keeper**” before the start of the section;
  - (b) renumbering the section as section 1A;
  - (c) renumbering clauses (d) and (e) as clauses (a) and (b) of section 1B; and
  - (d) adding the header “**Fees of Shelter Keeper**” before the newly renumbered section 1B and after section 1A.
3. Section 1 is added after the first sentence and before the newly renumbered section 1A as follows:

**Short Title**

  1. This Administrative Order may be cited as Administrative Order 11, the *Animal Administrative Order*.
4. Section 2 is amended by:
  - (a) adding a header “**Other Fees**” after section 1B and before section 2;
  - (b) striking out the words “2009 Special - Dogs \$10.00 from period of February 1 to April 30”;
  - (c) adding the word “Unaltered” before the word “Dog”;
  - (d) adding the suffix “ing” to the word “confirm”;

(e) adding the words “licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date” after the words “Prohibited animals”;

(f) striking out the words “Prohibited animal owned as in A-300 Section 10, 3 (a),(b) No Charge”.

5. Section 2A is added after section 2 and before section 3 as follows:

2A. The Lifetime License Fee payable by the owners of microchipped animals shall be as follows:

Unaltered Dog	\$200.00
Spayed/Neutered dog	\$75.00
Senior citizens, upon presentation of Government issued Identification confirming age 65 years or greater discount	50%
Service Animal	No Charge
Dangerous Animal Registration	\$300.00
Prohibited animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date	\$150.00
Replacement Tag	\$5.00

6. Sections 3, 4, and 5 are repealed.

**Appendix G  
(Incorporating All Proposed Changes)**

**ADMINISTRATIVE ORDER NUMBER ELEVEN  
RESPECTING THE ANIMAL BY-LAW**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** by the Council of the Halifax Regional Municipality as follows:

**Short Title**

1. This Administrative Order may be cited as Administrative Order 11, the *Animal Administrative Order*.

**Designation of Shelter Keeper**

1A. (a) The Shelter Keeper for the Municipality is Homeward Bound City Pound.

(b) The Shelter for the Municipality shall be the facility of Homeward Bound City Pound located at 201 Brownlow Avenue, Unit # 9, Dartmouth, N.S.

(c) The Shelter is authorized to receive any animals impounded by the Halifax Regional Municipality Animal Services.

**Fees of Shelter Keeper**

1B. (a) The Shelter Keeper may charge a redemption fee of \$100.00 from the owner of any impounded animal released to the owner.

(b) The Shelter Keeper may charge a daily boarding fee of \$25.00 from the owner of any impounded animal released to the owner.

**Other Fees**

2. The annual license fees payable by the owners of animals commencing April 1, 2008 shall be as follows:

Unaltered Dog	\$50.00
Spayed/Neutered dog	\$15.00
Senior citizens, upon presentation of Government issued identification confirming age 65 years or greater discount	50%
Service Animal	No Charge
Dangerous Animal Registration	\$100.00
Prohibited animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date	\$50.00
Replacement Tag	\$5.00

2A. The Lifetime License Fee payable by the owners of animals shall be as follows:



Unaltered Dog	\$200.00
Spayed/Neutered dog	\$75.00
Senior citizens, upon presentation of Government issued Identification confirming age 65 years or greater discount	50%
Service Animal	No Charge
Dangerous Animal Registration	\$300.00
Prohibited animals licensed under subsection 10(4) of A-300 within 90 days of April 1, 2008 and which have been continuously licensed since that date	\$150.00
Replacement Tag	\$5.00

3. Repealed.
4. Repealed.
5. Repealed.