


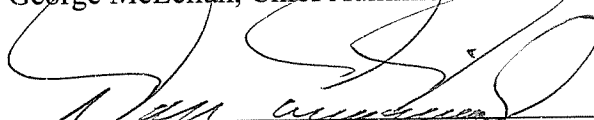


Halifax Regional Council
Committee of the Whole
November 26, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: November 21, 2002

SUBJECT: Cat By-Law

ORIGIN

Regional Council has deliberated over the issue of a cat by-law since amalgamation in April of 1996. Most recently, Council motions of June 11, 2002 (Item 8.1) and May 15, 2001 (Item 8.4) requested that staff present to Council:

- a) an alternative cat by-law that would be more general, complaint driven, and far less costly than the proposed by-law; and
- b) recommendations on a spay and neutering by-law for cats.

RECOMMENDATION

It is recommended that Regional Council:

- a) approve in principle the attached alternative Cat By-Law C - 101;
- b) direct staff to commence the process of introducing the attached Cat By-Law;
- c) approve in the attached Enforcement Strategy; and
- d) include in the Animal Control Services Request for Proposal (RFP) cat by-law

services.

BACKGROUND

Previous Regional Council Deliberations

The issue of an HRM cat by-law has been discussed at Regional Council on numerous occasions. Several previous draft cat by-laws have been presented and debated at Regional Council. On May 15, 2001 staff presented a report recommending that Council not proceed with the adopting of a comprehensive cat by-law. Council directed that staff further investigate the issue and come back with an alternative solution that would be more general, complaint driven, and far less costly than the proposed cat by-law. This report presents an alternative cat by-law for Council's consideration.

In response to Council concerns about the control of wild cats, an interim report on the cat issue was provided to Regional Council on June 25, 2002.

Program Service Review of Animal Control Strategy

At Program and Service Review on August 22, 2002 Community Projects staff presented an overview of Animal Control Services. The overview was presented in order to prepare for a recommendation to Regional Council about awarding new animal control service contracts. In response to this direction, staff is re-drafting the Animal Control Services RFP. One component requiring clarification prior to finalization of the RFP is the cat by-law.

DISCUSSION

Alternative Cat By-Law

The recommended cat by-law, as attached as appendix 1, prohibits cats from being at large. The by-law defines at large as a cat being on private property without the permission of the owner or occupant.

The by-law, and associated enforcement strategy provides three complaint responses. These three responses are as detailed below.

1. The by-law enables citizens to use a humane live trap provided by the Animal Control Service. All cats captured by citizens, or Animal Control Officers, or agent will be turned over to the Animal Control Officer as soon as possible. The recommended enforcement strategy for the cat by-law is as follows:
 - a) a concerned citizen acquires a cat trap and education on use from the Animal Control Service. The citizen leaves a deposit (approximately \$75) with Animal

Control for use of the trap;

- b) once the citizen traps the cat which is in violation of the by-law, the citizen contacts Animal Control Service to impound the captured cat, or the citizen takes the cat to the pound. Animal Control Services refunds the citizen with the deposit upon return of the cat trap;
 - c) once Animal Control Service has the cat impounded, if the owner is identifiable, the owner is contacted to retrieve the cat. The owner in retrieving the cat must pay applicable boarding, impound and associated veterinary fees;
 - d) if the cat's owner is not identifiable, the pound service will house the impounded cat for a minimum of 72 hours. Following the 72 hours the pound may attempt to adopt the cat or dispose of the cat in an humane manner. The current cost of euthanizing any unclaimed or non-adoptable cat is approximately \$65. This includes aftercare of remains.
2. A concerned citizen who is able to identify the cat and address of the owner can file a complaint with Animal Control Services that will lead to the provision of educational material. In cases of recurring complaints an investigation will be initiated; and
 3. A concerned citizen files a complaint about a public safety issue caused by a cat (i.e. cat attack). In such situations, the Animal Control Service will dispatch an Officer.

Consistency of Approach to Animal Treatment

The proposed cat by-law proposes analogous treatment of impounded cats with that of dogs as detailed in By-Law D-100 *Respecting the Registration and Regulation of Dogs*. Under the dog by-law, impounded dogs are kenneled for a minimum of 72 hours; and where a dog is unclaimed by the owner, the pound keeper may keep the dog for a maximum of 30 days. This section of the dog by-law is administered through a contract with the Society for the Prevention of Cruelty to Animals (SPCA) and their pet adoption program. In the proposed cat by-law, a cat adoption program would need to be included in the new Animal Control Services RFP.

Licensing Strategy

Currently, staff does not believe it beneficial to implement a licensing regime for cats as the costs of implementing such a program outweigh any benefit. It is staff's intention to closely monitor the enforcement of the cat by-law and trends. This trends analysis will allow staff to learn about this new service. This learning will allow staff to assess whether or not a licensing regime would be of benefit for the cat by-law service. As a new service, staff believes using a progressive model is a prudent approach given Council's direction to implement a limited cat by-law.

Staff believes that the implementation of a mandatory licensing program could lead to greater expectations with respect to enforcement. A passive licensing system is used by surveyed Canadian municipalities who have a cat by-law similar to the proposed HRM cat by-law (i.e. Calgary, Winnipeg and Moncton). In such a system, cat owners are responsible for placing identification tags on their cats. This identification will be utilized by pound staff to contact owners of impounded cats.

Spay and Neuter Program

The proposed cat by-law encourages cat owners to spay and neuter their pets through providing reduced boarding and impound fees for spayed or neutered cats. The approximate retail cost of spaying a female cat is \$120.00 and \$70.00 for neutering a male. To implement a comprehensive spay and neuter program beyond the reduced fees approach for cats within the HRM would take substantial resources to develop and maintain.

BUDGET IMPLICATIONS

Provision of a cat by-law program is a new and unbudgeted service. The budget implications of administering and enforcing the proposed cat by-law will be determined when vendors respond to the Animal Control Services RFP. These resource implications will be identified when recommendations as to Animal Control Services tender award(s) are presented to Regional Council.

MULTI-YEAR FINANCIAL STRATEGY IMPACTS

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

ALTERNATIVES

Council has several options which include:

- a) maintaining the status quo and not approve the proposed cat by-law;
- b) implementing a cat by-law and program which includes a licensing component;
- c) implementing a cat by-law which does not treat impounded cats in the same manner as dogs. In this alternative, the Pound Keeper would be under no obligation to introduce a cat adoption program, and impounded cats would be euthanised humanely after 72 hours,

if their owners did not retrieve them. This alternative would be less costly as there would be no requirement for an adoption program; or

- d) implementing a cat by-law which defines creating a disturbance a violation rather than running at large. This restrictive definition is not recommended as there is greater onus for the provision of evidence by the complainant.

ATTACHMENTS

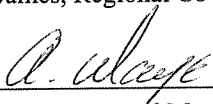
Appendix 1: Proposed Cat By-Law C-101

Appendix 2: Cat By-Law Enforcement Strategy

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Approved by:


Allan Waye, General Manager, Community Projects, 490-6484

HALIFAX REGIONAL MUNICIPALITY

BYLAW NUMBER C-101

RESPECTING THE REGULATION OF CATS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 174 of the Municipality Government Act as follows:

Short Title

1. This Bylaw shall be known as Bylaw No. C-101 and may be cited as the “Cat Bylaw.”

Definitions

2. In this Bylaw:

- (a) “adequate contact information” means owner’s name, address, telephone number or e-mail address;
- (b) “animal control approved humane trap” means only those traps obtained from Animal Control Services;
- (c) “at large” means a cat on any private property without the permission of the owner or occupant thereof;
- (d) “cat” means the male or female of the feline family;
- (e) “Municipality” means the Halifax Regional Municipality;
- (f) “owner” of a cat includes any person who possesses, has the care of, has the control of or harbours a cat, and where the person is a minor, includes the person responsible for the custody of the minor;
- (g) “Pound” means a building, yard, enclosure or other facilities established or maintained by the Municipality for the keeping and disposition of impounded animals;
- (i) “Pound Keeper” means a person appointed by the Municipality, whether an employee of the Municipality or a person or association appointed by contract to be in charge of a Pound together with any necessary assistants appointed by the Pound Keeper.

Duty of Cat Owners

3. Every owner of a cat whose cat is at large shall be guilty of an offence under this by-law.

Capture of Cats

4. (1) In addition to the remedy of recovering a penalty as provided in Section 9, any cat found at large may be captured by any citizen or Animal Control Officer by using an animal control approved humane trap.
- (2) All cats captured by a citizen or agent shall be delivered to a Pound as soon as possible to be dealt with following the provisions set out in this bylaw.

Duties of Pound Keeper

5. (1) Subject to subsection (4), the Pound Keeper shall receive all cats delivered pursuant to this bylaw, and shall detain the same and furnish them with food and water for a minimum period of 72 hours and shall notify the owner of a cat, if adequate contact information is available, that the cat is in the custody of the Pound and may be redeemed pursuant to Section 8.
- (2) Where, in the opinion of the Pound Keeper, a cat seized pursuant to this bylaw is injured, ill, dangerous or feral, the Pound Keeper may destroy the cat without delay for humane reasons or for reasons of safety to persons by humanely euthanizing the cat without permitting any person to reclaim the cat and without offering it for sale.

Recovery of Veterinary Fees

6. Where a cat seized and impounded pursuant to this bylaw is injured or ill and is treated by a veterinarian, the Pound Keeper shall be entitled to charge to the owner of the cat or to the person claiming the cat, the cost to the Pound Keeper of such treatment.

Disposition of Cats

7. If a cat is unclaimed by the owner or the cat is not destroyed pursuant to this By-law, the cat may be sold by the Pound Keeper, and any cat that cannot be sold may be destroyed after the cat is in the custody of the Pound Keeper for a maximum period of 30 days.

Redeeming of Cats

8. (1) The owner of a cat which has been impounded may redeem the cat from the

Pound, upon payment of the following:

- (a) boarding fees to the Pound Keeper for each day, or part thereof, that the cat has been held in the Pound;
 - (b) impounding fees; and
 - (c) Any veterinary fees authorized by Section 6.
- (2) The fees payable in Clause (a) and (b) of subsection (1) shall be those established from time to time by Council pursuant to Administrative Order 15, the License and Fees Administrative Order.

Offence and Penalty

9. A person who does anything prohibited by this by-law or neglects or fails to do anything required by this by-law is guilty of an offense and is liable upon summary conviction to a minimum penalty of not less than Fifty Dollars (\$50.00) and a maximum penalty of not more than five hundred Dollars (\$500) and, in default of payment, to imprisonment for a term not exceeding ten (10) days.

**Enforcement Strategy
for
HRM By-Law Respecting Cats**

Purpose: To provide a strategy of the Halifax Regional Municipality regarding enforcement of the HRM Cat By-Law.

Strategy:

- preventative enforcement patrols seeking violations of the by-law will not be undertaken;
- enforcement of the by-law will be initiated through:
 - a) a concerned citizen acquiring a humane cat trap and education on use from Animal Control Services. The citizen will leave a deposit with animal control for use of the trap; or
 - b) a concerned citizen, who is able to identify the cat and address of the owner, filing a complaint with Animal Control Services will lead to the provision of educational material. In recurring complaints, an investigation will be initiated; or
 - c) a concerned citizen files a complaint about a public safety issue caused by a cat, Animal Control Service will dispatch an Officer and take appropriate enforcement action.
- in process (a), once the citizen traps the cat which is at large in violation of the by-law, the citizen contacts Animal Control Services to impound the captured cat, or the citizen takes the cat to the pound. Animal Control Services will refund the citizen with the deposit upon return of the cat trap;
- once Animal Control Services has a cat impounded, if the owner is identifiable, the owner will be provided 72 hours to retrieve the cat. The owner in retrieving the cat must pay applicable boarding, impound and associated veterinary fees;
- if a cat owner is not identifiable, the pound service will house the impounded cat for a minimum of 72 hours. Following the 72 hours the pound may attempt to adopt the cat or dispose of the cat in an humane manner. An impounded cat may be boarded for a maximum of 30 days.