


TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 5, 2019

SUBJECT: **By-law A-702, Amending By-law A-700, the *Animal By-law***

ORIGIN

On October 3, 2017 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council request a staff report regarding amendments to HRM By-Law A-700, Respecting Animals and Responsible Pet Ownership, to prohibit the feeding of wildlife. The proposed amendments to A-700 should be based on best practices from other municipalities and include reasonable exceptions for backyard bird feeders. “

On May 8, 2018 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council request a staff report with respect to creating a licensing option for dogs under the age of six months.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39,

Section 188 (1) The Council may make by-laws, for municipal purposes, respecting

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

(vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood;

Section 192 Without limiting the generality of Section 188, the Council may make by-laws respecting

(f) wild and domestic animals and activities in relation to them.

Section 193 – Gives Council the authority to regulate dogs.

By-law A-700, the *Animal By-law*
Wildlife Act, R.S.N.S. 1989. c.504

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law A-702, amending By-law A-700, the Animal By-law as set out in Attachment 2 to this report.

BACKGROUND

This report addresses amendments to By-law A-700, the Animal By-law, as requested by Regional Council regarding the feeding of wildlife, the licensing of puppies and two other housekeeping amendments relative to general licensing and service dogs that have been identified by staff.

Feeding of Wildlife

The feeding of wildlife is regulated by the province via the NS Department of Lands and Forests, but there is nothing that prohibits municipalities from regulating the issue of feeding wildlife especially as it relates to causing a nuisance in neighborhoods. As defined in the provincial *Wildlife Act*, “*wildlife* means vertebrates that, in their natural habitat, are usually wild by nature”. As stated above, the province does not prohibit the feeding of wildlife and even goes so far as to provide direction to feeding wildlife responsibly with a variety of ‘how to’ brochures. The purpose of defining and regulating the feeding of wildlife at a municipal level is to address the impacts inappropriate feeding may have on a neighbour or neighbourhood and the expectation people have with respect to the enjoyment of their property without nuisance animals infringing on said enjoyment.

Licensing of Puppies

Administrative Order #11 sets out dog licensing fees as follows:

- Lifetime for Unaltered Dog: \$200.00
- Lifetime for Spayed/Neutered Dog: \$75.00
- Service Animal: No charge

- Annual for Unaltered Dog: \$50.00
- Annual for Spayed/Neutered: \$15.00

- Seniors Discount 50%

There is a gap in the current licensing program for dogs under the age of six months. The majority of veterinarians do not recommend dogs be spayed or neutered before the age of six months. Based on the current by-law, owners must license dogs within 20 days of becoming an owner regardless of the age. If they become the owner of a puppy under the age of six months, only the options of the higher rates of \$200.00 for a lifetime license or the annual fee of \$50.00 for unaltered dogs apply.

General Licensing

Section 5(1)(a) of By-law A-700, as highlighted below, requires clarification regarding the intent of the language “...brings the dog into the Municipality”:

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**;

Service Animals

In June 2018, the *Province of Nova Scotia Service Dog Act* came into effect which confirms rights and addresses discrimination experienced by certified service dog users who have been denied access to public places and refused tenancy rights. It also clarifies and helps businesses understand that certified service dog teams are protected by the legislation.

Through the definition of the term “service animal”, the By-law A-700 seemingly includes requirements for service animals to be trained but there is no corresponding requirement to provide proof of training for the animal. The By-law also provides for service animals to be licensed free of charge but requires that owners provide a medical certificate indicating that the owner suffers from a disability and requires the use of a service animal. Clarification of the intent of these provisions is necessary.

DISCUSSION

Feeding of Wildlife

It is common for people to enjoy the surroundings of their neighbourhood and their property by engaging and entertaining wildlife and purposefully attracting them by providing food. However, this enjoyment can be detrimental to wildlife and can lead to a nuisance issue. Dealing with nuisance is a fine balance. What one finds enjoyable on their property is not always the same for others.

Purposefully feeding wildlife can result in many negative impacts, such as attracting vermin that can cause property damage (e.g. racoons and rats); attracting wildlife to the point of excessive defecation causing property damage (especially birds); attracting wildlife that impacts traffic (deer), and negatively impacting the health and safety of the animals being fed.

While most people who leave food outside for animals have good intentions, this simple act can do a lot of damage. Leaving food outdoors can:

- cause wild animals to lose their natural fear of humans;
- provide an artificial food source, which can cause overpopulation of animals;
- lead to property damage and unwelcome house guests;
- make animals dependent on human food sources; this may cause them to lose some of their ability to survive in the wild, resulting in dangerous encounters with people and other animals; and
- put domestic animals, such as dogs and cats, at risk physically, or expose them to disease.

Staff have conducted a jurisdictional scan of the following 15 municipalities: Vancouver, Calgary, Edmonton, Saskatoon, Winnipeg, Toronto, Montreal, Vancouver, New Glasgow, Fredericton, Victoria, Waterloo, Kitchener, Guelph and Hamilton. The scan showed that 9 of the 15 municipalities have legislation that restricts the feeding of wildlife. Of the 9 municipalities, 2 being Toronto and Vancouver restrict the feeding of wildlife only in parks, Victoria restricts the feeding of wildlife with the exception of songbirds. The remaining 6 municipalities restrict the feeding of wildlife on private properties with the exception of permitting bird feeders as long as they do not create a nuisance.

Proposed Amendments to the Animal By-law

By-law A-700 prohibits the feeding of waterfowl on lands abutting or adjacent to a lake or birds including waterfowl and pigeons on the lands abutting or adjacent to the bodies of water as set out in Schedule 1 of the By-law (see Appendix A). The By-law does not prohibit feeding of any other wildlife.

The intent of the proposed amendments is to address situations that are causing a negative impact to neighbours and neighbourhoods. The intent is not to impose an outright ban on the feeding of birds, but to intervene when it becomes a nuisance. Thus, bird feeders will be allowed to feed birds on property with owner permission, but the nuisance it may create by attracting wildlife will be addressed through the by-law enforcement process. Similarly, prohibiting the feeding of wildlife is recommended to address issues that may arise causing a nuisance to an owner or occupant of any property.

Dog Licenses

1. Licensing of Puppies

Staff completed a jurisdictional scan of the same 15 municipalities as mentioned above. The scan showed 10 of the 15 municipalities have provisions in their legislation that apply to the licensing of puppies. The legislation varies from dogs 3 months to 6 months not requiring a license, to those of that age requiring a license but at a reduced rate similar to that of a spayed and neutered dog.

Based on the findings of the jurisdictional scan staff considered two options: requiring the licensing of dogs under the age of 6 months for free or exempting dogs under the age of 6 months. A benefit of licensing is to be able to return a dog, if found running at large, to its owner. However, it is the experience of staff that we rarely come into contact with dogs under the age of 6 months. Therefore, staff is recommending that By-law A-700 be amended to include the exemption of licensing for dogs under the age of 6 months.

2. General Licensing

Relative to Section 5 (1) of the by-law there has been confusion on the interpretation of the intent of the wording “brings the dog into the Municipality” as follows:

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**;

There have been situations when individuals reside in other municipalities where their dogs are licensed; however, they are regular visitors or also part time residents within the municipality. Based on the current legislation they would be required to license the dog in HRM in addition to their other municipality. The proposed amendment will exempt those individuals from requiring an HRM license as long as they are licensed in the jurisdiction where they reside.

Service Animals

By-law A-700 includes a definition of “service animal” which states that the animal is one which is trained to do work or perform tasks for the benefit of an individual with a disability. This provision has been challenging as there is no requirement for proof of training of the service animal. Therefore, the proposed amendment requires proof of training which can be a certificate issued under the *Service Dog Act* or a certificate from an approved certification program recognized by the License Administrator.

The By-law provides for service animals to be licensed free of charge but also requires among other items, that owners provide 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. As this requirement is perceived to be unnecessarily intrusive for the purpose of licensing, staff recommend By-law A-700 be amended by removing the requirement for a medical certificate.

Regulatory Impact Assessment

In keeping with AO 2017-002-ADM, *The Charter of Governing Principles for Regulation Administrative Order*, a Regulatory Impact Assessment has been completed. It was determined that regulation is the best approach. The proposed amendments will impose new restrictions that will have a minimal impact on citizens. There are no costs to firms or the business community because of these amendments making a Business Impact Assessment (BIA) unnecessary. The scope of the BIA tool is for understanding potential costs to commercial entities only.

FINANCIAL IMPLICATIONS

There are no financial implications. The amended by-law can be administered with the existing staff resources and budget.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. The risks considered rate low.

COMMUNITY ENGAGEMENT

Staff have consulted with the Province relative to the amendments specific to service animals.

ENVIRONMENTAL IMPLICATIONS

The amendments to A-700 will improve the ability of the Municipality to act when there are situations of inappropriate feeding of wildlife leading to nuisance. This increased ability to regulate and limit the inappropriate feeding of wildlife may improve the health and sustainability of urban wildlife populations.

Further restrictions and enforcement on the feeding of wildlife would be necessary to enhance the protection of wildlife within the Municipality. Future amendments to this by-law and/or additional regulation may need to be considered due to the likely future risks of climate change that may result in new pests entering the municipality and posing new or increased risk to human health and safety, as well as ecosystem health and infrastructure resiliency. Council recently approved the creation of an Integrated Pest Management Plan, and will consider the new climate strategy, HalifACT 2050, this spring. These initiatives will support efforts to protect wildlife and humans alike.

ALTERNATIVES

Regional Council may choose to direct the Chief Administrative Officer to prepare amendments to By-law A-700, Respecting Animals and Responsible Pet Ownership that are different from those recommended in this report. Additional amendments may require a Supplementary Report.

ATTACHMENTS

Attachment 1 – Showing Proposed Changes to By-law A-700, the Animal By-law

Attachment 2 – Amending By-law A-702

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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**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; and

(aa) "wildlife" means vertebrates that, in their natural habitat, are usually wild by nature and includes

(i) domestic organisms that are physically similar to their wild counterparts,

(ii) exotic wildlife,

(iii) hybrid descendants of wildlife or of wildlife and a domestic organism,

(iv) the eggs, sperm or embryos of wildlife, and

(v) any other organism designated as wildlife by the Governor in General in accordance with the Wildlife Act, R.S.N.S. 1989, c. 504, and the regulations.

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~~ **repeal**
- ~~(b) an annual license, before the expiration of any current license; or~~ **repeal**
- ~~(c) a lifetime license for the dog.~~ **repeal**

(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.

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

- (a) that is 6 months of age or younger; or**
- (b) that is licensed in another jurisdiction.**

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;~~ **repeal**
 - (ba) a certificate issued under the *Service Dog Act*;**

(bb) a certificate from an approved certification program recognized by the License Administrator; 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.

(2A) Clause 8(1)(a) shall not apply to an animal that is a bee and is owned by a person authorized as a beekeeper under the Bee Industry Act, 2005, c. 3, s. 1.

(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.

(3) No person shall feed or permit the feeding of birds that creates a nuisance to an owner or occupant of any property.

Feeding of Wildlife

16A. No person shall feed or permit the feeding of wildlife that creates a nuisance to an owner or occupant of any property.

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 10th day of November, 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 November 10, 2015.

Cathy Mellett
Municipal Clerk

Notice of Motion:	October 6, 2015
First Reading:	October 20, 2015
Notice of Second Reading Publication:	October 24, 2015
Second Reading:	November 10, 2015
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 28, 2015

Amendment # 1 – Section 8 Clause 8(1)(a)

Notice of Motion:	May 31, 2016
First Reading:	June 14, 2016
Notice of Second Reading Publication:	July 2, 2016
Second Reading:	July 19, 2016
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 23, 2016

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

SECTION	DESCRIPTION	MINIMUM FINE	MAXIMUM FINE
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
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

SECTION	DESCRIPTION	MINIMUM FINE	MAXIMUM FINE
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
16(1)(c)	Feeding or permitting the feeding of birds that creates a nuisance	\$200	\$5000
16A	Feeding or permitting the feeding of wildlife that creates a nuisance	\$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

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-702
RESPECTING ANIMALS AND RESPONSIBLE PET OWNERSHIP

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of sections 188,192,193,194 AND 195 of the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, that By-law A-700, the *Animal By-law*, is amended, as follows:

1. section 2 is amended by:

- (a) striking the words “as defined by the Wildlife Act, R.S.N.S. 1989, c.504” after the word “wildlife” and before the comma punctuation mark in subclause (i) of clause (a); and
- (b) striking the period at the end of clause (z);
- (c) adding a semi-colon punctuation mark and the word “and” at the end of clause (z); and
- (d) adding the following clause immediately after clause (z):

(aa) “wildlife” means vertebrates that, in their natural habitat, are usually wild by nature and includes

- (i) domestic organisms that are physically similar to their wild counterparts,
- (ii) exotic wildlife,
- (iii) hybrid descendants of wildlife or of wildlife and a domestic organism,
- (iv) the eggs, sperm or embryos of wildlife, and

(v) any other organism designated as wildlife by the Governor in General in accordance with the Wildlife Act, R.S.N.S. 1989, c. 504, and the regulations.

2. section 5 is amended by:

- (a) striking the colon punctuation mark at the end of the second line of subsection (1);
- (b) adding a period punctuation mark at the end of the second line of subsection (1);
- (c) repealing clauses (a), (b) and (c) of subsection 1; and
- (d) adding the following subsection after subsection (3) and before section 6:

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

- (a) that is 6 months of age or younger; or
- (b) that is licensed in another jurisdiction.

3. section 6 is amended by:

- (a) repealing clause (b) in subsection 2; and

(b) adding the following subsections immediately after the newly repealed clause (b) and immediately before clause (c):

(ba) a certificate issued under the *Service Dog Act*;

(bb) a certificate from an approved certification program recognized by the License Administrator;

4. adding the following immediately after subsection (2) of section 16:

(3) No person shall feed or permit the feeding of birds that creates a nuisance to an owner or occupant of any property.

5. adding the following title line and section immediately after the newly added subsection 16(3) and immediately before section 17:

Feeding of Wildlife

16A. No person shall feed or permit the feeding of wildlife that creates a nuisance to an owner or occupant of any property.

6. adding the following offence immediately after clause 16(1)(b) and before clause 32(1)(a) in Schedule 2 – Fine amounts, as follows:

16(1)(c)	Feeding or permitting the feeding of birds that creates a nuisance	\$200	\$5000
16A	Feeding or permitting the feeding of wildlife that creates a nuisance	\$200	\$5000

Done and passed in Council this day of , 2020.

MAYOR

MUNICIPAL CLERK

I, Sherryll Murphy, 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 , 2020.

Sherryll Murphy
Municipal Clerk