

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-300

RESPECTING ANIMALS AND RESPONSIBLE PET OWNERSHIP

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

Short Title

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

Interpretation

2 (1) In this By-Law,

- (a) “License Administrator” means the Administrator responsible for the licensing of animals appointed by the Chief Administrative Officer or designate;
- (b) “animal” includes any living mammal, bird, reptile, amphibian, insect or arachnid, and excludes livestock as defined in the *Fences and Detention of Stray Livestock Act* and wildlife as defined by the *Wildlife Act*, humans and cats;
- (c) “Animal Control Officer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*;
- (d) “attack” means to injure or bite, or to threaten or give the impression of threatening;
- (e) “bite” includes to penetrate the skin by a tooth or teeth;
- (f) “cat” means a non-feral or feral cat, either male or female;
- (g) “dangerous dog” means any dog which:
 - (i) attacks or demonstrates a propensity, tendency or disposition to attack a human being or animal either on public or private property;
 - (ii) has caused injury to or otherwise endangered the safety of a human being or animal;
 - (iii) threatens any human being or animal;
 - (iv) is owned or harboured primarily or in part for the purpose of dog

fighting;

(v) is trained for dog fighting; or

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

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

- (h) “dog” means a dog, male or female, or the offspring resulting from the breeding of a dog and any other animal;
- (i) Repealed
- (j) “feral cat” means any homeless, wild or untamed cat;
- (k) “identification device” means any device required for the identification of an animal which contains a serial number or other means of identification corresponding with the number under which the animal is licensed by the License Administrator. Without limiting the generality of the foregoing, an identification device may include external identification devices such as tags, and/or internal identification devices such as microchips;
- (l) “leash” means a device used by a person to restrict movement of an animal which is adequate for the purpose;
- (m) “license” means a license issued pursuant to this By-Law;
- (n) “license fee” is the fee for a given period of time payable to the License Administrator by the owner of an animal required to be licensed at or before the time of licensing in the amount established by the Council of the Municipality from time to time by Administrative Order;
- (o) “microchip” means an approved ‘Canadian Standard’ encoded identification device 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 a central database;
- (p) “Municipality” means Halifax Regional Municipality;

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

include an employee of the Municipality, to be in charge of a shelter and includes a person acting under the supervision and direction of a Shelter Keeper;

- (ab) “spayed or neutered” means incapable of reproduction as certified by a licensed veterinarian;
- (ac) “threatens” means unmuzzled, leashed or unleashed, or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, approaches in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
- (ad) “waterfowl” means a type of bird that primarily lives on or about the water.

Licensing Of Dogs

- 3 (1) No person shall own a dog within the Municipality without having obtained a license from the License Administrator within ten (10) days after the person becomes the owner of the dog, brings the dog into the Municipality or annually before the expiration of any current license.
- (2) Notwithstanding subsection (1), a person who possesses, has the care of, has the control of or harbours a dog for less than sixty (60) days is not required to license the dog.

Licensing Procedure

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

Dogs of Canada in respect of the dog;

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

License Year

5 Every license shall be effective for 12 months.

Identification

- 6
- (1) The owner of every animal licensed pursuant to this By-Law shall keep the identification device issued to the owner securely affixed or attached to, or installed or lodged in place on the animal in accordance with the directions provided pursuant to subsection (4) of Section 4 at all times.
 - (2) Notwithstanding subsection (1), an identification device intended to be externally secured to a dog may be removed from a dog temporarily while the dog is being used lawfully for hunting, exhibition purposes or engaged in law enforcement duties.
 - (3) Where an owner files with the License Administrator a statutory declaration that an identification device is lost or unusable, the License Administrator may replace the identification device upon payment of the fee pursuant to Administrative Order 11.
 - (4) Any animal which does not have a valid identification device shall be deemed not to be licensed under this By-Law.

Duties of the Owner

- 7
- (1) No dog shall:
 - (a) run at large at any time;
 - (b) damage public or private property;

- (c) defecate on any public or private property other than the property of it's owner without the owner immediately removing the defecation;
 - (d) be un-spayed, in heat and not be confined inside a dog-proof enclosure; or
 - (e) be in a municipal public park designated by signage as an area prohibiting dogs.
- (2) Notwithstanding clause (a) of subsection (1), a dog can be without a leash provided that the dog is:
- (a) participating in an organized hunt, organized dog exhibition events, or dog field trials;
 - (b) participating in a search and rescue training or operation, or police training or operation;
 - (c) working on a farm; or
 - (d) within a municipal public park where the area is designated by signage as an area where dogs are permitted to be without a leash subject to such limitations as are posted.
- (3) Any owner of a dog which dog 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.

Dog Attacks

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

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

Animal Offences

- 9 (1) No animal not being a cat, dog or bird shall:
 - (a) be off the premises of the owner at any time unless the animal is:
 - (i) enclosed inside an escape-proof building or fenced area; or
 - (ii) enclosed inside an escape-proof aquarium, pen, cage or container of durable construction; or
 - (iii) securely tethered on a leash, harness, chain or other device in an escape-proof manner, provided that this sub-clause shall not apply to reptiles;
 - (b) attack a person or another animal;
 - (c) damage any public or private property; or
 - (d) defecate on any public or private property other than the property of its owner, and the owner fails to immediately remove the defecation.
- (2) Any owner of an animal which animal engages in any of the prohibited activities or fails to meet any of the duties in subsection (1) shall be guilty of an offence under this By-Law.

Prohibited Animal Offences

- 10 (1) No person shall:
- (a) be the owner of a prohibited animal;
 - (b) dispose of any prohibited animal except by releasing the said animal to an Animal Control Officer; or
 - (c) sell or offer for sale any prohibited animal.
- (2) Any owner who causes or permits the occurrence of any of the prohibited activities or fails to meet any of the duties in subsection (1) shall be guilty of an offence under this By-Law.
- (3) Notwithstanding clause (a) of subsection (1), it shall not be an offence to be the owner of a prohibited animal if:
- (a) the owner is a university, zoo, museum or other facility for the preservation as specimens of natural history or for scientific purposes; or
 - (b) the animal is owned for the purpose of entertaining the public; and the owner has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.
- (4) Provided that the animal is licensed and micro chipped in accordance with this By-Law within ninety (90) days of this By-Law coming into force and effect, this section shall not apply to an animal owned on the coming into force of this by-law.

Seizure and Impounding of Animals

- 11 (1) Any animal found running at large may be seized and impounded by an Animal Control Officer.
- (2) Repealed.
- (3) Repealed.

Noise

- 12 (1) No owner of an animal shall knowingly or unknowingly allow any animal to make noise excessively.
- (2) For the purposes of this section, a dog shall be deemed to be making noise excessively if it barks or howls repeatedly for a period of twenty (20) minutes.

Feeding of Waterfowl and Pigeons

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

Powers of Animal Control Officer

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

Shelter Keeper

- 15 (1) The Municipality may establish and maintain such shelters as may be necessary and may appoint a Shelter Keeper who shall have charge of such facilities together with any necessary assistants, or may contract for the provision of the services.
- (2) The Municipality may enter into an agreement in writing with any person or association appointing that person or association as the Shelter Keeper.
- (3) All animals captured by a citizen or an Animal Control Officer shall be delivered to the Shelter Keeper as soon as possible after capture.
- (4) The Shelter Keeper shall receive all animals seized and delivered pursuant to this By-Law, and shall detain the same and furnish them with food and water for a period of three (3) days.
- (5) During the three (3) day period designated by subsection (4), the Shelter Keeper shall make reasonable efforts to notify the owner of the animal.
- (6) If an impounded animal is injured, sick or otherwise in need of medical care, the Shelter Keeper shall ensure that basic veterinary treatment is provided so that life is not endangered and that pain is reduced consistent with humane principles. The Shelter Keeper may decide, after a reasonable period of observation and based upon reasonable grounds, to destroy the animal.
- (7) If the Shelter Keeper believes on reasonable grounds that an impounded animal poses a danger to a person or another animal, the Shelter Keeper may, without notice to the

owner, destroy the animal in an immediate and safe manner.

- (8) The Shelter Keeper shall sell or destroy an impounded prohibited animal without permitting any person to claim it, unless the owner is one of the classes identified in subsection (3) of Section 10 and has authorization to be the owner of the animal under any statute or regulation of the Parliament or Government of Canada or the Legislature or Government of Nova Scotia.
- (9) The municipality may, by administrative Order, establish a committee to monitor shelter operations and establish guidelines on humane treatment and euthanasia.

Unredeemed Animals

- 16 (1) If an animal is not redeemed within three (3) business days, or otherwise dealt with by this By-Law, the animal shall become the property of the Shelter Keeper and may:
 - (a) be sold; adopted; or
 - (b) be euthanised.
- (2) The Shelter Keeper shall keep all animals seized. Where there is an action before the Court involving a seized animal, until such time as a Court orders otherwise.
- (3) Notwithstanding any other provision of this By-law, no animal kept by the Shelter Keeper may be sold, adopted, or otherwise disposed of for laboratory or any other experimental purpose.

Fees

- 17 (1) Subject to subsections (7) and (8) of Section 15, 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:
 - (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) shall be those established by the Regional Council pursuant to Administrative Order 11, the License and Fees Administrative Order.
- (3) If an animal is not released to its owner, the fees payable in subsection (1) may be

recovered by the Municipality from the owner as a debt.

Offenses and Penalties

- 18 (1) A person who contravenes any section of this By-Law is liable upon summary conviction to a minimum penalty of not less than two hundred dollars (\$200.00) and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.
- (2) Upon conviction, any costs incurred, including license fees for any unlicensed fee charge pursuant to this By-Law, by the Municipality or the Shelter Keeper, may be imposed as a fine upon the person.
- (3) No Shelter Keeper shall release any animal to its owner, until such owner pays all fees, costs and expenses of the Shelter Keeper while the animal was impounded and kept at the shelter.

Effective Date

- 19 This By-Law shall come into effect on April 1, 2008.

Repeal

- 20 (1) Section 7 of By-Law No. 8 of the Halifax County Municipality, the Mischiefs and Nuisances By-Law, is repealed.
- (2) By-Law W-201 of the City of Dartmouth, being a by-law with respect to the feeding of waterfowl, is repealed.
- (3) By-Law Number 63 of the Halifax County Municipality, the Animal Defecation By-Law, is repealed.
- (4) By-Law Number 22931 of the Town of Bedford, Respecting Exotic Pets, is repealed.
- (5) By-Law Number 12 of the Halifax County Municipality, the Animals By-Law, is repealed.
- (6) Ordinance 184 of the City of Halifax, the Reptiles Ordinance, is repealed.
- (7) By-Law E-300 of the City of Dartmouth, being a by-law to regulate keeping of reptiles and arachnids within the City of Dartmouth, is repealed.
- (8) By-law D-100 of the Halifax Regional Municipality, Respecting the Registration and Regulation of Dogs is repealed.

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

Mayor Peter J. Kelly

Julia Horncastle, Acting Municipal Clerk

I, Julia Horncastle, Acting 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 October 23, 2007

Julia Horncastle, Acting Municipal Clerk

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| Notice of Motion: | Waived by Regional Council July 31, 2007 |
| First Reading: | July 31, 2007 |
| Notice of Public Hearing Publication: | August 25, 2008 |
| Second Reading: | September 11, 2007 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | April 1, 2008 |

Amendment # 1 - By-law A-302

Notice of Motion: Please see March 18, 2008 Regional Council minutes

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| First Reading: | May 27, 2008 |
| Notice of Second Reading : No Public Hearing Held | May 31, 2008 |
| Second Reading: | June 17, 2008 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | June 28, 2008 |