



THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS
RECOMMENDATION REPORT

To: Members of West Hants Council

Submitted by: _____
Cathie Osborne, Chief Administrative Officer

Date: **May 17, 2017**

Subject: D-003 Dog By-law

Origin:

All By-laws of the Municipality of West Hants and the former Town of Hantsport are being reviewed to determine if they remain relevant, if they need to be amended or if they need to be repealed.

Legislative Authority:

Municipal Government Act Sections 172 (1), 174 (f), 175 and 176.

Recommendation:

It is recommended that:

Committee of the Whole recommends Council approve First Reading of the Dog By-law D-003 and proceed to Public Hearing and Second Reading.

Background:

Since the dissolution of the former Town of Hantsport into the Municipality, the Municipality has administered two separate Dog By-laws. Although the two by-laws are similar in the requirements for dog registration and regulations for dog ownership, there were significant differences in the registration fees, penalties and the operation of kennels. The Dog By-law D-003 would repeal the current two Dog By-laws, to enable one set of regulations and registration fees to apply all West Hants residents that own dogs.

Discussion:

The most significant changes proposed in the Dog By-law D-003 is regarding the registration process. The new proposed By-law provides for three types of registration: Annual, Life-time and Kennel.

Annual:

The annual registration is the same as our current process and gathers the same information as in the previous by-laws except for the requirement to provide a veterinarian's name and file number. Annual registration is for the period of April 1 to March 31, which is a change for residents of Hantsport which is currently the calendar year. Staff is proposing the creation of an associated Fees Policy which could simply extend the registration period of the prior Hantsport registration year by 3 months to bring it into alignment with West Hants' registration period.

Lifetime:

The proposed By-law offers a life-time registration option for an owner of a microchipped dog who would only be required to register the dog once in its lifetime. However, the owner would still be required to provide the same notification of changes to the Municipality such as if the dog moved or was deceased. The lifetime registration would not be transferrable between dogs or owners and would likely have a higher one-time registration fee. The owner would still be issued a dog tag for identification purposes which must be worn on the dog and would only be replaced by the Municipality as it wore out. The owner would still be required to pay for a replacement tag if it were lost. Life-time registration reduces administration costs and recognizes the efforts of dog owners to protect their pet.

Kennel:

The Kennel registration broadens the definition of a kennel and allows those who meet the definition to register their dogs and pay a single registration fee for the year. Individual tags would still be issued up to the number of animals registered and would be transferable between dogs held in the kennel within the registration year, provided the kennel has notified the Municipality of any changes. The proposed By-law would enable Kennel registration to be permitted in Hantsport under the Dog By-law D-003; however, this is subject to limitations within the Hantsport Land-Use By-law.

Penalties found in the Dog By-law D-003 are similar to those found in the West Hants Dog By-law with a maximum penalty of \$10,000 or 60 days of imprisonment for serious or repeated infractions. However, this proposed By-law provides for a "Notice of Violation" process where a person can pay a lesser fine within 14 days of the notice issue, in lieu of prosecution. This fine is paid directly to the Municipality.

Dog By-law D-003 provides more clarity around when a dog can be impounded, seized or destroyed. These requirements are based on recent legal decisions on similar matters. The Statement of Principle found in the West Hants Dog By-law has been removed from the text as this information is mandated in the Animal Protection Act and does not need to be repeated.

Proposed D-003 Dog By-law has been vetted through the Municipal Solicitor.

Financial Implications:

The current registration fee for dogs under the former Town of Hantsport Dog By-law is \$20.00 as has been set within the By-law or could be amended by Policy. The current registration fees under the West Hants Dog By-law as set by policy are:

- Spayed/Neutered - \$8.00
- Non-Spayed/Neutered \$15.00
- Kennels - \$10.00

Under the Dog By-law D-003 all fees authorized in the By-law would be set by Policy of Council in a separate new policy, the Fees Policy.

In addition, the Dog By-law D-003 maintains the exemption of service dogs from registration fees but the dog must still be registered.

A proposed Fees Policy will be coming before Committee of the Whole very shortly which will include proposed new fees under the Dog By-law D-003. It is proposed the current annual registration fees remain in force until April 1, 2018 as most of the registrations for the 2017-2018 year have been completed. It is further proposed that any changes in fees not occur until the new registration year 2018/19 and discussions form part of the budget deliberations process.

Alternatives:

1. Committee of the whole could not recommend First Reading of the Dog By-law to Council.
2. Committee of the Whole could recommend changes to the Dog By-law then proceed to First Reading.

Attachments:

1. Related Sections of the Municipal Government Act

2. Draft D-003 Dog By-law
 3. Dog By-law, approved October 21, 2009 (West Hants)
 4. By-law 2008-3 Respecting the Registration and Regulation of Dogs, approved July 8, 2008 (Hantsport)
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Report Prepared by: _____
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