Municipality of Inverness County

# Bylaw Number 67
# Animal Control Bylaw

## 1. Title

1.1 This bylaw shall be known as the Animal Control Bylaw.

## 2. Authority

2.1 This bylaw is pursuant to Section172, and 174(f) of the *Municipal Government Act,* S.N.S 1998, c 18*,* as amended from time to time and Sections 4-13 of the *Fences and Detention of Stray Livestock Act*, R.S.N.S., 1989, c 166, as amended from time to time.

## 3. Definitions

3.1 In this bylaw,

(a) **"Animal"** means a non-human vertebrate but excludes dogs, stray cats, Livestock and wildlife as defined in the *Wildlife Act*, R.S.N.S., c. 504;

(b) **"Animal Owner"** means any person who possesses, has the care of, has the control of, or harbours an Animal. Where the person is a minor, Animal Owner includes a person responsible for the custody of the minor;

(c) **"At Large"** means an Animal off the property of the Animal Owner or Livestock off a Livestock Farm, or a property on which the property owner has given the Animal or Livestock permission to be, and not under the care and restraint of the Animal or Livestock Owner or some person acting on the Animal or Livestock Owner's account.

(d) **"Bylaw Enforcement Officer"** means any person authorized by the Municipality to enforce this bylaw and all its provisions, and approved to enforce this bylaw under the Nova Scotia *Police Act* and to issue Summary Offence Tickets pursuant to this bylaw and the Nova Scotia *Summary Proceedings Act;*

(e) **"Critical Distress"** means distress in an Animal or Livestock of such nature that immediate veterinary treatment cannot prolong the life of the Animal or Livestock or prolonging the life would result in the Animal or Livestock suffering unduly;

(f) **"Destroy"** means to kill;

(g) **"Disruption to the Peace and Tranquility of a Neighbourhood"** means Persistent and Unreasonable noise emanating from an Animal or Livestock that infringes on a residents' right to the reasonable use of their property;

(h) ***"Fences and Detention of Stray Livestock Act"*** is the Nova Scotia statute that requires Livestock owners to build and maintain adequate fences to contain their Livestock from being At Large.

(i) **"Fences Arbitration Committee"** means the Municipality's committee that enforces the *Fences and Detention of Stray Livestock Act* by resolving neighbour disputes, ordering repairs, and overseeing the impoundment and compensation of trespassing Livestock.

(j) **"Impound"** means to capture and place in a Pound and includes all activities incidental thereto;

(k) **"Livestock"** has the same meaning as in the *Fences and Detention of Stray Livestock Act*, R.S.N.S. 1989, c. 166 and includes cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and any other livestock designated by the minister of agriculture;

(l) **"Livestock Farm"** means that portion of land used for Livestock, including land used for grazing purposes;

(m) **"Livestock Owner"** means the person occupying or operating a Livestock Farm;

(n) **"Municipality"** means the Municipality of the County of Inverness;

(o) **"Neighbourhood"** means an area extending 100 metres from the source of the noise/disturbance;

(p) **"Nuisance Animal"** means an Animal or Livestock that

i. has a negative impact on the health or well-being of others;

ii. has offensive odours, or messy, untidy or unkempt housing;

iii. repeatedly defecates while off the Animal or Livestock Farm;

iv. repeatedly is At Large;

v. makes or causes a noise that Unreasonably or Persistently disturbs or tends to disturb the Peace and Tranquility of a Neighbourhood;

vi. damages properties not owned or occupied by the Animal or Livestock Owner; or

vii. is being kept in a manner that is contrary to generally accepted standards of care or an order imposed by the Bylaw Enforcement Officer.

(q) **"Peace and Tranquility of a Neighbourhood"** recognizes that the peaceful and tranquil enjoyment of a neighbourhood is not absolute but instead attempts to balance each resident's right to the reasonable use of their property.

Disruptions to the Peace and Tranquility of a Neighbourhood may occur when there is an Unreasonable externally manifested disturbance with the Peace and Tranquility of a Neighbourhood.

(r) **"Persistent"** means frequent or long-lasting enough that it causes neighbours to change their normal behaviours;

(s) **"Pound"** means any premises or facilities designated by the Municipality for the keeping and disposition of impounded Animals or Livestock;

(t) **"Pound Keeper"** means any person employed or otherwise authorized by the Municipality to be responsible for caring for Impounded Animals or Livestock being held at the Pound;

(u) **"Unreasonable"** means the noise emanating from an Animal or Livestock that is of a frequency, duration, or at a time of day or night or proximity to residences that it disrupts the local character of the Neighbourhood that results in an Unreasonable externally manifested disturbance with the otherwise Peace and Tranquility of a Neighbourhood; and

(v) **"Urgent Circumstances"** means circumstances in which the Bylaw Enforcement Officer has reasonable grounds to believe that delaying action to provide notice or receive submissions would likely result in

i. an immediate risk to the health or safety of any person;

ii. an immediate risk of significant injury, suffering, or Critical Distress to an Animal or Livestock;

iii. a substantial likelihood of ongoing or significant property damage; or

iv. a substantial likelihood that the Animal or Livestock will continue to be At Large or otherwise create an immediate and ongoing nuisance that cannot reasonably be addressed through the ordinary notice process.

## 4. Purpose

4.1 The purpose of this bylaw is to ensure Animals and Livestock enjoy a proper standard of living, in line with the *Animal Protection Act*, S.N.S. 2018, c 21, and the *Fences and Detention of Stray Livestock Act*, without negatively impacting the quality of life of residents of the Municipality.

## 5. Objective

5.1 The objective of this bylaw is to:

(a) provide Animal and Livestock Owners with a shared understanding of their responsibilities about their Animals and Livestock and consequences if not upheld;

(b) set expectations for the care of Animals and Livestock under the Municipality's custody; and

(c) outline the requirements for Impounded or detained Animals and Livestock being transferred between Owner and custody of the Municipality;

## 6. General Provisions

<u>At Large</u>

6.1 No Animal or Livestock Owner shall cause, permit or suffer any Animal or Livestock to be At Large within the Municipality.

6.2 No Animal or Livestock Owner shall allow property which does not belong to them to be damaged through permitting their Animal or Livestock to be At Large.

6.3 When a person finds an Animal or Livestock At Large on their premises, they may confine the Animal or Livestock in any suitable manner and notify the Bylaw Enforcement Officer thereof, or if such person is unable to confine the Animal or Livestock, they may notify the Bylaw Enforcement Officer of the likely whereabouts of the said Animal or Livestock.

6.4 Any Animal or Livestock found At Large may be Impounded by the Municipality.

6.5 The expenses associated with Impounding Animals or Livestock shall be charged to the Animal or Livestock Owner, if known, before their Animal or Livestock is returned to them.

6.6 The Bylaw Enforcement Officer may impose such conditions on an Animal or Livestock Owner who redeems an Animal or Livestock from the Pound when it determines it is appropriate and necessary to ensure further violations of this bylaw are unlikely to occur.

6.7 Animal or Livestock Owners shall comply with any order and associated conditions imposed by the Bylaw Enforcement Officer pursuant to Section 6.6.

6.8 Animal Owners of domestic cats are exempt from Sections 6.1, 6.4 and 6.5 of this bylaw.

Responsibilities of Owners

Adequate Care

6.9 Every Animal or Livestock Owner shall be responsible for the care, control, and wellbeing of their Animal or Livestock at all times.

6.10 An Animal or Livestock Owner shall ensure that their Animal or Livestock is provided with adequate care, including but not limited to:

(a) sufficient and appropriate food and potable water;

(b) reasonable shelter and protection from the elements;

(c) reasonable opportunity for exercise and relief;

(d) appropriate veterinary care when reasonably required; and

(e) supervision and control to prevent harm to persons, property, or other Animals.

6.11 For greater certainty, the responsibilities set out in Sections 6.8 and 6.9 of this bylaw are intended to reflect the standards of care established under the *Animal Protection Act*, S.N.S. 2018, c 21and its regulations, as amended from time to time.

Sick and Diseased Animals or Livestock

6.12 An Animal or Livestock Owner shall prevent any Animal or Livestock which is suffering from infection or contagious disease from herding with non-diseased Animals or Livestock.

Enclosures

6.13 The Owner of an Animal, other than domestic cats, shall build and maintain an enclosure sufficient to prevent escape.

6.14 The Owner of Livestock shall build and maintain an enclosure sufficient to prevent escape as per Section 5 of the *Fences and Detention of Stray Livestock Act*.

Duty to Cooperate and Provide Information

6.15 An Animal or Livestock Owner shall, upon request, provide truthful and complete information to a Bylaw Enforcement Officer for the purpose of administering or enforcing this bylaw.

6.16 Without limiting the generality of Section 6.14, such information may include:

(a) confirmation of ownership or custody;

(b) information respecting the Animal's or Livestock's living conditions, confinement, shelter, feeding, watering, and supervision;

(c) information respecting veterinary care, to the extent reasonably available; and

(d) any other information reasonably required to assess compliance with this bylaw or to determine whether a referral to another authority is warranted.

Noise

6.17 No Animal or Livestock Owner shall allow their Animal or Livestock to unreasonably or persistently disturb the Peace and Tranquility of a Neighbourhood.

## 7. Impounding Practices

7.1 The Municipality, for the safekeeping of Animals and Livestock that are Impounded, may establish a Pound or Pounds for Animals and Livestock and may appoint a Pound Keeper or Pound Keepers in respect thereof.

7.2 Where no Pound has been established, the Municipality may make appropriate arrangements for the keeping of Animals and Livestock.

7.3 A Pound Keeper shall keep all Animals and Livestock delivered to them in accordance with this bylaw and shall:

(a) collect all Impoundment fees and expenses and forward such funds to the finance department of the Municipality;

(b) be responsible for the operation of the Pound;

(c) provide adequate food and water to Impounded Animals and Livestock;

(d) keep the Pound in a reasonable state of cleanliness; and

(e) keep the Pound premises neat and tidy in appearance.

Impounded Animals and Livestock

7.4 Impounded Animals shall be Impounded for a maximum of seventy-two (72) hours, unless claimed by the Animal Owner. If claimed, the Animal will be released to the Animal Owner once any Impounding fees have been paid.

7.5 The maximum time for Impoundment in Section 7.4 does not apply to Livestock or Livestock Owners.

7.6 During the period of Impoundment, the Pound Keeper shall make reasonable efforts to notify the Animal or Livestock Owner, if known or suspected, that such Animal or Livestock has been Impounded. Neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to contact the Animal or Livestock Owner.

7.7 If an Animal or Livestock is missing, it is the responsibility of the Animal or Livestock Owner to contact the Municipality within seventy-two (72) hours of the Animal or Livestock going missing to determine whether the Animal or Livestock has been Impounded.

7.8 Any Animal or Livestock Owner who redeems an Animal or Livestock from the Pound shall be liable for payment of fees, charges and expenses incurred from the Impounding of that Animal or Livestock including but not limited to the cost of apprehension, board, food, care, and veterinary fees prior to reclaiming the Animal or Livestock.

7.9 Every Animal or Livestock Owner who redeems an Animal or Livestock from the Pound shall provide valid proof of ownership of the Impounded Animal or Livestock before the Animal or Livestock will be released by the Municipality.

7.10 The Bylaw Enforcement Officer may issue an order with conditions applicable to the Animal or Livestock on an Animal or Livestock Owner who redeems an Animal or Livestock from the Pound when the Bylaw Enforcement Officer determines it is appropriate and necessary to ensure further violations of this bylaw are unlikely to occur.

7.11 An Animal or Livestock Owner who fails to comply with an order or the conditions contained in the order by the Municipality is guilty of an offence under this bylaw.

7.12 Any Animal that has not been redeemed after a period of seventy-two (72) hours from impoundment, excluding weekends and holidays, may, after the expiration of that period, become the property of the Municipality and may be sold, given away or destroyed.

7.13 Where any Impounded Animal is in a position to be sold, the Municipality shall sell the Animal for the best price which can be obtained for it, and, after deducting from the sale price all of the expenses of the sale, shall apply the balance to pay any outstanding Impoundment fees and expenses.

(a) Any balance remaining after the payment shall be remitted by the Municipality and shall form part of the general revenues of the Municipality.

(b) Neither the Pound Keeper nor the Municipality shall incur liability for selling the Animal in accordance with Section 7.13.

7.14 Livestock shall be detained, claimed, sold and disposed of as per Sections 9 and 10 of the *Fences and Detention of Stray Livestock Act*, R.S.N.S., c. 166.

Sick and Diseased Animals or Livestock at Pound

7.15 If an Impounded Animal or Livestock is injured, sick or otherwise in need of veterinary care, the Pound Keeper shall ensure that basic veterinary treatment is provided so that life is not endangered and that pain is reduced consistent with generally accepted standards of care.

7.16 The Pound Keeper may Destroy an Impounded Animal or Livestock that is injured, sick or otherwise in need of medical care, if the Pound Keeper has received an opinion from a licenced veterinarian that the Animal or Livestock should be Destroyed because its quality of life has been seriously diminished due to illness, sickness, injury or a medical condition and as such is in Critical Distress; and

7.17 Expenses resulting from veterinarian care will be charged to the Animal or Livestock Owner, if known, before the Animal or Livestock is returned to them.

## 8. Nuisance Animals

Designating an Animal or Livestock a Nuisance Animal

8.1 In determining if an Animal or Livestock Owner is permitting an Animal or Livestock to be a nuisance or to be Unreasonably or Persistently disturbing the Peace and Tranquility of a Neighbourhood, the Bylaw Enforcement Officer may consider one or more of the following:

(a) a demonstrated impact on the health or well-being of others;

(b) repeated complaints of offensive odours, or messy, untidy or unkempt housing;

(c) repeated complaints of an Animal or Livestock defecating while off property of the Owner or the Livestock Farm;

(d) repeated complaints of an Animal or Livestock being At Large;

(e) repeated complaints of an Animal or Livestock making noise that is determined to be an Unreasonable or Persistent disruption to the Peace and Tranquility of a Neighbourhood;

(f) demonstrated damage to neighbouring properties by an Animal or Livestock;

(g) whether an Animal or Livestock is being kept in a manner that is contrary to generally accepted standards of care or an order imposed by the Bylaw Enforcement Officer; and

(h) any other evidence or supporting documentation that the Bylaw Enforcement Officer considers appropriate.

Notice and Submissions

8.2 Unless Urgent Circumstances exist, where the Bylaw Enforcement Officer is considering designating an Animal or Livestock as a Nuisance Animal, the Bylaw Enforcement Officer must first:

(a) consider any information obtained from any investigation conducted pursuant to this bylaw involving such Animal or Livestock; and

(b) send written notice to the Owner of the reason why such Animal or Livestock is being considered for designation as a Nuisance Animal.

8.3 Unless Urgent Circumstances exist, upon receipt of written notice pursuant to Section 8.2(b), the Animal or Livestock Owner shall have ten (10) days to make written submissions to the Bylaw Enforcement Officer regarding designation of the Animal or Livestock as a Nuisance Animal, which the Bylaw Enforcement Officer shall consider prior to making the decision.

8.4 Unless Urgent Circumstances exist, a Bylaw Enforcement Officer shall communicate the decision on designating the Animal or Livestock as a Nuisance Animal in writing to the Animal or Livestock owner within five (5) days of the date the decision is made, along with the order required pursuant to Section 8.6 of this bylaw.

8.5 Where Urgent Circumstances exist, the Bylaw Enforcement Officer may immediately designate an Animal or Livestock a Nuisance Animal and issue an order under Sections 8.6 and 8.7.

Nuisance Animal Orders

8.6 Where an Animal or Livestock has been designated as a Nuisance Animal pursuant to Section 8 of this bylaw, the Bylaw Enforcement Officer shall issue an order to the Animal or Livestock Owner that outlines the conditions being applied to such Animal or Livestock pursuant to Section 8.7 of this bylaw.

8.7 The Bylaw Enforcement Officer may impose one or more of the following conditions in an order issued to an Owner of a Nuisance Animal or Livestock:

(a) require the Animal or Livestock Owner to change how that Animal or Livestock Owner keeps the Animal or Livestock;

(b) restrict how that Animal Owner or Livestock Owner may keep Animals or Livestock on the Animal or Livestock Owner's property or the property the Animal or Livestock Owner occupies in a manner directed by the Bylaw Enforcement Officer;

(c) limit the number of Animals or Livestock kept by the Animal Owner;

(d) require the Animal or Livestock Owner to modify, repair, or relocate any Animal or Livestock housing including any property fences used to keep the Animal or Livestock contained on the property;

(e) require the Animal or Livestock Owner to change practices in caring for the Animal or Livestock to conform with generally accepted standards of care; or

(f) any other action that is in the opinion of the Bylaw Enforcement Officer is reasonably necessary to ensure the Animal or Livestock is not likely to Unreasonably or Persistently be a nuisance to or disrupt the Peace and Tranquility of a Neighbourhood.

8.8 The Animal or Livestock Owner of a Nuisance Animal shall comply with any order imposed by the Bylaw Enforcement Officer pursuant to Section 8.6.

8.9 The Bylaw Enforcement Officer can add or remove any conditions to the order at any time after designating an Animal or Livestock as a Nuisance Animal on written notice to an Animal or Livestock Owner.

Peace and Tranquility of a Neighbourhood

8.10 Disruptions to the Peace and Tranquility of a Neighbourhood by an Animal or Livestock may occur when there is an Unreasonable externally manifested disturbance with the Peace and Tranquility of a Neighbourhood.

8.11 An Animal or Livestock may Unreasonably or Persistently disrupt the Peace and Tranquility of a Neighbourhood when such Animal or Livestock causes an observable interference with the Peace and Tranquility of a Neighbourhood by making noise.

Animal or Livestock Related Noise Complaints

8.12 To demonstrate an Animal or Livestock is causing an observable interference with the Peace and Tranquility of a Neighbourhood by making noise, the residents of such Neighbourhood shall provide evidence to the Bylaw Enforcement Officer that an Animal or Livestock is Unreasonably or Persistently disrupting the Peace and Tranquility of a Neighbourhood.

8.13 No investigation into noise by an Animal or Livestock shall commence until the Municipality receives a written log from at least two residents of separate properties in the Neighbourhood, unless otherwise excepted. The log must cover a minimum period of fourteen (14) consecutive days and must clearly document:

(a) date, time of day, and duration of each instance of the Unreasonable or Persistent disruption of the Peace and Tranquility of a Neighbourhood:

(b) the municipal address where the Animal or Livestock is located;

(c) the municipal address of the complainant;

(d) identity or description of the subject Animal or Livestock; and

(e) a description of how the noise created an Unreasonable externally manifested disturbance with the Peace and Tranquility of a Neighbourhood.

8.14 Animal or Livestock noise logs shall be sent to the Bylaw Enforcement Officer within two (2) days of the last log entry.

8.15 The Municipality shall only conduct an investigation into an Animal or Livestock noise complaint per Section 8.13 of this bylaw.

8.16 Any resident filing a complaint may be required to testify in accordance with any applicable legislation.

## 9. Stray Livestock – Fences Arbitration Committee

9.1 Where a person believes that an owner of a Livestock Farm has not built and maintained fences adequate to prevent their Livestock from escaping from their Livestock Farm, and,

(a) where applicable, no owner of a non-Livestock farm adjoining the Livestock Farm has planted or cultivated any crop other than hay or pasture that would constitute an enticement to Livestock closer than eight feet to a fence built or maintained, or

(b) where appropriate, no owner of an adjoining Livestock Farm failed to share in the costs of building and maintaining common fences in such proportions as may be agreed upon between them,

the person may notify the Municipality's Fences Arbitration Committee by writing the Clerk of the Municipality and the notification shall be accompanied by the fee determined in the *Municipal Fees Policy*.

9.2 The Fences Arbitration Committee shall use the authority provided to it in Sections 6 – 11 and Section 13 of the *Fences and Detention of Stray Livestock Act*.

9.3 Compensation for any damage done by stray Livestock shall be determined as per Sections 11 and 12 of the *Fences and Detention of Stray Livestock Act*.

## 10. Appeals

Nuisance Animal Designations

10.1 Any Animal or Livestock Owner whose Animal or Livestock has been designated a Nuisance Animal by the Bylaw Enforcement Officer, or has had new conditions imposed by a Bylaw Enforcement Officer on the Animal or Livestock Owner, may appeal the decision to Council by writing to the Office of the Chief Administrative Officer of the Municipality. The written appeal shall clearly state the grounds for the appeal. Filing an appeal does not stay the operation of the designation, conditions, or any order unless Council directs otherwise.

10.2 An appeal may be heard at a Regular Council meeting or Committee of the Whole meeting. At the appeal hearing, the appellant shall have no more than ten (10) minutes to present their position before Council. After hearing from the appellant, Council may

(a) uphold the Nuisance Animal designation;

(b) impose additional orders or conditions on the Animal or Livestock Owner to ensure compliance with provisions of this bylaw;

(c) remove one or more existing orders or conditions on the Animal or Livestock Owner; or

(d) overturn the Nuisance Animal designation

as determined by majority vote of a quorum of Council.

10.3 A period of days does not include the day the Animal or Livestock Owner is notified of a Nuisance Animal designation or change in conditions.

Fences Arbitration Committee

10.4 Every person aggrieved by a decision of the Fences Arbitration Committee made pursuant to Sections 6(3), (4) or (5) of the *Fences and Detention of Stray Livestock Act* or any order or direction made by the Committee may appeal to the Supreme Court of Nova Scotia and the decision of the court is final.

## 11. Penalties and Enforcement

11.1 The Fences Arbitration Committee shall be responsible to enforce the *Fences and Detention of Stray Livestock Act*.

11.2 The Municipality's Bylaw Enforcement Officer shall be primarily responsible for enforcing this bylaw as it pertains to Animal and Livestock control and Impounding.

11.3 While pursuing any Animal or Livestock in accordance with this bylaw, the Bylaw Enforcement Officer may pass over the land of any person.

11.4 A person who

(a) violates or contravenes a provision of this bylaw or order, including associated conditions, made pursuant to this bylaw;

(b) neglects or fails to do anything they are required to do by this bylaw or order, including associated conditions, made pursuant to this bylaw; or

(c) obstructs or hinders any person in the performance of their duties under this bylaw or order, including associated conditions, made pursuant to this bylaw

is guilty of an offence and is liable upon summary conviction to a penalty of not more than ten thousand dollars ($10,000.00) per offence.

11.5 Each day that an offence of this bylaw continues to exist shall constitute a separate offence.

## 12. Severability

12.1 A decision by a court of competent jurisdiction that any part of this bylaw is illegal, void, or unenforceable severs that part from this bylaw and does not affect the other provisions of this bylaw which shall remain in full force and effect.

## 13. Repeal and Replace

13.1 This bylaw repeals and replaces By-law 12 Regulation of Animals approved by the Council of the Municipality of the County of Inverness on July 11, 1994.

### Approval

I, Keith MacDonald, Clerk of the Municipality of the County of Inverness hereby certify that the above-noted bylaw was passed on November 12, 2026 at a meeting of the Municipality of the County of Inverness and repeals and replaces By-Law 12: Regulation of Animals, which was passed at a meeting of the Municipality of the County of Inverness on July 11, 1994.

Keith MacDonald

## Bylaw History

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| Notion of Motion | December 11, 2025 |
| First Reading | October 29, 2026 |
| Publication dates of Formal Notice | October 29, 2026 |
| Second Reading (and passage) | November 12, 2026 |
| Public notification of bylaw adoption | November 19, 2026 |
| Notice to Province | |