

Responsible Animal Husbandry By-law

of the Cape Breton Regional Municipality
regulating the care of domestic livestock animals

Pursuant to Provision 174.f of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following Bylaw:

WHEREAS Provision 174.f gives municipalities the authority to adopt Bylaws respecting domestic livestock animals and activities in relation to them; and

WHEREAS the Cape Breton Regional Municipality intends to regulate incessant sounds and/or noises caused by domestic livestock animals, and also odours caused by improper care of domestic livestock animals that adversely affect the reasonable enjoyment of neighbouring properties

The Council of the Cape Breton Regional Municipality hereby adopts this Responsible Animal Husbandry By-law regulating the care of domestic livestock animals.

PURPOSE

The purpose of this Bylaw is to allow the keeping of most domestic livestock animals for non-agricultural purposes **throughout** the Cape Breton Regional Municipality **provided** responsible animal husbandry is practiced to ensure the reasonable use of their property by other property owners in the neighbourhood is not adversely affected because of **offensive odours or noise**.

Section A. Definitions

Agricultural commodity means a product of an agricultural operation sold on the retail or wholesale market.

Animal husbandry is the branch of agriculture concerned with animals that are raised for meat, fibre, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.

Agricultural operation means the use of land, buildings and structures for the production of crops, or raising and/or caring of livestock with the expectation of financial gain as a commodity.

At large that the domestic livestock is not

- (a) under the direct, continuous and effective control of a person competent to control it, or
- (b) securely confined within an enclosure or otherwise so that it is unable to roam at will.

CBRM wherever used in this Bylaw means the Cape Breton Regional Municipality.

Domestic fowl means poultry which are valued for their meats and eggs including chickens, turkeys, ducks, geese, pigeons and guinea fowl which are kept as pets or for personal use only, but does not include roosters.

Domestic livestock means an animal capable of providing a product (e.g. eggs, milk, meat, fur, wool, honey etc.), or bred historically to perform a task (e.g. large draft animals such as a horse, oxen, carrier pigeons). Domestic livestock do not need to be currently used to provide a product or perform a task to be subject to the provisions of this Bylaw. A domestic livestock is not wild, feral, or a pet animal as defined by this Bylaw.

Incessant sound means vocal sound produced by the larynx of a domestic livestock exceeding a cumulative twenty (20) minute period within any one (1) hour timeframe;

Large draft animal means a domestic livestock animal bred to perform a task such as pulling (e.g. oxen) or riding (e.g. horse).

Living space means any confined area to which domestic livestock animals have access.

Offensive Odour means odour produced by domestic livestock that is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).

Pet animal means a tamed animal primarily kept within a dwelling for companionship.

Rooster means an adult male chicken.

Stable means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.

Urban property means a lot parcel serviced by a CBRM sanitary sewer main or a property being charged the sanitary sewer rate in the CBRM tax system.

In this Bylaw words used in the **singular** may be interpreted to also mean the **plural** and words used in the **plural** may also be interpreted to mean **singular**, unless they are prefaced with a specific number (e.g. one large draft animal)

Section B. Provisions

1. Domestic livestock animals used solely to provide a product exclusively for the use of the owner of the property on which they are kept are permitted throughout the Regional Municipality.
2. The keeping of domestic livestock animals:
 - used to provide an agricultural commodity; or
 - used as a draft animal in an agricultural operation;shall be considered an agricultural use and subject to compliance with the CBRM Land Use Bylaw having jurisdiction and therefore, is not subject to this By-law.
3. The provisions of this Part shall apply with respect to properties that are:
 - an urban property; or
 - a rural property where the raising and/or caring of livestock is not as an agricultural commodity.
4. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit incessant sound produced by domestic livestock to emanate from said property.
5. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit an Offensive Odour to emanate from said property.
6. All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.
7. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit a domestic livestock animal to go at large.
8. It shall be an offence under this By-law for the assessed owner of an urban property where agricultural uses are not permitted by the CBRM Land Use By-Law having jurisdiction to keep a rooster or allow a rooster to be kept on said property.

Section C. Enforcement

1. Enforcement of this Bylaw shall be the responsibility of the Police Department of the CBRM.
2. The Police may Order the assessed owner of the property on which domestic livestock animals are being kept to remedy the condition when sufficient evidence of a violation of any of the provisions of Section B of this Bylaw has been collected.

3. If the condition is not remedied within the time specified in the Order:
 - a. a Summary Offence Ticket may be issued, and/or
 - b. an officer may enter upon the property without warrant or other legal process and remove the domestic livestock animal. The cost associate with the removal and retention of a domestic livestock animal will be the responsibility of the owner.
4. Any person who commits an offence under this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.
 - 1st offence within a 12 month period = \$165.00
 - 2nd offence within a 12 month period = \$279.00
 - 3rd offence within a 12 month period = \$425.00
 - 4th offence within a 12 month period = \$605.00

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on March 12th, 2019 and amended on February 18th, 2020.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Responsible Animal Husbandry Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on March 12th, 2019 and amended on February 18th, 2020.

CBRM CLERK

PUBLICATION DATE: February 27, 2020