

Public Hearing

Tuesday, June 24, 2025, 6:00 p.m.
Council Chambers

Agenda

1. Call to Order

2. Roll Call of Councillors

3. Public Hearings Re:

3.1 Maximum Setbacks for Commercial Wind Turbines

Proposed amendments addressing the maximum setbacks for commercial wind turbines in response to new provincial setback requirements:

- a) Proposed amendments to Policy 5-52 of the MOCR Municipal Planning Strategy as presented.
- b) Proposed amendments to section 6:35.9(a) and 6.35.9 (b) of the MOCR Land Use By-Law as presented.
- c) Proposed amendments to Part 9 and Part 15 of the West Richmond Planning Area Land Use By-Law as presented.
 - i. Presentation from Staff – Verbal
 - ii. Receipt of Oral or Written Submissions

3.2 Accessory Dwelling Units

Proposed amendments to the Isle Madame Municipal Planning Strategy and Land Use By-law to remove the special provision requiring the lot to be capable of being subdivided in compliance with the requirements of the Zone and the Richmond County Subdivision By-law.

- a) Proposed amendments to the Municipal Planning Strategy for the Isle Madame Plan Area, Chapter 3, Sub-Section 3(a), and Policy G-3.1(a) as presented.
- b) Proposed amendment to the Land Use By-Law for the Isle Madame Plan Area, Section 33 as presented.
 - i. Presentation from Staff - Verbal
 - ii. Receipt of Oral or Written Submissions

3.3 Dog Control By-law

The purpose of the By-law is to repeal and replace By-law #13, Respecting Dog By-law, in order to update and strengthen regulations related to dog ownership, including licensing, enforcement, and the responsibilities of dog owners.

- a) Dog Control By-law, By-law 70
 - i. Presentation from Staff - Verbal
 - ii. Receipt of Oral or Written Submissions

4. Adjournment

To: **Richmond Planning Advisory Committee
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **May 6, 2025**

Reference: **Proposed Amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and West Richmond Plan Area in Response to New Provincial Setback Requirements**

Recommendations:

That Richmond County Council adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area to align with the new wind turbine setback regulations introduced by the Province of Nova Scotia on March 7, 2025.

Background:

On March 7, 2025, the Province of Nova Scotia introduced amendments to the Environment Act regulations concerning wind energy development. These amendments establish proportional setback distances between wind turbines and nearby dwellings, with additional provisions related to sound levels and shadow flicker impacts. The intent of the changes is to create a consistent province-wide standard while addressing public concerns raised by residents and municipalities.

The new setback regulations will apply to all new large-scale wind turbine projects throughout Nova Scotia. As a result, these provincial changes will affect the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area.

Setback:

Richmond County

Currently, utility-scale wind turbines in the Municipality of the County of Richmond must be set back a minimum of 600 metres from dwellings. For turbines over two megawatts or those requiring environmental assessment under the Environment Act, the setback increases to 1,000 metres. Additional setbacks from lot lines, roads, and watercourses are based on the height of the turbine. Several waivers apply, including for adjacent leased land or the construction of new homes after turbines are installed.

The upcoming amendments to the Minimum Planning Requirements Regulations under the Municipal Government Act will establish maximum allowable setback standards. Specifically,

municipalities will be limited to requiring no more than four (4) times the turbine height in distance from dwellings. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings. This change reduces municipal discretion to impose larger setbacks based on visual impact, land use compatibility, or other considerations.

West Richmond Planning Area

The current Land Use By-law for the West Richmond Planning Area does not include specific setback requirements for wind turbines within the Heavy Industrial (I-3) Zone. While utility-scale wind farms such as the Point Tupper installation are permitted in this zone as “Electrical Power Stations,” there is currently no regulation establishing minimum distances from residential properties.

To address this regulatory gap and comply with the new provincial regulations, a new setback provision will be introduced for utility wind turbines located within the I-3 Zone. Where such turbines are located adjacent to residential properties, a minimum setback of four (4) times the turbine height will be required. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings.

Conclusion:

Staff recommend updating the Municipal Planning Strategy and Land Use By-laws for Richmond County and the Land-Use-By-law for the West Richmond Planning Area to align with the recently introduced provincial regulations concerning wind turbine setbacks.

Appendix:

Appendix A: Proposed Amending By-laws

Appendix A: Amending Pages

BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND MUNICIPAL PLANNING STRATEGY ADDRESSING WIND TURBINE SETBACKS

The Municipal Planning Strategy for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Policy 5-52 of the Municipal Planning Strategy is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Policy 5-52:
 - a. ~~“Policy 5-52: Council shall, through the Land Use By-law, regulate the size and scale of permitted wind turbines, required setbacks, noise requirements for wind turbine development, development application requirements, and any other matters pertaining to wind turbine development. Council shall establish setback thresholds within the Land Use By-law from residential dwellings based on the size of the project and whether it requires an environmental assessment.~~
Government of Nova Scotia’s regulations for wind turbine development.”

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND LAND-USE BY-LAWS
ADDRESSING WIND TURBINE SETBACKS**

The Land-use By-laws for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Section 6.35.9 (a) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (a):
 - a. “The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~600.0 metres (1,968.5 feet)~~ **four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There shall be no setback requirement from dwellings located on the same lot.”

2. Section 6.35.9 (b) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (b):
 - a. “The minimum setback for wind turbine developments with a nameplate capacity greater than two (2) megawatts or turbines requiring an Environmental Assessment, as stipulated in the Nova Scotia Environment Act, from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~1000.0 metres (3,280.84 feet)~~ **four times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There is no setback requirement from dwellings located on the same lot.”

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

BYLAW TO AMEND THE WEST RICHMOND PLANNING AREA LAND-USE BY-LAW

The Land-Use By-laws for the West Richmond Planning Area is hereby amended by:

The Land-use By-laws for the West Richmond Planning Area is hereby amended by:

1. Adding the following permitted use under Part 9-Heavy Industrial (I-3) Zone after “Storage Facilities” and before “I-1 Uses subject to the requirements of the I-1 Zone”:
 - Utility Wind Turbine
2. Adding to the following policy under Part 9 – Heavy Industrial (I-3) Zone titled “Special Restrictions: Wind Turbine Setbacks from Residential Uses”:
 - a) The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling, and
 - b) There shall be no setback requirement from dwellings located on the same lot.
3. Adding the following definitions to Part 15 – Definitions:
 28. HEIGHT OF WIND TURBINE refers to the distance from the bottom of the turbine to the height of a rotor blade in vertical position.
 29. HEIGHT OF ROTOR refers to the diameter of the swept area of the rotor blades.
 32. KILOWATT (kW) is a measure of power for electrical current (1 kW= 1000 watts). A Megawatt (MW) equals 1000 Kilowatts
 56. SETBACKS OF A WIND TURBINE is measured from the base of the wind turbine tower.
 63. UTILITY WIND TURBINE refers to a device for converting wind power to electricity, which has a name plate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm.
4. Section 15 of the West Richmond Land-Use By-law Strategy is hereby amended by renumbering the definitions accordingly.

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

To: **Richmond Planning Advisory Committee
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **May 6, 2025**

Reference: **Best Practice Review of Accessory Dwelling Unit Regulations in Comparable Jurisdictions to Inform Potential Policy Directions in Richmond County**

Recommendation:

That the Planning Advisory Committee and Council receive this report for information purposes only. The purpose of this best practice review is to examine how other jurisdictions regulate Accessory Dwelling Units (ADUs) in Residential Zones and to inform future discussions in Richmond County. No recommendation is required currently.

Background:

Richmond County, like many rural and coastal communities in Nova Scotia, is experiencing a growing need for more flexible and affordable housing options. As the population ages and household sizes change, there is increasing interest in smaller, secondary dwelling units that can accommodate multigenerational living, provide income opportunities for homeowners, or offer housing for caregivers and essential workers. ADUs, including Secondary Suites, Garden Suites, and Garage Suites, have emerged in many municipalities as a low-impact way to increase housing density and support aging in place without significantly altering neighbourhood character. These types of units are already permitted or encouraged in various forms across Nova Scotia, with both urban and rural municipalities adapting their policies to local servicing conditions, housing pressures, and land use patterns. This report explores different accessory dwelling types, assesses their applicability to Richmond County's settlement patterns, including rural areas, hamlets, and serviced centres, and outlines the zoning and implementation approaches used by other municipalities.

Analysis:

Like many communities across Nova Scotia, Richmond County is facing increased pressure to provide diverse, affordable housing options that meet the needs of residents across age and income spectrums. While recent engagement has highlighted growing interest in smaller, flexible housing forms, it is important to note that Richmond County has already taken some steps to allow additional dwellings in certain areas.

In 2018, the St. Peters Land Use By-law was amended to permit up to two single-unit dwellings on a property in the Residential Village (R-1) and Residential Rural (R-2) zones, even if the

property could not be subdivided. Prior to this, second dwellings were not permitted. In contrast, the Isle Madame planning area has long allowed two dwellings on a lot, provided the lot meets subdivision requirements. During the 2018 amendment process, the Planning Advisory Committee considered adopting similar subdivision-based conditions in St. Peters but ultimately opted not to include them. Meanwhile, the Central Richmond plan area permitted ADUs as accessory buildings in all zones since it was adopted by Council April **2005** and the most recently adopted Plan Richmond municipal planning strategy and land use by-law permit up to four dwelling units per lot, in alignment with national best practices under the federal Housing Accelerator Fund. The West Richmond plan area due to its primarily Industrial focus is the only area where no ADUs are permitted.

In response to the ongoing housing crisis, both federal and provincial governments have introduced programs and funding streams to support increased residential flexibility and density. The Province of Nova Scotia, for example, has launched the Secondary and Backyard Suite Incentive Program, which provides a conditional forgivable loan of up to 50% of eligible project costs, to a maximum of \$40,000. This initiative is intended to support small-scale infill housing as part of broader efforts to increase supply and housing affordability.

The Province of Nova Scotia, for example, has launched the “Secondary and Backyard Suite Incentive Program”, which offers a conditional forgivable loan covering up to 50% of eligible project costs, to a maximum of \$40,000. This initiative aims to encourage the development of smaller, ADUs that can help meet growing demand for affordable, adaptable housing across the province.

ADUs, such as Secondary Suites, Garden Suites and Garage Suites, are widely recognized as a low-impact form of infill housing that can gently increase density without altering the built character of rural and residential communities. These Units are well-suited for multigenerational households, aging family members, or on-site caregivers and provide a way to offset living expenses. They can also serve as long-term rental units, guest accommodations, or short-term rentals, providing homeowners with a flexible source of additional income

However, these units also present some challenges. In many cases, separate or upgraded utility connections are required which may not be supported by existing infrastructure. In areas serviced by municipal water and sewer, the added demand may exceed existing infrastructure capacity. Garden Suites can alter the lot layout and visual character of a property, affecting sightlines and open space. Parking requirements may be difficult to meet on smaller lots, and their visibility may lead to greater opposition from neighbouring property owners, particularly regarding privacy and compatibility with surrounding land uses. It is also important to note that municipal by-laws typically cannot distinguish between different intended uses once a Garden Suite has been constructed. A unit initially built to accommodate family members or occasional

guests could later be used as a long-term rental or a vacation rental (e.g., Airbnb), whether or not the owner resides on the property.

Approaches in Other Municipalities

As Richmond County considers how best to support further development of ADUs, it is useful to examine how other municipalities across Nova Scotia have approached similar housing challenges. See Appendix “A”. A review of planning frameworks from both rural and urban contexts provides insight into how accessory dwellings can be regulated to balance housing needs with neighbourhood compatibility, infrastructure capacity, and local development goals. The following examples highlight regulatory models adopted by other jurisdictions:

Halifax Regional Municipality

In 2020, Halifax Regional Municipality (HRM) adopted amendments to its Regional Municipal Planning Strategy and multiple Land Use By-laws to permit ADUs, specifically Secondary Suites and Backyard Suites, as-of-right in most residential zones. These amendments allow Secondary Suites in all zones where single-unit, two-unit, or townhouse dwellings are permitted. Treated as accessory residential uses, these units no longer require a development agreement and are approved through the standard permitting process, subject to applicable building and fire code requirements. Backyard Suites are also permitted as-of-right in several zones, provided the lot meets servicing and dimensional standards outlined in the applicable Land Use By-law. These suites are subject to zoning regulations for accessory buildings, including setbacks, height restrictions, and lot coverage limits. While Backyard Suites may connect to the main dwelling’s water and sewer laterals, Halifax Water reviews each application on a case-by-case basis and may require separate service laterals where site constraints or system limitations exist.

These policy changes followed extensive public consultation and reflect HRM’s commitment to expanding access to affordable and diverse housing forms. By enabling both internal and detached accessory units across a broad range of zones, HRM has provided a practical and scalable approach to meeting changing housing needs while maintaining neighbourhood character.

Community of Inverness

In the Community of Inverness, located within the Municipality of the County of Inverness, the Land Use By-law permits the establishment of a single accessory dwelling unit, defined as a Secondary Suite, Garden Suite, or Garage Suite, on any lot containing a Single Unit or Semi-Detached Dwelling in the Residential Urban (R-1) Zone.

Secondary Suites are permitted as accessory uses and are regulated based on the existing lot standards for the primary residence. Garden and Garage Suites are permitted and may contain up to two bedrooms and must meet the minimum lot area requirements applicable to the

principal dwelling. Both types must be located behind or beside the main residence and may not be situated closer to the front lot line than the main building. A minimum rear yard setback is required, and side yard setbacks must align with those of the primary dwelling. The maximum permitted floor area for any accessory dwelling is 80 percent of the gross floor area of the main residence, up to a maximum of 90 square metres (968.8 square feet). Garden Suites may reach a height of up to 6.5 metres, while Garage Suites may be constructed up to 9 metres in height. Additional setbacks are required between structures: 2 metres for Garden Suites when adjacent to non-habitable buildings, and 3 metres for Garage Suites when adjacent to any structure. To maintain visual continuity and neighbourhood character, design standards require that exterior materials, cladding colour, roof type, and pitch be consistent with the primary dwelling. Entrances and main windows must face the principal dwelling, flankage yard, or front yard.

These regulations for ADUs were taken from the Town of Antigonish zoning by-law and amended accordingly to better reflect the local context. See Appendix “B”.

Zoning and Implementation Options

There are two primary approaches municipalities may consider when enabling ADUs: as-of-right zoning and regulation through the planning process (e.g., development agreements, rezonings or site plan approvals).

As-of-right zoning permits ADUs, such as Secondary, Garden, or Garage suites, without the need for site-specific Council or staff approval, provided the proposal meets the established requirements of the Land Use By-law. This approach offers greater clarity and predictability for property owners, reduces administrative burden, and encourages housing uptake by lowering cost and time barriers.

Planning process approach, such as requiring a development agreement, rezoning or site plan approval, enables more tailored review on a case-by-case basis. This can be advantageous in areas with sensitive land uses, infrastructure limitations, or unique built form considerations. However, this process introduces additional timelines, costs, and uncertainty for homeowners, which can discourage the creation of legal units or lead to informal development outside of regulatory oversight.

Some municipalities use a blended approach to regulating ADUs. They allow certain types, like secondary suites inside the main home, without special approval as long as they meet standard zoning requirements. But for more complex types-like backyard or garage suites-they may require a case-by-case review. This helps ensure the unit fits the property and surrounding area, especially where lot sizes are small, or services are limited.

Policy Considerations

ADUs offer a flexible housing form that may support aging in place, multigenerational living, and modest rental opportunities across Richmond County’s varied landscape. Permitting these units as-of-right has the potential to reduce regulatory barriers and improve housing access in both rural and serviced areas.

Most of Richmond County already permits the development of ADUs through existing planning strategies (see Appendix A). In the Central Richmond Plan Area (adopted by Council in 2005), ADUs within the main building are permitted as-of-right in all zones. Also, a special provision “Accessory Buildings” allows ADUs where a dwelling is a permitted accessory use (subject to the Building Code). All zones allow dwellings as an accessory use. In the Isle Madame Plan Area, ADUs are also permitted as-of-right, but only on lots that potentially meet the subdivision requirements of for a second lot.

Conclusion

This best practice review outlines how jurisdictions across Nova Scotia regulate ADUs, which are increasingly recognized as a way to support aging in place, multigenerational living, and housing flexibility—particularly in rural and mixed-servicing areas.

Richmond County has already taken significant steps to permit ADUs in several plan areas. Council may consider minor refinements to the West Richmond (Point Tupper) and Isle Madame Plan Areas; this report provides context for evaluating the exclusion of ADUs in West Richmond and the possible elimination of the subdivision requirement in Isle Madame.

Appendix “A” Accessory Dwelling Unit requirements

Plan Area	Use	Zones	Special Provisions
Isle Madame	Two dwellings may be erected on one lot	Village Designation Rural Areas Designation As-of-right	Lot capable of meeting the subdivision requirements of the <i>Subdivision By-law</i>
St. Peters	Single unit dwellings (to a maximum of two)	Residential Village, Rural Residential or Mixed-Use Zone. As-of-right	None
Central Richmond	Accessory Buildings	All zones. As-of-right	Accessory Buildings permitted to be used for human habitation where a dwelling is a permitted accessory use (subject to the Building Code).
West Richmond	Single Unit Dwellings	Residential R-1 Zone	No ADUs permitted
Plan Richmond	Dwelling units	Rural General, Residential Centre, Hamlet Residential As-of-right	Dwelling – up to 4 dwelling units per lot
Inverness, Inverness	Accessory Dwelling Units	Residential Urban (R-1) Zone As-of-right	Accessory (Subordinate) See below
Antigonish Town	Accessory Dwelling Units (Including Basement Apartments)	Residential Neighbourhood-1 (RN-1) and Residential Neighbourhood-2 (RN-2) Zones Site Plan Approval	Accessory (Subordinate) See below
Halifax Regional Municipality	Secondary Suites and Backyard Suites	All Residential Zones As-of-right	Floor area of a backyard suite shall not exceed 90.0 square metres

Appendix “B” Inverness, Inverness County ADU requirements

Accessory Dwelling Units

3. Notwithstanding anything else in the By-law, the establishment of one accessory dwelling unit (Secondary Suite, Garden Suite, Garage Suite) to a Single Unit Dwelling, or Semi-Detached Dwelling shall be permitted in the Residential Urban (R-1) Zone subject to the following requirements:

	Garden Suite (R-1 Zone)	Garage Suite (R-1 Zone)
Max. # Bedrooms	2	2
Minimum Lot Area	As per zone requirements for the main building	As per zone requirements for main building
Yard Setbacks	Side Yards: As per zone requirements for main building Rear Yard: 3.05m (10.0ft)	Side Yards: As per zone requirements for main building Rear Yard: 3.05m (10.0ft)
	Garden and Garage Suites must not be built closer to the front lot line than the main building	
Maximum accessory dwelling unit floor area	80% of the gross floor area of the main building up to 90m ² (968.8sqf)	80% of the gross floor area of the main building up to 90m ² (968.8sqf)
Maximum building height	Equal to the height of the main building up to 6.5 m	Equal to the height of the main building up to 9 m
Minimum setback from other buildings	2m from not habitable structures on the same lot	
	3m from all other structures	
Design Requirements		
Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch.	
Entrance, Main Windows and Entry	Must be oriented toward the main dwelling, flankage yard, or front yard	

Appendix A: Amending Pages

BYLAW TO AMEND THE ISLE MADAME MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy for the Isle Madame Plan Area hereby amended by:

1. Chapter 3 Sub-Section 3.” Two Buildings on a Lot” of the Municipal Planning Strategy is hereby amended by removing the following text shown in strikethrough and adding the following text:
 - a. ~~“There are circumstances where residents have found it necessary to build two dwellings on one lot. Although this is not a desirable situation in the long term (the second home can not be sold separately unless the lot can be subdivided), provided the lot is large enough to be subdivided in compliance with the lot requirements of the zone and the Subdivision By law (which includes adhering to the Department of Environment’s on site servicing requirements). A boundary survey may be required by the development officer where necessary to ensure lot size and setback requirements can be met.”~~

“The construction of a second dwelling on a single lot is a housing approach that has become increasingly common across Nova Scotia. Allowing two dwellings on one lot provides homeowners with greater flexibility—whether to accommodate extended family, generate rental income, or support aging in place. Within the Plan Area, two main dwellings on one lot will be permitted.”
2. Policy G-3.1 of the Municipal Planning Strategy is hereby amended by removing the following text shown in strikethrough:
 - a. ~~“Within the Plan Area it shall be the policy of Council to permit the construction of two main dwellings on one lot, provided the lot is large enough to be subdivided in compliance with the requirements of the Zone and the Richmond County Subdivision By law.”~~

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

BYLAW TO AMEND THE ISLE MADAME

LAND-USE BYLAW

The Land-Use Bylaw for the Isle Madame Plan Area hereby amended by:

1. Section 33 the Land-Use Bylaw is hereby amended by removing the following text shown in strikethrough:

~~d) two dwellings may be erected on one lot capable of meeting the subdivision requirements of the Richmond County Subdivision By-law in the following areas and subject to the following conditions:~~

~~(i) within the Village designation; provided that the lot is located on a street that is serviced by a central water and sewer system;~~

~~(ii) within the Village Agriculture (VA) zone within the Village designation; and~~

~~(iii) within the Rural Areas designation.~~

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

DOG CONTROL BY-LAW – BY-LAW #70

1. Title and Purpose

1.1. This by-law shall be known and may be cited as the "Dog Control By-law" and is enacted to provide for the orderly control of dogs in the Municipality of the County of Richmond. All fees referenced in this by-law shall be set by policy and amended by Council from time to time.

2. Definitions

- 2.1. **"Attack"** means to injure, bite, threaten, or an assault resulting in real or perceived injury to another person or animal.
- 2.2. **"Bite"** means wound, pierce, or penetration of the skin by a tooth or teeth.
- 2.3. **"Canine Madness"** means a dog exhibiting conditions of insanity or rage.
- 2.4. **"Dog"** means any dog, male or female, of any age, or any canine animal that is the result of the breeding of a dog and any other canine animal.
- 2.5. **"Dog Control Officer"** means a Constable, Peace Officer, or any person(s) authorized by the Municipality of the County of Richmond to enforce this by-law and all its provisions and approved to enforce this by-law under the Police Act and to issue Summary Offence Tickets pursuant to this by-law and the Summary Proceedings Act.
- 2.6. **"Emergency"** means a present or imminent event where a Dog Control Officer believes immediate action must be undertaken to protect the health, safety, or welfare of people and/or animals.
- 2.7. **"Fierce or Dangerous"** means any dog:
- a) that, in the absence of a mitigating factor as defined herein,
 - i) attacks, or injures a person;
 - ii) attacks or injures a domestic animal; or
 - iii) when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack

upon streets, sidewalks, any public grounds or places, or on private property.

- b) that is known to have exhibited a pattern of aggressive or dangerous behaviour without a mitigating factor;
- c) that attacks or demonstrates a propensity, tendency, or disposition to attack a person or animal, either on public or private property;
- d) that has caused injury to or otherwise endangered the safety of a person or animal;
- e) that threatens any person or domestic animal;
- f) that is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.

Except for Section 2.7 (b), no dog shall be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces 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 behavior acting in defense to an attack from a person or animal or acting in defense of its young or is a professionally trained guard dog for law enforcement or guard duties.

- 2.8. **“Holiday”** means a day on which normally scheduled work is suspended by law or municipal policy.
- 2.9. **“Kennel”** means an establishment for the breeding or boarding of dogs as a commercial service, or for sport or exhibition purposes.
- 2.10. **“Leash”** means a device used by a person to restrict movement of an animal which is adequate for the purpose.
- 2.11. **“License”** means a license/tag/registration issued pursuant to this by-law.
- 2.12. **“Mitigating Factor”** means a circumstance which excuses the aggressive behavior or actions of a dog where:
 - a) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser or individual who, through inadvertence, entered the property occupied by its owner;

- b) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;
 - c) the dog was acting in reasonable defense of itself, its owner, or another person against an imminent threat;
 - d) the Municipality determines, through consultation with a veterinarian or other qualified person, that there is another circumstance that excuses the aggressive behavior of a dog.
- 2.13. **“Municipal Kennel”** means such premises and facilities designated by the Municipality as a dog kennel for the keeping and disposition of impounded animals.
- 2.14. **“Muzzle”** means a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting.
- 2.15. **“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.
- 2.16. **“ Off-leash Area”** means a marked location that has been designated by the Municipality as an area where owners can allow dogs to roam without a leash. Guidelines for off-leash areas are established through policy.
- 2.17. **“Owner” means any person or body corporate:**
- a) who is the licensed owner of a dog;
 - b) who has legal title to a dog;
 - c) who has possession or custody of a dog, either temporarily or permanently;
 - d) who has care or control of a dog; or
 - e) who harbours a dog, or allows a dog to remain on his/her premises.
- Where such a person is a minor, “owner” includes the parent, guardian, or custodian of such a person.
- 2.18. **“Owner of Premises”** includes a tenant, occupier, a part owner, joint owner,

tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, an agent, a mortgagee in possession, an attorney under a valid power of attorney or a person having the care or control of the land or building.

2.19. **“Running at Large”** means:

- a) a dog is off the property owned or occupied by the dog’s owner and is not under control by a leash or harness; or
- b) a dog is on the property owned or occupied by the dog’s owner but is tethered on a tether of sufficient length to permit the dog to leave that property.

Any dog that is off the property of its owner without being under the apparent restraint or control of a person shall be deemed to be running at large for the purpose of this by-law. In all areas of the Municipality, the owner of a dog shall, while the dog is off the property occupied by the owner, keep the dog under control by means of a harness or leash. The dog shall be deemed to be running at large where the owner fails to use such apparatus.

Notwithstanding this definition, dogs participating in a designated off-leash area are not considered to be ‘running at large.’

2.20. **“Service Dog”** means any dog trained to do work or perform tasks for the benefit of an individual with a disability or used for search and rescue or law enforcement.

2.21. **“Tag”** means license as defined in this by-law.

2.22. **“Threatens”** means un-muzzled, leashed or unleashed, or unattended by its owner, or a member of the owner’s family, in a vicious or terrorizing manner, and 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, to any person or animal.

3. Registration and Fees

- 3.1. To register a dog, the owner must pay a registration fee and provide the information as outlined in Section 3.3. If the dog is under one year old, the owner must pay an initial registration fee. Once the dog turns one year old, the owner must pay for the lifetime registration. The owner is also responsible for replacing any lost tag.
- 3.2. Every owner of a dog shall, within thirty (30) days of having become owner, register such dog with municipal staff, and obtain from the Municipal Administration Office a tag for such dog. Tags shall bear a serial number and a year of registration stamp.
- 3.3. The owner of a dog shall provide the Municipality with the following upon registration:
- a) Name, civic address, mailing address, and telephone number of the owner;
 - b) Name, breed, and approximate age of the dog;
 - c) Description of the dog, including whether the dog is male or female, spayed or unspayed, neutered or unneutered as the case may be;
 - d) A recent photo of the dog, to be updated at the one-year mark or upon request;
 - e) Identification information such as micro-chip implants, tattoos, or other special markings;
 - f) Emergency or alternate contact in the event the dog has been found; and
 - g) At the discretion of the owner, any pertinent information the owner feels may help in identifying the dog, such as temperament, inoculations, or other identifying characteristics.
 - h) Upon receipt of this information, the Municipality shall supply the owner with a tag and directions respecting the placement of the tag and a receipt.

- i) The Municipality shall be notified immediately of any changes to the information required under this section.
- 3.4. Where a registered dog has died or is sold or given to another owner, the registered owner shall, within thirty (30) days, notify the Municipality in writing of the same, providing the dog's registration number and new owner's name and contact information.
- 3.5. On receiving notice of the death of a registered dog, the Municipality shall cancel its registration.
- 3.6. Dog registration fees are not refundable on the death of a registered dog.
- 3.7. Any person who becomes the owner of a registered dog is subject to a change of owner registration/administration fee, and shall, within thirty (30) days of becoming the owner, provide the Municipality with a written confirmation of ownership, giving the dog's registration number and such other particulars as required, including the new owner's full contact information.
- 3.8. The owner shall not use the tag issued for one dog on any other dog.
- 3.9. The owner of every dog shall keep on the dog, a collar with the tag issued for that dog by Municipality at the time of registration and such tag shall be kept securely fixed on the dog at all times while in a public place, accepting that the tag may be removed for hunting purposes.
- 3.10. The owner of a dog shall deliver in writing to the Dog Control Officer a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner, within ten (10) days after having received notice requiring it to be provided.
- 3.11. The Municipality shall keep a record of every dog registered, showing the date and number of the registration, the name and description of the dog with the name and address of the owner, and the respective registration category.

4. Exemptions

4.1. Notwithstanding any of the foregoing, the following exemptions may apply:

- a) a stray dog that is harboured for less than six (6) months is exempt from registration fees;
- b) a service dog as defined in Section 2.20 of this by-law, that is trained to assist and regularly assist a person shall be registered, but is exempt from any registration fee (evidence of certification may be required at the discretion of the Municipality);
- c) if Council authorizes by recorded resolution a fee to be paid by the owner of a kennel of pure-bred dogs that are registered with the Canadian Kennel Association as an annual tax upon the kennel, upon payment of such fee the owner of the kennel is exempt from any further fee in respect to dogs kept at the kennel that year.

5. Responsibilities of the Owner

5.1. Every owner of a dog:

- a) whose dog runs at large;
- b) whose dog is not wearing a tag required by this by-law;
- c) whose dog is not licensed pursuant to this by-law;
- d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;
- e) whose dog, at any time without the presence of a mitigating factor, has attacked or injured any person or animal;
- f) who harbours, keeps, or has under care, control, or direction, a dog that is fierce or dangerous;
- g) whose dog damages public or private property;
- h) who fails to remove the feces of such dog, other than a service dog that is trained to assist and assisting a person with a disability from public property or private property other than the owners.

- i) who sells or transfers a registered dog and does not report the sale or transfer to the Municipality within thirty (30) days, along with the name and address of the person to whom the dog was sold or transferred, a description of the dog, and the dog's registration number;
 - j) who fails to provide a statement, when requested by the Municipality in writing within ten (10) days of receiving notice, regarding the number of dogs owned, harboured, or habitually kept on the premises of the owner;
 - k) who obstructs or hinders the Dog Control Officer in the performance of their duties;
- is guilty of an offence under this by-law.

6. Impoundment

6.1. The Dog Control Officer, without notice or complaint against the owner of a dog, may impound a dog in circumstances where the Dog Control Officer reasonably believes the dog:

- a) is running at large contrary to this by-law;
- b) is fierce or dangerous;
- c) is a dog for which the registration fee has not been paid;
- d) is rabid or appears rabid or exhibits symptoms of canine madness; or
- e) persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise.

6.2. Notwithstanding subsection 6.1, the Dog Control Officer, without notice to, or complaint against the owner of any dog, may apply for a warrant to seize and impound any dog where the Dog Control Officer is investigating a report and reasonably believes a person is harbouring, keeping, or has under care, control and direction a dog that:

- a) is rabid or appears to be rabid,
- b) exhibits symptoms of canine madness,
- c) is fierce or dangerous, or

d) persistently disturbs the quiet of the neighbourhood or area, by barking, howling, or otherwise.

6.3. As outlined in Section 6.2, a Dog Control Officer may, under the authority of a warrant, empower the person named on the warrant to:

- a) enter and search the place where the dog, at any time;
- b) open and remove any obstacle preventing access to the dog; and
- c) seize and deliver the dog to the municipal kennel and for such purpose break, remove, or undo any fastening of the dog to the premises; and
- d) destroy the dog where the person named on the warrant is unable to seize the dog safely.

7. General Procedures After Impounding

7.1. Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality, and may be offered to the SPCA for adoption without further notice to the owner. Whenever the 72 hours impounding time expires on a weekend or holiday, the Dog Control Officer shall hold such dog until the expiry of the first business day following the weekend or holiday to permit the owner to redeem the dog.

7.2. If a dog without a tag is missing, the onus is on the owner of the dog to ascertain within seventy-two (72) hours of the dog being impounded, whether the dog has been impounded; neither the Dog Control Officer nor the Municipality shall incur liability in the event of failure to contact the owner.

7.3. Any dog with a tag shall require the Municipality to make at least one attempt to contact the registered owner of the dog using the tag number on the records at the Municipality. The registered dog may, after the expiration of that period and at the discretion of the Municipality, become the property of the Municipality and may be offered to the SPCA for adoption.

8. Dogs Repeatedly Running at Large

8.1. In cases where a dog has been captured or impounded on two (2) previous occasions while running at large within the past twelve (12) months, and the dog has a tag, the owner will be provided with:

- a) A statement that the dog will be given away, sold, or destroyed by the Dog Control Officer, provided that the date of such action shall not be any less than five (5) days from the date of mailing of the notice; and
- b) Notice that the owner may make written representations to the Municipality respecting the giving away, sale, or destruction of the dog by delivering to the Municipality such written representations two (2) days prior to the scheduled date that the dog will be given away, sold, or destroyed.

8.2. If a dog is without a tag and has been captured and impounded and is deemed to be impounded on two previous occasions, Section 7.1 applies.

8.3. The owner of any dog which has been impounded for its third infraction of running at large contrary to this by-law within the space of twelve (12) months, shall not be permitted to redeem such dog. The dog becomes the property of the Municipality and may be offered to the SPCA for adoption without further notice to the owner.

9. Dogs Causing Disturbance

9.1. Evidence that one person is persistently disturbed by a dog barking, howling, or otherwise shall be considered prima facie evidence that the ongoing peace of the neighbourhood is being disrupted, thereby warranting an investigation to determine whether the noise exceeds what is considered normal.

9.2. In determining what is “normal” in the context of this Section, the Dog Control Officer shall consider one or more, but not limited to, the following factors:

- a) The time of day that the dog is reported as disruptive;
- b) The frequency and duration of the reported disruptive behaviour; and,

c) The proximity of neighbours and population density of the neighbourhood.

9.3. If it is determined, based on reasonable grounds, that a dog is being disruptive, as defined in this Section, the owner shall be subject to a penalty as outlined in Section 16.

9.4. The owner of any dog impounded for a third infraction of persistently disturbing the quiet of the neighborhood by barking, howling, or making other noise in violation of this by-law within a twelve (12) month period shall not be permitted to redeem the dog. The dog shall become the property of the Municipality and may be offered to the SPCA for adoption without further notice to the owner.

10. Rabid or Diseased Dogs

10.1. Dogs impounded that appear to be rabid or exhibiting symptoms of canine madness shall be held for ten (10) days in accordance with the Nova Scotia Rabies Response Plan.

10.2. When a dog is impounded under this clause, the Dog Control Officer shall consult with a veterinarian or other qualified person to confirm that the dog is rabid or suffering from canine madness, and if so, the dog shall be euthanized.

10.3. If the dog impounded under this clause is found not to be rabid or suffering from canine madness, it shall be dealt with under Section 7.

11. Fierce or Dangerous Dogs / Dog Attacks

11.1. The Dog Control Officer shall investigate any dog alleged to be fierce or dangerous in a timely manner following the alleged occurrence. If the Dog Control Officer believes, on reasonable grounds, that the dog acted fiercely or dangerously without the presence of a mitigating factor, may:

- a) Obtain a warrant, as outlined in Section 6.2, to seize and impound the dog for public safety until the owner satisfies the Municipality that the dog no longer threatens the public.
- b) Impose an order of conditions, as outlined in Section 11.2.

- c) Have a dog destroyed, as outlined in Section 14.
- d) Hold a dog for 10 days to undergo welfare and behavioural assessment to determine eligibility for return to the owner. The Dog Control Officer may extend the period of impoundment, under the direction of a veterinarian or other qualified person, if more time for assessment is required.
 - i. Prior to making a decision as to return a dog, the Dog Control Officer shall share the results of any tests or assessments with the owner and shall provide the owner at least two (2) business days to submit a written response.

11.2. When a dog is determined to be “fierce or dangerous” within the meaning of this by-law, the Dog Control Officer may impose an order of conditions that the dog owner is obligated to follow, including but not limited to:

- a) Requiring the dog to be muzzled, securely leashed, and ensure that the dog is under the control of a person not under eighteen (18) years of age when the dog is off the property and/ or outside of an enclosure.
- b) Requiring the dog to be microchipped.
- c) Requiring appropriate signage warning of the risk posed by the dog.
- d) Any other condition deemed necessary to ensure the safety of the public.
- e) Requiring the dog to be secured indoors or if outside, in an escape-proof enclosure on property owned by the owner.
 - i. An outdoor escape-proof enclosure must be a locked pen or other structure to prevent its escape and capable of preventing the entry of any person not in control of the dog, which locked pen or other structure has secure sides and top and has no bottom secured to the sides, the sides are embedded in the ground to a minimum depth of thirty (30) centimeters, and the locked pen or structure is at least one and one-half (1.5) meters wide by three (3) meters long

and one and one-half (1.5) meters in height, and is not located within 1.2 meters of the property line.

11.3. If a dog declared fierce or dangerous is not maintained or controlled in accordance with the conditions of its release, the Dog Control Officer may, as outlined in Section 6.2, obtain a warrant to seize and impound the dog.

12. Fees and Conditions for Release of a Dog from a Kennel

12.1. For dogs that are eligible to be redeemed from the municipal kennel by an owner, or person having the written authorization of the owner, may reclaim the dog from the municipal kennel before it is adopted or disposed of, upon payment of all fees, including but not limited to: impoundment fees, boarding fees, apprehension expenses, veterinary treatment and testing fees, and any charges related to special care provided during impoundment. In addition, the owner must produce a valid municipal dog tag before the dog can be redeemed from the municipal kennel.

12.2. In addition to any Summary Offence Tickets that are issued, every owner who redeems a dog from the municipal kennel shall be liable for payment of all fees incurred as described in Section 12.1., and must produce a valid municipal dog tag before the dog(s) can be redeemed.

12.3. The Municipality may impose conditions on an owner who redeems a dog from the municipal kennel as the Dog Control Officer determines are appropriate. Conditions may include but are not limited to the following: a muzzle order, leash requirement, microchip, or fencing/containment requirements.

13. Tranquilizing of a Dog on Site

13.1. The Dog Control Officer may tranquilize any dog, whether or not it is fierce or dangerous, without notice or impounding if:

- a) the dog is running at large; and
- b) the Dog Control Officer is unable to safely seize the dog due to concerns for their safety or the safety of others.

14. Destruction of a Dog on Site

14.1. The Municipality may, without notice to or complaint against the owner, destroy on site any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:

- a) There is an emergency, and the dog poses an immediate danger to a person or a domestic animal or to property or person other than the owner; or
- b) The person named in a warrant issued to seize a dog is unable to seize the dog safely.

15. Duty to Report

15.1. In the event of an emergency, or during the course of a normal by-law response, it is suspected that a dog has been abused or neglected, the Municipality must notify a peace officer having authority under the Animal Protection Act. The officer(s) may, with the assistance of the Dog Control Officer, take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

16. Penalty

16.1. The Dog Control Officer, at their sole discretion and based on factors including, but not limited to, the severity of the offence, history with the dog, any mitigating factors, and the likelihood of repeat offences, may issue a written warning for an offence rather than immediately imposing a fine.

16.2. Every owner of a dog that commits an offence under Section 5 of this by-law, upon conviction, and was not issued a warning, shall be liable to a penalty of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000.00) and, in default of payment, to imprisonment for a term not exceeding thirty days. The penalties are outlined in Schedule A.

16.3. Where any person contravenes the same provision of this by-law twice within

one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount specified in Schedule A of this by-law.

16.4. Where any person contravenes the same provision of this by-law three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount specified in Schedule A of this by-law.

17. Repeal and Replace

17.1. The By-Law Respecting Dogs, By-law No.13, and all other versions of By-Law No.13, are repealed and replaced with this by-law.

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Schedule "A"

Dog Control By-law – By-law # 70

Summary Offence Ticket Penalty Schedule

Description of Offence	Section	SOT
Owning a dog that runs at large	5.1 (a)	\$100.00
Owning a dog not wearing tag in public	5.1 (b)	\$100.00
Owning a dog not licensed	5.1 (c)	\$100.00
Owning a dog that persistently disturbs the peace (barking/howling) or otherwise	5.1 (d)	\$100.00
Owning a dog that has attacked or injured a person or animal (no mitigating factor)	5.1 (e)	\$1,000.00
Keeping or harboring a fierce or dangerous dog	5.1 (f)	\$1,000.00
Owning a dog that has caused damage to public or private property	5.1 (g)	\$200.00
Failing to clean up dog feces in public or on others' property	5.1 (h)	\$100.00
Failing to report sale or transfer of registered dog within 30 days	5.1 (i)	\$100.00
Failing to provide required statement regarding number of dogs	5.1 (j)	\$100.00
Obstructing or hindering Dog Control Officer	5.1 (k)	\$500.00

- The contravention of the same provision of this by-law twice within one twelve month period shall double the above.
- The contravention of the same provision of this by-law three or more times within one twelve month period shall triple the above.