

BYLAW #3

A BYLAW TO PROVIDE FOR THE CONTROL OF ANIMALS

The Council of the Municipality of North Rustico (the "Municipality"), pursuant to the provisions of the *Municipalities Act* of the Province of Prince Edward Island, hereby enacts the following:

1. This Bylaw may be cited as The Animal Control Bylaw.
2. In this Bylaw
 - (a) "Animal" includes, but is not limited to, dogs, horses, mules, asses, cattle, sheep, goats, swine, cats, rabbits, birds and fowl;
 - (b) "Animal Shelter" means the premises used by the Municipality for the impoundment of Animals;
 - (c) "At Large" means off the premises of the Owner and where the Animal is not under the immediate care or control of a competent and responsible person;
 - (d) "Clerk" means the Chief Administrative Officer of the Municipality or his/her duly appointed representative;
 - (e) "Dog" includes a male or female dog;
 - (f) "Dwelling Unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit;
 - (g) "Kennel" means any premises in which four (4) or more Dogs are housed, boarded or bred;
 - (h) "Municipality" means the Municipality of North Rustico;
 - (i) "Premises" includes the entire lot on which a single Dwelling Unit building or multi-dwelling unit building is situate;

- (j) "Officer" means any person appointed as an animal control officer for the purposes of enforcement of this Bylaw;
 - (k) "Owner" means any person who owns, harbours, possesses or has control or custody of an Animal and where the Owner is a minor, the Owner includes the person responsible for the custody of the minor;
 - (l) "Society" shall mean the Prince Edward Island Humane Society.
3. The provisions of this Bylaw shall be enforced by the Society, its employees, its agents, its contractors or its successors or other Officers appointed by the Council of the Municipality.

DOG LICENSES

- 4. Every Dog Owner within the Municipality shall make an application to the Municipality for a Dog license within ten (10) days of becoming a Dog Owner.
- 5. Every Dog Owner within the Municipality shall apply for the renewal of a Dog license with the Municipality for the current year by the 31st day of January in each year.
- 6. Every Dog Owner shall pay the following fee for a Dog license, whether original or renewal, each year:
 - (a) \$20.00 per Dog.
- 7. No person shall be a Dog Owner within the Municipality unless such Dog is licensed pursuant to the provisions of this Bylaw.
- 8. Every Dog Owner shall provide the Municipality with the following with each application and each renewal application for a Dog license:
 - (a) Owner's name, address and phone number(s);
 - (b) name, breed, colour, description, and sex of each Dog to be licensed;
 - (c) number of Dogs owned by the Owner;
 - (d) date last Dog license was issued for each Dog to be licensed;
 - (e) serial number of last Dog license tag issued for each Dog to be licensed;

- (f) applicable fee for each Dog licensed to be issued;
 - (g) certification that each Dog has been vaccinated against rabies; and
 - (h) such other information as may be required by the Municipality.
9. Upon payment of the applicable fee, upon providing the required information as set out herein, and subject to Section 14 of this Bylaw, the Owner shall be furnished with a Dog license tag bearing the serial number, the year for which it was issued and the words "North Rustico Community". Every license issued under this Bylaw shall be effective from January 1st to December 31st each year and shall be renewable yearly in accordance with the provisions of this Bylaw.
10. Every holder of a license issued pursuant to this Bylaw shall notify the Municipality within ten (10) days of the death of or change of ownership of a Dog so licensed.
11. Licenses and Dog license tags issued under this Bylaw shall not be transferable from one Dog to another, and no refund shall be made on any license fee because of the death or disposal of the Dog or upon the Owner leaving the Municipality before the expiration of the license period.
12. Every Owner shall keep the current Dog license tag securely fastened to a choke chain, collar, or harness worn by the Dog for which said Dog license tag was issued at all times.

KEEPING OF DOGS

13. No person shall operate or permit to be operated a Kennel in the Municipality.
14. No person shall keep more than two Dogs at any time within or about a Dwelling Unit occupied by such person.
15. Notwithstanding Section 14, a person who prior to the coming into force of this Bylaw lawfully kept or permitted to be kept more than two Dogs within or about a Dwelling Unit, may continue to keep the said Dogs until they are no longer in the possession of such person and the said Dogs shall not be replaced within or about such Dwelling Unit.
16. Notwithstanding Section 14, a litter of puppies may be kept with the mother Dog for a period not exceeding nine (9) weeks. No Owner shall permit their Dog to have more than one litter in a calendar year.

17. Every Owner of a Dog shall keep the Dog leashed and under the control of some person when the Dog is in the Municipality other than within or about such Owner's Dwelling Unit, unless prior consent is given by the person owning the land on which the Dog is found.
18. Every Owner of a Dog shall immediately remove and sanitarily dispose of excrement left by said Dog anywhere in the Municipality other than within or about such Owner's Dwelling Unit.

GENERAL PROVISIONS

19. No Owner of an Animal shall permit such Animal to be At Large.
20. Where an Animal is found At Large it shall be deemed to be so with the consent of the Owner and any Officer operating under the provisions of this Bylaw shall be entitled to, within his or her discretion, seize and impound said Animal.
21. (a) No person shall keep horses, mules, asses, cattle, sheep, goats, poultry or swine (hereinafter referred to in this section as "Livestock") within the Municipality.
- (b) Notwithstanding Section 21(a), a person who lawfully keeps or permits to be kept said Livestock prior to the coming into force of this Bylaw shall be permitted to keep said Livestock until they are no longer in the possession of such person and said Livestock shall not be replaced.
- (c) This section does not apply to the two farming operations existing in the Municipality and currently operated by Wayne Dickieson and Rene Doiron at the time of the coming into force of this Bylaw.
22. (a) Every Owner of a female Dog in heat shall confine such Dog within a building or other secure enclosure within or about the Owner's Dwelling Unit in such a manner as to prevent the Dog from coming into contact with a male Dog. Such confinement shall continue for the whole period the Dog is in heat.
- (b) Notwithstanding Section 22 (a), a female Dog in heat may be released from confinement for the purpose of intentional breeding provided said Dog is not At Large.
- (d) An Officer may seize and impound any female Dog in heat and not confined as required by this Section.

DOGS CAUSING DISTURBANCE OR AT LARGE

23. (a) No Owner shall permit his or her Dog to persistently disturb the quiet of the Municipality or a neighbourhood within the Municipality by barking, howling or otherwise.
- (b) An Officer or the Clerk may issue a written warning to an Owner of a Dog which disturbs the quiet of a neighbourhood by barking, howling or otherwise, giving notice that continued disturbance may result in the seizure, impoundment and destruction or disposal of the Dog and, if the Dog continues to cause such a disturbance following service of the warning, that disturbance shall be deemed to be persistent under this section, provided that persistent disturbance of a neighbourhood by a Dog may be proved otherwise than by issuance of a warning under this paragraph.
- (c) An Officer may seize and impound a Dog or Dogs which disturb the quiet of a neighbourhood within the meaning of this Section.
24. In addition to the foregoing, the Owner of a Dog or Dogs which persistently disturbs the quiet of a neighbourhood within the meaning of this Bylaw is guilty of an offence and shall be liable to pay a fine of not more than \$1,500.00 and not less than \$300.00 and, in default of payment, shall be liable to serve a term of imprisonment for a period not exceeding thirty (30) days.
25. (a) No Owner of an Animal shall permit such Animal to become a nuisance.
- (b) No Owner of an Animal shall permit such Animal to damage public or private property.
- (c) When public or private property is damaged by any Animal its Owner shall be deemed to have failed to comply with the provisions of this Bylaw and is guilty of an offence.
26. No person shall:
- (a) interfere with, or attempt to obstruct an Officer in the legal execution of his duties under this Bylaw;
- (b) unlock, unlatch or otherwise open any vehicle in which Animals seized for impoundment have been placed so as to allow or attempt to allow said Animal to escape therefrom; or

- (c) remove or attempt to remove any Animal from the possession of an Officer or any person at the time responsible for the operation of a shelter used for impounded Animals

IMPOUNDMENT

- 27. The Animal Shelter for impounding any Animal impounded pursuant to this Bylaw shall be at the office and headquarters of the Society or at such other place as the Society may deem expedient from time to time for the proper carrying out and execution of its duties under this Bylaw.
- 28. (a) An Officer may seize any Animal that is found At Large and may impound such Animal in the Animal Shelter, or if the facilities available at the Animal Shelter are unsuitable for such Animal, in such other facility as in the opinion of the Officer are suitable.
- (b) Where a Dog wearing a current Dog license tag is impounded the Officer shall notify the Owner of such impoundment where it is reasonably possible to do so, and inform the Owner of the conditions under which such Owner may regain custody of the Dog.
- 29. (a) For the purpose of this Bylaw an Officer may enter a Dwelling Unit:
 - (i) with the consent of the occupier; or
 - (ii) under the authority of a warrant issued under subsection (b).
- (b) A justice of the peace may issue a warrant authorizing an Officer to enter a Dwelling Unit and seize an Animal, if the justice of the peace is satisfied by information on oath that entry of the Officer is necessary for any purpose relating to the administration and enforcement of this Bylaw.
- (c) Where the license fee is not paid in respect to any Dog, the Owner may be summoned before a provincial court judge and where the judge is satisfied that the license fee has not been paid and will not be paid forthwith, he may order that an Animal or Animals be destroyed by an Officer on a specified date unless the license and such costs as he may allow are paid prior to that date.
- (d) An Officer if authorized by a warrant issued by a provincial court judge who is satisfied by information upon oath that there are reasonable and probable grounds for believing that a Dog is unlicensed or that there are

unlicensed Dogs within or about a Dwelling Unit, may enter and search any Premises to determine whether there is an unlicensed Dog within or about a Dwelling Unit and for the purpose of destroying an unlicensed Dog an Officer may without warrant enter any Dwelling Unit, seize and destroy the unlicensed Dog pursuant to an order of a judge issued under subsection (c).

30. (a) The Officer may impound any female Animal found to be At Large and in heat until said Animal is no longer in heat.
- (b) Notwithstanding Section 30(a) said impoundment shall not exceed a period of twenty-one (21) days.
31. No Dog shall be released from impoundment unless the Dog is first licensed in accordance with the provisions of this Bylaw.
32. (a) Where a Dog licensed in accordance with this Bylaw is impounded, such Dog may be recovered by the Owner within ten (10) days of impoundment upon the payment of the sum of \$25.00 plus such fees as are levied by the Society from time to time for the keeping of Animals in any facility operated by the Society from time to time (hereinafter referred to as "Additional Fees").
- (b) An additional sum of \$25.00 and Additional Fees shall be charged for each subsequent impoundment and recovery.
- (c) Where a Dog not licensed in accordance with this Bylaw is impounded, such Dog may be recovered by the Owner within ten (10) days of impoundment on the payment of the sum of \$75.00 plus Additional Fees.
- (d) Where an impounded Dog has not been recovered by the Owner in accordance with the provisions of this section, it may be disposed of in a manner prescribed by the Society and the Owner is liable for all fees relating thereto.
33. (a) Any Animal, other than a Dog, impounded under the provisions of this Bylaw may be recovered by the Owner upon the payment of the actual cost of seizure and impoundment together with such fees as may from time to time be levied by the Society for feed and care for the period during which the Animal has been impounded and upon providing evidence that such Animal shall be kept in accordance with this Bylaw upon recovery by the Owner.

- (b) If the Owner of the Animal, other than a Dog, cannot on reasonable inquiry be found, or if the Owner of such Animal does not recover the Animal within ten (10) days and pay all fees and charges, the Animal may be sold at public auction or otherwise, or may be destroyed.
 - (c) The proceeds of any sale of an Animal, other than a Dog, shall be applied firstly to the seizure and impoundment fees and charges, then to the cost of sale, and the balance, if any, shall be paid to the Owner, if known.
 - (d) Where the Owner of the Animal is unknown the balance of the proceeds after payment of the fees and charges specified in this Section shall revert to, and become general revenue of the Municipality.
34. (a) No person shall be an Owner of a Dog with a vicious temperament unless such Dog is confined within a building or secure enclosure, provided that such confinement shall not be required in the case of a Dog which is securely muzzled.
- (b) No Owner of a Dog shall permit such Dog to bite any person and where such Dog has bitten any person it shall be deemed to have been done with the consent of the Owner.
- (c) For the purpose of this section, any Dog that has bitten a person or persons more than two times shall be deemed to have a vicious temperament.
35. (a) Council of the Municipality may appoint Officers for the purpose of enforcing the provisions of this Bylaw.
- (b) Council of the Municipality may enter into an agreement with the Society for the enforcement of this Bylaw and such agreement shall include:
- (i) the fee to be paid to the Society for such services; and
 - (ii) specify the classification of Society employees to be appointed Officers under this Bylaw.
36. Where an Animal is impounded pursuant to an order of the court or otherwise, the Owner shall pay all fees and charges payable under this Bylaw and any other applicable Bylaw, statute and regulation, including the cost of the services of a veterinarian, whether the Animal is alive, dies or is euthanized.

37. The Municipality may add fees, charges and/or costs payable under this Bylaw to the tax roll of any property for all of the owners of the property who are responsible for paying the fees and charges under this Bylaw. The Municipality may recover all fees, charges and/or costs relating to the administration and enforcement of this Bylaw by action or by adding the said fees, charges and/or costs to the tax roll of the person or persons responsible for payment and collect them in the same manner as taxes.
38. No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of an Animal in the course of administration and/or enforcement of the Bylaw shall be:
- (a) recovered by any Owner or other person;
 - (b) paid by the Municipality or the Society; or
 - (c) paid by the employees, agents, contractors, representatives or successors of the Municipality or the Society.

PENALTIES

39. Every person who violates, or fails to comply with any of the provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
- (a) for a first offence, to a fine not exceeding \$25.00;
 - (b) for a second offence, to a fine not exceeding \$50.00; and
 - (c) for a third and subsequent offence, to a fine not exceeding \$300.00.
40. When a person is in default of payment of a fine, the provisions of the *Summary Proceedings Act* shall apply.

Filed with the Minister of Community & Cultural Affairs this 21 day of December 2006.

Original signed copy on file.