

RURAL MUNICIPALITY OF MOUNT STEWART

ANIMAL CONTROL BYLAW

BYLAW NO. 2024-01

The Council of the Rural Municipality of Mount Stewart pursuant to the provisions of the Municipalities Act of the Province of Prince Edward Island, hereby enacts as follows:

1. Title

- 1.1 The Bylaw shall be known and cited as the “Animal Control Bylaw.”

2. Authority

- 2.1 Section 180 of the Municipal Government Act, RSPEI 1988, c M-12.1 authorizes Council, by bylaw, to impose an Animal Control Bylaw in the Rural Municipality of Mount Stewart.

3. Application

- 3.1 This Bylaw applies to all persons within the Rural Municipality of Mount Stewart.

4. Definitions

- 4.1 In the bylaw, any word or term that is defined in the Municipal Government Act has the same meaning as in the Act.
- 4.2 In this bylaw:
- (a) “Act” means the Municipal Government Act, RSPEI 1988, c M-12.1;
 - (b) “Rural” means the Rural Municipality of Mount Stewart
 - (c) “Council” means the Mayor and other members of the Council of the Municipality;
 - (d) “animal control officer” means a police officer or any person designed by Council to have the administration or enforcement of this bylaw, or any aspect thereof;
 - (e) “animal shelter” means any place designed by Council to be used as a detention area for animals detained by this bylaw;
 - (f) A dog or cat is “at large” when it is not under control by a competent person or property other than that of the owner of the dog or cat;
 - (g) “cat” does not mean an unweaned kitten;
 - (h) “dog” does not mean an unweaned pup;
 - (i) “judge” means a Judge of the Provincial Court of Prince Edward Island

5. Procedure

- 5.1 The times and procedure set forth in this bylaw shall be deemed to be directory and a proceeding that is in substantial conformity with the bylaw is not open to objection on the ground that it is not in strict compliance therewith.

6. Dangerous Animals

- 6.1 No person shall own, possess or harbour an animal which, in the opinion of the Animal Control Officer, is a threat to the community.

7. Dogs At Large

- 7.1 No owner of a dog shall allow the dog to run at large on public property or on private property owned or occupied by someone who is not the owner of the dog and who is not given permission for the dog to be on their property. Any dog found at large shall be deemed to have been allowed to run at large by the owner.
- 7.2 Any dog that runs at large may be caught by an animal control officer, and impounded in a shelter.
- 7.3 Any owner who allows his or her dog to run at large as described in this section is guilty of an offence.

8. Dogs Defecating on Public or Private Property

- 8.1 The owner of a dog that defecates on public property or private property not belonging to the owner of the dog must remove the defecation immediately.

9. Endangerment & Disturbances

- 9.1 If any dog or cat persistently disturbs the quiet of any person or persons by barking, howling, or in any manner, or persistently terrifies, endangers or injures in any manner any person or animal, or persistently annoys pedestrians, drivers of automobiles, bicycles or other motor vehicles by running or barking at them the owner of the dog or cat is guilty of an offence.
- 9.2 Instead of or in addition to charging the owner with the offence the animal control officer may notify the owner of such dog or cat, and if such dog or cat is found running at large in the Municipality or continues to disturb the quiet of any person or persons, such dog or cat may be forthwith euthanized by any animal control officer.

10. Summary proceeding

- 10.1 When, upon complaint of any person, on oath, that a dog or cat has bitten or attempted to bite or has injured, terrified or seriously alarmed any person or animal, or pursued any person, animal or vehicle, a Judge may summons the dog or cat owner before him or her and conduct a hearing summary fashion, If, at the conclusion of the hearing, it appears to the judge that the dog or cat is dangerous, the judge may make an order directing the owner of the dog or to euthanize same within a specified time, or upon his failing to do so, the judge may direct an animal control officer to enter upon the premises of the owner or place of keeping of the dog or cat, remove the dog or cat if possible and euthanize it.

- 10.2 The judge may, in addition to any other penalty provided by the bylaw, direct the owner to pay the cost of the proceedings, and of the destruction of the dog or cat.

11. Private Property

- 11.1 For the purpose of carrying out the duties pursuant to this bylaw, by an animal control officer, when in pursuit of a dog or cat, is authorized to enter onto private property within the Municipality to apprehend or impound the dog or cat but this section does not authorize the animal control officer to enter into any residence or any other structure located on the property.

12. Liability

- 12.1 The Municipality, together with any animal control officer or police officer acting in good faith under this bylaw shall not be liable for any injury or damages caused to any dog or cat in the course of the enforcement of this bylaw.

13. Other Animals

- 13.1 Every owner of any horse, donkey, cow, bull, ox, sheep, goat, pig, mink, fox, wolf, coyote, raccoon, skunk, goose, duck, turkey, pigeon, guinea fowl, snake, owl, hawk, lizard or any wild or undomesticated animals are not to be permitted within the Municipality. This does not apply to farm animals on bona fide farms.
- 13.2 Residents of the Municipality shall be allowed to own up to 12 chickens total, including roosters. They can be a mix of meat and egg layers. Owners will be responsible to store food properly in order to reduce the occurrence of rats moving onto the property. Owners will also be responsible for keeping the area clean to prevent other wildlife from moving in.

14. Offences

- 14.1 Any person who violates any provision of this bylaw or regulations may hereunder or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction for the penalties as set in "Schedule A".

15. Enforcement

- 15.1 An animal control officer may issue a summary offence ticket to anyone who violates this bylaw or regulations made hereunder.

16. Regulations

- 16.1 Council may, by simple resolution, make such regulations to this bylaw as are necessary for the carrying out of the purposes of this bylaw.

17. Repeal of bylaw

- 17.1 Any former bylaw for animal control are hereby repealed.

EFFECTIVE DATE

The effective date of the Animal Control Bylaw is the date on which the bylaw was adopted by the Rural Municipality of Mount Stewart.

FIRST READING

This Bylaw was read a first time by the majority of Councillors at the Council Meeting held on the ____ day of ____, 2025.

This Bylaw was approved by the majority of Councillors present at the Council Meeting held on the ____ day of ____, 2025.

SECOND READING

This Bylaw was read a second time by the majority of Councillors at the Council Meeting held on the ____ day of ____, 2025.

This Bylaw was approved by the majority of Councillors at the Council Meeting held on the ____ day of ____, 2025.

ADOPTION AND APPROVAL

This Bylaw was adopted and approved by the majority of the Councillors present at the Council Meeting held on the ____ day of ____, 2025.

Spencer Long, Mayor

Katharine MacDonald, CAO

Filed on behalf of the Minister of Housing, Land and Communities in accordance with s.129 of the
Municipal Government Act