

COMMUNITY OF MOUNT STEWART

DOG CONTROL

BYLAW # 1

RECEIVED

MAY 28 2001

Planning & Inspection
Services

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

1. This bylaw may be cited as the Dog Control Bylaw:
2. In this Bylaw:
 - a) "Animal Control Officer: means any person appointed by the Municipality for the purposes of enforcement of this Bylaw:
 - b) "Animal Shelter" or "Shelter" means the premises used by the Municipality for the impoundment of dogs;
 - c) "At Large" means off the premises of the owner, and where the dog is not under the immediate care or control of a competent and responsible person;
 - d) "Dog" includes a male or female dog;
 - e) "Kennel" means any premises where more than 3 dogs are kept, boarded or bred;
 - f) "Municipality" means the Community of Mount Stewart.
 - g) "Neutered Dog" means any dog that is sexually sterile;
 - h) "Noise" means barking, howling or any other noise made by a dog.
 - i) "Owner" means any person who owns, harbours, possesses, or has control or custody of a dog.
 - j) "Society" means the Prince Edward Island Humane Society.
 - k) "Vicious Dog" means any dog that has previously bitten any person or lunged at or pursued any person or vehicle.
3. The provisions of the Bylaw shall be enforced by the Prince Edward Island Humane Society.

DOG LICENCES:

4. No person shall own a dog within the Municipality unless such dog is licensed pursuant to the provisions of this Bylaw.
5. Every owner of a dog shall apply for a dog license and pay the license fee in accordance with the following:
 - a) Neutered Dog \$ 5.00
 - b) Unneutered Dog \$10.00
6. Every owner of a dog shall provide the Municipality the following information with each application for a dog license, and issue of a dog license tag:
 - a) Owner's name, address and phone number;
 - b) Name Breed, description and sex of the dog to be licensed;
 - c) Number of dogs owned by owner; and
 - d) Such other information as may be required by the Municipality.
7. For the purposes of Section 5, a dog shall not be licensed as a neutered dog unless the applicant shall provide a certificate acceptable to the Municipality certifying that such dog is sexually sterile.
8. Every license issued under this Bylaw shall require the signature of both the owner and the issuer and shall be effective from the date of issue until the 31st day of the Next June following:
9. 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's leaving the Municipality before the expiration of the license period.
10. Every owner shall keep the license tag issued securely fastened to a choke chain, collar or harness worn by the dog to which it is issued at all times.

KENNELS

11.
 - a) Notwithstanding the provisions of Section 4 to 10 inclusive of this Bylaw, a person operating a kennel shall also purchase a kennel license, and pay a fee of \$30.00
 - b) Any person operating a licensed kennel shall keep the dogs thereof confined to the kennel premises and not permit the said dogs to become a nuisance to neighbors.

12. No person operating a licensed kennel shall keep the dogs thereof confined to the kennel premises and not permit the said dogs to become a nuisance to neighbors.

GENERAL PROVISIONS

13. No owner of an animal shall permit a dog to be at large and where such a dog is found at large, it shall be deemed to be so with the consent of the owner.

14. a) Every owner of a female dog in heat shall confine such dog within a building or other secure enclosure on the owner's property, in 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, except that such dog may be released from confinement for intentional breeding.

b) An officer may seize any female dog in heat and not confined as required by subsection (1) and may thereupon impound such dog in the Shelter;

15. a) No owner of a dog shall allow a dog to become a nuisance;

b) No owner of a dog shall permit such dog to make unreasonable noise or in any other manner disturb the peace or quiet of any person.

16. a) No owner of a dog shall permit or allow such dog to damage public or private property.

b) When public or private property is damaged by any dog its owner shall be deemed to have failed or refused to have complied with the requirements of subsection (1).

17. No person, whether or not such person is the owner of a dog which is being, or has been pursued or seized shall:

a) Interfere with, or attempt to obstruct an officer in the legal execution on his/her duties consistent with this Bylaw:

b) Unlock, unlatch or otherwise open any vehicle in which dogs seized for impoundment have been placed so as to allow or attempt to allow any dog to escape therefrom: or

c) Remove or attempt to remove any dog from the possession of an officer or any person at the time responsible for the operation of the Shelter.

18. If any part of this Bylaw shall be held void, then such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Bylaw.

IMPOUNDMENT

19. The Municipality hereby establishes that the animal shelter for impounding shall be at the Prince Edward Island Humane Society, Charlottetown, PEI.
20. a) An officer may seize any dog that is found at large and may impound such dog in the Animal Shelter, or if the facilities available at the Animal Shelter are unsuitable for such dog, in such other facility as in the opinion of the officer is reasonable.
- b) Where a dog wearing a current licence 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.
- d) For the purposes of carrying out his/her duties pursuant to subsection (1), an animal control officer, when in fresh pursuit of a dog, is authorized to enter onto private property within the municipality to apprehend and impound the dog, but this subsection does not authorize an animal control officer to enter into any building located on private property.
21. No dog shall be released from impoundment unless the dog is first licenced in accordance with the provisions of this bylaw.
22. a) Where a dog in accordance with the bylaw is impounded, such dog may be recovered by the owner within 120 hours after impoundment on the payment of the sum of \$20.00 plus keep fees of \$10.00 for each 24 hour period of portion thereof, that such dog is in the shelter.
- b) 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 the manner prescribed by the operator of the Shelter.
23. a) No person shall own a dog with a vicious temperament unless such animal be confined within a building or secure enclosure, providing 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 once shall be deemed to have a vicious temperament.
24. a) Council of the Municipality may appoint animal control 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:
- 1) The fee to be paid to the Society for such service; and
 - 2) Specify the classification of Society employees to be appointed officers under this Bylaw

PENALTIES

25. Every person who violates, or fails to comply with any of the provisions of this Bylaw is guilty of an offense and liable:
- (1) for a first offense to a fine not exceeding \$100.
 - (2) for a second offence to a fine not exceeding \$200.
 - (3) For a third and subsequent offence to a fine not exceeding \$300.

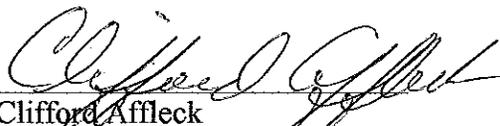
Exclusive of costs and any other fees, charges or expenses payable under this Bylaw, and in default of payment of and fines and costs, to imprisonment for a period not exceeding three months.

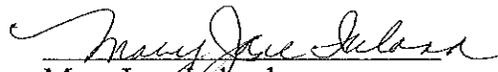
Effective Date

This by-law shall come into force effective the 1st day of April, 2001

This by-law received first reading at the Council meeting February 5, 2001

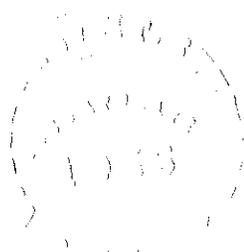
This by-law received final approval at the Annual General Meeting March 21, 2001


Clifford Affleck
Chairman


Mary Jane Ireland
Administrator

Filed with the Minister this 29 day of May 2001.


Department of Provincial Affairs
Attorney General



No. EC613/86

**DOG ACT
APPLICATION REGULATIONS
TO REVOKE**

(Approved by His Honour the Lieutenant Governor in Council dated 13 November 1986.)

Pursuant to subsection 20(2) of the *Dog Act* R.S.P.E.I. 1974, Cap. D-14 Council made the following regulations:

1. (1) The Schedule to the Dog Act Application Regulations is revoked in its entirety.

(2) The Dog Act Application Regulations made for the following municipalities are revoked:

Municipality	Order-in-Council Reference number and date
Community of East Royalty	EC634/76 dated 8 July 1976
Town of Alberton	EC278/75 dated 27 March 1975
Town of Borden	EC196/75 dated 6 March 1975
Town of Georgetown	EC243/77 dated 24 March 1977
Town of Montague	EC276/79 dated 27 March 1979
Town of Souris	EC202/77 dated 10 March 1977
Village of Bedeque	EC323/79 dated 10 May 1979
Village of Miscouche	EC261/75 dated 20 March 1975
✓ Village of Mount Stewart	EC503/76 dated 3 June 1976
Village of North Rustico	EC438/80 dated 1 May 1980
Village of O'Leary	EC9/76 dated 6 January 1976
Village of Tignish	EC159/75 dated 20 February 1975
Village of Victoria	EC886/81 dated 24 October 1981
Village of Wellington	EC933/75 dated 9 October 1975
Village of Wilmot	EC381/75 dated 8 May 1975

2. These regulations come into force 31 December 1986.

Certified a true copy,

DIANE I. BLANCHARD
Clerk Assistant of the Executive Council

BY -LAW RELATING TO DOGS AND THE ^{LICENSING}~~TAKING~~ THEREOF

1. Be it Enacted the owner or keeper of any dog or bitch within the Village shall report in writing to the Village Clerk at his office in said village, the name of such dog or bitch in order that same may be registered in a book to be kept for that purpose, and hereafter whenever a person may become owner or keeper of any dog or bitch within the saidvillage he shall report the fact in writing as hereinbefore directed, in order to have name of the owner or keeper and the name of the dog or bitch registered.

2. A ^{license fee}~~tax~~ of Three dollars shall annually be paid for each dog and Ten dollars for each bitch within the said Village by the owner or keeper and upon the owner or keeper neglecting or refusing to pay the ^{license fee}~~tax~~ herein imposed he shall be prosecuted for the same, and it shall be recovered in a summary way with costs before The Justice of the Peace and on non-payment thereof the party convicted shall be confined in the lock-up or common jail of Queens County for a period not exceeding ten days.

3. No owner or keeper shall permit his dog or bitch to run at large outside the owners or keepers property.

4. Any dog or bitch which shall be on or about any street and not in immediate company of or under reasonable control of its owner or keeper or some competent person shall be deemed to be at large.

5. Every fierce, malicious or dangerous dog or bitch shall be kept muzzled and chained by the owner or keeper and not be permitted to go at large.
6. No owner or keeper of a bitch shall suffer such bitch to run at large during the time of her being in heat.
7. If any dog or bitch shall without being provoked bite any person on complaint before Justice of the Peace on oath the owner or keeper shall be ordered by the Justice of the Peace to destroy the dog or bitch and in default of his so doing he shall be liable to the penalties of this By-Law.
8. Any person in possession of a dog or bitch, or who shall suffer such dog or bitch to remain about his house or premises shall be deemed the owner of such dog or bitch for all the purposes of this By-Law.
9. No person shall wantonly or maliciously throw stones, sticks or any other hard substance at any dog or bitch and lame or wound the dog or bitch.
10. No person shall keep or harbour a dog or bitch that barks and howls to the annoyance of neighbors and on notice thereof being given to its keeper or owner he shall forthwith destroy the said dog or bitch or cause the same to be removed from the Village, to be kept so removed and in default of such removal it shall be lawful for a Police Officer or any person aggrieved to destroy the said dog or bitch.

11. Any person guilty of an infraction of any of the provisions thereof shall upon conviction before a Justice of the Peace on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Justice of the Peace a penalty not less than Ten dollars and not exceeding Fifty Dollars for each offence, exclusive of costs and in default of payment thereof it shall and may be lawful for the said Justice of the Peace to commit the offender or offenders to the lock-up or common jail of Queens County of a period not exceeding Ten Days, unless the said penalty and costs be sooner paid.

Eldon W. Glover, chairman

Village Commissioners

APPROVED

[Signature]
MINISTER OF COMMUNITY SERVICES