

Bylaw Number 8 Revision 1

Municipality of Lower Montague Animal Control Bylaw

Whereas it is provided for in the Municipalities Act;

Be it enacted and it is hereby enacted by the Municipality of Lower Montague, pursuant to [Section 64 of the Municipalities Act, R.S.P.E.I. 1988; Cap. M-13 and amendments thereto]:

1. Name

This bylaw may be referred to as the "Municipality of Lower Montague Animal Control Bylaw".

2. Definitions

In this Bylaw:

- a. "administrator" means the person authorized by council to administer the affairs of the Municipality.
- b. "animal control officer" means a police officer or any person designated by council to have the administration or enforcement of this bylaw, or any aspect thereof;
- c. "animal shelter" means any place designated by council to be used as a detention area for animals detained under this bylaw;
- d. "authorized dog park" means a place designated by council by resolution;
- e. a dog is "at large" when it is not under control by a competent person on property other than that of the owner of the dog;
- f. "Municipality" means the Municipality of Lower Montague as established by the Municipalities Act, R.S.P.E.I. 1988, Cap. M-13;
- g. "council" means the community council of the Municipality of Lower Montague;
- h. "dog" does not include an un-weaned pup;

- i. "Judge" means a Judge of the Provincial Court of Prince Edward Island;
- j. "animal control officer" means an officer under contract to the Municipality of Lower Montague;

3. Procedures

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

4. Dog License Requirement

- a. Every owner of a dog shall pay an annual license fee for the current year for each dog owned by him or her in the amount set out in Schedule "A". Such license shall not be transferable. The license fee indicated in Schedule "A".
- b. Upon receipt of payment of the license fee, the administrator shall issue a license for the dog.
- c. The dog license is:
 - i. a written certificate describing the breed of the dog, name and address of the owner, and assigning to the dog a unique number, that identifies the dog and its owner; and,
 - ii. a metal tag not less than one inch in diameter, that can be suspended from a collar around the dog's neck that bears the unique number referred to herein together with the year for which the license is in force and (????) the word Municipality of Lower Montague.
- d. A dog license shall be in full force and effect from the date of issue up to and including the first day of January of the year next ensuing.
- e. Where a person becomes the owner of a dog between the first day of January in one year and the first day of January of the next year, the license fee shall be paid forthwith and upon receipt of payment of the license fee, the administrator shall issue the license described herein.

- f. Every owner shall upon receipt of a license, suspend the metal tag referred to herein from a collar that is fastened around the dog's neck when the dog is not on the owner's property and shall:
 - i. retain the written certificate in their possession during the period of its effectiveness; and,
 - ii. ensure that the metal tag remains suspended from a collar fastened around the dog's neck during the period of its effectiveness.
- g. The administrator may in any year after the issue of a license described herein, renew the existing license by endorsement to the certificate referred to herein and by issuing a new metal tag for that calendar year, and where a renewal is made, the certificate remains in full force and effect for the period stated on the endorsement, but in no case shall the endorsement state a period that would extend beyond the first day of January of the year next ensuing.

5. Dangerous Animals

No person shall own, possess or harbour an animal which, in the opinion of the animal control officer, is a threat to the community.

6. Dogs At Large

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 has 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, unless the dog is in an authorized park.

- a. Any licensed or unlicensed dog that runs at large may be caught by an animal control officer, and impounded in an animal shelter.
- b. Any owner who allows his or her dog to run at large as described in this section is guilty of an offense.

7. Impounding of Licensed Animals

- a. When a dog bearing a metal tag referred to in Section 4 is impounded, the animal control officer shall notify the registered owner of the dog.
- b. The notification may be by telephone, mail or in person, but in any event the animal control officer shall take such steps as shall reasonably satisfy him or her that the owner has been notified and shall make note of the circumstances of the notification.
- c. The owner may within four days of the date of receipt of notice specified herein, take possession of a dog which has been impounded provided the owner pays the fees set out in Schedule "A" respecting the catching and maintenance of the dog, together with the license fee if applicable.
- d. If the owner fails to take possession of the dog, within four days from the date of notification, the dog may be destroyed or otherwise disposed of at any time under the direction of the animal control officer except in the case of an animal which is suspected of carrying rabies, in which case the animal shall be kept for 10 days before it is destroyed or otherwise disposed of.

8. Impounding of Non-Licensed Dog

- a. When a dog which does not bear a metal tag referred to in Section 4. is impounded, the animal control officer shall not be obliged to make any attempt to identify or notify the owner of the dog.
- b. The owner may within four days of the impounding, take possession of a dog which has been impounded provided the owner pays the fees set out in Schedule "A" respecting the catching and maintenance of the dog, together with the license fee if applicable.
- c. If the owner fails to take possession of the dog within four days from the date the dog was impounded, the dog may be destroyed or otherwise disposed of at any time under the direction of the animal control officer except in the case of an animal which is suspected of carrying rabies, in which case the

animal shall be kept for 10 days before it is destroyed or otherwise disposed of.

9. Injured or Threatening Dog

Where any dog has been caught pursuant to Section 6 and the animal control officer believes, on reasonable grounds that the dog is injured or ill and should be destroyed immediately for humane reasons or that the dog poses a threat to the safety of persons or other animals, the animal control officer may direct to humanely destroy the dog.

10. Dogs Defecating on Public or Private Property

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

11. Disturbances

- a. If any dog persistently disturbs the quiet of any person or persons by barking, howling, or in any other manner, or persistently terrifies, endangers or injures in any manner any person or animal, or persistently annoys pedestrians, drivers of automobiles, bicycles or other vehicles by running or barking at them the owner of that dog is guilty of an offence.
- b. Instead of or in addition to charging the owner with the offence described in clause a, the animal control officer may notify the owner of such dog, and if such dog is found running at large in the Municipality as defined in section 6, or continues to disturb the quiet of any person or persons, the animal control officer may direct that such dog may be forthwith destroyed.

12. Summary Proceeding

- a. When, upon complaint of any person, on oath, that a dog 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 owner before him or her and conduct a hearing in summary fashion. If, at the conclusion of the hearing, it appears to the Judge that the dog is dangerous, the Judge may make an order directing the owner of the dog to destroy 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, remove the dog if possible and have it destroyed.

- b. The Judge may, in addition to any other penalty provided by this Bylaw, direct the owner to pay the cost of proceedings, and of the destruction of the dog.

13. Private Property

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

14. Liability

The town, 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 in the course of the enforcement of this bylaw.

15. Regulations

Council may, by simple resolution, make regulations respecting the following:

- a. the impounding of dogs;
- b. the duties and powers of the animal control officer;
- c. the designation of individuals and/or organizations as animal control officers;
- d. the reimbursement or remuneration of animal control officers, where applicable; and,
- e. The designation of animal shelters.

16. Offences

Any person who violates any provision of this bylaw or regulations made 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 out in Schedule "A". Where the offence is that of failing to obtain a dog license, each month in which the owner fails to obtain the license shall constitute a separate offence.

17. License Fees and Penalties

Council may, by simple resolution, set out in Schedule "A" the amount of the licensing fees described herein and penalties to be imposed for violations of any provisions of this bylaw or regulations made hereunder.

18. Enforcement

All prosecutions for any violation of this bylaw or regulations made hereunder shall be heard before a Judge of the Provincial Court, or a police officer or the animal control officer may accept a guilty plea from the Offender and assess and accept the minimum fine.

19. Revision of Existing Bylaw

Bylaw Number 8, the Community of Lower Montague Dog Control Bylaw which was adopted on March 6, 2002 is hereby revised.

20. Effective Date

The effective date of this bylaw is [Date].

DULY PASSED AND ENACTED BY THE COUNCIL OF THE MUNICIPALITY OF LOWER MONTAGUE ON [Date?????].

Chairperson

Chief Administrative Officer

**Municipality of Lower Montague
Regulations ???
Animal Control Bylaw (????)**

1. Authority

These regulations are made pursuant to Section 17 of the Lower Montague Municipality Animal Control Bylaw.

2. Designees

The following individuals are hereby designated to have the administration or enforcement of the Animal Control Bylaw, or any aspect thereof.

- a. all police officers of the Municipality;
- b. any person or firm contracted or hired by the town for the purpose of administering the Animal Control Bylaw.

3. Designated Shelters

The following premises are hereby designated as an animal shelter:

- a. The premises designated by the animal control officer of the Municipality.

4. Effective Date

The effective date of these regulations is [?????].

Schedule A

Fees

Pursuant to Section 17 of the Animal Control Bylaw, effective [Date????], the annual fees for licenses required in the Bylaw or regulations made thereunder shall be as follows:

Bylaw or Regulation	Section	Description	Fee
Bylaw	4	Dog License - Spayed or Neutered	\$15.00/lifetime of dog
Bylaw	4	Dog License	\$20.00/lifetime of dog
Bylaw	4	Replacement Tag	\$3.00

Penalties

Pursuant to Section 16 and 17 of the Animal Control Bylaw, effective [Date????], the minimum and maximum penalties to be imposed for violations of the Animal Control Bylaw or regulations made there under shall be as follows:

Bylaw or Regulation	Section	Description	Minimum Fine	Maximum Fine
Bylaw	4	No Dog License	\$25.00	\$100.00
Bylaw	5	Dangerous Animal	\$100.00	Incurred Costs
Bylaw	6	Dog At Large	\$25.00	\$100.00
Bylaw	7	Impounding of Licensed Animals	\$20.00	Incurred costs
Bylaw	8	Impounding of Non-Licensed	\$20.00 + license	Incurred costs + license
Bylaw	10	Defecating on Public/Private	\$25.00	\$100.00
Bylaw	11	Disturbances or Endangerment	\$50.00	\$500.00
Bylaw	7,8,11	Destruction of Dog	\$75.00	\$500.00

Actual fines will be based on the Animal Control Officer's actual costs to enforce this Municipal bylaw.