

BYLAW 101
A bylaw to provide for the Control of Animals

The council of Municipality of Murray Harbour, 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 Animal Control Bylaw:
2. In this bylaw;
 - (a) “Animal” includes dogs, horses, mules, asses, cattle, sheep, goats, and swine.
 - (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 of control of a competent and responsible person;
 - (d) “Dog” includes a male or female;
 - (e) “Kennel” means any premises where dogs are kept, boarded, or bred;
 - (f) “Municipality” means the Village of Murray Harbour
 - (g) “Neutered Dog” means any dog that is sexually sterile;
 - (h) “Noise” means barking, howling or any other noise made by a dog;
 - (i) “Officer” means any person appointed as animal control officer for the purposes of enforcement of this bylaw;
 - (j) “Owner” means any person who owns, harbours, processes or has control or custody of an animal;
 - (k) “Society” shall mean the Prince Edward Humane Society.
3. The provisions of this bylaw shall be enforce by; P.E.I. Humane Society

Dog Licenses

4. No person shall own a dog within the municipality unless such dog is licensed pursuant to the provisions of this bylaw.

5. (1) Every owner of a dog shall apply for a dog license and pay the license fee in accordance with the following schedule:
 - (a) Neutered Dog \$ 5.00 per year
 - (b) Unneutered Dog \$ 10.00 per year

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, and description and sex of the dog to be licensed;
 - c) Such other information as may be required by the municipality
 - d) Such other information as may be required by the municipality;

7. For the purpose 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 be effective from the date of issue to 1 year.

9. License 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.

11. No person, other than the owner of a veterinary clinic shall own or be permitted to own more than 2 dogs at any time on land or premises occupied by their owners within the municipality. There shall be a maximum limited of two dogs per household.

GENERAL PROVISIONS

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

13. (1) 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 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, except that such dog may be released for confinement for intentional breeding.
13. (2) 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;
14. (1) No owner of an animal shall allow such animal to become a nuisance;
- 14 (2) 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.
- 15 (1) No owner of an animal shall permit or allow such to damage public or private property;
- 15 (2) When public or private property is damage by any animal, it's owner shall be deemed to have failed or refused to have complied with the requirements of subsection (1).
16. No person, whether or not such person is the owner of an animal which is being or has been pursued or seized shall:
 - (1) Interfere with, or attempt to obstruct as the officer in the legal execution of his duties consistent with this by law;
 - (2) unlock, unlatch or otherwise open any vehicle in which animals seized for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom; or
 - (3) Remove or attempt to remove any animal from the possession of an officer or any person at the time responsible for the operation of the shelter.
17. If any part of this bylaw shall be held void, then such provision shall be deemed serviceable, and the invalidity thereof not affect the remaining provisions of this bylaw.

IMPOUNDMENT

18. The Municipality hereby established that the animal shelter for impounding animals shall be at the PEI Humane Society.

19. No text here)

20. (1) 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 reasonable;
- 20 (2) Where a dog wearing a current 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.
21. No dog shall be released from impoundment unless the dog is licensed in accordance with the provisions of this bylaw.
- 22 (2) Where a dog which is not licensed in accordance with this bylaw is impounded, such dog may be recovered by the owner within 120 hours after impounded, on the payment of the sum of \$ 25.00 plus keep of \$ 15.00 for each 24 hour period of portion thereof, that such animal is in the Shelter.
- 22(3) Where an impounded dog had 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 (1) Any animal, other than a dog, impounded under the provisions of this bylaw may be recovered by the owner on the payment of the actual cost if seizure and the impoundment together with the sum of \$ 15.00 for feed and care for each day or portion thereof that the animal shall have been impounded, an on providing a place of keeping for such animal in compliance with the provisions of this bylaw;
- 23(2) If the owner of an animal, other than a dog, cannot on reasonable inquiry, be found, or if the owner of such animal does not recover the animal within 5 days and pay the prescribed fees and charges, the animal may be sold at Public Auction or otherwise, or may be destroyed.
- 23 (3) (a)The proceeds of any sale of an animal, other than a dog, shall be applied firstly to the impoundment fees and charges, then to the costs of the sale, and the balance, if any, shall be paid to the owner if known,
- 23 (3) (b) Where the owner of the animal is unknown the balance of the proceeds after payment of the fees specified in subsection (a) shall revert to, and become general revenue of the Municipality.

- 24 (1) No person shall own a dog with a vicious temperament unless such animal be confined within a building of secure enclosure, providing that such confinement shall not be required in the case of a dog which is securely muzzled;
- 24 (2) No owner of a dog shall permit such dog to bite any person and where such dog had bitten a person it shall be deemed to have been done with the consent of the owner;
24. (3) 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.
25. (1) Council of the Municipality may appoint animal control officers for the purpose of enforcing the provisions of this bylaw
25. (2) Council of the Municipality may enter into an agreement with the Society of the enforcement of this bylaw, and such agreement shall include;
- 25 2(a) The fee to be paid to the Society for such service; and
- 25 2(b) Specify the classification of Society employees to be appointed officers under this bylaw.

PENALTIES

26. Every person who violated, or fails to comply with any provisions of this bylaw is guilty of an offense and liable:
26. (a) for a first offence to a fine not exceeding \$ 25.00
26. (b) for a second offence to a fine not exceeding \$ 50.00
26. (c) for third and subsequent offence to a fine not exceeding \$ 100.00

Exclusive of costs and any other fees, charges or expenses payable under this bylaw, and in default of payment of any fines and costs, to imprisonment for a period not exceeding 3 days.

27. **This bylaw shall come into full force and effect on the 1st day of February, A.D. 1989.**

28. KENNEL DOG BYLAW

- 28 – 1 No persons other than holder of a kennel license or vet clinic shall own or permit to own no more than 2 dogs at any time on land or premises occupied by the owner within the village limits of Murray Harbour.
- 28 – 2 the fee for the kennel license shall be \$ 100.00 paid annually.

- 28 – 3 Application for kennel license is to be requested and filed at the village office, and to be approved upon by council.
- 28 – 4 Max. of kennels hold of no more that of 8 dogs. Dogs age 3 months and older are required to have a dog license.
Neutered \$ 5.00.
Unneutered \$ 10.00
- 28 – 5 Any persons operating a licensed kennel shall keep the dogs thereof confined to the kennel premise and not permitted the said dogs to become a nuisance to neighbors.
- 28 – 6 Kennel owner's operation shall be inspected three times a year for inspection of sanitation and health hygiene and comfort of the dogs. Inspection will be done by the Animal Control Officer.

Update registered with Municipal affairs May 5, 1995 with addition clause of Dog Kennels