

This bylaw is made under the authority of the Municipalities Act Part XI Section 64 (n) iv, vii, R.S.P.E.I. (1988), Cap. M-13.

Title

1. This bylaw shall be known and may be cited as the Malpeque Bay Community Dog Control Bylaw.

Definitions

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 a dog;
  - 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) "Municipality" means the Community of Malpeque Bay;
  - f) "owner" means any person who owns, harbours, possesses, or has control or custody of a dog;
  - g) "Society" means the Prince Edward Island Humane Society;
  - h) "vicious dog" means any dog that has bitten any person or lunges at or pursues any person or vehicle.

Provision of Service

3. The provision of this Bylaw Shall be enforced as follows:
  - a) the Community administrator shall be the sole agent for complaints received with reference to dog control within the districts of Baltic, Darnley, Hamilton, Indian River, Malpeque, Sea View and Spring Valley;
  - b) The community administrator may direct the Society to pick up and transport an at large dog or a vicious dog to the shelter for a fee.
  - c) The Society shall pick up said dog(s) at the earliest possible time according to the Society's workload.

General Provisions

4. No owner of a dog 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.
5. No owner of a dog shall allow such dog to pursue or lunge at people and where more than two complaints have been received by the administrator the owner of such dog shall be notified and requested to confine such dog within a building or secure enclosure. Such dog shall be deemed to have a vicious temperament. Failure to comply with such a request will result in the owner being fined as per the provisions of this Bylaw.
  - a) No owner of a dog shall allow such a dog to become a nuisance;
  - b) No owner of a dog shall permit such a dog to make unreasonable noise, (barking, howling), or in any other manner which disturbs the peace or quiet of any person.

- c) 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; such dog will be deemed to be a vicious dog.
6. 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 of 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.
7. 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 this Bylaw.

#### Impoundment

8. The Municipality hereby establishes that the animal shelter for impounding dogs shall be at the P.E.I. Humane Society.
9. a) An officer may seize any dog at the request of the Community and may impound such dog in the 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.
- c) For the purposes of carrying out his/her duties pursuant to subsection a), 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.

#### Fee Structure

10. The Community agrees to pay the Society certain fees for providing dog control services;
- a) The Community agrees to pay the Society a board fee of \$7.00 per day or parts thereof for unclaimed dogs up to the 72 hour period to a maximum of \$21.00 per unclaimed dog.
  - b) After 72 hours the dog becomes the responsibility of the Shelter who may adopt or euthanize the dog at their sole discretion.
  - c) The Community agrees to pay a euthanasia fee of \$25.00 to the Society should the Society take this measure. The Community agrees to pay the Society a callout fee of \$50.00. The total maximum cost to the Community per requested callout shall not exceed \$96.00.
  - d) Dogs may be claimed by owners who will be responsible for paying the Society for the callout fee and the board fee. Owners have 72 hours to claim their dogs after which time custody of said dog is given to the Society.

Penalties

11. Every person who violates, or fails to comply with any of the provision of this Bylaw is guilty of an offense and liable:

- a) for a first offence to a fine not exceeding \$25.00
- b) for a second offence to a fine not exceeding \$50.00
- c) for a 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 30 days.

Effective Date

12. This Bylaw shall come into force on the 10<sup>th</sup> day of January 1996.

First Reading: \_\_\_\_\_ 1003/95

Second Reading: \_\_\_\_\_ Jan 10/96

Jeanne McNamee  
Administrator

Gale J. Venot  
Chairman