



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: ANIMAL CONTROL BYLAW

BYLAW #: # CS-15

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

1.1. This 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 City of Summerside.

3. Application

3.1. This bylaw applies to all persons within the City of Summerside.

4. Definitions

4.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in that Act.

4.2. In this bylaw:

- (a) "Act" means the *Municipal Government Act*, RSPEI 1988, c M-12.1;
- (b) "City" means the City of Summerside;
- (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 designated by Council to have the administration or enforcement of this bylaw, or any aspect thereof;
- (e) "animal control office" means the offices of Summerside Police Services at 270 Foundry Street, Summerside;

- (f) "animal shelter" means any place designated by Council to be used as a detention area for animals detained under this bylaw;
- (g) a dog or cat is "at large" when it is not under control by a competent person on property other than that of the owner of the dog or cat;
- (h) "cat" does not include an unweaned kitten;
- (i) "dog" does not include an unweaned pup;
- (j) "Judge" means a Judge of the Provincial Court of Prince Edward Island;
- (k) "police officer" means an officer of the City of Summerside Police Services Department.

5. Procedures

- 5.1. 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.

6. Dog or Cat License Requirement

- 6.1. Every owner of a dog or cat shall apply for a license for each dog or cat. Such license shall not be transferable.
- 6.2. Upon application, the animal control office shall issue a license for the dog or cat.
- 6.3. The dog or cat license is:
 - (a) a written certificate describing the breed of the dog or cat, name and address of the owner, and assigning to the dog or cat a unique number, that identifies the dog or cat and its owner; and,
 - (b) a metal tag not less than one inch in diameter, that can be suspended from a collar around the dog's or cat's neck that bears the unique number referred to herein together with the year for which the license is in force and the word Summerside.
- 6.4. A dog or cat 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.
- 6.5. Where a person becomes the owner of a dog or cat between the first day of January in one year and the first day of January of the next year, the owner shall forthwith apply for a license and the animal control officer office shall issue the license described herein.

6.6. 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 or cat's neck when the dog or cat is not on the owner's property and shall:

- (a) retain the written certificate in their possession during the period of its effectiveness; and
- (b) ensure that the metal tag remains suspended from a collar fastened around the dog's or cat's neck during the period of its effectiveness.

6.7. The animal control office 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.

7. Dangerous Animals

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

8. Dogs At Large

8.1. 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 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.

8.2. Any licensed or unlicensed dog that runs at large may be caught by an animal control officer, and impounded in an animal shelter.

8.3. Any owner who allows his or her dog to run at large as described in this section is guilty of an offence.

9. Cats At Large

9.1. No owner of a cat shall allow the cat to run at large on public property or on private property owned or occupied by someone who is not the owner of the cat and who has not given permission for the cat to be on their property. Any cat found at large shall be deemed to have been allowed to run at large by the owner.

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

10. Impounding of Licensed Animals

- 10.1. When a dog or cat bearing a metal tag referred to in Section 6 is impounded, the animal control officer shall notify the registered owner of the dog or cat.
- 10.2. 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.
- 10.3. The owner may within seven days of the date of receipt of notice specified herein, take possession of a dog or cat which has been impounded provided the owner pays the fees set out in Schedule "A" respecting the catching and maintenance of the dog or cat, together with the license fee if applicable.
- 10.4. If the owner fails to take possession of the dog or cat, within seven days from the date of notification, the dog or cat may be euthanized or otherwise disposed of at any time by 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 euthanized or otherwise disposed of.

11. Impounding of Non-Licensed Dogs or Cats

- 11.1. When a dog or cat which does not bear a metal tag referred to in Section 6 is impounded, the animal control officer shall not be obliged to make any attempt to identify or notify the owner of the dog or cat.
- 11.2. The owner may within seven days of the impounding, take possession of a dog or cat which has been impounded provided the owner pays the fees set out in Schedule "A" respecting the catching and maintenance of the dog or cat, together with the license fee if applicable.
- 11.3. If the owner fails to take possession of the dog or cat within seven days from the date the dog or cat was impounded, the dog or cat may be euthanized or otherwise disposed of at any time by 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 euthanized or otherwise disposed of.

12. Injured or Threatening Dog or Cat

- 12.1. Where any dog or cat has been caught pursuant to Section 10 or 11 and the animal control officer believes, on reasonable grounds that the dog or cat is injured or ill and should be euthanized immediately for humane reasons or that the dog or cat poses a threat to the safety of persons or other animals, the animal control officer may humanely euthanize the dog or cat.

13. Dogs Defecating on Public or Private Property

- 13.1. 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.

14. Endangerment & Disturbances

- 14.1. If any dog or cat 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 or cat is guilty of an offence.
- 14.2. Instead of or in addition to charging the owner with the offence described in section 14.1, 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 city as defined in section 8 or 9, or continues to disturb the quiet of any person or persons, such dog or cat may be forthwith euthanized by any animal control officer.

15. Summary Proceeding

- 15.1. 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 cat 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 cat if possible and euthanize it.
- 15.2. 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 or cat.

16. Private Property

- 16.1. For the purposes of carrying out the duties pursuant to this bylaw, an animal control officer, when in pursuit of a dog or cat, is authorized to enter onto private property within the City to apprehend and 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 private property.

17. Liability

- 17.1. The City, 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.

18. Other Animals

- 18.1. Every owner of any horse, donkey, cow, bull, ox, sheep, goat, pig, mink, fox, wolf, coyote, raccoon, skunk, chicken, duck, goose, turkey, pigeon, guinea-fowl, snake, owl, hawk, lizard or any wild or undomesticated animal shall obtain an animal permit from the animal control officer to keep or harbour the said animals within the City. This section does not apply to farm animals on bona fide farms.
- 18.2. Requests for an animal permit shall be made by way of application to Council, directed to the animal control officer.
- 18.3. The applicant shall make a written application to the animal control officer stating the proposed type and number of animals, the purpose for which the owner desires to keep or harbour animal(s), the conditions under which the animal(s) will be kept, and proof that the property owners within a radius of 200 feet have been notified, which proof shall be in accordance with the form provided by the City, together with such other information as the applicant may wish to submit.
- 18.4. The animal control officer shall assess whether or not the animals are allowed under the City *Zoning Bylaw* and the desirability of issuing the animal license as per the application based upon such criteria as seems pertinent and shall report to Council.
- 18.5. Council shall consider the recommendations of the animal control officer, any submissions made by the applicant, any submissions made by adjoining properties and such further matters as it may deem necessary and shall then by resolution grant or refuse the application and set a fee for the granting thereof.
- 18.6. If approved, the permit shall be issued by the animal control officer and shall be in such form as the animal control officer may from time to time determine. The said permit may

be cancelled by the Council on recommendation by the animal control officer having regard to consideration listed in this section. Upon cancellation of the said permit the person named in the permit shall rid the property of the animals specified in the permit within 7 days after being served with written notice to do so.

18.7. Notwithstanding any other provisions of this section the following premises shall be deemed to possess a permit as of the date of passing of this bylaw, but the keeping of such permit shall be subject to all other provisions of this bylaw and the regulations made hereunder;

- (a) The barns of the exhibit area located at the Summerside Raceway and Exhibition grounds when on exhibit during the agricultural fair, carnival or other exhibits.
- (b) The Summerside Raceway stables.
- (c) Any stockyard for shipping.
- (d) Any food or industrial processing plant.

18.8. Any person who is granted a permit shall at all times keep the property, as described in the permit, clean and free from any accumulation of hay, straw, manure or other such substance that may become offensive in any way to any other person.

18.9. The animal control officer may:

- (a) at any time during normal business hours enter upon a property for which an animal permit has been issued for the purposes of inspection and may inspect any building or enclosure, except a residence, for any violation without warrant.
- (b) apply to a Judge of this Province for a warrant to search any residence or other premises in which or upon which they believe on reasonable grounds an offence under this bylaw or the regulations made hereunder is being committed. The Provincial Judge shall grant such warrant upon being satisfied that such reasonable grounds exist, provided that the right of search thereby granted shall only be exercised during normal business hours.

19. Offences

19.1. 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 or cat license, each day in which the owner fails to obtain the license shall constitute a separate offence.

20. License Fees

20.1. Council may, by simple resolution, set out in Schedule "A" the amount of the fees described herein.

21. Enforcement

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

21.2. 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 may accept a guilty plea from the Offender at the Police Station in Summerside and assess and accept the minimum fine.

22. Regulations

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

23. Repeal of bylaw

23.1. Bylaw Number SS-08 Animal Control Bylaw is hereby repealed.

First Reading

This Animal Control Bylaw, Bylaw #CS-15, was read a first time at the Council meeting held on the 20th day of August, 2018.

This Animal Control Bylaw, Bylaw #CS-15, was approved by a majority of Council members present at the Council meeting held on the 20th day of August, 2018.

Second Reading

This Animal Control Bylaw, Bylaw #CS-15, was read a second time at the Council meeting held on the 17th day of September, 2018.

This Animal Control Bylaw, Bylaw #CS-15, was approved by a majority of Council members present at the Council meeting held on the 17th day of September, 2018.


Approval and Adoption by Council

This Animal Control Bylaw, Bylaw #CS-15, was adopted by a majority of Council members present at the Council meeting held on the 17th day of September, 2018.

Signatures



Bill Martin, Mayor



Gordon MacFarlane, Deputy Chief Administrative Officer

This Animal Control Bylaw adopted by the Council of the City of Summerside on the 17th day of September, 2018 is certified to be a true copy.



Gordon MacFarlane, Deputy Chief Administrative Officer



Date



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: SCHEDULE "A"
BYLAW NAME: ANIMAL CONTROL BYLAW
BYLAW #: # CS-15

FEES

The fees required under the Animal Control Bylaw shall be:

Section	Description	Fee
6	Dog License	\$0.00 / year
6	Cat License	\$0.00 / year
6	Replacement Tag	\$3.00
10	Impounding of Licensed Animals	\$20.00 / day
11	Impounding of Non-Licensed Animals	\$20.00 / day

PENALTIES

The minimum and maximum penalties to be imposed for violations of the Animal Control Bylaw shall be:

Section	Description	Minimum Fine	Maximum Fine
6	No Dog or Cat License	\$25.00	\$100.00
7	Dangerous Animal	\$250.00	\$500.00
8	Dog at Large	\$25.00	\$100.00
9	Cat at Large	\$25.00	\$100.00
14	Disturbances or Endangerment	\$50.00	\$500.00
18	No Animal Permit	\$25.00	\$100.00