

Rural Municipality of Kinkora

Animal Control Bylaw

BYLAW #2023—02

This bylaw is made under the authority of of the *Municipal Governments Act* R.S.P.E.I. 1988, Cap. M-12.1.

WHEREAS the *Municipal Government Act* authorizes the Rural Municipality of Kinkora to enact bylaws and policies;

AND WHEREAS the *Municipal Government Act* authorizes the Rural Municipality of Kinkora to control the regulation of animals in the Rural Municipality of Kinkora;

BE IT ENACTED by the Rural Municipality of Kinkora as follows:

- 1) This bylaw may be cited as the *Animal Control Bylaw of the Rural Municipality of Kinkora*.

Definitions:

- 2) In this bylaw:
 - i) "Animal" includes, but is not limited to, dogs, cats, and other domesticated companion animals;
 - ii) "Animal Control Officer" means any person appointed by the Rural Municipality of Kinkora for the purposes of enforcing this bylaw;
 - iii) "Animal Shelter" means the premises selected by the Rural Municipality of Kinkora for the impoundment of animals;
 - iv) "At Large" means an unleashed animal that is in a public place or on private property without the permission of the owner or occupant thereof
 - v) "Council" means the Council of the Rural Municipality of Kinkora;
 - vi) "Judge" means a Judge of the Provincial Court of the Province of Prince Edward Island;
 - vii) "Kennel" means an establishment for the breeding and/or boarding of dogs or cats;
 - viii) "Tag" means a metal tag than can be suspended from a collar around the animal's neck.
 - ix) "Neutered" means any animal that is sexually sterile;
 - x) "Organization" means the Humane Society of Prince Edward Island, for the purpose of controlling, impounding, and/or safe-keeping animals.
 - xi) "Owner" means the person legally entitled to ownership of a domestic animal, the person having actual care and control of a domestic animal or the person harboring a domestic animal within his or her lands or premises, providing that where ownership, control, or harboring is by a child under the age of 17 years, the custodial parent or legal guardian of such child will be deemed to be the person owning, controlling, or harboring the domestic animal for the purposes of this by-law.
 - xii) "Municipality" means the Rural Municipality of Kinkora;
 - xiii) "Dangerous Dog" means any individual dog that,
 - (1) Has inflicted severe injury on a human being without provocation on public or private property,

- (2) Has killed a domestic animal without provocation while off the owner's property,
 - (3) That is attack trained,
 - (4) Has shown the disposition or tendency to be threatening or aggressive,
- xiv) "Muzzle" means a humane fastening or coverage device of adequate strength over the mouth of an animal to prevent it from biting.

Licenses

- 3) No person shall own a dog within the Municipality unless such dog is tagged and collared pursuant to the provisions of this bylaw.
- 4) Upon getting an animal the owner shall ensure a proper tag is bought, along with a collar to suspend from the animal's neck. The tag shall have the following information;
 - 1. The owner's name;
 - 2. The owner's address; and
 - 3. The owner's phone number;
- 5) Upon receipt of a tag, every owner of a dog shall suspend the metal tag referred to in Section 4 from a collar that is fastened around the neck of the dog and shall ensure that the metal tag remains suspended from the collar and is worn at all times.
- 6) No person shall operate a kennel without first obtaining a kennel license, and having a property zoned for C1 General Commercial, from the Municipality and the fee for a kennel license shall be \$100.00. Every kennel license shall be for one year and shall expire on December 31st.
- 7) Every person who owns or operates a kennel shall comply with the requirements set out in A *Code of Practice for Canadian Kennel Operations (Canada Veterinary Medical Association 1994)*.
- 8) Every person who owns or operates a kennel shall permit an Animal Control Officer to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this bylaw.
- 9) Where an Animal Control Officer finds that the owner or operator of a kennel does not comply with any regulations in this section, he or she may issue a compliance order and then if the kennel doesn't comply with the regulations he or she may suspend or revoke the license and direct that the animals be seized and impounded.

Animal Control Officers

- 10) The council may appoint Animal Control Officers for the purpose of enforcing the provisions of this bylaw. An Animal Control Officer may also be the Municipality's Bylaw Enforcement Officer.
- 11) The council may enter into an agreement with an organization for the enforcement of this bylaw.
- 12) For the purposes of carrying out his or her duties pursuant to this bylaw:
 - a) An Animal Control Officer, when in pursuit of an animal, is authorized to enter onto private property within the Municipality and impound the animal, but this section does not authorize the Animal Control Officer to enter into a residence;
 - b) An Animal Control Officer may seize any animal that is found "at large", and may impound such animal in the animal shelter, or in any other facility which, in the opinion of the Animal Control Officer, is reasonable;
 - c) Where an Animal Control Officer is in pursuit of an animal that has been "at large", and that has returned to the owner's property, the Animal Control Officer may impound the animal in the animal shelter, or in another facility which, in the opinion of the Animal Control Officer is

reasonable, but this section does not authorize the Animal Control Officer to enter into a residence.

- d) Where in the opinion of the Animal Control Officer, in consultation with a veterinarian, an animal seized and impounded is injured or ill and should be euthanized without delay for humane reasons or for reasons of safety to persons, the animal may be euthanized humanely if reasonable efforts to locate the owner have failed;
 - e) Where an animal seized and impounded is injured or ill and is treated by a veterinarian, the Municipality is entitled to charge the person claiming the animal for the cost of treatment.
- 13) If the animal is wearing the metal tag referred to in Section 4, then the Animal Control Officer shall notify the owner of the animal of the impoundment where it is reasonably possible to do so, and the Animal Control Officer shall inform the owner of the conditions under which the owner may regain custody of the animal.
- 14) The animal shelter for animals impounded in compliance with this bylaw shall be the Humane Society of Prince Edward Island.

Dangerous Dogs

- 15) Any owner of a dangerous dog shall house such a dog in a building or in a secure enclosure so that the dog may not come in contact with any person. At all times while outside the said building or enclosure, such dog shall be securely restrained and muzzled on its owner's property.
- 16) A dangerous dog may be seized and euthanized by the Animal Control Officer if it is "at large".

Recovery of Impounded Animals

- 17) No dog shall be released from impoundment unless it is tagged, collared, and all appropriate fees are paid in accordance with the provisions of this bylaw.
- 18) Subject to Section 17.
- a) Where an animal is impounded in accordance with this bylaw, the animal may be recovered by the owner within 120 hours of impoundment upon payment of a fine of \$50.00, plus a board fee as determined by the animal shelter for each 24-hour period or portion thereof that the animal is in the animal shelter.
 - b) Where an animal is impounded in accordance with this bylaw on a second occasion, the animal may be recovered by the owner within 120 hours of impoundment upon payment of a fine of \$75.00, plus boarding fees as determined by the animal shelter for each 24-hour period or portion thereof that the animal is in the animal shelter.
 - c) Where an animal is impounded in accordance with this bylaw, on a third or subsequent occasion, the animal may be recovered within 120 hours of impoundment and upon payment of a fine of \$100.00 plus a boarding fee as determined by the animal shelter for each 24-hour period or a portion thereof that the animal is in the shelter;
 - d) Where an animal is impounded in accordance with this bylaw the owner is subject to and shall pay any additional fees charged by the organization.
- 19) Where an impounded animal has not been recovered by the owner as provided under section 18 of this bylaw, or been made available for adoption by the Humane Society, the animal may be euthanized in the manner prescribed by the organization.
- 20) Where an animal is euthanized pursuant to section 19, the owner is liable to the Municipality for the fine and fees referred to in section 18, and for the costs incurred in destroying the animal,

and for all costs, legal, or otherwise, of any action that may be necessary to recover such fines and fees.

- 21) The organization is authorized.
- a) To receive animals pursuant to an eviction, incarceration, fire, or medical emergency, or for any other situation the town deems appropriate.
 - b) To temporarily keep such animals for a maximum of five (5) days;
 - c) To charge the owner, when the animals are redeemed, the current per diem sheltering fee and all costs for required veterinary care; and
 - d) At the end of the five-day protective care period, to treat such animals as day one impounded animals, unless other arrangements are agreed to between the owner and the organization.

Provision of Need

- 22) Every person who keeps an animal within the Municipality shall provide the animal or cause it to be provided with:
- a) Clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and maintenance of normal body weight;
 - b) The opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised under appropriate control where the animal is not "at large";
 - c) The necessary veterinary care when the animal exhibits signs of pain or suffering.
- 23) Every person who keeps an animal which normally resides outside, or which is kept outside for short or extended periods of time, shall ensure the animal is provided with an enclosure which meets the following criteria:
- a) A total area that is at least twice the length of the animal in all directions
 - b) Contain a house or shelter that will provide shelter from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal to move around freely, and lie in a normal position;
 - c) In an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - d) Pens and runs must be regularly cleaned out and sanitized and excreta removed daily;
 - e) Pens and runs shall be constructed of material of sufficient strength and in a manner adequate to confine the dog and prevent the entry of children;
 - f) Pens or runs shall be located no closer than 1.83 meters (6'0 feet) to any property line and no closer than 5 meters from a dwelling unit located on an adjacent property.
- 24) No person may cause an animal to be hitched, tied, or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
- 25) No person may cause an animal to be hitched, tied, or fastened to a fixed object as the primary means of confinement for an extended period of time.
- 26) No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
- 27) No person shall keep an animal within the Municipality in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of an animal: results in the accumulation of fecal matter, an odor, or insect infestation which endanger the health of the animal or any

person, or which disturb are likely to disturb the enjoyment, comfort, or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

- 28) No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

Offences

- 29) Any person who fails to comply with any provision of this bylaw is guilty of an offence and subject to the penalties set out herein.
- 30) The owner of an animal that is found "at large" is guilty of an offence.
- 31) The owner of an animal that disturbs the peace and quiet of any person within the Municipality is guilty of an offence.
- 32) The owner of an animal that damages public or private property is guilty of an offence.
- 33) A person is guilty of an offence who:
- a) Interferes with, or attempts to obstruct an Animal Control Officer or Bylaw Officer in the legal execution of his or her duties under this bylaw;
 - b) Unlocked, unlatches, or otherwise opens any vehicle in which any animal seized for impoundment has been placed, so as to allow or attempt to allow any animal to escape therefrom; or
 - c) Removes or attempts to remove any animal from the possession of an Animal Control Officer or from any person responsible for the operation of the animal shelter.
- 34) Any person who allows his or her animal to defecate on public or private property other than his or her own property and does not remove the feces immediately is guilty of an offence.
- 35) The owner of an animal that bites, attacks, or pursues any other person, or attacks or pursues any vehicle is guilty of an offence, and in addition to the penalties set forth in Section 39, the animal may be euthanized by an Animal Control Officer.
- 36) Any person who has their animal on public property must have the animal on a leash. The leash must be with a responsible person who can control the animal.
- 37) Any person who fails to constrain their animal on a leash within the boundaries of the Municipality, is subject to the same fines as set out in Section 39.

Enforcement

- 38) The prosecution of offences under this bylaw shall be in accordance with the Municipality's Enforcement and Summary Proceedings Bylaw, as may be amended from time to time.

Penalties

- 39) A person who is guilty of an offence hereunder, or who violates any of the provisions of this bylaw, is guilty of an offence and is liable upon summary conviction:
- a) For the first offence, to a fine not less than \$100.00 and not more than \$500.00;
 - b) For a subsequent offence, to a fine of not less than \$200.00 and not more than \$500.00;
- And in default of payment of any fine imposed, may be taken before a Provincial Court Judge as described in Section 2.2(b) of the Municipality's Enforcement and Summary Proceedings Bylaw.

- 40) In addition to the penalties set forth in section 39, any person guilty of an offence hereunder or who violates any provision of this bylaw is liable for any or all costs, fees, charges, or expenses, legal or otherwise, incurred by the Municipality in the prosecution of the offence, the total of which cannot exceed \$5000.00.
- 41) Each day any person violates any provision of this bylaw shall constitute a separate offence.
- 42) The levying and payment of penalties shall not relieve a person from the necessity of paying any charges or costs for which he or she is liable under this bylaw.

Appearance Before a Judge

- 43) Notwithstanding anything to the contrary stated herein, upon complaint being made to a Judge that an animal has bitten or has attempted to bite a person, or that an animal has viciously attacked another animal, the Judge may issue a summons directed to the owner of the animal, which summons shall briefly state the matter of the complaint and which summons shall require the owner to appear before a Judge at a specified time and place to answer the complaint and to be dealt with according to law.
- 44) If the complaint is proved, the Judge may make an order for the destruction of the animal by an Animal Control Officer authorized to enforce this bylaw and, for the purpose of carrying out this order, the Animal Control Officer may enter upon the owner's property or the property of the person in possession of the animal, and the Animal Control Officer may destroy the animal or remove the animal from the property for the purpose of destroying it.
- 45) The Judge may, in addition to any other penalty provided in this bylaw, direct the owner to pay for the costs of the proceeding and for the destruction of the animal.

Animals

- 46) The following animals are not permitted in any zone other than those designated as "Agricultural", except upon written application, and in the opinion of the Council of the Rural Municipality of Kinkora they do not represent a significant nuisance or health hazard to adjacent residents as noted in the Municipality's Development Bylaw.
 - Horse;
 - Donkey;
 - Pig;
 - Sheep;
 - Goat;
 - Cattle;
 - Llama;
 - Domestic fowl;
 - Goose;
 - Duck;
 - Turkey;
 - Guinea fowl;
 - Peafowl;
 - Alpaca;

Other Animals

47) The following animals are not permitted within the Rural Municipality of Kinkora:

- All artiodactylous ungulates, except domestic goats, sheep, pigs, and cattle;
- All Canidae, except the domestic dog,
- All crocodylians, (such as alligators and crocodiles),
- All edentates (such as anteaters, sloths, and armadillos),
- All Elephantidae (elephants),
- All erinacidae, except the African pigmy hedgehog,
- All Felidae, except the domestic cat,
- All hyaenidae (hyenas),
- All marsupials, except the sugar glider,
- All Mustelidae (such as skunks, otters, and weasels), except the domestic ferret,
- All non-human primates (such as gorillas, and monkeys),
- All pinnipeds (such as seals, fur seals, and walruses),
- All perissodactylous ungulates, except the domestic horse and donkey;
- All Procyonidae (such as racoons, coatis and cacomistles),
- All pteropodidae (bats),
- All raptors, diurnal and nocturnal (such as eagles, hawks and owls),
- All ratites (such as ostriches, rheas, and cassowaries),
- All Ursidae (bears),
- All venomous reptiles

General

48) If any provision of this bylaw is held void, then such provisions shall be deemed severable and invalidity thereof shall not affect the remaining provisions of this bylaw.

Effective Date

This Municipal Animal Control Bylaw shall, Bylaw #2023-02, shall be effective on the date of approval and adoption below.

First Reading:

This Animal Control Bylaw, Bylaw# 2023-02, was read a first time at the Council meeting held on the 25th day of September, 2023.

This Animal Control Bylaw, Bylaw# 2023-02, was approved by a majority of Council members present at the Council meeting held on the 25th day of September, 2023.

Second Reading:

This Animal Control Bylaw, Bylaw# 2023-02, was read a second time at the Council meeting held on the 23rd day of October, 2023.

This Animal Control Bylaw, Bylaw# 2023-02, was approved by a majority of Council members present at the Council meeting held on the 23rd day of October, 2023.

Approval and Adoption by Council:

This Animal Control Bylaw, Bylaw# 2023-02, was adopted by a majority of Council members present at the Council meeting held on the 23rd day of October, 2023.

Signatures



Mayor (Signature Sealed)

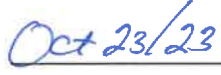


Chief Administrative Officer (Signature Sealed)

This Animal Control Bylaw, Bylaw #2023-02, adopted by the Council of the Rural Municipality of Kinkora on the 23rd day of October, 2023 is certified to be a true copy.



Chief Administrative Officer



Date