

By-Law No. 3
Community of Tignish
Dog By-Law (Amended July 10, 2000)

WHEREAS it is deemed necessary and expedient that a by-law be enacted relating to the ownership and control of dogs within the community of Tignish, in the county of Prince, Province of Prince Edward Island.

BE IT THEREFORE ENACTED AND IT IS HEREBY ENACTED by the Community Council of the Community of Tignish, pursuant to Section 62 of the Municipalities Act, S.P.E.I. 1983, Cap. 33, as follows:

1. This by-law may be referred to as the “Dog By-Law”.

- (a) “Animal Shelter” means any place designated by Council to be used as a detention area for dogs detained under this by-law.
- (b) “At Large” means not under immediate control.
- (c) “Council” means the Community Council of the Community of Tignish.
- (d) “Dog” means any male or female dog, but does not include an unweaned pup.
- (e) “Enforcement Officer” means the Community Administrator of Tignish together with any person designated by Council to have the administration or enforcement of this by-law, or any aspect thereof.
- (f) “Injuring” or “Harassing” includes biting, attempting to bite or pursuing any person, animal or vehicle.
- (g) “Judge” means a Judge of Provincial Court of Prince Edward Island.
- (h) “Owner” means
 - (i) any person who owns, possesses or harbours a dog within the Community of Tignish.
 - (ii) a parent or guardian of a minor who owns, possesses or harbours a dog within the Community of Tignish.

PART 1

2. (1) (a) (i) Every owner of a dog shall, on or before the first day of April in the year in which a dog is acquired, pay a license fee for each dog acquired by the owner in the year.
- (ii) Every person who becomes an owner of a dog after the first day of April in any year, shall on or before the 30th day following that owner’s acquisition of the dog, pay a license fee for each dog so acquired.
- (b) No dog license shall be transferable.

- (2) Upon receipt of payment of the license fee in the amount of \$10.00 per male dog, \$25.00 per female and \$10.00 per spayed female dog, the Enforcement Officer shall issue a license for the dog.
 - (3) The dog license is:
 - (a) A written Certificate
 - (i) Describing the breed of dog;
 - (ii) Name and address of the owner; and
 - (iii) Assigning to the dog a unique number,
 - (b) A metal tag not less than one inch in diameter bearing the unique number referred to in subparagraph (a) together with the year for which the license is in force.
 - (4) A dog license shall remain in full force and effect from the date of issue up to and including the last day of ownership by the person to whom the license was issued, and only for the dog for which the license was issued.
 - (5) Every owner shall upon receipt of a license:
 - (a) suspend the metal tag referred to in clause (b) of Subsection (3) from a collar fastened around the dog's neck,
 - (b) retain the written Certificate in his possession during the period of its effectiveness, and,
 - (c) ensure that the metal tag remains suspended from a collar fastened around the dog's neck during the period of its effectiveness.
 - (6) Where the metal tag or its certificate referred to in subsection (3) is lost or misplaced, the owner of the dog shall pay forthwith a replacement fee in the amount of \$2.00 to the enforcement officer to replace the certificate and/or tag which was lost or misplaced.
3. (1) (a) No owner or owners shall keep in or about a single premises within the Community of Tignish more than two (2) dogs unless he or they shall be the holder of a kennel license in respect of such premises.
- (b) Request for a Kennel License shall be made by way of application to Council, directed to the Enforcement officer.
 - (c) The applicant shall provide in writing the following information to the Enforcement Officer:
 - (i) where the dogs are to be located
 - (ii) the place where the kennel is to be located (if applicable),
 - (iii) the maximum number of dogs to be contained;
 - (iv) such other information as the applicant may wish to submit.

- (d) The enforcement Officer shall assess the desirability of having a kennel located as proposed in the application and shall report to Council within 10 days of receipt of application.
 - (e) Council shall consider the recommendation of the Enforcement Officer, on any submissions made by the applicant and such further matters as it may deem necessary and shall then by resolution grant or refuse the application.
 - (f) Before a kennel license is issued, the applicant shall pay to the Enforcement Officer a kennel license fee in the amount of \$50.00, subject to paragraph (g) herein.
 - (g) Council may waive the kennel license fee where the dogs are not being kept for breeding purposes.
- (2) A Kennel License is a license for use on premises only, and does not obviate the duty of the owner to obtain individual dog licenses. A Kennel License shall be in force until the 31st day of December of the year of issuance and may be renewed by the owner after the 1st day of January and before the 1st day of April of each and every year thereafter by payment of the kennel fee prescribed in paragraph 3 (1) (f) to the Enforcement Officer without application being made to Council.
4. (a) The Enforcement Officer may, by notice in writing, require any person to deliver to him a statement in writing of,
- (i) the number of dogs owned by that person, and/or
 - (ii) the particulars of the license of each dog.
- (b) where a person receives the notice in writing referred to in paragraph (a), he shall Comply with the requirements forthwith.
5. All license fees to be paid pursuant to the by-law shall be paid to the Enforcement Officer at the Community Office.

Part 11

DOGS RUNNING AT LARGE, ETC.

6. (1) (a) No owner of a dog shall allow his dog to run at large;
(b) Any dog found at large shall be deemed to have been allowed to be at large by its owner.
 - (2) Any licensed or unlicensed dog that is at large may be caught by a Peace Officer or an Enforcement Officer, and impounded in an animal shelter.

7. (1) When a dog bearing a metal tag referred to in Section 2.(3)(b) is impounded, the Enforcement Officer shall forthwith send by ordinary mail to the registered owner of the dog, a notice setting out the following information:
 - (i) that the person is the registered owner of the dog;
 - (ii) the license number of the dog impounded;
 - (iii) the amounts payable for the owner to reacquire the dog;
 - (iv) the time within which the dog must be reacquired;
 - (v) that the dog will be destroyed if not reacquired within the time prescribed;
 - (vi) that the owner is responsible for the costs of the capture, maintenance and destruction of the dog should he fail to reacquire the dog.
 - (2) The owner may retake possession of a dog which had been impounded provided he pays to the Enforcement Officer the fees prescribed by (5) hereunder respecting the catching and maintenance of the dog, together with the license fee if applicable.
 - (3) If the owner fails to take possession of his dog within three (3) days from the date of mailing the notification, the dog may be destroyed or otherwise disposed of at any time thereafter by the Enforcement Officer.
 - (4) When a dog which does not bear the metal tag referred to in section 2.(3)(b) is impounded, the Enforcement Officer shall not be obliged to make any attempt to identify or notify the owner, and if the owner fails to take possession of his dog and pay the fees referred to in subsection (2) within three (3) days from the date when the dog is impounded, the dog may be destroyed or otherwise disposed of at any time thereafter under direction of the Enforcement Officer.
 - (5) The fees payable by an owner of a dog upon the impounding of the dog shall include an impounding fee in the amount of \$10.00 and a maintenance fee per day in the amount of \$40.00.

- 8 (1) (a) Any owner who permits a dog persistently to disturb any person or persons by barking, howling, or in any other manner, or persistently to annoy pedestrians, drivers of automobiles, bicycles or other vehicles by running or barking at them, the owner shall be guilty of an offence as described in Part 111, section 13.
 - (b) Where any dog persistently disturbs a person or persons by barking, howling, or in any other manner, or persistently annoys pedestrians, drivers of automobiles, bicycles or other vehicles by running or barking at them, the

owner shall be deemed to have permitted the dog to so act.

- (2) Instead of or in addition to charging the owner with the offence described in subsection (1), the Enforcement Officer may notify the owner of such dog that if such dog is found at large in the Community of Tignish, or continues to disturb the quiet of any person or persons, such dog may be forthwith destroyed by any Enforcement Officer or Peace Officer.
9.
 - (1) When, upon complaint of any person, on oath, that a dog has bitten or attempted to bite or has harassed, or seriously alarmed any person, a Judge may summons the dog owner before him 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 Enforcement Officer to enter upon the premises of the owner of place of keeping of the dog, remove the dog if possible and destroy it.
 - (2) The Judge may, in addition to any other penalty provided by this Act, direct the owner to pay the cost of proceedings, and of the destruction of the dog.
10. The Community of Tignish, together with any Enforcement Officer or Peace Officer acting in good faith under this by-law shall not be liable for any injury or damages caused by any dog in the course of the enforcement of this by-law.

PART 111

GENERAL

11. The times and procedures herein governing the enforcement of this by-law shall be deemed to be directory, and a proceeding that is in substantial conformity with this by-law is not open to objection on the ground that it is not in strict compliance therewith.
12. The Community may enter into any agreement with any individual organization, association or society for the controlling, impounding safekeeping of all dogs in the Community of Tignish.
13. Every person who violates any provision of this by-law is guilty of an offence, and is liable, on summary conviction, to a fine of not less than \$25.00 nor more than \$200.00 or in default of payment to serve not less than one day and not more than 90 days in a Provincial Correctional Centre. Where the offence is that of failing to obtain a dog or kennel license, each day in which the owner fails to obtain the license shall constitute a separate offence.
14. All prosecutions for any violation of this by-law shall be heard before a Judge of the Provincial Court, or an Enforcement Officer may accept a guilty plea from the

offender at the Community Office in Tignish and assess and accept the minimum fine.

READ A FIRST AND SECOND TIME AND PASSED BY THE COMMUNITY COUNCIL OF THE COMMUNITY OF TIGNISH, THIS 11th DAY OF MARCH, 1996.