

TOWN OF STRATFORD

ANIMAL CONTROL BYLAW

BYLAW NUMBER 26

A Bylaw to regulate animals within the Town Of Stratford

BE IT ENACTED by the Council of the Town of Stratford as follows:

1. Name

This Bylaw may be cited as “The Animal Control Bylaw of The Town of Stratford”.

2. Definitions

In this Bylaw:

“aide dog” means any animal that is trained to provide quality of life assistance for disabled persons;

“animal” means all species of fauna excluding humans, fish and aquatic invertebrates;

“animal control officer” means any peace officer or person designated by Council to have the administration or enforcement of this bylaw, or any aspect thereof;

“animal shelter” means any premises designated by Council to be used as a detention area for animals detained under this bylaw;

“bona fide farmer” means a person who keeps livestock for agricultural purposes as defined in the *P.E.I. Farm Practices Act* and includes racing and breeding of horses.

“cat” means a male or female domesticated cat but does not include an unweaned kitten;

“council” means the Council of the Town of Stratford;

“dog” means a male or female domesticated dog but does not include an unweaned puppy;

“kennel” means an establishment with more than two (2) dogs for the purpose of breeding and/or boarding and includes a pet store;

“dangerous dog” means any dog that:

- a. has inflicted injury on a person without provocation;
- b. lunges at or pursues any person or vehicle;
- c. has injured or killed another animal without provocation;
- d. is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property and is attack trained;
- e. has shown the disposition or tendency to be threatening or aggressive.

“microchip” means an encoded electronic device implanted in an animal which contains a unique code number with owner information that is stored in a central database;

“muzzle” means any humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting;

“other animal” means any animal, other than a dog or cat, which is regulated by this bylaw;

“owner” means any person, partnership, association or corporation that owns, possess or has control, care or custody over an animal;

“police dog” means any animal that is trained to assist a police force in investigation or apprehension;

“running at large” refers to a dog that is unleashed on property other than that of the owner;

“Town” means the Town of Stratford as established in the Charlottetown Area Municipalities Act, Stats P.E.I. 1994, c. 6 and amendments thereto.

3. Provision Of Needs

- a. No person may keep any animal in the Town unless the animal is provided with:
 - i. Clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - ii. Food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - iii. The opportunity for periodic exercise sufficient to maintain good health;
 - iv. Necessary veterinary medical care when the animal exhibits signs of pain or suffering.

- b. No person shall keep an animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with an enclosure that meets the following criteria:
 - i. A total area that is at least twice the length of the animal in all directions;
 - ii. Contain a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
 - iii. In an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - iv. Pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
- c. No person shall 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.
- d. No person shall cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement.
- e. No person shall cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
- f. No person shall 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.

4. Unsanitary Conditions Prohibited

No person shall keep an animal within the Town in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

5. Owners' Responsibilities

- a. If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such feces to be removed immediately.

- b. No owner shall suffer, permit, allow or for any reason have his or her dog bark or howl excessively or in any manner that disturbs the quiet of any person.
- c. No owner of a dog shall permit his or her dog to, without provocation:
 - i. Chase, bite or attack any person;
 - ii. Chase, bite or attack any domestic animal;
 - iii. Damage public or private property.
- d. No owner shall permit the running at large of dogs within the Town.
- e. No owner shall have more than two dogs in a household for the purpose of boarding or breeding without obtaining a Kennel license.

6. Prohibition of Traps

No person shall use, set or maintain a leghold trap, snare or trap deemed to be inhumane by the animal control officer in the Town

7. Licencing

- a. The owner of any dog shall obtain an annual license for the animal by registering the dog with the Town and paying the fee set out in Schedule A.
- b. The owner shall renew the license by March 31 each year.
- c. When the dog is off the property of the owner, the owner shall cause the animal to wear around the neck a collar to which shall be attached the current license tag issued by the Town.
- d. A dog that is trained to provide quality of life assistance for disabled persons shall be licensed and shall wear the current license tag. Any person who produces evidence satisfactory to the Town showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the license fee.
- e. The Town shall keep a record of all dogs registered and licensed, showing the date and number of registration and license, the name and description of the dog and the name and address of the owner.

8. Impoundment

- a. The animal control officer may seize and impound:
 - i. Any dog running at large
 - ii. Any dog not wearing a collar and tag while off the premises of the owner and not under leashed control by a responsible person.
 - iii. Any dog who, without provocation:
 - (1) Chase, bite or attack any person;
 - (2) Chase, bite or attack any domestic animal;
 - (3) Damage public or private property.
- b. The animal control officer shall make all reasonable efforts to identify and contact the owner of every stray animal received, whether the animal is living or deceased.
- c. Every dog impounded shall be provided with clean food and water and sheltered in sanitary conditions. The dog shall remain impounded for the length of time prescribed by the animal control officer unless it is claimed by its rightful owners. If not claimed within the specified time, the dog shall become the property of the Town.
- d. Where in the opinion of the animal control officer, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanised humanely if reasonable efforts to locate the owner of the animal have failed.
- e. Where a dog seized and impounded is injured or ill and is treated by a veterinarian, the Town shall, in addition to any impoundment fees, charge the owner of the dog ~~or eat~~ for the cost of the treatment.
- f. Where a dog is seized and impounded and the dog does not have a microchip identifying device inserted, one shall be inserted and the Town shall, in addition to any impoundment fees, charge the owner of the dog for the cost of the microchip registration fee.
- g. During the impoundment period, the owner may claim the dog upon proof of ownership of the animal, and payment to the Town of:
 - i. The appropriate impound fee as set out in Schedule A; and
 - ii. The appropriate license fee where the dog is not licensed; and
 - iii. Animal Shelter maintenance fees as determined by the animal shelter.
 - iv. The cost of the microchip registration fee as determined by the animal shelter; and
 - v. Veterinary fees where applicable.

- h. Where the owner of a dog does not claim the dog and the owner is known to the animal control officer, the owner shall pay the maintenance fee set out in Schedule "A" for each day the dog is in custody.
- i. Where a dog that is impounded is not claimed by the owner within a maximum of four (4) days, the animal control officer may:
 - i. Sell the dog at such price as he or she may consider proper, or
 - ii. Euthanise the dog in a humane manner by lethal injection.

9. Dangerous Dogs

- a. Where an animal control officer determines that a dog is a dangerous dog, he or she shall make a declaration to that effect and shall make an order advising the owner of the declaration.
- b. When a dog has been declared dangerous pursuant to sub-section a., the owner of the dangerous dog shall, within the time limit specified by the animal control officer, ensure that:
 - i. the dog is licensed as a dangerous dog and pay the license fee for a dangerous dog as set out in Schedule A;
 - ii. the dog is spayed or neutered;
 - iii. the dog is muzzled at all times when it is not on the owner's property;
 - iv. the dog is on a leash no longer than one meter and under the control of a responsible person over the age of eighteen at all times when off the owner's property;
 - v. when the dog is on the property of the owner, it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two meters by four meters and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one meter of the property line or within three meters of a neighboring dwelling unit;
 - vi. a sign is displayed at each entrance to the property and building in or upon which the dog is kept warning in writing as well as with a symbol that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare;

- vii. a policy of liability insurance, satisfactory to the Town, is in force in the amount of at least one million dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the Town to be named as an additional insured for the sole purpose of the Town to be notified by the insurance company of an cancellation, termination or expiration of the policy;
 - viii. All other requirements of this bylaw are met.
- c. An animal control officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.
 - d. If the owner of a dog that has been designated by an animal control officer as a dangerous dog is unwilling or unable to comply with the requirements of subsection a., the dangerous dog shall be humanely euthanised by an animal shelter, an animal control agency or licensed veterinarian. The owner shall have the dangerous dog euthanised within seven days of receipt of an order to that effect from the animal control officer. Any dog that has been designated as a dangerous dog under this bylaw shall not be offered for adoption.
 - e. This section does not apply to police dogs while in active police service.

10. Kennels

- a. Every person who owns or operates a kennel shall, upon application and payment of a license fee as set out in Schedule A and upon the approval of the Town, obtain not later than the date established by the Town in each year, a kennel license to operate such kennel.
- b. Every kennel license shall be for one year and shall expire on December 31st in each year.
- c. No kennel will be permitted in any Residential Zone (as defined in the Stratford Zoning and Subdivision Control Bylaw). Every person who owns or operates a kennel shall comply with the Housing Standards Regulations of the *Companion Animal Protection Act*.
- d. Where an owner or operator of a kennel fails to comply with this bylaw or any other bylaw of the Town, the license may be suspended or revoked by an animal control officer.

- e. 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.
- f. Where animal control officer finds that the owner or operator of a kennel does not comply with any regulation in this section, he may direct that the animals be seized and impounded and housed in appropriate confinement.

11. Protective Care

The designated animal shelter is authorized:

- a. To receive animals pursuant to an eviction, incarceration, fire or medical emergency or for any other situation that Council deems appropriate.
- b. To temporarily keep such animals for a maximum of five days
- c. To charge the owner the sheltering fee and any costs for veterinary medical care when the animals are redeemed by the owner.
- d. At the end of the five day protective period, if no satisfactory arrangements are made with the owner, to treat the animals as day one impounded animals in accordance with this bylaw.

12. Performing Animals

- a. No person shall operate or carry on a public show, exhibition, carnival, or performance in which animals are required to perform tricks, fight or participate in exhibitions or performances for the amusement or entertainment of an audience.
- b. Subsection a. shall not apply to:
 - i. exhibitions or performances involving horses or in which individuals ride horses or ponies;
 - ii. exhibitions involving dogs;
 - iii. displays or showings of animals in agricultural fairs or pet shows.provided that the public show, exhibition, carnival or performance in no way exploits an animal such that it is being used or treated in an inhumane manner.

13. Other Animals

- a. The following animals are not permitted in residential zones (as defined in the Stratford Zoning and Subdivision Control Bylaw) in the Town:
 - i. horse;
 - ii. donkey;
 - iii. pig;
 - iv. sheep;
 - v. goat;
 - vi. cattle;
 - vii. llama;
 - viii. domestic fowl;
 - ix. goosey;
 - x. duck;
 - xi. turkey;
 - xii. guinea fowl;
 - xiii. peafowl;
 - xiv. alpaca;

This section does not apply to bona fide farmers.

- b. The following animals are not permitted in the Town:
 - i. all artiodactylous ungulates, except domestic goats, sheep, pigs and cattle;
 - ii. all canidae, except the domestic dog;
 - iii. all crocodilians (such as alligators and crocodiles);
 - iv. all edentates (such as anteaters, sloths and armadillos);
 - v. all elephantidae (elephants);
 - vi. all erinacidae, except the African pigmy hedgehog;
 - vii. all felidae, except the domestic cat;
 - viii. all hyaenidae (hyenas);
 - ix. all marsupials, except the sugar glider;
 - x. all mustelidae (such as skunks, otters and weasels), except the domestic ferret;
 - xi. all non-human primates (such as gorillas and monkeys);
 - xii. all pinnipeds (such as seals, fur seals and walruses);
 - xiii. all perissodactylous ungulates, except the domestic horse and ass;
 - xiv. all procyonidae (such as racoons, coatis and cacomistles);
 - xv. all pteropodidae (bats);
 - xvi. all raptors, diurnal and nocturnal (such as eagles, hawks and owls);
 - xvii. all ratites (such as ostriches, rheas and cassowaries);
 - xviii. all ursidae (bears)
 - xix.** all venomous reptiles

14. Animal Control Officer Powers of Entry

The animal control officer may:

- a. At any time during normal business hours enter upon a property for which a permit or license has been issued under this bylaw for the purposes of inspection and may inspect any building or enclosure, except a residence, for any violation without warrant.
- b. Apply to a Provincial Judge of Prince Edward Island 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.

14.1 Prosecution and Enforcement

- a. The prosecution of offences under this Bylaw shall be in accordance with the Summary Proceedings Bylaw, Bylaw # 34; and
- b. This Bylaw may be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of the Province of Prince Edward Island in accordance with subsection 139(3) of the *Charlottetown Area Municipalities Act* or any successor act or provision

15. Offences

- a. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable, on summary conviction, for a fine of not less than \$50 and not more than \$500 and in default of payment of any fine imposed, to imprisonment for a term not exceeding 60 days;
- b. Each day of violation of any provision of this bylaw shall constitute a separate offence.
- c. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this bylaw.

- d. A Provincial Court Judge, in addition to the penalties provided in this bylaw, may if he considers the offence sufficiently serious, direct or order the owner of a dog, cat or other animal to prevent such dog, cat or other animal from doing mischief or causing the disturbance or a nuisance complained of, or to have the animal removed from Town or to have the animal destroyed humanely.
- e. Where any person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount of the first penalty and any such person is liable on default of payment of any fine imposed to imprisonment for a term not exceeding 60 days; and.
- f. Where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount of the first penalty and any such person is liable on default of payment of any fine imposed to imprisonment for a term not exceeding 60 days.

16. Repeal of Existing Bylaw

Bylaw Number 6, A By-law Relating to Controlling Dogs Within the Corporate Limits of the Town of Stratford, which was adopted on April 3, 1995, is hereby repealed.

17. Effective Date

The effective date of this bylaw is October 14, 2004.

This bylaw was read and approved a 1st time by Council at a meeting held on September 8, 2004

This bylaw was read and approved a 2nd time by Council at a meeting held on October 13, 2004

This bylaw was adopted by Council at a meeting held on October 13, 2004

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this _____ day of _____, 2004.

Kevin Jenkins
Mayor

Robert Hughes
Chief Administrative Officer

SCHEDULE “A”

to the

STRATFORD ANIMAL CONTROL BYLAW

BYLAW # 26

A SCHEDULE OF FEES

Pursuant to Sections 7 - 10 of the Stratford Animal Control Bylaw, Bylaw # 26, the following fees are established, effective January 1, 2009 (revised January 2009):

Bylaw Section	Description	Annual Fee
7.a	dog license - spayed or neutered	\$15
7.a	dog license - not spayed or neutered	\$25
7.d	dog license - disabled person assistance	\$0
8.g	impound fee	\$50
9.b	dangerous dog license fee	\$100
10.a	kennel license fee	\$30