

TOWN OF KENSINGTON DOG BY-LAW

BE IT ENACTED AND IT IS HEREBY ENACTED by the Town Council of the Town of Kensington, pursuant to section 57 and section 64 (n) of the Municipalities, (1988) R.S. P.E.I.cap. M-13, and amendments thereto as follows:

1. This BY-LAW may be referred to as the “ Dog BY-LAW of the Town of Kensington”.

2. IN THIS 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 control.
- (c) “Council “means the Town Council of the Town of Kensington.
- (d) “Dog “means any male or female dog but does not include an unweaned pup.
- (e) “Enforcement Officer “means the Chief of Police of Kensington together with any person designated by Council to have the administration or enforcement of this BY-LAW, or any aspect thereof.
- (f) “Injuring “or Harassment “includes wounding, pursuing any person, animal or vehicle.
- (g) “Judge “means a judge of the Provincial Court of Prince Edward Island.
- (h) “Kennel “means a shelter for three or more dogs.
- (i) “Owner “means any person who owns, possesses or harbours a dog within the Town of Kensington.
- (j) “Police Constable “means a member of the Kensington Police Department.

PART 1

- (1) Every owner of a dog shall, on or before the first day of April of each year, pay an annual license fee for the current year for each dog owned by him. Such license shall not be transferable. The license fee shall be in such amount as may be prescribed from time to time by resolution of Council.
- (2) Upon receipt of payment of the license fee, the Enforcement Officer shall issue a license for the dog.
- (3) The Dog License is:
 - (a) A written certificate describing the breed of the dog, name and address of the owner, and assigning the dog a unique number, that identifies the dog 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 neck that bears the unique number referred to in clause (a) together with the year for which the license is in force.

4. A dog 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.

5. Where a person becomes the owner of a dog between the first day of January in one year and the first day of January of the next year, he shall pay the license fee before the first Day of April or, if the dog is acquired after the first day of April he shall pay the license fee forthwith, and upon receipt of payment of the license fee the Enforcement Officer shall issue a license described in Subsection (3).

6. Every owner shall upon receipt of a license, suspend the metal tag referred to in clause (b) of Subsection (3) from a collar that is fastened around the dog's neck and shall.

(a) Retain the written certificate in his possession during the period of its effectiveness, and,

(b) Ensure that the metal tag remains suspended from a collar fastened around the dog's neck during the period of its effectiveness.

(7) The enforcement Officer may in any year after the issue of a license described in Subsection (3), renew the existing license by endorsement to the Certificate referred to in clause (a) of Subsection (3) 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.

4. (1) No owner or owners shall keep in or about a single premises within the Town of Kensington more than two (2) dogs unless he shall be the holder of a kennel license in respect of such premises.

(a) Requests for a kennel license shall be made by way of application to Council, directed to the Enforcement Officer

(b) The applicant shall inform the Enforcement Office in writing, where the dogs are to be located, where the kennel is to be constructed (if applicable), and the maximum number of dogs which could be handled, together with such other information as he may wish to submit.

(c) The Enforcement Officer shall assess the desirability of having a kennel located as per the application based upon such criteria as seems pertinent to him and shall report to Council.

(d) Council shall consider the recommendations of the Enforcement Officer, 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.

(e) 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 of premises only, and does not obviate the duty of the owner to obtain~~

~~individual dog licenses.~~

~~(4) 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 first day of January and before the 1st day of April of each and every year thereafter by payment of the prescribed fee to the Enforcement Officer without application being made to Council.~~

5. The Enforcement Officer may, by notice in writing, require any person to deliver to him a statement in writing of ,
(a) the number of dogs owned by that person , and where that person received the notice in writing , he shall comply with the requirement forthwith , or

(b) the particulars of the license of each dog.

6.(a) All license fees shall be in such amount or amounts as may be prescribed from time to time by resolution of Council.

(b) All license fees to be paid pursuant to this BY-LAW shall be paid to the Town Administrator at the Kensington Town Office.

PART 2 DOGS RUNNING AT LARGE ETC.

7. (1) No owner of a dog shall allow his dog to run at large. 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 Police Constable or an Enforcement Officer, and impounded in an animal shelter.

8. (1) When a dog bearing a metal tag referred to in Section 3 (b) is impounded, the Enforcement Officer shall notify the registered owner of the dog;

(2) The notification may be by telephone, mail or in person, but in any event the Enforcement Officer shall take such steps as shall reasonably satisfy him that the owner has been notified and shall make note of the circumstances of the notification.

(3) The owner may retake possession of a dog which has been impounded provided he pays the Enforcement Officer the fees prescribed by the regulation respecting the catching and maintenance of the dog together with the license fee if applicable.

(4) If the owner fails to take possession of his dog within four days from the date of notification, or six days if the notification is by mail, the dog may be destroyed or otherwise disposed of at any time by the enforcement Officer.

(5) When a dog which does not bear the metal tag referred to in Section 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 (3) within four days from the date when

the dog is impounded, the dog may be destroyed or otherwise disposed of at any time by the Enforcement Officer.

9 (1) If any dog persistently disturbs the quiet of any 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 of the dog is guilty of an offence.

(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, and if such dog is found at large in the Town of Kensington, or continues to disturb the quiet of any person or persons, such dog may be forthwith destroyed by any Enforcement Officer or Police Constable.

10.(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 specific time, or upon his failing to do so, the Judge may direct an Enforcement Officer to enter upon the premises of the owner or 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 the proceedings, and the destruction of the dog.

The Town of Kensington, together with any Enforcement Officer or Police Constable acting in good faith under this BY-LAW shall not be liable for any injury or damages caused to any dog in the course of the enforcement of this BY-LAW.

PART 3 GENERAL

2. The times and procedures set forth in 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

13.The Town may enter into any agreement with any individual organization, association or society for the controlling, impounding and safekeeping of all dogs in the Town of Kensington.

4.Council may by resolution make regulations for the better administration and enforcement of this BY-LAW and to carry out the intent and purpose of the BY-LAW and without limiting the generality thereof, may make regulations respecting:

- (a) respecting the taking and impounding of dogs:
- (b) respecting the duties and powers of the Enforcement Officer

© prescribing fees for catching, impounding, feeding and maintaining the dogs:

- d. Respecting standards or kennels and the supervision and control of dogs therein.
- e. The licensing of dogs.
- f. The amount or amounts of license fees and animal shelter fees to be paid under this BY-LAW.
- g. The reimbursement or remuneration of Enforcement Officers, where applicable.
- h. The designation of Enforcement Officers and animal shelters.

15. Every person who violates any provision of this BY-LAW or the regulations made thereto is guilty of an offense, 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 Center. Where the offense 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.

16. All prosecutions for any violation of this BY-LAW or the regulations made thereto shall be heard before a judge of the Provincial Court, or an Enforcement Officer may accept a guilty plea from the offender at the Kensington Town Hall in Kensington and assess and accept the minimum fine.

17. The following BY-LAW of the Town of Kensington is hereby repealed in their entirety.

(a) A BY-LAW re dogs passed September 12th, 1977:

READ A FIRST AND SECOND AND THIRD TIME AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF KENSINGTON THIS 13TH, DAY OF SEPTEMBER A. D. 1995.

D. Doncaster
Mayor

Frances Salsman
Town Administrator

REGULATIONS

REGULATIONS MADE PURSUANT TO THE DOG BY-LAW OF KENSINGTON AND AMENDMENTS THERETO:

The following license and other fees are hereby established:

- | | |
|-----------------------|--------------------------|
| A) DOG LICENSE FEE | \$8.00 PER DOG PER YEAR; |
| B) KENNEL LICENSE FEE | \$50.00 PER YEAR |

C) REPLACEMENT FOR LOST TAG \$5.00

D) ANIMAL SHELTER IMPOUND FEE \$8 - \$15 DAILY; \$25.00 AFTER HOURS CHARGE

E) ANIMAL CONTROL OFFICER FEE \$25.00

F) DESTRUCTION OF ANIMAL AT SHELTER FEE \$25.00 - \$43.00

PLUS APPLICABLE TAXES

THE FOLLOWING INDIVIDUALS ARE HEREBY DESIGNATED TO HAVE THE ADMINISTRATION OR ENFORCEMENT OF THIS BY-LAW, OR ANY ASPECT THEREOF:

A) ALL POLICE OFFICERS OF THE TOWN OF KENSINGTON POLICE DEPARTMENT.

B) ANIMAL CONTROL OFFICER

C) TOWN ADMINISTRATOR

THE FOLLOWING PREMISES ARE HEREBY DESIGNATED AS AN ANIMAL SHELTER.

A. KENSINGTON VET CLINIC

STANDARDS FOR KENNELS:

A) EVERY HOLDER OF A KENNEL LICENSE SHALL MAINTAIN THE PREMISES IN WHICH THE KENNEL IS SITUATE IN A CLEAN, NEAT AND SANITARY STATE.

B) ANY KENNEL CONSTRUCTED ON THE SAID PREMISES SHALL be at least three feet distant from any boundary line of the premise.

c) any person who is a holder of a kennel license who fails to maintain his premises as specified in this Section shall be guilty of an offence and upon conviction council may revoke the said kennel license forthwith.

a) For contravention of any of the provisions of this act or the regulations made pursuant thereto, a complaint may be laid and a summons issued by means of a By-Law ticket in accordance with this section.

b) A By-Law ticket may be in such form as the Enforcement Officer may from time to time determine but shall contain:

(i) the name and address of the person alleged to have committed the offence;

(ii) particulars of the offence alleged to have been committed;

(iii) a complaint;

(iv) a summons;

(v) the signature of the Enforcement Officer issuing the ticket.

Passed by the Town Council of the Town of Kensington this 13th day of September, A.D. 1995

Doug Doncaster, Mayor

Frances Salsman, Town Administrator