



Rural Municipality of West River Planning Board Committee Minutes

Meeting No	2025-16	Time	6:00 PM
Session	Regular - Public	Date	Thursday, January 9, 2025
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Centre
Adoption Status	Approved	Contact Person	Susan Morse - CAO
Attendance	Mayor Helen Smith-MacPhail, Councillor Aaron MacEachern, Councillor Daniel Sud, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Susan Morse - CAO, Ehi Itua – Administrative Assistant		
Regret	Deputy Mayor Shaun MacArthur		
Guest	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 6:05 PM

- **Adoption & Approval of Agenda**

The following item was added to the agenda by Mayor Helen Smith-MacPhail

- **Item 4 – Questions from the Audience and Public Input**

The agenda was approved as circulated. It was moved by Councillor John Yeo, seconded by Councillor Steve Pollard, and unanimously carried.

- **Declarations of Conflict of Interest**

Nil

- **Questions from the Audience and Public Input**

Mayor Smith-MacPhail addressed community concerns regarding dog-related issues. She informed the audience that Council had discussed this matter during its November meeting and resolved to draft an Animal Control Bylaw. The CAO was tasked with conducting research, and the draft bylaw will be reviewed by committee members during the meeting.

Thereafter, Mayor Smith-MacPhail opened the floor for questions and comments from the audience. The following comments and questions all pertain to dog related issues and dog bylaw:

Comment 1: Pierre Filion objected to the idea of the municipality establishing and enforcing an Animal Control Bylaw. His rationale for this objection is the enforcement cost which he believes could be around \$100,000 annually, and taxpayers would have to absorb this cost. He provided the following alternative options that Council could consider:

- Utilizing the services of the Animal Protection Organization for aggressive dogs or dogs that have bitten a person or another animal
- Contracting a bylaw officer or bylaw officer Donna Johnson who could help with the dog issues
- Introducing dog registration and a tag be sold to every dog owner for ease of identification

Response: Mayor Smith-MacPhail responded that Donna Johnson is the bylaw enforcement officer and enforces the Land Use Bylaw of the Municipality. She mentioned that Council has considered the process and cost of having and enforcing an animal bylaw, and municipalities are required under the provincial dog act to address dog issues which makes it necessary for the municipality to have an animal control bylaw in place.

Comment 2: Rita DeHaan expressed concerns about the dog issues in the community and whether having a bylaw will hold owners accountable for the actions of their dogs.

Q1: Will the proposed Provincial Dog Owner Act supersede the municipality's Animal Control Bylaw?

Response: The provisions of the Provincial Dog Act govern unincorporated areas, requiring municipalities to establish their own bylaw.

Q2: What actions should community members take during incidents involving dangerous dogs, like what happened in Johnson's River:

Response: Dangerous situations should be reported to the RCMP.

Comment 3: Carol Carragher shared a personal experience with a dangerous dog and how the RCMP responded. She emphasized the need for effective measures in handling dog issues in the community.

Comment 4: Peter Bevan-Baker MLA for District 17 commended Council for its effort in addressing this concern in the community. He made the following comments:

- The province passed the Dog Owners Act in the fall season and dogs are not the problem but owners who fail to take responsibility for their dog(s)
- The provincial Dog Owner’s Act is expected to become enforceable in the Spring Season.
- It’s within the jurisdiction of the province to handle dangerous dogs, and the SPCA or RCMP can be contacted to intervene in such issues. However, the jurisdiction of the municipality covers dogs at large and dogs that do not cause any injury or harm to a person or livestock or other animal.
- Considering what other municipalities have done, the cost of enforcing a Dog Bylaw does not come at an extreme cost. He emphasized the need for the municipality to have a Dog Bylaw and congratulated Daniel Sud on his appointment as the Councillor for Ward 2.

Comment 5: Dave Iwankow requested clarification on the difference between the provincial Dog Act and the proposed bylaw of the municipality.

Mayor Smith-MacPhail thanked the residents for their comments.

- **Adoption of Previous Meeting's Minutes**

The minutes of December 19, 2024, Council Meeting were approved as circulated. It was moved by Councillor Aaron MacEachern, seconded by Councillor Lillian MacCannell and unanimously carried.

- **Recommendation Items**

- **PLB.25.16.1 – Animal Control Bylaw**

Decision Type: Action

Status: Recommended

Background:

PLB.24.13.3

Description:

The CAO presented to committee members the draft Animal Control Bylaw. Appendix A attached hereto forming a part of these minutes. The committee discussed the considerations raised and provisions contained in the draft bylaw. The following recommendations were made:



- Enforcement Cost: Consider contracting a Bylaw Officer or PEI Humane Society for enforcement. The Humane Society has a pay per call or contract agreement options. Council directed the CAO to contact the Humane Society and obtain updated cost estimates.
- Registration/License: Implement a one-time registration/license for each dog.
- Holding Period: Allow dog owners to retrieve impounded dogs upon payment.
- Number of dogs: No limit on the number of dogs per household.
- Prohibited Areas: No area is designated as prohibited area.
- Dangerous Dogs: Reference the provisions of the provincial Dog Act

The Committee emphasized that the primary objective of the bylaw is public safety, and recommended the draft, with amendments, to Council for approval. Committee members agreed to discuss having a bylaw for other domestic animals at a future date if the need arises.

- **Informational Items**

- **PLB.25.16.6 - Permit Reports 2024**

Decision Type: Information

Status: Received

Description:

The CAO presented a summary of permits issued in 2024 by RMWR.

- **Adjournment**

- Councillor Steve Pollard to adjourn the meeting at 7:24 PM.
 - The next meeting is February 13, 2025

Helen Smith-MacPhail

Susan Morse

Mayor _____

Chief Administrative Officer _____

Appendix A

**Rural Municipality of West River, Prince Edward Island
A Bylaw to Regulate Domestic Animals Within the Municipality of West River
Bylaw # 2025-01**

BE IT ENACTED by the Council of the Rural Municipality of West River pursuant to the Municipalities Act, R.S.P.E.I.

1. Title

1.1. This bylaw shall be cited as the “Rural Municipality of West River Companion Animal Control Bylaw,” and may be cited as the “Animal Control Bylaw” from time to time

2. Scope

2.1. This bylaw shall apply to the Rural Municipality of West River

3. Definitions – not presented at this time

4. Administration not presented at this time

5. Responsibility of Dog Owners

5.1.

(a) The owner of a dog shall ensure that such dog shall not:

- i. bite a person or persons whether on the property of the owner or not;
- ii. do any other act that injures a person or persons whether on the property of the owner or not;
- iii. chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
- iv. bite, bark at, or chase bicycles, automobiles, or other vehicles;
- v. bark, howl, or otherwise disturb any person;
- vi. cause damage to property or other animals;
- vii. upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog;
- viii. be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to any persons as long as such restraint provides for suitable ventilation;
- ix. be running at large

(b) The owner of a dog shall ensure that such dog is on a leash at all times when off the owner’s property;

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(c) The owner of a dog shall not permit his/her dog on any School Ground, Playground, Athletic Park, Park, Cemetery, Wading or Swimming Area, unless otherwise posted, and under his/her control by way of proper leash at all times:

(d) If a dog defecates on any public or private property other than the property of its owner the owner shall remove defecation immediately;

(e) The owner of a dog shall provide the necessary sustenance and conditions for the dog to maintain proper health. (? Do we want an entire section for Provision of Needs?) t

5.2. No person shall keep a vicious dog within the Municipality

5.3. The owner of a dog alleged to be vicious shall be provided a notice of a hearing for the determination by the Provincial Court (10) clear days, not including Saturdays and Sundays, before the date of the hearing.

5.4. Upon application, if it appears to the Judge that the dog should be declared to be a vicious dog, he shall make an order declaring the dog to be a vicious dog.

5.5. From the time of being declared a vicious dog until the dog is removed from the town, no later than seven (7) calendar days after declaration, the owner shall ensure:

(a) such dog is confined on the owner's property and under the control of a person over the age of eighteen (18) years; or

(b) when such dog is outdoors it is locked in a pen or other structure, constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog; or

(c) the locked pen or structure shall have secure sides, the sides must be embedded in the ground to a minimum depth of (15) centimetres (6 inches);

(d) the locked pen or structure shall provide the vicious dog with shelter from the elements and is constructed to meet provincial standards;

(e) the locked pen or structure complies with the set back requirements as defined in the Municipal Land Use Bylaw.

5.6. Every owner of a female dog in heat shall confine such dog within a building or secure enclosure on the owner's property in a manner as to prevent the dog from coming into contact with a male dog. Such confinement shall continue for the whole period that the dog is in heat, except that such dog may be released from confinement for intentional breeding.

5.7. A Bylaw Enforcement Officer may seize any female dog in heat off its owner's property and not confined humanely as outlined in Section 5.6 as required and may thereupon impound such dog in the animal shelter.

6. Kennels

6.1. Owners/Operators of a licensed kennel shall:

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- (a) obtain a license to operate, and at such time pay a fee as established by resolution of Council;
- (b) comply with the requirements set out in the “Code of Practice for Canadian Kennel Operations” (Canadian Veterinary Medical Association, September 1994);
- (c) comply with the Bylaws of the Municipality;
- (d) permit a Bylaw Enforcement Officer to enter and inspect the kennel under the authority of a search warrant at any time, or prescribed time as per warrant; and
- (e) keep the dogs thereof confined to the kennel property and not permit the said dogs to become a nuisance to neighbours.

6.2. A kennel license shall be renewable and become expired as per resolution of Council.

6.3. Where the owner/operator of a kennel fails to comply with a bylaw of the Municipality, the license to operate may be suspended or revoked and the animals be seized and impounded.

6.4. See also section 8.5 No person, other than the holder of a kennel license or a veterinary clinic, shall keep on, in, or about the property owned or occupied by such person more than three (3) dogs over the age of three (3) months.

7. Communicable Diseases

7.1. an owner of a dog or vicious dog suspected of having rabies:

- (a) shall immediately report the matter to the Agriculture Canada, Provincial Veterinarian, inspector for the Animal Health and Protection Act of Prince Edward Island, Chief Administrative Officer of the Municipality;
- (b) shall confine or isolate the dog, in such a manner as prescribed so as to prevent further spread of the disease; and
- (c) shall keep the dog confined for not less than ten (10) days at the cost of the owner.

7.2. The Chief Administrative Officer or an Enforcement Officer may demand that the owner of a dog/vicious dog suspected of having rabies shall immediately report the matter to the proper authorities as outlined in Section 7.1 of this By-law.

7.3. An owner of a companion animal that does not comply with the provisions of Section 7.1 or 7.2 shall be subject to a penalty as provided in the penalty section of this Bylaw

8. Licensing

8.1. The owner of a dog shall:

- (a) obtain a one-time companion animal license at such time and pay a one-time fee as established by Council resolution.
- (b) obtain a companion animal license on the first day on which the Town Hall is open for business after they become owner of the companion animal.
- (c) obtain a license for a companion animal on the first day on which the Town Hall is open for business and after the companion animal becomes three (3) months old.

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- (d) obtain a license for a companion animal notwithstanding that it is under the age of three (3) months, where the companion animal is found running at large.
- (e) obtain a one-time license for the companion animal on the day specified by the Bylaw Enforcement Officer, Animal Control Officer, or the Chief Administrative Officer.
- (f) when requested by an Enforcement Officer or the Chief Administrative Officer, submit to the Enforcement Officer or the Chief Administrative Officer a spay/neuter certificate, or if unavailable a statutory declaration or other acceptable documentation establishing the animal's age, or that the animal is neutered or spayed, and such other information as the Enforcement Officer or the Chief Administrative Officer may require in order to determine the license payable by the owner.
- (g) not give false information when applying for a companion animal license.
- (h) upon losing a companion animal tag, present the receipt for payment of the current year's license fee to the Enforcement Officer or the Chief Administrative Officer, who will issue a new tag to the owner for the fee set by resolution of Council.
- (i) Ensure that all companion animals wear the current license purchased for that animal, when the animal is off the owners property.
- (j) not be entitled to a rebate under this Bylaw.

8.2. Where a license required pursuant to this Section has been paid for by the tender of an uncertified cheque, the license:

- (a) is issued subject to the cheque being accepted and cashed by the bank without any mention of the condition being made on the license; and
- (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

9. Dogs in Trucks

9.1. No Person Shall

- (a) allow a dog to be in any part of a motor vehicle on a roadway outside of the passenger cab unless being tethered, regardless of whether the motor vehicle is moving or parked;
- (b) Notwithstanding Section (a), a person may allow a dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the dog is:
 - i. in a fully enclosed trailer;
 - ii. in a topper enclosing the bed area of a truck;
 - iii. contained in a ventilated kennel or similar device securely fastened to the bed or the truck; or

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- iv. securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle;
- (c) For the purposes of this Section, “roadway” means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles;
- (d) The owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle owner satisfies the Court that the vehicle was:
 - i. not being driven or was not parked by the owner; and
 - ii. that the person driving or parking the vehicle at the time of the offence did so without the vehicle owner’s express or implied consent.

10. Disabled Owners

- 10.1. Where the Bylaw Enforcement Officer or the Chief Administrative Officer is satisfied that the person who is disabled is the owner of a companion animal trained and used to assist such disabled person, there shall be no fee payable by the owner for a license under this bylaw.
- 10.2. Section 5.1.a.ix of this Bylaw does not apply:
- (a) where a person who is disabled is the owner of a companion animal trained and used to assist such disabled person and such companion animal is under their control; or
 - (b) where the owner is physically disabled in such a way that the owner cannot control the companion animal by means of a leash, requires the use of a walker or cane, or is confined to a wheelchair and allows the companion animal in a park other than a park where companion animals are prohibited and such companion animal is under their control, and wearing a current issued tag.
- 10.3. Section 5.1.c does not apply where a person who is disabled in such a way as to reasonably preclude compliance, is the owner of a companion animal trained and used to assist such disabled person.

11. Animal Control Operation - Authority

- 11.1. A Bylaw Enforcement Officer, or a member of the Royal Canadian Mounted Police may capture and impound any companion animal:
- (a) found running at large.
 - (b) which is required to be impounded pursuant to the provisions of any Statute of Canada or the Province of Prince Edward Island, Regulations made thereunder, or Bylaws of the Town.

12. Obstruction

- 12.1. No person, whether they are the owner of a companion animal or vicious dog which is being or has been pursued, shall interfere with or attempt to obstruct a Bylaw

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Enforcement Officer, Animal Control Officer, or a member of the Royal Canadian Mounted Police who is attempting to capture or who has captured a companion animal which is subject to impoundment.

13. Interference With Animals

13.1. No person shall:

- (a) untie, loosen, or otherwise free a companion animal which has been tied or otherwise restrained, or
- (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow a companion animal to run at large in the Rural Municipality of West River .

14. Notification

14.1. If a Bylaw Enforcement Officer or a member of the Royal Canadian Mounted Police knows or can ascertain the owner of any impounded companion animal, they shall serve the owner with a copy of the Notice in Schedule "A" of this Bylaw, either personally or by leaving it at, or by mailing it to, the last known address of the owner.

14.2. An owner of a companion animal to whom a Notice is mailed pursuant to Section 14.1 is deemed to have received a Notice within two business days from the time it is mailed.

15. Reclaiming

15.1. The owner of any impounded companion animal may:

- (a) reclaim the companion animal from the Animal Control Officer; or
- (b) where it is deemed feasible by the Bylaw Enforcement Officer, the Animal Control Officer or the Chief Administrative Officer prior to taking the animal to the impound center, reclaim the companion animal by paying, in either case to a Bylaw Enforcement Officer, the Animal Control Officer or the Chief Administrative Officer the cost of impoundment as set out in Rural Municipality of West River Fees Bylaw Schedule A, and by obtaining the license for such companion animal, should a license be required under this Bylaw.

15.2. Where a companion animal is claimed, the owner shall provide proof of ownership of the companion animal.

15.3. The owner of a companion animal who has been found not guilty of committing an offence under this Bylaw may request the return of any fees paid by him for reclaiming the companion animal.

16. Sale Or Destruction

16.1. The Bylaw Enforcement Officer or the Chief Administrative Officer shall not sell, destroy, order sale of or destruction of an impounded companion animal until:

- (a) after a companion animal has been retained at the impoundment center for:

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- i. five (5) days after the owner has received notice under Section 14 that the companion animal is in the impoundment center; or
 - ii. five (5) days, if the name and address of the owner is not known.
 - (b) Unless a person having the authority orders the retention or the destruction of the companion animal, or unless the owner of the companion animal makes arrangements with the Bylaw Enforcement Officer or the Chief Administrative Officer for the further retention of the companion animal, the Bylaw Enforcement Officer or the Chief Administrative Officer may cause the companion animal to be sold or destroyed
- 16.2. The Bylaw Enforcement Officer or the Chief Administrative Officer may retain a companion animal for a longer period of time, if in their opinion the circumstances warrant the expense.
- 16.3. The Bylaw Enforcement Officer or the Chief Administrative Officer may, before selling an unclaimed companion animal require that the animal be spayed or neutered.
- 16.4. The purchaser of an unclaimed companion animal from the Bylaw Enforcement Officer or the Chief Administrative Officer pursuant to the provisions of this Section shall obtain full rights and title to it and the right and title of the former owner of the companion animal shall cease to exist.
- 16.5. When the Bylaw Enforcement Officer or the Chief Administrative Officer agrees to put a companion animal to death the owner shall pay to the Enforcement Officer or the Chief Administrative Officer a fee as set out in Rural Municipality of West River Fees Bylaw Schedule A.

17. Severability

- 17.1. It is the intention of the Municipal Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that, if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.

18. Penalties

- 18.1.
- (a) Where an Enforcement Officer or a member of the Royal Canadian Mounted Police believes that a person has contravened any provision of this Bylaw, they may commence proceedings by serving a Notice pursuant to Schedule "A" of this Bylaw.
 - (b) The specified penalty payable in respect to a contravention of a provision of this Bylaw is the amount shown in Rural Municipality of West River Fees Bylaw Schedule A, in respect of that provision.
 - (c) Notwithstanding Section 18.1.b:
 - i. where any person contravenes the same provision of this Bylaw twice within a twelve (12) month period, the specified penalty payable in respect of the

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second contravention is double the amount shown in Rural Municipality of West River Fees Bylaw Schedule A in respect of that provision, and

- ii. 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 shown in Rural Municipality of West River Fees Bylaw Schedule A in respect to that provision.

19. Summary Conviction

- 19.1. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a fine of not more than one thousand five hundred dollars (\$1,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 19.2. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which they are liable under the provisions of this Bylaw.
- 19.3. A Judge, in addition to the penalties provided in this Bylaw, may, if they consider the offence sufficiently serious, direct or order the owner of the companion animal to stop the companion animal from doing mischief or causing the disturbance or nuisance complained of, or to have the companion animal removed from the Town, or have the companion animal destroyed.
- 19.4. A Judge, after convicting the owner of a companion animal of an offence under this Bylaw, may, in addition to any other penalties imposed, and without further notice or hearing declare the subject companion animal a vicious animal, pursuant to the provisions of this Bylaw.

20. Dangerous Dogs Three Rivers does not have details regarding Vicious Dogs

Appendix A Continued

First Reading:

This Animal Control Bylaw, Bylaw# 2025-01, was read a first time at the Council meeting held on the _____ day of _____, 20XX.

Second Reading:

This Animal Control Bylaw, Bylaw# 20XX-XX, was read a second time at the Council meeting held on the _____ day of _____, 20XX.

This Animal Control Bylaw, Bylaw# 20XX-XX, was approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

Approval and Adoption by Council:

This Animal Control Bylaw, Bylaw# 20XX-XX, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Animal Control Bylaw adopted by the Council of the Rural Municipality of West River on ____ (date) _____ is certified to be a true copy.

Chief Administrative Officer Signature

Date



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**Schedule A
Notice of Violation
Animal Control Bylaw#2025-01**

Name of Owner: _____

Address of Owner: _____

You are hereby notified that an animal bearing License tag No. _____ for 20_____, registered under the above name and address, was impounded on _____, 20 __, pursuant to the provisions of By-law #2025-01 of the The Rural Municipality of West River, Prince Edward Island, and that unless the said animal is claimed and impoundment charges are paid, on or before _____, 20__, the said animal will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

Signature of Enforcement Officer or CAO: _____



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Schedule B Animal Control Bylaw#2025-01 Animal Control Fine Structure

Section	Offence	Minimum Penalty
5.1.a.i.	Biting a person(s)	\$350.00 (Per person)
5.1.a.ii.	Injure a person(s)	\$200.00 (Per person)
5.1.a.iii.	Chasing a person(s)	\$200.00
5.1.a.iv.	Biting, barking at, chasing other animals, bicycles, automobiles, or other vehicles	\$200.00
5.1.a.v.	Barking, howling or disturbing	\$100.00
5.1.a.vi.	Damage to property or injuring other animals	\$250.00
5.1.a.vii.	Upsetting waste receptacles	\$100.00
5.1.a.viii.	Unattended in motor vehicle	\$100.00
5.1.a.ix.	Running at large	\$100.00
5.1.b.	Dog not on leash	\$100.00
5.1.c.	Dog in prohibited area	\$100.00
5.1.d.	Defecation	\$250.00
5.2	Keeping a vicious dog	\$1,500.00
5.5.a. or b.	Failure to confine a vicious dog	\$1,500.00
5.5.c. or d.	Improper pen or structure for vicious dog	\$1,000.00
5.6	Failure to confine female in heat	\$200.00
6.1.a.	Failure to license kennel	\$250.00
6.1.e.	Failure to confine on property	\$200.00
6.3	Keeping more than three (3) dogs	\$250.00
7.1.a.	Failure to report rabies	\$100.00
7.1.b.	Failure to confine to contain disease	\$200.00
7.1.c.	Failure to confine for less than ten (10) days	\$200.00
7.2	Failure to report on demand	\$100.00
8.1.a.	Unlicensed Animal	\$250.00
8.1.g.	Giving false information for license	\$500.00
8.1.i.	Not wearing current license	\$25.00
9.1.a.	Dog outside vehicle cab	\$50.00
12.1	Obstruction	\$500.00
13.1	Interference	\$500.00