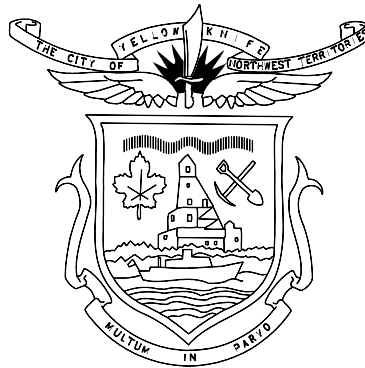


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



CONSOLIDATION OF DOG BY-LAW NO. 3710

Adopted June 28, 1993

AS AMENDED BY

By-law No. 4072 – September 30, 1999

By-law No. 4214 – August 26, 2002

Fees and Charges By-law No. 4436, as amended

**(This Consolidation is prepared for convenience only.
For accurate reference, please consult the City
Clerk's Office, City of Yellowknife)**

CITY OF YELLOWKNIFE

BY-LAW NO. 3710

A BY-LAW of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, for the control, licensing and prevention of cruelty to dogs.

PURSUANT TO Sections 115 and 116 of the Cities, Towns and Villages Act, R.S.N.W.T., 1988, c. C-8, and the provisions of the Dog Act, R.S.N.W.T., 1988, c. D-7.

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife deems it desirable to provide for the regulation, control, licensing and prevention of cruelty to dogs;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Dog By-law"

INTERPRETATION

2. In this By-law:

"City" means the Municipal Corporation of the City of Yellowknife;

"City Dog Pound" means the place of confinement for dogs as may from time to time be designated by Council by resolution;

"Council" means the Council of the City;

"Dog" means a male or female dog and includes an animal that is a cross between a wolf and a dog;

"Dog at Large" means a dog which is off the premises of its owner and is not under the immediate physical control of a competent and responsible person;

"Licence Issuer" means an employee or Officer of the By-law Division of the City, a poundkeeper, or an employee of a licenced business authorized to sell dog licence tags on behalf of the City;

"Licenced Kennel" means a kennel licenced pursuant to the Business Licence By-law of the City;

**Section 2
as amended by By-law No. 4072 Sep 30/99**

"Live Capture Cage" means a steel mesh cage approximately 48" x 20" x 26" placed for the live capture of animals;

"Neutered Dog" means a dog certified by a licenced veterinarian to be sexually sterile;

"Officer" means a person appointed in accordance with the Cities, Towns and Villages Act as a By-law Officer to enforce the by-laws of the City of Yellowknife, and any Peace Officer who is authorized to enforce the by-laws of the City of Yellowknife;

"Owner" means a person who owns, harbours, possesses or has control or custody of a dog;

"Poundkeeper" means a person appointed by resolution of Council pursuant to this By-law to provide poundkeeping services.

**Section 2
as amended by By-law No. 4072 Sep 30/99**

"Provocation" means incitement to anger; cause irritation or annoyance;

"Senior Administrative Officer" means the Senior Administrative Officer of the City appointed pursuant to Section 43 of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c. C-8, or his or her designate; and

"Working Day" means any calendar day or portion thereof when a dog is kept and cared for by the Poundkeeper.

LICENCES

3. No person shall own a dog within the City unless the dog is licenced in accordance with the provisions of this By-law.
4. The Senior Administrative Officer may enter into contracts with one or more licenced businesses in the City for the purpose of issuing dog licences.

Section 5 as amended by By-law No. 4436 Feb 12/07

5. Every owner of each dog owned thereof shall apply to the licence issuer for a dog licence for the current year
 - (a) on or before January 31st, where the dog shall have attained the age of six months on or before December 31st of the previous year, or
 - (b) on or before the last day of the month following the month in which the dog shall have attained the age of six months,and pay a licence fee as set out in By-law No. 4436 or any successor by-law.
6. For the purposes of Section 5, a dog shall not be licenced as a neutered dog unless the applicant produces a certificate from a licenced veterinarian certifying that such dog is sexually sterile.

Section 7 as amended by By-law No. 4436 Feb 12/07

7. Where the owner of a dog licenced as not neutered produces a certificate from a licenced veterinarian that such dog has been rendered sexually sterile, he or she shall be entitled to a refund of the licence fee paid for the year in which such certificate is issued in the amount prescribed in By-law No. 4436 or any successor by-law.
8. Every owner applying for a dog licence shall produce or provide the following:
 - (a) his or her name, municipal address and mailing address;

- (b) name and description of the dog to be licenced;

**Section 8 (c)
as amended by By-law No. 4072 Sep 30/99**

- (c) a certificate from a licenced veterinarian certifying that the dog to be licenced has received a rabies vaccination and is valid on the date of the application; and
- (d) such other information as may be required by the City.

- 9. Where application is made for a dog licence in accordance with Section 8 and the appropriate fee is paid in accordance with Section 5, the licence issuer shall issue a numbered dog licence tag for the current year and shall record in the ledger retained for that purpose the number of the tag and the description and details of the dog and owner.

**Section 10
as amended by By-law No. 4436 Feb 12/07**

- 10. Where a dog licence is lost or stolen, a licence issuer may issue a replacement tag upon being satisfied of the loss or theft and upon payment of the sum prescribed in By-law No. 4436 or any successor by-law for each replacement tag so issued.
- 11. Any person who is visually impaired and requires the assistance of a guide dog shall, upon application, be issued a licence tag for such dog without payment of fees.
- 12. A dog licence shall be dated the date of issue and shall expire on December 31st following the date of issue. No refund of the licence fee or of any portion thereof shall be made where death, disposal or removal of the dog from the City has occurred before the expiration of the licence period.
- 13. Dog licences issued shall not be transferable from one dog to another.
- 14. Every person who becomes the owner of a dog in respect of which a valid licence has been obtained by the former owner, shall notify the City within fifteen days of his or her name, municipal address, mailing address, and the number of the dog licence tag.
- 15. A dog licence tag shall at all times be securely fastened to the collar, choke or harness worn by the dog to which the licence tag applies.

GENERAL PROHIBITIONS

16. No person shall allow any dog in his or her possession, charge or control:
- (a) to be at large;
 - (b) to pursue or bark at any vehicle on a highway so as to constitute a nuisance;
 - (c) to pursue or bark at any person so as to constitute a nuisance;
 - (d) to disturb the peace and quiet of any person by howling or barking so as to constitute a nuisance; or
 - (e) to enter upon any park, playground or other public place where signs erected by the City restrict or prohibit such entry.

**Section 16 (f) (g) (h)
as amended by By-law No. 4072 Sep 30/99
as amended by By-law No. 4214 Aug 26/02**

- (f) to enter upon any Cemetery;
 - (g) to have an expired rabies vaccination certificate; or
 - (h) to bite any person without provocation.
17. No person shall run a dog or dogs in harness so as to obstruct traffic or pedestrians.
18. No person shall cause unnecessary suffering to a dog by neglect or deprivation nor shall any person punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
19. Where a dog defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.
20. No person shall:
- (a) interfere, obstruct or attempt to obstruct an Officer lawfully engaged in the pursuit or seizure of a dog at large;
 - (b) unlock, unlatch or otherwise open the vehicle in which dogs seized by an Officer have been or are being placed; or

- (c) remove or attempt to remove a dog from the possession or control of the poundkeeper except in accordance with the provisions of this By-law.

**Subsection (d)
as amended by By-law No. 4072 Sep 30/99**

- (d) close or unlock, unlatch or otherwise open to remove or attempt to remove a dog from a live capture cage placed by an Officer.

AT LARGE

- 21. (a) An Officer may take whatever actions are appropriate to seize a dog found at large and may deliver such dog to the City Dog Pound for impoundment.
 - (b) Any person may seize a dog found at large and deliver such dog to an Officer who, upon being satisfied that the dog was at large, may deliver such dog to the City Dog Pound for impoundment.
 - (c) Where an Officer has made reasonable efforts to seize a dog that is running at large contrary to this By-law and is unable to effect seizure, the Officer may destroy the dog.
22. Any person may use such force as is necessary to prevent injury to any person being attacked by a dog.
23. Any Officer may destroy a dog that is in the act of pursuing, attacking or injuring a person or domesticated animal.

VICIOUS OR RABID DOGS

24. Any dog shall be deemed to be vicious or a public nuisance if it has made an unprovoked attack upon any person or domesticated animal in the course of which such person or animal is bitten or injured or where such person suffers damage to his or her clothing or personal property.
25. Where a dog is deemed to be vicious or a public nuisance, such dog shall, in the public interest, be forthwith impounded and quarantined for a period of ten days; and
- (a) if found to be rabid, destroyed, or

- (b) if found not to be rabid then, subject to any proceedings which may be instituted pursuant to Section 28 of this By-law, disposed of in accordance with Section 31 of this By-law,

provided that all costs for the impoundment and quarantining of such dog shall be borne by the owner of the dog. Where no owner is identified, the City will bear the costs of impoundment and quarantining.

- 26. Where an impounded dog is found to show severe symptoms of canine distemper, hepatitis, or parvo virus, including depression, dehydration, loss of appetite, vomiting and diarrhoea with or without blood, the poundkeeper, after notifying the City, shall have authority to destroy the dog in accordance with Subsection 31(c) of this By-law.
- 27. Where it has been determined by an Officer that a dog has been provoked into making an attack which causes damage or injury to a person or animal, the dog may be impounded and quarantined for a period of ten (10) days, the terms and conditions of which shall be in accordance with Section 25.
- 28. (a) On complaint made on oath before a Justice of the Peace that a dog has pursued, attacked or injured any person or domesticated animal, the Justice may issue a Summons directed to the owner of such dog requiring the owner to appear before the Justice at a time and place therein stated to answer such complaint.

(b) On the evidence of one or more witnesses other than the complainant, the Justice of the Peace, upon conviction may:
 - (i) make an order for the destruction of such dog within three (3) days, or
 - (ii) impose a penalty on the owner of such dog as set out in Section 38 of this By-law.
- 29. No order made or penalty imposed pursuant to Section 28 shall bar any person from bringing an action for the recovery of damages for loss or damage to any property, or injury to any person or domesticated animal caused by a dog.

IMPOUNDMENT

- 30. Where a dog is delivered to the City Dog Pound by an Officer or other person, the poundkeeper shall take all reasonable steps to notify the owner where the dog is licenced and wearing a tag or where the identity of the owner is otherwise known to the Poundkeeper.

31. (a) Where a dog has been impounded, the owner thereof has five working days to claim the dog, and the poundkeeper shall, subject to the provisions of this By-law respecting dangerous, vicious or rabid dogs, release such dog to the owner upon being satisfied that:
- (i) all penalties and pound fees have been paid, and
 - (ii) a valid dog licence has been obtained for such dog.
- (b) Where an impounded dog is not claimed within five working days, the poundkeeper may on the sixth working day:

**Section 31 (b) (i)
as amended by By-law No. 4436 Feb 12/07**

- (i) sell such dog for a sum of not less than the total of all fees and penalties owing pursuant to the provisions of By-law No. 4436 or any successor by-law; or
 - (ii) notwithstanding Subsection 31(b)(i) destroy or otherwise dispose of such dog.
- (c) Where the poundkeeper intends to destroy a dog, he or she shall first take all reasonable steps to notify the owner thereof of his or her intention to destroy such dog.
- (d) Where a dog is sold pursuant to this By-law, the proceeds of the sale of the dog shall be paid into the general revenues of the City.
32. The City will not bear the cost for any dog impounded for more than five working days except in the case where a dog has been quarantined pursuant to Section 25.
33. (a) Pound fees shall be payable in the sums prescribed in Schedule "A" to this By-law.
- (b) The poundkeeper shall not release a dog seized under this By-law unless all fines and fees pursuant to this By-law have been paid. The poundkeeper shall also ensure that the dog is licenced and is wearing a dog licence tag for the current year before such dog is released.

**Section 34
as amended by By-law No. 4436 Feb 12/07**

34. Fees shall be paid to the City or the pound keeper in respect of a dog seized in accordance with those sums prescribed and set out in Fees and Charges By-law No., 4436 or any successor by-law.

GENERAL

35. Where an Officer having reasonable and probable grounds to believe that there has been violation of the provisions of this By-law and where the subject dog is located on private property, the Officer may seize such dog upon obtaining a court order.
36. No damages or compensation may be recovered on account of a dog destroyed by an Officer or Poundkeeper acting in good faith and with reasonable cause under this By-law.
37. A Council may, by resolution, authorize the City to enter into contracts with one or more persons for the provision of poundkeeping services.

PENALTIES AND OFFENCES

38. Any person violating any provision of this By-law is guilty of an offence and is liable upon Summary Conviction to a fine not exceeding:
- (a) two thousand (\$2,000.00) dollars for an individual;
 - (b) ten thousand (\$10,000.00) dollars for a corporation; or

**Subsection (c)
as amended by By-law No. 4072 Sep 30/99**

- (c) imprisonment for the statutory default time provided for under the *Summary Convictions Procedures Act, NWT* in default of payment of fine.
39. Pursuant to Section 38 of this By-law, an Officer may issue a Summary Offence Ticket Information in the form prescribed by the Summary Conviction Procedures Act and Regulations, to any person who violates any provision of this By-law and such person may in lieu of prosecution, pay the City a voluntary penalty in an amount prescribed in Schedule "A" to this By-law prior to the Court date specified on the ticket.

REPEALS

40. By-law Nos. 2854, 2976, 3477, 3617 and 3630 are hereby repealed.

EFFECT

41. THIS By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 57 of the *Cities, Towns and Villages Act*.

"SCHEDULE A"

To By-law No. 3710

**Schedule "A" (Parts I, II and III deleted)
as amended by By-law No. 4436 Feb 12/07**

IV. Summary Offence Ticket Information Penalties:

(a)	for a first offence	\$ 75.00
(b)	for a first offence where the subject dog is wearing a current year dog licence tag	\$ 40.00
(c)	for a second offence within the same twelve-month period	\$150.00
(d)	for any subsequent offence within the same twelve-month period	\$300.00

if paid prior to the Court date specified on the ticket.