



CITY OF YELLOWKNIFE

DOG BY-LAW NO. 4755

ADOPTED: October 28, 2013



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CITY OF YELLOWKNIFE

BD 23

BY-LAW NO. 4755

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 70(1)(i) and 72 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c. 22, 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"

PURPOSE

2. The purpose of this By-law is the licensing, control and protection of dogs within the City.

INTERPRETATION

3. In this By-law, unless the context otherwise requires:

“Abandoned Dog”

means a dog that is:

- a) Left for more than 24 hours without adequate food, water or shelter;
- b) Left for five days or more after the expected retrieval time from a veterinarian

or from a person who boards or cares for the dog for money or other consideration;

c) Found on premises in respect of which a tenancy agreement has been terminated; or

d) Left for five days or more at the City Dog Pound after the dog has been impounded.

“At Large”

means where a Dog is at any place other than the property of the Owner or Permitted Property and is not under the immediate control of a competent and responsible person;

"City"

means the Municipal Corporation of the City of Yellowknife;

"City Dog Pound"

means the place which the City has entered into a contract for the purpose of confinement for dogs;

"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;

“In Distress”

means a dog that is:

- a) deprived of adequate shelter, ventilation, space, food, water, reasonable veterinary care or reasonable protection from injurious heat or cold;
- b) injured, sick, in pain or suffering; or
- c) abused or subjected to undue hardship, privation or neglect;

“Kennel”

means an establishment for the breeding, boarding, raising and training and/or grooming of dogs for compensation;

“Kennel Operator”

means a person who owns or operates a kennel;

“Licence”

means a licence issued pursuant to this by-law;

"Licence Issuer"	means an employee or Officer of the City, a Poundkeeper, or an employee of a licenced business authorized to sell Licence Tags on behalf of the City;
"Licence Tag"	means an identification tag issued by the City showing the Licence number for a specific Dog and intended to be worn on a collar attached to the Dog's neck;
"Live Capture Cage"	means a steel mesh cage placed for the live capture of animals;
"Muzzle"	means any humane device which prevents a Dog from biting or otherwise injuring any person, animal or property with its mouth;
"Neutered Dog"	means a dog certified by a licenced veterinarian to be sexually sterile;
"Officer"	means a person appointed in accordance with the <i>Cities, Towns and Villages Act</i> 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"	<p>means:</p> <ul style="list-style-type: none"> (i) a person who has the care, charge, custody, possession or control of a Dog; (ii) a person who owns or who claims any proprietary interest in a Dog; (iii) a person who harbors, suffers or permits a Dog to be present on any property owned or under his control; (iv) a person to whom a License Tag was issued for a Dog in accordance with this By-law; or (v) A person who claims and receives a Dog from the custody of an Officer or Poundkeeper. <p>And for the purposes of this By-law a Dog may have more than one (1) Owner;</p>
"Permitted Property"	means private property upon which the Owner has the express permission of the owner of that property to allow the Owner's Dog to be present; or public

	property where signs are posted to allow the presence of such dogs;
"Poundkeeper"	means a business or person under contract with the City to provide poundkeeping services;
"Provocation"	means incitement to anger; cause irritation or annoyance;
"Senior Administrative Officer"	means the Senior Administrative Officer of the City appointed pursuant to Section 41 of the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c. 22, or his or her designate;
"Tether"	means a physical device including, but not limited to, a rope, chain or cable used to secure a dog to a fixed point and also includes any collar used to secure it to the Dog;
"Veterinarian"	means a veterinarian as defined in the <i>Veterinary Profession Act</i> , R.S.N.W.T. 1988, c.V-2;
"Vicious Dog"	means a Dog that 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; and
"Working Day"	means any calendar day or portion thereof when a dog is kept and cared for by the Poundkeeper.

4. The headings in this by-law are for reference purposes only.

LICENCES

Requirement for Licence

5. (1) The Owner of a Dog shall obtain a Licence for the Dog.
- (2) This Part does not apply to a Dog under the age of six months or a Royal Canadian Mounted Police Service Dog.

Application

6. Every Owner applying for a Licence must be at least 18 years of age and shall produce or provide the following:
 - (1) his or her name, phone number, municipal address and mailing address;
 - (2) name, breed, colour, and sex of the Dog to be licenced;
 - (3) a certificate from a Veterinarian certifying that the Dog to be licenced has a current rabies vaccination; and
 - (4) a Licence fee as set out in Fees and Charges By-law No. 4436, as amended, or its successor by-law.
 - (5) such other information as may be required by the City.
7. The City may enter into contracts with one or more licenced businesses in the City for the purpose of issuing Dog Licences.
8. A Dog shall not be Licenced as a Neutered Dog unless the applicant produces a certificate from a Veterinarian certifying that such Dog is neutered or a Veterinarian confirms that such Dog is neutered.

Issue or Renewal

9. Where application is made for a Licence in accordance with this Part and the appropriate fee is paid, the Licence Issuer shall issue a numbered dog Licence Tag 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.
10. Any person who is disabled and requires the assistance of a certified guide dog shall, upon application, be issued a Licence Tag for such Dog without payment of fees.

Replacement

11. Where a Licence is lost or stolen, a Licence Issuer may issue a replacement Licence Tag upon being satisfied of the loss or theft and upon payment of the sum prescribed in Fees and Charges By-law No. 4436 or any successor by-law for each replacement Licence Tag so issued.

Term

12. A Licence shall expire one year from the date it is issued.

No Refund

13. 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.

No Transfer

14. Licences issued shall not be transferable from one Dog to another or one Owner to another.
15. When a Dog is off the property of the Owner and on public property, a 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.

KENNELS

16. Every Kennel Operator shall obtain a license to operate such Kennel pursuant to the provisions of the Business License By-law of the City.
17. Every Kennel Operator shall comply with all applicable by-laws of the City.
18. Every Kennel Operator shall permit an Officer to enter and inspect the Kennel at all reasonable times for the purposes of determining compliance with this by-law.
19. Where an Officer finds that the Kennel does not comply with any requirement of this by-law the Officer may direct that the Dogs be seized and impounded and that all costs associated with the seizing and impounding will be the responsibility of the Kennel Operator.

GENERAL PROHIBITIONS

20. The Owner of a Dog is guilty of an offense if that Dog:
 - (1) is At Large, except in a designated off-leash area;
 - (2) pursues or barks at any vehicle on a highway so as to constitute a nuisance;
 - (3) pursues or barks at any person so as to constitute a nuisance;
 - (4) disturbs the peace and quiet of any person by howling, whining or barking so as to constitute a nuisance;
 - (a) In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited to the:

- i) Proximity of the property where the Dog resides;
- ii) Duration of the barking;
- iii) Time of day and day of the week;
- iv) Nature and use of the surrounding area; and
- v) Any effect of the barking.

- (5) enters upon any park, playground or other public place where signs erected by the City restrict or prohibit such entry;
- (6) enters upon any Cemetery;
- (7) has an expired rabies vaccination certificate; or
- (8) bites any person without provocation.

- 21. Any person who has a Dog in a public park or multi use trail must have the Dog on a leash not exceeding 2.5 meters in length and the leash shall be held or attached to a competent person.
- 22. No person shall run a Dog or Dogs in harness so as to obstruct traffic or pedestrians.

Removal of Feces

- 23. Where a Dog is on public or private property other than the property of the Owner, the Owner shall have in their possession a suitable means of facilitating the removal of dog feces.
- 24. Where 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.
- 25. The Owner of a Dog shall not allow dog feces to accumulate on the Owner's property to such an extent that it is likely to annoy or pose a health risk to others.
- 26. When an Officer gives notice to an Owner that the accumulation of dog feces on the Owner's property is excessive, the Owner of such property shall clean the property to the approval of the Officer within seventy-two (72) hours.

PROTECTION OF DOGS

- 27. (1) An Owner of a Dog shall:
 - a) ensure that the Dog has adequate food and water;
 - b) provide it with adequate care when it is wounded or ill;
 - c) provide it with reasonable protection, having regard to the physical characteristics of the Dog, from injurious heat or cold;
 - d) provide it with adequate shelter, ventilation and space;

- (2) If an Owner tethers a Dog the Owner shall ensure that the Dog is tethered with a Tether that does not allow it to become tangled, or cause pain or suffering to the Dog, or cause the Dog to be In Distress;
- (3) No Owner shall permit a Dog in his or her charge to be In Distress;
- (4) No person shall cause a Dog to be In Distress.
 - a) Subsection (3) does not apply if the distress is caused by a treatment, process or condition that occurs in the course of an accepted activity.

28. If a Dog is In Distress and:

- (1) The Owner does not immediately take measures that will relieve its distress;
- (2) An Officer has reasonable grounds to believe that the Owner is not likely to ensure that the Dog's distress will continue to be relieved; or
- (3) The Owner cannot be found immediately and informed of the Dog's distress;

An Officer may, in accordance with Section 28, take any action he or she considers necessary to locate the Dog and relieve its distress, including taking custody of the Dog in accordance with this by-law and taking reasonable measures to arrange for necessary transportation, food, water, shelter and veterinary care.

29. (1) An Officer who has reasonable grounds to believe that a Dog is In Distress in any place, premises, or vehicle may obtain a warrant to enter the place, premise or vehicle for the purpose of carrying out his or her duties under Section 27.
 - (2) An Officer may take any action authorized under Subsection (1) without a warrant, except entry into a dwelling house, if conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practical to obtain a warrant.
30. An Officer shall use no more force than is reasonably required to enter or search any place, premises or vehicle.
31. No person shall abandon a Dog.
32. An Officer may take an Abandoned Dog into custody, and impound said Dog, whether or not it is In Distress.
33. Any person who is authorized pursuant to this by-law to destroy a Dog shall do so in a humane manner.

SECURING ANIMALS IN VEHICLES

34. No Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a highway as defined in the *Motor Vehicles Act* R.S.N.W.T. 1988, c.M-16, as amended, regardless of whether the motor vehicle is moving or parked.
35. Notwithstanding section 33, a person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or a flat-bed truck if the Dog is:
 - a) In a fully enclosed trailer;
 - b) In a canopy enclosing the bed area of a truck;
 - c) Contained in a ventilated kennel designed for the transportation of dogs, which is securely fastened to the bed of the truck; or
 - d) 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.

OBSTRUCTION

36. 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;
 - (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;
 - (d) tamper with, close or unlock, unlatch or otherwise open to remove or attempt to remove a Dog from a live capture cage placed by an Officer or a person authorized by an Officer; or
 - (e) knowingly make a false or misleading statement, either orally or in writing, or fail to disclose a material fact to an Officer.

SEIZURE OF DOG AT LARGE

37. An Officer may take whatever actions are appropriate to seize a Dog found At Large and may deliver such Dog to the Poundkeeper for impoundment.
38. 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 Poundkeeper for impoundment.
39. 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.

40. Any person may use such force as is necessary to prevent injury to any person or domesticated animal being attacked by a Dog.
41. 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

42. If an Officer reasonably believes that a Dog is a Vicious Dog, the Officer shall, in writing, inform the Owner of the Dog that:
 - (1) The Dog has been determined to be a Vicious Dog; and
 - (2) The Dog must be kept in accordance with the provisions of this By-law.
43. In the event that a Dog is deemed to be a Vicious Dog pursuant to Section 41 of this By-law, the Vicious Dog provisions of this By-law shall apply upon the Owner of a Vicious Dog receiving notice that the Dog has been determined to be a Vicious Dog.
44. A Dog that has been deemed to be Vicious must wear a Muzzle and must be harnessed or securely leashed to prevent it from attacking or biting a person or another animal when out in public and at all times when off the property of the Owner.
45. Where an Officer reasonably believes that a Dog has bitten a person when unprovoked, 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 47 of this By-law, disposed of in accordance with Section 50 of this By-law,

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

46. Where it has been determined by an Officer that a Dog has been provoked into making an attack or the Dog has bitten the Owner or a person known to the Owner, the Dog may be placed on a home quarantine for a period of ten (10) days, the terms and conditions of which shall be set out by an Officer.
47. No order made or penalty imposed pursuant to Section 59 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

48. Where a Dog is delivered to the Poundkeeper 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.
49. 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 diarrhea with or without blood, the Poundkeeper, after notifying the City, shall have authority to destroy the Dog in accordance with Section 53 of this By-law.
50. The Owner of a Dog that has been impounded by the City shall claim said Dog in accordance with Section 50 of this By-law.
51.
 - (a) Where a Dog has been impounded pursuant to this By-law, 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 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:
 - (i) sell such Dog for a sum of not less than the total of all fees and penalties owing pursuant to the provisions of Fees and Charges By-law No. 4436 or any successor by-law; or
 - (ii) notwithstanding Subsection 50(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 distributed in accordance with the requirements of the *Dog Act*.
52. 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 and the Owner cannot be located, pursuant to Section 44.

53. Fees shall be paid to the City or the Poundkeeper 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.
54. If a Dog which is impounded is in such distress that it cannot, in the opinion of a Veterinarian, be relieved of its distress and live without undue suffering, or the Dog requires significant medical care and the Owner is unknown, the Veterinarian may euthanize the Dog or authorize the euthanasia.
55. If a Veterinarian is not readily available to examine a Dog that is impounded and an Officer is of the opinion that the Dog cannot be relieved of its distress and live without undue suffering, the Officer may destroy the Dog or authorize its destruction.
56. The Owner of a Dog destroyed under this By-law is liable for the costs of destruction.

GENERAL

57. 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.
58. 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.
59. The City may, enter into contracts with one or more persons for the provision of poundkeeping services.

PENALTIES AND OFFENCES

60. Any person who contravenes a provision of this By-law is liable on Summary Conviction:
 - (a) for the first offence, to a fine of not more than \$2,500, to imprisonment for a term not exceeding three months, or to both; and
 - (b) for a second offence or subsequent offence, to a fine of not more than \$10,000, to imprisonment for a term not exceeding six months, or to both.
61. If an Owner is convicted of an offence under this by-law, the court may make an order restraining the owner from having or continuing to have custody of Dogs for such a period of time as is specified by the Court.
62. The Court may, on conviction of an Owner for an offence under this by-law, order the destruction of any Dog of that Owner that the Court considers should be destroyed for humane reasons or for the safety of the public.

63. Pursuant to Section 59 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.
64. If an offence under this by-law is committed on more than one day or is continued for more than one day:
- (a) the offence is a separate offence for each day, or part of a day, on which the offence is committed or continued; and
 - (b) separate fines, each not exceeding the maximum fine for that offence, may be imposed for each day the offence is committed or continued.

SEVERABILITY

65. The provisions of this By-law are severable and the invalidity of any part of this By-law shall not affect the validity of the remainder of this By-law.

REPEAL

66. By-laws No. 3710, 4072, and 4214 are hereby repealed.

EFFECT

67. THIS By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 28 day of OCTOBER, A.D. 2013.



Mayor



City Administrator

Read a Second Time this 28 day of OCTOBER, A.D. 2013.

Frank Heyck
Mayor

Donna Kefauver
City Administrator

Read a Third Time and Finally Passed this 28 day of OCTOBER, A.D., 2013.

Frank Heyck
Mayor

Donna Kefauver
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

Donna Kefauver
City Administrator



"SCHEDULE A"

By-law No. 4755

Summary Offence Ticket Information Penalties:

Section	Description	First Offence	Second Offence	Third Offence
5	Fail to licence a dog	\$250	N/A	N/A
15	Fail to secure dog tag when on public property	\$50	N/A	N/A
16	Fail to licence a kennel	\$250	N/A	N/A
18	Fail to permit Officer to enter and inspect	\$250	N/A	N/A
20(1)	Dog at large (within a 12 month period)	\$100	\$200	\$300
20(2)	Allow a dog to pursue or chase a vehicle	\$200	N/A	N/A
20(3)	Allow a dog to pursue or chase a person	\$200	N/A	N/A
20(4)	Disturb peace and quiet	\$100	N/A	N/A
20(5)	Enter into a prohibited or restricted area	\$100	N/A	N/A
20(6)	Enter into a cemetery	\$100	N/A	N/A
20(7)	Have an expired rabies vaccination	\$100	N/A	N/A
20(8)	Allow a dog to bite a person	\$250	\$500	Court
21	Allow a dog to be off leash in a leash area	\$100	N/A	N/A
22	Running a dog that obstructs traffic	\$100	N/A	N/A
23	Fail to carry suitable means to remove feces	\$100	N/A	N/A
24	Fail to remove dog feces	\$100	N/A	N/A
25	Allow feces to unduly accumulate	\$100	N/A	N/A
27(1), (2), (3) & (4)	Permit or Cause a dog to be in distress or tethered improperly	\$250	\$500	Court
31	Abandon a dog	\$500	N/A	N/A
33	Cause undue suffering to a dog when being destroyed	Court	N/A	N/A
34	Improperly transporting a dog	\$100	N/A	N/A
36(a),(b) & (c)	Obstructing an officer or poundkeeper	\$250	N/A	N/A
36(d)	Tampering with a live dog trap	\$250	N/A	N/A
36(e)	Make a false statement	\$250	N/A	N/A
44	Fail to muzzle a vicious dog	\$100	N/A	N/A
45 & 47	Fail to obey a quarantine order	\$250	N/A	N/A
60(c) & (d)	Fail to obey a court order	Court	N/A	N/A