

TOWN OF THE CITY OF DAWSON  
**BYLAW #08- 10**

A Bylaw to provide for the control, health, and safety of, and protection from, animals in the City of Dawson.

---

WHEREAS Section 265 of the *Municipal Act*, R.S.Y. 2002, c. 154 provides that Council may pass bylaws for municipal purposes respecting the control, health, and safety of, and protection from, wild and domestic animals, including insects and birds; and

WHEREAS Section 266 of the *Municipal Act* provides that Council may in such bylaws regulate, control or prohibit, and provide for a system of licences, inspections, permits, or approvals.

NOW THEREFORE, the Council of the Town of the City of Dawson, (the "City") in open meeting assembled, hereby ENACTS AS FOLLOWS:

**1.00 SHORT TITLE**

1.01 This Bylaw may be cited as the "**Animal Control Bylaw**" (the "Bylaw").

**2.00 DEFINITIONS**

2.01 In this Bylaw:

"ANIMAL" refers to all members of the scientific kingdom Animalia unless otherwise specified in the Bylaw, but does not include humans.

"ANIMAL SHELTER" means those premises used by the City for the purpose of impounding Animals and includes those premises operated by a humane society for the purpose of providing shelter to Animals.

"APPROVED TEMPORARY DOG TEAM AREA" means an area established by council resolution for the temporary housing of a Dog Team in accordance with the terms of this Bylaw. Other temporary dog team areas may be designated, from time to time, by council resolution.

"AT LARGE" means an Animal being off the property of its Owner and not under the Owner's Immediate Control.

"ATTACK" means to set upon with force, and also means to seek to hurt or defeat.

"CAT" means a male or female domesticated cat.

"CITY" means the Town of the City of Dawson.

"CITY APPROVED PEN OR CAGE" means a secured enclosure with a floor, four walls, and a roof which complies with the minimum standards established by the Bylaw Officer or City Manager.

"CITY MANAGER" means the Chief Administrative Officer of the City or delegate.

"DANGEROUS ANIMAL" means any Animal that:

- a) has chased, harassed, bitten, injured, attacked or killed an Animal or human, without provocation, on public or private property;
- b) has been trained to harass, attack, or bite another Animal or human;
- c) has shown the tendency or disposition to be threatening or aggressive; or

- d) is kept for the purpose of providing security or protection to persons or property;

“DOG” means a male or female member of the canine family and includes crossbreeds.

“DOG TEAM” means three (3) or more Dogs trained to be harnessed together and used for recreational or commercial purposes or in the maintenance of a subsistence lifestyle.

“FEE SCHEDULE BYLAW” means the City’s Fee Schedule Bylaw #96-17 and amendments thereto.

“HISTORIC TOWNSITE” means the area identified as the “Historic Town site Overlay 1997” in the Zoning and Historical Control Bylaw #97-25 and amendments thereto.

“HUMANE CARE” means:

- a) providing proper care, food, and shelter;
- b) preventing injury, pain, or suffering where possible, and providing adequate treatment where such injury, pain or suffering occurs;
- c) preventing Animal sickness whenever possible and providing adequate treatment when sickness occurs;
- d) protecting an Animal from abuse or undue hardship, deprivation, or neglect; and
- e) where an activity identified in subsections (a) and (d) is carried on in accordance with reasonable practices of Animal management, husbandry, or slaughter provided that these practices are carried out in a humane manner.

“IMMEDIATE CONTROL” means to have an Animal on the Owner’s property securely confined by a fence, pen or building; and to have an Animal off of the Owner’s property on a Leash held firmly by the Owner, and kept within one (1) meter of the Owner when other people are nearby.

“KENNEL” means an establishment for the breeding and/or boarding of Animals.

“KENNEL OPERATOR” means a person who owns or operates a Kennel.

“LEASH” means a restrictive device, which may include a spool type leash, adequate to control the Animal on which it is attached, and which shall be of a maximum length of four (4) meters.

“MEDICAL HEALTH OFFICER” means the person appointed by the Commissioner in Executive Council to act as a Health Officer.

“MUZZLE” means a fastening or covering for the mouth of an Animal used to prevent eating or biting, and which restrains the normal expression of the Animal.

“NEUTERED” means sexually sterile regardless of sex and includes a Dog or Cat that has been certified by a Veterinarian as too old, or physically unable to be Neutered.

“NUISANCE ANIMAL” is defined by way of example but not of limitation as:

- a) an Animal which causes damage to the property of anyone other than its Owner, including but not limited to getting into or turning over garbage containers, damaging gardens, flowers and vegetables, or defecating on the property of others or on any public property except in accordance with section 5.09 of this Bylaw;
- b) an Animal which is maintained in an unsanitary environment which results in offensive odours or danger to the Animal or to the public health, safety or

welfare; or an Animal not maintained in a condition of good order and cleanliness, thereby increasing the probability of the transmission of disease;

- c) an Animal kept on an Owner's property that is maintained in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of Animals on the property;
- d) an Animal which is permitted or allowed to bark, whine, howl, crow, cackle or otherwise make or cause noise in an excessive or untimely fashion so as to interfere with the reasonable use and enjoyment of neighbouring properties;
- e) an Animal that is maintained without adequate medical treatment and that is diseased or dangerous to the public health; or
- f) an Animal that chases, snaps at, or attacks, pedestrians, joggers, bicycles, or other vehicles, or Animals being walked on a Leash.

"OFFICER" means any Bylaw Officer appointed by the City or Royal Canadian Mounted Police.

"OFF-LEASH AREA" means a designated area of land, identified by a sign posted by the Officer, within which Dogs may run At Large.

"OWNER" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an Animal.

"PROPERTY" means land and improvements uniquely identified on the Municipal Assessment Roll of the City.

"SECURE ENCLOSURE" means an enclosed structure, building, cage, or fenced area of such construction that will not allow an Animal to jump, climb, dig or force its way out, or to allow the entry or access of unauthorized persons and that has four walls, a roof and a floor.

"SPECIAL NEEDS DOG" means any Dog trained by a recognized and accredited institution to provide assistance to persons with hearing or visual impairments, physical disabilities, developmental or intellectual disabilities, or to assist persons with other disabilities in the performance of daily activities.

"TRAP" means any device or machine that shuts suddenly, as with a spring, and is used for the capture of live animals.

"VETERINARIAN" means a person who holds a current licence to practice veterinary medicine in a province or territory.

"WILD ANIMAL" means an animal belonging to a species indigenous to the Yukon and not normally domesticated or tame in nature.

"WORKING DOG" means a Dog trained to assist the disabled or a Dog trained and used by its Owner for hunting or trapping in the maintenance of a subsistence lifestyle or a Dog from a registered Dog Team.

### **3.0 PROVISION OF NEEDS**

- 3.01 Every Owner of an Animal shall provide Humane Care to that Animal, and every person, including an Owner, shall treat all Animals in a humane manner.
- 3.02 Every person who keeps an Animal within the municipality shall provide the Animal or cause it to be provided with:

- a) clean, potable drinking water available at all times, and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
  - b) food and water receptacles kept sanitary and located so as to avoid contamination by excreta;
  - c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
  - d) necessary veterinary medical care when the Animal exhibits signs of pain, illness or suffering.
- 3.03 Every person who keeps an Animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the Animal is provided with:
- a) a total area that is at least twice the length of the Animal in all directions; and
  - b) a house or shelter to ensure protection from heat, cold, and wet. Such house or shelter must provide sufficient space to allow the Animal the ability to turn around freely and lie in a normal position and be situated in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times; any pen must be regularly cleaned and sanitized, and all excrement removed, at least once a week.
- 3.04 No person shall cause an Animal to be hitched, tied or fastened while unattended by the Owner to a fixed object where a choke collar, choke chain or pinch collar forms part of the securing apparatus, or where a rope or cord is tied directly around the Animal's neck.
- 3.05 No person shall cause an Animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- 3.06 No person shall transport an Animal outside the passenger compartment of any motor vehicle or trailer unless the Animal is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent the Animal from falling off the vehicle or otherwise injuring itself.
- a) In any prosecution or proceeding under this section, the registered Owner or operator, as applicable, of the motor vehicle or trailer shall be deemed to be the Owner of the Animal, unless he or she proves to the satisfaction of the Judge that at the time of the offence the motor vehicle was not being used to transport the Animal by him or her and that the motor vehicle was not being used by any other person with his consent, express or implied.
- 3.07 No person shall cause an Animal to be Muzzled unless it is in the immediate care and control of the Owner.

#### **4.0 SANITARY CONDITIONS PROHIBITED**

- 4.01 No person shall keep an Animal in an unsanitary condition within the municipality. 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 neighbouring properties, dwelling, office, hospital or commercial establishment.

## **5.0 CONTROL OF ANIMALS**

- 5.01 No Owner of an Animal shall permit such Animal to run At Large and where such Animal is found running At Large, it shall be deemed to be doing so with the consent of the Owner.
- 5.02 No Owner of an Animal shall permit such Animal to be upon any public or private property within the municipal boundaries of the City, without the property owner's consent, unless such Animal is on a Leash held at all times by the Owner. The Animal shall be confined by the Owner holding the Leash within a one (1) meter radius when other persons are in the immediate vicinity of the Animal.
- 5.03 Council, by resolution, may designate areas as Off-Leash Areas within the City where the use of a Leash is optional and may specify the period of time in which the "Leash optional" designation shall be in effect.
- 5.04 The Owner of an Off-Leash Animal, while in an Off-Leash Area, shall at all times:
- a) keep the Animal under control by verbal command;
  - b) carry a Leash not exceeding two (2) meters in length;
  - c) clean up after the Animal; and
  - d) ensure that the Animal does not cause injury or damage to any person, another Animal, or to any property.
- 5.05 An Owner may leave a Leashed Animal temporarily unattended by tying it to a building or other structure in the following circumstances:
- a) outside the Historic Townsite of the City;
  - b) within the Historic Townsite of the City at specific sites designated by resolution of council;
  - c) within the Historic Townsite of the City where permission from the property/business owner has been granted:
- 5.06 Any Animal not controlled in accordance with this Bylaw shall be deemed to be At Large.
- 5.07 Every Owner of a female Dog or Cat in heat shall confine such an Animal within a building or other Secure Enclosure in such a manner as to prevent the Dog or Cat from coming into contact with a male Dog or Cat, as the case may be. Such confinement shall continue for the whole period the female Dog or Cat is in heat, except that such Dog or Cat may be released from such confinement for controlled breeding purposes and for the purpose of exercising or defecating on the Owner's Property.
- 5.08 No Owner of an Animal shall permit the Animal to become a Nuisance Animal.
- 5.09 No Owner of an Animal shall permit the Animal to defecate on public or private Property, other than the Owner's, within the boundaries of the City. It is not a violation of this section where the Owner of the offending Animal immediately cleans up and properly disposes of the defecation.
- 5.10 An Owner shall ensure that all Animals are properly secured on their property by one of the following:
- a) a City approved pen, cage, or Dog run; or
  - b) tethered to a post by a chain having a minimum of a one (1) meter turning radius.

- 5.11 All Dogs tethered or caged within the City must be given an opportunity to exercise off of the tether, or out of the cage, for a minimum of 1 hour in a 24 hour period.
- 5.12 No person shall:
- a) interfere with, or attempt to obstruct, an Officer or other person who is attempting to seize or who has seized any Animal in accordance with the provisions of this Bylaw;
  - b) unlock or unlatch or otherwise open a vehicle, cage, Animal Shelter or other similar structure in which Animals seized for impoundment have been placed;
  - c) remove or attempt to remove any Animal from the possession of an Officer or from any person at the time responsible for the operation or maintenance of the Animal Shelter at which the Animal is being held;
  - d) release or remove, or attempt to release or remove, any Animal contained in a Trap installed by an Officer; or
  - e) destroy, damage, or otherwise interfere with any Trap installed by an Officer.

## **6.00 ANIMAL DENSITY**

- 6.01 The number of Animals allowed on any individual Property is set out in the Animal Regulations of the City's Zoning and Historical Control Bylaw #97-25 and amendments thereto.

## **7.00 LICENCES AND FEES**

- 7.01 No person shall own, possess or harbour a Dog over the age of 6 months, which is weaned from its mother, unless such a Dog is licenced pursuant to the provisions of this Bylaw except in the following circumstances:
- a) a service Dog employed by the Royal Canadian Mounted Police;
  - b) a Working Dog trained to assist the disabled; or
  - c) a Dog owned by, or in the possession of, a non-resident Owner for a time period not exceeding two (2) weeks.
- 7.02 The burden of proof that an Owner is not a resident and is temporarily in the City for a period not exceeding two weeks shall rest upon the Owner
- 7.03 The Owner of a Neutered Dog may apply for a lifetime Dog licence and pay a licence fee as prescribed in the City's Fee Schedule Bylaw, and shall thereafter identify the Dog with a tag affixed to the Dog collar, proof of which shall be provided by the Owner of the Dog.
- 7.04 The Owner of an un-Neutered Dog shall annually apply to the City for a Dog licence tag and pay the annual fee as prescribed in the City's Fee Schedule Bylaw.
- 7.05 Where, during the current licence year, the Owner of a Dog produces a veterinary certificate certifying that such Dog has been Neutered, the Owner shall be entitled to, without fee or refund of fee, a lifetime Dog licence.
- 7.06 No person shall use a Dog licence tag on a Dog to which it is not registered.
- 7.07 Every person who becomes the Owner of a Dog which is not currently licenced in accordance with the provisions of this Bylaw shall, immediately upon becoming the Owner of the Dog, apply to the City for a Dog licence, pay the licence fee prescribed and provide the City with the information required.

- 7.08 Where a person acquires a Dog currently licenced by the City to another person, the new Owner shall immediately notify the City of the change of Ownership and provide the City with their name, address and phone number, for which no fee will be charged.
- 7.09 An applicant for a Dog licence shall complete an application in a form approved by the City Manager and no licence will be issued until such application form is completed.
- 7.10 The Dog licence shall be securely fastened to a collar or harness worn by the Dog anytime the Dog is off the Owner's Property. Any licenced Dog off the Owner's Property and not wearing its Dog licence shall be deemed to be an unlicenced Dog.
- 7.11 A Dog shall not be licenced as a Neutered Dog unless proof in a form acceptable to the City has been provided that the Dog is sexually sterile.
- 7.12 Working Dogs shall be issued a licence tag without payment of fees except for Dog Teams which fee is set out in the City's Fee Schedule Bylaw.
- 7.13 Every licence and permit issued under this Bylaw shall be effective from the 1<sup>st</sup> day of January or the date of issuance until and including the 31<sup>st</sup> of December next following.
- 7.14 Licences issued under this Bylaw shall not be transferable from one Dog to another and no refund shall be made on any licence fee because of the death or disposal of the Dog, or upon the Owner leaving the City before the expiration of the licence period.
- 7.15 An Owner of a licenced Dog may obtain a replacement Dog tag licence to replace a lost tag.
- 7.16 An applicant for a Dog licence permit shall pay a fee as established in the City's Fee Schedule Bylaw.
- 7.17 Working and/or racing sled Dogs, being used for transportation purposes, may be brought into the boundaries of the City without a licence for a maximum period of ninety six (96) consecutive hours or such longer time if approved by the City Manager.
- 7.18 Working Dogs, trained to assist the disabled, must be registered with the City and will be issued a licence at no cost to the Owner.
- 7.19 Council, by resolution, may declare amnesty, for a specified period of time, from the payment of any licence fee required by this Bylaw.

## **8.0 DANGEROUS ANIMALS**

- 8.01 Where a Designated Officer has reasonable grounds to believe a Dog is a Dangerous Dog, the Designated Officer shall provide a written report to the City Manager requesting that the Dog be declared a Dangerous Dog.
- 8.02 Upon receipt of a written report, the City Manager shall give written notice to the Owner of the Dog at least (10) ten days in advance of a decision on whether or not to declare the Dog dangerous by serving a notice upon the Owner or by mailing same by certified mail to the last known address of the Owner. The notice shall include:
  - a) The written report of the Designated Officer;
  - b) A copy of the Dangerous Dog provisions contained in this Bylaw; and
  - c) A statement that if the Dog Owner does not, within ten (10) days of the receipt of the notice, provide written reasons as to why the declaration should not be made, a determination on whether or not to deem the Dog dangerous will be made without further notice.

- 8.03 Where a written statement from the Dog Owner is received, within ten (10) days of receipt of the notice, the City Manager shall, within ten (10) days of the receipt of the statement, make a final determination with respect to declaring the Dog dangerous, and thereafter provide written notice of the decision to the Owner of the Dog by serving the decision on the Owner or by mailing the decision by registered mail to the last known address of the Owner.
- 8.04 Where a written statement is not received from the Dog Owner within ten (10) days from the date of the written notice, the City Manager shall forthwith determine whether or not to declare the Dog a Dangerous Dog.
- 8.04 The previous sections do not apply where there has been a conviction under the Dog bite provisions of this Bylaw.
- 8.05 Where a decision is made to declare a Dog Dangerous, under the provisions of this Bylaw, the City Manager shall notify the Dog Owner within (30) thirty days of the decision by serving a notice upon the Owner of the decision or by mailing same by registered mail to the last known address of the Owner.
- 8.06 Where notice is provided to a Dog Owner that a Dog has been declared a Dangerous Dog, the notice shall include an appeal form to be returned to the City within ten (10) days. Upon receipt of an executed appeal form from the Dog Owner, the City Manager shall, within fifteen (15) days, set the matter down in Territorial Court for a determination as to whether the Dog is a Dangerous Dog.
- 8.07 At the completion of a hearing in Territorial Court of this Bylaw, the presiding Judge shall make a determination as to whether or not the Dog is to be deemed a Dangerous Dog.
- 8.08 No person shall own a Dangerous Dog unless such Dog is:
- a) Confined within a secure enclosure, or unless such dog is securely muzzled and leashed when outside that secure enclosure; and
  - b) Licensed with the municipality as a Dangerous Dog; and
  - c) Neutered.
- 8.09 At all times when off of the Owner's Property, a Dangerous Dog shall be on a Leash and under the control of the Owner who shall be, for the purposes of these Dangerous Dog provisions, a responsible person over the age of eighteen (18).
- 8.10 A secure enclosure, used to house a Dangerous Dog, shall not be within one (1) meter of the Property line or within three (3) meters of a neighbouring dwelling unit.
- 8.11 A sign shall be displayed at each entrance to the Property and building in which a Dangerous 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 legible from the nearest road or thoroughfare
- 8.12 The Owner of a Dangerous Dog shall have a policy of liability insurance in force, satisfactory to the City, in the amount of at least five hundred thousand dollars (\$500,000), to cover any future injuries caused by the Dangerous Dog. This policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose that the insurance company shall notify the City of any cancellation, termination or expiration of the policy.

- 8.13 The City Manager shall have the discretion to modify the conditions for owning and maintaining a Dangerous Dog, and any modified conditions shall be set out in writing and include written reasons for the modified conditions.
- 8.14 A Designated Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the Dangerous Dog provisions of this Bylaw.
- 8.15 The City may not offer for adoption any Dog that has been designated as dangerous under this Bylaw.
- 8.16 No Owner of a Dog shall permit the Dog to bite any other Dog that is on a Leash, and where a Dog has bitten a leashed Animal it shall be deemed to have done so with the consent of its Owner.
- a) No Owner of a Dog shall permit such Dog to bite, without provocation, any other Dog that is off leash, and where a Dog has, without provocation, bitten another unleashed Dog it shall be deemed to have done so with the consent of its Owner.
- 8.17 No Owner of a Dog shall permit such Dog to bite any person without provocation, and where such Dog has, without provocation, bitten any person it shall be deemed to have been done with the consent of the Owner.
- 8.18 No owner of any Dog shall permit such Dog to bite, attack, harass, or kill any other tethered Animal or any Animal or poultry which is on its respective private Property, and where such Dog has bitten, attacked, harassed or killed any Animal or poultry it shall be deemed to have been done with the consent of the Owner.
- 8.19 Upon conviction of an offence contrary to sections 8.17 to 8.19 of this Bylaw, the Dog set out in the complaint shall automatically be deemed a Dangerous Dog, and said conviction shall serve as the notice required pursuant to this Bylaw.
- 8.20 Every Owner of a Dangerous Dog shall, within fifteen (15) days of being deemed a Dangerous Dog, cause the Dog to be tattooed upon the ear or flank by a Veterinarian with a combination of letters and numbers prescribed by the Bylaw Officer. Documented proof of such tattooing, duly certified by the Veterinarian, and describing the breed of Dog, its Owner, and the combination of letters and numbers aforementioned, shall be submitted to the City within ten (10) days following the tattooing.
- 8.21 Where a Judge is satisfied, upon evidence under oath, that there are reasonable and probable grounds to believe that a Dangerous Dog is being kept in violation of the Dangerous Dog provisions of this Bylaw, the Judge may, by order, authorize an Officer to seize and impound the Dog and set out in the Order any conditions which the Owner shall meet before the Dog may be released without further application to the Court.
- 8.22 Where a Judge is satisfied, upon evidence under oath, that there are reasonable and probable grounds to believe that an Animal is being kept in violation of this Bylaw and it is in the interest of public safety or necessary for the humane treatment of the Animal to do so, the Judge may, by order, authorize an Officer to seize and impound the Animal and set out any conditions which the Owner shall meet before the Animal may be released without further application to the Court.
- a) Where a Judge is satisfied, upon conviction of an offence under any section in the Bylaw, that there are reasonable and probable grounds to believe that an offence under this Bylaw may continue unless an Animal is, or Animals are, impounded, the Judge may, by order, authorize an Officer to seize and impound the Animal or Animals and set out in the order any condition which the Owner shall meet before the Animal or Animals may be released and may set out a time period within which the Owner must meet the conditions set out in the order.

- b) If the Owner fails to meet the conditions set out in an order granted pursuant to the Bylaw, in the time period set out in the order, and the period for an appeal has lapsed without an appeal being filed, the City may dispose of the Animal or Animals, that are the subject of the order, in whatever manner it sees fit, including the Animal's destruction.
- 8.23 Upon demand being made by a Designated Officer, an Owner who fails to surrender a Dog, that is the subject of an impoundment order pursuant to this Bylaw,, commits an offence.
- 8.24 Where an Animal is seized and impounded pursuant to the Bylaw, an Owner may apply to the court on three (3) clear days notice to set aside the order of impoundment.
- 8.25 Where an Animal is impounded pursuant to this Bylaw and the Owner fails to comply with the conditions set out in the order of impoundment, or to make an application to the court pursuant to this Bylaw, within seven (7) days from the date of impoundment, the Animal shall be destroyed.
- 8.26 Upon application being made by an Owner for the return of an impounded Animal, the Judge shall confirm the order of impoundment unless the Owner shows cause why the impoundment of the Animal is not necessary in the public interest.
- 8.27 Where a Judge is satisfied that the public interest does not require impoundment of the Animal, the Judge shall order the Animal released into the care of its Owner upon such conditions as are reasonably necessary to ensure the protection of the persons and Property of others.
- 8.28 Where an Animal has been released from impoundment pursuant to this Bylaw, and the Owner breaches any condition imposed by the Judge as a condition of the release, the Owner will be deemed to have committed an offence.
- 8.29 Where the Owner of an Animal is charged with an offence under this Bylaw, the prosecutor may make application to a Judge for an order returning the Animal to impoundment, and a Judge may order the Animal impounded.
- 8.30 Where a Dangerous Dog dies or is sold or otherwise disposed of, the Owner shall notify an Officer of the disposal, including the name and address of the new Owner if applicable, and, in the case of death, shall provide certification by a Veterinarian, or the carcass of the animal, for inspection by an Officer. An Owner who fails to comply with the requirements of this section commits an offence.
- 8.31 Where an Animal is impounded, pursuant to a Judge's order, the Owner shall bear all costs related to the impoundment, and the failure by the Owner to bear these costs shall result in disposal of the Animal in accordance with the provisions of this Bylaw, and the Owner shall be deemed to have committed an offence.
- 8.32 Where a Judge is satisfied that, in the public interest, a Dangerous Dog should be destroyed, or otherwise disposed of, the Judge shall order the destruction or other disposition at the expense of the Owner.

## **9.00 KENNELS**

- 9.01 Any person desiring to operate a Kennel shall annually apply for a Kennel permit on an application form approved by the City Manager, and shall operate the Kennel in accordance with the Animal Regulations in the City's Zoning and Historical Control Bylaw #97-25 and amendments thereto.
- 9.02 No Kennel permit or renewal shall be issued under this section unless the applicant has provided, at the time of application:

- a) the written consents, in a form prescribed by the City Manager, of two-thirds of all property Owners whose property is located within fifteen hundred (**1500**) feet of the boundaries of the property on which the Kennel is to be located; and
  - b) an agreement in writing, in a form prescribed by the City Manager permitting an Officer to enter onto the property on which the Kennel is to be located, for the purpose of inspecting the Kennel.
- 9.03 Any holder of a Kennel permit must also purchase a business licence from the City.
- 9.04 Where an Officer finds that the applicant or operator of a Kennel does not comply with any section of this Bylaw, the Officer may direct that the Animals be seized and impounded. All costs associated with the seizure and boarding of the Animals shall be the responsibility of the applicant or operator of the Kennel.
- 9.05 Any person operating a licenced Kennel may keep unlicenced Dogs confined in the Kennel, but any Dog leaving the Property, on which the Kennel is located, must be licenced and wearing its Dog tag licence.
- 9.06 An Officer may enter and inspect the Kennel under authority of the agreement in writing contemplated by this Bylaw.

#### **10.00 WILD ANIMALS**

- 10.01 No person shall own a wild animal within the City except for the purpose of exhibition in circuses, zoos, or educational institutions, and in accordance with such regulations as shall be established from time to time by the City.
- 10.02 At the discretion of the Designated Officer, and in consultation with the authority having jurisdiction, a person may be given permission to assist the authority in the care and maintenance of an injured or recovering wild animal or bird.

#### **11.00 RABIES AND INFECTIOUS DISEASE CONTROL**

- 11.01 Any Animal that bites another Animal or a human, and any Animal that is suspected by a Veterinarian or the Medical Health Officer of being rabid may be seized by an Officer and impounded at a place to be determined by an Officer and placed under quarantine for a period of no less than fourteen (14) days. Where the Animal is diagnosed as potentially rabid by a Veterinarian or the Medical Health Officer, the Animal shall be destroyed.
- 11.02 Every Animal bitten by an Animal suspected of being rabid, at the discretion of an Officer, may forthwith be destroyed or may be impounded and quarantined in accordance with this Bylaw.
- 11.03 Any Animal quarantined pursuant to this Bylaw shall not be released from quarantine except with the written approval of the Medical Health Officer, and before release the Animal shall be vaccinated at the Owner's expense. Any person who releases such Animal without the written permission of an Officer or Medical Health Officer is guilty of an offence.
- 11.04 The cost of quarantining and/or treating an Animal under this Bylaw, including impoundment and other Animal control fees as set out in the City's Fee Schedule Bylaw, shall be borne by the Owner of the Animal.
- 11.05 Where any Animal has been quarantined, pursuant to this Bylaw, and has not been retrieved by the Owner within four (4) standard working days of the completion of the quarantine period, the Animal is deemed to have been abandoned by the Owner and the City may adopt or otherwise dispose of the Animal.
- 11.06 Where the Animal, suspected of being rabid, dies while under quarantine, the City shall immediately send the head of such Animal to a laboratory for pathological analysis, and shall

notify the Officer or Medical Health Officer of any known human contacts and of the diagnosis made of the suspected Animal after pathological examination.

- 11.07 Except as provided elsewhere in this Bylaw, no person shall kill or cause to be killed, nor remove any of the following Animals from the City, without written permission from an Officer or the Medical Health Officer:
- a) any rabid Animal;
  - b) any Animal suspected of having or of having been exposed to rabies; or
  - c) any Animal which has bitten a human.
- 11.08 Upon demand of an Officer, the carcass of any dead Animal, which has been exposed to rabies, shall be surrendered to an Officer or to the Medical Health Officer.
- 11.09 It is an offence under this Bylaw for any person to bring or bed a horse or horses inside the City boundaries which is infected with Equine Infectious Anaemia and it is also an offence to bring or bed any horse or horses inside the City boundaries without first presenting to the City proof in a form satisfactory to the City that each of the horses has been tested for Equine Infectious Anaemia in the same year in which the horse bedded within, or is to be brought into, the City and that the test has been negative.
- 11.10 Any horse bedded in, or brought into, the City in breach of this Bylaw may be impounded and quarantined by an Officer and shall not be released from quarantine except with the written permission of a Veterinarian.
- 11.11 The cost of transportation, impoundment, quarantine, care and feeding, and any required testing, or other action, arising from a horse being seized pursuant to this Bylaw shall be borne by the Owner of the horse.

## **12.00 IMPOUNDMENT AND DISPOSAL OF ANIMALS**

- 12.01 The City hereby establishes and authorizes the maintenance and operation of an Animal Shelter for the purpose of impounding Animals.
- 12.02 An Officer may immediately seize any Animal found running At Large or, with consent of the property Owner if the Animal is on private Property, an Animal which is, or has been, causing a nuisance or which is, or has been, disturbing the peace and quiet of any person. An Officer may impound such an Animal at the Animal Shelter, or any other facility, at the discretion of the Officer.
- 12.03 A citizen may seize any Animal found running At Large or, with consent of the property Owner, if the Animal is on private Property, any Animal which is damaging or has damaged public or private Property or is attacking, or has attacked, a person and shall forthwith turn the Animal over to an Officer or other City employee. Any citizen seizing such an Animal must provide Humane Care to the Animal until such time as it can be turned over to an Officer or City Manager.
- 12.04 When an Animal is impounded as either a Dangerous Animal, or as an Animal At Large, an Officer may require the Owner to have the Animal Neutered as a condition of its release.
- 12.05 Where an Animal, wearing a current City licence tag, is impounded an Officer shall make all reasonable efforts to identify and notify the Owner and to inform the Owner of the conditions under which custody of the Animal may be regained.
- 12.06 Except where an Animal has been quarantined or ordered destroyed, pursuant to this Bylaw, the Owner of an impounded Animal may recover such Animal within four (4) standard working days of its being impounded, subject to the payment of all impoundment and other Animal Control fees as prescribed in the City's Fee Schedule Bylaw. Any Animal, which is required to be licenced, shall

not be released from impoundment until such time as the Owner has obtained a current licence for the Animal.

- 12.07 Subject to the time requirements of this Bylaw, if the Owner does not recover the Animal within four (4) standard working days of its being impounded the City may commence proceedings to dispose of the Animal, subject to the condition that the Owner may recover the Animal in accordance with the conditions in this Bylaw at any time prior to the Animal being given to a new Owner or destroyed.
- 12.08 Impoundment fees will be levied on a graduated scale with a fee for the first impoundment, the second impoundment, and the third and subsequent impoundments.
- 12.09 For the purposes of the impoundment provisions of this Bylaw:
- a) where more than one Dog owned by an Owner is impounded at the same time or at different times, each impoundment of an individual Animal shall be considered to be separate and consecutive; and
  - b) there shall be deemed to be a previous impoundment of the Dog if the Dog, or any Dog owned by the Owner has been impounded in the previous twelve (12) months.
- 12.10 Impounded Animals, not recovered by an Owner, will be disposed of by first trying to find them a new home with a caring responsible Owner.
- 12.11 Where a reasonable attempt to find an adoptive Owner is unsuccessful the Animal shall be destroyed in a humane fashion and the carcass disposed of in accordance with Yukon Environmental Health and Public Health requirements.
- 12.12 Officers have the right to seize any Dangerous Animals, or any Animal he believes may be suffering from a communicable disease, or may seize any Animal from any person whom the Officer finds contravening this Bylaw.

### **13.00 CRUELTY TO ANIMALS**

- 13.01 With the exception of the destruction of an Animal pursuant to this Bylaw by an Officer, or by a Veterinarian, no person shall kill, maim, wound, poison, or injure an Animal.
- 13.02 No person shall place poison in such a position that it may easily be consumed by Animals.
- 13.03 Everyone commits an offence who:
- a) wilfully causes or, being the Owner, permits another to cause unnecessary pain, suffering or injury to a wild or domestic Animal, including an insect or bird; or
  - b) abandons an Animal or bird in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for any Animal or bird.

### **14.00 INTERESTS OF PUBLIC SAFETY**

- 14.01 Notwithstanding any other provision of this Bylaw, where an Officer considers it to be in the best interest of public safety to do so, he may, with the consent of the Owner, if the Animal is on the Owners Property, or without consent of the Owner, if the Animal is running At Large, forthwith destroy any Animal in contravention of this Bylaw, whether or not such Animal is deemed to have an aggressive or dangerous temperament.
- 14.02 An Officer may enter upon any Property for the purpose of securing or seizing any Animal to prevent the continuation of an offence or to determine Ownership.

## **15.00 OFFENCE AND PENALTIES**

- 15.01 Any person who contravenes a provision of this Bylaw is guilty of an offence.
- 15.02 Any person who commits an offence under this Bylaw is, in addition to any other punishment, liable on summary conviction to:
- a) a voluntary fine under Section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this Bylaw; or
  - b) a fine not exceeding two thousand dollars (\$2000.00) where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
  - c) a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to section 9(1) of the *Summary Convictions Act*.
- 15.03 Where a person is convicted of an offence, under this Bylaw, the Judge may, in addition to any other measure imposed on the offender, order that the offender pay restitution pursuant to section 738 of the *Criminal Code of Canada*.
- 15.04 Should any person owning or occupying Property refuse or neglect to pay any penalties that have been levied pursuant to this Bylaw, the Designated Officer may inform such person in default that, if these charges are unpaid on the thirty-first (31) day of December in the same year, the charges will be added to, and form part of, the taxes payable in respect of that Property as taxes in arrears.

## **16.00 GENERAL INTERPRETATION**

- 16.01 The invalidity of any section or provision of this Bylaw shall not affect the validity of any other part of this Bylaw which can be given effect without such invalid part or parts.

## **17.00 ENFORCEMENT, SEARCH AND SEIZURE**

- 17.01 The provisions of this Bylaw shall be enforced by any Officer.
- 17.02 Pursuant to the provisions of the *Criminal Code of Canada*, for any violations of this Bylaw, a justice may at any time issue a warrant authorizing an Officer, who is named in the warrant, to apply the search and seizure provisions of the *Criminal Code of Canada*.

## **18.00 APPEAL**

- 18.01 Any person who has applied for, but failed to be granted, a licence or who has had a privilege denied, or revoked, under the provisions of this Bylaw may appeal the denial or revocation in writing to Council within thirty (30) days after the decision was rendered and Council may grant the request for reinstatement.
- 18.02 The right of appeal shall be barred and extinguished if not received in writing by Council within the thirty (30) day period set out in this Bylaw.

## **19.00 REPEAL OF PREVIOUS BYLAW AND COMING INTO FORCE**

- 19.01 Bylaw # 98-12 and its amendments are hereby repealed.

## **20.00 COMING INTO FORCE**

- 20.01 This Bylaw shall come into full force and effect on and from the 17th day of June 2008

**FIRST READING: May 20<sup>th</sup>, 2008**  
**SECOND READING: June 3<sup>rd</sup>, 2008**  
**THIRD READING: June 17<sup>th</sup>, 2008**

\_\_\_\_\_  
John Steins Mayor

\_\_\_\_\_  
Norm Carlson A/CAO

**Animal Care and Control Bylaw  
1.1 FEE SCHEDULE**

**1. Annual Licence Fees:**

- a) Un-spayed/ Un-Neutered Dog ..... \$50.00
- b) Dangerous Animal..... \$250.00
- c) Replacement Tag (if lost or stolen)..... \$5.00
- d) Special Needs Dog..... No Fee
- e) Registered Dog Team..... No Fee
- f) Un-Registered Dog Team In Dawson Over 96 hours.....\$50.00

**2. Lifetime Licence Fee:**

- a) Neutered Dog..... \$75.00

**3. Impoundment Fees**

- a) First Impoundment..... \$25.00
  - b) Second Impoundment..... \$50.00
  - c) Third and Subsequent Impoundment..... \$100.00
- \*Unlicenced Dog will be subject to additional Licence Fee Tag

**4. Feed and Care**

- a) Daily Feed and Care..... \$15.00 per day

**SCHEDULE "A"  
VOLUNTARY FINES**

<b>Authority</b>	<b>Ticket Description of Offence</b>	<b>Penalty</b>
Section 3.1	Failure to provide Humane Care	\$150.00
Section 3.2(a)	Failure to provide fresh drinking water/ suitable food	\$75.00
Section 3.2(b)	Unsanitary food/water receptacles	\$75.00
Section 3.2(c)	Failure to exercise Animal	\$75.00
Section 3.2(d)	Failure to provide Veterinary medical care	\$75.00
Section 3.3(a)	Insufficient area for Animal	\$50.00
Section 3.3(b)	Fail to provide adequate outdoor shelter	\$75.00
Section 3.4	Improper securing of an unattended Animal	\$50.00
Section 3.5	Inadequate ventilation for confined Animal	\$200.00
Section 3.6	Transport unsecured Animal	\$75.00
Section 3.7	Muzzled Animal	\$50.00
Section 4.1	Animal left in unsanitary condition	\$200.00
Section 5.1	Permit Animal to run At Large	\$100.00
Section 5.2	Unleashed Animal	\$50.00
Section 5.4(a)	Failure to keep Animal under control in Off-Leash area	\$50.00
Section 5.4(b)	Failure to carry adequate Leash in Off-Leash area	\$50.00
Section 5.4(c)	Failure to clean up after animal in Off-Leash area	\$50.00
Section 5.4(d)	Permit Animal to damage/injure other Animals/people/property	\$100.00
Section 5.5(b)	Tie Animal in an undesignated area	\$75.00
Section 5.5(c)	Tie Animal to building without permission	\$75.00
Section 5.7	Permit Animal in heat to be At Large	\$75.00
Section 5.8	Permit Animal to be a Nuisance	\$100.00
Section 5.9	Animal defecation – Public Land or private Property	\$75.00
Section 5.10	Animal(s) improperly secured on property	\$75.00
Section 5.11	Failure to exercise tethered Animal	\$50.00
Section 5.12	Obstruct Officer	\$500.00
Section 6.1	Keep more than permitted number of Animals	\$100.00
Section 7.1	Own/possess/harbour an unlicensed Dog	\$100.00
Section 7.6	Use of a license tag on an unregistered Dog	\$50.00
Section 7.7	Failure to License Dog	\$75.00
Section 7.8	Failure to notify City of change of ownership	\$50.00
Section 7.10	Dog not wearing licence	\$50.00
Section 8.9(a)	Dangerous Animal – not properly secured	\$150.00

<b>Section 8.9(b)</b>	<b>Dangerous Animal- not licensed as Dangerous</b>	<b>\$150.00</b>
<b>Section 8.9(c)</b>	<b>Dangerous Animal – not Neutered</b>	<b>\$150.00</b>
<b>Section 8.10</b>	<b>Dangerous Animal – not on leash</b>	<b>\$200.00</b>
<b>Section 8.11</b>	<b>Improper Secure Enclosure distance</b>	<b>\$100.00</b>
<b>Section 8.12</b>	<b>Dangerous Animal- no/improper warning signs</b>	<b>\$100.00</b>
<b>Section 8.13</b>	<b>Failure to have Liability Insurance</b>	<b>\$100.00</b>
<b>Section 8.17</b>	<b>Dog bite – Animal on Leash</b>	<b>\$150.00</b>
<b>Section 8.17(a)</b>	<b>Dog bite- Animal off Leash</b>	<b>\$100.00</b>
<b>Section 8.18</b>	<b>Dog bite – person</b>	<b>\$500.00</b>
<b>Section 8.19</b>	<b>Dangerous Animal- attack, harass, bite, kill</b>	<b>\$500.00</b>
<b>Section 8.21</b>	<b>Dangerous Animal not tattooed</b>	<b>\$100.00</b>
<b>Section 8.33</b>	<b>Failure to notify City when Dangerous Animal dies/sold</b>	<b>\$50.00</b>
<b>Section 9.1</b>	<b>Operate Kennel without permit</b>	<b>\$100.00</b>
<b>Section 10.2</b>	<b>Own Wild Animal</b>	<b>\$150.00</b>
<b>Section 11.3</b>	<b>Release quarantined Animal without permission</b>	<b>\$100.00</b>
<b>Section 11.7</b>	<b>Kill/remove rabid Animal w/out permission</b>	<b>\$100.00</b>
<b>Section 11.8</b>	<b>Non-surrender of rabies exposed carcass</b>	<b>\$100.00</b>
<b>Section 11.9</b>	<b>Permit a horse in City with Equine Infectious Anaemia</b>	<b>\$150.00</b>
<b>Section 13.1</b>	<b>Kill, maim, wound, poison, or injury to Animal</b>	<b>\$250.00</b>
<b>Section 13.2</b>	<b>Placing of poison to be consumed by Animals</b>	<b>\$250.00</b>
<b>Section 13.3(a)</b>	<b>Unnecessary pain, suffering, injury to an Animal</b>	<b>\$250.00</b>
<b>Section 13.3(b)</b>	<b>Abandon Animal</b>	<b>\$250.00</b>

**ANIMAL CONTROL BYLAW**  
**TOWN OF THE CITY OF DAWSON**

<b>1.1</b>	<b>SHORT TITLE</b>	<b>1</b>
<b>1.2</b>	<b>DEFINITION</b>	<b>1</b>
<b>1.3</b>	<b>PROVISION OF NEEDS</b>	<b>4</b>
<b>1.4</b>	<b>UNSANITARY CONDITIONS PROHIBITED</b>	<b>6</b>
<b>1.5</b>	<b>CONTROL OF ANIMALS</b>	<b>6</b>
<b>1.6</b>	<b>ANIMAL DENSITY</b>	<b>8</b>
<b>1.7</b>	<b>LICENCES AND FEES</b>	<b>8</b>
<b>1.8</b>	<b>DANGEROUS ANIMALS</b>	<b>10</b>
<b>1.9</b>	<b>KENNELS</b>	<b>14</b>
<b>1.10</b>	<b>WILDANIMALS</b>	<b>15</b>
<b>1.11</b>	<b>RABIES AND INFECTIOUS DISEASE CONTROL</b>	<b>15</b>
<b>1.12</b>	<b>IMPOUNDMENT AND DISPOSAL OF ANIMALS</b>	<b>16</b>
<b>1.13</b>	<b>CRUELTY TO ANIMALS</b>	<b>18</b>
<b>1.14</b>	<b>INTERESTS OF PUBLIC SAFETY</b>	<b>18</b>
<b>1.15</b>	<b>OFFENCE AND PENALTIES</b>	<b>18</b>
<b>1.16</b>	<b>GENERAL INTERPRETATION</b>	<b>19</b>
<b>1.17</b>	<b>ENFORCEMENT, SEARCH AND SEIZURE</b>	<b>19</b>
<b>1.18</b>	<b>APPEAL</b>	<b>19</b>
<b>1.19</b>	<b>REPEAL OF PREVIOUS BYLAW AND COMING INTO FORCE</b>	<b>20</b>
<b>1.20</b>	<b>COMING INTO FORCE</b>	<b>20</b>
<b>1.21</b>	<b>FEE SCHEDULE</b>	<b>21</b>