

THE VILLAGE OF MAYOBY-LAW # 92

A by-law to provide for the control of animals.

The Council of the Village of Mayo, pursuant to the provisions of Section 288 of the Municipal Act of the Yukon Territory, hereby ENACTS AS FOLLOWS:

1. This by-law may be cited as the "Animal Control By-law".
2. In this by-law
 - (a) "animal" includes dogs, horses, mules, asses, cattle, sheep, goats, swine and poultry; and for the purposes of Sections 28 to 31 includes cats;
 - (b) "Animal Shelter" means those premises used by the Village of Mayo for the purpose of impounding animals;
 - (c) "at large" means off the premises of the owner of the animal, when the animal is not under the immediate control of a competent and responsible person;
 - (d) "Council" means the Council for the Village of Mayo.
 - (e) "dog" includes a male or female dog and an animal that is a cross between a wolf and a dog;
 - (f) "licensed veterinarian" means a person licensed as a veterinarian;
 - (g) "Medical Health Officer" means a person appointed to the position of Medical Health Officer for Mayo;
 - (h) "neutered dog" means any dog which is sterile sexually;
 - (i) "Officer" means any person appointed as an Animal Control Officer for the Village of Mayo;
 - (j) "owner" means any person who owns, harbours, possesses or has control or custody of an animal and "own", "owned" and "owning" shall have corresponding meanings;
 - (k) "special permit" means a permit to own more than two animals issued in accordance with the provisions of this by-law;
 - (l) "Village" means the Village of Mayo;
 - (m) "wild animal" shall mean an animal belonging to a species not domesticated or tame in nature.
 - (n) "nuisance" shall mean running at large on public property, disturbing the peace, being dangerous and vicious.
3. The provisions of this by-law shall be enforced by the Animal Control Officer of the Village, being such person as appointed from time to time by the Council.

BY-LAW # 92

DOG LICENSES

4. No person shall own any dog within the Village boundaries unless such dog is licensed pursuant to the provisions of this by-law.
5. (1) Every owner of every dog shall, on or before the 31st day of January in each year, apply to the Village for a dog license tag for which there shall be no fee payable.

(2) Every owner of every dog who fails to procure the necessary license tag is guilty of an offence under Subsection (1) and is liable on summary conviction to a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00).
6. Every dog owner shall provide to the Village the following information with each application for a dog license tag;
 - (a) Name and postal address of the owner;
 - (b) Name and description of the dog to be licensed;
 - (c) Proof of injections for rabies, distemper and parvo prior to licencing;
 - (d) Such other information as may be required by the Village.
7. For the purposes of Section 5, a dog shall not be licensed as a neutered dog unless the applicant shall provide a certificate acceptable to the Village certifying that such dog is sexually sterile.
8. Every person who becomes the owner of a dog which is currently licensed in accordance with this By-law shall, immediately upon becoming owner of the dog, apply to the Village for a dog license tag and provide to the Village the information required by Section 6.
9. Every person who becomes the owner of a dog which is currently licensed in accordance with the provisions of this by-law shall notify the District of his name and postal address, and the license number of the dog, within 15 days after becoming owner of the said dog.
10. Every license and permit issued under this by-law shall be effective from the date of issue until the 31st day of December next following.
11. Licenses issued under this by-law shall not be transferable from one dog to another.
12. Upon provision of the information required by Section 6, the Village will issue to the owner a license tag with the year of issue and a number stamped thereon.
13. The owner of a dog which has been duly licensed under this by-law may obtain a license tag to replace a tag that has been lost.
14. Every owner shall keep the license tag issued under Section 11, or a replacement tag issued under Section 13, securely fastened to a choke chain, collar, or harness worn by the dog at all times.

BY-LAW # 92

KENNELS

15. (1) Notwithstanding the provisions of Sections 4 to 14 inclusive of this by-law, the holder of a license to operate a kennel, issued in accordance with Sections 16 to 24 inclusive, shall at the time of issue of such license to be provided, without charge, 3 of the metal license tags referred to in Section 12 above.
- (2) Any person operating a licensed kennel shall keep the dogs thereof confined to the kennel premises, except when the dogs are wearing the metal license tags issued pursuant to subsection (1) hereof, are under the immediate charge and control of some competent and responsible person.

SPECIAL PERMITS

16. No person, other than the holder of a kennel or veterinary clinic license, shall own, or permit to be owned, more than five dogs at any time on land or premises occupied by their owners within any area in the Village boundaries.
17. No person, other than the holder of a kennel or veterinary clinic license, shall own, or permit to be owned, more than two dogs at any time on land or premises occupied by their owners within any area in the Village boundaries without first having obtained a special permit pursuant to the provisions of this by-law.
18. Every person, other than the holder of a valid kennel or veterinary clinic license, wishing to own more than two dogs on land or premises occupied by their owners within any area in the Village boundaries shall first apply to the Village for which there shall be no fee payable.
19. (1) No permit or any renewal thereof, shall be issued under Section 18 unless the applicant shall provide to the Village at the time of application:
- (a) the consent in writing, on a form prescribed by the Village, of all property owners whose property is located within 150 feet of the boundaries of the property of the applicant on which the dogs will be harboured, and
- (b) an agreement in writing, on a form prescribed by the Village,
- (i) permitting the Council and its Officer to enter onto the lands where the dogs will be kept, for purposes of inspection,
20. Every special permit issued under this by-law shall be effective from the date of issue until the 31st day of December next following, and shall be renewed each year on or before the date of expiry.
21. For purposes of Sections 16 to 20
- (a) "dog" shall mean any dog, as defined in Section 2 (e), which is over the age of 3 months, and
- (b) in any proceedings under those sections, any dog shall, in the absence of evidence to the contrary, be deemed to be over the age of 3 months.

BY-LAW # 92

22. (1) The provisions of Sections 4 to 17 shall not apply to owners temporarily in the Village for a period not exceeding two weeks.
- (2) In any prosecution or proceedings for a contravention of Sections 4 to 17 inclusive, the burden of proof that an owner is not a resident and is temporarily in the Village for a period not exceeding two weeks shall rest upon the owner.
23. Every person wishing to own or keep poultry on land or premises occupied by their owners within any area in the Village boundaries shall first apply to the Village for a special permit for which there shall be no fee payable.
24. (1) No permit or any renewal thereof, shall be issued under Section 23 unless the applicant shall provide to the Village at the time of application:
- (a) the consent in writing, in a form prescribed by the Village, of all property owners whose property is located within 150 feet of the boundaries of the property of the applicant on which the poultry will be harboured, and
- (b) an agreement in writing, in a form prescribed by the Village,
- (i) permitting the Council and its Officers to enter onto the lands where the poultry will be kept, for purposes of inspection,
- (ii) agreeing that the owning of poultry will not be for commercial purposes.

GENERAL

25. The granting of any license or permit under this by-law shall not relieve any person to whom such license or permit is issued, from compliance with any other by-law of the Village.
26. (1) No owner of an animal shall permit such animal to run at large, and where such animal is found at large, it shall be deemed to be so with the consent of the owner.
- (2) No owner of an animal shall permit such animal to be upon any public property in the Village boundaries unless such animal is on a leash which is no longer than two meters, and which is held at all times by a person able to control the animal.
- (3) Any animal not on a leash as required in subsection (2) shall be deemed to be at large.
27. (1) No person shall keep or transport any animal within or upon any motor vehicle or trailer within the Village boundaries unless such animal within or upon such motor vehicle or trailer is securely confined.
- (2) Any animal not confined as required by subsection (1) shall be deemed to be at large.
- (3) In any prosecution or proceedings under this section the registered owner of the motor vehicle or trailer referred to in subsection (1) shall be deemed to be the owner of the animal unless it is a licensed animal.

BY-LAW # 92

28. No person shall own any animal other than a dog, within any area in the Village boundaries without a special permit.
29. (1) Every owner of a female dog or cat in heat shall confine such animal within a building or other secure enclosure on the owners property, or in a veterinary clinic or boarding kennel, in such 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 dog or cat is in heat, except that the said dog or cat may be released from such confinement for intentional breeding purposes and for the purpose of defecating on the premises of the owner.
- (2) An Officer may seize any dog or cat in heat and not confined as required by subsection (1), and may there-upon impound such dog or cat in the Animal Shelter.
30. (1) No owner of an animal shall allow such animal to become a nuisance, i.e. running at large on public property, disturbing the peace, being dangerous and vicious. Fines are applicable as per Section 30 (3).
- (2) No owner of a animal shall permit such animal to make an unreasonable noise or in any other manner disturb the quiet of any person. For the purposes of this section, "noise" means barking, whimpering, whining, howling or any other sound made by animals. Fines are applicable as per Section 30 (3).
- (3) The owner of an animal found to be a nuisance is guilty of an offense, and shall:
1. be given a warning on first offense.
 2. be fined \$10.00 on second offense.
 3. be fined \$50.00 on third offense.
 4. be notified, (on the fourth offense), of the immediate destruction of such animal and fined a minimum of \$75.00 or the actual cost of destruction.
31. (1) No owner of an animal shall permit such animal to damage public or private property.
- (2) When public or private property is damaged by any animal, its owner shall be deemed to have failed or refused to have complied with the requirements of subsection (1).
32. No person, whether or not he is the owner of an animal which is being, or has been, pursued or seized shall:
- (a) interfere with, or attempt to obstruct, an officer who was attempting to seize, or who has seized, any animal in accordance with the provisions of this by-law.
 - (b) unlock or unlatch, or otherwise open, the van or vehicle in which animals seized for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom;
 - (c) remove, or attempt to remove, any animal from the possession of an Officer or any person at the time responsible for the operational maintenance of the Animal Shelter.

BY-LAW # 92

33. An Officer shall be a peace officer within the meaning of the Criminal Code of Canada for purposes of enforcement of this by-law, and for such purposes shall be deemed to be employed for the preservation and maintenance of the public peace.
34. If any provision of this by-law shall be held void, then such provision shall be deemed severable, and then invalidity thereof shall not affect the remaining provisions of this by-law.

IMPOUNDMENT

35. The Village may establish and authorize the maintenance and operation of an Animal Shelter for the purpose of impounding animals.
36. An Officer may seize any animal that is found running at large and may impound such animal in the Animal Shelter or, if the facilities available at the Animal Shelter are unsuitable for such animal, in such other facilities as in the opinion of the Officer are reasonable.
37. Where a dog wearing a current Village license tag is impounded, the Officer shall notify the owner of the impoundment where reasonably possible, and shall further inform the owner of the conditions under which he may regain custody of the dog.
38. (1) Where any dog carrying a current Village license tag is impounded under the provisions of this by-law, such dog may be recovered by the owner within 72 hours after being impounded on payment of the sum of \$45.00 where the dog or any other dog owned by the owner has not been previously impounded during the immediately preceding 12 months.
- (2) Where any dog not wearing a current Village license tag, including any dog exempt from licensing pursuant to Section 22, is impounded under the provisions of this by-law, such dog may be recovered by the owner within 48 hours after being impounded on payment of the sum of \$45.00 where the dog or any other dog owned by the owner has not been previously impounded during the immediately preceding 12 months.
- (3) Notwithstanding the provisions of subsection (2), any dog impounded under the provisions of this by-law which is owned by a person operating a licensed kennel in accordance with Section 15, and which is wearing at the time of impoundment a choke chain, collar, or harness to which is attached a tag clearly identifying the dog as the property of such kennel, may be recovered in accordance with the provisions of subsection (1).
- (4) Where the dog or any other dog owned by the owner has been previously impounded on one or more occasion during the immediately preceding 12 months, such dog may be recovered by the owner on payment of the following impoundment fees:
- (a) the sum of \$70.00 for the second impoundment, and
- (b) the sum of \$120.00 for each impoundment thereafter

BY-LAW # 92

39. (1) In addition to the impoundment fees required to be paid pursuant to Section 38, the owner shall pay, prior to release of the dog from impoundment, the sum of \$5.00 for feed and care each day that the dog shall have been impounded.
- (2) A fee for the feed and care of an impounded dog shall not be charged with respect to the day on which the dog is impounded provided the dog is recovered by its owner on the day of impoundment.
40. Where an impounded dog has not been recovered by the owner in accordance with the provisions of this by-law, it may be destroyed or may be sold to a person other than the owner in which case the sale price shall be the amount established by the Council.
41. (1) Where the ownership of an impounded animal other than a dog can be determined by an Officer he shall inform the owner of the impounded animal, forthwith and in writing, of its seizure and the conditions under which such animal may be recovered by the owner.
- (2) Any animal, other than a dog, impounded under the provisions of this by-law may be recovered by the owner on payment of the actual costs of seizure and impoundment, together with the sum of \$10.00 for feed and care for each day or portion thereof that the animal shall have been impounded and on providing a place of keeping for such animal in compliance with the provisions of this by-law.
- (3) Any animal, other than a dog, impounded under the provisions of this by-law may be recovered within 72 hours of the date of impoundment.
- (4) If the owner of any impounded animal, other than a dog, cannot be found, or if the owner of such animal does not recover the animal within the recovery period described in subsection (3) and pay the prescribed fees and charges, then the Village may sell the animal, at public auction or otherwise, or may destroy the animal.
- (5) The proceeds of any sale of an animal other than a dog, shall be applied firstly to the impoundment fees and charges, then to the cost of the sale, and the balance if any, shall be paid to the owner if the owner can be found.
42. Notwithstanding anything in this by-law to the contrary, no dog shall be released from impoundment unless the dog is first licensed in accordance with the provisions of this by-law, if required to be licensed by the by-law.
43. Notwithstanding any other provisions of this by-law where, in the judgement of a veterinarian or the Medical Health Officer, an impounded animal should be destroyed for humane reasons such animal shall forthwith be destroyed and shall not be recovered by the owner or sold.

BY-LAW # 92

RABIES CONTROL

44. (1) Upon being brought to the notice of an Officer, any unvaccinated animal that bites a person may be seized by an Officer and placed under quarantine for a period of 10 days at the Animal Shelter, and for the purposes of this section, an animal shall be deemed to be unvaccinated unless the owner shall provide a certificate acceptable to the Village certifying that the animal has received a vaccination that currently protects the animal from contracting rabies. Such animal shall not be released from quarantine except with the written approval of the Medical Health Officer, and before release such animal shall be vaccinated at the owner's expense.
- (2) At the discretion of an Officer, the quarantine required under subsection (1) may be within a building or other secure enclosure on the premises of the owner.
- (3) Where any animal has been diagnosed as being rabid, or is suspected by a veterinarian or the Medical Health Officer as being rabid, or dies while under quarantine, the Officer shall immediately send the head of such animal to a laboratory for pathological analysis, and he shall notify the Medical Health Officer of any known human contacts and of the diagnosis made of the suspected animal after pathological examination.
- (4) Every animal bitten by an animal adjudged to be rabid shall forthwith be destroyed or, at the owner's option and expense, shall be treated for rabies infection by a veterinarian.
45. (1) Except as provided in Section 44, no person shall kill, or cause to be killed
- (a) any rabid animal,
 (b) any animal suspected of having been exposed to rabies, or
 (c) any animal which has bitten a human,
- nor remove the same from the Village without written permission from an Officer or the Medical Health Officer.
- (2) Upon demand the carcass of any dead animal which has been exposed to rabies shall be surrendered to an Officer or the Medical Health Officer.

VICIOUS AND WILD ANIMALS

46. (1) No person shall own an animal with a vicious temperament unless such animal shall be confined within a building or secure enclosure, providing, however, that such confinement shall not be required in the case of a dog if such dog is securely muzzled.
- (2) For the purposes of subsection (1), but not so as to restrict the scope of that subsection, any dog or cat that has bitten a person or persons more than two times shall be deemed to have a vicious temperament.

Bylaw # 92

- 46. (3) In any proceedings or prosecution under subsection (1), the Justice may make an order for the destruction or other disposal of the animal by the owner within such time as he may deem appropriate and, where the animal is not destroyed or otherwise disposed of pursuant to the order, the Justice may in his discretion impose a fine not exceeding \$100.00 upon the owner.
- 47. Notwithstanding any other provision of this by-law, where an Officer considers it to be in the interest of public safety to do so, he may forthwith destroy any dog running at large in contravention of this by-law, whether or not such dog is deemed to have a vicious temperament.
- 48. No person shall own a wild animal within the Village boundaries 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 Village.

PENALTIES

- 49. Any person who violates, or fails to comply with, any of the provisions of this by-law is guilty of an offense and liable on summary conviction
 - (a) for a first offense to a fine not exceeding \$100.00;
 - (b) for a second offense to a fine not exceeding \$200.00;
 - (c) for a third and subsequent offense to a fine not exceeding \$300.00;

exclusive of costs and any other fees, charges or expenses payable under this by-law, and in default of payment of any fine or costs, to imprisonment for a period not exceeding 6 months.

- 50. This by-law shall come into full force and effect upon final reading of this by-law.

Enactment

By-Law # 36 is hereby repealed.

READ A FIRST AND SECOND time this 4 day of March, 1992.

APPROVED by the Executive Council Member this 24 day of April, 1992.

Maureen Luskow
Executive Council Member

READ A THIRD time and FINALLY PASSED this 20 day of May, 1992.

Michael McManis
Mayor

A. Drapeau
Clerk