

**Village of Mayo
Animal Control Bylaw 347**

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A bylaw to provide for the control of animals

WHEREAS section 265 of the *Municipal Act* (1998) 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 licenses, inspections, permits or approvals;

NOW THEREFORE the council of the municipality of the Village of Mayo hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Animal Control Bylaw".
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DEFINITIONS

2. In this bylaw,

"ANIMAL" means traditionally domesticated animals including, but not limited to, asses, cattle, cats, dogs, horses, mules, sheep and swine., and for the purposes of the nuisance provisions of this bylaw, shall include roosters.

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

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

"CAT" means a male or female domesticated cat.

"DANGEROUS DOG" means any individual dog that:

- (1) Has bitten, injured, attacked or killed a domestic animal, without provocation, on public or private property; or
- (2) Has bitten, injured, or attacked a human being, without provocation, on public or private property; or
- (3) Is kept for the purpose of providing security or protection to persons or property; or
- (4) Has shown the disposition or tendency to be threatening or aggressive.

"DESIGNATED OFFICER" means an employee of the Village of Mayo or an authorized representative as designated by the Chief Administrative Officer. For purposes of enforcement of this bylaw, a designated officer shall be a Peace Officer within the meaning of the Criminal Code of Canada, and shall be deemed to be employed for the preservation and maintenance of the public peace.

"DOG" means a male or female domesticated dog and an animal that is a crossbred between a wolf and a dog.

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"DOMESTICATED" means an animal that is tame in nature and that is traditionally kept by or living with humans.

"EXOTIC ANIMAL" means an animal of a species or type that is not indigenous to the Yukon and that in its natural habitat is usually found wild in nature.

"JUDGE" means one who is appointed to preside and to administer the law in a Court of justice, and includes a Justice of the Peace.

"LICENSED VETERINARIAN" means a person licensed as a veterinarian or licensed to provide veterinary services pursuant to the Business License Bylaw.

"LIVESTOCK" means an animal that is traditionally used or raised on a farm for the production of food including, but not limited to, asses, cattle, horses, mules, sheep and swine.

"MICROCHIP" means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian or other qualified person, which contains a unique code number that provides owner information intended for storage in a central database.

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

"NEUTERED" means sexually sterile regardless of sex and includes a dog or a 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:

- (1) 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 58 of this bylaw.
- (2) An animal which is maintained in an unsanitary environment which results in offensive odors 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.
- (3) 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.
- (4) 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 neighboring properties.

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- (5) An animal that is maintained without adequate medical treatment and that is diseased or dangerous to the public health.
- (6) An animal that chases, snaps at, or attacks, pedestrians, joggers, bicycles, or other vehicles, or animals being walked on a leash.

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

"POULTRY" means any bird normally raised for food or egg production and, without limiting the generality of the foregoing, includes chickens, ducks, geese, turkeys, domestically reared grouse, partridge, pheasant or quail.

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

"PROVIDE" means to fit out or furnish with what is needed; to make provision for a present need, and make adequate preparation for a future need.

"RESIDENCE" means a person's dwelling place or place of habitation and includes, but is not limited to an apartment, duplex, or suite in a house.

"ROOSTER" means a male domesticated chick or chicken.

"RUNNING AT LARGE" means a situation where an animal is not on the property of the owner and not on a leash under the control of a responsible person.

"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.

"SPECIAL PERMIT" means a permit to own more than the permitted number of dogs or cats, or a combination of dogs and cats, as set out in the provisions of this bylaw.

"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 license to practice veterinary medicine in a province or territory.

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"VETERINARY CERTIFICATE" is a document signed and dated by a Veterinarian attesting to the medical and/or physical condition of an animal.

"VILLAGE" means the Village of Mayo.

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

PROVISION OF NEEDS

3. Every person who keeps an animal within the municipality shall provide the animal or cause it to be provided with:
 - (1) Clean, fresh 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;
 - (2) Food and water receptacles kept sanitary and located so as to avoid contamination by excreta;
 - (3) 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
 - (4) Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
4. 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:
 - (1) A total area that is at least twice the length of the animal in all directions;
 - (2) A house or shelter that has sufficient space to allow the animal the ability to turn around freely and lie in a normal position, and that will provide protection from heat, cold and wet appropriate to the animal's weight and type of coat.
5. Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall regularly, and not less than once weekly, clean and sanitize the area and remove all excreta from the pen or run area where the animal normally resides or is kept outside unsupervised for extended periods of time.
6. 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.
7. No person shall cause an animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
8. No person shall cause an animal to be muzzled unless it is in the immediate care and control of the owner.

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DOG LICENSES

9. No person shall own, possess or harbor a dog over the age of six months unless such dog is licensed pursuant to the provisions of this bylaw.
10. The owner of a dog may apply for a lifetime dog license, and shall thereafter identify the dog either with a tag affixed to the dog on a collar, or an implanted microchip, proof of which shall be provided to the Village.
11. No person shall use a dog license tag on a dog to which it is not registered.
12. Every dog owner shall provide the following information to the Village with each application for a dog license tag:
 - (1) Name, street address, telephone number and postal address of the owner;
 - (2) Name and description of the dog or cat to be licensed; and
 - (3) Such other information as may be required by the Village.
13. Every person who becomes the owner of a dog which is not currently licensed in accordance with this bylaw shall, immediately upon becoming the owner of the dog, apply to the Village for a dog license tag, and provide to the Village the information required.
14. Every person who becomes the new owner of a dog that is currently licensed in accordance with the provisions of this bylaw shall, within fifteen days after becoming the owner of the said dog, notify the Village of the new owner's name, street address, telephone number and postal address, and the license tag number of the dog.
15. Licenses issued under this bylaw shall not be transferable from one dog to another.
16. Upon provision of the information required, the Village will issue to the owner a license tag with a number stamped thereon.
17. The owner of a dog duly licensed under this bylaw may obtain a license tag to replace a tag that has been lost.
18. The provisions of the license section of this bylaw shall not apply to owners temporarily in the Village for a period not exceeding two weeks.
19. In any prosecution or proceedings for a contravention of the license requirements of this bylaw, 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.

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SPECIAL PERMITS

20. No owner shall keep, have or allow more than two dogs and two cats at any time in or on a property zoned residential in the Village of Mayo Zoning Bylaw.
21. Notwithstanding any other provision of this bylaw, the Chief Administrative Officer may issue a special permit authorizing the owner to keep, have or allow three dogs in or on a property zoned residential in the Zoning Bylaw upon receipt of a written application, and after conducting a review as follows:
 - (1) The application shall be completed by the owner of the dogs on a form supplied by the Village of Mayo, and shall be submitted to the Chief Administrative Officer;
 - (2) The Chief Administrative Officer shall, within ten days upon receipt of the application, make a decision and shall provide written notice of the decision which shall include a copy of the bylaw and the appeal provisions therein.
22. Notwithstanding the provisions of Section 20 of this bylaw, any person within the municipal boundaries of the Village who, at the time of passage of this bylaw, owns more than the permitted number of licensed dogs and is in lawful possession of them, shall be permitted to continue to own more than the permitted number of licensed dogs, as the case may be, provided that such owner obtains a special permit, and the owner shall not, until in compliance with this bylaw,
 - (1) Own any additional dogs or cats; or
 - (2) Replace any dog that is owned at the time of passage of this bylaw and which dies or is sold or given away.

GENERAL PROVISIONS

23. The granting of any license or permit under this bylaw shall not relieve any person to whom such license or permit is issued from compliance with any other bylaw of the Village.
24. No owner of a dog shall permit such dog 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.
25. The fine issued for an offence contrary to section 24 herein shall increase for second and subsequent offences by an owner.
26. No owner of an animal shall permit such animal to be upon any public property within the municipal boundaries of the Village unless such animal is on a leash that is held at all times by a person exercising control over the animal.

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27. Every owner of a female dog in heat shall confine such animal within a building or secure enclosure on the owner's property, in such manner as to prevent the dog from coming into contact with a male dog, as the case may be. Such confinement shall continue for the whole period the dog is in heat, except that the said dog may be released from such confinement for intentional breeding purposes and for the purpose of defecating on the premises of the owner.
28. No owner of an animal shall allow such animal to become a nuisance animal.
29. No owner of an animal shall allow the animal to defecate on public land within the Village, or on private property other than the owners. It is not a violation of this section where the owner of an offending animal immediately cleans up and properly disposes of the defecation.
30. No owner of an animal shall allow such animal to damage public or private property and where an animal destroys private or public property it shall be deemed to have been done with the owner's consent.
31. No person shall interfere with or attempt to obstruct a Designated Officer who is attempting to seize or who has seized any animal in accordance with the provisions of this bylaw.
32. No person shall destroy, damage or otherwise interfere with any trap installed by a Designated Officer.

IMPOUNDMENT

33. A Designated Officer may seize any animal that is found running at large and may impound such animal in an animal shelter. If the facilities available at the animal shelter are unsuitable for such animal, the animal may be impounded in such other facilities as in the opinion of the Designated Officer are reasonable.
34. A citizen may catch or live trap and hold any animal that is found running at large, using a trap provided by the Designated Officer, provided that:
 - (1) The citizen demonstrates proficiency in using a live trap and in the care and handling of an animal caught in a live trap; and
 - (2) A trap is checked on an hourly basis; and
 - (3) Trapped animals are turned over to a Designated Officer forthwith.
35. Where an animal wearing a current Village license tag or microchip is impounded, the Designated Officer shall notify the owner of the impoundment where reasonably possible, and shall further inform the owner of the conditions under which custody of the animal may be regained.

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36. Where any licensed dog is impounded under the provisions of this bylaw, such dog may be recovered by the owner within 72 hours of being impounded on payment of \$25.00 for the impoundment and \$20.00 for feed and care for each day or portion thereof that the animal was impounded.
- (1) If the dog is seized after 6:00 p.m. on the last working day of the week, the fees shall not be charged over the course of the weekend.
 - (2) If the Designated Officer impounds any licensed dog, an attempt shall be made to physically return the dog to the owner during the same day. If the animal is brought to the Animal Control Shelter, and the owner retrieves the animal before the completion of the hours of operation for the day, except in the case where the owner has had an animal impounded within the previous twelve-month period, the owner will not be charged under the bylaw and will not be required to pay any fees.
37. Where any dog that is not licensed pursuant to the provisions of this bylaw, including any dog exempt from licensing, is impounded under the provisions of this bylaw, such dog may be recovered by the owner within 48 hours after being impounded on payment of \$50.00 for the impoundment and \$20.00 for feed and care for each day that the dog was impounded.
38. The fee charged in relation to sections 36 and 37 herein shall increase to \$50.00 for a licensed dog and \$100.00 for an unlicensed dog, and to \$100.00 for a licensed dog and to \$200.00 for an unlicensed dog for second and subsequent offences by an owner,
39. For the purposes of the impoundment provisions of this bylaw,
- (1) Where more than one dog owned by an owner is impounded at the same time or at different times, each impoundment shall be considered to be separate and consecutive; and
 - (2) 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 months.
40. The impoundment provisions of this bylaw shall not apply where an owner voluntarily surrenders a dog at the Village operated Animal Shelter, and in such case if the dog is sold the fees, for feed and care shall be as prescribed in this bylaw.
41. In addition to the impoundment fees required to be paid pursuant to this bylaw, prior to the release of a dog from impoundment, the owner shall pay all outstanding fines relating to any infraction against this bylaw.
42. A fee for the feed and care of an impounded dog shall not be charged with respect to the day on which the animal is impounded provided that the animal is recovered by its owner on the day of impoundment.

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43. Where an impounded dog has not been recovered by the owner in accordance with the provisions of this bylaw, 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 of the impoundment fee plus the fee for care and feeding.
44. Where the ownership of an animal is known and the owner refuses to recover that animal or pay all of the associated impoundment fees, that person is guilty of an offence.
45. Any animal, other than a dog, impounded under the provisions of this bylaw, may be recovered by the owner on payment of the actual costs of seizure and impoundment together with the fees prescribed in this bylaw for the impoundment and feed and care for each day or portion thereof that the animal was impounded.
- (1) If such animal is seized after 6:00 p.m. on the last working day of the week, the fees shall not be charged over the course of the weekend.
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46. Any animal other than a dog impounded under the provisions of this bylaw may be recovered within five days of the date of impoundment.
47. Where the ownership of an impounded animal other than a dog can be determined by a Designated Officer, the Designated Officer shall notify the owner of the impoundment where reasonably possible, and shall further inform the owner of the conditions under which custody of the animal may be regained.
48. 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 prescribed recovery period and pay the prescribed fees and charges, then the Village may transfer ownership of the animal at public auction or otherwise, or may destroy the animal.
- (1) When ownership of an animal has been transferred to another person, the animal may be returned to the Village within 14 days from the date of adoption and all fees shall be refunded if:
- (a) The animal has developed a sickness, or
- (b) The new owner or a family member finds that they have a medical condition that prevents them from keeping the animal.
49. The proceeds of any sale of an animal other than a dog shall be applied first to the impoundment fees and charges, then to the costs of the sale, and the balance, if any, shall be paid to the owner if the owner is located or contacts the Village of Mayo within one year of the sale.
50. Notwithstanding anything in this bylaw to the contrary, no dog shall be released from impoundment unless such animal, if required, is first licensed in accordance with the provisions of this bylaw.
51. Notwithstanding any other provisions of this bylaw, 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.

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RABIES CONTROL

52. Upon being brought to the notice of a Designated Officer, any unvaccinated animal that bites a person may be seized by a Designated Officer in accordance with the search and seizure provisions of this bylaw, and placed under quarantine for a period of not less than fourteen days at the animal shelter. For the purposes of this section, an animal shall be deemed to be unvaccinated unless the owner provides 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.
53. The owner of any animal quarantined pursuant to the rabies control provisions of this bylaw will be required to pay the prevailing keep fees for the entire duration the animal remains in the animal shelter. All fees must be paid in full prior to the animal being released to the owner.
54. Where any animal has been quarantined pursuant to the rabies control provisions of this bylaw and has not been retrieved by the owner within five days of the completion of the quarantine period, the animal shall be deemed to have been abandoned by the owner and may be disposed of by the Village.
55. The quarantine required under the rabies control provisions of this bylaw shall be carried out at the Animal Control Shelter of the Village or any other area so designated by the Chief Administrative Officer.
56. Where any animal has been diagnosed as being rabid or is suspected by a veterinarian or a Medical Health Officer as being rabid, or dies while under quarantine, the Designated Officer shall immediately send the head of such animal to a laboratory for pathological analysis, and the Designated Officer shall notify the Medical Health Officer of any known human contacts and of the diagnosis made of the suspected animal after pathological examination.
57. Every unvaccinated animal bitten by a rabid animal shall forthwith be destroyed by direction of a Designated Officer or, at the owner's option and expense, shall be treated for rabies infection by a veterinarian.
58. Except as provided in section 57, no person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, nor remove such animal from the Village without written permission from a Designated Officer or the Medical Health Officer.
59. Upon demand, the carcass of any dead animal that has been exposed to rabies shall be surrendered to a Designated Officer or to the Medical Health Officer.

DANGEROUS DOGS

60. Where a Designated Officer or a resident of the Village of Mayo has reasonable grounds to believe a dog is a dangerous dog, the Designated Officer or resident shall provide a written report to the Chief Administrative Officer requesting that the dog be declared a dangerous dog.

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61. Upon receipt of a written report as set out in section 60, the Chief Administrative Officer shall give written notice to the owner of the dog at least 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:
- (1) The written report;
 - (2) A copy of the dangerous dog provisions contained in this bylaw; and
 - (3) A statement that if the dog owner does not, within ten 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.
62. Where a written statement from the dog owner is received pursuant to section 61 herein, the Chief Administrative Officer shall, within ten 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.
63. Where a written statement is not received from the dog owner within ten days from the date of the written notice, the Chief Administrative Officer shall forthwith determine whether or not to declare the dog a dangerous dog.
64. Sections 60 through 63 do not apply where there has been a conviction under the dog bite provisions of this bylaw as set out in section 79 herein.
65. Where a decision is made to declare a dog dangerous under the provisions of this bylaw, the Chief Administrative Officer shall notify the dog owner within 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.
66. 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 Village office within ten days. Upon receipt of an executed appeal form from the dog owner, the Chief Administrative Officer shall, within fifteen days, set the matter down in Territorial Court for a determination as to whether the dog is a dangerous dog.
67. At the completion of a hearing in Territorial Court pursuant to section 64 of this bylaw, the presiding Judge shall make a determination as to whether or not the dog is to be deemed a dangerous dog.
68. Subject to section 73 herein, no person shall own a dangerous dog unless such dog is:
- (1) Confined within a secure enclosure, or unless such dog is securely muzzled and leashed when outside that secure enclosure; and
 - (2) Licensed with the municipality as a dangerous dog; and
 - (3) Neutered.

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69. At all times when off the owner's property, a dangerous dog shall be on a leash not longer than one metre in length and under the control of a responsible person over the age of eighteen.
70. A secure enclosure used to house a dangerous dog shall not be within one metre of the property line or within three metres of a neighboring dwelling unit.
71. Subject to section 73 of this bylaw, 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.
72. Subject to section 73 of this bylaw, the owner of a dangerous dog shall have a policy of liability insurance in force, satisfactory to the municipality, in the amount of at least five hundred thousand dollars, to cover any future injuries caused by the dangerous dog. This policy shall contain a provision requiring the Village to be named as an additional insured for the sole purpose that the insurance company shall notify the Village of any cancellation, termination or expiration of the policy.
73. The Chief Administrative Officer 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.
74. 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.
75. The Village may not offer for adoption any dog that has been designated as dangerous under this bylaw.
76. 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.
 - (1) 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.
77. 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.
78. No owner of any dog shall permit such dog to bite, attack or harass any other tethered animal or any animal or poultry which is on its respective private property, and where such dog has bitten, attacked or harassed any animal or poultry it shall be deemed to have been done with the consent of the owner.
79. Upon conviction of an offence contrary to sections 76, 76(1), 77 or 78 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 section 65 herein.

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80. 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 a Designated 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.
81. 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 a Designated Officer to seize and impound the animal and set out in the Order any conditions which the owner shall meet before the animal may be released without further application to the Court.
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- (1) 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 a designated 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.
- (2) If the owner fails to meet the conditions set out in an order granted under section 81(1) in the time period set out in the order, and the period for an appeal has lapsed without an appeal being filed, the Village 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.
82. 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 section 80 or 81 of this bylaw commits an offence.
83. Where an animal is seized and impounded pursuant to section 80 or 81 of this bylaw, an owner may apply to the court on three clear days-notice to set aside the order of impoundment.
84. Where an animal is impounded pursuant to sections 80 or 81 of 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 section 83 herein, within seven days from the date of impoundment, the animal shall be destroyed.
85. 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.
86. 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.

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87. Where an animal has been released from impoundment pursuant to section 86 of 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.
88. Where the owner of an animal is charged with an offence under section 87 of 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.
89. Where a dangerous dog dies or is sold or otherwise disposed of, the owner shall notify a Designated 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 licensed veterinarian or the carcass of the animal for inspection by a Designated Officer. An owner who fails to comply with the requirements of this section commits an offence.
90. 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.
91. 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.

CRUELTY TO ANIMALS

92. With the exception of the destruction of an animal pursuant to this bylaw by a Designated Officer, abattoir or by a licensed veterinarian, no person shall kill, maim, wound, poison, or injure an animal.
93. No person shall place poison in such a position that it may easily be consumed by animals.
94. No person shall cause or permit to be caused, either directly or by neglect, unnecessary pain, suffering or injury to an animal.
95. Everyone commits an offence who:
 - (1) Willfully 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
 - (2) Abandons a domestic animal or bird in distress or willfully neglects or fails to provide suitable and adequate food, water, shelter and care for any domestic animal or bird.

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INTERESTS OF PUBLIC SAFETY

96. Notwithstanding any other provision of this bylaw, where a Designated Officer considers it to be in the interest of public safety to do so, he may, with the consent of the owner if the animal is on the owner's property, or without consent if the animal is running at large, forthwith destroy any animal that is in contravention of this bylaw, whether or not such animal is deemed to have an aggressive or vicious temperament.
97. A Designated Officer may enter upon any land for the purpose of securing or seizing any animal to prevent the continuation of an offence or determine ownership.

WILD ANIMALS

98. No person shall own a wild animal within the Village 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.
99. 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.

EXOTIC ANIMALS

100. Every owner of an exotic animal shall register their animal with the Village by providing the following information for each exotic animal that is under their care:
- (1) Name, street address, postal code and telephone number of the owner;
 - (2) Name and description of the exotic animal; and
 - (3) Such other information as may be required by the Village."
101. The Chief Administrative Officer shall, within 30 days of registration, deliver in writing to the registered owner of an exotic animal any conditions that the Chief Administrative Officer deems necessary for the proper care and maintenance of the exotic animal. Failure by any person to comply with the conditions placed on them pursuant to this section is an offence.

TRAPS

102. Unless provided with written approval from the Chief Administrative Officer to do so, no person shall use, set, or maintain a leg-hold trap, a killing trap, or a snare within the municipal boundaries of the Village. In no event may approval be issued for use of such devices on an animal as defined in this bylaw.

ENFORCEMENT, SEARCH AND SEIZURE

103. The Designated Officer of the Village shall enforce the provisions of this bylaw.

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104. Pursuant to the provisions of the *Criminal Code of Canada*, for any violation of this bylaw, a justice may at any time issue a warrant authorizing a Designated Officer who is named in the warrant to apply the search and seizure provisions of the *Criminal Code*.

APPEAL

105. Any person who has applied for but failed to be granted a license 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 30 days after the decision was rendered, and Council may grant the request for reinstatement.
106. The right of appeal shall be barred and extinguished if not received in writing by Council within the 30-day period set out in this bylaw.

PENALTIES

107. Any person who contravenes any provision of this bylaw is guilty of an offence.
108. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (1) 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
 - (2) A fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code of Canada*; or
 - (3) A fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Conviction Act* of the Yukon.
109. Where an offender 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*, as amended.
- (1) Where an accused is convicted of an offence under section 95 of this bylaw, the court may, in addition to any other sentence, make an order prohibiting the accused from owning or having the custody or control of an animal or bird during any period not exceeding two years.
110. Should any person owning or occupying real property within the Village 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 day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

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GENERAL INTERPRETATION

111. The invalidity of any section, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw that can be given effect without such invalid part or parts.

REPEAL OF PREVIOUS LEGISLATION

112. Bylaw 92 is hereby repealed.

COMING INTO FORCE

113. This bylaw shall come into full force and effect on and from the date of third reading of this bylaw.

FIRST READING: Feb 2, 2022

SECOND READING: Feb 2, 2022

THIRD READING and ADOPTION: Feb 16, 2022

ORIGINAL BYLAW SIGNED BY:



Mayor



Chief Administrative Officer

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SCHEDULE "A"
VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 3(1)	Fail to have fresh drinking water/suitable food	\$75.00
Section 3(2)	Clean food/water receptacles violation	\$75.00
Section 3(3)	Fail to exercise animal	\$75.00
Section 3(4)	Fail to have necessary Veterinary Medical Care	\$200.00
Section 4(1)	Insufficient area for animal	\$100.00
Section 4(2)	Fail to provide adequate outdoor shelter	\$100.00
Section 5	Unsanitary outside area, pen or run	\$100.00
Section 6	Secure unattended animal violations	\$100.00
Section 7	Inadequate ventilation for confined animal	\$200.00
Section 8	Muzzled animal left unattended	\$75.00
Section 9	Unlicensed dog	\$100.00
Section 11	Misuse of dog license tag	\$150.00
Section 14	Fail to notify Village of new owner	\$150.00
Section 20	Keep more than two dogs/cats	\$100.00
Section 24	Dog at large	\$75.00
Section 25	Dog at large (Second offence in 12 months)	\$150.00
Section 25	Dog at large (Third offence in 12 months)	\$200.00
Section 26	Unleashed animal	\$75.00
Section 27	Unsecured female dog (in heat)	\$100.00
Section 28	Nuisance animal	\$150.00
Section 29	Animal defecation - public land or private property	\$100.00
Section 30	Damage by animal - public or private property	\$100.00
Section 31	Interfere with Officer	\$500.00
Section 32	Destroy, damage, interfere with trap	\$200.00
Section 44	Owner fails to recover animal/pay fees	\$200.00
Section 58	Kill/remove rabid animal without permission	\$150.00
Section 59	Non-surrender of rabies-exposed carcass	\$200.00
Section 68(1)	Dangerous dog – not confined	\$250.00

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Section 68(2)	Dangerous dog – not licensed as dangerous	\$250.00
Section 68(3)	Dangerous dog – not neutered	\$250.00
Section 69	Dangerous dog – not on leash	\$250.00
Section 70	Dangerous dog enclosure not properly placed	\$250.00
Section 71	No/improper warning signs for dangerous dog	\$250.00
Section 72	Fail to insure dangerous dog	\$150.00
Section 76	Dog bite – animal	\$150.00
Section 77	Dog bite – person	\$200.00
Section 78	Dog bite – tethered /caged animal or poultry	\$200.00
Section 92	Kill, maim, wound, poison or injure animal	\$250.00
Section 93	Placing of poison to be consumed by animals	\$250.00
Section 94	Unnecessary pain, suffering or injury to an animal	\$250.00

Section 98	Wild animal violation	\$100.00
Section 100	Exotic animal violation	\$100.00
Section 102	Set or maintain unauthorized trap	\$200.00