

THE VILLAGE OF HAINES JUNCTION

Bylaw #83-95

A Bylaw of the Village of Haines Junction to provide for the control of animals within the municipality.

WHEREAS Section 288 of the Municipal Act provides for the regulation and controlling of animals,

WHEREAS Section 383 (3) of the Municipal Act provides that Council may provide for the appointment of enforcement officers;

WHEREAS Section 291 of the Municipal Act provides for the regulation of noises;

NOW THEREFORE the Council of the Municipality of Haines Junction in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE, Section 1

1. This Bylaw may be cited as the “Animal Control Bylaw.”

DEFINITIONS, Section 2

In this Bylaw:

- (a) *animal* includes dogs, cats, poultry and livestock.
- (b) *animal shelter* means those premises designated by resolution of Council or by this bylaw 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 the owner.
- (d) *control* means the owner has leashed or restrained the animal in some reasonable manner.
- (e) *dog* means any dog, which in absence of evidence to the contrary, shall be deemed to be over the age of three months and includes an animal that is a cross between a wolf/coyote and a dog.
- (f) *keep* means to have control over an animal.
- (g) *licensed veterinarian* means a person licensed as a veterinarian, or licensed to provide veterinary services, pursuant to the Business License Bylaw.
- (h) *livestock* means and includes sheep, goats, mules, horses, llamas, donkeys and asses.
- (i) *medical health officer* means the person holding the position of nurse, doctor or veterinarian, as the case may be.
- (j) *neutered dog* means any dog which is sexually sterile.
- (k) *nuisance* as defined by dictionary and/or Blacks Law Dictionary.
- (l) *Officer* and *animal control officer* means those persons appointed as animal control officers by resolution of Council of the Municipality of Haines Junction to enforce the provisions of this bylaw.
- (m) *owner* means any person who owns, harbors, possesses or has control or custody of an animal.
- (n) *poultry* means any bird normally raised for food or egg production including chickens, turkeys, geese, ducks, domestically reared grouse, partridge, quail or pheasant and includes pigeons.
- (o) *special permit* means a permit, issued by Council, to own more than 2 dogs or any animal as prescribed herein.
- (p) *vicious/dangerous dog* - any dog with a known propensity, tendency disposition to attack without provocation other domestic animals or humans; or any dog which has bitten another animal or human without provocation.
- (q) *wild animal* shall mean an animal belonging to a species not normally domesticated or tame in nature.

AREA OF ENFORCEMENT, Section 3

- a) The area subject to animal control and enforcement shall be all those areas within the municipal boundaries.

- b) The municipality may enter into service agreements to provide animal control and enforcement outside municipal boundaries and all provisions herein will apply.

OFFICERS, Section 4

- a) The provisions of this bylaw shall be enforced by the Bylaw Enforcement Officers who shall be appointed by resolution of Council.
- b) Payment and Conditions for Officers shall be set by resolution of Council.
- c) From time to time, Council may request that the RCMP enforce the applicable sections of the Territorial Dog Act or assist with the enforcement of this bylaw.
- d) An officer shall be a peace officer within the meaning of the Criminal Code of Canada for the purposes of enforcement of this bylaw, and for such purposes shall be deemed to be employed for the preservation and maintenance of the public peace.

PERMITTED ANIMALS, Section 5

- a) Dogs and Cats
 - (i) With the exception of the Village of Haines Junction and Veterinary Doctors, no person shall keep or permit to be kept more than two dogs and two cats upon any property within the municipal boundaries with the exception of a boarding and breeding kennel where permitted in any zone established and licensed pursuant to the Business License Bylaw.
- b) Poultry and Livestock
 - (i) No person shall own any poultry unless by special permit as prescribed in section 7 or in an agriculture zone where permitted.
 - (ii) Domestic livestock may be kept in any area zoned for agricultural use. Domestic livestock may be kept in any area zoned Country Residential to a maximum 5 per lot.

PERMITTED AREAS, Section 6

Subject to all other sections of this bylaw, the following table shall identify which animals are permitted in what zones as identified in the current bylaw governing municipal zoning.

Residential	dogs, cats
Country Residential	dogs, cats and livestock as prescribed in section 5,b,ii
Commercial Zones	dogs, cats
Industrial Zones	dogs, cats
Agricultural Zones	all animals permitted under this bylaw with the addition of cattle and pigs.

SPECIAL PERMITS, Section 7

- a) Any animal owner may request a variance to Sections 5 or 6 on a property, provided that:
 - (i) the owner of the animals makes a request in writing to Council to keep the animals
 - (ii) 75% of the assessed property owners within a radius of 200m. (600 ft.) in Country Residential, 100m. (150 ft.) in all other zones affected are in agreement with the variance.
 - (iii) if the owner of the animals is not the owner of the property on which it is proposed that the animals be contained, the consent of the property owner has been obtained in writing prior to the implementation of the process to hold a public hearing as required by Section 8 and
 - (iv) a public hearing as prescribed in Section 8 has been held and
 - (v) that Council has approved, in a regular Council meeting and after the public hearing, the application to keep the animals on the property and set out the terms and conditions of the permit.

- (vi) the applicant continues to abide by the terms and conditions set by the applicable resolution of Council.
- b) Upon resolution of Council to grant the application to keep animals on a property, the Animal Control Officer shall issue a permit to the applicant setting out the terms and conditions of the permit.
- c) Should the animals permitted under this Section be in violation of the permit as authorized by Council the Animal Control Officer may:
 - (1) revoke the permit and/or
 - (2) lay a complaint, in the prescribed form 1, against the owner of the animals and/or
 - (3) impound the animals
- d) The permit shall be upon the form as indicated on *Schedule A* attached hereto.
- e) The granting of any permit under this section shall not relieve any person to whom such permit is issued from compliance with the provisions of this or of any other bylaw of the municipality.
- f) Council may at any time revoke the permit.

PUBLIC HEARING, Section 8

A public hearing shall be held when any person is desiring to enact the provisions of Section 7.

- a) The Council shall give notice of its intention to hold a public hearing by posting notices in four conspicuous places in the municipality.
- b) The notice shall:
 - (i) describe the area affected by reference to commonly understood area designations,
 - (ii) include a map of the area
 - (iii) include the date, location and time of the public hearing
- c) Notice shall also be served to all property owners, as shown on the latest authenticated assessment roll, within a radius as shown in Section 7,a,ii
- d) The meeting to consider submissions regarding implementation of Section 7 of this bylaw shall be held not earlier than fourteen days after the date of the publication of the notice referred to subsection (b).
- e) Any person unable to attend the Public Hearing may make submission in writing to the Clerk of the Municipality, provided the submission is received in the municipal office by 5:00 p.m. of the date of the Public Hearing.
- f) Council shall award the applicant permission or refuse the applicant permission within two weeks of the public hearing.

ANIMALS IN HEAT – CONFINEMENT PROVISION, Section 9

- a) Every owner of an animal in heat shall confine such animal to a building or other secure enclosure on the owner's property, or in a veterinary clinic, in such manner as to prevent the animal from coming into contact with a male animal of the same species.
- b) Such confinement shall continue for the whole period the animal is in heat, except that the said animal may be released from confinement for intentional breeding purposes.

GENERAL PROVISIONS, Section 10

- a) An animal who is:
 - (i) off the premises of the owner of said animal; or,
 - (ii) in an area of the municipality where said animal is not specifically permitted by this bylaw; or,
 - (iii) upon a property without the permission of the owner of said property; or,
 - (iv) not leashed in a reasonable manner or not under the direct control of the owner of said animal;

shall be deemed to be at large and where such animal is found at large, it shall be deemed to be so with consent of the owner.
- b) No owner of a dog shall permit such dog to make an unreasonable noise or in any other matter disturb the quiet of any person. For the purpose of this section 'noise' means barking, whimpering, whining, howling or any other sound made by dogs.
- c) No owner of an animal shall allow such animal to be a nuisance.
- d) No owner of an animal shall permit such animal to damage public or private property.
- e) When public or private property is damaged by any animal, it's owner shall be deemed to have failed or refused to comply with the requirements of section 10 (d) and may be held responsible for said damage.
- f) The municipality shall not be responsible for any damage done by any animal to property under any circumstances.
- g) An Officer may seize any animal which has become a nuisance, is at large or which has done damage to public or private property and may impound such animal.

DANGEROUS AND WILD ANIMALS, Section 11

- (a) (i) No person shall own a dangerous dog unless such dog shall be confined within a building or secure enclosure or unless such dog is securely muzzled.
- (ii) No owner of any animal shall permit such animal to bite or injure any animal or person and where such animal has bitten another animal or person it shall be deemed to have been done with the consent of the owner.
- (iii) Any animal that has bitten or injured any person or a controlled animal may be deemed vicious by the Animal Control Officer.
- b) Any animal that has bitten or injured any person or a controlled animal may be seized and/or destroyed if the Animal Control Officer has determined that the animal is of a vicious temperament or a danger to public safety.
- c) Under the provisions of subsection 11 (b), any animal that has been seized may be placed under quarantine for a period up to fourteen days at the animal shelter and the owner of the animal shall be responsible to, prior to release:
 - (i) have the animal vaccinated to the satisfaction of the Animal Control Officer.
 - (ii) have a medical health officer or licensed veterinarian certify the animal to be without any communicable disease.
 - (iii) ensure that the animal, if a dog, is licensed.
- d) Should the conditions outlined in subsection (c) not be met by the owner of the animal within sixteen days of the date of impoundment, the officer shall destroy the animal.

- e) At the discretion of an officer, the quarantine required under this section may be within a building or other secure enclosure on the public works compound.
- f) Where any animal has been diagnosed as being rabid, or is suspected as being rabid, and 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 contact, and of the diagnosis made of the animal after pathological examination.
- g) Every animal bitten by an animal adjudged to be rabid shall forthwith be destroyed or, at the owner's option, shall be treated for rabies infection by a veterinarian.
- h) The owner of any animal seized under this section shall pay all costs including but not limited to any fines, impoundment fees, feed and care charges as required by this bylaw and shall pay any other charges incurred as a result of the treatment of the animal under this section.
- i) Notwithstanding any other provision of this bylaw, 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 bylaw, whether or not such dog is deemed to have a vicious temperament.
- j) Where a Justice of the Peace is satisfied that in the public interest a dangerous dog should be destroyed or otherwise disposed of, the Justice shall order the destruction of other disposition at the expense of the owner.
- k) 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.
- l) Under the provisions of this section
 - (i) Where a Justice of the Peace 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 section 11 a(i) of this bylaw, he may by order authorize a peace officer to seize and impound the dog.
 - (ii) No person, whether or not he is the owner of an animal which in the determination of the Animal Control Officer should be seized, impounded or quarantined shall refuse to release an animal to the custody of the Animal Control Officer.
 - (iii) The Justice of the Peace may in their discretion impose a fine not to exceed or imprisonment or both as outlined and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw for any person found to be in contravention of this subsection or orders of the court.

OBSTRUCTION, Section 12

- a) No person, whether or not he is the owner of an animal which is being, or has been, pursued or seized by an Officer shall:
 - (i) interfere with, or attempt to obstruct, an officer attempting to seize, or who has seized, any animal in accordance with the provisions of this bylaw;
 - (ii) unlock or unlatch, or otherwise open, any vehicle in which animals seized for impoundment have been placed so as to allow any animal to escape therefrom;
 - (iii) remove, or attempt to remove, any animal from the possession of an Officer or any person at the time responsible for the operation or maintenance of the Animal Control Shelter, or;
 - (iv) remove or attempt to remove any animal contained in a trap installed by an officer.

- (v) remove or attempt to remove any animal contained in an animal shelter as designated by resolution of Council or this bylaw.
- b) When in the determination of the Officer, any person is found to be in contravention of this section, commits or and is liable to a fine as set out in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, 30 days imprisonment, or both.

LICENSES, Section 13

- a) No person shall own any dog unless such dog is licensed pursuant to the provisions of this bylaw.
 - (i) Every owner of every dog shall obtain a dog license tag and shall either:
 - a. Pay an annual license fee; or,
 - b. Pay a non-transferable life-time license fee for a neutered dog.

This schedule will come into effect January 1, 1996.

- (ii) Upon verification from a Veterinarian of a dog becoming neutered within six months of licensing, the Municipality will rebate the difference between the two fees.
- (iii) Upon authorization for a special permit from Council, as prescribed in Section 7, any additional dog will be licensed at an annual fee of a rate outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.
- (iv) Dog Owners will be given an amnesty until May 31, 1996 to register their additional dog or dogs for a one time fee of \$100.00 and that dog may be registered to that owner for the life time of that dog in the following years for either \$25.00 or \$5.00 per year thereafter.
- b) Every dog impounded, seized or destroyed within the municipal boundaries is a dog resident in this municipality.
- c) Every dog owner shall provide to the municipality the following information with each application for a license tag:
 - (i) name, street address, postal address and phone number of the owner.
 - (ii) name and description of the dog to be licensed, and
 - (iii) such other information as may be required by the municipality.
- d) Every person who becomes the owner of a dog shall apply to the municipality for a license tag and provide to the municipality the information required within 30 days of becoming owner of the said animal.
- e) Every license issued under this bylaw shall be effective from the date of issue.
- f) A license issued under this bylaw shall not be transferred from one dog to another, and no refund shall be made on any license fee for any reason.
- g) Upon provision of the information required by this bylaw, the municipality will issue to the owner a license tag with a number stamped thereon.
- h) The owner of a dog which has been duly licensed under this bylaw shall obtain a license tag to replace a tag which has been lost, upon payment of a fee as outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.
- i) Every owner of a dog shall keep the license or replacement tag issued under this section securely fastened to a choke chain, collar, or harness worn by the animal at all times.

- j) The granting of any license under this bylaw shall not relieve any person to whom such license is issued from compliance with all the provisions of this or of any other bylaw of the municipality.

ANIMAL SHELTER, Section 14

- a) The municipality hereby establishes and authorizes the maintenance and operation of an animal shelter on those lands described as Lot 2 and 3, Block 34, Group 803, for the purpose of impounding animals.
- b) The municipality may, by resolution of Council or at the discretion of the Animal Control Officer, from time to time, establish, operate and maintain, or cause to be established, maintained and operated, other animal shelters.
- c) An Officer may seize any animal that is in contravention of this bylaw 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.

IMPOUNDMENT AND RECOVERY OF ANIMALS, Section 15

- (a) (i) Where the ownership of an impounded animal can be determined by the officer, the officer shall attempt to inform the owner of the impounded animal of its seizure and of the conditions under which such animal may be recovered by the owner.
- (ii) When it is required by this bylaw that any animal be impounded, the owner shall release the animal to the custody of the Animal Control Officer.
- b) Where an animal has been impounded under the provisions of this bylaw, such animal may be recovered by the owner:
 - (i) upon proof of payment of all appropriate fines, impoundment fees, boarding fees and associated costs, if applicable, as prescribed herein; and,
 - (ii) where the dog is not carrying a current municipal license tag, upon obtaining a municipal license tag or replacement tag, as the case may be.
- c) In addition to any fines levied, the following fees will apply:
 - (i) Impound Fees:
 - * the sum outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw for each animal for the 1st impoundment.
 - * the sum outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw for the second impoundment in a twelve month period.
 - * the sum outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw for each impoundment thereafter in a twelve month period.
 - (ii) Boarding/ Feed Fees
 - * the sum outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw for feed and care for each animal for each week day, weekend/statutory holidays that the animal has been impounded.
 - (iii) Livestock
 - * any additional costs associated with capture over and above previously prescribed fees.
- d) A fee for the feed and care of an impounded animal shall not be charged with respect to the day on which the animal is impounded provided the animal is recovered by its owner on the day of impoundment.
- e) Saturdays, Sundays, and Statutory Holidays
 - (i) shall not be included in calculating the period during which an animal may be recovered by the owner, but

- (ii) shall be included in calculating the amount to be paid for the feed and care of an impounded animal.
- f) (i) Any animal impounded under the provisions of this bylaw may be recovered by the owner within five days of the date of impoundment.
- (ii) Any animal impounded under the provisions of this bylaw and not recovered by owner within five days of the date of impoundment shall be dealt with as indicated in the provisions of Section 14 or Section 17 of this bylaw, as the case maybe.

BEES AND BEE HIVES, Section 16

- a) Ownership of beehives or the ownership of bees is not permitted, unless by special permit as prescribed in Section 7.
- b) Should there be a domestic bee hive or hives upon any property, the Animal Control Officer shall order the removal of the hives within three days.
- c) If after three days notice, the owner of the hives has not removed the hives, the Animal Control Officer may seize the bee hive or hives as the case may be and these hives shall be immediately destroyed by the Animal Control Officer.
- d) The Animal Control Officer may spray the hive with insecticide prior to the removal of the bee hives.

DISPOSAL OF ANIMALS, Section 17

- a) Where an impounded animal has not been recovered by the owner in accordance with Section 15 and is not vicious or diseased animal, it:
 - (i) may be destroyed or
 - (ii) may be purchased by any person for a price not less than the price that would be have been required of the owner to recover the animal.
- b) In any proceeding or prosecution under this bylaw, an order may be made for the destruction or disposal of the animal within such time as is deemed appropriate.
- c) Notwithstanding any other provision of this bylaw, where in the judgment of a licensed veterinarian, Medical Health Officer, Animal Control Officer or Royal Canadian Mounted Police Officer, any animal should be destroyed for humane reasons, or for the preservation and maintenance of public peace and safety, such animal shall forthwith be destroyed by the Animal Control Officer.

ENFORCEMENT, Section 18

- a) (i) When in the determination of the Animal Control Officer, any animal is found to be in contravention of this bylaw, the Animal Control Officer may seize and impound the animal and/or may lay a complaint against the owner of the animal.
- (ii) For each day or occasion that an animal is found to be in contravention of this bylaw, the Animal Control Officer may lay a complaint against the owner of the animal.
- b) Every person who violates a provision of this bylaw commits an offense and is liable on summary conviction to a fine as outlined in the appropriate Schedule of the Consolidated Municipal Fees Bylaw or to imprisonment for not more than six months, or both.
- c) For the purpose of Section 9 of the Summary Convictions Act, proceedings in respect of any offense specified in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, may be commenced by means of a ticket in *Form 1* attached to and forming part of this bylaw.

- d) Tickets in respect of offenses specified in the appropriate Schedule of the Consolidated Municipal Fees Bylaw are authorized to contain the endorsement referred to in the appropriate section of the Summary Convictions Act.
- e) The amount of the fine shall be specified on the Notice to Appear part of a ticket endorsed as provided by subsection (c) of this section for a particular offense specified under the heading *Penalty* opposite the description of the offense.
- f) Pursuant to Section 34 of the Summary Convictions Act, an expression appearing under the heading *Ticket Description of an Offense* in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, or an expression of similar import, is authorized for use on a ticket for the description of an offense under the provision of a bylaw referred to opposite the expression under the heading *Authority*.
- g) A separate ticket shall be issued for each offense, notwithstanding that more than one offense may be committed simultaneously under one bylaw.
- h) A fine in respect of an offense committed under a bylaw may be paid to the Municipality of Haines Junction before the complaint is forwarded to a Justice as provided by Section 20 of the Summary Convictions Act, and thereafter such fines shall be paid to the Clerk of the Territorial Court for transmission to the Municipality of Haines Junction.
- i) Payment of fines shall be made in the form of cash, certified cheque or money order.
- j) Where a ticket in *Form 1* providing for a voluntary fine under the appropriate section of the Summary Convictions Act is issued in respect of an offense specified in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, the penalty that may be imposed on the accused person shall consist of a fine in an amount determined under this bylaw and the Summary Convictions Act, notwithstanding any provision of any other bylaw to the contrary.
- k) Subsection (j) does not affect the authority of a Justice to make an award as to costs.

INVALIDITY OF BYLAW, Section 19

If any provisions of this bylaw shall be held void, then such provisions shall be deemed severable, and the invalidity of that provision shall not affect the remaining provisions of this bylaw.

REPEALING BYLAW, Section 20

Bylaw #69-94, Animal Control Bylaw is hereby repealed.

This Bylaw shall come into full force and effect on the third and final reading thereof.

Read a first time this 22nd day of February, 1995.

Read a second time this 22nd day of March, 1995.

Approved by the Executive Council Member this 5th day of May, 1995.

Read a third time and finally passed this 10th day of May, 1995.

Mayor Eric Stinson

Municipal Clerk Sheila O'Hanlon

Animal Control Bylaw #69-94 Schedule A

ANIMAL PERMIT

The Village of Haines Junction hereby authorizes _____, resident of Haines Junction, to keep the following animals upon the property known as Block _____, Lot _____ (further description of property, if required)

Type of Animal: _____

Public Hearing Held: _____

Council Approval, Motion # _____, Meeting # _____

Special Conditions:

Instructions to Permittee

1. Issuance of this permit does not exempt the animals identified hereupon to be exempt from any other provision of the Animal Control Bylaw.
2. It is the responsibility of the permittee to inform Council, in writing, of any changes or amendments to this permit.

Signature of Applicant: _____ Date: _____

Signature of Animal Control Officer _____ Date: _____

