

HAMLET OF TUKTOYAKTUK, NT
BY-LAW #212/96

A By-Law of the Municipal Corporation of the Hamlet of Tuktoyaktuk in the Northwest Territories to regulate the control of animals pursuant to the provisions of the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s.155 and 116.

AS the Hamlet feels it is necessary to control and regulate dogs within the municipality,

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF TUKTOYAKTUK, at a duly assembled meeting enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Dog By-law".

INTERPRETATION

2. In this by-law,

- (a) "adult dog" means any dog three months of age or older;
- (b) "animal" means any domesticated animal and includes, but is not limited to, cats, and dogs;
- (c) "bite" means when the skin is cut or punctured by a dog's teeth
- (d) "by-law officer" means a person appointed as a by-law officer for the Hamlet;
- (e) "collar" means a band about the neck of an animal with a metal ring attached to it;
- (f) "communicable disease" means a disease that can be transmitted from animal to animal or animal to human and includes, but is not limited to, rabies and distemper.
- (g) "Council" means the Council of the Hamlet of Tuktoyaktuk;
- (h) "dog" includes a male and female dog and an animal that is a cross between a dog and a wolf;
- (i) "dog pound" means an enclosed meshed compartment under lock and key, used to confine dogs, which is operated by the Hamlet;

- (j) "dog team" means a group of three or more dogs used primarily for recreation or for subsistence living;
- (k) "Hamlet" means the Hamlet of Tuktoyaktuk in the Northwest Territories;
- (l) "leash" means a thong attached to a swivel snap which is used for controlling an animal within a two metre area;
- (m) "municipality" means the geographic area of jurisdiction of the Hamlet;
- (n) "muzzle" means to secure the mouth of an animal in such as a fashion that it cannot bite anything;
- (o) "officer" includes a Bylaw officer of the Hamlet, a member of the Royal Canadian Mounted Police or a person appointed as an officer under the Dog Act;
- (p) "owner" means a person who owns, harbours, possesses or has control or custody of an animal;
- (q) "puppy" means any dog not more than three months of age;
- (r) "running at large" means an animal roaming at will off the premises of its owner, either permanently or temporarily, not under the physical control of a person, not securely confined within a corral, kennel or some other enclosure or not securely tethered so that it cannot roam at will;
- (s) "SAO" means the senior administrative officer of the Hamlet;
- (t) "Schedule" means a schedule attached to and forming part of this by-law;
- (u) "vaccination certificate" means a vaccination certificate issued by a member of the Royal Canadian Mounted Police, an Environmental Health Officer, a Municipal Bylaw Officer, a Renewable Resource Officer or a veterinarian;
- (v) "working dog" means a dog used primarily for transportation to gather food for subsistence.

GENERAL PROVISIONS

3. No person shall have more than 4 dogs tethered outside a residence at any given time, unless the Council, by resolution, allows otherwise.
4. No person shall walk a dog that he or she knows has the propensity to attack any person, thing or other animal without provocation unless
 - (a) such dog is muzzled; and
 - (b) a leash is attached to the dog.
5. No person shall tether a dog upon any other property other than that of the owner without the permission of the owner of the dog and the property.
6. No person shall tether any dog outside a building such that it blocks
 - (a) the passage of the general public or municipal services vehicles and personnel; or
 - (b) the entrance to the building.
7. Every owner of a dog shall ensure that each dog over the age of three months is vaccinated against rabies and distemper once every twelve months.
8. Every owner shall ensure that the area in which his or her dog is tethered is maintained and cleaned seasonally.
9. In the event of an outbreak or threat of a communicable disease within the Hamlet,
 - (a) the Council may, by resolution, direct that no dog shall be permitted outside a residence and any dog found outside a residence may be impounded or destroyed by an officer; and
 - (b) a dog shall be destroyed if an Environmental Health Officer so orders.
10. Upon the request of an owner of a dog to destroy his or her dog, a by-law officer shall destroy such dog or the owner may destroy it themselves.
11. If the owner of an animal knows the propensity of the animal to attack, injure, kill, worry, pursue, damage or destroy another animal, person or property, he or she shall post clearly visible signs on his or her property, to warn the public of such propensity.

12. No person shall tease, torment or annoy any dog so as to provoke an attack.
13. If a animal is inside their owner's household, people entering the household shall do so at their own risk.

RUNNING AT LARGE

14. (1) Where an officer finds a dog running at large, he or she will make every reasonable effort to inform the owner of the dog, if the owner is known to the officer.
(2) Where an officer finds a dog running at large and the owner cannot be located or does not know the identity of the owner, the officer shall destroy the dog.
15. (1) Where an officer recognizes or receives a complaint from the public that a dog is running at large, he or she shall instruct the owner, verbally, to tether the dog.
(2) If the owner of a dog is given more than one verbal warning, as prescribed in subsection 1, or the officer may destroy the dog.
(3) Upon it being determined by a Dog/Bylaw Officer that an animal had indeed bitten a person, such animal shall immediately be detained for a 10 day period then destroyed unless proved that the dog was tormented, teased or annoyed as to provoke an attack.
16. No person, other than the owner of a dog, or individual designated by owner shall untie, loosen or otherwise free a dog which has been tethered or restrained.
17. No person, other than the owner of a dog, or individual designated by owner shall open a gate or opening in any enclosure in which a dog has been confined and thereby allow a dog to run at large.
18. Where an officer captures a dog and a tag is not attached to the dog, the officer shall not be responsible for identifying the dog or its owner.
19. Any owner, upon discovering his or her dog is at large shall notify the by-law officer immediately and give a description of the dog.
20. Where, in the opinion of an officer, public safety is in jeopardy or any member of the public is caused to fear by the presence of an animal running at large, the officer may post public notices in conspicuous places within the municipality or make a public announcement over the local radio station informing the public of the potential danger.

21. Where, in the opinion of the officer, a dog running at large is injured or should be destroyed without delay for humane reasons or for safety reasons, the officer shall destroy the dog.
22. No damages or compensation may be recovered on account of a dog being destroyed pursuant to the provisions of section 21.
23. Following the public notices or announcements referred to in section 20, an officer shall patrol the municipality and capture and destroy such animals.

WORKING DOGS AND DOG TEAMS

24. No person shall keep or harbour dog teams in the immediate vicinity around a residence, unless so authorized by resolution of Council.
25. All dogs in a dog team area
 - (a) shall be properly tethered to a chain or cable stringer and the length of their leashes shall be sufficient to ensure proper mobility; and
 - (b) shall not be tethered to power poles.
26. All owners of dog teams shall ensure that the area in which they keep their dog teams are maintained and kept clean and must ensure that the area is kept free of any feces, urine or unsightly material on a seasonal basis.
27. An officer shall issue one written warning to an owner of a dog team who contravenes section 26 ordering that the area in which the dog team is kept shall be cleaned and any repairs that may be necessary to maintain a clean environment are completed.
28. The by-law officer shall ensure that a register is maintained of all dog teams which shall include the name of the owner and the location of each team.
29.
 - (1) Where an officer becomes aware that a working dog is running at large, he or she shall make every reasonable effort to notify the owner.
 - (2) An owner of a working dog who is notified by an officer that his or her dog is running at large shall retether the dog within a twenty four hour period.
 - (3) If an owner does not regain possession of his or her working dog, pursuant to subsection (2), the dog shall be destroyed.

SEIZURE AND DESTRUCTION

30. (1) An officer may seize a dog which he or she finds violating, or suspects may have violated or is about to violate the provisions of this by-law.
- (2) The officer shall dispose of a dog seized pursuant to subsection (1) in the manner set out in Schedule 2.

OBSTRUCTION

31. No person shall interfere with, obstruct or attempt to obstruct an officer lawfully engaged in the pursuit or destruction of an animal which is subject to being impounded or destroyed in accordance with the provisions of this by-law.
32. No person shall unlock, unlatch or otherwise open a vehicle or gate or fenced area in which an animal that has been captured or seized by an officer is placed, without the express permission of the officer.
33. No person shall induce an animal into a dwelling or other building where the animal shall be free from capture by an officer in accordance with the provisions of this by-law.
34. No person shall remove or attempt to remove an animal from the possession or control of an officer except in accordance with the provisions of this by-law.
35. No person shall falsely represent himself or herself as being an animal's owner so as to establish that the animal is not running at large, out of control or roaming at will.

OFFENCES AND PENALTIES

36. Any person who contravenes any provision of this by-law is guilty of an offence and is liable, upon summary conviction, to a fine of not less than \$25.00 and not more than \$200.00 or to imprisonment for a term not exceeding 30 days.
37. The presiding Justice of the Peace may, upon conviction of an owner under this by-law, order the destruction of any dog that he or she considers should be destroyed for humane reasons, damaging property or for the safety of the general public.
38. Every person who fails to obey a written order issued under this by-law is guilty of an offence and liable, on summary conviction, to a fine of not less than \$30.00 and not more than \$50.00.

LIABILITY

39. It is not a defense to a charge for violation of any provisions of this by-law that the accused person

- (a) took all reasonable steps to prevent the dog from engaging in the prohibited activity; or
- (b) honestly and reasonably believed that the dog could not or would not be able to engage in the prohibited activity.

SCHEDULES

40. Schedules 1 and 2 of are declared to form part of this By-Law.

REPEAL

41. By-law #141/91, #108/88, #067, and #044 are hereby repealed.

DATE OF EFFECT

42. This By-Law shall come into effect on the date of the Third & Final Reading.

Read a first time this 2nd day of October, 1996.

Edie Dillon
Mayor

Lucy Pluta
Senior Administrative Officer

Read a second time this 6th day of November, 1996.

Edie Dillon
Mayor

Wes Komeak
Senior Administrative Officer

Read a Third and Final time this 13 day of December, 1996

Edie Dillon
Mayor

Lucy Pluta
Senior Administrative Officer

SCHEDULE 1

SEIZURE AND DESTRUCTION

1. Dog/By-Law Officer cannot shoot a dog near a residential housing unit or across a public roadway.
2. Upon it being determined by a Dog Officer/By-Law Officer that a dog had indeed bitten a person, such animal shall immediately be detained for a 10 day period then destroyed unless proved that the dog was tormented, teased or annoyed as to provoke an attack.

SCHEDULE 2

Permanent Non-Dog Team Area per resolution of Council

RCMP Point

Old School Area

Near DayCare Centres

Near Playground areas

Near Mangilaluk School

Near picnic areas
