

HAMLET OF KUGLUKTUK, NU BY-LAW NUMBER 233

A By-law of the Municipal Corporation of the Hamlet of Kugluktuk in the Nunavut Territory to regulate the control of animals pursuant to the provisions of the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s.115 and 116.

WHEREAS the Council of the Incorporated Hamlet of Kugluktuk deems it to be in the public interest to control and regulate animals within the municipality,

NOW, THEREFORE, The Council of the Incorporated Hamlet of Kugluktuk, in a regular session, duly assembled, hereby enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This By-law may be cited as the "Animal Control By-law"

SECTION 2 - INTERPRETATION

2.1 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, dogs and horses;
- (c) "By-law Officer" means a person appointed as a By-law Officer for the Hamlet;
- (d) "collar" means a band about the neck of an animal with a metal ring attached to it;
- (e) "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, distemper, hepatitis, leptospirosis, infectious tracheobronchitis, parvo virus and carnio virus;
- (f) "Council" means the Council of the Incorporated Hamlet of Kugluktuk;
- (g) "dog" includes a male and female dog and an animal that is a cross between a dog and a wolf;
- (h) "dog pound" means an enclosed meshed compartment under lock and key, used to confine dogs;

- (i) "dog team" means a group of three or more dogs used primarily for recreation or for subsistence living;
- (j) "Hamlet" means the Incorporated Hamlet of Kugluktuk in the Nunavut Territory;
- (k) "leash" means a thong attached to a swivel snap which is used for controlling an animal within a two metre area;
- (l) "municipality" means the geographic area of jurisdiction of the Hamlet;
- (m) "muzzle" means to secure the mouth of an animal in such a fashion that it cannot bite anything;
- (n) "neutered" or "spayed" means an animal certified by a licensed veterinarian to be sexually sterile;
- (o) "Officer" includes a By-law 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, a Conservation Officer, By-law Officer or a veterinarian;
- (v) "working day" means the hours during which the Hamlet is open for business; and
- (w) "working dog" means a dog used primarily for transportation to gather food for subsistence.

SECTION 3 - LICENSING

- 3.1 No person shall own, possess, harbour, control or have custody of a dog over the age of three (3) months, within the municipality, unless the dog is licensed in accordance with this By-law.
- 3.2 No licence shall be issued unless:
- (a) there is a valid rabies vaccination certificate for the dog;
 - (b) the owner completes an application on Form A of Schedule 1; and
 - (c) the owner pays the prescribed fee as set out in Schedule 1.
- 3.3 The SAO or By-law Officer shall issue a dog tag to an owner who is issued a licence in accordance with Section 3.
- 3.4 A dog tag issued under Section 3 is not transferable between dogs.
- 3.5 A licence issued under Section 3 expires on the earliest of the following days:
- 3.5(a) March 31 three years following issuance; or
 - 3.5(b) if revoked by the SAO or By-law Officer.
- 3.6 Every dog shall have its dog tag attached to a collar around its neck.
- 3.7 No person shall knowingly permit a dog tag to be attached to the collar of a dog other than the dog for which the tag was issued.
- 3.8 An Officer shall attempt to identify and contact the owner of a dog but will not be responsible for identifying any dog impounded or destroyed, if the dog is not wearing a dog tag.
- 3.9 Where the SAO or By-law Officer is satisfied that the dog licence for a dog has been lost, stolen or destroyed, he or she shall issue a new licence and dog tag if the owner completes an application on Form A of Schedule 1.
- 3.10 Where the ownership of a dog has changed and the dog is licensed, the new owner shall notify the SAO or the By-law Officer and shall complete Form A of Schedule 1, within 7 days of becoming the new owner.
- 3.11 Where a By-law Officer receives a complaint or becomes aware that a dog is not licensed, he or she shall give the owner one written warning advising him or her to obtain the necessary licence prescribed by Section 3 of this By-law, within 24 hours of receiving the notice. An owner who fails to comply
- (a) may be issued a fine or
 - (b) the By-law Officer may destroy the dog and no damages may be recovered on account of the dog's destruction.

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SECTION 4 - GENERAL PROVISIONS

- 4.1 No household shall have more than two (2) dogs, over the age of three (3) months, located inside the residence or tethered outside the residence at any given time, unless given written permission by the Council.
- 4.2 Nursing dogs and their puppies shall be penned in an appropriate manner. Puppies that have stopped nursing must be tethered.
- 4.3 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:
- 4.3(a) such dog is muzzled; and
 - 4.3(b) a leash is attached to the dog.
- 4.4 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.
- 4.5 No person shall tether any dog outside a building such that it blocks:
- 4.5(a) the passage of the general public or municipal services vehicles and personnel; or
 - 4.5(b) the entrance to the building
- 4.6 Every owner of a dog or dogs shall ensure that each dog over the age of six months is vaccinated against rabies and once every twelve months.
- 4.7 Every owner of a dog or dogs shall ensure that the area in which his or her dogs are tethered is maintained and cleaned.
- 4.8 In the event of an outbreak or threat of a communicable disease within the Hamlet:
- 4.8(a) the Council may, by resolution, direct that no dog shall be permitted outside a residence; and,
 - 4.8(b) any dog found outside a residence may be impounded or destroyed by an officer; and,
 - 4.8(c) a dog shall be destroyed if an Environmental Health Officer so orders.
- 4.9 Upon the request of an owner of a dog to destroy his or her dog, a By-law Officer shall destroy such dog if the owner:
- 4.9(a) completes Form B of Schedule 1; and,
 - 4.9(b) pays the prescribed fee as set out in Schedule 2.
- 4.10 If the owner of a dog or dogs, knows or suspects, or ought to know or suspect, that the dog or dogs have the propensity 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.
- 4.11 No person shall tease, torment or annoy any dog so as to provoke an attack.

SECTION 5 - RUNNING AT LARGE

- 5.1 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 impound the dog.
- 5.2 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, in writing, to tether the dog.
- 5.3 If the owner of a dog is given more than one written warning, as prescribed in section 26, the owner shall be issued the penalty as prescribed in Schedule 2 or the Officer may destroy the dog.
- 5.4 An owner, who is notified that his or her dog has been captured and impounded by an Officer, shall recover the dog within one working day.
- 5.5 In the event that a dog is not recovered by its owner as prescribed by section 5.4, the Officer may destroy the dog.
- 5.6 In the event that an owner retrieves his or her dog that was running at large, before an Officer seizes it, no penalties will be imposed upon the owner.
- 5.7 No person, other than the owner of a dog, shall untie, loosen or otherwise free a dog which has been tethered or restrained.
- 5.8 No person, other than the owner of a dog, shall open a gate or opening in any enclosure in which a dog has been confined and thereby allowing a dog to run at large.
- 5.9 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.
- 5.10 Where an Officer receives a complaint from the public that a dog is creating excessive noise and is disturbing the public, the officer shall instruct the owner, in writing, to rectify the problem. If after two written warnings, the problem persists, the Officer shall impose the penalty set out in Schedule 1 or impound then destroy the dog.
- 5.11 Where an Officer seizes or captures a dog that is running at large and it is licensed in accordance with this By-law, the Officer shall deliver and impound the dog at the dog pound.
- 5.12 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.
- 5.13 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, at his/her sole discretion may dispose of the animal immediately.
- 5.14 Where, in the opinion of an Officer, an injured dog that is running at large, the Officer shall destroy the dog without delay for humane or safety reasons.

5.15 No damages or compensation may be recovered on account of a dog being destroyed pursuant to the provisions of Section 5.14.

SECTION 6 - WORKING DOGS AND DOG TEAMS

6.1 No person shall keep or harbour dog teams outside a residence or in the built up area of the community, unless so authorized by resolution of Council.

6.2 All dogs in a dog team area:

6.2(a) shall be properly tethered to a chain or cable stringer and the length of the chains or cable stringers shall be sufficient to ensure proper mobility; and,

6.2(b) shall not be tethered to trees or shrubs.

6.3 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 such as carcasses.

6.4 An Officer shall issue one written warning to an owner of a dog team who contravenes Section 6.3 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.

6.5 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. The owner of the dog team must provide the By-law Officer with a completed Form C of Schedule 1 on April 1st of each year.

6.6 Where an Officer becomes aware that a dog is running at large, he or she shall make every reasonable effort to notify the owner. An owner of a dog who is notified by an Officer that his or her dog is running at large shall tether the dog within one working day. If an owner does not regain possession of his or her working dog, a penalty shall be imposed pursuant to Schedule 2.

SECTION 7 - SEIZURE AND DESTRUCTION

7.1 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.

7.2 The Officer shall dispose of a dog seized in the manner set out in Schedule 2.

7.3 Notwithstanding section 47, an Officer who has seized a dog under section 47 may, at his or her sole discretion, restore possession of the dog to its owner where the owner:

7.3(a) claims the dog within one working day of the seizure; and,

7.3(b) pays to the Hamlet the daily impoundment fee as specified in Schedule 2.

SECTION 8 - OBSTRUCTION

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.

SECTION 9 - OFFENCES AND PENALTIES

- 9.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable, upon summary conviction, to the fines specified in Schedule 2 or to imprisonment for a term not exceeding thirty (30) days.
- 9.2 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.
- 9.3 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 as specified in Schedule 2.

SECTION 10 - LIABILITY

- 10.1 It is not a defence to a charge for violation of any provisions of this By-law that the accused person:
- 10.1(a) took all reasonable steps to prevent the dog from engaging in the prohibited activity; or
 - 10.1(b) honestly and reasonably believed that the dog could not or would not be able to engage in the prohibited activity.

SECTION 11 - REPEAL

- 11.1 By-law No.200 is hereby repealed.

Read a first time this 11th day of May, 2010

Read a second time this 11th day of May, 2010

[Signature]
Mayor

[Signature]
Senior Administrative Officer

Read a third time this 25th day of May, 2010

[Signature]
Deputy Mayor

[Signature]
Senior Administrative Officer



RGN [Signature]

Schedule 1

Form A

Application for Licensing an Animal

Owners Name: _____
Address: _____
Address: _____
Home Phone: _____ Business Phone: _____

Description of Animal

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: _____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____
Fee Paid: _____ Date: _____
Officer: _____

Fees Tag for Neutered Animal -	\$10.00
Tag for Non-neutered Animal -	\$15.00
Tag for Neutered Sled Dog -	\$ 5.00
Tag for Non-neutered Sled Dog	\$10.00

Declaration of Applicant

I, _____, hereby declare the above information is true to the best of my knowledge and that I am familiar with the provisions of the animal By-law #233 and I agree to comply with the provisions thereof.

Dated at Kugluktuk _____

Applicant

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Form B
Application for the Destruction or Disposal of Animal

Owners Name: _____
Address: _____
Address: _____
Home Phone: _____ Business Phone: _____

Description of Animal

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: _____ Identifying Marks: _____
Animal Licence Number: _____
Fee Paid: _____

Declaration of Owner:

I, _____, being the rightful owner of the said animal hereby request that the Hamlet of Kugluktuk, dispose of the said animal, in whatever manner the Hamlet deems most efficient and humane.

Dated at Kugluktuk _____

Applicant

Form C
Registration of Dog Teams

Owners Name: _____
Address: _____
Address: _____
Home Phone: _____ Business Phone: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

Breed: _____ Name: _____ Colour: _____
Sex: _____ Age: ____ Identifying Marks: _____
Date of last Inoculation: _____ Certificate: _____
Spayed/Neutered: _____ Certificate: _____

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Schedule 2
Fines, Fees and Penalties

1. Fees

a. Licence for each neutered animal	\$10.00
b. Licence for each non-neutered animal	\$15.00
c. Licence for each neutered working dog	\$ 5.00
d. Licence for each non-neutered working dog	\$10.00
e. Destruction of animal	\$25.00
f. Impoundment per day	\$25.00

2. Seizure Penalties

- a. \$100.00 for the first offence with no valid dog tag.
- b. \$ 50.00 for the first offence with a valid dog tag.
- c. \$200.00 for the second offence within the same twelve month period.
- d. \$300.00 for the third offence within the same twelve month period

3. Summary Offence Ticket Penalties

- a. \$100.00 for a first offence with no valid dog tag
- b. \$ 50.00 for a first offence with a valid dog tag
- c. \$200.00 for the second offence within the same twelve month period.
- d. \$300.00 for the third offence within the same twelve month period

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