



## VILLAGE OF CARMACKS By-law 252-18

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### A BY-LAW OF THE VILLAGE OF CARMACKS IN THE YUKON TERRITORY TO PROVIDE FOR THE CONTROL OF ANIMALS

WHEREAS section 265 of the *Municipal Act* (2002) 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 Village of Carmacks hereby ENACTS AS FOLLOWS:

#### 1. TITLE

- 1.1. This bylaw may be cited as the "**Animal Control Bylaw**".

#### 2. DEFINITIONS

- 2.1. In this bylaw:

"ANIMAL" refers to all members of the scientific kingdom *Animalia* unless otherwise specified in the Bylaw but does not include humans.

"ANIMAL SHELTER" means those premises used by the Village for the purpose of impounding Animals under the terms of this Bylaw and may be operated by a Humane Society to provide shelter and care to animals.

"AT LARGE" means an Animal is not on the property of the animal owner and not on a leash or otherwise under the control of a responsible person.

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

"CAO" means the Chief Administrative Officer of the Village.

"CAT" means a male or female domesticated cat.

"CONSERVATION OFFICER" means a Yukon Territory District Conservation Officer.

"DANGEROUS ANIMAL" means any Animal that.

- a) has chased, harassed, bitten, injured, attacked or killed an Animal or human, without provocation, on public or private Property;
- b) has been trained to harass, attack, or bite another Animal or human;
- c) has shown the tendency or disposition to be threatening or aggressive; or
- d) is kept for the purpose of providing security or protection to persons or Property.

“DESTROY” means to kill an animal by humane means if determined necessary by an Officer.

“DIRECT CONTROL” means:

- a) to have an Animal on the Owner’s Property securely confined by a fence, pen, building or electronic device; or
- b) to have an Animal off of the Owner's Property on a Leash held firmly by the Owner, and kept within one (1) metre of the Owner when other people are nearby.

“DOG” means a male or female member of the canine family and includes crossbreeds.

“DOG TEAM” means three (3) or more Dogs trained to be harnessed together and used for recreational or commercial purposes or in the maintenance of a subsistence lifestyle.

“DOMESTICATED ANIMAL” means any Animal traditionally raised and housed either as pets or in food production including, but not limited to, bees, cattle, cats, dogs, fish, reptiles, horses, mules, sheep, swine and poultry, but excluding any wild animal or game.

“DWELLING” means a residence for human habitation as defined by the Zoning Bylaw.

“FEE SCHEDULE” means the schedule of fees and charges as specified in “Schedule C” forming part of this Bylaw.

“HOUSEHOLD PET” means a Domesticated Animal, other than Livestock or a Working Dog, cohabitating on the Property with its Owner.

“HUMANE CARE” means:

- a) providing proper care, food, and shelter;
- b) preventing injury, pain, or suffering where possible, and providing adequate treatment where such injury, pain or suffering occurs;
- c) preventing Animal sickness whenever possible and providing adequate treatment when sickness occurs;
- d) protecting an Animal from abuse or undue hardship, deprivation, or neglect, and;
- e) where an activity identified in subsections (a) and (d) is carried on in accordance with reasonable practices of Animal management, husbandry, or slaughter provided that these practices are carried out in a humane manner.

“HUMANE SOCIETY” means an organized group of citizens that, with the approval of Council, provides care to injured, sick or impounded Animals at the Animal Shelter.

“IN HEAT” means a female Animal in the receptive period of the sexual cycle; in estrus.

“JUSTICE” means a Justice of the Peace or a Judge of the Territorial Court.

“KENNEL” means an establishment for the breeding and/or boarding of Dogs, other than an Animal Shelter.

“KENNEL OPERATOR” means a person who owns or operates a Kennel.

“IMPOUND” means to lodge an Animal at the Animal Shelter in the care of the Village or Humane Society.

“LEASH” means a restrictive device, which may include a spool type Leash, adequate to control the Animal on which it is attached, and which shall be of a not more than of four (4) meters.

“LICENSE” means the registration of a Cat or Dog by their Owner with the Village upon payment of the applicable License fee, which, in the case of a Dog License, shall be in the form of a unique identification tag to be worn on the collar.

“LIVESTOCK” means a Domesticated Animal that is raised and housed generally for food production or labour, including but not limited to poultry, cattle, fish, horses, mules, sheep, goats, rabbits, and swine.

“MEDICAL HEALTH OFFICER” means the person appointed by the Commissioner in Executive Council to act as a Health Officer, or a person authorized by the Medical Health Officer to act on their behalf.

“MUZZLE” means a fastening or covering for the mouth of an Animal used to prevent eating or biting, and which restrains the normal expression of the Animal.

“NEUTERED” means a Dog or Cat regardless of sex that is incapable of reproducing offspring by spaying or neutering by a Veterinarian, or certified by a Veterinarian as too old or physically unable to reproduce.

“NUISANCE” means, by way of example but not of limitation,:

- a) 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 4.11 of this Bylaw;
- b) an Animal which is maintained in an unsanitary environment which results in offensive odours 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;
- c) 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;
- d) 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, peace and enjoyment of neighboring properties;
- e) an Animal that is maintained without adequate medical treatment and that is diseased or dangerous to the public health; or
- f) an Animal that chases, snaps at, or attacks; pedestrians, joggers, bicycles, or other vehicles, or Animals being walked on a Leash.

“OFFICER” means the CAO, an employee of the Village who is designated by the CAO to act in enforcing provisions of this bylaw, a contractor hired by the Village to enforce this bylaw, or a Peace Officer.

“OFF-LEASH AREA” means a designated area of land within the Village identified by a sign posted by the Village, or Public Area, where Dogs may be off-leash provided they are under the supervision and control of their Owner or a responsible person.

“OWNER” means any person, partnership, association, or corporation that owns, harbors, or possesses or has control or custody of an animal and, as such, an Animal may have more than one Owner. Own, owned and owning shall have

corresponding meanings. However, for purposes of Section 5, "Owner" shall be deemed to be the person in whose name a dog is licensed.

"PEACE OFFICER" means a Bylaw Enforcement Officer appointed by Council, a Royal Canadian Mounted Police Officer, Environment Yukon Animal Protection Officer or an Environment Yukon Conservation Officer.

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

"PROPERTY OWNER" means whoever owns or is occupying a property, including the lessee or licensee of leased or licensed lands.

"PUBLIC AREA" means an area outside of the Village, including road allowances, highways, trails, facilities and recreation sites, as identified on the map in "Schedule B" forming part of this bylaw that are considered Off-leash Areas.

"QUARANTINE" means to keep an Animal in a Secure Enclosure for a period of not less than fourteen (14) days or such longer time as ordered by an Officer in consultation with a Veterinarian or Medical Health Officer to determine whether or not the Animal carries an infectious disease.

"RESIDENTIAL AREA" means that portion of the Village so identified on the map in "Schedule A" forming part of this Bylaw.

"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.

"SELF-DEFENSE" means the defense of one's self and/or another human and/or animal from physical harm, through physical force or any other means necessary to prevent injury.

"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 prescribed number of Domesticated Animals issued in the form of a letter signed by the CAO on behalf of the Village in accordance with the provisions of this By-law.

"TEMPORARY DOG TEAM AREA" means an area established by council resolution for the temporary housing of a Dog Team in accordance with the terms of this Bylaw.

"VILLAGE" means the Village of Carmacks.

"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 Yukon. A Veterinarian practicing in the Village must also hold a Village Business License.

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

"WORKING DAY" means the days Monday through Friday inclusive, except for statutory holidays, and any obligation under this bylaw to be fulfilled on a

Working Day shall be done between the hours of 0900 and 1600 (9:00 a.m. to 4:00 p.m.)

“WORKING DOG” means a Dog trained and used by its Owner for hunting or trapping in the maintenance of a subsistence lifestyle or a Dog from a registered Dog Team.

### 3. GENERAL PROVISIONS

- 3.1. The provisions of this By-law shall be enforced by an Officer.
- 3.2. Every Owner of an Animal shall provide Humane Care to that Animal, and every person, including an Owner, shall treat all Animals in a humane manner.
- 3.3. Every person who keeps an Animal within the municipality shall provide the Animal or cause it to be provided with:
  - 3.3.1. clean, potable 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;
  - 3.3.2. food and water receptacles kept sanitary and located so as to avoid contamination by excreta;
  - 3.3.3. 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;
  - 3.3.4. necessary veterinary medical care when the Animal exhibits signs of pain, illness or suffering.
- 3.4. 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:
  - 3.4.1. a total area that is at least twice the length of the Animal in all directions, and;
  - 3.4.2. a house or shelter to ensure protection from heat, cold, and wet. Such house or shelter must provide sufficient space to allow the Animal the ability to turn around freely and lie in a normal position and be situated in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times; any pen must be regularly cleaned and sanitized, and all excrement removed, at least once a week.
- 3.5. No person shall cause an Animal to be hitched, tied or fastened to a fixed object while unattended by the Owner 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, or where the Animal's mobility is limited to such extent that the Animal cannot lay down comfortably.
- 3.6. No person shall cause an Animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- 3.7. No person shall transport an Animal outside the passenger compartment of any motor vehicle or trailer unless the Animal is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent the Animal from falling off the vehicle or otherwise injuring itself.
  - 3.7.1. In any prosecution or proceeding under this Section of the Bylaw, the registered Owner or operator, as applicable, of the motor vehicle or trailer shall be deemed to be the Owner of the Animal, unless he or she proves to the satisfaction of the Justice that at the time of the offence the motor vehicle was not being used to transport the Animal

by him or her and that the motor vehicle was not being used by any other person with his consent, express or implied.

- 3.8. No person shall cause an Animal to be muzzled unless it is in the Direct Control of the Owner.
- 3.9. No person shall keep an Animal in an unsanitary condition within the Village. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, an odor, insect infestation, rodent or bear attractants which endanger the health of the Animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any neighboring properties, dwelling, office, hospital or commercial establishment.
- 3.10. 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.
- 3.11. Despite any other provision of this Bylaw, an Officer may refuse to approve an application to issue a permit or license, or may revoke an existing permit for a minimum of eighteen (18) months, if an applicant or a permit holder has:
  - 3.11.1. been convicted of cruelty to animals;
  - 3.11.2. outstanding fines for more than one breach of this Bylaw;
  - 3.11.3. equipment and/or Animals impounded; or
  - 3.11.4. multiple infractions of this Bylaw within a year.
- 3.12. Council may, by resolution, amend the Fee Schedule forming part of this Bylaw in respect of any fine, offence, permit or license contemplated under this Bylaw from time to time.

#### **4. CONTROL OF ANIMALS**

- 4.1. No Owner of an Animal shall permit such Animal 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.
- 4.2. No Owner of an Animal shall permit such Animal to be upon any private Property within the Village without the Property Owner's consent unless such Animal is on a Leash held at all times by the Owner or inside a Secure Enclosure.
- 4.3. Other than as allowed in Paragraph 4.2, no Owner of an Animal shall permit such Animal to be within the Village, or upon any Public Area (see Schedule B) unless such Animal is on a Leash held at all times by the Owner.
- 4.4. Pursuant to Paragraphs 4.2 and 4.3, the Animal shall be confined by the Owner holding the Leash within a one (1) meter radius when other persons are in the immediate vicinity of the Animal.
- 4.5. Council may, by resolution, designate areas as Off-Leash Areas within the Village where Dogs, except Dogs deemed to be a Dangerous Animal or Dogs being investigated as dangerous are permitted to run At Large, and may specify the period of time in which the "Leash optional" designation shall be in effect.
- 4.6. The Owner of an Off-Leash Animal, while in an Off-Leash Area, shall at all times:
  - 4.6.1. keep the Animal under control by verbal command;
  - 4.6.2. carry a Leash not exceeding two (2) meters in length;

- 4.6.3. clean up after the Animal; and
- 4.6.4. ensure that the Animal does not cause injury or damage to any person, another Animal, or to any Property.
- 4.7. An Owner may leave a leashed Animal temporarily unattended by tying it to a building or other structure outside a public building or place of business where the Animal shall not interfere with people entering or exiting the building.
- 4.8. Any Animal not controlled in accordance with this Bylaw shall be deemed to be At Large.
- 4.9. Every Owner of a female Dog or Cat In Heat shall confine such an Animal within a building or Secure Enclosure in such a manner as to prevent the Dog or Cat from coming into contact with a male Dog or Cat, as the case may be. Such confinement shall continue for the whole period the female Dog or Cat is In Heat, except that such Dog or Cat may be released from such confinement for controlled breeding purposes and for the purpose of exercising or defecating on the Owner's Property.
- 4.10. No Owner of an Animal shall permit the Animal to become a Nuisance.
- 4.11. No Owner of an Animal shall permit the Animal to defecate on public or private Property, other than that of the Owner, within the boundaries of the Village. It is not a violation of this paragraph when the Owner of the offending Animal immediately cleans up and properly disposes of the defecation.
- 4.12. An Owner shall ensure that all Animals are properly secured on their Property by a Secure Enclosure or tethered to a post by a chain having a minimum of a one (1) meter turning radius.
- 4.13. All Dogs tethered or caged within the Village must be given an opportunity to exercise off of the tether, or out of the cage, for a minimum of one (1) hour in a twenty-four (24) hour period.
- 4.14. No person shall:
  - 4.14.1. interfere with, or attempt to obstruct, an Officer or other person who is attempting to seize or who has seized any Animal in accordance with the provisions of this Bylaw;
  - 4.14.2. unlock or unlatch or otherwise open a vehicle, cage, Animal Shelter or other similar structure in which Animals seized for impoundment have been placed;
  - 4.14.3. remove or attempt to remove any Animal from the possession of an Officer or from any person at the time responsible for the operation or maintenance of the Animal Shelter at which the Animal is being held;
  - 4.14.4. release or remove, or attempt to release or remove, any Animal contained in a Trap installed by an Officer; or
  - 4.14.5. destroy, damage, or otherwise interfere with any Trap installed by an Officer.

## 5. DOG AND CAT LICENSING

- 5.1. Any Dog or Cat over the age of three (3) months must be licensed with the Village, and where the age of such Animal is not known, the Animal shall be deemed to be over three (3) months old.
- 5.2. Every Owner of a Dog or Cat satisfying Paragraph 5.1 shall, within fourteen (14) days of becoming Owner of the Animal or taking up residence in the Village, apply for and maintain a license from the Village and pay the applicable license fee in accordance with the Fee Schedule except in the

following circumstances:

- 5.2.1. A service Dog employed by the Royal Canadian Mounted Police;
- 5.2.2. A Dog or Cat owned by, or in the possession of, a non-resident of the Village for a total cumulative time period not exceeding one (1) month in any twelve (12) month period.
- 5.3. The burden of proof that an Owner is a non-resident and is temporarily in the Village for a period not exceeding that set out in Paragraph 5.2.2 rest with the Owner.
- 5.4. Every Dog and Cat Owner shall provide to the Village the following information when applying for a license:
  - 5.4.1. Name, street address, and postal address of the Owner;
  - 5.4.2. E-mail address and phone number of the Owner and, if possible, an emergency contact.
  - 5.4.3. Name, description and current photo of the Animal to be licensed; and
  - 5.4.4. Other information as may be required by the Village, including but not limited to proof the Animal is neutered and/or vaccinated by a Veterinarian.
- 5.5. An annual Dog License issued under this by-law shall be effective from January 1<sup>st</sup> or the date of issue until December 31<sup>st</sup> of the same year.
- 5.6. Notwithstanding 5.5, for the convenience of Owners and to encourage early renewal, an annual Dog License issued on or after September 1<sup>st</sup> shall be deemed valid from that date until December 31<sup>st</sup> of the subsequent year.
- 5.7. A lifetime Dog or Cat license issued under this by-law shall be valid for the lesser period of the lifetime of the Animal, the transfer or sale of the Animal from one Owner to another, or upon the Owner moving away from Village with the Animal.
- 5.8. Owners of a Dog or Cat with a lifetime license shall confirm with the Village on an annual basis that the information provided under Paragraph 5.4 is still valid and that they still own the Animal, so the Village can maintain up-to-date records.
- 5.9. A Dog or Cat License issued under this by-law shall not be transferable from one Animal to another or from one Owner to another, and no refund shall be made on any License fee because of the death or disposal of the dog or upon the Owner moving away from Village before expiration of the Dog License.
- 5.10. A Dog License is to be fastened to a collar or harness worn by the Dog at all times.
- 5.11. The Owner of a Dog that has been licensed under Section 5 shall apply to the Village for a replacement Dog License if the tag is lost and pay a replacement tag fee in accordance with the Fee Schedule.
- 5.12. No person shall use a Dog License tag on a Dog to which it is not registered.
- 5.13. An Owner of a Dangerous Animal shall maintain an annual Dangerous Animal license subject to the terms and conditions of this Section.

## **6. DOG OR CAT PERMITS**

- 6.1. An Owner or Owners shall not:
  - 6.1.1. Within the Village, have more than a total of two (2) Dogs and/or two (2) Cats on their Property or have any other type of Domesticated Animal that normally is kept outside of their Dwelling unless



otherwise allowed to do so in this Bylaw.

- 6.2. Owners within the Village may obtain a Cat Permit to have up to five (5) Cats on their Property provided the Owner(s) agrees in writing that the Cats shall be at all times confined within their Dwelling.
- 6.3. Owners within the Village may obtain a Dog Permit to have up to five (5) Dogs on their property provided, at the time of application:
  - 6.3.1. the applicant provides written consents, in a form prescribed by the CAO, of at least of two thirds (2/3) of all Property Owners whose Residential Area or Country Residential Area Property is located within one hundred and fifty (150) metres of the boundaries of the Owner's Property.
  - 6.3.2. the applicant pays the Dog Permit fee in accordance with the Fee Schedule.
  - 6.3.3. all Dogs subject to the Dog Permit have valid Dog Licenses and shall be listed on the Special Permit.
  - 6.3.4. none of the Dogs is considered a Working Dog.
  - 6.3.5. there is an agreement in writing, in a form prescribed by the CAO, permitting an Officer to enter onto the Property for the purpose of inspection.
- 6.4. Notwithstanding Paragraph 6.3, the CAO may deny a Dog or Cat Permit if after inspecting the Property it is the CAO's opinion that:
  - 6.4.1. the Property is not of adequate size to accommodate the Animals;
  - 6.4.2. any development related to accommodating the Animals, such as construction of a Secure Enclosure, would not conform to the requirements of the Zoning Bylaw; or
  - 6.4.3. such accommodation of the Animals would undesirably impact the immediately adjacent Properties due to the density of the Dwellings.
- 6.5. Owners who previously received a Special Permit for Dogs in excess of the limitations specified above, prior to the date of passing this Bylaw, shall be allowed the number of Dogs specified in that Special Permit, including Working Dogs, except that the Owner shall not be allowed to replace a Dog in excess of the limits specified above if the Animal dies or is otherwise no longer in the possession of the Owner.

## **7. KENNELS**

- 7.1. An Owner having or intending to have on a Property more than the number of Dogs allowed under the provisions of Paragraph 6.1, or intending to breed Dogs for profit, shall be considered a Kennel Operator.
- 7.2. Any person desiring to be a Kennel Operator shall apply annually for a Kennel permit on an application form approved by the CAO.
- 7.3. The Kennel Operator shall develop and operate the Kennel subject to any applicable regulations in the Zoning Bylaw or successor legislation.
- 7.4. No Kennel shall be permitted to be located within the Residential Area.
- 7.5. A Kennel may be permitted outside the Residential Area provided, at the time of application:
  - 7.5.1. the location for the Kennel is on a Property within a zone that permits a Kennel under the Village's Zoning Bylaw;
  - 7.5.2. the applicant provides written consents, in a form prescribed by the

CAO, of at least of two thirds (2/3) of any Property Owners whose Residential Area or Country Residential Area Property is located within three hundred (300) metres of the boundaries of the Property on which the Kennel is to be located; and

7.5.3. there is an agreement in writing, in a form prescribed by the CAO, permitting an Officer to enter onto the Property on which the Kennel is to be located, for the purpose of inspecting the Kennel.

7.6. Any holder of a Kennel permit must also purchase a business license from the Village.

7.7. Where an Officer finds that the Kennel Operator does not comply with any section of this Bylaw, the Officer may direct that the Animals be seized and impounded. All costs associated with the seizure and boarding of the Animals shall be the responsibility of the Kennel Operator.

7.8. A Kennel Operator may keep unlicensed Dogs confined in the Kennel, but any Dog leaving the Property on which the Kennel is located must have a Dog License and wear their Dog License tag.

## **8. LIVESTOCK AND SPECIAL PERMITS**

8.1. Livestock may be kept on a Property outside of the Village, including within the Country Residential Area o, subject to the provisions of the Zoning Bylaw or successor legislation.

8.2. No Livestock shall be kept on any Property within the Village.

8.3. Any person desiring to keep Livestock on their property within the Village, that is not otherwise permitted under this Bylaw, must obtain a Special Permit for the specific Property, species and maximum number of Animals intended.

8.4. Within thirty (30) days of receipt of an application for a Special Permit, the CAO shall:

8.4.1. ensure that such application, which must include a sketch or plan of the Property and Secure Enclosure in which the Livestock are to be housed, is complete and otherwise meets the requirements of this Bylaw and the Zoning Bylaw;

8.4.2. if such application is not complete, requires further information about the care and maintenance of the Livestock, or contravenes a provision of this Bylaw or the Zoning Bylaw, return the application to the applicant after which the applicant may address such deficiencies and resubmit, and;

8.4.3. thereon, the CAO shall review the revised application within fourteen (14) additional calendar days.

8.4.4. upon acceptance of the application as complete, the CAO may,

8.4.4.1. if the application is for species or sub-species of Livestock already included in the Special Permit the provisions of Schedule D, as previously approved by Council resolution, the CAO may issue a Special Permit subject to the requirements specified therein;

8.4.4.2. if the application is for species or sub-species of Livestock not already included in the Special Permit the provisions of Schedule D, and not previously considered by Council, the CAO will prepare a report for Council with a recommendation to approve or deny the application and the conditions of such approval;

8.4.5. the CAO shall recommend denial of the application for a Special Permit if, in the opinion of the CAO, allowing the Special Permit would, at the time of application or in future:

- 8.4.5.1. violate any General Provisions of this Bylaw;
- 8.4.5.2. disturb the peaceful enjoyment of the neighboring Property Owners through the introduction of undesirable noise or odor;
- 8.4.5.3. be used solely for the purpose of breeding the Livestock;
- 8.4.5.4. result in an undesirable density of Domesticated Animals in the immediate area, or;
- 8.4.5.5. be otherwise inappropriate for the development and use of the Property.
- 8.4.6. thereon the date will be set for Council to hear the application at the next scheduled Council meeting allowing for notice of the hearing to be mailed to all Property Owners within one hundred and fifty (150) meters of the applicant's Property at the applicant's expense.
- 8.5. Upon hearing the application, Council may, by resolution,
  - 8.5.1. approve the Special Permit and set out the conditions for approval, which shall then be attached to Schedule D of this Bylaw, or;
  - 8.5.2. deny the application.
- 8.6. The conditions of a Special Permit set out in Schedule D may include, but are not limited to,;
  - 8.6.1. specifying the species or sub-species of Domestic Animal or Livestock to which the Special Permit applies;
  - 8.6.2. the maximum number of Animals allowed under the Special Permit;
  - 8.6.3. the gender of the Animals allowed;
  - 8.6.4. requiring that the Animals be Neutered;
  - 8.6.5. a time limit, after which the Special Permit expires or must be renewed;
  - 8.6.6. fees;
  - 8.6.7. specifications for how and where the Animals are to be kept on the Property, including but not limited to, the minimum or maximum dimensions, setbacks, or type of construction of a Secure Enclosure, having regard for the Zoning Bylaw;
  - 8.6.8. specify whether or not the Special Permit may be transferrable to another Owner or Property;
  - 8.6.9. provision for an Officer to inspect the Property, and;
  - 8.6.10. any other requirements to be fulfilled prior to issuance of a Special Permit by the CAO.
- 8.7. Council may also set the scope of any Special Permit provisions in Schedule D to
  - 8.7.1. be applied only to the original applicant, Property or thing, or;
  - 8.7.2. to guide the CAO in approving or denying future similar applications for Special Permit, with further regard for Paragraph 8.4.5., such that Council need not hear such future application.
- 8.8. The person desiring to keep Livestock may be required to obtain written consents of neighboring Property Owners in the same manner as Paragraph 6.3.1 of this Bylaw prior to the issuance of a Special Permit by the CAO or

Council.

- 8.9. A Special Permit shall not be transferrable to another Owner or Property or thing unless allowed in Schedule D.
- 8.10. Nothing in Schedule D shall have the effect of amending or overriding any provision of this Bylaw.
- 8.11. By way of example only, and without limiting Council's ability to act appropriately, the Special Permit provisions to be set out in Schedule D could, for each type of application considered by Council, be set out similarly to the Hen Permit provisions (Section 9) of this Bylaw.

## 9. HEN PERMITS AND COOPS

- 9.1. Any person intending to keep hens on their property must apply for a Hen Permit.
- 9.2. Within fourteen (14) days of receipt of an application for a Hen Permit, the CAO shall:
  - 9.2.1. ensure that such application, which shall include a sketch or plan of the proposed coop, is complete and meets all requirements of this Bylaw and the Zoning Bylaw;
  - 9.2.2. if such application is not complete, or it contravenes a provision of this Bylaw or the Zoning Bylaw, return the application to the applicant after which the applicant may address such deficiencies and resubmit; and
  - 9.2.3. thereon review the revised application within fourteen (14) additional calendar days.
- 9.3. Within the Residential Area:
  - 9.3.1. Roosters are not permitted;
  - 9.3.2. if a chick is discovered to be a Rooster as it matures, it must be disposed of within three (3) days of it beginning to "cock-a-doodle-do" or otherwise disturb the peaceful enjoyment of neighbours;
  - 9.3.3. the maximum number of hens permitted is twelve (12).
- 9.4. Outside of the Residential Area, and subject to the other provisions of this Bylaw and the Zoning Bylaw, the maximum number of Hens permitted is twenty-five (25) and Roosters may be allowed.
- 9.5. A Hen Permit holder must:
  - 9.5.1. provide a Coop which shall be constructed according to the requirements and specifications below;
  - 9.5.2. keep each Hen in the Coop at all times;
  - 9.5.3. keep Hens in their indoor Coop between 2300 and 0700 hours (11PM and 7AM);
  - 9.5.4. provide each Hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
  - 9.5.5. maintain each Coop in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
  - 9.5.6. construct and maintain each Coop to prevent any rodent from harboring underneath or within it, or within its walls, and to prevent

entrance by any other Animal;

- 9.5.7. keep a food container and water container in each Coop;
- 9.5.8. keep each Coop securely closed at all times;
- 9.5.9. remove leftover feed, trash, and manure in a timely manner;
- 9.5.10. store manure within a fully enclosed structure, and store no more than one third cubic metres (0.33 m<sup>3</sup>) of manure at a time unless directed to remove and dispose of such manure sooner by an Officer;
- 9.5.11. slaughter hens in an efficient and humane manner that does not subject them to avoidable discomfort; and
- 9.5.12. not keep a Hen in a cage except when actively transporting the Hen off of the Property.

9.6. A Coop must:

- 9.6.1. include both a walled, roofed structure and an outdoor pen;
- 9.6.2. be securely enclosed to prevent the escape of hens and the entrance of any other Animal;
- 9.6.1. provide a floor of any combination of vegetated or bare earth in the outdoor pen area;
- 9.6.2. provide at least 0.37 m<sup>2</sup> of interior floor area per Hen;
- 9.6.3. provide at least 0.92 m<sup>2</sup> of outdoor pen area per Hen;
- 9.6.4. provide at least one nest box and perch of at least 18 cm width per Hen; and
- 9.6.5. conform to all other applicable regulations of the Zoning Bylaw.

9.7. An Officer has the power to demand information on Hens within the Village, the power to:

- 9.7.1. enter and inspect a Property at any reasonable time, after providing twenty-four (24) hours notice to the Property Owner or earlier with their cooperation;
- 9.7.2. inspect a Coop; and,
- 9.7.3. seize, impound or destroy a Hen, Rooster or other non-compliant Animal.

## **10. WILD ANIMALS**

- 10.1. 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.
- 10.2. At the discretion of the CAO, and in consultation with the authority having jurisdiction, a person may, for a period not to exceed six (6) months, be given permission to assist the authority in the care and maintenance of an injured or recovering Wild Animal or bird.

## **11. DANGEROUS ANIMALS**

- 11.1. No Owner of a Dog shall permit their 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.
- 11.2. 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.

- 11.3. No Owner of an Animal shall permit such Animal to bite any person without provocation, and where such Animal has, without provocation, bitten any person it shall be deemed to have been done with the consent of the Owner.
- 11.4. No owner of any Animal shall permit such Animal to bite, attack, harass, or kill any other tethered Animal or any Animal or poultry which is on its respective private Property, and where such Animal has bitten, attacked, harassed or killed any Animal or poultry it shall be deemed to have been done with the consent of the Owner.
- 11.5. Upon conviction of an offence contrary to Paragraphs 11.1 to 11.4 of this Bylaw, the Animal set out in the complaint shall be deemed a Dangerous Animal by the CAO, and said conviction shall serve as the notice required pursuant to this Bylaw.
- 11.6. No person shall own a Dangerous Animal unless such Animal is:
  - 11.6.1. Confined within a Secure Enclosure
  - 11.6.2. securely muzzled and leashed when outside that Secure Enclosure and under the direct control of the Owner or a responsible person over the age of eighteen (18); and
  - 11.6.3. licensed with the municipality as a Dangerous Animal; and
- 11.7. A Secure Enclosure used to house a Dangerous Animal shall not be within one (1) metre of the Property line or within three (3) metres of a neighboring Dwelling.
- 11.8. A sign shall be displayed at each entrance to the Property and building in which a Dangerous Animal is kept, warning in writing, as well as with a symbol, that there is a Dangerous Animal on the Property. This sign shall be visible and legible from the nearest road or thoroughfare.
- 11.9. The CAO shall have the discretion to modify the conditions for owning and maintaining a Dangerous Animal, and any modified conditions shall be set out in writing and include written reasons for the modified conditions, a copy of which shall be provided to the Owner.
- 11.10. An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the Dangerous Animal provisions of this Bylaw.
- 11.11. The Village may not offer for adoption any Animal that has been designated a Dangerous Animal under this Bylaw.
- 11.12. Where the Owner of a Dangerous Animal has been previously charged with an offence under this Bylaw and commits a subsequent offence, the Dangerous Animal may immediately be ordered impounded by an Officer.
- 11.13. Where a Dangerous Animal dies or is sold or otherwise disposed of, the Owner shall notify the Village of the disposal, including the name and address of the new Owner if applicable.
- 11.14. Where an Animal is impounded, pursuant to a Justice's order, the Owner shall bear all costs related to the impoundment.
- 11.15. Where a Justice is satisfied that, in the public interest, a Dangerous Animal should be destroyed, or otherwise disposed of, the Justice shall order the destruction or other disposition at the expense of the Owner.

## **12. RABIES AND INFECTIOUS DISEASE CONTROL**

- 12.1. No Owner shall keep any Household Pet over six (6) months of age without having such animal vaccinated for rabies unless an Officer confirms vaccinating the Animal it is not necessary in consultation with a Veterinarian or the Medical Health Officer.
- 12.2. Any Animal that bites another Animal or a human, and any Animal that is suspected by an Officer of being exposed to an infectious disease shall be seized by an Officer and impounded or an Officer may order the Animal be Quarantined at a place and under conditions to be determined by an Officer..
- 12.3. Every Animal bitten by an Animal suspected of being rabid may, at the discretion of an Officer, may be impounded or Quarantined in accordance with this Bylaw.
- 12.4. Any Animal Quarantined pursuant to this Bylaw shall not be released from quarantine by an Officer except upon:
  - 12.4.1. the Owner providing a vaccination certificate for the Animal, issued by a Veterinarian not more than one (1) year prior to Quarantine, and any other assurances to the satisfaction of the Officer, or;
  - 12.4.2. with the written approval of a Veterinarian or the Medical Health Officer, and the Animal being vaccinated at the Owner's expense.
  - 12.4.3. For the purposes of satisfying the above requirements, an Owner may be given permission by an Officer to transport an Animal to Whitehorse for vaccination and examination by a Veterinarian.
- 12.5. The cost of Quarantining and/or treating an Animal under this Bylaw, including impoundment and other fees as set out in this Bylaw or any successor legislation, and transport costs if the Animal must be sent to Whitehorse, shall be borne by the Owner of the Animal.
- 12.6. Where any Animal has been Quarantined, pursuant to this Bylaw, and has not been retrieved by the Owner within four (4) Working Days of the completion of the quarantine period, the Animal is deemed to have been abandoned by the Owner and the Village may put the Animal up for adoption or otherwise dispose of the Animal.
- 12.7. Where an Animal suspected of being rabid dies while under Quarantine, the Village shall immediately notify the Medical Health Officer of any known human contacts and shall dispose of the Animal by incineration or, upon request of the Medical Health Officer, sending the carcass of the Animal to a laboratory for pathological examination.
- 12.8. Except as provided elsewhere in this Bylaw, no person shall kill or cause to be killed, nor remove any of the following Animals from the Village, without written permission from an Officer or the Medical Health Officer:
  - 12.8.1. any rabid Animal;
  - 12.8.2. any Animal suspected of having or of having been exposed to rabies;  
or
  - 12.8.3. any Animal which has bitten a human.
- 12.9. Upon demand of an Officer, the carcass of any dead Animal, which has been exposed to rabies, shall be surrendered to an Officer or to the Medical Health Officer.

### **13. IMPOUNDMENT AND DISPOSAL OF ANIMALS**

- 13.1. The Village hereby establishes and authorizes the maintenance and operation of an Animal Shelter for the purpose of impounding animals.
- 13.2. An Animal may be seized and impounded by an Officer at the Animal Shelter,

or into any other place or care at the discretion of the Officer,;

13.2.1. If found At Large;

13.2.2. By entering in or on Private Property with the permission of the Property Owner, or by warrant, if the Animal is, or has been, a Nuisance or is in distress;

13.2.3. By entering in or on Private Property, other than a Dwelling, or a vehicle, without the permission of the Property Owner or warrant, if the Animal is in distress or poses an imminent danger to public safety when:

13.2.3.1. Time is of the essence; and,

13.2.3.2. The Property Owner cannot be reasonably located; or,

13.2.3.3. A warrant cannot be reasonably obtained from a Justice, provided that a Justice has not previously refused to issue the warrant, and the Officer is, or is accompanied by, a member of the Royal Canadian Mounted Police.

13.2.4. By entering in or on Private Property by warrant issued pursuant to paragraph 18.2.

13.3. A citizen may seize an Animal found running At Large or, with consent of the Property Owner if the Animal is on private Property, any Animal which is damaging or has damaged public or private Property or is attacking, or has attacked, a person and shall forthwith turn the Animal over to an Officer or other Village employee. Any citizen seizing such an Animal must provide Humane Care to the Animal until such time as it can be turned over to an Officer.

13.4. A citizen may catch or live Trap and hold any Animal that is found running At Large on their Property, using a Trap provided by an Officer, provided that:

13.4.1. the citizen demonstrates proficiency in using a live Trap and in the care and handling of an Animal caught in a live Trap; and

13.4.2. a Trap is not left unattended and is checked on an hourly basis; and

13.4.3. trapped animals are turned over to an Officer forthwith.

13.5. An Officer may require the Owner to have the Animal Neutered, Vaccinated or examined by a Veterinarian as a condition of its release.

13.6. An Officer shall make all reasonable efforts to identify an impounded Animal, notify the Owner and inform the Owner of the conditions under which the Animal may be released.

13.7. Except where an Animal has been Quarantined or ordered destroyed pursuant to this Bylaw, the Owner of an impounded Animal may recover such Animal within four (4) Working Days of its impoundment, or until such time as the Village has disposed of the Animal pursuant to this Bylaw, subject to the payment of all expenses incurred in securing, caring for and feeding the Animal and other fees as prescribed in the Fee Schedule.

13.8. Any Animal that is required to be licensed shall not be released from impoundment until Owner has obtained a current license.

13.9. Impoundment fees will be levied on a graduated scale with a fee for the first impoundment, the second impoundment, and the third and subsequent impoundments as set out in the Fee Schedule.

13.10. For the purposes of the impoundment provisions of this Bylaw:

13.10.1. where more than one Animal owned by an Owner is impounded at



the same time or at different times, each impoundment of an individual Animal shall be considered to be separate and consecutive; and

- 13.10.2. there shall be deemed to be a previous impoundment of the Animal if the Animal has been impounded in the previous twelve (12) months.
- 13.10.3. The Village will charge a daily care fee after the first 24 hour period of impoundment to recover the ongoing cost of caring for the Animal.
- 13.11. Impounded Animals, not recovered by an Owner, will be disposed of by first trying to find them a new home with a caring responsible person or delivering them to the animal shelter in Whitehorse.
- 13.12. Where a reasonable attempt to find an adoptive Owner is unsuccessful the Animal shall be destroyed in a humane fashion and the carcass disposed of in accordance with Yukon Environmental Health and Public Health requirements.
- 13.13. Officers have the right to seize any Dangerous animals, or any Animal the Officer believes may be suffering from an infectious disease, or may seize any Animal from any person whom the Officer finds contravening this Bylaw.
- 13.14. Upon demand being made by an Officer, an Owner who fails to surrender an Animal, that is the subject of an Impoundment order, commits an offence.
- 13.15. Where an Owner has refused to surrender an Animal, the Officer will lay the matter before a Justice, pursuant to Paragraph 18.2.
- 13.16. Where a Justice is satisfied that the public interest does not require Impoundment of the Animal, the Justice 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.
- 13.17. Where an Animal has been released from Impoundment pursuant to this Bylaw, and the Owner breaches any condition imposed as a condition of the release the Owner will be deemed to have committed an offence.

#### **14. CRUELTY TO ANIMALS**

- 14.1. With the exception of the destruction of a Domesticated Animal pursuant to this Bylaw by an Officer or Veterinarian, no person shall kill a Domesticated Animal unless it has been raised for food.
- 14.2. A person who causes unnecessary suffering, damage or injury to an Animal, whether intentionally or by willfully neglect, is guilty of an offence under this Bylaw and Sections 445 or 446 of the Criminal Code of Canada.
- 14.3. No person shall place poison in such a position that it may easily be consumed by Animals.

#### **15. INTERESTS OF PUBLIC SAFETY**

- 15.1. Notwithstanding any other provision of this Bylaw, where an Officer considers an Animal to be an imminent threat to public safety, the Officer may, with the consent of the Owner, if the Animal is on the Owners Property, or without consent of the Owner, if the Animal is running At Large, forthwith destroy any Animal in contravention of this Bylaw.
- 15.2. An Officer may enter upon any Property, other than a Dwelling, for the purpose of securing or seizing any Animal to prevent the continuation of an offence or to determine ownership.

#### **16. OFFENCE AND PENALTIES**

- 16.1. Any person who contravenes a provision of this Bylaw is guilty of an offence.

- 16.2. Any person who commits an offence under this Bylaw is, in addition to any other punishment or imprisonment imposed by the Court, liable on summary conviction to:
- 16.2.1. a voluntary fine under Section 20 of the Summary Convictions Act, issued in respect of an offence in an amount up to the penalty specified in the Fee Schedule attached hereto and forming part of this Bylaw; or
  - 16.2.2. a fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary convictions provisions of the Criminal Code of Canada; or
  - 16.2.3. a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to Paragraph 9(1) of the Summary Convictions Act.
- 16.3. Notwithstanding Paragraph 16.2, a person who commits a first offence under this Bylaw may be issued a verbal or written warning at the discretion of the Officer.
- 16.4. An Officer may serve a written order pursuant to Section 348 of the Municipal Act and a person who does not comply with the order in the time limit specified is guilty of an offence.
- 16.5. Where a person is convicted of an offence, under this Bylaw, the Justice 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.
- 16.6. Should any person owning or occupying Property refuse or neglect to pay any penalties that have been levied pursuant to this Bylaw, an Officer may inform such person in default that, if these charges are unpaid on the thirty-first (31) day of December in the same year, the charges will be added to, and form part of, the taxes payable in respect of that Property as taxes in arrears.

## **17. GENERAL INTERPRETATION**

- 17.1. The invalidity of any section or provision of this Bylaw shall not affect the validity of any other part of this Bylaw which can be given effect without such invalid part or parts.
- 17.2. In the event of any inconsistency in this Bylaw, or disagreement of any provision or requirement of this Bylaw with that of any other Bylaw of the Village, the stricter of the provisions or regulations shall prevail.

## **18. ENFORCEMENT, SEARCH AND SEIZURE**

- 18.1. The provisions of this Bylaw shall be enforced by any Officer unless otherwise stated herein.
- 18.2. Pursuant to the provisions of the Criminal Code of Canada, for any violations of this Bylaw, a Justice may, upon evidence under oath that there are reasonable and probable grounds to believe that an Animal is being kept in violation of this bylaw, in the interest of public safety, or necessary for the humane treatment of the Animal to do so,
- 18.2.1. at any time issue a warrant authorizing an Officer, who is named in the warrant, to apply the search and seizure provisions of the Criminal Code of Canada;
  - 18.2.2. set out in an order
    - 18.2.2.1. any condition and time limits that the Owner shall meet before the Animal is released from Impoundment without further application to the Court, and;

18.2.2.2. that if the Owner fails to meet the conditions or time limits set out in the order, and the period for appeal has lapsed without an appeal being filed, the Village may dispose of an Animal in Impoundment by whatever manner the Village sees fit, including destruction of the Animal.

18.3. No person shall make a frivolous or vexatious complaint to an Officer regarding an Animal.

18.4. An Officer may refuse to investigate or enforce a complaint if:

18.4.1. the Officer is satisfied that the complaint is frivolous or vexatious; or

18.4.2. there is insufficient evidence to warrant further action.

## 19. APPEAL

19.1. Any person who has applied for, but failed to be granted, a license or permit 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 thirty (30) days after the decision was rendered and Council may approve or reinstate the license or permit in an exceptional circumstance.

19.2. Council may appoint an adjudicator, who is not an Officer or employee of the Village, to independently review the merits of the appeal and, with regard for the Bylaws of the Village, shall provide a recommendation to Council within thirty (30) days of the appeal first being heard.

19.3. In setting out their decision on the appeal, Council may impose upon the person who made the appeal any reasonable conditions, time limits, or fees that Council deems appropriate to make such allowance under the Bylaw, including the recovery of any related costs of the Village that are either incurred or anticipated.

19.4. A decision of Council under Paragraph 19.3 shall not invalidate, weaken or amend any section or provision of this Bylaw, or any Bylaw of the Village, except to provide such allowance as explicitly stated in the decision for the exceptional circumstance of the appeal.

19.5. The right of appeal shall be barred and extinguished if not received in writing by Council within the period set out in Paragraph 19.1.

## REPEAL

1. Bylaw 21-87 is hereby repealed.

## ENACTMENT

2. This Bylaw shall come into full force and effect upon passing thereof.

READ A FIRST TIME THIS 16<sup>th</sup> DAY of October 2018.

READ A SECOND TIME THIS 20<sup>th</sup> DAY of November 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 4<sup>th</sup> DAY of February 2019.

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Mayor Lee Bodie

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CAO Tracy Thomas