

VILLAGE OF TESLIN

BYLAW # 05 -141

A BYLAW TO PROVIDE for the control of dogs in the Village of Teslin

Whereas section 265(o) of the Municipal Act, being Chapter 154 of the Statutes of the Yukon Territory (2002), provides that Council may pass bylaws for municipal purposes respecting the control, health, and safety of, and protection from, wild and domestic animals within the Village of Teslin; and

Whereas section 266 of the Municipal Act provides that the Village of Teslin may in such bylaws regulate, control or prohibit;

Whereas the Village of Teslin, in consultation with Teslin Tlingit Council, has decided that it is necessary for the protection of the public health, safety and welfare to provide for the regulation of animal control measures;

NOW THEREFORE, the Council of the Village of Teslin in open meeting assembled hereby ENACT AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the **“Dog Control Bylaw 2005”**

VALIDITY and CONFLICT

2. If any provision of this Bylaw shall be held void, then such provision shall be deemed severable, and the invalidity thereof shall not effect the remaining provisions of this Bylaw.
3. Where any provision or provisions of this Bylaw conflict with any provisions of any other Bylaw of the Municipality, this Bylaw shall prevail.

DEFINITIONS

4. In this Bylaw,

“Designated Officer” means a member of the Royal Canadian Mounted Police, a Public Works employee of the Village of Teslin or an authorized representative for the Village of Teslin as designated by the Village CAO. For purposes of enforcement of this bylaw, an employee or representative acting as a designated officer shall be deemed to be employed for the preservation and maintenance of the public peace.

“Dog” means any dog or any animal that is crossbred between a wolf and a dog, wild or domesticated, male or female.

“Owner” means any person, partnership, association or corporation that owns, harbors, possess or has control, care or custody over an animal: “own” “owned” or “owning” shall have corresponding meanings and for the purposes of this bylaw “owner” shall be deemed to be the person in whose name the dog is licensed.

“NOISE” means barking, whimpering, whining, howling, or any other sound made by dogs.

“RUNNING AT LARGE” means a situation where a dog is not on the property of its owner and not on a leash under the control of a responsible person.

“UNCONTROLLED DOG” means a dog that is unleashed and not under the control of a responsible person.

“VICIOUS DOG” means a dog which

- (4.1) has bitten a human without provocation
- (4.2) has bitten an animal without provocation
- (4.3) has a known propensity, tendency or disposition to attack or aggressively pursue without provocation a human or animal
- (4.4) has been deemed by the Village of Teslin as a Vicious Dog through written notice to the Dog Owner

DOG LICENSES

- 5. No person shall own any dog within the Village of Teslin unless such dog is licensed pursuant of this bylaw.
- 6. The owner of a dog shall apply to the Village of Teslin for a dog license and dog license tag. The license and tag shall be valid for the lifetime of the dog. If the dog is spayed or neutered the license and tag shall be free of charge provided sufficient documentation is presented at the time of application of such services rendered by a professional veterinarian. If the dog is not spayed or neutered the tag and license shall have a cost of \$80.00. The full cost of the tag may be refunded within twelve (12) months after the purchase date should adequate documentation of the procedure be provided from a professional veterinarian.
- 7. No person shall use a dog license tag on a dog that it is not registered to.
- 8. Every dog owner shall provide to the Village of Teslin the following information with each application for a dog license and dog license tag:
 - (8.1) Name, street address, telephone number and postal address of the owner;
 - (8.2) Name and description of the dog to be licensed; and
 - (8.3) Such other information as may be required by the Village.

9. Refusal to provide information pursuant to section eight (8) shall result in a dog license and dog license tag not being issued.
10. Every person who becomes the owner of a dog which is not currently licensed in accordance with this bylaw shall, immediately upon becoming the owner of the dog; apply to the Village of Teslin for a dog license and tag, and provide to the Village of Teslin the information required.
11. Every person who becomes the new owner of a dog that is currently licensed in accordance with the provision of this bylaw shall within fifteen (15) days after becoming the owner of the said dog, notify the Village of Teslin of the new owner's name, street address, telephone number and postal address, and the license tag number of the dog.
12. Licenses and tags issued under this bylaw shall not be transferable from one dog to another
13. Licenses and tags issued prior to this bylaw being enacted will expire on Dec 31 of this year. New tags will be issued effective Jan 1 and must be obtained within thirty (30) days.
14. Upon application for a dog license tag, and provision of the information required, the Village of Teslin will issue to the owner a license tag with the year of issue and a number stamped thereon.
15. The owner of a dog duly licensed under this bylaw may obtain a license tag to replace a tag that has been lost.
16. Every dog owner shall keep the license tag issued, or a replacement tag if applicable, securely fastened to a collar or harness worn by the dog at all times.
17. The provisions of the license section of this bylaw shall not apply to owners temporarily in the Village of Teslin for a period not exceeding two (2) weeks.
18. In any prosecution or proceedings for a contravention of the license requirements of this bylaw, the burden of proof that an owner is not a resident and is temporarily in the Village of Teslin for a period not exceeding two (2) weeks shall rest upon the owner.
19. Where, in the opinion of the Designated Officer, a dog should be destroyed without delay for humane reasons or for reasons of public safety, the Designated Officer shall destroy the dog as soon after seizure as he or she thinks fit without permitting any person to claim the dog and no damages or compensation may be recovered on account of its destruction by the Designated Officer.
20. Where, in the opinion of the Designated Officer, a dog has bitten any person and should be destroyed for reasons of public safety, the dog shall be destroyed forthwith by a Designated Officer or as soon thereafter as the Designated Officer thinks fit without permitting any person to claim the dog and no damages or compensation may be recovered on account of its destruction by the Designated Officer.

LICENSED DOGS RUNNING AT LARGE ON PUBLIC LAND

21. Any licensed or unlicensed dog found running at large on public land;
 - (21.1) shall be apprehended by a Designated Officer and be kept at the Municipal Center for a period of no longer than three business days.
 - (21.2) The Dog Owner, if known, will be contacted immediately based upon the information provided on their respective Dog Tag & License Application.
 - (21.3) The Dog Owner will be subject to a fine, as directed in Resolution #07-45-05, that must be paid within the three business day period by the Dog Owner. The fine is based upon the number of times the dog running at large is apprehended by the Designated Officer and is as follows;
 - (21.3.1) \$75.00 fine for the first time a Dog at large is apprehended;
 - (21.3.2) \$150.00 fine for the second time a Dog at large is apprehended;
 - (21.3.3) \$300.00 fine for the third and subsequent times a Dog at large is apprehended.
 - (21.4) Should the fine remain unpaid after three business days, or the dog owner remain unknown, upon the fourth business day the dog shall forthwith be destroyed by the Designated Officer.

CITIZEN MAY SEIZE DOG RUNNING AT LARGE

22. A citizen may catch and hold any dog that is found running at large and shall forthwith turn the dog over to a Designated Officer.

RABIES CONTROL

23. Where an unvaccinated dog bites a person or another animal it shall be destroyed by the Designated Officer. The dog will then be sent to a specialized laboratory for analysis.
24. A dog shall be deemed to be unvaccinated unless the Dog Owner provides certification from a professional veterinarian to the Village of Teslin certifying the dog has received a vaccination that currently protects it from contracting rabies.
25. Every animal bitten by a dog adjudged to be rabid shall forthwith be destroyed by a Designated Officer. Upon demand, the carcass of any dead animal that has been exposed to rabies shall be surrendered to a Designated Officer.

VICIOUS OR RESTRICTED DOGS

26. A Dog Owner of a Vicious Dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the Dog Owner, keep the dog muzzled and

on a leash and under the control of a responsible person over the age of eighteen (18) to prevent it from biting another animal or human.

27. A Dog Owner of a Vicious Dog shall at all times, while the dog is on land or premises owned or occupied by the dog owner, keep the dog securely confined either indoors or in an enclosure.
28. Any owner, harbourer, or possessor of a Vicious Dog shall advise the Village Office within two (2) days of a change of address within the Village.
29. The property must display a sign at the entrance to the property warning in writing that there is a Vicious Dog on the property.
30. The owner of a Vicious Dog shall have a policy of liability insurance in force, satisfactory to the municipality, in the amount of at least five hundred thousand dollars (\$500,000.00). Proof is to be supplied to the Village of Teslin within ten (10) working days of the dog being declared a Vicious Dog.

UNREASONABLE NOISE BY DOGS

31. Every owner who permits, or fails to prevent, a dog from making unreasonable noise or disturbing the quiet of any person is subject to the penalties enumerated in Schedule "A" for a first and second offence.

ENFORCEMENT, SEARCH AND SEIZURE

32. The provisions of this bylaw shall be enforced by a Designated Officer of the Village of Teslin.
33. The necessary paperwork shall be completed and appropriate fine levied at the time of the infraction.
34. Upon demand being made by a Designated Officer, an owner who fails to surrender a dog that is subject to destruction pursuant to this bylaw commits an offence.
35. No person, whether or not he or she is the owner of a dog which is being, or has been pursued or seized shall interfere with, or attempt to obstruct, a Designated Officer who was attempting to seize, or who has seized, any dog in accordance with the provisions of this bylaw.
36. A Designated Officer shall have the authority to enter upon any land and make whatever inquiry is deemed necessary to ensure compliance with the provisions of this bylaw.
37. Pursuant to the provisions of the Criminal Code of Canada, for any violation of this bylaw, a justice may at any time issue a warrant authorizing a Designated Officer who is named in the warrant to apply the search and seizure provisions of the Criminal Code.

PENALTIES

37. Any person who contravenes any provision of this bylaw is guilty of an offence.
38. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
 - (38.1) a voluntary fine under section 20 of the *Summary Convictions Act* of the Yukon, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this bylaw; or
 - (38.2) a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for six (6) months or to both where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
 - (38.3) a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six (6) months or both where proceedings are commenced pursuant to section 9(1) of the *Summary Conviction Act* of the Yukon.
39. Where an offender is convicted of an offence under this bylaw, the Judge may, in addition to any other measure imposed on the offender, order that the offender pay restitution pursuant to section 738 of the *Criminal Code of Canada*, as amended.
40. Should any person owing or occupying real property within the Village of Teslin refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Designated Officer may inform such person in default that if these charges are unpaid on the thirty-first (31st) day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

REPEAL OF PREVIOUS LEGISLATION

41. Bylaw #97-91 and #00-115 are hereby repealed.

COMING INTO FORCE

42. This bylaw shall come into force and effect on and from the 12th day of September, 2005.

READ A FIRST & SECOND TIME THIS 25TH DAY OF JULY, 2005

READ A THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF SEPTEMBER, 2005.

Mayor, Clara Jules

SCHEDULE "A"
VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 5	Unlicensed Dogs	\$100.00
Section 7	Misuse of Dog License Tag	\$150.00
Section 16	No Tags on Dog	\$50.00
Section 21.3.1	Licensed Dog Running at Large (1 st Offense)	\$75.00

Section 21.3.2	Licensed Dog Running at Large (2 nd Offense)	\$150.00
Section 21.3.3	Licensed Dog Running at Large (3 rd Offense)	\$300.00
Section 26	Failure to Muzzle Dog	\$200.00
Section 27	Vicious Dog at Large	\$200.00
Section 29	No Sign	\$100.00
Section 30	No Insurance	\$100.00
Section 31	Unreasonable Noise (1 st Offence)	\$50.00
Section 31	Unreasonable Noise (2 nd Offense)	\$100.00
Section 34	Non-Surrender of Dog Subject to Destruction	\$200.00
Section 35	Interference with Designated Officer	\$500.00