

TOWN OF FORT SMITH

DOG CONTROL BYLAW #678

A BYLAW of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories, for the control, licensing and prevention of cruelty to dogs.

PURSUANT to sections 115 and 116 of the Cities, towns and Villages Act, R.S.N.W.T., 1988. C.C.-8, and the provisions of the Dog Act, R.S.N.W.T., 1988. C.D.-7.

WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith deems it desirable to provide for the regulation, control, licensing and prevention of cruelty to dogs.

NOW, THEREFORE, the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories, in regular session duly assembled, hereby enact as follows:

1.0 SHORT TITLE

This Bylaw shall be cited as the "DOG CONTROL BYLAW"

2.0 INTERPERTATION

In this Bylaw:

- (a) "Council" means the Municipal Corporation of the Town of Fort Smith;
- (b) "Dog" means a male or female dog and an animal that is a cross between a dog and a wolf;
- (c) "Dog Officer" means a person(s) appointed from time to time by the SAO to carry into effect the provisions of this Bylaw and includes any person acting in his place for the time being and any Town employee acting under his direction;
- (d) "Dog Pound" or "Pound" means a place of confinement for dogs as may from time to time as designated by Council;
- (e) "Dog Teams" means more than two dogs which are owned by one or more owners or a business used for recreational purposes or those which are normally used for subsistence living off the land and are owned by one person;
- (f) "Dog License/Dog Tag" means a license and/or tag issued under this bylaw;
- (g) "Muzzle" means a device used to secure a dog's mouth in such a fashion that it cannot bite;
- (h) "Neutered or Spayed Dog" means a dog certified by veterinarian people as being sexually sterile;
- (i) "Nuisance Dog" means a dog that has been captured a third (3rd) time and/or a dog that has been observed as often being at large;
- (j) "Officer" means a person(s) appointed to enforce the Bylaws of the Town of Fort Smith and any Peace Officer who is authorized to enforce the Bylaws of the Town of Fort Smith;
- (k) "Owner" means any person, partnership, association or corporation, that has legal title to the dog, and includes any person who has possession or custody of the dog, either

- temporarily or permanently, or harbours the dog or suffers the dog to remain on his property;
- (l) "Provocation" means any act that incites anger in any dog. Simply walking into or passing by a yard that is harbouring a dog is not considered a definition of provocation;
 - (m) "Quarantine" means to isolate a dog, in a secure place, from contact with any person or animal;
 - (n) "Running at Large" means any animal off the premises of its owner or on the property of another person without that person's consent and/or any dog when not under the immediate physical control of any person by a leash not longer than six (6) feet and/or any dog not under the physical control of any person;
 - (o) "SAO" means the Senior Administrative Officer of the Town of Fort Smith;
 - (p) "Town" means the Municipal Corporation of the Town of Fort Smith;
 - (q) "Vicious Dog" means and includes any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals and/or humans and any dog that has bitten another domestic animal or human without provocation;

All schedules and/or maps to this bylaw form a part of this bylaw.

3.0 REGISTRATION AND LICENSING

- 3.1 No person(s) shall own a dog within the Town of Fort Smith unless the dog is licensed in accordance with the provisions of the bylaw.
- 3.2 The SAO may enter into contracts with one or more licensed businesses in the Town for the purpose of issuing dog licenses.
- 3.3 The owner(s) of any dog, excluding working dogs and nursing dogs under the age of (3) three months being kept with their mother for the purpose of nursing, shall obtain a license for the dog from the SAO or a person appointed to act on his behalf, prior to the beginning of each licensing year. When any dog, not nursing, attains the age of (3) three months after the commencement of the licensing year, the owner(s) shall obtain a license in the same manner as if the owner's dog had attained the age of (3) three months prior to the commencement of a dog licensing year. A dog-licensing year shall be from January 1, in one year, to December 31, in the same year.
- 3.4 Every owner of a dog applying for a dog license shall produce the following:
 - Name, street address and postal address of owner;
 - Name and description of the dog to be licensed;
 - Current, valid certificates evidencing that vaccination, including rabies, for the dog to be licensed, must be produced at the time of licensing. Every dog not so vaccinated is deemed dangerous to the health and safety of the Town's inhabitants;
 - Such other information as may be required by the Town.

- 3.5 Where application for a dog license has been made and all qualifications and conditions have been met a dog license (tag) will be issued, upon payment of the appropriate fee. These fees are as follows:
- For each un-neutered male or female dog \$25.00
 - For each spayed female dog \$10.00
 - For each neutered male dog.\$10.00
 - For any animal attaining the age of (3) three Months after June 30th or for a new resident
 - Application after June 30th ½ the appropriate annual fee.

- 3.5.1 *All dog owners that are in possession of more than two dogs, that were licensed under the previous bylaw, will be allowed to keep possession of them provided that they are now licensed as follows:*
- Annual kennel fee \$75.00*
 - Each dog \$5.00*

Dog Teams

- Annual kennel fee \$75.00*
- Each dog \$5.00*

- 3.5.2 Before licensing of any dog as a spayed bitch or a neutered male, the person applying for a license shall produce a certificate from a duly registered veterinarian or such other certification, as the SAO considers adequate, that verifies such dog/s as either spayed or neutered.

- 3.5.3 Any person who is visually impaired and requires the assistance of a guide dog shall, upon application, be issued a dog license tag at no cost

- 3.6 Upon payment of the licensing fee by the owner(s) and compliance with any related sections of this bylaw, the SAO shall issue to the owner a metallic tag for each dog licensed.

Dog licenses shall not be transferable from one dog to another.

- 3.7 Every person who becomes the owner of a dog, which has a valid license (tag), shall notify the SAO within fifteen (15) days of assuming possession of the dog, of his name, municipal address, postal address and the number of the dog's license tag.

- 3.8 A dog license tag shall be dated the date of issue and shall expire on December 31st following the date of issue. No refund of the license fee or any portion thereof shall be made where death or removal of the dog from the Town has occurred before the expiration of the license period.

- 3.9 Every person who obtains a dog license shall cause their dog to wear around it's neck at all times, a collar which shall have attached the metallic tag issued by the SAO.

- 3.10 If the metallic tag issued under the provisions of this bylaw is lost, the owner may obtain a new tag on application to the SAO and a payment fee of \$2.00 (two dollars).

- 3.11 The SAO shall keep a book in which he shall record the name and address of the owner, a description of the dog, the license registration number and the amount of fee paid.

4.0 VISITORS, TOURISTS AND THEIR DOGS

- 4.1 The registration and licensing provisions of this bylaw shall not apply to owners with dogs who are in the Town of Fort Smith for a period of less than thirty (30) days.
- 4.2 All other provisions of this bylaw are applicable to the owners of dogs who are in the Town of Fort Smith for any temporary period regardless of the length of their stay.

5.0 RESPONSIBILITY OF OWNER

- 5.1 No owner shall permit his dog to run at large;
- 5.2 No owner shall allow his dog to pursue or bark at any vehicle;
- 5.3 No owner shall allow his dog to pursue or bark at any person or animal;
- 5.4 No person shall allow his dog to disturb the peace and quite of any person by howling or barking;
- 5.5 No person shall allow his dog to enter or be in any area where Town signs are erected to restrict or prohibit entry;
- 5.6 No person shall run a dog in a harness so as to obstruct or endanger traffic or pedestrians;
- 5.7 No owner shall permit his dog to damage public or private property;
- 5.8 If a dog defecates on any public or private property other then the property of its owner, the dog's owner shall cause such defecation to be removed immediately.
- 5.9 No owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any streets or any public place that is not owned or controlled by that person unless the dog is leashed and muzzled to prevent it from biting another animal or human.
- 5.10 Every owner, possessor or harbourer of a vicious dog shall at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- 5.11 No dog shall be allowed outside the fenced area of any residence unless leashed and under full physical control.
- 5.12 *An owner shall provide a dog/s with adequate and reliable shelter at all times.*
- 5.13 *An owner shall ensure that the dog/s is properly secured and shall not be tied to trees or shrubs. This method of security shall provide adequate exercise space and an area the dog/s to move around in.*

5.14 *An owner shall provide sufficient food and water to keep the dog/s healthy and in good condition at all times.*

6.0 KEEPING OF DOGS

6.1 No person(s) shall keep more than two dogs on any property or within a household, save for pups under (3) months of age kept with their mother or when written permission has been obtained from Council.

- i) Any person seeking to obtain written permission shall:
 - a) Make application in writing to Council;
 - b) Provide details of the area in which the dogs are to be kept;
 - c) Furnish to Council, written consent from all adjacent property owners.
- ii) If Council is satisfied that there is sufficient space for the dogs to be kept under reasonable control and without danger to health, it may grant such person consent in writing, but such consent is at all times subject to the requirement that the dogs are under control to the satisfaction of the Bylaw Officer.
- iii) A person in possession of a valid kennel license may keep more than two (2) dogs on a property in accordance with the conditions attached to this license.

7.0 DOG TEAMS

7.1 No person(s) shall be permitted to keep dog teams anywhere in the municipality except in the approved areas as shown on "Map A" attached to and forming part of this bylaw.

7.2 All existing dog team owners presently located outside of the area identified in "Map A" will be considered as existing non-conforming. As their properties change ownership this non-conforming condition will cease to exist and the new owners desiring to have dog teams will be required to immediately re-locate their dog to areas as per "Map A".

7.3 Owners of dog teams shall be permitted to keep dog teams only in:

- (i) An approved kennel, minimum size shall be 4' x 8'
- (ii) An approved permanent dog team area as shown on "Map A"
- (iii) An approved temporary dog team area as shown on "Map B" attached to and forming part of this bylaw.

7.4 Upon application to the SAO, using the form as set out in Schedule "B", attached to and forming part of this bylaw, the owner will register an area within the approved dog team area, where the dog team shall be located.

7.5 The owner of the dog team, where his dog team is located, must keep the kennels, cages and runs cleaned as needed.

7.6 The SAO shall keep a record of all dog team registrations and shall specifically record:

- (i) The name, address and telephone number of the owner,
- (ii) The number and descriptions of the dogs located in the approved area,
- (iii) A description of the location within the approved permanent dog team area,
- (iv) A description of the location within the approved temporary dog team area.
- (v) Dogs must be properly secured and shall not be tied to trees or shrubs.
- (vi) All dogs must be provided with adequate shelter.

7.7 Each dog must be fed sufficient food and water to keep the dogs healthy and in good condition at all times.

7.8 All dogs in the approved dog team area must have current vaccination immunization against distemper, rabies, hepatitis, parvovirus and Para influenza. Owners of dog teams may be requested to provide certificates of vaccinations or evidence that vaccinations have been performed.

7.9 Dog teams may be secured in the approved temporary dog team area, as shown on "Map B", attached to and forming part of this bylaw, for a maximum of seven (7) days. Extensions may be approved by the SAO.

8.0 DOG BITES AND ATTACKS

8.1 Any dog that causes injury to any person or domestic animal, by biting without provocation, to such an extent that medical or veterinary attention was received by the person or domestic animal, shall be immediately seized by the Dog Officer and quarantined for a period of ten (10) days for monitoring purposes, and upon completion of the ten (10) day period, be destroyed. All costs of the quarantine are the responsibility of the dog's owner.

8.2 Any dog that causes injury to any person or domestic animal, by biting as a result of being provoked, to such an extent that medical or veterinary attention was received by the person or domestic animal, must be secured in a voluntary quarantine by the dog's owner for a period of ten (10) days for monitoring purposes. Upon completion of the ten (10) day period and should the dog exhibit no signs or symptoms of infection or disease, the dog may be released from quarantine. Any person whom fails to properly secure a dog in voluntary quarantine is guilty of an offence.

8.3 The Dog Officer shall inspect, when necessary, any dog that is in voluntary quarantine to determine if the dog is exhibiting any signs or symptoms of infection or disease, and is hereby authorized to enter any privately owned premises, other than dwellings, at reasonable times to do so. Should the dog exhibit signs or symptoms of infection or disease, the dog will be immediately seized

by the Dog Officer and examined by a veterinarian. The disposal of the dog will be at the veterinarian's discretion. All veterinarian fees and/or costs will be the responsibility of the dog owner.

8.4 Any person who owns a dog that has bitten or attacked any person or domestic animal as a result of being provoked must post in a conspicuous manner no less than one (1) sign containing the words "Beware of Dog" at or near the edge or perimeter of the property where the dog is located.

9.0 VICIOUS, FEROCIOUS OR INFECTED DOGS

9.1 Notwithstanding the provisions of this bylaw, the SAO shall refuse to issue a tag for any dog, which is known to be vicious, or is likely to cause a public nuisance.

9.2 Notwithstanding the provisions of this bylaw, where in the opinion of the Dog Officer a vicious dog running at large is not able to be captured or attacks the Dog Officer while he is attempting to capture the dog, the Dog Officer may destroy the said dog.

10.1 CRUELTY

10.1 No person shall punish or abuse any dog within the Town in a manner or to such an extent that it is cruel, including but not limited to allowing any dog owned, possessed or harboured by a person to remain unfed and/or unwatered.

11.0 DOGS AT LARGE

11.1 An Officer or Dog Officer may take whatever actions are required to seize a dog found at large and deliver all live captured dogs to the dog pound for impoundment.

11.2 Any person may seize a dog found at large and deliver such dog to an Officer or to the dog pound.

11.3 The Dog Officer may destroy any dog, running at large, if he is unable to effect seizure of the dog.

11.4 Any person may use such force as is necessary to prevent injury to any person being attacked by a dog or dogs.

11.5 A Dog Officer may destroy a dog that is in the act of pursuing, attacking or injuring a person or domestic animal.

12.0 EMERGENCY SITUATIONS

12.1 In the interest of public health and the prevention of contagious and infectious diseases, in the event of any threatened outbreak of rabies or other diseases affecting dogs, which is communicable to human beings within the Town, the Council shall by resolution direct:

- (i) That no dog shall be allowed outside any residence;

- (ii) That any dog so found shall be impounded and/or destroyed by the Dog Officer as the circumstances at the time indicate.

13.0 RABID DOGS

- 13.1 Any dog found to be rabid shall be immediately impounded and/or destroyed by the Dog Officer.**

14.0 DUTIES OF THE DOG OFFICER

- 14.1 Capture all dogs running at large.**

- 14.2 Impound and keep impound all properly licensed dogs for a period of seventy-two (72) hours, all improperly licensed dog for forty-eight (48) hours from the time of capture. These specified periods shall not run during weekends or holidays. These times of impoundment shall be subject to the owner's right to redeem the said dog within this period after payment of all fines and fees levied in accordance with this bylaw. Reasonable effort will be made to notify the owners of properly licensed dogs upon capture of their dog.**

- 14.3 Impose and collect all fines and fees and ensure that any released dog is licensed and wearing a licensed tag before any dog is released from the pound.**

- 14.4 Upon expiry of the hours of impoundment all licensed dogs will be made available to the Fort Smith Animal Shelter for adoption. All adopted animals must be neutered before adoption. Upon acceptance and adoption of the said dog a fee not to exceed seventy-five (75) dollars shall be paid to the Town of Fort Smith to cover all pound and licensing fees. The adopting owners must execute a statutory declaration, confirming that the purchaser is neither the owner nor agent of the owner of the dog and releasing and indemnifying the Town from any liability associated with the dog.**

- 1) For purposes of this section, a dog liable to be destroyed or adopted pursuant thereto, shall be deemed to have been abandoned by its owner(s) and the owner(s) shall be deemed to have divested himself or herself from any right of ownership or corollary interest.**

- 14.5 A charge of fifteen (15) dollars per day shall be payable by the owner for each day or part of a day that the dog is impounded. Council may change these fees and terms of impoundment from time to time.**

- 14.6 Use such force as is necessary to seize or capture a dog running at large or in the act of pursuing, attacking, injuring, killing or destroying a person, another animal or property.**

- 14.7 In enforcing this bylaw, but not for the purpose of investigation only, the Dog Officer is hereby authorized to enter any privately owned premises at reasonable times. In this section premises does not include a building used as a dwelling house.**

- 14.8 Any dog captured running at large for the third time shall be destroyed.**

14.9 Notwithstanding the provisions of any other bylaw, when in the opinion of the Dog Officer, a dog captured under this bylaw is injured and should be destroyed without delay to prevent cruelty to that dog, the Dog Officer may destroy the dog after capture.

14.10 The Dog Officer may seize and impound and thereafter destroy any dog that is vicious or has a contagious or infectious disease.

15.0 FIREARMS

15.1 This section only applies to dogs running at large.

15.2 The Dog Officer is permitted to use firearms or tranquilizer guns or any other equipment as authorized from time to time by Council in the execution of his duties.

15.3 The Town or the Dog Officer is not responsible and will not pay any form of compensation for any dog destroyed or injured from enforcement of this bylaw.

15.4 Notwithstanding the provisions of any other bylaw enacted by the Town of Fort Smith, the Dog Officer shall, when using firearms in the course of his duties under this bylaw, be exempt from the provisions of any bylaw regulating the discharge of firearms within the Town.

15.5 Where the Dog Officer after reasonable efforts is unable to seize a dog that is running at large, then the Dog Officer may destroy the dog. The method of destruction shall be by shotgun of not less than twelve (12) gauge, or a rifle.

16.0 OFFENCES

16.1 Keeping of any dog that is not licensed according to this bylaw.

16.2 Keeping of a dog that in the opinion of Council is likely to cause a nuisance.

16.3 No person, whether or not he is the owner of a dog which is being or has been pursued or captured shall:

- 1) Interfere with or attempt to obstruct the Dog Officer who is attempting to capture or has captured a dog in accordance with the provisions of this bylaw;
- 2) Unlock or unlatch or otherwise open the vehicle in which dogs captured by the Dog Officer have been placed, so as to allow or attempt to allow any dogs to escape therefrom;
- 3) Remove or attempt to remove any dog from the possession of the pound or the Dog Officer contrary to the provisions of this bylaw;
- 4) Tamper with any form of live traps put in place anywhere in the Town by the Dog Officer;
- 5) Remove, release or attempt to remove or release any dog caught in any form of live trap put in place anywhere in the Town by the Dog Officer;

- 16.4 No person shall interfere, obstruct or attempt to interfere or obstruct a Dog Officer while removing or capturing a dangerous or vicious dog on private property.
- 16.5 No person, whether or not he is the owner of the dog shall remove or attempt to remove a dog or dogs from the Pound, except in accordance with the provisions of this bylaw.
- 16.6 No person shall intentionally provoke any dog or release any dog from its owner's property by opening a gate or fence, by detaching its leash or collar or by any other means.
- 16.7 Any owner of a bitch which is not confined during the whole of those periods when she is in heat is guilty of an offence.
- 16.8 Any owner that abandons a dog(s) or neglects a dog's welfare is guilty of an offence
- 16.9 Any person who contravenes any of the provisions of this bylaw is guilty of an offence.

17.0 SUMMARY CONVICTION

17.1 Any person(s) violating any provision of this bylaw is guilty of an offence and is liable upon Summary Conviction to a fine and imprisonment not exceeding:

- 1) two thousand (2000) dollars for an individual;
- 2) ten thousand dollars for a Corporation; or
- 3) imprisonment for a period not exceeding six (6) months; or
- 4) both fine and imprisonment.

18.0 OFFENCES AND RELATED FINES

OFFENCE	FINES		
	1 st OFFENCE	2 nd OFFENCE	3 rd AND SUBSEQUENT OFFENCE
Harbouring more than two (2) dogs	\$50.00	\$100.00	\$150.00
Permit dog to run at large	\$50.00	\$100.00	N/A
Permit dog to disturb peace by barking or howling	\$50.00	\$100.00	\$150.00
Fail to remove dog's defecation	\$50.00	\$100.00	\$150.00

Fines replaced by Bylaw 788

See Bylaw 288

Possession of an unlicensed and/or tagged dog	\$75.00	\$150.00	\$300.00	
Keep dog team in unapproved kennels and/or zone	\$100.00	\$150.00	\$300.00	
Fail to register dog team	\$100.00	\$150.00	\$300.00	
Fail to keep dog team area clean	\$100.00	\$150.00	\$300.00	
Cruelty towards dog(s)	\$150.00	\$300.00	\$500.00	
Fail to secure dog(s) infected with communicable disease	\$50.00	\$100.00	\$200.00	
Obstruction with Dog Officer	\$150.00	\$300.00	\$500.00	
Remove dog(s) from pound or Dog Officer	\$150.00	\$300.00	\$500.00	
Intentionally provoke dog or release from owner's property	\$150.00	\$300.00	\$500.00	
Remove dog(s) from any live trap	\$150.00	\$300.00	\$500.00	

See bylaw 788

Fail to properly secure dog held in voluntary quarantine	\$75.00	\$150.00	\$300.00	
Fail to post Beware of Dog sign	\$75.00	\$150.00	\$300.00	
Failure to confine bitch in heat	\$75.00	\$150.00	\$300.00	
Abandon or neglect a dog(s)	\$75.00	\$150.00	\$300.00	
Keep dogs in unapproved kennels and/or zone	\$150.00	\$300.00	\$500.00	

19.0 REPEALS

Bylaw #645 is hereby repealed.

20.0 EFFECT

This Bylaw shall be in effect upon receiving Third and Final Reading and otherwise meets the requirements of Sections 57, 115 and 116 of the Cities, Towns and Villages Act and The Dog Act.

READ A FIRST TIME THIS 27 DAY OF March 2001 A.D.

READ A SECOND TIME THIS 29 DAY OF May 2001 A.D.

READ A THIRD TIME THIS 19 DAY OF June 2001 A.D.

P. Martindale
MAYOR

Ray Scott
SENIOR ADMINISTRATIVE OFFICER