



HAMLET OF ENTERPRISE

**BYLAW #2013-41
"ANIMAL CONTROL BYLAW"**

*Approved: July 24, 2013
Motion: 2013-07-129*

**HAMLET OF ENTERPRISE
BYLAW #2013-41**

BEING A BYLAW OF THE HAMLET OF ENTERPRISE, A MUNICIPAL CORPORATION IN THE NORTHWEST TERRITORIES, to provide for the regulation, keeping and control of animals within the municipal boundaries of Enterprise, pursuant to the provisions of the Hamlets Act, S.N.W.T., 2003, c. 22, s.72 (1) (a) and s. 72 (1) (i) and to the provisions of the Dog Act, S.N.W.T., 1988, c. D-7.

WHEREAS the Council of the Hamlet of Enterprise may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and to regulate domestic and feral animals and activities in relation to them; in Enterprise,

NOW, THEREFORE, the Council of the Hamlet of Enterprise, in regular session, duly assembled, enacts as follows:

ARTICLE 1 – CITATION OF BYLAW

- 1.1 This bylaw may be cited as the “Animal Control By-Law”.

ARTICLE 2 – DEFINITIONS

- 2.1 In this bylaw:
- a) “animal” means traditionally domesticated animals including, but not limited to dogs.
 - b) “animal shelter” means those premises used by the Hamlet on those lands described as Lot 7, Block 8, Plan 3982 or on property in the Town of Hay River for the purpose of impounding animals and includes those premises operated by a humane society for the purpose of providing shelter to animals.
 - c) “attack” means to set upon with force, and also means to seek to hurt or defeat.
 - d) “Council” means the Council of the Municipal Corporation of the Hamlet of Enterprise.
 - e) “dangerous dog” is defined by way of example but not of limitation as a dog
 - i) that has bitten, attacked or killed a domestic animal, without provocation, on public or private property; or
 - ii) that has bitten, or attacked a human being, without provocation, on public or private property; or
 - iii) is kept for the purpose of providing security or protection to persons or property; or
 - iv) has shown the disposition or tendency to be threatening or aggressive.
 - f) “designated officer” means an employee of the Hamlet of Enterprise or an authorized representative as designated by the Senior Administrative Officer. For the purposes of this bylaw, a designated officer shall be a Peace Officer within the meaning of the Criminal Code of Canada, and shall be deemed to be employed for the preservation and maintenance of the public peace.

- g) "dog" means a male or female domesticated dog and an animal that is a crossbred between any other canine animal and a dog.
- h) "domesticated" means an animal that is tame in nature and that is traditionally kept by or living with humans.
- i) "Enterprise" means all lands within the Community Boundaries of Enterprise.
- j) "Hamlet" means the Municipal Corporation of the Hamlet of Enterprise.
- k) "kennel" means an establishment for the breeding and/or boarding of dogs.
- l) "kennel operator" means a person who owns or operates a kennel.
- m) "licensed veterinarian" means a person licensed as a veterinarian or licensed to provide veterinary services in the Northwest Territories.
- n) "Medical Health Officer" means the person appointed by the Commissioner in Executive Council to act as a Health Officer.
- o) "Neutered" means sexually sterile regardless of sex and includes a dog that has been certified by a veterinarian as too old, or physically unable to be neutered.
- p) "Nuisance animal" is defined by way of example but not of limitation as:
 - i) an animal that 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.
 - ii) an animal that is maintained in an unsanitary environment that 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.
 - iii) an animal that is 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.
 - iv) an animal that 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 and enjoyment of neighbouring properties.
 - v) an animal that is maintained without adequate medical treatment and that is diseased or dangerous to the public health.
 - vi) an animal that chases, snaps at, or attacks, pedestrians, bicycles, or other vehicles, or animals being walked on a leash.
- q) "Officer" means a member of the Royal Canadian Mounted Police (RCMP) or a Bylaw Enforcement Officer or a Dog Officer appointed by Council to enforce bylaws.
- r) "owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
- s) "property" means land and improvements uniquely identified on the Municipal Assessment Roll of Enterprise.
- t) "provide" means to fit out or furnish with what is needed, to make provision for a present need, and make adequate preparation for a future need.
- u) "residence" means a person's dwelling place or place of habitation and includes, but is not limited to an apartment, duplex, or suite in a house.

- v) "running at large" means a situation where an animal is not on the property of the owner and not on a leash under the control of a responsible person.
- w) "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, and that has four walls, a roof and a floor.
- x) "Senior Administrative Officer" means the Senior Administrative Officer of the Hamlet of Enterprise.
- y) "special-needs dog" means any dog trained by a recognized and accredited institution to assist 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.
- z) "special permit" means a permit to own more than the permitted number of dogs as set out in the provisions of this bylaw.
- aa) "trap" means any device or machine that shuts suddenly with a spring and is used for the capture of live animals.
- bb) "wild animal" means an animal belonging to a species indigenous to the Northwest Territories and not normally domesticated or tame in nature.

2.2 Where words and expressions used in this bylaw are defined in the *NWT Dog Act*, their definition in that Act shall apply to this bylaw.

ARTICLE 3 – PROVISION OF NEEDS

- 3.1 Every person who keeps an animal within Enterprise shall provide the animal or cause it to be provided with:
- (a) Clean, fresh 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;
 - (b) Food and water receptacles kept sanitary and located so as to avoid contamination by excreta;
 - (c) 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
 - (d) Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
- 3.2 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:
- (a) A total area that is at least twice the length of the animal in all directions;
 - (b) A house or shelter that has sufficient space to allow the animal the ability to turn around freely and lie in a normal position, and that will provide protection from heat, cold and wet appropriate to the animal's weight and type of coat.

- 3.3 Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall regularly, and not less than once weekly, clean and sanitize the area and remove all excreta from the pen or run area where the animal normally resides or is kept outside unsupervised for extended periods of time.
- 3.4 No person shall cause an animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- 3.5 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.
- 3.6 No person shall keep an animal in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent 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 dwelling, office, hospital or commercial establishment.

ARTICLE 4 – KENNELS

- 4.1 Every person who owns or operates a kennel shall obtain a license to operate such kennel pursuant to the provisions of the Business Licence Bylaw.
- 4.2 Every person who owns or operates a kennel shall comply with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, September 1994).
- 4.3 Every person who owns or operates a kennel shall comply with all applicable bylaws of Enterprise.
- 4.4 Where an owner or operator of a kennel fails to comply with a bylaw of Enterprise, the dog licence may be suspended or revoked.
- 4.5 Every person who owns or operates a kennel shall permit a Designated Officer, upon production of proper identification, to enter and inspect the kennel at all reasonable times for the purpose of determining compliance with this bylaw.
- 4.6 Where a Designated Officer finds that the owner or operator of a kennel does not comply with any section of this bylaw, the Designated Officer may direct that the animals be seized and impounded. All costs associated with the seizing and boarding of the dogs will be the responsibility of the operator of the kennel.

ARTICLE 5 - SPECIAL ACCOMODATION

- 5.1 A maximum of two animals at any time shall be permitted to occupy any residence within Enterprise except in designated areas by Council as indicated in the Enterprise Community Plan and Zoning Bylaw, and in hotels, bed and breakfast establishments in which the owners of the animals are temporary residents of Enterprise for a period not exceeding one month.
- 5.2 Notwithstanding section 5.1, the Senior Administrative Officer may issue a special permit authorizing three or more animals to occupy any residence, upon receipt of a written application, as follows:
- (i) the application shall be completed by the owner of the animals on a form supplied by the Hamlet, and shall be accompanied by a Rabies, Distemper, Parvo, Adeno Virus and Hepatitis vaccination certificate;
 - (ii) the licence application shall be reviewed by a Designated Officer who shall proceed with home visits and neighbourhood enquiries of those properties situated within a minimum of a one hundred meter radius of the applicant's residence or such further area as deemed necessary by the Designated Officer;
 - (iii) a written report and recommendation shall be completed by the Designated Officer and submitted to the Senior Administrative Officer; and
 - (iv) the Senior Administrative Officer shall, within ten days, upon receipt of the report and recommendation, make a decision and thereafter shall serve upon the applicant, or send by certified mail, written notice of the decision that shall include a copy of the Bylaw and the appeal provisions therein.
- 5.3 Section 5.1 does not apply to a properly licensed kennel, veterinary clinic or animal shelter, or a person who has a recognized and accredited special needs dog that is registered with the Hamlet.
- 5.4 Notwithstanding the provisions of section 5.1 and 5.2 of this bylaw, any person within the municipal boundaries of the Hamlet who, at the time of passage of this bylaw, owns more than the permitted number of dogs and is in lawful possession of them, shall be permitted to continue to own more than the permitted number of dogs. In this case, the owner may be provided a special permit. The owner shall not, until in compliance with this bylaw,
- (a) Own any additional dogs; or
 - (b) Replace any dog that is owned at the time of passage of this bylaw and which dies or is sold or given away.
- 5.5 Every owner of more than two dogs for the purpose of maintaining a dog team shall apply to the Senior Administrative Officer in writing for an exemption from section 5.1 of this bylaw.

- 5.6 Where the Senior Administrative Officer provides such exemption, the Owner of a dog team shall:
- (i) include in the application a Rabies, Distemper, Parvo, Adeno Virus and Hepatitis vaccination certificate for each dog;
 - (ii) provide adequate spacing and fencing with a minimum height of two metres;
 - (ii) the application shall be reviewed by a Designated Officer who shall proceed with home visits and neighbourhood enquiries of those properties situated within a minimum of a three hundred meter radius of the applicant's residence or such further area as deemed necessary by the Designated Officer;
 - (iii) a written report and recommendation shall be completed by the Designated Officer and submitted to the Senior Administrative Officer; and
 - (iv) the Senior Administrative Officer shall, within ten days, upon receipt of the report and recommendation, make a decision and thereafter shall serve upon the applicant, or send by certified mail, written notice of the decision that shall include a copy of the Bylaw and the appeal provisions therein.
- 5.7 Notwithstanding section 5.6, no owner or any person in care and control of a dog team shall keep a dog team in any residential area other than Residential Zones R1 and R2 of the Hamlet Zoning Bylaw.
- 5.8 For the purposes of facilitating their participation in special events such as the Enterprise spring carnival or Itsago competition, an owner or any person in care and control of a dog team may keep a dog team for a period not exceeding three days within a community area designated for that event.

ARTICLE 6 - GENERAL PROVISIONS

- 6.1 The granting of any permit under this bylaw shall not relieve any person to whom such permit is issued from compliance with any other bylaw of the Hamlet.
- 6.2 Except in a designated off-leash area, no owner of a dog shall permit such dog 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.
- (a) The Designated Officer may designate off-leash areas where dogs, except dogs deemed dangerous or dogs being investigated as dangerous, are permitted to run at large, and may designate areas where organized and controlled canine events may be held, by causing signs to be posted identifying such areas.
 - (b) The owner of a dog lawfully running at large under this bylaw shall at all times:
 - (i) Keep the dog under control by verbal command;
 - (ii) Carry a leash not exceeding two meters in length;

- (iii) Clean up any feces left by the dog; and
- (iv) Ensure that the dog does not cause injury or damage to any person, other animal, or to any property.

- 6.3 The fine issued for an offence contrary to section 6.2, 6.4, 6.11 and 6.12 herein shall double for second and subsequent offences by an owner to a maximum fine of \$400.00 per offence.
- 6.4 No owner of an animal shall permit such animal to be upon any public property within the municipal boundaries of Enterprise unless such animal is on a leash that is held at all times by a person exercising control over the animal.
- (a) Notwithstanding any provision of this bylaw to the contrary, the Designated Officer may designate park facilities or other areas where dogs are prohibited by causing signs to be posted in such areas, in which case all dogs except special needs dogs, shall be prohibited.
 - (b) Unless otherwise posted, where a pathway or sidewalk passes through an area prohibited to dogs, dogs on a leash are permitted in such areas provided they remain on the defined pathway or sidewalk and are not running at large.
 - (c) Where a special event is organized to take place in a prohibited area, an application to vary these provisions may be made to the Senior Administrative Officer or the Designated Officer and written authorization maybe given to vary the enforcement of this bylaw. Such authorization may include conditions related to cleaning up and disposing of any feces.
 - (d) Where a special event is organized to take place, an application to vary any of the provisions of the Animal Control Bylaw may be made to the Senior Administrative Officer, and written authorization maybe given to vary any of the provisions of the bylaw. Such authorization may include conditions as deemed necessary by the Senior Administrative Officer.
- 6.5 Every owner of a female dog in heat shall confine such animal within a building or secure enclosure on the owner's property, or in a veterinary clinic or boarding kennel, in such manner as to prevent the dog from coming into contact with a male dog, as the case may be. Such confinement shall continue for the whole period the dog is in heat, except the said dog may be released from such confinement for intentional breeding purposes and for the purpose of defecating on the premises of the owner.
- 6.6 No owner of an animal shall allow such animal to become a nuisance animal.
- 6.7 No owner of an animal shall allow the animal to defecate on public land within Enterprise, or on private property other than the owner's property. It is not a violation of this section where the owner of an offending animal immediately cleans up and properly disposes of the feces.
- 6.8 Where a special event is organized to take place in Enterprise involving animals, the Designated Officer may give written authorization to an applicant to vary the

enforcement of this bylaw, and may apply conditions to the authorization for the purpose of ensuring that all feces from the animals involved is cleaned up and properly disposed of in a timely fashion.

- 6.9 Failure by a person to comply with the conditions set out in writing by the Designated Officer pursuant to this bylaw is an offence.
- 6.10 No owner of an animal shall allow such animal to damage public or private property. Where an animal does damage or destroy private or public property, it shall be deemed to have been done with the owner's consent.
- 6.11 No person shall interfere with or attempt to obstruct a Designated Officer who is attempting to seize or who has seized any animal in accordance with the provisions of this bylaw.
- 6.12 No person shall destroy, damage or otherwise interfere with any trap installed by a Designated Officer.

ARTICLE 7 - IMPOUNDMENT

- 7.1 The Hamlet hereby authorizes the maintenance and operation of animal shelters on those lands described as Lot 7, Block 8, Plan 3982, for the purpose of impounding animals.
- 7.2 A Designated Officer may seize any animal that is found running at large and may impound such animal in an animal shelter. If the facilities available at the animal shelter are unsuitable for such animal, the animal may be impounded in such other facilities as in the opinion of the Designated Officer are reasonable.
- 7.3 A citizen may catch or live trap and hold any animal that is found running at large, using a trap provided by the Designated Officer, provided that:
 - (a) The citizen demonstrates proficiency in using a live trap and in the care and handling of an animal caught in a live trap; and
 - (b) A trap is not left unattended and is checked on a regular basis; and
 - (c) Trapped animals are turned over to a Designated Officer forthwith.
- 7.4 Where an animal is impounded, the Designated Officer shall notify the owner of the impoundment where and when reasonably possible, and shall further inform the owner of the conditions under which custody of the animal may be regained.
- 7.5 Where any animal is impounded under the provisions of this bylaw, such animal may be recovered by the owner within 48 hours of being impounded on payment of the fees prescribed for the impoundment and for feed and care for each day or portion thereof that the animal was impounded.
 - (a) If the animal is seized after 6:00 p.m. on the last working day of the week, the fees shall be charged for each day over the course of the weekend.

- (b) If the Designated Officer impounds animal, an attempt shall be made to physically return the animal to the owner during the same day.
 - (c) If the animal is brought to the shelter, and the owner retrieves the animal before the completion of the hours of operation for the day, except in the case where the owner has had an animal impounded within the previous twelve month period, the owner will not be charged under the bylaw and will not be required to pay any fees.
- 7.6 The fine charged in relation to section 7.5 herein shall increase for second and subsequent offences by an owner.
- 7.7 For the purposes of the impoundment provisions of this bylaw,
- (a) Where more than one animal owned by an owner is impounded at the same time or at different times, each impoundment shall be considered to be separate and consecutive; and
 - (b) There shall be deemed to be a previous impoundment of the animal if the animal, or any animal owned by the owner, has been impounded in the previous twelve months.
- 7.8 In addition to the impoundment fees required to be paid pursuant to this bylaw, prior to the release of a animal from impoundment, the owner shall pay all outstanding fines relating to any infraction against this or any other bylaw.
- 7.9 A fee for the feed and care of an impounded animal shall not be charged by the Hamlet with respect to the day on which the animal is impounded provided that the animal is recovered by its owner on the day of impoundment.
- 7.10 Where an impounded animal has not been recovered by the owner in accordance with the provisions of this bylaw, the animal may be destroyed or may be sold to a person other than the owner, in which case the sale price may be calculated up to the amount of the impoundment fine plus the fee for care and feeding.
- 7.11 Where the ownership of an animal is known and the owner refuses to recover that animal or pay all of the associated impoundment fees, that person is guilty of an offence.
- 7.12 Any animal, other than a dog impounded under the provisions of this bylaw listed in Article 8, may be recovered by the owner on payment of the actual costs of seizure and impoundment together with the fees prescribed in the *Fees and Charges Schedule* for the impoundment, feed, and care for each day or portion thereof that the animal was impounded. If such animal is seized after 6:00 p.m. on the last working day of the week, the fees shall be charged over the course of the weekend.
- 7.13 Any animal other than a dog impounded under the provisions of this bylaw may be recovered on the day of impoundment.

- 7.14 Where the ownership of an impounded animal other than a dog can be determined by a Designated Officer, the Designated Officer shall notify the owner of the impoundment where reasonably possible, and shall further inform the owner of the conditions under which custody of the animal may be regained.
- 7.15 If the owner of any impounded animal other than a dog cannot be found or identified, or if the owner of such animal does not recover the animal within the prescribed recovery period and pay the prescribed fees and charges, then the Hamlet may transfer ownership of the animal by public auction or otherwise, or may destroy the animal.
- 7.16 The proceeds of any sale of an animal other than a dog shall be applied first to the impoundment fees and charges, then to the costs of the sale, and the balance, if any, shall be paid to the owner if the owner is located or contacts the Senior Administrative Officer within one month of the sale.
- 7.17 Notwithstanding any other provisions of this bylaw, where in the judgment of a veterinarian or the Medical Health Officer, an impounded animal should be destroyed for humane reasons, such animal shall forthwith be destroyed.
- 7.18 Notwithstanding any other provision of this bylaw, where a Designated Officer considers it to be in the interest of public safety to do so, he may, with the consent of the owner if the animal is on the owner's property, or without consent if the animal is running at large, forthwith destroy any animal that is in contravention of this bylaw, whether or not such animal is deemed to have an aggressive or vicious temperament.

ARTICLE 8 - RABIES CONTROL

- 8.1 Upon being brought to the notice of a Designated Officer, any unvaccinated animal that bites a person may be seized by a Designated Officer in accordance with the search and seizure provisions of this bylaw, and placed under quarantine for a period of not less than fourteen days at the animal shelter. For the purposes of this section, an animal shall be deemed to be unvaccinated unless the owner provides a certificate acceptable to the Designated Officer certifying that the animal has received a vaccination that currently protects the animal from contracting rabies. Such animal shall not be released from quarantine except with the written approval of the Medical Health Officer or the Senior Administrative Officer, and before release, such animal shall be vaccinated at the owner's expense.
- 8.2 The owner of any animal quarantined pursuant to the rabies control provisions of this bylaw shall be required to pay the prevailing fees for the entire duration the animal remains in the animal shelter. All fees must be paid in full prior to the animal being released to the owner.

- 8.3 Where any animal has been quarantined pursuant to the rabies control provisions of this bylaw and has not been retrieved by the owner within one day of the completion of the quarantine period, the animal shall be deemed to have been abandoned by the owner and may be disposed of by the Hamlet.
- 8.4 The quarantine required under the rabies control provisions of this bylaw shall be carried out at the Enterprise Shelter or any other area so designated by the Designated Officer.
- 8.5 Where any animal has been diagnosed as being rabid or is suspected by a veterinarian or a Medical Health Officer as being rabid, or dies while under quarantine, the Designated Officer shall immediately send the head of such animal to a laboratory for pathological analysis, and the Designated Officer shall notify the Medical Health Officer of any known human contacts and of the diagnosis made of the suspected animal after pathological examination.
- 8.6 Every animal bitten by a rabid animal shall forthwith be destroyed by direction of a Designated Officer or, at the owner's option and expense, shall be treated for rabies infection by a veterinarian.
- 8.7 Except as provided in section 9.1, no person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, nor remove such animal from Enterprise without written permission from a Designated Officer or the Medical Health Officer.
- 8.8 Upon demand, the carcass of any dead animal that has been exposed to rabies shall be surrendered to a Designated Officer or to the Medical Health Officer.

ARTICLE 9 - DANGEROUS DOGS

- 9.1 Where a Designated Officer has reasonable grounds to believe a dog is a dangerous dog, the Designated Officer shall provide a written report to the Senior Administrative Officer requesting that the dog be declared a dangerous dog.
- 9.2 Upon receipt of a written report as set out in section 9.1, the Senior Administrative Officer shall give written notice to the owner of the dog at least five days in advance of a decision on whether or not to declare the dog dangerous by serving a notice upon the owner or by mailing same by certified mail to the last known address of the owner. The notice shall include:
- (a) The written report of the Designated Officer;
 - (b) A copy of the dangerous dog provisions contained in this bylaw; and
 - (c) A statement that if the dog owner does not, within five days of the receipt of the notice, provide written reasons as to why the declaration should not be made, a determination on whether or not to deem the dog dangerous will be made without further notice.

- 9.3 Where a written statement from the dog owner is received pursuant to section 9.2 herein, the Senior Administrative Officer shall, within five days of the receipt of the statement, make a final determination with respect to declaring the dog dangerous, and thereafter provide written notice of the decision to the owner of the dog by serving the decision on the owner or by mailing the decision by registered mail to the last known address of the owner.
- 9.4 Where a written statement is not received from the dog owner within five days from the date of the written notice, the Senior Administrative Officer shall forthwith determine whether or not to declare the dog a dangerous dog.
- 9.5 Sections 9.1 through 9.4 do not apply where there has been a conviction under the dog bite provisions of this bylaw as set out herein.
- 9.6 Where a decision is made to declare a dog dangerous under the provisions of this bylaw, the Senior Administrative Officer shall notify the dog owner within forty-eight hours of the decision by serving a notice upon the owner of the decision or by mailing same by registered mail to the last known address of the owner.
- 9.7 Subject to section 9.2 herein, no person shall own a dangerous dog unless such dog is:
- (a) Confined within a secure enclosure, or unless such dog is securely muzzled and leashed when outside that secure enclosure; and
 - (b) Declared by declaration of the Hamlet as a dangerous dog; and
 - (c) Neutered.
- 9.8 At all times when off the owner's property, a dangerous dog shall be on a leash not longer than one meter in length and under the control of a responsible person over the age of eighteen.
- 9.9 A secure enclosure used to house a dangerous dog shall not be within one meter of the property line or within three meters of a neighbouring dwelling unit.
- 9.10 Subject to section 9.6 of this bylaw, a sign shall be displayed at each entrance to the property and building in which a dangerous dog is kept, warning in writing as well as with a symbol that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare
- 9.11 Subject to section 9.6 of this bylaw, the owner of a dangerous dog shall have a policy of liability insurance in force, satisfactory to the Hamlet, for a minimum of five hundred thousand dollars Canadian (\$500,000.00) to cover any future injuries caused by the dangerous dog. This policy shall contain a provision requiring The Hamlet to be named as an additional insured for the sole purpose that the insurance company shall notify the Hamlet of any cancellation, termination or expiration of the policy.

- 9.12 The Senior Administrative Officer shall have the discretion to modify the conditions for owning and maintaining a dangerous dog, and any modified conditions shall be set out in writing and include written reasons for the modified conditions.
- 9.13 A Designated Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the dangerous dog provisions of this bylaw.
- 9.14 The owner may not offer for adoption any dog that has been designated as dangerous under this bylaw.
- 9.15 No owner of a dog shall permit the 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.
(a) 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.
- 9.16 No owner of a dog shall permit such dog to bite any person without provocation, and where such dog has, without provocation, bitten any person it shall be deemed to have been done with the consent of the owner.
- 9.17 No owner of any dog shall permit such dog to bite, attack or harass any other tethered animal or any animal which is on its respective private property, and where such dog has bitten, attacked or harassed any animal it shall be deemed to have been done with the consent of the owner.
- 9.18 Upon conviction of an offence contrary to this bylaw, the dog set out in the complaint shall automatically be deemed a dangerous dog, and said conviction shall serve as the notice required pursuant to section 9.2 herein.
- 9.19 Where a Judge is satisfied, upon evidence under oath, that there are reasonable and probable grounds to believe that a dangerous dog is being kept in violation of the dangerous dog provisions of this bylaw, the Judge may, by order, authorize a Designated Officer to seize and impound the dangerous dog and set out in the Order any conditions which the owner shall meet before the dog may be released without further application to the Court.
- 9.20 Where a Judge is satisfied, upon evidence under oath, that there are reasonable and probable grounds to believe that an dangerous dog is being kept in violation of this bylaw and it is in the interest of public safety or necessary for the humane treatment of the dog to do so, the Judge may, by order, authorize a Designated Officer to seize and impound the dog and set out in the Order any conditions which the owner shall meet before the dog may be released without further application to the Court.

(a) Where a Judge is satisfied, upon conviction of an offence under any section in the bylaw, that there are reasonable and probable grounds to believe that an offence under this bylaw may continue unless a dog is, or dogs are, impounded, the Judge may, by order, authorize a designated officer to seize and impound the dog or dogs and set out in the order any condition which the owner shall meet before the dog or dogs may be released and may set out a time period within which the owner must meet the conditions set out in the order.

(b) If the owner fails to meet the conditions set out in an order granted under section 9.20 (a) in the time period set out in the order, and the period for an appeal has lapsed without an appeal being filed, the Designated Officer may dispose of the dog or dogs that are the subject of the order in whatever manner it sees fit, including the animal's destruction.

- 9.21 Upon demand being made by a Designated Officer, an owner who fails to surrender a dog that is the subject of an impoundment order pursuant to section 9.19 or 9.20 of this bylaw commits an offence.
- 9.22 Where a dog is seized and impounded pursuant to section 9.19 or 9.20 of this bylaw, an owner may apply to the court on three clear days notice to set aside the order of impoundment.
- 9.23 Where a dog is impounded pursuant to sections 9.19 or 9.20 of this bylaw and the owner fails to comply with the conditions set out in the order of impoundment, or to make an application to the court pursuant to section 9.22 herein, within five days from the date of impoundment, the dog shall be destroyed.
- 9.24 Upon application being made by an owner for the return of an impounded dog, the Judge shall confirm the order of impoundment unless the owner shows cause why the impoundment of the dog is not necessary in the public interest.
- 9.25 Where a Judge is satisfied that the public interest does not require impoundment of the dog, the Judge 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.
- 9.26 Where a dog has been released from impoundment pursuant to section 9.25 of this bylaw, and the owner breaches any condition imposed by the Judge as a condition of the release, the owner will be deemed to have committed an offence.
- 9.27 Where the owner of a dog is charged with an offence under section 9.19 or 9.20 of this bylaw, the prosecutor may make application to a Judge for an order returning the dog to impoundment, and a Judge may order the dog impounded.
- 9.28 Where a dangerous dog dies or is sold or otherwise disposed of, the owner shall notify a Designated Officer of the disposal, including the name and address of the new owner if applicable, and in the case of death shall provide certification by a licensed veterinarian or the carcass of the dog for inspection by a Designated

Officer. An owner who fails to comply with the requirements of this section commits an offence.

- 9.29 Where a dog is impounded pursuant to a Judge's order, the owner shall bear all costs related to the impoundment, and the failure by the owner to bear these costs shall result in disposal of the dog in accordance with the provisions of this bylaw, and the owner shall be deemed to have committed an offence.
- 9.30 Where a Judge is satisfied, that in the public interest a dangerous dog should be destroyed or otherwise disposed of, the Judge shall order the destruction or other disposition at the expense of the owner.
- 9.31 The fine issued for an offence contrary to section 9.8, 9.10, 9.11, 9.15, 9.16, 9.17, 9.21 and 9.28 herein shall double for second and subsequent offences by an owner to a maximum fine of \$400.00 per offence.

ARTICLE 10 - CRUELTY TO ANIMALS

- 10.1 With the exception of the destruction of an animal pursuant to this bylaw by a Designated Officer, or by a licensed veterinarian, no person shall kill, maim, wound, poison, or injure an animal.
- 10.2 No person shall place poison in such a position that it may easily be consumed by animals.
- 10.3 Everyone commits an offence who:
- (a) Willfully causes or, being the owner, permits another to cause pain, suffering or injury to a wild or domestic animal; or
 - (b) Abandons a domestic animal in distress or willfully neglects or fails to provide suitable and adequate food, water, shelter and care for any domestic animal.
- 10.4 A Designated Officer may enter upon any land for the purpose of securing or seizing any animal to prevent the continuation of an offence or determine ownership.
- 10.5 No person shall own a wild animal within Enterprise 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 Hamlet.
- 10.7 At the discretion of the Designated Officer, and in consultation with the authority having jurisdiction, a person may be given permission to assist the authority in the care and maintenance of an injured or recovering wild animal or bird.

ARTICLE 11 - TRAPS

- 11.1 Unless provided with written approval from the Senior Administrative Officer to do so, no person shall use, set, or maintain a leg-hold trap, a killing trap, or a snare within the municipal boundaries of Enterprise. In no event may approval be issued for use of such devices on an animal as defined in this bylaw.

ARTICLE 12 - ENFORCEMENT, SEARCH AND SEIZURE

- 12.1 The Designated Officer of the Hamlet shall enforce the provisions of this bylaw.
- 12.2 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*.

ARTICLE 13 - APPEAL

- 13.1 Any person who has applied for but failed to be granted permission to own an animal 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 10 days after the decision was rendered, and Council may grant the request for reinstatement.
- 13.2 The right of appeal shall be barred and extinguished if not received in writing by Council within the 10-day period set out in this bylaw.

ARTICLE 14 - PENALTIES

- 14.1 Any person who contravenes any provision of this bylaw is guilty of an offence.
- 14.2 Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (a) A voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this bylaw; or
 - (b) A fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code of Canada*.
 - (c) A fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Conviction Act* of the Northwest Territories.
- 14.3 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.

(a) Where an accused is convicted of an offence under this bylaw, the court may, in addition to any other sentence, make an order prohibiting the accused from owning or having the custody or control of an animal during any period not exceeding two years.

14.4 Should any person owning or occupying real property within Enterprise 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 day of December on the same year, these shall be added to and form part of the water services payable in respect of that real property as utilities in arrears.

ARTICLE 15 - GENERAL INTERPRETATION

15.1 The invalidity of any section, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw that can be given effect without such invalid part or parts.

ARTICLE 16 - COMING INTO FORCE

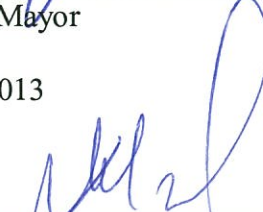
16.1 This bylaw shall come into full force and effect upon receiving third reading.

Read a First time this 4th day of March, 2013



Mayor

Read a Second time this 26th day of March, 2013



Mayor

Read a Third and Final time this 27 day of July, 2013



Mayor

CERTIFIED that this Bylaw has been made in accordance with the requirements of the Hamlets Act, S.N.W.T. 2003, c.7, s.71 and the bylaws of the Municipal Corporation of the Hamlet of Enterprise this 27 day of July 2013.



SAO

Animal Control Bylaw 2013-41
SCHEDULE "A"

FEES:

Section 7.5 Fees for shelter \$20.00 per day, if in Enterprise and, actual fees if in Hay River shelter.

VOLUNTARY FINES:

(Description of Offence Penalty)

- Section 3.1(a) Fail to have fresh drinking water/suitable food: \$50.00
- Section 3.1(b) Clean food/water receptacles violation: \$50.00
- Section 3.1(c) Fail to exercise animal: \$50.00
- Section 3.1(d) Fail to have necessary Veterinary Medical Care: \$100.00
- Section 3.5 Transport unsecured animal: \$100.00
- Section 3.6 Fail to keep in a sanitary condition: \$100.00
- Section 4.6 Owner or operator of kennel failure to comply with by-law: \$500.00
- Section 5.1 Allowing more than two dogs permitted to occupy any residence: \$100.00
- Section 6.2 Permitting dog to run at large: \$100.00
- Section 6.4 Permitting dog to be on public property unless on a leash: \$100.00
- Section 6.5 Failure to confine female dog in heat: \$100.00
- Section 6.6 Allowing animal to become nuisance: \$50.00
- Section 6.10 Failure to prevent damage to public or private property: \$100.00
- Section 6.11 Interfere with or attempt to obstruct a Designated Officer: \$100.00
- Section 6.12 Interfere with any trap installed by a Designated Officer: \$100.00
- Section 7.5 Dogs impounded: \$50.00
- Section 7.11 Failure of owner to pay associated impoundment fees: \$50.00
- Section 7.12 Any animal, other than a dog, impounded: \$50.00
- Section 9.8 Failure to keep dangerous on a leash and under control of a person over the age of eighteen: \$100.00
- Section 9.10 Failure to display sign on property where dangerous dog is kept: \$100.00
- Section 9.11 Failure to have a policy of liability insurance in force: \$100.00
- Section 9.15 Permit the dog to bite any other dog that is on a leash: \$100.00
- Section 9.16 Permit such dog to bite any person without provocation: \$100.00
- Section 9.17 Permit such dog to bite, attack or harass any other tethered animal: \$100.00
- Section 9.21 Fails to surrender a dog that is the subject of an impoundment: \$100.00
- Section 9.28 Fails to notify a Designated Officer of the disposal: \$50.00
- Section 10.1 Person killing, maiming, wounding, poisoning or injuring an animal: \$250.00
- Section 10.2 Person placing poison in such a position that it may easily be consumed by animals: \$250.00
- Section 10.3 Person causing pain, suffering or injury to an animal, abandons a domestic animal in distress, willfully neglects, or fails to provide suitable and adequate food, water, shelter and care for any domestic animal: \$250.00