
**THE MUNICIPAL CORPORATION OF THE VILLAGE OF FORT
SIMPSON BY-LAW NO. 2019-006**

**BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE VILLAGE OF FORT SIMPSON IN THE NORTHWEST
TERRITORIES TO PROVIDE FOR THE CONTROL, LICENSING, AND PREVENTION OF CRUELTY TO DOGS.**

PURSUANT TO the Cities, Towns, and Villages Act., S.N.W.T., 2018, c13, Section 70. (l)(a).

NOW THEREFORE BE IT RESOLVED that council of the Village of Fort Simpson in session duly assembled, enacts as follows:

SHORT TITLE

1. This By-Law may be cited as the "Dog Control By-Law".

DEFINITIONS

2. In this By-Law:
 - a. "at large" means off the premises of the owner if the dog when not under the immediate physical control of a competent and responsible person;
 - b. "Council" means the elected council for the Village;
 - c. "dog license" means a license issued pursuant to the provisions of this By-Law to the owner of a dog;
 - d. "dog" means and includes male or female dog;
 - e. "wolf dog" means and includes an animal is a cross between a dog and a wolf;
 - f. "officer" means an officer appointed by the Council of the Village of Fort Simpson to enforce the village's By-Laws;
 - g. "owner" means a person who owns, harbors, possesses, or has control or custody of a dog;
 - h. "pound" means such place or places established by the Council for the impoundment of dogs seized pursuant to the provisions of this By-Law;
 - i. "Senior Administrative Officer" means the Senior Administrative Officer for the Village or, in his or her absence, the Assistant Senior Administrative Officer;
 - j. "Village" means the Municipal Corporation of the Village of Fort Simpson;
 - k. "Vicious Dog" means a dog that, whether on private or public property, has:
 - i. Bitten, attacked, chased, injured or caused injury to a person or other animal, or
 - ii. Destroyed or damaged any public or private property, or
 - iii. Threatened or created the reasonable apprehension of a threat to a person or other animals; "And which
 - iv. Based on personal observation or on the basis of facts gathered through an investigation, is, in the opinion of a Bylaw Enforcement Officer, a "Vicious Dog".
 - l. "Working day" means a day on which the Village's offices are open for business;

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LICENSES

- I. "Working dog" means "Seeing Eye" dog or sled dogs used in the performance of a livelihood for their owners.

3. Not more than three (3) dogs shall be owned or harbored by an individual household or individual property with one (1) being an outdoor dog.

4. Every owner of a dog shall make application to the Senior Administrative Officer for a dog license in each year;
 - a. on or before January 31st for each dog which has attained the age of six (6) months on or before December 31st of the previous year;
 - b. on or before the last day of the month in which a dog has attained the age of six (6) months.
 - c. The owner of a vicious dog shall renew the license for the Vicious Dog prior to the expiry of the license.

5. Every owner making an application for a dog license shall provide the following information to the Senior Administrative Officer;
 - a. the name, street address, postal address, and telephone number of the owner;
 - b. the name, age, sex, and a description of the dog to be Licensed;
 - c. state whether the dog has been deemed a Vicious Dog; and
 - d. in the case of a first application for a dog License for a dog as a spayed female or neutered male, a certificate from a licensed veterinarian or such other proof as may be considered satisfactory to the Senior Administrative Officer, certifying the dog has been spayed or neutered as the case maybe.

6. Every application for a dog license shall be accompanied by a fee in accordance with schedule "A" attached to and forming part of this By-Law. **All Dogs registered and licensed during the month of January, in any given year, shall have the License Fee waived for that year.**

7. Every owner who by reason of impairment of their sight requires the assistance of a guide dog may, upon application to the Senior Administrative Officer, obtain a license and no fee shall be charged for such a license.

8. Where application is made for a dog license in accordance with the provisions of the By-Law and the appropriate fee is paid the Senior Administrative Officer shall issue a dog license to the applicant, in the form of a numbered metal tag, and the Senior Administrative Officer shall record in a ledger kept for that purpose:
 - a. the name and address of the owner;
 - b. the date of issuance of the dog license;
 - c. the number of the dog license issued;
 - d. the fee paid for the license; and,
 - e. a brief description of the dog licensed.

9. Every dog license issued pursuant to the provisions of this By-Law shall be effective from the date of issuance until December 31st of that year and no refund of any license fee paid or any portion thereof

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shall be made in the event of the death, destruction or removal from the Village of a dog before the expiration of the license period.

10. Where a dog license is lost or stolen the Senior Administrative Officer, upon application by the owner and payment of a fee of \$2.00, shall issue a replacement dog License.
11. No dog license shall be transferred from one dog to another.
12. Every person who becomes the owner of a dog for which a subsisting license has been obtained by the former owner shall notify the Senior Administrative Officer of his or her name, street address, postal code, and telephone number and the number of subsisting dog license within fifteen (15) days of becoming the owner.
13. Every owner to whom a dog license is issued shall ensure that the dog license is securely affixed, at all time, to the collar, choke or harness of the licensed dog, failing which the dog shall be deemed to be unlicensed for the purposes of subsection 22(a) of this By-Law.
14. Notwithstanding any other provisions of this By-Law the Senior Administrative Officer may refuse to issue a dog license for a dog which is known to be vicious or a public nuisance.
15. The provisions of the dog licenses section of this By-Law shall not apply to owners temporarily in the Village for a period not exceeding two (2) weeks.

PROVISIONS OF NEEDS

16. Every person who keeps an dog within the Village shall provide the dog 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, and;
 - c. Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
17. Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the dog 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 dog the ability to turn around freely and lie in a normal position, and that will provide protection from the heat, cold and wet appropriate to the dog's weight and type of coat.
18. Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended period 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 dog normally resides or is kept outside unsupervised for extended periods of time.

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19. No person shall cause a dog to be hitched, tied or fastened while unattended by the owner to a fixed object 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 a dog's neck.
20. No person shall cause a dog to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
21. No person shall transport a dog outside the passenger compartment of any motor vehicle or trailer unless the dog is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent the dog from falling off the vehicle, falling in a suspended manner over the side of a truck bed, or otherwise injuring itself.
 - a. In any prosecution or proceeding under this section, the registered owner or operator, as applicable, of the motor vehicle or trailer shall be deemed to be the owner of the dog, unless he proves to the satisfaction of the Judge at the time of the offence the motor vehicle was not being used to transport the dog by him and that the motor vehicle was not being used by any other person with this consent, express or implied.
22. No person shall cause a dog to be muzzled unless it is in the immediate care and control of the owner.
23. No person shall keep a dog in an unsanitary condition within the Village. Conditions shall be considered unsanitary where the keeping of the dog results in an accumulation of fecal matter, an odor, insect infestation or rodent attractants which endanger the health of the dog or other 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.

VICIOUS DOGS

24. A dog may be declared by a Bylaw Enforcement Officer to be a "Vicious Dog" pursuant to this Bylaw and will be licensed as such by the Village and subject to special provisions of this Bylaw pertaining to "Vicious Dogs".
25. The owner of a dog declared to be a "Vicious Dog" pursuant to this Section shall be served a Notice setting out the responsibilities of an Owner of a "Vicious Dog" pursuant to this Bylaw and the process of appeal available to the Owner of the dog.
26. A Notice issued pursuant to Section 26 may be appealed in writing to the Senior Administrative Officer within ten (10) days of the service of such Notice and;
 - a. After ten (10) days if no such appeal is made the animal shall be accepted to be a "Vicious Dog" by the Owner.
27. For the purposes of this Section, a Notice will be deemed to have been sufficiently served when:
 - a. Served personally upon the Owner of the dog, or served substitutional upon any person who is 18 years of age or older who resides in the same residence as the Owner of the dog;
 - b. The Owner of the dog, or any person who is 18 years or older who resides in the residence where the dog is kept, is notified by a Bylaw Enforcement Officer with written Notice sent by regular or registered mail or by electronic means to the owner.
 - i. Such Notice will be deemed served 5 (five) days from the date the notice is sent.

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28. A decision on an appeal made pursuant to Section 27 will be communicated to the appellant verbally or in writing within ten {10} days of receipt of the appeal.
29. Within ten days of a dog being declared a "Vicious Dog" pursuant to this bylaw, the owner shall license the dog as a "Vicious Dog" with the Village.
30. The Owner of a Vicious Dog shall:
 - a. When selling or otherwise giving the dog to a new Owner, fully inform the new Owner that the dog has been declared a "Vicious Dog" by the Village of Fort Simpson. A new Owner of a "Vicious Dog" must be at least 18 years of age;
 - b. Notify the Village of a change in Ownership of the dog or the death of the dog within three (3) days of the date of change in ownership or death;
 - c. When becoming a new Owner of a dog declared a "vicious dog" pursuant to this Bylaw, License the dog with the Village of Fort Simpson within three (3) working days.
 - d. Thereafter obtain an annual "Vicious Dog" License from the Village as required by this bylaw; and
 - e. Ensure the dog wears the current License Tag for that dog whenever the dog is off the property of the owner.
31. For the purposes of Section 31(b), a dog shall be deemed to have been sold or otherwise given to a new owner when the dog is left in the care of anyone for a period of thirty (30) consecutive days or more, whether or not there was an exchange of money or a formal agreement for a change of ownership.
32. When a "Vicious Dog" is on the premise of the Owner, the Owner shall ensure that the dog is confined indoors, or secured on the property in a locked pen to prevent the escape of the dog.
33. When a "Vicious Dog" is off the property of the Owner, the Owner shall ensure that
 - a. the dog is secured in a harness or leash which shall not exceed one (1) metre in length and is adequate to control the dog;
 - b. the dog is under control of a competent person who is at least eighteen (18) years of age.
 - c. the dog must be muzzled.
34. The Owner of a "Vicious Dog" shall ensure that the dog does not:
 - a. Bite or attack a person or another animal;
 - b. Chase a person or another animal;
 - c. Injure or cause injury to a person or another animal;
 - d. Damage or destroy public or private property
 - e. Run at large; and
 - i. Notify the Village immediately if the dog is at large.
35. The Owner of a "Vicious Dog" who contravenes any provisions of this Bylaw is guilty of an offence and is subject to penalties applicable to "Vicious Dogs" as provided for in Schedule "C" of this bylaw.

SEIZURE AND IMPOUNDMENT

36. 1) An Officer may seize any dog found to be at large.

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- 2) An Officer may destroy any dog, without first seizing and impounding it, which:
- a. while at large has, is or is about to attack, kill, injure, menace, damage, or destroy, as the case may be:
 - i. any person;
 - ii. another animal; or,
 - iii. personal property; or,
 - iv. the officer is unable to seize after making reasonable attempts to do so
37. The Bylaw Enforcement Officer may capture, impound and/or destroy any dog in the case of a "Vicious Dog" where there are reasonable grounds to believe that the Owner is in contravention of any provisions of this Bylaw.
38. An officer who seized and impounds a dog shall make reasonable efforts to locate the owner of the dog and inform the owner of the seizure and impoundment.
39. Where a dog for which a subsisting dog license has been issued is seized and impounded the owner may reclaim the dog within three (3) working days after the date of seizure upon payment to the Village in accordance with schedule "B" attached to and forming part of this By-Law.
40. Where a dog for which a subsisting dog license has not been issued is seized and impounded the owner may reclaim the dog within two (2) working days after the date of seizure upon payment to the Village in accordance with schedule "B" attached to and forming part of this By-Law.
41. Where any dog has not been reclaimed by its owner in accordance with the provisions of subsection 39 and 40 of this By-Law an Officer may:
- a. Dispose of the dog by selling it to any person interested in purchasing it for a sum to be fixed by the Senior Administrative Officer at the Senior Administrative Officer's discretion; or,
 - b. Send the dog to an animal shelter such as but not limited to: Society for the Protection of Cruelty to Animals.
 - c. Destroy the dog.
42. Notwithstanding any other provisions of this By-Law where, in the opinion on an Officer, a dog which has been seized should be destroyed for humane reasons or reasons of public safety, the officer may destroy the dog as soon after seizure as the Officer thinks fit without first permitting the owner to reclaim the dog.
43. No damages or compensation may be recovered from the Village or an Officer arising from the disposal or destruction of a dog in accordance with the provisions of this By-Law.

OFFENCES

44. Every person commits an offence who:
- a. Owns a dog which is not licensed in accordance with the provisions of this Bylaw;
 - b. Owns a Vicious Dog that is not licensed in accordance with the provisions of this bylaw;
 - c. Owns a female dog which is not confined during the whole of those periods when she is in heat;
 - d. Owns a dog which is found to be running at large;
 - e. Owns a Vicious dog which is found to be running at large;

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- f. Owns a dog which causes a nuisance by persistently barking or howling in such a manner as to disturb the peace and quiet of inhabitants of the Village;
 - g. Owns a dog which attacks, kills, injures, menaces, damages, or destroys or attempts to attack, kill, injure, menace, damage, or destroy, as the case may be:
 - i. Any person;
 - ii. Another animal; or,
 - iii. Personal property;
 - h. Owns a Vicious dog which attacks, kills, injures, menaces, damages, or destroys or attempts to attack, kill, injure, menace, damage, or destroy, as the case may be:
 - i. Any person;
 - ii. Another animal; or,
 - iii. Personal property;
 - i. Interfered with, obstructs or attempts to interfere with or obstruct an Officer lawfully engaged in the performance of the Officer's duties under this By-Law;
 - j. Unlocks, unlatches or otherwise opens a vehicle in which dogs seized by an Officer have or are being placed;
 - k. Removes or attempts to remove from the pound a dog in which has been impounded; and,
 - l. Punishes abuses or neglects a dog in any manner to an extent that is cruel or unnecessary.
45. Every person who is convicted of an offence under section 44 is liable on summary conviction to pay a fine of not more than \$2,000.00 or to imprisonment for a period not exceeding six (6) months or to both.
46. 1) An Officer who has reasonable and probable grounds to believe a person has committed an offence under Section 44 may, in lieu of prosecution for such an offence, serve on their person a written notice of intention to prosecute in a form as approved by council.
- 2) Every person served with a written notice in accordance with subsection 46 (1) may, within fourteen (14) days after the date of service, pay to the Senior Administrative Officer a sum calculated as follows, in lieu of prosecution:
- a. \$100.00 for a first offence committed within a period of three (3) calendar years;
 - b. \$200.00 for a second offence committed within a period of three (3) calendar years; and
 - c. \$300.00 for a third and subsequent offences committed within a period of three (3) calendar years.

Every person served with a written notice in accordance with subsection 46 (1) regarding a Vicious Dog may, within fourteen (14) days after the date of service, pay to the Senior Administrative Officer a sum calculated as follows, in lieu of prosecution:

- d. \$200.00 for a first offence committed within a period of three (3) calendar years;
 - e. \$300.00 for a second offence committed within a period of three (3) calendar years; and
 - f. \$400.00 for a third and subsequent offences committed within a period of three (3) calendar years.
- 3) Every person served with a written notice of intention to prosecute in accordance with subsection 47 (1) who fails to make payment to the Senior Administrative Officer in accordance with subsection (2) shall be prosecuted

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POUNDS

47. . For the purpose of this By-Law Council may establish a pound or pounds for the impoundment of dogs seized by an Officer pursuant to the provisions of this By-Law and may establish, from time to time, such rules and regulations of such pound or pounds.

SEVERABILITY

48. Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw shall remain valid and enforceable, and the Bylaw shall be interpreted as such.

49. Bylaw 2014-009 is hereby repealed.

READINGS

Read a first and second time this 6th day of May, 2019, A.D.

Mayor

Senior Administrative Officer

Read a third time and finally passed this 20th day of May, 2019, A.D.

Mayor

Senior Administrative Officer

Certification:

I hereby certify that that this bylaw has been made in accordance with the requirements of the Cities, Towns and Villages Act and the bylaws of the Municipal Corporation of the Village of Fort Simpson.

Senior Administrative Officer

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SCHEDULE "A"

TO

BY-LAW NO. 2019-006

- i. Every application for a dog License shall be accompanied by a fee as follows:
 - a. For each female dog over the age of six (6) months \$75.00;
 - b. For each male over the age of six (6) months \$75.00;
 - c. For each spayed female dog \$25.00;
 - d. For each neutered male \$25.00;
 - e. For each Vicious Dog \$250.00.

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SCHEDULE "B"

TO

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1. Impoundment Fee:
 - a. An impoundment fee of \$50.00 for each day or part of a day that the dog is impounded.
 - b. An impoundment fee of \$150.00 for each day or part of a day that a Vicious Dog is impounded.

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SCHEDULE "C"

TO

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VOLUNTARY FINES

2. Every person served with a written notice in accordance with subsection 46(1) may, within fourteen (14) days after the date of service, pay to the Senior Administrative Officer a sum calculated as follows, in lieu of prosecution:
- a. \$100.00 for a first offence committed within a period of three (3) calendar years;
 - b. \$200.00 for a second offence committed within a period of three (3) calendar years; and
 - c. \$300.00 for a third and subsequent offences committed within a period of three (3) calendar years.

Ticket Description of Offence

Penalty

Failure to have fresh drinking water/suitable food	\$100.00
Insufficient area for dog	\$100.00
Fail to provide adequate outdoor shelter	\$100.00
Muzzled dog left unattended	\$100.00
Dog left in unsanitary condition	\$250.00

Vicious Dogs

Fail to license Vicious Dog prior to expiry	\$150.00
Fail to License Vicious Dog within ten (10) days	\$150.00
Fail to inform New Owner dog is declared as Vicious Dog	\$150.00
Fail to notify Village of Owner change or death of Vicious Dog	\$150.00

Once a dog has been deemed a Vicious Dog any subsequent Offences laid out in this Bylaw may result in the dog being apprehended by the Village Bylaw Enforcement Officer and may become property of the Village of Fort Simpson.