

**Office Consolidation of  
Animal Control Bylaw 2001-01**

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**CITY OF WHITEHORSE**

**BYLAW 2001-01**

A bylaw to provide for the control of animals

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WHEREAS section 265 of the *Municipal Act* (1998) provides that council may pass bylaws for municipal purposes respecting the control, health, and safety of, and protection from, wild and domestic animals, including insects and birds; and

WHEREAS section 266 of the *Municipal Act* provides that council may in such bylaws regulate, control or prohibit, and provide for a system of licences, inspections, permits or approvals;

NOW THEREFORE the council of the municipality of the City of Whitehorse hereby ENACTS AS FOLLOWS:

**SHORT TITLE**

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

**DEFINITIONS**

2. In this bylaw,

"ANIMAL" means traditionally domesticated animals including, but not limited to, asses, cattle, cats, dogs, horses, mules, sheep and swine., and for the purposes of the nuisance provisions of this bylaw, shall include hens and roosters. (*Bylaw 2012-29 passed July 9, 2012*)

"ANIMAL SHELTER" means those premises used by the City for the purpose of impounding animals and includes those premises operated by a humane society for the purpose of providing shelter to animals.

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

"CAT" means a male or female domesticated cat.

"CATTERY" means an establishment for the breeding and / or boarding of cats.

"CITY" means the City of Whitehorse.

"COOP" means a structure intended for the keeping of hens, the specifications and requirements of which are set out in the Zoning Bylaw. (*Bylaw 2012-29 passed July 9, 2012*)

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“DANGEROUS DOG” means any individual dog that:

- (1) Has bitten, injured, attacked or killed a domestic animal, without provocation, on public or private property; or
- (2) Has bitten, injured, or attacked a human being, without provocation, on public or private property; or
- (3) Is kept for the purpose of providing security or protection to persons or property; or
- (4) Has shown the disposition or tendency to be threatening or aggressive.

***(Bylaw 2004-19 passed January 10, 2005)***

“DESIGNATED OFFICER” means an employee of the City of Whitehorse or an authorised representative as designated by the City Manager. For purposes of enforcement 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.

"DOG" means a male or female domesticated dog and an animal that is a crossbred between a wolf and a dog.

“DOMESTICATED” means an animal that is tame in nature and that is traditionally kept by or living with humans.

“EXOTIC ANIMAL” means an animal of a species or type that is not indigenous to the Yukon and that in its natural habitat is usually found wild in nature.

“GOOD NEIGHBOUR CERTIFICATE” means a signed and dated document from a registered animal training organization that certifies that the animal in question has successfully passed a recognized and accredited course, and includes equivalent documents such as “Good Canine Citizen” or other similar documents.  
***(Bylaw 2004-19 passed January 10, 2005)***

“HEN” means a female domesticated chick or chicken, and for the purposes of this bylaw shall not include ducks, geese, turkeys, pheasants, quail or other poultry or fowl. ***(Bylaw 2012-29 passed July 9, 2012)***

“HEN PERMIT” means a permit issued under this bylaw which authorizes the keeping of not more than six hens on an urban residential property. ***(Bylaw 2012-29 passed July 9, 2012)***

“HUMANE SOCIETY” means an Official Animal Keeper as defined in the *Animal Protection Act*, as amended.

“JUDGE” means one who is appointed to preside and to administer the law in a Court of justice, and includes a Justice of the Peace.

“KENNEL” means an establishment for the breeding and /or boarding of dogs.

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

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"LICENSED VETERINARIAN" means a person licensed as a veterinarian or licensed to provide veterinary services pursuant to the Business License Bylaw.

"LIVESTOCK" means an animal that is traditionally used or raised on a farm for the production of food including, but not limited to, asses, cattle, horses, mules, sheep and swine.

"MICROCHIP" means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian or other qualified person, which contains a unique code number that provides owner information intended for storage in a central database.

"MEDICAL HEALTH OFFICER" means a person appointed by the Commissioner in Executive Council to act as a Health Officer.

"NEUTERED" means sexually sterile regardless of sex and includes a dog or a cat that has been certified by a veterinarian as too old, or physically unable to be neutered. (*Bylaw 2004-19 passed January 10, 2005*)

"NUISANCE ANIMAL" is defined by way of example but not of limitation as:

- (1) An animal which causes damage to the property of anyone other than its owner, including but not limited to; getting into or turning over garbage containers, damaging gardens, flowers and vegetables, or defecating on the property of others or on any public property except in accordance with section 58 of this bylaw.
- (2) An animal which is maintained in an unsanitary environment which results in offensive odours or danger to the animal or to the public health, safety or welfare; or an animal not maintained in a condition of good order and cleanliness, thereby increasing the probability of the transmission of disease.
- (3) An animal kept on an owner's property that is maintained in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of animals on the property.
- (4) An animal which is permitted or allowed to bark, whine, howl, crow, cackle or otherwise make or cause noise in an excessive or untimely fashion so as to interfere with the reasonable use and enjoyment of neighbouring properties.
- (5) An animal that is maintained without adequate medical treatment and that is diseased or dangerous to the public health.
- (6) An animal that chases, snaps at, or attacks, pedestrians, joggers, bicycles, or other vehicles, or animals being walked on a leash.

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“OFF-LEASH AREA” means a designated area of land, identified by a sign posted by the Designated Officer, within which dogs may run at large. **(Bylaw 2004-19 passed January 10, 2005)**

“OWNER” means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.

“POULTRY” means any bird normally raised for food or egg production and, without limiting the generality of the foregoing, includes chickens, ducks, geese, turkeys, domestically reared grouse, partridge, pheasant or quail.

“PROPERTY” means land and improvements uniquely identified on the Municipal Assessment Roll of the City.

“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.

“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.

“ROOSTER” means a male domesticated chick or chicken. **(Bylaw 2012-29 passed July 9, 2012)**

“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.

“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.

“SPECIAL NEEDS DOG” means any dog trained by a recognized and accredited institution to provide assistance to persons with hearing or visual impairments, physical disabilities, developmental or intellectual disabilities, or to assist persons with other disabilities in the performance of daily activities. **(Bylaw 2004-19 passed January 10, 2005)**

“SPECIAL PERMIT” means a permit to own more than the permitted number of dogs or cats, or a combination of dogs and cats, as set out in the provisions of this bylaw.

“TRAP” means any device or machine that shuts suddenly as with a spring and is used for the capture of live animals.

“VETERINARIAN” means a person who holds a current license to practice veterinary medicine in a province or territory. **(Bylaw 2004-19 passed January 10, 2005)**

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"VETERINARY CERTIFICATE" is a document signed and dated by a Veterinarian attesting to the medical and/or physical condition of an animal.  
***(Bylaw 2004-19 passed January 10, 2005)***

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

## **PROVISION OF NEEDS**

3. Every person who keeps an animal within the municipality shall provide the animal or cause it to be provided with:
  - (1) 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;
  - (2) Food and water receptacles kept sanitary and located so as to avoid contamination by excreta;
  - (3) The opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
  - (4) Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
4. Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with:
  - (1) A total area that is at least twice the length of the animal in all directions;
  - (2) 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.
5. 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.
6. No person shall cause an animal 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 the animal's neck.
7. No person shall cause an animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.

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8. 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.
  - (1) 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 animal, unless he proves to the satisfaction of the Judge that at the time of the offence the motor vehicle was not being used to transport the animal by him and that the motor vehicle was not being used by any other person with his consent, express or implied.
9. No person shall cause an animal to be muzzled unless it is in the immediate care and control of the owner.

### **UNSANITARY CONDITIONS PROHIBITED**

10. 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.

### **DOG AND CAT LICENSES**

11. No person shall own, possess or harbour a dog or cat over the age of six months unless such dog or cat is licensed pursuant to the provisions of this bylaw except in the following circumstances:
  - (1) A service dog employed by the Royal Canadian Mounted Police; or
  - (2) Dogs and cats under the care and protection of the Mae Bachur Animal Shelter, but not including those dogs and cats fostered to outside individuals.

*(Bylaw 2004-19 passed January 10, 2005)*
12. The owner of a neutered dog or cat may apply for a lifetime dog or cat licence and pay a licence fee as prescribed in the *Fees and Charges Bylaw*, and shall thereafter identify the dog or cat either with a tag affixed to the dog or cat on a collar, or an implanted microchip, proof of which shall be provided to the City.

*(Bylaw 2004-19 passed January 10, 2005)*
13. The owner of an un-neutered dog or cat shall annually apply to the City for a dog or cat license tag and pay the annual fee as prescribed in the *Fees and Charges Bylaw*.

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14. Where, during the current licence year, the owner of a dog or cat produces a veterinary certificate certifying that such dog or cat has been neutered, the owner shall be entitled to, without fee or refund of fee, a lifetime dog or cat licence. *(Bylaw 2004-19 passed January 10, 2005)*
15. No person shall use a dog or cat license tag on a dog or cat to which it is not registered.
16. Every dog or cat owner shall provide the following information to the City with each application for a dog or cat license tag:
  - (1) Name, street address, telephone number and postal address of the owner;
  - (2) Name and description of the dog or cat to be licensed; and
  - (3) Such other information as may be required by the City.
17. Refusal to provide information pursuant to section 16 shall result in a license not being issued.
18. A dog or cat shall not be licensed as a neutered dog or cat unless the applicant provides a veterinary certificate certifying that such dog or cat is neutered. *(Bylaw 2004-19 passed January 10, 2005)*
19. Every person who becomes the owner of a dog or cat which is not currently licensed in accordance with this bylaw shall, immediately upon becoming the owner of the dog or cat, apply to the City for a dog or cat license tag, pay the license fee prescribed and provide to the City the information required.
20. Every person who becomes the new owner of a dog or cat that is currently licensed in accordance with the provisions of this bylaw shall, within fifteen days after becoming the owner of the said dog or cat, notify the City of the new owner's name, street address, telephone number and postal address, and the license tag number of the dog or cat.
21. Licenses issued under this bylaw shall not be transferable from one dog or cat to another, and no refund shall be made on any license fee because of the death or disposal of the dog or cat, or upon the owner leaving the City before the expiration of the license period.
22. Upon payment of the prescribed fee and provision of the information required, the City will issue to the owner a license tag with the year of issue and a number stamped thereon.
  - (1) In cases of licenses for special needs dogs and for dogs and cats fostered to outside individuals from the Mae Bachur Animal Shelter, no license fees shall apply. *(Bylaw 2004-19 passed January 10, 2005)*
23. The owner of a dog or cat duly licensed under this bylaw may obtain a license tag to replace a tag that has been lost upon payment of a fee as prescribed in the *Fees and Charges Bylaw*.

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24. Every dog or cat owner shall keep the license tag issued, or a replacement tag if applicable, securely fastened to a collar or harness worn by the dog or cat at all times.
25. Every owner of more than two dogs for the purpose of maintaining a dog team that is in existence at the time this bylaw comes into force shall apply to the Manager of Bylaw Services in writing for an exemption from the licensing provisions herein. Where the Manager of Bylaw Services provides such exemption, the Owner shall pay the fee prescribed in the *Fees and Charges Bylaw* for the owner of a dog team within the City.
  - (1) No owner or any person in care and control of a dog team shall either park or keep a dog team within a residential area of the City except in country residential subdivisions as indicated in the City of Whitehorse *Zoning Bylaw*. (*Bylaw 2004-19 passed January 10, 2005*)
  - (2) For the purposes of facilitating their participation in special events such as the Yukon Quest or the Yukon Sourdough Rendezvous, an owner or any person in care and control of a dog team may, for a period not exceeding five days, keep a dog team within the downtown area that encompasses any part of the waterfront from the Second Avenue Extension to Robert Service Campground, and from the waterfront to Sixth Avenue. (*Bylaw 2004-19 passed January 10, 2005*)
26. The provisions of the license section of this bylaw shall not apply to owners temporarily in the City for a period not exceeding two weeks.
27. In any prosecution or proceedings for a contravention of the license requirements of this bylaw, the burden of proof that an owner is not a resident and is temporarily in the City for a period not exceeding two weeks shall rest upon the owner.

### **KENNELS AND CATTERIES**

28. Every person who owns or operates a cattery or kennel shall obtain a license to operate such cattery or kennel pursuant to the provisions of the Business License Bylaw.
29. 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).
30. Every person who owns or operates a cattery or kennel shall comply with all applicable bylaws of the municipality.
31. Where an owner or operator of a cattery or kennel fails to comply with a bylaw of the municipality, the licence may be suspended or revoked.

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32. Every person who owns or operates a cattery or kennel shall permit a Designated Officer, upon production of proper identification, to enter and inspect the cattery or kennel at all reasonable times for the purpose of determining compliance with this bylaw.
33. A Designated Officer may enter and inspect the cattery or kennel under authority of a search warrant.
34. Where a Designated Officer finds that the owner or operator of a cattery or 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 cats or dogs will be the responsibility of the operator of the cattery or kennel.
35. Notwithstanding the provisions of the licensing section of this bylaw, the holder of a license to operate a kennel or cattery issued in accordance with the Business License Bylaw shall, at the time the license is issued, be provided without additional charge three of the license tags required under this bylaw.

### **APPLICATION FOR A PERMIT TO KEEP HENS**

36. A person shall not keep hens in urban residential areas of the City unless that person:
  - (1) is the owner of, and resides on, property included in Schedule "B" attached hereto and forming part of this bylaw or, if such person resides on property not owned by him, has written permission from the owner to keep hens on the property;
  - (2) makes an application to the City in a format as determined by the Designated Officer and agrees, by providing his written authorization, to the City circulating the application to property owners within three metres on all sides of the applicant's property;
  - (3) acknowledges by written declaration that he has read, understands, and will follow the rules respecting the keeping of hens in the City which shall be included in an information hand-out provided by the Designated Officer; and
  - (4) agrees in writing to update the City with any changes to the information included in the application within 72 hours of such change.

*(Bylaw 2012-29 passed July 9, 2012)*

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## **REVIEW OF APPLICATION FOR HEN PERMIT AND DECISION**

37. Within seven days of receipt of an application for a hen permit, the Designated Officer shall:
- (1) ensure that such application is complete and meets all requirements of the bylaw;
  - (2) if such application is not complete, or it contravenes a provision of the bylaw, return the application to the applicant after which the applicant may address such deficiencies and resubmit;
  - (3) if such application is complete, and meets all requirements of the bylaw, photocopy such application and provide it to property owners within three metres on all sides of the property;
  - (4) include with such application a request for the property owner's consent or refusal to consent to the application, which shall be completed by the property owner and returned to the Designated Officer by mail or in person within 14 calendar days, the failure of which shall deem such property owner to have consented to the application;
  - (5) review the application and responses within 14 additional calendar days;
  - (6) if all other requirements of the bylaw have been met and at least 60% of the canvassed property owners have consented to the application, approve the application and issue a permit to the applicant; and
  - (7) if less than 60% of such property owners have consented to the application, reject the application.

*(Bylaw 2012-29 passed July 9, 2012)*

38. Despite any other provision of this bylaw, the decision of the Designated Officer respecting the application for a hen permit is final and binding and shall not be subject to appeal. *(Bylaw 2012-29 passed July 9, 2012)*
39. Despite any other provision of this bylaw, the Designated Officer may refuse to approve an application and issue a permit, or may revoke an existing permit for the keeping of hens, if an applicant or a permit holder has been convicted of, or has outstanding fines for more than one breach of this bylaw relating to the keeping of hens. *(Bylaw 2012-29 passed July 9, 2012)*

## **KEEPING OF HENS AND COOPS**

40. Once a person has obtained a hen permit under this bylaw, such person shall not keep any more than six hens on a property.
- (1) A permit holder may not at any time keep a rooster.

*(Bylaw 2012-29 passed July 9, 2012)*

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41. A person who keeps one or more hens shall:
- (1) provide a coop which shall be constructed according to the requirements and specifications of the Zoning Bylaw;
  - (2) keep each hen in the coop at all times;
  - (3) provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
  - (4) maintain each coop in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
  - (5) construct and maintain each coop to prevent any rodent from harbouring underneath or within it, or within its walls, and to prevent entrance by any other animal;
  - (6) keep a food container and water container in each coop;
  - (7) keep each coop securely closed at all times;
  - (8) remove leftover feed, trash, and manure in a timely manner;
  - (9) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time unless directed to remove and dispose of such manure sooner by the Designated Officer;
  - (10) remove and dispose of all other manure in accordance with the Waste Management Bylaw;
  - (11) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
  - (12) not slaughter, or attempt to euthanize, a hen on the property;
  - (13) not dispose of a hen except by delivering it to the pound keeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; and
  - (14) not keep a hen in a cage except when actively transporting the hen off of the property.

*(Bylaw 2012-29 passed July 9, 2012)*

### **POWERS OF DESIGNATED OFFICER REGARDING THE KEEPING OF HENS**

42. All provisions of this bylaw relating to the powers of a Designated Officer shall apply to the enforcement of the provisions respecting the keeping of hens including, but not limited to, the power to demand information, the power to enter and inspect property which shall include a coop, and the power to seize and impound an animal which shall include a hen. *(Bylaw 2012-29 passed July 9, 2012)*

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## **SPECIAL PERMITS**

43. No owner shall keep, have or allow more than two dogs and two cats at any time in or on a property zoned residential in the City of Whitehorse Zoning Bylaw unless:
- (1) the property is zoned country residential under the Zoning Bylaw;
  - (2) the property is a legal bed and breakfast establishment and the owners of the dogs and cats are temporary residents of the City for a period not exceeding two weeks; or
  - (3) the property is zoned, or approved by the City to be used as, a multi-unit residential dwelling in which case each dwelling unit shall be subject to the maximum limit of two dogs and two cats.

*(Bylaw 2012-29 passed July 9, 2012)*

44. Notwithstanding any other provision of this bylaw, the Manager of Bylaw Services may issue a special permit authorizing the owner to keep, have or allow three dogs or three cats in or on a property zoned residential in the Zoning Bylaw upon receipt of a written application and payment of a non-refundable fee as set out in the Fees and Charges Bylaw, and after conducting a review as follows:
- (1) The application shall be completed by the owner of the dogs or cats on a form supplied by Bylaw Services, shall be accompanied by a "Good Neighbour Certificate" or equivalent, and shall be submitted to the Manager of Bylaw Services;
  - (2) 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 one hundred metre radius of the applicant's residence or such further area as deemed necessary by the Designated Officer;
  - (3) A written report and recommendation shall be completed by the Designated Officer and submitted to the Manager of Bylaw Services; and
  - (4) The Manager of Bylaw Services 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 which shall include a copy of the bylaw and the appeal provisions therein.

*(Bylaw 2012-29 passed July 9, 2012)*

45. Any person who provides a foster home for an animal from the Humane Society Yukon and who already possesses the maximum number of animals allowed under section 43 shall be registered with the Designated Officer. A special permit shall not be issued unless the Manager of Bylaw Services has received in writing the consent of a representative of the residents of all households adjacent to the person who will be fostering the animals.

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46. Section 43 does not apply to a properly licensed kennel, cattery, veterinary clinic or animal shelter, or a person who has a recognized and accredited special needs dog that is registered with the Bylaw Services Department. (*Bylaw 2004-19 passed January 10, 2005*)
47. No owner shall keep, have or allow more than four dogs and four cats at any time in or on a property zoned country residential in the *Zoning Bylaw* unless a special permit is obtained by the owner from the Manager of Bylaw Services, in which case a maximum of six dogs and six cats may be permitted. (*Bylaw 2012-29 passed July 9, 2012*)
48. A special permit shall not be issued pursuant to section 47 unless the Manager of Bylaw Services has received in writing the consent of a representative of the residents of all households adjacent to the person making the application. (*Bylaw 2012-29 passed July 9, 2012*)
49. Save and except for hens, no person shall own any poultry or pigeons in the City except in designated country residential subdivisions as indicated in the City of Whitehorse Zoning Bylaw. (*Bylaw 2012-29 passed July 9, 2012*)
50. No person shall own, or permit on their property, any livestock in the City except in designated Country Residential subdivisions identified in the *City of Whitehorse Zoning Bylaw*. (*Bylaw 2004-19 passed January 10, 2005*)
51. Notwithstanding the provisions of sections 43 and 45 of this bylaw, any person within the municipal boundaries of the City who, at the time of passage of this bylaw, owns more than the permitted number of licensed dogs and/or cats and is in lawful possession of them, shall be permitted to continue to own more than the permitted number of licensed dogs and/or cats, as the case may be, provided that such owner obtains a special permit, and the owner shall not, until in compliance with this bylaw,
  - (1) Own any additional dogs or cats; or
  - (2) Replace any dog or cat that is owned at the time of passage of this bylaw and which dies or is sold or given away.

### **GENERAL PROVISIONS**

52. The granting of any license or permit under this bylaw shall not relieve any person to whom such license or permit is issued from compliance with any other bylaw of the City.
53. Except in a designated off-leash area, no owner of a dog or cat shall permit such dog or cat 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.

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- (1) 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.
- (2) The owner of a dog lawfully running at large under this bylaw shall at all times:
  - (a) Keep the dog under control by verbal command;
  - (b) Carry a leash not exceeding two metres in length;
  - (c) Clean up after the dog; and
  - (d) Ensure that the dog does not cause injury or damage to any person, other animal, or to any property.

***(Bylaw 2004-19 passed January 10, 2005)***

54. The fine issued for an offence contrary to section 53 herein shall increase for second and subsequent offences by an owner.
55. No owner of an animal shall permit such animal to be upon any public property within the municipal boundaries of the City unless such animal is on a leash that is held at all times by a person exercising control over the animal.
  - (1) 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. ***(Bylaw 2004-19 passed January 10, 2005)***
  - (2) 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. ***(Bylaw 2004-19 passed January 10, 2005)***
  - (3) Where a special event is organized to take place in a prohibited area, an application to vary these provisions may be made to the Manager of Parks and Recreation or the Manager of Bylaw Services and written authorization maybe given to vary the enforcement of section 55(1) of this bylaw. Such authorization may include conditions related to cleaning up and disposing of any defecation. ***(Bylaw 2004-19 passed January 10, 2005)***
  - (4) 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 Bylaw Services, and written authorization maybe given to vary any of the provisions of the bylaw. Such authorization may include conditions as deemed necessary by the Manager of Bylaw Services. ***(Bylaw 2004-19 passed January 10, 2005)***

## **Office Consolidation of Animal Control Bylaw 2001-01**

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56. Every owner of a female dog or cat 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 or cat from coming into contact with a male dog or cat, as the case may be. Such confinement shall continue for the whole period the dog or cat is in heat, except that the said dog or cat may be released from such confinement for intentional breeding purposes and for the purpose of defecating on the premises of the owner.
57. No owner of an animal shall allow such animal to become a nuisance animal.
58. No owner of an animal shall allow the animal to defecate on public land within the City, or on private property other than the owner's. It is not a violation of this section where the owner of an offending animal immediately cleans up and properly disposes of the defecation.
59. Where a special event is organized to take place in the City involving animals, the Manager of Bylaw Services may give written authorization to an applicant to vary the enforcement of section 58 of this bylaw, and may apply conditions to the authorization for the purpose of ensuring that all defecation from the animals involved is cleaned up and properly disposed of in a timely fashion.
60. Failure by a person to comply with the conditions set out in writing by the Manager of Bylaw Services pursuant to section 59 of this bylaw is an offence.
61. No owner of an animal shall allow such animal to damage public or private property and where an animal destroys private or public property it shall be deemed to have been done with the owner's consent.
62. 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.
63. No person shall destroy, damage or otherwise interfere with any trap installed by a Designated Officer.

### **IMPOUNDMENT**

64. The City hereby authorizes the maintenance and operation of animal shelters on those lands described as Lot 11, Group 804 and Lot 76, Plan 97-108, for the purpose of impounding animals.
65. 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.
66. 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:
  - (1) The citizen demonstrates proficiency in using a live trap and in the care and handling of an animal caught in a live trap; and

## Office Consolidation of Animal Control Bylaw 2001-01

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- (2) A trap is not left unattended and is checked on an hourly basis; and
  - (3) Trapped animals are turned over to a Designated Officer forthwith.
67. Where an animal wearing a current City license tag or microchip is impounded, 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.
68. Where any licensed dog or cat is impounded under the provisions of this bylaw, such dog or cat may be recovered by the owner within 72 hours of being impounded on payment of the fees prescribed in the *Fees and Charges Bylaw* for the impoundment and for feed and care for each day or portion thereof that the animal was impounded.
- (1) If the dog or cat is seized after 6:00 p.m. on the last working day of the week, the fees shall not be charged over the course of the weekend.
  - (2) If the Designated Officer impounds any licensed dog or cat, an attempt shall be made to physically return the dog or cat to the owner during the same day. If the animal is brought to the Animal Control 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.

***(Bylaw 2004-19 passed January 10, 2005)***

69. Where any dog or cat not wearing a current City license tag, including any dog or cat exempt from licensing, is impounded under the provisions of this bylaw, such dog or cat may be recovered by the owner within 48 hours after being impounded on payment of the fee prescribed in the *Fees and Charges Bylaw* for the impoundment and for feed and care for each day that the dog or cat was impounded.
70. The fee charged in relation to sections 68 and 69 herein shall increase for second and subsequent offences by an owner.
71. For the purposes of the impoundment provisions of this bylaw,
- (1) All provisions of this bylaw relating to impoundment shall apply to the impoundment of hens. ***(Bylaw 2012-29 passed July 9, 2012)***
  - (2) Where more than one dog or cat 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
  - (3) There shall be deemed to be a previous impoundment of the dog or cat if the dog or cat, or any dog or cat owned by the owner, has been impounded in the previous twelve months.

## Office Consolidation of Animal Control Bylaw 2001-01

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72. The impoundment provisions of this bylaw shall not apply where an owner voluntarily surrenders a dog or cat at the City operated Animal Shelter, and in such case if the dog or cat is sold the fees for feed and care shall be as prescribed in the *Fees and Charges Bylaw*.
73. In addition to the impoundment fees required to be paid pursuant to this bylaw, prior to the release of a dog or cat from impoundment the owner shall pay all outstanding fines relating to any infraction against this bylaw.
74. A fee for the feed and care of an impounded dog or cat shall not be charged 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.
75. Where an impounded dog or cat has not been recovered by the owner in accordance with the provisions of this bylaw it may be destroyed or may be sold to a person other than the owner, in which case the sale price shall be the amount of the impoundment fee plus the fee for care and feeding.
76. 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.
77. Any animal, other than a dog or cat, impounded under the provisions of this bylaw, 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 Bylaw* for the impoundment and feed and care for each day or portion thereof that the animal was impounded.
- (1) If such animal is seized after 6:00 p.m. on the last working day of the week, the fees shall not be charged over the course of the weekend.

**(Bylaw 2004-19 passed January 10, 2005)**

78. Any animal other than a dog or cat impounded under the provisions of this bylaw may be recovered within five days of the date of impoundment.
79. Where the ownership of an impounded animal other than a dog or cat 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.
80. If the owner of any impounded animal other than a dog or cat cannot be found, 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 City may transfer ownership of the animal at public auction or otherwise, or may destroy the animal.
- (1) When ownership of an animal has been transferred to another person, the animal may be returned to the City within 14 days from the date of adoption and all fees shall be refunded if:
- (a) The animal has developed a sickness, or

## **Office Consolidation of Animal Control Bylaw 2001-01**

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- (b) The new owner or a family member finds that they have a medical condition that prevents them from keeping the animal.

*(Bylaw 2004-19 passed January 10, 2005)*

81. The proceeds of any sale of an animal other than a dog or cat 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 Bylaw Services within one year of the sale.
82. Notwithstanding anything in this bylaw to the contrary, no dog or cat shall be released from impoundment unless such animal, if required, is first licensed in accordance with the provisions of this bylaw.
83. Notwithstanding any other provisions of this bylaw, where in the judgement of a veterinarian or the Medical Health Officer an impounded animal should be destroyed for humane reasons, such animal shall forthwith be destroyed.

### **RABIES CONTROL**

84. 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 City 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, and before release such animal shall be vaccinated at the owner's expense.
85. The owner of any animal quarantined pursuant to the rabies control provisions of this bylaw will be required to pay the prevailing keep 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.
86. Where any animal has been quarantined pursuant to the rabies control provisions of this bylaw and has not been retrieved by the owner within five days 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 City.
87. The quarantine required under the rabies control provisions of this bylaw shall be carried out at the Animal Control Shelter of the City or any other area so designated by the Manager of Bylaw Services.
88. 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.

## **Office Consolidation of Animal Control Bylaw 2001-01**

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89. 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.
90. Except as provided in section 89, no person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, nor remove such animal from the City without written permission from a Designated Officer or the Medical Health Officer.
91. 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.

### **DANGEROUS DOGS**

92. 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 Manager of Bylaw Services requesting that the dog be declared a dangerous dog.
93. Upon receipt of a written report as set out in section 93, the Manager of Bylaw Services shall give written notice to the owner of the dog at least ten 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:
  - (1) The written report of the Designated Officer;
  - (2) A copy of the dangerous dog provisions contained in this bylaw; and
  - (3) A statement that if the dog owner does not, within ten 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.
94. Where a written statement from the dog owner is received pursuant to section 93 herein, the Manager of Bylaw Services shall, within ten 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.
95. Where a written statement is not received from the dog owner within ten days from the date of the written notice, the Manager of Bylaw Services shall forthwith determine whether or not to declare the dog a dangerous dog.
96. Sections 92 through 95 do not apply where there has been a conviction under the dog bite provisions of this bylaw as set out in section 111 herein.
97. Where a decision is made to declare a dog dangerous under the provisions of this bylaw, the Manager of Bylaw Services shall notify the dog owner within thirty days 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.

## **Office Consolidation of Animal Control Bylaw 2001-01**

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98. Where notice is provided to a dog owner that a dog has been declared a dangerous dog, the notice shall include an appeal form to be returned to the Bylaw Services office within ten days. Upon receipt of an executed appeal form from the dog owner, the Manager of Bylaw Services shall, within fifteen days, set the matter down in Territorial Court for a determination as to whether the dog is a dangerous dog.
99. At the completion of a hearing in Territorial Court pursuant to section 96 of this bylaw, the presiding Judge shall make a determination as to whether or not the dog is to be deemed a dangerous dog.
100. Subject to section 105 herein, no person shall own a dangerous dog unless such dog is:
  - (1) Confined within a secure enclosure, or unless such dog is securely muzzled and leashed when outside that secure enclosure; and
  - (2) Licensed with the municipality as a dangerous dog; and
  - (3) Neutered.
101. At all times when off the owner's property, a dangerous dog shall be on a leash not longer than one metre in length and under the control of a responsible person over the age of eighteen.
102. A secure enclosure used to house a dangerous dog shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit.
103. Subject to section 105 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
104. Subject to section 105 of this bylaw, the owner of a dangerous dog shall have a policy of liability insurance in force, satisfactory to the municipality, in the amount of at least five hundred thousand dollars, to cover any future injuries caused by the dangerous dog. This policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose that the insurance company shall notify the City of any cancellation, termination or expiration of the policy.
105. The Manager of Bylaw Services 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.
106. 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.
107. The City may not offer for adoption any dog that has been designated as dangerous under this bylaw.

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108. 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.
- (1) 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. (*Bylaw 2006-06 passed September 25, 2006*)
109. 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. (*Bylaw 2006-06 passed September 25, 2006*)
110. No owner of any dog shall permit such dog to bite, attack or harass any other tethered animal or any animal or poultry which is on its respective private property, and where such dog has bitten, attacked or harassed any animal or poultry it shall be deemed to have been done with the consent of the owner.
111. Upon conviction of an offence contrary to sections 108, 108(1), 109 or 110 of 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 97 herein. (*Bylaw 2006-06 passed September 25, 2006*)
112. Every owner of a dangerous dog shall, within fifteen days of being deemed a dangerous dog, cause the dog to be tattooed upon the ear or flank by a licensed veterinarian with a combination of letters and numbers prescribed by the Bylaw Services Department. Documented proof of such tattooing, duly certified by the licensed veterinarian, and describing the breed of dog, its owner, and the combination of letters and numbers aforementioned, shall be submitted to the Bylaw Services Department within ten days following the tattooing.
113. 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 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.
114. Where a Judge is satisfied, upon evidence under oath, that there are reasonable and probable grounds to believe that an animal 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 animal to do so, the Judge may, by order, authorize a Designated Officer to seize and impound the animal and set out in the Order any conditions which the owner shall meet before the animal may be released without further application to the Court.

## Office Consolidation of Animal Control Bylaw 2001-01

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- (1) 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 an animal is, or animals are, impounded, the Judge may, by order, authorize a designated officer to seize and impound the animal or animals and set out in the order any condition which the owner shall meet before the animal or animals may be released and may set out a time period within which the owner must meet the conditions set out in the order. (*Bylaw 2003-12 passed April 14, 2003*)
  - (2) If the owner fails to meet the conditions set out in an order granted under section 114(1) in the time period set out in the order, and the period for an appeal has lapsed without an appeal being filed, the City may dispose of the animal or animals that are the subject of the order in whatever manner it sees fit, including the animal's destruction. (*Bylaw 2003-12 passed April 14, 2003*)
115. 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 113 or 114 of this bylaw commits an offence.
  116. Where an animal is seized and impounded pursuant to section 113 or 114 of this bylaw, an owner may apply to the court on three clear days notice to set aside the order of impoundment.
  117. Where an animal is impounded pursuant to sections 113 or 114 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 116 herein, within seven days from the date of impoundment, the animal shall be destroyed.
  118. Upon application being made by an owner for the return of an impounded animal, the Judge shall confirm the order of impoundment unless the owner shows cause why the impoundment of the animal is not necessary in the public interest.
  119. Where a Judge is satisfied that the public interest does not require impoundment of the animal, 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.
  120. Where an animal has been released from impoundment pursuant to section 119 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.
  121. Where the owner of an animal is charged with an offence under section 120 of this bylaw, the prosecutor may make application to a Judge for an order returning the animal to impoundment, and a Judge may order the animal impounded.

## **Office Consolidation of Animal Control Bylaw 2001-01**

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122. 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 animal for inspection by a Designated Officer. An owner who fails to comply with the requirements of this section commits an offence.
123. Where an animal 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 animal in accordance with the provisions of this bylaw, and the owner shall be deemed to have committed an offence.
124. 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.

### **CRUELTY TO ANIMALS**

125. With the exception of the destruction of an animal pursuant to this bylaw by a Designated Officer, abattoir or by a licensed veterinarian, no person shall kill, maim, wound, poison, or injure an animal or hen. *(Bylaw 2012-29 passed July 9, 2012)*
126. No person shall place poison in such a position that it may easily be consumed by animals or hens. *(Bylaw 2012-29 passed July 9, 2012)*
127. No person shall cause or permit to be caused, either directly or by neglect, unnecessary pain, suffering or injury to an animal or hen. *(Bylaw 2012-29 passed July 9, 2012)*
128. 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 or hen is on the owner's property, or without consent if the animal or hen is running at large, forthwith destroy any animal or hen that is in contravention of this bylaw, whether or not such animal or hen is deemed to have an aggressive or vicious temperament. *(Bylaw 2012-29 passed July 9, 2012)*
129. Everyone commits an offence who:
- (1) Wilfully causes or, being the owner, permits another to cause unnecessary pain, suffering or injury to a wild or domestic animal, including an insect or bird; or
  - (2) Abandons a domestic animal or bird in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for any domestic animal or bird.

*(Bylaw 2004-19 passed January 10, 2005)*

# **Office Consolidation of Animal Control Bylaw 2001-01**

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## **INTERESTS OF PUBLIC SAFETY**

130. 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.
131. 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.

## **WILD ANIMALS**

132. No person shall own a wild animal within the City 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 City.
133. 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.

## **EXOTIC ANIMALS**

134. Every owner of an exotic animal shall register their animal with the City by providing the following information for each exotic animal that is under their care:
- (1) Name, street address, postal code and telephone number of the owner;
  - (2) Name and description of the exotic animal; and
  - (3) Such other information as may be required by the City."
135. The Manager of Bylaw Services shall, within 30 days of registration, deliver in writing to the registered owner of an exotic animal any conditions that the Manager of Bylaw Services deems necessary for the proper care and maintenance of the exotic animal. Failure by any person to comply with the conditions placed on them pursuant to this section is an offence.

## **TRAPS**

136. Unless provided with written approval from the Manager of Bylaw Services 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 the City. In no event may approval be issued for use of such devices on an animal as defined in this bylaw.

## **ENFORCEMENT, SEARCH AND SEIZURE**

137. The Designated Officer of the City shall enforce the provisions of this bylaw.

## Office Consolidation of Animal Control Bylaw 2001-01

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138. 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*.

### APPEAL

139. Any person who has applied for but failed to be granted a license 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 30 days after the decision was rendered, and Council may grant the request for reinstatement.
140. The right of appeal shall be barred and extinguished if not received in writing by Council within the 30-day period set out in this bylaw.

### PENALTIES

141. Any person who contravenes any provision of this bylaw is guilty of an offence.
142. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (1) 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
  - (2) 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*; or (*Bylaw 2006-17 passed May 8, 2006*)
  - (3) A fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Conviction Act* of the Yukon. (*Bylaw 2006-17 passed May 8, 2006*)
143. 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.
- (1) Where an accused is convicted of an offence under section 129 of 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 or bird during any period not exceeding two years. (*Bylaw 2004-19 passed January 10, 2005*)
144. Should any person owning or occupying real property within the City 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 taxes payable in respect of that real property as taxes in arrears.

# Office Consolidation of Animal Control Bylaw 2001-01

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## GENERAL INTERPRETATION

145. 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.

## REPEAL OF PREVIOUS LEGISLATION

146. Bylaw 97-12, including all amendments thereto, is hereby repealed.

## COMING INTO FORCE

147. This bylaw shall come into full force and effect on and from the second day of January 2002.

**FIRST READING:** August 13, 2001

**AMENDMENT:** August 27, 2001

**SECOND READING:** August 27, 2001

**THIRD READING and ADOPTION:** August 27, 2001

ORIGINAL BYLAW SIGNED BY:

*Ernie Bourassa*

Ernest J. R. Bourassa, Mayor

*P. Burke*

P. Burke, City Clerk

# Office Consolidation of Animal Control Bylaw 2001-01

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## SCHEDULE "A" VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 3(1)	Fail to have fresh drinking water/suitable food	\$75.00
Section 3(2)	Clean food/water receptacles violation	\$75.00
Section 3(3)	Fail to exercise animal	\$75.00
Section 3(4)	Fail to have necessary Veterinary Medical Care	\$200.00
Section 4(1)	Insufficient area for animal	\$100.00
Section 4(2)	Fail to provide adequate outdoor shelter	\$100.00
Section 5	Unsanitary outside area, pen or run	\$100.00
Section 6	Secure unattended animal violations	\$100.00
Section 7	Inadequate ventilation for confined animal	\$200.00
Section 8	Transport unsecured animal	\$100.00
Section 9	Muzzled animal left unattended	\$75.00
Section 10	Animal left in unsanitary condition	\$250.00
Section 11	Unlicensed dog/cat	\$100.00
Section 15	Misuse of dog/cat license tag	\$150.00
Section 20	Fail to notify City of new owner	\$150.00
Section 24	No tags on dog/cat	\$50.00
Section 36	Fail to make application to keep hens++	\$75.00
Section 40	Keep more than six hens++	\$75.00
Section 40(1)	Keep a rooster in an urban residential area++	\$75.00
Section 41	Keep hens contrary to Animal Control Bylaw++	\$75.00
Section 43	Keep more than two dogs/cats	\$100.00
Section 47	Keep more than permitted number of dogs	\$100.00
Section 49	Unauthorised poultry or pigeons	\$75.00
Section 50	Unauthorized livestock in city	\$75.00
Section 53	Dog/cat at large	\$75.00
Section 53(1)	Deemed dangerous in off-leash area**	\$150.00
Section 53(2)(a)-(d)	Fail to keep dog under control**	\$75.00
Section 54	Dog/cat at large (Second offence in 12 months)	\$150.00
Section 54	Dog/cat at large (Third offence in 12 months)	\$200.00
Section 55	Unleashed animal	\$75.00
Section 55(1)	Allow dog in posted area**	\$75.00
Section 56	Unsecured female dog/cat (in heat)	\$100.00
Section 57	Nuisance animal	\$150.00
Section 58	Animal defecation - public land or private property	\$100.00

## Office Consolidation of Animal Control Bylaw 2001-01

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Section 59	Fail to have written authorization for special event	\$150.00
Section 60	Fail to comply with conditions set out in writing	\$150.00
Section 61	Damage by animal - public or private property	\$100.00
Section 62	Interfere with Officer	\$500.00
Section 63	Destroy, damage, interfere with trap	\$200.00
Section 76	Owner fails to recover animal/pay fees	\$200.00
Section 90	Kill/remove rabid animal without permission	\$150.00
Section 91	Non-surrender of rabies-exposed carcass	\$200.00
Section 100(1)	Dangerous dog – not confined	\$250.00
Section 100(2)	Dangerous dog – not licensed as dangerous	\$250.00
Section 100(3)	Dangerous dog – not neutered	\$250.00
Section 101	Dangerous dog – not on leash	\$250.00
Section 102	Dangerous dog enclosure not properly placed	\$250.00
Section 103	No/improper warning signs for dangerous dog	\$250.00
Section 104	Fail to insure dangerous dog	\$150.00
Section 108	Dog bite – animal	\$150.00
Section 109	Dog bite – person	\$200.00
Section 110	Dog bite – tethered /caged animal or poultry	\$200.00
Section 112	Failure to tattoo dangerous dog	\$200.00
Section 125	Kill, maim, wound, poison or injure animal	\$250.00
Section 126	Placing of poison to be consumed by animals	\$250.00
Section 127	Unnecessary pain, suffering or injury to an animal	\$250.00
Section 132	Wild animal violation	\$100.00
Section 134	Exotic animal violation	\$100.00
Section 136	Set or maintain unauthorized trap	\$200.00

**\*\* New items added pursuant to Bylaw 2004-19 passed January 10, 2005**

**++New items added pursuant to Bylaw 2012-29 passed July 9, 2012**

# Office Consolidation of Animal Control Bylaw 2001-01

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## SCHEDULE "B"

### LIST OF ZONES IN WHICH URBAN HENS ARE PERMITTED

Pursuant to the City of Whitehorse Zoning Bylaw, only single family or duplex housing within the following urban zones shall be permitted to have hens.

1. CM1 – Mixed Use Commercial
2. RD – Residential Downtown
3. RC2 – Country Residential 2
4. RCS – Comprehensive Residential Single Family
5. RCS2 – Comprehensive Residential Single Family 2
6. RCS3 – Comprehensive Residential Single Family 3
7. RS – Residential Single Detached