

Prophet River First Nation Animal and Canine Control By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning the control of Dogs and Animals on the Reserve;

AND WHEREAS section 81 of the *Indian Act*, R.S.C. 1985, c. I-5 empowers the council of a band to enact by-laws in respect of matters local in nature to a reserve;

THEREFORE the Band Council of Prophet River First Nation makes the following by-law:

PART 1 – GENERAL

SHORT TITLE

1. This by-law may be cited as the "Prophet River First Nation Animal and Canine Control By-law".

INTERPRETATION

2. In this by-law, the following definitions apply:
 - (a) "**Animal**" means an animal other than a Dog that is tame or kept, or that has been or is being sufficiently tame or kept, to serve some purpose or use to an Owner.
 - (b) "**Animal Control Officer**" means an Animal Control Officer, appointed pursuant to section 4, or any by-law enforcement officer, including a police officer or a person employed by the Band Council, for the purpose of enforcing the provisions of this by-law.
 - (c) "**At Large**" means any Dog or Animal being elsewhere other than on the premises of a person owning or having custody, care or control of such Dog or Animal and not being under the direct charge and effective control of a reasonable and competent person.
 - (d) "**Band Council**" means the elected Chief and Council of Prophet River First Nation.
 - (e) "**Dog**" means any male or female of the species *canis domesticus* and includes a Vicious Dog.
 - (f) "**Muzzle**" means a device used to secure a Dog's mouth in such a fashion that it cannot bite any person or other Dog or Animal.

- (g) **“Owner”** when used in relation to the ownership of a Dog or Animal includes a person owning, possessing or having care, custody and control of a Dog or Animal and, where the Owner is under 18 years of age, the person responsible for the custody of that person under 18 years of age.
- (h) **“Reserve”** means Prophet River First Nation I.R. 4.
- (i) **“Vicious Dog”** includes:
 - (i) any Dog that demonstrates ferocious or aggressive behaviour;
 - (ii) any Dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a Vicious Dog;
 - (iii) any Dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against an Owner has been entered concerning that specific Dog; and
 - (iv) any Dog which has bitten another Dog, Animal or human without provocation.

APPLICATION

- 3. This by-law applies to all Owners of domestic Dogs and Animals residing on or visiting the Reserve.

PART II – ADMINISTRATION

ANIMAL CONTROL OFFICER

- 4. The Band Council may appoint an Animal Control Officer to provide for the administration and enforcement of this by-law.

LIMITATION ON ANIMALS PER DWELLING

- 5. No more than four (4) Dogs or Animals shall be kept, harboured or possessed in any dwelling. This provision shall not apply to litters, whereby the pups or kittens are under four (4) months of age; however, no more than one (1) litter is allowed per dwelling at a time.

REGISTRATION AND IDENTIFICATION OF ANIMALS

- 6. Every Owner of a Dog or Animal residing on the Reserve must register and have an identification tag placed around the neck of each Dog or Animal.
- 7. Every Owner of a Dog or Animal residing on the Reserve must provide the following registration information to the Animal Control Officer:

- (a) the Owner's name;
 - (b) the Owner's address of lot number;
 - (c) a description of the Dog or Animal sought to be registered, including the age, sex, and name of breed if known;
 - (d) the number of Dogs or Animals in the household;
 - (e) a record that the Dog or Animal is immunized against rabies, noting the date of such immunization, the name of the person who gave the immunization; and
 - (f) any other information the Animal Control Officer deems necessary for the proper administration of this by-law.
8. The Owner of a Dog or Animal four (4) months of age or older shall, within thirty (30) days of acquiring it, register and tag it.
9. No person shall use a tag upon a Dog or Animal other than the Dog or Animal for whom it was issued.

DOGS

10. No Owner of a Dog shall allow or permit their Dog to be At Large.
11. Every Owner of a Dog shall keep the Dog safely confined on the premises of the Owner at all times, except where the Dog is:
- (a) on a leash less than two metres long and held by a person capable of restraining the Dog's movements;
 - (b) used by a visually impaired person as a guide assistance dog; or
 - (c) being used by a person in the aid of hunting activities.
12. Every Owner of a female Dog shall confine the Dog for the time during which the Dog is in heat.
13. Every Owner of a Dog is responsible for the care and control of the Dog and must:
- (a) ensure that the Dog does not become a nuisance, including ensuring that the Dog does not bark, yelp, growl or otherwise annoy or disturb the peace of residents on the Reserve;
 - (b) provide sufficient food and water for the Dog's humane survival;
 - (c) provide a clean and sanitary living environment for the Dog; and

- (d) refrain from punishing or abusing the Dog in a manner which is cruel or unnecessary.

14. Every Owner of a Dog is responsible and liable for all damages caused by that Dog to any other person, or personal or real property.

VICIOUS DOGS

15. In addition to the requirements of section 11, every person owning a Vicious Dog must:

- (a) clearly post signs to that effect at any premises where the Vicious Dog regularly resides;
- (b) ensure that the Vicious Dog wears a Muzzle whenever it is in a public place; and
- (c) on private property, keep the Vicious Dog on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the Vicious Dog and/or to prevent the entry of children.

OTHER ANIMALS

16. No Owner of an Animal shall allow or permit the Animal to be elsewhere other than the premises of the Owner, unless the Animal is under direct control of that person.

17. No Owner of an Animal shall allow or permit that Animal to be At Large.

18. Every Owner of an Animal is responsible for the care and control of the Animal and must:

- (a) ensure that the Animal does not become a nuisance;
- (b) provide sufficient food and water for the Animal's humane survival;
- (c) provide a clean and sanitary living environment for the Animal; and
- (d) refrain from punishing or abusing the Animal in a manner which is cruel or unnecessary.

19. Every Owner of an Animal is responsible and liable for all damages caused by that Animal to any other person, or personal or real property.

PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

20. The Band Council may at any time prohibit the keeping of Dogs or Animals within any area of the Reserve.

21. Notice of any prohibition made by the Band Council pursuant to section 20 shall be posted in the band administration office and after the date of the posting of such notice, no person shall keep or have a Dog or Animal within the prohibited area.
22. No person may establish, own or operate an establishment or facility for the boarding or treatment of Dogs or Animals within the limits of the Reserve, without express written authorization to that effect from the Band Council, by way of Band Council resolution.

IMPOUNDING AND SEIZURE

23. A Dog or Animal found At Large on the Reserve may be impounded for not less than five (5) days and, after notifying the Owner, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such Dog or Animal has been claimed by its Owner and the costs incurred for the impounding of the Animal have been paid.
24. The Animal Control Officer may seize a Dog or Animal from any person who the Animal Control Officer has reasonable cause to believe is violating, has violated, or is about to violate any of the provisions of this by-law.
25. If a Dog or Animal is apprehended because it has inflicted an unprovoked attack upon another Dog, Animal, or human, the Owner shall be responsible for the destruction or disposal of such Dog or Animal.
26. The Animal Control Officer may seek veterinary attention for a Dog or Animal found to be diseased, whereby the Owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the Owner of the Dog or Animal.
27. Where a seized Dog or Animal is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or other Dogs or Animals, the Animal Control Officer shall destroy the Dog or Animal as soon after the seizure as the Animal Control Officer thinks fit without permitting any person to reclaim the Dog or Animal and no damages or compensation may be recovered on account of such action.
28. The Band Council shall make every reasonable effort to notify the Owner of a Dog or Animal which has been impounded.
29. A written report of each incident involving impounding or seizure, as described in this section, shall be filed with the Band Council by the Animal Control Officer.

ANIMAL DESTROYED IF UNABLE TO SEIZE

30. Where the Animal Control Officer, after reasonable effort, is unable to seize a Dog or Animal At Large, contrary to the provisions of this by-law, the Animal Control Officer may destroy the Dog or Animal.

31. No damages or compensation may be recovered as a result of the destruction of a Dog or Animal by the Animal Control Officer pursuant to section 30.

PROTECTION FROM VICIOUS DOGS

32. A person or Animal Control Officer may kill, if necessary, a Vicious Dog which is running At Large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
- (a) a person;
 - (b) another Dog or Animal that is tethered;
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.
33. A person or Animal Control Officer who must kill a Vicious Dog, pursuant to section 32, shall immediately report the incident to the Band Council or Animal Control Officer and notify the Vicious Dog's Owner.
34. No damages or compensation may be recovered as a result of killing a Vicious Dog by a person or Animal Control Officer who is required to do so pursuant to section 32.

PENALTY

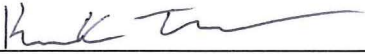
35. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.

AMENDMENT

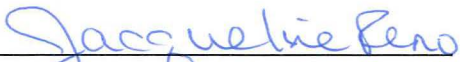
36. The Band Council must follow the following procedures in amending or repealing this by-law:
- (a) The Band Council must present the amendment or proposal to repeal for discussion at a band general meeting.
 - (b) The Band Council must provide at least fifteen (15) days notice to members prior to the band general meeting referred to in section 36(a). Such notice must indicate the nature of the by-law being discussed.
 - (c) The Band Council must allow any member or person who may possibly be affected by the proposed by-law to present written or oral comments at the band general meeting required by section 36(a). The Band Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

This by-law is hereby made at a duly convened meeting of the Band Council of Prophet River First Nation this 17 day of December, 2019, at Fort St. John, B.C.

QUORUM: (two) 2 members of Council



Chief Kirk Tsakoza



Councillor Jacqueline Reno



Councillor Beverly Stager