

Peters Band

CONTROL OF ANIMALS BY-LAW

A by-law concerning the control of animals and to provide for the health and safety of all residents on Peters Band's reserve lands.

Preamble

WHEREAS section 81(1) of the *Indian Act* (Canada) provides that the Peters Band Council may make by-laws to provide for the health of residents on the reserve, for the protection against and prevention of trespass by domestic animals, and with respect to any matter arising out of or ancillary to the exercise of these powers;

AND WHEREAS the Peters Band Council is empowered to exercise all legislative and executive authority for the Peters Band;

AND WHEREAS the Peters Band Council is of the opinion that the uncontrolled ownership and running at large of domestic animals may be detrimental to the health and safety of, and a nuisance to, the residents of the reserves;

AND WHEREAS the Peters Band Council accordingly wishes to establish a comprehensive by-law to regulate the care and control of domestic animals to prevent nuisance and trespass by such animals on the reserve lands;

NOW THEREFORE the Peters Band Council, at a duly convened meeting of the Peters Band Council, enacts the following by-law:

Article 1 Title

- 1.1 This By-law may be cited as the "Peters Band Control of Animals By-law".

Article 2 Applications

- 2.1 This By-law governs the care and control of Dogs and Animals to prevent nuisance and trespass by, and to protect the safety of residents from, Dogs and Animals on the Reserves.

Article 3 Definitions

- 3.1 In this By-law, the following terms have the following meanings:
- a) "**Administration Office**" means the Peters Band administration office located at 16870 Peters Road, RR2, Hope, British Columbia;

Peters Band

CONTROL OF ANIMALS BY-LAW

- b) “**Agent**” or “**Agencies**” mean any board, tribunal, commission or committee of the Peters Band, or any corporate body controlled by the Peters Band, including a society, non-profit corporation or business corporation;
- c) “**Animal**” means any animal, other than a Dog, kept to serve some purpose for the use of man, and includes:
 - i. cattle, goats, horses, poultry, rabbits, sheep, swine kept for the purpose of providing meat or eggs; and
 - ii. animals that are wild by nature, kept in captivity, and whose pelts are commonly used for commercial purposes;
- d) “**Animal Control Officer**” means any person appointed by Council or contracted by Council from time to time for the purpose of administering, applying and enforcing this By-law, and includes any assistant or any person appointed by Council to assist in carrying out the provisions of this By-law;
- e) “**At Large**” means any Dog or Animal:
 - i. being elsewhere other than on the premises of a person owning or having custody, care or control of such Animal; and
 - ii. not being under the direct charge and effective control of a responsible and competent person;
- f) “**Council**” means the governing council of the Peters Band elected pursuant to section 74 of the *Indian Act* (Canada);
- g) “**Dangerous Dog**” means:
 - i. a Dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - ii. a Dog that, while At Large, has attacked, bitten, killed or caused injury to an Animal;
 - iii. a Dog that, while At Large, has aggressively pursued or harassed a person;
 - iv. a Dog that, while At Large, aggressively pursued or harassed an Animal;
 - v. a Dog with known propensity to attack or injure a person without provocation or to otherwise threaten the safety of human beings or

Peters Band

CONTROL OF ANIMALS BY-LAW

domestic animals; or

- vi. a Dog that has been deemed dangerous, vicious or similar under a law or bylaw of any other First Nation, municipality, or regional district;
- h) “**Dog**” means both male and female of the species *canis domesticus* apparently over the age of three (3) months, and includes a Dangerous Dog;
- i) “**Enclosure**” means any fence, pen, run or other structure suitable to prevent the entry of young children, and suitable to confine a Dog or Animal, in conjunction with any other measures necessary to prevent a Dog or Animal from escaping;
- j) “**Impounded**” means seized, delivered, received or taken into the Pound, or into the custody of the Animal Control Officer as provided in this By-law;
- k) “**Member**” means a person recognized at law as being a member of Peters Band;
- l) “**Membership**” means the collective Members of the Peters Band;
- m) “**Muzzle**” means a device used to secure a Dog’s mouth in such a humane fashion so that it cannot bite any person or other Dog or Animal;
- n) “**Owner**” means:
 - i. a person owning, possessing, having custody, care and control of a Dog or Animal;
 - ii. a person permitting the Dog or Animal to remain about the person’s parcel of land, building, dwelling, mobile home or premises; or
 - iii. where the person described in subsection (i) or (ii) above is under eighteen (18) years of age, the person responsible for the custody of the person under eighteen (18) years of age;
- o) “**Pound**” means any premises maintained and operated for the purpose of keeping Dogs or Animals Impounded;
- p) “**Public Notice**” means written notice posted at a conspicuous place at the Administration Office;
- q) “**Reserves**” means Peters Band Indian Reserve #1 and Peters Band Indian Reserve #1A; and
- r) “**Resolution**” means a decision made by vote of a majority of a quorum of Council at a duly convened Council meeting and recorded in the minutes of that meeting.

Peters Band

CONTROL OF ANIMALS BY-LAW

Article 4 Administration

- 4.1 The Council may appoint a person to act as an Animal Control Officer and any assistants to the Animal Control Office as the Council deems necessary.
- 4.2 The Animal Control Officer is authorized and directed to carry out the provisions set out in this By-law.
- 4.3 Council may, from time to time, enter into an agreement with an individual or an authorized agent of any corporation, society, governmental body or other organization to carry out any of the following:
- a) carry out the provisions of this By-law;
 - b) enforce the provisions set out in this By-law;
 - c) act as the Animal Control Officer; and
 - d) maintain and operate a Pound.
- 4.4 Council may, by Resolution, establish a charge or fees payable in respect of any matter administered under this By-law.

Article 5 Dogs

- 5.1 Every Owner of a female Dog that is in heat must either:
- (a) tie that Dog up in the yard of the Owner's property; or
 - (b) keep that Dog in the Owner's fenced yard,
- for the time in which the Dog is in heat.
- 5.2 In addition to the general requirements that apply to Dogs under this By-law, any Owner of a Dangerous Dog must:
- a) clearly post warning signs to that effect at any premises where the Dangerous Dog regularly resides; and
 - b) ensure that the Dangerous Dog wears a Muzzle if it is not confined.
- 5.3 The Owner of a Dog is responsible and liable for any and all damages caused by that Dog to any other person and to personal or real property.

Peters Band

CONTROL OF ANIMALS BY-LAW

- 5.4 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;
 - b) provide sufficient food and water for the Dog's humane survival;
 - c) refrain from punishing and abusing the Dog unnecessarily, or in a manner that amounts to cruelty; and
 - d) provide a clean and sanitary living environment for the Dog.
- 5.5 Council may prohibit the keeping of any Dogs on any area of the Reserves for health and safety reasons provided it provides Public Notice of such prohibition and also posts such notice in a visible location at the prohibited area of the Reserves.

Article 6 Other Animals

- 6.1 The Owner of an Animal is responsible and liable for any and all damages caused by that Animal to any other person and to personal and real property.
- 6.2 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) refrain from punishing or abusing the Animal unnecessarily or in a matter that amounts to cruelty; and
 - d) provide a clean and sanitary living environment for the Animal.
- 6.3 Council may prohibit the keeping of any Animals on any area of the Reserves for health and safety reasons, provided it gives Public Notice of such prohibition.

Article 7 Seizure, Sale and Disposal of Animals

- 7.1 The Animal Control Officer may seize and impound any Dog or Animal that is not cared for in accordance with sections 5.4 and 6.3 of this By-law on the Reserves.
- 7.2 If reasonably possible, the Animal Control Officer will, in a timely manner, notify the Owner of the impoundment of the Dog or Animal.

Peters Band

CONTROL OF ANIMALS BY-LAW

- 7.3 The Animal Control Officer may detain any Dog or Animal seized on the Reserves until the following amounts are paid to Peters Band:
- a) all actual costs incurred by Peters Band in administering this By-law with respect to the Dog or Animal, including costs for impounding, boarding and transporting the Dog or Animal seized from the Reserves;
 - b) any veterinarian fees incurred by Peters Band under section 7.5; and
 - c) any penalties or fees established under the By-law by Council from time to time.
- 7.4 An Owner must sign a receipt for any Dog or Animal prior to the release of the Dog or Animal from the Pound.
- 7.5 The Animal Control Officer may request the attendance of a veterinarian to the Pound if, in the view of the Animal Control Officer, the Dog or Animal is suffering from any illness, injury, disease or sickness or for any other valid reason as deemed necessary by the Animal Control Officer acting in good faith.
- 7.6 If five (5) days have passed since day on which the Animal Control Officer notified an Owner that his Dog or Animal has been seized, and the Owner has not reclaimed the Dog or Animal, then the Animal Control Officer may, at his sole discretion:
- a) sell the Dog or Animal in accordance with this Article 7; or
 - b) have the Dog or Animal destroyed in a humane manner.
- 7.7 If more than one (1) Dog, Animal or both (the “**Impounded Animals**”) have been Impounded and:
- a) the Owner of the Impounded Animals is known, then the Animal Control Officer must not sell or cause to be sold any more of such Impounded Animals than is necessary to realize from the sale the total amount owing by the Owner under section 7.3, and the Owner of the Impounded Animals is entitled to any surplus funds; or
 - b) the Owner of the Impounded Animals is not known, then the Animal Control Officer may sell all the Impounded Animals.
- 7.8 The Animal Control Officer must give prior Public Notice of a sale under this By-law, describing each Dog and Animal to be sold and the date, time and location of the sale.
- 7.9 If, in the reasonable opinion of the Animal Control Officer, a Dog or Animal seized under this By-law is so severely injured or diseased that the Dog or Animals needs to be destroyed for humane or health and safety reasons, then the Animal Control Officer may cause the Dog or Animal to be destroyed.

Peters Band

CONTROL OF ANIMALS BY-LAW

- 7.10 No Owner or person will be allowed to reclaim, purchase or adopt a Dog or Animal that has been determined under section 7.9 to need to be destroyed.
- 7.11 Any person is permitted to destroy a Dog or Animal that is At Large and in the act of pursuing, attacking, injuring, damaging, killing or destroying a person, or another Dog or Animal that is in an Enclosure.
- 7.12 No damages or compensation are recoverable against the Peters Band or any member, contractor, Agent, representative or employee of the Peters Band as a result of a Dog or Animal being destroyed under the provisions of this By-law.

Article 8 Regulations, Policies and Procedures

- 8.1 Council is authorized to establish such regulations, policies and procedures as it requires to administer this By-law. Such regulations, policies, and procedures are to be consistent with the provisions of this By-law and approved by Resolution.

Article 9 General Provisions

- 9.1 Notice.
- a) Any Notice to Peters Band must be in writing to the Peters Band and mailed, postage prepaid or personally delivered to the Administration Office.
 - b) Any Notice from the Peters Band to an Owner must be in writing and mailed postage pre-paid or personally delivered to the last known address of the Owner.
- 9.2 Severability: A finding by a court of competent jurisdiction that a section or provision of this By-law is void or invalid will not affect or bear upon the validity or invalidity of any other section or part of this By-law or this By-law as a whole.
- 9.3 Gender and Plurality: In this By-law, any words in the singular include the plural and words in the plural include the singular and the masculine includes the feminine and neuter where the context applies.
- 9.4 Amendments and Repeal. This By-law may be amended or repealed by Resolution, after the following procedure involving consultation with Membership is concluded:
- a) Council identifies a need for amendment or repeal of this By-law;
 - b) If an amendment is recommended, Council drafts proposed amendment provision(s);
 - c) Council calls a Membership meeting to be held within at least one (1) calendar month

Peters Band

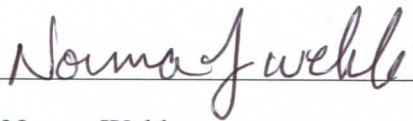
CONTROL OF ANIMALS BY-LAW

of Council identifying the need for amendment or repeal of the By-law;

- d) Council posts a notice of the proposed amendment(s) or repeal at the Administration Office, and mails such notice to each Member over the age of eighteen (18) for which an address has been provided to the Peters Band; and
- e) A Membership meeting is subsequently held for presentation of the proposed change or repeal, discussion thereon, review by the Membership and vote. The proposed amendment(s) or repeal of the By-law requires a majority vote by those present at the meeting. If approved, the proposed amendment(s) or repeal will be enacted by Resolution.

9.5 Coming into force: This By-law will come into force and effect once it has been approved by Council and notice of the By-law has been posted publically.

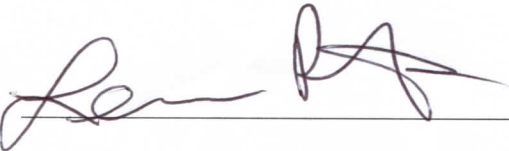
Approved and passed at a duly convened meeting of the Peters Band Council this 22 day of July, 2016.



Chief Norma Webb



Councillor Victoria Peters



Councillor Leanne Peters