

**SQUAMISH NATION
ANIMAL CONTROL BYLAW**

A bylaw to provide for the licensing, control and destruction
of Dogs, and the control of other Animals within the Reserve

WHEREAS the *Indian Act* provides that the Council of a Band may make bylaws for any or all of the following purposes, namely:

- the prevention of disorderly conduct and nuisances (paragraph 81(d));
- the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound keepers, the regulation of their duties and the provision for fees and charges for their services (paragraph 81(e));
- with respect to any matter arising out of or ancillary to the exercise of the aforementioned powers (paragraph 81(q));
- the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a bylaw made under section 81 (paragraph 81(r));

NOW THEREFORE the council of the Squamish Nation at a duly convened meeting enacts as a bylaw the following:

**PART I
SHORT TITLE**

- 1 This bylaw may be cited for all purposes as the Squamish Nation Animal Control Bylaw.

**PART II
INTERPRETATION**

DIVISION OF PARTS

- 2 This bylaw as a matter of convenience and for reference only is divided into nine parts titled as follows:

PART I	-	SHORT TITLE
PART II	-	INTERPRETATION
PART III	-	ANIMAL CONTROL BYLAW OFFICER
PART IV	-	POUND
PART V	-	LICENSING
PART VI	-	SEIZURE, IMPOUNDING AND DESTRUCTION
PART VII	-	ANIMALS AT LARGE
PART VIII	-	DESTRUCTION AND DISPOSAL ON REQUEST
PART IX	-	PROHIBITION OF CRUELTY
PART X	-	PENALTIES
SCHEDULE "A"	-	DOG LICENCE APPLICATION
SCHEDULE "B"	-	DOG LICENCE
SCHEDULE "C"	-	SCHEDULE OF FEES

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HEADINGS

- 3 The headings of parts and sections in this bylaw have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or any of its provisions.

SEVERABILITY

- 4 If a Court of competent jurisdiction declares any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this bylaw and it is hereby declared that the remainder of this bylaw shall be valid and shall remain in force.

DEFINITIONS

- 5 The following terms whenever used in this bylaw, or in any resolution of Council passed relating to this bylaw, shall have the meaning respectively ascribed to them in this section unless the context otherwise requires:

"Act" means the *Indian Act* (together with all regulations made pursuant to same) being Chapter I-6 of the Revised Statutes of Canada, 1970, and any amendments thereto,

"Animal" means any animal (other than a human being),

"Animal Control Bylaw Officer" means any person appointed by Council under section 7 from time to time to be an Animal Control Bylaw Officer,

"Band" means the Squamish Nation,

"Council" means the Council of the Squamish Nation,

"District" means the District, as defined under the provisions of the *British Columbia Municipal Act*, with which the Band has contracted for services under section 10(2) of this bylaw,

"Dog" means any Animal of the canine species,

"Dog Licence" means a licence substantially the same in form and content as the document attached as Schedule "B" to this bylaw and forming a part hereof, when duly completed and signed by an Animal Control Bylaw Officer,

"Dog Licence Application" means an application substantially the same in form and substance as that document attached as Schedule "A" to this bylaw and forming a part hereof, when duly completed and signed by an applicant for a Dog Licence,

"Dog Tag" means a metal tag having inscribed, impressed or otherwise written thereon the initials S.I.B. and a number the same as the licence number of the Dog Licence with which the tag is issued.

"Highway" includes every highway, bridge, driveway, street, lane, square, road, avenue, parkway, thoroughfare, parking area, or other place within Reserve designed or intended for the use of the membership of the Band and/or the general public for the passage of vehicles or the parking of vehicles, including without restricting the generality of the foregoing, every area designated as a highway, bridge, driveway, street, lane, road, avenue, parking area or thoroughfare, on a Canada Lands Surveys Record Plan or a Regional Surveyor of British Columbia Plan,

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"Impound" means to deliver, receive or take into the Pound,

"Owner" means the person or person shown as being the holder of a valid Dog Licence for the Dog in the record book referred to in sub-section 11(1),

"Owner's Property" means the property immediately surrounding the dwelling place of an Owner which is generally acknowledged to be for the Owner's private use,

"Pound" means any structure, yard or enclosure established within Reserve as a pound by Council under section 10, or if Council fails to establish such structure, yard or enclosure, Pound means any building or enclosure established as a Pound by the District,

"Reserve" includes all Reserves of the Band,

"Run at Large" means not being in an Owner's dwelling place or at an Owner's Property, and not being under the immediate charge and control of a person,

"Running at Large" has the same meaning as Run at Large is defined to have,

"Schedule of Fees" means that Schedule of Fees attached as Schedule "C" to this bylaw and forming a part hereof,

"Unlicensed Dog" means any Dog for which a valid Dog Licence is not in effect, or to which the Dog Tag issued with a valid Dog Licence is not attached.

FEES PAYABLE

- 6 No fees payable under this bylaw are refundable, either in whole or in part, for any reason.

PART III ANIMAL CONTROL BYLAW OFFICER

APPOINTMENT

- 7 (1) The Council may from time to time appoint a person to be the Animal Control Bylaw Officer, and may at any time terminate any such appointment.
- (2) The Animal Control Bylaw Officer shall have the powers and carry out the duties prescribed for such officer in this bylaw.

OBSTRUCTION OF BYLAW OFFICER

- 8 No person shall interfere with, obstruct or impede the Animal Control Bylaw Officer while he is acting in the exercise of the powers or the carrying out of the duties prescribed for the Animal Control Bylaw Officer in this bylaw.

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ANIMAL RESCUE PROHIBITED

- 9 (1) Without limiting the generality of section 8, no person shall rescue or attempt to rescue any Animal that the Animal Control Bylaw Officer is seizing or attempting to seize or that is otherwise lawfully in the custody or control of the Animal Control Bylaw Officer pursuant to this bylaw.
- (2) Without limiting the generality of subsection (1) or section 8, no Animal being kept in the Pound shall be removed therefrom by any person without prior consent of the Animal Control Bylaw Officer.

PART IV POUND

ESTABLISHMENT OF POUND

- 10 (1) The Council may establish as a Pound for the keeping of such Animals as may be Impounded pursuant to this bylaw, such structure, yard or enclosure:
- (a) to be located at such place within Reserve, and
- (b) to be constructed to such standard as may be approved,
from time to time by Council.
- (2) In lieu of establishing a Pound under subsection (1), the Council may make contractual arrangements with the District for the use of the District Pound for the purposes of this Bylaw.

POUND RECORDS

- 11 (1) It shall be the duty of the Animal Control Bylaw Officer to keep a record book in which he shall:
- (a) keep a copy of every valid Dog Licence in effect, and
- (b) enter with reference to each Animal Impounded, the date and house of Impounding, a description of the Animal, the name of any person from whom the Animal is received and the date upon and the manner in which such Animal is disposed of.
- (2) The record book referred to in sub-section (1) shall be open to inspection by the Council, and by any other person authorized by Council, at any time during regular business hours of the Pound.

PART V LICENSING

APPLICATION FOR AND ISSUANCE OF LICENCES

- 12 (1) Any person 19 years of age or over may apply to the Animal Control Bylaw Officer for a Dog Licence by submitting thereto a Dog Licence Application and paying the appropriate fee prescribed under the heading "Dog Licence Fee" in the Schedule of Fees.
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- (2) The Animal Control Bylaw Officer shall on receipt of a Dog Licence Application and the appropriate fee prescribed under the heading "Dog Licence Fee" in the Schedule of Fees, issue a Dog Licence and a Dog Tag.
- (3) The fee payable pursuant to this section in respect of a female Dog shall be that prescribed for an unspayed female Dog under the heading "Dog Licence Fee" in the Schedule of Fees unless a letter from a person licensed to practice veterinarian medicine in the Province of British Columbia adequately identifying the Dog and stating it is a spayed female is submitted in accordance with sub-section (1) or has been submitted with an earlier Dog Licence Application in respect of the same Dog, in which case such fee shall be that prescribed under such heading in respect of a spayed female Dog.

DURATION OF LICENCE

- 13 A Dog Licence and Dog Tag shall be valid and effective only from the date of issuance indicated on the Dog Licence to and including the first day of April next following the day on which the Dog Licence was issued and should a person desire a valid Dog Licence for the twelve month period commencing on the said first day of April, he shall again apply to the Animal Control Bylaw Officer pursuant to sub-section 12(1).

LICENCE NOT ASSIGNABLE

- 14 A Dog Licence and Dog Tag shall be issued in respect of one particular Dog only and shall not be transferrable or assignable for use in respect of another Dog.

DOG TAG

- 15 (1) A Dog Tag shall be securely fixed to the harness or collar of the Dog in respect of which the Dog Licence was issued, and the harness or collar shall be worn by that Dog for so long as the Dog Licence is valid.
- (2) No person shall place, affix or use a Dog Tag issued in respect of one Dog on or for another Dog.
- (3) No person without the authority of the person holding a valid Dog Licence in respect of a particular Dog, shall remove from that Dog any harness or collar to which is attached a valid Dog Tag, or remove such Dog Tag from that Dog.

REPLACEMENT OF DOG TAG

- 16 The Animal Control Bylaw Officer shall issue a replacement Dog Tag in respect of a valid Dog Licence upon receipt from an Owner of proof satisfactory to the Animal Control Bylaw Officer that the Dog Tag issued to the Owner with the valid Dog Licence has been lost and on receipt of payment of the fee prescribed under the heading "Dog Tag Replacement Fee" in the Schedule of Fees.

UNWEANED DOGS

- 17 A female Dog and her unweaned offspring shall be deemed to constitute one Dog for the purposes of this bylaw.

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PART VI SEIZURE, IMPOUNDING AND DESTRUCTION

LICENCE AND TAG REQUIRED

- 18 No person shall own or possess any Dog within Reserve unless:
- (a) a valid Dog Licence is in effect in respect of such Dog, and
 - (b) such Dog is wearing the Dog Tag issued with such Dog Licence, or the Dog Tag issued as a replacement for same pursuant to section 16.

OTHER ANIMALS PERMITTED

- 19 No Animal other than Dogs as permitted pursuant to this bylaw, and cats or other small domestic Animals that are generally acknowledged to be harmless to persons and property and which may be properly kept within a dwelling place, shall be kept by any person within Reserve, other than in educational facilities and for educational purposes.

RUNNING AT LARGE

- 20 No Owner or possessor of any Dog shall permit, suffer or allow that Dog to Run at Large within Reserve.

UNLEASHED DOG IN PUBLIC PLACE

- 21 Without restricting the generality of Section 20, no Owner or possessor of any Dog shall permit, suffer or allow that Dog to be on any Highway or in any other public place unless that Dog is under the full charge and control of a person by means of a leash not exceeding eight (8) feet in length.

SEIZURE AND IMPOUNDING

- 22 (1) The Animal Control Bylaw Officer may seize and Impound any Dog:
- (a) found Running at Large, or
 - (b) that is on a Highway, or in any other public place, and not under the full charge and control of a person by means of a leash not exceeding eight (8) feet in length, or
 - (c) that is an Unlicensed Dog.
- (2) The Animal Control Bylaw Officer shall (unless the Owner or possessor of the Dog can, by virtue of the circumstances resulting in Impoundment of the Dog, reasonably be assumed to be aware that the Dog has been Impounded) forthwith upon Impounding a Dog pursuant to sub-section (1), make reasonable efforts to notify the Owner, or if the Dog has no Owner any person known by the Animal Control Bylaw Officer to have been the possessor of the Dog, of such Impoundment.
- (3) The Owner or possessor of any Dog seized and Impounded pursuant to sub-section (1) may reclaim such Dog upon application to the Animal Control Bylaw Officer at any time prior to the Dog being destroyed pursuant to this bylaw, on providing proof of being the Owner of the Dog or the right to lawful possession of the Dog, issuance of a valid Dog Licence and Dog Tag if none are in effect, and

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payment of the fees prescribed under the headings "Dog Impounding Fee" and "Pound Fee for Dogs" in the Schedule of Fees.

- (4) If a Dog Impounded pursuant to sub-section (1) is not claimed by its Owner or by a person claiming to have the right to lawful possession of the Dog within the period of Twenty-Four (24) hours from the time the Dog is Impounded, the Animal Control Bylaw Officer may forthwith cause such Dog to be destroyed.
- (5) Notwithstanding anything to the contrary elsewhere contained in this bylaw, if a Dog is Impounded pursuant to sub-section (1) and the Animal Control Bylaw Officer notifies the Owner, or if the Dog has no Owner any person known by the Animal Control Bylaw Officer to have been the possessor of such Dog, that the Dog has been Impounded, and such Owner or person indicates to the Animal Control Bylaw Officer that he does not intend to re-claim such Dog from the Pound, the Animal Control Bylaw Officer may thereupon forthwith cause such Dog to be destroyed.
- (6) Notwithstanding anything to the contrary elsewhere contained in this bylaw, when a dog has been seized pursuant to sub-section (1) and it is found that such Dog is suffering from an injury, disease or sickness that in the reasonable opinion of the Animal Control Bylaw Officer is so severe that it is unlikely that the Dog will survive such injury, disease or sickness, or that it would be an act of humanity to destroy the Dog, the Animal Control Bylaw officer shall cause such Dog to be immediately destroyed.

UNPROVOKED DOG BITE

- 23 (1) Notwithstanding anything to the contrary elsewhere contained in this bylaw, where a Dog is known to have inflicted an unprovoked bite on a person or another Animal, the Animal Control Bylaw Officer shall immediately seize and Impound the Dog and shall confine it to the Pound where it shall be kept for so long as is reasonably required for a determination to be made as to whether the Dog is rabid, and upon such determination the Animal Control Bylaw Officer shall, notwithstanding whether or not the Dog is rabid, forthwith cause such Dog to be destroyed.
- (2) Any occupant of premises at which a Dog known to have inflicted an unprovoked bite on a person or another Animal is present shall on request of the Animal Control Bylaw Officer immediately deliver up such Dog to him.

DOG AT PREMISES

- 24 (1) The Animal Control Bylaw Officer may, where he has reason to believe a Dog for which there is no valid Dog Licence in effect, or a Dog not bearing a valid Dog Tag issued in respect of the Dog, is present at any premises, request any occupant of such premises to satisfy him that a valid Dog Licence is in effect in respect of the Dog and to exhibit a valid Dog Tag issued in respect of the Dog, and if the occupant fails to satisfy him that such a Dog Licence is in effect and to exhibit such a Dog Tag, he may request that the Dog be delivered to him to be seized and Impounded.
- (2) If a Dog for which there is no valid Dog Licence in effect, or a Dog not bearing a valid Dog Tag issued in respect of the Dog, is present at any premises, no occupant of such premises shall fail or refuse to exhibit to the Animal Control Bylaw Officer on his request a valid Dog Licence and Dog Tag in respect of the Dog, or in the event such occupant cannot produce a valid Dog Licence or Dog Tag issued in respect of the Dog, neglect or refuse to deliver such Dog to the Animal Control Bylaw Officer on his request.

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ANIMAL A NUISANCE

- 25 (1) Notwithstanding anything to the contrary elsewhere contained in this bylaw, the Council may, on determination by it on reasonable grounds that any Animal is interfering with the use or enjoyment of the Reserve by a member or members of the Band, report same to the Animal Bylaw Officer who shall seize such Animal and forthwith cause it to be destroyed.
- (2) Any occupant of a premises at which an Animal that the Council has reported to the Animal Control Bylaw Officer pursuant to sub-section (1) is present shall on request of the Animal Control Bylaw Officer immediately deliver up such Animal to him.

PART VII ANIMALS AT LARGE

- 26 (1) For the purposes of this section only, the word "Animal" will not include Dog.
- (2) Without restricting the generality of section 19, no person shall permit, suffer or allow any horse, stallion, mule, bull, cow, goat, ram, sheep, boar, swine, or cattle of any kind, or any geese, ducks, or fowl of any kind, to Run at Large, or to trespass in or upon any unenclosed land, premises or public place, or to trespass in any garden or on any enclosed land within Reserve whether in the custody or charge of any herder, or otherwise.
- (3) It shall be lawful of the Animal Control Bylaw Officer to seize and Impound, or for any other person subject to sub-section (3) to seize and maintain control of, any Animal found Running at Large or trespassing contrary to the provisions of sub-section (2).
- (4) If a person other than the Animal Control Bylaw Officer seizes any Animal permitted by sub-section (3), such person shall forthwith deliver control of such Animal to the Animal Control Bylaw Officer who shall thereupon Impound such Animal.
- (5) The Animal Control Bylaw Officer shall (unless the owner or possessor of any Animal can, by virtue of the circumstances resulting in Impoundment of the Animal, reasonably be assumed to be aware that an Animal Impounded pursuant to sub-section (3) or sub-sections (3) and (4), has been Impounded) forthwith upon Impounding the Animal make reasonable efforts to notify any person known by the Animal Control Bylaw Officer to be the owner or possessor of the Animal, of such Impoundment.
- (6) The owner or possessor of any Animal seized and Impounded pursuant to sub-section (3) or sub-sections (3) and (4) may reclaim such Animal upon application to the Animal Control Bylaw Officer at any time prior to the Animal being destroyed pursuant to this bylaw, on providing proof of ownership or the right to lawful possession of the Animal, on paying the fees prescribed under the headings "Seizure and Impounding Fee" and "Pound Fee for Animals other than Dogs" in the Schedule of Fees, and on undertaking in writing addressed to the Council to permanently remove such Animal from Reserve within ten (10) days of reclaiming it.
- (7) If an Animal Impounded pursuant to sub-section (3) or sub-sections (3) and (4) is not claimed by its owner or by a person claiming to have the right to lawful possession of the Animal within the period of 24 hours from the time the Animal is so Impounded, it shall be the duty of the Animal Control Bylaw Officer to forthwith cause such Animal to be destroyed.

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- (8) Notwithstanding anything to the contrary elsewhere contained in this by-law, if an Animal is Impounded pursuant to sub-section (3) or sub-sections (3) and (4) and the Animal Control Bylaw Officer notifies any person known by him to be the owner or to have been the possessor of the Animal that the Animal has been Impounded, and such owner or possessor indicates to the Animal Control Bylaw Officer that he does not intend to re-claim such Animal, the Animal Control Bylaw Officer may thereupon forthwith cause such Animal to be destroyed.

PART VIII DESTRUCTION AND DISPOSAL ON REQUEST

DESTRUCTION OF DOGS

- 27 Whenever an Owner or other person having lawful charge or control of a Dog wishes to have it destroyed, he may upon payment to the Animal Control Bylaw Officer of the fee prescribed under the heading "Destruction and Disposal Fee" in the Schedule of Fees request that the Animal Control Bylaw Officer seize and destroy such Dog, and the Animal Control Bylaw Officer shall thereupon seize such Dog and cause same to be forthwith destroyed.

DISPOSAL OF CARCASSES

- 28 (1) Whenever an Owner or other person having lawful charge or control of a dead Animal wishes to have it disposed of, he may upon payment to the Animal Control Bylaw Officer of the fee prescribed under the heading "Collection and Disposal Fee" in the Schedule of Fees request the Animal Control Bylaw Officer to collect the dead Animal, and the Animal Control Bylaw Officer shall thereupon collect the dead Animal and dispose of same.
- (2) It shall be the duty of the Animal Control Bylaw Officer to remove any dead Animal killed on a highway forthwith whenever the presence of such comes to his knowledge, and to forthwith thereupon dispose of same.

PART IX PROHIBITION OF CRUELTY

- 29 (1) No person may keep any Animal unless the Animal is provided with:
- (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
 - (d) necessary veterinary medical care when the Animal exhibits signs of pain or suffering.
- (2) No person may keep any Animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the Animal is provided with outside shelter:
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- (a) to ensure protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat. Such shelters must provide sufficient space to allow any Animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - (b) at least 1 ½ times the length of the Animal and at least the Animal's length in width, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position plus 10%;
 - (c) in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times;
 - (d) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
- (3) No person may cause an Animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the Animal's neck or to a choke collar.
- (4) No person may cause an Animal to be confined in an enclosed space, including a car, without adequate ventilation.
- (5) No person may transport an Animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

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PART X
PENALTIES

30 Any person who disobeys or fails to comply with any provision of this bylaw is guilty of an offence and is liable to imposition on summary conviction of a fine not less than Twenty-Five (\$25.00) Dollars and not exceeding One Thousand (\$1,000.00) Dollars or imprisonment for a term not exceeding thirty (30) days, or both.

APPROVED AND PASSED at a duly convened meeting of the Council of the Squamish Nation this 8th day of March, 2000.

Chief Bill Williams
CHIEF COUNCILLOR

Arena Brown
COUNCILLOR

Byron Joseph
COUNCILLOR

Dennis Joseph
COUNCILLOR

COUNCILLOR

Anthony Moody Sr
COUNCILLOR

Marion Joseph
COUNCILLOR

Faye Harris
COUNCILLOR

Veronica Baker
COUNCILLOR

I, Chief Bill Williams, Chief Councillor of the Squamish Nation, do hereby certify that a true copy of the foregoing bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act* this 8 day of March, 2000.

Alvin Jensen
WITNESS

Chief Bill Williams
CHIEF COUNCILLOR

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SCHEDULE "A"

DOG LICENCE APPLICATION

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

Name of Dog: _____

The Dog is: Male _____

Female _____

Spayed Female _____

Fee paid: \$ _____

(NOTE: The fee payable in respect of a female dog shall be that prescribed for an un-spayed female Dog under the heading "Dog Licence Fee" in the Schedule of Fees unless a letter from a person licenced to practice veterinarian medicine in the Province of British Columbia adequately identifying the Dog and stating it is a spayed female is submitted with this Dog Licence Application or has been submitted with an earlier Dog Licence Application in respect of the same Dog, in which case such fee shall be that prescribed under such heading in respect of a spayed female Dog.)

Date of Application: _____

Signature of Applicant

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SCHEDULE "B"

SQUAMISH INDIAN BAND

DOG LICENCE

Licence No. _____

Name of Dog: _____

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

THIS LICENCE HAS BEEN ISSUED IN ACCORDANCE WITH THE SQUAMISH ANIMAL CONTROL
BYLAW AND IS SUBJECT TO ALL RELEVANT TERMS AND CONDITIONS THEREOF.

THIS LICENCE IS VALID ONLY UNTIL THE FIRST DAY OF _____, 2000.

Date of issuance: _____

Animal Control Bylaw Officer

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SCHEDULE "C"

SCHEDULE OF FEES

Section or Subsection No.	Description	Amount
12(1)	Dog Licence Fee:	
	in respect of a male Dog	\$ □ per month or portion thereof
	in respect of a spayed female Dog	\$ □ per month or portion thereof
	in respect of an unspayed female Dog	\$ □ per month or portion thereof
16	Dog Tag Replacement Fee	\$ □
22(3)	Dog Impounding Fee	\$ □
22(3)	Pound Fee for Dogs	\$ □ per day or portion thereof
26(6)	Seizure and Impounding Fee	\$ □ per Animal
26(6)	Pound Fee for Animals other than Dogs	\$ □ per Animal per day or portion thereof
27	Destruction and Disposal Fee	\$ □
28(1)	Collection and Disposal Fee	\$ □