

THE QUATSINO INDIAN BAND

By-law No. 1992.1

Being a By-Law Respecting the  
Control of Dogs on the Reserve

09852

SEP 22 1987

WHEREAS section 81, paragraph (a), (d), (e), (g) and (r) of the Indian Act empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Quatsino Indian Band is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE, the Council of the Quatsino Band of Indians enacts a by-law as follows:

Short-Title

1. This by-law may be cited as the "Quatsino Reserve Dog Control By-law".

Interpretation

2. In this by-law:

- (a) "band" means the Quatsino Indian Band;
- (b) "council" means the Council of the Band;
- (c) "dog" means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;
- (d) "muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;
- (e) "officer" means any Community Peace Officer as appointed by the Council and any member of the Royal Canadian Mounted Police, or any duly appointed dog-catcher;
- (f) "owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning;
- (g) "pack" means two or more dogs that are running at large;

- (h) "at large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;
  - (i) "reserve" means the Quatsino Indian Reserve No. 18.;
  - (j) "manged" means unkept and unclean, a skin disease in hairy and woolly animals.
- 3.(1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned at all times.
- (2) A dog need not be tethered or penned up as provided in subsection (1) if the dog:
- (a) is held on a leash by a person capable of restraining the dog's movements.
- (3) No owner shall allow his dog to remain unfed or unwatered as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.
- (4) No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- (5) No owner shall permit a dog to bark, growl or otherwise annoy or disturb the peace or residents of the reserve.
- (6) Any owner of a female dog capable of going into heat shall ensure that dog is spayed.
- (7) (a) The Council may at any time prohibit the keeping of dogs within any common area of the reserve.
- (b) Notice of any prohibition made by council pursuant to paragraph (a) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.
- (8) No person shall maintain, harbour or otherwise shelter any dog which is vicious or manged.
- (9) Any dog which is vicious or manged shall be immediately reported to the council for disposal.
- (10) No person shall hinder, delay, or obstruct the Community Peace Officer, dog catcher or any person or persons lawfully engaged in impounding or destroying the dog.
- (11) No person shall maintain, harbour or otherwise shelter any dog suffering from a contagious disease, unless such animal is in isolation under treatment for cure of same.

- (12) All dogs that are deemed to be "disposed of" shall be disposed of by the most humane means possible.

#### Seizure

- 4.(1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated any of the provisions of this by-law.
- (2) Subject to subsection (4), an officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to its owner where:
- (a) the owner claims possession of the dog within 24 hours after the date of seizure, and;
  - (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog,
  - (c) a fee of \$30.00 plus costs will be levied on each impound.
- (3) Where a dog has not been reclaimed within 24 hours after seizure pursuant to subsection (2), the officer may destroy or dispose of the dog as he sees fit and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the officer. 24 notice shall be given to the owner of a dog prior to destruction.
- (4) Where, in the opinion of the officer, a dog seized under this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog as soon after seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the officer.
- (5) No damages or compensation may be recovered as result of the destruction of a dog by an officer.

#### Protection from dogs

- 5.(1) An officer may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
- (a) a person,
  - (b) another dog that is tethered; or,
- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

Dog Licence Fees & Fines

- 6.(1) There shall be raised, levied and collected in each year here and after a licence fee of \$10.00 for each and every dog in the reserve.
- (2) Should a person request a dog licence after October 1st, the fee will be \$5.00 for the remainder of the year.
- (3) The replacement fee for loss of the licence shall be \$5.00.
- (4) Every dog licence or licence tag issued under this by-law shall expire on the 31st day of March of each year.
- (5) The owner of every dog shall make application for a licence and shall pay the required fee for the said licence as prescribed by this by-law to the Band Council Administration accounting department on or before the first day of April each year, provided, that section 8(2) of this by-law is enacted such application may be made to any poundkeeper of the Band Council who are authorized to receive such applications and to issue licences in respect thereof.
- (6) Every person having paid the prescribed fee for a dog licence shall receive a licence tag which shall be fastened to a collar or harness worn on the dog for which the said fee was paid.
- (7) If a dog is sold, the said licence may be transferred to the new owner upon presentation of the licence tag with a fee of \$1.00 payable to the Band Council.
- (8) If any person becomes the owner of any dog after the 1st of April in any year, such person shall make application for a licence or transfer of a valid previously issued licence from the Band Council and pay the licence fee therefore, as required by this by-law immediately after the date of acquiring the said dog.
- (9) The owner of any dog shall be exempt from purchasing a Quatsino dog licence provided they are not a resident of the community and can so prove such non-residency, provided however, that should such dog be impounded, impoundment fees would apply.
- (10) Any person who fails to have a valid license for his dog will be liable to a fine of thirty dollars (\$30.00).

- (11) Any person who fails to affix a license tag on his dog will be liable to a fine of thirty dollars (\$30.00).
- (12) All levies, including fines, shall be payable to the Band Council.

Administration

- 7.(1) The Band Council may enter into arrangements with the Minister of Indian and Northern Affairs, the Solicitor General of Canada, the Attorney General of British Columbia or any other appropriate Federal and Provincial agencies for the purpose of co-ordinating the activities directly related to the enforcement of this by-law.
- (2) Notwithstanding Section 7(5) of this by-law the Band Council is hereby empowered to establish, maintain and operate facilities for the impounding of dogs and animals at such place or places and at such premises as the Band Council may, by resolution, from time to time determine.
- (3) The Band Council is hereby empowered to appoint from time to time a poundkeeper or poundkeepers and such deputies, assistants or employees to maintain and operate the pound or pounds established pursuant to this by-law.
- (4) With the enactment of section 7(1) and (2) the Band Council is hereby empowered to fix the salary or wages of any poundkeeper as may be required and pay any salary or wages out of the annual revenue of the Band.
- (5) Each poundkeeper shall pay over to the Band Council all money received by him once in every month, or more often if instructed to do so, and shall at all times produce his books for the inspection of any appointed member of the Band Council or Band Administration office.
- (6) Subject to the enactment of section 8 of this by-law, the poundkeeper in charge of the pound shall receive all dogs delivered to him and shall detain the same and furnish them with food and water.
- (7) The owner of any dog impounded may redeem the same from the pound upon proving ownership thereof and paying to the poundkeeper that amount of unpaid and overdue dog licence fees, if any, and impoundment fees.

- (8) Any person who violates any provision of this by-law or any order thereunder will be liable on summary conviction to a fine not exceeding one hundred (\$100.00) dollars or imprisonment for a term not exceeding seven (7) days or to both fine and imprisonment.
- (9) Violations of this by-law which continue for more than one day shall be deemed to constitute a separate offence and may be punished as such.

This by-law is hereby made at a duly convened meeting of the Council of the Quatsino Indian Band this 15<sup>th</sup> day of September, 1993.

Voting in favour of the by-law are the following members of the Council:

Robert D. Nelson  
(MEMBER OF COUNCIL)

Jeremy Wamirs  
(MEMBER OF COUNCIL)

Leonard Williams  
(MEMBER OF COUNCIL)

being the majority of those members of the Council of the Quatsino Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting:  
three.

I, Steve Clair, Chief/Councillor of the Indian Band do hereby certify that a true copy of the foregoing by-law was mailed/faxed/hand delivered (as the case may be) to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 15<sup>th</sup> day of September, 1993.

Delan Cochran  
(WITNESS)

Steve Clair  
(CHIEF/COUNCILLOR)