

ANIMAL CONTROL BY-LAW #103
Being a By-law Respecting the Care and Control
of Animals on the Reserve

KWAYHQUITLUM FIRST NATION

ENACTED ON THE 02 DAY OF MARCH 1999

WHEREAS section 81, paragraph (a), (d), (q) 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 Kwayhquitlum First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE, the Council of the Kwayhquitlum First Nation enacts a by-law as follows:

Short Title

1. This by-law may be cited as the Kwayhquitlum First Nation Animal Control By-law.

Interpretation

2. In this by-law:

“Animal” means a dog, cat, or any other domestic animal,

“Animal control officer” means an animal control officer appointed pursuant to section 3, or any by-law enforcement officer and includes an officer of the Police or a person employed by the Band Council for the purpose of enforcing the provisions of this by-law or an officer of the Society for Prevention of Cruelty to Animals herein after called “S.P.C.A.”,

“Band” means the Kwayhquitlum First Nation

“Cat” means any cat, male or female,

“Council” means the Council of the Kwayhquitlum First Nation, as defined in the Indian Act;

“Dog” means any dog, male or female that is a cross between a dog and a wolf,

“Dwelling” means each single unit being a fully detached home, a semi-detached home, a multiple attached home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried out;

“Muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything;

“Owner” of an animal includes a person who possesses or harbors an animal, and “owns” and “owned” have a corresponding meaning;

“At large” or “running at large” means off the premises of the owner and not muzzled or under the control of any person;

“Reserve” means the Kwayhquitlum First Nation _#560 – I.R.# 1 and 2

“Villainous dog” includes:

- any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- any dog that an animal control office, upon reasonable and probable grounds, believes to Be a villainous dog;
- any dog which has been the cause of prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning that specific dog;
- Any dog which had bitten another animal or human without provocation.

Animal Control Officer

The Council may appoint by Band Council Resolution the SPCA animal control officer to provide for the administration and enforcement of this by-law.

The Council may, in the Band Council Resolution provides for reasonable remuneration to be paid to the SPCA.

Immunization of Animals

All animals in the reserve must be immunized in accordance with generally accepted veterinary standards.

The owner of any animal exposed to rabies or other diseases must quarantine their animal for a period of fourteen days and such animal shall not be released without the written confirmation form a veterinarian.

An owner upon request by the Band Council shall forthwith surrender to the SPCA any animal, which has bitten any person.

Any animal that must be destroyed because of rabies, diseases, or viciousness shall be at the expense of the owner.

Limit of number of animals per dwelling

NO more than three (3) animals consisting of dogs and cats shall be kept, harbored or possessed in any dwelling;

The provisions of the above shall not apply to dog or cat litters, where the pups or kittens are under four (4) months of age.

No Exotic animals or dogs breed for VIOLENT behaviors.

General Prohibitions

Subject to the section below, every owner of a dog shall keep the dog safely tethered or penned up at all times;

A dog need NOT be tethered or penned up if the dog:

- Is kept under control
- Is held on a leash by a person capable of restraining the dog's movements;
- Is being used by a person for the purpose of hunting;
- Is being used by a person to work in a lawful manner with sheep or cattle;
- Is used by a visually impaired person as a guide dog.

No owner shall allow a female animal in heat to remain in any public place unless such a female animal is attached to a leash and is accompanied by and is under the observation and control of the owner.

The owner of a dog, who fails to take all necessary measures to ensure that such dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offense.

The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes, plants, or other parts of property, is guilty of an offense and is liable for the payment of damages.

The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property.

No owner shall allow his dog to remain unfed or without water, to amount to cruelty or to cause the dog to become a nuisance, i.e. excessive whining, barking, or howling.

No person shall punish or abuse a dog to an extent that it is cruel or unnecessary.

No owner shall permit a dog to bark, yelp, and growl or otherwise annoy or disturb the peace of residents of the reserve.

Prohibitions within specific areas of the reserve

The Council may at any time prohibit the keeping of animals within any area of the reserve.

Notice of any prohibition made by council pursuant to the above shall be posted in the Band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.

No person may establish, own or operated an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorization to that effect from the Band Council, by way of Band Council Resolution.

Villainous Dogs

No villainous dogs may be owned within the Kwayquithum First Nation. Any person owning or being in possession of such a dog will be required to immediately remove such an animal.

Council may inform the SPCA and request them to remove such a dog, at the owner's expense.

Impounding and Seizure

No owner shall permit a dog belonging to him to be at large in the reserve;

An animal found at large in the reserve may be impounded for not more than five (5) days. Thereafter the dog may be humanely destroyed or otherwise disposed of, unless its owner has claimed in the meantime such animal and the costs incurred for the impounding of the animal have been paid.

The SPCA may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

If a dog is apprehended because it has inflicted an unprovoked bite upon another animal or human person, the SPCA shall impound the animal for such a period of time to be specified by a veterinary surgeon.

Subject to the above the SPCA who has seized a dog shall restore possession of the dog to its owner where:

- The owner claims possession of the dog within five (5) days after the date of the seizure, and:
- The owner pays the SPCA all expenses incurred in securing, caring for and feeding the dog.

Where a dog has not been reclaimed within five (5) days after seizure, the SPCA may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the SPCA.

If an animal is found to be diseased, the SPCA shall seek veterinary attention for it where the owner has declined, failed or neglected to do so; any fee arising from the provision of such veterinary care shall be a charge to the owner of the animal.

Where in the opinion of the SPCA a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals, the SPCA shall destroy the animal. No damages or compensation may be recovered on account of such action.

When an animal has been impounded, the Band Council shall forthwith make every reasonable effort to notify the owner of such animal.

A written report of each such incident as described in this section shall be filed with the Band Council.

Destruction where unable to seize

Where the SPCA, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of the by-law, he may destroy the dog.

Protection from dogs

Any person may confine a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:

- A person,
- Another dog that is tethered
- A food cache, harness or other equipment, or
- Domestic livestock

Penalty

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 one thousand dollars (\$1,000.00).

This by-law is hereby made at a duly convened meeting of the Council of the Kwayhquithum First Nation on this 02-day of March 1999.

Chronological No. - Numéro consécutif
 1044
 File Reference - N° de réf. du dossier
 560

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Kwayhqitlum First Nation	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Vancouver	Committed - Engagé	\$ _____
PROVINCE	British Columbia	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROI.	Kwayhqitlum	Committed - Engagé	\$ _____
DATE	DAY - JOUR: 2 MONTH - MOIS: 3 AD 19 . YEAR - ANNEE: 99		

DO HEREBY RESOLVE;
 DÉCIDE, PAR LES PRÉSENTES:

Whereas on March 2, 1999 at a duly convened meeting of the Kwayhqitlum First Nation Chief and Council it was resolved as follows:

The Kwayhqitlum First Nation Chief and Council wishes to implement and register a bylaw for the control of animals within the Kwayhqitlum First Nation;

Attached is the by law # 103, Animal Control By-law.

Therefore, the Council of the Kwayhqitlum First Nation supports the enactment of the above by-law.

A quorum for this Bande
 Pour cette bande le quorum est
 consists of / fixé à 2/3
 Council Members / Membres du Conseil

.....
 (Chief / Chef)
 A. Caouette
 (Councillor - conseiller)

 (Councillor - conseiller)

 (Councillor - conseiller)

 (Councillor - conseiller)

 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu			
	\$	\$	\$		
Recommended - Recommandable			Approved - Approuvable		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	