



KITSELAS BAND COUNCIL

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**The Kitselas Band
By-law No. 1, 1993
Being a By-law Respecting The
Control of Dogs on The
Kitselas Indian Reserves No. 1,2,3,4,5,6, & 7**

WHEREAS section 81, paragraph (a), (d), (c), (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 nuisance, 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 Kitselas 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 reserves, and a nuisance to such residents;

Short Title

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

Interpretation

2. In this by-law

"Council" means the Council of the Band;

"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;

"Muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything.

"Officer" means any band enforcement officer and any member of the RCM Police, or any duly appointed dog-catcher.

"Owner" of a dog included a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning;

"at large" or "running Free" means off the premises of the owner and not muzzled or under the control of any person.

"reserve" means the Kitselas Indian Reserve(s) No. 1,2,3,4,5,6,& 7.

- 3.(1) Subject to Subsection (2), every owner of a dog shall keep the dog safely tethered or penned up 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;
 - (b) is being used by a visually impaired person as a guide dog.
- (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, yelp, growl or otherwise annoy or disturb the peace or residents of the reserves.
- 4.(1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (2) Subject to subsection (4), an office 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 five (5) days after the date of seizure, and;
 - (b) the owner pay to the office all expenses incurred in securing, caring for and feeding the dog.
- (3) Where a dog has not been reclaimed within five(5) days after seizure pursuant to subsection (2), the office 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.
- (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 office shall destroy the dog as soon after seizure as he thinks fit an no damages or compensation may be recovered as a result of the destruction of a dog by the officer.

Destruction where unable to seize

- 5.(1) Where an officer, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, he may destroy the dog.
- (2) No damages or compensation may be recovered as a result of the destruction of a dog by an officer pursuant to subsection (1).

Protection from Dogs

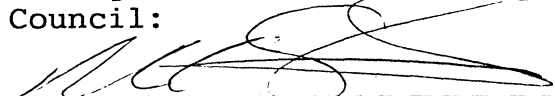
- 6.(1) Any person may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
- (a) a person,
 - (b) another dog that is tethered; or,
 - (c) a food cache, or
 - (d) wildlife or household pets.
- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

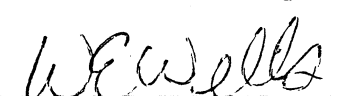
Penalty

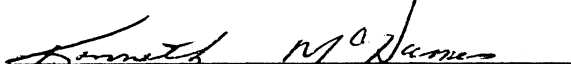
7. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to fine of not more than five hundred dollars (\$ 500.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

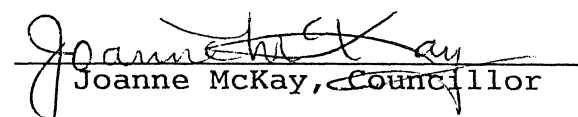
THIS BY-LAW IS HEREBY enacted by the Council of the Kitselas Band at a duly convened meeting of the Council dated on the 11th day of November, 1993.

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


Melville Bevan, Chief Councillor



Winnie Wells, councillor

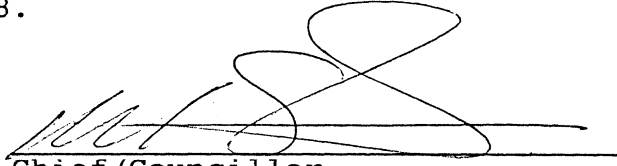

Kenneth McDames, Councillor


Joanne McKay, councillor

The quorum of the Council is three members.
Number of members of the council present at the meeting: Four.

I, Melville Bevan Chief/Councillor of the Kitselas Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District office pursuant to subsection 82(1) of the Indian Act, this 11th day of November 1993.


Witness
11:00 hours.
Nov 11/93


Chief/Councillor