

KANAKA BAR INDIAN BAND

The Animal Control By-law of the Kanaka Bar Indian Band was approved by the Council and came into full effect force and effect on September 9, 2013

BACKGROUND

WHEREAS:

- A. The T'eqt'aqtn'mux (crossing place people) are an Nlaka'pamux Nation community with indigenous rights, responsibility and authority over its people, land and resource use within their community caretaker area. Today, the T'eqt'aqtn'mux are known as the Kanaka Bar Indian Band ("**Kanaka Bar**");
- B. The Council of Kanaka Bar wishes to implement an Animal Control By-law ("**By-law**") concerning the control of Animals and to provide for the health and safety of all residents on Kanaka lands;
- C. The Council has deemed it necessary to regulate the care and control of Dogs and Animals, to prevent nuisance and trespass by Dogs and Animals on Kanaka lands;
- D. The Council has authority to regulate the care and control of Dogs and Animals, and provide for the health and safety of all residents on Kanaka lands pursuant to section 81 of the *Indian Act* (Canada);
- E. The Council is of the opinion that the uncontrolled ownership and running at large of Dogs and Animals may be detrimental to the health and safety and a nuisance to the residents on Kanaka lands.

NOW THEREFORE, Kanaka enacts as follow:

Part 1 INTERPRETATION

1. In this by-law:
 - a) "**Animal**" means a dog, a cat, or any other domestic animal;
 - b) "**Animal control officer**" means an animal control officer or any by-law enforcement officer, including a police officer or a person employed by the Council for the purpose of enforcing the provisions of this by-law;

m) "Vicious" includes:

- i. any animal that demonstrates any ferocious, vicious, or aggressive behaviour;
- ii. any animal that an Animal Control Officer, upon reasonable and probable grounds, believes to be vicious; and
- iii. any animal which has bitten another animal or human without provocation.

**Part 2
ADMINISTRATION**

2. The Council may appoint a person, internal or outsourced, to act as an Animal Control Officer who will be authorized and directed to carry out the provisions set out in this By-law.
3. Council may from time to time enter into agreements with a third-party to:
 - a) carry out the provisions set in this By-law;
 - b) enforce the provisions set in this By-law;
 - c) act as Pound-keeper; and
 - d) maintain and operate a pound.
4. Council may, by a resolution, establish a charge or fees payable in respect of any matter administered under this By-law.

**Part 3
GENERAL PROHIBITIONS**

5. No more than three (2) dogs and two (2) cats shall be kept, harboured or possessed in any dwelling. An exception may occur with a prior written approval provided by the Council.
6. The owner of an animal who fails to take all necessary measures to ensure that such dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
7. The owner of an animal which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.

**Part 4
DOGS**

8. No Owner of a Dog shall allow or permit the Dog to be at large.
9. Every Owner of a Dog shall at all times while the Dog is on the premises of the Owner, keep the Dog confined either in an Enclosure or indoors.

- c) refrain from punishing or abusing the Animal unnecessarily, or in a manner that amounts to cruelty; and
- d) provide a clean and sanitary living environment for the Animal.

Part 6
IMPOUNDING AND SEIZURE

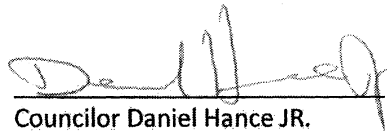
- 20. The Animal Control Officer may seize and impound any Dog or Animal at large on Kanaka lands.
- 21. If reasonably possible, the Animal Control Officer will, in a timely manner, notify the Owner, of the impoundment of the Dog or Animal.
- 22. The Animal Control Officer or Pound-keeper may detain any Dog or Animal seized on Kanaka lands until the following amounts are paid to Kanaka Bar:
 - a) all actual costs incurred by Kanaka 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 Kanaka lands
 - b) any veterinarian fees incurred by Kanaka if deemed necessary; and
 - c) any penalties or fees established under this By-law by the Council from time to time.
- 23. If an Owner has not reclaimed the animal within five (5) days of notification then the Animal Control Officer or Pound-keeper may humanely destroy or dispose of such an animal.
- 24. If an Owner reclaims the animal within five (5) days of notification and pays the costs incurred to impound and maintain the animal, the Animal Control Officer will return the animal.
- 25. If a Dog or an Animal seized under this By-law is severely injured, diseased or vicious, that it has to be destroyed for humane or health and safety reasons, then the Animal Control Officer or Pound-keeper may destroy that Dog or Animal
- 26. No Owner or person will be allowed to reclaim, purchase or adopt a Dog or Animal that has been determined under section 25 to need to be destroyed
- 27. No damages or compensation are recoverable against Kanaka Bar or any member, contractor, agent or employee of Kanaka as a result of Dog or Animal being destroyed under provisions of this By-law.

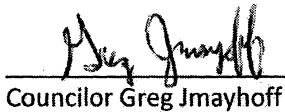
THE ABOVE BY-LAW IS HEREBY APPROVED AND PASSED by a majority of the Kanaka Bar Indian Band Council at a duly convened meeting of the Kanaka Bar Indian Band held at the Band Office at 2693 Siwash Road, Lytton, British Columbia, this 9 day of SEPTEMBER 2013.

A QUORUM OF COUNCIL CONSISTS OF THREE COUNCILLORS


Chief James Frank


Councilor Chrystal Samson


Councilor Daniel Hance JR.


Councilor Greg Jmayhoff


Councilor Theresa McIntyre

JAMES FRANK, a Councillor of the Kanaka Bar Indian Band, do hereby certify that a true copy of the foregoing By-law was forwarded to the Minister of Aboriginal Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act* this 9 day of SEPT, 2013.


Signature