

The Gitanmaax Band

By-Law No. 1996.001

BEING A BY-LAW RESPECTING THE
CONTROL OF DOGS ON THE RESERVE.

ENACTED ON THE 20th DAY OF March, 1996

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of Gitanmaax to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and the 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 Gitanmaax 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;

AND THEREFORE the Council of the Gitanmaax Band enacts a by-law as follows:

Short Title

1. This by-law may be cited as the "Gitanmaax 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 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 constable or member of the Gitanmaax Police Force, as appointed by the Council and any member of the Royal Canadian Mounted Police, or any duly appointed dog catcher;

"**owner**" of a dog includes a person who possesses or harbours a dog, 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 **Gitanmaax Indian Reserves No.1 and (and No.2a, and No.3, and No.4).**

3.(1) Subject to subsection (2), every owner of a dog should 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 allows 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 residence of the Reserve.

(6) No owner shall permit a dog in heat to be off the owner's premises.

(7) (a) The Council may at any time prohibit the keeping of dogs within any 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.

Seizure

4.(1) Any 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 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 two (2) days after the date of seizure, and;

(b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.

(3) Where a dog has not been claimed within two (2) days 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 the 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 and safety, the officer shall destroy the dog as soon as he thinks fit and no damages or compensation may be recovered as a result of the destruction of the dog by the officer.

Destruction where unable to seize

5.(1) Where the 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) food cache or equipment,

(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 a fine of not more than five hundred dollars (\$500) or to imprisonment for a term not exceeding thirty (30) days, or both.

This by-law is hereby enacted by the Council of the Gitanmaax Band at a duly convened meeting on the 20th day of March, 1996.

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

Raymond Smith
(member of the Council)

(member of the Council)

Pomdjo R
(member of the Council)

(member of the Council)

Charlotte Sullivan
(member of the Council)

M. McRae
(member of the Council)

D. Jones
(member of the Council)

(member of the Council)

(member of the Council)

(member of the Council)

(member of the Council)

(member of the Council)

The quorum of the Council is 5 members
Number of members of the Council present at the meeting: 6

I, Lawrence Patsey, Chief Councillor of the 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 Regional offices pursuant to subsection 82(1) of the Indian Act, this 10 day of March, 1996.

[Signature]
(Witness)

L. Patsey
(Chief Councillor)