

**TSUU T'INA NATION**

***ANIMAL CONTROL BYLAW***

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The Tsuu T'ina Nation, Chief and Council in the interest of preserving law and order on Tsuu T'ina lands and in the interests of protecting the citizens of the Nation from vicious and out-of-control and stray dogs, and pursuant to the provisions of Treaty 7 and the Indian Act, enact as follows:

1.0 this Bylaw may be cited as the *Tsuu T'ina Nation Animal Control Bylaw, 2004*.

### **DEFINITIONS**

2.0 In this Bylaw:

- (a) "animal" means a cat, dog, fowl, cattle, swine, donkey, goat or horse.
- (b) "animal services centre" means a facility for the holding of impounded animals.
- (c) "Athletic park" means an area designed for individual, team or competitive sport and leisure activities;
- (d) "Bylaw Enforcement Officer" means an authorized representation of the Nation and includes a peace officer.
- (e) "Peace Officer" means a police officer or a police constable duly executing lawful duties on Tsuu T'ina land and includes a member of the Royal Canadian Mounted Police and the Tsuu T'ina Nation Police Service.
- (f) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society but does not include Tsuu T'ina Nation.
- (g) "fowl" includes domesticated chickens, ducks, turkeys and geese.
- (h) "golf courses" includes any and all golf courses operated on Tsuu T'ina Lands.
- (i) "leash" means a chain or other material capable of restraining a dog.
- (j) "run or running at large" means
  - (i) animals which are not under the control of a person responsible by means of a leash, harness or other restraining device and are actually upon property other than the property in respect of which the owner of the animal has the right of occupation, or upon any highway, road, thoroughfare, street, parkway, trail, lane, alley, bridge, sidewalk, including the boulevard portion of a sidewalk, park other public place; or

- (ii) a dog or horse which is under the control of a person responsible by means of a leash or harness and which causes damage to person, property or other animals.
- (k) “school ground” means that areas of land adjacent to a school which is land designated as a playground or land controlled by the Department of Education;
- (l) “Vicious dog” means any dog which has:
  - (i) without provocation, chased, injured or bitten any other domestic animal or human; or
  - (ii) without provocation, damaged or destroyed any public or private property; or
  - (iii) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans; or
  - (iv) been previously determined to be a vicious dog; or
  - (v) attacked or threatened to attack a person or domesticated animal and caused damage, injury or harm.

## **RESPONSIBILITIES OF DOG OWNERS**

- 3.0 (a) The owner of a dog shall ensure that the dog does not:
- (i) bite, chase or do any act that injures or threatens a person or person whether on the property of the owner or not;
  - (ii) bite, bark at or chase stock, bicycles, automobiles or other vehicles;
  - (iii) bark, howl or otherwise unreasonably disturb any person;
  - (iv) cause damage to property or injury to other animals;
  - (v) upset any waste receptacles or scatter the contents thereof either in or about public property or in or about premises not belonging to or in the possession of the owner of the dog;
  - (vi) get left unattended in a motor vehicle unless the dog is restricted so as to prevent access to persons and as long as such restraint provides suitable ventilation.

- (vii) unless provided otherwise herein, run at large.
- (b) The owner of a dog shall not permit the dog on any school ground, athletic park, golf course or other public area unless the dog is specifically permitted to be present while restrained by a leash and under complete control by the owner at all times.
- (c) Section (b) does not apply to a disabled owner of a dog who requires the dog to assist him/her to be independent. In any event, the dog shall be under the complete control of the owner or other adult person at all times.
- (d) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.

## **VICIOUS DOGS**

- 4.0 No vicious dogs shall be permitted on Tsuu T'ina Lands for any purpose whatsoever.
- 4.1 A Bylaw Enforcement Officer, the Tsuu T'ina Nation Police Service or the RCMP shall provide a summons to the owner of a dog alleged to be vicious setting a hearing date in the Provincial Court upon which evidence on the matter may be heard.
- 4.2 The owner of a dog alleged to be vicious shall be provided notice of the hearing for the determination by the Provincial Court at least twenty-one (21) clear days before the date of such hearing.
- 4.3 Upon hearing the matter, if it appears to the judge hearing the evidence as to whether a dog is vicious, the judge shall make an order in a summary way declaring the dog to be a vicious dog for the purposes of this Bylaw.
- 4.4 Any dog either deemed or found to be a vicious dog must be immediately and permanently removed from Tsuu T'ina lands within forty eight (48) hours of such finding. If the dog is not removed, a Bylaw Enforcement Officer shall confiscate the dog and have it destroyed.

## **COMMUNICABLE DISEASES**

- 5.0 An owner of a dog suspected of having rabies or such other communicable disease hazardous to humans or other animals;
  - (a) shall immediately report the matter to a Bylaw Enforcement Officer or the Tsuu T'ina Nation Police Service or the RCMP.
  - (b) shall confine or isolate the dog, in such manner so as to prevent further spread of disease; and

- (c) shall keep the dog confined for not less than ten (10) days at the cost of the owner.

- 5.1 An owner of a dog who fails to comply with the provision of this section shall be guilty of an offence punishable by summary conviction.
- 5.2 Any person suspecting that a dog may have rabies or such other communicable disease hazardous to humans or other animals shall immediately report the matter to a Bylaw Enforcement Officer or the Tsuu T'ina Nation Police Service or the RCMP.

### **CONTROL OF HORSES AND OTHER LIVESTOCK**

- 6.0 No person shall allow cattle, swine, donkeys, goats or horses owned or controlled by him/her to run at large. Cattle, swine, donkeys, goats or horses contained within a fenced area is not running at large for the purposes of this Bylaw.
- 6.1 It is the responsibility of an owner to build, maintain and upkeep fences appropriate for the containment of cattle, swine, donkey, goat or horses.

### **FOWL**

- 7.0 No person shall allow fowl owned or controlled by him/her to run at large. Fowl contained within a fenced area is not running at large for the purposes of this Bylaw.
- 7.1 It is the responsibility of an owner to build, maintain and upkeep fences appropriate for the containment of fowl.

### **CATS**

- 8.0 No person shall allow a cat owned or controlled by him/her to run at large.
- 8.1 Any cat either deemed or found to be a stray must be immediately reported to a Bylaw Enforcement Officer. If, within 7 days of the report, the cat has not been claimed it may be donated to the SPCA, or if refused by that or other similar entities, destroyed.

### **ANIMAL CONTROL OPERATIONS**

- 9.0 A Bylaw Enforcement Officer may capture and impound any animal in breach of this Bylaw.
- 9.1 An impounded animal shall not be sold or destroyed until the following conditions are met:

- (a) A posting in a prominent location on Tsuu T'ina lands with a brief description of any animals impounded, made no later than the day after the animal has been impounded.
  - (b) The animal remains unclaimed for three (3) days after the owner has received notice or is deemed to have received notice that the animal has been impounded.
  - (b) The animal's owner has not been identified within forty eight (48) hours of being impounded.
- 9.2 The owner of an impounded animal shall, when they collect the animal be given a summons for the breach of this Bylaw and pay all costs and fees related to the impoundment of the animal prior to the animal being released and in any event, all costs and fees shall be paid within the three (3) day period following notice to the owner.
- 9.3 Where an animal's owner has been found "not guilty" of committing an offence under this Bylaw, the owner shall be entitled to a refund of any fees paid for reclaiming the animal.
- 9.4 An unclaimed animal which is considered to be valuable may be sold and the funds remitted to the Tsuu T'ina Nation.

## **OBSTRUCTION**

- 10.0 No Person whether or not he/she is the owner of an animal which is being or has been pursued or captured shall interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to capture or who has captured an animal which is subject to impoundment.

## **INTERFERENCE WITH ANIMALS**

- 11.0 No Person shall:
- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
  - (b) negligently or willfully open a gate, door or other opening in a fence of enclosure in which an animal has been confined and thereby allow an animal to run at large.

## **PENALTIES**


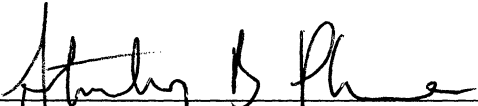

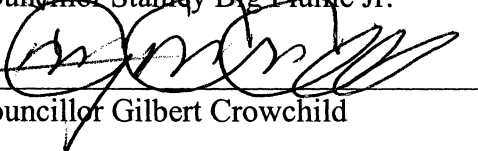

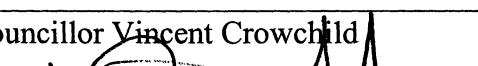

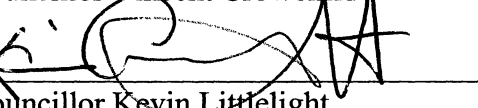
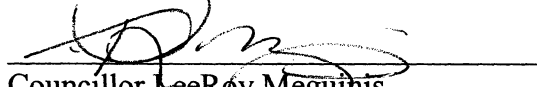
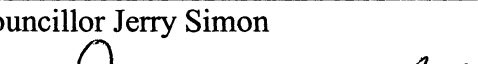
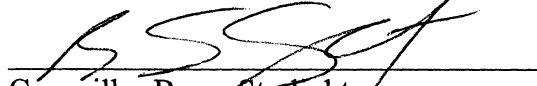
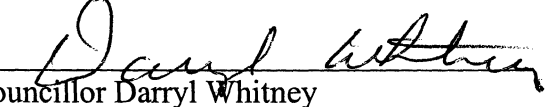
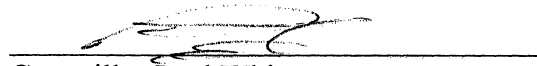
- 12.0 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to imposition of a penalty by summary conviction of a fine not exceeding one thousand (\$1,000) dollars or imprisonment for a term not exceeding thirty (30) days, or both.

**OWNERS RESPONSIBILITIES**

13.0 Animals shall be maintained in a humane way at all times. Owners must ensure that any animals in their care have adequate food, water and shelter as commensurate with prevailing weather conditions.

Bylaw and the schedule thereto are hereby made at this duly convened meeting of the Council of the Tsuu T'ina Nation this 19 day of March, 2004, by Band Council Resolution.

Voting in favour of the Bylaw, as evidenced by signatures, are the following members of the Council:

 Chief Sandford Big Plume	 Councillor Stanley Big Plume Jr.
 Councillor Darrell Crowchild	 Councillor Gilbert Crowchild
 Councillor Regena Crowchild	 Councillor Vincent Crowchild
 Councillor Lyle Dodginghorse	 Councillor Kevin Littlelight
 Councillor Lee Roy Meguinis	 Councillor Jerry Simon
 Councillor Bruce Starlight	 Councillor Darryl Whitney
 Councillor Paul Whitney	

being the majority of those members of Council of the Tsuu T'ina Nation present at the aforesaid meeting of the Council.

The quorum of the Council is seven (7) members.

Number of members of the Council present at the meeting: 11

I, Chief Sandford Big Plume of the Tsuu T'ina Nation, do hereby certify that a true copy of the foregoing Bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Regional office pursuant to subsection 82(1) of the *Indian Act*, this 19 day of March, 2004.

  
WITNESS

  
CHIEF SANDFORD BIG PLUME