

BCK 04-1291
Motion # 4

SQUAMISH NATION ANIMAL CONTROL BYLAW

(BYLAW NO. 1, 2004)

A bylaw to provide for the licensing, control and destruction
of Dogs, and the control of other Animals, within Squamish Lands

WHEREAS section 81 of the *Indian Act* provides that the Council of a Band may make bylaws for any or all of the following purposes:

the prevention of disorderly conduct and nuisances;

the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound keepers, the regulation of their duties and the provision for fees and charges for their services;

with respect to any matter arising out of or ancillary to the exercise of the aforementioned powers;

the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a bylaw made under section 81.

NOW THEREFORE the Council of the Squamish Nation at a duly convened meeting enacts as a bylaw the following:

PART I

TITLE, AND REVOCATION OF FORMER BYLAWS

1 This bylaw may be cited as the *Squamish Nation Animal Control Bylaw*.

2 The following bylaws are repealed:

- (a) Bylaw No. 1 made, pursuant to Order in Council P.C. 1954-856 of the 10th of June 1954, by the Council of the Squamish Band of Indians at a meeting held Jan. 19, 1965, which Bylaw is therein described as "A by-law to provide the Regulations for the control and destruction of dogs on the Indian Reserves occupied by Squamish Indian Band";
- (b) Squamish Nation Animal Control Bylaw approved and passed at a meeting of the Council of the Squamish Nation held the 8th day of March, 2000, which Bylaw is therein described as "A bylaw to provide for the licensing, control and destruction of Dogs, and the control of other Animals within the Reserve", and a copy of which Bylaw Chief Bill Williams, Chief Councillor of the Squamish Nation, certified on page 11 to have been forwarded to the Minister of Indian Affairs and Northern Development pursuant to sub-section 82(1) of the *Indian Act*, the 8 day of March, 2000; and
- (c) for certainty, a second Squamish Nation Animal Control Bylaw that is stated therein to have been approved and passed at a meeting of the Council of the Squamish Nation held the 8th day of March, 2000, which Bylaw is also therein described as "A bylaw to provide for the licensing, control and destruction of Dogs, and the control of other Animals within the Reserve", and a copy of which Bylaw Chief Bill Williams, Chief Councillor of the Squamish Nation, certified on page 12 to have been forwarded to the Minister of Indian

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Affairs and Northern Development pursuant to sub-section 82(1) of the *Indian Act*, the 13 day of August, 2003.

PART II **DEFINITIONS**

Definitions

3 In this bylaw:

"**Animal**" means any animal (other than a human being);

"**Animal Control Bylaw Officer**" means any person appointed or designated under section 4;

"**Council**" means the Council of the Squamish Nation within the meaning of section 2(1) of the *Indian Act*, or a successor to that Council;

"**Deal**" means

- (a) offering to sell an Animal by auction or private sale, and
- (b) paying the proceeds of sale to the Squamish Nation, and

"**Dispose**" means:

- (a) adoption to eligible persons;
- (b) sale or surrender to an animal welfare agency capable of arranging for the adoption; or
- (c) humane destruction;

"**Dog**" means a domestic Animal of the canine species;

"**Dog Licence**" means a licence issued under section 10;

"**Dog Tag**" means a dog tag issued under section 10;

"**Form**" means a Form set out in Schedule "A" or "B" of this bylaw;

"**Her Majesty**" means Her Majesty the Queen in right of Canada;

"**Impound**" means to deliver, receive or take into the Pound;

"**Indian Act**" means the *Indian Act*, R.S.C. 1985, Chapter I-5;

"**Owner**" means the person or person shown as being the holder of a current Dog Licence for a Dog in the record maintained under section 8(1);

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"Owner's Property" means the property immediately surrounding the dwelling place of an Owner which is generally acknowledged to be for the Owner's private use;

"Pound" means any structure, yard or enclosure established or designated under section 7;

"Possessor" means any person in possession or control of a Dog;

"Public Place" means, in respect of an owner, a place within Squamish Lands other than the Owner's residence or the Owner's Property;

"Run at Large" and **"Running at Large"** means

- (a) not being in an Owner's dwelling place or at an Owner's Property, or
- (b) being in a Public Place and not being under the control of a person by means of a leash less than eight feet in length;

"Squamish Lands" means all tracts of lands, the legal title to which is vested in her Majesty, that have been set apart by Her Majesty for the use and benefit of the Squamish Nation;

"Squamish Nation" means the Squamish Indian Band;

"Unlicenced Dog" means a Dog

- (a) for which a current Dog Licence has not been issued, or
- (b) that is not wearing a Dog Tag evidencing a current Dog Licence;

"Veterinarian" means a person who is a registered member in good standing of the British Columbia Veterinary Association.

PART III **ANIMAL CONTROL BYLAW OFFICER**

Appointment

4

- (1) The Council may from time to time appoint a person to be the Animal Control Bylaw Officer, and may at any time terminate any such appointment.
- (2) The Animal Control Bylaw Officer will have the powers and carry out the duties set out in this bylaw.

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Obstruction of bylaw officer

- 5 No person may interfere with, obstruct or impede an Animal Control Bylaw Officer exercising powers or carrying out duties under this bylaw.

Animal rescue prohibited

- 6
- (1) Without limiting the generality of section 5, no person will rescue or attempt to rescue any Animal that
 - (a) the Animal Control Bylaw Officer is seizing or attempting to seize, or
 - (b) is otherwise lawfully in the custody or control of the Animal Control Bylaw Officer.
 - (2) Without limiting the generality of section 6(1) or section 5, no Animal being kept in the Pound will be removed therefrom by any person without prior consent of the Animal Control Bylaw Officer.

PART IV **POUND**

Establishment of pound

- 7 The Council may establish or designate one or more structures, yards or enclosures as a Pound for keeping Animals under this bylaw.

Pound records

- 8
- (1) An Animal Control Bylaw Officer must maintain a record at the Pound established or designated under section 7 containing:
 - (a) a copy of every current Dog Licence, and
 - (b) for each Animal Impounded
 - (i) the date and location of Impounding,
 - (ii) a description of the Animal,
 - (iii) the name of any person from whom the Animal was received, and
 - (iv) the date and manner in which such Animal was disposed of.
 - (2) The record maintained under section 8(1) must be open to inspection by the Council, and by any other person authorized by Council, at any time during the regular hours of operation when the Pound is open to the public.
-

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PART V **LICENSING**

Application for licences

9

- (1) Any person 19 years of age or over may apply to an Animal Control Bylaw Officer for a Dog Licence by submitting
 - (a) a dog licence application, substantially in the form set out in Schedule A, and
 - (b) the required fee in Schedule C.
- (2) No fees payable under this bylaw are refundable, either in whole or in part, for any reason.

Issuance of licences

10

- (1) On receipt of a Dog Licence Application and the required fee, the Animal Control Bylaw Officer must issue a Dog Licence and a Dog Tag to the applicant.
- (2) A Dog Licence must be substantially in the form set out in Schedule B.
- (3) A Dog Tag must be metal and contain a number corresponding to the licence number of the Dog Licence issued to the applicant and must include the date of issue.

Duration of licence

11 A Dog Licence and Dog Tag are valid for one year from the date of issue.

Licence not assignable

12 A Dog Licence and Dog Tag issued for one Dog are not transferrable to another Dog.

Dog tag

13

- (1) A Dog Tag must be securely fixed to the harness or collar of the Dog for which the Dog Licence was issued, and the harness or collar must be worn by that Dog for so long as
 - (a) the Dog Licence is current, and
 - (b) the Dog is in a Public Place.
 - (2) No person
 - (a) without the authority of the person holding a current Dog Licence in respect of a licenced Dog, may remove the Dog Tag from that Dog, or
-

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- (b) use a Dog Tag issued for one Dog for another Dog.

Replacement of dog tag

- 14 An Animal Control Bylaw Officer must issue a replacement Dog Tag for a current Dog Licence if the owner submits
- (a) proof reasonably satisfactory to the Animal Control Bylaw Officer that the original Dog Tag has been lost, and
 - (b) the required fee in Schedule C.

Unweaned dogs

- 15 A female Dog and her unweaned offspring will be deemed to constitute one Dog for the purposes of this bylaw.

PART VI **SEIZURE, IMPOUNDING AND DESTRUCTION**

Licence and tag required

- 16 No person may own or possess any Dog within Squamish Lands unless:
- (a) a current Dog Licence has been issued for the Dog, and
 - (b) the Dog is wearing
 - (i) the Dog Tag issued for that Dog Licence under section 10, or
 - (ii) the Dog Tag issued as a replacement for that Dog Tag under section 14.

Other animals prohibited

- 17
- (1) No person may keep an animal within Squamish Lands that
 - (a) is not generally acknowledged to be harmless to persons or property, and
 - (b) cannot be properly kept in a residence.
 - (2) Section 17(1) does not apply to
 - (a) Dogs that are kept in compliance with this bylaw; or
 - (b) cats or other small domestic animals.
-

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Running at large

- 18 Every Owner or Possessor of a Dog must ensure that the Dog does not Run at Large within Squamish Lands.

Seizing and Impounding Dogs

- 19 An Animal Control Bylaw Officer may seize and Impound any Dog:
- (a) found Running at Large,
 - (b) that is an Unlicensed Dog or
 - (c) that, the Animal Control Bylaw Officer, on reasonable grounds, believes has inflicted an unprovoked bite on a person or another animal.

Notification of Impounding

- 20 If an Animal Control Bylaw Officer Impounds a Dog under section 19, unless the Owner or Possessor of the Dog can, by virtue of the circumstances resulting in Impoundment of the Dog, reasonably be assumed to be aware that the Dog has been Impounded, the Animal Control Bylaw Officer must make reasonable efforts to promptly notify
- (a) the Owner, or
 - (b) if the Dog has no Owner, any person known by the Animal Control Bylaw Officer to have been the Possessor of the Dog

that the Dog has been Impounded.

Return of Dog to Owner

- 21 Subject to sections 22(1) and 27, an Animal Control Bylaw Officer must restore possession of a Dog Impounded under section 19(a) or (b) to the Owner or Possessor of the Dog , if the Owner or Possessor
- (a) claims the Dog within the earlier of seven days after the Dog has been Impounded or the owner or Possessor has received notice under section 20 that the Dog has been Impounded,
 - (b) pays the required impounding and pound fees in Schedule C, and
 - (c) if the Dog was not licensed, applies under section 9 for, and is issued, a Dog Licence.

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Power to Dispose of Dogs

22

- (1) An Animal Control Bylaw Officer, or other person authorized by the Animal Control Bylaw Officer, may humanely destroy a Dog seized and Impounded under section 19, if, in the opinion of a Veterinarian
 - (a) the Dog is suffering from an injury, disease or sickness that is so severe that it is unlikely that the Dog will survive, and
 - (b) it would be an act of humanity to destroy the Dog.
- (2) If the Owner or Possessor of a dog Impounded under section 19(a) or (b)
 - (a) does not claim the Dog within the later of 7 days after the Dog has been Impounded or the owner or Possessor has received notice under section 20 that the Dog has been Impounded, or
 - (b) indicates to the Animal Control Bylaw Officer that he does not intend to re-claim the Dog from the Pound,the Animal Control Bylaw Officer, or another person authorized by the Animal Control Bylaw Officer, may forthwith Dispose of the Dog.

Unprovoked dog bite

23

- (1) If, on reasonable grounds, an Animal Control Bylaw Officer believes that a Dog has inflicted an unprovoked bite on a person or another animal
 - (a) the Animal Control Bylaw Officer may require the Owner or Possessor of the Dog to give possession of the Dog to the Officer for Impounding, and
 - (b) the Owner or Possessor must, as soon as practicable, comply with a requirement under section 23(1)(a).
 - (2) If an Animal Control Bylaw Officer receives possession of a Dog under section 23(1) or seizes and Impounds a Dog under section 19, the Officer must
 - (a) confine the Dog to the Pound until it has been determined by a Veterinarian whether the Dog is rabid, and
 - (b) after a determination under section 23(2)(a), an Animal Control Bylaw Officer may conduct an assessment of the Dog and the circumstances surrounding the unprovoked bite and Dispose of the Dog accordingly.
-

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Unlicenced Dog at premises

24

- (1) If an Animal Control Bylaw Officer believes, on reasonable grounds, that an Unlicenced Dog is present at any premises, the Officer may request that the Owner or Possessor of the Dog, or any occupant of the premises provide a current Dog Licence and Dog Tag for the Dog.
- (2) If the Owner or Possessor of the Dog, or occupant of the premises does not comply with a request under section 28(1), the Owner or Possessor of the Dog, or occupant of the premises must promptly give possession of the Dog to the Animal Control Bylaw Officer on request.

PART VII ANIMALS AT LARGE

25

- (1) An Animal Control Bylaw Officer may seize and Impound an Animal
 - (a) that is prohibited under section 17, or
 - (b) that the Animal Control Bylaw Officer, on reasonable grounds, believes has been exposed to rabies.
 - (2) If an Animal Control Bylaw Officer Impounds an Animal under section 25(1), the Animal Control Bylaw Officer must make reasonable efforts to promptly notify the owner or the person in possession and control of the Animal, unless the owner or person in possession and control of the Animal can, by virtue of the circumstances resulting in Impoundment of the Animal reasonably be assumed to be aware that the Animal has been Impounded.
 - (3) Subject to section 26, an Animal Control Bylaw Officer must restore possession of an Animal Impounded under section 25(1) to the owner or person in possession and control of the animal, if the owner or person in possession and control of the Animal
 - (a) claims the Animal within seven (7) days after the Animal has been Impounded,
 - (b) pays the required impounding and pound fees in Schedule C, and
 - (c) provides a written undertaking to the Council to permanently remove the Animal from Squamish Lands within ten days of reclaiming it.
 - (4) If the owner or person in possession and control of an Animal Impounded under section 25(1)
 - (a) does not claim the Animal within seven (7) days after the Animal has been Impounded, or
 - (b) indicates to the Animal Control Bylaw Officer that he does not intend to re-claim the Animal from the Pound,
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the Animal Control Bylaw Officer, or another person authorized by the Animal Control Bylaw Officer, may Deal with or humanely destroy the Animal.

Rabid Animals

26

- (1) If, on reasonable grounds, an Animal Control Bylaw Officer believes that an Animal has been exposed to rabies
 - (a) the Animal Control Bylaw Officer may require, in writing, that the owner or person in possession or control of the Animal give possession of the Animal to the Animal Control Bylaw Officer, and
 - (b) the owner or person must promptly comply with requirement under section 26(1).
- (2) An Animal
 - (a) received by the Animal Control Bylaw Officer under section 26(1), or
 - (b) seized and Impounded under section 25(1)(b),must be held in quarantine for 14 days and must not be released without the written consent of a Veterinarian.
- (3) If a Veterinarian determines that an Animal is infected with rabies, then the Animal Control Bylaw Officer must ensure that the Animal is humanely destroyed.

PART VIII **DISPOSAL ON REQUEST**

Disposal of dogs

- 27** An Animal Control Bylaw Officer may Dispose of a Dog if the Animal Control Officer receives from the Owner of the Dog
- (a) a written request to Dispose of the Dog, and
 - (b) the required fee in Schedule C.

Liability for cost of Veterinarian

- 28** If an Animal Control Bylaw Officer has incurred a cost for a Veterinarian to examine an Animal Impounded by the Animal Control Officer the owner or person in possession and control of the Animal is liable for the costs of treating the animal, which are recoverable by the Squamish Nation as a debt due by the owner or person in possession and control of the Animal to the Squamish Nation.

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Disposal of carcasses

29

- (1) An Animal Control Bylaw Officer must collect and dispose of a dead Animal on Squamish Lands
 - (a) on the request of the owner of the Animal, and
 - (b) upon receipt of the required fee in Schedule C.
- (2) As soon as practicable, an Animal Control Bylaw Officer must remove and dispose of any dead Animal located on Squamish Lands.

PART IX **PROHIBITION OF CRUELTY**

30

- (1) No person may keep any Animal unless the Animal is provided with
 - (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight,
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta,
 - (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control, and
 - (d) necessary veterinary medical care when the Animal exhibits signs of pain or suffering.
 - (2) No person may keep any Animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the Animal is provided with outside shelter
 - (a) to ensure protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat. Such shelters must provide sufficient space to allow any Animal the ability to turn about freely and to easily stand, sit and lie in a normal position,
 - (b) at least one and one half times the length of the Animal and at least the Animal's length in width, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position plus ten percent,
 - (c) in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times, and
 - (d) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
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- (3) No person may hitch, tie or fasten an Animal by any rope, chain or cord that is directly tied around the Animal's neck or to a choke collar.
 - (4) No person may confine an Animal in an enclosed space, including a car, without adequate ventilation.
 - (5) No person may transport an Animal in a vehicle outside the passenger compartment unless,
 - (a) the Animal is adequately confined, or
 - (b) the Animal is secured in a body harness or adequately fastened to prevent it from falling off the vehicle or otherwise being injured.

PART X **PENALTIES**

- 31
- (1) It is an offence to
 - (a) do or cause to be done anything,
 - (b) neglect to to or refrain from doing anything, or
 - (c) suffer or permit anyone doing anythingin contravention of this bylaw.
 - (2) Every person who contravenes section 31(1) is guilty of an offence and is liable to imposition on summary conviction of a fine not exceeding One Thousand (\$1,000.00) Dollars or imprisonment for a term not exceeding thirty (30) days, or both.

PART XI **INTERPRETATION**

Rules of Interpretation

- 32 In this bylaw
- (a) words in the singular include the plural, and words in the plural include the singular,
 - (b) words importing female persons include male persons and corporations and words importing male persons include female persons and corporations,
 - (c) where a word or expression is defined, other parts of speech and grammatical forms of the same word or expression have corresponding meanings,
 - (d) the expression "will" is to be construed as imperative, and the expression "may" as permissive;
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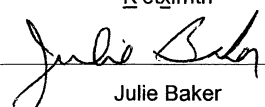

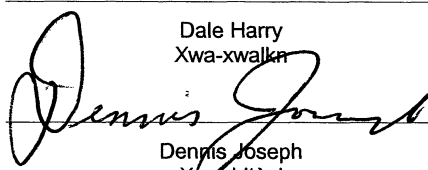

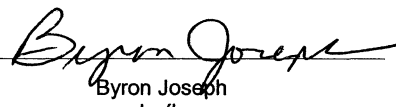
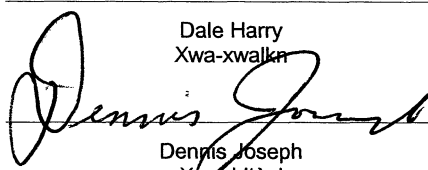

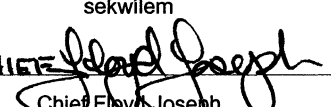

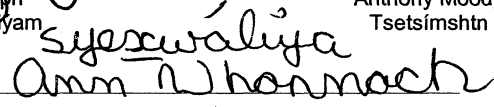
- (e) unless otherwise clear from the context,
 - (i) “including” means “including, but not limited to”, and
 - (ii) “includes” means “includes, but is not limited to”,
 - (f) headings and subheadings are inserted for convenience of reference only, do not form a part of this bylaw and in no way define, limit, alter or enlarge the scope or meaning of any provision of this bylaw, and
 - (g) a reference to an enactment includes every amendment to it, every regulation made under it and any law enacted in substitution for it or in replacement of it.
- 33 This bylaw and each of its provisions shall be considered as always speaking and where a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to this bylaw according to its true spirit, intent and meaning.
- 34 The Schedules and Forms attached to this bylaw constitute part of it.

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- 35 This bylaw is passed with the intention that if any part of this bylaw is declared or held invalid for any reason, the invalidity of that part shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if this bylaw had been executed without the invalid part.

A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF <u>8</u> COUNCILLORS	SQUAMISH NATION COUNCIL MEETING HELD AT:		320 SEYMOUR BLVD NORTH VANCOUVER, B. C.	
	DATED:		THE <u>11</u>	DAY OF <u>Feb</u> <u>2004</u>
	MOVED BY:	<i>Chief Rich Williams</i>	SECONDED BY	<i>Dennis Joseph</i>

 Alroy Baker K'etxírhntn	Chief Bill Williams telásemkin siyám	Chief Gibby Jacob KáKeltn siyám
 Julie Baker Sxwélhchaliya	Veronica Baker Tiyaltenaat	Donna Billy Sisúliya
 Krisandra Jacobs	Harold Calla	 Dale Harry Xwa-xwalkn
 Evelyn Joseph sxánanulh	 Byron Joseph sekwílem	 Dennis Joseph Xwech'taal
 Chief Floyd Joseph Skwatatxwamkin siyám	CHIEF  Chief Floyd Joseph Skwatatxwamkin siyám	Anthony Moody Tsetsímshtn
 Chief Richard Williams Xwélxwelacha siyám	 Ann Whonnock Syexwáliya	

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SCHEDULE "A"

DOG LICENCE APPLICATION

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

Name of Dog: _____

The Dog is: Male _____

 Female _____

 Spayed Female _____

 Neutered Male _____

Fee paid: \$ _____

(NOTE: The fee payable in respect of a Dog will be that prescribed for an non-spayed or non-neutered Dog under the heading "Dog Licence Fee" in the Schedule of Fees unless a letter from a person licenced to practice Veterinarian medicine in the Province of British Columbia adequately identifying the Dog and stating it is spayed or neutered is submitted with this Dog Licence Application or has been submitted with an earlier Dog Licence Application in respect of the same Dog, in which case such fee will be that prescribed under such heading in respect of a spayed or neutered Dog.)

Date of Application: _____

Signature of Applicant

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SCHEDULE "B"

SQUAMISH INDIAN BAND

DOG LICENCE

Licence No. _____

Name of Dog: _____

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

THIS LICENCE HAS BEEN ISSUED IN ACCORDANCE WITH THE SQUAMISH ANIMAL CONTROL
BYLAW AND IS SUBJECT TO ALL RELEVANT TERMS AND CONDITIONS THEREOF.

THIS LICENCE IS VALID ONLY UNTIL THE FIRST DAY OF _____, 200__.

Date of issuance:

Animal Control Bylaw Officer

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SCHEDULE "C"

PRESCRIBED FEES

Section or Subsection No.	Description	Amount
9(1)	Dog Licence Fee:	
	in respect of a spayed or neutered Dog	\$2.00 per month or portion thereof.
	in respect of an non-spayed or non-neutered Dog	\$4.50 per month or portion thereof.
14	Dog Tag Replacement Fee	\$3.00 per replacement.
19	Dog Impounding Fee	
	Spayed female or neutered male Dog.	\$50.00
		\$70.00
	Non-spayed female or non-neutered male Dog.	
19	Pound Fee for Dogs	\$7.50 per day or portion thereof.
29	Veterinary Costs for Dogs	Actual veterinary expenses, if any, to treat injured or sick impounded Dog.
26(1)	Animal Seizure and Impounding Fee	
	Impoundment	\$70.00
	Transportation Costs	Actual transportation costs from point of impound to Pound.
26(1)	Pound Fee for Animals other than Dogs	\$10.00 per day or portion thereof.
29	Veterinary Costs for Animals	Actual veterinary expenses, if any, to treat injured or sick impounded Animal.
28	Disposal Fee	\$25.00 per incident.
30(1)(b)	Collection and Disposal Fee	\$30.00 per incident

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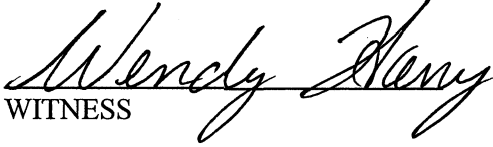
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SQUAMISH NATION ANIMAL CONTROL BYLAW

(BYLAW NO. 1, 2004)

I, **CHIEF BILL WILLIAMS**, a Squamish Nation Councillor and Co-Chairman of the Squamish Nation Council, do hereby certify that a true copy of the foregoing bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to sub-section 82(1) of the *Indian Act* this 12th day of February, 2004.


WITNESS


CHIEF BILL WILLIAMS