

SOR/78-413
MAY 4 1978

THE GITLAKDAMIX BAND OF INDIANS

BY-LAW NUMBER 1-1978

"Being a By-law to provide for the control, licencing of, and protection from domesticated animals."

WHEREAS paragraph (e) of Section 81 of the Indian Act R.S., c. 149, s.1. empowers the Council of a Band to make by-laws for the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services.

AND WHEREAS it is deemed expedient to control domestic animals for the general welfare of the Gitlakdamix Band Members, on all Gitlakdamix Band Reserves.

NOW THEREFORE the Council of the Gitlakdamix Band of Indians enacts as a By-law thereof the following:

1. DEFINITIONS: In this By-law unless the context otherwise requires:
 - (a) Council Shall mean the Council, as defined in the Indian Act, of the Gitlakdamix Band of Indians;
 - (b) Animal Shall mean any dog, cat, horse, cow sheep, mule, goat, pig, rabbit or any domesticated wild animal;
 - (c) Control Officer Shall mean the person, persons, or company appointed from time to time by Council to ensure compliance with this By-law;
 - (d) Highway Shall mean any street, road, avenue, lane, crescent, bridge, alley, viaduct, public parking area, boulevard, or any other way open to the public or intended to be open to the public;
 - (e) Owner of Record Shall mean the person or persons shown as the owner and/or licenced owner on the Band Council records;
 - (f) Owner's Property Shall mean that property immediately surrounding the Owner of Record's dwelling place which is generally acknowledged to be for his or her private use.

- (g) Reserve Shall mean and include all those tracts of land set apart by her Majesty within the definition in the Indian Act, for the use and benefit of the Gitlakdamix Band of Indians.
- (h) Running at Large Shall mean an animal not under control by being other than,
- (i) on the property of its owner or of another person who has the care and control of the animal; or
 - (ii) in direct and continuous charge of a person who is competent to control the animal; or
 - (iii) securely confined within an enclosure; or
 - (iv) securely fastened so that it is unable to roam beyond the confines of the owner's property.
2. Control Officer The Council shall appoint from time to time a Control Officer to ensure compliance with this By-law.
3. Animals Permitted No animals; other than domesticated dogs and cats or other animals actually housed within their owner's dwelling place shall be harboured within the Reserve other than in educational facilities.
4. Licences Required (a) No person shall own, possess, or harbour any dog within the boundaries of the Reserve unless a valid and subsisting licence has been issued under this By-law for such dog.
- Age of Licencee (b) No licence shall be issued under this By-law in respect of any animal to any person under the age of nineteen (19) years unless and until such person provides the Pound-Keeper with written consent, in the prescribed form, of his or her parent or guardian; and any parent or guardian providing a written consent under this Section, shall for the purpose of this By-law, be deemed to be the owner of the animal in respect of which the licence was issued.

- Period (c) All Council Dog Licences shall be for the period January One (1) to December Thirty-one (31) of the year issued or the remaining portion thereof.
- (d) Every person who is issued a Dog Licence under this By-law, shall receive a Dog Licence Tag which shall, at all times be fastened to a collar or harness worn on the dog for which the licence was issued.
- (e) Every licence issued under this By-law shall be for a specific animal, and no person shall place, affix or use a licence issued in respect of one animal on or for another animal.
- Replacement (f) A replacement Dog Licence may be issued upon being satisfied that the original licence issued has been lost, upon payment of the fee as shown in Schedule "A".
- Form (g) All Dog Licences issued shall have included a description of the animal by species, breed, colour, sex and any distinguishing marks or deformities, and a description of the property, if different from the owner's residence upon which the animal will be kept.
- Fee (h) The fees to be paid prior to issuing a Dog Licence shall be those shown in Schedule "A".
6. Unweaned Animals All unweaned offspring of an animal together with the female parent shall be deemed to constitute a single animal for the purposes of this By-law.
7. Noise The keeping of any animal as defined under Section 1 (b) of this By-law which by causing frequent or loud continuous noise disturbing the quiet, rest, peace, enjoyment, comfort or convenience of the neighborhood, or of a person or persons in the vicinity is specifically prohibited.
8. Destruction Upon Request Any animal may be destroyed by the Control Officer or other designated person upon the request of the owner, regardless of the age, value or condition of the animal and

Schedule "A"

Fees

1. Licencing

(a) Female dogs:

- (i) Spayed female \$12.00
- (ii) Unspayed female \$30.00

(b) Male dogs:

- (i) Neutered male \$12.00
- (ii) Unneutered male \$18.00

- (c) Each replacement licence tag \$ 2.50

2. Destruction upon Request of Owner

- Animal under 15 lbs. \$ 2.00
- Animals 15 lbs. and under 50 lbs. \$ 4.00
- Animals 50 lbs. and under 100 lbs. \$ 7.00
- Animals 100 lbs. and over \$12.00

3. Seizure and Release

- First seizure \$10.00
- Second seizure \$15.00
- Third seizure \$20.00
- Each additional seizure in one (1) calendar year . . \$40.00

4. Seizure and Destruction \$15.00