

KITSUMKALUM  
  
BAND COUNCIL

P.O. BOX 544, TERRACE, B.C.  
CANADA V8G 4B5

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BY-LAW NO. 1998 - 01

BEING A BY-LAW RESPECTING THE CARE  
AND CONTROL OF ANIMALS ON THE RESERVE,

ENACTED ON THE 3rd DAY OF SEPTEMBER, 1998.

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of an Indian Band 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, in addition to, matter 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 KITSUMKALUM BAND is of the opinion that the uncontrolled ownership, breeding and running at large of animals may be detrimental to the health of the residents on the reserve and a nuisance to such residents;

AND WHEREAS the Council of the Band enacted By-law Number 1998-01 on the 3rd day of SEPTEMBER, 1998.

THEREFORE the Council of the KITSUMKALUM BAND enacts this Animal Control By-law, Number 1998-01, as follows:

- 2 -

**"A BY-LAW TO PROVIDE FOR ANIMAL CONTROL, LICENSING, PROTECTION OF AND PROTECTION FROM DOMESTIC ANIMALS".****1. DEFINITIONS:**

In this By-law unless the context otherwise requires.

- (a) Animal            Shall mean any dog, cat, horse, cow, sheep mule, goat, pig, rabbit, bee, poultry, bird or any other domesticated wild animal;
- (b) Control Officer    Shall mean the person, or persons, or company appointed from time to time by Council to ensure compliance with this By-law;
- (c) Council            Shall mean the Kitsumkalum Band Council;
- (d) Dog                Shall mean an animal of the canine species apparently over the age of 4 months;
- (e) Highway            Shall mean any street, road, avenue, lane, crescent, bridge, alley, via duct, pathway, public parking area or any other way open to the public;
- (f) Owner of Land      Shall mean the person or person's shown as the licensed owner on the Band Council record;
- (g) Running at Large    Shall mean an animal not under control by being other than:
- 1) On the property of its owner or if on the property of another person who has the care and control of the animal, or
  - 2) Attached directly to a person who is competent to and of sufficient strength to ensure that the animal cannot break free from the leash or other device used to restrain and/or guide the animal; or
  - 3) Securely confined within an enclosure; or
  - 4) 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. LICENCES:**

- (a) No person shall own, possess or harbour any dog within the boundaries of the Kitsumkalum territory unless a valid and subsisting licence has been issued under this By-law for such a dog.
- (b) All dog applications shall have included a description of the property, upon which the animal will be kept and a description of the dog including name, breed and age.
- (c) All Kitsumkalum Band Council dog licenses shall be for the period January one (1) to December thirty-one (31) of the year issued or the remaining portion thereof.
- (d) Every licence 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.
- (e) 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 by the dog for which the licence was issued.
- (f) The fees to be paid prior to issuing a dog licence shall be those shown in Schedule "A".

**REPLACEMENT:**

- (g) A replacement Dog licence may be issued, upon being satisfied that the original licence issued has been lost, upon payment of the fee shown in Schedule "A".
- (h) No licence shall be issued under this By-law in respect of any animal to any person under the age of nineteen (19) years.

- 4 -

**3. LICENCES - CONTINUED:**

- (i) Any dog must be kept within a well fenced area or be chained to a secure structure.
- (j) No person shall own, possess or harbour more than two (2) dogs.

**4. (a) FINE:**

Any animal running at large or violating any portion of this By-law may be fined in accordance with fees shown in Schedule "A".

**(b) PAYMENT:**

The registered owner shall be held responsible for all uncollected fees or costs in respect of complaints and other administration costs incurred. Payment of fees is payable immediately upon receipt of invoice.

**(c) VICIOUS DOG:**

A dog which is known to attack or viciously pursue a person shall be confined by the owner in a building or secure enclosure and be securely muzzled or caged whenever off the owner's premises.

- (d) If a person permits his/her dog to be in contravention of Section 4 (c) herein, said dog which attacks or viciously pursues a person shall be subject to a fine and the Band Council or Control Officer may, upon being satisfied that the dog has injured or is likely to injure a person or domestic animal, order that the dog be killed in a manner prescribed in the order.

- (e) If a dog bites a person and the dog has not been immunized against rabies, the dog shall be quarantined for ten (10) days and kept under observation by the Control Officer at the cost of the owner. If this dog bites a person a second time, the dog will be destroyed.

**5. FUND:**

- (a) All fees required to be paid by any person pursuant to this By-law shall be paid to the Control Officer who shall keep accurate records of the receipts of such funds to the KITSUMKALUM BAND COUNCIL office.

5. FUND - CONTINUED:

(b) There shall be established by the KITSUMKALUM BAND COUNCIL, a fund to be known as the Animal Protection and Correction Fund and all monies received by the Control Officer shall be credited to the fund.

6. PENALTY:

For the contravention of any of the provisions of this By-law, a summons may be issued in accordance with procedure set out:

(a) The ticket may be composed of any one or more of the following:

- |                 |               |
|-----------------|---------------|
| (i) Information | (iii) Summons |
| (ii) Notice     | (iv) Penalty  |

(b) The ticket shall be similar in form to Schedule "B".

(c) The use of a ticket of any word or expression authorized by Band Council or a general description of an offence shall be deemed sufficient for all purposes to describe the offence designated by such words or expressions.

(d) The Control Officer or any person employed by the Kitsumkalum Band Council in the enforcement of this By-law shall sign the ticket and shall indicate the offence charged on the ticket by marking the word or expression describing the offence charges as printed on the ticket or if the word is not printed on the ticket, he shall write it in the space provided.

(e) A ticket summons may be delivered by the Control Officer or person employed by the Band Council to enforce this By-law or by registered mail to the person charged with an offence.

(f) A person may attend voluntarily before agents as appointed from time to time by Band Council as directed on the summons or notice and pay the fine, as per Schedule "A".

(g) Where the fine is not paid prior to the date indicated on the ticket, as set out in Schedule "B", the present charge shall be subject to the Summary Conviction Procedures as set out in the criminal code.

This By-law is hereby made at a duly convened meeting of the Council of the Kitsumkalum Band this 3rd day of SEPTEMBER, 1998.

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

Charlotte Guno  
Charlotte Guno  
Band Councillo

Don T. Roberts  
Don T. Roberts  
Band Councillor

Cynthia Bohn  
Cynthia Bohn  
Band Councillor

Susan Spalding  
Susan Spalding  
Band Councillor

Laura Miller  
Laura Miller  
Band Councillor

being the majority of those members of the Council of the Kitsumkalum Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

No. of members of the Council present at the meeting: 5

I, Laura Miller, Band 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 Ottawa office of the department pursuant to subsection 82 (1) of the Indian Act, this 4th day of SEPTEMBER, 1998.

Sandra Christensen  
Witness

Laura Miller  
Band Councillor

- 7 -

**SCHEDULE "A"****F E E S****LICENSING:**

(1) Dogs	(i) male neutered or spayed female	\$15.00
	(ii) male other than (i) above	\$25.00
	(iii) female other than (i) above	\$50.00

**DESTRUCTION:**

(1) All dogs (subject to change without notice)	\$15.00
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**FINES:**

(1) Failure to produce a valid dog licence \$10.00 fine plus cost of licence	\$10.00
(2) For a dog running at large (1st offense)	\$50.00
(2nd offense)	\$75.00
(3) Domesticated animals other than dogs and cats found running at large	\$50.00 ea.