

**By Law No 1997-D02  
A By-Law Respecting Animal Control  
The Gitanyow Band**

**WHEREAS section 81, paragraphs (a), (d), (e),(q) and (r), of the Indian Act empowers the Council of a Band of Indians to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and 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 deems it to be expedient and in the best interest, health and safety of the residents of the Gitanyow to enact a by-law respecting Animal Control;**

**SHORT TITLE:**

- 1. This by-law may be cited as the "Gitanyow Reserve Animal Control By-law".**

**INTERPRETATION:**

- 2. In this by-law**

**"animal" means a dog, cat or any other domestic animal;**

**"animal control officer" includes a member of the Gitanyow Band Staff who regulates and maintains the animal licensing, the Royal Canadian Mounted Police, and any person employed by the band council for the purpose of enforcing the provisions of this by-law.**

**" animal register" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve.**

**"band" means the Gitanyow Band, as defined by Section 2 of the Indian Act;**

**"cat" means any cat, male or female;**

**"council" means the Council of the Gitanyow Band, as defined in the Indian Act;**

**"dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;**

**"dwelling" means each single unit home being a fully or semi-detached building, a multiple unit dwelling, an apartment home or any building used or intended to be used for human habitation and in which normal domestic functions may be carried on.**

**"medical officer of health" means the medical officer of health so appointed by the band council resolution;**

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**“muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything;**

**“owner” of an animal includes a person who possesses or brings an animal onto reserve, and the term “owns” and “owned” have corresponding meaning. All owners of females that give birth are considered the owners of the off spring and are responsible for the offspring.**

**“at large” or “running at large” means off the premises of the owner and not muzzled or under the control of any person:**

**“viscous dog” includes**

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behavior;**
- (b) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a vicious dog;**
- (c) any dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning that specific dog;**
- (d) any dog which has bitten another animal or any human.**

**NOW THEREFORE the Council of Gitanyow Band enacts as a by-law therof as follows:**

#### **APPLICATION**

- 3. This by-law applies to all owner of domestic animals residing or visiting on the Gitanyow Reserve No. 1, 2, and 3.**

#### **PART II - ADMINISTRATION**

##### **ANIMAL CONTROL OFFICER**

- 4. (1) The Council may appoint, by band council resolution, an animal control officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law;**
- (2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the animal control officer;**

##### **REGISTRATION AND IDENTIFICATION OF ANIMALS**

- 5. (1) Every person keeping one or more animals on the reserve shall register the animals with the Band and have and identification tags visible on their animal at all times.**
- (2) All owners of animals will register their animals and pay the licensing fee at the Band Office. The licensing fee will be posted at the Band Office.**

**(3) All funds from the dog tag program will be used to pay expenses such as dog tags and to destroy stray dogs.**

### **PART III - GENERAL PROHIBITIONS**

**6. (1.) Every owner of a animal shall keep the animal safely tethered or penned up at all times.**

**(2.) A animal need not be tethered or penned up as provided in subsection (1) if the animal:**

- (a) is held on a leash by a person capable of restraining the animal's movements;**
- (b) is being used by a person for the purpose of hunting;**
- (c) is being used by a person to work in lawful manner with sheep or cattle; or**
- (d) is used by a visually impaired person as a guide dog.**

**(3) Any animal not tethered or penned up will be considered stray and may be destroyed**

**7. (1) No owner of a female animal in heat shall allow the animal to remain in any public place unless the animal is attached to a leash and is accompanied by and is under the observation of and control of the owner or his/her agent.**

**(2) The owner of an animal who fails to take all necessary measures to ensure that such a dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve is guilty of an offense.**

**8. The owner of a dog which causes damage to any other person's property including moveable property, lawns, flowers gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offense.**

**9. The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property, or is guilty of an offense.**

**10. No owner shall allow his/her dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.**

**11. No person shall punish or abuse a dog in a manner which is cruel or unnecessary.**

**12. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents or visitors of the reserve.**

**PROHIBITIONS WITHIN THE SPECIFIC AREAS OF THE RESERVE**

**13. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve.**

**(2) Notice of any prohibition made by council pursuant to subsection 13(1) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.**

**(3) No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without the express written authorization to that effect from the Band Council, by way of Band Council resolution.**

**VICIOUS DOGS**

**14. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.**

**15. At all time, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.**

**16. On private property, a vicious dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the dog an/or to prevent the entry of children**

**LIMITATIONS OF ANIMALS PER DWELLING**

**17. (1) No more than three domestic animals shall be kept, harboured or possessed in any dwelling;**

**PART IV - PROCEDURES - IMPOUNDING AND SEIZURE**

**18. (1) No owner shall permit a dog to be at large on the Gitanyow Reserve.**

**(2) An animal found at large on the reserve may be impounded for not less that five days and, after notifying the owner, may thereafter be humanely destroyed or otherwise disposed of, unless the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid.**

**19. (1) An animal control office may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions within this by-law.**

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**(2) If an animal is apprehended because it has inflicted an attack upon another animal or human, the animal control officer shall impound the animal for such period of time as specified by a veterinary surgeon.**

**(3) Subject to subsection (6), an animal control officer who has seized a dog pursuant to subsection (1) shall release the dog to its owner where:**

**(a) the owner claims possession of the dog within five days after the date of seizure, and;**

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

**(c) the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.**

**(4) Where a dog has not been reclaimed within five days after seizure, pursuant to subsection (3) , and notification has been given to the owner, the animal control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of such an animal.**

**(5) The animal control officer shall seek veterinary attention for an animal found to be diseased, whereby the owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the owner or the animal.**

**(6) Whereby, a dog is seized which is injured or should be destroyed without delay, for humane reasons or for reasons of health or safety to persons or animals, the animal control officer shall destroy the dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.**

**(7) The Band Council shall forthwith make every reasonable effort to notify the owner of an animal which has been impounded.**

**(8) A written report of each such incident, as described in this section, shall be filed with the Band Council by the animal control officer.**

#### **ANIMALS DESTROYED IF UNABLE TO SEIZE**

**20. (1) Where the animal control officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog.**

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**(2) No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer pursuant to subsection (1).**

### **PROTECTION FROM VISCOUS DOGS**

**21. (1) A person or animal control officer may kill, if necessary, a vicious dog which is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:**

- (a) a person;**
- (b) another dog that it tethered;**
- (c) a food cache, harness or other equipment; or**
- (d) domestic livestock.**

**(2) A person or animal control officer who must kill a vicious dog, pursuant to section 20(1), shall immediately report the incident to the Band Council or animal control officer and notify the dog's owner,**

**(3) No damages or compensation may be recovered as a result of killing a dog by a person or animal control officer who is required to so pursuant to section 22.(1).**

### **PART V - PENALTY CLAUSE**

**22. Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable on the summary conviction to a fine of not more than \$1000 or imprisonment for a term not exceeding thirty days, in accordance with Section 81.(1)(r) of the Indian Act.**

### **ENFORCEMENT CLAUSE**

**23. (1) Where a person has been ordered to abide by the provisions within this by-law and or fails to comply with an order made by the enforcement officer or animal control officer, or fails to comply with an order made under all Sections of this by-law, or who resists or interferes with an officer acting under this by-law, is committing a Federal Offense.**

**(2) Where a person has committed a Federal Offense, the Gitanyow Band Council, in coordination with the Royal Canadian Mounted Police will carry out an investigation and charges may be laid.**

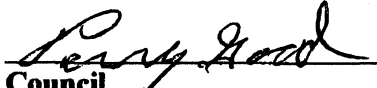
### **REPEAL**

**24. By-law No. 1997-D01 dated 11th day of April, 1997, a by-law in regards to Dog Control, and the same is hereby repealed.**

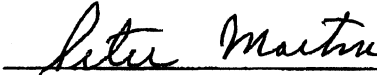
**THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Gitanyow Band Council on this 25th day of September, 1997.**

**Voting in favor of the By-law are the following members of Council:**

  
Chief Council

  
Council

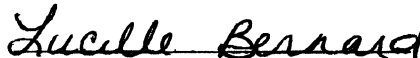
  
Council

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

**I, Vernon Smith Chief/Councilor of the Gitanyow Band, do hereby certify that an original of the foregoing by-law was mail to the Minister of Indian Affairs and Northern Development at the District/Regional /Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act this 25th day of September 1997.**

  
Chief Councilor

  
Witness