

DOIG RIVER INDIAN BAND  
ANIMAL CONTROL BYLAW NO.3

WHEREAS:

- A. The Council of the Doig River Indian Band deems it advisable and in the best interest of the Band to establish a bylaw to regulate and control dogs and other animals within the Reserve;
- B. The Council of the Doig River Indian Band, may under paragraph 81 of the *Indian Act*, subject to the approval of the Minister of Indian Affairs and Northern Development, make bylaws:
- (1) for the prevention of disorderly conduct and nuisances (paragraph 81(d));
  - (2) for 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 (paragraph 81(e));
  - (3) with respect to any matter arising out of or ancillary to the exercise of the aforementioned powers (paragraph 81(q));
  - (4) with the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding 30 days, or both, for violation of a bylaw made under section 81 (paragraph 81(r));

NOW THEREFORE the council of the Doig River Indian Band at a duly convened meeting enacts the following bylaw:

PART I  
SHORT TITLE

- 1 This Bylaw may be cited for all purposes as the Doig River Indian Band Animal Control Bylaw.

PART II  
INTERPRETATION

DIVISION OF PARTS

- 2 This Bylaw as a matter of convenience and for reference only is divided into nine parts titled as follows:

PART I	-	SHORT TITLE
PART II	-	INTERPRETATION
PART III	-	ANIMAL CONTROL BYLAW OFFICER
PART IV	-	POUND
PART V	-	LICENSING
PART VI	-	SEIZURE, IMPOUNDING AND DESTRUCTION
PART VII	-	ANIMALS AT LARGE
PART VIII	-	DESTRUCTION AND DISPOSAL
PART IX	-	PROHIBITION OF CRUELTY
PART X	-	PENALTIES
SCHEDULE "A"	-	DOG LICENCE APPLICATION
SCHEDULE "B"	-	DOG LICENCE
SCHEDULE "C"	-	SCHEDULE OF FEES

# ANIMAL CONTROL BYLAW CONFIDENTIAL

## HEADINGS

- 3 The headings of parts and sections in this Bylaw have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Bylaw or any of its provisions.

## SEVERABILITY

- 4 If a Court of competent jurisdiction declares any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw and it is hereby declared that the remainder of this Bylaw shall be valid and shall remain in force.

## DEFINITIONS

- 5 The following terms whenever used in this Bylaw, or in any resolution of Council passed relating to this Bylaw, shall have the meaning respectively ascribed to them in this section unless the context otherwise requires:

"Act" means the *Indian Act* (together with all regulations made pursuant to same) being Chapter I-6 of the Revised Statutes of Canada, 1970, and any amendments thereto,

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

"Animal Control Bylaw Officer" means the Maintenance Men as appointed by the Council of the Doig River Indian Band,

"Band" means the Doig River Indian Band,

"Council" means the Council of the Doig River Indian Band,

"Dog" means any Animal of the canine species,

"Dog Licence" means a licence substantially the same in form and content as the document attached as Schedule "B" to this Bylaw and forming a part hereof, when duly completed and signed by an Animal Control Bylaw Officer,

"Dog License Application" means an application substantially the same in form and substance as that documents attached as Schedule "A" to this Bylaw and forming a part hereof, when duly completed and signed by an applicant for a Dog License,

"Dog Tag" means a metal tag having inscribed or impressed the initials I. N. (Issued Number) and a number the same as the licence number of the Dog Licence with which the tag is issued,

"Highway" includes every highway, bridge, driveway, street, lane, square, road, avenue, parkway, thoroughfare, parking area, or other place within Reserve designed or intended for the use of the membership of the Band and/or the general public for the passage of vehicles or the parking of vehicles, including without restricting

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the generality of the foregoing, every area designated as a highway, bridge, driveway, street, lane, road, avenue, parking area or thoroughfare, on a Canada Lands Surveys Record Plan or a Regional Surveyor of British Columbia Plan,

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

"Owner" means the person or person shown as being the holder of a valid Dog Licence for the Dog in the record book referred to in sub-section 11(1),

"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 within Reserve as a pound by Council under section 10, or if Council fails to establish such structure, yard or enclosure, Pound means any building or enclosure established as a Pound by agreement of Council,

"Reserve" includes all Reserves of the Band,

"Run at Large" means not being in an Owner's dwelling place or at an Owner's Property, and not being under the immediate charge and control of a person,

"Running at Large" has the same meaning as Run at Large is defined to have,

"Schedule of Fees" means that Schedule of Fees attached as Schedule "C" to this Bylaw and forming a part hereof,

"Unlicensed Dog" means any Dog for which a valid Dog Licence is not in effect, or to which the Dog Tag issued with a valid Dog Licence is not attached.

### FEES PAYABLE

- 6 No fees payable under this Bylaw are refundable, either in whole or in part, for any reason.

## PART III ANIMAL CONTROL BYLAW OFFICER

### APPOINTMENT

- 7 (1) The duty of Animal Control Bylaw Officer will fall under the jurisdiction of the Maintenance Men, and they will carry out these powers and responsibilities, as part of their daily duties.
- (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

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

### ANIMAL RESCUE PROHIBITED

- 9 (1) Without limiting the generality of section 8, no person shall rescue or attempt to rescue any Animal that the Animal Control Bylaw Officer is seizing or attempting to seize or that is otherwise lawfully in the custody or control of the Animal Control Bylaw Officer pursuant to this Bylaw.
- (2) Without limiting the generality of subsection (1) or section 8, no Animal being kept in the Pound shall be removed therefrom by any person without prior consent of the Animal Control Bylaw Officer.

## PART IV POUND

### ESTABLISHMENT OF POUND

- 10 (1) Council may establish a Pound to keep Animals Impounded under this Bylaw, to be located at such place within Reserve, and to be constructed to such standard as may be approved, from time to time by Council, and falling under section 29, subsections (1) and (2).
- (2) In lieu of establishing a Pound under subsection (1), the Council may make contractual arrangements with the local S.P.C.A. for the use of their Pound for the purposes of this Bylaw.

### POUND RECORDS

- 11 (1) The Animal Control Bylaw Officer must keep a record book in which he shall:
- (a) keep a copy of every valid Dog Licence in effect, and
  - (b) enter with reference to each Animal Impounded, the date and house of Impounding, a description of the Animal, the name of any person from whom the Animal is received and the date upon and the manner in which such Animal is disposed of.
  - (c) records of all complaints made regarding any animals must have date, time, name(s) of all involved and a description of events recorded.
- (2) The record book referred to in sub-section (1) shall be open to inspection by the Council, and by any other person authorized by Council, at any time during regular business hours of the Pound.

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## PART V LICENSING

### APPLICATION FOR AND ISSUANCE OF LICENCES

- 12 (1) Any person 19 years of age or over may apply to the Animal Control Bylaw Officer for a Dog Licence by submitting thereto a Dog Licence Application.
- (2) The Animal Control Bylaw Officer shall on receipt of a Dog Licence Application, issue a Dog Licence and a Dog Tag.
- (3) Each household may have no more than 2 dogs at any given time.

### DURATION OF LICENCE

13. A Dog Licence and tag shall be valid till the time that the dog is sold, given away, impounded past three days or comes to its death.
- (a) if such an event happens to the dog, it is the responsibility of the dogs owner to notify the Animal Control Bylaw Officer,
- (b) should a dog be sold or given to another household on the reserve, the new dog owner must obtain a new license and tag.

### LICENCE NOT ASSIGNABLE

14. A Dog Licence and Dog Tag shall be issued in respect of one particular Dog only and shall not be transferable or assignable for use in respect of another Dog.

### DOG TAG

- 15 (1) A Dog Tag shall be securely fixed to the harness or collar of the Dog in respect of which the Dog Licence was issued, and the harness or collar shall be worn by that Dog for so long as the Dog Licence is valid.
- (2) No person shall place, affix or use a Dog Tag issued in respect of one Dog on or for another Dog.
- (3) No person without the authority of the person holding a valid Dog Licence in respect of a particular Dog, shall remove from that Dog any harness or collar to which is attached a valid Dog Tag, or remove such Dog Tag from that Dog.

### REPLACEMENT OF DOG TAG

- 16 The Animal Control Bylaw Officer shall issue a replacement Dog Tag in respect of a valid Dog Licence upon receipt from an Owner of proof, satisfactory to the Animal Control Bylaw Officer that the Dog Tag issued is registered to the same dog as the owner is presenting to them.

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### UNWEANED DOGS

- 17 A female Dog and her unweaned offspring shall be deemed to constitute one Dog for the purposes of this Bylaw, until the offspring reach the age of 6 weeks;
- (a) once the pups reach the age of six (6) weeks, the owner of the mother must start to make efforts to sell or give away the pups,
  - (b) should the pups reach the age of 6 months, and are still in the property of the mothers owner, the Animal Control bylaw Officer will impound the pups and make the necessary arrangements to get rid of them,
  - (c) if the pups are sold after they have been impounded by the Animal Control Bylaw Officer, the money will be deemed forfeited to cover costs occurred for the pups.

### PART VI SEIZURE, IMPOUNDING AND DESTRUCTION

#### LICENCE AND TAG REQUIRED

- 18 No person shall own or possess any Dog within Reserve unless:
- (a) a valid Dog Licence is in effect in respect of such Dog, and
  - (b) such Dog is wearing the Dog Tag issued with such Dog Licence, or the Dog Tag issued as a replacement for same pursuant to section 16.

#### OTHER ANIMALS PERMITTED

- 19 No Animal other than Dogs as permitted pursuant to this Bylaw, and cats or other small domestic Animals that are generally acknowledged to be harmless to persons and property and which may be properly kept within a dwelling place, shall be kept by any person within Reserve, other than in educational facilities and for educational purposes.

#### RUNNING AT LARGE

- 20 No Owner or possessor of any Dog shall permit, suffer or allow that Dog to Run at Large within Reserve.

#### SEIZURE AND IMPOUNDING

- 22 (1) The Animal Control Bylaw Officer may seize and Impound any Dog:

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- (a) found Running at Large, or
  - (b) that is on a Highway, or in any other public place, and not under the full charge and control of the owner,
  - (c) that is an Unlicensed Dog.
- (2) The Animal Control Bylaw Officer shall (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) forthwith upon Impounding a Dog pursuant to sub-section (1), make reasonable efforts to notify the Owner, or if the Dog has no Owner any person known by the Animal Control Bylaw Officer to have been the possessor of the Dog, of such Impoundment.
- (3) The Owner or possessor of any Dog seized and Impounded pursuant to sub-section (1) may reclaim such Dog upon application to the Animal Control Bylaw Officer at any time prior to the Dog being destroyed pursuant to this Bylaw, on providing proof of being the Owner of the Dog or the right to lawful possession of the Dog, issuance of a valid Dog Licence and Dog Tag if none are in effect, and payment of the fees prescribed under the headings "Dog Impounding Fee" and "Pound Fee for Dogs" in the Schedule of Fees.
- (4) Animals that are impounded will be kept at the community pound for a period of three (3) days, if not claimed by the owner and fees paid according to Schedule "C", the Animal Control Bylaw Officer will have the animal transported to the local S.P.C.A., where any arrangements in retrieving the animal will be between the owner and that of the S.P.C.A.
- (5) Notwithstanding anything to the contrary elsewhere contained in this Bylaw, when a dog has been seized pursuant to sub-section (1) and it is found that such Dog is suffering from an injury, disease or sickness that in the reasonable opinion of the Animal Control Bylaw Officer is so severe that it is unlikely that the Dog will survive such injury, disease or sickness, or that it would be an act of humanity to destroy the Dog, the Animal Control Bylaw officer shall cause such Dog to be immediately destroyed.

### UNPROVOKED DOG BITE

- 23 (1) Notwithstanding anything to the contrary elsewhere contained in this Bylaw, where a Dog is known to have inflicted an unprovoked bite on a person or another Animal, the Animal Control Bylaw Officer shall immediately seize and Impound the Dog and shall confine it to the Pound where it shall be kept for so long as is reasonably required for a determination to be made as to whether the Dog is rabid, and upon such determination the Animal Control Bylaw Officer shall, notwithstanding whether or not the Dog is rabid, forthwith cause such Dog to be destroyed.
- (2) Any occupant of premises at which a Dog known to have inflicted an unprovoked bite on a person or another Animal is present shall on request of the Animal Control Bylaw Officer immediately deliver up such Dog to him.

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### DOG AT PREMISES

- 24 (1) The Animal Control Bylaw Officer may, where he has reason to believe a Dog for which there is no valid Dog Licence in effect, or a Dog not bearing a valid Dog Tag issued in respect of the Dog, is present at any premises, request any occupant of such premises to satisfy him that a valid Dog Licence is in effect in respect of the Dog and to exhibit a valid Dog Tag issued in respect of the Dog, and if the occupant fails to satisfy him that such a Dog Licence is in effect and to exhibit such a Dog Tag, he may request that the Dog be delivered to him to be seized and Impounded.
- (2) If a Dog for which there is no valid Dog Licence in effect, or a Dog not bearing a valid Dog Tag issued in respect of the Dog, is present at any premises, no occupant of such premises shall fail or refuse to exhibit to the Animal Control Bylaw Officer on his request a valid Dog Licence and Dog Tag in respect of the Dog, or in the event such occupant cannot produce a valid Dog Licence or Dog Tag issued in respect of the Dog, neglect or refuse to deliver such Dog to the Animal Control Bylaw Officer on his request.

### ANIMAL A NUISANCE

- 25 (1) Notwithstanding anything to the contrary elsewhere contained in this Bylaw, the Council may, on determination by it on reasonable grounds that any Animal is interfering with the use or enjoyment of the Reserve by a member or members of the Band, report same to the Animal Bylaw Officer who shall seize such Animal and forthwith cause it to be destroyed.
- (2) Any occupant of a premises at which an Animal that the Council has reported to the Animal Control Bylaw Officer pursuant to sub-section (1) is present shall on request of the Animal Control Bylaw Officer immediately deliver up such Animal to him.

## PART VII ANIMALS AT LARGE

- 26 (1) For the purposes of this section only, the word "Animal" will not include Dog.
- (2) Without restricting the generality of section 19, no person shall permit, suffer or allow any horse, stallion, mule, bull, cow, goat, ram, sheep, boar, swine, or cattle of any kind, cat, domesticated reptile or rodent, or any geese, ducks, or fowl of any kind, to Run at Large, or to trespass in or upon any unenclosed land, premises or public place, or to trespass in any garden or on any enclosed land within Reserve whether in the custody or charge of any herder, or otherwise.
- (3) It shall be lawful of the Animal Control Bylaw Officer to seize and Impound, or for any other person subject to sub-section (3) to seize and maintain control of, any Animal found Running at Large or trespassing contrary to the provisions of sub-section (2).
- (4) If a person other than the Animal Control Bylaw Officer seizes any Animal permitted by sub-section (3), such person shall forthwith deliver control of such Animal to the Animal Control Bylaw Officer who shall thereupon Impound such Animal.



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- (5) The Animal Control Bylaw Officer shall (unless the owner or possessor of any Animal can, by virtue of the circumstances resulting in Impoundment of the Animal, reasonably be assumed to be aware that an Animal Impounded pursuant to sub-section (3) or sub-sections (3) and (4), has been Impounded) forthwith upon Impounding the Animal make reasonable efforts to notify any person known by the Animal Control Bylaw Officer to be the owner or possessor of the Animal, of such Impoundment.
- (6) The owner or possessor of any Animal seized and Impounded pursuant to sub-section (3) or sub-sections (3) and (4) may reclaim such Animal upon application to the Animal Control Bylaw Officer at any time prior to the Animal being destroyed pursuant to this Bylaw, on providing proof of ownership or the right to lawful possession of the Animal, on paying the fees prescribed under the headings "Pound Fee for Animals other than Dogs" in the Schedule of Fees.

### PART VIII DESTRUCTION AND DISPOSAL

#### DESTRUCTION OF DOGS

- 27 In the event of a problem with a dog or any other animal, no resident of the reserve or any other person, other than the Animal Control Bylaw Officer has the right to shoot any animal.
- (a) residents are to notify the Animal Control Bylaw Officer immediately of any problem(s) with any animal(s);
  - (b) any person that is found to have shot any domestic or kept animal belonging to another person, whether on their property or not, can be charged under this bylaw.

#### DISPOSAL OF CARCASSES

- 28 It shall be the duty of the owner to remove the carcass of any of their deceased animals, and dispose of the carcass in a reasonable manner that is respectable of other residents of the community.

### PART IX PROHIBITION OF CRUELTY

- 29 (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;

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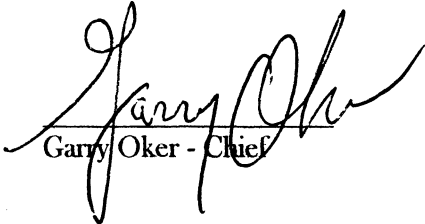
- (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
  - (d) necessary veterinary medical care when the Animal exhibits signs of pain or suffering.
- (2) No person 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 1 ½ 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 10%;
  - (c) in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times;
  - (d) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
- (3) No person may cause an Animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the Animal's neck.
- (4) No person may cause an Animal to be confined in an enclosed space, including a car, without adequate ventilation.

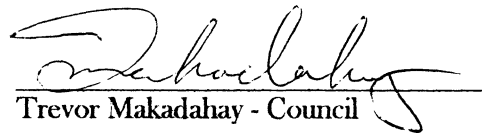
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PART X  
PENALTIES

30 Any person who disobeys or fails to comply with any provision of this Bylaw 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 30 days, or both.

APPROVED AND PASSED at a duly convened meeting of the Council of the Doig River Indian Band this 27<sup>th</sup> day of March 2003.

  
Garry Oker - Chief

  
Trevor Makadahay - Council

I, Garry Oker, Chief Councillor of the Doig River Indian Band, 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 27<sup>th</sup> day of March 2003

  
Chief Council - Garry Oker

  
Witness

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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 \_\_\_\_\_

Date of Application: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**For Office Use Only**

Dog Licence Approved \_\_\_\_\_

Number of dogs currently residing in Household \_\_\_\_\_

Licence and tag number assigned to dog \_\_\_\_\_

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**SCHEDULE "B"**

**DOIG RIVER 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 DOIG RIVER INDIAN BAND  
ANIMAL CONTROL BYLAW AND IS SUBJECT TO ALL RELEVANT TERMS AND CONDITIONS  
THEREOF.**

Date of issuance: \_\_\_\_\_

\_\_\_\_\_  
Animal Control Bylaw Officer

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**SCHEDULE "C"**

**SCHEDULE OF FEES**

<b>Section or Subsection No.</b>	<b>Description</b>	<b>Amount</b>
22(3)	Dog Impounding Fee (fee to include any cats, or domesticated reptile and/ or rodent)	\$10 per dog; per day
26(6)	Pound Fee for Animals other than Dogs	\$20 per animal; per day