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COWICHAN INDIAN BAND ANIMAL CONTROL BYLAW NO. 1991-1

1992 Schedule of Amendments

We, the Chief and Council of the Cowichan Indian Band, with the consent of a majority of the Councillors present at a Council meeting duly convened, do hereby adopt the following Schedule of Amendments to the Cowichan Indian Band Animal Control Bylaw No. 1991-1, which came into force on June 23rd, 1991:

1. The Preamble on page 1 is amended by adding after paragraph (q) an new paragraph, as follows:

- (r) 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 by-law made under this section.

2. Subsection 2(2)(a) is amended by replacing the word "and" at the end of that subsection with the word "or", as follows:

- 2.(2) "aggressive dog" means:

- (a) any dog that is kept, tolerated, used or intended to be used for the purpose of guarding private, personal or real property that is located on reserve lands; or,

- (b) any dog determined by a veterinary surgeon registered under the Veterinarians Act, R.S.B.C. 1979, c.423, or any authorized agent of the Society for Prevention of Cruelty to Animals ("S.P.C.A."), to pose a danger to the health, security or safety of residents on Cowichan reserve lands;

3. Subsection 2(5) is amended by replacing the period at the end of the subsection with a semi-colon, as follows:

- 2.(5) "Animal Register" means the Register kept by the Animal Control Officer for the purpose of the registration of all dogs and other domestic animals on the reserve;

4. Section 2 is amended by adding subsections 2(8A) and 2(8B) after 2(8) in order to define "licence" and "licence tag" as follows:

2. (8A) "licence" means the process of obtaining the consent of the Cowichan Indian Band, through

its Animal Control Officer, for the keeping of an animal on the reserves of the Band;

(8B) "licence tag" means the metal tag issued by the Animal Control Officer to an owner upon completion of the process of licencing an animal pursuant to this Bylaw;

5. Subsection 2(13) is amended by deleting all of the words following "running at large", so that the entire subsection will read as follows:

2.(13) "pack" means two(2) or more dogs that are running at large;

6. Section 11 is amended to read as follows:

11. If an ownerless or unlicensed animal is running at large or in a pack, it may be impounded by the Animal Control Officer.

7. Section 12 is amended by adding the words "and may do so" after the word "pound" in the final line, as follows:

12. Where an animal is impounded pursuant to section 11, the Animal Control Officer shall notify the owner in writing that he has three (3) days to claim the animal from the pound, and may do so upon payment of the impoundment fees.

8. Section 13 is amended to read as follows:

13. Where a domesticated animal has been impounded and not claimed by the owner within the three (3) day notice period, the Animal Control Officer may request the pound destroy it.

9. Section 14 is amended by dividing it into subsections; and by removing the word "valid" in the third line; and by adding an additional subsection, as follows:

14. Where an animal is impounded and it is apparently ownerless, the Animal Control Officer may:

(1) release it to any person who obtains a licence and who, in the opinion of the Animal Control Officer, is capable of looking after the animal; or

- (2) after a three (3) day period of impoundment, request the pound destroy it.

10. Section 15 is amended to read as follows:

15. If an animal is apprehended because it inflicted an unprovoked bite upon a domestic animal or upon a person, then:

- (1) the Animal Control Officer shall impound the animal; and
- (2) the animal may be destroyed by the pound when so directed by the Animal Control Officer, and for which service the pound may charge the Band in accordance with Schedule "A".

11. Section 16 is amended to read as follows:

16. If an animal is found to be diseased, the Animal Control Officer shall seek veterinary attention for it where the owner has failed or neglected to do so, and any fee arising out of the provision of such veterinary care shall be charged to the owner of the animal.

12. Section 18 is amended by added the word "licence" before the word "tag", as follows:

18. The owner of a dog shall purchase an annual licence and licence tag for the dog according to the fees set out in Schedule "A" attached hereto, as amended from time to time.

13. Section 20 is amended by adding the word "tag" following the word "licence", as follows:

20. Every licence tag expires on December 31st of each year regardless of the date of registration ~~of~~ the animal.

14. Section 22 is amended by removing the word "appropriate" in the second line; and by adding the word "licence" between the words "annual" and "fee" in the second and third lines; and by adding the word "licence" before the word "tag" in the third line, as follows:

22. The Animal Control Officer shall issue a licence tag upon registration and payment of the annual licence fee, which licence tag

shall be securely attached to the collar or harness of the dog at all times.

15. Section 24 is amended by removing the word "dog" in the first line; and by adding the words "to assume any and all responsibility for the actions of the dog to which the licence tag relates" after the words "his parent or guardian", as follows:

24. No licence tag shall be issued to a person under the age of eighteen (18) unless that person provides the Animal Control Officer with the written consent of his parent or guardian to assume any and all responsibility for the actions of the dog to which the licence tag relates, and for the purposes of this Bylaw, the parent or guardian providing consent under this section shall be deemed to be the owner of the dog in respect of which the licence was issued.

16. Section 27 is amended by adding the word "licence" before the word "tag" in the fourth line, as follows:

27. No licence fee, or part of it, is refundable upon the death or transfer of ownership of a dog but, if a licence tag is lost or destroyed, the Animal Control Officer shall provide the owner with a replacement licence tag upon payment of the prescribed fee.

17. Section 32 is amended to read as follows:

32. Any person who interferes with the Animal Control Officer in the lawful performance of his duties commits an offence.

18. Section 33 is amended to read as follows:

33. Any person who takes or rescues, or attempts to take or to rescue any animal lawfully in the custody of the Animal Control Officer commits an offence.

19. Section 34 is amended to read as follows:

34. Any person who transfers or attempts to transfer a licence tag issued for one dog to another dog commits an offence.

20. Section 35 is amended to read as follows:

35. Any person who keeps or harbors a diseased animal after the Animal Control Officer has requested that the owner provide medical treatment for the animal commits an offence.

21. Section 36 is amended to remove the reference to Schedule "A" fees in the first and second lines, as follows:

36. Any person who contravenes this Bylaw shall, upon summary conviction, be subject to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding thirty days, or to both, or to such other penalties as may be prescribed in the Act from time to time, including those penalties found in sections 81(2) and 81(3) of the Act.

22. Schedule "A" is amended to remove the reference to "For 1991" from the title, so that the title will read as follows:

COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

SCHEDULE "A"

LICENCE AND IMPOUNDMENT FEES

COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

A Bylaw to provide for the control, licencing, and destruction of dogs and other animals on the reserves of the Cowichan Indian Band.

WHEREAS section 81 of the Indian Act, R.S.C. 1985, c.I-5 provides that the Council of a Band may make Bylaws for the following purposes:

Section 81(1):

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
- (c) the observance of law and order;
- (d) the prevention of disorderly conduct and nuisances;
- (e) the protection against and the 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;
- (q) with respect to any matter arising out of or ancillary to the exercise of powers under this section;
- (r) 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 by-law made under this section;

AND WHEREAS the Council of the Cowichan Indian Band has determined that the unregulated ownership and breeding of dogs and other animals that run at large on the reserve lands of the Band is detrimental to the security, safety and health of the residents on the reserves of the Cowichan Indian Band;

AND WHEREAS the Council of the Band has determined that the right of all residents on Cowichan reserve lands to enjoy good health, security of property, and peace of mind takes precedence over the unrestricted ownership and breeding privileges of animal owners who are resident on Cowichan reserve lands;

NOW THEREFORE the Council of the Cowichan Indian Band, with the consent of a majority of the Councillors present at a Council meeting duly convened, hereby enacts the following Bylaw:

TITLE

1. This Bylaw may be cited as the "Cowichan Indian Band Animal Control Bylaw No. 1991-1."

PART I

INTERPRETATION

2. In this Bylaw:
 - (1) "**Act**" means the Indian Act, R.S.C. 1985, c.I-5, as amended from time to time;
 - (2) "**aggressive dog**" means:
 - (a) any dog that is kept, tolerated, used or intended to be used for the purpose of guarding private, personal or real property that is located on reserve lands; or,
 - (b) any dog determined by a veterinary surgeon registered under the Veterinarians Act, R.S.B.C. 1979, c.423, or any authorized agent of the Society for Prevention of Cruelty to

Animals ("S.P.C.A"), to pose a danger to the health, security or safety of residents on Cowichan reserve lands;

- (3) **"animal"** includes any dog, cat, horse, cow, sheep, mule, goat, pig, rabbit or any other domesticated animal; and includes small pets of other species such as birds, reptiles, and fish, as well as animals normally found in the wild state, such as deer, coyote and skunk;
- (4) **"Animal Control Officer"** means that person or company appointed from time to time by Council to administer and enforce this Bylaw and includes a peace officer;
- (5) **"Animal Register"** means the Register kept by the Animal Control Officer for the purpose of the registration of all dogs and other domestic animals on the reserve;
- (6) **"Band"** means the Cowichan Indian Band;
- (7) **"Council of the Band"** ("Council") means the Chief and Council chosen according to the election provisions of section 74 of the Act;
- (8) **"dog"** means any animal of the canine species, male or female;
- (8A) **"licence"** means the process of obtaining the consent of the Cowichan Indian Band, through its Animal Control Officer, for the keeping of an animal on the reserves of the Band;
- (8B) **"licence tag"** means the metal tag issued by the Animal Control Officer to an owner upon completion of the process of licencing an animal pursuant to this Bylaw;

- (9) "**occupier**" means a person who:
- (a) is in physical possession of premises on the reserve; or,
 - (b) has responsibility for, and control over, the condition of premises and the activities conducted on those premises, including control over the persons allowed to enter those premises on the reserve;
- (10) "**owner**" includes owner, occupier, harbinger, or possessor of an animal and includes the person shown as owner in the Animal Register;
- (11) "**ownerless**" means an animal that does not have attached to its collar or harness a valid and subsisting licence tag, if a licence is required for that species of animal, or an animal for which the ownership cannot be determined; but does not include a dog licenced with a tag from another jurisdiction;
- (12) "**owner's property**" means the property immediately surrounding the dwelling place of the owner, or the legal boundaries of the property of the owner, and any other property on the reserve over which the owner has tenure of any kind that is generally acknowledged to be for his personal use;
- (13) "**pack**" means two (2) or more dogs that are running at large;
- (14) "**pound**" means the Cowichan Valley Animal Shelter, until such time as the Band establishes a pound of its own;
- (15) "**reserve**" means all tracts of land, 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 Band, and includes designated lands and special reserves as contemplated by sections 36 and 38 of the Act;

- (16) **"running at large"** means that an animal is not:
- (a) on the owner's property or on the property of a person who has the care and control of the animal; or,
 - (b) in the direct and continuous charge of a person who is competent and demonstrably able to control the animal; or,
 - (c) securely confined in an enclosure; or,
 - (d) securely tethered so that it is unable to roam beyond the boundaries of the owner's property as defined in the Livestock Protection Act, R.S.B.C. 1979, c. 245;
- (17) **"S.P.C.A."** means the Society for the Prevention of Cruelty to Animals;
- (18) **"vicious dog"** means:
- (a) any dog which has bitten another domestic animal or human without provocation; or,
 - (b) any dog with a known tendency or disposition to attack domestic animals or humans without provocation; and
 - (c) includes an aggressive dog;
- (19) Use of words denoting the male gender is deemed to include the female or neuter gender, and the singular the plural unless the context requires otherwise.

PART II
POWERS OF COUNCIL

3. The Council shall appoint an Animal Control Officer and shall fix his terms of employment, duties, and remuneration by Band Council Resolution.
4. The Council shall prescribe annual licence and impoundment fees by December 31st each year, which fees shall be posted in the Band office in the form attached hereto as Schedule "A".
5. Council may establish a pound for dogs and other animals, which shall be open for business on such days and at such hours as Council determines from time to time.
6. Until such time as the Council establishes a pound, the Animal Control Officer may utilize the services of the Cowichan Valley Animal Shelter upon payment of the fees listed in Schedule "A".
7. The Council may make Regulations for the enforcement of this Bylaw.

PART III
DUTIES AND POWERS OF ANIMAL CONTROL OFFICER

8. The Animal Control Officer shall be responsible for and shall have the authority to administer and enforce this Bylaw.
9. The Animal Control Officer shall keep an Animal Register in which shall be recorded:
 - (1) a description of the dog or other domestic animal sought to be registered; including age, sex, name and breed, if known;

- (2) the name, address and telephone number of the owner;
 - (3) the date and the amount of licence fees paid for the registration and tagging of the dog or other domestic animal; and,
 - (4) any other information deemed by the Animal Control Officer to be necessary for the proper administration of this Bylaw.
10. The Animal Control Officer may enter any property on the reserve at any reasonable hour to determine that the provisions of this Bylaw are upheld, and may request the assistance of the S.P.C.A., the Royal Canadian Mounted Police, or the Cowichan Valley Animal Shelter in order to enforce this Bylaw.
 11. If an ownerless or unlicensed animal is running at large or in a pack, it may be impounded by the Animal Control Officer.
 12. Where an animal is impounded pursuant to section 11, the Animal Control Officer shall notify the owner in writing that he has three (3) days to claim the animal from the pound, and may do so upon payment of the impoundment fees.
 13. Where a domesticated animal has been impounded and not claimed by the owner within the three (3) day notice period, the Animal Control Officer may request the pound destroy it.
 14. Where an animal is impounded and it is apparently ownerless, the Animal Control Officer may:

- (1) release it to any person who obtains a licence and who, in the opinion of the Animal Control Officer, is capable of looking after the animal; or
 - (2) after a three (3) day period of impoundment, request the pound destroy it.
15. If an animal is apprehended because it inflicted an unprovoked bite upon a domestic animal or upon a person, then:
- (1) the Animal Control Officer shall impound the animal; and
 - (2) the animal may be destroyed by the pound when so directed by the Animal Control Officer, and for which service the pound may charge the Band in accordance with Schedule "A".
16. If an animal is found to be diseased, the Animal Control Officer shall seek veterinary attention for it where the owner has failed or neglected to do so, and any fee arising out of the provision of such veterinary care shall be charged to the owner of the animal.

PART IV

ANIMALS PERMITTED

17. No animal, other than domesticated dogs, cats, small pets or farm animals which can be properly and adequately housed within the residence or on the property of an owner, shall be kept or harbored within the reserve other than at educational facilities for training purposes.

PART V

LICENCE REQUIREMENTS

18. The owner of a dog shall purchase an annual licence and licence tag for the dog according to the fees set out in Schedule "A" attached hereto, as amended from time to time.
19. No more than two dogs from any one household may be licenced each year.
20. Every licence tag expires on December 31st of each year regardless of the date of registration of the animal.
21. Information relating to the licence tag issued for each dog shall be entered in the Animal Register by the Animal Control Officer, including:
 - (1) name of owner;
 - (2) address and phone number of owner;
 - (3) name and type of dog; and
 - (4) sex and age of dog.
22. The Animal Control Officer shall issue a licence tag upon registration and payment of the annual licence fee, which licence tag shall be securely attached to the collar or harness of the dog at all times.
23. The absence of a collar or harness with a licence tag attached for the current year shall be deemed to be sufficient evidence that a dog is ownerless.
24. No licence tag shall be issued to a person under the age of eighteen (18) unless that person provides the Animal Control Officer with the written consent of his parent or guardian to assume any and all responsibility for the actions of the dog to which the licence tag relates, and for the purposes of this Bylaw, the parent or guardian providing consent under this section shall

be deemed to be the owner of the dog in respect of which the licence was issued.

25. Unless the owner of a dog notifies the Animal Control Officer of a change of ownership within one (1) week of the change, the original owner shall be deemed to be the owner and shall be responsible for any damage or harm caused by that dog to any person or property on the reserve.
26. No fee is payable for the registration of the change of ownership of an animal.
27. No licence fee, or part of it, is refundable upon the death or transfer of ownership of a dog but, if a licence tag is lost or destroyed, the Animal Control Officer shall provide the owner with a replacement licence tag upon payment of the prescribed fee.
28. A licence tag will only be issued for a vicious dog under the following conditions:
 - (1) when it is on the owner's property, the dog shall either be confined indoors or tethered in an enclosed pen or other structure capable of preventing the entry of the public and adequately constructed to prevent the dog from escaping;
 - (2) when not on the owner's property, the dog shall:
 - (a) wear a muzzle which prevents it from biting another animal or a human; and,
 - (b) be in the control of a person over eighteen (18) years of age; and,
 - (c) be restrained by a sturdy, chain choke collar no more than four (4) feet long; and,

- (3) the owner shall sign a certificate, attached hereto as Schedule "B", authorizing the Animal Control Officer to impound or destroy the dog if any of the above conditions are breached, or if the dog is found running at large.

PART VI

PROHIBITIONS

29. No person shall harbor or keep an unregistered dog or a dog without a licence tag.
30. No owner shall allow a dog to run at large.
31. No person shall abandon a dog on reserve.
32. Any person who interferes with the Animal Control Officer in the lawful performance of his duties commits an offence.
33. Any person who takes or rescues, or attempts to take or to rescue any animal lawfully in the custody of the Animal Control Officer commits an offence.
34. Any person who transfers or attempts to transfer a licence tag issued for one dog to another dog commits an offence.
35. Any person who keeps or harbors a diseased animal after the Animal Control Officer has requested that the owner provide medical treatment for the animal commits an offence.

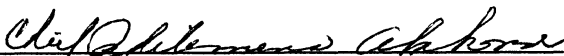
**PART VII
PENALTIES**

36. Any person who contravenes this Bylaw shall, upon summary conviction, be subject to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding thirty days, or to both, or to such other penalties as may be prescribed in the Act from time to time, including those penalties found in sections 81(2) and 81(3) of the Act.

**PART IX
COMING INTO FORCE**

37. This Bylaw comes into force forty (40) days after a copy hereof is forwarded to the Minister of Indian Affairs and Northern Development, unless it is disallowed by the Minister within that period pursuant to section 82(2) of the Act.

THIS BYLAW WAS APPROVED AND PASSED at a duly convened meeting of the Council of the Cowichan Indian Band this 1st day of December 1992, by the following members of Council who represent a majority of those members of the Council of the Band present at the aforesaid Council meeting.


CHIEF PHILOMENA ALPHONSE


COUNCILLOR LOUISA B. UNDERWOOD

COUNCILLOR ARVID CHARLIE

Len Antoine
COUNCILLOR LEONARD ANTOINE

COUNCILLOR GUS JOE

Andrew Canute
COUNCILLOR ANDREW CANUTE

Abner Thorne
COUNCILLOR ABNER THORNE

COUNCILLOR RAMONA WILLIAMS

Dora Wilson
COUNCILLOR DORA WILSON

Harvey R. Alphonse
COUNCILLOR HARVEY ALPHONSE

Dennis H. Alphonse
COUNCILLOR DENNIS ALPHONSE

Ron George
COUNCILLOR RON GEORGE

I, **CHIEF PHILOMENA ALPHONSE**, of the Cowichan 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 section 82(1) of the Indian Act, R.S.C. 1985, c. I-5, this 2nd day of December, 1992.

Diane Modeste
WITNESSED BY DIANE MODESTE,
BAND MANAGER

Chief Philomena Alphonse
CHIEF PHILOMENA ALPHONSE

COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

SCHEDULE "A"

LICENCE AND IMPOUNDMENT FEES

1. Annual licence tags for dogs:
 - (a) \$5.00 per annum, if purchased between January 1st to the 31st; or,
 - (b) \$10.00 per annum, if purchased between February 1st and December 31st;
 - (c) \$15.00 for replacement of a lost licence tag.

2. Impoundment Fees:
 - (a) \$20.00 for the first offence in any 12 month period;
 - (b) \$40.00 for the second offence in any 12 month period;
 - (c) \$80.00 for the third offence in any 12 month period;

3. Disposal by euthanasia: \$28.00 per animal.

COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

SCHEDULE "B"

I, _____, hereby authorize the
(name of dog owner)
Animal Control Officer of the Cowichan Indian Band to impound or
destroy my dog, _____, Registered and
(name of dog)
tagged Number _____, if it is found to
(Registration number of dog)
be running at large or otherwise in breach of the Cowichan
Indian Band Animal Control Bylaw No. 1991-1.

Witnessed by:

DATE: _____

SIGNATURE OF DOG OWNER:

PETER JOE,
Animal Control Officer

COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

SCHEDULE "A"

LICENCE AND IMPOUNDMENT FEES

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 - (a) \$5.00 per annum, if purchased between January 1st to the 31st; or,
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COWICHAN INDIAN BAND

ANIMAL CONTROL BYLAW NO. 1991-1

SCHEDULE "B"

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Animal Control Officer of the Cowichan Indian Band to impound or
destroy my dog, _____, Registered and
(name of dog)
tagged Number _____, if it is found to
(Registration number of dog)
be running at large or otherwise in breach of the Cowichan
Indian Band Animal Control Bylaw No. 1991-1.

Witnessed by:

DATE: _____

SIGNATURE OF DOG OWNER:

PETER JOE,
Animal Control Officer
