

CAMPBELL RIVER INDIAN RESERVE # 11

IN THE PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 5

ANIMAL BY-LAW 2006

A BY-LAW TO PROVIDE FOR THE IMPOUNDING AND REGULATION OF ANIMALS AND FOR THE LICENCING THEREOF.

The Council of the District of Campbell River in open meeting assembled enacts as follows:

1. This By-Law may be cited for all purposes as "**Animal Control By-Law 2006**".

INTERPRETATION:

2. In this By-Law, unless the context otherwise requires:

"Animal"	means any dog, cat or domestic animal.
"Band"	means the Campbell River Indian Band, as defined by Section 2 of the Indian Act
"Council"	means the Council of the Campbell River Indian Band.
"Collector"	means the Collector of the District of Campbell River.
"District"	means the District of Campbell River.
"Domestic Animal"	means any horse, mule, ass, swine, sheep, goat, rabbit, animal of the bovine species, turkey, goose, duck, fowl, dove, pigeon, fur-bearing animal under the Fur-farm Act, R.S.B.C. 1996, Chapter 167, and any wild animal so tamed as to be considered as a pet by the owner thereof.
"Dog"	means any animal of the canine species, irrespective of age or sex.
"Cat"	means any cat, male or female;
"Vicious Dog" includes	(a) any dog that demonstrates any ferocious, vicious, or aggressive behavior; (b) any dog that an animal control office, upon reasonable and probable grounds, believes to be a vicious dog; (c) any dog which has been the cause of the 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 human without provocation.
"Owner"	of a animal includes a person who possesses or

harbours a animal, and the terms "**owns**" and "**owned**" have a corresponding meaning;

- "Pound"** means any facility established, maintained, or operated as a pound in accordance with this By-Law.
- "Poundkeeper"** means the person appointed from time to time by resolution of Council for the purpose of enforcing and carrying out the provisions of this By-Law, and includes any assistant poundkeeper appointed pursuant to the provisions of this By-Law.
- "Premises"** means area of land with its appurtenances and with or without buildings which, because of its unity of use, may be regarded as the smallest conveyable unit. The holder of the certificate of possession or occupant of any land within the reserve shall there for allow a poundkeeper on or into the premises
- "Run at Large" or** means being elsewhere than on the premises of a person "**Running at Large**" owning or having the custody, care or control of any animal and not being under the direct and continuous charge of a person who is competent to control it on the Campbell River Indian Reserve #11.
- "Reserve"** means the Campbell River Reserve No. 11
- "Treasurer"** means the Treasurer for the District of Campbell River.
- "Unlicenced Dog"** means any dog for which the licence for the current year has not been paid as provided in this By-Law or to which the tag provided for by this By-Law is not attached.

ADMINISTRATION

The Campbell River Indian Band has already entered into a contract with the District of Campbell River for the administration of the Campbell River Indian Band Reserve #11 Animal By-Law.

3. There is hereby established a pound for the District at such location or locations as the Council may, by resolution designate from time to time; provided, however, that the Council shall not designate a location in unorganized territory without the consent of the Chief and Council.
4. The Council may, by resolution, enter into an agreement with the British Columbia Society for the Prevention of Cruelty to Animals (hereinafter called the "S.P.C.A.") or

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with any other person or organization for the establishment, maintenance, operation and regulation of a pound or may enter into an agreement with an improvement district or the Minister of Agriculture for the joint operation of a pound.

5. The Council shall, by resolution, appoint a Poundkeeper and such assistant or assistants as it may determine.
6. The Poundkeeper shall keep a poundbook in a form prescribed by the Treasurer from time to time, showing therein every animal impounded, and length of time of such impoundment and all funds received and disbursed in respect of the operation of the pound.
7. The Poundkeeper shall report on the operation and maintenance of any pound in his charge to Council or to any person or committee designated by Council, at such times as Council may direct.
8. Every Poundkeeper shall keep the pound to which he is appointed, clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome food and water and with reasonable shelter, segregation and care, as circumstances may warrant.
9. The Poundkeeper shall pay to the Treasurer, all funds received by him pursuant to the authority of this By-Law forthwith after receipt thereof and all such funds shall become the property of the District.

LICENCING

10. (1) No person shall keep any dog unless a valid and subsisting licence has been issued in respect of that dog under this By-Law.
 - (2) An application for a licence under this By-Law shall be made by paying the fee prescribed in Schedule "A" attached hereto and forming part of this By-Law, and applying to the Collector in such form as the Collector may from time to time prescribe.
- 10. cont'd**
- (3) Upon receipt of the prescribed fee and completed application form signed by the owner of the dog, the Collector shall issue a licence and corresponding licence tag for the dog.
 - (4) A new resident of the Campbell River Reserve who holds a valid and subsisting dog licence from another Municipality shall be given credit for said licence by making application for a replacement licence and payment of the fee prescribed in Schedule "A".
 - (5) Upon receipt of proof that a dog has been castrated or has received an ovario-hysterectomy, the Collector shall pay to the owner the difference between the Licence fee in Section 2 or 3 and Section 1 in Schedule "A" provided, however, that no refund will be considered unless application for same has been received prior to the animal reaching the age of 11 months.
 - (6) Where, in the opinion of the Poundkeeper, an animal having been adopted proves to be unsuitable, the owner may return the animal and receive a

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refund of 75% of the fees paid to the District.

- (7) Notwithstanding the above, the owner of a dog adopted from the Campbell River Animal Shelter after January 1st, 1984, shall pay the licence fee set out in Schedule "A", Section 1 as if the dog has been neutered or has received an ovario-hysterectomy. If the owner fails to have the dog altered prior to the age of 11 months, the licence fee shall revert to that set out in Schedule "B", Section 2.
- (8) Notwithstanding Section 9 hereof, the Poundkeeper is hereby authorized to retain the difference between the unaltered and altered adoption fees included in Schedule "B", Section 6. The Poundkeeper shall be accountable monthly to the Treasurer for the funds collected under this Section.
11. (1) Every licence and corresponding licence tag issued under this By-Law
- (a) expires on the 31st day of December of the year in which it is issued; and
- (b) is valid only in respect of the dog for which it is issued.
- (2) The person to whom a licence is issued under this By-Law, shall, while the licence is valid and subsisting, affix and keep affixed, the corresponding licence tag to a collar or harness worn at all times by the dog for which the licence is issued.
- (3) Where a licence or licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Appendix "A", apply to the Collector, in a form and manner prescribed by him, for a replacement licence or licence tag.
- (4) No person other than the owner of the dog shall remove from such dog, a licence tag issued pursuant to this By-Law or a collar or harness to which a licence tag issued pursuant to this By-Law is attached.
12. Where a dog has not been licenced for any calendar year
- (a) by the 28th day of February of that year; or
- (b) within one month of its acquisition by its owner;

Whichever date is the later, the application for a dog licence shall be as prescribed in Schedule "B" to this By-Law. Where a dog has been licenced before the later date as above, a five dollar (\$5.00) early payment discount shall be permitted.

ANIMAL CONTROL

13. No person owning or having the custody, care or control of any dog shall suffer, permit or allow such animal to run at large within the Campbell River Indian Reserve #11.
14. No person owning or having the custody, care or control of any dog shall suffer, permit or allow such dog to be in a street, lane, park or other public place within the Campbell River Reserve #11, unless such dog is led on a leash or chain by a person who is competent to control it.

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- 15.** No person shall keep, harbor, house or maintain within the Campbell River Reserve, a vicious or habitually noisy dog.
- 16. (a)** Notwithstanding Section 13, no person having the custody, care or control of any dog shall suffer, permit or allow such animal to enter into a public park unless such animal is leashed at all times and under direct and continuous charge of a person who is competent to control it.
- (b)** No person shall cause or allow any dog owned by them or under their control to defecate on any park unless the person shall immediately remove the excrement;
- (c)** No person who has removed excrement shall deposit same except where the excrement is securely contained in a litter receptacle and in an impermeable bag or other impermeable container so as not to ooze, leak or fall out into public litter receptacles;
- (d)** No animal shall be permitted on any of the Campbell River Reserve Tot Lots;
- (e)** No animal shall be permitted within 50 feet of any playground apparatus;
- (f)** This section does not apply to a hearing, seeing or physically impaired person accompanied by a trained guide dog or working dog;
- (g)** Notwithstanding Section 16(a) no person shall cause or allow any dog owned by them or under their control to be on any park or portion of a park during any Special event as determined by the Chief and Council of the Campbell River Indian Band.
- (h)** If, in the opinion of the Chief and Council, the users of any park are not complying with the provisions of this section, they may temporarily close the park to animals. Such closure must be reported to Council who may extend or withdraw the closure.
- 17. (a)** The Poundkeeper or any Peace Officer may immediately seize and impound:
- (i)** any animal that is found in any place contrary to the provisions of Sections 13 to 16 inclusive; or
- (ii)** any unlicensed dog.
- (b)** If any Peace Officer seizes an animal pursuant to Section 17, he shall, as soon as practical, notify the Poundkeeper of such seizure and cause such animal to be delivered to the Poundkeeper;
- (c)** The Poundkeeper shall receive and impound any animal delivered to him by a Peace Officer pursuant to subsection (b);
- (d)** The Poundkeeper shall retain in a pound any animal seized and impounded pursuant to this Section and shall not release any such animal except in accordance with the provisions of this By-Law.
- 18.** Where a dog is seized and impounded pursuant to Section 17, the

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Poundkeeper shall:

- (a) if the dog is unlicensed, retain it for twenty-four (24) hours; or
- (b) if the dog is licensed, forthwith notify the owner thereof in person, by telephone or by mail addressed to the last known address of the owner, in which case the notice shall be deemed to have been received by the owner 24 hours after deposit thereof in any post box within the Campbell River Reserve, giving the following information:
 - (i) date and time of impoundment;
 - (ii) description of dog;
 - (iii) name and address of the Poundkeeper to whom application may be made for release of the dog; and
 - (iv) costs of seizure, expenses to the date of the notice, and any continuing costs and expenses.

19. Where an animal other than a dog is seized and impounded pursuant to Section 17 the Poundkeeper shall, if the owner is known to the Poundkeeper, forthwith notify the owner in accordance with the provisions of subsection (b) of Section 18.
20. (a) If the owner or duly authorized agent of an impounded dog has not
- (i) in the case of an unlicensed dog within 24 hours of impounding; or
 - (ii) in the case of a licensed dog within 48 hours of being notified pursuant to subsection (b) of Section 18;

appear at the pound and release the dog so impounded by payment of the fees and charges set out in Schedule "B" attached hereto and forming part of this By-Law, plus the cost of a licence for the dog, if applicable, the Poundkeeper may dispose of such dog as hereinafter set out.

- (b) If the owner or duly authorized agent of an impounded animal does not, within 48 hours of being notified pursuant to Section 19 or within 72 hours of impounding, whichever comes first, appear at the pound and release the animal so impounded by payment of the fees and charges set out in Schedule "B", plus the cost of a licence for the animal, if applicable, the Poundkeeper may dispose of such animal as hereinafter set out.

20. cont'd

- (c) after the expiration of the relevant period of time set out in subsections (a) or (b) the Poundkeeper may cause the animal to be sold by auction or private sale for an amount not less than the amount of any fees and charges outstanding plus the cost of a licence for the animal, if applicable, or if in the Poundkeeper's opinion the animal cannot or should not be sold, he may destroy the animal.
- (d) Where any animal is sold pursuant to subsection (c) all proceeds therein shall pass to the purchaser and all rights or property in the animal that existed before the sale shall be extinguished.

21. Notwithstanding any other provision of this By-Law if it is found that any impounded animal is suffering from any injury, disease or sickness, or from any other cause or is unduly vicious, the Poundkeeper may, in his discretion, immediately destroy such

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animal if he is of the opinion that such animal would not survive such injury, disease or sickness, or that such animal constitutes a hazard or that it would be an act of humanity to destroy such animal, and decision be based, when possible, in consultation with a veterinarian.

- 22.** The Provincial Court may, on application and on being satisfied that a dog has killed or injured, or is likely to kill or injure a person or domestic animal, order that the dog be killed in a manner prescribed in the order.
- 23.** It shall be the duty of the Poundkeeper to remove the carcass of any dog or cat killed on a public street on the Campbell River Reserve whenever the killing of such animal on such street comes to his knowledge, and for so doing he shall be entitled to demand and receive from the owner or possessor there (if known) the fee set out in Schedule "B".
- 24.**
 - (a)** The Poundkeeper may, where he has reason to believe that an unlicensed dog has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, no person shall fail or refuse to exhibit such licence receipt or tag, or fail, neglect, or refuse to deliver such dog on request, or resist or interfere with such Poundkeeper in seizing such dog.
 - (b)** The Poundkeeper may, where he has reason to believe that an unlicensed dog has taken refuge on any premises that he has reason to believe are not occupied, enter such premises in order to seize such dog.
- 25.** No person shall obstruct or interfere with the Poundkeeper or any peace officer in the exercise of any of the powers granted to or duties imposed on them pursuant to this By-Law.
- 26.** No person shall rescue or attempt to rescue any animal lawfully in the custody of the Poundkeeper or of any other person as herein provided, or in a pound.
- 27.** No person other than the owner thereof shall feed pigeons or other birds on or about private or public property and no person shall keep pigeons so that the pigeons congregate in such numbers so as to constitute a nuisance or disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

VIOLATION OF BY-LAW

- 28.**
 - (a)** Except as otherwise provided in this By-Law, any person who violates any provision of this By-Law or who suffers or permits any act or thing to be done in contravention of the By-Law, or who refuses, or omits or neglects to fulfill, observe, carry-out or perform any duty or obligation imposed by this By-Law shall be liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or to imprisonment for not more than 30 days or both.
 - (b)** The Band Council may also seek injunctive relief's as prescribed under

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section 81(2) and (3) of the Indian Act.

- (c) For the purposes of proceeding under this By-Law, a owner of a dog or a person responsible for the animal shall be deemed to be the owner or person otherwise responsible for any infraction of any provision of this By-Law, in the absence of any evidence to the contrary.

TRANSITIONAL

29. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

REPEAL

30. By-Law No. ____ enacted on the ___day of____, 200, and being a By-law to regulate the care and control of animals on the reserve and hereby repeals any previous animal control by law.
31. This By-Law shall come into force and take effect on and after the date of final passing hereof.

Read a first, second and third time on the_____ day of _____

Reconsidered, finally passed and adopted on the ___ day of _____, 200

"Chief and Council"
Campbell River Indian Band

SCHEDULE "A" TO BY-LAW NO. 660, 1975

LICENCE FEES

EFFECTIVE JANUARY 1, 1998

The Campbell River Indian Band has already entered into a contract with the City of Campbell River March 14, 2003 to administer all dog tags and licensing fees.

1. For a neutered male in respect of which the applicant produces a certificate of neutering signed by a veterinarian or which is marked in a manner satisfactory to the Poundkeeper so as to indicate that it has a neutering, or a female dog in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the Poundkeeper so as to indicate that it has an ovario-hysterectomy, a fee of \$25.00

2. For a male or female dog other than one described in Section 1 of Schedule "A", a fee of \$ 60.00

3. For a replacement licence or licence tag, a fee of \$ 10.00

4. For an early payment discount under Section 12 \$ 10.00

Amended by Bylaw No. 1379, 1983.

SCHEDULE "B" TO BY-LAW NO. 660, 1975

**FEES AND CHARGES FOR SEIZURE AND IMPOUNDMENT
FEEDING, PICK-UP AND DESTRUCTION OF ANIMALS**

EFFECTIVE JANUARY 1, 1998

1. **Fees for seizure and impoundment of any animal:**
 - (a)
 - (i) For the first seizure and impoundment
Within the previous twelve months..... \$33.00
 - (ii) For the second seizure and impoundment
Within the previous twelve months \$67.00
 - (iii) For the third and each subsequent seizure
and impoundment within the previous twelve months \$100.00
 - (b) **Unlicenced Dogs**
 - (i) For failure to produce a valid licence \$25.00
 - (c) **Animals other than Dogs and Cats**
 - (i) For the first seizure and impoundment
Within the previous twelve months \$42.00

and in addition thereto the actual costs incurred
in capturing and transporting such animal to the Pound.
 - (ii) For the second and each subsequent impoundment
Within the previous twelve months \$84.00

and in addition thereto the actual costs incurred in
capturing and transporting such animal to the Pound.
 - (iii) For the third and each subsequent seizure
and impoundment within previous twelve months \$125.00
2. **Feeding charges for each day or part thereof that an animal is in the Pound**
 - (a) Dogs \$ 800
 - (b) Cats \$ 500
 - (c) Animals other than dogs or cats, the actual cost
of feeding

SCHEDULE 'B' TO BYLAW NO. 660, 1975 (cont'd)

3.	For any animal delivered to the Pound by the owner	
	(a) Adult cat	\$ 10.00
	(b) Mother and Kittens	\$ 20.00
	(c) Litter of Kittens	\$ 15.00
	(d) Kitten	\$ 10.00
	(e) Adult Dog	\$ 20.00
	(f) Mother and 2 - 4 Puppies	\$ 50.00
	(g) Mother and 1 Puppy	\$ 35.00
	(h) 2 - 4 Puppies	\$ 30.00
	(i) 6 - 8 Puppies	\$ 60.00
	(j) 1 Puppy	\$ 15.00
	(k) Animals other than dogs or cats, the actual cost of destruction and disposal	
4.	For the removal of the carcass of a dog or cat from a public street on the Campbell River Reserve #11	\$ 5.00
5.	For an animal found at large, not impounded	\$ 75.00
6.	Adoption	
	(a) (i) Unaltered dog or puppy	\$ 70.00
	(ii) Altered dog or puppy	\$ 20.00
	(b) (i) Unaltered female cat or kitten	\$ 30.00
	(ii) Altered female cat or kitten	\$ 5.00
	(iii) Unaltered male cat or kitten	\$ 25.00
	(iv) Altered cat or kitten	\$ 5.00
7.	For an animal found in a park or public place where prohibited under Section 16	\$ 35.00
8.	Failure to immediately remove any solid excrement from a park	\$ 40.00

Amended by Bylaw No. 1379, 1983 and by Bylaw No. 2418, 1995.

Amendment to Animal Control By-Law No. 660, By-Law No. 2418, 1995.

SCHEDULE C

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
o Unlicenced dog	10 (1)	50.00
o No licence tag on dog	11 (2)	50.00
o Removal of licence tag	11 (4)	50.00
o Animal at large	13	75.00
o Unleased dog	14	75.00
o Vicious dog	15	150.00
o Noisy dog	15	100.00
o Unleashed dog in park	16 (a)	75.00
o Dog excrement not removed from park	16 (b)	50.00
o Dog excrement not in impermeable bag	16 (c)	50.00
o Dog excrement not deposited in litter receptacle	16 (c)	50.00
o Animal within 50 feet of playground apparatus	16 (e)	75.00
o Dog in Park during special event	16 (g)	75.00
o Interfere with Poundkeeper's duties	25	150.00
o Interfere with Peace Officer's duties	25	150.00
o Remove animal from Poundkeeper's custody	26	150.00
o Remove animal from Pound	26	150.00
o Feed pigeons/birds on public property	27	50.00
o Feed pigeons/birds on private property	27	50.00
o Keep pigeons that cause nuisance	27	100.00
o Keep pigeons that disturb	27	100.00

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Campbell River Indian Band this 21 day of Dec, 200

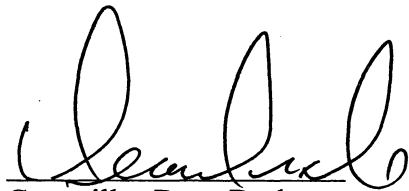
Voting in favour of the by-law are the following members of Council:



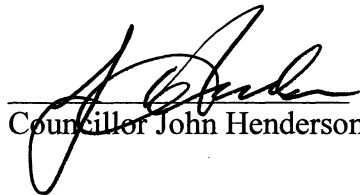
Chief Robert Pollard



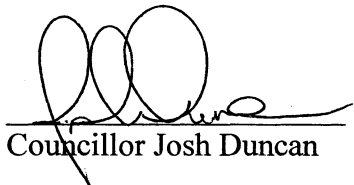
Councillor Tony Roberts Jr.



Councillor Dean Drake



Councillor John Henderson



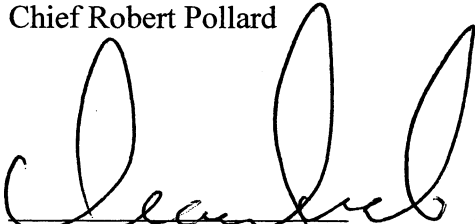
Councillor Josh Duncan

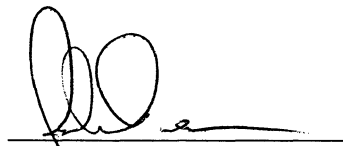
Councillor Dan Smith

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the
Campbell River Indian Band this _____ day of _____, 200

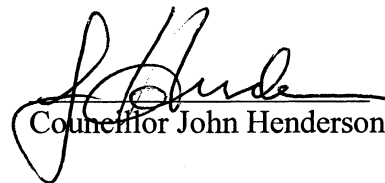
Voting in favour of the by-law are the following members of Council:


Chief Robert Pollard


Councillor Dean Drake


Councillor Josh Duncan


Councillor Tony Roberts Jr.


Councillor John Henderson

Councillor Dan Smith