

## Halfway River First Nation

By-law No. 2016-003

### A By-law for the Care and Control of Animals on the Reserve

**WHEREAS** section 81, paragraph (a), (d), (e), (q), (r); 81(2); and 81(3) of the *Indian Act* empower the council of the Halfway River First Nation to pass by-laws to provide for the health of residents on the Halfway River First Nation Reserve No. 168 (the “reserve”) the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, matters arising out of or ancillary to the exercise of powers under section 81, and the imposition of a penalty for the violation of any such by-law;

**AND WHEREAS** the council 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;

**NOW THEREFORE**, the council of the Halfway River First Nation hereby enacts the following by-law:

#### SHORT TITLE

1. This by-law may be cited as the “*Halfway River First Nation Animal Control By-law*”.

#### DEFINITIONS

2. In this by-law:

“abandoned animal” includes an animal that

- (a) is apparently ownerless,
- (b) is found at large,
- (c) is found in a rental unit after expiry of the tenancy agreement in respect of the rental unit, or
- (d) if a person agreed to care for the animal, is not retrieved from that person within 4 days following the end of that agreement;

“animal” means traditionally domesticated animals, including cattle, cats, chickens, dogs, donkeys, horses, mules, sheep, and pigs, but not including bees;

“animal control officer” means an animal control officer appointed by council for the purpose of enforcing the provisions of this by-law, and includes any by-law enforcement

officer, peace officer, or law enforcement officer employed on the reserve or in another jurisdiction who exercises the powers of an animal control officer under this by-law whether or not that person has been appointed by council as an animal control officer;

“animal registry” means the registry kept by the registrar of animals for the purpose of the registration of all animals on the reserve;

“at large” or “running at large” means off of the owner’s property, and not

- (a) secured inside a crate, fence, pen, or building,
- (b) on a leash that is held firmly by a person, or
- (c) otherwise under the control of the owner or a responsible person;

“authorized agent” means a person appointed as an authorized agent under the Provincial Act;

“band” means Halfway River First Nation, which is a band under the *Indian Act*;

“cat” means a domesticated cat;

“Council” means the Chief and Council of the Halfway River First Nation as defined in the *Indian Act* and lawfully elected in accordance with the *Indian Act* or custom election code, as the case may be;

“critical distress” means distress in an animal of such a nature that

- (a) immediate veterinary treatment cannot prolong the animal's life, or
- (b) prolonging the animal's life would result in the animal suffering unduly;

“dangerous dog” means a dog that has been designated as a dangerous dog under section 28;

“distress” means, with respect to an animal, that the animal is

- (a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment,
- (b) kept in conditions that are unsanitary,
- (c) not protected from excessive heat or cold,
- (d) injured, sick, in pain or suffering, or
- (e) abused or neglected;

“dog” means a domesticated dog, and includes an animal that is a cross between a dog and a wolf;

“ethanize” means to destroy an animal by lethal intravenous injection of an approved barbiturate, or by any other humane method that causes the least possible pain and distress and meets generally-accepted Canadian veterinary standards;

“horse” means a horse, a pony or another similar animal;

an “information” includes

- (a) a count in an information; and
- (b) a complaint in respect of which a justice is authorized to make an order;

“justice” means a justice of the peace, and includes 2 or more justices, if 2 or more justices act or have jurisdiction, and a judge of the Provincial Court or any person who has the power or authority of 2 or more Justices of the Peace;

“livestock” means animals that are used or raised on a farm for the production of food, including, but not limited to, donkeys, cattle, horses, mules, sheep and pigs;

“medical officer of health” means

- (a) a medical officer of health appointed by council resolution or the First Nations Health Authority, or
- (b) a medical health officer appointed under the *Public Health Act*, SBC 2008, c. 28;

“muzzle” means a device that covers or secures the mouth of an animal and is designed to prevent the animal from biting;

“neutered” means sexually sterile regardless of sex and includes a dog or a cat that has been certified by a veterinarian as too old, or physically unable, to be neutered;

“owner” means any person, partnership, association, or corporation that owns, possesses, harbours, or has control, care, or custody over an animal;

“pound” means any premises used to keep animals impounded under this by-law, and includes an animal shelter or pound located off-reserve;

“Provincial Act” means the *Prevention of Cruelty to Animals Act*, RSBC 1996, c. 372;

“reserve” means the Halfway River Indian Reserve No. 168, any land held for the use and benefit of the First Nation pursuant to section 36.1 of the *Indian Act*, and any future reserve set aside by Her Majesty for the use and benefit of the First Nation;

“residence” means any Band Housing, or other dwelling, house, apartment, mobile home, travel trailer, or room located therein, situated on the reserve, which a person is lawfully entitled to occupy;

“registrar of animals” means an individual or an animal control officer, appointed by resolution of council, responsible for maintaining a registry of all animals over 4 months of age (excluding chickens and other birds) that are possessed, or harboured on the reserve.

“resolution” means a decision made at a duly-convened meeting of a quorum of council, and recorded in writing; and

“veterinarian” means a person licensed as a veterinarian in Canada.

### **APPLICATION**

3. This by-law applies to all owners of animals, and all persons who have possession of animals, where the animals either reside on, or are present on the reserve.
4. This by-law does not limit the Aboriginal or Treaty rights of any person.

### **AUTHORIZED OFFICERS**

5. (1) Council may appoint, by resolution, one or more animal control officers to provide for the administration and enforcement of this by-law, including:
  - (a) assuming responsibility for the receipt of registration applications and maintenance of the animal registry from the registrar of animals; and
  - (b) the licence registry as well as the issuance of licence tags.
- (2) Council may, by resolution, provide for reasonable remuneration to be paid to an animal control officer.
6. (1) A peace officer or an authorized agent may perform any duty or power ascribed to an animal control officer under this by-law.
- (2) Council may, by resolution, authorize a person who is not an animal control officer, peace officer, or authorized agent to perform one or more duties or powers ascribed to an animal control officer under this by-law, and may provide that such authorization is only valid for a particular case or period of time.

### **ANIMAL CARE**

7. (1) A person responsible for an animal must care for the animal, including protecting the animal from circumstances that are likely to cause the animal to be in distress.
- (2) A person responsible for an animal must not cause or permit the animal to be, or to continue to be, in distress.
- (3) This section applies even if a person satisfies the requirements of sections 8 through 14.

8. Every owner shall provide his or her animal with, at minimum:
  - (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
  - (b) food and water receptacles that are clean and disinfected and located so as to avoid contamination from excreta;
  - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and under appropriate control;
  - (d) adequate shelter from heat, cold, and dampness; and
  - (e) necessary veterinary care when the animal exhibits signs of pain, injury, illness, or suffering.
  
9. Every owner who keeps an animal that normally resides outdoors, or that is kept outdoors for extended periods of time, shall provide the animal with an outdoor shelter which, at minimum:
  - (a) has an area for the use of that animal that is at least twice the length of the animal in all directions, and that also allows the animal to turn around freely and adopt normal resting postures;
  - (b) ensures protection from heat, cold, and dampness that is appropriate to the weight and type of animal;
  - (c) provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
  - (d) is regularly cleaned and sanitized, and removed of feces and other waste daily.
  
10. (1) No person shall cause an animal to be hitched, tied, or fastened to a fixed object where a choke collar, choke chain, or pinch collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.  
  
(2) No person shall cause an animal to be hitched, tied, or fastened to a fixed object for longer than 6 hours within a 24 hour period.
  
11. No person shall cause an animal to be confined in an enclosed space or vehicle without adequate ventilation.
  
12. No person shall transport an animal outside the passenger compartment of any motor vehicle or trailer unless the animal is adequately confined or secured to prevent the animal from falling off the vehicle or otherwise injuring itself.
  
13. (1) No owner shall keep his or her animal in an unsanitary environment.  
  
(2) For the purposes of this section, an environment is considered unsanitary when it:
  - (a) contains objects that may cause injury to any person or animal;
  - (b) contains an accumulation of excreta;
  - (c) is infested with insects or rodents;
  - (d) has an offensive odour, or causes the animal to have an offensive odour; or

- (e) otherwise exhibits conditions which endanger the health of any person or animal, or which disturb or are likely to disturb the comfort of any person or animal.
14. Except as permitted under this by-law, no person shall kill, wound, poison, or otherwise harm an animal on the reserve.

### **REGISTRATION AND LICENSING**

15. (1) No person shall own, possess, or harbour an animal aged 4 months or more on the reserve unless the animal is registered on the animal registry.
- (2) Every owner of an animal on the reserve shall register the animal on the animal registry within 60 days of the coming into force of this by-law.
- (3) The registration provisions of this by-law do not apply to chickens and other birds.
- (4) Every animal that is not registered on the animal registry in accordance with subsections (1) and (2) shall be deemed to be an abandoned animal.
16. (1) Every owner of an animal on the reserve shall register the animal with the registrar of animals, or otherwise as directed by council, and shall provide the following information if required:
- (a) the owner's name;
  - (b) the owner's address or lot number;
  - (c) a description of the animal, including species, date of birth, sex, name, and breed, if known;
  - (d) the number of animals in the household;
  - (e) the animal's rabies immunization record, including the date of such immunization, the name of the person who administered the immunization, the name of the manufacturer of the vaccine, and the vaccine batch number; and
  - (f) such other information as may be reasonably required by council or the animal control officer.
- (2) The owner of any registered animal shall notify the registrar of animals of any change to the information, including any change of address, provided under this section within 30 days of such change.
- (3) The registrar of animals shall keep a complete and current animal registry of all animals registered under this by-law.
- (4) An owner shall notify the registrar of animals if his or her animal registered under this by-law dies, is sold, or otherwise permanently leaves the reserve.
- (5) Only an animal control officer shall be responsible for licensing dogs and for keeping a complete list of dogs licensed under this by-law.

17. (1) In addition to complying with the sections 15 and 16, the owner of a dog shall obtain from an animal control officer an annual licence for the dog by paying the applicable annual licence fee in Schedule 1.
- (2) If an owner of a dog has registered his or her dog and paid the applicable annual licence fee in Schedule 1, and if the animal control officer is satisfied that the dog has been immunized against rabies, the animal control officer shall issue a licence tag to the owner.
- (3) A licence tag issued under this by-law is valid for 1 full year from the date of issuance.
- (4) The owner of a dog duly licensed under this by-law may obtain a licence tag to replace a lost tag upon payment of the replacement licence tag fee in Schedule 1 to the animal control officer.
- (5) Every owner of a dog on the reserve shall cause the dog to wear at all times a collar or harness bearing a current licence tag issued in respect of that dog under this by-law.
- (6) No person shall use a licence tag on a dog to which the licence is not registered.
18. (1) For species of animals other than dogs, council or an animal control officer may prescribe a form of identifying mark to be attached or applied to each animal on registration.
- (2) Where an identifying mark has been prescribed for a particular species under this section, every owner of an animal of that species shall cause the mark to be attached or applied to the animal.

### **ANIMAL CONTROL**

19. (1) No owner shall permit his or her animal to run at large on the reserve.
- (2) An animal that is running at large on the reserve is deemed to be acting with the consent of its owner.
- (3) An animal is not considered to be at large if the animal has been trained to
  - (a) hunt;
  - (b) work with livestock; or
  - (c) serve as a guide animal,and if the animal is engaged in the work for which it was trained.
20. No person shall own at one time more than 3 dogs and 3 cats, aged 4 months or more, without express permission by resolution of council.

21. There is no limit on the number of horses an individual owner can keep; however, council may require an owner to demonstrate that they are capable of feeding, caring for and exercising the horses to keep them in reasonable health.
22. If an animal defecates, vomits, or otherwise leaves waste on any public or private property other than the property of its owner, then the owner shall remove such feces, vomit, or waste immediately.
23. (1) Every owner of a female dog or cat in heat shall confine the animal in such a manner as to prevent the animal from coming into contact with a male of that species.  
  
(2) Such confinement shall continue for the whole period the female dog or cat is in heat, except that such animal may be released from such confinement for controlled breeding purposes and for the purpose of exercising or defecating on the owner's property.
24. No owner shall permit his or her animal to:
  - (a) vocalize excessively, or otherwise make excessive noise, in any manner which might reasonably disturb any person;
  - (b) chase, bite, snap at, or attack any person or animal without provocation;
  - (c) tip over garbage containers or food containers;
  - (d) cause damage to any public or private property, including moveable property, lawns, gardens, bushes, trees, flowers, vegetables, or flower beds.
25. (1) Council may, by resolution and at any time, prohibit the keeping of animals within any area of the reserve.  
  
(2) Council shall post in the band office, in a clearly visible location, notice of any prohibition made under this section.  
  
(3) No person shall keep an animal in an area prohibited under this section.
26. No person may establish, own, or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, except with express permission by resolution of council.

### **INFECTIOUS DISEASE CONTROL**

27. (1) Every owner shall ensure that all of his or her dogs and cats, in addition to any other animal specified by council resolution, have been immunized against rabies in accordance with generally accepted veterinary standards.  
  
(2) Every owner shall ensure that all of his or her horses are immunized in accordance with generally accepted veterinary standards.



(3) The owner of any animal that has been exposed to rabies or another communicable disease shall, upon demand, surrender the animal to be held in quarantine by an animal control officer for a period of no less than 14 days.

(4) The animal control officer shall not release an animal that has been exposed to rabies or another communicable disease from quarantine without the written permission of a medical officer of health or a resolution of council.

(5) Any animal found to be infected with rabies or another communicable disease shall be treated by a veterinarian or euthanized by its owner or by the animal control officer, at the owner's expense.

### **DANGEROUS DOGS**

28. (1) An animal control officer may designate a dog as a dangerous dog if the dog

- (a) bites a human or animal without provocation,
- (b) has a known propensity, tendency or disposition to attack a human or animal without provocation, or
- (c) has previously been designated as a dangerous dog and endangers the safety of a human or animal.

(2) A designation under subsection (1) may be for any time period that an animal control officer considers appropriate, considering

- (a) the circumstances of the incident,
- (b) the severity of the incident, and
- (c) any previous incidents.

(3) After designating a dog as a dangerous dog, an animal control officer must inform the owner of the dog in writing of

- (a) the designation and its length, and
- (b) the responsibilities of the owner of a dangerous dog.

29. (1) Except as allowed under subsection (2) and subject to subsection (3), the owner of a dangerous dog must not allow the dangerous dog to be in a public place or on any private lands and premises unless the dog is

- (a) firmly held by a person competent to restrain the dog on a leash not exceeding 2.4 metres in length, and
- (b) properly fitted with a humane basket muzzle that allows the dog to pant and drink.

(2) A person may allow a dangerous dog to be in areas of private lands or premises that are exclusively owned or occupied by that person so long as the dog is securely confined

- (a) indoors,
- (b) on a deck that is no less than 3 metres above ground level, or
- (c) in a rear yard and inside a pen, enclosure or fenced area that
  - (i) is adequately constructed to prevent the dog from escaping,
  - (ii) is locked to prevent casual entry by another person, and
  - (iii) has been inspected and approved by an animal control officer.

(3) A person must not allow a dangerous dog that is not securely confined to be within 30 meters of:

- (a) any building or facility used as a wellness centre or health facility;
- (b) any daycare;
- (c) any outdoor public areas where children are either known to, or are likely to gather.

30. (1) The owner of a dangerous dog must display a sign at each entrance to the property and at each entrance to the building in which the dog is kept, which declares in legible writing and with a recognizable symbol that the dog is dangerous.

(2) A sign displayed in accordance with subsection (1) must be

- (a) attached so that it cannot be removed easily by passersby, and
- (b) visible and capable of being read from any adjacent sidewalk, street or lane.

(3) A person must not deface or remove a sign that is required to be displayed under subsection (1).

31. The owner of a dangerous dog must:

- (a) within 2 working days of acquiring the dog or receiving notice that the dog has been designated under section 28, license the animal as a dangerous dog under this by-law;
- (b) within 1 month after acquiring the dog or receiving notice that the dog has been designated under section 28, have the dog neutered;
- (c) allow an animal control officer to photograph the dog, on demand;
- (d) within 2 working days of moving to a new residence, provide an animal control officer with the owner's new address;
- (e) within 2 working days of selling or giving away the dog, provide an animal control officer with the name, address and telephone number of the new owner;
- (f) within 2 working days of the death of the dog, provide an animal control officer with a veterinarian's certificate of the death; and
- (g) immediately advise an animal control officer if the dog is loose or has bitten or attacked any person or animal.

## IMPOUNDMENT AND ENFORCEMENT

32. (1) If an animal control officer is of the opinion that an animal is an abandoned animal, the animal control officer may take custody of the animal and arrange for food, water, shelter, care, and veterinary treatment for it.

(2) If an animal control officer is of the opinion that an animal is in distress and the person responsible for the animal

- (a) does not promptly take steps that will relieve its distress, or
- (b) cannot be found immediately and informed of the animal's distress,

the animal control officer may, in accordance with sections 33 or 34, take any action that the animal control officer considers necessary to relieve the animal's distress, including, without limitation, taking custody of the animal and arranging for food, water, shelter, care and veterinary treatment for it.

(3) If, in the opinion of

- (a) a veterinarian, or
- (b) an animal control officer, if a veterinarian is not readily available,

an animal is in critical distress, the animal control officer may euthanize the animal or have the animal euthanized immediately without regard to either the holding period set out subsection 36(1)(a) or the notice periods set out in subsections 36(1)(b)(ii) and 37(b).

(4) If an animal control officer believes, on reasonable grounds, that the seizure of a dangerous dog is necessary for public safety or the protection of property, then the animal control officer may, in accordance with section 33, take custody of the dangerous dog.

33. (1) An animal control officer who believes, on reasonable grounds,

- (a) that there is an animal in distress in any premises, residence, vehicle, aircraft or vessel,
- (b) that there is a dangerous dog in any premises, residence, vehicle, aircraft or vessel, and that the seizure of the dangerous dog is necessary for public safety or the protection of property, or
- (c) that an offence under this by-law has been committed and that there is in any premises, residence, vehicle, aircraft or vessel, any thing that will afford evidence of that offence,

may enter the premises, residence, vehicle, aircraft or vessel with a warrant issued under subsection (2) for the purpose of

- (d) determining whether any action authorized by this by-law should be taken to relieve the animal's distress or to protect public safety or property, or

(e) searching for, and seizing, any thing that will afford evidence of an offence under this by-law.

(2) A justice who is satisfied by an information on oath that there are reasonable grounds

- (a) under subsection (1)(a), may issue a warrant authorizing an animal control officer to enter the premises, residence, vehicle, aircraft or vessel for the purpose of taking any action authorized by this by-law to relieve the animal's distress,
- (b) under subsection (1)(b), may issue a warrant authorizing an animal control officer to enter the premises, residence, vehicle, aircraft or vessel for the purpose of taking any action authorized by this by-law to protect public safety or property, and
- (c) under subsection (1)(c), may issue a warrant authorizing an animal control officer to enter the premises, residence, vehicle, aircraft or vessel for the purpose of searching for, and seizing, a thing that will afford evidence of an offence under this by-law.

(3) If an animal control officer believes that it would be impracticable to appear personally before a justice to apply for a warrant under this section, the animal control officer may submit an information on oath by telephone or other means of telecommunication and, for this purpose, section 22 of the *Offence Act*, RSBC 1996, c. 338 applies.

(4) A justice may issue a warrant under subsection (2) or (3) for either or both of the purposes referred to in subsection (2).

(5) A warrant issued under subsection (2) or (3) is subject to the conditions specified in the warrant.

34. If an animal control officer believes on reasonable grounds that an animal in any premises (other than a residence) or in any vehicle, aircraft or vessel, is

- (a) in critical distress, or
- (b) in distress such that immediate veterinary intervention is necessary to prevent the imminent death of the animal

the animal control officer may enter the premises, vehicle, aircraft or vessel without a warrant for the purpose of taking any action authorized by this by-law to relieve that distress.

35. (1) Any person may seize any dog or cat found at large and deliver it to the pound or to a location or person as specified by council through a resolution or an animal control officer.

(2) An animal control officer who receives an animal seized under this section shall take custody of the animal as an abandoned animal under section 32(1).

36. (1) If an animal is taken into custody under section 32(1) and
- (a) the owner is unknown, the animal control officer may euthanize, sell or otherwise dispose of the animal after the animal control officer has held the animal for a period of at least 4 days, or
  - (b) the owner is known, the animal control officer
    - (i) must give to the owner notice, in accordance with section 39, that the animal control officer may euthanize, sell or otherwise dispose of the animal and that a review of the decision may be requested under section 43, and
    - (ii) may, no earlier than 4 days after giving notice, euthanize, sell or otherwise dispose of the animal.
37. If an animal is taken into custody under section 32(2) or (4), the animal control officer
- (a) must give notice, in accordance with section 39, to
    - (i) the person from whom the animal was taken, and
    - (ii) if the person from whom the animal was taken is not the owner and the owner is known, the ownerthat the animal control officer may euthanize, sell, or otherwise dispose of the animal and that a review of the decision may be requested under section 43, and
  - (b) may, no earlier than 14 days after giving notice, euthanize, sell or otherwise dispose of the animal.
38. An animal control officer must not sell or otherwise dispose of a dangerous dog, including by returning it to the owner, if the animal control officer believes on reasonable grounds that doing so would endanger public safety.
39. The notice referred to in sections 36 and 37 must be in writing and
- (a) mailed to or served personally on the person to whom notice must be given, or
  - (b) if it cannot be mailed to or served personally on the person to whom notice must be given, posted in a conspicuous place at either the last known address of the person to whom notice must be given or the location at which the animal was taken into custody.
40. If an animal has been sold or otherwise disposed of under section 36 or 37, all rights and interests in the animal
- (a) vest in the person to whom it has been sold or otherwise disposed of, and
  - (b) the former owner ceases to have any of those rights and interests.
41. (1) The owner of an animal taken into custody or euthanized under this by-law is liable to the band for the reasonable costs incurred by the band under this by-law with respect to the animal.

(2) Before releasing an animal to its owner, an animal control officer may require the owner to:

- (a) provide proof of ownership of the animal;
- (b) register the animal, if the animal is not yet registered; and
- (c) pay all or part of the costs, with or without conditions, for which the owner is liable under subsection (1).

(3) Subject to subsection (4), the band may retain the proceeds of a sale or other disposition of an animal under section 36 or 37.

(4) If the proceeds of a sale or other disposition exceed the costs referred to in subsection (1), the owner of the animal may, within 6 months of the date the animal was taken into custody, claim the balance from the band.

42. The animal control officer responsible for a pound on the reserve shall keep records of all animals impounded on the reserve, including the following information, as applicable:

- (a) whether an impounded animal was released, adopted, or euthanized;
- (b) for how long an animal was impounded;
- (c) if an animal was ill or injured, a description of the illness or injury and any veterinary treatment provided;
- (d) if an animal was released or adopted, to whom it was released or adopted;
- (e) if an animal was euthanized, the manner in which it was euthanized; and
- (f) any other information that is relevant in the opinion of the animal control officer.

## **REVIEWS**

43. (1) Council may review a decision of an animal control officer to take custody of an animal under section 32

- (a) on request of a person who owns, or is an operator in relation to, the animal,
- (b) on request of a person from whom custody of the animal was taken under section 32, or
- (c) on its own initiative.

(2) A request for a review may be made to council

- (a) in the form required by council, and
- (b) within,
  - (i) if section 36 (b) applies, 4 days after notice is given as required by that section, or
  - (ii) if section 37 applies, 14 days after notice is given as required by that section.

- (3) If a review is requested in accordance with subsection (2), council
- (a) must review the decision.
- (4) Council, following a review, must either
- (a) return the animal to its owner or to the person from whom custody was taken, with or without conditions respecting
    - (i) the food, water, shelter, care or veterinary treatment to be provided to that animal, and
    - (ii) any matter that council considers necessary to maintain the well-being of that animal, or
  - (b) affirm the notice that the animal will be euthanized, sold or otherwise disposed of.
- (5) Council must provide to the person who requested the review written reasons for an action taken under subsection (4).
- (6) If council affirms a notice under subsection (4) (b), the animal control officer must not euthanize, sell or otherwise dispose of the animal for at least 4 days after reasons are provided under subsection (5).
- (7) A person may not request further review under this section of the same decision.
- (8) Where appropriate in the circumstances, council may delegate its powers and responsibilities under this section to the British Columbia Society for the Prevention of Cruelty to Animals.

## **LIABILITY**

44. (1) The owner of an animal is liable for:
- (a) damages resulting from a bite, attack, or other harm done by the animal to another person or animal, and
  - (b) damages to personal property done by the animal resulting from any person's noncompliance with this by-law.
- (2) Where there is more than one owner of an animal, the owners are jointly and severally liable under this section.
- (3) An owner may not recover damages or compensation as a result of the seizure, impoundment, or euthanasia of a dangerous dog by an animal control officer under this by-law.

## OFFENCES

45. A person shall not remove, or attempt to remove, from the pound an impounded animal except as permitted under this by-law.
46. No person shall interfere with, resist, or otherwise obstruct an animal control officer or other person authorized under this by-law in the performance of his or her duties.
47. (1) A person who contravenes any of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16(1), 16(2), 16(4), 17(1), 17(5), 17(6), 18(2), 19(1), 20, 22, 23, 24, 25(3), 26, 27(1), 27(2), 27(3), 29, 30, 31, 45, or 46 commits an offence, and is liable on summary conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 30 days, or to both a fine and imprisonment.  
  
(2) Each day that a contravention of this by-law persists constitutes a separate offence.

## ENFORCEMENT PROCEEDINGS

48. Council may obtain a court order, pursuant to section 81(3) of the *Indian Act*, restraining a person from acting in contravention of this by-law.
49. Sections 8 through 33 of Halfway River First Nation's Law and Order By-law apply with respect to commencing and proceeding with enforcement of this by-law.

## REPEAL, ENACTMENT AND AMENDMENT

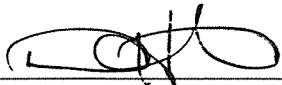
50. Any previous Halfway River First Nation Animal Control By-laws are repealed and replaced by this by-law: *By-law No. 2016-003 A By-law for the Care and Control of Animals on the Reserve*.
51. (1) This by-law comes into force after it is executed by a quorum of Council of Halfway River First Nation and on the date that the by-law is first published in either the *First Nations Gazette* or on Halfway River First Nation's website.  
  
(2) Sections 17, 18, and 31(a) [Licensing and Identifying Marks] come into force at a time specified by resolution of Council.
52. If a court determines that a provision of this by-law is invalid for any reason, then the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.



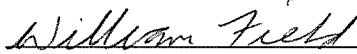
53. This by-law may only be amended by a quorum of council at a duly convened council meeting.

The quorum of council is two (2).

The following members of the council, constituting a majority, voted in favour of this by-law at a duly convened meeting held this 8 day of MARCH, 2016:



Chief Darlene Hunter



Councillor William Field



Councillor Cynthia Wolter

**SCHEDULE 1**

| <b>Animal Description</b>   | <b>Annual Licence Fee</b> |
|---|---------------------------|
| Neutered dog, or an un-neutered dog under the age of six (6) months | \$10.00                   |
| Un-neutered dog over the age of six (6) months                      | \$50.00                   |
| Dangerous dog   | \$200.00                  |
| Replacement licence tag   | \$5.00                    |