

KATZIE FIRST NATION ANIMAL CONTROL LAW

Enacted on September 15th, 2022

DEPOSITED IN THE REGISTRY OF
LAWS

ON ____/____/____
(Day/Mo/Year)

Signature of Law Clerk

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WHEREAS:

- A. Katzie First Nation has an inherent right to self-government that emanates from our people, culture and land and that is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. Katzie First Nation has taken over control and management of Katzie Land and resources pursuant to the *Framework Agreement on First Nation Land Management* and approved the Katzie First Nation Land Code to take effect March 29, 2017;
- C. Under section 6 of the Katzie First Nation Land Code, Katzie First Nation Council is authorized to enact various laws relating to the protection, management, and use of the Nation's Lands and any matter necessary or ancillary to a Law respecting the Nation's Land, including laws relating to the punishment of persons frequenting Katzie Land for prohibited purposes, public and private nuisance, and enforcement of Laws;
- D. Further under paragraphs (a), (e), (q) and (r) of section 81(1) of the *Indian Act*, Katzie First Nation Council is empowered to enact by-laws to provide for the health of residents on the Nation's Land and to prevent the spreading of contagious and infectious diseases; 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; with respect to any matter arising out of or ancillary to the exercise of powers under section 81; and 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 section 81; and
- E. Katzie First Nation wants to implement a Law with respect to the use of the Nation's Land for the benefit and safety of the residents on the Nation's Land by establishing a method of seizing and impounding dangerous dogs, dogs running at large, and Animals suffering from abuse.

NOW THEREFORE this *Katzie First Nation Animal Control Law* is hereby enacted as a Law of the Katzie First Nation.

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1. CITATION, APPLICATION, INTERPRETATION AND DEFINITIONS

Citation

1.1 This Law may be cited as the *Katzie First Nation Animal Control Law*.

Application

1.2 This Law applies to all Katzie Land.

Purpose

1.3 The purpose of this Law is to promote a healthy and safe community environment where Members and other Persons residing on the Nation's Land can enjoy the peace, quiet, restful enjoyment, comfort or convenience of their residence and public neighbourhood.

Definitions

1.4 For the purposes of this Law, terms have the same definitions as in the Katzie First Nation Land Code unless otherwise specified.

1.5 The following definitions apply in this Law:

"Abuse" means an act or omission that causes an Animal suffering or harm and includes a failure to comply with sections 18.2 to 18.7 of this Law;

"Animal" means any member of the animal kingdom, other than a human being and includes Dogs and Cats;

"Animal Control Officer" means a person designated by Council to be responsible for enforcing this Law or any person that may be delegated such responsibilities;

"Animal Shelter" means a facility which is used to house or contain Dogs, Domestic Animals and Animals, and which is owned, operated, or maintained by an incorporated

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human society, animal welfare society, society for the prevention of cruelty to animals, a municipality or regional district, Katzie First Nation or other nonprofit organization devoted to the welfare, protection and humane treatment of such animals;

“At Large” means:

- (a) not restrained by means of a leash and under control where the Animal is located on public property;
- (b) not restrained by means of a leash and under control where the Animal is on private property, other than property owned or occupied by the Owner of that Animal, or where the private property Owner has given permission for the Animal not to be on a leash;
- (c) on unenclosed land owned or occupied by the Owner of the Animal, and not restrained or contained in a manner to prevent it from roaming; or
- (d) a Dangerous Dog that is on private property and is not contained in an enclosure or securely confined within a dwelling;

“Attack” means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;

“Bite” means contact with a person or Domestic Animal, including bruising, breaking or puncturing of the skin, caused by the teeth of a Dog;

“Cat” means a male or female of the species *Felis catus*.

“Dangerous Dog” means any Dog that has been designated a Dangerous Dog by an Animal Control Officer pursuant to subsection 17.1(b) or section 17.2 of this Law;

“Dangerous Dog Licence” means a licence obtained to keep a Dangerous Dog under Part 8;

“Domestic Animal” means an Animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people;

“Dog” means both male and female of the species *canis lupus familiaris* and includes a Dangerous Dog;

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“**Exotic Animal**” means a species of Animal designated under the *Controlled Alien Species Regulation* B.C. Reg. 78/2017, as amended, as a controlled alien species, and hybrid animals and fish that have an ancestor within 4 generations that is a species designated as a controlled alien species.

“**Impound**” means to seize, detain, deliver to, receive, or take into the custody of the Nation or the Animal Control Officer;

“**Katzie Customary Laws**” means the laws, customs, ceremonies and traditions of the Katzie First Nation and its peoples since time immemorial.

“**Leash**” means a rope, cord or other material capable of restraining the Animal on which it is being used;

“**Licence Tag**” means the identification tag issued by Katzie First Nation showing the unique licence number for a specific Dog;

“**Muzzle**” means a humane, commercially available, fastening or covering device of adequate strength placed over the mouth of a Dog designed specifically for bite prevention that allows Dogs to pant, drink and engage in otherwise normal behavior while wearing the device;

“**Nation**” means Katzie First Nation;

“**Notice of Dangerous Dog Designation**” means a notice under section 17.3;

“**Owner**” means any natural person or body corporate:

- (a) who is the licensed Owner of the Animal;
- (b) who has legal title to the Animal;
- (c) who has possession or custody of the Animal, either temporarily or permanently; or

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- (d) who harbours the Animal, or allows the Animal to remain on his or her property;

“Provoked” means a circumstance that is justifiable provocation for Threatening Behaviour by a Dog and includes:

- (a) responding to an attack by a person or Animal;
- (b) responding to an attack by a person or Animal on the Dog’s Owner or offspring;
- (c) responding to teasing, torment or other provocation;
- (d) defending the real or personal property of its Owner from trespass, damage or theft;

“Threatening Behavior” means any behavior outlined in section 16.2 of this Law;

“Under Control” means that the Dog is under the effective control of the Owner including responding promptly to voice, sound or sight commands;

“Veterinarian” means a person who is registered and in good standing with the College of Veterinarians of British Columbia to practice veterinary medicine;

“Warning” means either a written or oral warning delivered to the Owner of an Animal.

“Wildlife” means raptors, threatened species, endangered species, game and other species of vertebrates prescribed under the BC *Wildlife Act*, RSBC 1996, c 488, as amended, but does not include Exotic Animals.

2. ANIMAL CONTROL OFFICER

2.1 Council may by Resolution appoint an Animal Control Officer for the administration and enforcement of this Law.

2.2 For certainty, the Animal Control Officer has the same powers as a land steward under the *Katzie First Nation Enforcement and Ticketing Law* and may issue tickets and compliance notices for offences under this Law.

2.3 Council may by Resolution provide for reasonable remuneration to be paid to the Animal Control Officer.

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2.4 The Animal Control Officer shall be permitted to delegate the performance of his or her duties under this Law as deemed necessary in the discretion of the Animal Control Officer.

3. OFFENCES AND PENALTIES

3.1 A person commits an offence and is subject to the penalties imposed by this Law if that person:

- (a) violates or fails to comply with any provision of this Law;
- (b) consents to, allows, or permits any action or thing contrary to or prohibited under this Law;
- (c) neglects or refrains from doing anything required by this Law.

3.2 Each day that a contravention of this Law continues is a separate offence.

3.3 Subject to section 3.5, any person who commits an offence under this Law may be subject to a ticketing fine up to \$500.00 under the *Katzie First Nation Enforcement and Ticketing Law*.

3.4 Subject to section 3.5, any person who commits an offence under this Law is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or to both.

3.5 Where a Member has committed an offence under this Law, Council may review the circumstances of the offence and may make decisions regarding the appropriate consequences for the offence, including whether to:

- (a) undertake restorative justice measures consistent with Katzie Customary Laws and cultural protocols; or
- (b) impose penalties in accordance with this Law.

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4. EXOTIC ANIMALS AND WILDLIFE

- 4.1 Except with the written approval from the Animal Control Officer, no person shall possess, keep or allow to be kept an Exotic Animal or Wildlife on any part of the Nation's Land.

5. ANIMAL LIMIT

- 5.1 Except with written approval from the Animal Control Officer, no person shall keep or allow to be kept on any part of the Nation's Land more than a total of six (6) Animals over the age of six (6) months, unless they are a licensed veterinary clinic or Animal Shelter or other such licenced business that provides care for Animals.

6. KEEPING OF CATS

- 6.1 Every Owner of a Cat over the age of 12 weeks shall affix and keep affixed on the Cat by means of a collar, harness, traceable tattoo, microchip or other suitable device, identification that includes the name, current address and telephone number of the Owner.
- 6.2 Every Owner of a Cat over the age of 12 weeks shall immediately, or as soon as practicable, upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such Cat has identification in accordance with section 6.1 of this Law.
- 6.3 No person shall own, keep, possess or harbour any Cat apparently over the age of 6 months on the Nation's Land unless the Cat has been spayed or neutered by a Veterinarian.
- 6.4 No person shall own or keep any Cat that has not been immunized in accordance with accepted veterinary practices.

7. DOG RESTRICTIONS

- 7.1 No person shall own or keep any Dog that is over the age of six (6) months within the Nation's Land unless such Dog is licensed as provided in this Law.

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- 7.2 Except with written approval from the Animal Control Officer, no more than two Dogs shall be licenced per household.
- 7.3 No person shall own or keep any Dog that is over the age of six (6) months within the Nation's Land unless that dog is spayed or neutered by a Veterinarian, except with the written approval of the Animal Control Officer.
- 7.4 No person shall own or keep any Dog that has not been immunized in accordance with accepted veterinary practices.
- 7.5 No person shall own or keep any Dog for the purposes of security or protection.
- 7.6 The Owner of a Dog shall ensure that his or her Dog wears the current Licence Tag issued for that Dog when the Dog is off the property of the Owner.
- 7.7 The Owner of a Dog shall renew the Dog licence annually in accordance with Part 9 of this Law or in such a manner as may be specified by the Nation or the Animal Control Officer.
- 7.8 The Owner of a Dog shall obtain a Dog Licence:
- (a) on the first day on which the Nation's Office is open after the Dog becomes six (6) months of age;
 - (b) on the first day on which the Nation's Office is open after a person becomes the Owner of a Dog over six (6) months of age; and
 - (c) notwithstanding that the Dog is under the age of six (6) months, where the Dog is found At Large.

8. DANGEROUS DOG LICENSING AND REQUIREMENTS

- 8.1 For greater certainty, the restrictions and requirements in relation to Dogs in this Law apply to Dangerous Dogs to the extent that they are not inconsistent with the additional requirements below.
- 8.2 No person shall own or keep any Dangerous Dog on the Nation's Land unless the Dangerous Dog is licensed as provided in this Law.

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- 8.3 The holder of a Dangerous Dog Licence must be eighteen (18) years of age or older.
- 8.4 The Owner of a Dangerous Dog shall ensure that his or her Dog wears the current Licence Tag purchased for that Dog when the Dog is off the property of the Owner.
- 8.5 The Owner of a Dangerous Dog shall renew the Dangerous Dog Licence annually in accordance with Part 9 of this Law or in such a manner as may be specified by the Nation or the Animal Control Officer.
- 8.6 The Owner of a Dangerous Dog shall:
- (a) obtain a Dangerous Dog Licence for the Dangerous Dog on the first day on which the Katzie First Nation Office is open after the Dog has been designated a Dangerous Dog; or
 - (b) obtain a Dangerous Dog Licence on the first day on which the Katzie First Nation Office is open after he or she becomes the Owner of the Dangerous Dog.
- 8.7 The Owner of a Dangerous Dog shall within ten (10) days after the Dog has been designated a Dangerous Dog:
- (a) have a Veterinarian permanently affix on the Dangerous Dog by means of a traceable tattoo or an electronic identification microchip, identification that includes the name, current address and telephone number of the Owner of the Dangerous Dog;
 - (b) provide the contact information associated with the tattoo or in the microchip to the Animal Control Officer; and
 - (c) if the Dangerous Dog is in an unaltered state, have the Dangerous Dog neutered or spayed.
- 8.8 The Owner of a Dangerous Dog shall:
- (a) notify the Animal Control Officer if the Dog is sold, gifted, or transferred to another person or dies; and
 - (b) remain liable for the actions of the Dangerous Dog until formal notification of sale, gift or transfer of the Dangerous Dog is given to the Animal Control Officer.

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- 8.9 The Owner of a Dangerous Dog shall ensure that the Dangerous Dog does not engage in Threatening Behavior.
- 8.10 The Owner of a Dangerous Dog shall ensure that the Dangerous Dog is not At Large.
- 8.11 The Owner of a Dangerous Dog shall immediately notify the Animal Control Officer if the Dangerous Dog is At Large.
- 8.12 (1) The Owner of a Dangerous Dog shall ensure that when the Dangerous Dog is on the property of the Owner, the Dangerous Dog:
- (a) is confined indoors and under control; or,
 - (b) when outdoors, is secured in an enclosure capable of preventing the escape of the Dangerous Dog and the entry of any person not in control of the Dangerous Dog.
- (2) The enclosure under paragraph (1)(b) must be of the minimum dimensions of one and one-half (1.5) metres in width, by three (3) metres in length, and by one and one-half (1.5) metres in height.
- 8.13 When off the property of the Owner, the Owner of a Dangerous Dog shall ensure that at all times the Dangerous Dog is securely:
- (a) muzzled; and
 - (b) held on a leash
 - (i) the length of which shall not exceed one (1) metre; and
 - (ii) in a manner that prevents the Dangerous Dog from engaging in Threatening Behavior.
- 8.14 Within ten (10) days of their Dog being designated a Dangerous Dog, the Owner of the Dangerous Dog shall display a sign, capable of being seen by any person accessing the premises where the Dangerous Dog is kept, warning of the presence of the Dangerous Dog.
- 8.15 If for any reason the Owner of a Dangerous Dog or the Dangerous Dog commits an offence under this Law, then the Dangerous Dog may be seized and may:

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- (a) become the property of the Nation;
- (b) if required for the maintenance of public safety, be transported to the nearest Animal Shelter; or
- (c) if required for the maintenance of public safety and after consultation with a Veterinarian, be euthanized humanely.

9. LICENSING INFORMATION

9.1 To apply for a Dog licence or Dangerous Dog Licence, the Owner shall submit an application to the Animal Control Officer in the form set out in Schedule B to this Law.

9.2 When applying for a Dog licence or Dangerous Dog Licence under this Law, the Owner shall provide the following:

- (a) a description of the Dog, including breed, name, sex and age;
- (b) the name, address and telephone number of the Owner(s) of the Dog;
- (c) where the Owner is a body corporate, the name, address and telephone number of the natural person responsible for the Dog;
- (d) certification from a Veterinarian or declaration from the business or organization from which the Owner obtained the Dog that the Dog is neutered or spayed, or an explanation of why the Dog is not neutered or spayed in accordance with section 9.5;
- (e) the annual licence fee for each Dog as set out in Schedule A of this Law;
- (f) whether the Dog is a Dangerous Dog or not; and
- (g) any other information requested by the Animal Control Officer or Council.

9.3 No person shall give false information when applying for any licence pursuant to this Law.

9.4 An Owner shall forthwith notify the Animal Control Officer of any change with respect to any information provided in an application for a licence under this Law.

9.5 (1) If for medical reasons that have been validated by a written note from a licensed veterinarian, the Dog for which a licence application is submitted under section 9.2

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cannot be spayed or neutered before the time of the application, a temporary licence may be issued until such time as the Dog can be spayed or neutered.

(2) Within five (5) days of the Dog under subsection (1) being spayed or neutered, the Owner shall apply for an annual licence in accordance with section 9.2.

9.6 If an application for a licence for a Dog or Dangerous Dog is approved by the Animal Control Officer, the Owner shall be provided with a Licence Tag and receipt.

9.7 The Licence Tag for Dangerous Dogs shall be a different colour than for Dogs.

10. REPLACEMENT OF LOST LICENCE TAG

10.1 Upon losing a Licence Tag, the Owner shall inform the Animal Control Officer.

10.2 A replacement Licence Tag will be issued upon:

- (a) presentation of the receipt for payment of the current year's licence fee to the Animal Control Officer; or
- (b) payment of the appropriate licence fee set out in Schedule A to this Law.

11. OWNERS WITH A DISABILITY

11.1 Notwithstanding section 9.2(e), where the Animal Control Officer is satisfied that a Dog is trained and used to assist an Owner who is a person with a disability, there shall be no fee payable by the Owner for a licence.

12. RUNNING AT LARGE

12.1 Every Owner of an Animal, other than a spayed or neutered Cat bearing identification in accordance with section 6.1 shall ensure that such Animal is not At Large except in areas and at times specifically designated by a posted notice to be an off-leash areas for Dogs.

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12.2 Council may allow a Dog Owner to install an enclosure on their property in which the Owner may permit their Dog to roam provided the enclosure is secure and will prevent the Dog from escaping or being At Large.

12.3 (1) A request to install an enclosure for a Dog must be made in writing to Council.

(2) Installation of the enclosure for a Dog cannot commence until written approval is granted by Council.

(3) The enclosure for a Dog must be of the minimum dimensions of one and one-half (1.5) metres in width, by three (3) metres in length and by one and one-half (1.5) metres in height.

13. CONTROL OF DOGS

13.1 An Owner of a Dog may allow the Dog to be At Large in a designated off-leash area so long as the Owner:

(a) carries a leash;

(b) keeps the Dog under control; and

(c) maintains a clear line of sight to the Dog at all times.

13.2 The Owner of a female Dog that is not spayed must confine the Dog during the season in which the Dog is in heat, in such a manner that the Dog cannot escape nor can another Dog enter the place in which the Dog is confined.

14. COMMUNICABLE DISEASES

14.1 An Owner of an Animal suspected of having rabies or any other communicable disease shall immediately report the matter to the Animal Control Officer.

14.2 An Owner of a Animal suspected of having rabies or any other communicable disease shall confine or isolate the Animal in such a manner as may be prescribed by the Animal Control Officer so as to prevent further spread of the disease.

15. NUISANCES

- 15.1 The Owner of a Dog shall ensure that the Dog shall not upset any waste receptacles or scatter the contents thereof.
- 15.2 If a Dog defecates on any public or private property other than the property of its Owner, the Owner shall remove such feces immediately.
- 15.3 If a Dog is on any public or private property other than the property of its Owner, the Owner shall have in his or her possession a suitable means of facilitating the removal of the Dog's feces.
- 15.4 The Owner shall ensure that Animal feces on the Owner's property does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to any other person.
- 15.5 The Owner of an Animal shall ensure that the Animal shall not bark, howl, cry or otherwise make or cause any noise that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any resident of the Nation's Land.

16. THREATENING BEHAVIOURS

- 16.1 The Owner of a Dog shall, whether on the property of the Owner or not, ensure that the Dog shall not engage in any Threatening Behavior.
- 16.2 For greater certainty, Threatening Behavior includes:
 - (a) barking at, snapping at, Biting, chasing, Attacking, or injuring any Animal;
 - (b) barking at, chasing, or charging any vehicle, including any bicycle;
 - (c) barking at, snapping at, Biting, chasing, Attacking, or injuring any person; and
 - (d) causing damage to property.
- 16.3 No person shall use or direct a Dog to engage in Threatening Behavior.

17. DANGEROUS DOG DESIGNATION PROCESS

- 17.1 If the Animal Control Officer reasonably believes that a Dog has exhibited Threatening Behaviour, the Animal Control Officer may:
- (a) issue the Owner of the Dog a Warning;
 - (b) designate the Dog as a Dangerous Dog;
 - (c) declare that the Dog is property of the Nation;
 - (d) if required for the maintenance of public safety, transport the Dog to the nearest Animal Shelter; or
 - (e) if required for the maintenance of public safety and after consultation with a Veterinarian, take the Dog to a Veterinarian to be euthanized humanely.
- 17.2 The Animal Control Officer must designate a Dog as a Dangerous Dog if:
- (a) the Dog has killed or seriously injured a person;
 - (b) the Dog has killed or seriously injured a Domestic Animal while in a public place or while on private property, other than property owned or occupied by the person responsible for the Dog; or
 - (c) the Animal Control Officer has reasonable grounds to believe the Dog is likely to kill or seriously injure a person.
- 17.3 If an Animal Control Officer designates a Dog a Dangerous Dog, the Animal Control Officer shall deliver personally or by registered mail a Notice of Dangerous Dog Designation in the form set out in Schedule B to the Owner of the Dog if the Owner of the Dog is known.
- 17.4 If the Animal Control officer deems it necessary, the Owner of a Dangerous Dog shall surrender the Dangerous Dog to the Animal Control Officer.
- 17.5 If, pursuant to section 17.1, the Animal Control Officer determines that a Dog will become the property of the Nation, be transported to the nearest Animal Shelter, or be euthanized, then the Animal Control Officer must first hold the Dog for seven (7) days and make every reasonable effort to contact the Owner of the Dog.

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- 17.6 (1) Within five (5) days of notice being delivered of a decision under section 17.1, the Owner of a Dog may make a written request that the Animal Control Officer reconsider the decision.
- (2) The written request under subsection (1) must include:
- (a) reasons why the Dog is not a danger to public safety; and
 - (b) a plan to avoid any future complaints and Threatening Behaviour.
- 17.7 Upon receiving a request for reconsideration under section 17.6 the Animal Control officer may confirm, reverse, or amend the decision made under section 17.1.
- 17.8 Any decision that is reversed or amended pursuant to section 17.7 will nevertheless constitute a Warning.
- 17.9 In making a decision under section 17.1 or 17.7, the Animal Control Officer shall take into account the following:
- (a) the severity of any damage inflicted upon any property, Animal, or person;
 - (b) whether the Dog is attack trained;
 - (c) whether the Dog is kept for the purpose of security or protection;
 - (d) the circumstances surrounding any previous incidents involving the Dog;
 - (e) whether any Warnings have been issued for the Dog;
 - (f) whether the Dog was Provoked;
 - (g) whether the Dog was responding to a trespasser on the Owner's property; and
 - (h) any other relevant factor
- 17.10 A Dangerous Dog designation continues to apply if the Dog is sold, given or transferred to a new Owner.
- 17.11 (1) After a period of at least one (1) year from the date that a Dog has been designated a Dangerous Dog, the Owner may apply in writing to the Animal Control Officer to have this designation removed.

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(2) In order to have the Dangerous Dog designation removed under subsection (1), the Owner must provide proof that the Owner and the Dog have successfully completed a training course to address Threatening Behaviour.

17.12 The Animal Control officer may remove the Dangerous Dog designation if the Animal Control Officer is satisfied that the Dog is no longer a danger to public safety.

18. RESPONSIBILITIES WITH RESPECT TO ANIMALS

18.1 Any person that Abuses an Animal is forbidden from owning an Animal and required to find an appropriate home for any Animal in their possession or care.

18.2 No person shall keep any Animal on the Nation's Land unless the Animal is provided with:

- (a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the Animal's normal growth and the maintenance of the Animal's normal body weight;
- (b) clean food and water receptacles;
- (c) the opportunity for regular exercise and interaction sufficient to maintain the Animal's good health, including daily opportunities for social contact with people; and
- (d) necessary veterinary care to maintain the Animal's good health and to treat the Animal when the Animal exhibits signs of pain, injury, illness, suffering, or disease.

18.3 No Owner may cause, permit or allow an Animal to be tethered unless:

- (a) the collar and tether is properly fitted to the Animal and attached in a manner that will not injure the Animal or enable the Animal to injure itself by pulling on the tether;
- (b) the tether is of sufficient length to enable the full and unrestricted movement of the Animal;
- (c) the Animal is provided with sufficient access to food and water;
- (d) the tether prevents the Animal from leaving the boundaries of the Owner's property; and

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(e) the Animal is tethered for a limited period of time, not to exceed three (3) hours each day.

18.4 (1) No person shall keep an Animal confined in an enclosed space, including a motor vehicle:

(a) without sufficient ventilation to prevent the Animal from suffering discomfort or heat or cold-related injury; or

(b) for an unreasonable period of time.

(2) An enclosed space or motor vehicle (if stationary) shall be in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times.

18.5 No person may transport an Animal in a vehicle outside of the passenger compartment of the vehicle, unless the Animal is safely secured in a crate.

18.6 No person shall permit an Animal to suffer from thermal distress, dehydration, discomfort or exertion causing unnecessary pain, suffering or injury.

18.7 Notwithstanding any other provision of this Law, no person shall:

(a) Abuse any Animal;

(b) abandon any Animal;

(c) use poison or a weapon on any Animal;

(d) tease, torment, provoke, punch, kick, harm or choke any Animal;

(e) cause, permit or allow any Animal to suffer; or

(f) train or allow any Animal to fight.

19. POWERS OF ANIMAL CONTROL OFFICER

19.1 If a person does not meet the requirements of this Law, the Animal Control Officer may do any of the following:

(a) issue a Warning;

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- (b) issue a ticket or compliance notice;
 - (c) forbid the Owner from owning an Animal;
 - (d) Impound the Animal;
 - (e) declare that the Animal is property of the Nation; or
 - (f) transport the Animal to the nearest Animal Shelter.
- 19.2 The Animal Control Officer shall deliver personally or by registered mail notice of a decision under section 19.1 to the Owner of the Dog if the Owner of the Dog is known.
- 19.3 If, pursuant to section 19.1 the Animal Control Officer declares that an Animal is property of the Nation, Impounds the Animal or orders that the Animal be transported to the nearest Animal Shelter, the Animal control Officer must first hold the Animal for seven (7) days to allow for the Owner to make a request to reconsider the decision.
- 19.4 (1) Within five (5) days of notice being delivered of a decision under section 19.1, the Owner of an Animal may make a written request to the Animal Control Officer that the Animal Control Officer reconsider the decision.
- (2) The written request under subsection (1) must include:
- (a) reasons why the action contrary to this Law occurred; and
 - (b) a plan to ensure that the action contrary to this Law will not occur in the future.
- (2) The time limit in subsection (1) does not apply to requests to review a decision made pursuant to section 19.1(c) , which can be made at any time.
- 19.5 Upon receiving a request for reconsideration under section 19.4, the Animal Control Officer may confirm, reverse, or amend the decision made under section 19.1.
- 19.6 In making a decision under section 19.1 or 19.5, the Animal Control Officer shall take into account the following:
- (a) the severity and duration of any suffering endured by the Animal;
 - (b) whether the Owner has previously been issued a Warning;

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- (c) whether, in the case of Threatening Behaviour, the Animal was Provoked; and
- (d) any other relevant factor.

20. IMPOUNDMENT

20.1 The Animal Control Officer may Impound any Animal that:

- (a) is believed to have been Abused;
- (b) requires but does not have a valid Licence Tag;
- (c) is found At Large; or
- (d) has engaged in Threatening Behaviour.

20.2 The Nation is entitled to recover from the Owner of the Animal any costs that were incurred in Impounding the Animal and caring for the Animal while Impounded.

20.3 Where an Animal is Impounded the Animal Control Officer shall ensure that such Animal is provided with:

- (a) sufficient amounts of nutritious food;
- (b) clean drinking water;
- (c) exercise;
- (d) safe and sanitary shelter; and
- (e) veterinary treatment, if required.

20.4 For certainty, while an Animal is Impounded, the Animal Control Officer shall ensure that veterinary care and pain control is provided as may be necessary to sustain an Animal's life and relieve its distress.

20.5 If the Animal Control Officer considers that an Impounded Animal requires:

- (a) vaccination;
- (b) flea treatment;

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- (c) worm treatment;
- (d) examination by a Veterinarian; or
- (e) urgent veterinary care to alleviate any pain or suffering as recommended by a Veterinarian,

then the Animal Control Officer can cause such care to be provided at the sole cost and expense of the Animal's Owner.

20.6 The Animal Control Officer shall make all reasonable efforts to identify and contact the Owner of every Animal in his or her care whether the Animal is living or dead.

20.7 If an Animal is not claimed within seven (7) days after being taken into the custody of the Animal Control Officer that Animal shall become the property of the Nation.

20.8 During or following the Impoundment period, either before or after an Animal has become the property of the Nation, the Animal Control Officer may take the Animal to a Veterinarian for euthanasia, where the Animal Control Officer reasonably believes, in consultation with and on the advice of a Veterinarian:

- (a) immediate veterinary treatment cannot prolong the Animal's life, or;
- (b) prolonging the Animal's life would result in the Animal suffering unduly, and;
- (c) all reasonable efforts to contact the Owner of the Animal have failed.

20.9 (1) Any euthanasia method used must quickly induce loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible.

(2) The euthanasia method must be reliable, irreversible and compatible with the species, age and health status of the Animal.

21. NOTIFICATION

21.1 A person who takes control of any stray Animal shall immediately:

- (a) notify the Animal Control Officer;

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- (b) provide any information requested by the Animal Control Officer; and,
- (c) surrender the Animal to the Animal Control Officer.

22. OBSTRUCTION AND INTERFERENCE

22.1 No person may interfere with or obstruct an Animal Control Officer exercising their powers under this Law or fail to comply with an order enforcing this Law.

22.2 No person shall:

- (a) untie, loosen or otherwise free an Animal which has been tethered or otherwise restrained;
- (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to be At Large on the Nation's Land;
- (c) entice an Animal to run At Large;
- (d) tease an Animal caught in an enclosed space; or
- (e) throw or poke any object into an enclosed space when an Animal is caught or confined therein.

22.3 Paragraphs 22.2(a) and 22.2(b) shall not apply to an Animal Control Officer who is attempting to capture or who has captured an Animal which is subject to Impoundment pursuant to this Bylaw.

23. RECLAIMING OF IMPOUNDED ANIMAL

23.1 Subject to any decision of the Animal Control Officer, the Owner of any Impounded Animal may reclaim the Animal by:

- (a) paying the Animal Control Officer the costs of Impoundment;
- (b) where applicable, paying veterinary fees;
- (c) where a licence is required under this Law, obtaining such a licence; and,
- (d) providing proof of ownership of the Animal.

24. ANIMAL BECOMES THE NATION'S PROPERTY

- 24.1 An Owner of an Animal may surrender that Animal to the Animal Control Officer, and that Animal will become the property of the Nation
- 24.2 Any Animal that becomes the property of the Nation by the application of any Part of this Law may be sold, adopted out, re-homed, transferred to an Animal Shelter, or, if no other options are available, humanely euthanized.
- 24.3 The purchaser of an Animal from the Nation shall obtain full right and title to it and the right and title of the former Owner of the Animal shall cease thereupon.

25. RECORDKEEPING

- 25.1 The Nation shall keep a record of:
- (a) all Dogs registered and licenced;
 - (b) all Dangerous Dogs;
 - (c) all individuals forbidden from owning Animals;
 - (d) all information provided by an Owner in respect of a Cat under section 6.2;
 - (e) all information provided for each licence;
 - (f) the date that each licence was issued;
 - (g) the serial number of each licence;
 - (h) all Warnings that have been issued; and,
 - (i) all infractions of this Law.

26. IMMUNITY

26.1 No action for damages lies or may be instituted against present or past Council, the Animal Control Officer, employees, servants or agents of either the Nation or its Council:

- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority under this Law; or
- (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the Person's authority under this Law.

26.2 Section 26.1 does not provide a defence if:

- (a) Council, the Animal Control Officer, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
- (b) the cause of action is libel or slander.

27. NO LIABILITY

27.1 The Nation, present or past Councillors, the Animal Control Officer or employees, servants or agents of the Nation or Council are not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Law.

28. FEES, FORMS AND REGULATIONS

28.1 Council may by Resolution establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation that complement and support this Law, and will make a copy of these available for viewing at the administrative offices of the Nation.

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29. POWER TO MAKE REGULATIONS

29.1 Council may make any regulations it considers necessary or advisable for purposes under this Law.


30. COMING INTO FORCE

30.1 This Law comes into force on the date it is passed by Resolution after complying with section 7 of the Land Code.


THIS LAW IS HEREBY DULY ENACTED by Council on the 15th day of September, 2021, at Chilhowitz, in the Province of British Columbia.

Quorum for Council is 3


Chief Grace George


Councillor Rick Bailey


Councillor Lisa Adams


Councillor David Kenworthy

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“SCHEDULE A - FEES”

Description	Fee
Dog Licence Fee	\$ 10 per calendar year
Temporary Licence Fee	\$ 10 per calendar year
Dangerous Dog Licence Fee	\$ 20 per calendar year
Impoundment Fee	\$25 (impoundment fee does not include any charges for Veterinary care which may be applicable)

“SCHEDULE B - FORMS”

1. Application for a Dog Licence or Dangerous Dog Licence
2. Notice of Dangerous Dog Designation