

**PENTICTON INDIAN BAND  
DOMESTIC ANIMAL CONTROL  
BYLAW, No. 2023-01**

Enacted: August 4, 2023

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## WHEREAS

- A. We are *sqilx<sup>w</sup>* / *syilx* / *sʔuknaqinx* (Okanagan people) who receive our strength from *timixw* and encompass what is good for our livelihood. We are committed to our language and the teachings of our *captiklx<sup>w</sup>* and respect that everything has value and purpose to come together as one;
- B. As an aspect of the exercise of the inherent right of self-government, the Penticton Indian Band (PIB) has the jurisdiction to address on our Land, through our own laws, such issues as uncontrolled ownership, and running at large of Animals taking place on our Reserve Lands, and this inherent right of self-government is being exercised on our Reserve Lands through our laws;
- C. PIB wishes to enact a bylaw to prevent the uncontrolled ownership, and running at large of Animals as it may be detrimental to the health and safety of and a nuisance to its Members, Owners, and residents on the Reserve Lands, and a matter of trespass;
- D. And the Council have engaged with its Members who have indicated that they support the passage of this *Domestic Animal Control* Bylaw and so deem it advisable and in the best interests of the PIB to enact this Bylaw;
- E. PIB, in accordance with the *syilx* tradition, has recognized the importance of the collective rights of the community and the priority of those collective rights over the rights of the individual;
- F. The Council deems it to be in the best interests of PIB to pass this Bylaw for such purposes.

**THEREFORE**, the Council of the Penticton Indian Band duly enacts as follows:

### **PART 1: GENERAL**

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#### **TITLE**

- 1. This Bylaw may be cited as the *Penticton Indian Band Domestic Animal Control Bylaw, 2023-01*.

#### **DEFINITIONS**

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

“**Aggressive Behaviour**” means any behaviour by a Domestic Animal that demonstrates a threat or harm directed at a person or animal and includes snarling;

“**Aggressive Dog**” means a Dog that has, without justifiable provocation:

- (a) displayed Aggressive Behaviour toward a person or animal, or
- (b) caused a minor injury to a person or animal;

“**Animal Control Officer**” means a person or persons appointed under Section 12 and who works with the Council to implement and enforce this Bylaw;

“**Animal Registry**” means a registry kept by PIB for the purposes of monitoring the registration of Dogs on the Reserve Lands and declarations of Vicious Dogs;

“**Applicant**” means a person who has applied to either obtain a Dog Licence Tag, or register his or her Dog with the Animal Registry, as applicable;

“**At Large**” or “**Running At Large**” means:

- (a) a Domestic Animal located elsewhere than on the Premises of the person owning or having the custody, care or control of the Domestic Animal that is not under the immediate charge and control of a responsible and competent person;
- (b) a Domestic Animal located upon a highway or other public place, including a school ground, park, or public beach, that is not secured on a leash held by a responsible and competent person; or
- (c) a Vicious Dog or Dangerous Dog that is on the Premises of the Owner that is not contained in an enclosure or securely confined within a Premises;

“**Bylaw**” means the Penticton Indian Band *Domestic Animal Control Bylaw, 2023-01*;

“**Bylaw Officer**” means a person or persons appointed under Section 11 and who works with the Council to implement and enforce this Bylaw;

“**Cat**” means domestic cat *Felis catus*;

“**Council**” means the lawfully elected government of PIB and includes the Chief;

“**Council Portfolio Holder**” mean the Council portfolio holder appointed to oversee, and propose measures for, the safety of PIB community and the implementation of the provisions of this Bylaw;

“**Court**” means the Provincial court of British Columbia, the Supreme Court of British Columbia and the Federal Court of Canada, Trial Division;

“**Dangerous Dog**” means a Dog that has:

- (a) bit a person or animal on the Reserve Lands;
- (b) killed or seriously injured an animal while on Reserve Lands, other than property owned or occupied by the Owner of the Dog, or
- (c) has previously been deemed a Vicious Dog and has since attacked or caused injury to a person or animal after being deemed a Vicious Dog;

“**Dog**” means any carnivore of the dog family *Canidae canid*, and includes a cross between a dog

and a wild animal such as a wolf or coyote;

“**Dog Licence Tag**” means a small flat tag worn on a Domestic Animal’s collar or harness, which contains information to enable someone encountering it At Large to contact its owner;

“**Domestic Animal**” means a Dog, Cat or any other domesticated animal owned primarily for the purpose of a person’s company or protection but does not include farm animals or free-range horses;

“**Member**” means a person that is on the PIB’s membership list;

“**Muzzle**” means a humane basket-style fastening or covering device that is strong and well fitted enough to prevent a Dog from biting, without interfering with the breathing, panting or vision of the Dog or with the Dog's ability to drink;

“**Owner**” means a person that:

- (a) possesses or harbours a Domestic Animal on Reserve Lands, or
- (b) has or had the care, custody, or control of a Domestic Animal on Reserve Lands.

“**Penned**” means confined within a fully fenced enclosure, kennel, or cage;

“**Premises**” means a single-family residential structure that is either:

- (a) a fully or semi-detached building;
- (b) a unit in a multiple unit building, such as an apartment building, triplex, condominium, or townhouse; or
- (c) a building that is used or intended to be used for human habitation;

“**Quarantine**” means an area physically separated from people and animals used to observe animals for a specified period to see if they become sick;

“**Reserve Lands**” means the following:

- (a) Penticton Indian Reserve No. 1;
- (b) Penticton Indian Reserve No. 2;
- (c) Penticton Indian Reserve No. 3A;
- (d) lands set apart by Canada in the future as lands reserved for the use and benefit of the PIB, within the meaning of subsection 91(24) of the *Constitution Act, 1982*; and

- (e) lands owned in fee simple by a corporate or other entity beneficially or legally owned or controlled by the PIB;

**"Resident"** means, in relation to premises, a person entitled to occupy a Premise(s) on the Reserve Lands either:

- (a) under a valid land instrument that is registered in the Indian Reserve Lands Registry System (ILRS); or
- (b) with the lawful consent of the Owner(s);

**"Resolution"** means a band council resolution passed at a duly convened Band Council meeting by a quorum of Council;

**"Tethered"** means tied up with a rope or a chain to restrict movement;

**"tmix"** includes everything alive – the land, water, animals, people, plants - everything. *tmix* closely translates to "ecology" or "biodiversity" because it relates to everything alive on the land and in the water and the relationships between all things; and

**"Vicious Dog"** means a Dog that has:

- (a) without justifiable provocation caused a serious injury to a person or animal;
- (b) a known propensity, tendency, or disposition to attack without justifiable provocation;
- (c) on more than one occasion caused a minor injury to a person or animal; or
- (d) while Running At Large, aggressively pursued or harassed a person without justifiable provocation, or has demonstrated a propensity, tendency, or disposition to do so as deemed by an Animal Control Officer or Bylaw Officer or Council Portfolio Holder.

## INTERPRETATION

3. This Bylaw must be interpreted in a fair, large, and liberal manner.
4. In this Bylaw:
  - (a) the use of the word "must" denotes an obligation that, unless this Bylaw provides to the contrary, must be carried out as soon as practicable after this Bylaw comes into effect or the event that gives rise to the obligation;
  - (b) unless it is otherwise clear from the context, the use of the word "including" means "including, but not limited to", and the use of the word "includes" means "includes, but is not limited to";

- (c) headings and subheadings are for convenience only, do not form a part of this Bylaw and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Bylaw;
- (d) a reference to a statute includes every amendment to it, every regulation made under it and any Bylaw enacted in substitution for it or in replacement of it;
- (e) a reference to a government office includes every successor government office;
- (f) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;
- (g) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;
- (h) where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day;
- (i) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and
- (j) where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

#### **APPLICATION OF THE BYLAW**

- 5. This Bylaw applies to the Reserve Lands and all persons that enter the Reserve Lands.
- 6. If any section of this Bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection must be severed from and not affect the remaining provisions of this Bylaw.
- 7. The headings given to the sections and paragraphs in this Bylaw are for convenience of reference only, and do not form part of this Bylaw and must not be used in the interpretation of this Bylaw.
- 8. Unless otherwise noted, any specific statute named in this Bylaw is a reference to an enactment of Canada and the regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any Law referred to herein is a reference to a bylaw of the PIB, as amended, revised, consolidated or replaced from time to time.

#### **PURPOSE**

- 9. The purpose of this Bylaw is to:
  - (a) provide for the safety and health of Members, Owners, and Residents on Reserve Lands,



- (b) prevent nuisances and risks,
- (c) protect against and prevent trespass by Domestic Animals,
- (d) impose a penalty for the violation of any such bylaw; and
- (e) prevent the uncontrolled ownership and Running at Large of Domestic Animals.

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## **PART 2: ADMINISTRATION**

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### **COUNCIL PORTFOLIO HOLDER**

10. Council may, by Resolution at a duly convened meeting, appoint a Council Portfolio Holder and an alternate to oversee implementation of the Bylaw.

### **APPOINTMENT OF A BYLAW OFFICER**

11. Council must, by Resolution at a duly convened meeting, appoint one or more Bylaw Officers to carry out the duties of the Bylaw Officer as set out in this Bylaw.

### **APPOINTMENT OF AN ANIMAL CONTROL OFFICER**

12. The Council may, by Resolution:
- (a) Enter into an agreement with a person or organization, such as a municipality or a regional district, to fulfill the duties and responsibilities of an Animal Control Officer under this Bylaw;
  - (b) Appoint a person(s) to be an Animal Control Officer for the purposes of enforcing this Bylaw; or
  - (c) Provide for reasonable remuneration to be paid from the PIB to a person(s) or organization that enters into an agreement with the PIB under Section 12(a) or a person(s) appointed under Section 12(a).

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## **PART 3: REGISTRATION AND LICENSING OF DOMESTIC ANIMALS**

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### **REQUIREMENT TO REGISTER DOMESTIC ANIMALS**

13. Every owner of a Domestic Animal must ensure that the Domestic Animal is registered in the PIB Animal Registry by submitting an application to the Bylaw Officer.
14. The registration of an Animal in the PIB Animal Registry is valid for one (1) full year from the date of registration.
15. An application to register a Domestic Animal in the Animal Registry must be in a form described in Schedule 1 of this Bylaw.

16. The Bylaw Officer will follow the Dog licensing and registration process set forth in Schedule 2.

#### **DOG LICENCE TAG AND NUMBER**

17. Every Member, Owner, or Resident of the Reserve Lands that has a Dog that that is four (4) months of age or older and resides on the Reserve Lands for more than thirty (30) consecutive days in a 180 day period, must on or before January 31<sup>st</sup> of each year, ensure that:
  - (a) their Dog has a valid Dog Licence Tag issued by the Bylaw Officer;
  - (b) the Dog Licence Tag for their Dog is securely always attached to the collar or harness of their Dog; or
  - (c) They have a valid Dog Licence from a neighbouring jurisdiction.
18. Every Member, Owner, or Resident of Reserve Lands that become the owner of a Dog that is four (4) months of age or older must immediately upon becoming an owner of the Dog and on or before January 31<sup>st</sup> of each calendar year, make application for a Dog Licence Tag and pay the required fees to the Bylaw Officer.
19. When a licensed Dog is deceased, transferred, or sold to a new owner, the former owner shall notify the Bylaw Officer in writing.
20. A Dog Licence Tag that is issued by PIB is valid from January 1<sup>st</sup> to December 31<sup>st</sup> of the calendar year in which it is issued.

#### **DOG LICENSING AND REGISTRATION FEES**

21. Every Member, Owner or Resident of Reserve Lands registering their Dog and applying for a Dog Licence Tag shall pay a licence fee to the Bylaw Officer for a Dog Licence Tag as set out in Schedule 3 of this Bylaw and as updated from time to time.
22. The Bylaw Officer shall issue a Dog Licence Tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.
23. Guide Dogs, Service Dogs, and RCMP Service Dogs must obtain a Dog Licence Tag but will not be charged a licensing fee provided the appropriate certification is presented to the Bylaw Officer.
24. If a Dog Licence Tag is lost, the owner shall obtain a replacement Dog Licence Tag and pay the replacement fee as set out in Schedule 3 of this Bylaw to the Bylaw Officer.

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#### **PART 4 – DOMESTIC ANIMAL CARE RESPONSIBILITIES**

##### **ANIMAL CARE**

25. No person shall keep any Domestic Animal on Reserve Lands unless the Domestic Animal is provided with:

- (a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the Domestic Animal's normal growth and the maintenance of the Domestic Animal's normal body weight;
  - (b) food and water receptacles which are clean;
  - (c) the opportunity for regular exercise sufficient to maintain the Domestic Animal's good health, including daily opportunities for social contact with people or animals, to be free of an enclosure and exercised under appropriate control; and
  - (d) necessary veterinary care when the Domestic Animal exhibits signs of pain, injury, illness, suffering, or disease.
26. No person shall permit a Domestic Animal on Reserve Lands to suffer from thermal distress, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.
27. Notwithstanding any other provision of this Bylaw, no person shall:
- (a) abandon any Domestic Animal;
  - (b) in any way use poison, air pellet guns, bows, and arrows, sling shots and the like on any Domestic Animal;
  - (c) use choke, prong, or shock collars or harsh physical or verbal corrections to train or restrain any Domestic Animal;
  - (d) tease, torment, provoke, punch, kick or choke a Domestic Animal;
  - (e) cause, permit or allow a Domestic Animal to suffer; or
  - (f) train or allow any Domestic Animal to fight.

#### **CARE FOR OUTDOOR DOMESTIC ANIMALS**

28. No person may keep any Domestic Animal on Reserve Lands that normally resides outside or that is kept outside for extended periods of time, unless the Domestic Animal is provided with outside shelter which:
- (a) Ensures protection from heat, cold and wet that is appropriate to the Domestic Animal's weight and type of coat;
  - (b) provides sufficient space to allow the Domestic Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least one and a half (1.5) times the length of the Domestic Animal in all directions, and at least as high as the Domestic Animal's height measured from the floor to the highest point of the Domestic Animal when standing in a normal position plus ten (10) percent;

- (c) provides sufficient shade to always protect the Domestic Animal from the direct rays of the sun;
  - (d) contains dry bedding that will assist with maintaining normal body temperature; and
  - (e) is regularly cleaned and sanitized and all excreta removed at least once per day.
29. No person shall keep a Domestic Animal on Reserve Lands confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the Domestic Animal from suffering discomfort or heat or cold-related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to always protect the animal from the direct rays of the sun.
30. No person may transport a Domestic Animal on Reserve Lands in a vehicle outside of the passenger compartment or in an uncovered passenger compartment, unless it is adequately confined to a pen or cage or secured in a body harness or other manner of fastening to prevent it from jumping, falling off the vehicle or otherwise injuring itself.

#### **IMMUNIZATION**

31. An owner of a Domestic Animal must ensure that it is immunized, as follows:
- (a) for Dogs, Canine Distemper (CDV), Canine Parvovirus (CPV- 2), Canine Adenovirus (CAV-2), and Rabies; and
  - (b) for cats, Feline Distemper (Panleukopenia), Feline Herpesvirus (FVR), and Calicivirus.

#### **RABIES**

32. The owner of a Domestic Animal that is exposed to rabies must immediately Quarantine the Domestic Animal and call Interior Health for directions.

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### **PART 5 – DOMESTIC ANIMAL CONTROL**

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#### **DOG IS TETHERED OR PENNED UP**

33. Dog Owners must keep their Dog always safely Tethered or Penned up, unless the Dog is being:
- (a) held on a leash by a person capable of restraining the Dog's movements;
  - (b) used by a person for the purpose of hunting;
  - (c) used by a person to work in a lawful manner to herd other animals; or
  - (d) used by an impaired person to provide support services, such as a guide Dog.

34. No person may be cruel to a Domestic Animal by causing, permitting, or allow a Domestic Animal on Reserve Lands to be hitched, tied, or fastened to a fixed object:
- (a) in such a way that the animal can leave the boundaries of the Owner's property;
  - (b) where a choke, prong, or shock collar forms part of the securing apparatus, or where a rope or cord is tied directly around the Domestic Animal's neck;
  - (c) other than with a collar that 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 collar;
  - (d) except with a Tether of sufficient length to enable the full and unrestricted movement of the Domestic Animal; or
  - (e) for longer than four (4) hours within a 24-hour period.

#### **NUISANCE**

35. An Owner must not cause or permit their Domestic Animal to:
- (a) make excessive noise, or otherwise annoying or disturbing the peace on Reserve Lands;
  - (b) cause damage to any property on Reserve Lands that do not belong to the Owner;
  - (c) be At Large;
  - (d) be in heat and At Large on Reserve Lands; or
  - (e) leave feces, vomit, or other waste on Reserve Lands that do not belong to the Owner.

#### **AGGRESSIVE DOGS**

36. If PIB receives a complaint that the Bylaw Officer believes is credible indicating that a Dog has exhibited Aggressive Behaviour, the Bylaw Officer may issue the Owner of that Dog written notice of that complaint, such written notice to include the following:
- (a) the date, place, and circumstances of the alleged events;
  - (b) a warning that if the Dog that is the subject of the complaint is found to have exhibited Aggressive Behaviour again, the Dog could be deemed to be an Aggressive Dog; and
  - (c) a copy of this Bylaw.
37. Written notices issued by the Bylaw Officer pursuant to Section 36, will be filed in the Animal Registry under the Owner's last name.

38. Where an Owner has received a written notice pursuant to Section 36 and PIB receives a second complaint that the Bylaw Officer believes to be credible indicating that the same Dog has exhibited Aggressive Behaviour, that Dog will be deemed to be an Aggressive Dog. The Bylaw Officer will issue a written notice to the Owner of that Dog advising the Owner that they must:
- (a) secure the Dog by a collar and leash that is a maximum length of one (1) metre and Muzzled when not on the Owner's property; and
  - (b) ensure that the Dog is not At Large on the Reserve Lands at any time.

### **VICIOUS DOGS**

39. Where a Dog meets the definition of a Vicious Dog, the Bylaw Officer will:
- (a) document in the Animal Registry:
    - (i) the name and description of the Dog,
    - (ii) that the Animal has been declared a Vicious Dog,
    - (iii) the circumstances that led the Bylaw Officer to believe that the Dog should be described as a Vicious Dog,
    - (iv) the date, time, and how the Bylaw Officer complied with paragraphs 39(a)(i), (ii), and (iii);
  - (b) issue and deliver a written notice to the Owner of that Dog that has been declared to be a Vicious Dog and setting out:
    - (i) the name and description of the Vicious Dog;
    - (ii) the reasons why the Bylaw Officer declared the Dog to be a Vicious Dog; and
    - (iii) a statement that the Owner must:
      - 1) secure the Dog by a collar and leash that is a maximum length of one (1) metre when not on their property;
      - 2) ensure that the Dog is not At Large on the Reserve Lands at any time;
      - 3) keep the Dog Muzzled to prevent it from biting another animal or human when not on the Owner's property;
      - 4) post a clearly visible sign at all points of entry onto any Premises where the Dog is being kept, temporarily or permanently, warning that there is a Vicious Dog on the Premises;

- 5) at all times while the Vicious Dog is on the Owner's Premises, keep the Vicious Dog securely confined indoors or confined outdoors in an enclosure; and
  - 6) within fourteen (14) calendar days of receiving written notice that their Dog is a Vicious Dog, ensure the Dog has permanent identification and provide the permanent identification information to the Bylaw Officer.
40. Council may, by Resolution, deem it necessary for the Owner to destroy a Dog that has been determined to be a Dangerous Dog.

### **SELF DEFENCE AGAINST ATTACK**

41. If a Dog is Running At Large and aggressively attacking (attempting to injure severely or kill) or viciously (dangerously aggressive, savage, malicious, depraved or marked by violence) pursuing a person or animal, a person has a right to take all reasonable and necessary actions to stop that Dog, including killing the Dog, if killing the Dog is the only practicable means available to stop or prevent the attack. Other practicable means may include commanding the Dog to stop, trying to scare the Dog away through intimidation or warning shots, or capturing and removing the Dog from the Premises. Acts of barking, growling, or showing of teeth by a Dog are not enough to justify killing the Dog.
42. A person or Bylaw Officer who acts pursuant to Section 41 must follow the procedures outlined in Schedule 3.
43. No Owner has any right to damages against a person, a Bylaw Officer or PIB as a result of taking necessary actions pursuant to Section 41.

## **PART 6 - IMPOUNDMENT, SEIZURE, AND DESTRUCTION**

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### **IMPOUND AND SEIZE**

44. A Bylaw Officer may contact an Animal Control Officer to seize and impound a Domestic Animal if:
- (a) it is found At Large on the Reserve Lands;
  - (b) an Officer has reasonable grounds to believe the Domestic Animal is in distress;
  - (c) a Dog does not have a Dog Licence Tag attached to its collar or harness and is not on its owner's Premises;
  - (d) it is not registered under this Bylaw; and
  - (e) a Domestic Animal is found in an area that is declared by Council to be a prohibited area under this Bylaw; or

45. If a Domestic Animal is impounded the Bylaw Officer must follow the procedures set out in Schedule 4.

#### **POWER TO DESTROY AND DISPOSE OF ANIMALS**

46. A Bylaw Officer may cause an Animal to be humanely destroyed and disposed of, if:
- (a) the Animal bites someone or is deemed a Dangerous Dog;
  - (b) the Animal is impounded, the Bylaw Officer knows who the Owner is and has provided the Owner with a written notice under this Bylaw, and seven (7) days has passed since the delivery of that written notice and the Owner has not complied with that written notice;
  - (c) the Animal is impounded, the Bylaw Officer does not know who the Owner of the Animal is, and no Owner comes forward within five (5) days of impounding and seizing the Animal and a poster is put up in a public place; or
  - (d) the Animal is a seriously injured and the Bylaw Officer cannot identify that Animal's owner.
47. A Bylaw Officer must follow the procedures in Schedule 3 if they are destroying and disposing of a Domestic Animal.

#### **IMPOUND FEES**

48. The Council may set an initial and daily impound fee amount by Resolution and, if it does so, the amount of such impound fees must be publicly posted at PIB administration office.

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### **PART 7 - OFFENCES AND PENALTIES**

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#### **OFFENCES**

49. A person is guilty of an offence if they fail to comply with any of sections of the Bylaw.

#### **PENALTY**

50. In addition to any other penalty or liability, any person who violates any provision of this Bylaw or any requirement, term or condition of an order made and delivered in accordance with this Bylaw, is guilty of an offence and may have their Domestic Animal seized and may be subject to a fine for each day of non-compliance with this Bylaw to a term of imprisonment not exceeding thirty (30) days, or both.

#### **FEES AND FORMS**

51. Council may, by Resolution at a duly convened meeting, establish, correct, revise, or update the terms of any applicable fee schedules, forms, protocols, or other related documentation which complement and support this Bylaw, and must post notice of same in a public area of the PIB



administration building and make a copy of same available for viewing free of charge at the administrative building of PIB and available for distribution at a nominal charge.

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## **PART 8 – APPEAL**

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### **APPEAL**

52. An owner, following a period of at least one (1) year from the date stated on the written notice deeming their Dog an Aggressive Dog, may apply to PIB for relief from the requirements of Section 38 provided that:
- (a) PIB has received no further complaints regarding that Dog’s Aggressive Behaviour; and
  - (b) proof and documentation is provided that the Owner and the Dog have successfully completed a humane, force-free training course, deemed acceptable by the Bylaw Officer as acting reasonably, to address the Dog’s Aggressive Behaviour.
53. If a Dog displays Aggressive Behavior again after relief has been granted, the requirements under this Bylaw shall apply in perpetuity.

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## **PART 9 – GENERAL**

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### **PIB NOT LIABLE**

54. No owner has any right to damages against an Animal Control Officer or Bylaw Officer or PIB because of a Domestic Animal being impounded, seized, destroyed, disposed of, or sold in accordance with this Bylaw.

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## **PART 10 - AMENDMENTS**

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55. Minor amendments to this Bylaw that do not affect the substantive terms may be made by Resolution.
56. Once Council approves the draft amendments by way of a Resolution the Council will post the proposed amendments at the PIB administration office and other places on the PIB website at least seven (7) days before the date that it proposes to formally approve the amendments and invite comments.
57. Council may decide to further amend the Bylaw as a result of comments received, in which case the process set forth in section 56 will be repeated. Upon Council approving the amendments by way of a Resolution those amendments immediately come into effect.
58. At the meeting, the Council shall explain the proposed amendments and receive comments and recommendations from the Members and, if they deem it appropriate, have the Members present vote on the draft amended amendments to the Bylaw.

**PART 11 – REPEAL AND REPLACE**

59. Upon coming into force, this Bylaw repeals and replaces the *Penticton Indian Band Animal Control By-law, 2007-03*.


**PART 12 - EFFECTIVE DATES**

This Penticton Indian Band *Domestic Animal Control Bylaw* No. 2023-01, comes into force and effect on the date it is passed by a quorum of Council and published. The Bylaw was:

- Read a first time by Council at a duly convened meeting held on the April 26, 2022;
- Presented to the Membership at a Band meeting on June 29, 2022;
- Read a second time by Council at a duly convened meeting held on the August 16, 2022;
- Read a third time and enacted for 90 days by Council at a duly convened meeting held on the January 17, 2023; and
- Read for a fourth time and received a positive vote from ninety-five (95) percent of registered PIB Membership, 18 years of age or older on July 26th, 2023, attending the Special Band Meeting.

The Chief and Council of the Penticton Indian Band are empowered to act on behalf of the Penticton Indian Band (PIB) and met in quorum at a duly convened Council meeting the fourth day of August 2023 where we accepted the results of the July 26, 2023 PIB membership vote, and hereby passed this *Domestic Animal Control Bylaw* No. 2023-01.

Voting in favour of the Bylaw are the following members of the Council:

  
səxʷkʷinmaʔm **Timothy Lezard**

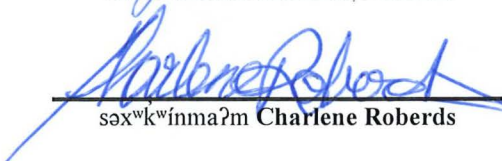
  
yilmíxʷm **Greg Gabriel**


  
səxʷkʷinmaʔm **Dolly Kruger**

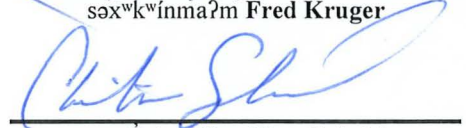
  
səxʷkʷinmaʔm **Suzanne Johnson**

  
səxʷkʷinmaʔm **Vivian Lezard**

  
səxʷkʷinmaʔm **Fred Kruger**

  
səxʷkʷinmaʔm **Charlene Roberds**

  
səxʷkʷinmaʔm **Lesley Gabriel**

  
səxʷkʷinmaʔm **Clint Gabriel**

**SCHEDULE 1 – APPLICATION TO REGISTER A DOMESTIC ANIMAL**

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**DOMESTIC ANIMAL REGISTRATION FORM**

Send Completed Form to: [finance@pib.ca](mailto:finance@pib.ca)

All Domestic Animal owners must register their animals in the Penticton Indian Band Animal Registry using the form below.

Dog owners must also ensure that their Dog always wears a Dog Licence Tag. Dog tag licences are valid until January 31<sup>st</sup> of the year following it was issued and must be renewed annually.

<b>Owner(s) Name</b>	_____	<b>Animal Name</b>	_____
<b>Civic Address</b>	_____	<b>Animal Breed</b>	_____
<b>Postal Code</b>	_____	<b>Animal Colour/Markings</b>	_____
<b>Lot Number</b>	_____	<b>Animal Age</b>	_____
<b>Phone/cell</b>	_____	<b>Animal Weight</b>	_____
<b>Email address</b>	_____	<b>Animal Gender</b>	_____
		<b>Spayed/Neutered</b>	_____
		<b>Immunization Date</b>	_____

**Indicate if the Dog has been deemed as Aggressive, Vicious, or Dangerous:** \_\_\_\_\_

**If yes, which one:** \_\_\_\_\_

PLEASE COMPLETE A SEPARATE FORM FOR EACH ANIMAL.

DOG LICENCE PAYMENTS CAN BE MADE DIRECTLY AT THE PENTICTON INDIAN BAND ADMINISTRATION BUILDING BY CHEQUE, CASH OR DEBIT CARD (NO CREDIT CARDS) OR UPON RECEIPT OF REGISTRATION.

THE PIB FINANCE DEPARTMENT WILL SET UP AN ACCOUNT AND PROVIDE THAT NUMBER.

ONCE PAYMENT HAS BEEN RECEIVED, THE DOG LICENCE TAG(S) WILL BE MAILED.

## SCHEDULE 2 - DOG LICENSING AND REGISTRATION PROCESS

1. Upon receipt of an application for registration of a Domestic Animal in the Animal Registry as per Schedule 1, the Bylaw Officer must complete the dog licensing and registration process set forth in this in Schedule 2.
2. The Bylaw Officer will verify the authenticity of all information provided in the application and either:
  - (a) accept the application; or
  - (b) reject the application.
3. If the Bylaw Officer accepts an application to register a Domestic Animal, they will then:
  - (a) collect the fee from the Applicant as per Schedule 3;
  - (b) file the accepted application in the Animal Registry under the Applicant's last name;
  - (c) provide the Applicant with written confirmation that the animal has been registered in the Animal Registry, including the expiry date of the registration;
  - (d) if the application is for a Dog:
    - (i) mail out the Dog Licence Tag to the Applicant,
    - (ii) include instructions for the Owner to always attach the Dog Licence Tag to the collar or harness of their Dog, and
    - (iii) inform the Applicant that they must obtain a new Dog Licence Tag on or before January 31<sup>st</sup> of each calendar year.
4. If the Bylaw Officer rejects an application to register a Domestic Animal, they must either:
  - (a) order that the Domestic Animal be removed from the Reserve Lands and deliver, in person or by registered mail, a written notice to the Applicant setting out:
    - (i) a description of the Domestic Animal,
    - (ii) the reasons for rejecting the application,
    - (iii) notice of the date that the Domestic Animal must be removed from the Reserve Lands, and

- (iv) that if the Domestic Animal is not removed, PIB may seize and impound the Domestic Animal in accordance with this Bylaw; or
- (b) set conditions to be complied with before the Dog Licence Tag will be issued or the registration will be accepted and deliver, in person or by registered mail, a written notice to the Applicant setting out:
  - (i) a description of the Domestic Animal,
  - (ii) reasons for rejecting the application,
  - (iii) specific details on the conditions which must be met before the Dog Licence Tag can be issued or the registration accepted,
  - (iv) notice of the date on which those conditions in Section 28 (b) must be met, and
  - (v) that if the conditions are not met by the required date, PIB may seize and impound the Domestic Animal in accordance with Section 44 of this Bylaw.
- (c) Where the Bylaw Officer provides a written notice, they must:
  - (i) file a copy of the written notice of the rejected application in the Animal Registry under the Applicant's last name,
  - (ii) monitor the completion of the conditions within the specified time frame, and
  - (iii) if necessary, initiate impoundment and seizure proceedings under this Bylaw.
- (d) The Bylaw Officer may, in his or her sole discretion, provide an Applicant that has received a written notice with an extension of up to thirty (30) days to complete the conditions set out in the written notice.

**SCHEDULE 3 – DOG LICENCE FEES**

	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
<b>DOG LICENCE FEES</b>					
Spayed or Neutered Dog	\$20	\$21	\$22	\$23	\$24
Non-Spayed or Non-Neutered	\$40	\$41	\$42	\$43	\$44
Licence fees for new Dogs brought onto the Reserve Lands after June 30th	50% off	50% off	50% off	50% off	50% off
Replacement Dog Licence Tag	\$7.50	\$8	\$8.50	\$9	\$9.50

## **SCHEDULE 4 – PROCEDURES**

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### **SELF DEFENCE AGAINST ATTACK PROCEDURES**

1. A person who acts pursuant to Section 40, must immediately report the incident to the Bylaw Officer.
2. A Bylaw Officer who takes actions under Section 40, or has an incident reported to them by a person who has taken action in accordance with Section 40, must provide a written report to Council, setting out:
  - (a) a description of the Dog that was Running At Large;
  - (b) the facts regarding how the Dog was viciously pursuing or aggressively attacking a person or animal; and
  - (c) details of the practicable means taken to stop or prevent the attack.
3. A Bylaw Officer must file a copy of all reports written in the Animal Registry under the Dog Owner's last name.

### **IMPOUND AND SEIZE**

4. If Bylaw Officer knows who the Owner of the Animal is, the Bylaw Officer must immediately provide the Owner with a written notice delivered by hand or registered mail to the Owner's Premises, setting out:
  - (a) details regarding why the Animal that has been seized and impounded;
  - (b) that the Owner has seven (7) days from receipt of the written notice to register the Animal if it is not already registered; and
  - (c) that if the Animal is not registered within seven (7) days from receipt of the notice, the Bylaw Officer may cause the Animal to be humanely destroyed and disposed of if it is found to meet the conditions set forth in Section.

### **DUTY TO DOCUMENT IMPOUND, SEIZURE, DESTRUCTION, AND DISPOSAL OF ANIMALS**

5. Where a Bylaw Officer impounds, seizes, destroys, or disposes of an Animal under this Bylaw, they must provide a written report to Council setting out:
  - (a) a description of the Animal;

- (b) the name of the Owner of the Animal, if possible;
  - (c) the Section(s) of this Bylaw under which the Animal was impounded, seized, destroyed, or disposed;
  - (d) the circumstances under which the Animal was impounded, seized, destroyed, or disposed; and
  - (e) if the Animal was destroyed or disposed of, the specific efforts made by the Bylaw Officer to contact and work with the Owner of the Animal to arrange for the Owner's compliance with this Bylaw.
6. Where a Bylaw Officer is required to provide a written notice to an Owner or a written report to Council regarding the impoundment, seizure, destruction, or disposal of an Animal, they must store a copy of that notice or report in the Animal Registry under the last name of the Owner of the Animal, if the Owner is known.