

# Wuikinuxv Nation



## Animal Care and Control Bylaw

Bylaw number 2025-01. Passed by Band Council Resolution: May 2, 2025

## WHEREAS:

- A. The Wuikinuxv Nation has lived alongside and stewarded wildlife in its traditional territory since time immemorial.
- B. The Nation has the authority to regulate the care and control of animals and to provide for the health and safety of all residents in Wuikinuxv Village pursuant to its traditional laws, its inherent right of self-government, and the *Indian Act*, Section 81.
- C. Dogs have traditionally lived alongside the Wuikinuxv as guardians. And,
- D. The Nation will address the trend of dogs becoming dangerous towards humans due to the lack of care provided by their owners, as well as other issues relating to the care and control of animals in Wuikinuxv Village.

Therefore, the Council of the Wuikinuxv Nation enacts this Animal Care and Control Bylaw, Number 2025-1, as follows:

## TITLE:

- 1. This By-Law may be cited as the “Wuikinuxv Animal Care and Control Bylaw”.

## PUBLICATION

- 2. This Bylaw and any Policies adopted by Council pursuant to it will be published and made available on a website controlled by the Nation and will be available in print copy at the Nation’s office in Wuikinuxv Village.

## DEFINITIONS:

- 3. In this by-law:
  - a. **“Abandoned”** includes any animal of a species regularly kept as a Pet or Livestock that is:
    - i. apparently ownerless,
    - ii. whose Owner fails to request their return 30 days after being seized and impounded by an Animal Control Officer,
    - iii. feral, or,
    - iv. found at a Home after its former residents have moved away from that Home.
  - b. **“Aggressive Animal”**: means an Animal that meets any one or more of the following conditions:
    - i. an Animal that has attacked, bitten, or caused minor injury to a person, Pet or Livestock; or
    - ii. an Animal that has aggressively pursued or threatened a person, Pet or Livestock.

- c. **“Animal Care and Control Officer”**: a person appointed by Chief and Council to administer and enforce this Bylaw, or a Peace Officer including a member of the RCMP.
- d. **“Appointed Animal Care and Control Officer”**: a person directly appointed by Chief and Council to administer and enforce this Bylaw, not including a Peace Officer or a member of the RCMP.
- e. **“At Large”** is when a Pet or Livestock is:
  - i. outdoors,
  - ii. not restrained by a secured leash or enclosure, and
  - iii. beyond the eyesight of its owner or Sitter, their Homes or other building where they are currently located.
- f. **“Band Rental Unit”** is a Home owned for rental purposes by the Nation.
- g. **“Cat”** means *felis catus* whether domesticated or feral, and does not include cougar, lynx or bobcat.
- h. **“Council”** means the elected Chief and Council of the Wuikinuxv Nation.
- i. **“Dangerous Animal”** means an Animal that:
  - i. has killed or seriously injured a person,
  - ii. has killed or seriously injured a Pet or Livestock, while in a public place or while on private property other than private property owned or occupied by the person responsible for the Animal,
  - iii. an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
  - iv. that has caused its owners or Sitters to have received 2 or more fines for being an Aggressive Animal.
- j. **“Dog”** means *canis lupus familiaris*, including dogs that have cross-bred with wolves, but does not include any pure wolves *canis lupus* that are wild.
- k. **“Home”** means each single unit being a fully detached home, a semi-detached home, a multiple attached home, an apartment home and any building or semi-detached part of a building used or intended to be used for human habitation and in which normal domestic functions may be carried on.
- l. **“Invasive Species”** means any Animal that is not a Pet or Livestock and which is not native to Wuikinuxv territory.
- m. **“Nation”** means the Wuikinuxv Nation Indian Band, and its internal government administration.
- n. **“Nuisance Animal”**: means a Pet or Livestock that:
  - i. has been seized and impounded for being At Large three or more times,

- ii. has an Owner that has been fined three or more times for offences under this Bylaw; or
  - iii. is in heat, diseased or has a severe flea or tick infestation without a leash in public.
- o. **“Livestock”** means any domesticated Animal bred for the purpose of feeding or clothing humans, including but not limited to: cattle, sheep, goats, alpaca, pigs, and chickens.
  - p. **“Pet”**: means any domesticated Animal owned by a human for a purpose other than serving as food or clothing including cats, dogs, aquarium animals, gerbils, hamsters, parrots, lizards, bugs, and birds.
  - q. **“Private Home”** means a Home in Wuikinuxv Village that is not a rental unit or other home owned by the Nation, and for which there is a Certificate of Possession issued to a Nation member, or in the case of a manufactured home or trailer a registration or current and valid bill of sale.
  - r. **“Sitter”** means a person who has the temporary care and control of a Pet as authorized by its owner.
  - s. **“Wildlife”** means an Animal that is not a Pet, Livestock, Abandoned, feral or an invasive species.
  - t. **“Wuikinuxv Village”** is the main village of the Wuikinuxv Nation and the entire Indian Reserve also known as Katit 1.

## INDIGENOUS RIGHTS

- 4. No provision of this Bylaw, or actions, communications, negotiation or engagements carried out pursuant to it, are intended to prejudice, limit, abrogate or derogate from any of the Nation’s Indigenous Title, Rights or interests.
- 5. No provision of this Bylaw is intended to restrict the hunting, fishing, or trapping of Wildlife by Wuikinuxv persons in Wuikinuxv Village done in accordance with Wuikinuxv custom and the Oweekeno Firearms By-Law No. 1, dated December 14, 1978.

## APPLICATION:

- 6. This By-Law applies to all persons and animals, both vertebrates and invertebrates, at Wuikinuxv Village.

## GUIDE AND SERVICE DOGS:

- 7. Unless authorized to do so by the Nation’s Appointed Animal Control Officer, no person shall bring an Animal other than a certified Guide or Service Dog inside a building owned by the Nation except for a Home.

8. This bylaw will be interpreted in a manner that is consistent with the rights and restrictions under the *Guide Dog and Service Dog Act*, SBC 2015, c 17 and the *Canadian Human Rights Act*, RSC 1985, c H-6.

#### **LICENSING:**

9. No person may bring an Animal to Wuikinuxv Village without obtaining a Pet or Livestock license for that Animal from the Nation within 1 full business day of the Animal's arrival, unless permission is granted by Band Council Resolution. A person who violates the terms of such a Band Council Resolution commits an offense.
10. A person may obtain Pet licenses by:
- a. presenting their Pets to an Appointed Animal Control Officer outside the Nation's Band Office for a health check,
  - b. completing a form approved by the Band Council to provide information about themselves and their Pet, and
  - c. paying either:
    - i. a Pet damage deposit of half a month's rent if they reside in a Band Rental Unit, with that damage deposit being valid for up to two Pet licenses, or
    - ii. a non-refundable license fee of \$100 for each Pet license they obtain if they live in a Private Home.
11. A single Pet license is valid for an individual Pet or group of aquarium animals, lizards or bugs residing in a single aquarium, terrarium, or insectarium.
12. Lost or damaged licenses can be replaced by paying a \$10 fee.
13. A maximum of two Pet licenses may be issued to all persons residing together in a single Home. Except where:
- a. Council approves the home to be a licensed Pet daycare subject to policy approved by Council.
  - b. The Pets were all resident in Wuikinuxv Village prior to the approval of this Bylaw by Council.
  - c. Permission is granted for additional Pet licenses by an Appointed Animal Control Officer which may only be granted if:
    - i. The owner has demonstrated a history of responsible pet ownership, including no fines or warnings under this Bylaw within the last 12 months,
    - ii. All Pets in the Home pass a health inspection by the Appointed Animal Control Officer,
    - iii. In the case of Band Rental Units, the Home passes an inspection by the Housing Department showing no pet damage to the Home, and safe and sanitary conditions for the residents, current and additional Pets, and

- iv. The payment of additional damage deposits or license fees as required by Section 10(c).
14. Licenses for Pets will only be issued for Dogs and Cats if they do not appear to be carrying fleas, ticks or disease and:
- a. they are neutered or spayed, and have vaccinations required by policy as approved by Council; or
  - b. in the case of a puppy or kitten the Owner provides proof of pre-payment of an appointment with travel to a veterinarian to have the Pet vaccinated and neutered or spayed.
  - c. a Pet license issued pursuant to Section 14(b), may be revoked by an Appointed Animal Control Officer if the Pet is not vaccinated, neutered or sprayed by the appointed time.
15. Licenses for Livestock may only be issued by the Nation subject to policy approved by Chief and Council. A person who violates the terms of such a license commits an offense.
16. At all times when outside of a Home, Owners must have their Pet or Livestock licenses worn by their Pets or Livestock using a collar, or in the case of animals in a single aquarium, insectarium or terrarium, affixed to their aquarium, insectarium or terrarium.
17. Owning, sitting, or taking care of an unlicensed Pet or Livestock in Wuikinuxv Village is prohibited.
18. Following the adoption of a policy by Council on the vaccination of Pets, the owning, sitting, or taking care of a Pet that is unsprayed, unneutered or which does not have vaccinations required by policy will be prohibited, except for puppies or kittens licensed pursuant to Section 14(b).

## **ANIMAL CARE**

19. Breeding cats and dogs is prohibited in Wuikinuxv Village.
20. An Owner shall ensure his or her Pet or Livestock is provided with:
- a. clean potable drinking water and food of sufficient quality and quantity to allow for healthy growth and maintenance of healthy body weight;
  - b. food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - c. the opportunity for regular exercise sufficient to maintain good health, including for Dogs the daily opportunity to be free of a confined area and exercised regularly under appropriate control; and
  - d. necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
21. No person shall
- a. keep, sit, harbour, or have in his or her possession any Animal suffering from any infectious or contagious disease or severe flea or tick infestation, unless

such Animal is in isolation and under treatment for the cure of such infection, contagious disease or severe flea or tick infestation.

- b. keep an animal in a vehicle for times or at temperatures beyond those set in a policy approved by Council.
- c. allow their Pet or Livestock to be under heat or diseased or have a severe flea or tick infestation without a leash in public.
- d. torment an Animal, cause an animal to suffer, punch, choke or beat except where reasonable for disciplinary, training purposes, self-defense, or to prevent imminent injury to another person or animal,
- e. train an animal to fight, or
- f. keep a dog kenneled for more than 12 hours a day in every 24-hour period.

22. Dog owners who keep their dog outside overnight will ensure that their dogs are provided with sanitary shelter from the cold and wet so that they are free from hyperthermia, discomfort, and injury, with sufficient space to allow the dog to turn freely and to easily stand, sit and lie.

## **OUTDOOR ANIMALS**

23. No owner or Sitter will allow a dog to be within 6 meters (19.7 feet) of the following places in Wuikinuxv Village:

- a. the Band Office,
- b. the school and its field,
- c. any playground, and
- d. the daycare.

24. No owner or Sitter may have a Cat outdoors except if the Cat:

- a. is leashed, or being transported in a pet carrier or kennel,
- b. is in a fully enclosed outdoor structure built to prevent escape such as a catio, or
- c. the Cat was resident in Wuikinuxv Village prior to the approval of this Bylaw by Council.

25. No owner or Sitter will allow their Dog to be At Large.

26. Except for Dogs that are barking or howling at bears, wolves, cougars, or trespassers, no owner or Sitter will permit, suffer or allow their Animal to either continually, sporadically or erratically for any period exceeding 30 minutes:

- a. make noise at a volume of 40 decibels, or
- b. make noise that a person can easily hear and that disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of such a person,

as can be heard beyond their Home's surveyed property line, or where there is no survey beyond the end of their Home's yard or driveway.

27. No person shall keep or feed a feral animal or Invasive Species.

## **DISPOSAL OF REMAINS**

28. An Owner must dispose of the remains of their deceased Pets and Livestock by burying them, removing them from Wuikinuxv Village, or in a manner approved by an Appointed Animal Control Officer, and must not:
- a. leave them abandoned or exposed in Wuikinuxv Village,
  - b. place them in the regular garbage, or
  - c. bury them within 100 meters of wells, Wuikinuxv (Owikenno) Lake or the Wanukv (Wannock) River.

## **NUSIANCE, AGGRESSIVE AND DANGEROUS ANIMALS**

29. No person shall own or Sit a Dangerous Animal. An owner or Sitter whose Animal does a thing to be deemed a Dangerous Animal commits an offence.
30. An owner or Sitter whose Animal attacks, bites, causes minor injury to a person, Pet or Livestock, or aggressively pursues or threatens a person Pet or Livestock commits an offence and that Animal is an Aggressive Animal.
31. An Animal Control officer may in their sole discretion give an owner or Sitter who has an Aggressive Animal warnings, coaching, or fines, and may require them to complete a course on responsible pet ownership, to leash or muzzle their Animal in public, keep them indoors or in an enclosure, or to post warning signs at their Home. Afterwards, an owner or Sitter who fails to comply with such requirements commits an offence.
32. Animal Control Officers may destroy or trap any Animal that is not a Pet or Livestock which is an Aggressive or Dangerous Animal, including an Abandoned animal or Wildlife.
33. Appointed Animal Control Officers may destroy or trap any Invasive Species.

## **ENFORCEMENT**

34. Any person who violates a provision of this Bylaw commits an offence and is liable to pay a fine of one hundred dollars (\$100) unless a specific amount is specified for the violation of that provision.
35. If an activity or lack of activity that constitutes a contravention of this Bylaw continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.
36. An Appointed Animal Control Officer has the discretion to issue a warning, provide coaching, or require an owner or Sitter to complete a course on responsible pet ownership as an alternative to issuing a fine.
37. An Appointed Animal Control Officer may forgive fines imposed in relation to an Animal in exchange for the surrender of that Animal to the Nation, the B.C. Society for the Prevention of Cruelty to Animals, or an animal shelter approved by the Animal Control Officer.




38. An Appointed Animal Control Officer may credit a person's Pet Damage Deposit towards any fines issued under this Bylaw.
39. The Nation may refuse to enter new contracts including employment and tenancy agreements with people who have outstanding fines pursuant to this Bylaw.
40. Council may establish pounds for the seizure and detention of Nuisance, Aggressive or Dangerous Animals or can enter into agreements with animal shelters outside of Wuikinuxv Village for the seizure or detention of Animals.
41. An Animal Control Officer may seize and impound any Animal that is:
- At Large,
  - Abandoned,
  - an unlicensed Animal, Nuisance Animal, or Dangerous Animal in public,
  - an unlicensed Animal, Nuisance Animal, or Dangerous Animal that is in a Band Rental Unit if permission is granted by an occupant or reasonable notice of a home inspection is first provided by the Nation's Housing Department at that Home.
42. With a Private Home owner's consent or the consent of an occupant, or a warrant issued pursuant to the *Indian Act*, s. 103(4), an Animal Control Officer may enter a Private Home to search, seize and impound an Animal that is an unlicensed Animal, Nuisance Animal, or Dangerous Animal.
43. An Owner or Sitter whose Animal is seized and impounded must pay fees of \$5 a day for a non-dangerous Animal, \$10 a day for a Dangerous Animal, plus:
- \$25 for the first impoundment,
  - \$50 for the second impoundment, and
  - \$100 for the third impoundment.
44. Any Pet or Livestock seized by an Animal Control Officer may be impounded for a maximum period of three months following the day of seizure unless:
- the Animal is surrendered by its owner,
  - the Animal is Abandoned, or
  - during that period proceedings are undertaken in Provincial Court, in which case the Animal may be further detained until the proceedings are finally concluded.
45. An Owner whose Animal is impounded may have their Animal returned in exchange for paying all fines they have incurred for that Animal, unless the Animal is a Dangerous Animal or an Animal Control Officer intends to apply to the Provincial Court of British Columbia for an order that the Animal be forfeited or destroyed.
46. An Animal Control Officer may apply to Provincial Court of British Columbia for an order that an Animal is to be forfeited or destroyed if:
- the Animal is a Nuisance or Dangerous Animal, or

- b. if after 30 days the Owner has failed to pay all fines associated with the Animal.

47. An Animal Control Officer may not destroy a Pet or Livestock without an order from the Provincial Court of British Columbia, unless the Animal is Abandoned, surrendered and destruction is consented to by the former owner, or the Animal Control Officer destroys that Animal in self-defense or to prevent imminent injury to another person.

48. Before seeking an order for the destruction or forfeiture of a Dangerous Animal, the Animal Control Officer must consider whether it was acting while in the course of:
- a. attempting to prevent a person from committing an unlawful act, or
  - b. performing law enforcement work.

**BE IT RESOLVED** that this Animal Care and Control Bylaw by approved by the Council of the Wuikinuxv Nation this **May 2, 2025**:



**Chief Councilor Danielle Shaw**



Jennifer Walkus (May 17, 2025 21:20 PDT)

**Councilor Jen Walkus**



Miranda May (May 12, 2025 09:01 PDT)

**Councilor Miranda Hanuse May**