

**By-Law No.04 of the T'Sou-ke Indian Band
A By-Law Respecting the Care and
Control of Animals on Reserve**

WHEREAS Section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower an Indian Band Council to pass by-laws to provide for the health of residence on reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the T'Sou-ke Band is of the opinion that the running at large of animals may be detrimental to the health of the residence on the reserve, and a nuisance to such residents;

THEREFORE the Council of the T'Sou-ke Band enacts a by-law as follows;

Short Title

1. This by-law may be cited as the T'Sou-ke Band Animal Control By-Law.

Interpretation

2. In this by-law:

"animal" means a dog, cat or any other domestic animal;

"animal control officer" means an animal control officer appointed pursuant to section 3, or any by-law enforcement officer and includes an officer of the police and a person employed by the band council for the purpose of enforcing the provisions of this by-law;

"Band" means the T'Sou-ke Band;

"Council" means the Council of the T'Sou-ke Band, as defined in the Indian Act.

"dog" means any dog, male or female of the species canine over the age of twelve weeks;

"dwelling" means each single unit being a fully detached home, a semi detached home, a multiple attached home, an apartment home, any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

"impounded" means seized, delivered, received or taken into the pound or in the custody of the animal control officer as provided for herein.

"muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;

"owner" of an animal includes a person who possesses, harbors or allows a dog to remain about his/her house;

"reserve" means T'Sou-ke Indian Reserve Nos. 1 and 2;

"restricted dog" means a class of dog or dogs, which are prohibited from the reserve, including a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terriers and American Staffordshire Terriers, or any other dog of mixed breeding that includes any of these breeds;

"nuisance animal" an animal that has three or more nuisance complaints registered with the Band Administration Office.

"villainous dog" includes

- (i) any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- (ii) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;
- (iii) any dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody has been entered concerning that specific dog;
- (iv) any dog which has bitten another animal or human without provocation;
- (v) a restricted dog.

Animal Control Officer

- 3.(1) The Council may appoint, by band council resolution, an animal control officer to provide for the administration and enforcement of this by-law.
- (2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the animal control officer.

Immunization of Animals

4. All animals on reserve must be immunized in accordance with generally accepted veterinary standards.
5. The owner of any animals exposed to rabies shall, on demand by the band council, surrender such animal to the band council to be held by the animal control officer in quarantine for a period of 14 days.
6. An owner upon demand made by the band council shall forthwith surrender to the Band Council any animal, which has bitten any person or which, has been exposed to rabies to be held in quarantine.
7. Any animal found to be infected with rabies shall be destroyed by its' owner or by the animal control officer at the expense of the owner.

Limit on number of animals per dwelling

- 8.(1) No more than four animals consisting of dogs and cats shall be kept, harbored, or possessed in any dwelling
- (2) The provision of subsection 8 (1) shall not apply to dog or cat litters, where the pups or kittens are under four months of age.

General prohibitions

- 9.(1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
 - ¶ A dog need not be tethered or penned up as provided in subsection (1) if the dog;
 - (a) is held on a leash by a person capable of restraining the dog's movements;
 - (b) is being used by a person for the purpose of hunting;
 - (c) is being used by a person to work in lawful manner with sheep or cattle, or
 - (d) is used by a visually impaired person as a guide dog
 - (e) has not been declared a nuisance
- (3) No owner shall allow a female animal in heat to remain in any public place unless such female is accompanied by and is under the observation and control of the owner or his agent.
- (4) The owner of a dog who fails to take all the necessary measures to ensure that such dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.

- (5) The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick thereafter dispose of, any feces, vomit or any waste left by the dog on the said property
- (6) No owner shall allow his dog to remain unfed or without water as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.
- (7) No person shall punish or abuse a dog in a manner or to the extent that is cruel or unnecessary.
- (8) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace or residence of the reserve.

Prohibitions within specified areas of the reserve

- 10.(1) The council may at any time prohibit the keeping of animals within any area of the reserve.
 - ¶ Notice of any prohibitions made by council pursuant to subsection (1) shall be posted in the Band Office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.
 - ¶ No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorization to that effect from the band council

Villainous Dogs

11. anyone owning a villainous dog must post a clearly visible sign notifying the public.
12. A villainous dog must, at all times, be muzzled and kept on a leash whenever it is in a public place.
13. On private property, a villainous dog shall be kept on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry by children.

Impound and seizure

- 14.(1) No owner shall permit a villainous or nuisance dog belonging to him/her to be at large on the reserve.

(2) A dog found at large on the reserve may be impounded for a minimum period of 72 hours and an animal control officer may thereafter place such animal for adoption or have it humanly destroyed unless in the meantime such has been claimed by its' owner and the costs incurred for the impounding of the animal have been paid.

15.(1) An animal control officer may seize a dog from any person whom he/she has reasonable cause to believe is violating, has violated, or is about to violate any of the provisions of this by-law.

(2) If an animal is apprehended because it has inflicted an unprovoked bite upon an animal or a person, the animal control officer shall impound the animal.

(3) Subject to subsection (6), an animal control officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to its' owner where:

(a) The owner claims possession of the dog within seventy two hours after the date of the seizure; and

(b) The owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog.

(4) Where the dog has not been reclaimed within seventy-two hours after the seizure pursuant to subsection (3), the animal control officer may place a dog up for adoption or have such dog humanely destroyed;

(5) No person shall keep, harbor or have in his possession any animal suffering from any infectious or contagious disease, unless such animal is in isolation and under veterinary care;

(6) When an animal has been impounded, the band council shall forthwith make every reasonable effort to notify the owner of such animal.

(7) A written report of each such incident as described in this section shall be filed with the band council.

Destruction where unable to seize

16.(1) The animal control officer, where after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, may destroy the dog.

(2) No damages or compensation may be recovered as a result of destruction of a dog by the animal control officer pursuant to subsection (1).

Protection from dogs

17.(1) Any person may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, or killing

- ⓧ A person;
- ⓧ Another animal
- ⓧ Domestic live stock

(2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

Penalty

18.(1) No person shall do any act or suffer or permit any act or thing to be done in contravention of this By-Law

(2) Notwithstanding any other provision of this By-Law where the animal control officer has reasonable grounds to believe that an owner is not complying with any provisions of this By-Law, He/She may give a verbal warning.

(3) Anyone who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a fine of not more than \$100.00 per offence.

(4) The penalties imposed under Subsection (3) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this By-Law

(5) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this By-Law occurs or continues.

9 The Animal Control Officer may, if he/she has reason to believe that an offence has been committed against this By-Law, complete and leave with the alleged offender, or at the address of the alleged offender with someone who appears to be sixteen years of age or greater, a T'Sou-ke Band Ticket Information indicating a penalty equal to the minimum for such an offence.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the T'Sou-ke Band this _____ day of _____, 2005.

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

(Chief)

(Councilor)

(Councilor)

Being the majority of those members of the Band Council of the T'Sou-ke Band present the aforesaid meeting of the Council.

The quorum of the Band Council is _____ members.

Number of members of the Band Council present at the meeting: _____

I, _____ Chief/Councilor of the T'Sou-ke Band, do hereby certify that a true copy of the forgoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the Regional Office, Vancouver, pursuant to subsection 82(1) of the Indian Act, this _____ day of _____, 2005.

Witness

Chief/Councilor