

Lower Kootenay Indian Band
DRAFT Dog and Cat Control By-law 2013-

WHEREAS Council of the Lower Kootenay Indian Band deems it advisable and in the best interests of the Lower Kootenay Indian Band to enact a law to regulate the keeping of dogs and cats within the Lower Kootenay Indian Band Lands;

1. TITLE

1.1 This by-law may be cited as the “Lower Kootenay Indian Band Dog and Cat Control Bylaw”

2. DEFINITIONS

2.1. “**cat**” means an animal of the species feline, irrespective of sex or age;

2.2 “**Council**” means the Council of the Lower Kootenay Indian Band as defined in the Indian Act

2.3 “**dog**” means an animal of the species canine, irrespective of sex or age. It includes an animal which is a cross between a dog and a wolf.

2.4 “**dangerous dog**” means a dog which any one or more of the following conditions:

(a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;

(b) a dog that, while running at large, has aggressively pursued or harassed a domestic animal or has attacked, bitten, killed or caused injury to a domestic animal;

(c) a dog that, while running at large, has aggressively pursued or harassed a person;

(d) a dog that has been deemed dangerous, vicious or similar under a law or bylaw by any other first nation, municipality or regional district of the Province of British Columbia;

2.5 “**Dog and Cat Control Officer**” means the person appointed by Council or contracted by Council to enforce and carry out the provisions of this by-law. This may include a police officer, police constable or any other person charged with the duty to maintain public peace and may include a special provincial constable of the SPCA;

2.6 “**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 the use of people;

2.7 “**Enclosure**” means a fence, pen, run or other structure which is suitable to prevent the entry of young children and suitable to confine a dog, in conjunction with other measures which may be taken by the owner or keeper;

2.8 “**impounded**” means seized, delivered, received or taken into the Pound, or into the custody of the Poundkeeper as provided in this by-law;

2.9 “**kennel**” means a house or range of buildings in which a dog or dogs are kept for the purpose of boarding or breeding.

2.10 “**leash**” means a rope, chain, cord, leather strip or other device attached to the collar of a dog capable of controlling and restraining the activity of the dog in a manner which conforms to the requirements of this by-law;

2.11 “**Lower Kootenay Indian Band Lands**” includes Creston IR 1 and Lower Kootenay IR 1A, 1B, 1C, 2, 3,4 and 5.

2.12 “**occupant**” or “**occupier**” means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within Lower Kootenay Indian Band Lands;

2.13 “**owner**” when used in relation to the ownership of a dog, includes a person owning, possessing, harbouring or having custody, care and control of a dog or permitting a dog to remain about a person’s house, premises, or parcel of land and, where the owner is a minor, the person responsible for the custody of the minor.

2.14 “**pack**” means two (2) or more dogs that are running at large;

2.15 “**person**” in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns, and personal or other legal representatives of such person to whom the context can apply according to law;

2.16 “**potentially dangerous dog**” means a dog regardless of age, sex or breed which is running at large;

2.17 “**Pound**” means any building, enclosure or place designated as a dog pound, either by Council or by the person with whom Council has an agreement to act as Poundkeeper, for keeping of dogs impounded under this by-law;

2.18 **“Poundkeeper”** means the person or persons appointed from time to time by Council to be Poundkeeper, or the authorized agent of any corporation, society, governmental body or other organization with whom Council has an agreement to act as Poundkeeper, including their assistants;

2.19 **“run at large”** with reference to a dog or a cat means:

- (a) a dog or a cat located elsewhere than on the premises of the person owning or having the custody, care or control of the dog or cat that is not under the immediate charge and control of a responsible and competent person.
- (b) a dog located upon a highway, roadway or other public place, including a school ground, park or public bench that is not secured on a leash to a responsible competent person;
- (c) a dangerous dog that is on the premises of the owner that is not contained in an Enclosure, sufficiently tethered or securely confined within a dwelling;

2.20 **“running at large”** has a corresponding meaning as “run at large”

2.21 **“Lower Kootenay Indian Band Lands”** includes Creston IR 1 and Lower Kootenay IR 1A, 1B, 1C, 2, 3,4 and 5.

2.22 **“SPCA”** means the Society for the Prevention of Cruelty to Animals.

2.23 **“tether”** means to restrain an animal in place with a rope, chain or leash allowing a short radius in which it can move about.

3.0 CONTROL OF DOGS

3.1. No person may keep or harbor more than two (2) dogs in or on any premises on or a parcel of land within Lower Kootenay Indian Band Lands;

3.2 Council may, from time to time, designate specific parks or public areas to allow either for dogs on leash or for dogs off leash;

3.3 No owner shall allow his dog to remain unfed or without water whereby it amounts to cruelty or causes the dog to become a nuisance;

3.4 No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary;

3.5 No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve;

3.6 No owner shall permit a female dog in heat to be off the owner's premises;

3.7 No owner of a dog will allow a dog to "run at large" within Lower Kootenay Indian Band Lands. This prohibition does not apply to a dog that is under the charge and control of:

(a) a responsible and competent person and is actively engaged in dog trials, dog shows, or other similar activities; or

(b) a peace officer, police constable, police officer or other person employed for the preservation and maintenance of the public peace, or an officer or a person having the powers of a customs and excise officer when performing a duty in the administration of the federal Customs Act or Excise Act, or an officer of member of the Canadian Forces, or a duly licensed and qualified security guard, while in the course of performing lawful duties;

3.8 All dogs while outside and not under the effective control on a leash held by a competent person must be kept in an Enclosure in the yard or the dog may be tethered in the yard a minimum of 2 metres from any side, front or backyard property line.

3.9 Notwithstanding section 3.8 hereof, where a back yard of a property is fully enclosed with a secure fence and gate which will effectively prevent any dog from escaping therefrom, a dog may be allowed to roam free anywhere therein.

4.0 CONTROL OF CATS

4.1 No person may keep or harbor more than two (2) cats in or on any premises on or a parcel of land within Lower Kootenay Indian Band Lands;

4.2 Every owner of a cat must ensure that the cat, if it is unsprayed or unneutered is not permitted to be running at large within Lower Kootenay Indian Band lands.

5.0 EXCREMENT

5.1 No owner of a dog will allow or suffer the dog to leave or deposit any feces or excrement in any public property or any park, school ground, boulevard, road allowance or parking lot unless the person immediately removes the feces or excrement and disposes of it in a sanitary manner;

5.2 No owner of a dog will allow or suffer the dog to leave or deposit any feces or excrement on any private property not under the care and control of the dog owner or onto private property on which the dog owner has not been invited, unless the person immediately removes the feces or excrement and disposes of it in a sanitary manner;

6.0 SEIZURE AND IMPOUNDING OF DOGS AND CATS

6.1 Council will itself, or contract to, establish and operate a Pound for the impounding of dogs and cats pursuant to the provisions of this by-law.

6.2 Council will, from time to time, as may be required, appoint or contract with a Poundkeeper, who will operate a Pound for the impounding of dogs and cats pursuant to the provisions of this by-law.

6.3 Council will, from time to time, as may be required, appoint or contract with an Dog and Cat Control Officer to enforce the provisions of this by-law.

6.4 The Dog and Cat Control Officer is authorized to seize and impound ay dog or cat found running at large or any dog that is not securely fenced or penned in accordance with standards for Enclosures established by Council, from time to time, or any dog with is not tethered in accordance with this by-law.

6.5 Subject to subsection (6), a Dog and Cat Control Officer who has seized a dog or cat shall restore possession of the dog or cat to its owner where:

- (a) the owner claims possession of the dog or cat within five (5) days after the date of seizure, and:
- (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the cat or dog.

6.6 Where a dog or cat has not been reclaimed within five (5) days after seizure, the Dog and Cat Control Officer may sell or humanely destroy or dispose of the dog or cat as he seems fit and no damages or compensation may be recovered as a result of the destruction or disposal of the dog by the officer.

6.7 Where, in the opinion of the Dog and Cat Control Officer, a dog or cat seized is injured, diseased for should be destroyed without delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog or cat as soon after seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of the dog or cat by the officer.

6.8 Where the Dog and Cat Control Officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this bylaw, he may destroy the dog and no damages or compensation may be recovered as a result of the destruction of the dog or cat by the officer.

7.0 PROTECTION FROM DOGS

7.1 A Dog and Cat Control Officer or any other person(s) or agency authorized by Council for the purpose of this by-law may destroy a dog(s) if the dog(s) is found:

(a) running in packs;

(b) pursuing, attacking, injuring, damaging, killing or destroying a person or a domestic animal.

7.2 An authorization under 7.1 must be in writing, but Council may, if of the opinion that situation is urgent, grant authority verbally or by means of an electronic communications device.

8.0 PENALTIES & FEES

8.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars (\$500) or to imprisonment for a term of 30 days or both.

8.2 The Poundkeeper will charge a fee of twenty-five (\$25.00) per day for impounding a dog or cat.

THIS BY-LAW IS HEREBY ENACTED by the Council of the Lower Kootenay Indian Band at a duly convened meeting of the Council dated on the ____ of _____, 2013.

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

A quorum for this band is 3.

CHIEF M. JASON LOUIE

COUNCILLOR MARY BASIL

COUNCILLOR ARLENE BASIL

COUNCILLOR ANNE JIMMIE

COUNCILLOR ROBIN LOUIE