

SECHELT INDIAN GOVERNMENT DISTRICT

LAW NO. 1996-05

A LAW TO PROVIDE FOR THE CONTROL, DESTRUCTION AND LICENSING OF DOGS AND OTHER ANIMALS WITHIN THE SECHELT INDIAN GOVERNMENT DISTRICT.

WHEREAS it is deemed expedient to regulate the keeping of dogs and other animals within the Sechelt Indian Government District and to provide for the setting, imposing and collecting of fees from the issuance of licences to any person who owns, possesses or harbors any dog;

AND WHEREAS PART III of the Constitution of the Band, paragraphs 14(1)(l), (p), (t) and (u) of the Sechelt Indian Band Self-Government Act, and Order-in-Council P.C. 1987-2125 authorize the District Council to make laws in relation to:

- (a) public order and safety on Sechelt lands;
- (b) the imposition on summary conviction of fines or imprisonment for the contravention of any law made by the Band government;
- (c) the creation of administrative bodies and agencies to assist in the administration of the affairs of the Band; and
- (d) matters related to the good government of the Band, its members or Sechelt lands;

The District Council of the Sechelt Indian Government District, in open meeting assembled, enacts as follows:

1. The Animal Control Law and the Animal Control Law No. 2 are hereby repealed.
2. This law may be cited for all purposes as the "GENERAL ANIMAL CONTROL LAW".

Definitions

3. In this law, or in any resolution of the District Council passed relating to this law, unless the context otherwise requires:

"Collar or Harness" means a device of leather, metal, nylon or similar material to be worn by a Dog and to which may be affixed both a tag and a Leash. The Collar or Harness shall be of sufficient strength and design to remain securely on the Dog and restrain the Dog wearing same;

"Commissioner" means the commissioner of the local federal police force;

"District" means the Sechelt Indian Government District;

"District Council" means the District Council of the Sechelt Indian Government District as duly constituted;

"Dog" means both male and female of the species canine;

"Dog Control Officer" means the person or persons appointed from time to time by the District Council to be the Dog Control Officer with the responsibility of carrying out the provisions of this law, or the authorized agent of any corporation or society, with whom the District Council has an agreement to act as Dog Control Officer;

"Domestic Animal" means an animal that is tame or kept, or that has been or is being tamed or kept, to serve some purpose for the use of persons;

"Highway" means any street, road, avenue, lane, crescent, bridge, alley, viaduct, public parking area, boulevard, or any other way open to the public or intended to be open to the public;

"Impoundment" means the seizing, delivering, receiving or taking into the Pound, or into the custody of the Dog Control Officer or the Pound Keeper as provided for herein;

"Leash" means a device of leather, metal, nylon or similar material of no more than two (2) meters in length which may be affixed to a Dog's Collar or Harness. It shall be of sufficient strength and design to remain securely affixed to the Collar or Harness and restrain the Dog wearing same;

"Non-spayed or non-neutered" means a Dog which is deemed to be non-spayed or non-neutered unless a certificate of spaying or neutering for such Dog issued by a qualified veterinarian is presented to the Dog Control Officer or Pound Keeper;

"Owner" means any person who possesses or harbors a Dog or Dogs or who has control, care or custody of it, and "owned" shall have a corresponding meaning;

"Pack" means two or more Dogs that are Running at Large;

"Pound" means the building or enclosure designated as a Pound by the District Council;

"Pound Keeper" means the person or persons appointed from time to time by the District Council to be Pound Keeper, or the authorized agent of any corporation or society, with whom the District Council has an agreement to act as Pound Keeper under the direction of the Dog Control Officer;

"Running at Large" means being elsewhere than on the premises of the Owner or a person having the custody, care or control of any dog, and not being under the immediate charge and control of a responsible and competent person;

"Treasurer" means the person or persons appointed from time to time by the District Council to be the Treasurer, or the authorized agent of any corporation or society, with whom the District Council has an agreement to act as Treasurer;

"Unlicensed dog" means a Dog over the age of six (6) months for which the licence for the current year has not been paid as provided for herein, or to any Dog that the tag provided for herein is not attached;

"Vicious Dog" means:

- a) any Dog with a known propensity, tendency or disposition to attack without provocation other Domestic Animals or humans;
- b) any Dog which has bitten or killed another Domestic Animal or human without provocation;
- c) a Dog which attacks or aggressively pursues a person or Domestic Animal; or
- d) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any Dog of mixed breeding which includes any of the aforementioned breeds.

#### Permitted Animals

4. No animal, other than domesticated Dogs and cats or other small Domestic Animals which may properly be housed within an Owner's dwelling place, shall be harbored within the District, other than in educational facilities for educational purposes.
5. Notwithstanding section 4 above, Vicious Dogs are prohibited within the District.

Licensing of Dogs

6. No person shall own, keep, harbor or have in his or her possession any Dog within the boundaries of the District unless a licence has been issued under this law for that Dog.
7. The Owner of every Dog shall, annually on or before the 31st day of January in each year, or as soon thereafter as such Dog attains the age of six (6) months, shall ensure the Dog is registered, numbered, described and licensed in the office of the Sechelt Indian Government District, or such office as designated by the District Council, and shall ensure that the Dog wears around its neck a Collar to which shall be attached the tag referred to in Section 12 of this law.
8. (a) No licence shall be issued under this law in respect of any Dog to any person under the age of eighteen (18) years unless and until such person provides the Dog Control Officer with written consent, in the prescribed form, of his or her parent or guardian;  
  
(b) Any parent or guardian providing written consent under this section shall, for the purposes of this law, be deemed to be the Owner of the Dog in respect of which the licence is issued.
9. The licence shall be issued by the Treasurer and applications for licences may be made to him/her, or to any other person duly authorized to receive same. Every licence shall be distinguished by a number and a record shall be kept by the Treasurer of all licences issued and for the purpose of identification a general description of the Dog in respect of which such licence was issued.
10. A non-resident who is the Owner of a Dog shall, prior to the expiry of thirty (30) days residency within the District, cause that Dog to be registered, numbered, described and licensed as outlined in this section.
11. Every application for a licence shall be accompanied by a licence fee payable to the Treasurer as set out in Schedule "A" of this law.
12. For each licence issued under this law a tag shall be issued having raised or stamped thereon the licence year and a number corresponding to the number under which the Dog is registered in the records of the District. The tag shall at all times be attached to the neck of the Dog by a Collar. No person other than its Owner shall remove any Collar, harness, or tag from any licensed Dog.
13. Any licence issued pursuant to this law is valid only for the Dog to which it was issued. Any person who places, affixes, or uses a licence or dog tag issued in respect of

one Dog on or for another Dog shall be guilty of a violation of this law.

14. Before issuing a dog licence and corresponding dog tag for a spayed female Dog or a neutered male Dog, the Dog Control Officer or his duly authorized representative may require a certificate of spaying or neutering for such a Dog by a qualified veterinarian.
15. No licence shall be issued for a Vicious Dog.
16. Nothing contained in this law shall be construed to apply to a Guide Dog for which a valid and subsisting certificate has been issued under the Guide Animal Act, R.S.B.C. 1990, c. 49. A licence shall be issued free of charge to such a Dog.

#### Control of Dogs

17. No person shall allow a Dog to be Running at Large within the District unless it is on a Leash of two (2) meters or less in length.
18. No person shall permit a female Dog in heat (estrus) to be in any place other than a building, cage, fenced-in area, or other place from which the female Dog cannot escape.
19. (a) No Owner shall allow any Dog, by its barks, bays, cries, or other noises, to unduly disturb the peace, quiet, rest or tranquility of others within the District or neighbouring areas.  
  
(b) No person may at any time own, keep, possess or harbor more than three Dogs over the age of six months.

#### Impoundment of Dogs

##### *Pound Keeper*

20. The District Council shall, from time to time as may be required, appoint a Pound Keeper and hire an assistant or assistants as deemed necessary and the District Council may enter into a contract or agreement with any persons to provide for such pound keeping services.

##### *Dogs Running at Large*

21. It shall be lawful for the Dog Control Officer to capture and impound any Dog found Running at Large within the District or on an adjoining Highway. No person shall hinder, delay or obstruct the Dog Control Officer, or any person or persons lawfully engaged in capturing or conveying any Dog.

*Vicious Dogs*

22. (a) The Dog Control Officer may seize any Vicious Dog found within the District. Such Vicious Dog shall be impounded, and it shall be the duty of the Dog Control Officer to receive such Vicious Dog and detain same for a period of three (3) days after its detention;
- (b) During the three (3) day period referred to in paragraph (a), the Dog Control Officer shall make reasonable efforts to ascertain the Vicious Dog's Owner and, if successful, shall notify such Owner of his or her intention to destroy such Dog unless the Owner redeems the Dog and permanently removes the Vicious Dog from the District within three (3) days of receiving such notification from the Dog Control Officer. A Dog is redeemed upon the proving of ownership and the payment of any unpaid or overdue licence fees and the applicable impoundment fees and maintenance fees as are set forth in Schedule "A" hereto. If the Vicious Dog is not so redeemed and removed, or if the Dog Control Officer cannot ascertain the Vicious Dog's Owner despite having made reasonable efforts to do so, the Dog Control Officer shall destroy the Vicious Dog.

*Destruction of Dogs*

23. Where a person finds a Dog attacking or viciously pursuing a person or a Domestic Animal, he or she may destroy the Dog.
24. Where a Dog Control Officer, peace officer, or any other person authorized by the Commissioner, finds a Dog running in a Pack, he or she may destroy the Dog.
25. Notwithstanding section 22 herein, the District Council may, on application by the Dog Control Officer and on being satisfied that a Dog has killed or injured, or is likely to kill or injure, a person or a Domestic Animal, order that the Dog be destroyed.
26. (a) A peace officer may, on application and with the consent of the Commissioner, or the person whom the Commissioner may in writing designate, and on being satisfied that a Dog has killed or injured, or is likely to kill or injure, a person or a Domestic Animal, order that the Dog be destroyed;
- (b) A consent from the Commissioner under subsection (a) shall be in writing, but the Commissioner or the person designated under subsection (a) may, where the Commissioner or the person designated is of the opinion that the situation is urgent, give consent verbally or by means of an electronic communication device.

*Redeeming of Impounded Dogs*

27. The Owner of an impounded Dog, which is not a Vicious Dog, shall be entitled to redeem the Dog within seventy-two (72) hours of its detention, as follows:
  - (a) In the case of a licensed Dog wearing a tag, notification may be sent to the person at the address shown on the licence application form or by telephone where the telephone number of the Owner is known; and
  - (b) In the case of an unlicensed Dog or a Dog without a tag, by posting a notice of impoundment with a description of the Dog impounded on the window at the main entrance to the District Council Office or other designated place.
28. The Owner of any impounded Dog may redeem the same upon proving ownership thereof and paying to the Dog Control Officer or Pound Keeper any unpaid or overdue licence fees, and the applicable impoundment fees and maintenance fees as are set forth in Schedule "A" hereto.
29. Where the ownership of an impounded Dog can be proven, the Owner shall be responsible for all expenses incurred for licensing, impounding, boarding or destruction of their Dog until the dog is claimed, adopted or destroyed.
30. It shall be lawful for the Dog Control Officer to dispose, of any Domestic Animal not redeemed within seventy-two (72) hours of impoundment.

*General*

31. The Dog Control Officer may receive any Dog delivered to him which has been seized or impounded pursuant to the provisions of this law, and he or she may retain such Dog and deal with the same in the manner as other Dogs seized, received and retained by him or her, pursuant to this law.
32. The Dog Control Officer or Pound Keeper shall provide and supply shelter, food and water daily to all impounded Dogs.
33. The Dog Control Officer shall maintain proper records of all monies received by him pursuant to the provisions of this law and shall, at least once in every month, pay over to the Treasurer the monies so received pursuant to the provisions of this law.
34. All licence fees collected pursuant to the provisions of this law and all fines, penalties and forfeitures imposed for the violation of any of the provisions hereof shall be

paid to the Treasurer to the credit of the District or its designate.

35. (a) It shall be the duty of the Treasurer to furnish to the Dog Control Officer a book or other forms in which he or she shall record the description of every Dog impounded by him, the name of the person who took or sent the same to be impounded (if any), the day and hour on which it was received, redeemed, or sold and the amount of charges paid by, and the name of the person redeeming and the proceeds of the sale (if any made) or the other disposal of the Dog;
- (b) The Dog Control Officer shall on or before the first day of each and every month, make a return, in the form prescribed by the Treasurer, stipulate the number and description of all Dogs received by him or her during the preceding month with the several particulars herein before required to be entered in such book and other information the Treasurer may deem necessary.
36. (a) The Dog Control Officer may, where he or she has reason to believe that a Dog, for which a licence for the current year has not been paid, or that a Dog not bearing the Collar and tag as required by this law has taken refuge on any premises, request the occupant of such premises to satisfy him or her that such licence has been paid and to exhibit such tag or to forthwith deliver to him such Dog;
- (b) Where any Dog is found to be on any such premises as aforesaid, any person, who fails or refuses to exhibit such licence receipt and tag, or who fails, neglects, or refuses to deliver such Dog on request, and who resists or interferes with such Dog Control Office in seizing such Dog, shall be deemed to be guilty of an infraction of this law, and shall be subject, upon conviction, to the penalties herein provided.
37. It shall be unlawful for any person to release or rescue or to attempt to release or rescue any Dog lawfully in the custody of the Dog Control Officer.
38. The District Council or its designates may waive any of the fees prescribed by this law at its discretion.

#### Penalties

39. (a) Every person who offends against or violates any of the provisions of this law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this law, shall be deemed to have committed an offence under this law and, upon



conviction thereof before a Judge having jurisdiction, shall be liable to a fine not exceeding two thousand dollars (\$2,000.00);

- (b) Each day that a violation of the provisions of this law exists or is permitted to exist shall constitute a separate offence.
40. (a) Any person who interferes with, obstructs or impedes the Dog Control Officer in the lawful performance of his or her duties shall be deemed to be guilty of a violation of this law;
- (b) Any person attempting to take or rescue or takes or rescues any Dog in the custody of a Dog Control Officer or any other person under the provisions of this law shall be guilty of a violation of this law.

#### Right of Entry

41. The Dog Control Officer is authorized to enter at all reasonable times upon any property within the District in order to determine whether all of the provisions of this law are being complied with.

#### Trespass

42. Any Domestic Animal found Running at Large within the District or on an adjoining Highway shall be subject to this law and its Owner shall be subject to the conditions and penalties prescribed by this law including damages to persons and/or property resulting from the trespass.

Severability

43. If any section, subsection or clause of this law is held by a Court of competent jurisdiction to be invalid, it shall be severed and the remainder shall be deemed to be valid as if adopted without the invalid section, subsection or clause.

Read a First Time this 11 day of DECEMBER, 1996

Read a Second Time this 11 day of DECEMBER, 1996

Read a Third Time this 11 day of DECEMBER, 1996

Reconsidered, finally passed and adopted by the District Council, signed by the Chief Councillor and the Clerk and sealed with the seal of the Sechelt Indian Government District on the 13 day of DECEMBER, 1996.

Chief Councillor Amy Teasdale  
Chief Councillor

[Signature]  
Clerk

Certified a true copy of  
Law No. 1996-05 as adopted.

[Signature]  
Clerk of the Sechelt Indian  
Government District

SCHEDULE "A"

1. LICENCE FEES

- (A) For every Dog except as noted below \$10.00
- (B) For every unspayed or unneutered dog \$30.00
- (C) A dog having a valid license for the current year issued in the Province of British Columbia \$ 5.00
- (D) Replacement of lost tag \$ 5.00
- (E) Should license fees not be paid by the 31st day of January of the licensing year, then the Owner of any Dog not so licensed shall pay 2 (two) times the fees set out above.
- (F) No person shall be required to pay more than \$90.00 for regular Dog licence fees in one calendar year.
- (G) No person shall be required to pay more than \$180.00 for delinquent licence fees in one calendar year.
- (H) The required licence fee shall be reduced by 50% when verification is provided that the Owner of the dog is a senior citizen.

2. IMPOUNDMENT FEES

- (A) For any spayed female or neutered male, impoundment fees as follows:
  - (i) first impoundment \$30.00
  - (ii) second impoundment within 12 months following first impoundment \$50.00
  - (iii) third impoundment within 12 months following second impoundment \$70.00
  - (iv) each additional impoundment in one calendar year \$90.00
- (B) For any unspayed female or unneutered male impoundment fees as follows:
  - (i) first impoundment \$50.00
  - (ii) second impoundment within 12 months following first impoundment \$70.00

(iii) third impoundment within 12 months following second impoundment \$90.00

(iv) each additional impound in one calendar year \$110.00

(C) Board fees of ten dollars (\$10.00) per day or part thereof for the time such dog was impounded.

2. Impoundment fees, cont.

(D) (i) notwithstanding (A), (B), and (C) above, an impoundment fee of \$200.00 shall apply upon the First impoundment of a Vicious Dog.

(ii) not withstanding (A), (B), and (C) above, an impoundment fee of \$500.00 shall apply upon the second impoundment of a Vicious Dog.

(iii) not withstanding (A), (B), and (C) above, an impoundment fee of \$1000.00 shall apply upon the third impoundment of a Vicious Dog.

(iv) this schedule of impounding fees for Vicious Dogs shall be cumulative over time and not follow the calendar year.

(v) notwithstanding (A), (B), (C), (D) above, where a Vicious Dog has caused injury to a person or domestic animal a sum of One Thousand Dollars (\$1,000.00) for the first impounding of the Dog, or

(vi) notwithstanding (A), (B), (C), (D) above, where a Vicious Dog has caused injury to a person or Animal, the Dog Control Officer may detain said Dog pending a hearing under Section 8 of the Livestock Protection Act to seek an order to have said Dog humanely destroyed. Should the order not be granted the dog may be redeemed by the owner upon payment of the fee in the amount of One Thousand Dollars (\$1,000.00). Plus all extraordinary costs incurred in the course of impounding said dog, due and payable at the time of reclamation.

**SECHELT INDIAN GOVERNMENT DISTRICT**

**BYLAW NO. 2017-11**

**A Bylaw to amend multiple laws  
Regarding Titles**

WHEREAS most Sechelt Indian Government District (SIGD or the "District") legislation is titled "Law" rather than "Bylaw";

AND WHEREAS the SIGD wishes to harmonize its legislation to reflect its municipal nature;

NOW THEREFORE the District Council of the SIGD, in open meeting assembled, enact the amendments to the legislation listed in the Schedule to this Act as follows:

1. The title of the legislation be changed from "Law No." to "Bylaw No." For clarity, the numbers of each piece of legislation shall remain the same; and
2. Any references in the legislation to the legislation as "Law" be changed to "Bylaw".

Read a First time this 12<sup>th</sup> day of September, 2017.

Read a Second time this 12<sup>th</sup> day of September, 2017.

Read a Third time this 12<sup>th</sup> day of September, 2017.

Adopted this 17<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Chief Councillor

  
\_\_\_\_\_  
Manager of Sechelt Indian Government  
District

Certified a true copy of  
Bylaw No. 2017-11 as adopted.

## BYLAW NO. 2017-11

## SCHEDULE

1988-01 Procedure Law  
1988-02 Interpretation Law  
1988-11 Traffic Law  
1988-14 Procedure Law No. 2  
1988-16 Procedure Law No. 3  
1988-17 Actions and Executions Law  
1989-05 Business Licence Law  
1989-06 Traffic Sign Law  
1989-08 Street Naming Law  
1989-09 Fire Protection Services Law  
1990-05 Sewer Inspector Law  
1991-01 Sewer Parcel Tax Law No. 1  
1991-06 Procedure Law No. 4  
1992-05 British Columbia Regulation No. 244/88 Adoption Law  
1996-01 Appointment of Approving Officer Law  
1996-05 General Animal Control Law  
1997-04 Revised Statutes (SIGD), 1996 Law  
1998-03 Emergency Measures Law  
2006-04 An Amendment to Interpretation Laws  
2007-01 State of Local Emergency Bylaw (Sunshine Coast) Law  
2008-03 Burning and Smoke Release Law  
2009-03 Property Assessment Law  
2010-03 Unsightly Premises Law