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Sechelt Indian Government District

Bylaw No. 2019-01

**A bylaw to provide for the control, keeping, destruction, and licencing of dogs and other animals within the Sechelt Indian Government District.**

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- A. WHEREAS it is deemed expedient to regulate the keeping of dogs and other tame domestic animals within the Sechelt Indian Government District,
- B. WHEREAS it is deemed expedient to provide for the fixing, imposing and collecting of licence fees from the issuance of licences to any person who owns, possesses or harbours any dog;
- C. WHEREAS PART III of the Constitution of the Band, paragraphs 14(1) (l), (p), and (u) of the *Sechelt Indian Band Self-Government Act*, and Order-in-Council PC 1987-2125 authorized the District Council to make bylaws in relation to:
- a. Public order and safety and the control of animals on Sechelt lands;
  - b. The imposition on summary conviction of fines or imprisonment for the contravention of any bylaw made by the Band Council;
  - c. Matters related to the good government of the Band, its members or Sechelt lands;
- D. NOW THEREFORE the District Council of the Sechelt Indian Government District in open meeting assembled enacts as follows:
- 1. This bylaw may be cited for all purposes as the "Animal Care and Control Bylaw."
  - 2. The "General Animal Control Bylaw No. 1996-05" is hereby repealed.

**PART I - DEFINITIONS**

3. In this bylaw, or in any resolution of the District Council passed in relation to this bylaw, unless context requires otherwise:
- (a) "Animal Control Officer" means a person or persons appointed from time to time by the District Council to be the Animal Control Officer, to carry out the provisions of

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this bylaw, or the authorized agent of any corporation or society, with whom the District Council has an agreement to act as the Animal Control Officer.

- (b) "Animal Shelter" means the building or enclosure designated for the keeping of animals by the District Council.
- (c) "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.
- (d) "Commissioner" means the commissioner of the local federal police force
- (e) "Dangerous Dog" means a Dog that:
  - (i) has killed or seriously injured a person; or,
  - (ii) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or,
  - (iii) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person, such as having a previous designation as a dangerous dog.
- (f) "District" means the Sechelt Indian Government District.
- (g) "District Council" means the District Council of the Sechelt Indian Government District.
- (h) "Dog" means both male and female of the species canine over the age of three months.
- (i) "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.
- (j) "Enclosure" means
  - (i) A locked pen or other structure having secure sides and a secure top, and constructed to prevent the entry of young children and the escape of dogs or other animals and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of 450 millimeters; and,
  - (ii) The locked pen or other structure shall provide the dog or animal with shelter from the elements and be of the minimum dimensions of one and one-half

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(1.5) metres by three (3) metres and be a minimum one and on-half (1.5) metres in height; and,

- (iii) The locked pen or other structure shall not be within one (1) metres of the property line or within five (5) metres of the neighbouring dwelling unit.
- (k) "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.
- (l) "Impounding" means an animal that is seized, delivered, received or taken into the Animal Shelter, or in the custody of the Animal Control Officer or the Poundkeeper as provided for herein.
- (m) "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 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.
- (n) "Owner" means any person who possesses or harbours a dog or dogs or who has control, care or custody of it, and "owned" shall have a corresponding meaning.
- (o) "Pack" means two or more Dogs that are Running at Large.
- (p) "Poundkeeper" means the person or persons appointed from time to time by the District Council to be Poundkeeper, or the authorized agent of any corporation or society, with whom the District Council has an agreement to act as Poundkeeper under the direction of the Animal Control Officer.
- (q) "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, and includes

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being unlawfully at large on a highway or public place, straying or trespassing on private property, or being on unfenced land and not securely tethered or contained.

- (r) "Sechelt Lands" has the same meaning as in the *Sechelt Indian Band Self-Government Act*, SC 1986, c 2.
- (s) "Treasurer" means the Treasurer of the Sechelt Indian Government District.
- (t) "Unlicenced dog" means a dog over the age of 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.
- (u) "Unsanitary Environment" means an environment or habitat that contains objects that may cause injury to any person or animal or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort, or convenience of any person or animal.
- (v) "Unspayed or un-neutered": A dog shall be deemed to be unspayed or un-neutered unless a certificate of spaying or neutering for such dog issued by a qualified veterinarian is presented to the Animal Control Officer or Pound Keeper.
- (w) "Vicious Dog" means a Dog with one or more of the following characteristics:
  - (i) a known propensity, tendency or disposition to attack without provocation other Domestic Animals or humans; [or,
  - (ii) 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; or,
  - (iii) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person, such as having a previous designation as a dangerous dog.

#### **PART II – PERMITTED ANIMALS**

4. A person shall harbour on Sechelt Lands only domesticated Dogs, or other small Domestic Animals, including cats, which may be properly housed within an Owner's dwelling place except for other animals for educational purposes in educational facilities.
5. No person may at any time own, keep, possess or harbour more than two Dogs over the age of six months in a dwelling unit, or on land surrounding a dwelling unit, unless that person

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is operating a licenced veterinary clinic, kennel, or there is a resolution of the District Council permitting them to do so.

6. Nothing contained in this Bylaw shall be construed to apply to a Guide Dog for which a valid and subsisting certificate has been issued under the "*Guide Animal Act, RSBC, 1990 C49*". A licence shall be issued at no cost to the Owner of a Guide Dog.

### **PART III - LICENCING OF DOGS**

7. No person shall own, keep, harbour or have in their possession any Dog within the District unless a valid dog licence has been issued for that Dog.
8. 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, ensure the Dog is registered, numbered, described and licenced in the office of the District, or other office designated by the District Council.
9. Every application for a dog licence shall be accompanied by a licence fee payable to the Treasurer as set out in Schedule "A" of this bylaw.
10. No dog licences under this bylaw shall be issued to any person under the age of nineteen (19) years of unless that person provides the Animal Control Officer with written consent, in the prescribed form, from their parent or guardian.
11. Any parent or guardian providing written consent for a dog licence to be issued to a person under the age of eighteen (19) years shall be deemed to be the Owner of the Dog for which that licence was issued.
12. The dog licence shall be issued by the Treasurer, or their designate, and applications for dog licences may be made to them, or to any other person duly authorized to receive licence applications. Every dog licence shall be distinguished by a number and a record shall be kept

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by the Treasurer of all dog licences issued and for the purpose of identification a general description of the Dog in respect of which such licence was issued.

13. A non-resident who is the owner of a Dog at the expiry of thirty (30) days residency within the District shall cause that Dog to be licenced under this bylaw.
14. For each dog licence issued under this bylaw a dog tag shall be issued that indicates the licence year and a number corresponding to the number under which the Dog is registered in the records of the District.
15. The person to whom a dog licence is issued under this bylaw shall, while the licence is valid, affix and keep affixed the corresponding dog tag to a collar or harness worn at all times by the Dog for which the dog licence is issued.
16. Where a dog licence or dog tag is lost or destroyed, the person to whom the original dog licence was issued shall replace the licence or corresponding dog tag by requesting a replacement and by paying to the District the prescribed fee in Schedule "A" of this bylaw.
17. Before issuing a dog licence for a spayed female or a neutered male Dog, the Treasurer or their duly authorized representative may require a certificate of spaying or neutering for that Dog, by a qualified veterinarian.
18. A dog licence issued is valid only for the Dog to which it was issued. No dog licence or dog tag issued in respect of one dog shall be transferred, affixed, or used for another Dog.

#### **PART IV – CARE AND CONTROL OF DOGS**

19. No person shall allow or permit a Dog to be Running at Large on Sechelt Lands.
20. Any Dog on a public place must be on a leash of two (2) meters or less in length unless in a posted "off-leash" area.
21. No owner shall allow or suffer or permit an animal to foul a public place or private place by the deposit of excrement unless the owner immediately takes steps to remove and dispose of the excrement in a sanitary manner, such as with a scoop and container, or the animal is on the property of the owner of the animal.
22. No person shall keep an animal in an Unsanitary Environment.
23. No person shall cause an animal to be confined in a closed space or vehicle, including a car, without adequate ventilation. If an animal is contained in any closed space or stationary

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vehicle, that closed space or vehicle shall be in an area providing sufficient shade to protect the animal from the sun at all times.

24. No person shall permit any 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 can not come in contact with other dogs.
25. No person shall allow any Dog, by its barks, bays, cries, or other noises, to unduly disturb the peace, quiet, or tranquility to others within the District or neighbouring area.

**PART V – DANGEROUS DOGS**

26. No dog licence shall be issued for a Dangerous Dog.
27. No person shall allow or enable the presence of a Dangerous Dog within the District.
28. Where the Animal Control Officer has a reasonable belief that a dog is a Dangerous Dog, and has advised the owner of that determination in writing, the Owner shall immediately

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remove that Dangerous Dog from the District or otherwise dispose of the Dangerous Dog in a humane manner.

**PART VI – VICIOUS DOGS**

29. A person who possesses or harbours a Vicious Dog on Sechelt Lands shall ensure the Vicious Dog is contained at all times in an Enclosure while the Vicious Dog is on the person's premises.
30. No person on Sechelt Lands who possesses or harbours a Vicious Dog shall permit, suffer or allow the Vicious Dog to be on any highway or in any other place that is not owned or controlled by that person unless the Vicious Dog is:
  - (a) Secured by a collar and leash that is a maximum of one (1) metre; and,
  - (b) effectively muzzled to prevent it from biting another animal or a human.
31. A person who owns, possesses, or harbours a Vicious Dog shall immediately notify the Animal Control Officer if the Vicious Dog is Running at Large on Sechelt Lands.

**PART VII - IMPOUNDING OF ANIMALS**

32. The Animal Control Officer may seize any Dog within the District that is:
  - (a) Not licenced as required by this Bylaw; or,
  - (b) Running at Large on Sechelt Lands; or,
  - (c) On unfenced land and not securely tethered or contained.
33. Where an Animal Control Officer has a reasonable belief that a Dog is a Dangerous Dog, that officer may seize such Dog in accordance with section 49 of the *Community Charter*, as amended from time to time.
34. The Poundkeeper shall impound any animal seized and delivered to the pound by an Animal Control Officer under this Bylaw, and may receive and impound any animal delivered to them by any other person, and the Poundkeeper may retain and deal with such animal in the



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- same manner as other animals seized, received and retained by Animal Control Officer under this bylaw.
35. Within 24 hours of the impoundment of animal by the Poundkeeper, the Animal Control Officer shall attempt to notify the Owner of that animal of the impoundment through one or more of the following methods:
- (a) In the case of a licenced Dog wearing a dog tag:
    - (i) In-person to the Owner, or to an adult who is present at the address shown on the licence application form; or,
    - (ii) By telephone, where the telephone number of the Owner is known; or,
    - (iii) By email, where the email address of the Owner is known; or,
    - (iv) By mail, sending a written notification of impoundment to the person at the address shown on the licence application form.
  - (b) In the case of an unlicenced dog or a dog without a tag, by posting a notification of impoundment with a description of the dog impounded on the window at the main entrance to the District office.
36. Under this bylaw, the start of the impoundment notice period is the time of the first attempt of an Animal Control Officer to contact the Owner of an animal in accordance with section 35, and the time of such attempt shall be documented by the Animal Control Officer.
37. The District Council shall, from time to time as may be required, appoint a Poundkeeper 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 animal shelter services.
38. The Poundkeeper shall provide and supply shelter, food and water daily to all impounded animals.
39. Where the ownership of an impounded animal can be proven, the Owner shall be responsible for all expenses incurred for licencing, impounding, boarding or euthanasia of the animal until the animal is claimed, adopted or euthanized.
40. The Owner of an impounded animal shall be entitled to redeem the animal within three (3) business days of start of the impoundment notice period, upon
- (a) proving ownership of the animal; and,
  - (b) paying to the Poundkeeper any unpaid or overdue licence fees, plus impoundment fees, plus maintenance fees as set out in Schedule "A".

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41. Despite section 41, the Poundkeeper may impound a Dangerous Dog:
- (a) for a period of up to 20 days before allowing the Owner to redeem the animal on proving ownership of the animal and paying to the Poundkeeper any unpaid or overdue licence fees, plus impoundment fees, plus maintenance fees as set out in Schedule "A"; or,
  - (b) for a period of more than 21 days where court proceedings for a destruction order have been commenced within that time.
42. An animal that has been impounded under this Bylaw becomes property of the District if it is not redeemed within three (3) business days of the start of the impoundment notice period, or for Dangerous Dogs, within 24 hours of the expiration of the impoundment period under section 40(a).
43. If an animal becomes property of the District under section 41, the Poundkeeper may humanely dispose of any animal, including by:
- (a) Selling it on behalf of the District;
  - (b) Giving it away;
  - (c) Euthanizing the animal in a humane manner in accordance with the standards approved by the British Columbia Veterinary Medical Association;
44. The Poundkeeper may euthanize, in accordance with human euthanization standards approved by the British Columbia Veterinary Medical Association, any impounded animal deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if reasonable efforts to contact the owner of the animal have failed.

#### **PART VIII - FINANCIAL ADMINISTRATION**

45. All licence fees collected pursuant to the provisions of this bylaw and all fines, penalties and forfeitures imposed for the violation of any of the provisions hereof shall be paid to the credit of the District.
46. The Poundkeeper shall maintain proper records of all monies received by them pursuant to the provisions of this bylaw and shall, at least once in every month pay over to the Treasurer the monies so received pursuant to the provisions of this bylaw.
47. The Treasurer shall provide to the Poundkeeper a book or other forms in which they shall record the description of every dog impounded, the name of the person who took or sent the Dog to be impounded (if any), the day and hour on which it was received, redeemed, or sold

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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;

48. The Poundkeeper shall on or before the first day of each and every month, make a return in writing to the Treasurer, giving the number and description of all Dogs received by him 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; such return shall be in the form prescribed by the Treasurer.
49. The District Council or its designates may waive any of the fees prescribed by this bylaw at its discretion.

#### **PART IX – DESTRUCTION OF DOGS**

50. If the Animal Control Officer has reasonable grounds to believe that a dog is a Dangerous Dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.
51. A police officer, or other person authorized by the Commissioner, may destroy a Dog that is running in a Pack and does not appear to be licenced under this Bylaw.

#### **PART X - PENALTIES**

52. Any person who has control over a Dog and who fails or refuses to exhibit a licence receipt and tag for that dog as requested by the Animal Control Officer, or who fails, neglects, or refuses to deliver such Dog on request of the Animal Control Officer, and who resists or interferes with such Animal Control Officer in seizing such Dog, shall be deemed to be guilty of an infraction of this bylaw, and shall be subject, upon conviction, to the penalties herein provided.
53. Every person who offends against or violates any of the provisions of this bylaw or who suffers or permits anything to be done in contravention or violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to have committed an offence under this bylaw and, upon conviction thereof before a Judge having jurisdiction, shall be liable to a fine not exceeding two thousand dollars (\$2,000.00).
54. Each day that a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

#### **PART XI - ENFORCEMENT**

55. The Animal Control Officer is authorized to reasonably enter at all reasonable times upon any property within the Sechelt Indian Government District in order to conduct an

inspection for compliance with this Bylaw. No person shall hinder, delay or obstruct the Animal Control Officer, or any person lawfully engaged in capturing or conveying any animal to the Animal Shelter.

56. No person shall release or rescue or attempt to release or rescue any dog lawfully in the custody of the Animal Control Officer or Poundkeeper under this bylaw.
57. The Animal Control Officer may request the owner or occupant of a premises where a Dog is being kept or has taken refuge to satisfy the Animal Control Officer that a valid licence has been issued for that Dog, where the Animal Control Officer has reason to believe that a dog licence for the current year has not been paid, or dog tags are not affixed to the Dog.
58. The Owner of any Domestic Animal found Running at Large within the District shall be subject to the conditions and penalties prescribed in this bylaw, including damages to persons or property resulting from the trespass.

**PART XII - SEVERABILITY**

59. If any section, subsection or clause of this Bylaw 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 15<sup>th</sup> day of January, 2019

Read the Second time this 19<sup>th</sup> day of March, 2019

Read the Third time this 17<sup>th</sup> day of April, 2019

Adopted this 21<sup>st</sup> day of May, 2019



Chief Councillor



Manager of the Sechelt Indian Government District  
Certified a true copy of Bylaw No. 2019-01 as adopted

## shíshálh Nation Government District Bylaw No. 2019-01, Schedule “A”

### 1. LICENSE FEES

- (A) For every dog except as noted below \$25.00
- (B) For every unspayed or unneutered dog \$50.00
- (C) A dog having a valid license for the current year issued in the Province of British Columbia. \$10.00
- (D) Replacement of lost tag. \$10.00
- (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) The required license fee shall be reduced by 25% when verification is provided that the owner of the dog is a senior citizen.

### 2. IMPOUNDMENT FEES

- (A) For every dog except as noted below, impoundment fees as follows:
  - (i) first impoundment in one calendar year \$60.00 plus board
  - (ii) second impoundment in one calendar year \$120.00 plus board
  - (iii) third impoundment in one calendar year \$240.00 plus board
  - (iv) each additional impound in one calendar year \$300.00 plus board
- (B) notwithstanding (A) above, an impoundment fee of a vicious dog regardless of whether the vicious dog is licensed or unlicensed.
  - (i) first impoundment \$250.00 plus board
  - (ii) second impoundment \$500.00 plus board
  - (iii) third impoundment \$1000.00 plus board
  - (iv) each additional impound \$1500.00 plus board
  - (v) this schedule of impounding fees for vicious dogs shall be cumulative over time and not follow the calendar year.
  - (vi) notwithstanding (A) and (B) above, where a vicious dog has caused injury to a person or domestic animal the Dog Control Officer may detain the dog pending a hearing under Section 49(10) of the Community Charter to seek an order to have the dog humanely destroyed. If the order is not granted, the dog may be redeemed by the owner upon payment of the impound fee PLUS all extraordinary costs incurred in the course of impounding the dog, payable at the time of reclamation.
- (C) Board fees pre day or part thereof for the time such dog was impounded. \$30.00

3. For the purpose of this bylaw a “senior citizen” is any person of the proven age of not less than sixty-five (65) years.