

Leq'á:mel First Nation

43101 Leq'á:mel Way
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Dog Control By-Law Being a By-Law respecting the Control of Dogs on the Reserve By-Law No. 1998.01

Enacted on the 20th day of May, 1998.

WHEREAS Section 81, paragraph (a), (d), (e) and (r) of the *Indian Act* empower the Council of a Band of Indians to pass by-laws to provide for the health of the residents on the 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 Leq'á:mel First Nation is of the opinion that the uncontrolled ownership, breeding and running at large of dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE the Council of Leq'á:mel First Nation enacts a by-law as follows:

Short Title

1. This by-law may be cited as the “Leq'á:mel Reserve Dog Control By-Law”

Interpretation

2. In this by-law:

“Council” means the Council of the Band;

“Dog” means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;

“Muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything;

“Officer” means any band constable or member of the RCMP, as appointed by the Council and any member of the RCMP, or any duly appointed dog catcher;

“Owner” of a dog includes a person who possesses or harbours a dog, and ‘owns’ and ‘owned’ have corresponding meaning;

“At Large” or “running at large” means off the premises of the owner and not muzzled or under control of any person;

“Reserve” means the Leq'á:mel First Nation reserve(s) numbers 1, 2, 3, 4, 5, 8, 9, 10, 11 and 12.

3. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned at all times.
 - (2) A dog need not be tethered or penned 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 a lawful manner with sheep or cattle; or
 - d. Is being used by a visually impaired person as a guide dog.
- (3) No owner shall allow his dog to remain unfed or unwatered as sufficiently long as to amount to cruelty or to cause the dog to become a nuisance.
 - (4) No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
 - (5) No owner shall permit a dog to bark, yelp and growl or otherwise annoy or disturb the peace of residents on the reserve.
 - (6) No owner shall permit a female dog in heat to be let off the owner's premises.
 - (7)
 - a. The Council may at any time prohibit the keeping of dogs within any area of the reserve.
 - b. Notice of any prohibition made by Council pursuant to paragraph (a) shall be posted in the Band office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

Seizure

- 4. (1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (2) Subject to subsection (4), an 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 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 dog.
- (3) Where, in the opinion of the officer, a dog seized under this section is injured, diseased or should be destroyed without delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog 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 by the officer.

Destruction where unable to seize

- 5. (1) Where an officer, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, he may destroy the dog.
- (2) An officer pursuant to subsection (1) may recover no damages or compensation as a result of the destruction of a dog.

Protection from dogs

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

- a. a person;
- b. another dog that is tethered; or
- c. a food cache, harness or other equipment.

(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

7. 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 (\$500.00), or to imprisonment for a term not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY ENACTED by the Council of Leq'á:mel First Nation at a duly convened meeting of the Council held on the 20th of May, 1998.