



Animal Control By-law

Policy Number: 001-000	References and Related Documents Application for Dog Licence (Approved Apr. 16, 2019) Application for Release of Impounded Dog (Approved Apr. 16, 2019) Application for Release of Dangerous Dog (Approved Apr. 16, 2019) Dog Incident Report Form (Approved Apr. 16, 2019)
Section: Council	
Sub-Section: Reserve	
Interpreter: Council	
Authority: Council	
Effective Date: April 16, 2019	
Replaces: N/A	
Last Modified: April 16, 2019	

A By-law respecting the Care and Control of Animals for the Fort Nelson First Nation Reserve

WHEREAS section 81, paragraphs (a), (d), (e), (q) and (r), of the *Indian Act* empower the Chief and Council to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, in addition to, 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 Fort Nelson First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE, the Council of the Fort Nelson First Nation enacts this Animal Control Bylaw BL-RSV-001-000, as follows:

PART I – GENERAL

1. Short Title

1.1 This by-law may be cited as the Fort Nelson First Nation Animal Control By-law.

2. Definitions

2.1 “animal” means a dog, a cat, or any other domestic animal

2.2 “animal control officer” means an animal control officer, appointed pursuant to Section 3, or any by-law enforcement officer, including a police officer or a person employed by Fort Nelson First Nation for the purpose of enforcing the provisions of this by-law

2.3 “animal register” means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve

2.4 “band” means the Fort Nelson First Nation, as defined by Section 2 of the Indian Act

2.5 “cat” means any cat, male or female



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2.6 “Council” means the Council of the Fort Nelson First Nation

2.7 “dangerous dog” includes:

- a. any dog that has bitten and injured a person without provocation;
- b. any dog that 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;
- c. any dog that an Animal Control Officer has reasonable grounds to believe is likely to kill or injure another domestic animal or person;

2.8 “dog” means any dog, male or female and includes an animal that is a cross between a dog and a wolf

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

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

2.11 “owner” of an animal includes a person who possesses or harbours an animal, and the terms “owns” and “owned” have corresponding meaning

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

2.13 “reserve” means the Fort Nelson First Nation Indian Reserve IR#2

2.14 “veterinarian” means a qualified veterinarian physician

3. Application

3.1 This by-law applies to all owners of domestic animals residing or visiting on the Fort Nelson First Nation Reserve IR#2.

PART II – ADMINISTRATION

4. Animal Control Officer



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4.1 The Council may appoint, by Band Council Resolution, an animal control officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.

4.2 The Council may in the Band Council Resolution, provide for reasonable remuneration to be paid to the animal control officer.

5. Registration and Identification of Animals

5.1 Every person keeping one or more dogs or other domestic animals on the reserve shall register and have an identification tag attached to the collar or harness of the animal at all times.

5.2 The application for registration and identification tag shall be filed with the animal control officer and must include:

- a. the applicant's name;
- b. the applicant's address or lot number;
- c. a description of the dog or other animal sought to be registered, including age, sex, name and breed if known;
- d. the number of animals in the household;
- e. a record that the animal is immunized against rabies, noting the date of such immunization, the name of the person immunizing the animal, including the manufacturer's name of the vaccine and its batch number; and
- f. any other information deemed by the animal control officer to be necessary for the proper administration of the by-law.

5.3 The charge for registration and identification tags shall be \$25.00 annually.

5.4 The animal control officer shall issue the licence tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.

5.5 The license tag shall be securely attached to the collar or harness of the animal at all times.

5.6 The registration and identification tag will be valid for one full year from the date of issuance.

6. Immunization of Animals



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- 6.1 All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
 - 6.2 The owner of any animal exposed to rabies shall surrender such animal to the animal control officer to be held by the contracted kennel services provider in quarantine for a period of 14 days and said animal shall not be released from such quarantine without the written permission of a veterinarian.
 - 6.3 The owner of any animal which has bitten any person or which has been exposed to rabies shall forthwith surrender the animal to the animal control officer to be held in quarantine at the discretion of a veterinarian.
 - 6.4 Any animal found to be infected with rabies shall be destroyed by a qualified practitioner at the owner's expense.
7. Limitation on Animals per Dwelling
 - 7.1 No more than three (3) domestic animals shall be kept, harboured or possessed in any dwelling;
 - 7.2 The provisions of subsection 7.1 shall not apply to dog or cat litters, whereby the pups or kittens are under four (4) months of age.
8. General Prohibitions
 - 8.1 No owner shall permit a dog to be a public nuisance by:
 - a. permitting the dog to be on the street, lane, highway, boulevard, school ground, playground, park or other public place on the Reserve unless such dog is held on a leash by a person capable of restraining the dog's movements;
 - b. permitting the dog to trespass onto private property;
 - c. permitting the dog to cause damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plans, or other parts of property;
 - d. permitting the dog to bark, yelp, growl, howl, or otherwise annoy or disturb the peace of residents on the reserve;
 - e. permitting the dog to leave or deposit waste, while on public or private property belonging to another person, without immediately picking up and thereafter disposing of said waste.



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8.2 No owner shall allow a female animal in heat to remain in any public place unless the animal is on leash and is under the observation and control of the person responsible for the animal.

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

8.4 No person shall punish or abuse a dog in a manner which is cruel or unnecessary.

9. Prohibitions within Specific Areas of the Reserve

9.1 The Council may at any time prohibit the keeping of animals within areas of the reserve.

9.2 Notice of any prohibition made by Council pursuant to subsection 9.1 shall be posted in the Administration Building and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.

9.3 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 Council, by way of Band Council Resolution.

10. Dangerous Dogs

10.1 Any individual, who is responsible for a dog that has been classified as dangerous, must post a clearly visible sign outside the premises to notify the public.

10.2 In public spaces, a dangerous dog must be muzzled and kept on leash at all times.

10.3 On private property, a dangerous dog must be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the dog and/or to prevent the entry of children.

11. Impounding and Seizure

11.1 Impounding

- a. No owner shall permit his dog to be at large on the reserve;
- b. An animal found at large on the reserve may be impounded for not less than two (2) days and, after notifying the owner, may thereafter be surrendered to a local animal rescue organization, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid; and



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- c. An animal found at large on the reserve, which is deemed to be dangerous, may be impounded for not less than two (2) days and, after notifying the owner, may thereafter be humanely destroyed by a qualified practitioner, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid.

11.2 Seizure

- a. An animal control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- b. If an animal has been seized because it has inflicted an unprovoked attack upon an animal or human, the animal control officer shall impound the animal for such period of time as specified by a veterinarian.
- c. Subject to subsection 11.2.f. an animal control officer who has seized a dog pursuant to subsection 11.2.a shall release the dog to its owner where:
 - i. the owner claims possession of the dog within two (2) days after the date of seizure, and;
 - ii. the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog per the current contracted rates of the kennel services provider;
 - iii. the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.
- d. Where a dog has not been reclaimed within two (2) days after seizure, pursuant to subsection 11.2.c, and sufficient notification has been given to the owner:
 - i. the animal will be surrendered to a local animal rescue organization; or
 - ii. in the case that the animal has been deemed to be dangerous, it may be humanely destroyed by a qualified practitioner and no damages or compensation may be recovered as a result of the destruction or disposal of such an animal.
- e. The animal control officer shall seek veterinary attention for an animal found to be diseased, whereby the owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the owner of the animal.
- f. Whereby, a dog is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health and safety to persons or animals, the animal control officer shall contact local RCMP, which will be dispatched to destroy the animal immediately, without permitting any



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person to reclaim the animal and no damages or compensation may be recovered on account of such action.

- g. The animal control officer or justice worker shall forthwith make every reasonable effort to notify the owner of an animal which has been impounded.
- h. A written report of each such incident, as described in this section, shall be filed with the justice worker by the animal control officer.

11.3 Animal Destroyed if Unable to Seize

- a. Where the animal control officer, after reasonable effort, is unable to seize a dog that is running at large, and the dog is deemed to be dangerous, the animal control officer shall contact local RCMP, which will be dispatched to destroy the animal immediately.
- b. No damages or compensation may be recovered as a result of the destruction of a dog pursuant to subsection 11.3.a.

11.4 Protection from Dangerous Dogs

- a. An individual may destroy, if necessary, a dangerous dog which is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
 - i. a person;
 - ii. another dog that is tethered;
 - iii. a food cache, harness or other equipment; or
 - iv. domestic livestock.
- b. An individual who must destroy a dangerous dog, pursuant to section 11.4.a shall immediately report the incident to the animal control officer and notify the dog's owner.
- c. No damages or compensation may be recovered as a result of the destruction of a dog pursuant to subsection 11.4.a.

12. Penalty

- 12.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable upon summary conviction to a fine of not more than one thousand dollars (\$1000) or to imprisonment of a term not exceeding 30 days pursuant to Section 81(1)(r) of the *Indian Act*.



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12.2 Fines and penalties for contravention of any of the provisions of this By-law include:

- a. Upon a first offense, the pet owner will be issued a letter of warning;
- b. Upon a second offense, a pet owner will be fined a maximum of \$250; and
- c. Upon a 3rd offense, the individual will be barred from owning pets while living on-reserve.

13. Severability

13.1 Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the By-law shall not be affected.

14. Coming Into Force

14.1 This By-Law shall come into force on the date of online publication and shall remain accessible online for the period during which it is in force in accordance with section 86 of the *Indian Act*.

Dated at Fort Nelson, British Columbia, this 16th day of April 2019

Approved, Signed, Sealed and Delivered by the Fort Nelson First Nation Chief and Council.

Signatures on File