



BAND COUNCIL RESOLUTION

Chronological no.
File reference no.

NOTE: The words "from our and Funds" "capital" or "revenue", which is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the <b>Stz'uminus First Nation</b>					Cash free balance	
					Capital Account	\$ _____
Date of duly convened meeting	<input type="checkbox"/>	D-J <b>07</b>	M <b>03</b>	Y-A <b>12</b>	Province <b>BC</b>	Revenue account \$ _____

DO HEREBY RESOLVE:

**By-law No. 2012.03  
Being a By-law Respecting the  
Control of Animals on the Reserve.**

**WHEREAS** section 81, paragraph (a), (d), (e), (q) and (r), of the *Indian Act* empower the Council of an Indian Band to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and the 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 the Stz'uminus 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 the Stz'uminus First Nation enacts this Animal Control Bylaw, Number 2012.03, as follows:

**SHORT TITLE**

1. This by-law may be cited as the "Stz'uminus First Nation Animal Control By-law".

**INTERPRETATION**

2. In this by-law: "**council**" means the Council of the Stz'uminus First Nation, as defined in the *Indian Act*; "**dog**" means any dog, male or female 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 police officer, police constable or other person charged with the duty to preserve and maintain public peace, and a by-law officer or any other person, including a band by-law officer, appointed by the Council for the purpose of maintaining law and order on the reserve pursuant to By-Law No. 2012.03 relating to Law and Order; "**owner**" of a dog includes a person who possesses or harbors a dog, and the terms "**owns**" and "**owned**" have a corresponding meaning; "**at large**" or "**running at large**" means off the premises of the owner and not muzzled or under the control of any person; "**reserve**" means the Stz'uminus First Nation Indian Reserve(s) No.10, 11, 12 and 13.

- 3.1 Subject to subsection (2), every owner of a dog shall keep the dog under control at all times.
- 3.2 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.
- 3.3 No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- 3.4 No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
- 3.5 No owner shall permit a female dog in heat to be off the owner's premises.
- 3.6 (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 par. (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 he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- 4.2 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;
- 4.3 Where a dog has not been reclaimed within five (5) days after seizure, pursuant to subsection (2), the officer may humanely destroy or dispose of the dog 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.

4.4 Where, in the opinion of the officer, a dog is 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.

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.

5.2 No damages or compensation may be recovered as a result of the destruction of a dog by an officer pursuant to subsection (1).

**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 cache, harness or other equipment;

6.2 No damages or compensation may be recovered as a result of the killing of a dog by an officer pursuant to subsection (1)

**Penalty**

7.1 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.

**THIS BY-LAW IS HEREBY** enacted by the Council of Stz'uminus First Nation at a duly convened meeting of the Council dated on the 7<sup>th</sup> day of March 2012.

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

Quorum Five (5)

_____ (Councillor)	 _____ (Chief) John Elliott	_____ (Councillor)
 _____ (Councillor) Terry Sampson	 _____ (Councillor) Timothy Harris	_____ (Councillor) Kevin Frenchy
 _____ (Councillor) Anne Jack	 _____ (Councillor) Harvey Seymour Sr.	 _____ (Councillor) Roxanne Harris
_____ (Councillor) Gordon Seymour	 _____ (Councillor) George Seymour Sr.	 _____ (Councillor) Herb Seymour

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Expenditure- Dépense	Authority (Indian Act Section) Autorité (Article de la Loi sur Les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure- Dépense	Authority (Indian Act Section) Autorité (Article de la Loi sur Les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending officer- Recommandé par _____ Signature _____ Date _____			Recommending officer- Recommandé par _____ Signature _____ Date _____		
Approving officer - Approuvé par _____ Signature _____ Date _____			Approving officer - Approuvé par _____ Signature _____ Date _____		

