

**The Gitsegukla First Nation**

**By Law No. 2016.001**

**Being a by-law Respecting The Control of Dogs on The Reserve.**

**Enacted of the 9th Day of August, 2016**

**WHEREAS** section 81, paragraph (a), (d), (e), (q), and (r), of the *Indian Act* empower the Council of Gitsegukla First Nation to pass by-laws to provide for the health of residents, of 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 Gitsegukla 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;

**AND THEREFORE** the Council of the Gitsegukla First Nation Enacts a by-law as follows:

**Short Title**

1. This by-law may be cited as the ***“Gitsegukla Dog Control By-Law”***

**Interpretation**

2. In this by-law:

**“animal”** means a dog, cat or any other undomesticated animal (i.e. bears);

**“animal control officer”** means an animal control officer appointed pursuant to Section 3, or any by-law enforcement officer and includes an officer of the Royal Canadian Police and a person employed by the council for the purpose of enforcing the provisions of this by-law.

**“animal register”** means a register kept by the band office for the purpose of registering all dogs and other animals on the reserve.

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

**“cat”** means any cat male or female.

**“Council”** means the Council of the Gitsegukla Band;

**“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 by-law control officer including a dog catcher as appointed by the Council and / or any member to the Royal Canadian Mounted Police;

**“owner”** of the dog includes a person who possesses or harbours a dog, and “owns” 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 **Gitsegukla First Nation Indian Reserve No. 1 and (and No. 2a, and No.3, and No. 4).**

**“villainous dog”** includes:

- i. Any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- ii. Any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;
- iii. Any dog that has been a cause of a prosecution under this by-law within the previous six (6) months where a conviction against anybody had been entered concerning that specific dog;
- iv. Any dog that has bitten another animal or human without provocation.

### **3. Animal Control officer**

- (1) Every owner of a dog should have their dog safely tethered or penned up at all times.
- (2) A dog need not be tethered or penned up 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 visually impaired person as a guide dog.
- (3) No owner shall allow his dog to remain unfed or without sufficient water for a length of time 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, growl or otherwise annoy or disturb the peace or residence of the Reserve.
- (6) No owner shall permit a female dog in heat off the owner’s premises.

- (7) The Council may at any time prohibit the keeping of dogs within any area of the reserve. A Notice of any prohibition made by Council pursuant to paragraph (a) shall be posted in Band Office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

**4. Seizure**

- (1) Any officer may seize a dog from any person whom the office has reasonable cause to believe is violating or has violated or is about to violate any provisions of the 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 two (2) days after the date of seizure, and;
  - (b) The dog is not a villainous dog, and;
  - (c) The owner pays the officer all expenses incurred in securing, caring for and feeding the dog.
- (3) Where a dog has not been claimed within two (2) days after seizure pursuant to subsection (4), the officer may destroy or disposed of the dog as he sees fit and no damages or compensation may be recovered as a result of the destruction or disposal of the dog by the officer.
- (4) 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 and safety, the officer shall destroy the dog as soon as he thinks fit and no damages of compensation may be recovered as a result of the destruction of the dog by the officer.

**5. Destruction where unable to seize**

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

**6. Protection from dogs**

- (1) Any person may kill a dog that is running at large and / or is in the act of pursuing, attacking, injuring, damaging, killing or destroying: (a) a person, (b) another dog that is tethered; or, (c) food cache or 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).

**7. Penalty**

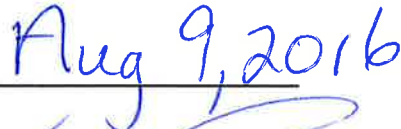
- (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than 100 hundred dollars (\$100) or to imprisonment for a term not exceeding thirty (30) days, or both.

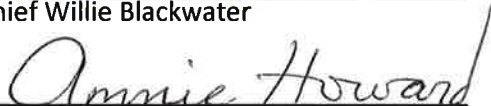
This by-law is hereby enacted by the Council of Gitsegukla First Nation at a duly convened meeting on the 9th day of August, 2016


**On behalf of Gitsegukla Band Council:**

**Date:**

  
Chief Willie Blackwater



  
Deputy Chief – Anne Howard

  
Councillor – Victoria Russell

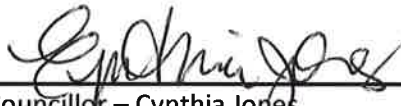
  
Councillor – Jennifer Howard

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Councillor – Kenneth Tait

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Councillor – Brian Wesley


  
Councillor – Morris Williams

  
Councillor – Julia Walker

  
Councillor – Cynthia Jones

The quorum of the Council is 5 members  
Number of members of the Council present at the meeting: 7

I, William Blackwater, Chief of the Band, do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Indian Affairs and Northern Development at the Regional offices pursuant to subsections 82(1) of the Indian Act, this 9th day of August, 2016.

  
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(Witness)

  
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Chief Willie Blackwater