



GITWINKSIHLKW VILLAGE GOVERNMENT

ANIMAL CONTROL ACT

Gitwinksihlkw Village Government enacted this law on _____

Signed by

Chief Ron Nyce
Chief Councillor of the Gitwinksihlkw Village Government

ANIMAL CONTROL ACT

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Interpretation

1. In this Act

“animal” means any animal but does not include a human;

“at large”, when used with reference to a dog, means:

- (a) elsewhere than on the premises of its owner; or
- (b) in a public place and not under the owner’s control by means of a leash less than 2 meters in length;

“cat” means a domestic animal of the feline species;

“dangerous dog” means:

- (a) any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of humans or domestic animals,
- (b) any dog which has, without provocation, bitten, inflicted injury, assaulted or otherwise attacked a human or domestic animal,
- (c) any dog which is owned primarily or in part for the purpose of dog fighting or has been or is being trained for dog fighting, or
- (d) an American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Bull Terrier, each as recognized by the Canadian Kennel Club, and any dog whose breeding includes one or more of such breeds;

“dog” means a domestic animal of the canine species;

“Enforcement Officer” means any person appointed under section 21(1) for the purposes of enforcing this Act and carrying out the obligations of the Enforcement Officer under this Act, a member of the Nisga'a Police Service or a member of the Royal Canadian Mounted Police;

“impound” means to deliver, receive, or return to owner;

“impounding notice” means a notice issued under section 26;

“license” means a dog license issued under section 5;

“license holder” means the holder of a current dog license for a dog, as recorded in the record book maintained under section 23;

“Nisga'a Village” means the Nisga'a Village of Gitwinksihlkw;

“Nisga'a Village Government” means the governing council of the Nisga'a Village;

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“Nisga’a Village Lands” means Nisga’a Lands that are designated as Nisga’a Village Lands of the Nisga’a Village by the Nisga’a Lisims Government;

“own” includes ownership, custody, control, possession or harbouring of any dog, cat or other animal;

“owner” includes a person residing, or visiting for longer than 180 days, on lands within the jurisdiction of the Nisga’a Village and who owns, harbours, or has in their custody or under their control any dog, cat or other animal within the jurisdiction of the Nisga’a Village;

“pound” means an impoundment facility established under section 22;

“property” means the land surrounding a residence which the owner of the residence lawfully possesses or controls;

“public place” means, in respect of a license holder, a place within Nisga’a Village Lands other than the license holder’s residence or license holder’s property;

“tag” means a metal dog tag issued under section 5;

“unlicensed dog” means a dog:

- (a) for which a current dog license has not been issued, or
- (b) that is not wearing a dog tag evidencing a current dog license; and

“veterinarian” means a person who is a registered member in good standing of the British Columbia Veterinary Association.

Application

2. This Act applies to all license holders and persons in possession or control of animals within the jurisdiction of the Nisga’a Village.

Part 2 – Licensing**License and tag requirements**

3. (1) No owner may keep a dog within the jurisdiction of the Nisga’a Village, unless:
 - (a) a current dog license has been issued for the dog; and
 - (b) the dog is wearing a tag issued under section 5, or replaced under section 9, for that license.
- (2) Subsection (1) does not apply to a dog that is less than 180 days old.

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Application for licenses

4. A person who has attained 19 years of age may apply to the Enforcement Officer for a license by submitting:
 - (a) a license application in the form set out in Schedule B;
 - (b) the fee required under the Gitwinksihlkw Village Government *Fees and Charges Act*;
 - (c) proof of immunization for the dog in accordance with generally accepted veterinary standards; and
 - (d) proof of ownership of the dog satisfactory to the Enforcement Officer.

Issuance of licenses and tags

5.
 - (1) Subject to section 5(4), on receipt of a license application and being satisfied that the requirements of section 4 have been met, the Enforcement Officer may issue a license and tag to the applicant.
 - (2) A license must be in the form set out in Schedule A.
 - (3) A tag must be metal and imprinted with the license number corresponding to the license issued to the applicant and the license date of issue.
 - (4) The Enforcement Officer may refuse to issue a license until all unpaid fines owed by the license holder or the owner of a new licence are paid in full.

Duration of license and tag

6. A license and tag are valid for one year from the license and tag date of issue.

Licenses and tags not assignable

7. A license and tag issued for one dog are not transferable to another dog.

Tags

8. A tag must be securely fixed to the harness or collar of the dog for which the license was issued, and the harness or collar must be worn by the dog for so long as:
 - (a) the license is current; and
 - (b) the dog is in a public place.

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Replacement tags

9. An Enforcement Officer may issue a replacement tag for a current license if the license holder submits:
- (a) proof, satisfactory to the Enforcement Officer, that the original tag has been lost; and
 - (b) payment of the required tag replacement fee.

Part 3 – Care and Control of Animals**Running at large**

10. Every owner of a dog must ensure that the dog does not run at large.

Damage to property

11. Every owner of a dog or other animal must ensure that the dog or other animal does not damage property or inflict injury to a person or other animal.

Disturbing the peace

12. Every owner or person in possession or control of a dog must ensure that the dog does not bark, yelp, growl or otherwise annoy or disturb the peace of other persons.

Clean up after dog

13. When a dog is on public property, the owner of the dog, or the person in possession or control of the dog, must immediately pick up and dispose of any feces, vomit, or other waste left lying by the dog.

Cruel treatment prohibited

14. (1) Every owner of a dog, cat or other animal must ensure that the dog, cat or other animal is provided with sufficient food, water and shelter to treat the dog, cat or other animal humanely and to avoid the dog, cat or other animal becoming a nuisance.
- (2) No person may punish or abuse a dog, cat or other animal in a manner or to an extent that is cruel or unnecessary.
- (3) An Enforcement Officer may seize any dog, cat or other animal that the Enforcement Officer reasonably believes to have been subject to cruel treatment.

ANIMAL CONTROL ACT**Immunization of animals**

15. Every owner of a dog or cat within the jurisdiction of Nisga'a Village must ensure that the dog or cat is immunized in accordance with generally accepted veterinary standards.

Part 4 - Prohibitions**Limit of two dogs or cats**

16. (1) No person may keep more than the following number of dogs and cats in a residence or at a property within the jurisdiction of the Nisga'a Village, except where the owner was in possession of dogs or cats exceeding this limit prior to this Act coming into force:
- (a) total of two dogs; and
 - (b) total of two cats.
- (2) Subsection (1) does not apply to a dog or a cat that is less than 6 weeks old.

No obstruction of an officer

17. (1) No person may interfere with, obstruct or impede an Enforcement Officer exercising powers or carrying out duties under this Act.
- (2) No person may rescue or attempt to rescue an animal that:
- (a) an Enforcement Officer is seizing or attempting to seize; or
 - (b) is otherwise lawfully in the custody or control of the Enforcement Officer.
- (3) No person may remove an animal being kept in the pound without prior written consent of an Enforcement Officer.

Misuse of tags

18. (1) No person, without the authority of the license holder, in respect of a licensed dog, may remove the tag from the dog.
- (2) No person may use a tag contrary to section 8.

Dangerous Dogs

19. Every owner of a dangerous dog is responsible for ensuring that:

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- (1) the dangerous dog is not permitted in any public place unless the dog is muzzled in such a manner as to prevent it from being able to bite another domestic animal or human; and
 - (2) while the dangerous dog is on premises or property owned by or within the possession and control of the owner, it is contained within the premises on such property or securely confined in a kennel located on the property, provided that the property is fenced or is secured in such a manner that no other domestic animals or children can access the kennel.

Prohibited animals

20. (1) No person may keep an animal that:
 - (a) is not commonly recognized to be harmless to persons and property; and
 - (b) cannot be properly kept in a residence.
- (2) Subsection (1) does not apply to:
 - (a) dogs that are kept in compliance with this Act; or
 - (b) cats or other small domestic animals.
- (3) A person must not keep in any area, temporarily or permanently, the following animals:
 - (a) Canids, including coyotes, foxes, jackals, and wolves but excluding domestic dogs;
 - (b) Hyenas;
 - (c) Crocodylians, including alligators and crocodiles;
 - (d) Ursids, including bears;
 - (e) Felids, including lions and tigers but excluding domestic cats;
 - (f) Reptiles and snakes classified as venomous, whether or not they have venom glands; or
 - (g) Green anaconda (*Eunectes murinus*), yellow anaconda (*Eunectes notaeus*), reticulated python (*python reticulatus*), African rock python (*python sebae*), Burmese python (*python molurus bivittatus*), Indian python (*python molurus molurus*), or amethyst python (*morelia amethystina*).

Part 5 – Administration**Enforcement Officer**

21. (1) The Nisga'a Village Government may appoint one or more Enforcement Officers for the purposes of carrying out the responsibilities of the Enforcement Officer under this Act.

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- (2) The Nisga'a Village Government must provide each Enforcement Officer with a document evidencing the Enforcement Officer's designation.
- (3) When seizing and impounding an animal under this Act, an Enforcement Officer must, on request, show his/her certificate of designation to the owner or person in control or possession of the animal.

Establishment of pound

22. The Nisga'a Village Government may establish or designate one or more structures, yards or enclosures as a pound to impound animals for the purposes of this Act.

Pound records

23. (1) An Enforcement Officer must maintain a record book at the principle administration office of the Nisga'a Village containing:
 - (a) a copy of every current license; and
 - (b) for each animal impounded:
 - (i) the date and location where the animal was impounded;
 - (ii) a description of the animal;
 - (iii) the name of any person from whom the animal was received; and
 - (iv) if applicable, the date and manner in which the animal was disposed of in accordance with section 27.
- (2) The Nisga'a Village will keep the record book maintained under subsection (1) open for inspection by the public during the regular business hours of the Nisga'a Village.

Part 6 – Enforcement**Power to impound and seize**

24. (1) An Enforcement Officer may seize and impound a dog:
 - (a) found running at large;
 - (b) that is an unlicensed dog; or
 - (c) that the Enforcement Officer, on reasonable grounds, believes to have inflicted an unprovoked bite on a person or other animal.

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- (2) An Enforcement Officer may seize and impound an animal:
- (a) that is prohibited under section 20(1) or 20(3); or
 - (b) that the Enforcement Officer, on reasonable grounds, believes has been exposed to rabies.
- (3) An Enforcement Officer may, at any time, enter upon any property within the jurisdiction of the Nisga'a Village for the purposes of enforcing this Act and ascertaining whether the provisions of this Act are being observed.

Unprovoked bite by a dog

25. (1) If, on reasonable grounds, an Enforcement Officer believes that a dog has inflicted an unprovoked bite on a person or other animal, the Enforcement Officer may require that the owner of the dog give, as soon as practicable, possession of the dog to the Enforcement Officer for the purpose of impounding the dog.
- (2) If an Enforcement Officer receives possession of a dog under subsection (1) or seizes and impounds a dog under section 24(1)(c), the Enforcement Officer must as soon as practicable:
- (a) determine whether or not to have the dog put down; and
 - (b) give written notice to the owner of the dog stating the following:
 - (i) that the dog will be put down and the reason for such decision; or
 - (ii) that the owner may claim the dog within three days of the owner's receipt of the notice.
- (3) In determining whether to have the dog put down under subsection (2)(a), the Enforcement Officer may consider the following:
- (a) the nature and seriousness of the injury inflicted by the dog;
 - (b) whether the dog has previously inflicted an unprovoked bite;
 - (c) the circumstances which led to the unprovoked bite; and
 - (d) any other matters which the Enforcement Officer considers relevant.

Notification of impounding

26. If an Enforcement Officer impounds a dog:
- (a) that is licensed under this Act, the Enforcement Officer must, as soon as practicable, give a written impounding notice, in the form set out in Schedule C, to the license holder; or

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- (b) that is not licensed under this Act, the Enforcement Officer must, as soon as practicable, give a written impounding notice, in the form set out in Schedule C, to any person known by the Enforcement Officer to be the owner of the dog or in possession or control of the dog.

Return of dog to owner

27. (1) Subject to sections 28(1) and 30, an Enforcement Officer must restore possession of a dog seized and impounded under sections 14, 24(1)(a) or (b) to the owner of the dog if the owner or person:
- (a) claims the dog within three days of receiving an impounding notice under section 25;
 - (b) pays the required impounding, pound and administration fees; and
 - (c) if the dog was not licensed, makes a license application under section 4 and is issued a license and tag under section 5.
- (2) Subject to sections 28(1) and 30, if an Enforcement Officer determines under section 25(2)(a) to not have the dog seized and impounded under section 24(1)(c) put down, or impounded under section 25, the Enforcement Officer must restore possession of the dog to the owner of the dog if the owner:
- (a) claims the dog within three days of receipt of a notice under section 25(2)(b)(ii);
 - (b) pays the required impounding, pound and administration fees; and
 - (c) if the dog was not licensed, makes a license application under section 4 and is issued a license and tag under section 5.

Part 7 – Destruction of Animal**Power to put down dogs**

- 28 (1) An Enforcement Officer may have a dog seized and impounded under section 24(1) destroyed if in the opinion of a veterinarian:
- (a) the dog is suffering from injury, disease or sickness from which it is unlikely that the dog will survive; and
 - (b) it would be an act of humanity to destroy the dog.
- (2) The owner of a dog is deemed to have renounced ownership of the dog if the owner:
- (a) does not claim the dog seized and impounded under section 14, 24(1)(a) or (b) within three days of receiving a written impounding notice under section 26; or

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- (b) does not claim the dog seized and impounded under section 24(1)(c), or impounded under section 25(1), within three days of receiving a written notice under section 25(2)(b)(ii).
- (3) Three days after the owner's receipt of a written impounding notice under section 26 of a dog seized and impounded under sections 14, 24(1)(a) or (b), an Enforcement Officer may:
- (a) have the dog put down; or
- (b) attempt to locate another owner for the dog.
- (4) Three days after the owner's receipt of a written notice under section 25(2)(b)(ii) of the dog seized and impounded under section 24(1)(c), or impounded under section 25(1), an Enforcement Officer may:
- (a) have the dog put down; or
- (b) attempt to locate another owner for the dog.
- (5) Three days after the owner's receipt of a written impounding notice under section 26 of a dog seized and impounded under section 24(1)(c), an Enforcement Officer may:
- (a) have the dog put down; or
- (b) attempt to locate another owner for the dog.
- (6) If an Enforcement Officer locates a person willing to become the new owner of a dog seized and impounded under section 24(1), or impounded under section 25(1), the Enforcement Officer may give possession and grant such ownership of the dog if the new owner pays, in respect of the dog:
- (a) the prescribed impounding, pound and dog license fees; and
- (b) any veterinary costs incurred by the Enforcement Officer or the Nisga'a Village in respect of the dog.
- (7) If an animal is lawfully put down under this Act, the owner or person who was in possession or control of the animal is liable for the prescribed destruction fee, which is recoverable by the Nisga'a Village as a debt due by the owner or person to the Nisga'a Village.

Power to put down other animals

29. (1) If an Enforcement Officer impounds an animal that is prohibited under section 20(1) or 20(3), the Enforcement Officer must, as soon as practicable, give a written notice to any person known by the Enforcement Officer to be the owner of the animal or the person in possession or control of the animal.
- (2) Three days after the owner's receipt of a written notice under subsection (1), an Enforcement Officer may have the animal put down.

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Rabid animals

30. (1) If, on reasonable grounds, an Enforcement Officer believes that an animal has been exposed to rabies, or distemper, the Enforcement Officer may require, by giving written notice, that the owner or person in possession or control of the animal promptly give possession of the animal to the Enforcement Officer.
- (2) An animal that is:
- (a) received by the Enforcement Officer under subsection (1), or
 - (b) seized and impounded under section 24(2)(b),
- must be held in quarantine for 14 days and must not be released without the written permission of a veterinarian.
- (3) If a veterinarian determines that an animal is infected with rabies, the Enforcement Officer:
- (a) must ensure that the animal is destroyed; and
 - (b) may permit the owner or person in possession or control of the animal to destroy the animal.

Destruction at request of owner

31. (1) An owner or person in possession or control of an animal, may make a written request to an Enforcement Officer for the Enforcement Officer to have the animal put down and disposed.
- (2) Upon receipt of a request under subsection (1), and payment of the required destruction and disposal fee, an Enforcement Officer may have the animal destroyed if in the opinion of a veterinarian:
- (a) the animal is suffering from an injury, disease or sickness from which it is unlikely that the animal will survive; and
 - (b) it would be an act of humanity to destroy the animal.

Liability for cost of veterinarian

32. If an Enforcement Officer has incurred the cost for a veterinarian to examine an animal impounded by the Enforcement Officer, the owner of the animal or person in possession or control of the animal is liable for the veterinary costs of treating the animal, which are recoverable by the Nisga'a Village as a debt due by the owner or person in possession or control of the animal to the Nisga'a Village.

ANIMAL CONTROL ACT**Disposal of carcasses**

33. (1) As soon as practicable, an Enforcement Officer must have removed and disposed, any dead animal located on Nisga'a Village Lands.
- (2) Upon receipt of a request of the owner or person in possession or control of a dead animal, and payment of the required collection and disposal fee, an Enforcement Officer must have the dead animal collected and disposed.

Part 7 – General**Notices**

34. A notice or request required to be provided under this Act to an owner or person in possession or control of a dog or animal may be:
- (a) sent by mail to the owner or person;
 - (b) personally delivered to the owner or person; or
 - (c) given by posting the notice or request at the principal administration offices of the Nisga'a Village Government,
- and will be deemed to have been delivered:
- (d) if mailed, on the fifth day following the date it is mailed to the postal address of the owner or person;
 - (e) if delivered, immediately upon being delivered to or being left at the residence of the owner or person; or
 - (f) if posted, on the fifth day following the date it is posted at the principal administration offices of the Nisga'a Village.

Fees payable

35. No fees paid under this Act are refundable, either in whole or in part, for any reason.

Offence, Penalties and Enforcement

36. (1) Every person who contravenes section 3 or any of sections 10 to 20 commits an offence of this Act.
- (2) Each day that an offence continues shall constitute a separate offence.
- (3) This Act may be enforced:

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- (a) under the *Nisga'a Offence Act*;
 - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
 - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

Commencement

37. This Act comes into force on the date of adoption.

Animal Control Act Read a first time the ____ day of _____, 2014.

Animal Control Act Read a second time the ____ day of _____, 2014.

Animal Control Act Read a third time the ____ day of _____, 2014.

Animal Control Act Adopted the ____ day of _____, 2014.

Chief Councillor

Chief Executive Officer

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SCHEDULE A

DOG LICENSE

License No. _____

Name of Dog: _____

Breed of Dog: _____

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

THIS LICENSE HAS BEEN ISSUED UNDER THE GITWINKSIHLKW ANIMAL CONTROL ACT AND IS
SUBJECT TO THAT ACT.

THIS LICENSE IS ISSUED ON _____, _____ AND
IS VALID UNTIL _____, _____.

Enforcement Officer

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SCHEDULE B

DOG LICENSE APPLICATION

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

Name of Dog: _____

Breed of Dog: _____

The Dog is: Male _____

Neutered Male _____

Female _____

Spayed Female _____

Fee paid: \$ _____

Attached Not Attached

Proof of Immunization

Proof of Ownership

Date of Application: _____

Signature of Applicant

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SCHEDULE C

IMPOUNDING NOTICE

TO: _____

On _____ the following dog, which we believe you own or possess or control, was impounded

Sex: Male () Female () Breed _____ License No. _____

Colour _____ Approximate Age: _____ Name of Dog _____

The dog was impounded because: _____

_____ contrary to section _____ of the Act.

The dog is being impounded at the pound located at _____

If you do not claim the dog within three days after you receive this Notice, the dog will be put down or another owner will be found for the dog. You will not receive any further notice in connection with your dog. [Where the dog has been seized under section 14(3) or 24(1)(a) or (b) of the Act.]

- or -

The dog will be put down or another owner will be found for the dog. You will not receive any further Notice in connection with the dog. [Where the dog has been seized under section 24(1)(c) of the Act.]

- or -

You will be notified as to what will happen to the dog. [Where the dog has been seized under section 24(1)(c) of the Act.]

For further information you may contact: _____.

Enforcement Officer

Date