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WILLIAMS LAKE INDIAN BAND  
ANIMAL CONTROL LAW 2017-03



### **Williams Lake Indian Band Animal Control Law 2017-03**

**WHEREAS** the Williams Lake Indian Band has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the Constitution Act, 1982;

**WHEREAS** the Williams Lake Indian Band has taken control of its reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management*, and has enacted the *Williams Lake Indian Band Land Code* which came into force and effect on July 1, 2014;

**WHEREAS** Council of Williams Lake Indian Band deems it advisable and in the best interests of Williams Lake Indian Band to enact a law to regulate animal control and management within WLIB Lands;

**NOW THEREFORE** Council of the Williams Lake Indian Band enacts the following law.

## 1.0 TITLE & PURPOSE

1.1 This law may be cited as "WLIB Animal Control Law 2017-03".

1.2 The purpose of this Law is to:

- regulate Animals on WLIB Lands;
- protect citizens and property; and
- ensure Members and residents can enjoy their Animals without causing danger or disruption to other Members and residents.

## 2.0 DEFINITIONS

2.1 In this law, unless the context otherwise requires:

**"Aggressive Dog"** or **"Dangerous Dog"** means any Dog that meets any one or more of the following conditions:

- a) A dog that has attacked, bitten, or caused injury, with or without provocation to a person or has demonstrated a propensity, tendency or disposition to do so;
- b) A dog that while running at large has bitten, killed or caused injury to a domestic animal;
- c) A dog that while running at large has aggressively pursued or harassed a person or domestic animal;
- d) A dog with a known propensity to attack or injure a person without provocation;
- e) A dog owned or harboured primarily or in part for the purpose of dog fighting or a dog trained for dog fighting; and
- f) A dog that has been determined to be dangerous or aggressive by the Animal Control Officer;

**"Animal"** means a dog, cat, livestock, small livestock or farmed fur bearing animals;

**"Animal Control Officer"** means any person appointed by Council or contracted by Council to enforce and carry out the provisions of this Law and includes any WLIB Law Enforcement Officer or special provincial constable of the SPCA;

**"At large"** or **"running at large"** means off the premises of the owner and not muzzled or under the control of any person;

**"Breeding kennel"** means a kennel which meets all required health, safety and zoning standards and requirements under all applicable laws and which may contain up to three (3) adult dogs for breeding purposes;

"**Cat**" means any cat, male or female;

"**Cattle**" means any bull, cow, ox, heifer, steer or calf;

"**Council**" means the lawfully elected governing body of WLIB;

"**Court**" means any other federal or provincial court of competent jurisdiction;

"**Dog**" means any animal of the canine species;

"**Dog daycare**" means providing dog walking, dog sitting or dog care services for dogs owned by other owners;

"**Dog grooming**" means providing grooming, cutting, trimming or other aesthetic services for dogs;

"**Dwelling unit**" means one or more habitable rooms or structures intended or used for residential housing;

"**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.

"**Enclosure**" means a structure at least 1.8 metres in height having a solid floor and wire or steel mesh sides and roof and a locked gate, constructed to prevent the entry of children or the escape of a dog;

"**Exotic pet**" means any animal other than a cat, dog, livestock or poultry kept as a pet or domestic animal that:

- a) Is non-indigenous to the Williams Lake area or would ordinarily be considered a wild animal; and
- b) Is potentially harmful or poisonous;

"**Farmed fur bearing animals**" means all animals that are wild by nature, kept in captivity and whose pelts are commonly used for commercial purposes;

"**Farmed game**" means any animal held for agricultural purposes under the authority of a license under the provincial Game Farm Act and includes fallow deer, bison and reindeer;

"**Land Code**" means the *Williams Lake Indian Band Land Code*;

"**Livestock**" includes cattle, horse, mule, ass, sheep, goat, swine, musk or, llama, alpaca, farmed game and ratites;

"**Muzzle**" means to secure a dog's mouth in such a fashion that it cannot bite anything;

"**Nuisance Dog**" means a dog:

- a) That has been impounded three (3) times within the previous 24 months;
- b) For which the owner has received a ticket for their dog running at large three times within the previous 24 months; or
- c) For which the total number of impounds and tickets totals three within the previous 24 months;

"**Owner**" when used in relation to the ownership of an animal includes a person owning, possessing, harbouring or having custody, care and control of an animal or permitting an animal to remain about the persons house, premises or parcel of land and where the owner is a minor, the person responsible for the custody of the minor;

"**Person**" in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law;

"**Pet**" means any domesticated animal other than livestock or poultry kept within a residence or on real property for other than commercial reasons;

"**Poultry**" means any fowl including chicken, turkey, duck, goose, game birds but excluding a bird commonly kept indoors;

"**Pound**" means the SPCA or a facility designated by the City of Williams Lake, the SPCA or Council as a dedicated impoundment facility for pets for livestock;

"**Premises**" means a store, office, shop, building, home, warehouse, factory, structure, enclosure, temporary or permanent stand, yard or other definite area occupied or capable of being occupied by a person;

"**Ratite**" means birds that have small or rudimentary wings and no keel to the breastbone and includes ostriches, rheas and emus;

"**Seize**" means to impound and detain;

"**Small livestock**" means poultry, rabbit or other small animals similar in size and weight but does not include farmed fur bearing animals;

"**Spayed or Neutered**" means an animal that has been spayed or neutered by a Veterinarian to prevent reproduction;

"**Unlicensed dog**" means any dog over the age of six months that is not licensed or is not wearing a current valid dog license tag;

"**Williams Lake Indian Band**" or "**WLIB**" means the Williams Lake Indian Band as defined in the *Williams Lake Indian Band Land Code*;

"**WLIB Lands**" means:

- a) the following WLIB Indian Reserves:

- i) Williams Lake Indian Reserve No. 1;
- ii) Asahal Indian Reserve No. 2;
- iii) Five Mile Indian Reserve No. 3;
- iv) James Louie Indian Reserve No. 3A;
- v) Tillion Indian Reserve No. 4;
- vi) Chimney Creek Indian Reserve No. 5;
- vii) San Jose Indian Reserve No. 6; and
- viii) Carpenter Mountain Indian Reserve No. 15

As further described in the Individual Agreement; and

- b) lands set apart by Canada in the future as lands reserved for the use and benefit of WLIB, within the meaning of subsection 91(24) of the *Constitution Act, 1867* and section 2(1) of the *Indian Act*;

**“Williams Lake Indian Band Law” or “WLIB Law”** means a law enacted pursuant to the WLIB Land Code or a WLIB bylaw enacted pursuant to the *Indian Act*;

**“WLIB Law Enforcement Officer”** means the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Laws enacted by Council, and includes any delegate or any peace officer;

- 2.2 Unless otherwise provided in this Law, words, expressions and rules of construction used in this Law have the same meaning as in the *Williams Lake Indian Band Land Code*.
- 2.3 Wherever the singular, or masculine or the term “person” is used in this Land Code, it shall be deemed to include the plural, feminine, body corporate, WLIB or other entity where the context so requires.

## **PART I: PROHIBITIONS & LICENSE REQUIREMENTS**

### **3.0 PETS & NUMBER OF PETS**

- 3.1 No person shall keep or allow to be kept on any real property or in any dwelling unit, premises or public place, more than three pets, except in the lawful operation of a breeding kennel, pet store, veterinary practice or other similar facility as permitted pursuant to this law and any WLIB Zoning laws in force from time to time.
- 3.2 Despite section 3.1:

- a) any person who on the date this law comes into effect is the owner of more than three pets subject to the rest of this law is entitled to keep each of these pets until the pet passes away or is no longer in the possession of the person;
- b) any person may keep up to three (3) adult dogs and their puppies in a breeding kennel provided that:
  - i. the property on which the breeding kennel is located is over 1 hectare in size;
  - ii. they have a valid and subsisting business license from WLIB for a breeding kennel;
  - iii. the property is zoned for a breeding kennel;
  - iv. the person complies with all applicable laws and health and safety standards; and
  - v. the puppies are kept by the owner for no longer than five (5) months after birth;
- c) any person may house up to five (5) dogs at one time in a dwelling unit or premises for a dog grooming business provided that:
  - i. They have a valid and subsisting business license from WLIB;
  - ii. The property is zoned for dog grooming;
  - iii. The person complies with all applicable laws and health and safety standards and
  - iv. The dogs belong to other owners;
- d) any person may house up to ten (10) dogs in a dwelling unit or premises for a dog daycare business provided that:
  - i. is the property on which the dog daycare business is located is over 1 hectare in size;
  - ii. they have a valid and subsisting business license from WLIB;
  - iii. the property is zoned for dog daycare;
  - iv. the person complies with all applicable laws and health and safety standards and
  - v. The dogs belong to other owners.

#### **4.0 EXOTIC PETS**

- 4.1 No person shall keep an exotic pet on any real property or in any dwelling unit, premises or public place unless specifically authorized to do so in writing by Council.

#### **5.0 LIVESTOCK & POULTRY**

- 5.1 No person shall keep or allow to be kept on any real property or in any dwelling unit, premises or public place any livestock or poultry or an aviary except as permitted under this law.

#### **6.0 BEES & APIARIES**

- 6.1 No person shall keep or allow to be kept on any real property or in any dwelling unit, premises or public place any bees or apiaries except as permitted under this law.
- 6.2 No person shall keep any bees or apiaries on a parcel of land that is less than 1 hectare in size.
- 6.3 A person who keeps bees must:
- a) be the registered owner of the property where the bees are kept or obtain written permission from the registered property or, in the event the property is Community Lands, obtain written consent from Council;
  - b) reside at the property where the bees are kept;
  - c) locate all colonies in a fenced area that is:
    - i. electrically fenced to suitably repel bears;
    - ii. located to the rear of the front face of the principal building; and set back at least 3.0 m (9.84 ft) from all side and rear parcel lines; and
  - d) comply with one of the following requirements in order to ensure the appropriate honeybee flight path:
    - i. the entrance to any colony will be facing away from neighbouring properties and be located in a backyard which has a continuous, fence or hedge that is 1.8 metres in height; or
    - ii. if installed on an elevated platform (deck, rooftop, etc.), any colony entrance will be situated 2.5 metres or more above ground level.



## PART II: DOGS

### 7.0 DOG LICENSE REQUIRED

- 7.1 No person shall keep or allow dogs to be kept on any real property or in any dwelling unit, premises or public place any dog unless they have a valid dog license for the current license year.
- 7.2 Despite section 7.1 a person does not require a license for a puppy until the puppy reaches six (6) months of age.
- 7.3 Any owner of a dog used by government law enforcement agency is exempt from the provisions and licensing requirements of this Law and is exempt from the licensing fees set out in this Law.
- 7.4 Any owner of a dog used as a guide animal pursuant to this provincial *Guide Animal Act* as amended is exempt from the licensing fees set out in this Law but still requires a dog license for their guide dog.

### 8.0 APPLICATION PROCESS

- 8.1 Every owner of a dog shall make application to WLIB for a dog license in the form provided by WLIB and pay the fee prescribed by Council and, subject to this Law and upon receipt of the application and payment of the prescribed fee, WLIB shall issue a numbered dog license tag for the current license year.
- 8.2 Despite section 8.1 no license fee is payable by an owner for a dog license for the purchase of the first dog license for each dog but the license fees are payable in each subsequent year for each dog.
- 8.3 Every dog license and corresponding license tag issued under this Law shall expire on the 31<sup>st</sup> day of December in the calendar year in which the license was issued.
- 8.4 Every dog owner shall ensure that a valid dog license tag is displayed on each of their dogs at all times by affixing it to the dog by a collar, harness or other suitable device.
- 8.5 Where an owner of a licensed dog has a change of address within WLIB lands the owner shall promptly notify the WLIB and pay the license transfer fee prescribed by Council.
- 8.6 Where a dog has been duly licensed in a municipality or another jurisdiction that license shall be valid in WLIB upon registration of the dog with WLIB and payment of the license transfer fee prescribed by Council.
- 8.7 Where a dog license tag is lost, stolen or is otherwise rendered unusable the dog owner shall promptly make application to WLIB to replace the license tag and pay the license tag replacement fee prescribed by Council.
- 8.8 No dog license shall be issued to or in the name of any owner under the age of 18 years for their dog.

- 8.9 Every dog license and corresponding license tag issued under this law is valid only in respect of the dog for which it was issued as described on the license application and is not transferrable to another dog.

#### **9.0 DISCOUNT FOR SPAYED OR NEUTERED DOGS**

- 9.1 The owner of a dog that is not an Aggressive Dog, a Dangerous Dog or a Nuisance Dog and who provides a veterinarian's certificate at the time of application certifying that the dog has been spayed or neutered may pay the discounted license fee prescribed by Council.

#### **10.0 KENNELS**

- 10.1 In addition to paying for and obtaining individual dog licenses the operator of a breeding kennel permitted pursuant to any WLIB Zoning Law in force from time to time, shall obtain a breeding kennel license and pay the fee prescribed by Council.
- 10.2 No person may keep any Aggressive Dog, Dangerous Dog or Nuisance Dog as part of a breeding kennel.
- 10.3 Owners shall ensure that every breeding kennel meets the following requirements:
- a) For indoor kennels:
    - i. the building shall be equipped with a heating and cooling system which maintains an indoor temperature between 10 and 25 degrees Celsius;
    - ii. every cage or pen shall be of sufficient size and height to permit each dog to turn about freely, stand, sit and lie down in a normal position; and
    - iii. the building must allow for natural light and ventilation to enter by windows, skylights or a combination of them.
  - b) For all kennels the owner must meet any other applicable provisions of this Law.

### **PART III: LIVESTOCK & FARMED FUR BEARING ANIMALS**

#### **11.0 ENCLOSURE**

- 11.1 Livestock, small livestock and farmed fur bearing animals when outside of buildings must be kept enclosed within secure fences, corrals or pens sufficient to retain them. This does not include livestock that are under permits that allow grazing on WLIB Lands.

#### **12.0 KEEPING OF ANIMALS**

- 12.1 Except as outlined in this section the keeping of animals other than as household pets is

prohibited within WLIB Lands. The keeping of animals when permitted must comply with the following restrictions:

- a) on parcels less than 400 m<sup>2</sup> in area, keeping of livestock or small livestock will not be permitted;
  - b) on parcels greater than 400 m<sup>2</sup> and less than 1,500 m<sup>2</sup> in area, keeping of animals must be limited to 5 small livestock. Roosters must not be kept on parcels of this size;
  - c) on parcels greater than 1,500 m<sup>2</sup> and less than 2,500 m<sup>2</sup> in area keeping of animals must be limited to 10 small livestock. Roosters must be kept inside sound resistant buildings between 7:00 pm and 7:00 am;
  - d) on parcels greater than 2,500 m<sup>2</sup> and less than 5,000 m<sup>2</sup> in area, keeping of animals must be limited to 25 small livestock. Roosters must be kept inside sound resistant buildings between 7:00 pm and 7:00 am;
  - e) on parcels greater than 5,000 m<sup>2</sup> and less than 1 hectare in size, keeping of animals must be limited to 1 livestock and 25 small livestock per 5,000 square metres;
  - f) on parcels 1 hectare or greater and less than 2 hectares in area, keeping of animals must be limited to 5 livestock and 100 small livestock per hectare (10,000 square metres) of lot area;
  - g) On parcels 2 hectares or greater and less than 4 hectares in area keeping of animals must be limited to 10 livestock and 100 small livestock per hectare (10,000 square metres) of lot area; and
  - h) On parcels 4 hectares or greater in area keeping of livestock and small livestock will be unlimited.
- 12.2 Farmed fur bearing animals must not be kept on a parcel with an area less than 2 hectares, and unless specifically authorized by the Animal Control Officer or by Council no person shall keep more than 25 farmed fur bearing animals.

### **13.0 ACCESSORY BUILDINGS - ANIMALS**

- 13.1 Accessory buildings or structures used to shelter or house animals other than household pets must, unless exempted by Council or the Animal Control Officer, be situated a minimum of 15.24 metres (50 feet) from any building used for residential purposes.

## **PART IV: DOG CONTROL**

### **14.0 DOG CONTROL**

- 14.1 Subject to any permissions or exemptions for dog daycare or dog grooming facilities no owner of a dog shall permit or allow the dog to howl or bark:

- a) such that the howling or barking unreasonably disturbs persons in the neighborhood or vicinity;
- b) in an outdoor area between the hours of 8:00 pm and 8:00 am; or
- c) in an outdoor area for a period of 15 consecutive minutes or more at any time.

14.2 No owner of a dog shall permit or allow the dog to:

- a) trespass on private property;
- b) be on private land where the dog is not contained either by a fence and gate, a tether, an enclosure or other effective containment mechanism unless the dog is under the immediate control of a competent person; or
- c) be in a public place unless the dog is kept on a leash or tether not exceeding three metres in length or on any property contrary to this Law.

## **15.0 SEIZURE OF DOGS**

15.1 An Animal Control Officer may seize any dog that is unlicensed or that is found at large or on any property contrary to this law.

## **16.0 FEMALE DOG IN HEAT**

16.1 The owner of a female dog shall at all times when that dog is in heat keep it securely confined indoors or within a building or enclosure capable of preventing the escape of that dog and the entry of other dogs.

## **17.0 AGGRESSIVE & DANGEROUS DOGS**

17.1 Where in the opinion of an Animal Control Officer a dog has been involved in an accident in which the dog was an Aggressive Dog or a Dangerous Dog the Animal Control Officer may submit a written report of the incident to the Lands Manager.

17.2 The WLIB Council has the authority under this Law to designate a dog as an Aggressive Dog or a Dangerous Dog.

17.3 If in the reasonable opinion of the Council, grounds exist to consider the dog as an Aggressive dog or an Dangerous Dog under this Law a letter shall be sent to the owner of the dog confirming that WLIB has designated the dog to be an Aggressive Dog or a Dangerous Dog and advising the dog owner of the requirements for confining, identifying and restraining Aggressive and Dangerous Dogs under this Law.

17.4 Before making a designation under subsection 17.3 Council must consider whether the dog was acting while in the course of:

- a) attempting to prevent a person from committing an unlawful act;

- b) defending or protecting their owner or family; or
  - c) performing law enforcement work.
- 17.5 Where a dog has been designated as an Aggressive or Dangerous Dog pursuant to subsection 17.3 the owner of the dog may appeal the classification in writing within 10 days to the WLIB Council which will then:
- a) review the owner's submissions, the written report from the Animal Control Officer and any other materials deemed relevant; and
  - b) determine whether WLIB will continue the designation of the dog as an Aggressive or Dangerous Dog.
- 17.6 Every owner of an Aggressive Dog or Dangerous Dog shall:
- a) at all times while the dog is on the premises owned or occupied by the owner keep the dog securely confined indoors or in an enclosure;
  - b) at all times while the dog is off premises owned, used or occupied by the owner, keep the dog:
    - i. On a leash or tether not exceeding three metres in length;
    - ii. Under the immediate care and control of a competent person; and
    - iii. Muzzled to prevent it from biting a person or other animal;
  - c) permit WLIB or a veterinarian or professional directed by WLIB or any jurisdiction or facility with which WLIB has an animal control agreement to implant a microchip into the Aggressive dog; and
  - d) Make available to WLIB for tracking and identification purposes the identifying information on the microchip.
- 17.7 Where the owner of an Aggressive or Dangerous Dog requests that the dog be destroyed the Animal Control Officer may arrange to have the dog humanely destroyed at the expense of the owner.

## **18.0 IMPOUNDMENT**

- 18.1 For section 18.2 below the fees payable shall be the fees prescribed by Council or by the authority that is operating the pound, including penalty fees for unlicensed dogs, multiple impoundments, Aggressive Dogs, Dangerous Dogs, Nuisance Dogs and other infractions.
- 18.2 Where a dog is impounded pursuant to this Law:
- a) the Animal Control Officer shall make reasonable effort to determine the owner of the dog and to notify the owner by telephone of the impoundment and the procedure to

- recover the dog;
- b) the Animal Control Officer shall make reasonable efforts to contact the owner of a dog if it is wearing a dog license tag by calling the most recent telephone number in the license information of the dog;
  - c) if the Animal Control Officer is not able to determine the owner of the dog or contact the owner by telephone they must post a notice in a public notice board at WLIB Administration office describing the dog and stating the date of the impoundment and the impoundment period;
  - d) if a dog has no license tag the Animal Control Officer has no obligation to notify the owner of the dog;
  - e) the owner must recover the animal from the pound within 96 hours from the time of impoundment by giving evidence of ownership of the animal and paying the prescribed fees;
  - f) the impoundment fee for an unlicensed dog shall be double the fees for a licensed dog set plus the cost of a license for the dog;
  - g) the impoundment fees above may, if prescribed by Council, increase for each impoundment of the same dog within a 24 month period;
  - h) regardless of whether a dog is licensed or unlicensed the impoundment fee for an Aggressive Dog, Dangerous Dog or Nuisance Dog shall be the fee prescribed by Council; and
  - i) the owner may sign a surrender or release in the form prescribed by WLIB Council or the pound and if necessary pay a surrender fee prescribed by WLIB to give up ownership of the dog for adoption or destruction by the pound in accordance with its policies.
- 18.3 WLIB, the Animal Control Officer or a Pound may provide for the adoption or humane destruction of any unclaimed animal after the expiration of 96 hours from the time of impoundment.
- 18.4 The Animal Control Officer will immediately notify the WLIB Council in writing of each unclaimed dog that is impounded for a period of longer than 96 hours.
- 18.5 Where an impounded animal is adopted out pursuant to this Law:
- a) Any monies received by WLIB from the adoption of the dog shall be applied against fees payable under this Law and the costs of impounding, boarding and adopting out the animal and any monies remaining and unclaimed after 30 days shall be credited to the general revenue account of WLIB; and
  - b) It shall be responsibility of the original owner of the dog to claim the proceeds from the sale of an animal less the fee and cost set out in this section within 30 days of the adoption of the dog.

18.6 No person shall take, remove or release or assist in the taking, removing or releasing of any animal impounded by WLIB, an Animal Control Officer or a Pound without first obtaining the consent of the Animal Control Officer and paying all fees relating to the impoundment of the animal.

## **19.0 IMPOUNDMENT OF AGGRESSIVE OR DANGEROUS DOGS**

19.1 Subject to section 20.4, the Owner of an Aggressive Dog or a Dangerous Dog that has been impounded pursuant to this Law may only reclaim the dog upon application to the Animal Control Officer.

## **20.0 DESTRUCTION OF DANGEROUS OR AGGRESSIVE DOGS**

20.1 The Lands Manager or an Animal Control Officer may make an application at any time to Council for an order to destroy a Dangerous Dog or an Aggressive Dog whether or not the dog has been designated as a Dangerous Dog or an Aggressive Dog.

20.2 Any application under section 20.1 must include a written report setting out:

- a) the reasons for the application;
- b) the dates, details and evidence of any attacks or incidents;
- c) copies of all communications with the owner, if known;
- d) where possible a written opinion or recommendation from the Animal Control Officer based on their professional experience and observations; and
- e) any other relevant information;

20.3 Where Council receives an application under subsection 20.1 Council shall consider the written report as soon as reasonably possible and:

- a) order destruction of the dog;
- b) refuse the application to destroy the dog; or
- c) refer the matter to a justice of the peace or to a court.

20.4 Where a Dangerous Dog or an Aggressive Dog is seized or where:

- a) an application has been made pursuant to section 20.1; or
- b) Council has referred a matter to a justice of the peace or a court pursuant to section 20.3(c)

The Animal Control Officer or a pound may refuse to release the Dangerous Dog or an Aggressive Dog to the owner pending the decision of Council, the justice or the court.

## **21.0 ESTABLISHMENT OF POUND**

- 21.1 Council may from time to time enter into an agreement with any person for the provision of an animal pound on private property.
- 21.2 Council will from time to time, as may be required appoint or contract with a pound keeper who will operate a pound for the impounding of animals pursuant to the provisions of this Law.

## **PART V: ANIMAL CARE & CONTROL**

### **22.0 ANIMAL DEFECATION**

- 22.1 Any person having care, control or custody of the animal that defecates on a public place or on private property without the consent of the property owner shall immediately remove the excrement so deposited and dispose of it in a sanitary manner.

### **23.0 CONTAGIOUS DISEASE**

- 23.1 No person shall keep any animal suffering from an infectious or contagious disease on any parcel of land in WLIB unless the animal is kept securely confined within a building or enclosure; separate from all other animals and is under veterinary care for that disease.

### **24.0 PROHIBITION OF CRUELTY TO ANIMALS**

- 24.1 No person shall keep an animal on WLIB lands unless the animal is provided with:
- a) clean, potable drinking water and sufficient and appropriate food on a daily basis;
  - b) sanitary food and water receptacles;
  - c) the opportunity for regular exercise sufficient to maintain the animal's good health;
  - d) if enclosed:
    - i. A cage, pen or enclosure of sufficient size and height to permit each animal to turn about freely, stand, sit and lie in a normal position;
    - ii. A location near enough to a window or skylight to allow daily exposure to natural light or an opportunity for daily outings or exercise in natural light out of doors;
    - iii. Sufficient ventilation to ensure circulation of air;
  - e) clean bedding material and an area maintained at a temperature warm and dry



enough to prevent the animal from suffering discomfort; and

- f) the necessary veterinarian care when the animal exhibits signs of pain, suffering or diseases.
- 24.2 All pets must have an opportunity to go outside for exercise and to void their bowels and bladders at least twice daily.
- 24.3 Cats or animals smaller than cats are exempt from the requirements of section 24.2, but must have appropriate litter boxes or similar facilities that are cleaned and maintained daily.
- 24.4 No person shall cause or permit:
- a) more than one animal to be kept in a cage or pen unless the cage or pen is of sufficient size and height to permit each animal kept therein to move freely and easily;
  - b) female animals in heat to be kept in cages or pens with male animals; or
  - c) animals under the age of 4 months of age to be kept with adult animals other than their dams.
- 24.5 No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter capable of protecting the animal from heat, cold, puddles, rain and the direct rays of the sun.
- 24.6 No person shall keep any animal confined in an enclosure space including a motor vehicle without sufficient ventilation to prevent the animal from suffering from the heat.
- 24.7 No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus or where a rope or cord is tied directly around the animal's neck.
- 24.8 No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time, but this does not prevent the use of a safe and appropriate pulley or run-line system where an animal has a safe and suitable collar attached to a lead which is in turn attached to a pulley running along a fixed line.
- 24.9 No owner shall permit or allow any livestock or poultry to run at large outside of a suitable enclosure or off the owner's property.

## **PART VI: ENFORCEMENT**

### **25.1 AUTHORITY OF ANIMAL CONTROL OFFICER**

- 25.1 An Animal Control Officer may seize:

- a) any animal or pet that is unlawfully at large or whose owner has contravened this Law;
  - b) any Dangerous Dog or Aggressive Dog that is at large or that has been ordered destroyed pursuant to section 20.3; or
  - c) any dog if the officer believes on reasonable grounds that the animal is a Dangerous Dog or an Aggressive Dog that is in a situation where the dog may cause harm to any people or animals.
- 25.2 In order to determine if the provisions of this Law are being observed an Animal Control Officer may if reasonably necessary:
- a) enter onto any real property at any time with the consent of the owner or occupier; and
  - b) enter any dwelling unit or commercial premises on WLIB lands provided the Animal Control Officer gives 24 hours written notice to the owner or occupant except in the case of an emergency.
- 25.3 No person shall obstruct or impede or refuse or neglect to admit to any property an Animal Control Officer in the execution of the Animal Control Officer's duties and powers under this Law.
- 25.4 An Animal Control Officer has the authority to require any person to provide information about any animal under their care or control on WLIB Lands.

## **26.0 OFFENCES & PENALTY**

- 26.1 No person shall obstruct, interfere with or hinder Council, the Animal Control Officer or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
- 26.2 Every person who violates any provision of this Law, or who permits an act or thing to be done in contravention of this Law, or who fails to do any act or thing required by this Law shall be deemed to have committed an offence against this Law and:
- a) shall be liable to a fine of not less than \$50.00 and not greater than \$2,000;
  - b) shall be liable, upon summary conviction, to the penalties provided by the Offence Act; or
  - c) any combination of the above.
- 26.3 Notwithstanding subsection 26.2(a), Council may determine that all or a portion of a fine may be paid off by way of a community service performed by the person subject to that fine, the nature of and conditions of which shall be set out in a Resolution.
- 26.4 Each day a violation of this Law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.

## **PART VI: GENERAL PROVISIONS**

### **27.0 SEVERABILITY**

- 27.1 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.

### **28.0 FEES AND FORMS**

- 28.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee or fine schedules, forms, protocols or other related documentation which complement and support this Law, and will post notice of same in a public area of the WLIB administration building and make a copy of same available for viewing free of charge at the administrative offices of WLIB and available for distribution at a nominal charge.

### **29.0 IMMUNITY**

- 29.1 No action for damages lies or may be instituted against present or past Council, Animal Control Officer, Pound keeper, employees, servants or agents of either WLIB or Council:
- a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
  - b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.
- 29.2 Section 29.1 does not provide a defense if:
- a) Council, the Animal Control Officer, Pound Keeper, employees, servants or agents have in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
  - b) The cause of action is libel or slander.
- 29.3 WLIB, present or past Council, or members, employees, servants or agents of any of WLIB or Council are not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other WLIB Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other WLIB Law.
- 29.4 All actions against WLIB for the unlawful doing of anything that:

a) is purported to have been done by WLIB under the powers conferred by this Law or any WLIB Law; and

b) might have been lawfully done by WLIB if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.

29.5 WLIB is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to WLIB, within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes:

a) there was reasonable excuse, and

b) WLIB has not been prejudiced in its defence by the failure or insufficiency.

### **30.0 APPLICATION OF LAW**

30.1 Where any federal Act or regulation or provincial Act or regulation or any other WLIB Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.

30.2 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

30.3 Unless otherwise noted, any specific statute named in this Law is a reference to a statute of British Columbia and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a reference to a law of WLIB, as amended, revised, consolidated or replaced from time to time.


BE IT KNOWN that this Law entitled, "WLIB Animal Control Law No. 2017-03" was read:


For the first time at a duly convened meeting of WLIB Council held on the 16 day of August, 2016.


For the second time at a duly convened meeting of WLIB Council held on the 4 day of July, 2017.

For the third time, and enacted, at a duly convened meeting of WLIB Council held on the 28 day of August, 2017.

Signed by the following members of Council:

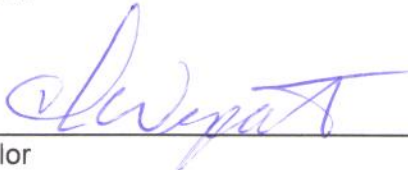
  
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Chief

  
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