

# KITSELAS



## Dog Control Act, K.B.C. 2012-03

Kitselas Band Council enacted this law by Resolution.

Mrs. Judy Gerow, Chief Councillor of the Kitselas Band, under the authority of the Kitselas Band Council, signed this law on December 19, 2012.

  
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Signature

**Original Signed Copy**  
**is in the Kitselas Lands Management Office**

## Kitselas Band Council

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# Kitselas

## Dog Control Act, K.B.C. 2012-03

WHEREAS pursuant to section 3.3 of the *Kitselas Reserve Lands Management Act*, the Chief and Council of Kitselas may, through the development of laws, exercise Kitselas' inherent right of self-government and provide for governance that is accessible, stable, effective, accountable and transparent; and,

WHEREAS pursuant to section 6.1 of the *Kitselas Reserve Lands Management Act*, the Chief and Council of Kitselas may make laws necessary to give effect to the *Kitselas Reserve Land Management Act*; and,

WHEREAS pursuant to section 6.2 (g) of the *Kitselas Reserve Lands Management Act*, the Chief and Council of Kitselas may make laws necessary for the provision of local services and imposition of user charges; and,

WHEREAS pursuant to section 6.2 (o) of the *Kitselas Reserve Lands Management Act*, the Chief and Council of Kitselas may make laws managing public nuisance and private nuisance; and,

The Chief and Council of Kitselas deem it necessary to create a dog control law to provide for good governance.

## 1. DEFINITIONS:

1.1 In this Enactment, the following words and terms shall have the meaning hereby assigned:

**“Aggressive Dog”** means a dog that meets any one or more of the following conditions:

- a) a dog which has a known propensity, tendency or disposition to, or without provocation does, chase or approach a person or Domestic Animal on a public or private property in a menacing fashion or apparent attitude of attack;
- b) a dog that without provocation bites, inflicts injury, or assaults a person or Domestic Animal;
- c) a dog that, while running At Large, has bitten, killed or caused injury to a Domestic Animal;
- d) a dog that, while running At Large, has aggressively pursued or harassed a person or Domestic Animal.

**“Animal Control Officer”** means a person designated by the Kitselas Band Council for the purpose of enforcing and carrying out the provisions contained in this enactment;

**“Animal Shelter”** means any building or enclosure or place for impounding dogs established by the Regional District of Kitimat-Stikine;

**“At Large”** includes:

- a) any dog in or upon the lands or premises of any person other than the owner of the dog without the consent, express or implied of that person;
- b) any dog in or upon a public place posted as being prohibited to dogs;
- c) any dog in or upon a public place or a highway, unless under the effective control of a responsible and competent person;
- d) a Dangerous or Aggressive dog, which is not securely leashed and muzzled or caged and under the effective control of a responsible and competent person when the dog is off the property of the owner or in a public place.

**“Council”** means the Chief and Councillors of the Kitselas and any successor elected government of Kitselas;

**“Councillor” or “Councillor”** means a member of the Council;

**“Dangerous Dog”** means a Pit Bull or any dog that:

- a) has killed or seriously injured a person;
- b) 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; or,
- c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

**“Dog”** means either male or female of the canine species apparently over the age of four (4) months;

**“Dog Tag”** means the license issued by the Kitselas Band Council under this enactment;

**“Domestic Animal”** means an animal that is under the control of humans and is dependent upon them for its survival. A Domestic Animal includes pets and livestock such as cats, rabbits, goats, sheep, swine, horses, cattle and poultry;

**“Enclosure”** means a fence or structure of at least 1.5 meters high and 3 meters in width, forming or causing an enclosure suitable to prevent the entry of unauthorized persons, and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner such as tethering of the Dangerous Dog. The enclosure must be designed with secure sides, top and bottom and must be designed to prevent the animal from escaping such enclosure;

**“Impounded”** includes seized, delivered, received, or taken into the Animal Shelter, or in the custody of the Animal Control Officer, as provided for in this enactment;

**“Kennel”** means a parcel where three or more dogs are kept, trained, boarded or bred;

**“Kitselas’ lands”** mean all of Kitselas’ reserves, within the meaning of subsection 2 (1) of the Indian Act, and includes all lands that are subject to the Land Code;

**“Land Code”** means the land code that has been adopted by Kitselas under the *First Nations Land Management Act*;

**“law of Kitselas”** means any law, bylaw, regulation, the *Kitselas Reserve Lands Management Act*, or other enactment that is made by the Council;

**“Member”** means a person whose name appears or is entitled to appear on the Kitselas Band Membership List;

**“Owner”** means a person who owns, possesses or harbours a Domestic Animal or Dog;

**“Parcel”** means a lot, block or other area in which land is held or into which land is subdivided and which is registered under a Certificate of Allocation under the Kitselas Land Register System and is Kitselas’ lands;

**“Pit Bull”** includes,

- (a) a pit bull terrier,
- (b) a Staffordshire bull terrier,
- (c) an American Staffordshire terrier,
- (d) an American pit bull terrier,
- (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d); (“Pit-Bull”)

**“Service Area”** means the area described in Schedule A which includes:

- a) Indian Reserve No. 1 Kitselas, being those reserve lands within the Province of British Columbia in Range 5, Coast District, generally referred to as Gitau; and,
- b) Indian Reserve No. 6 Kulspai, being those reserve lands within the Province of British Columbia in Range 5, Coast District generally referred to as Queensway;

**“Regional District”** means the Regional District of Kitimat-Stikine;

**“Unlicensed Dog”** includes any dog which:

- a) the license for the current year has not been paid as provided in this enactment; or,
- b) is not wearing the Dog Tag.

## 2.0 LICENSING

- 2.1 a) An owner shall apply for a license for a dog by completing a license application form and paying the license fee. The license fee shall be as set forth in the schedule of fees. The license fee shall be paid to the Regional Registrar of the State of Maryland. The license fee shall be paid in advance.
- b) Every dog owner shall pay the license fee for each dog owned by him or her.
- c) Before a dog is licensed, the dog shall be spayed or neutered.
- d) If a dog is licensed in the District of Columbia, the dog shall also be licensed in the State of Maryland.

2.2 Every license issued by the State of Maryland shall be valid for one year.

2.3 If the owner of a dog ceases to reside in the State of Maryland, the license shall be void.

2.4 a) A person who is a resident of the State of Maryland and who owns a dog shall be liable for the license fee for the dog.

b) Section 17-101 of the State of Maryland shall apply to the license fee for a dog.

2.5 A person who is a resident of the State of Maryland and who owns a dog shall be liable for the license fee for the dog.

## 3.0 NOISE CONTROL

3.1 A person who owns a dog shall be liable for the license fee for the dog.

## 4.0 DOG AT LARGE

4.1 A person who owns a dog shall be liable for the license fee for the dog.

## 5.0 NO REINFORCEMENT

5.1 A person who owns a dog shall be liable for the license fee for the dog.

- a) with the authority of the owner; or
- b) to facilitate a medical service to the dog;

5.2 Subject to 5.1 (a) and/or (b) the Dog Tag and collar shall be replaced on the dog as soon as it is reasonably practical to do so.

## **6.0 AGGRESSIVE DOG**

6.1 The owner of an Aggressive Dog shall:

- a) where the dog is on premises owned or controlled by the owner, securely leash or confine the dog in a building or fenced area designed to keep the dog confined to the owners property, and designed in a fashion to eliminate the dog from coming into contact with the public;
- b) securely leash and muzzle or cage the dog whenever the dog is off the owner's premises; and
- c) have the dog vaccinated against Rabies annually or as recommended by the dog owners veterinarian.

## **7.0 DANGEROUS DOG**

7.1 No person shall keep or harbour a Dangerous Dog in the Service Area.

7.2 Any licence issued in respect of a Dangerous Dog shall be deemed to have been cancelled effective as of the date of the passing of this Act. Where a licence is cancelled pursuant to this subsection, the owner:

- a) shall be entitled to a credit or refund on any paid-up licence fee, calculated on a quarterly pro rata basis; and
- b) shall remove the Dangerous Dog from the Service Area forthwith and provide sufficient evidence thereof to the pound keeper or deliver the Dangerous Dog to the Pound for destruction.

## **8.0 RABIES IMMUNIZATION**

8.0 Where a person acquires an Aggressive Dog apparently over the age of six (6) months and does not have proof that the dog has been immunized against Rabies, the owner shall have the dog immunized within one (1) month of acquiring the dog.

## **9.0 DESIGNATION OF POUND**

9.1 The Kitselas Band Council designates the Thornhill Animal Shelter located on land legally described as Lot 1, Plan 8832, District Lot 373, Range 5, Coast District as the pound location for the impoundment of unlicensed dogs and dogs unlawfully At Large within the Service Area.

## **10.0 IMPOUNDING DOGS**

- 10.1 An Animal Control Officer or a Police Officer found At Large within the Service Area.
- 10.2 Where a Police Officer seizes a dog, the Police after making such a seizure, cause the dog to be taken to the Animal Control Officer.
- 10.3 The Animal Control Officer will retain all dogs for (72) hours.
- 10.4 Despite Section 10.3, if an Animal Control Officer finds a dog apparently suffering from any injury that represents a danger to the public, being of the dog or an incurable disease or condition, or if he/she destroys the dog, where he/she considers that the dog is suffering from or sickness or that, in all of the circumstances, the destruction of the dog would prevent undue suffering to the dog.
- 10.5 If the Animal Control Officer believes that a dog is on any premises, he/she is authorized to enter onto the premises for the purpose of identification to determine whether the dog is licensed.
- 10.6 If the Animal Control Officer is not provided with a reasonable time, he or she may seize the unlicensed dog.
- 10.7 The owner of any dog impounded pursuant to this section may retrieve such dog on application to the Animal Control Officer for the sale or destruction on proof of ownership and on payment of the following:
- a) if no license for the current year for the dog is provided pursuant to this enactment, the applicable impoundment fee prescribed which shall be the same amount as the impoundment fee charged by the Region;
  - b) if the license for the current year for the dog is provided pursuant to this Enactment, the impoundment fee shall be the amount as the license fee charged by the Region;
  - c) in addition to the charges as set forth in this section, the owner shall be charged which shall be the same amount as the impoundment fee charged by the District for each whole or part twenty-four (24) hours the dog remained in the Animal Shelter.
- 10.8 No person shall rescue or remove or attempt to remove a dog from the custody of the Animal Control Officer.

## **11.0 SALE OR DESTRUCTION OF DOGS**

- 11.1 If the Animal Control Officer does not know the owner of a dog notified of impoundment by the Animal Control Officer, and such notification, appear at the Animal Shelter within the time of the applicable fees, the Animal Control Officer may sell or destroy the dog.

## **12.0 REDEMPTION OF IMPOUNDED DOGS**

- 12.1 Every owner or other person entitled to the possession of a dog which has been impounded shall, upon being notified or becoming aware of such impounding, redeem the dog in accordance with the provisions of this Enactment.
- 12.2 An owner of a dog is liable for the payment fees incurred in relation to any dog impounded at the Animal Shelter which shall be the same amount as the fees charged by the Regional District, notwithstanding the escape of the dog.
- 12.3 Fees payable by an Owner in respect of their Dog which are deemed uncollectable by the pound shall be transferred to Kitselas and maintained as arrears owed by the Owner to Kitselas.

## **13.0 KENNEL REGULATIONS**

- 13.1 A person shall not keep three or more dogs apparently over the age of four (4) months on any parcel unless kennel use is a permitted use of the parcel in accordance with the Kitselas Land Use Plan.

## **14.0 RIGHT OF INSPECTION**

- 14.1 The Animal Control Officer may enter upon any property at all reasonable times to ascertain whether a requirement of this enactment is being met or a regulation is being observed.
- 14.2 Without limiting Section 14.1, the Animal Control Officer may enter onto any property within the Service Area at all reasonable times in pursuit of a dog or dogs which the Animal Control Officer has reason to believe is an unlicensed dog.

## **15.0 NO INTERFERENCE**

- 15.1 No person shall interfere with an Animal Control Officer in the lawful exercise of his or her duties under this enactment.

## **16.0 PENALTY**

- 16.1 A person who contravenes this Enactment commits an offence punishable on summary conviction and is liable to a fine of not less than \$100 and not more than \$10,000.
- 16.2 The Animal Control Officer may exercise the same powers and processes in relation to ticketing and prosecution offences as a bylaw enforcement officer would be permitted to do under Division III of the Community Charter [SBC 2003] CHAPTER 26.
- 16.3 Fines and other penalties imposed and collected under or because of this Act must be paid to Kitselas.

## **17.0 SCHEDULES**

- 17.1 The schedules of this enactment form part of this enactment and are enforceable in the same manner as this enactment.



**SCHEDULE 'A'**

**KITSELAS BAND COUNCIL**

**Dog Control Act, K.B.C. 2012-03**

**SERVICE AREA**

**IR 1 Kitselas**

**IR 6 Kulspai**

