



**Skawahlook First Nation
Animal Control and Protection Law**

SKAWAHLOOK FIRST NATION
ANIMAL CONTROL LAW, 2014

(A Law to Provide for the Control and Protection of Animals within the Skawahlook I.R #1 & Ruby Creek I.R #2)

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WHEREAS the Skawahlook First Nation 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*;

AND the Skawahlook First Nation has taken over control and management of Skawahlook Reserve lands and resources pursuant to the *Framework Agreement on First Nation land Management* and has enacted the *Skawahlook First Nation Land Code* effective the 5th day of August, 2010;

AND under the *Skawahlook First Nation Land Code*, Skawahlook Council is authorized to pass various laws relating to lands including laws relating to animal control and protection under section 4(74) of the Code;

AND Council is concerned about the safety, wellbeing and treatment of animals on Skawahlook Lands;

NOW THEREFORE BE IT RESOLVED THAT this *Skawahlook First Nation Animal Control and Protection Law, 2011* is hereby enacted as a Law of the Skawahlook First Nation.

PART 1. NAME

1.1 This Law may be cited as the *Skawahlook First Nation Animal Control and Protection Law, 2011*.

PART 2. PURPOSE

2.1 The purpose of this Law is to protect the welfare of animals residing on Skawahlook First Nation Land and to provide measures of safety and control for the residents of Skawahlook First Nation.

PART 3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of the Reserve and Skawahlook First Nation Lands as defined in the *Skawahlook First Nation Land Code*.

PART 4. DEFINITIONS

4.1 For the purpose of this Law, terms have the same definitions as in the Land Code;

4.2 For the purpose of this Law, the following definitions apply:

“Administrator” means any person, who is appointed by Council in the capacity of Administrative Worker of Skawahlook First Nation;

“Aggressive Behaviour” means snarling, growling, or pursuing another animal or person

“Animal” means a mammal, bird, or reptile

“Animal Control Officer” means a person appointed by the Council from time to time, to administer and enforce the provisions of this Law, and includes any delegate or Animal Control Officer.

“Assistance Dog” means a dog specifically trained to assist a person with disabilities in the performance of daily activities.

“Cat” means any animal of the zoological family Agenus Felis.

“Dog” means any animal of the zoological family Canidea.

“Domestic Animal” shall be defined in the *Livestock Protection Act* R.S.B.C. 1996, c.273.

“Enclosure” means a securely enclosed and locked structure having a concrete, asphalt or wooden floor and a wire or steel mesh sides and roof, which is sufficient to prevent the entry of unauthorized persons or the escape the animal.

“Impounded” means seized, delivered, received, taken to or held in custody.

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

“Own/Owner/Owned” includes possessor, harbourer, or keeper and “owned” includes possessed, harboured, or kept.

“Running at Large” means any animal not being confined on the owner’s premises by means of enclosure, chain, cord or fence, or not under the direct continuous charge and control of the owner or other competent person and restrained by a chain, cord, leash, or halter.

“Skawahlook” or “SKFN” means the Skawahlook First Nation

“Vicious Dog” means a dog that:

- (a) has killed or injured a person;
- (b) has killed or injured a companion animal or domestic animal while running at large; or
- (c) a Law Enforcement Officer or Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person; or
- (d) aggressively harasses or pursues a person, companion animal or domestic farm animal while running at large; or
- (e) is kept primarily or in part, for the purpose of fighting.

PART 5. GENERAL PROVISIONS

- 5.1 The headings of parts and section of this Law have been inserted as a matter of convenience and for reference only and in no way define or limit any of its provisions.
- 5.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.
- 5.3 This Law shall be and remain in effect on Band Land at all times.
- 5.4 An order made pursuant to this Law shall be binding when it has been advertised once in a newsletter circulating in the community, or when it has been posted in the Skawahlook Band Office.

PART 6. OFFENCES

- 6.1 Without limiting the generality of section _____, it shall be an offence under this Law:
 - (a) For an owner to allow or suffer his/her animal to be running at large
 - (b) For any person to own a diseased dog or cat unless it is securely confined in such enclosure an in such manner that it does not endanger the safety of any person or any other animal.
 - (c) For the owner of a vicious dog:
 - (i) to permit, suffer or allow the dog to be on any highway or any public place within Skawahlook First Nation Land or running at large unless the dog is muzzled to prevent it from biting another animal of human and;
 - (ii) to keep the dog on the premises owned or controlled by such person unless the dog is securely confined either indoors or in an enclosure.
 - (d) For any owner to keep or harbour six (6) or more dogs or cats combined in total on a property under 0.5 ha (1.2 acres) in area.

- (e) For any owner to keep or harbour more than two (2) dogs and (2) cats on any premises excluding property over 0.5 ha (1.2 acres).
- (f) For any owner to allow the accumulation of animal excrement to become noxious or a health hazard.
- (g) For any person to willfully or negligently open a gate, door or other opening in a fence or enclosure in which a domestic animal has been confined and thereby allowing the domestic animal to be running at large.
- (h) For any person to tease, torment or provoke a domestic animal.

PART 7. PROHIBITION OF CRUELTY TO ANIMALS

- (a) No person may keep any animal unless the animal is provided with:
 - (i) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (ii) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (iii) the opportunity for periodic exercise sufficient to maintain good health; and
 - (iv) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- (b) No person may keep any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
 - (i) to ensure protection from heat, cold and wet that is appropriate to the animals weight and type of coat. Such shelters must provide sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - (ii) for each dog, not less than 1.5 square meters (approximately 16 square feet) in an area having no linear dimension less than 1.2 meters (approximately 4 feet); except up to two dogs may be kept within an interior dog run provided the run is not less than 2.2 square meters (23.68 square feet) in area.
 - (iii) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - (iv) a pen and run area, which must be regularly cleaned and free from accumulation of excrement.

- (c) No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord tht is directly tied around the animal's neck onto a choke type collar.
- (d) No person may cause an animal to be confined to an enclosed space, including a motor vehicle, without adequate ventilation and temperature control.

PART 8. DISEASED ANIMALS

- 8.1 When a complaint is made to Council that an animal is suffering from any incurable disease as a result of which the animal is suffering pain or debilitation, Council or a person appointed by Council may investigate the same and if a veterinary examination demonstrates the animal will be suffering if untreated, he/she may order the owner to have the animal treated or euthanized.

PART 9. REGULATIONS

- 9.1 Every person
 - (a) who violates or causes or allows any of the provisions of this to be violated; or
 - (b) who fails to comply with any of the provision of this, or any other law or applicable statute; or
 - (c) who neglects or refrains from doing anything required under the provisions of this law is deemed to have committed an infraction, or an offence against this law,

Shall be deemed to have committed an offence under this law and shall be liable on conviction to the penalties provided and each day such violation is caused or allowed to continue, constitutes a separate offence.

- 9.2 Any person found guilty under any provision of this law is liable, on summary conviction to a fine of not more than \$2000 dollars.

BE IT KNOWN that this Law is entitled the *Skawahlook First Nation Animal Control and Protection Law, 2014* is hereby enacted by a quorum of Council at a duly convened Council of the Skawahlook First Nation held on June 24, 2014


Chief Maureen Chapman


Councillor Debra Schneider

A quorum consists of 2
Council Members



Chronological no. - N° consecutive BYLAW - AC 2014-2015
File reference no. - N° de référence du dossier BYLAW AC - 2014

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear on all resolutions requesting expenditures from band funds.
 NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon les cas doivent paraître dans tous les résolutions portant sur des dépenses à même les fonds des bandes.

The council of the Le conseil de				SKAWAHLLOOK FIRST NATION		Cash free balance – Soldé disponible	
						Capital account Compte capital \$	
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J	M	Y-A	Province		Revenue account Compte revenu \$	
	24	06	14	British Columbia			

DO HEREBY RESOLVE:
DÉCIDE PAR LES PRESENTES:

WHEREAS:

Skawahlook First Nation ratified the Skawahlook First Nation Land Code by referendum on the 29th day of March 2010;

WHEREAS:

The Council of Skawahlook First Nation completed the Animal Control Law (ACL) in consultation with legal guidance and the Skawahlook First Nation Lands Advisory Committee in March 2013.

WHEREAS:

The membership received a copy of the Animal Control LAW (ACL) and a summary outlining the purpose and intent of the ACL and was requested to provide feedback before June 2, 2014.

NOW THEREFORE:

The Chief and Council of the Skawahlook First Nation, at a duly convened meeting, enact this Animal Control Law as a Law of the Skawahlook First Nation.

This resolution is supported by the undersigned and passed this 24 day of June 2014.

A quorum for this Band consists of 2 (two) council members

Chief Maureen Chapman

Councillor/Debra Schneider

FOR DEPARTMENTAL USE ONLY – RÉSERVÉ AU MINISTÈRE					
Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des Indiens)	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu	Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des Indiens)	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu
Recommending officer – Recommandé par			Recommending officer – Recommandé par		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving officer – Approuvé par			Approving officer – Approuvé par		
_____ Signature		_____ Date	_____ Signature		_____ Date