

Ahousaht Animal Control & Care By-law

Adopted:

Effective:

By-law No. 2019 #1

Being a By-law Respecting the Control and Care of Animals on the Reserve.

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the *Indian Act* empower a Council to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of or secondary 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 Ahousaht Council is of the opinion that the uncontrolled ownership, breeding, and running at large of resident and/or visiting animals may be detrimental to the health and safety of the residents and animals on the reserve, and a nuisance to such residents;

THEREFORE, Ahousaht Council enacts this Animal Control By-law, Number 2019#1, as follows:

SHORT TITLE

1. This by-law may be cited as the "Ahousaht Animal Control & Care By-law".

INTERPRETATION

2. In this by-law, unless the context otherwise requires:
 - (a) "Abandoned" includes an animal that
 - i. is apparently ownerless.
 - ii. is found straying.
 - iii. is found in a rental unit after expiry of the tenancy agreement in respect of the rental unit, or
 - iv. if a person agreed to care for the animal, is not retrieved from that person within 4 days following the end of that agreement.
 - (b) "Animal" means any member of the Kingdom Animalia excluding humans.
 - (c) "Animal Control Officer" means an animal control officer, appointed pursuant to section "4", or any by-law enforcement officer, including a peace officer or a person employed by the council for the purpose of enforcing the provisions of this by-law.
 - (d) "Animal Shelter Manager" means any person appointed by the Council as the Animal Shelter Manager or any contractor who has entered into an agreement with the Council to assume the responsibilities of the Animal Shelter Manager pursuant to this By-law, and includes the delegates of this person;
 - (e) "Animal Register" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve.
 - (f) "At Large" or "Running at Large" means

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- i. an animal in or upon a public place or in or upon the lands or premises of any person other than the owner of the animal without the express or implied consent of that person
 - ii. an animal that is not on the property of the owner and not on a leash and/or under effective control of a person responsible.
- (g) "Ahousaht" means the Ahousaht elected council.
- (h) "Cat" means a male or female domesticated cat.
- (i) "Companion Animal" means an animal kept for companionship to a human rather than utility, profit or burden and which is lawfully kept upon residential property;
- (j) "Council" means the elected council of Ahousaht, as defined by the *Indian Act*.
- (k) "Dangerous dog" means any dog which any of the following applies:
 - I. any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
 - II. any dog that an animal control officer, upon reasonable and probable grounds, believes is likely to kill or injure a human or other animal;
 - III. any dog who has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning that specific dog;
 - IV. any dog that has killed or seriously injured a person while on or off the owner's property;
 - V. any dog that has bitten or injured a human being or domesticated animal, without provocation, while on or off the owner's or responsible person's property;
 - VI. any dog that is attack trained;
 - VII. any dog that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property; or
 - VIII. any dog that has shown the disposition or tendency to be threatening or aggressive.
- (l) "Dog" means any dog, male or female and includes an animal that is a cross between a dog and wolf;
- (m) "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.
- (n) "Enclosure" means a structure forming a pen suitable to confine a dog;

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- (o) "Licensing Officer" means a person appointed by the Council for the purpose of processing and issuing licenses under this by-law.
- (p) "Muzzle" means a properly fitted, humane basket muzzle, that allows the dog to drink and pant, and is designed to prevent him/her from biting.
- (q) "Owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal. The terms "owns" and "owned" have a corresponding meaning.
- (r) "Pound" means the facility designated by the Council, which is used for the temporary housing and care of animals that have been impounded pursuant to the by-law.
- (s) "Prohibited animal" means an animal of any species listed in Schedule "2" of this bylaw, including animals that are hybrids of these species.
- (t) "Responsible Person" or "Person Responsible" means, in relation to any animal, a person who
 - I. is the owner of any animal; or
 - II. is keeping, harbouring, or sheltering any animal; provided that, where the animal is under the care, custody, or control of a person under the age of eighteen (18) years or is being kept or harboured by a person under the age of eighteen (18) years, the custodial parent or legal guardian of such child will be deemed, for the purpose of this by-law, to be the Responsible Person;
- (u) "Seize" includes impound and detain;
- (v) "Spay/neuter" means the sterilization of a female animal by removing the ovaries or, of a male animal by removing the testicles, or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.
- (w) "Special Needs Assistance Animal" means
 - a) a special needs animal as defined in the Guide Animal Act, RSBC 1996, c 177; or
 - b) an animal designated as a Special Needs Assistance Animal pursuant to section 24 of this By-law;
- (x) "Unlicensed Dog" means any dog over the age of three (3) months that is not licensed by Ahousaht or is not wearing a valid and subsisting license tag.
- (y) "Unsanitary Environment" means an environment that contains objects that may cause injury to any human or other animal or where it contains an accumulation of fecal matter,

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an odor, insect infestation, rodent attractants, or other conditions which endanger the health of any human or other animal, or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any human or other animal.

(z) "Reserve" means the Ahousaht Territories listed in Schedule "4".

(aa) "Wildlife" means wildlife as defined by the BC Wildlife Act and/or other animals where ownership in captivity violates Provincial or Federal Canadian statutes.

APPLICATION

3. This by-law applies to all owners of domestic animals residing or visiting the Village of Maaqtusiis and the Ahousaht Territories listed in Schedule "4".

ANIMAL CONTROL OFFICER

4. The Council may appoint, by Ahousaht Council Resolution, an Animal Control Officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.

5. The Council may, by Ahousaht Council Resolution, provide for reasonable remuneration to be paid to the Animal Control Officer,

6. Ahousaht may enter into an agreement with any person or organization to operate an animal shelter as Animal Shelter Manager or to act as Animal Control Officer for Ahousaht or both.

7. The Animal Shelter Manager shall maintain records which include:

(a) a description of every animal seized under this by-law, including a licence or registration number if any, and the date and time each animal is received by the animal shelter;

(b) the name of the person or persons taking or sending any animal to be impounded;

(c) the date and time each animal impounded was redeemed, transferred, euthanized, or otherwise disposed of by the Animal Shelter Manager;

(d) the name of every person redeeming any animal and the amount paid by that person;

(e) the amount of impoundment and maintenance fees, costs, and charges connected with each impounded animal.

8. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer or any person employed by the Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this by-law.

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9. Every occupier of premises where any animal is kept or found and every person where encountered, having at that time the apparent custody of an animal, shall immediately, upon demand made by an Animal Control Officer or a peace officer, truthfully and fully supply the following information:
 - (a) his or her name;
 - (b) the number of animals owned or kept by him or her, their breed, gender, and general description;
 - (c) the place where such animals are kept; and
 - (d) whether the animals are currently licensed or registered.

REGISTRATION AND IDENTIFICATION OF ANIMALS

10. No person shall own, keep, possess or harbor any dog or cat aged three months (twelve weeks) or more within the reserve unless such dog or cat is licensed as provided by this by-law.
11. Notwithstanding section 10, a license shall be issued free of charge for a dog or cat who has been neutered or spayed during the 12-month period immediately preceding the application for the license.
12. Where this by-law provides for a reduced licence fee for a dog or cat that is neutered or spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the dog or cat has been neutered or spayed.
13. If the appropriate license fee has not been paid by the last day of February of the licensing year, the owner of any dog or cat not licensed shall pay a further fee as set out in Schedule "1" unless no license fee was payable in respect of such dog or cat by the end of February of the licensing year.
14. If a dog or cat is required to be licensed pursuant to this by-law, the owner of the dog or cat shall apply to Ahousaht Council for a licence on the prescribed form provided by Council and pay the fee set out in Schedule "1" to this by-law, and upon receipt of the application and payment of the prescribed fee, Council shall issue a numbered dog or cat licence and corresponding licence tag for that licence year. Annual licenses are valid from February^{1st} to January 31st of the issue year.
15. An owner must be a minimum of eighteen (18) years of age to license a dog or cat.
16. The owner shall ensure that any dog or cat wear a neck collar, harness or other suitable device to which a current license tag issued for that dog or cat shall be attached.
17. The license fee for any dog or cat that is moved with its owner into the reserve or that is newly acquired by its owner may be pro-rated for the first year of licensing.
18. Proof of an animal being spayed or neutered, including a certificate or receipt from a qualified veterinarian, is needed when licensing a dog or cat as being spayed or neutered.

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19. Council shall keep a complete animal registry of all licensed dogs and cats, indicating the dates of registration, the name, breed, gender, and color of each dog and cat, and the name, address, and contact information of each owner.
20. The owner of any licensed dog or cat shall, within thirty days of the owner's change address, notify Ahousaht Council of such change of address.
21. Where the owner of a dog or cat licensed with Ahousaht Administration ceases to be the owner of the dog or cat, he or she must, within seven days of ceasing to be the owner of the dog or cat, notify the Council of the change of ownership and the name and address of the new owner. The new owner of the dog or cat must, within fourteen days of owning the dog or cat, notify the Council of the change of ownership and provide information necessary to update the dog or cat license including name, address, etc.
22. A dog or cat license is not transferrable to another dog or cat even if a licensed dog or cat dies, nor are license fees refundable.
23. The owner of a Special Needs Assistance Animal is exempt from the licensing fees in the Schedule "1" to this by-law.
24. The owner of an animal may apply to the Animal Control Officer, in a form acceptable to the Animal Control Officer, to have that animal designated as a Special Needs Assistance Animal for the purposes of this by-law and, upon receiving and reviewing an application under this section, the Animal Control Officer shall:
 - (a) reject the application;
 - (b) approve the application and designate that animal as a Special Needs Assistance Animal.
25. Every Owner of a cat shall affix, and keep affixed, sufficient identification on the cat by a collar, harness, traceable tattoo, microchip or other suitable device such that a person finding the cat at large on the reserve can identify and contact the owner. The form of identification used must indicate the sterilization status of the cat.
26. Every Responsible Person for a cat apparently over the age of six (6) months, shall upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such cat has identification in accordance with section 25 of this by-law.

ISSUANCE OF LICENSE

27. An Animal Control Officer may refuse to issue, suspend, revoke or cancel a licence or permit if the applicant for or holder of the licence or permit:
 - (a) has been convicted of an offence involving cruelty to an animal; or
 - (b) in the opinion of the Animal Control Officer, has failed to comply with any of the requirements of sections 37-43 regarding the Prohibition of Cruelty to Animals; or
 - (c) has failed to pay any fines or fees imposed on him or her pursuant to this by-law.

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28. On request, the Animal Control Officer must provide the owner with written reasons for refusing to issue or for suspending, revoking or cancelling a permit or license.
29. An owner whose animal licence or permit was refused, suspended, revoked, or cancelled pursuant to section 27 may request that the Animal Control Officer reconsider the decision by notifying the Animal Control Officer within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the owner believes the decision should be reconsidered. Upon receipt of a completed request:
 - (a) the Animal Control Officer must, if he or she has not already done so, give the owner written reasons for the detention; and
 - (b) the Animal Control Officer must reconsider the refusal, suspension, revocation, or cancellation of the licence or permit and may uphold or overturn the original decision.
30. The applicant may re-apply at any time if and once the conditions for refusal, suspension, revocation, or cancellation of the licence or permit have changed.

ANIMAL HEALTH FUND

31. Of the fines and registration fees collected under this by-law, 50% will be retained by Council to defray the costs associated with the Animal Control Officer, registration of animals, and by-law enforcement. In addition, to defray the costs of spaying and neutering animals in Ahousaht Territories, the remaining 50% of the fines and registration fees collected will be allocated to an Animal Health Fund to be disbursed in the following manner:
32. The Animal Health Fund shall first be applied to reduce the costs of spaying and neutering, or treating injured animals for owners residing in Ahousaht Territories on a fixed or low income.
33. Owners wishing to avail themselves of the subsidy shall file an application with the Licensing Officer who will confirm the applicant is eligible, collect the reduced fee as above, and issue the payment in full directly to the veterinarian performing the service. The subsidy is not retroactive.
34. In addition to the subsidy above, remaining Animal Health Funds may be used to pay for the travel and accommodation costs for a veterinarian to be brought to Ahousaht Territory to examine, immunize and treat animals on an annual basis, including for the purpose of collecting and dealing with feral cats and dogs. These expenditures are made at the sole discretion of the Animal Control Officer, or by order of Ahousaht Council, to meet the purpose of this by-law.
35. Ahousaht Council may choose to provide funds for the Animal Health Fund on a temporary basis as initial costs for the subsidy and necessary veterinarian or other interventions may be higher than in subsequent years when the initial funds provided can be reimbursed to the Ahousaht Council.

LIMITATION OF ANIMALS PER DWELLING OR PREMISES

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36. When permitted to have animals in a dwelling or premises, not more than two (2) dogs are permitted, and no more than three (3) domestic animals total are permitted in any dwelling or premises.

BASIC ANIMAL CARE REQUIREMENTS

37. An owner shall ensure his or her animal is provided with:
- (a) clean potable drinking water all the time and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering, or disease.
38. An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
- (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal.
 - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times;
 - (d) which contains bedding that will assist with maintaining normal body temperature; and,
 - (e) which is regularly cleaned and sanitized, and all excreta removed and properly disposed of at least once a day.
39. No person may cause an animal to be 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.
40. No person may cause an animal to be hitched, tied or fastened to a fixed object for longer than 6 hours within a 24-hour period.
41. No person may cause an animal to be hitched, tied or fastened to a fixed object where the apparatus is less than (3) three meters in length and allows for free movement of the animal, and tethered in a way to not get caught up or tangled in the tether site.
42. No person may cause an animal to be confined in an enclosure, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.

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43. Notwithstanding any other provision of this by-law, no person shall:
- (a) abandon any animal;
 - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, and the like on any animal;
 - (c) tease, torment, or provoke an animal;
 - (d) cause, permit or allow an animal to suffer; or
 - (e) train or allow any animal to fight.

UNSANITARY CONDITIONS PROHIBITED

44. No person shall keep an animal in an unsanitary environment. An environment shall be considered unsanitary when it contains objects that may cause injury, an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of the animal or of any person.

PROHIBITED ANIMALS

45. Except as provided in section 46 of this bylaw, no person shall:
- (a) breed,
 - (b) possess,
 - (c) exhibit for entertainment or educational purposes, or
 - (d) display in public,
- either on a temporary basis or permanent basis, any prohibited animal outlined in Schedule "2" to this by-law.
46. Section 45 does not apply to:
- (a) The premises of a (local government) facility used for keeping impounded animals;
 - (b) The premises of any police department;
 - (c) Premises operated by The British Columbia Society for the Prevention of Cruelty to Animals;
 - (d) The premises of a veterinarian licensed by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited animal.

GENERAL PROHIBITIONS

47. An owner shall ensure his or her dog does not run at large.
48. No Responsible Person shall suffer or permit a cat that is apparently over the age of six (6) months, which is owned, possessed or harboured by him or her, to be at large, unless such cat, if female, is spayed or if a male, is neutered.
49. Notwithstanding section 47, a dog is not required to be on a leash while in a designated off-leash area listed as:

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- i. North end of front beach, known as qachiyim north end, to Upw'inis middle of the beach
- ii. First beach, qiitlknit (name of seaweed that washes up on the beach) and known as Powell Beach
- iii. Old field – l'mchaqu?as (sporting place) pending fence
- iv. Any additional area designated by Ahousaht Council

or off-reserve locations (Subject to other Jurisdictions).

- 50. If an animal defecates on any public or private property other than the property of its owner, the owner shall immediately remove such feces and dispose of it in a sanitary manner.
- 51. An owner shall ensure his or her animal does not vocalize excessively or in any manner which might reasonably disturb any human.
- 52. No owner of a dog shall permit his or her dog to, without provocation:
 - (a) chase, bite or attack any human or domesticated animal, or
 - (b) cause damage to any property.
- 53. Every person responsible for an intact female dog or cat shall, at all times when the dog or cat is in heat, keep the dog or cat securely confined within a building or enclosure capable of preventing the escape of the dog or cat and the entry of other dogs or cats.
- 54. The owner of an animal who fails to take all necessary measures to ensure that such animal is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
- 55. The owner or person responsible of any dog that is lawfully not on a leash pursuant to section 49 shall:
 - (a) keep the dog under effective control at all times, and
 - (b) ensure that the dog does not cause injury to any person or other animal or damage to any property.
- 56. Every Person Responsible for a diseased animal must, where the disease poses a threat to the health or safety of a human or animal, ensure that the diseased animal does not leave the property or premises of the owner other than for the purpose of a visit of a veterinarian, in which case the animal must be transported in a manner so as to ensure that it does not come into contact with another human or animal.

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57. A person who finds and takes possession of a companion animal at large in Ahousaht Territory shall immediately provide the Animal Control Officer with a description and photo where possible and provide a name and address for contact by the owner of the companion animal.
58. No owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or causes the animal to become a nuisance.

PROHIBITIONS WITHIN AREAS OF THE RESERVE

59. The Council may at any time prohibit the keeping of animals within any public area of the reserve(s).
60. Notice of any prohibition made by Council pursuant to this by-law shall be posted on public bulletin boards; in the Ahousaht organization service buildings bulletins and after 7 days from the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.
61. No person may establish, own or operate an establishment or facility for the breeding, boarding, sale or treatment of animals within the limits of the Ahousaht Territories listed in Schedule "4", without express written authorization to that effect from the Council, subject to fees, by way of Council resolution.
 - (a) No person shall sell or offer for sale to the public any animal, with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization.

DANGEROUS DOGS

62. No person shall own or keep any dangerous dog unless such dog is licensed as a Dangerous Dog with Ahousaht by an owner who is over the age of eighteen, and who has paid the applicable fee indicated in Schedule "1".
63. In order to obtain such license, an owner of a Dangerous Dog shall supply the following documentation to the Animal Control Officer or Council within five (5) days of the dog being designated a Dangerous Dog:
 - (a) completion of the dog license application;
 - (b) written confirmation from a licensed veterinarian that such dog has been spayed or neutered;
 - (c) written confirmation from an animal trainer approved by the Council's Animal Control Officer that the services of such trainer have been retained for the purpose of providing behavioral remediation to such dog;
 - (d) written confirmation that the owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by such dog in an amount not less than five hundred thousand dollars, and covering the twelve-month period during which licensing is sought. This policy shall contain a provision requiring the

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Council to be named as an additional insured for the sole purpose of the Council to be notified by the insurance company of any cancellation, termination or expiration of the policy.

(e) payment of the dangerous dog license fee as outlined in Schedule "1".

64. If an Animal Control Officer, based on his or her own knowledge or observations or a written complaint, has reasonable grounds to believe that a dog:

(a) has, without provocation, aggressively pursued, attacked or bitten another animal or a human; or

(b) has been trained for or is owned, possessed or harboured, primarily or in part, for the purpose of fighting;

the Animal Control Officer may, without limiting the powers available to him or her pursuant to any applicable legislation, designate the dog to be a Dangerous Dog. Upon making such a designation pursuant to this section, the Animal Control Officer must deliver to the dog's owner a letter advising that the dog has been designated as Dangerous Dog and informing the owner of the right to request reconsideration of that decision in accordance with section 65. The letter shall be deemed to be delivered if mailed to the address on the most recent license for that dog or the address where the dog is known or believed to reside or left with an adult person at the address on the most recent license for that dog or the address where the dog is known or believed to reside.

65. The owner of any dog that has been designated as a Dangerous Dog, may within three (3) calendar days of delivery of the letter notifying of the Dangerous Dog designation, request that the Animal Control Officer reconsider the decision. The request for reconsideration must be accompanied by written reasons why the owner of the dog believes the dog is not a Dangerous Dog and a written assessment of the dog, prepared by a dog behaviour specialist approved by Council and/or Animal Control Officer within the last six (6) months. The Animal Control Officer, after providing the owner and any complainant with an opportunity to make representations regarding the dog, may confirm or reverse the decision designating the dog as a Dangerous Dog and may cancel or modify any restrictions, requirements or conditions imposed by an Animal Control Officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.

66. Every owner of a Dangerous Dog must at all times keep the dog:

(a) securely confined indoors such that the dog cannot escape; or

(b) in an enclosure which prevents the entry into the enclosure of children and prevents the animal from escaping the enclosure; or

(c) properly fitted with a humane basket muzzle, on a leash not longer than one metre and under the immediate control of a competent person at least nineteen (19) years of age and skilled in animal control.

(d) Such an enclosure shall not be within one meter of the property line or within three meters of a neighboring dwelling unit.

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67. The owner of such dog shall display a sign declaring in legible writing and with a recognizable symbol that the dog is dangerous at each entrance to the property and building in which such dog is kept.
68. The owner of such dog shall promptly notify the Animal Control Officer if:
 - (a) the dog is found to be at large;
 - (b) the dog moves, is given away, or dies.
69. If the owner of a Dangerous Dog is unwilling or unable to comply with the requirements of this section, said dog shall be seized and impounded for a maximum seven (7) day holding period, after which the dog may be euthanized by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
70. The owner of a Dangerous Dog may, within four (4) days of impoundment, request the release of a Dangerous Dog by submitting to the Animal Control Officer a letter providing proof of his or her actions of remediation to the contraventions of this by-law, as outlined in section 66.

IMPOUNDING AND SEIZURE

71. An animal found running at large, on Ahousaht Territories as listed in schedule "4" may be seized by an Animal Control Officer and impounded.
72. An Animal Control Officer may seize an animal from any person whom he/she has reasonable cause to believe is violating, or has violated, or is about to violate any of the provisions of this by-law including:
 - (a) any unlicensed dog or unregistered cat;
 - (b) any Dangerous Dog not secured or muzzled in accordance with section 66;
 - (c) any animal found to be at large contrary to this by-law; and
 - (d) any animal that is, or appears to be, suffering.
73. When an animal is not on a responsible person's property, the Animal Control Officer may, where necessary, employ the use of lures, baits, nets, tranquilizer gun, sonic and mechanical devices or any other means of apprehending animals provided always that such methods are applied humanely.
74. An animal seized shall be considered impounded at the time and place he/she comes under the control of the Animal Control Officer. All reasonable efforts to identify and contact the owner of the stray animal impounded will be made.
75. Any animal impounded shall be provided with the basic animal care provisions described in sections 37-43 of this bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007 or any updated versions) and the Animal Shelter Manager shall sign a declaration to that effect.

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76. The Animal Shelter Manager shall ensure that all animals seized under this by-law receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the animals are not mistreated during seizure and impoundment.
77. The animal shall remain impounded for a minimum of 72 hours (not including the date of impoundment, Sundays, or Statutory Holidays), unless the animal is claimed by its rightful owner. If not claimed within that time, the animal shall become the property of Council and the Animal Control Officer, at his/her discretion may:
- (a) adopt out the animal for such price as has been established once the animal is altered (spayed or neutered), if unaltered, unless the animal is a Dangerous Dog;
 - (b) transfer the animal to another organization for rehabilitation and/or rehoming;
 - or
 - (c) after reasonable attempts have been made to place the animal, arrange the euthanasia of the animal by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
78. During the impoundment period, the Animal Shelter Manager or Animal Control Officer may facilitate the euthanasia, when necessary and without delay, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, any animal deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the owner of the animal have failed.
79. During the impoundment period, Ahousaht, via the Animal Shelter Manager or Animal Control Officer shall:
- (a) provide such veterinary care for an injured or ill impounded animal as may be necessary to relieve distress; and
 - (b) ensure any unaltered animal is spayed or neutered before the animal is adopted; and
 - (c) be entitled to recover from the owner, the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the Council for redemption of the animal.
80. If an Animal Shelter Manager or Animal Control Officer considers that an impounded animal requires:
- (a) a vaccination;
 - (b) flea treatment;
 - (c) worm treatment;
 - (d) examination by a veterinarian; or
 - (e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian,
- then the Animal Shelter Manager or Animal Control Officer can cause such care to be provided at the sole cost and expense of the animal's owner.
81. In order to obtain the release of an impounded dog or cat during the impoundment period, the owner shall:
- (a) provide proof of ownership of the animal;
 - (b) license the animal with Council; and
 - (c) pay to Council:

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- I. any applicable fines as outlined in Schedule "1";
 - II. per diem animal care and housing fees as identified in Schedule "1"; and
 - III. any costs incurred due to veterinary services rendered during the impoundment period.
82. Where the owner of a dog or cat has been determined and all reasonable efforts to contact such owner have been made, but such owner does not claim the animal, he or she shall be responsible for payment to Council of the fees described in Schedule "1".
83. Where an animal is seized pursuant to this by-law, the Animal Shelter Manager or Animal Control Officer shall screen for identification. The Animal Shelter Manager or Animal Control Officer shall make every effort to identify and notify the owner of the animal of the fact that the animal has been seized and that the animal will be adopted, euthanized or otherwise disposed of by the Animal Shelter Manager after the expiration of seventy-two (72) hours from the date the animal was seized unless the animal is redeemed before that time.
84. Where the owner of an animal which has been seized under this by-law is not known to, and cannot be identified by the Animal Shelter Manager or the Animal Control Officer, the Animal Shelter Manager or Animal Control Officer shall cause notice of the seizure to be posted on the Ahousaht organization service buildings bulletins and, if the technology is available, on a website. Such notice shall set out the particulars of the seized animal, the date of seizure, and that the animal will be relocated, euthanized, or otherwise disposed of by the Animal Shelter Manager or Animal Control Officer after the expiration of seventy-two (72) hours from the date of the notice unless the animal is redeemed before that time.
85. An owner of an animal seized under this by-law, or any person authorized in writing on the owner's behalf, may redeem the animal at any time prior to his/her relocation, euthanasia, or disposal under this by-law upon:
- (a) delivery to the Animal Shelter Manager of evidence satisfactory to the Animal Shelter Manager of ownership of the animal;
 - (b) evidence satisfactory to the Animal Shelter Manager and/or Animal Bylaw Officer that the animal will not suffer in the care of the owner or responsible person;
 - (c) payment of the impoundment and maintenance fees, costs, and charges incurred in respect of the seizure and boarding of the animal as set out in Schedule "1" and "3" to this by-law; and
 - (d) licensing or registration of the animal with the Council and payment of the current requisite licence or registration fee if the animal is required to be licensed or registered pursuant to this by-law and is not licensed or registered.
86. After an animal has been found straying at large, abandoned, or apparently ownerless, and the owner is unknown, the Animal Shelter Manager may direct that the animal, after the Animal Shelter Manager has held the animal for a period of at least 72 hours:
- (a) be transferred to be rehomed if the animal is neither a diseased animal nor a Dangerous Dog;

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- (b) be indefinitely placed with any person or organization deemed acceptable by the Animal Shelter Manager; or
 - (c) after reasonable attempts have been made to place the animal, be euthanized by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
87. After an animal has been found straying at large, abandoned, or apparently ownerless, and the owner is known, the Animal Shelter Manager may direct that the animal, after the Animal Shelter Manager has held the animal for a period of at least 72 hours and given notice to the owner in accordance with line 83:
- (a) be transferred to be rehomed if the animal is neither a diseased animal nor a Dangerous Dog;
 - (b) be indefinitely placed with any person or organization deemed acceptable by the Animal Shelter Manager; or
 - (c) after reasonable attempts have been made to place the animal, be euthanized by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
88. Where the owner of an animal has been determined and all reasonable efforts to contact such owner have been made, but the owner does not claim the animal, he or she shall be responsible for payment to the Council the fees described in Schedule "1" and "3" and not permitted to register or own another animal with Ahousaht for one (1) year from the date the animal was impounded.
89. No person shall take or release any animal from the Pound without the consent of the Animal Shelter Manager or Animal Control Officer.
90. The Animal Shelter Manager or Animal Control Officer may accept a dog or cat from the owner of such animal for the purpose of having the animal rehomed, euthanized or otherwise disposed of upon receiving a fee, where applicable, from that person which is sufficient to cover the costs of that service.
91. Upon reasonable grounds, the Animal Shelter Manager or Animal Control Officer has the right to refuse to any person the release or adoption of any animal for any of the following reasons:
- (a) to protect the safety of the public from the animal;
 - (b) to protect the safety of the animal from the public;
 - (c) to protect the health and welfare of the animal from the individual;
 - (d) if the person is under nineteen (19) years of age; or
 - (e) if the person is apparently under the influence of alcohol or a drug, such that the Animal Shelter Manager or Animal Control Officer does not feel that the individual has the cognitive ability to accept responsibility for the animal.
92. An owner whose animal was detained pursuant to section 72 may request that the Animal Shelter Manager or Animal Control Officer reconsider the decision to detain the animal by notifying the Council within seventy-two (72) hours of the date of the decision. Such a

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request must be in writing and must include the reasons why the owner believes the decision should be reconsidered. Upon receipt of a completed request:

- (a) the Animal Shelter Manager or Animal Control Officer must, if he or she has not already done so, give the owner written reasons for the detention; and
- (b) reconsider the detention and may uphold or overturn the original decision. []

93. If, within seventy two (72) hours after the decision to detain was made or confirmed, an animal detained pursuant to section 72 is not claimed by its owner and the applicable requirements of section 81 are not satisfied, the animal shall be deemed to have been surrendered to the Council and the Animal Shelter Manager or Animal Control Officer may cause the animal to be made available for adoption or otherwise disposed of.
94. No damages or compensation may be recovered as a result of the destruction or disposal of a dog by the Animal Control Officer pursuant to section 91.
95. A written report of each such incident, as described in this section, shall be filed with Council by the Animal Control Officer.

ENFORCEMENT

96. No person shall do any act or permit any act or thing to be done in contravention of this by-law.
97. The Animal Control Officer may enter upon property on which animals are kept at any reasonable hour and may inspect any animal and the facilities for housing the animal in order to ascertain whether the regulations contained in this by-law are being obeyed.
98. Notwithstanding any other provision of this by-law where the Animal Control Officer has reasonable grounds to believe that an owner is not complying with any provision of this by-law, he/she may give a written or verbal warning.
99. Any person, other than an Animal Control Officer acting in good faith in the course of his or her duties, who causes, permits or allows anything to be done in contravention or violation of this by-law or who neglects or fails to do anything required to be done pursuant to this by-law, commits an offence and is subject to a minimum fine of fifty dollars (\$50.00) and shall upon summary conviction be liable to a fine of not more than two thousand dollars (\$2,000.00) or to imprisonment for not more than six months or to both. If the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. Nothing in this section shall restrict Ahousaht ability to enforce this by-law in any other manner permitted by law.
100. This by-law is designated pursuant to section 264 of the Community Charter, SBC 2003, c26 as a by-law that may be enforced by means of a ticket in the form prescribed.
101. Animal Control Officers and members of the Royal Canadian Mounted Police are designated to enforce this by-law by means of a ticket pursuant to section 264 of the Community Charter.

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102. The penalties imposed under section 99 hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this by-law.
103. A separate offence shall be deemed to be committed upon each day during and in which a contravention of this Bylaw occurs or continues.

SEVERANCE

104. If a section, subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid, by the decision of a Court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this by-law.
105. Schedules "1" to "4" inclusive of this by-law which are attached hereto form part of this by-law.

Ahousaht Animal Control & Care By-law

Schedule 1

Fees

License fee: Male or female unaltered dog	<u>\$100</u>
License fee: Neutered male or spayed female dog	<u>\$25</u>
License fee: Male or female unaltered cat	<u>\$50</u>
License fee: Neutered male or spayed female cat	<u>\$10</u>
License fee: Dangerous Dog license fee	<u>\$500</u>
Replacement tag	<u>\$15</u>
First Impoundment fee: Male or female unaltered dog	<u>\$200 & \$60 per day</u>
First Impoundment fee: Male or female altered dog	<u>\$150 & \$60 per day</u>
Second and subsequent impoundment fee: Male or female unaltered dog	<u>\$300 & \$60 per day</u>
Second and subsequent impoundment fee: Male or female altered dog	<u>\$250 & \$60 per day</u>
Impoundment fee: Male or female unaltered cat	<u>\$100 & \$25 per day</u>
Impoundment fee: Male or female altered cat	<u>\$50 & \$25 per day</u>

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SCHEDULE 2

LIST OF PROHIBITED ANIMALS

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenartha (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all reptiles and amphibians over 2ft adult size
- all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
- all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
- all hyenidae (hyenas)
- all hyracoidean (hyraxes)
- all erinaceidae (tenrecs and hedgehogs)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacea (whales, porpoises, dolphins)
- all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit
- all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary
- all saltwater fish

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SCHEDULE 3

Penalty Fine Amounts

Ahousaht Animal Care & Control By-law		
Description	Section	Penalty Amount
No Dog or Cat License	10	\$50
Failure to Display Dog and Cat License	16, 24	\$50
Failure to Notify of Address Change	19	\$50
Failure to Notify of New Owner	20	\$50
Too Many Animals	35	\$50
Dog at Large	46	\$50
Cat at Large	47	\$50
Failure to Remove Feces	49	\$50
Noisy Animal	50	\$50
Dog Attack	51a	\$100
Dog Damaged Property	51b	\$100
Dog Not Under Control	52, 54	\$50
Animal in Unsanitary Environment	43	\$50
Failure to Provide Food or Water	36a, 57	\$50
Failure to Provide (clean) Receptacles	36b	\$50
Failure to Provide Sufficient Exercise	36c	\$50
Failure to Provide Veterinary Care	36d, 55	\$50
Failure to Provide Adequate Shelter	37a-e	\$50
Tethered With Choke Collar	38	\$50
Tethered Over Six Hours	39	\$50
Tethered to Restrict Movement	40	\$50
Inadequate Ventilation	41	\$50
Neglect/Abuse of Animal	42, 57	\$50
Animal Where Prohibited	47	\$50
Illegal Kennel	60	\$100
Unlicensed Sale of Animal(s)	60a	\$500
No Dangerous Dog License	61	\$100
Failure to Muzzle or Leash Dangerous Dog	65c	\$100
Failure to Securely Contain Dangerous Dog	65	\$100
Failure to Display Dangerous Dog Sign	66	\$100
Failure to Notify Dangerous Dog at Large	67	\$500
Possess Prohibited Animal	44	\$500

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SCHEDULE 4

Ahousaht Territories

I.R #	Reserve Name:
11	Yarksis
12	CloolthPich
13	Quortsowe
14	Oinimitis
15	Marktosis (Ahousaht Reserve)
16	Ahous
17	Chetarpe
18	Sutaquis
19	Wahous
20	Wahous
21	Tequa
22	Peneetle
23	Moyehai
24	Seetukis
25	Watla
26	Wap pook
27	Opnit
28	Tootoo wiltena
29	Kishnacous
30	Indian Island
31	Vargas Island
32	Bartlett Island
33	Kutcous Point
34	Hisnit
35	Swan

Ahousaht Animal Control & Care By-law



Ahousaht First Nation
General Delivery
Ahousaht BC V0R 1A0
250-670-9563
1-800-991-1433
info@ahousaht.ca



AHOUSAHT COUNCIL RESOLUTION

**THE COUNCIL OF AHOUSAHT
PROVINCE OF BRITISH COLUMBIA
PLACE – AHOUSAHT**

**DATE: 09 08 2019
 DAY MONTH YEAR**

WHEREAS: WHEREAS:

Ahousaht Chief and Council support the Ahousaht Animal Care and Control Bylaw, known as Ahousaht By-law, 2019 #1

THEREFORE BE IT RESOLVED THAT:

Ahousaht Chief and Council support the Ahousaht Animal Care and Control Bylaw, 2019 # 1 to enforce community safety,

The Bylaw 2019 #1 is to ensure that care for animals and pets are monitored.

This by-law 2019 #1 comes into effect immediately after it is posted on the Ahousaht Website at www.Ahousaht.ca

A QUORUM OF THIS COUNCIL CONSISTS OF FIVE (5)

Chief Councillor

Deputy Chief Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor