

TSLEIL-WAUTUTH NATION
DOG CONTROL BYLAW 2016

A Bylaw for the regulation and control of dogs on the reserve.

WHEREAS the Council of the Tsleil-Waututh Nation wishes to establish a Bylaw governing the regulation and control of dogs on reserve; and

WHEREAS the Council of the Tsleil-Waututh Nation is empowered to make such a Bylaw and the imposition of a penalty for the violation thereof pursuant to Section 81 of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Tsleil-Waututh Nation, at a duly convened meeting, hereby enacts as a Bylaw the following:

PART 1 SHORT TITLE

- 1.1 This Bylaw is to be cited as the *Tsleil-Waututh Dog Control Bylaw, 2016*.

PART 2 DEFINITIONS

- 2.1 In this Bylaw:

“**Aggressive Dog**” means any Dog which has, without provocation, attacked, bitten, or harassed or pursued in a hostile fashion a person or Animal.

“**Animal**” means a mammal, bird and reptile and does not include humans.

“**Animal in Distress**” means an Animal that is:

- a. deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment,
- b. kept in conditions that are unsanitary,
- c. not protected from excessive heat or cold,
- d. injured, sick, in pain or suffering, or
- e. abused or neglected.

“**Band Council Resolution**” means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the councillors of the Band present at that meeting.

“**Dog**” means any animal of the “canine” species over the age of three (3) months.

“**Enforcement Officer**” means a person appointed by the Tsleil-Waututh Nation whose duties include enforcing and carrying out the provisions of this Bylaw.

“**Muzzle**” means having a basket cage muzzle or similar humane device placed over the mouth of a Dog which allows a Dog to pant and breathe safely but prevents the Dog from biting a person or Animal.

“**Owner**” includes any person who owns, has in their custody or under their control or possession, or harbours any Dog within the reserve.

“**Reserve**” means Burrard Inlet Indian Reserve #3.

“**TWN**” means Tsleil-Waututh Nation.

“**TWN Public Lands**” means Reserve locations other than within the bounds of property which is leased, assigned, allotted, owned, controlled or tenanted by a Dog owner.

“**Under Control**” means, in respect of any Dog, leashed or unleashed, that the Dog:

- a. immediately returns when called by the person who owns or has care and control of the Dog; and
- b. is not annoying, harassing or attacking any person, wildlife or other Animal.

PART 3 OFFENCES

3.1 It shall be an offence under this Bylaw:

- a. for an Owner to permit a Dog that is not Under Control on TWN Public Lands;
- b. for an Owner to permit an Aggressive Dog on TWN Public Lands unless the Dog is:
 - i. wearing a Muzzle, and
 - ii. secured on a leash by a competent person;
- c. for a Dog Owner to fail to immediately remove and dispose in a waste container or by other sanitary means, any excrement deposited by their Dog on TWN Public Lands.

PART 4 ANIMAL CRUELTY

4.1 Any Reserve resident concerned about an Animal in Distress may call the local branch of the Society for the Prevention of Cruelty to Animals (SPCA).

PART 5 ENFORCEMENT AND PENALTIES

- 5.1 Enforcement Officers and Royal Canadian Mounted Police officers are designated to enforce this Bylaw pursuant to Section 81 of the *Indian Act*.
- 5.2 An Enforcement Officer or Royal Canadian Mounted Police officer may issue penalty fees for offences committed under Part 3 of this Bylaw, as set out in Schedule A and amended from time to time by Band Council Resolution.
- 5.3 Penalty fees issued under this Bylaw are payable at the Tsleil-Waututh Nation administration office within 10 working days of the date of issuance of the penalty fee.

PART 6 OFFENCES

- 6.1 Every person who violates a provision of this Bylaw, or who consents, allows or permits an act to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties posed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 6.2 A Dog Owner that has been issued a penalty fee under this Bylaw can avoid court action by paying the penalty fee within the timelines set out in section 5.3.
- 6.3 Any person who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a court-imposed fine of not more than one thousand dollars (\$1,000) or to imprisonment for a term not exceeding thirty (30) days, or both.

PART 7 GENERAL

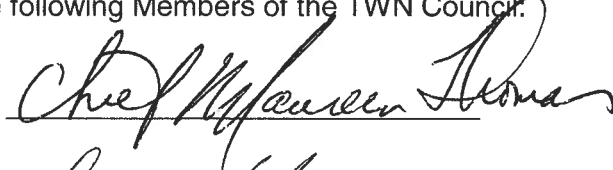
- 7.1 Where any Federal Act or Regulation or Provincial Act or Regulation or any other Tsleil-Waututh Law or Bylaw applies to any matter covered by this Bylaw, compliance with the Bylaw will not relieve the person from also complying with the provisions of the other applicable Act, Regulation, Bylaw or Law.
- 7.2 If any section of this Bylaw 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 Bylaw.
- 7.3 The headings given to the sections and paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

This Bylaw is hereby adopted at a duly convened meeting of the Council of the Tsleil-Waututh Nation

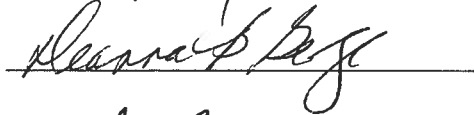
this 20th day of April, 2016.

Voting in favour of this Bylaw are the following Members of the TWN Council:


Chief Maureen C. Thomas



Councillor Deanna B. George



Councillor Jen Thomas



Councillor Liana Martin



Councillor Charlene Aleck



Councillor Travis George



SCHEDULE A: PENALTY FEES

	<u>Section</u>	<u>Penalty Fee</u>
Dog not Under Control	3.1a	\$100
Aggressive Dog with no Muzzle and leash	3.1b	\$200
Failure to remove Dog excrement	3.1c	\$100

