

Version 1.0 April 25<sup>th</sup>, 2018

# **SQ'EWÁ:LXW FIRST NATION**

## **Animal Control and Protection Law 2018**



## PREAMBLE

WHEREAS Sq'ewá:lxw First Nation has an inherent right to self-government which emanates from its people, culture, language, and land and which is recognized and affirmed by section 35 of the Constitution Act, 1982;

WHEREAS our Nation has chosen to assume control of its indian reserve lands pursuant to the First Nation Lands Management Act, S.C. 1999, c. 24 by entering into the Individual Agreement on First Nation Land Management between Sq'ewá:lxw First Nation and Her Majesty the Queen in Right of Canada and by adopting the Skawahlook First Nation Land Code;

WHEREAS under the Skawahlook First Nation Land Code, Council is authorized to pass various Laws relating to lands, consistent with section 16 of the Skawahlook First Nation Land Code;

WHEREAS Sq'ewá:lxw Chief and Council is concerned about the safety, wellbeing and treatment of Animals on Sq'ewá:lxw Lands;

THEREFORE BE IT RESOLVED THAT the Sq'ewá:lxw First Nation hereby enacts the following Law:

## PART 1 - INTERPRETATION

### Short Title

1 This Law may be cited as the "Sq'ewá:lxw Animal Control and Protection Law 2018".

### Purpose

2 The purpose of this Law is to protect the welfare of Animals residing on Sq'ewá:lxw Lands and to provide measures of safety and control for the residents of Sq'ewá:lxw Lands.

### Definitions

3 For the purposes of this Law, terms have the same definitions as in the Land Code;

4 In addition, the following definitions apply:

- (1) "**Animal**" means a mammal, bird, or reptile.
- (2) "**Cat**" means any Animal of the zoological family *Agenus felis*.
- (3) "**Council**" means the Chief and Council of Sq'ewá:lxw.
- (4) "**Dog**" means any Animal of the zoological family *Canidea*.
- (5) "**Domestic Animal**" means an Animal that is under the control of humans and dependent on them for survival.
- (6) "**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.



- (7) “**Land Code**” means the Skawahlook First Nation Land Code dated for reference October 18, 2013 and any amendments thereto.
- (8) “**Laws**” means any applicable Sq’ewá:lxw, federal or provincial laws, as those laws may be amended from time to time.
- (9) “**Member**” means a person whose name appears or is entitled to appear on the Sq’ewá:lxw band membership list.
- (10) “**Own**” includes possess, harbour, or keeps.
- (11) “**Owner**” means a Person who Owns a Domestic Animal.
- (12) “**Person**” includes an entity or corporation.
- (13) “**Sq’ewá:lxw**” means the Skawahlook First Nation, a band within the meaning given to “band” in subsection 2(1) of the Indian Act.
- (14) “**Sq’ewá:lxw Enforcement Officer**” means any person or class of persons designated as an enforcement officer under section 15 of the Sq’ewá:lxw Enforcement and Ticketing Law.
- (15) “**Sq’ewá:lxw lands**” means Skawahlook Indian Reserve No. 1 and Ruby Creek Indian Reserve No. 2 and such lands as are defined in the Land Code.
- (16) “**Vicious Dog**” means a Dog that:
  - (a) has killed or injured a person;
  - (b) has killed or injured a Domestic Animal;
  - (c) a Sq’ewá:lxw Enforcement Officer has reasonable grounds to believe is likely to kill or seriously injure a person;
  - (d) has aggressively harassed or pursued a person or Domestic Animal; or
  - (e) is kept, either primarily or in part, for the purpose of fighting.

## PART 2 - APPLICATION

### Where This Law Applies

- 5 The provisions of this Law apply to all of the Sq’ewá:lxw lands including all lands held by Certificate of Possession, community land, and all other interest in Sq’ewá:lxw lands.

### Paramountcy

- 6 If there is a conflict between this Animal Control and Protection Law and the Land Code, the Land Code will apply.



## Authority

- 7** Except as otherwise provided in this Animal Control and Protection Law, the Land Code, or the First Nations Land Management Act, Sq'ewá:lxw acts through Council in exercising its powers and functions under this Animal Control and Protection Law.
- 8** Council must exercise its powers and functions in accordance with this Animal Control and Protection Law, the Land Code, and all other applicable Laws.

## PART 3 - PROHIBITIONS

- 9** No person shall:
- (1) Keep, or allow to be kept, a Dog unless a valid Dog licence for the current licence year has first been obtained for that Dog from Sq'ewá:lxw as per regulation that Sq'ewá:lxw may adopt from time to time.
  - (2) Keep, or allow to be kept, a Dog unless it is confined to premises by means of enclosure, chain, cord or fence, or under the direct continuous charge and control of the owner or other competent person and restrained by a chain, cord, leash, or halter;
  - (3) Keep, or allow to be kept, a diseased Animal unless it is securely confined in such enclosure and in such manner that it does not endanger the safety of any person or any other Animal;
  - (4) Keep, or allow to be kept, a vicious Dog unless it is:
    - (a) muzzled to prevent it from biting another Animal or human; or
    - (b) securely confined either indoors or in an enclosure on premises owned or occupied by the person;
  - (5) Keep, or allow to be kept, more than two (2) Dogs and two (2) cats over the age of four months on any property under 0.5 hectares (1.2 acres);
  - (6) allow the accumulation of Animal excrement to become noxious or a health hazard;
  - (7) tease, torment or provoke a Domestic Animal.
- 10** No person shall keep, or allow to be kept, any Animal unless the Animal is provided with:
- (1) 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;
  - (2) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - (3) the opportunity for periodic exercise sufficient to maintain good health; and
  - (4) necessary veterinary medical care when the Animal exhibits signs of pain or suffering.



- 11** No person shall keep, or allow to be kept, 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, which:
- (1) ensures protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
  - (2) provides sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
  - (3) for each Dog, is not less than 1.5 square meters (approximately 16 square feet) in area, having no linear dimension less than 1.2 meters (approximately 4 feet), or, for two Dogs, is not less than 2.2 square meters (23.68 square feet) in area;
  - (4) provides the Animal with sufficient shade to protect the Animal from the direct rays of the sun at all times; and
  - (5) includes access to a pen and run area, which may be covered or uncovered, which is regularly cleaned and free from accumulation of excrement.
- 12** No person may cause an Animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the Animal's neck in a choke-type collar.
- 13** No person may cause an Animal to be confined to an enclosed space, including a motor vehicle, without adequate ventilation and temperature control.
- 14** A Sq'ewá:lxw Enforcement Officer may seize a Domestic Animal that is found at large on Sq'ewá:lxw Land.
- 15** When a complaint is made to Council that an Animal is suffering from a 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, may order the owner to have the Animal treated or euthanized. If the owner does not have the means, or refuses to pay for treatment or euthanization, Sq'ewá:lxw may arrange for the procedure and can recover the costs against the Owner.

#### **PART 4 - OFFENCES, PENALTIES, AND ENFORCEMENT**

- 16** A person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or as set out in the Enforcement and Ticketing Regulation and amended from time to time.
- 17** A Sq'ewá:lxw Enforcement Officer may enter, at all reasonable times, any day of the week, on any property that is subject to this Law to ascertain whether the provisions of this Law are being adhered to.
- 18** This Animal Control and Protection Law will be enforced in accordance with the Sq'ewá:lxw Enforcement and Ticketing Law.
- 19** No action for damages lies or may be instituted against Sq'ewá:lxw, present or past Council, any Sq'ewá:lxw Enforcement Officer, or any employees, contractors, servants or



agents of Sq'ewá:lxw for any claim, loss, harm, or damage arising from Domestic Animals on Sq'ewá:lxw Lands.

## **PART 5 - AMENDMENTS**

### **Amendments to this Law**

- 20** An amendment or repeal of this Animal Control Law must only be made by Council, as recommended by the Land Advisory Committee in accordance with the Land Code.





