

Lytton First Nation

May 19, 2020

NOTICE OF A NEW DOG CONTROL-BY-LAW FOR ALL PERSONS LIVING ON LYTTON FIRST NATION RESERVES

Dog Control-By-law: A By-law to provide direction and address concerns of dogs on the reserves of the Lytton First Nation.

To be in compliance with Lytton First Nation's Mission statement and a result of the many complaints and community concerns of vicious dogs running at large, on May 13, 2020 at the Council meeting Chief and Council has passed a Dog Control By-law for your review.

Mission: To create and sustain our community vitality and quality of life...

- *Planning for our Nation's future while preserving traditions of the past*
- *Safeguarding community*
- *Ensuring economic health and fiscal stability*

For your convenience, please find listed below a summary of this by-law, we encourage you to read the detailed version.

- Prevents running at large of dogs and breeding of dogs which may be harmful to the health of the residents and a nuisance to residents.
- Council will appoint an Animal Control Officer to provide for the administration and enforcement of this By-law. An RCMP officer can enforce the By-law.
- No more than two animals consisting of dogs and/or cats can be kept in any dwelling on a Reserve. This does not apply to litters under four months old.
- Dangerous dogs are banned:
 - Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, Rottweiler or Mastiff.
- A resident must register for free their dog with Animal Control Officer and each dog must have a tag (issued from Band office).
- All dogs on the reserve must be immunized and neutered.

- A dog must be safely tethered, leashed, chained or penned up at all times while outside, unless
 - the dog is within a fenced property; or
 - being used by a person for the purpose of chasing a bear from the owner's property or while fishing
- Dog owners and a person having the care or control of a dog have responsibilities:
 - e.g. clean up waste, ensure the dog does not become a nuisance by barking, yelping or howling excessively.
- An Animal Control Officer may impound a dog:
 - found at large on the reserve;
 - who has bitten or attacked a person; or
 - who is in distress due to inhumane or cruel treatment.
- An Animal Control Officer may kill a dog if the Animal Control Officer finds the dog:
 - a) running at large, and attacking or viciously pursuing a person; or
 - b) attacking or viciously pursuing livestock.
- A person violating the By-law could be fined up to \$1,000.

We value your opinion, and encourage you to leave any questions or comments in the comment section provided and you will receive a reply back as soon as we can.

Sincerely,

Chief Janet Webster
Lytton First Nation



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**Lytton First Nation
Dog Control By-law
By-Law No. 2020-02**

A By-law to provide for the control of dogs on-reserve.

BACKGROUND:

- A. Section 81, paragraphs (a), (d), (e), (q) and (r), of the *Indian Act* empower the Council of the Lytton First Nation to pass bylaws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by animals, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;
- B. The Council of the Lytton First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE the Council of the Lytton First Nation enacts as follows:

Short Title

- 1. This by-law may be cited as the "Dog Control By-law of the Lytton First Nation ".

Interpretation

- 2. In this by-law:

"Animal Control Officer" means an animal control officer appointed or deemed appointed pursuant to this By-law. An officer of the Royal Canadian Mounted Police, a conservation officer of the Ministry of Environment, and an employee or officer of The British Columbia Society for the Prevention of Cruelty to Animals ("S.P.C.A.") are deemed an Animal Control Officer for the purpose of administering and enforcing this by-law and have a right to enter any reserve of the Band to administer and enforce this by-law;

"Council" means the Chief and Council of the Lytton First Nation;

"dog" means any dog and includes an animal that is a cross between a dog and a wolf;

"dwelling" means a single residential unit and yard, including a fully detached home, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

"livestock" means cattle and other animals of the bovine species, horses, donkeys, swine sheep or goats.

"muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;

"owner" means a person who owns an animal or has custody or control of an animal;

"at large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;

"reserve" means any reserve of the Lytton First Nation;

"Vicious" means any dog:

- a) that demonstrates any ferocious, vicious, or aggressive behavior;
- b) that an animal control officer, upon reasonable and probable grounds, believes to be a vicious dog;
- c) which 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; or
- d) which has bitten another animal or human without provocation.

Animal Control Officer

3. The Council will appoint an Animal Control Officer to provide for the administration and enforcement of this By-law.
4. The Council may provide for reasonable remuneration to be paid to an Animal Control Officer.
5. The Council may enter into an agreement with any person, company or organization for the administration and enforcement of any aspect of this By-law.

Limit on number of animal per dwelling

6. No more than two animals consisting of dogs and/or cats shall be kept in any dwelling on a Reserve. This limitation shall not apply to dog or cat litters where the pups or kittens are under four months of age. Despite this provision, a tenancy agreement for a rental unit of the Lytton First Nation may prohibit animals.

Dangerous Dog Ban

7. For safety and liability reasons, no person shall keep or own any of the following dogs on a Reserve of the Lytton First Nation: Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, Rottweiler or Mastiff.

Registration and identification of dogs

8. Every person keeping a dog on the reserve shall:
 - a) register the dog with the Lytton First Nation administration office or an Animal Control Officer; and
 - b) have an identification tag placed around the neck of each dog or have an identification tattoo on the dog.
9. The application for registration of a dog shall be filed with the Lytton First Nation administration office or an Animal Control Office and include:
 - a) the applicant's name and address;
 - b) a description of the dog, including sex, name and breed if known;
 - c) the number of animals in the household; and
 - d) a record that the dog has been neutered and immunized against rabies.
10. There is no charge for registration of a dog. The fee for a licence tag will be fixed by the Lytton First Nation administration on a cost-recovery basis or by an Animal Control Officer designated by the Council of the Lytton First Nation.
11. The Lytton First Nation administration or Animal Control Officer shall issue the dog license tag as soon as possible following registration and payment of the fee for the dog licence tag.
12. The dog licence tag shall be securely attached to the collar or harness of the dog at all times unless the dog has an identification tattoo.

Immunization and Neutering of Dogs

13. All dogs on the reserve must be immunized and neutered in accordance with generally accepted veterinary standards.

Control of Dogs

14. A dog must be safely tethered, leashed, chained or penned up at all times while outside, unless the dog is within a fenced property or being used by a person for the purpose of chasing a bear from the owner's property or while fishing. Chief and Council may exempt certain parcels of land on reserve that may be exempt from section 15.

15. No person owning or having the control of a dog shall allow such a dog to run at large outside a fenced property.

Responsibility

16. Every owner of a dog and a person having the care or control of a dog must exercise the following responsibilities:
 - a) ensure the dog does not become a nuisance by barking, yelping or howling excessively;
 - b) provide sufficient food and water for the dog's humane survival;
 - c) refrain from punishing or abusing the dog unnecessarily or in a manner that amounts to cruelty;
 - d) provide a clean and sanitary living environment for the dog;
 - e) clean-up the feces (poop) of the dog in public places and on property of others;
 - f) ensure the dog does not bite or hurt a person;
 - g) ensure the dog does not cause damage to the property or personal property of another person; and
 - h) ensure the dog is not in distress or abandoned.

No Animal Businesses

17. No person shall operate a business in respect to the breeding or caring of animals (e.g. kennel) unless authorized by the Chief and Council of the Lytton First Nation.

Vicious dogs

18. Anyone owning a Vicious dog or aggressive dog must post a clearly visible sign notifying the public.
19. A Vicious dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
20. On private property, a Vicious dog shall be kept on a secure tether, chain or leash or in a restricted area (e.g. kennel) that shall be constructed so as to prevent any escape by the dog and prevent the entry by children.

Dogs causing Injury or Damage

21. For the purpose of this section, "running at large" does not apply to a dog that is under control by being:
 - a) on the property of its owner or of another person who has the care and control of the dog,

- b) in direct and continuous charge of a person who is competent to control it,
 - c) securely confined within an enclosure, or
 - d) securely fastened so that it is unable to roam.
22. An Animal Control Officer may kill a dog if the Animal Control Officer finds the dog:
- a) running at large, and
 - b) attacking or viciously pursuing a person; or
 - c) attacking or viciously pursuing livestock.
23. Where a dog kills or injures livestock, the owner of the dog may be liable to the owner of the livestock for the damage caused to livestock.
24. For greater certainty, no action for damages lies or may be instituted against Lytton First Nation, Council or the Animal Control Officer of Lytton First Nation for any damages or other loss including sustained by any person, or to the property of any person, as a result of a dog running at large or a dog being killed under section 22.

Impounding and Seizure

25. An Animal Control Officer may impound a dog:
- a) found at large on the reserve;
 - b) who has bitten or attacked a person; or
 - c) who is in distress due to inhumane or cruel treatment.
26. The Animal Control Officer must notify the owner of an impounded dog.
27. An Animal Control Office who has seized a dog shall release the dog to its owner where:
- a) the owner claims possession of the dog within five days after the date of seizure;
 - b) the owner pays to the Animal Control Officer the impound and maintenance fees as set out in Schedule A; and
 - c) the owner has registered the dog and received an identification tag from the Animal Control Officer before the dog is released.
28. Where a dog has not been reclaimed within five days after being impounded, the Animal Control Officer may arrange to have a veterinarian humanely destroy the dog or deliver the dog to the S.P.C.A. or animal rescue shelter. No damages or compensation may be recovered by a dog owner as a result of the destruction or disposal of such a dog. Any expenses arising from the implementation of this provision shall be the liability of the owner of the dog.

29. Where a dog is seized which is injured or should be destroyed for humane reasons or for reasons of safety to persons, the Animal Control Officer shall destroy the dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the dog and no damages or compensation may be recovered on account of such action. Any expenses arising from the implementation of this provision shall be the liability of the owner of the dog.

Dog Destroyed if Unable to Seize

30. Where the Animal Control Officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog. No damages or compensation may be recovered by a dog owner as a result of the destruction of an animal by the Animal Control Officer.

Offences

31. Every person who contravenes any part of this Bylaw is guilty of an offence and is liable to a fine of not more than \$1,000 pursuant to s. 81(1)(r) of the *Indian Act*. Every person who commits an offence of a continuing nature against this Bylaw is liable to a fine not exceeding \$50.00 for each day such offence continues.

ENACTMENT

This by-law is hereby enacted by the Council of the Lytton First Nation at a duly convened meeting held on the ____ day of _____, 2020

The quorum of the Council is __ members. The number of members of the Council present at the meeting: ____.

Voting in favour of the Trespass By-law are the following members of the Council:

Chief

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Being the majority of those members of the Council of the Lytton First Nation present at the aforesaid meeting.

I, Janet Webster, Chief of the Lytton First Nation, do hereby certify that a true copy of the foregoing by-law was published pursuant to subsection 86(1) of the *Indian Act*, this ____ day of _____, 2020.

Chief Janet Webster

Witness

Schedule A

Animal Control Fees and Charges

Part 1 – Impound Fees

Impound of dog \$125.00

Part 2 – Maintenance Charges

Maintenance of impounded dog \$30.00 per day