

Whereas section 81, paragraphs (a), (b), (e), (q) and (r) of the Indian Act empower the Council of an Indian Band 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 ancillary 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 Council of the Musqueam Indian Band is of the opinion that it is in the best interest of the Band to regulate and provide for the control and protection of animals, the licensing of dogs and the provision of pound facilities.

THEREFORE, the Council of the Musqueam Indian Band enacts as follows:

## **SECTION 1 INTERPRETATION**

### **Name of By-law**

**1.1 The name of this By-law, for citation, is the “Animal Control By-law 2011”.**

### **Definitions**

**1.2 In this By-law:**

“aggressive dog” means:

- (a) a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings, or
- (b) a dog which has bitten another domestic animal or human being without provocation;
- (c) a Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, or any dog of mixed breeding which includes any of the aforementioned breeds.

“Band” means the Musqueam Indian Band;

“Chief License Inspector” means the person appointed by the Band Council as Chief License Inspector, and for greater certainty, may include the same person appointed by the Council of the City as Chief License Inspector;

“City” means the City of Vancouver;

“dog” means any animal of the canine species, regardless of age or sex,

“impound” means to take into custody, confine and hold;

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**Direction de l'Administration des Bandes  
Band Governance Directorate**

“keep” means to own, possess, or harbour a dog, cat, or other animal;

“other animal” means any animal except a dog or domestic cat;

“Police Officer” means a Peace Officer or Constable as provided under the Police Act employed by the Vancouver Police Board; or a member of the Royal Canadian Mounted Police;

“pound” means buildings, yards, enclosures, and other facilities for holding and disposing of such animals as the Poundkeeper, a police Officer, or a person authorized by the Band may seize under this By-law including a pound established and maintained by the City of Vancouver;

“Poundkeeper” means the Manager of Animal Control or such other person appointed by the Band to enforce and carryout it’s provisions, and includes any assistant to the Poundkeeper appointed under this By-law, and for greater certainty, may include the same person appointed as the Poundkeeper by the Council of the City.

“Reserve” means a Reserve of the Band;

“run at large” when used with reference to a dog means:

- (a) being elsewhere than on the property of the person who keeps the dog, or of a person who has care, custody or control of the dog, and not being under the immediate charge and control of a responsible person, or
- (b) being on a bathing beach or in the water adjacent to a bathing beach whether under the immediate charge and control of a responsible person or not.

### **Table of contents**

- 1.3 Any table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

### **Schedules**

- 1.4 The schedules attached to this By-law form part of this By-law.

### **Severability**

- 1.4 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

**SECTION 2  
ADMINISTRATION**

**Establishing the pound**

- 2.1 The City of Vancouver has established a pound that may be used for the purpose of this Bylaw.

**Assisting with the by-law enforcement**

- 2.2 The Chief License Inspector may appoint a person to enforce and carry out the provisions of this by-law, and such assistants as the Chief License Inspector may determine.

**SECTION 3  
DOG LICENSES**

**No keeping of dog without licence**

- 3.1 A person must not keep a dog that is older than three months unless that person has acquired an annual license for the dog, and has paid the annual license fee.

**Applying for license**

- 3.2 A person who keeps a dog must apply to the Chief License Inspector for an annual license when the person acquires the dog and, after that, on or before the 30<sup>th</sup> of September, making application to the Band and paying the fee specified in the Schedule to this By-law.

**Paying for license**

- 3.3 A person who applies for an annual license to keep a dog must, at the time of application, pay to the Band the fee specified in Schedule A to this By-law.

**Waiving the license fee**

- 3.4 If the Chief License Inspector is satisfied that a dog has been specially trained to guide or assist a person who is disabled, and if such person applies for a license to keep the dog, no fee is payable under section 3.3

**Wearing dog tag**

- 3.5 A person who keeps a dog must ensure that the dog at all times wears a collar to which is attached a tag furnished by the Chief License Inspector.

### **No removing of dog tag**

- 3.6 Except with the authority of the person who keeps the dog, a person must not remove the tag required by section 3.5 from a collar or from elsewhere on the dog's body.

## **SECTION 4 CONTROL OF DOGS**

### **No running at large**

- 4.1 A person who keeps a dog must not permit, suffer, or allow the dog to run at large.

### **Leashing dogs**

- 4.2 A person who keeps a dog must not permit, suffer, or allow the dog to be on a street or other public place unless the dog is under the immediate charge and control of a leash that is not more than 2.5 meters long or another by-law allows the dog to be off-leash under certain circumstances.

### **Muzzling aggressive dogs**

- 4.3 In addition to complying with section 4.2, a person who keeps an aggressive dog must not permit, suffer, or allow the dog to be on a street or other public place or on any other property that such person does not own or control unless such person has muzzled the dog to prevent it from biting another animal or person, except when the dog is participating in an event sanctioned by the Canadian Kennel Club.

### **No running at bathing beach**

- 4.4 Despite sections 4.2 and 4.3, a person who keeps a dog must not permit, suffer or allow the dog to be on a bathing beach or in the water adjacent to a bathing beach unless the Parks Control By-law otherwise allows.

### **Securing aggressive dogs on private property**

- 4.5 A person who keeps an aggressive dog must, at all times while the dog is on property owned or controlled by such person, securely confine the dog, either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping or from biting a domestic animal or human being.

### **Limiting number of dogs**

- 4.6 A person must not keep more than three dogs at any one time or at anyone place or property in the Reserve.

### **Confining dogs in heat**

- 4.7 A person who keeps a female dog must confine and house the dog during the period it is in heat.

### **Confining dogs with communicable diseases**

- 4.8 A person who keeps a dog, and who knows or suspects that the dog has a communicable disease, must:
- (a) isolate the dog, during the period such person knows or suspects that the dog has a communicable disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
  - (b) seek the advice of a veterinarian; and
  - (c) Follow the orders of such veterinarian, the Poundkeeper, and any government officials who have authority to issue such orders.

### **Removing excrement**

- 4.9 A person who keeps a dog, or a person who has care, custody or control of a dog, except for a service dog in the company of a handler who is physically disabled or a guide dog in the company of a handler who is blind, must immediately remove any excrement deposited by the dog, and deposit it in a suitable refuse container.

### **Removing excrement from owner's property**

- 4.10 Section 4.9 does not apply to excrement deposited on property owned by or in the exclusive possession of a person who keeps, or who has care, custody or control, of the dog.

### **Securing dogs in vehicles**

- 4.11 A person who keeps a dog, or a person who has care custody or control of a dog, must not keep the dog in a vehicle unless such person secures the dog in a manner that prevents the dog from falling or being thrown from the vehicle.

### **Barking or howling**

- 4.12 A person who owns or occupies premises must not permit, suffer, or allow the sound of a barking or howling dog that a person not on the same premises can easily

hear and that disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of such person.

**Upsetting or breaking into refuse container**

4.13 A person who keeps a dog, or a person who has care, custody, or control of a dog, must not permit, suffer, or allow the dog to upset or break into a refuse container on a street or other public place.

**SECTION 5  
KEEPING OF DOGS**

**Giving basic care to dogs**

5.1 A person who keeps a dog, or has care, custody or control of a dog, must give the dog food, water, shelter, and exercise sufficient to maintain the dog in good health.

**Tethering dogs**

5.2 A person who keeps a dog, or has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck.

**Enclosing dogs**

5.3 A person who keeps a dog, or has care, custody or control of a dog, must not confine the dog in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the dog in good health.

**SECTION 6  
IMPOUNDMENT OF DOGS**

**Seizing a dog under this By-law**

- 6.1 The Poundkeeper or a Police Officer may seize a dog:
- (a) in respect of whom the person who keeps the dog does not have a license;
  - (b) in respect of whom payment of the license fee referred to in section 3.3 is in arrears;
  - (c) who is not wearing a tag referred to in section 3.5;
  - (d) who is on a street or other public place unlawfully including running at large; or

- (e) who has bitten or who is alleged to have bitten a human being.

#### **Seizing dogs under parks control by-law**

- 6.2 A Police Officer or a person authorized by the Band who seizes a dog under a By-law enacted by the Park Board may deliver the dog to the Poundkeeper or the Pound.

#### **Delivering dogs without tags**

- 6.3 If:

- (a) the Poundkeeper believes that a dog is not wearing the collar and tag required under section 3.5;
- (b) the Poundkeeper requests the person who keeps the dog, the person who has care, custody and control of the dog, or a person who occupies the property where the dog is situated to produce evidence satisfactory to the Poundkeeper that the dog has a license and that the fee is not in arrears; and
- (c) the person referred to in clause (b) fails to produce such evidence;

the Poundkeeper may request delivery of the dog to the Poundkeeper or to the Pound, and, immediately upon receipt of that request, the person referred to in clause (b) must deliver the dog to the Poundkeeper or the Pound.

#### **Impounding dogs**

- 6.4 Promptly upon receiving a dog under section 6.1, 6.2, or 6.3, the Poundkeeper must impound the dog at the pound, except that if the Poundkeeper believes the dog is in need of medical care, the Poundkeeper may take the dog to, or leave the dog with, a veterinarian.

#### **Detaining impounded dogs**

- 6.5 The Poundkeeper may detain for:

- (a) 72 hours, a dog impounded under section 6.4; and
- (b) 21 days, a dog who has bitten or who is alleged to have bitten a human being;

after the date and time of impoundment.

### **Destroying dogs for humane reasons**

- 6.6 Despite section 6.5, if the Poundkeeper believes that an impounded dog is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the dog would be humane, the Poundkeeper may destroy the dog immediately.

### **Caring for dogs**

- 6.7 The Poundkeeper, as he or she considers necessary and humane, may maintain and care for impounded dogs including the provision of food, water, and shelter, and may arrange for veterinary care and medication

### **Disposing of dogs**

- 6.8 After the expiry of 72 hours referred to in section 6.5, the Poundkeeper may destroy or sell by auction or private sale, an impounded dog.

### **Reclaiming dogs**

- 6.9 At any time before the destruction or sale of a dog under section 6.8, the person who keeps the dog may apply to the Poundkeeper to reclaim the dog, and, when applying, must:
- (a) give the Poundkeeper proof of ownership by such person of the dog;
  - (b) pay all outstanding charges and fees under this By-law that apply to such dog;
  - (c) pay all outstanding fines or penalties imposed on such person for breach of this By-law.

## **SECTION 7 REGULATION OF ANIMALS**

### **Controlling other animals**

- 7.1 a person who keeps an other animal, or a person who has care custody or control of an other animal, must not permit, suffer, or allow the other animal to be elsewhere than on his or her property unless it is under the immediate charge and control of a competent person.



### **Prohibition against certain domestic animals**

- 7.2 A person must not keep in any area, temporarily or permanently, any horses, donkeys, cattle, swine, sheep, goats, ducks, geese, turkeys, chickens, pheasants, quail, or other poultry or fowl, except that this prohibition does not apply to areas in which the zoning and Development By-law allows the keeping of such animals, to licensed pet shops or kennels, or to slaughter houses, and except as permitted by section 7.4

### **Prohibition against keeping certain exotic or wild animals**

- 7.3 A person must not keep in any area, temporarily or permanently, any animal listed in Schedule C to this By-law, except as permitted by section 7.4.

### **Exceptions to prohibitions**

- 7.4 The prohibitions set out in sections 7.2 and 7.3 do not apply to:

- (a) the Vancouver Animal Control Shelter;
- (b) premises operated by the British Columbia Society for the Prevention of Cruelty to Animals;
- (c) premises operated by an institution of education for research, study, or teaching purposes; or
- (d) premises operated by the Vancouver Police Department.

### **Prohibition against keeping excessive numbers of certain animals**

- 7.5 A person must not keep in any area, temporarily or permanently, at any one time, more than:
- (a) six, in aggregate, hamsters, guinea pigs, tame mice, chinchillas, cats, rabbits, and other small animals and reptiles including snakes, not referred to in Schedule B; or
  - (b) 12, in aggregate, registered homing pigeons, canaries, budgerigars, parrots, parakeets, and exotic birds of all species, except that a person who has obtained permission from Council to keep an aviary may have a greater number of such birds in or about the premises designated in the permit.

### **Housing for animals**

- 7.6 In addition to the other requirements of this By-law, the owner of any animal, bird, or reptile must provide for it's housing in a suitable manner, and must

maintain such housing in a clean and wholesome state appropriate for the particular animal, bird, or reptile.

#### **Seizing other animals under this By-law**

- 7.7 The Poundkeeper or a Police Officer may seize an a other animal who is elsewhere than on property referred to in section 7.1, and who is not under the immediate charge and control of a competent person.

#### **Seizing other animal animals under Parks Control By-law**

- 7.8 A police Officer or a person authorized by the Band who seizes an other animal under a by-law enacted by the Park Board may deliver the other animal to the Poundkeeper or to the pound.

#### **Impounding other animals**

- 7.9 Promptly upon receiving an other animal under section 7.7 or 7.8, the Poundkeeper may impound the other animal at the pound.

#### **Detaining impounded other animals**

- 7.10 The Poundkeeper may detain an other animal impounded under section 7.9 for 48 hours

#### **Caring for other animals**

- 7.11 The Poundkeeper, as he or she considers necessary and humane, may maintain and care for impounded other animals including provision of food, water, and shelter, and may arrange for veterinary care and medication.

#### **Destroying other animals for humane reasons**

- 7.12 Despite section 7.10, if the Poundkeeper believes an impounded other animal is suffering from, injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the other animal would be humane, the Poundkeeper may destroy the other animal immediately.

#### **Disposing of other animals**

- 7.13 After the expiry of the 48 hour period referred to in section 7.10, the Poundkeeper may destroy, or sell by auction or private sale, an impounded other animal.

### **Reclaiming other animals**

- 7.14 At any time before destruction or sale of an other animal under section 7.13, the person who keeps the other animal may apply to the Poundkeeper to reclaim the other animal, and, when applying, must;
- (a) give the Poundkeeper proof of ownership by such person of the other animal;
  - (b) pay all outstanding charges and fees under this By-law that apply to such other animal; and
  - (c) pay all outstanding fines or penalties imposed on such person for breach of this By-law.

## **SECTION 8 DISPOSITION SERVICES**

### **Removing carcasses**

- 8.1 If the Poundkeeper learns that the carcass of an animal, except a skunk, is lying on a street or other public place, the Poundkeeper may remove the carcass.

### **Delivering carcasses**

- 8.2 A person may deliver to the Poundkeeper, at 1280 Raymur Avenue, Vancouver, the carcass of a dog, cat, or other animal that weighs less than 150 pounds, and request the Poundkeeper to cremate the carcass.

### **Picking up carcasses from private persons**

- 8.3 The Poundkeeper, on request by a person, may pick up the carcass of a dog that weighs less than 150 pounds, and cremate the carcass.

### **Picking up carcasses from veterinarians**

- 8.4 The Poundkeeper, on request by a veterinarian, may pick up the carcass of a dog that weighs less than 150 pounds, and cremate it.

## **SECTION 9 CHARGES AND FEES**

### **Charging for impoundment**

- 9.1 A person who keeps a dog or other animal which the Poundkeeper has impounded under this By-law must pay to the Band on demand, with respect to that dog or other animal:
- (a) the impound fee set out in Part 2 of Schedule A;
  - (b) the daily charge for maintaining the dog or other animal set out in Part 3 of Schedule A; and
  - (c) the costs for veterinary care and medication incurred by the Poundkeeper.

**Charging fees for services**

- 9.2 A person who keeps a dog or other animal in respect of which the Poundkeeper has performed a service under Section 8 must pay the Band on demand the applicable fee set out in Part 4 of Schedule A.

**SECTION 10  
OFFENCES AND PENALTIES AND ENFORCEMENT**

**No removing impounded animals**

- 10.1 A person must not remove, or attempt to remove, from the Pound an impounded dog or other animal except as allowed under this By-law.

**No interfering with Poundkeeper**

- 10.2 A person must not interfere, resist, or otherwise obstruct the Poundkeeper, or other person authorized under this By-law, in the performance of his or her duties.

**Offences under By-law**

- 10.3 A person who:
- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law; or
  - (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
  - (c) suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 10.

**Fine for offence**

- 10.4 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$1,000.00 for each offence.

**Fine for continuing offence**

- 10.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

**Fines for particular offences**

- 10.6 Despite the minimum fine referred to in Section 10.4 of this By-law, a person who commits an offence against:
- (a) section 4.3 or 4.5 of the By-law is liable to a fine of not less than \$500.00 for each offence; or
  - (b) section 4.4, 4.6, 4.7, 4.11, or 4.13 of the By-law is liable to a fine of not less than \$125.00 for each offence.

**SECTION 11  
GENERAL**

**Repeal**

- 11.1 This By-law repeals The animal Control By-law passed by the Council on the 8<sup>th</sup> day of August, 2005

**Force and effect**

- 11.2 This By-law shall come into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to Section 82 of the Indian Act.

**Application to all Reserves**

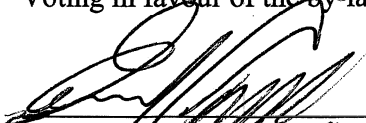
- 11.3 This By-law shall apply to all Reserves

**Indian Act**


11.4 This Bylaw is subject to the Indian Act and regulations made thereunder.

THIS BY-LAW WAS made at a duly convened meeting of the Council of the Musqueam Indian Band this 3rd day of October, 2011.

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


  
(Member of the Council) Chief Ernest Campbell

  
(Member of the Council) Myrtle Kay

  
(Member of the Council) Nora Stegan

  
(Member of the Council) Allyson Fraser

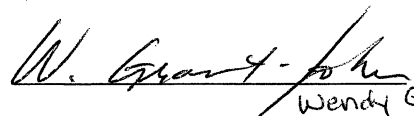
\_\_\_\_\_  
(Member of the Council)

  
(Member of the Council) Wayne Sparrow

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(Member of the Council)

  
(Member of the Council) Wade Grant


\_\_\_\_\_  
(Member of the Council)

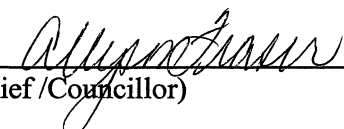
  
(Member of the Council) Wendy Grant-John

being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council. The quorum of the Council is 5 \_\_\_\_\_ members.

Number of members of the Council present at the meeting: 7.

I, Allyson Fraser, Chief/Councillor of the Musqueam Indian Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the Ottawa office of the department pursuant to subsection 82(1) of the *Indian Act* this 6th day of October, 2011.

  
(Witness)

  
(Chief/Councillor)

## Animal Control Fees and Charges

### SCHEDULE A

#### **Part 1 - License Fees**

Unaltered male or female dog	\$70.00
Altered male or female dog	\$37.00
Replacement tag	\$5.00

#### **Part 2 - Impound Fees**

Impound of licensed dog	\$80.00
Impound of unlicensed dog	\$160.00
Impound of licensed aggressive dog	\$295.00
Impound of unlicensed aggressive dog	\$375.00
Impound of fowl, other bird, rabbit, or rodent	\$16.00
Impound of reptile or other animal	\$80.00

#### **Part 3 - Maintenance Charges**

Maintenance of dog	\$21.00 per day
Maintenance of aggressive dog	\$26.00 per day
Maintenance of fowl, other bird, rabbit or rodent	\$5.00 per day
Maintenance of reptile or other animal	\$27.00 per day
Exotic Bird (Amazon Parrot; African Grey; Cockatoo; Conure; Lorikeet and Macaw)	\$15.00 per day

#### **Part 4 - Fees for Services**

General cremation under 10 pounds	\$27.00
General cremation 11 to 65 pounds	\$51.00
General cremation 66 to 150 pounds	\$82.00
Private cremation under 10 pounds	\$59.00
Private cremation 11 to 65 pounds	\$92.00

Private cremation 66 to 150 pounds	\$123.00
Cost to pick-up animal under 150 pounds for cremation	\$26.00
Cremation Urn	\$22.00

**Part 5 - Adoption Fees**

Dog up to 7 years of age	\$257.00
Dog 7 or more years of age and Dog with on-going medical conditions	\$77.00
Ferret	\$53.00
Rabbit, chinchilla and hedgehog	\$27.00
Guinea pig	\$16.00
Parakeet and Lovebird	\$16.00
Budgie and Finch	\$10.00
Pigeon and Dove	\$5.00
Farm Poultry (chicken, rooster, duck)	\$5.00
Mouse, rat, hamster, gerbil and degu	\$5.00



SCHEDULE B

PROHIBITED ANIMALS

Canids including coyotes, foxes, jackals, and wolves but excluding domestic dogs	Hyenas
Crocodylians including alligators and crocodiles	Ursids including bears
Felids including lions and tigers but excluding domestic cats	Reptiles and snakes classified as venomous, whether or not they have venom glands
Green anaconda ( <i>Eunectes murinus</i> ), yellow anaconda ( <i>Eunectes notaeus</i> ), reticulated python ( <i>python reticulatus</i> ), African rock python ( <i>python sebae</i> ), Burmese python ( <i>python molurus bivittatus</i> ), Indian python ( <i>python molurus molurus</i> ), or amethyst python ( <i>morelia amethystina</i> )	

