

ANIMAL CONTROL ACT

NEW AIYANSH VILLAGE GOVERNMENT

ANIMAL CONTROL ACT

New Aiyansh Village Government enacted this law on JANUARY 4, 2001

Mr. Brian Tait, Chief Councillor of the New Aiyansh Village Government, signed this law on

January 10, 2000
DATE

Brian Tait
CHIEF COUNCILLOR

NISGA'A NATION - REGISTRY OF NISGA'A LAWS	
Certified a true copy	
of	<u>above named Village Act,</u>
enacted	<u>4/01/01</u>
	<u>[Signature]</u>
	Law Clerk, Wilp Si'ayuukhl Nisga'a
	<u>31/01/01</u>
date	

ANIMAL CONTROL ACT

TABLE OF CONTENTS

1.	Interpretation	5
2.	Application of this Act	6
Part 1 - Prohibitions And Requirements		
3.	Licence and tag required	7
4.	Running at large	7
5.	Damage to property and injury to persons	7
6.	Cruel treatment prohibited	7
7.	Disturbing the peace	7
8.	Other animals prohibited	8
9.	Limit of one dog	8
10.	No obstruction of an officer	8
11.	Misuse of dog tag	8
12.	Immunization of animals	9
13.	Clean up after dog	9
Part 2 - Administration		
14.	Animal control officer	10
15.	Establishment of pound	10
16.	Pound records	10
17.	Application for licences	11
18.	Issuance of Licences	11
19.	Duration of licence and tag	11
20.	Licence not assignable	11
21.	Fees payable	11
22.	Dog tag	12
23.	Replacement dog tag	12
Part 3 - Enforcement		
24.	Power to impound and seize	13
25.	Unprovoked bite by dog	13
26.	Notification of impounding	14

ANIMAL CONTROL ACT

27.	Return of dog to owner	14
28.	Power to put down dogs	15
29.	Power to put down other animals	16
30.	Rabid animals	16
31.	Destruction at request of owner	17
32.	Liability for cost of veterinarian	17
33.	Disposal of carcasses	18

Part 4 - General

34.	Notices	19
35.	Penalties	19
36.	Commencement	19
SCHEDULE A		20
SCHEDULE B		21
SCHEDULE C		22
SCHEDULE D		23

ANIMAL CONTROL ACT

Interpretation

1 In this Act:

“animal” means any animal other than a person;

“animal control officer” means any person appointed under section 14(1);

“cat” means a domestic animal of the feline species;

“dog” means a domestic animal of the canine species;

“dog licence” means a licence issued under section 18;

“dog tag” means a metal tag issued under section 18;

“impound” means to deliver, receive or take into the pound;

“licence holder” means the holder of a current dog licence for a dog as recorded in the record book maintained under section 17;

“Nisga’a Village” means the village of New Aiyansh;

“Nisga’a Village Government” means the government of the Nisga’a Village of New Aiyansh;

“Nisga’a Village Lands” means Nisga’a Lands that are designated as Nisga’a Village Lands of the Nisga’a Village by Nisga’a Lisims Government;

“pound” means any structure, yard or enclosure established or designated under section 15;

“property” means the land surrounding a residence which the owner of the residence lawfully possesses or controls;

“public place” means, in respect of a licence holder, a place within Nisga’a Village Lands other than the licence holder’s residence or licence holder’s property;

“run at large” and “running at large” means

- (a) not being in a licence holder’s residence or leashed, fenced or penned at a licence holder's property, or

ANIMAL CONTROL ACT

- (b) being in a public place and not under the control of a person by means of a leash less than 1.5 meters in length;

“impounding notice” means a notice issued under section 25;

“unlicensed dog” means a dog

- (a) for which a current dog licence has not been issued, or
- (b) that is not wearing a dog tag evidencing a current dog licence;

“veterinarian” means a person who is a registered member in good standing of the British Columbia Veterinary Association.

Application of this Act

- 2 This Act applies to all licence holders and persons in possession or control of animals within Nisga'a Village Lands.

ANIMAL CONTROL ACT

Part 1 - Prohibitions And Requirements**Licence and tag required**

- 3 (1) No person residing within Nisga'a Village Lands, or visiting Nisga'a Village Lands for longer than 180 days, may keep a dog within Nisga'a Village Lands, unless
- (a) a current dog licence has been issued for the dog, and
 - (b) the dog is wearing the dog tag issued under section 18, or replaced under section 23, for that dog licence.
- (2) Subsection (1) does not apply to a dog that is less than 180 days old.

Running at large

- 4 Every owner or person in possession or control of a dog must ensure that the dog does not run at large within Nisga'a Village Lands.

Damage to property and injury to persons

- 5 Every person who owns or is in possession or control of a dog or other animal must ensure that the dog or other animal does not damage any property within Nisga'a Village Lands or inflict injury to a person or other animal.

Cruel treatment prohibited

- 6 (1) Every owner or person in possession or control of a dog must ensure that the dog is provided with sufficient food and water to treat the dog humanely and to avoid the dog becoming a nuisance.
- (2) No person may punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

Disturbing the peace

- 7 Every owner or person in possession or control of a dog must ensure that the dog does not bark, yelp, growl or otherwise annoy or disturb the peace of other persons within Nisga'a Village Lands.

Other animals prohibited

- 8 (1) No person may keep, within Nisga'a Village Lands, an animal that
- (a) is not generally acknowledged to be harmless to persons and property, and
 - (b) cannot be properly kept in a residence.
- (2) Subsection (1) does not apply to
- (a) dogs that are kept in compliance with this Act; or
 - (b) cats or other small domestic animals.

Limit of one dog

- 9 (1) No person may keep more than one dog in a residence or at a property within Nisga'a Village Lands.
- (2) Subsection (1) does not apply to a dog that is less than 180 days old.

No obstruction of an officer

- 10 (1) No person may interfere with, obstruct or impede an animal control officer exercising powers or carrying out duties under this Act.
- (2) No person may rescue or attempt to rescue an animal that
- (a) an animal control officer is seizing or attempting to seize, or
 - (b) is otherwise lawfully in the custody or control of the animal control officer.
- (3) No person may remove an animal being kept in the pound without prior written consent of an animal control officer.

Misuse of dog tag

- 11 (1) No person, without the authority of the licence holder, in respect of a licenced dog, may remove the dog tag from the dog.
- (2) No person may use a dog tag contrary to section 22.

ANIMAL CONTROL ACT

Immunization of animals

- 12 Every owner of a dog or cat within Nisga'a Village Lands must ensure that the dog or cat is immunized in accordance with generally accepted veterinary standards.

Clean up after dog

- 13 When a dog is on public property, the owner of the dog or the person in possession or control of the dog must immediately pick up and dispose of any feces, vomit, or other waste left lying by the dog.

Part 2 - Administration**Animal control officer**

- 14 (1) The Nisga'a Village Government may appoint an animal control officer.
- (2) The Nisga'a Village Government must provide each animal control officer with a document certifying the animal control officer's designation.
- (3) When seizing and impounding an animal under this Act, an animal control officer must, on request, show the certificate of designation to the owner or person in control or possession of the animal.

Establishment of pound

- 15 The Nisga'a Village Government may establish or designate a structure, yard or enclosure as a pound to keep animals impounded under this Act.

Pound records

- 16 (1) An animal control officer must maintain a record book at the principle administration office of the Nisga'a Village Government containing
- (a) a copy of every current dog licence, and
 - (b) for each animal impounded
 - (i) the date and location where the animal was impounded,
 - (ii) a description of the animal,
 - (iii) the name of any person from whom the animal was received, and
 - (iv) the date and manner in which the animal was disposed of.
- (2) The record book maintained under subsection (1) must be open for inspection by the Nisga'a Village Government and any person residing on Nisga'a Village Lands during the regular business hours of the Nisga'a Village Government.

ANIMAL CONTROL ACT

Application for licences

17 A person who has attained 19 years of age may apply to the animal control officer for a dog licence by submitting

- (a) a dog licence application in the form set out in Schedule B,
- (b) the required fee in Schedule C,
- (c) proof of immunization in accordance with generally accepted veterinary standards, and
- (d) proof of ownership of the dog that is satisfactory to the animal control officer.

Issuance of Licences

- 18 (1) On receipt of a dog licence application and being satisfied that the requirements of section 17 have been met, the animal control officer must issue a dog licence and dog tag to the applicant.
- (2) A dog licence must be in the form set out in Schedule A.
- (3) A dog tag must be metal with the number corresponding to the licence number of the dog licence issued to the applicant and must include the date of issue.

Duration of licence and tag

19 A dog licence and dog tag are valid for one year from the date of issue.

Licence not assignable

20 A dog licence and dog tag issued for one dog are not transferrable to another dog.

Fees payable

21 No fees paid under this Act are refundable, either in whole or in part, for any reason.

Dog tag

- 22** A dog tag must be securely fixed to the harness or collar of the dog for which the dog licence was issued, and the harness or collar must be worn by the dog for so long as
- (a) the dog licence is current, and
 - (b) the dog is in a public place.

Replacement dog tag

- 23** An animal control officer must issue a replacement dog tag for a current licence if the licence holder submits
- (a) proof, that is satisfactory to the animal control officer, that the original dog tag has been lost, and
 - (b) the required fee in Schedule C.

ANIMAL CONTROL ACT

Part 3 - Enforcement**Power to impound and seize**

- 24** (1) An animal control officer may seize and impound a dog
- (a) found running at large,
 - (b) that is an unlicensed dog,
 - (c) that exceeds the established limit for dogs in section 9(1), or
 - (d) that the animal control officer, on reasonable grounds, believes to have inflicted an unprovoked bite on a person or other animal.
- (2) An animal control officer may seize and impound an animal
- (a) that is prohibited under section 8(1), or
 - (b) that the animal control officer, on reasonable grounds, believes has been exposed to rabies.

Unprovoked bite by dog

- 25** (1) If, on reasonable grounds, an animal control officer believes that a dog has inflicted an unprovoked bite on a person or another animal
- (a) the animal control officer may require that the owner or person in possession or control of the dog to give possession of the dog to the officer for impounding, and
 - (b) the owner or person must, as soon as practicable, comply with the requirement.
- (2) If an animal control officer receives possession of a dog under subsection (1) or seizes and impounds a dog under section 24(1)(d), the officer must, as soon as practicable,
- (a) determine whether or not to put down the dog, and
 - (b) give written notice to the owner or person in possession or control of the dog stating
 - (i) that the dog will be put down and the reason for the officer's decision; or
 - (ii) that the owner may claim the dog within three days of receiving the notice.

-
- (3) In determining whether to put down a dog under subsection (2)(a), the animal control officer must consider
- (a) the nature and seriousness of the injury inflicted by the dog,
 - (b) whether the dog has previously inflicted an unprovoked bite,
 - (c) the circumstances which led to the unprovoked bite, and
 - (d) any other matters which the officer considers relevant.

Notification of impounding

26 If an animal control officer impounds a dog

- (a) that is licenced under this Act, the animal control officer must, as soon as practicable, give a written impounding notice, in the form set out in Schedule D, to the licence holder, or
- (b) that is not licenced under this Act, the animal control officer must, as soon as practicable, give a written impounding notice, in the form set out in Schedule D, to any person known by the animal control officer to be the owner of the dog or in possession or control of the dog.

Return of dog to owner

- 27 (1) Subject to sections 28(1) and 30, an animal control officer must restore possession of a dog seized and impounded under section 24(1)(a) or (b) to the owner of the dog or person in possession or control of the dog, if the owner or person
- (a) claims the dog within three days of receiving an impounding notice under section 26,
 - (b) pays the required impounding and pound fees in Schedule C, and
 - (c) if the dog was not licenced, makes an application under section 17 for, and is issued, a dog licence.
- (2) Subject to sections 28(1) and 30, if an animal control officer determines under section 25(2)(a) to not put down a dog seized and impounded under section 24(1)(d), or impounded under section 25, the officer must restore possession of the dog to the owner of the dog or person in possession or control of the dog, if the owner or person
- (a) claims the dog within three days of receipt of a notice under section 25(2)(b)(ii),

ANIMAL CONTROL ACT

-
- (b) pays the required impounding, pound and administration fees in Schedule C, and
 - (c) if the dog was not licenced, makes an application under section 17 for, and is issued, a dog licence.

Power to put down dogs

- 28 (1) An animal control officer may destroy a dog seized and impounded under section 24 if in the opinion of a [veterinarian/other person?]
- (a) the dog is suffering from an injury, disease or sickness from which it is unlikely that the dog will survive, and
 - (b) it would be an act of humanity to destroy the dog.
- (2) If the owner or person in possession or control of a dog
- (a) seized and impounded under section 24(1)(a) or (b) does not claim the dog within three days of receiving a written impounding notice under section (d), or
 - (b) seized and impounded under section 24(1)(d), or impounded under section 25, does not claim the dog within three days of receiving a written notice under section 25(2)(b)(ii),
- the owner is deemed to have renounced ownership of the dog.
- (3) Three days after giving a written impounding notice under section 26 to the owner or person in possession or control of a dog seized and impounded under section 24(1)(a) or (b) an animal control officer may
- (a) put down the dog, or
 - (b) attempt to locate another owner for the dog.
- (4) Three days after giving a written notice under section 25(2)(b)(ii) to the owner or person in possession or control of a dog seized and impounded under 24(1)(d), or impounded under section 25, an animal control officer may
- (a) put down the dog, or
 - (b) attempt to locate another owner for the dog.

ANIMAL CONTROL ACT

-
- (5) Three days after giving a written impounding notice under section 26 to the owner or person in possession or control of a dog seized and impounded under section 24(1)(c), an animal control officer may
- (a) put down the dog, or
 - (b) attempt to locate another owner for the dog.
- (6) If an animal control officer locates a person willing to become the new owner of a dog seized and impounded under section 24(1), or impounded under section 25, the animal control officer may give possession and grant ownership of the dog to that person if the person pays, in respect of that dog
- (a) the prescribed impounding, pound and dog licence fees, and
 - (b) any veterinary costs incurred by the animal control officer or Nisga'a Village Government.
- (7) If an animal is lawfully put down by an animal control officer, the owner or person in possession or control of the animal is liable for the prescribed destruction fee, which is recoverable by the Nisga'a Village Government as a debt due by the owner or person to the Nisga'a Village Government.

Power to put down other animals

- 29 (1) If an animal control officer impounds an animal that is prohibited under section 8(1), the animal control officer must, as soon as practicable, give a written notice to any person known by the animal control officer to be the owner of the animal or in possession or control of the animal.
- (2) Three days after giving a written notice under subsection (1), an animal control officer may put down the animal.

Rabid animals

- 30 (1) If, on reasonable grounds, an animal control officer believes that an animal has been exposed to rabies
- (a) the animal control officer may require, in writing, that the owner or person in possession or control of the animal give possession of the animal to the animal control officer, and
 - (b) the owner or person must promptly comply with the requirement.

ANIMAL CONTROL ACT

-
- (2) An animal
- (a) received by the animal control officer under subsection (1), or
 - (b) seized and impounded under section 24(2)(b),
- must be held in quarantine for 14 days and must not be released without the written permission of a [veterinarian/ other person?].
- (3) If a [veterinarian/other person?] determines that an animal is infected with rabies, then the animal control officer
- (a) must ensure that the animal is destroyed, and
 - (b) may permit the owner or person in possession or control of the animal to destroy the animal.

Destruction at request of owner

- 31 (1) An owner or person in possession or control of an animal, may make a written request to an animal control officer for the animal control officer to put down and dispose of an animal.
- (2) Upon receipt of a request under subsection (1) and the required destruction and disposal fee in Schedule C, an animal control officer may destroy the animal if in the opinion of a [veterinarian/other person?],
- (a) the animal is suffering from an injury, disease or sickness from which it is unlikely that the animal will survive, and
 - (b) it would be an act of humanity to destroy the animal.

Liability for cost of veterinarian

- 32 If an animal control officer has incurred the cost for a veterinarian to examine an animal impounded by the animal control officer the owner of the animal or person in possession or control of the animal is liable for the veterinary costs of treating the animal, which are recoverable by the Nisga'a Village Government as a debt due by the owner or person in possession or control of the animal to the Nisga'a Village Government.

ANIMAL CONTROL ACT

Disposal of carcasses

- 33 (1) As soon as practicable, an animal control officer must remove and dispose of any dead animal located on Nisga'a Village Lands.
- (2) An animal control officer must collect and dispose of a dead animal on Nisga'a Village Lands on the request of the owner or person in possession or control of a dead animal, and upon receipt of the required collection and disposal fee in Schedule C.

ANIMAL CONTROL ACT

Part 4 - General**Notices**

- 34** A notice or request required to be provided, under this Act, to an owner or person in possession or control of a dog or animal may be
- (a) sent by mail to the owner or person,
 - (b) personally delivered to the owner or person, or
 - (c) given by posting the notice or request at the principal administration offices of the Nisga'a Village Government,
- and will be deemed to have been delivered
- (d) if mailed, on the fifth day following the date it is mailed to the postal address of the owner or person,
 - (e) if delivered, immediately upon being delivered to or being left at the residence of the owner or person, or
 - (f) if posted, immediately upon being posted at the principal administration offices of the Nisga'a Village Government.

Penalties

- 35** A person who contravenes sections 3 to 13, 27(b) or 28(1)(b) commits an offence punishable under the *Nisga'a Offence Act*.

Commencement

- 36** This Act comes into force on JANUARY 4, 2001.

ANIMAL CONTROL ACT

SCHEDULE A

DOG LICENCE

Licence No. _____

Name of Dog: _____

Breed of Dog: _____

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog
will normally be kept: _____

THIS LICENCE HAS BEEN ISSUED UNDER THE NEW AIYANSH ANIMAL CONTROL ACT
AND IS SUBJECT TO THAT ACT.

THIS LICENCE IS ISSUED ON _____, _____ AND IS VALID UNTIL
_____, _____.

Animal Control Officer

ANIMAL CONTROL ACT

SCHEDULE B

DOG LICENCE APPLICATION

Name of Owner of Dog: _____

Address of Owner of Dog: _____

Address at which the Dog will normally be kept: _____

Name of Dog: _____

Breed of Dog: _____

The Dog is: Male _____

Neutered Male _____

Female _____

Spayed Female _____

Fee paid: \$ _____

Attached Not Attached

Proof of Immunization

Proof of Ownership

Date of Application: _____

Signature of Applicant

ANIMAL CONTROL ACT

SCHEDULE C
PRESCRIBED FEES

Item	Amount
Dog Licence Fee:	
in respect of a male Dog	\$ ■ per year
in respect of a spayed female Dog	\$ ■ per year
in respect of an unspayed female Dog	\$ ■ per year
Dog Tag Replacement Fee	\$ ■
Dog Impounding Fee	\$ ■ per dog
Pound Fee for Dogs and other animals	\$ ■ per day or portion thereof
Destruction and Disposal Fee	\$ ■
Collection and Disposal Fee	\$ ■
Administration Fee	\$ ■

(NOTE: The fee payable in respect of a female dog will be that prescribed for an un-spayed female Dog under the heading "Dog Licence Fee" unless a letter from a person licenced to practice veterinarian medicine in the Province of British Columbia adequately identifying the Dog and stating it is a spayed female is submitted with a Dog Licence Application or has been submitted with an earlier Dog Licence Application in respect of the same Dog, in which case the fee will be that required for a spayed female Dog.)

ANIMAL CONTROL ACT

SCHEDULE D

IMPOUNDING NOTICE

TO:

On _____ the following dog, which we believe you own or possess or control, was impounded

Sex: Male () Female () Breed _____ Licence No. _____

Colour _____ Approximate Age: _____ Name of Dog _____

The dog was impounded because: _____

contrary to section _____ of the Act.

The dog is being impounded at the pound located at _____.

If you do not claim the dog within three days after you receive this Notice, the dog will be put down or another owner will be found for the dog. You will not receive any further notice in connection with your dog. [Where the dog has been seized under section 24(1)(a) or (b) of the Act.]

- or -

The dog will be put down or another owner will be found for the dog. You will not receive any further notice in connection with the dog. [Where dog has been seized under section 24(1)(c) of the Act].

- or -

You will be notified as to what will happen to the dog. [Where the dog has been seized under section 24(1)(d) of the Act.]

For further information you may contact: _____.

Animal Control Officer

Date