

Order Number: 082-2009

Date Enacted: July 9, 2009



TSAWWASSEN FIRST NATION
s̓əwaθən məsteyəx^w

Community Governance Act

ANIMAL CONTROL REGULATION

Contents

1. Citation and definitions	2
2. Dog Licensing Requirements	3
3. Restrictions & Requirements	4
4. Entry, Seizure and Impounding.....	5
5. Dangerous Animals.....	7
6. Care of Domestic Animals	8
7. Enforcement, Offence and Penalty.....	9
8. Schedule and Commencement	9
9. Schedule A	10

WHEREAS:

Under the *Tsawwassen First Nation Final Agreement*, the Tsawwassen Government may make laws in respect of the regulation, control or prohibition of any actions, activities or undertakings on Tsawwassen Lands that may constitute a nuisance, danger, or a threat to public order, peace or safety, including in respect of animals;

The *Tsawwassen First Nation Community Governance Act* authorizes the Executive Council to make regulations in respect of animals; and

It is deemed expedient to regulate the keeping of dogs and other animals and to fix, impose and provide for the collection of licence fees from and the issuance of licenses to any person who owns, possesses or harbours any dog;

THEREFORE the Tsawwassen First Nation Executive Council ENACTS AS FOLLOWS:

Citation and definitions

1.1 This Regulation may be cited as the Tsawwassen First Nation Dog Licensing and Animal Control Regulation, 2009.

1.2 In this Regulation, unless the context otherwise requires:

“**Animal Control Officer**” means any person or agent designated by Delta from time to time to administer and enforce this Regulation, or a peace officer, pursuant to a service agreement with Tsawwassen First Nation;

“**cat breeding permit**” means a cat breeding permit issued by Delta in accordance with the Delta Dog Licencing and Animal Control Bylaw No. 5979, 2001, as amended or replaced from time to time;

“**dangerous dog**” means a dog which:

- (a) has a known propensity, tendency or disposition to attack, bite or otherwise seriously injure a person or a domestic animal without provocation;
- (b) has without provocation, aggressively pursued, attacked, bitten or killed another domestic animal or a person; or
- (c) has been trained for or is owned, possessed or harboured, primarily or in part, for the purpose of dog fighting;

“**Delta**” means the municipality known as the Corporation of Delta;

“**dog**” means an animal of the canine species, male or female and including a domesticated animal that is part coyote or wolf;

“**enclosure**” means a structure at least 1.83 metres in height having a concrete, asphalt or wooden floor, a roof and wire or steel mesh sides, which is sufficient to prevent the entry of young children or the escape of a dog;

“**furbearing animal**” means a fox, beaver, martin, mink, muskrat, otter, raccoon, skunk, chinchilla, rabbit, fisher, hamster or other like animal other than a household pet;

“**guide dog**” means a dog which animal is used by a person with a disability to avoid hazards or to otherwise compensate for a disability;

“**household pet**” means a domesticated animal or bird normally kept in a home and kept for pleasure rather than utility, and without limitation, includes a dog or a cat;

“**livestock**” includes horses, mules, swine, sheep, goats, and cows or other animals of the bovine species;

“**muzzled**” means prevented from biting by means of a humane fastening or covering device of adequate strength placed over the mouth;

“**owner**” in respect of any dog or other animal means the person who owns, possesses or harbours the dog or other animal;

“**police dog**” means a dog trained and used in assisting a law enforcement agency in carrying out the duties of the agency;

“**Regulation Violation Notice**” means a notice of violation in the form set out in Schedule A to this Regulation;

“**run at large**” or “**running at large**” in respect of any domesticated animal other than a spayed cat which is not under human control by being:

- (a) confined to the property of its owner or of another person who is responsible for its care and control;
- (b) under the direct and continuous charge of a person who is competent to control it;
- (c) securely confined within an enclosure; or
- (d) securely tethered so that it is unable to roam;

“**poultry**” means any turkey, goose, duck, fowl or other bird normally kept for human consumption, but does not include exotic or fancy birds and registered homing pigeons used for Tsawwassen First Nation Government hobby or show purposes or racing;

“**SPCA**” means a local branch of the Society for the Prevention of Cruelty to Animals of British Columbia

“**spayed cat**” means any spayed or neutered domestic cat provided that evidence of such spaying or neutering must be in the form of a certificate issued by a veterinarian;

“**unlicensed dog**” means any dog for which the licence fee for the current year has not been paid pursuant to this Regulation or to which a metal licence tag is not attached pursuant to this Regulation;

“**veterinary surgeon**” means a person qualified and licensed to practice veterinary medicine under the laws of British Columbia; and

“**wild animal**” means an animal or type of animal not normally tamed or domesticated, and without limitation includes any venomous or poisonous animal of any kind.

- 1.3 Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the *Tsawwassen First Nation Final Agreement* or the *Community Governance Act*, as the context and circumstances require.

Dog Licensing Requirements

- 2.1 A person must not keep, harbour or have in his possession any dog apparently over the age of six (6) months, unless a licence therefore under this Regulation has been obtained.
- 2.2 The owner of every dog must, on or before the first day of January in each year or as soon thereafter as such dog has attained the age of six (6) months, cause the dog to be registered, described and licensed by Tsawwassen First Nation and at all times thereafter must cause the dog to wear around its neck a collar, to which shall be attached the metal licence tag referred to in Subsection 2.8.
- 2.3 The Tsawwassen First Nation shall, upon receipt of an application and the licence fee prescribed by Subsection 2.4, issue a dog licence to the owner. Every licence shall be distinguished by a number and a record shall be kept of all licenses issued, with a general description of the dog in respect of which such licence was issued.

- 2.4 Except for a guide dog or a police dog, every application for a licence shall be accompanied by a licence fee, payable as follows:
- (a) for each neutered male dog or spayed female dog a fee of \$20.00.
 - (b) for each unneutered male dog or unsprayed female dog a fee of \$40.00.
 - (c) for each dog over the age of ten (10) years a fee of \$20.00.
 - (d) for each dangerous dog a fee of \$300.00.
 - (e) for replacing a lost or destroyed licence tag a fee of \$5.00.
- 2.5 Failure to comply with Subsection 2.2 by February 28th of the year will result in an additional late payment fee of \$10.00 for each dog licensed under Section 6.
- 2.6 Before issuing a licence for a spayed female dog, a neutered male dog or a dog over the age of ten (10) years, the Tsawwassen First Nation may require the owner:
- (a) to provide proof, in the form of a certificate from a veterinary surgeon, that the dog has been spayed or neutered or has reached the age of ten (10) years; and
 - (b) if the dog is a dangerous dog, to provide proof that the owner carries liability insurance in the amount of at least one million dollars (\$1,000,000) covering the premises where he keeps such dangerous dog, which insurance shall not include claims arising out of dog bites or dog attacks.
- 2.7 Every licence issued under this Regulation shall be for the calendar year in which the licence is issued and shall expire on the 31st day of December next following the date on which the licence is issued.
- 2.8 With each licence, the Tsawwassen First Nation shall issue a metal licence tag impressed or stamped with a number corresponding to the number of the licence and with figures denoting the year in which the licence expires.
- 2.9 Where the owner of a dog in respect of which a current licence has been issued under this regulation sells or otherwise ceases to be the owner, he or she shall, within seven (7) days of ceasing to be the owner of such dog, notify the Tsawwassen First Nation of the name and address of the new owner.
- 2.10 Where the ownership of a dog in respect of which a current licence has been issued under this Regulation changes, the licence may be transferred to the new owner without charge upon making application to the Tsawwassen First Nation within 7 business days after the date of transfer.
- 2.11 Any person having a valid licence for any dog issued under a Bylaw of any municipality or other licensing authority in the Province of British Columbia is not liable to pay any licence fee under this Regulation in respect of the same dog for the unexpired portion of the period for which such licence for such dog has been issued, but this provision shall not apply to any person who has obtained the licence in another municipality while residing within the Tsawwassen Lands.
- 2.12 A person must not remove from any dog any collar to which is attached the licence tag required in this Section, and must not remove the licence tag from any collar.
- 2.13 For certainty, despite being exempt from licence fees, the owner of a guide dog or a police dog must register the dog and ensure the dog wears a collar with a licence tag attached in accordance with this Section.

Restrictions & Requirements

- 3.1 A person must not keep, harbour, possess, trade or sell a wild animal as a household pet except with the prior written permission of the Tsawwassen Government and subject to any terms, restrictions, conditions and requirement that may be imposed for the safety and protection of persons, other animals and property.
- 3.2 The owner of any animal other than a spayed cat must ensure that:

- (a) the animal does not run at large or trespass in or upon any private lands or premises;
 - (b) any dog is not on a highway or any public place unless such dog is:
 - (i) on a leash and is under the control of a person who is competent to control the dog; and
 - (ii) if the dog is a dangerous dog, effectively muzzled.
- 3.3 Without limiting subsection 3.2 (a), the owner of any livestock, poultry or furbearing animals must ensure that the animals do not run, stray or trespass on a highway or other public place, or graze on unfenced land unless they are securely tethered.
- 3.4 The owner of every dog must, at all times when such dog is not on a leash and under the control of a person who is competent to control the dog, keep such dog securely confined on the premises owned or controlled by the owner, by keeping the dog indoors or within an enclosed or fenced area sufficient to prevent the dog from leaving the premises.
- 3.5 The owner of every dangerous dog must, when such dog is not effectively muzzled, on a leash and under the control of a person who is competent to control the dog, keep such dog indoors or within a securely closed and locked enclosure.
- 3.6 The owner of any animal that is at large, other than a spayed cat, must take immediate and appropriate steps to regain control, secure and confine the animal as necessary, and must cooperate with any efforts or directions by an Animal Control Officer to do so.
- 3.7 A person must not keep, harbour or have in his possession any animal suffering from any infectious or communicable disease, unless such animal is in isolation and is undergoing treatment for the cure of such disease.
- 3.8 The owner of any dog must, at all times when the dog is not on the premises of the owner, immediately remove or cause to be removed any feces deposited by the dog in any public place or private area, and must ensure that the material is disposed of in a sanitary manner on his or her own premises.
- 3.9 A person must not keep on a parcel as household pets more than ten (10) cats or four (4) dogs, any of which being over the age of 6 months.
- 3.10 A person who owns a cat over the age of 6 months must:
 - (a) have the cat spayed or neutered by the SPCA or a veterinary surgeon; or
 - (b) obtain a cat breeding permit from Delta, and comply with any terms, restrictions, and conditions of that permit.

Entry, Seizure and Impounding

- 4.1 An Animal Control Officer may enter, at all reasonable times and in a reasonable manner, onto any property within the Tsawwassen Lands to determine whether the provisions of this Regulation are being complied with.
- 4.2 Any animal that is seized on Tsawwassen Lands may be transported by or under the supervision of an Animal Control Officer to the premises established as a Pound by Council for Delta, located at 7450 – 80th Street in Delta and may be kept there pursuant to a service agreement between the Tsawwassen First Nation and Delta.
- 4.3 An Animal Control Officer may seize any animal, other than a spayed cat, that is found running at large, or any unlicensed dog and shall forthwith after making such seizure cause the animal to be impounded. The Animal Control Officer shall retain such dog, other animal or poultry for at least seventy-two (72) hours unless such dog, other animal or poultry be sooner reclaimed in accordance with Section 4.5, and if the dog, other animal or poultry is not reclaimed in accordance with Section 4.5 herein within the said seventy-two

(72) hours, the Animal Control Officer may cause such dog, other animal or poultry to be destroyed or sold by auction or private sale; provided that:

- (a) when the animal has been impounded and is found to be suffering from any injury, disease or sickness, the Animal Control Officer may immediately destroy the animal if it is his opinion that the animal would not survive the injury, disease or sickness, or that it would be an act of humanity to destroy the animal; and
- (b) when any dog has been impounded and it is determined by the Animal Control Officer to be a female which is in its fertile season, or “heat”, the Animal Control Officer may retain such dog for a period of twenty-one (21) days and if the dog is not reclaimed within seventy-two (72) hours after the twenty-one (21) days impounding period, the Animal Control Officer may cause such dog to be destroyed or sold by auction or private sale.

4.4 The Animal Control Officer for Delta shall receive any animal delivered to him by any peace officer or any official employee of the Tsawwassen First Nation who has seized or impounded an animal under this or any other relevant Regulation of the Tsawwassen First Nation Government, and the Animal Control Officer shall retain such dog, other animal or poultry and deal with the same in the same manner as other dogs, other animals or poultry seized, received and retained by him under this Regulation.

4.5 The owner of any animal impounded under this Regulation may reclaim such animal on application to the Animal Control Officer at any time prior to its sale or destruction, on proof of ownership and on payment of the following fees:

(a) for each licensed dog:

first impounding in any calendar year	\$ 40.00
second impounding in any calendar year	\$ 80.00
third and subsequent impoundings	\$ 160.00

(b) for each dangerous dog:

first impounding in any calendar year	\$ 500.00
second and subsequent impoundings	\$ 1,000.00

(c) in addition to the fees payable under paragraph (a) and (b) (*if applicable*), a further impounding fee of \$10.00 will be charged for each unlicensed dog, together with the prescribed fees pursuant to Section 6;

(d) for livestock, the sum of \$40.00 each for impounding together with any costs incurred in the collection of such livestock;

(e) for each unsprayed or unneutered cat, the sum of \$25.00 for impounding;

(f) for other animals, the sum of \$6.00 each for impounding; and

(g) a maintenance fee of \$10.00 for each day the dog or other animal remains in the pound.

4.6 The owner of an impounded animal is responsible for any veterinary costs while the animal is impounded.

4.7 The owner of any dog impounded under subsection 4.3 (b) may reclaim such dog after the twenty-one (21) day impounding period at any time prior to its sale or destruction, on application to the Animal Control Officer, on proof of ownership of the dog and on payment of the fees prescribed by subsection 4.5 (a).

4.8 The owner of any animal impounded under this Regulation shall pay the fees prescribed by subsection 4.5, whether or not such animal is reclaimed.

4.9 Prior to reclaiming an unsprayed or unneutered cat, its owner must:

- (a) obtain a cat breeding permit; or
 - (b) have the cat spayed or neutered by the SPCA or a veterinary surgeon, or obtain a cat breeding permit.
- 4.10 No person other than an Animal Control Officer shall release or rescue, or attempt to release or rescue any animal lawfully in the custody of the Animal Control Officer, and a person must not intervene or otherwise interfere with the Animal Control Officer in the lawful exercise of his or her duties.
- 4.11 The owner of any animal, other than livestock, who wishes to have his or her animal disposed of, may do any of the following:
- (a) deliver the animal to the pound for the purposes of having the animal destroyed and, upon receiving a fee of \$90.00 for doing so, the Animal Control Officer may destroy or otherwise dispose of the animal;
 - (b) deliver the animal to the pound for the purpose of having the animal disposed of and, upon receiving a fee of \$40.00 for doing so, the Animal Control Officer may dispose of the animal;
 - (c) request an Animal Control Officer to pick up the animal for the purpose of having the same destroyed and, upon receiving a fee of \$120.00 for doing so, the Animal Control Officer may call for and take away and destroy or otherwise dispose of the animal; or
 - (d) request the Animal Control Officer to pick up the animal for the purpose of having the same disposed of and, upon receiving a fee of \$70.00 for doing so, the Animal Control Officer may call for and take away and dispose of the animal.

Dangerous Animals

- 5.1 Upon receipt of a complaint that a person or animal has been attacked, bitten or aggressively pursued by a dog, or upon personal observation of any such actions, the Animal Control Officer may record:
- (a) the name of the complainant;
 - (b) the name of the dog and current licence tag number, if known;
 - (c) the name of the owner of the dog, if known;
 - (d) the date and place of the occurrence;
 - (e) a description of the actions giving rise to the complaint; and
 - (f) such other information or observations as the Animal Control Officer may consider relevant.
- 5.2 In order to determine whether or not a dog is a dangerous dog, the Animal Control Officer may consider statements from witnesses to an attack or other incident, statements from the owner of the dog and opinions obtained at the request and expense of the owner, from experts in animal behavior who have observed the dog and formed an opinion as to whether the dog is a dangerous dog.
- 5.3 In addition to the authority under Section 4, but subject to this Section, an Animal Control Officer may, acting in a reasonable manner and taking reasonable steps to advise the owner or occupier before entering, enter and search any place, and seize a dog or other animal if the officer believes on reasonable grounds that
- (a) the animal has killed or seriously injured a person or a domestic animal;
 - (b) the animal is likely to kill or seriously injure a person; or
 - (c) the animal poses an imminent danger to the public.
- 5.4 Before entering a place that is occupied as a private dwelling, unless the Animal Control Officer reasonably believes that failure to enter may result in a significant risk to the safety of a person, the officer must:
- (a) obtain consent of the occupier; or

- (b) obtain a warrant from a judge or justice of the Provincial Court to inspect that place, seize the animal, or take other action.
- 5.5 Before seizing a dog under subsection 5.3, the Animal Control Officer must consider whether the dog was acting in an attempt:
- (a) to protect the safety of its owner or another person in circumstances where that person's safety was at risk;
 - (b) to prevent a person from committing an unlawful act; or
 - (c) if the dog is a police dog, to perform law enforcement work.
- 5.6 In carrying out an action under this Section or Section 4, an Animal Control Officer may be assisted by a police officer or the SPCA or both.
- 5.7 An Animal Control Officer who has seized a dog under this Section may apply to the Provincial Court of British Columbia for an order that the dog be destroyed in a manner specified in the order.
- 5.8 A dog that has been seized under this section may not be impounded and detained for more than 21 business days unless court proceedings for a destruction order are commenced within that time.

Care of Domestic Animals

- 6.1 No person may keep an animal unless the person provides it with the following:
- (a) 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;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercise regularly under appropriate control; and
 - (d) necessary veterinary medical care when the animal exhibits signs of pain or suffering; and
 - (e) if the animal normally resides outside, or is kept outside for short to extended periods of time, unless the animal is provided with outside shelter that:
 - (i) ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat; and provides sufficient space to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position;
 - (ii) has dimensions of at least one and a half (1 ½) times the length of the animal and at least the animal's length in width, and is at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10 percent;
 - (iii) is located in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (iv) is regularly cleaned and sanitized and from which excreta is removed and properly disposed of daily.
- 6.2 A person must not:
- (a) cause an animal to be hitched, tied, or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck;
 - (b) cause an animal to be confined in an enclosed space, including a car or other vehicle, without adequate ventilation;
 - (c) cause an animal to wear a choke chain or collar that is an inappropriate length for the size and weight of the animal; or

- (d) cause a household pet to be hitched, tied or fastened to a fixed object where the securing device fails to allow the animals the ability to turn around freely and to easily stand, sit and lie in a normal position.

Enforcement, Offence and Penalty

- 7.1 Any person who contravenes or violates any of the provisions of this Regulation, or who causes, suffers or permits anything to be done in contravention or violation of this Regulation, or who neglects or fails to do anything required to be done pursuant to this Regulation, commits an offence, and each day that the offence is continued shall constitute a separate offence.
- 7.2 This Regulation may be administered and enforced by an Animal Control Officer.
- 7.3 This Regulation may be enforced as a proceeding in the Provincial Court of British Columbia:
 - (a) in the manner described in a Regulation Violation Notice that is mailed, delivered personally, or posted on property owned or occupied by a person charged with an offence identified in Schedule A to this Regulation; or
 - (b) under the Offence Act of British Columbia.
- 7.4 A person convicted of an offence under this Regulation is liable:
 - (a) to the minimum fine set out in Schedule A to this Regulation for that offence;
 - (b) if a proceeding is brought under the Offence Act of British Columbia, a fine not exceeding \$10,000; or
 - (c) to community service in lieu of or in combination with a fine, as ordered by the court.

Schedule and Commencement

- 8.1 Schedule A is attached to and forms part of this Regulation.

Schedule A

Tsawwassen First Nation Dog Licensing and Animal Control Regulation, 2009

REGULATION VIOLATION NOTICE

DATE: _____ 20____ TIME: _____ AM/PM

LOCATION: _____

NAME: _____
(surname) (First Name) (middle initial)

ADDRESS: _____

YOU ARE HEREBY NOTIFIED THAT YOU ARE ALLEGED TO HAVE COMMITTED A VIOLATION OF THE FOLLOWING REGULATION OF THE TSAWWASSEN FIRST NATION.

Section or Subsection	Nature of Offence

SIGNED: _____

THIS MATTER MAY BE SETTLED BY VOLUNTARY PAYMENT OF THE INDICATED PENALTY SHOWN IN THE SCHEDULE ON THE REVERSE SIDE OF THIS NOTICE. IF THE VOLUNTARY PAYMENT IS NOT RECEIVED WITHIN 10 DAYS OF THIS NOTICE, THE CORPORATION OF DELTA WILL LAY FORMAL CHARGES AGAINST YOU AND WILL APPLY FOR A SUMMONS TO REQUIRE YOUR APPEARANCE IN COURT TO ANSWER THE CHARGES.

THIS NOTICE MUST ACCOMPANY PAYMENT WHEN SETTLING BY MAIL OR ATENDING IN PERSON TO THE FOLLOWING ADDRESS:

CORPORATION OF DELTA, 4500 CLARENCE TAYLOR CRESCENT, DELTA, B.C. V4K 3E2
TELEPHONE (604) 946-4141

OFFICE HOURS: 8:30 a.m. – 4:30 p.m. MONDAY TO FRIDAY, EXCEPT HOLIDAYS.

PENALTIES

Tsawwassen First Nation Dog Licensing and Animal Control Regulation, 2009.

Section	Offence	Indicated Penalty
2.1	Failure to Obtain Dog Licence	\$ 150.00
2.1	Failure to Obtain Dangerous Dog Licence	300.00
2.3	Failure to Display Licence Tag on Dog	100.00
2.12	Removal of Display Licence Tag from Dog	100.00
3.2 (a)	Dog Running at Large or Unleashed – 1 st offence	100.00
3.2 (b)(i)	Dog Running at Large or Unleashed – 2 nd offence	125.00
3.2 (b)(i)	Dog Running at Large or Unleashed – 3 rd and subsequent offences	150.00
3.2 (b) (ii)	Unmuzzled Dangerous Dog on Public Property	250.00
3.3	Animal on Public Property	100.00
3.4	Failure to Confine Dog	100.00
3.5	Failure to Enclose Dangerous Dog	250.00
3.7	Keeping Diseased Animal	100.00
3.8	Failure to Remove and Dispose of Dog Feces	100.00
4.4	Failure to deliver Dog to Animal Control Officer	50.00
6.1 (a)	Inadequate food & water	150.00
6.1 (b)	Animal receptacles unclean or contaminated	150.00
6.1 (c)	Failure to provide adequate outside shelter	150.00

Note:

1. **Minimum** fine if convicted in Court for a violation of the above Regulation is \$100.00. Maximum fine is \$10,000.00.