



A Bylaw to Regulate the Keeping of dogs within Tk'emlúps te Secwépemc

Bylaw Number 2017-07  
Approved by Chief and Council the 31<sup>st</sup> day of May, 2017

Tk'emlúps te Secwépemc  
Bylaw No. 2017-07  
A bylaw to regulate the keeping of dogs

**WHEREAS** section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc desires to make a Bylaw governing controlled substance property within the Tk'emlúps te Secwépemc;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc is empowered to make such Bylaw pursuant to paragraphs 81 (1) (a), (c), (d), (e) and (r) of the *Indian Act*;

**NOW THEREFORE** the Council of the Tk'emlúps te Secwépemc hereby makes the following Bylaw.

**1. SHORT TITLE**

This Bylaw may be cited as the Tk'emlúps te Secwépemc Dog Responsibility and Control Bylaw No. 2017-07.

**2. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

"AGGRESSIVE DOG" means a dog that meets any one or more of the following conditions:

- 1) an unprovoked dog that has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency, or disposition to do so;
- 2) a dog that, while running at large, has attacked, bitten, killed, or caused injury to a domestic animal;
- 3) a dog that, while running at large, has aggressively pursued or threatened a person;
- 4) a dog that, while running at large, has aggressively pursued or threatened a domestic animal;
- 5) a dog with a demonstrated propensity to attack or injure a person without provocation;
- 6) a dog relocated to Kamloops from another jurisdiction that had deemed said dog as aggressive, vicious, or other similar designation for demonstrated aggression; or

- 7) a dog previously deemed "dangerous" under Dog Responsibility and Control

"ANIMAL CONTROL OFFICER" means any police, Royal Canadian Mounted Police or Bylaw Enforcement Officer, or any other person charged with the duty to preserve and maintain the public peace and any person appointed by Council for the purposes of maintaining law and order on the Reserve.

"Band" means the Tk'emlúps te Secwépemc

"BYLAW ENFORCEMENT OFFICER" means a person employed by the Band as a Bylaw Enforcement Officer or a Bylaw Services Officer.

"CERTIFIED GUIDE OR ASSISTANCE DOG" means a dog certified to be used as a practical companion for the disabled while acting in that capacity.

"Council" means the Chief and Councillors of the Band duly elected or holding office and sworn into office in good standing under the relevant provisions of the Band's Custom Elections Regulation.

"DANGEROUS DOG" means any dog that:

- 1) has killed or seriously injured a person;
- 2) has killed or seriously injured a domestic animal while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- 3) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

"DOG" means an animal of the canine species, irrespective of sex or breed, located within Tk'emlúps te Secwépemc.

"DWELLING UNIT" means a single family dwelling, basement suite, townhouse, condominium, apartment or mobile home.

"ENCLOSURE" means an enclosure as described in Division Six of this bylaw.

"HOBBY KENNEL" means a place where a person is engaged only in the breeding of his or her own dogs and where the raising or breeding of these dogs is not consistent with running a business.

"IMPOUND" means seize, deliver, or taken into the pound or into the custody of the Bylaw Services Officer or other Band employee as authorized by the bylaw, and "impounded", "impounding", or "impoundment" have a similar meaning.

"KENNEL" means a premise used for the keeping, training, care, breeding, hospitalization, or boarding of dogs and is operated as a business.

"LEASH" means a rope, chain, cord, leather strip, or other device attached to the collar of a dog that is capable of controlling and restraining the activity of the dog such that the dog will conform to the requirements of this bylaw and that does not exceed 2.0 m (6.56 ft) in length.

"LICENCE" means a dog licence issued pursuant to this bylaw for the current licensing year.

"LICENSED DOG" means a dog wearing a metal tag attached to its collar or harness that is stamped with figures corresponding to a dog licence form issued for the current year and identified as being produced by the Band pursuant to this bylaw.

"LICENSING YEAR" shall mean January 1 to December 31 in any year.

"NUISANCE DOG" means a dog:

- 1) that has been impounded three times within the previous 12 months;
- 2) whose owner has received a fine as a result of the dog running at large three times within the previous 12 months; or
- 3) for which the number of impounds or fines issued to its owner as a result of the dog running at large totals at least three within the previous 12 months.

"OWNER" means the person who is named as the owner of the dog on the licence form referred to in this bylaw or, if the dog is unlicensed, the person who holds himself or herself out to be the owner of the dog.

"PARK OR PUBLIC AREA" includes:

- 1) every public place, public park, playground, urban forest (including all driveways, roadways, paths, and lanes within a public park, playground, or urban forest), public beach, boulevard, swimming pool (whether indoor or outdoor), water playground, wading pool, community centre, public school, public library, art gallery, museum, arena, exhibition building, and all community recreational facilities owned or controlled by the Band; and

- 2) any real property acquired and held by the Band and dedicated and reserved by it for the use, recreation, or enjoyment of the public or land designated for natural or environmental purposes.

"PLANNING AND ENGINEERING MANAGER" means the person appointed as such from time to time by Council and any person delegated to assist in carrying out his/her duties under this bylaw.

"POSSESSOR" means a person who is over 16 years of age and who possesses, harbours, or has custody, charge, or control of a dog (including an unlicensed dog) or who permits a dog (including an unlicensed dog) to remain in or about the person's house or premises.

"POTENTIALLY AGGRESSIVE DOG" means a dog that an Animal Control Officer believes, on reasonable grounds, may be an aggressive dog.

"POUND" means a building or enclosure established as a pound by Band Council and any location designated by the Planning and Engineering Manager for the temporary shelter or containment of a dog or other animal under this or other applicable Band bylaws.

"RUNNING AT LARGE" or "RUN AT LARGE" means:

- 1) a dog:
  - a) located on private property other than on the premises of the owner or possessor of the dog; and
  - b) that is not under the immediate charge and control of a responsible and competent person;
- 2) a dog located upon a highway or park or public area that is not secured on a leash held by a responsible and competent person;
- 3) an aggressive dog that is on the premises of its owner or possessor and that is not contained in an enclosure, securely confined within a dwelling, or secured on a leash held by and which is under the immediate charge and control of a responsible and competent person; or

Despite the foregoing, a dog shall not be "running at large" if the dog is under the charge and control of:

- 1) a responsible and competent person and is actively engaged in dog trials, dog shows, or other similar activities or other event approved by the Band in accordance with other applicable bylaws; or

- 2) a police officer, police constable, or other person employed for the preservation and maintenance of the public peace, an officer, or a person having the powers of a customs and excise officer when performing a duty in the administration of the *Customs Act* or the *Excise Act*, an officer or member of the Canadian Forces, or a duly licensed and qualified security guard while in the course of performing lawful duties.

"UNLICENSED DOG" means:

- 1) a dog for which the licence for the current year has not been paid;
- 2) a dog to which the tag required by this bylaw is not attached; or
- 3) an aggressive dog where the dog or owner or possessor is found not to be in compliance with requirements under this bylaw.

### **3. AUTHORITY**

- 1) The Animal Control Officer is authorized to enter at all reasonable times upon property subject to the regulations of this bylaw in order to ascertain whether the regulations are being obeyed and take into custody any animal violating this bylaw.
- 2) The Animal Control Officer is authorized to require any person in possession of a dog to immediately upon demand and without hindrance, delay, or obstruction, deliver into his or her custody the dog if it is a dangerous dog, a potentially dangerous dog, an aggressive dog, a potentially aggressive dog, a nuisance dog, an unlicensed dog, or a dog not bearing a collar or tag required under this bylaw or a dog that has been running at large whether or not that dog has taken refuge on a premises. If a person fails to comply with this section, he or she will be deemed to be guilty of obstruction and subject to the penalties provided for in this bylaw.
- 3) The Animal Control Officer is authorized to require any person in possession of a dog to immediately upon demand and without hindrance, delay, or obstruction, give to the Planning and Engineering Manager the following information:
  - a) the name of the owner of the dog;
  - b) the number of dogs owned or harboured by him or her;
  - c) the age, sex, and breed or general description of any such dog;

- d) proof that a valid licence has been paid and obtained in respect of the dog, when paid, and by whom; and
  - e) produce the tag for the dog.
- 4) The Animal Control Officer shall have the authority and the discretion to determine whether a dog is a "dangerous dog" or an "aggressive dog" and to change such a designation at any time, for the purposes of the bylaw.

#### **4. LICENSING**

##### Dog Licences

- 1) The owner of a dog must, on or before the first day of February of each year or as soon thereafter as the dog attains the age of six months, obtain a licence for the dog pursuant to this bylaw and must cause the dog to wear around its neck a leather, canvass, or metal collar to which must be attached the metal tag referred to in Section 4.3 of this bylaw.
- 2) Application for a licence may be made to any of the Animal Control Officers of the Band or to such other persons as may be appointed by Council from time to time and the same are hereby authorized to receive such applications and to issue licences.
- 3) When issuing a licence, the Band shall issue a metal tag impressed or stamped with a number corresponding to the number on the licence and with figures denoting the year in respect of which the licence was issued and with a distinguishing mark to indicate it was issued by the Band. Aggressive dogs will be issued a distinctive tag. A record will be kept of all licences issued and, for the purpose of identification, a general description of the dog in respect of which the licence was issued.
- 4) A licence is valid for the calendar year in which it is purchased.
- 5) Where the owner of a dog in respect of which a licence has been issued ceases to own the dog, the licence shall be invalid.
- 6) If a person becomes the owner of a dog after the first day of February in any year, he or she shall obtain a licence immediately.

##### Licence Fees

- 7) The fees for licences for every dog six months of age and over shall be those fees described and identified in Schedule "D".

- 8) Any person who becomes the owner of a dog after June 30 in any year shall only be required to pay 50% of the applicable licence fee.
- 9) Before issuing a licence for a spayed female dog or a neutered male dog, the Animal Control Officer, or authorized person, may require the owner to furnish proof that the dog has been spayed or neutered.
- 10) Where an owner presents proof that his or her dog has been neutered or spayed within the licensing year, reimbursement will be given on the difference between the annual licence fee for an unneutered or unsprayed dog and the fee for a neutered or spayed dog.
- 11) Where a licensed dog dies, the owner may transfer the licence to a replacement dog providing the owner advises the Animal Control Officer.
- 12) In the event a dog tag is lost, a replacement tag will be provided upon payment of the fee described and identified in Schedule "D" when the said current licence form is produced indicating a current year's licence has already been paid.

#### Exemptions

- 13) Licence registration will be provided at no charge to dogs and puppies registered in the Guide Dog in Training Program, used by the Royal Canadian Mounted Police, or personal assistance dogs, provided that appropriate proof of registration is presented to the Animal Control Officer or other authorized person.

#### Removal of Dog Tag Prohibited

- 14) No person, without the authority of the owner or possessor of the dog, will remove from a dog a collar, harness, or tag to which is attached the metal tag provided for in this bylaw or remove the tag from a dog.

### **5. MAXIMUM NUBER OF DOGS**

- 1) No one person, or more than one person, shall keep, harbour, or have more than three dogs over the age of six months in any dwelling unit within Tk'emlúps te Secwépemc, provided however, that this section shall not apply to a person operating a kennel or hobby kennel, in a licensed veterinary clinic, or who is operating the parcel as a working cattle ranch or farm.

#### Exemption for Registered Guide/Personal Assistance Dogs



- 2) Dogs and puppies registered in the Guide Dog in Training Program or registered as personal assistance dogs shall be exempt from the limit on the maximum number of dogs, provided proof of guide or personal assistance registration is given to the Band and such dog or puppy resides with the person for whom the dog provides care and assistance to.

## **6. ENCLOSURES AND KENNELS**

### Enclosures and Structures

- 1) No person shall use or locate any structure, pen, or enclosure for the keeping, housing, or harbouring of a dog or dogs within 1.0 m (3.28 ft.) of a property line.
- 2) Every owner or possessor of an aggressive dog shall build or maintain at all times an enclosure upon his or her premises or property owned or controlled by him or her, and such enclosure must be:
  - a) at least 1.83 m (6 ft.) in height, 1.22 m (4 ft.) in width, and 2.44 m (8 ft.) in length;
  - b) constructed with secure sides, top, and bottom and suitable for the size and strength of dog to prevent it from escaping;
  - c) provided with impervious surfacing (for instance, concrete slabs) for the bottom of the enclosure to prevent digging and to facilitate cleaning and sanitizing;
  - d) provided with signs posted at all entrances stating "No Unauthorized Entry" and "Aggressive Dog";
  - e) locked to prevent entry of young children or other unauthorized persons;
  - f) provided with shelter suitable for the size of the dog and to provide shade from the sun and to protect it from varying weather conditions; and
  - g) used for the temporary confinement of a dog for no longer than 12 hours in every 24 hour period.

### Kennels and Hobby Kennels

- 3) All persons operating a kennel or hobby kennel within Tk'emlúps te Secwépemc must have a valid licence issued pursuant to this bylaw and must comply with this bylaw.

- 4) No person shall use any premise as a kennel or a hobby kennel for the keeping, training, care, breeding, hospitalization, or boarding of dogs on any parcel of land within Tk'emlúps te Secwépemc unless the said parcel is specifically permitted by Council.
- 5) Any person operating a kennel must first obtain a business licence and satisfy all other applicable bylaws and provincial regulations.
- 6) Any person or persons operating a hobby kennel must be engaged only in the breeding of their own dogs, must hold a current membership with the Canadian Kennel Club, and shall have no more than five dogs, all of which must be licensed.
- 7) Floors of all structures or rooms used in a kennel or hobby kennel to accommodate dogs shall be of a sanitary construction, provided with drainage, and approved by the local health authorities.

## **7. DOGS IN PUBLIC**

### Running at Large Prohibited

- 1) No owner or possessor of a dog will allow the dog to run at large.

### Leashed Parks and Areas

- 2) No owner or possessor of a dog will allow the dog to be in a public area , unless the dog is, at all times, kept on a leash held by and which is under the immediate charge and control of a responsible and competent person.

### Dog Events

- 3) No person shall hold a dog show, obedience class, trial, performance, ceremony, gathering, or meeting within a park or public area without prior written approval from Council.

## **8. DOG CARE**

- 1) An owner shall ensure his or her animal is provided with:
  - (a) clean potable drinking water and food of sufficient quality and quantity to allow for healthy growth and maintenance of healthy body weight;
  - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;

- (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunity to be free of a confined area and exercised regularly under appropriate control; and
  - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
- 2) An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
- (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
  - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal.
  - (c) which provides sufficient shade to protect the animal from direct rays of the sun at all times, and
  - (d) which is regularly cleaned and sanitized, and removed of excreta daily.
- 3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly to the animal's neck.

No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed

## **9. CLEANUP**

### Excrement

- 1) No owner or possessor will allow the dog to deposit excrement in a park or public area property unless the person immediately removes the excrement and disposes of it in a sanitary manner.
- 2) No owner or possessor will allow the dog to deposit excrement on private property not belonging to the owner or possessor or onto private property on which the owner has not been invited, unless the person immediately removes the excrement and disposes of it in a sanitary manner.

### Dog Suffering from Infectious Disease

- 3) No person shall keep, harbour, or have in his or her possession any dog suffering from any infectious or contagious disease unless such dog is in isolation and under treatment for the cure of such infection or contagious disease.

### **10. SEIZURE AND IMPOUNDMENT**

- 1) Animal Control Officer, or a police officer may seize or impound a dangerous dog, a potentially dangerous dog, an aggressive dog, a potentially aggressive dog, a nuisance dog, an unlicensed dog, any dog not wearing a valid tag, or any dog running at large.
- 2) Animal Control Officer, or a police officer must immediately after making the seizure cause the dog to be impounded.
- 3) Animal Control Officer must retain the dog for 96 hours. If:
  - a) the dog is not reclaimed by its owner or other authorized person pursuant to this bylaw; and
  - b) fines and fees provided for in this bylaw are not paid and the other requirements as set out in this bylaw are not met;

after 96 hours, the dog may be disposed of by means of destruction, adoption, or sale, at the discretion of the Animal Control Officer.

- 4) Despite anything to the contrary herein, when a dog has been impounded and the dog is suffering from an injury, disease, or sickness from any cause, the Animal Control Officer may, in his or her discretion and in consultation with a veterinarian, immediately destroy the dog if it is the veterinarian's opinion that the dog would not survive the injury, disease, or sickness or that it would be an act of humanity to destroy the dog.

### Notification of Impoundment

- 5) When the Animal Control Officer is aware of the name and address of the owner of any licensed dog impounded, he shall within 24 hours of the impounding or the first business day thereafter, attempt to notify the owner of the impoundment.
- 6) The Animal Control Officer may post a "Notice of Impoundment", containing a general description of the dog, at the pound, on the Internet, or in the newspaper.

## 11. RELEASE REQUIREMENTS

### Release of Impounded Dog and Payment of Impound Fees

- 1) Subject to this bylaw, Animal Control Officer may permit a person who is not the owner of a dog to remove a dog from the pound, provided that the owner has provided written authorization for the same in the form satisfactory to the Animal Control Officer.
- 2) When releasing a dog from the pound, the Animal Control Officer shall obtain from the owner or person authorized by the owner, his or her name and address, and shall record the date the dog was released from the pound in the pound records.
- 3) Where a dog has been impounded under authority of this bylaw and the Animal Control Officer determines that one or more fines or fees provided for in this bylaw have not been paid, then the dog shall not be released from the pound until the owner or authorized person pays the fines and fees in full up to and including the date of impoundment.

### Release Requirements - Unlicensed Dogs

- 4) Subject to this bylaw, an unlicensed dog may be reclaimed upon payment of the prescribed licence fee, fines, any board and maintenance fees, and other applicable fees identified in Schedule "D".

### Release Requirements - Licensed Dogs

- 5) Subject to this bylaw, a dog which is not an unlicensed dog or a dangerous dog may be reclaimed upon payment of any board and maintenance fees, fines, and other applicable fees identified in Schedule "D".

### Release Requirements - Aggressive Dogs

- 6) Subject to this bylaw, an aggressive dog may be reclaimed upon the owner or authorized person providing:
  - a) proof of ownership to the satisfaction of the Planning and Engineering Manager;
  - b) proof of compliance with all requirements for keeping of an aggressive dog, including but not limited to:
    - i. an enclosure as per Section 6.2 of this bylaw;

- ii. electronic microchip identification as per Section 13.6 of this bylaw;
  - iii. liability insurance as per Section 13.9 of this bylaw;
  - iv. a humane properly fitting muzzle; and
  - v. possession of a valid aggressive dog licence;
- c) submission of a completed "Application for Release of Aggressive Dog" form;
  - d) full payment of any outstanding fines;
  - e) full payment of any board and maintenance fees and other applicable fees identified in Schedule "D"; and
  - f) submission of a completed Release and Waiver of Liability, Assumption of Risks and Indemnity Agreement in the form provided by the Band.
- 7) The impound fees for aggressive dogs after the dog has initially been deemed aggressive shall be determined in accordance with Schedule "D".

#### Release Requirements – Nuisance dogs

- 8) Subject to this bylaw, a nuisance dog may be reclaimed upon the owner or authorized person providing:
- a) proof of ownership to the satisfaction of the Animal Control Officer;
  - b) full payment of any outstanding fines relating to the nuisance dog; and
  - c) full payment of all applicable fees, including board, maintenance and impound fees as identified in Schedule "D".
- 9) The impound fees for nuisance dogs after the dog has initially been deemed nuisance are applicable while such dog has the nuisance designation and

## **12. FEES**

### Fees – General

- 1) Every person owning a dog shall be and remain liable for any fines and fees imposed by this bylaw in relation to the dog while owned by him or

her, even if that person at any time ceases to own the dog, or does not reclaim the dog.

#### Purchase of Impounded Dog

- 2) No person purchasing a dog from the Animal Control Officer shall remove the same from the pound until a licence and metal tag have been obtained therefor pursuant to the requirements in this bylaw.
- 3) Every person purchasing a dog from the pound will be charged a fee as identified on Schedule "D".

#### Destruction/Surrender at the Request of the Owner

- 4) The owner of any dog or other person authorized in writing by the owner may, upon payment of the applicable fee(s) identified in Schedule "D"
  - a) request pick up by an Animal Control Officer of a dog owned by him or her for humane destruction; or
  - b) surrender to the pound a dog owned by him or her.

The Animal Control Officer may refuse to accept any of the above-mentioned dogs at his or her discretion.

### **13. DANGEROUS DOGS**

- 1) No person shall own, possess, or harbour a dangerous dog within Tk'emlúps te Secwépemc.
- 2) In addition to the powers to seize and destroy a dangerous dog as provided for herein, the Animal Control Officer may detain a dangerous dog pursuant to Section 81(e) of the *Indian Act*, and may seek an order to have the dangerous dog humanely destroyed. Should the order not be granted the dangerous dog shall automatically be deemed an aggressive dog.
- 3) The owner of a dangerous dog may deliver such dog for immediate surrender and destruction in the interest of public safety and the Animal Control Officer may assess or waive associated destruction.
- 4) In addition to the other fines or fees imposed by this bylaw, the court may make an award of legal costs against the owner of a dangerous dog for the legal costs incurred for making an application for a destruction order.

### **14. AGGRESSIVE DOGS**

- 1) No owner or possessor of an aggressive dog shall allow the dog to be running at large.
- 2) No owner or possessor of an aggressive dog shall allow the dog to be on a street, highway, park or public place, or other place that is not owned, rented, or leased by the person unless the dog is muzzled to prevent it from biting a person or other animal.
- 3) An owner or possessor of an aggressive dog shall at all times maintain upon its property an enclosure required under Section 6.2 of this bylaw.
- 4) An owner or possessor of an aggressive dog located on the premises owned, rented, or leased by the person must keep the dog securely confined indoors, or in an enclosure that conforms with the requirements of Section 6.2, or secured to a leash held by and under the immediate charge and control of a responsible and competent person.
- 5) An owner or possessor of an aggressive dog shall cause an electronic microchip identification to be implanted upon the dog by a certified veterinarian and have such identification registered with the Planning and Engineering Manager.
- 6) Any dog deemed aggressive shall immediately require an aggressive dog licence for the current year and the licence fee shall be the applicable fee identified in Schedule "D". If the aggressive dog has a previously issued licence for the current year, the owner shall pay the difference between the licence fee previously paid and the fee for an aggressive dog licence and failing that such dog shall be deemed to be an unlicensed dog and may be impounded.
- 7) No owner or possessor of an aggressive dog shall allow the dog to be an unlicensed dog.
- 8) An owner or possessor of an aggressive dog must:
  - a) maintain valid liability insurance no less than \$2,000,000 in value; and
  - b) submit to the Band a completed Release and Waiver of Liability, Assumption of Risks and Indemnity Agreement in the form provided by the Band.
- 9) No owner or possessor of an aggressive dog shall fail or neglect to maintain valid liability insurance required under this bylaw, at any time.



- 10) The number of times an aggressive dog is impounded, as referred to in Schedule "D", will be calculated by adding the number of times the dog has been impounded throughout its lifetime, not per calendar year.
- 11) The owner or possessor of an aggressive dog must advise the Animal Control Officer at least one week prior to relocation of an aggressive dog for any permanent or temporary change of address within or outside of Tk'emlúps te Secwépemc.
- 12) If an aggressive dog is kept in a manner that contravenes any part of this bylaw, the aggressive dog may be impounded and the owner or possessor will be deemed to be guilty of an infraction of and subject to the fines and fees provided for in this bylaw,

## **15. NUISANCE DOGS**

- 1) No owner or possessor of a nuisance dog shall allow the dog to be running at large.
- 2) Any dog deemed a nuisance shall immediately require a nuisance dog licence for the current year and the licence fee shall be the applicable fee identified in Schedule "D". If the nuisance dog has had a previously issued licence for the current year, the owner shall pay the difference between the licence fee previously paid and the fee for a nuisance dog licence or such dog shall be deemed unlicensed and may be impounded.
- 3) No owner of a nuisance dog shall allow the dog to be unlicensed.
- 4) Any dog deemed nuisance shall maintain a nuisance dog designation for a minimum duration of the current year and one additional calendar year whereupon the owner may request such designation be removed upon licence renewal provided:
  - a) the nuisance dog has not been running at large within the preceding 12 months; and
  - b) the owner has demonstrated full compliance with the requirements of this bylaw.
- 5) If a nuisance dog is kept in a manner that contravenes any part of this bylaw, such nuisance dog may be impounded and the owner or possessor of the dog will be deemed to be guilty of an infraction of and subject to the penalties and fees provided for in this bylaw.

## **16. OBSTRUCTION**

- 1) No person shall release or rescue or attempt to release or rescue a dog lawfully in the custody of the Animal Control Officer or the pound.
- 2) No person shall hinder, delay, or obstruct the Animal Control Officer or any person or persons lawfully exercising their duties under this bylaw.

## **17. INTERPRETATION**

- (1) If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- (2) Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of Tk'emlúps te Secwépemc, as amended, revised, consolidated, or replaced from time to time.
- (3) The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

## **18. OFFENCES AND PENALTIES**

- 1) A person who violates any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days, or to both.
- 2) Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- 3) Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

DATES OF ADOPTION

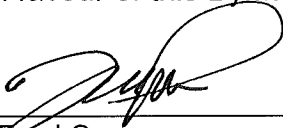
READ A FIRST TIME the 6<sup>th</sup> day of June, 2016

READ A SECOND TIME the 24<sup>th</sup> day of October, 2016

READ A THIRD TIME the 31<sup>st</sup> day of May, 2017

The Tk'emlúps te Secwépemc Dog Responsibility Bylaw No. 2017-07 is hereby passed at a duly convened meeting of the Council of the Tk'emlúps te Secwépemc the 31<sup>st</sup> day of May, 2017.

Voting in favour of this Bylaw are the following members of the Council:


  
\_\_\_\_\_  
Chief - Fred Seymour


\_\_\_\_\_  
Howard Campbell

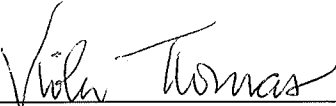
  
\_\_\_\_\_  
Eagle Casimir

\_\_\_\_\_  
Roseanne Casimir

\_\_\_\_\_  
Nacoma George

  
\_\_\_\_\_  
Katy Gottfriedson

  
\_\_\_\_\_  
Jeanette Jules

  
\_\_\_\_\_  
Viola Thomas

Being the majority of those members of the Council of the Tk'emlúps te Secwépemc present. There are eight (8) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: \_\_\_\_.

This bylaw comes into force on the day on which it is first published.