



XWCHÍYÒ:M

CHEAM FIRST NATION

ANIMAL CONTROL AND PROTECTION LAW

June 13, 2023

(a law to provide for the control and protection of animals within Cheam Lands)

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SYUWÁ:LELH - Stó:lō Laws

“S’ólh Téméxw te ikw’elo. Xolhmet te mekw’stam it kwelat”

This is Our Land, we have to take care of everything that belongs to us.

“Xaxastexw te mekw’stam”

Respect all Things.

“Ewe chexw qelqelit te mekw’stam loy qw’ esli hokwex yexw lamexw ku:t”

Don’t waste, ruin or destroy everything, only take what you need.

“T’xwelátse”

Do things in a good way, respect each other

WHEREAS:

- A. Cheam First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. Cheam had traditional Laws and mechanisms to deal with matters that affected the health of community members or that were threatening or harmful to the community;
- C. Cheam has taken over control and management of Cheam Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Cheam Land Code* effective the 1st day of September, 2016;
- D. Under section 3 of the *Cheam Land Code*, Cheam Council is authorized to pass Laws including Laws relating to nuisance and to the enforcement of Cheam Laws.
- E. Under Section 11.6 of the *Cheam Land Code*, a Law may provide for fines consistent with federal Law, including fines of up to \$100,000 for violations for specified provisions of the Law; and
- F. The Council of the Cheam First Nation is of the opinion that the uncontrolled ownership, breeding, and running at Large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE the Council of the Cheam First Nation enacts the *Cheam First Nation Animal Control and Protection Law* as follows:

PART 1 - NAME

1.1 This Law may be cited as the Cheam Animal Control and Protection Law.

PART 2 - PURPOSE, APPLICATION AND AUTHORITY

Purpose

2.1 The purpose of this Law is to:

- (a) to regulate Pets and potentially dangerous domestic animals on Cheam Lands;
- (b) to protect citizens and property;
- (c) to ensure Members and residents can enjoy their Pets without causing danger or disruption to other Members and residents;
- (d) to promote responsible Pet ownership; and
- (e) to prevent cruelty to animals.

Application

2.2 This Law applies to all Cheam Lands, as defined in the Land Code.

Authority

2.3 The Cheam Lands Governance Office is responsible for implementing this Law and will have all powers necessary to give effect to this Law.

2.4 From time to time, the Cheam Lands Governance Office may contract, or may direct Cheam to contract, with enforcement and animal protection services, including the B.C. Society for the Prevention of Cruelty to Animals, to enforce this Law or to take custody of animals whose conduct violates this Law. The Cheam Lands Governance Office may also delegate any part of its authority under this Law to other Persons.

2.5 The Cheam Lands Governance Office may, from time to time, refer to Council for guidance and advice on the implementation of this Law.

PART 3 - INTERPRETATION

Definitions

3.1 Capitalized words not defined in this Law have the same definitions as in the Land Code.

3.2 For the purpose of this Law, the following definitions apply:

“Aggressive Dog” means a Dog that meets any one or more of the following conditions:

- (a) a Dog that has attacked, bitten or caused injury, with or without provocation, to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a Dog that, while running at large, has bitten, killed or caused injury to a domestic animal;
- (c) a Dog that, while running at large, has aggressively pursued or harassed a person or domestic animal;
- (d) a Dog with a known propensity to attack or injure a person without provocation;
- (e) a Dog owned or harboured primarily, or in part, for the purpose of Dog fighting or a Dog trained for Dog fighting;
- (f) a Dangerous Dog; and
- (g) a Dog that has been determined to be dangerous or aggressive under this law, or a previous bylaw, by another local government, or by a court;

"Altered Animal" means an animal that has been spayed or neutered;

"Animal Control Officer" means a Person appointed by the Cheam council or engaged by the Cheam Lands Governance Office, from time to time, to administer and/or enforce the provisions of this Law, and includes any deputy Animal Control Officer, officers of the Royal Canadian Mounted Police, or any other Peace Officer with jurisdiction to enforce laws on Cheam Lands;

"Apiary" means a location where beehives of honey bees are kept;

"Assistance Dog" means a dog specifically trained to assist a Person with disabilities in the performance of daily activities;

"At Large" means an animal that is unrestrained or uncontained, or is not in the control of a Responsible Person, but, for greater certainty, a dog without a leash located in a designated "off leash" area within a park is not running "At Large" for the purpose of this Law if that dog is otherwise under the immediate charge and control of a Responsible Person;

"Breeding Kennel" means a kennel which meets all required health, safety, and zoning standards and requirements under all applicable laws and which may contain Dogs up to the specified maximum number for breeding purposes;

"CAO" means the Chief Administrative Officer, the Executive Director or their designate.

"Cat" means any domestic animal of the feline species;

"Dangerous Dog" means a Dog that:

- (h) has killed or seriously injured a person;
- (i) 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
- (j) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

"Domestic Animal" means an animal that has been or is being sufficiently tamed or kept to serve some purpose for the use of people;

"Enclosure" means a structure that:

- (a) is constructed to prevent the entry of children or the escape of any Dogs,
- (b) has a solid floor or sides embedded no less than 60cm into the ground,
- (c) has wire or steel mesh sides and an attached roof,
- (d) has a self-closing gate than can be locked,
- (e) forms a confined area with no sides in common with a perimeter fence;
- (f) meets any necessary requirements for an accessory structure contained within any applicable zoning law or regulation,
- (g) for the purpose of this Law, an enclosure also includes a house from which or through which the Dog is not able to escape and or to cause injury to a person or animal located outside of the house, and
- (h) meetts the requirements set out in PART 8 - of this Law.

"Exotic Animal" means any animal, other than a Cat, Dog, Livestock or Poultry, that was born in the wild or was bred or domesticated and that is kept as a Pet or domestic animal that and is:

- (k) is non-indigenous to the Cheam or Fraser Valley area or would ordinarily be considered a wild animal; or
- (l) is a hybrid of a non-indigenous animal or wild animal and a domestic animal; and
- (m) is potentially harmful or poisonous (including but not limited to, wild canines such as wolves, wild felines such as tigers, large or venomous spiders, large or venomous snakes, and crocodiles and alligators, etc. but not including hamsters, gerbils, rabbits, chinchillas, and similar small rodent-like pets);

"Humane Destruction" or "Humanely Destroy" refers to when, under the supervision of an Animal Control Officer, an animal is either killed instantly or rendered insensible until death ensues, without pain, suffering or distress;

"Impound" means seize, deliver, receive, take into or hold in custody;

"Leash" means a rope, chain, cord, leather strap or other device by which an animal may be led or controlled;

"Licence year" means the period between April 1 of one year and March 31 of the following year;

"Livestock" means horses, donkeys, mules, emus, llamas, ostrich, swine, sheep, goats, or cattle and any other bovine species;

"Nuisance Animal" means an animal:

- (n) that has been impounded three (3) times within the previous twenty-four (24) months;
- (o) whose Owner has been found liable for three (3) or more Animal related tickets within the previous twenty-four (24) months; or
- (p) that has been responsible for an aggregate of three (3) or more impounds or tickets within the previous twenty-four (24) months;

"Owner" means any Person who is a minimum of eighteen (18) years of age and:

- (q) to whom a licence for a dog or cat has been issued pursuant to this Law; or
- (r) who owns, is in possession of, harbors, admits, allows, or has the care and control of any animal in their home or on their lands.
- (s) Any person that harbors, admits, or allows any pets to reside on their land.

"Poultry" means any fowl including a chicken, turkey, duck, goose, swan or peafowl but excluding a bird commonly kept indoors;

"Pet" means any domesticated animal over the age of four (4) months, other than Livestock or poultry, kept within a residence or on real property other than for commercial purposes;

"Public Place" includes, but is not limited to, any highway, boulevard, community lands, park or other real property owned, held or administered by Cheam;

"Responsible Person" or "Person Responsible" means, in relation to any animal, a Person who:

- (a) is the Owner of such animal; or
- (b) is keeping, harboring, or sheltering such animal;

"Unaltered Animal" means an animal that has not been spayed or neutered; and

"Unlicensed Animal" means a dog or cat over the age of four (4) months for which a license for the current year has not been paid, or to which the tag required by this Law is not attached.

3.3 The following principles of general Interpretation apply.

- (a) Our traditional laws apply to the interpretation of this Law.
- (b) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided, interpreted and carried out in accordance with the culture, traditions and customs of Cheam.
- (c) The headings of parts and sections of this Law have been inserted as a matter of convenience and for reference only, and in no way define or limit any of its provisions.
- (d) A word in the singular form may be read in the plural form if the context allows it, and a word in the plural form may be read in the singular form if the context allows it. All genders are included in any gender expressed.
- (e) The words "include", "includes" and "including" are to be read as if they are followed by the phrase "without limitation".
- (f) Any reference to a statute means that statute and any regulations made under it, all as amended or replaced from time to time.

Schedules

3.4 The following Schedules form part of and are integral to this Law:

- (a) Schedule "A" – Licence Fees,
- (b) Schedule "B" – Impound and Boarding Fees,
- (c) Schedule "C" – Miscellaneous Fees, and
- (d) Schedule "D" – Prohibited Exotic Animals

PART 4 - NUMBER OF PETS PER HOUSEHOLD

4.1 Subject to PART 6 - and any more stringent requirements outlined in other Cheam laws, a Person must not keep or allow to be kept on Cheam Lands more than a total of four (4) Pets in one household, and such four Pets may not consist of more than two dogs and two cats over the age of four (4) months.

PART 5 - ANIMAL POPULATION CONTROL

5.1 Each Owner of a dog and/or cat must ensure that such animal is spayed or neutered as soon as reasonably possible unless the owner has received an active license for breeding that animal.

PART 6 - LICENSING

Licence Requirement

6.1 A Person must not keep or allow to be kept any dog or cat over four (4) months of age unless a valid licence has first been obtained for that current calendar year from the Cheam Lands Governance Office.

6.2 Despite section 4.1:

- (a) the number and type of Pets may be further regulated or limited by:
 - (i) Cheam Housing Policies or agreements;
 - (ii) A Cheam zoning law once developed; or
 - (iii) Court orders, SPCA orders or other orders.
- (b) any person who, on the date this Law comes into effect is the Owner of more than four (4) Pets, subject to the rest of this Law, is entitled to keep each of these Pets until the Pet passes away or is no longer in the possession of the person;
- (c) any person may keep up to four (4) adult Dogs or Cats and their puppies or kittens in a Breeding Kennel or animal rescue facility provided that:
 - (i) they have a property that is over 1 acre in size;
 - (ii) they have a valid and subsisting Business License or permit from Cheam for a Breeding Kennel;
 - (iii) the property is zoned for Breeding Kennels;
 - (iv) the person complies with all applicable laws and health and safety standards; and
 - (v) the puppies are kept by the Owner for no longer than five (5) months after birth;
- (d) any person may house up to four (4) Dogs or Cats at one time in a Dwelling Unit or Premises for a Dog or Cat Grooming business provided that:
 - (i) the property is zoned for Dog or Cat Grooming; and
 - (ii) the person complies with all applicable laws and health and safety standards;
 - (iii) they have a valid and subsisting Business License or permit from Cheam for a Grooming business;
- (e) any person may house up to a total of ten (10) Dogs or Cats in a Dwelling Unit or Premises for a Dog or Cat Daycare business provided that:
 - (i) they have a property that is over 1 acres for Dog or Cat Daycare;
 - (ii) they have a valid and subsisting Business License or permit from Cheam;
 - (iii) the property is zoned for Dog or Cat Daycare; and

- (iv) the person complies with all applicable laws and health and safety standards.

Licence Application

- 6.3 Every Owner of a dog must make an application to the Cheam Lands Governance Office for a licence on the form provided by the Cheam Lands Governance Office and pay the fee set out in Schedule "A".
- 6.4 Upon receipt of the application and payment of the prescribed fee the Cheam Lands Governance Office may issue a numbered licence tag for the current licence year.
- 6.5 The Cheam Lands Governance Office may reduce the prescribed fee if along with the licence application:
 - (a) evidence of medical shots being up-to-date is filed; or
 - (b) Evidence of the animal being spayed/neutered is filed.

Licence May be Refused

- 6.6 If a Person has abandoned an animal, or been responsible for the impoundment of an animal, the Cheam Lands Governance Office may refuse to grant or renew a licence to such Person until such time as the Cheam Lands Governance Office, in its sole discretion, believes that the Person has become capable of caring for an animal and abiding by this Law.

Expiration

- 6.7 Every licence and corresponding licence tag issued under this Law will expire on the 31st day of March of each year. To renew a licence and licence tag, the Owner must submit an application to the Cheam Lands Governance Office by March 15th of each year.

Licence Tag

- 6.8 Every dog Owner must ensure that a valid licence tag is displayed on the animal at all times by affixing it to the animal by a collar, harness or other suitable device.

Change of Address

- 6.9 Where an Owner has a change of address within the area of application for this Law, the Owner must, within thirty (30) days, notify the Cheam Lands Governance Office and pay the applicable licence transfer fee set out in Schedule "A".

Other Jurisdictions

- 6.10 Where a dog has been duly licensed in another municipality or regional district, that licence will be valid on Cheam Lands upon registration of such animal with the Cheam Lands Governance Office and payment of the licence transfer fee set out in Schedule "A".

Replacing Licence Tags

- 6.11 Where a licence tag is lost, stolen or is otherwise rendered unusable, the Owner must promptly make application to the Cheam Lands Governance Office to replace the licence tag and pay the licence tag replacement fee set out in Schedule "A".

Age Limit

6.12 A licence must not be issued to, or in the name of, any Person under the age of eighteen (18) years.

Non-Transferable

6.13 Every licence and corresponding licence tag issued under this Law is valid only in respect of the animal for which it was issued, as described on the licence application, and is not transferable to any other animal.

PART 7 - ANIMAL CONTROL

Prohibited Noises

- 7.1 An Owner must not permit or allow his or her dog to howl or bark such that the howling or barking unreasonably disturbs Persons in the neighbourhood or vicinity:
- (a) for a period of fifteen (15) minutes or more; or
 - (b) in an outdoor area between the hours of 9:00 pm and 7:00 am.

Specific Prohibitions

- 7.2 An Owner must not permit or allow any dog or cat for which they are responsible to:
- (a) be At Large;
 - (b) trespass on private property or within a public area defined by Cheam zoning and other laws or regulations as an area where such animal is not permitted;
 - (c) be in a place that is designated as a No Dog or No Cat zone or area by a Cheam law, regulation, rule, or a Council Resolution
 - (d) be on private land where such animal is not contained, either by a fence and a gate, an Enclosure or other effective containment mechanism, unless such animal is under the immediate control of a Responsible Person;
 - (e) be in a public place unless such animal is kept on a leash not exceeding three (3) metres in length and is under the immediate control of a Responsible Person excluding designated off-leash areas;
 - (f) attack, bite, kill or cause injury to a Person or Domestic Animal;
 - (g) aggressively pursue or harass a Person, a vehicle or a Domestic Animal;
 - (h) be in a place that is designated as a No Dog or No Cat area or zone by a Cheam law or Council Resolution; and
 - (i) be in the playground area.

Defecation

7.3 Any Owner or Person Responsible for the care, control or custody of a dog or cat, must not permit or allow the dog or cat to defecate in a public place or private property other than property owned or occupied by the Person Responsible for the dog or cat without immediately removing the excrement and disposing of it in a sanitary manner.

- 7.4 Seizure. An Animal Control Officer may seize any dog or cat that is unlicensed or found At Large or in a manner or location contrary to this Law.

Animals in Heat.

- 7.5 The Owner of a female dog and/or cat must, at all times when that animal is in heat, keep it securely confined indoors or within a building or Enclosure capable of preventing the escape of that animal and the entry of other animals.

PART 8 - AGGRESSIVE OR DANGEROUS ANIMALS

Report on Aggressive Animals.

- 8.1 Where, in the opinion of an Animal Control Officer, a Dog has been involved in an incident in which the Dog was an Aggressive Dog or a Dangerous Dog, the Animal Control Officer may submit a written report of the incident to the CAO or their designate.
- 8.2 The CAO or their designate has the authority under this Law to designate a Dog as an Aggressive Dog or a Dangerous Dog.
- 8.3 Except in emergency situations, before making a decision to designate a Dog as an Aggressive Dog or Dangerous Dog, the CAO or their designate shall send a letter to the Owner of the Dog including the written report and the proposal to designate the Dog and providing the Owner at least seven days to provide comments or questions.
- 8.4 If, in the reasonable opinion of the CAO or their designate, based on a written report or incident report, grounds exist to consider the Dog as an Aggressive Dog or a Dangerous Dog under this Law, a letter shall be sent to the Owner of the Dog confirming that Cheam has designated the Dog to be an Aggressive Dog or a Dangerous Dog and advising the Owner of the requirements for confining, identifying, and restraining Aggressive Dogs and Dangerous Dogs under this Law.
- 8.5 Before making a designation under this section, the CAO or their designate must consider whether the Dog was acting while in the course of
- (a) attempting to prevent a person from committing an unlawful act,
 - (b) defending or protecting their Owner or family or their property, or
 - (c) performing law enforcement work.
- 8.6 Where a Dog has been designated as an Aggressive Dog or a Dangerous Dog under this section, the Owner of the Dog may appeal the classification, in writing, within 10 business days to the Cheam Council who will review the Owner's submissions, the written report of the Animal Control Officer, and any other materials deemed relevant, and who will then determine whether Cheam will continue the designation of the Dog as an Aggressive Dog or a Dangerous Dog.
- 8.7 Every Owner of an Aggressive Dog, including a Dangerous Dog shall:
- (a) at all times keep the Dog securely confined indoors or in an Enclosure; or
 - (i) on a leash or tether not exceeding three meters in length;
 - (ii) under the immediate care and control of a competent person; and

- (iii) muzzled to prevent it from biting a person or other animal;
- (b) shall pay all fees and charges associated with keeping the Dog;
- (c) shall accept full responsibility and liability for any loss, claims or damages relating to the Dog;
- (d) permit Cheam or a veterinarian or professional directed by Cheam or any jurisdiction or facility with which Seabird has an animal control agreement, to implant a microchip into the shoulder or neck area of the Aggressive Dog at the cost of the Owner;
- (e) make available to Cheam for tracking and/or identifying purposes, the identifying information provided by the microchip; and
- (f) provide a photo of the animal to the Cheam Lands Governance Office within seven (7) business days of the animal being designated an Aggressive Animal.

Destruction of Dangerous Dogs

- 8.2 Cheam or an Animal Control Officer may make a recommendation at any time to Council for an order to destroy a Dangerous Dog, whether or not the dog has been designated as a Dangerous Dog.
- 8.3 Any recommendation in subsection 8.2 must be supported by an incident report or other written report.
- 8.4 After reviewing the information in subsection 8.3, Council may designate an animal as a Dangerous animal and order its destruction.
- 8.5 Where the Owner of an Aggressive Dog or a Dangerous Dog requests that the Dog be destroyed, the Animal Control Officer may arrange to have the Dog humanely destroyed at the expense of the Owner.

PART 9 - ANIMAL CARE

Diseases

- 9.1 An Owner must not keep an animal suffering from an infectious or contagious disease on any parcel of land or real property within Cheam Lands unless the animal is:
- (a) kept securely confined within a building or Enclosure separate from all other animals; and
 - (b) under veterinary care for that disease.

General Care and Prevention of Cruelty

- 9.2 A Person must not keep any animal within Cheam Lands unless the animal is provided with:
- (a) sufficient space for the animal's well-being;

- (b) clean, potable drinking water and sufficient food;
- (c) sanitary food and water receptacles;
- (d) the opportunity for periodic exercise sufficient to maintain the animal's good health;
- (e) a separate space for defecation;
- (f) clean bedding material and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and
- (g) the necessary veterinary care when the animal exhibits signs of pain, suffering or disease to promote the health and wellbeing of the pet;

all as determined by the Cheam Lands Governance Office, acting reasonably.

Animals Wastes

9.3 An Owner must ensure that every dog has an opportunity to go outside for exercise and to release its bowels and bladder at least twice daily and that cats or animals smaller than cats have appropriate litter boxes or similar facilities available that are frequently cleaned and daily maintained in good condition.

Shelters

9.4 A Person must not keep any animal outside for extended periods of time unless the animal is provided with shelter capable of protecting the animal from heat, cold, puddles, precipitation and the direct rays of the sun.

Enclosed Spaces

9.5 A Person must not keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation.

Prohibited Means of Securing Animals

9.6 A Person must not keep any animal 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 around the animal's neck.

Prohibited Confinement

9.7 No person shall keep any animal hitched, tied, tethered or fastened to a fixed object as the primary means of confinement for an extended period of time, but this does not prevent the use of a safe and appropriate pulley or run-line system where an animal has a safe and suitable collar attached to a lead which is in turn attached to a pulley running along a fixed line.

General Prohibitions

9.8 Unless otherwise authorized by applicable zoning laws or other laws, regulations or permits, a Person keeping two or more dogs on a property must not cause or permit:

- (a) more than one dog to be kept in a cage or pen unless the cage or pen is of sufficient size and height to permit each animal kept therein to move freely and easily;

- (b) Female animals in heat to be kept in cages or pens with unaltered male animals;
- (c) dogs that are deemed Aggressive Animals to be kept with any other animals, including other dogs;
- (d) animals under the age of four (4) months to be kept with any adult animals other than their parents;
- (e) animals under treatment for a communicable or infectious disease or suspected of having a communicable or infectious disease to be kept with any other animals; or
- (f) Puppy mills, kitten mills, or any forced breeding process which causes female animals to overburden with unnatural birthing cycles.

Mothers and Litters

9.9 An Owner of a female dog that has delivered one or a litter of puppies within the past four (4) months shall ensure that the mother dog is kept in a secure area to reduce conflicts with people approaching the puppy or puppies.

Indoor and Outdoor Areas

9.10 Every Owner must include, for each individual dog, both an indoor area and an outdoor exercise area as follows:

- (a) the indoor area must comply with the following requirements:
 - (b) the indoor area must be of sufficient size for the well-being of all the humans and animals therein;
 - (c) the building must be equipped with a heating and cooling system capable of maintaining an indoor temperature between 10 and 25 degrees Celsius;
 - (d) every cage or pen within the indoor area must be of sufficient size and height to permit each dog to turn about freely, stand, sit and lie in a normal position;
 - (e) the building must allow natural light and ventilation to be introduced into the interior of the indoor kennel area by windows, skylights or a combination thereof; and
 - (f) the area must be cleaned and sanitized of animal excrement at least once daily; and
- (g) the outdoor exercise area must comply with the following requirements:
 - (i) be:
 - (A) attached to the indoor kennel area;
 - (B) large enough to allow each dog being kept to break into a trot; and
 - (C) fully enclosed by a sturdy fence with a minimum height of 1.8 metres, which is capable of keeping any of the dogs from escaping; or
 - (ii) be a public area on which animals are permitted and which is accessible to the animal and its Responsible Person on a regular and daily basis.

Livestock and Poultry

- 9.11 A Person must not keep or allow to be kept on any real property any Livestock or poultry or an aviary or apiary, except as permitted pursuant to all applicable laws (including zoning), and, if permitted, which number of such animals is to be determined by the Cheam Lands Governance Office in consultation with Council.
- 9.12 An Owner must not permit or allow any Livestock or poultry to run At Large.
- 9.13 An Animal Control Officer may seize any Livestock or poultry unlawfully At Large.

Exotic Animals

- 9.14 No Person shall possess or keep in any area, temporarily or permanently, any Exotic Animal.
- 9.15 An Animal Control Officer may seize any Exotic Animal on Cheam Lands.

Burials

- 9.16 Every Owner shall ensure that any deceased Pets, Livestock or Poultry for which they are responsible are buried or cremated in a respectful and appropriate manner.
- 9.17 All burials deceased pets must not be near any domestic water intakes, water sources, or associated infrastructure.

PART 10 - SEIZURE AND IMPOUNDMENT

Seizure

- 10.1 An Animal Control Officer may seize any dog or cat that is unlicensed or that is acting contrary to this Law, and any animal held or kept in conditions contrary to this Law.

Impoundment

- 10.2 Where an animal is impounded pursuant to this Law:
- (a) an Animal Control Officer must make reasonable effort to determine the Owner of the animal and to notify the Owner by telephone of the impoundment and the procedure to recover the animal;
 - (b) if an Animal Control Officer is not able to determine the Owner of an animal or contact the Owner of an animal by telephone, the Animal Control Officer must post a notice on the public notice board at the Cheam administration office and/or on the Cheam website or social media page describing the animal and stating the date of impoundment and the impoundment period;
 - (c) an Animal Control Officer must make reasonable effort to contact the Owner of a dog if it is wearing a licence tag by calling the most recent telephone number in the licence information for such animal;
 - (d) if a dog has no licence tag, the Animal Control Officer has no obligation to notify the Owner of the impoundment of such animal;

- (e) the Animal Control Officer may provide the animal with veterinary care, medication, specialty food, or other treatment required for the reasonable and proper care of the animal;
- (f) the Owner must recover the animal from the place of impound within 96 hours from the time of impoundment, by giving evidence of ownership of the animal and paying the impound fee, the daily boarding fees, and other applicable fees for the animal as prescribed in Schedule "B";
- (g) the impoundment fees for an unlicensed dog will be double the fees for a licensed dog as set out in Schedule "B", plus the cost of a licence for such animal;
- (h) the impoundment fees will increase as prescribed in Schedule "B" for each impoundment of the same dog in a twenty-four (24) month period;
- (i) regardless of whether a dog is licensed or unlicensed, the impoundment fee for a dog that is deemed an Aggressive Animal or a Nuisance Animal will be the fee set out in Schedule "B"; and
- (j) Cheam may provide for the adoption, transfer to another facility, or Humane Destruction of an animal that is not collected by the Owner within ninety- six (96) hours from the time of impoundment.

General Prohibitions for Impounded Animals

10.3 A Person must not take, remove or release, or assist in the taking, removing or releasing, of any animal impounded by Cheam without first obtaining the consent of an Animal Control Officer and paying all fees relating to the impound of the animal.

Impoundment of Aggressive Animals

10.4 The Owner of an Aggressive Animal that has been impounded pursuant to this Law, may only reclaim the animal upon application to an Animal Control Officer with the following:

- (a) evidence of Ownership of the Aggressive Animal;
- (b) payment of applicable fees set out in Schedule "B"; and
- (c) delivery to an Animal Control Officer of an executed statement in the form prescribed from time to time.

PART 11 - CARCASS REMOVAL

Fees

11.1 Where an Owner of a deceased animal requests that an Animal Control Officer remove the carcass of an animal from private property, the Owner shall pay the fee set out in Schedule "C" and pay the full costs and expenses of incinerating the carcass.

PART 12 - ORDER TO DESTROY AN ANIMAL

Destruction of Dangerous Animal.

12.1 On being satisfied that an animal is a Dangerous Animal, an Animal Control Officer may have the animal Humanely Destroyed in accordance with subsection 8.2 to 8.5.

Costs

12.2 An Owner whose animal has been destroyed pursuant to this Law is liable for all costs, fees and expenses associated with the destruction of such animal, which costs, fees, expenses and any interest accrued thereon will be a debt due and owing to Cheam until paid in full.

Consent to Euthanasia.

12.3 An Owner who requests that their animal be Humanely Destroyed or otherwise disposed of by an Animal Control Officer must sign the form of Consent to Euthanasia established by the Cheam Lands Governance Office from time to time.

PART 13 - DESTROYING AND DISPOSING OF ANIMALS

Method of Destruction

13.1 A Person who destroys an animal under this Law must destroy and dispose of such animal, or cause such animal to be destroyed and disposed of, in accordance with any such manners prescribed from time to time by Cheam.

13.2 Critical Injuries. If an animal is critically injured and the Owner is not available for such a decision an Animal Control Officer may either contact with SPCA for support or Humanely Destroy the animal.

PART 14 - DISEASED ANIMALS

General

14.1 When a complaint is made to Council or the Cheam Lands Governance Office that an animal is suffering from any disease or injury as a result of which the animal is suffering in pain or debilitation, an Animal Control Officer may investigate the matter.

14.2 If a veterinary examination demonstrates the animal is suffering, the Animal Control Officer may order the Owner to have the animal treated or Humanely Destroyed and cremated or buried in accordance with this Law.

PART 15 - ENFORCEMENT AND OFFENCES

General

15.1 No Person shall obstruct, interfere with or hinder Council, an Animal Control Officer, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.

Right to Enter

15.2 For the purpose of this Law, an Animal Control Officer may enter any lands on Cheam Lands during reasonable hours if the Animal Control Officer:

- (a) is acting under this Law to take an animal into custody or to destroy an animal;
- (b) has reasonable grounds to believe that an animal is ownerless; or
- (c) has reasonable grounds to believe that an animal is, or has been, running At Large.

Right to Search

15.3 Subject to sections 15.4 to 15.7, an Animal Control Officer may, without any need for written authorization from Council, enter and search any place, and seize an animal, if the officer believes on reasonable grounds that:

- (a) the animal is a Dangerous Animal;
- (b) the animal presents an imminent danger to the public; and
- (c) the purpose of seizing the animal cannot reasonably be accomplished if the Animal Control Officer is required to obtain a written authorization.

Considerations

15.4 Before exercising a power under section 15.3, in the case of an animal that has acted as a Dangerous Animal, the Animal Control Officer must consider whether the animal was acting while in the course of attempting to prevent a Person from committing an unlawful act.

Exercising Powers

15.5 An Animal Control Officer may enter a place to exercise the power under section 15.3:

- (a) with the consent of the owner or occupier of the place;
- (b) in accordance with a written authorization from Council under section 16.7; or
- (c) if the circumstances referred to in section 15.3 apply, in accordance with that section.

Police Officers

15.6 For the purposes of section 16.3, an Animal Control Officer who is not a police officer must be accompanied by a police officer.

Right to Seize

15.7 An Animal Control Officer may enter any premises to seize a Dangerous Animal.

Police Officer for Seizure

15.8 An Animal Control Officer exercising authority to enter premises under section 16.7 must be accompanied by a police officer when exercising that authority.

Offences

15.9 Every Person who:

- (a) violates or causes or allows any of the provisions of this Law to be violated;
- (b) fails to comply with any of the provisions of this Law, or any other applicable law; or
- (c) neglects or refrains from doing anything required under the provisions of this Law,

shall be deemed to have committed an offence under this Law and shall be liable to a fine or imprisonment, or to both a fine of imprisonment, not exceeding the maximum allowed under the Land Code, and each day such violation is caused or allowed to continue constitutes a separate offence.

15.10 Despite subsection 15.9, the fines and penalties set out in the *Prevention of Cruelty to Animals Act* [RSBC 1996] Chapter 372, apply to any person convicted of cruelty to animals under this Law or that Act.

Types of Offences

15.11 Without limiting the generality of section 15.9, it is an offence under this Law:

- (a) for an Owner to allow or suffer his or her animal to be running At Large;
- (b) for any Person to own a diseased animal unless it is securely confined in such Enclosure an in such manner that it does not endanger the safety of any Person or any other animal;
- (c) for the Owner of a Dangerous Animal:
 - (i) to permit, suffer or allow the animal to be on any highway or any public place within Cheam Lands or running At Large unless the animal is muzzled and leashed to prevent it from biting another animal or human; or
 - (ii) to keep the animal on the premises owned or controlled by such Person unless the animal is securely confined either indoors or in an Enclosure;
- (d) for any Owner to keep or harbour four (4) dogs and/or cats combined in contrary to sections 4.1 or 6.2;
- (e) for any Owner to allow the accumulation of animal feces to become noxious or a health hazard, as determined by an Animal Control Officer of Cheam First Nation;
- (f) for any Person to willfully or negligently open a gate, door or other opening in a fence or Enclosure in which a Domestic Animal has been confined and thereby allow the Domestic Animal to be running At Large; and
- (g) for any Person to tease, torment or provoke a Domestic Animal.

Tickets

15.12 Despite section 15.9, an Animal Control Officer may issue a ticket for any offence under this Law.

15.13 Any Person issued a ticket under this Law will be required to pay the amount set

out in that ticket in accordance with the terms identified on the ticket.

15.14 A Person seeking to appeal a ticket issued under this Law may apply in writing to the Cheam Lands Governance Office.

15.15 The Cheam Lands Governance Office may, after considering a Person's application to appeal a ticket and acting reasonably, waive the ticket, reduce the fine, or enforce the ticket.

15.16 After consideration of an application to appeal the ticket, the Cheam Lands Governance Office will notify the applicant in writing of its decision, which decision will be final and binding.

Collection

15.17 Outstanding fines, penalties or fees levied under this Law may be collected:

- (a) In accordance with all Cheam laws or policies;
- (b) In accordance with the Cheam Housing Policy;
- (c) By sending the matter to a collection agency;
- (d) By requiring community service; and/ or
- (e) As a last resort, by withholding distributions or other benefits from Cheam to Members.

PART 16 - IMMUNITY

General

16.1 No action for damages lies or may be instituted against present or past Council, Cheam, an Animal Control Officer, or members, employees, or agents or representatives of either Cheam or Council:

- (a) for anything said or done or omitted to be said or done by that Person in the actual or required performance of the Person's duty or exercise of their authority; or
- (b) for any alleged neglect or default in the actual or required performance of the Person's duty or exercise of their authority.

No Defence

16.2 Section 16.1 does not provide a defence if the Person in relation to the conduct that is the subject matter of the action has been guilty of dishonesty, gross negligence or malicious or wilful misconduct.

No Liability

16.3 None of Cheam, present or past Council, or members, employees, representatives or agents of Cheam or Council are liable for any damages or other loss, including economic loss, sustained by any Person, or to the property of any Person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Cheam law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Cheam law.

Limitation Period

16.4 Subject to sections 16.1 and 16.3, any actions against Cheam (including its employees, representatives or agents, and Council) for the unlawful doing of anything that:

- (a) is purported to have been done under the powers conferred by this Law or any Cheam law; and
- (b) might have been lawfully done if acting in the manner established by law, must be commenced within two (2) months after the cause of action first arose.

Required Notice

16.5 Cheam is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Cheam within two (2) months from the date on which the damage was sustained. In case of the death of a Person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the court of appeal, believes:

- (a) there was reasonable excuse; and
- (b) Cheam has not been prejudiced in its defence by the failure or insufficiency.

PART 17 - REGULATIONS

17.1 Council may make regulations or pass Council Resolutions as follows:

- (a) prescribing the form and content of Dog licenses to be issued under this Law;
- (b) prescribing the form and content of surrender documents for Owners of impounded animals and other similar documents;
- (c) prescribing fees and penalties;
- (d) prescribing ticketing amounts;
- (e) arranging for liability insurance for Animal Control Officers in the performance of their duties under any Agreement related to enforcement of this Law;
- (f) designating no-Dog or no-Cat zones or areas within Seabird Lands;
- (g) designating Animal Control Officers; or
- (h) setting in place any other matter required to implement this Law.

PART 18 - AMENDMENT

General

18.1 Subject to sections 17.3 and 17.4, this Law may only be amended in the manner provided in the Land Code.

Regular Reviews

18.2 Cheam will review and, if appropriate, amend this Law in accordance with section 17.1 whenever Council determines, in its sole discretion, that this Law should be

reviewed and, if appropriate, amended.

Schedule Amendments

18.3 The Cheam Lands Governance Office may, from time to time, propose an amendment to a schedule to this Law, which amendment will become effective on approval by Council.

Minor Amendments.

18.4 Council may, from time to time, pass a resolution authorizing minor amendments to this Law for any of the following purposes:

- (a) to correct typographical or grammatical errors;
- (b) to reference relevant, new or amended Cheam law(s);
- (c) to change the applicable entity(ies) having authority over the implementation of this Law;
- (d) to align with an order by a court; and
to clarify this Law where there is no reasonable dispute about the intention underlying the original provision.

PART 19 - GENERAL PROVISIONS

Non-Derogation

19.1 No provision of this Law, or any communication, negotiations or engagements carried out pursuant to it, does, or may be deemed to, prejudice, limit, abrogate or derogate from any of Cheam's Indigenous Title, Rights or interests.

Compliance with other Laws.

19.2 Where any other law or legal requirement may apply to any matter covered by this Law, compliance with this Law will not relieve the Person from also complying with the provisions of such other applicable law or legal requirement.

Severability.

19.3 In the event that all or any part of any section of this Law are found by a court of competent jurisdiction to be invalid, such section shall be severable, and the remaining portions and sections of this Law shall remain in full force and effect.

Orders

19.4 An order made pursuant to this Law will have immediate effect.

Delegations and Agreements

19.5 Subject to subsection 19.6, Council, the Chief, or a staff member or contractor authorized by Council by Band Council Resolution is authorized to enter into any necessary agreements or arrangements to implement and enforce this Law

including agreements or arrangements with the RCMP, private law enforcement, the Fraser Valley Regional District or other entities.

- 19.6 Any arrangements or agreements in subsection 19.5 must either fit within existing program or other budgets approved by Council or be approved by Council for any expenditures outside of approved budgets.

Coming into Force

- 19.7 This Law will come into force and effect on the date that it is duly passed by Cheam in accordance with the process outlined in the Land Code.

This Law comes into force on the date it is passed by Council Resolution of the Cheam First Nation at a duly convened meeting held on the ___ day of April, 2023.

The quorum of the Council is 4 members. The number of members of the Council present at the meeting: ____.

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

Chief Andrew Victor

Councilor Ray Douglas

Councilor Melvin Wilson

Councilor Annie Silver

Councilor Stephanie Fredette

Councilor Luke Pike

SCHEDULE A – LICENCE FEES

CATEGORY	FEE
Unaltered Animal (each)	\$10.00
Altered Animal (each)	\$0.00
Nuisance Animal (each)	\$100.00
Aggressive Animal (each)	\$200.00
Licence Transfer	\$5.00
Licence Tag Replacement	\$5.00

SCHEDULE B – IMPOUND AND BOARDING FEES

A. IMPOUND FEES

Fees based on the number of impounds of the same animal in a 24-month period:

Licensed dog/cat - First Impoundment	\$40
Licensed dog/cat - Second Impoundment	\$80
Licensed dog/cat - Third Impoundment	\$140
Unlicensed dog/cat	Pursuant to s.10.2(g) of this Law

Fees for Aggressive and Nuisance animals:

Aggressive Animal (unaltered)	\$1,000
Aggressive Animal (altered)	\$600
Nuisance Animal	\$500

Poultry and Livestock

Poultry	\$40
Livestock	\$100

B. DAILY PET ANIMAL BOARDING FEES

For first part day and night	\$10
For each subsequent business day or part thereof	\$50

C. OTHER FEES AND CHARGES

In all cases, the actual costs of veterinary care, medication, specialty food, contract hauling for large animals, and other extenuating costs incurred by Cheam, plus a 25% administration fee shall be charged, on top of any fees mentioned in sections A and B above, for any animal impounded.

SCHEDULE D – PROHIBITED EXOTIC ANIMALS

The list includes all such animals of the listed family or order (unless specifically identified as an exclusion), whether bred in the wild or in captivity, and also includes all their hybrids with domestic species. The examples provided in the right-hand column are intended to act as examples only and are not to be construed as limiting the generality of the group.

	Restricted Taxa	Examples of Animals
1	<i>Non-human Primates</i>	apes, lemurs, gorillas, monkeys
2	<i>Canidae</i>	bush dogs, dingos, raccoon dogs, African wild dogs, coyotes, jackals, foxes, wolves; excludes domestic dogs
3	<i>Felidae</i>	lions, jaguars, cheetah, tigers, cougars, lynx, bobcats, ocelots, servals, leopards; excludes domestic cats
4	<i>Ungulata</i>	camels, hippopotamus, rhinoceros; excludes domestic goats, sheep, pigs, cattle, horses, llamas, alpacas, mules and donkeys
5	<i>Rodentia</i>	beavers, porcupines, squirrels, gophers; excludes domestic hamsters, guinea pigs, chinchillas, gerbils, rats, and mice
6	<i>Edentata</i>	anteaters, armadillos, sloths
7	<i>Mustelidae</i>	badgers, skunks, otters, wolverines, weasels; excludes, de-scented skunks and domestic ferrets, minks, and ermines
8	<i>Chiroptera</i>	bats
9	<i>Ursidae</i>	bears
10	<i>Viverrids</i>	civets, genets, meerkat, mongooses
11	<i>Hyaenidae</i>	hyenas
12	<i>Cetaceans</i>	dolphins, porpoises and whales
13	<i>Proboscidae</i>	elephants, including Asian and African
14	<i>Lagomorpha</i>	hares, pikas, rabbits; excludes domestic rabbits
15	<i>Insectivora</i>	hedgehogs, moles, shrews; excludes African pygmy hedgehogs
16	<i>Marsupialia</i>	kangaroos, wombats, opossums; excludes sugar gliders
17	<i>Strigiformes</i>	owls
18	<i>Crocodylia</i>	alligators, caimans, crocodiles
19	<i>Procyonids</i>	raccoons, coatis, coatimundi
20	<i>Pinnipedia</i>	seals, walrus
21	<i>Other</i>	all spiders, scorpions, insects, amphibians, lizards, turtles, snakes and other reptiles.