



THE COUNCIL OF THE CHEAM FIRST NATION

BCR No. 2330

BAND COUNCIL RESOLUTION FOR ANIMAL CONTROL AND PROTECTION LAW Under section 3 of the Cheam Land Code

WHEREAS

- A. Cheam First Nation has taken over control and management of our land and resources on our Reserves by ratifying a Land Code; which came into effect September 1, 2016;
- B. Under our Land Code, Council is authorized to pass laws relating to lands, public and private nuisance, permits and activities;
- C. Council is authorized to pass various Laws relating to Lands under section 3 of the Land Code;
- D. Council is concerned about reports and complaints from Members regarding dog attacks and Members who do not feel it is safe to take a walk within the Reserve or let their children play in certain areas due to aggressive dogs and Council is of the opinion that an animal control and protection law is needed to protect Members; and
- E. Council wishes to implement an animal control and protection law on Cheam Lands to promote safe and respectful pet ownership.

NOW THEREFORE

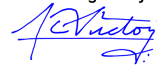
at a duly convened meeting, WE THE COUNCIL OF THE Cheam First Nation, in Cheam unceded Territory, Province of British Columbia DO HEREBY RESOLVE:

THAT the Cheam Animal Control and Protection Law is hereby enacted as a Cheam law and is in force as of the date of this Resolution.

SIGNED THIS DAY:

August 8, 2023, at Cheam First Nation, 52161 Victor Drive, Rosedale, BC V0X 1X1


Quorum for this Council is four (4)

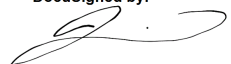
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Chief Andrew Victor

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Councillor Stephanie Fredette

Councillor Annie Silver

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Councillor Ray Douglas

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Councillor Luke Pike

Councillor Melvin Wilson



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CHEAM FIRST NATION

ANIMAL CONTROL AND PROTECTION LAW

August 8, 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;
- 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; and
- G. Council directed the Lands Department to engage in community consultation and some community members questioned whether Cheam is ready to

administer dog licenses so Council directed Lands and legal counsel to prepare a more streamlined version of the law to focus on care and safety;

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:

- (a) has killed or seriously injured a person;
- (b) 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
- (c) 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) meets the requirements set out in PART 7 - 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:

- (a) is non-indigenous to the Cheam or Fraser Valley area or would ordinarily be considered a wild animal; or
- (b) is a hybrid of a non-indigenous animal or wild animal and a domestic animal; and
- (c) 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:

- (a) that has been impounded three (3) times within the previous twenty-four (24) months;
- (b) whose Owner has been found liable for three (3) or more Animal related tickets within the previous twenty-four (24) months; or
- (c) 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:

- (a) to whom a licence for a dog or cat has been issued pursuant to this Law; or
- (b) 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.
- (c) who harbors, admits, shelters or allows any pets to reside on or in a land or structure in which they have an interest;
- (d) is the Owner an animal; or
- (e) in the case of a minor who is involved in owning or caring for a Pet or animal, the parent or guardian of that minor.

"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; and

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

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" – Impound and Boarding Fees,
- (b) Schedule "B" – Miscellaneous Fees, and
- (c) Schedule "C" – Prohibited Exotic Animals

PART 4 - ANIMAL POPULATION CONTROL

4.1 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 5 - ANIMAL RESPONSIBILITY AND CONTROL

Responsibility and Liability

5.1 Each Owner is responsible and liable for all damage, injuries, deaths, losses, claims and liabilities of any kind caused or contributed to directly or indirectly by

their Pet or a Pet for which they are responsible.

Prohibited Noises

- 5.2 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

- 5.3 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 an Owner;
 - (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 an Owner 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

- 5.4 An Owner must not permit or allow any dog or cat for which they are responsible to defecate in a public place or private property other than property owned or occupied by the Owner for the dog or cat without immediately removing the excrement and disposing of it in a sanitary manner.

Seizure.

- 5.5 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.

- 5.6 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 6 - AGGRESSIVE OR DANGEROUS ANIMALS

Report on Aggressive Animals.

- 6.1 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.
- 6.2 The CAO or their designate has the authority under this Law to designate a Dog as an Aggressive Dog or a Dangerous Dog.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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) post a 'Beware of Dog' sign at the boundary, gate or entry to the property line;

- (c) pay all fees and charges associated with keeping 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

- 6.8 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.
- 6.9 Any recommendation in subsection 6.2 must be supported by an incident report or other written report.
- 6.10 After reviewing the information in subsection 6.3, Council may designate an animal as a Dangerous animal and order its destruction.
- 6.11 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 7 - ANIMAL CARE

Diseases

- 7.1 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

- 7.2 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.

Animal Wastes

- 7.3 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

- 7.4 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

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

Prohibited Means of Securing Animals

- 7.6 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

- 7.7 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

- 7.8 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:
- 7.9 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;
- 7.10 Female animals in heat to be kept in cages or pens with unaltered male animals;
- (a) dogs that are deemed Aggressive Animals to be kept with any other animals, including other dogs;
 - (b) animals under the age of four (4) months to be kept with any adult animals other than their parents;

- (c) 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
- (d) Puppy mills, kitten mills, or any forced breeding process which causes female animals to overburden with unnatural birthing cycles.

Mothers and Litters

7.11 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

7.12 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

7.13 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.

7.14 An Owner must not permit or allow any Livestock or poultry to run At Large.

7.15 An Animal Control Officer may seize any Livestock or poultry unlawfully At Large.

Exotic Animals

7.16 No Person shall possess or keep in any area, temporarily or permanently, any Exotic Animal.

7.17 An Animal Control Officer may seize any Exotic Animal on Cheam Lands.

Burials

7.18 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.

7.19 All burials deceased pets must not be near any domestic water intakes, water sources, or associated infrastructure.

PART 8 - SEIZURE AND IMPOUNDMENT

Seizure

8.1 An Animal Control Officer may seize any Pet, Poultry or Livestock that is at large or that is acting contrary to this Law, and any animal held or kept in conditions contrary to this Law.

Impoundment

8.2 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 or identification 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 "A";

- (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 "A" 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 "A"; 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

8.3 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

8.4 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 "A"; and
- (c) delivery to an Animal Control Officer of an executed statement in the form prescribed from time to time.

PART 9 - CARCASS REMOVAL

Fees

9.1 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 "B" and pay the full costs and expenses of incinerating the carcass.

PART 10 - ORDER TO DESTROY AN ANIMAL

Destruction of Dangerous Animal.

10.1 On being satisfied that an animal is a Dangerous Animal, an Animal Control Officer may have the animal Humanely Destroyed in accordance with subsection PART 2093430608 - to 6.11.

Costs

10.2 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.

10.3 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 11 - DESTROYING AND DISPOSING OF ANIMALS

Method of Destruction

11.1 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.

11.2 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 12 - DISEASED ANIMALS

General

12.1 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.

12.2 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 13 - ENFORCEMENT AND OFFENCES

General

13.1 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

13.2 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

13.3 Subject to sections 13.4 to 13.7, 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

13.4 Before exercising a power under section 13.3, 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

13.5 An Animal Control Officer may enter a place to exercise the power under section 13.3:

- (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 13.3 apply, in accordance with that section.

Police Officers

13.6 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

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

Police Officer for Seizure

13.8 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

13.9 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.

13.10 Despite subsection 13.9, 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

13.11 Without limiting the generality of section 13.9, it is an offence under this Law:

- (a) for an Owner who lives outside of Cheam Reserve Lands to leave or abandon a Pet on Cheam Reserve Lands;
- (b) for an Owner to allow or suffer his or her animal to be running At Large;
- (c) for any Person to own a diseased animal unless it is securely confined in such Enclosure and in such manner that it does not endanger the safety of any Person or any other animal;
- (d) 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;
- (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

13.12 Despite section 13.9, an Animal Control Officer may issue a ticket for any offence under this Law.

13.13 Unless otherwise stated in this Law, another Cheam law or a regulation, the amount for a ticket fine is:

- (a) \$1000 per occurrence or per day for offenses relating to Aggressive or Dangerous Dogs being at large or harassing, threatening, attacking or injuring any Person or other Pet, Poultry or Livestock; and
- (b) \$100 per occurrence for all other offenses

and each additional day the offense continues shall be a separate offense and an additional penalty.

- 13.14 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.
- 13.15 A Person seeking to appeal a ticket issued under this Law may apply in writing to the Cheam Lands Governance Office.
- 13.16 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.
- 13.17 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

13.18 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 14 - IMMUNITY

General

- 14.1 No action for damages or liability 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;
 - (b) for any alleged neglect or default in the actual or required performance of the Person's duty or exercise of their authority; or
 - (c) for any property damage or any injury or death of a person or animal in relation to the enforcement or lack of enforcement of this Law.

No Defence

- 14.2 Section 14.1 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

14.3 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

14.4 Subject to sections 14.1 and 14.3, 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

14.5 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 15 - REGULATIONS

15.1 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 16 - AMENDMENT

General

16.1 Subject to sections 16.3 and 16.4, this Law may only be amended in the manner provided in the Land Code.

Regular Reviews

16.2 Cheam will review and, if appropriate, amend this Law in accordance with section 16.1 whenever Council determines, in its sole discretion, that this Law should be reviewed and, if appropriate, amended.

Schedule Amendments

16.3 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.

16.4 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 17 - GENERAL PROVISIONS

Non-Derogation

17.1 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.

17.2 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.

17.3 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

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

Delegations and Agreements

17.5 Subject to subsection 17.6, 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.

17.6 Any arrangements or agreements in subsection 17.5 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

17.7 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.

A quorum of the Council is 4 members.

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

DocuSigned by:

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Chief Andrew Victor

DocuSigned by:

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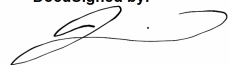
Councilor Ray Douglas

Councilor Melvin Wilson

DocuSigned by:

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Councilor Stephanie Fredette

Councilor Annie Silver

DocuSigned by:

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Councilor Luke Pike

SCHEDULE 'A' – 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

SCHEDULE 'B' 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 'C' – 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.