



K'ómoks **First Nation**

K'ómoks First Nation

Animal Control Law, 2024

Enacted October 25, 2024

Table of Contents

PART I – INTERPRETATION, PURPOSE AND APPLICATION 3

- 1. SHORT TITLE..... 3
- 2. DEFINITIONS 3
- 2. PURPOSE..... 6
- 3. APPLICATION 6
- 4. INTERPRETATION..... 7

PART II – ANIMAL CARE 7

- 5. NO ABANDONMENT..... 7
- 6. BASIC ANIMAL CARE REQUIREMENTS..... 7
- 7. TYING ANIMALS..... 8
- 8. ANIMAL MISTREATMENT..... 8

PART III – ANIMAL CONTROL 9

- 9. LICENSING OF DOGS..... 9
- 10. ANIMALS ON KFN LAND..... 10
- 11. ANIMAL BUSINESSES..... 10
- 12. SECURE ENCLOSURE 11
- 13. LIMIT ON NUMBER OF ANIMALS..... 11
- 14. DISEASED ANIMALS AND IMMUNIZATIONS 11
- 15. ANIMAL WASTE 12
- 16. FEEDING WILDLIFE..... 12
- 17. EXOTIC ANIMALS 12
- 18. LIVESTOCK..... 12

PART IV – NUISANCE, AGGRESSIVE, AND DANGEROUS ANIMALS..... 12

- 19. NUISANCE ANIMALS..... 12
- 20. AGGRESSIVE ANIMALS 13
- 21. DANGEROUS ANIMALS 13

PART V – SEIZING AND IMPOUNDING ANIMALS 15

- 22. ESTABLISHMENT OF POUND 15
- 23. AUTHORITY TO SEIZE AND IMPOUND ANIMALS..... 15
- 24. NOTIFICATION OF IMPOUNDMENT 16
- 25. RETURN OF IMPOUNDED ANIMALS 16
- 26. UNRETURNED IMPOUNDED ANIMALS 16

PART VI – COMPLIANCE, OFFENCES AND PENALTIES	17
27. DETERMINATION OF COMPLIANCE	17
28. OFFENCES.....	17
PART VII – ADMINISTRATION.....	18
29. APPOINTMENT AND POWERS OF ADMINISTRATOR	18
30. POWERS OF LANDS MANAGER.....	18
PART VIII – GENERAL	19
31. RECORDS.....	19
32. PROVISION OF DOCUMENTS	19
33. REGULATIONS, FEES AND FORMS.....	20
34. IMMUNITY	20
35. AMENDMENTS AND ENACTMENT	21

K'ÓMOKS FIRST NATION
ANIMAL CONTROL LAW

KFN-2024-03

WHEREAS the K'ómoks First Nation has an inherent right to self-government, including the right to establish and enforce laws governing K'ómoks First Nation lands and peoples, as recognized and affirmed by section 35 of the *Constitution Act, 1982* and articles 3, 4 and 5 of the United Nations Declaration on the rights of Indigenous Peoples;

WHEREAS Canada and a group of First Nations concluded the *Framework Agreement on First Nation Land Management* on February 12, 1996, and Canada later ratified the agreement via the enactment of the *Framework Agreement on First Nation Land Management Act*, SC 2022, c 19;

WHEREAS the K'ómoks First Nation became a signatory to the *Framework Agreement on First Nation Land Management* and later brought the *K'ómoks First Nation Land Code* into effect on November 30, 2016;

WHEREAS the K'ómoks First Nation has the authority under subsection 18.1 of the *Framework Agreement on First Nation Land Management* to make laws respecting the development, conservation, protection, management, use and possession of K'ómoks First Nation land and interests;

WHEREAS the K'ómoks First Nation also has the authority under subsections 12.2(c) and 12.2(m) of the *K'ómoks First Nation Land Code* to make laws respecting the protection of community health and safety on K'ómoks First Nation land and respecting public nuisance and private nuisance on K'ómoks First Nation land;

WHEREAS the K'ómoks First Nation recognizes the importance of protecting the safety and well-being of the community, including the safety, well-being and treatment of animals on K'ómoks First Nation land;

AND WHEREAS the K'ómoks First Nation deems it advisable and in the best interests of the K'ómoks First Nation to enact a law relating to animal control;

NOW THEREFORE, the K'ómoks First Nation Chief and Council enacts the following law.

PART I – INTERPRETATION, PURPOSE AND APPLICATION

1. SHORT TITLE

1.1 This Law may be cited as the *Animal Control Law*.

2. DEFINITIONS

2.1 In this Law, unless the context otherwise requires:

“Administrator” means a person appointed by Chief and Council under subsection 29.1 for the administration of matters set out under this Law, or any delegate acting on behalf of the Administrator;

“Aggressive Animal” means an Animal that has been designated as aggressive under subsection 20.1;

“Animal” means an animal that is tamed or kept by humans, including Livestock, a Poultry Bird, a cat, a dog, or another domestic animal;

“Animal Control Officer” means any animal control professional or other Person appointed or engaged by Chief and Council to enforce the provisions of this Law;

“Abandon” means leaving an Animal At Large for greater than 12 hours;

“At Large” means an Animal is roaming or running off of the Premises of the Owner of that Animal, unless the Animal is on a leash or under Direct Control of any person;

“Chief and Council” means KFN’s “council of the band”, as that term is defined in the *Indian Act*, RSC 1985, c I-5, or any successor legislation;

“Community Lands” means any KFN Land in which all Members have a common interest and which is not subject to an interest created under the Land Code;

“Dangerous Animal” means an Animal that has been designated as dangerous under subsection 21.1;

“Direct Control” means, in respect of an Animal, the person responsible for the Animal being able to see the Animal, and when the Animal is called by such person, the Animal promptly returns to them;

“Enclosure” means a fence, pen, run, or other structure suitable to prevent the entry of young children, and suitable to confine an Animal, in conjunction with other measures which may be taken by the Owner to enclose the Animal, such as tethering;

“Exotic Animal” means any animal listed in Schedule A of this Law, whether bred in the wild or in captivity, and includes any hybrid of such animals with a domesticated species;

“Framework Agreement on First Nation Land Management” means the *Framework Agreement on First Nation Land Management* concluded between Canada and First Nations on February 12, 1996, as amended or replaced from time to time;

“Humanely Destroy” means to instantly kill or render an Animal insensible until death ensues, without pain, suffering or distress;

“Immune Person” means KFN, present or past Chief and Council, the Lands Manager, an

Administrator, KFN Law Enforcement Officers or any other employees, servants or agents of either KFN or Chief and Council;

“Impound” means to seize, deliver, receive or take an Animal into the Pound, or into the custody of the Poundkeeper, under Part V of this Law;

“Impoundment Fees” means the fees which may be established by the Poundkeeper from time to time, which are due upon reclaiming an Impounded Animal under section 25;

“KFN” means the K’ómoks First Nation, recognized as a band under the *Indian Act*, RSC 1985, c-15, or any successor to the K’ómoks First Nation under a federal statute or otherwise;

“KFN Land” means any portion of a KFN reserve that is subject to the Land Code;

“KFN Law Enforcement Officer” includes:

- (a) the Person or Persons appointed by Chief and Council under the *Summary Offence Law* to enforce the provisions of KFN laws, and includes any delegate;
- (b) a Peace Officer; and
- (c) an Animal Control Officer;

“Land Code” means the *K’ómoks First Nation Land Code*, as may be amended or replaced from time to time, and which was adopted by KFN in accordance with the *Framework Agreement on First Nation Land Management*;

“Lands Manager” means the KFN employee or contractor appointed pursuant to the Land Code who is responsible for the day-to-day administration of KFN Land, or a person authorized to act as their delegate;

“Law” means this *Animal Control Law*, as amended or replaced from time to time, and any associated regulations;

“Licensed Veterinarian” means a person authorized to practice veterinary medicine under the *Veterinarians Act*, SBC 2010, ch 15, or under equivalent legislation;

“Livestock” means cattle, sheep, goats, swine, horses, donkeys, and any other domesticated agricultural animal, other than Poultry Birds;

“Member” means a person whose name appears on the KFN band membership list;

“Owner” means a Person owning, possessing or having custody, care and control of an Animal on KFN Land;

“Peace Officer” means a provincial constable, a member of the RCMP, or other police officer employed for the preservation and maintenance of the public peace or for the

service or execution of civil process, who is responsible for providing policing services on KFN Land;

“Person” means a natural person, including a Member or non-Member and a resident or non-resident of KFN Land, a corporation of any type, a partnership, a society or an association, whether or not incorporated;

“Poultry Birds” means chickens and turkeys, and for greater certainty, excludes roosters;

“Pound” means any facility, building, or vehicle established, maintained, or operated as a pound;

“Poundkeeper” means the Person appointed by Chief and Council under subsection 22.2;

“Premises” means:

- (a) any portion or portions of KFN Land;
- (b) anything on KFN Land, including:
 - (i) buildings and other permanent structures;
 - (ii) vehicles; and
 - (iii) trailers or portable structures designed or used as a residence, for storage, or to house a business;

“Resolution” means a resolution of Chief and Council, passed at a duly convened meeting;

“Service Animal” means an Animal trained at an accredited institution, and on duty:

- (a) as a law enforcement animal; or
- (b) as a service animal providing assistance to a person with hearing or visual impairment, or with other physical or developmental challenges; and

“Summary Offence Law” means the *Summary Offence Law*, KFN-2023-01, as amended or replaced from time to time.

2. PURPOSE

- 2.1 The purpose of this Law is to regulate the ownership and control of Animals on KFN Land.

3. APPLICATION

- 3.1 This Law applies to all KFN Land.
- 3.2 In the event of an inconsistency between this Law and the Land Code, the Land Code prevails.

- 3.3 Where a KFN law, or a federal or provincial act or regulation, applies to any matter covered by this Law, compliance with this Law will not relieve any person from also complying with provisions of the applicable law, act or regulation.
- 3.4 This Law does not apply to Service Animals to the extent it inhibits the services provided by the Service Animal.

4. INTERPRETATION

- 4.1 Unless otherwise provided for under this Law, the words, expressions and rules of construction used in this Law have the same meaning as in the Land Code.
- 4.2 The following rules of interpretation apply in this Law:
- (a) if this Law prescribes the use of a set form for an application under this Law, deviations from the set form which do not affect the substance or are not calculated to mislead, do not invalidate the form used;
 - (b) gender specific terms include all genders and include corporations;
 - (c) words in the singular include the plural, and words in the plural include the singular;
 - (d) if a word or expression is defined in this Law, other parts of speech and grammatical forms of the same word or expression have corresponding meanings; and
 - (e) the word including means including but not limited to.
- 4.3 The headings given to the sections, subsections, paragraphs and subparagraphs in this Law are for convenience of reference only, and do not form part of this Law and will not be used in the interpretation of this Law.
- 4.4 If any section, subsection, paragraph or subparagraph of this Law is, for any reason, held invalid by a decision of a court of competent jurisdiction, the invalid section, subsection, paragraph or subparagraph must be severed from this Law in such a way as to minimize the effect of the severance on the remainder of the Law.

PART II – ANIMAL CARE

5. NO ABANDONMENT

- 5.1 The Owner of an Animal must not Abandon the Animal.

6. BASIC ANIMAL CARE REQUIREMENTS

- 6.1 The Owner of an Animal must ensure that the Animal is provided with the following necessities of life:
- (a) adequate shelter to protect the Animal from the elements;
 - (b) clean, potable drinking water;

- (c) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- (d) the opportunity for periodic exercise sufficient to maintain the Animal's good health;
- (e) up-to-date shots;
- (f) recommended flea management;
- (g) necessary veterinary care when the Animal exhibits signs of pain, injury, illness, or suffering; and
- (h) such other care as is customary and necessary for the Animal's health and wellbeing, considering the species, breed, and type of the Animal.

6.2 Subject to subsection 6.3, the Owner of an Animal must ensure that the Animal has:

- (a) sufficient space to move and maintain the Animal's health and wellbeing; and
- (b) an Enclosure sufficient to maintain the Animal's health and wellbeing, including appropriate heating and an adequate level of cleanliness and sanitation,

as appropriate considering the species, breed and type of Animal.

6.3 A Person may keep an Animal in a space that does not fulfill the requirements set out in subsection 6.2 for temporary periods of time when required to transport the Animal.

6.4 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 direct sunrays.

7. TYING ANIMALS

7.1 A Person must not hitch, tie, or fasten an Animal to a fixed object by a rope, chain, or cord that is directly tied around the Animal's neck or is tied to a choke collar.

7.2 If tying an Animal to a fixed object, a collar must be employed as the point of fastening.

8. ANIMAL MISTREATMENT

8.1 A Person must not mistreat an Animal by way of:

- (a) beating, abusing or tormenting the Animal;
- (b) overloading or overworking the Animal, taking account of the species, breed and type of Animal;
- (c) needlessly killing the Animal;
- (d) confining an Animal to an enclosed space or stationary vehicle, without adequate ventilation or protection from direct sunrays; or
- (e) tying an Animal to a fixed object for extended periods of time or as a routine

practice.

PART III – ANIMAL CONTROL

9. LICENSING OF DOGS

- 9.1 A Person must not own, possess or have custody, care and control of a dog over four (4) months of age residing on KFN Land unless it is licensed with the Administrator.
- 9.2 Every Owner of a dog over four (4) months of age must:
- (a) make an application to the Administrator to license their dog; and
 - (b) pay the applicable license application fee.
- 9.3 Upon receipt of a license application and the prescribed fee, the Administrator may issue a numbered license tag for a dog for the current license period.
- 9.4 The Administrator may deny an application to license a dog if:
- (a) the dog is a Dangerous Animal;
 - (b) the Owner has abandoned the dog;
 - (c) the Owner has been responsible for the Impoundment of the dog;
 - (d) the Owner is under the age of eighteen (18); or
 - (e) the Administrator reasonably believes that the Owner is or will be in contravention of this Law.
- 9.5 Every license issued under subsection 9.3 will expire on the following March 31st.
- 9.6 To renew a dog's license, the Owner of the dog must:
- (a) make an application for renewal to the Administrator prior to March 1st of the applicable license period; and
 - (b) pay the applicable license renewal fee.
- 9.7 The Owner of a licensed dog must ensure that the license tag is displayed on the dog at all times by affixing it to the dog's collar, harness, or other suitable device.
- 9.8 If an Owner of a dog has a change of address, the Owner must, within thirty (30) days:
- (a) notify the Administrator; and
 - (b) pay the applicable license transfer fee.
- 9.9 Where a dog has been duly licensed in another municipality or regional district, that license will be valid on KFN Land upon:

- (a) registration of the dog with the Administrator; and
- (b) payment of the applicable license transfer fee.

9.10 If an Owner loses a license tag, the Owner must:

- (a) promptly request a replacement license tag from the Administrator; and
- (b) pay the applicable license tag replacement fee.

9.11 The Administrator will maintain a schedule of all licensed dogs on KFN Land, which will include:

- (a) the name, address and contact information of the Owner of the dog;
- (b) the name of the dog, if applicable; and
- (c) the breed and age of the dog.

9.12 Every license issued under subsection 9.3 is valid only in respect of the dog for which it was issued and may not be transferred to any other dog.

10. ANIMALS ON KFN LAND

10.1 Except cats who have been spayed or neutered, the Owner or person in Direct Control of an Animal must not allow that Animal to be At Large.

10.2 The Owner or person in Direct Control of a dog must not allow the dog to be on Community Lands unless the dog is firmly held on a leash that is no more than 3 metres in length.

10.3 Notwithstanding subsection 10.2, a person may allow a dog to be in an area of Community Lands that has been designated as an off-leash area by the Lands Manager, if any area has been so designated, provided that the dog is under the Direct Control of that person.

11. ANIMAL BUSINESSES

11.1 No Person may establish, own, or operate a facility for the boarding, breeding or treatment of Animals on KFN Land unless:

- (a) the operation of such facility complies with all other applicable laws and policies; and
- (b) the Lands Manager authorizes the operation of such facility.

12. SECURE ENCLOSURE

- 12.1 The Owner of an Animal must, at all times when the Animal is on the Owner's Premises, ensure the Animal is contained in a manner sufficient to prevent the Animal's escape, considering the species, breed and type of Animal, including by:
- (a) keeping the Animal indoors on the Premises;
 - (b) keeping the Animal within an Enclosure on the Premises; or
 - (c) if the Animal is a dog, and subject to paragraph 8.1(e) and subsection 12.2, keeping the dog tethered in an outdoor area on the Premises.
- 12.2 If an Owner of a dog uses a tethering system to securely contain the dog under paragraph 12.1(c), the Owner must ensure that the tethering system allows for adequate freedom of movement of the dog within at least a 3 meter radius.

13. LIMIT ON NUMBER OF ANIMALS

- 13.1 Chief and Council may, by regulation, set a limit on the number of Animals that a Person may own, possess or have custody, care and control of on KFN Land.
- 13.2 If Chief and Council have set any limits under subsection 13.1, a Person must not own, possess or have custody, care and control of Animals on KFN Land in excess of the limits set by Chief and Council.

14. DISEASED ANIMALS AND IMMUNIZATIONS

- 14.1 No Person shall keep or have in their possession any Animal suffering from any infectious or communicable disease, unless that Animal is in isolation and is undergoing treatment for the cure of such disease, as overseen by a Licensed Veterinarian.
- 14.2 The Owner of any Animal that has been exposed to rabies, or any other infectious or communicable disease, must surrender the Animal to a KFN Law Enforcement Officer for quarantine, until written permission from a Licensed Veterinarian is given for its release.
- 14.3 Every Owner of a dog must:
- (a) cause the dog to be immunized, by a Licensed Veterinarian, for exposure to rabies; and
 - (b) produce, on demand, to the Administrator, the Lands Manager or a KFN Law Enforcement Officer proof of the immunization.

15. ANIMAL WASTE

- 15.1 The Owner of an Animal must not allow the Animal to defecate on KFN Land, other than Premises owned or occupied by the Owner, unless the Owner immediately removes the excrement and disposes of it in a sanitary manner.

16. FEEDING WILDLIFE

- 16.1 A Person must not intentionally feed or leave food out for the purposes of feeding any wild animals.

17. EXOTIC ANIMALS

- 17.1 No Person may possess or keep in or on any Premises, temporarily or permanently, an Exotic Animal.
- 17.2 A KFN Law Enforcement Officer or the Poundkeeper may seize and/or Impound any Exotic Animal on KFN Land.

18. LIVESTOCK

- 18.1 No Person may possess or keep in or on any Premises, temporarily or permanently, any Livestock.
- 18.2 A KFN Law Enforcement Officer or the Poundkeeper may seize and/or Impound any Livestock on KFN Land.

PART IV – NUISANCE, AGGRESSIVE, AND DANGEROUS ANIMALS

19. NUISANCE ANIMALS

- 19.1 The Owner of an Animal must not allow the Animal to behave in a manner that disturbs the peace, quiet, rest, enjoyment, comfort, convenience or safety of any other Person on KFN Land, including by:
- (a) damaging or destroying any building, structure, garden, tree, shrub, plant or turf on any Premises, other than Premises owned or occupied by the Owner;
 - (b) jumping on, chasing, harassing or molesting Persons or other Animals in an unsafe, intimidating or uncontrolled manner;
 - (c) barking, whining, howling or making any noise in an excessive manner or for a period longer than fifteen (15) minutes; or
 - (d) otherwise behaving in such a manner as to cause a nuisance, as reasonably determined by a KFN Law Enforcement Officer.

20. AGGRESSIVE ANIMALS

- 20.1 A KFN Law Enforcement Officer may, in their reasonable discretion, designate any Animal as an Aggressive Animal if the Animal:
- (a) causes minor injuries to a Person or domestic Animal, not including bite wounds;
 - (b) attacks or bites any Livestock or Poultry Bird, regardless of whether the attack or bite resulted in injury;
 - (c) displays aggressive behaviour including, but not limited to, growling, snarling, or lunging; or
 - (d) without provocation, aggressively chases, stalks, pursues, harasses or attempts to attack or bite a Person, Livestock, Poultry Bird, or domestic Animal while on KFN Land.
- 20.2 A Person must not allow an Aggressive Animal to be on Community Lands, or any KFN Land other than Premises owned or occupied by such Person, unless the Aggressive Animal is firmly held, by a person who is at least nineteen (19) years of age competent to restrain the Animal, on a non-retractable leash not exceeding one and a half (1.5) metres in length.
- 20.3 A Person may allow an Aggressive Animal to be on Premises owned or occupied by that Person, provided the Aggressive Animal is:
- (a) securely enclosed indoors or within a secure Enclosure; or
 - (b) firmly held, by a person who is at least nineteen (19) years of age competent to restrain the Animal, on a non-retractable leash not exceeding one and a half (1.5) metres in length.

21. DANGEROUS ANIMALS

- 21.1 A KFN Law Enforcement Officer may, in their reasonable discretion, designate any Animal as a Dangerous Animal if:
- (a) the Animal bites a human or domestic Animal without provocation;
 - (b) the Animal has killed or seriously injured a person or a domestic animal;
 - (c) an Animal Control Officer has reasonable grounds to believe that the Animal is likely to kill or seriously injure a person; or
 - (d) the Animal has been previously deemed dangerous under a law of any other First Nation, municipality or regional district of the Province of British Columbia.
- 21.2 After a designating a Dangerous Animal under subsection 21.1, a KFN Law Enforcement Officer must provide written notice to the Owner of the Dangerous Animal, which indicates:
- (a) that the Animal has been designated as a Dangerous Animal under this Law; and

- (b) the responsibilities of the Owner in respect of the Dangerous Animal, as set out in the remainder of this section 21.
- 21.3 A Person must not allow a Dangerous Animal to be on Community Lands, or any KFN Land other than Premises owned or occupied by such Person, unless the Dangerous Animal is:
 - (a) firmly held, by a person competent to restrain the Animal, on a non-retractable leash not exceeding one and a half (1.5) metres in length; and
 - (b) wearing a muzzle to prevent the Animal from biting a person or another Animal.
- 21.4 A Person may allow a Dangerous Animal to be on Premises owned or occupied by that Person, provided the Dangerous Animal is:
 - (a) securely enclosed indoors or within a secure Enclosure; or
 - (b) firmly held, by a person who is at least nineteen (19) years of age competent to restrain the Animal, on a non-retractable leash not exceeding one and a half (1.5) metres in length.
- 21.5 Notwithstanding subsection 21.3, a Person must not allow, at any time or under any circumstances, a Dangerous Animal to be:
 - (a) on school grounds;
 - (b) within thirty (30) metres of any playground apparatus; or
 - (c) within thirty (30) metres of a designated dog park.
- 21.6 The Owner of a Dangerous Animal must:
 - (a) display “dangerous animal” signs on the Premises, including at each entrance to the Premises, in which the Dangerous Animal is kept;
 - (b) ensure that the signage is properly secured and easily visible to each passerby; and
 - (c) comply with any request of the Administrator, the Lands Manager or a KFN Law Enforcement Officer with respect to the signage required to be displayed under this subsection.
- 21.7 A Person must not deface or remove a sign that is required to be displayed under subsection 21.6.
- 21.8 The Owner of a Dangerous Animal must:
 - (a) allow a KFN Law Enforcement Officer to photograph the Animal, on demand;
 - (b) within three (3) days of moving to a new Premises on KFN Land, provide the Administrator with the Owner’s new address;

- (c) within three (3) days of selling or giving away the Animal, provide the Administrator with the name, address and telephone number of the new Owner, if they reside on KFN Land;
- (d) within three (3) days of the death of the Animal or the permanent removal of the Animal from KFN Land, notify the Administrator; and
- (e) if the Animal is At Large, or has bitten or attacked any person or other Animal, immediately notify the Administrator.

21.9 The Administrator may post a picture of a Dangerous Animal on social media, in local newspapers, at KFN office buildings, or on Community Lands, notifying KFN membership of:

- (a) the Animal's designation under subsection 21.1; and
- (b) any other information related to the Animal that the Administrator considers appropriate.

PART V – SEIZING AND IMPOUNDING ANIMALS

22. ESTABLISHMENT OF POUND

22.1 Chief and Council may:

- (a) establish a Pound; or
- (b) enter into an agreement with any Person for the provision of a Pound.

22.2 Chief and Council may, by Resolution, appoint a Poundkeeper to carry out the duties of the Poundkeeper under this Law.

23. AUTHORITY TO SEIZE AND IMPOUND ANIMALS

23.1 A KFN Law Enforcement Officer or the Poundkeeper may Impound an Animal if:

- (a) they have reasonable grounds to believe that the Owner of the Animal has acted in contravention of any provision of this Law;
- (b) the Animal is found At Large;
- (c) the Animal is a Dangerous Animal that has bitten or attacked a person or another Animal;
- (d) they have reasonable grounds to believe that the Animal has been mistreated, contrary to Part II of this Law; or
- (e) the Animal is found At Large and they have reasonable grounds to believe that the Owner of the Animal will not pay a fine imposed under this Law.

24. NOTIFICATION OF IMPOUNDMENT

- 24.1 If an Animal has been Impounded under subsection 23.1, the Administrator will, within a reasonable time after the Animal has been Impounded, provide notice of the Impound to any known Owner of the Animal.
- 24.2 No fault lies with the Administrator if, after providing notice of Impound under subsection 24.1, the notice does not come to the attention of the Owner of the Animal.

25. RETURN OF IMPOUNDED ANIMALS

- 25.1 The Owner of any Animal that has been Impounded under subsection 23.1 may seek the return of the Impounded Animal by doing the following:
- (a) providing the Poundkeeper with proof of ownership;
 - (b) paying any Impoundment Fees;
 - (c) where the Animal is a Dangerous Animal, providing the Poundkeeper with proof that:
 - (i) there is an appropriate and secure Enclosure for the Animal on the Owner's Premises, in accordance with subsection 21.4; and
 - (ii) adequate steps have been taken by the Owner to ensure that the Animal no longer poses a threat to the health and safety of the KFN community; and
 - (d) where the Animal was Impounded pursuant to paragraph 23.1(a) or (d), providing the Poundkeeper with proof that the contravention has been remedied.
- 25.2 Where the Owner of an Animal has met all applicable requirements under subsection 25.1, the Poundkeeper must:
- (a) return the Animal to the Owner; and
 - (b) notify a KFN Law Enforcement Officer that the Animal is being returned.
- 25.3 The Poundkeeper may refuse to return an Animal to its Owner where the Owner fails to meet all applicable requirements under subsection 25.1, including where the Poundkeeper determines that:
- (a) the Animal is a Dangerous Animal and it is in the best interests of the KFN community for the Animal to be Humanely Destroyed; or
 - (b) the Owner has mistreated the Animal, contrary to Part II of this Law, and has not proven that such mistreatment has been or will be remedied.

26. UNRETURNED IMPOUNDED ANIMALS

- 26.1 If an Animal has been Impounded and:

- (a) the Owner has not met all applicable requirements under subsection 25.1 to have the Animal returned within seven (7) days of the Administrator first providing notice of Impound to the Owner; or
- (b) in the case of an apparently ownerless Animal:
 - (i) the Administrator has circulated, in any manner considered appropriate by the Administrator, a description of the Animal within the KFN community; and
 - (ii) seven (7) days have passed since the description of the Animal was circulated within the KFN community,

then the Poundkeeper may:

- (c) undertake to see that the ownership of the Impounded Animal is transferred to a new Person, or that the Animal is fostered, subject to such conditions and payment of such fees as may be prescribed by the Lands Manager; or
- (d) take such other action as the Poundkeeper deems necessary.

26.2 If the Poundkeeper has determined under paragraph 25.3(a) that an Animal should be Humanely Destroyed, the Poundkeeper may cause the Animal to be Humanely Destroyed only after the Administrator has provided notice of such determination to any known Owner of the Animal.

PART VI – COMPLIANCE, OFFENCES AND PENALTIES

27. DETERMINATION OF COMPLIANCE

27.1 Where there is reasonable grounds to believe a Person has contravened this Law, the Administrator, the Lands Manager or a KFN Law Enforcement Officer is authorized to enter, at all reasonable times, any Premises on any KFN Land to inspect and determine whether a Person is in compliance with this Law.

28. OFFENCES

28.1 Any Person who contravenes any of the following provisions of this Law commits an offence:

- (a) part II [Animal care];
- (b) subsections 9.1 and 9.7 [licensing of dogs];
- (c) section 10 [Animals on KFN Land];
- (d) section 11 [Animal businesses];
- (e) section 12 [secure Enclosure];
- (f) subsection 13.2 [limit on number of Animals];
- (g) section 14 [diseased Animals and immunizations];
- (h) section 15 [Animal waste];

- (i) section 16 [feeding wildlife];
- (j) subsection 17.1 [Exotic Animals];
- (k) subsection 18.1 [Livestock];
- (l) section 19 [nuisance Animals];
- (m) subsections 20.2 and 20.3 [Aggressive Animals]; and
- (n) subsections 21.3 to 21.8 [Dangerous Animals].

- 28.2 Any Person that obstructs, interferes with or hinders Chief and Council, a KFN Law Enforcement Officer, the Administrator, the Lands Manager, the Poundkeeper or any authorized employee, officer or agent of KFN in the carrying out of their duties and responsibilities under this Law, or any other KFN law commits an offence.
- 28.3 Each offence in this Law is a strict liability offence.
- 28.4 All offences created under this Law are punishable on summary conviction, and proceedings in respect of each such offence may be taken under the *Summary Offence Law*.
- 28.5 Each calendar day an offence continues will be deemed to be a separate offence for the purpose of the *Summary Offence Law*.
- 28.6 Any person who commits an offence under this Law is liable on summary conviction to a fine not greater than ten thousand dollars (\$10,000), imprisonment for a term not exceeding one (1) year less a day, restitution, community service and any other means or combination thereof for achieving compliance.
- 28.7 Nothing in this Law precludes KFN from pursuing any other enforcement action or remedy available to KFN at law or under any other enactment.

PART VII – ADMINISTRATION

29. APPOINTMENT AND POWERS OF ADMINISTRATOR

- 29.1 Chief and Council must, by Resolution, appoint an Administrator for the purpose of administering matters set out under this Law.
- 29.2 The Administrator’s powers include all things necessary to fulfill the duties and responsibilities of the Administrator under this Law.

30. POWERS OF LANDS MANAGER

- 30.1 The Lands Manager’s powers include all things necessary to fulfill the duties and responsibilities of the Lands Manager under this Law.

PART VIII – GENERAL

31. RECORDS

- 31.1 The Administrator, the Lands Manager, each KFN Law Enforcement Officer, and the Poundkeeper will maintain records of infractions of this Law and their actions taken pursuant to this Law.

32. PROVISION OF DOCUMENTS

- 32.1 Unless otherwise indicated, any document, including any notice, that is required to be provided to a person under this Law must be provided in any of the following ways:

- (a) if provided to an individual, by:
 - (i) sending a copy of the document by ordinary mail, registered mail or courier to the actual or last known address of the individual;
 - (ii) leaving a copy of the document with the individual;
 - (iii) leaving a copy of the document addressed to the individual at the individual's place of residence with a person who appears to be over sixteen (16) years of age and who resides with the individual;
 - (iv) leaving a copy of the document in a mailbox or mail slot for the address at which the individual resides;
 - (v) attaching a copy of the document to a door or other conspicuous place at the address at which the individual resides; or
 - (vi) sending a copy of the document by email to the email address provided by the individual;
- (b) if provided to a corporation, business or society, by:
 - (i) sending a copy of the document by ordinary mail, registered mail, or courier to the registered office of the corporation, business or society;
 - (ii) leaving a copy of the document with an officer, senior manager, director, or other executive officer of the corporation, business or society; or
 - (iii) sending a copy of the document by email to the email address provided by the corporation, business or society;
- (c) if provided to a partnership, by:
 - (i) sending a copy of the document by ordinary mail, registered mail, or courier to the business office or registered office of the partnership;
 - (ii) leaving a copy of the document with a partner or other executive officer of the partnership; or
 - (iii) sending a copy of the document by email to the email address provided by the partnership; and
- (d) if provided to KFN, by:
 - (i) sending a copy of the document by ordinary mail, registered mail or courier to the mailing address of the KFN or to the administrative office of the KFN;
 - (ii) leaving a copy of the document with an elected official or administrative officer of the KFN; or

- (iii) sending a copy of the document by email to the email address provided by the KFN.

33. REGULATIONS, FEES AND FORMS

- 33.1 Chief and Council may, by Resolution, establish regulations regarding any matter necessary to carry out the purposes and provisions of this Law.
- 33.2 If Chief and Council establishes regulations under subsection 33.1, the Lands Manager must thereafter:
 - (a) post notice of the regulations in a public area of the KFN administration offices; and
 - (b) make a copy of the regulations and any amendments thereto available for viewing free of charge at the KFN administrative offices, and available for distribution at a nominal charge upon request.
- 33.3 The Lands Manager may establish, correct, revise or update the terms of any applicable fee schedules, notices, forms, protocols or other documentation related to this Law, and must upon request, make a copy of the same available for viewing free of charge at the administration offices of the KFN.

34. IMMUNITY

- 34.1 No action for damages lies or may be instituted against an Immune Person for:
 - (a) anything said or done or omitted to be said or done by that Immune Person in the performance or intended performance of the Immune Person's duty or the exercise of their authority under the powers conferred by this Law; or
 - (b) any alleged neglect or default in the performance or intended performance of the Immune Person's duty or the exercise of their authority under the powers conferred by this Law.
- 34.2 Subsection 34.1 does not provide a defense if:
 - (a) an Immune Person has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
 - (b) the cause of action is libel or slander.
- 34.3 An Immune Person is not 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 KFN law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other KFN law.

- 34.4 All actions against the KFN for the unlawful doing of anything that:
- (a) is purported to have been done by an Immune Person under the powers conferred by this Law or any KFN law; and
 - (b) might have been lawfully done by an Immune Person if acting in the manner established by law, must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Chief and Council in a particular case, but not afterwards.
- 34.5 A party commencing an action against an Immune Person must deliver notice in writing, setting out the time, place and manner in which the damage was sustained, to the KFN and the Immune Person within sixty (60) days from the date on which the damage was sustained.
- 34.6 If the party commencing an action against an Immune Person fails to deliver notice to the KFN and the Immune Person as required under subsection 34.5, the action must be struck and the Immune Person will not be liable for damages.

35. AMENDMENTS AND ENACTMENT

- 35.1 Chief and Council may, by Resolution, make minor amendments that do not change the substance of this Law, including but not limited to:
- (a) changes necessary to clarify the drafting of provisions;
 - (b) correcting grammatical or typographical errors; and
 - (c) changes required to address inconsistencies with the *Framework Agreement on First Nation Land Management*.
- 35.2 The list of fees and fines attached to this Law at Schedule B may be updated by the Lands Manager from time to time in accordance with subsection 33.3.
- 35.3 For greater certainty, all other amendments to this Law must be in accordance with the Land Code.
- 35.4 This Law comes into force on the day of its enactment, being October 24, 2024.

BE IT KNOWN that this Law entitled the *K'ómoks First Nation Animal Control Law*, KFN-2024-03, was/is hereby:

Tabled a first time by the Chief and Council of K'ómoks First Nation at a duly convened meeting held on the 19th day of September, 2024;

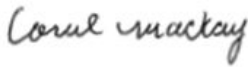
Posted at the band administration office on the 24th day of September, 2024;

Tabled a second time and enacted by the Chief and Council of K'ómoks First Nation at a duly convened meeting held on the 24th day of October, 2024; and

Signed by the following Members of Chief and Council who were present at the duly convened meeting wherein this *K'ómoks First Nation Animal Control Law*, KFN-2024-03 was en:



Chief Councillor: Ken Price



Councillor: Coral Mackay



Councillor: Candace Newman



Councillor: Susan Savoie

**SCHEDULE A
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 included 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.

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 , descended 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	Other	All venomous or poisonous spiders, scorpions, insects, snakes; excludes , non-venomous or poisonous spiders, insects, amphibians, lizards, turtles, snakes and other reptiles.

**SCHEDULE B
FEES AND FINES**

Licensing Fees

- License Application Fees –
 - \$10.00 for neutered or spayed dog
 - \$20.00 for dog that is not spayed or neutered
 - \$200.00 for a dog that has been designated a Dangerous Animal
- License Renewal Fee –
 - \$5.00 for neutered or spayed dog
 - \$10.00 for dog that is not spayed or neutered
 - \$200.00 for a dog that has been designated a Dangerous Animal
- License Transfer Fee –
 - \$5.00 for a dog, whether or not they are spayed or neutered
 - \$200.00 for a dog that has been designated a Dangerous Animal
- License Tag Replacement Fee – \$5.00

Fines

Set out in the *Fine Regulation*, KFN Reg. 01.2024, as amended or replaced from time to time.