

Note: Part 2, section 27 (b) (iv) and section 28 (b) of this regulation are not in force and will not be until Executive Council passes a resolution bringing them into force.



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ANCIENT SPIRIT, MODERN MIND

**ANIMAL CONTROL AND CARE
REGULATION**

Provisions of the *Land Act*, HFNA 9/2011, relevant to the enactment of this Regulation: section 58(1).

REGISTRY OF LAWS CERTIFICATION

I certify that the *Animal Control and Care Regulation* was passed by Executive Council on:

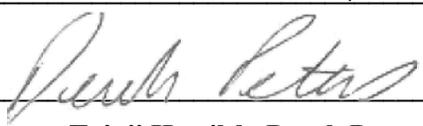
March 31,2022



Chief Councillor, Robert Dennis

I certify that the *Animal Control and Care Regulation* is enacted as law on:

March 31,2022



Ta'yii Hawilth, Derek Peters

I certify that the *Animal Control and Care Regulation* came into force on:

March 31,2022



Coraleah Bauer, Law Clerk

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PART 1 - DEFINITIONS

Definitions

1 In this regulation:

“**aggressive behaviour**” means without provocation, aggressively pursuing, attacking or biting another animal or a person;

“**animal control officer**” means a peace officer appointed under section 3 of the *Offence and Law Enforcement Act* for the purposes of enforcing this regulation;

“**at large**” means an animal that is

- (a) not securely indoors or within a securely closed and locked enclosure, and
- (b) not under the immediate charge and control of a person;

“**attractant**” means food, food waste, garbage, a carcass or part of a carcass, or any other substance or thing that could attract wild animals, but does not include pets;

“**controlled alien species**” means a controlled alien species as defined by the *Wildlife Act* (BC);

“**dangerous dog**” means a dog that is designated as a dangerous dog by an animal control officer under section 18 (1) (a);

“**director**” means the Director of Lands and Natural Resources;

“**muzzle**” means a humane basket-style fastening or covering device that prevents the dog from biting without interfering with the dog’s breathing, vision, or ability to pant or drink;

“**owner**” means a person who has a pet in their care, custody or control;

“**pet**” means an animal kept by a person, but does not include livestock, poultry, or wildlife or controlled alien species;

“**RCMP**” means the Royal Canadian Mounted Police;

“**service dog**” means a dog certified as a guide dog or a service dog under the *Guide Dog and Service Dog Act* (BC);

“**BC SPCA**” means the British Columbia Society for the Prevention of Cruelty to Animals;

“**Treaty Lands**” means Treaty Lands as defined in the *Land Act*;

“**tribunal**” means tribunal the *Tribunal Act*;

“**veterinarian**” means a person registered in good standing with the College of Veterinarians of British Columbia;

“**wildlife**” means wildlife as defined by the *Wildlife Act* (BC).

PART 2 - CAT AND DOG LICENSING

Keeping pet

2 A person may not keep a pet if they have been convicted of an offence involving cruelty to animals.

Dog and cat licensing and tags

- 3**
- (1) Subject to subsection (2), an owner may not keep a dog or a cat over the age of 12 weeks unless the owner has a licence for that pet and keeps on that pet an appropriately sized collar and the tag issued by the director.
 - (2) A licence is not required under subsection (1) if the dog or cat is kept on Treaty Lands for 10 weeks or less in a calendar year.
 - (3) An owner may apply to the director for a licence by submitting a licence application in the form set out in Schedule A and fee set out in Schedule B.
 - (4) Upon receipt of an application and the prescribed licensing fee, the director must issue to the owner
 - (a) a licence and a tag bearing the licence number, and
 - (b) information respecting recommended vaccinations, parasite treatments and microchipping.

Licence record

- 4**
- For each licence issued, Huu-ay-aht must keep and update a record containing all of the following:
- (a) the licence application;
 - (b) the date the licence was issued or transferred to the owner;
 - (c) the number of the licence;
 - (d) the name and a physical description of the cat or dog;
 - (e) a photograph of the cat or dog;
 - (f) vaccination records of the cat or dog;
 - (g) any history of pregnancies of the cat or dog;
 - (h) if the pet is a dog,
 - (i) any complaints or incidents of dangerous behavior or nuisance conducted by the dog;
 - (ii) the status and history of designation as a dangerous dog under this regulation.

Term of licence

- 5**
- (1) Every licence issued for a spayed or neutered dog or cat is valid for the lifetime of that pet.
 - (2) Every licence issued for an unspayed or unneutered dog or cat is valid for the calendar year during which it is issued.

Licence renewal

- 6 (1) A licence issued under section 5(2) may be renewed by paying to the director the annual licence fee set out in Schedule B.
- (2) The annual licence fee is due and payable on the first business day in January in each year.

Transfer of licence

- 7 (1) If a person transfers ownership of a cat or dog, that person must notify the director and provide the date of transfer and the name and address of the new owner.
- (2) Subject to subsection (3), a licence may be transferred by applying to the director in accordance with section 3(3).
- (3) A licence may be transferred without charge if the application is submitted to the director within seven days of the transfer.
- (4) For greater certainty, a licence may be transferred to a new owner while the dog or cat is impounded.

Replacement of licence

- 8 The director must issue a replacement tag for a current licence if
- (a) the director is satisfied that the original tag has been lost, and
 - (b) the owner pays the fee set out in Schedule B.

PART 3 - ANIMAL CONTROL**Limit on types and number of pets**

- 9 (1) A person must not keep wildlife or a controlled alien species as a pet without written authorization from the director.
- (2) No more than three dogs and three cats over the age of 12 weeks may be kept at one residence without written authorization from the director.

Noise

- 10 An owner of a pet must not allow that pet to make any noise that unreasonably disturbs the peace and comfort of others.

Breeding

- 11 (1) An owner who becomes aware that their cat or dog is pregnant must immediately notify the director.
- (2) An owner must pay a fee of \$500 to the director for each pregnancy of a cat or dog in excess of
- (a) once in a 12-month period, or

- (b) three times in that cat or dog's lifetime.

Running at large

- 12** (1) A dog must be accompanied by and under the verbal control of a person at all times unless the dog is on
- (a) a property on which an owner's residence is located, or
 - (b) a property with permission.

On-leash areas

- 13** (1) The director may designate an area as an on-leash area by
- (a) providing public notice of the designation, and
 - (b) posting appropriate signage in the designated area.
- (2) A dog must not be permitted to be off-leash within an area designated as an on-leash area by the director under subsection (1).

Dog excrement

- 14** A person must immediately remove any excrement deposited by a dog in their care unless
- (a) the excrement is on
 - (i) a property on which an owner's residence is located, or
 - (ii) a property with permission, or
 - (b) the dog is a service dog in the company of a person with a disability who cannot, as a result of the disability, remove the excrement.

Attracting wildlife

- 15** A person must not leave an attractant outdoors in a manner that could be accessible to wildlife.

PART 4 - ANIMAL CARE

Animal care

- 16** (1) An owner must provide their pet with all of the following:
- (a) clean potable drinking water at all times;
 - (b) suitable food of sufficient quantity and quality to maintain good health;
 - (c) clean food and water receptacles;
 - (d) the opportunity for periodic exercise sufficient to maintain good health;
 - (e) the opportunity for regular social contact with other animals or people;
 - (f) necessary veterinary medical care when the pet exhibits signs of pain or suffering;
 - (g) if the pet is kept outside for extended periods of time, access to clean outside shelter that ensures protection from heat, cold, wet, and predators and provides

sufficient space to allow the pet the ability to turn around freely and to easily stand, sit and lie in a normal position.

- (2) A person must not cause or allow a pet to be hitched, tied or fastened to a fixed object in a manner in which
 - (a) the pet is able to leave the boundaries of the person's property,
 - (b) the securing device is tied directly around the pet's neck,
 - (c) the securing device does not allow the pet to turn around freely and to easily stand, sit and lie in a normal position,
 - (d) the securing device is less than 3 metres long, or
 - (e) the pet is hitched, tied or fastened for longer than ten (10) hours within a 24-hour period.
- (3) A person must not cause a pet to be confined in an enclosed space, including a vehicle, without
 - (a) adequate ventilation to prevent the pet from suffering discomfort or a heat or cold-related injury, or
 - (b) sufficient space to allow the pet to lie in a normal position.

Vaccinations and disease

- 17** (1) An owner of a pet must
 - (a) ensure that the pet receives rabies vaccinations, if appropriate, as recommended by a veterinarian,
 - (b) if the pet is a dog, ensure the dog receives distemper, hepatitis, parainfluenza and parvovirus vaccinations, unless otherwise recommended by a veterinarian,
 - (c) keep that pet's vaccination records up to date, and
 - (d) provide an animal control officer a copy of that pet's vaccination records upon request.
- (2) An owner must not have a pet suffering from an infectious or contagious disease unless the pet is in isolation and under veterinary care for that disease.

PART 5 - DANGEROUS DOGS

Dangerous dog designation

- 18** (1) If an animal control officer receives a credible complaint or becomes aware that a dog has exhibited aggressive behaviour, that officer may
 - (a) designate the dog as a dangerous dog if that officer is of the opinion that the dog poses a threat to the safety of other animals or humans, or
 - (b) deliver to the owner written notice containing
 - (i) the date, place and circumstances of the alleged events,
 - (ii) a warning that if the dog is found to have exhibited aggressive behaviour again, the dog could be designated as a dangerous dog, and

- (iii) a copy of this regulation.
- (2) If an animal control officer receives a credible complaint or becomes aware that a dog has killed another pet or a person, that officer must designate the dog as a dangerous dog.
- (3) In determining whether to designate a dog as a dangerous dog under subsection (1) (a), the animal control officer may consider the following factors:
 - (a) the circumstances of and any statements of witnesses to the incident;
 - (b) the number and circumstances of any past incidents;
 - (c) whether the dog has previously been similarly designated in another jurisdiction;
 - (d) statements from the owner of the dog;
 - (e) opinions obtained at the request and expense of the owner from experts in animal behaviour who have observed the dog and formed an opinion as to whether the dog is a dangerous dog.

Notice of dangerous dog designation

- 19** (1) An animal control officer must make reasonable efforts to deliver written notice to the owner of a dog that has been designated as a dangerous dog under section 18 (1) (a)
- (a) stating the dates, places and circumstances of alleged events leading to the designation,
 - (b) listing the restrictions set out in section 21 (1),
 - (c) listing any additional restrictions imposed under section 22, and
 - (d) informing the owner of their right to request a review of the decision by the tribunal as set out in section 20 of the *Tribunal Act*.
- (2) If an animal control officer is unable to deliver written notice in accordance with subsection (1), the animal control officer will give public notice of the designation.

Right of appeal

- 20** (1) The owner of a dog that has been designated as a dangerous dog must, within 5 days after receiving written notice under section 19,
- (a) pay the dangerous dog licensing fee as set out in Schedule B and provide to the director written agreement to comply with the restrictions set out in the notice, or
 - (b) appeal the decision to the tribunal in accordance with section 20 of the *Tribunal Act*.
- (2) If the tribunal affirms the dangerous dog designation on an appeal under subsection (1) (b), the owner must, within 3 days after the decision has been filed in the Registry of Laws and Official Records in accordance with section 36 of the *Tribunal Act*, pay the dangerous dog licensing fee as set out in Schedule B and provide to the director written agreement to comply with the restrictions set out in the notice issued under section 19.

Keeping a dangerous dog

- 21** (1) The owner of a dangerous dog must ensure that at all times that the dangerous dog is
- (a) kept securely indoors or within a securely closed and locked enclosure, or

- (b) wearing a muzzle and on a leash not longer than 2 metres held by a person who is able to control the dog at all times.
- (2) The owner of a dangerous dog must comply at all times with any additional restrictions imposed by an animal control officer under section 22.

Additional restrictions

- 22** The animal control officer may at any time, with written notice, impose additional restrictions that the animal control officer deems necessary to reduce the threat to the safety of humans or other animals.

Removal of designation

- 23** (1) An owner may apply to the director to remove a dangerous dog designation if
- (a) more than one year has passed since the designation,
 - (b) the dog has not previously had a dangerous dog designation removed under this regulation,
 - (c) since the designation, the owner and the dog have completed a humane training course, and
 - (d) since completion of the training course referred to in the previous paragraph, Huu-ay-aht has not received any further credible complaints of dangerous behaviour by that dog.
- (2) The director may approve an application under subsection (1) if the director is satisfied that the dog no longer poses a threat to the safety of other animals or humans.

PART 6 - SEIZURE AND IMPOUNDMENT

Power to seize and impound

- 24** (1) An animal control officer may seize and impound
- (a) any pet that has been or is being kept in violation of sections 2, 9, 10, 12 (1) or 21 of this regulation;
 - (b) any pet of an owner who has failed to comply with a compliance notice issued under section 34 by the date specified in the compliance notice;
 - (c) any domestic animal found at large for which no owner can be located.
- (2) In seizing and impounding an animal under subsection (1), an animal control officer may be assisted by the RCMP or the BC SPCA or both.

Notice of seizure and impoundment

- 25** (1) An animal control officer must make reasonable efforts to deliver written notice to the owner of a pet that has been seized and impounded as soon as practicable.
- (2) If an animal control officer is unable to deliver written notice in accordance with subsection (1), the animal control officer will give public notice of the seizure and impoundment.

- (3) A notice of seizure and impoundment under subsections (1) or (2) must include:
- (a) the dates, places and circumstances of alleged events leading to the seizure and impoundment,
 - (b) the place of impoundment,
 - (c) the process by which the owner may reclaim possession of the pet under sections 27 or 28, and
 - (d) the consequences of failure to reclaim possession of the pet.

Record of seizure and impoundment

- 26** For each pet or other domestic animal seized and impounded, the director must keep a record of the following:
- (a) the date and hour of seizure;
 - (b) the date and hour of impoundment;
 - (c) a description of the animal;
 - (d) the name of any person from whom the animal was seized;
 - (e) the name of the owner, if applicable and known;
 - (f) the date of notification of impoundment;
 - (g) the date and manner in which the animal was reclaimed, adopted out, or euthanized, as applicable.

Reclaiming possession of an impounded pet other than a dangerous dog

- 27** An owner may reclaim possession of an impounded pet other than a dangerous dog from the place of impoundment within 14 days after the owner has received notice of impoundment if
- (a) the animal control officer is satisfied that
 - (i) all instances of non-compliance with this regulation have been remedied,
 - (ii) any tickets issued under section 35 have been paid,
 - (iii) return of the pet is not likely to present a threat to the safety of the pet or any other animals or humans; and
 - (b) the owner
 - (i) provides satisfactory proof of ownership,
 - (ii) pays for any veterinary expenses incurred while the animal has been impounded,
 - (iii) pays the required fees listed in Schedule B, and
 - (iv) has been issued and provides proof of the appropriate licence or authorization, if a licence or authorization is required by this regulation.

Reclaiming possession of a dangerous dog

- 28** An owner may reclaim possession of a dangerous dog from the place of impoundment within 14 days after the owner has received notice of impoundment if

- (a) all the requirements set out in section 27 are met,
- (b) the owner has been issued and provides proof of a current dangerous dog licence, and
- (c) the owner has provided to the director written agreement to comply with the restrictions set out in the notice issued under section 19 (1) and any other restrictions imposed under section 22.

Unsuccessful attempt to reclaim possession of an impounded pet

- 29** An owner who attempts to reclaim possession of a pet under sections 27 or 28 and is denied may do one of the following:
- (a) re-attempt to reclaim possession under sections 27 or 28 within 7 days;
 - (b) appeal the decision within 5 days to the tribunal in accordance with section 20 of the *Tribunal Act*.

Maximum number of re-attempts

- 30** An owner may re-attempt to reclaim possession under section 29 (a) up to 2 times.

Appeal of denied repossession

- 31** Without limiting the powers of the tribunal under sections 22 and 23 of the *Tribunal Act*, for the purposes of an appeal under section 29 (b), the tribunal may do any of the following:
- (a) affirm the decision and order the surrender of the pet to the BC SPCA or another animal welfare agency capable of arranging for adoption or humane euthanasia;
 - (b) set aside the decision and grant the appellant the opportunity to re-attempt possession of the impounded pet under section 29 (a);
 - (c) set aside the decision and approve the repossession of the impounded pet by the owner with any terms and conditions the tribunal deems appropriate.

PART 7 - SURRENDER AND EUTHANASIA

Surrender

- 32** An animal control officer may surrender an impounded animal to the BC SPCA or another animal welfare agency capable of arranging for adoption or humane euthanasia if one or more of the following apply:
- (a) after 14 days of impoundment, an owner has not attempted to reclaim possession of the impounded animal;
 - (b) the owner has exhausted the right to re-attempt possession of an impounded pet under section 29 (a) or the right to appeal a decision denying repossession under section 29 (b);
 - (c) the tribunal has ordered the surrender under section 31 (a);
 - (d) the owner has consented to the surrender.

Euthanasia

- 33 An animal control officer or a veterinarian may humanely euthanize an animal if, in the opinion of an animal control officer or veterinarian, the animal is sick or injured and should be euthanized without delay for humane reasons.

PART 8 - PENALTIES**Compliance notice**

- 34 An animal control officer or the director may issue a compliance notice under Division 2 of Part 3 of the *Offence and Law Enforcement Act* to a person who has contravened a provision of this regulation.

Ticket

- 35 An animal control officer or the director may issue a ticket under Division 3 of Part 3 of the *Offence and Law Enforcement Act* to a person who has contravened sections 3, 9, 10, 12, 14, 15, 16, 17 or 21 of this regulation.

PART 9 - GENERAL**Right of entry**

- 36 (1) An animal control officer may, at reasonable times, enter property for any of the following purposes:
- (a) to inspect and determine whether the provisions of this regulation are being met;
 - (b) to exercise any power or perform any duty under this regulation.
- (2) An animal control officer may only exercise powers under subsection (1) in relation to a private dwelling if one or more of the following applies:
- (a) an occupier of the residence consents;
 - (b) the entry is made under the authority of a warrant;
 - (c) the animal control officer has reasonable grounds to believe that failure to enter may result in a significant risk to the health or safety of an animal, the occupier or another person.
- (3) The animal control officer must carry identification, and if requested, present the identification to the interest holder or occupant of the Treaty Lands or premises on those lands.
- (4) Nothing in this section limits the powers of peace officers under *the Offence and Law Enforcement Act*.

Entry warrants for private dwelling

- 37 If satisfied by evidence on oath or affirmation that access to a private dwelling is necessary for the purposes of this Regulation, the tribunal may issue a warrant authorizing an animal control officer named in the warrant to enter on or into the property and conduct an inspection or take other action authorized by the warrant.

PART 10 - CONSEQUENTIAL AMENDMENTS

Compliance and Ticket Notice Regulation

- 38** *The table in Schedule 3 to the Compliance and Ticket Notice Regulation is amended by inserting the following rows immediately before the row containing the words “Contravention of any of the following provisions of the Community Planning and Development Act listed under Column A may be subject to a ticket under the Act”.*

Contravention of any of the following provisions of the <i>Animal Control and Care Regulation</i> listed under Column A may be subject to a ticket under the Act				
3	Keeping a dog or cat without licence, collar or tag	\$150	\$75	\$300
9	Contravention of limits on types and number of pets	\$250	\$125	\$500
10	Allowing pet to make noise disturbing peace	\$250	\$125	\$500
12	Allowing dog to be off-leash in a designated on-leash area	\$100	\$50	\$200
14	Failure to remove dog excrement	\$150	\$75	\$300
15	Leaving a wildlife attractant outdoors	\$350	\$175	\$700
16	Contravention of animal care requirements	\$800	\$400	\$1600
17	Contravention of vaccination requirements	\$250	\$125	\$500
21	Contravention of dangerous dog restrictions	\$1000	\$500	\$2000

Commencement

- 39** (1) Subject to subsection (2), this regulation comes into force on the date of its enactment by Executive Council.
- (2) Part 2, section 27 (b) (iv) and section 28 (b) come into force by resolution of Executive Council.

SCHEDULE A

Licence Application Form



Animal Control and Care Regulation, Form 1 (s. 3)
PET LICENCE APPLICATION

Application # _____
 (for registry use only)



Please choose one: <input type="checkbox"/> First time application for this pet <input type="checkbox"/> Transfer of ownership application	
APPLICANT'S INFORMATION	
Residential Address	
_____ Full Name	
_____ Street Address	
_____ City/Town	_____ Prov.
_____ Postal Code	
_____ Telephone	_____ E-mail
Mailing Address (if different from above)	
_____ Mailing Address	
_____ City/Town	_____ Prov.
_____ Postal Code	
PET INFORMATION	
Type of Pet (check only one): <input type="checkbox"/> Dog <input type="checkbox"/> Cat	
_____ Pet's Name	
_____ Primary Breed/Secondary Breed	
_____ Primary Color/Secondary Color	
_____ Other distinguishing features of pet	
_____ Gender	_____ Approx. Age
_____ Tattoo/Microchip	
Has this pet ever been pregnant? <input type="checkbox"/> Yes (if yes, complete this section) <input type="checkbox"/> No	
When did the pet give birth? (please list all known dates): _____	





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ANCIENT SPIRIT, MODERN MIND

Animal Control and Care Regulation, Form 1 (s. 3)
PET LICENCE APPLICATION

Application # _____
(for registry use only)



FEES	
Annual Fee	Half-Year Fee (half year begins July 1st)
<input type="checkbox"/> Dog – Unaltered \$100	<input type="checkbox"/> Dog – Unaltered \$50
<input type="checkbox"/> Dog – Dangerous \$300	<input type="checkbox"/> Dog – Dangerous \$150
<input type="checkbox"/> Cat – Unaltered \$50	<input type="checkbox"/> Cat – Unaltered \$25
<input type="checkbox"/> Dog – Spayed/Neutered \$50 Lifetime licence fee	
<input type="checkbox"/> Cat – Spayed/Neutered \$50 Lifetime licence fee	
<input type="checkbox"/> Transfer fee \$0 (if submitted within 7 days of transfer, otherwise full fee applies)	
<input type="checkbox"/> Service Dog \$0	
For new licence applications only (check boxes to indicate items are attached to application)	
<input type="checkbox"/> Photo of pet	
<input type="checkbox"/> Vaccination records	
<p>_____</p> <p>Applicant Signature Date</p>	



SCHEDULE B**Animal Control Fees****Licence fees**

Animal	Annual licence fee*
Unaltered dog	\$100
Dangerous dog	\$300
Unaltered cat	\$50

*Annual fees for licences issued after July 1 are reduced by 50%

Animal	Lifetime licence fee
Spayed/neutered dog	\$50
Service dog	\$0
Spayed/neutered cat	\$50

Tag replacement fee

Animal	Tag replacement fee
Cat or dog	\$15

Impound fees

Animal	First impoundment in calendar year	Subsequent impoundments in same year
Licensed dog	\$100	\$200
Unlicensed dog	\$200	\$400
Dangerous dog	\$300	\$600
Other animals	\$75	\$150

Daily Maintenance Fees

Licensed dog	\$30
Unlicensed dog	\$60
Dangerous dog	\$90
Cat, bird, rabbit or rodent	\$20
Reptile or other animal	\$30