UCHUCKLESAHT TRIBE GOVERNMENT

PUBLIC ORDER, PEACE AND SAFETY ACT

UTS 33/2014

OFFICIAL CONSOLIDATION – CURRENT TO DECEMBER 16, 2020

This is a certified true copy of the consolidated Public Order, Peace and Safety Act UTS 33/2014, current to December 16, 2020.

Date: March 3, 2021

Signed: _____
Law Clerk

DEPOSITED IN THE REGISTRY OF LAWS AND OFFICIAL RECORDS

ON 03 / 03 / 2021

_____
Signature of Law Clerk

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PREAMBLE

As a treaty first nation, the Uchucklesaht Tribe assumes the responsibility of providing measures to protect Uchucklesaht lands and foreshore, to protect the health and safety of residents of Uchucklesaht lands and foreshore and to protect the peace and order in the Uchucklesaht Tribe's community.

To assist with realizing these goals, the Uchucklesaht Tribe wishes to establish rules of conduct that all Uchucklesaht citizens must abide by, as well as enforcement processes aimed at ensuring Uchucklesaht officials and citizens abide by those rules.

The Uchucklesaht Tribe adopts this Act based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Public Order, Peace and Safety Act.

Executive oversight

1.2 The chief councillor is responsible for the executive oversight of this Act.

Application

1.3 (a) This Act is enacted under 13.25.1 of Chapter 13 Governance of the Maa-nulth Treaty and under section 3.2(aa) of the Constitution.

(b) This Act applies to Uchucklesaht lands, submerged lands wholly contained within those lands and Uchucklesaht foreshore and activities conducted thereon.

Definitions

1.4 In this Act,

"animal control officer" means any person designated as an animal control officer by the Executive, by Order, and for certainty an animal control officer is an "enforcement officer" within the meaning of the Interpretation Act;

"dangerous dog" means a dog that

(a) has a known propensity, tendency or disposition to attack, bite or otherwise seriously injure a person or a household pet without provocation,

(b) has without provocation, aggressively pursued, attacked, bitten or killed a household pet or a person, or

(c) has been trained for or is kept, harboured or possessed, primarily or in part, for the purpose of dog fighting;

"disorderly conduct" means

(a) fighting,

(b) using abusive language,

(c) using offensive or indecent gestures or displays,

(d) being excessively intoxicated in a public place,

(e) loitering,

(f) exposing, firing or discharging any gun, pistol or other firearm,

(g) using or threatening to use any object as a weapon, or

(h) causing public inconvenience, annoyance or alarm;

"adopt out" means, in relation to an animal,

(a) adopt the animal to one or more appropriate persons, or

(b) sell or surrender the animal to the British Columbia Society for the Prevention of Cruelty to Animals or another animal welfare agency capable of arranging for adoption of the animal;

"dog" means an animal of the canine species, male or female, and includes a domesticated animal that is part coyote or wolf;

"dog licence" means a licence issued in accordance with section 6.3;

"dog tag" means a dog tag issued in accordance with section 6.6;

"highway" has the same meaning as in the Motor Vehicle Act (British Columbia);

"household pet" means a domesticated animal, including a bird, normally kept in a home and kept for pleasure rather than utility and, without limitation, includes a dog or a cat;

"impound" or "impounded" means, in relation to an animal, to leave an animal at the pound in the charge of the pound keeper;

"interest holder" means, in relation to an interest in, or licence in relation to, Uchucklesaht lands, the person registered in the lands registry office or land title office as the holder of the interest in, or licence in relation to, Uchucklesaht lands;

"motor vehicle" has the same meaning as in the Motor Vehicle Act (British Columbia);

"owner", in relation to a dog or other animal, means a person

(a) who owns, is in possession of or has control, care or custody over the animal,

(b) who harbours, shelters, permits or allows the animal to remain on or about the person's residence, or

(c) in the case of a dog, who has been issued a dog licence in relation to the dog;

"owner", in relation to a vehicle, has the same meaning as in the Motor Vehicle Act (British Columbia);

"pound" means any place designated by the Executive, by resolution, for the purpose of keeping animals impounded under this Act;

"pound keeper" means a person or Uchucklesaht institution designated by the Executive, by resolution, to operate the pound;

"residence" means real property on Uchucklesaht lands or Uchucklesaht foreshore at which a person is ordinarily resident and for certainty is not limited to the house at which a person is ordinarily resident;

"run at large" or "running at large" means a dog that is not

(a) confined to the property of its owner,

(b) under the direct and continuous charge of a person who is competent to control it, or

(c) securely confined or tethered so that it is unable to roam;

"traffic control device" means any sign, marker or mechanical or electrical device designated for the purpose of regulating traffic, parking or the weight of vehicles;

"vehicle" has the same meaning as in the Motor Vehicle Act (British Columbia);

"wild animal" means an animal or type of animal not normally tamed or domesticated and includes any venomous or poisonous animal of any kind.

PART 2 - NOISE

Noise disturbance

2.1 (a) A person must not make or cause, or permit to be made or caused, on Uchucklesaht lands or Uchucklesaht foreshore any noise or sound which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

(b) An interest holder or occupier of real property located within Uchucklesaht lands or Uchucklesaht foreshore must not use such real property, or permit such real property to be used, so that a noise or sound which originates from such real property disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

Loud animals

2.2 An owner of any animal must not cause, allow or permit that animal to make or cause any noise or sound in a manner which

(a) can easily be heard by, and

(b) unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of

persons in the neighbourhood or vicinity.

Use of loud equipment

2.3 A person must not use landscape maintenance equipment, including a lawnmower, chain saw, leaf blower, weed whacker or rototiller, before 7:00 am or after 9:00 pm.

Construction hours

2.4 A person must not

(a) construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or

(b) excavate or fill in land

before 7:00 am or after 9:00 pm.

Exemptions

2.5 (a) Sections 2.1 and 2.4 do not apply to a person performing work of an emergency nature

(i) for the preservation or protection of life, health or property, or

(ii) to restore essential utilities including electricity, heat, water, wastewater and communication services.

(b) Section 2.1 does not apply to

(i) the horn or signaling device of a vehicle when used as a signal of danger or warning,

(ii) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street or public place when duly authorized or permitted under Uchucklesaht law, or

(iii) the making of noise which is usual or inevitable in the operation of a business in a zone which permits the operation of such business.

(c) A person may apply in writing to the Executive for a temporary exemption from one or more provisions in this Part and the Executive may, by resolution, grant such an exemption on any terms and conditions it sees fit.

PART 3 - DISORDERLY CONDUCT

Disorderly conduct

3.1 A person must not commit disorderly conduct.

Vandalism

3.2 (a) A person must not remove, deface, destroy, damage or in any manner whatsoever vandalize public property on Uchucklesaht lands or Uchucklesaht foreshore.

(b) A person must not attempt to commit any of the acts described in subsection (a).

Public bodily discharge

3.3 A person must not publicly urinate, defecate or spit out phlegm.

PART 4 - DRUG ACTIVITY

Definitions

4.1 In this Part,

"drug activity" means, in relation to a prohibited substance, producing, providing, selling, storing, trafficking or possessing for the purpose of trafficking;

"prohibited substance" means a substance included in Schedule I, II, III, IV or V of the Controlled Drugs and Substances Act (Canada);

"sell" has the meaning given to that term in the Controlled Drugs and Substances Act (Canada);

"traffic" has the meaning given to that term in the Controlled Drugs and Substances Act (Canada).

Responsibility of interest holder

4.2 An interest holder must ensure that no drug activity occurs on the land or foreshore in which the interest or licence is held.

Action by the Executive

4.3 (a) If the Executive believes, on reasonable and probable grounds, that drug activity is occurring on Uchucklesaht lands or Uchucklesaht foreshore, the Executive may, by resolution, authorize what it decides is necessary or advisable in relation to the land or foreshore to

(i) inspect the land or foreshore,

(ii) stop the drug activity, and

(iii) prevent the recurrence of drug activity.

(b) Without limiting subsection (a), if the interest holder holds an interest in Uchucklesaht lands that are not Uchucklesaht titled lands or a licence in relation to Uchucklesaht lands, the Executive may, by resolution, revoke and discharge the interest in, or licence in relation to, that land.

(c) The resolution by the Executive under subsection (b) is not effective until

(i) the Executive delivers a certified copy of that resolution to the director of lands and resources,

(ii) the director of lands and resources delivers a copy of the certified resolution to the applicable interest holder in accordance with Uchucklesaht law and to the lands registrar,

(iii) the lands registrar issues a certificate of discharge for the applicable interest or licence under subsection (d), and

(iv) the certificate of discharge, with the copy of the certified resolution attached, is registered in the lands register.

(d) Sixty days after delivery to the interest holder in accordance with paragraph (c)(ii) of the copy of the certified resolution directing the discharge of the interest in, or licence in relation to, Uchucklesaht lands, the registrar will issue a certificate of discharge regarding that interest or licence in the prescribed form and register that certificate, with the copy of the certified resolution directing the discharge of that interest or licence, in the lands register.

(e) For certainty, the Executive may, by resolution, authorize additional actions under subsection (a) or (b) in relation to the same alleged drug activity if the interest holder does not comply with the previous resolution within a reasonable time or a time specified in the resolution.

Review by Administrative Decisions Review Board

4.4 An interest holder or person affected by a decision of the Executive under section 4.3 may, within 60 days after the interest holder or person was notified of the resolution, request a review of that decision under the Administrative Decisions Review Act.

Failure to comply with decision of the Executive

4.5 If an interest holder does not comply with a decision of the Executive under section 4.3 within a reasonable time or a time specified in the applicable resolution, the Executive may direct the chief administrative officer to do the following:

(a) enter onto the land to inspect it,

(b) enter onto the land and, at the expense of the interest holder, undertake any work necessary to ensure compliance with the decision, or

(c) if necessary, prohibit any interest holder or occupant from entering onto or occupying that land until the land is in compliance with the decision.

Police assistance

4.6 Nothing in this Act precludes anyone from reporting any suspected drug activity to the police.

PART 5 - TRAFFIC

Traffic control devices

5.1 (a) The Executive may determine the location of all traffic control devices on Uchucklesaht lands and may direct the chief administrative officer or another person to place and maintain, or cause to be placed and maintained, all such traffic control devices.

(b) The chief administrative officer or other person directed by the Executive must ensure that traffic control devices are erected at locations determined by the Executive.

Temporary traffic control devices

5.2 An enforcement officer acting in the course of his or her duties may place or cause to be placed temporary traffic control devices

(a) to permit proper action at the scene of an accident,

(b) to respond to an emergency,

(c) to facilitate cleaning or snow clearance on or near a highway,

(d) to facilitate the placement of markings, signs or traffic control devices on or near a highway,

(e) where construction, reconstruction, widening, repair, marking or other similar work is being carried out, to indicate that persons or equipment are working on the highway, or to regulate or prohibit traffic in the vicinity of such work,

(f) along the route of any parade or procession or in the vicinity of a gathering or special event, or

(g) in the interest of public safety.

Obeying traffic control devices

5.3 (a) A person must obey all traffic control devices erected under this Act, unless otherwise directed by an enforcement officer.

(b) A person must not remove, attempt to remove, obscure, deface, destroy or otherwise interfere with any traffic control device erected in accordance with this Act.

Speed limits

5.4 (a) The speed limit for a highway within Uchucklesaht lands is 30 kilometres per hour, except where otherwise designated by the Executive and marked on a traffic control device.

(b) The Executive may, by regulation, designate the speed limit for a highway or a portion of a highway on Uchucklesaht lands.

(c) A person must not operate a vehicle within Uchucklesaht lands at a rate of speed in excess of the speed limit established under this section.

Parking

5.5 (a) A person must not park a vehicle

(i) within six metres of a stop sign,

(ii) within five metres of a fire hydrant, measured from a point on the curb or edge of the roadway which is closest to the fire hydrant,

(iii) on a highway for a continuous period exceeding 72 hours,

(iv) so as to obstruct or interfere with the normal flow of traffic on a highway,

(v) so as to obstruct the visibility of a traffic control device,

(vi) in contravention of a restriction or prohibition indicated on a traffic control device, or

(vii) on any portion of any highway for a longer period of time than indicated on a traffic control device applicable to that portion of the highway.

(b) The Executive may, by regulation, designate areas on or adjacent to highways in which parking or stopping a vehicle is prohibited or restricted to certain times and days.

Weight restrictions

5.6 (a) The Executive may, by regulation, designate weight restrictions for vehicles using highways within Uchucklesaht lands.

(b) Subject to a permit issued under section 5.7, a person must not operate on a highway a vehicle the weight of which, including the load carried, exceeds the maximum weight designated for that vehicle on that highway.

Temporary permits for heavy vehicles

5.7 (a) A person may apply in writing to the director of lands and resources for a temporary permit that would allow the use of a vehicle that exceeds a weight restriction designated under section 5.6.

(b) The director of lands and resources may issue a temporary permit to allow the use of a vehicle that exceeds a weight restriction designated under section 5.6 where

(i) the circumstances are urgent, and

(ii) the director of lands and resources is of the opinion that the use of the vehicle will not damage the highway.

(c) In issuing a temporary permit under this section the director of lands and resources may impose any terms and conditions he or she considers necessary or advisable in the circumstances.

(d) A person who has been issued a temporary permit under this section must comply with any terms and conditions imposed in the permit.

(e) A person who is required to obtain a permit under this section must

(i) carry the permit in his or her possession at all times while operating the vehicle, and

(ii) produce the permit at the request of an enforcement officer.

Care of highways

5.8 (a) A person must not throw, drop, deposit, leave or let fall from or out of any vehicle or conveyance any refuse, litter, garbage, debris, soil, object or material on or upon a highway.

(b) Except where permitted under Uchucklesaht law, a person must not

(i) place or store any object, container, structure or material on a highway,

(ii) allow or permit any earth, rock, stone, tree, log, stump or other substance or material to cave, fall, crumble, slide, accumulate or to otherwise be deposited on a highway,

(iii) drag or skid anything along or over a highway, or

(iv) dig up, break up, excavate in or under or remove any part of a highway.

Vehicle-free zones

5.9 (a) The Executive may, by regulation, designate a highway or a portion of a highway as a vehicle-free zone where, in the opinion of the Executive, it is necessary or advisable to do so for reasons of public order, health or safety.

(b) A designation by the Executive under subsection (a) may specify a certain class of vehicle that is prohibited in the vehicle-free zone.

Effective date of designation

5.10 Unless otherwise indicated in the regulation, a designation under section 5.4(b), 5.5(b), 5.6(a) or 5.9(a) becomes effective when a traffic control device showing the designation is placed at the appropriate location.

Licence and insurance

5.11 (a) For certainty and without limiting the Motor Vehicle Act (British Columbia), a person must have in his or her possession at all times while operating a motor vehicle

(i) a valid and subsisting driver's licence of a class appropriate to the category of motor vehicle being operated,

(ii) the certificate of registration of the motor vehicle, and

(iii) proof of a valid insurance policy for the motor vehicle

in the form required under the Motor Vehicle Act (British Columbia).

(b) Every person who is in possession or control of a motor vehicle on Uchucklesaht lands or Uchucklesaht foreshore must produce or exhibit a driver's licence, certificate of registration and proof of motor vehicle insurance when requested by an enforcement officer to do so.

Condition of vehicle

5.12 A person must not operate a vehicle on Uchucklesaht lands or Uchucklesaht foreshore that

(a) is in a dangerous or unsafe condition, or

(b) is not equipped as required by the Motor Vehicle Act (British Columbia) for operation on a highway.

Stopping vehicles

5.13 The operator of a vehicle must bring the vehicle to a stop when directed to do so by an enforcement officer.

Removal and detention of vehicles

5.14 Where a vehicle is situated on or adjacent to a highway on Uchucklesaht lands, whether attended or unattended, in such a position that it

(a) contravenes a provision of this Act,

(b) interferes with the removal of snow from the highway, or

(c) interferes with firefighting or other emergency operation or equipment,

an enforcement officer may

(d) require the operator or person in charge of the vehicle to remove the vehicle, or

(e) take the vehicle into custody and cause it to be removed to, detained and stored in a suitable place.

Recovery of detained vehicles

5.15 (a) A vehicle that has been removed, detained or stored under section 5.14(e) may be recovered by the owner or the owner's agent upon presenting proof of the following to the keeper of the place where the vehicle is stored:

(i) ownership of the vehicle;

(ii) payment in full to the Uchucklesaht government of any penalties incurred under this Act in connection with the removal and detainment of the vehicle; and

(iii) payment in full of all charges, costs and expenses incurred in connection with the removal and storage of the vehicle.

(b) The keeper of any place where a vehicle is stored under section 5.14(e) is under no obligation to return such vehicle to its owner or the owner's agent until subsection (a) has been satisfied.

PART 6 - ANIMAL CARE AND CONTROL

Dog licence required

6.1 Subject to section 6.9, a person must not have in his or her possession or control any dog over the age of eight weeks unless a valid dog licence has been issued under this Act for that dog.

Dog licence application

6.2 (a) A person must apply to the director of lands and resources to obtain a dog licence.

(b) An application under subsection (a) must include the following:

(i) the name and address of the owner of the dog;

(ii) the name of the dog;

(iii) a physical description of the dog; and

(iv) the prescribed fee, if any.

Issuance of dog licence

6.3 Upon receipt of a complete and accurate application under section 6.2, the director of lands and resources must issue a dog licence to the owner of a dog named in the application.

Expiry of dog licence

6.4 Every dog licence is valid for the period of two years from the date of issue.

Record of dog licence

6.5 The director of lands and resources must keep for each dog licence issued under section 6.3 a record of:

(a) the name and address of the owner of the dog;

(b) the date the dog licence was issued;

(c) the number of the dog licence;

(d) the name of the dog;

(e) a physical description of the dog; and

(f) any occurrence of dangerous behavior or nuisance conducted by the dog.

Dog tag required

6.6 (a) The director of lands and resources must issue with each dog licence a dog tag which must be impressed or stamped with a number corresponding to the number of the dog licence and with figures denoting the year and date on which the dog licence expires.

(b) Every owner of a dog licensed under this Act must provide and keep on the dog a suitable collar to which must be secured, at all times, a valid dog tag.

(c) A person must not remove from a dog

(i) a collar to which a dog tag is attached, or

(ii) a dog tag attached to the dog's collar.

Dog tag and licence not transferrable

6.7 (a) A dog licence is not transferrable to another dog.

(b) A person must not transfer or attempt to transfer a dog tag to a dog other than the dog for which it was issued.

Change of dog ownership

6.8 (a) Where the owner of a dog in respect of which a dog licence has been issued sells or otherwise ceases to be the owner of the dog, he or she must, within seven days of ceasing to be the owner of the dog, notify the director of lands and resources of the change of ownership and the name and address of the new owner.

(b) Where the director of lands and resources receives notification of a new owner under subsection (a), and the director of lands and resources is satisfied as to the accuracy of the name and address of the new owner, the director of lands and resources must transfer the dog licence to the name of the new owner.

Dog licences from other jurisdictions

6.9 Any person having a valid licence for a dog that is issued by any municipality or other licensing authority in the Province of British Columbia does not require a dog licence under this Act unless

(a) the person is ordinarily resident on Uchucklesaht lands or Uchucklesaht foreshore at the time he or she obtains the license from the other licensing authority, or

(b) the dog is kept on Uchucklesaht lands or Uchucklesaht foreshore for a period of more than four weeks in a calendar year, in which case the owner of the dog must

obtain a dog licence under this Act at the beginning of the calendar year or as soon as reasonably practicable thereafter.

Limit on number of dogs and cats

6.10 A person must not keep more than

(a) three dogs over the age of eight weeks, and

(b) six cats over the age of eight weeks

at a residence unless an interest holder or occupier of the residence is permitted to operate a kennel or a veterinary clinic at the residence.

Running at large

6.11 The owner of a dog must not permit the dog to run at large unless the dog is not a dangerous dog and is

(a) actively involved in dog trials, dog shows or other similar activities,

(b) employed by an enforcement officer or security guard in the course of performing lawful duties, or

(c) within an area designated by the Executive, by regulation, as an off-leash dog park.

Dangerous dogs

6.12 The owner of a dangerous dog must ensure that at all times the dangerous dog is

(a) kept securely indoors or within a securely closed and locked enclosure, or

(b) effectively muzzled, on a leash and under the control of a person who is competent to control the dangerous dog at all times.

Removal of excrement

6.13 (a) The person in control of a dog must immediately remove or cause to be removed any excrement deposited by the dog in any place other than the residence of the owner.

(b) The owner of a dog must ensure that any excrement deposited by the dog at the owner's residence is disposed of in a sanitary manner.

Diseased animals

6.14 A person must not keep, harbour or have in his or her possession an animal suffering from any infectious or contagious disease unless the animal is in isolation and under veterinary care for that disease.

Keeping wild animals

6.15 A person must not keep, harbour, have in his or her possession, trade or sell a wild animal as a household pet except with the prior written permission of the Executive and subject to any terms and conditions that may be imposed by the Executive for the safety and protection of persons, other animals and property.

Care of animals

6.16 (a) No person may keep, harbour or have in his or her possession an animal unless he or she provides it with the following:

(i) clean potable drinking water at all times;

(ii) suitable food of sufficient quantity and quality;

(iii) clean food and water receptacles;

(iv) the opportunity for periodic exercise sufficient to maintain good health;

(v) necessary veterinary medical care when the animal exhibits signs of pain or suffering; and

(vi) if the animal is kept outside for extended periods of time, access to outside shelter that

(A) ensures protection from heat, cold and wet,

(B) provides sufficient space to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position, and

(C) is regularly cleaned and sanitized.

(b) A person must not cause an animal to be

(i) confined in an enclosed space, including a vehicle, without

(A) adequate ventilation, and

(B) sufficient space to allow the animal to easily lie in a normal position, or

(ii) hitched, tied or fastened to a fixed object where

(A) a choke collar or chain forms part of the securing apparatus,

(B) a rope or cord is tied directly around the animal's neck, or

(C) the securing device fails to allow the animals the ability to turn around freely and to easily stand, sit and lie in a normal position.

Authority to enter property

6.17 (a) Without limiting the Enforcement Act, in cases of emergency an animal control officer, having reasonable grounds to believe that the health or safety of a person or animal is in jeopardy, may enter property for any of the following purposes:

(i) to inspect and determine whether the provisions of this Act are being met; or

(ii) to exercise any power or perform any duty under this Act.

(b) An animal control officer may only exercise his or her powers under subsection (a) in relation to a residence if one of the following applies:

(i) an occupier of the residence consents;

(ii) an animal control officer has given an occupier of the residence at least 24 hours' written notice of the entry and the reasons for it;

(iii) the entry is made under the authority of a warrant; or

(iv) 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 the occupier or another person.

Producing dog licence

6.18 An animal control officer may require the owner of a dog to produce a dog licence for that dog.

Impoundment

6.19 (a) An animal control officer may seize and impound any dog that

(i) is unlicensed,

(ii) does not have a collar to which a dog tag is attached,

(iii) is running at large in contravention of section 6.11, or

(iv) is alleged to have bitten a person.

(b) An animal control officer may seize and impound any animal where

(i) the person keeping, harbouring or possessing that animal has not complied with one or more of sections 6.12, 6.14, 6.15 or 6.16, or

(ii) the animal is attacking or viciously pursuing a person or a household pet.

Retaining impounded animals

6.20 The pound keeper may not release an impounded animal unless such release is consistent with section 6.22, 6.23 or 6.24, as applicable.

Notification of impoundment

6.21 The pound keeper must, as soon as practicable, make every reasonable effort to discover the identity and notify the owner of the animal which has been impounded.

Reclaiming impounded animals

6.22 Subject to section 6.25, upon request by the owner of an impounded animal the pound keeper must release the animal to its owner provided that

(a) the owner has paid all applicable penalties, impoundment and veterinary fees, and

(b) the pound keeper is satisfied that

(i) all instances of non-compliance with this Act have been remedied, and

(ii) returning the animal to the owner is not likely to endanger the health and safety of person or animal or to cause any nuisance or harm.

Adoption where owner notified

6.23 Where an owner notified under section 6.21 does not reclaim the animal or remedy all instances of non-compliance with this Act within seven days of notification or impoundment, whichever is later, the pound keeper may adopt out the animal or take such further measures as the pound keeper determines necessary.

Adoption where owner not discoverable

6.24 Where the owner of an impounded animal is not discoverable despite every reasonable effort of the pound keeper, and no such owner reclaims the animal within 14 days of impoundment, the pound keeper may adopt out the animal or take such further measures as the pound keeper determines necessary.

Destruction of animals

6.25 (a) An animal control officer may destroy an animal where the animal is attacking or viciously pursuing a person or a household pet and cannot be seized and impounded.

(b) The pound keeper may destroy an impounded animal where

(i) the animal kills or causes significant injury to a person or a household pet while impounded,

(ii) in the reasonable opinion of the pound keeper, the animal is sick or injured and should be destroyed without delay for humane reasons, or

(iii) in the reasonable opinion of the pound keeper, it is necessary to destroy the animal to ensure the health and safety of persons or other impounded animals.

Impoundment records required

6.26 For each animal impounded, the pound keeper must maintain a record of the following:

(a) the date and hour of impoundment;

(b) a description of the animal;

(c) the name of any person from whom the animal was received;

(d) the name of the owner, if applicable;

(e) the date of notification under section 6.21, if applicable; and

(f) the date and manner in which the animal was reclaimed, adopted out or destroyed, as applicable.

PART 7 - GENERAL PROVISIONS

Regulations

7.1 (a) The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.

(b) Without limiting subsection (a), the Executive may make regulations for the purposes of sections 5.4(b), 5.5(b), 5.6(a) and 5.9(a).

Commencement

7.2 This Act comes into force on the date on which it is enacted.

LEGISLATIVE HISTORY

Public Order, Peace and Safety Act UTS 33, 2014 enacted February 28, 2014

Amendments

Section	Amendment	In Force
1.4	UTS 40/2014, s. 4.11(a)	June 19, 2014
4.3(c)(iv)	UTS 40/2014, s. 4.11(b)	June 19, 2014
4.3(d)	UTS 40/2014, s. 4.11(c)	June 19, 2014
1.4	UTS 62/2020, s. 2.3(c)	December 16, 2020

Amending Acts:

UTS 40/2014 Enforcement Framework Amendment Act No. 2 enacted June 19, 2014
UTS 62/2020 Land Act (Fee Simple Title) Amendment Act enacted December 16, 2020

Regulations: