

Fort McKay First Nation

PO BOX 5360, Fort McMurray, AB, T9H 3G4, 780-828-4220

NOTICE OF RESPONSIBLE PET OWNER BYLAW

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the *Indian Act* empower the Council to pass by-laws to provide for the health of residents on the Reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of or ancillary to the exercise of powers and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council is of the opinion that the uncontrolled running at large of animals may be detrimental to the health of the residents on the Reserve, and a nuisance to such residents;

THEREFORE, the Council of the Fort McKay First Nation enacts this Animal Control By-Law, as follows:

1 Interpretation

1.1 In this By-Law:

- (a) "Animal" means any Animal which is kept or maintained on the Reserve as a pet or otherwise;
- (b) "Animal Control Officer" means:
 - (i) an Animal Control Officer, appointed pursuant to section 3;
 - (ii) a By-Law enforcement officer of the Regional Municipality of Wood Buffalo with authority to act under an Animal Service Control Agreement between the First Nation and the Regional Municipality of Wood Buffalo;
 - (iii) a police officer with the Royal Canadian Mounted Police or any other local detachment of a police service; or
 - (iv) a person employed by the Council for the purpose of enforcing the provisions of this By-Law;
- (c) "Animal Register" means the register kept by the Animal Control Officer for the purpose of the registration of all Dogs and other Animals required to be registered on the Reserve;
- (d) "Cat" means any Cat, male or female;
- (e) "Council" means the Council of Fort McKay First Nation;
- (f) "Dog" means any Dog, male or female and includes an Animal that is a cross between a Dog and a wolf;
- (g) "Dwelling" means each single unit home being a fully or semi-detached building, a multiple unit Dwelling, an apartment home or any building used or intended to be used for human habitation and in which normal domestic functions may be carried out on;
- (h) "First Nation" means the Fort McKay First Nation;
- (i) "Large Animal" means any Animal other than a Dog or a Cat which in the adult form weighs more than 10 kilograms and includes livestock and horses;

- (j) "Medical Officer of Health" means the Medical Officer of Health so appointed by the Council;
- (k) "Muzzle" means to secure a Dog's mouth in such a fashion that it cannot bite anything;
- (l) "Owner" of an Animal includes a person who possesses or harbors an Animal on the Reserve, and the terms "owns" and "owned" have a corresponding meaning;
- (m) "Reserve" means the lands set apart by Her Majesty the Queen in right of Canada for the use and benefit of the First Nation;
- (n) "Running at Large" or "At Large" means off the premises of the Owner and not Muzzled or under the control of any person;
- (o) "Vicious Dog" includes:
 - (i) Any Dog that demonstrates any ferocious, vicious, or aggressive behaviour;
 - (ii) Any Dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a Vicious Dog;
 - (iii) Any Dog which has been the cause of a prosecution under this By-Law within the previous six months where a conviction against anybody had been entered concerning that specific Dog; and
 - (iv) Any Dog which has bitten another Animal or human without provocation.

2 Application

- 2.1 This By-Law applies to all Owners of Animals residing or visiting on the Reserve.

3 Animal Control Officer

- 3.1 The Council may appoint, by Band Council Resolution, an Animal Control Officer to provide for the administration and enforcement of this By-Law and more specifically to receive registrations and to issue identification tags under this By-Law.
- 3.2 The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the Animal Control Officer.

4 Registration and Identification of Animals

- 4.1 Every Dog and any other Animal that the Council has determined, by Band Council Resolution, must be registered under this By-Law, shall be registered by the Owner.
- 4.2 An application for registration and identification tag shall be filed with the Animal Control Officer and it will include:
 - (a) The applicant's name;
 - (b) The applicant's address or lot number;
 - (c) A description of the Animal sought to be registered, including species, age, sex, name and breed if known;
 - (d) Disclosure as to whether or not the Animal has been spayed or neutered;
 - (e) The number of Animals in the household;

- (f) A record that the Animal is immunized against rabies, noting the date of such immunization, the name of the person immunizing the Animal, including the manufacturer's name of the vaccine and its batch number; and
 - (g) Any other information deemed by the Animal Control Officer to be necessary for the proper administration of this By-Law.
- 4.3 The charge for registration and identification tags shall be \$10.00 dollars per year per Animal or such further or other amount as may be designated by the Council, from time to time, by Band Council Resolution.
- 4.4 The Animal Control Officer shall issue the license tag upon registration and payment of the annual fee and, if necessary, proof that the Animal has been immunized against rabies.
- 4.5 In the case of a Dog, the license tag shall be securely attached to the collar or harness of the Animal at all times and in all other cases the Owner shall be responsible for the production of the license tag upon the request of the Animal Control Officer.
- 4.6 The registration and identification tag will be valid for one full year from the date of issuance.

5 Immunization of Animals

- 5.1 All Animals on the Reserve must be immunized in accordance with generally accepted veterinary standards.
- 5.2 The Owner of any Animal exposed to rabies shall, on demand by the Council, surrender such Animal to the First Nation to be held by the Animal Control Officer in quarantine for a period of 14 days and such Animal shall not be released from such quarantine without the written permission of the Medical Officer of Health.
- 5.3 Upon demand of the Council, the Owner of any Animal shall forthwith surrender to the Animal Control Officer any Animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the Medical Officer of Health.
- 5.4 Any Animal found to be infected with rabies shall be destroyed by the Animal Control Officer at the Owner's expense.

6 Limitation on Animals Per Dwelling

- 6.1 The Council may, by Band Council Resolution, limit the number of Animals and the species of Animals that may be kept, harbored or possessed in any Dwelling.

7 General Prohibitions

- 7.1 Subject to subsection 7.2, every Owner of an Animal shall keep the Animal safely tethered or penned at all times in a manner that is suitable to the Animal.
- 7.2 A Dog need not be tethered or penned up if the Dog is:
- (a) Held on a leash by a person capable of restraining the Dog's movements;
 - (b) Being used by a person for the purpose of hunting;
 - (c) Being used by a person to work in a lawful manner with domestic livestock; or
 - (d) Used by a visually impaired person as a guide Dog.

- 7.3 No Owner shall allow a female Dog in heat to remain in any public place unless the Dog is attached to a leash and is accompanied by and is under the observation and control of the Owner or his agent.
- 7.4 The Owner of an Animal who fails to take all necessary measures to ensure that such Animal is under the appropriate control or supervision or in the possession of the Owner at all times, upon any property on the Reserve, is guilty of an offence.
- 7.5 The Owner of an Animal which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.
- 7.6 The Owner of a Dog shall, when the Dog is on public property immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the Dog on the property.
- 7.7 No Owner shall allow an Animal to remain unfed or without water whereby it either amounts to cruelty or causes the Animal to become a nuisance.
- 7.8 No person shall punish or abuse an Animal in a manner which is cruel or unnecessary.

8 Prohibitions by Council Order

- 8.1 The Council may at any time, by Band Council Resolution, prohibit the keeping of Animals or specific species of Animals within any area of the Reserve.
- 8.2 Notice of any prohibition made by Council pursuant to subsection 8.1 shall be posted in the First Nation's Administration Office and after the date of the posting of such notice, no person shall keep or have an Animal within the prohibited area.
- 8.3 No person may establish, own or operate a facility for the boarding or treatment of Animals within the limits of the Reserve, without express written authorization to that effect from the Council, by way of Band Council Resolution.
- 8.4 The Council may at any time, by Band Council Resolution:
- (a) Prohibit the keeping of any particular breed of Dog on the Reserve; or
 - (b) Require that an Owner residing on Reserve abide by certain terms and conditions for the Ownership of a Dog and any particular breed or size of Dog.

9 Vicious Dogs

- 9.1 Anyone owning a Vicious Dog must post a clearly visible sign notifying the public.
- 9.2 At all times, a Vicious Dog must be Muzzled and kept on a leash whenever it is in a public place.
- 9.3 On private property, a Vicious Dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the Dog and to prevent the entry of children.

10 Impounding and Seizure

- 10.1 No Owner shall permit an Animal to be At Large on the Reserve.
- 10.2 An Animal found At Large on the Reserve may be impounded for not less than ten (10) days if it is registered under this By-Law or three (3) days if it is not registered under this By-Law and, after notifying the Owner, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such Animal has been claimed by its Owner and the costs incurred for the impounding of the Animal have been paid.

- 10.3 An Animal Control Officer may seize an Animal from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this By-Law.
- 10.4 If an Animal is apprehended because it has inflicted an unprovoked attack upon another Animal or human person, the Animal Control Officer shall impound the Animal for such period of time as specified by a veterinarian.
- 10.5 Subject to sections 10.6 and 10.8, an Animal Control Officer who has seized an Animal shall release the Animal to its Owner where:
- (a) The Owner claims possession of the Animal within five (5) days after the date of seizure;
 - (b) The Owner pays to the Animal Control Officer all expenses incurred in securing, caring for and feeding the Animal; and
 - (c) The Owner has obtained the necessary registration identification tag from the Animal Control Officer before the Animal is released.
- 10.6 Where an Animal has not been reclaimed within five (5) days after seizure and notification has been given to the Owner, the Animal Control Officer may humanely destroy or dispose of the Animal where a veterinarian so directs and no damages or compensation may be recovered as a result of the destruction or disposal of such an Animal.
- 10.7 The Animal Control Officer shall seek veterinary attention for an Animal found to be diseased, where the Owner has declined, failed or neglected to do so. Any fee arising from the provision of such veterinary care shall be a charge against the Owner of the Animal.
- 10.8 If an Animal is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or other Animals, the Animal Control Officer shall destroy the Animal as soon after the seizure as the officer thinks fit without permitting any person to reclaim the Animal and no damages or compensation may be recovered on account of such action.
- 10.9 The Animal Control Officer shall forthwith make every reasonable effort to notify the Owner of an Animal which has been impounded.
- 10.10 A written report of each such incident, as described in this section, shall be filed with the Council by the Animal Control Officer.

11 Animal Destroyed if Unable to Seize

- 11.1 Where the Animal Control Officer, after reasonable effort, is unable to seize an Animal that is Running At Large, contrary to the provisions of this By-Law, the officer may destroy the Animal.
- 11.2 No damages or compensation may be recovered as a result of the destruction of an Animal by the Animal Control Officer.

12 Protection From Vicious Dogs

- 12.1 A person or Animal Control Officer may kill, if necessary, a Vicious Dog which is Running At Large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
- (a) A person;
 - (b) Another Dog; or
 - (c) Any other Animal.
- 12.2 A person or Animal Control Officer, who must kill a Vicious Dog, shall immediately report the incident to the Council or Animal Control Officer and notify the Dog's Owner.

12.3 No damages or compensation may be recovered as a result of killing a Dog by a person or Animal Control Officer who is required to do so pursuant to section 12.1.

13 Penalty

13.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.

13.2 Without restricting the generality of section 13.1, the following fine amounts are established for use as voluntary payment options:

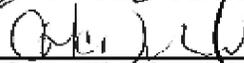
- (a) \$250.00 for failure to register an Animal contrary to section 4.1;
- (b) \$100.00 for failure to produce registration contrary to section 4.5;
- (c) \$500.00 for failure to keep an Animal under appropriate control or supervision contrary to section 7.4;
- (d) \$250.00 for allowing an Animal to cause damage contrary to section 7.5;
- (e) \$100.00 for failure to properly dispose of Animal waste contrary to section 7.6;
- (f) \$1,000.00 for causing cruelty to an Animal or causing unnecessary pain and suffering to an Animal contrary to sections 7.7 or 7.8;
- (g) \$500.00 for allowing Animal to be at large contrary to section 10.1 which fine shall be increased to \$1,000.00 if that Animal causes injury to a human or another Animal while at large; and
- (h) \$100.00 per offence for any other contraventions of this By-law not specifically referenced herein.

14 Coming into Force

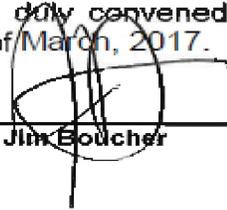
14.1 This By-Law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

APPROVED AND PASSED at a duly convened meeting of the Council of the Fort McKay First Nation this 1st day of March, 2017.



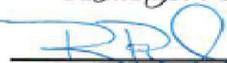
Councillor Gerald Gladue


Councillor Crystal McDonald



Chief Jim Boucher



Councillor Peggy Lacorde


Councillor Raymond Powder

A COPY OF THE PROPOSED LAWS may be obtained from: Communications Department, Fort McKay.

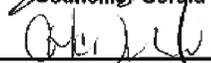
CONTACT INFORMATION: For further information or questions regarding the Proposed Laws, this Notice or the making of written representations to Council, please contact Communications Department at Fort McKay First Nation, by telephone at 780-828-4220 or by email at communications@fortmckay.com.

Dated: March 1st, 2017

APPROVED AND PASSED at a duly convened meeting of the Council of the Fort McKay First Nation this 1st day of March, 2017.



Councillor Gerald Gladue



Councillor Crystal McDonald



Chief Jim Eoucher



Councillor Peggy Lacorde



Councillor Raymond Powder