

LAW NO. E16-01

**ERMINESKIN CREE NATION
DOG AND PROHIBITED ANIMAL CONTROL LAW**

BEING A LAW OF THE ERMINESKIN CREE NATION WITH A PURPOSE OF ESTABLISHING AND ENFORCING ANIMAL (DOG AND PROHIBITED ANIMAL) CONTROL WITHIN THE ERMINESKIN CREE NATION RESERVE NO. 138.

WHEREAS the Ermineskin Cree Nation has and continues to exercise an inherent Aboriginal and Treaty Right of Self-government that is recognized and affirmed by the *Ermineskin Tribal System Constitution (1984)*, Articles 34 and 35 of the *United Nations Declaration on the Rights of Indigenous Peoples* and Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, and is protected by Treaty No. 6, 1876; and

WHEREAS Ermineskin Cree Nation has a deep and abiding respect of the Creator's Natural Laws and a great sense of stewardship, with a long-standing traditional and spiritual relationship with domesticated animals, in particular dogs (atimwak), and holds such animals in high-regard and, as such, strives to ensure that matters related to such animals are carried out in a conscientious, respectful and prompt manner; and

WHEREAS pursuant to Section 81 of the *Indian Act*, R.S.C. 1985, c I-5 (the "*Indian Act*"), a council may make laws not inconsistent with the *Indian Act* and regulations made thereunder, for any or all of the purposes set out in paragraphs 81(1)(a), (c), (d), (e), (q) or (r) therein; and

WHEREAS Council of the Ermineskin Cree Nation deems it expedient and in the best interests of the Ermineskin Cree Nation to make a law for the purpose of animal control for the health and safety of residents and the prevention of nuisance to residents;

NOW THEREFORE, COUNCIL OF THE ERMINESKIN CREE NATION, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I - TITLE, DEFINITIONS AND INTERPRETATION

1. SHORT TITLE

1.01 This law may be known as the "Animal (Dog and Prohibited Animal) Control Law".

2. DEFINITIONS

2.01 In this Law, unless the context otherwise requires:

- (a) "**Abandoned**" means any Dog that is:
 - (i) left for more than 24 hours without adequate food, water or shelter;
 - (ii) left for five (5) days or more after the expected retrieval time from an Animal Control Facility;
 - (iii) found on Premises which have been vacated by the Owner; or

- (iv) is found At Large on more than three (3) occasions;
- (b) "**Animal**" means any bird, reptile, amphibian, or mammal excluding humans;
- (c) "**Animal Control Officer**" means a peace officer(s), police officer(s), and/or one or more Persons duly appointed by Council of Ermineskin Cree Nation by way of a resolution in writing for the purpose of enforcing and carrying out the provisions of this Law;
- (d) "**Animal Control Facility**" means the Ermineskin animal control facility or any other animal control facility designated by Ermineskin, which may include for greater certainty animal control facilities located off of Ermineskin Reserve, for the impounding, assessment and/or re-homing of Dogs as set out in this Law;
- (e) "**Animal Protection Act**" means the *Animal Protection Act*, R.S.A. 2000, c. A-41, as well as any regulations promulgated thereunder, in each case as amended or replaced from time to time;
- (f) "**Appeal Committee**" means any three (3) member committee appointed by the Tribal Administrator to hear appeals under Section 14 and Section 19 of this Law;
- (g) "**At Large**" means a Dog which is off the Owner's Property and which is not restrained by a Leash and Under Control or is otherwise not under the immediate, effective and continuous control of the Owner;
- (h) "**Behavior Assessment**" means a review of the behavior of a Dog performed by an experienced and certified expert in Dog behavior;
- (i) "**Communicable Disease**" means any disease or illness that may be transferred from an Animal to a human through direct or indirect contact;
- (j) "**Controlled Confinement**" means where a Dog is isolated and contained within a Secure Enclosure or securely tethered in a manner that will not allow the Dog to bite or harm any Person or Animal;
- (k) "**Council**" means the Council of Ermineskin Cree Nation, comprised of the Chief and Councillors, duly elected from time to time in accordance with the Ermineskin Tribal Election Custom and the *Indian Act*;
- (l) "**Court**" means a court of competent jurisdiction in the Province of Alberta;
- (m) "**Dangerous Dog**" means a Dog which has been determined to be a Dangerous Dog pursuant to Section 14 of this Law;
- (n) "**Dog**" means any domesticated dog and includes a Dangerous Dog;
- (o) "**Domestic Animal**" means any Animal normally kept for domestic purposes or a household pet including but not limited to dogs, cats, rabbits, ferrets, fowl, cows, horses, sheep, goats and pigs;
- (p) "**Ermineskin**" means the Ermineskin Cree Nation #443;

- (q) "**Ermineskin Reserve**" means the geographic area of the Ermineskin Cree Nation Reserve #138 pursuant to the *Indian Act*;
- (r) "**Intact Dog**" means any dog that is not Spayed or Neutered;
- (s) "**Facility Supervisor**" means the Person responsible for the administration and maintenance of the Animal Control Facility and such other duties as set out in this Law;
- (t) "**Kennel**" means a Premises in which dogs are kept, trained, cared for, boarded and/or bred for-profit and in accordance with applicable laws;
- (u) "**Law**" means this Animal (Dog and Prohibited Animal) Control Law;
- (v) "**Leash**" means a rope, cable or other material or device capable of restraining the Dog upon which it is being used;
- (w) "**License**" means a license issued pursuant to this Law;
- (x) "**License Tag**" means a permanent identification tag issued by Ermineskin showing the License number for a specific Dog;
- (y) "**Motor Vehicle**" has the same definition as in the *Traffic Safety Act*, R.S.A. 2000 Chapter T-6, as amended or replaced from time to time;
- (z) "**Muzzle**" means a humane, commercially available, fastening or covering device of adequate strength placed over the mouth of a Dog designed specifically for bite prevention that allows Dogs to pant, drink and engage on otherwise normal behavior while wearing the device;
- (aa) "**Off Leash Area**" means an area designated by Tribal Administrator where the presence of a Dog is permitted without the need for the Dog to be restrained by a Leash;
- (bb) "**Owner**" includes any one or more Persons, including for greater certainty non-Ermineskin Members attending at the Ermineskin Reserve, who:
 - (i) has the care, charge, custody, possession or control of the Animal, either temporarily or permanently;
 - (ii) is in actual or apparent possession or control of Premises where an Animal apparently resides;
 - (iii) claims or asserts any proprietary interest in an Animal;
 - (iv) harbors an Animal, or allows an Animal to remain on his/her Property; or
 - (v) reclaims or receives an Animal from the custody of the Pound or Ermineskin;
- (cc) "**Owner's Property**" means any Premises which are leased or otherwise occupied by an Owner;
- (dd) "**Permanent Identification**" means identification numbers/letters that are permanently marked on a Dog's ear in a veterinary clinic while the Dog is under anesthetic, or an implanted microchip;

- (ee) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (ff) **"Premises"** means any parcel or lot of land or a portion thereof and includes any improvements situated thereon;
- (gg) **"Prohibited Animals"** means those Animals defined in Section 27.01 of this Law;
- (hh) **"Registered Veterinarian"** has the same meaning as in the *Veterinary Profession Act* R.S.A. 2000 Chapter V-2;
- (ii) **"Secure Enclosure"** means a building, pen or fenced area which is secured and constructed in such a manner that it will not allow the Dog to jump, climb, dig or otherwise escape nor will it allow the entry of unauthorized individuals into the enclosure unless the unauthorized individual forces his/her way into the enclosure and which conforms with the following minimum requirements:
 - (i) the Secure Enclosure shall have secure sides. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded into the ground to a minimum depth of thirty (30) centimeters;
 - (ii) the Secure Enclosure must provide the Dog with adequate shelter from the elements including heat, cold, sun, rain and wind;
 - (iii) the Secure Enclosure must be located not less than one (1) metre away from the property line of the Owner's Property and not less than five (5) metres away from a dwelling unit located on any Premises that are adjacent to the Owner's Property; and
 - (iv) the Secure Enclosure must be of adequate size for the Dog, permitting the Dog to stand, sit, lie down, and turn around comfortably, provided that the size of the Secure Enclosure shall not be less than, in the case of one (1) Dog, 15' x 17', in the case of two (2) Dogs, 15' x 21', and in the case of three Dogs, 15' x 21';
- (jj) **"Serious Injury"** means an injury to a Domestic Animal or human resulting from a Dog bite or attack which results in one or more broken bones, or disfiguring lacerations, or any injury requiring sutures or cosmetic surgery, or any other injury determined to be severe;
- (kk) **"Service Dog"** means a Dog having special training and certification by an official service dog agency which is kept and utilized by any mentally or physically disabled individual for the purpose of compensating for or alleviate the effects of that individual's disability;
- (ll) **"Spayed"** or **"Neutered"** means the surgical removal of reproductive organs on an Dog by a Registered Veterinarian while the Dog is under anesthetic;
- (mm) **"Stray Dog"** means a Dog that is Abandoned or has no identifiable Owner;
- (nn) **"Tether"** means a rope, cable or similar restraining device that prevents an animal from moving away from a localized area and the words **"Tethered"** and **"Tethering"** shall refer the use of the device;
- (oo) **"Threatening Behaviour"** means a Dog which, without provocation:

- (i) barks, growls, snaps at, lunges at, chases, attacks or bites another Domestic Animal, bicycle, Motor Vehicle or other vehicle, or
 - (ii) barks, growls, snaps at, lunges at, chases, attacks or bites an individual unless the individual is a trespasser on the Owner's Property;
- (pp) "**Tribal Administrator**" means the Tribal Administrator of Ermineskin or his/her delegate;
- (qq) "**Under Control**" means that the Dog is under the effective control of the Owner including responding promptly to voice, sound or sight commands; and
- (rr) "**Without Provocation**" means the absence of teasing, tormenting, abusing or assaulting actions upon the Dog or its Owner.

PART II - LICENSING OF DOGS

3. REQUIREMENT FOR LICENSE

- 3.01 Every Owner shall obtain and maintain a License in respect of his/her Dog as provided for in this Law.
- 3.02 Every Owner shall provide proof of vaccinations prior to being issued a License
- 3.03 An Owner of a Dog shall ensure that the Dog wears the License Tag issued for the Dog at all times and shall ensure that the Dog does not wear a License Tag in respect of another Dog.
- 3.04 An Owner of a Dangerous Dog shall obtain a Dangerous Dog License on the first day on which Ermineskin offices open for business after the Dog has been declared a Dangerous Dog and shall maintain the Dangerous Dog License for the period during which the Dog has been declared to be a Dangerous Dog.
- 3.04 This Section 3 does not apply:
- (a) to a Dog under the age of eight (8) months unless the Dog is considered a Dangerous Dog under this Law; or
 - (b) to a Person that keeps Dogs in the course of their operation of a legally established Kennel or Pound.
- 3.05 The Tribal Administrator shall record every License issued under this Section in a central register, to be established and maintained by the Tribal Administrator.

4. LICENSE APPLICATION, ISSUANCE AND RENEWAL

- 4.01 The Tribal Administrator may, on application by the Owner of a Dog, issue or renew a License in respect of the Dog and may impose such terms and conditions on such License as he or she, in his or her sole discretion, deems appropriate.

- 4.02 Before the issuance or renewal of a License pursuant to this Section 4, the Owner must submit to Tribal Administrator the License fee as established by this Law together with the following information:
- (a) a description of the Dog including breed, name, gender, age, tattoo and microchip number;
 - (b) evidence establishing that the Dog is Spayed or Neutered;
 - (c) the name, address and telephone number of the Owner;
 - (d) number of other Dogs owned by the Owner;
 - (e) if the Owner of the Dog is a corporation, the name, address and telephone number of the individual responsible for the Dog; and
 - (f) any other information that Tribal Administrator may require.
- 4.03 No Person shall give false information when applying for a License under this Law.
- 4.04 An applicant must be of at least eighteen (18) years of age.
- 4.05 The Owner is responsible to immediately notify Ermineskin of any change in the information provided in a License Application under this Law including but not limited to the death or change of ownership of the Dog.
- 4.06 Tribal Administrator shall not issue or renew a License pursuant to this Part unless satisfied that:
- (a) all applicable fees have been paid; and
 - (b) all required information has been provided.
- 4.07 Upon issuance of a License, Tribal Administrator shall issue a License Tag for the Dog to the Owner.
- 4.08 Upon losing a License Tag an Owner of a Dog shall advise Tribal Administrator whereby a replacement License Tag will be issued to the Owner for the applicable fee as set out in Schedule "A".
- 4.09 A License issued under this Law shall not be transferable from one Dog to another, or from one Owner to another unless the transfer is approved in writing by Tribal Administrator.

5. TERM

- 5.01 Unless otherwise specified in this Law, the term of a License shall be valid until the Owner ceases to own the Dog.

6. LICENSE FEES

- 6.01 The License fees for a Dog are set out in Schedule "A".
- 6.02 The License fee for a Dangerous Dog is set out in Schedule "A".
- 6.03 No Person shall be entitled to a reduced License fee under this Law.

- 6.04 Council may, from time to time by way of a resolution in writing, change the License fees referred to in Sections 6.01 and 6.02.

PART III - REGULATION OF DOGS

7. AT LARGE

- 7.01 The Owner of a Dog shall ensure that the Dog is not At Large.
- 7.02 If a Dog is found to be At Large, the Owner of the Dog will be deemed to have failed or refused to comply with the requirements of Section 7.01 unless he/she provides evidence to the satisfaction of the Tribal Administrator that he/she has taken all reasonable precautions to either:
- (a) secure the Dog so that the Dog would not be able to escape the Owner's Property, Motor Vehicle, Secure Enclosure or other form of confinement; or
 - (b) ensure that the Dog was under the direct, effective and constant control of a competent individual at all times when the Dog was off the Owner's Property.
- 7.03 No Person shall cause a Dog to be At Large in Ermineskin by:
- (a) untying, loosening or otherwise freeing a Dog which has been tied or otherwise restrained; or
 - (b) negligently or willfully opening a gate, door or other opening in a fence or Secure Enclosure or Motor Vehicle in which a Dog has been confined.

8. EXCESSIVE BARKING

- 8.01 The Owner or any other Person having care or control of a Dog shall ensure it does not bark, howl or otherwise behave in a manner that is reasonably likely to annoy or disturb the peace of other individuals.
- 8.02 In determining whether barking, howling or behavior is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited, to the following:
- (a) location of Premises where the Dog resides;
 - (b) duration of the barking, howling or behavior;
 - (c) time of day and day of the week when the barking, howling or behavior occurs;
 - (d) nature and use of the surrounding area; and
 - (e) any effect of the barking, howling or behavior.

9. DEFECATION

- 9.01 The Owner of a Dog shall immediately remove any defecation left by the Dog on any public property or private property other than the Owner's Property.
- 9.02 The Owner or any other Person having care or control of a Dog shall ensure that Dog feces on the Owner's Property does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to other individuals.

10. DOG OFF OWNER'S PROPERTY

- 10.01 The Owner of a Dog shall, at all times when the Dog is off the Owner's Property, ensure that the Dog is:
- (a) Under Control; and
 - (b) except when in an Off Leash Area, restrained by a Leash not exceeding two meters in length.
- 10.02 When a Dog is within an Off Leash Area, the Dog need not be restrained on a Leash, provided that the Dog is Under Control at all times. However, the Owner shall carry with him/her a Leash for the Dog not exceeding two meters in length.

11. PROPERTY DAMAGE AND THREATENING BEHAVIOR

- 11.01 The Owner of a Dog shall ensure that the Dog does not:
- (a) damage any private or public property;
 - (b) upset a waste receptacle or scatter the contents thereof; or
 - (c) exhibit Threatening Behavior.
- 11.02 The Owner of a Dog is guilty of an offence if, whether on or off the Owner's Property, the Dog exhibits Threatening Behavior, whether or not the Threatening Behavior results in physical injury.
- 11.03 Section 11.02 does not apply to a Dog exhibiting Threatening Behavior:
- (a) when the Dog is physically unable to reach the target of the Threatening Behavior because the Dog is securely confined within a building, Motor Vehicle or Secure Enclosure; or
 - (b) if the Threatening Behavior is a direct result of the Dog being provoked.

12. FEMALE DOGS IN SEASON

- 12.01 The Owner of a female Dog shall keep the Dog secured either indoors or in a Secure Enclosure while the Dog is in season.

13. AREAS WHERE DOGS ARE NOT ALLOWED

- 13.01 Subject to Section 13.03, no Person shall have a Dog in any area which has a posted sign stating that Dogs are not permitted in that area.
- 13.02 The Tribal Administrator may post signs indicating any areas or Premises owned, leased or controlled by Ermineskin where Dogs are not permitted.
- 13.03 Subject to the requirements of Section 10, Section 13.01 shall not apply to the Owner of a Service Dog if the Owner is using the Service Dog for assistance.

PART IV - REGULATION OF DANGEROUS DOGS

14. DANGEROUS DOG PROVISIONS

- 14.01 All provisions of this Law apply to Dangerous Dogs. However, in the event of a conflict between a provision in this Part and any other provision in this Law, the provision in this Part shall prevail.
- 14.02 Tribal Administrator may identify a Dog as a Dangerous Dog if he/she determines, on reasonable grounds based on personal observation or on facts determined after an investigation conducted in relation to the Dog, that:
- (a) the Dog has a known propensity, tendency or disposition to attack, Without Provocation, other Domestic Animals or humans;
 - (b) the Dog has inflicted a Serious Injury upon another Domestic Animal or human; or
 - (c) the Dog has been the subject of an order or direction of a Court pursuant to the *Dangerous Dogs Act*, R.S.A. 2000 Chapter D-3.
- 14.03 If Tribal Administrator identifies a Dog as a Dangerous Dog, he/she:
- (a) shall provide the Owner with written notice that the Dog has been determined to be a Dangerous Dog together with the basis upon which such determination has been made;
 - (b) may require that the Owner submit the Dog to a Behavior Assessment at the expense of the Owner;
 - (c) may require that the Owner enter into a written agreement to keep the Dog in accordance with such conditions as the Tribal Administrator deems appropriate to secure the health and safety of Ermineskin residents;
 - (d) may require the Owner to keep such Dog in accordance with the provisions of Part IV of this Law upon the Owner's receipt of this notice; and
 - (e) shall inform the Owner that if the Dangerous Dog is not kept in accordance with the requirements of this Law, the Owner will be subject to further enforcement action pursuant to this Law.
- 14.04 Within fourteen (14) days of receipt of a written notice issued pursuant to Section 14.03, the Owner may file a written notice of appeal of Tribal Administrator's decision to Council setting out the reasons for the appeal.
- 14.05 Upon receipt of a written notice of appeal pursuant to Section 14.04, Council shall forward a copy of the notice of appeal to the Appeal Committee. The Appeal Committee shall hold a hearing within thirty (30) days of receipt of a written appeal filed in accordance with Section 14.04. After reviewing the appeal and hearing evidence at the appeal hearing from the Owner, Animal Control Officer, Tribal Administrator and anyone else having relevant information, the Appeal Committee may confirm, vary, substitute or cancel Tribal Administrator's decision. The Appeal Committee shall issue its decision in writing, firstly, to Council within fourteen (14) days of the hearing being closed and, secondly, to the Owner within twenty-four (24) hours following the delivery of notice to Council.
- 14.06 Until such time as the Appeal Committee hears and upholds the appeal, the Dog must be treated in accordance with the Dangerous Dog provisions under this Law.
- 14.07 Notwithstanding any provision in this Law, where:

- (a) a Dog has inflicted a Serious Injury upon another Domestic Animal or human;
- (b) a Dog has caused the death of a Domestic Animal or human; or
- (c) the Animal Control Officer believes on reasonable grounds that a Dog should be submitted to a Behavioral Assessment;

the Tribal Administrator or the Animal Control Officer may seize the Dog and transport the Dog to an Animal Control Facility where the Dog will undergo a Behavioral Assessment.

14.08 Based on the results of the Behavioral Assessment referred to in Section 14.06, the Tribal Administrator may decide to:

- (a) release the Dog to its Owner, after the Tribal Administrator is satisfied that the release of the Dog will not pose a risk to the health and safety of Ermineskin residents;
- (b) take steps to rehabilitate and/or rehome the Dog; or
- (c) humanely euthanize the Dog;

provided that if the Tribal Administrator decides to humanely euthanize the Dog, he or she shall provide the Owner with not less than ten (10) days' written notice of a hearing by the Court pursuant to the *Dangerous Dogs Act*, R.S.A. 2000 Chapter D-3 for an order declaring the Dog to be a Dangerous Dog or directing the Dog to be destroyed, or both.

14.09 Where the Dog has been captured and impounded, Tribal Administrator shall make a decision about whether or not to pursue an order in accordance with Section 14.07 within ten (10) days of the Dog being captured and impounded and shall notify the Pound and the Owner of the decision in writing.

14.10 Tribal Administrator's decision to pursue an order in accordance Section 14.07 may not be appealed.

14.11 Notice given pursuant to Section 14.07 shall be deemed served upon actual personal service of the notice on the Owner or five (5) days from the date of mailing the notice to the Owner via regular mail to the Owner's last known postal address.

14.12 Nothing contained within this Law shall prevent Ermineskin from making application to the Court for an order to destroy a Dog at any time in accordance with the *Dangerous Dogs Act*, R.S.A. 2000 Chapter D-3 or taking such other steps with respect to the seizure, impoundment, control or destruction of a Dog as may be available to Ermineskin at law.

14.13 If a Dangerous Dog is captured or impounded and an Owner in respect of the Dog has not been identified after following the procedure in Section 28.06, Tribal Administrator may pursue an order under Section 14.08 without notice.

15. DANGEROUS DOG INSURANCE

15.01 Within ten (10) days of a Dog being declared a Dangerous Dog, the Owner of a Dangerous Dog shall have liability insurance specifically covering any damages for personal injury caused by the Dangerous Dog in an amount not less than \$1,000,000.00 dollars.

15.02 A copy of the insurance required in Section 15.01 is required to be provided to Ermineskin annually when the Dangerous Dog License is obtained or renewed.

15.03 The Owner of a Dangerous Dog will notify Ermineskin immediately if for any reason the required insurance is cancelled.

16. DANGEROUS DOG IDENTIFICATION

16.01 Within ten (10) days of a Dog being declared a Dangerous Dog, the Tribal Administrator may require that the Dangerous Dog:

- (a) receive Permanent Identification; and/or
- (b) be Spayed or Neutered.

17. DANGEROUS DOG OFF OWNER'S PROPERTY

17.01 The Owner of a Dangerous Dog shall, at all times when the Dog is off the Owner's Property, ensure that the Dog is:

- (a) Under Control;
- (b) wearing a tag identifying the Dog as a Dangerous Dog, and a Muzzle; and
- (c) held on a Leash not exceeding one meter in length.

17.02 Dangerous Dogs are not allowed in Off Leash areas, school yards, parks or at public events.

17.03 The Owner of a Dangerous Dog is guilty of an offence if, whether on or off the Owner's Property, the Dangerous Dog exhibits Threatening Behavior.

17.04 Section 17.03 does not apply to a Dangerous Dog exhibiting Threatening Behavior when the Dog is physically unable to reach the target of the Threatening Behavior because the Dog is safely confined within a building, Motor Vehicle, or Secure Enclosure.

17.05 The Owner of a Dangerous Dog shall notify the Animal Control Officer immediately if the Dog is At Large and shall take all reasonable steps to locate the Dog and bring the Dog Under Control.

17.06 If a Dangerous Dog is located off of the Owner's Property and poses an immediate threat to the health and safety of a human or a Domestic Animal, the Tribal Administrator or the Animal Control Officer may terminate the Dog in a safe, humane manner.

18. DANGEROUS DOG ON OWNER'S PROPERTY

18.01 The Owner of a Dangerous Dog shall, at all times when the Dog is on the Owner's Property, ensure that the Dog is either secured:

- (a) indoors; or
- (b) in a Secure Enclosure.

18.02 Within ten (10) days of a Dog being declared a Dangerous Dog by the Tribal Administrator, the Owner of the Dog is required to display a clear and visible sign stating: **WARNING! DANGEROUS DOG**, to the satisfaction of Tribal Administrator, at each entrance to the Owner's Property and to the Secure Enclosure.

19. RECLASSIFICATION OF A DANGEROUS DOG

- 19.01 An Owner may apply to Tribal Administrator for a revocation of a Dangerous Dog designation made under this Law if the Owner of the Dangerous Dog has not been convicted of any offences under this Law for a continuous period of not less than three (3) years.
- 19.02 Tribal Administrator shall issue a written decision on the application, including the reasons for the decision, within thirty (30) days of receipt of the application under Section 19.01.
- 19.03 Within fourteen (14) days of receipt of Tribal Administrator's decision under Section 19.02, the Owner may file a written notice of appeal of Tribal Administrator's decision to Council setting out the reasons for the appeal.
- 19.04 Upon receipt of a written notice of appeal pursuant to Section 19.03, Council shall forward a copy of the notice of appeal to the Appeal Committee. The Appeal Committee shall hold a hearing within thirty (30) days of receipt of a written appeal filed in accordance with Section 19.03. After reviewing the appeal and hearing evidence at the appeal hearing from the Owner, Animal Control Officer, Tribal Administrator and anyone else having relevant information, Appeal Committee may confirm, vary, substitute or cancel Tribal Administrator's decision. Appeal Committee shall issue its decision in writing, firstly, to Council within fourteen (14) days of the hearing being closed and, secondly, to the Owner within twenty-four (24) hours following the delivery of notice to Council. Until such time as the Appeal Committee hears and upholds the appeal, the Dog must be treated in accordance with the Dangerous Dog provisions under this Law.
- 19.05 Where Appeal Committee dismisses the appeal, the Owner shall not make another application to revoke the Dangerous Dog designation for a period of not less than one (1) year from the date of Appeal Committee's decision.

PART V - OTHER REGULATIONS

20. LIMIT ON DOGS

- 20.01 A Person, or two or more Persons residing at the same Premises, shall not keep or have more than three (3) Dogs, including any Dangerous Dogs and In Tact Dogs, on any Premises within Ermineskin Reserve, unless otherwise authorized in writing by the Tribal Administrator, provided that if an Owner has more than three (3) Dogs, including Dangerous Dogs and In Tact Dogs, as of the date on which this Law comes into force, he or she shall:
- (a) be entitled to keep the Dogs, but shall not acquire any more Dogs unless authorized in writing by the Tribal Administrator;
 - (b) at all times adhere to the Dangerous Dog provisions set out in this Law.
- 20.02 Subject to section 20.01, no Person shall keep or have more than:
- (a) one (1) Dangerous Dog; or
 - (b) one (1) In Tact Dog

on any Premises within Ermineskin Reserve.

20.03 This Section 20 does not apply to:

- (a) a legally established Kennel or Animal Control Facility which has obtained and maintains all necessary licenses, permits and authorizations pursuant to Ermineskin Laws; or
- (b) dog litters where the puppies are under three (3) months of age.

21. STRAY DOG

21.01 A Person who takes control of any Stray Dog shall forthwith notify the Animal Control Officer and provide any information required by the Tribal Administrator.

22. FALSE INFORMATION

22.01 No Person shall provide false or misleading information to Ermineskin, Council, the Animal Control Officer, the Tribal Administrator or the Pound Keeper.

22.02 No Person shall contravene any term or condition contained in a written agreement entered into by that Person with Ermineskin pursuant to this Law.

23. TEASE, TORMENT, PROVOKE OR PUNISHMENT OF A DOG

23.01 No Person shall tease, torment or intentionally provoke a Dog.

23.02 No Person shall punish or abuse a Dog in a manner that is cruel, unnecessary or that is likely to cause the Dog negative psychological consequences.

24. EXEMPTION FOR POLICE SERVICE DOGS

24.01 This Law does not apply to an Animal Control Officer's Dog while the Dog is in active service.

25. CONFINING DOGS WITH COMMUNICABLE DISEASES

25.01 A Person who keeps a Dog, and who knows or suspects that that Dog has bitten a Person, or that that Dog has a Communicable Disease, must:

- (a) promptly report the Dog to the Animal Control Officer and to a Registered Veterinarian;
- (b) keep the Dog in Controlled Confinement, during the period such Person knows or suspects that the Dog has a Communicable Disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law; and
- (c) follow the direction of such Registered Veterinarian and any government officials who have authority to issue any related orders or directions, including directions to humanely terminate the Dog.

25.02 Upon receipt of a report referred to in Subsection 25.01(a), the Animal Control Officer shall immediately notify regional health authorities of the report.

26. GIVING BASIC CARE TO DOGS

26.01 An Owner of a Dog must ensure:

- (a) that the Dog receives food, water, shelter, proper veterinary care and exercise sufficient to maintain the Dog in good health; and
- (b) that the area of the Owner's Property where the Dog is kept is at all times maintained in a clean, sanitary and inoffensive condition.

26.02 An Owner of a Dog must not leave a Dog Tethered unsupervised on the Owner's Property or on public property.

26.03 A Tethered dog must:

- (a) have unrestricted movement within the range of the Tether used to tie up the Dog;
- (b) not be able to injure itself as a result of the Tethering;
- (c) be Tethered in such a manner so that the Tether does not permit the Dog to go beyond the limits of the Owner's Property;
- (d) not be Tethered continuously; and
- (e) be Tethered to a Tether that is an appropriate length for the size of the Dog;

provided that an Owner shall under no circumstances tie up a Dog where a metal collar forms part of the Tether.

26.04 An Owner of a Dog must not Abandon the Dog.

26.05 The Animal Protection Act, including the authority of humane societies thereunder, shall apply to Ermineskin Reserve for the purposes of ensuring the protection of Dogs, provided that any Person purporting to exercise its authority pursuant to the Animal Protection Act on Ermineskin Reserve shall notify the Animal Control Officer prior to attending at the Reserve.

27. PROHIBITED ANIMALS

27.01 No Owner shall own or possess any of the following Animals within Ermineskin Reserve (collectively, "**Prohibited Animals**");

- (a) any exotic Animal which shall include, without limiting the generality of the foregoing:
 - (i) alien; (ii) non-indigenous; or (iii) non-native species not customarily confined or owned by Persons in the Province of Alberta;
- (b) any species listed as endangered or threatened on Environment Canada's Convention on International Trade in Endangered Species (CITES); and
- (c) any other Animal as deemed inappropriate by Tribal Administrator.

28. AUTHORITY OF AN ANIMAL CONTROL OFFICER

28.01 An Animal Control Officer is authorized to capture, impound and deliver to the Animal Control Facility, any Dog or Prohibited Animal which:

- (a) is found to be At Large,
- (b) is Abandoned,
- (c) has caused or is believed by the Animal Control Officer upon reasonable grounds to have caused a Serious Injury to or the death of a human or a Domestic Animal; or
- (d) is owned by a Person whom the Animal Control Officer has, upon reasonable grounds, determined to be in contravention of this Law, including for greater certainty a Person who has contravened the obligations set forth in Section 27 herein;

and the Animal Control Officer is further authorized to take reasonable measures as necessary to subdue and control the Dog or Prohibited Animal without injuring or causing undue distress to the Dog or Prohibited Animal in the process of capturing and impounding the Dog or Prohibited Animal including but not limited to the use of tranquilizer equipment and other capture devices.

- 28.02 If any captured or impounded Dog or Prohibited Animal is injured or in distress, the Animal Control Officer shall take the Dog or Prohibited Animal to a Registered Veterinarian for immediate treatment prior to delivering the Dog or Prohibited Animal to the Animal Control Facility.
- 28.03 Subsequent to capture and subject to Section 28.02, the Animal Control Officer shall deliver a Dog or Prohibited Animal to the appropriate Pound facility to receive necessary care, food, water, shelter and veterinary care.
- 28.04 Where a Dog or Prohibited Animal is captured and impounded, the Animal Control Officer shall take reasonable steps to locate the Owner of the Dog or Prohibited Animal.
- 28.05 Where the Owner can be located, the Animal Control Officer shall, within twenty four (24) hours of ascertaining the name of the Owner, contact the Owner and notify him or her that the Dog or Prohibited Animal has been impounded.
- 28.06 Where the Owner cannot be located, the Animal Control Officer shall, within twenty four (24) hours of the date upon which the Dog or Prohibited Animal has been impounded, post written notices describing the Dog or Prohibited Animal at the Ermineskin offices and/or website for not less than five (5) days.
- 28.07 No Person shall interfere with an Animal Control Officer in the exercise of his or her powers and duties pursuant to this Law.
- 28.08 No Person, whether or not he/she is the Owner of a Prohibited Animal or Dog which is being or has been pursued or captured, shall:
- (a) induce the Prohibited Animal or Dog to enter a house, building or other place where the Prohibited Animal or Dog may be safe from capture;
 - (b) falsely represent him/herself as being in charge or control of a Prohibited Animal or Dog so as to establish that the Prohibited Animal or Dog is not At Large; or
 - (c) unlock or unlatch or otherwise open a Motor Vehicle in which the Prohibited Animal or Dog is kept for impoundment so as to allow or attempt to allow any Prohibited Animal or Dog to escape therefrom.
- 28.09 In carrying out his/her duties under this Law, the Animal Control Officer shall be permitted to delegate the performance of the duties contemplated in this Section as deemed necessary in the discretion of the Animal Control Officer.

29. IMPOUNDMENT OF DOGS AND PROHIBITED ANIMALS

- 29.01 The Facility Supervisor may only adopt out, re-home or humanely euthanize an impounded Dog or Prohibited Animal after the longer of the following applicable time periods have expired:

- (a) after a Dog or Prohibited Animal is retained in the Animal Control Facility for a minimum of:
 - (i) five (5) days, not including weekends, holidays or days that the Animal Control Facility is closed, after the Owner has received notice that the Dog or Prohibited Animal has been impounded, when the name and address of the Owner are known; or
 - (ii) five (5) days, not including weekends, holidays or days that the Animal Control Facility is closed, if the name and address of the Owner are not known, such period to commence five (5) days from the date upon which the notices were posted under Section 28.06;
 - (b) ten (10) days in the case of a Dog or Prohibited Animal which has caused a Serious Injury and is seized under Section 14.07;
 - (c) where the Animal Control Officer decides to make an application under Section 14.08, the period of time set by a Court order for the retention or destruction of the Dog or Prohibited Animal; or
 - (d) after such further period of time as agreed by the Owner of the Dog and the Animal Control Officer.
- 29.02 Despite Section 29.01, the Facility Supervisor may retain a Dog or Prohibited Animal for a longer period than outlined in Section 29.01 if in his/her opinion the circumstances warrant doing so to secure the health and safety of Ermineskin residents.
- 29.03 Subject to any Court order and the operation of Part IV and Sections 29.02 and 29.04 of this Law, at any time prior to the holding period set out in Paragraph 29.01(a) the Dog or Prohibited Animal may be reclaimed by the Owner upon payment to the Animal Control Facility of:
- (a) the appropriate impoundment fee and care and sustenance fee, as set out in Schedule "B";
 - (b) the appropriate License fee as set out in Schedule "A", if the Dog or Prohibited Animal is not Licensed; and
 - (c) the cost of any veterinary expenses for treatments provided to the Dog or Prohibited Animal pursuant to this Law.
- 29.04 Any Person seeking to reclaim a Dog or Prohibited Animal must provide the Pound with sufficient proof of ownership of the Dog or Prohibited Animal.
- 29.05 Any Person seeking to reclaim a Prohibited Animal must:
- (a) contact Tribal Administrator and provide evidence satisfactory to Tribal Administrator that the Prohibited Animal will be permanently removed from Ermineskin Reserve jurisdiction immediately upon the Owner reclaiming the Prohibited Animal from the Pound;
 - (b) obtain Tribal Administrator's written approval to reclaim the Prohibited Animal; and
 - (c) provide a copy of Tribal Administrator's written approval to the Pound Keeper.
- 29.06 The Facility Supervisor may gift, sell or humanely euthanize any unclaimed Dogs or Prohibited Animals, which have been in the Animal Control Facility for longer than the period of time specified in this Law.
- 29.07 The purchaser of a Dog or Prohibited Animal from the Animal Control Facility shall obtain full right and title to the Dog or Prohibited Animal, and the right and title of the former Owner to the Dog or Prohibited Animal shall cease.

- 29.08 Notwithstanding anything in this Law, nothing shall prevent a Dog or Prohibited Animal from being humanely euthanized at any time due to physical illness or injury upon the recommendation of a Registered Veterinarian.
- 29.09 Where a Dog or Prohibited Animal is euthanized, the Owner shall be responsible for the cost of such destruction procedure, the cost of any veterinary expenses for treatments provided to the Dog or Prohibited Animal, the impoundment fees and care and sustenance fees, as set out in Schedule "B".

PART VI - ADMINISTRATION AND ENFORCEMENT

30. TRIBAL ADMINISTRATOR

- 30.01 Tribal Administrator or his/her designate is responsible for the administration of this Law.
- 30.02 Without restricting any other power, duty or function granted by this Law, Tribal Administrator may:
- (a) carry out or direct whatever inspections are reasonably required to determine compliance with this Law;
 - (b) delegate any of his/her powers and authorities under this Law to any Ermineskin employee, contractor, or any organization as he/she deems appropriate, provided that the Tribal Administrator shall at all times remain accountable to ensure that the power and authorities under this Law are carried out properly;
 - (c) establish forms for the purposes of this Law;
 - (d) establish Off Leash Areas;
 - (e) establish areas where Dogs are prohibited; and
 - (f) waive the License fee otherwise payable for a Dog that is a Service Dog.
- 30.03 The Tribal Administrator shall establish and maintain a centralized register for recording and monitoring Licenses issued under this Law.

31. OFFENCE

- 31.01 Any Person who contravenes any provision of this Law is guilty of an offence.

32. GENERAL PENALTY PROVISIONS

- 32.01 A Person who contravenes any provision of this Law is guilty of an offence and liable on summary conviction to a fine of not more than One Thousand (\$1,000.00) Dollars or to imprisonment for a term of not more than thirty (30) days, or both.
- 32.02 Each time an offence occurs, or where an offence is of a continuing nature, each day or part of a day on which continues, constitutes a separate offence.
- 32.03 The levying and payment of any fine pursuant to this Law shall not relieve a Person from the necessity of paying any fees, charges or costs for which the Person is liable under the provisions of this Law.

- 32.04 Where a Person is in default of payment of a fine or any other fees, charges or costs under this Law, Ermineskin may, in its sole discretion as it deems appropriate, withhold an amount payable by it to such Person from time to time not to exceed the amount of the unpaid fine, fee, charge or cost, and shall apply such amount to the unpaid fine, fee, charge or cost, as the case may be.
- 32.05 Where a person is unable to pay the full amount of the fine, fee, charge or costs then alternative means of payment can be negotiated such as a fine option.

PART VII - GENERAL

33. MISCELLANEOUS

- 33.01 Nothing in this Law relieves a Person from complying with any applicable law, regulation, other Law or any requirements of any lawful permit, order, consent or other direction.
- 33.02 Where this Law refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 33.03 Every provision of this Law is independent of all other provisions, if any provision of this Law is declared invalid for any reason by a Court, all other provisions of this Law shall remain valid and enforceable.
- 33.04 It is the intention of Council that all offences created by this Law be interpreted to be strict liability offences.
- 33.05 Words and phrases in this Law importing the singular number only shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender and neuter.

34. OTHER FEES

- 34.01 The following fees are hereby established:
- (a) for shelter, feeding and care of any Dog or Prohibited Animal while impounded, the amounts set out in Schedule "B";
 - (b) for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
 - (c) for the humane destruction of any Dog or Prohibited Animal, the actual costs of the euthanasia procedure.

35. PROOF OF LICENSE

- 35.01 The onus of proving a Person has a valid and subsisting License is on the Person alleging existence of the License on a balance of probabilities.

36. PROOF OF AGE

- 36.01 The onus of proving the age of a Dog is on the Person alleging the age of the Dog, on a balance of probabilities.

37. CIVIL ACTION NOT AFFECTED

37.01 Nothing in this Law limits the right of any Person to prosecute a claim for damages by reason of injuries to Person or property resulting from any action of the Owner of any Animal, or from the action of any agent of the Owner.

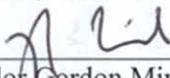
38. EFFECTIVE DATE

38.01 This Law comes into force on the date of publication in accordance with subsection 86(4) of the *Indian Act*.

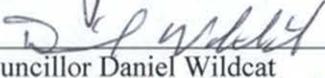
This Law is hereby passed at a duly convened meeting of the Council of the Ermineskin Cree Nation this 18 day of May, 2016.



Chief Randy Ermineskin



Councillor Gordon Minde



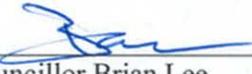
Councillor Daniel Wildcat



Councillor Nina Makinaw



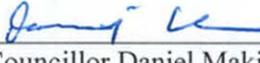
Councillor S. Collin Wildcat



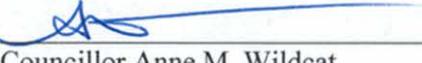
Councillor Brian Lee



Councillor Dennis Whitebear



Councillor Daniel Makinaw



Councillor Anne M. Wildcat

SCHEDULE "A" – DOG LICENSE FEES

Male or Female Dog	
(a) Intact	\$0
(b) Spayed or neutered	\$0
Dangerous Dog	\$100
Replacement License Tag	\$5

SCHEDULE "B" - FEES

A. Dog

Amount to be paid to Ermineskin Nation by the Owner of a Dog in respect of the impoundment of said Dog at the Animal Control Facility

1. Impound Fees:
 - (a) Dog that is not a Dangerous Dog \$___ per day
 - (b) Dangerous Dog \$___ per day

2. Care and Sustenance Fees (calculated per day or portion thereof, commencing at midnight on the day of impoundment). \$___ per day

3. Veterinary Expenses and Destruction Expenses Amount Expended

B. Prohibited Animal

Amounts to be paid to Ermineskin Cree Nation by the Owner of a Prohibited Animal in respect of the impoundment of said Prohibited Animal at the Pound will be the actual amounts incurred by the Pound in providing care to the Prohibited Animal including but not limited to impound fee calculated on a per day or portion thereof basis, food, veterinary expenses, and any expenses in destroying the Prohibited Animal.

SCHEDULE "C" - NOTICE OF IMPOUNDMENT

[Date]

[Owner Name and Address]

You are hereby notified that **[Insert type of Dog and, if applicable, the License Tag number]** was impounded by Ermineskin on the ____ day of _____, 20__.

Unless the Dog is claimed and all impoundment fees and expenses are fully paid on or before the ____ day of _____, 20__, the Dog will be gifted, sold or destroyed in accordance with Ermineskin Cree Nation Law No. _____.

You may claim the Dog at Ermineskin Pound located at _____.

Phone Number: (780)_____.

[or, for a Prohibited Animal]

[Date]

[Owner Name and Address]

You are hereby notified that **[Insert type of Prohibited Animal]** was impounded by Ermineskin on the ____ day of _____, 20__.

Unless you make arrangements to permanently move the Prohibited Animal outside of Ermineskin Reserve limits satisfactory to the Tribal Administrator and fully pay all impoundment fees and expenses on or before the __ day of _____, 20__, the Prohibited Animal will be gifted, sold or destroyed in accordance with Ermineskin Cree Nation Law No. _____.

You may contact the Tribal Administrator by phoning him/her at (780):_____.