

Naicatchewenin First Nation Animal Control By-Law

By-law No. 1998-001

Being a By-Law Respecting the Care and Control of Animals on the Naicatchewenin First Nation.

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

AND WHEREAS the Council of the Naicatchewenin First Nation is of the opinion that the uncontrolled ownership, breeding and 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 Naicatchewenin First Nation enacts this Animal Control By-Law, Number 1998-001, as follows:

1. INTERPRETATION

In this by-law:

"animal" means a dog, a cat, or any other domestic animal;

"animal control officer" means an animal control officer, appointed pursuant to section 3, or any by-law enforcement officer, including a police officer or a person employed by the band council for the purpose of enforcing the provisions of this by-law.

"at large" or **"running at large"** means off the premises of the owner and not muzzled or under the control of any person;

"band or First Nation" means the Naicatchewenin First Nation as defined by Section 2 of the *Indian Act*;

"cat" means any cat, male or female;

"confinement period" shall mean the period of time a dog is impounded until the animal control officer has certified the dog to be or not to be a villainous dog, or the dog has been ordered to be released or destroyed by Chief and Council, or the dog has been released with the consent of the animal control officer to the owner or to another person.

"council" means the Council of Naicatchewenin First Nation, as defined in the *Indian Act*;

"dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;

"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 on.

"muzzle" means a humane fastening or covering device, of adequate strength, for the mouth of a dog to prevent biting.

"owner" of an animal includes a person who possesses or harbors an animal, and the terms "owns" and "owned" have a corresponding meaning;

"reserve" means the Naicatchewenin Indian Reserve No. 17 A and B.

"restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner or the dog.

"villainous dog" includes;

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- (b) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;
- (c) any dog which has been the cause of prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning that specific dog;
- X (d) a dog which has bitten, threatened or has attacked a person or domestic animal without provocation.

2. **WOC** **APPLICATION**

This by-law to all owners of domestic animals residing on or visiting on the Naicatchewenin Reserve No. 17 A and B.

3. **ANIMAL CONTROL OFFICER**

1. The Council may appoint, by band council resolution, an animal control officer or First Nation Police to provide for the administration and enforcement of the by-law and more specifically to receive registrations and to issue identification tags under this by-law.
2. The Council may, in the band council resolution provide for reasonable remuneration to be paid to the animal control officer.

4. **REGISTRATION AND IDENTIFICATIONS OF ANIMALS**

Every person keeping one or more dogs, or other animals on the reserve shall register and have an identification tag placed around the neck of each animal.

1. The application for registration and identification tags shall be filed with the animal control officer and it will include:
 - a) the applicants name;
 - b) the applicant's address or lot number;
 - c) a description of the dog or other animals sought to be registered, including age, sex, name and breed if know;
 - d) the number of animals in the household;

e) a record that the animal is immunized against rabies, noting the date of such immunization, the name of the vaccine and its batch number; and
 f) any other information deemed by the animal control officer to be necessary for the administration of the by-law.

2. The charge for registration and identification tags shall be \$25.00 dollars per year.
3. The animal control officer shall issue the license tag upon registration and payment of the annual fee and, if necessary, the proof that the animal has been immunized against rabies.
4. The license tag shall be securely attached to the collar or harness of the animal at all times.
5. The registration and identification tag will be valid for one full year from the date of issuance.

5. IMMUNIZATION OF ANIMALS

1. All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
2. The owner of any animal exposed to rabies shall, on demand by the band council, surrender such animal to the band council to be held by the animal control officer is quarantined for a period of 14 days and such animal shall not be released from such quarantine without written permission by the band council.
3. Upon demand of the band council, the owner of any animals shall forthwith surrender to the animal control officer or First Nation Police any animal which has bitten any person or which has been exposed to rabies to be held in quarantine.
4. Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer or First Nation Police at the owners' expense.
5. Households acquiring female dogs must have the animal spayed, unless authorized by Chief and Council for breeding purposes.

6. LIMITATION ON ANIMALS PER DWELLING

1. No more than two (2) dogs shall be kept, harbored or possessed in any dwelling;
2. The provisions of subsection (6) (1) shall not apply to dog or cat litters, whereby the pups of kittens are under four (4) months of age.

7. GENERAL PROHIBITIONS

1. Subject to subsection (6) (2) every owner of a dog shall keep the dog safely tethered or penned up at all times.
2. A dog not be tethered or penned up as provided in subsection (7) (1) if the dog:
 - (a) is held on a leash by a person capable of restraining the dog's movements;
 - (b) is being used by a person for the purpose of hunting; or
 - (c) is being used by a visually impaired person as a guide dog.

3. No owner shall allow a female animal in heat to remain in any public place unless the animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
4. The owner of an animal who fails to take all necessary measures to ensure that any such dog is under the control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
5. The owner of a dog 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.
6. The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property.
7. No owner shall allow their dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.
8. No person shall punish or abuse a dog in a manner which is cruel or unnecessary.
9. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.

8. PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

1. The council may at any time prohibit the keeping of animals within any area of the reserve.
2. *new* Notice of any prohibition made by Council pursuant to subsection (8) (1) shall be posted in the Band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.
3. No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorization to that effect from the band council, by way of band council resolution.

9. VILLAINOUS DOGS

1. Anyone owning a villainous dog or aggressive dog must post clearly visible sign notifying the public.
2. *new* At all times, a villainous dog must be muzzled and kept on a leash whenever it is off the premises of the owner.
3. On Private Property, a villainous dog shall be kept on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry of children.

10. PENALTY

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 exceeding \$1,000.00 or imprisonment not exceeding 30 days or both;

new 2.

11. IMPOUNDING AND SEIZURE

1. No owner shall permit a dog to be at large on the reserve;
- new* 2. Any unclaimed or untagged dog shall be destroyed immediately.
3. An animal control officer or First Nation Police may seize a dog from any person who he/she has reasonable cause to believe is violating or has violated or is about to violate any of the provision of this by-law.
4. If an animal is apprehended because it has inflicted an unprovoked attack upon an animal or human person, the animal control officer or First Nation Police shall impound the animal for such period of time as specified by a veterinary surgeon.
5. An animal control officer or First Nation Police who has seized a dog shall release the dog to its owner where:
 - (a) the owner claims possession of the dog within two(2) days after the date of seizure, and;
 - (b) the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog. (As set by the animal control officer)
 - (c) the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.
6. The animal control officer shall seek veterinary attention for an animal found to be diseased, whereby the owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the owner of the animal.
7. Whereby, a dog is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals, the animal control officer shall destroy the dog as soon as after the seizure as the officer thinks fit without permitting any person to reclaim the animals and no damage or compensation may be recovered on account of such action.
8. The animal control officer or First Nation Police shall forthwith make every reasonable effort to notify the owner of an animal which has been impounded.
9. A written report of each such incident, as described in this section, shall be filed with the band council by the animal control officer or First Nation Police.

12. ANIMALS DESTROYED IF UNABLE TO SEIZE

1. Where the animal control officer or First Nation Police, after reasonable effort; is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog.
2. No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer.

13. PROTECTION FROM VILLAINOUS DOGS

1. Any person may kill a villainous dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying;
 - (a) a person;
 - (b) another dog that is tethered;
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.

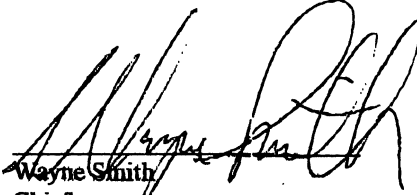
2. A person, animal control officer or First Nation Police who must kill a villainous dog, pursuant to section (13) (1), shall immediately report the incident to the Band Council or animal control officer and notify the dog's owner.


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 (13) (1).

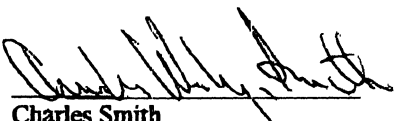
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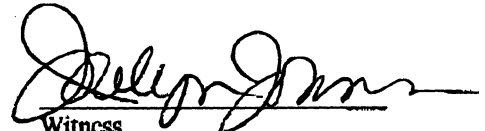
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I, Wayne Smith Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Thunder Bay, Ont. Office of the department pursuant to subsection 82 (1) of the *Indian Act*, this 28 day of October 1998.


 Wayne Smith
 Chief


 Randy Councillor
 Councillor


 Charles Smith
 Councillor


 Witness