

NIPISSING FIRST NATION ANIMAL CONTROL BY-LAW
By-law No. IA-2006-01-001
Being a By-Law respecting the Care and Control of Animals
On the Nipissing First Nation

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 of the residents on the reserve, the prevention of nuisance, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of 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 Nipissing 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;

AND WHEREAS it is deemed to be expedient to establish a method of impounding and detaining dogs running at large and restricting certain breeds of dogs from being on the Nipissing First Nation for the benefit and safety of the residents on the reserve;

AND WHEREAS the Council of Nipissing First Nation did enact By-law No. 6-73 on the 24th day of October 1973, and wishes to repeal the said By-law No.6-73 and replace it with this by-law.

AND WHEREAS the Council of Nipissing First Nation did enact By-Law No. 1/97 on January 21, 1997 and wishes to repeal the said By-law No. 1/97 and replace it with this by-law;

NOW BE IT HEREBY RESOLVED that By-Law No. 1/97 enacted on January 21, 1997, pursuant to Section 81 paragraphs (a), (d), (e), (q) and (r) of the *Indian Act*; and By-law No. 6-73 Being a By-Law Regulating trespass and nuisances of domestic animals at Jocko Point Subdivision and all amendments thereto, are hereby repealed and replaced with the following:

Short Title

1. This by-law may be cited as the “Nipissing First Nation Animal Control By-Law”.

Interpretation

2. In this by-law

“*Animal*” means a dog, a cat, or any other domestic animal;

“*Animal Control Officer*” includes any employee of the Nipissing First Nation Band so appointed pursuant to section 4, or an employee, person, company or association who has entered into a contract with the Nipissing First Nation to

control dogs, cats, or any other domestic animal and any servants or agents of such employee, person, company or association.

“animal register” means the register kept by the Animal Control Officer or someone appointed by Council for the purpose of the registration of all dogs, cats or other domesticated animals on Nipissing First Nation;

“Akita” means a dog of any age that can be identified as such a breed or mixed breed by an Animal Control Officer;

“at large” or *“running at large”* shall mean any Animal found in any place other than the property of the Owner and not under the immediate, continuous, and effective control of any person;

“Band” means the Nipissing First Nation, as defined by section 2 of the Indian Act;

“Council” means the Chief and Council of Nipissing First Nation;

“cat” means any male or female domesticated cat;

“dangerous dog” or *“vicious dog”* includes:

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a vicious or dangerous dog;
- (c) 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;
- (d) any dog which has bitten another animal or human without provocation;

“Doberman Pinscher” means a dog of any age that can be identified as such a breed or mixed breed by an Animal Control Officer;

“Dog” means any male or female dog over the age of 16 weeks and includes an animal that is a cross between a dog and a wolf;

“Domestic animal” means any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram sheep, sow, stallion, rabbit, ferret, or all types of fowl but is not restricted to such;

“Health Department” or *“Medical Officer of Health”* means the authority designated by Council;

“Household pet” means any cat, dog, rabbit, ferret or any other animals normally kept or intended to be kept as household pets;

“Licence Issuer” means the person or persons authorized by Council to issue dog Licences and to collect the required fees;

“Muzzle” or *“muzzled”* means to secure a dogs mouth in such a fashion that it cannot bite anything;

“Non Domestic Animal” means any domestic cattle, swines, goats, swans, horses, sheep, mink, foxes, ducks, or geese.

“Owner” means any Owner of a dog, a cat, or any other domestic animal, including a person, partnership, association or corporation that owns, possesses, harbours or has control, care or custody over a dog and where the Owner is a “minor” the person responsible for the custody of the minor;

“Pit Bull” means a dog of any age that can be identified as a dog of one or more of the following breeds or mixed breeds by an Animal Control Officer, namely:

- (a) Pit Bull Terrier
- (b) American Pit Bull Terrier
- (c) Pit Bull
- (d) Staffordshire Bull Terrier
- (e) Bullmastiff

“Reserve” means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Nipissing First Nation and known as Nipissing Indian Reserve No.10;

“Restricted dog” means any of the breeds of dogs identified as a Pit Bull, Rottweiler, Akita, or Doberman Pinscher;

“Service animal” means a guide dog or other trained service animal identifiable by a harness, used principally to assist persons with visual, hearing or other impediment or law enforcement personnel.

Application

3. This By-law applies to all Owners of Animals residing or visiting on Nipissing First Nation.

Appointment

4. (1) The Council may appoint, by a resolution, an Animal Control Officer and/or a Licence Issuer to provide for the administration and enforcement of this by-law and more specifically to receive registration and to issue identification tags under this by-law.
 - (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the Animal Control Officer for the performance of their duties.

Registration and Licensing

5. (1) No person shall own, harbour or possess a non domestic animal, domestic animal or a household pet on the Reserve without registering it with the Licence Issuer.
 - (2) The application for registration and identification tag shall be filed with the Licence Issuer and will include:
 - (a) the animal Owners name;
 - (b) the animal Owners address, *or* 911 number, *or* lot and concession number;
 - (c) a description of the animal sought to be registered, including age name, sex and breed,
 - (d) the number of animals in the household; maximum of two (2) of any animal per household – excluding farm animals;
 - (e) upon application for a tag the applicant shall produce a certificate of record that the animal has been inoculated with an anti-rabies vaccine within a period of 12 months of date of application for the tag, the certificate shall note the date of such immunization and the name of the person immunizing the animal;
 - (f) any other information deemed by the Licence Issuer to be necessary for the proper administration of the by-law.
 - (3) The fee for registration and identification shall be in accordance with Schedule “A” attached hereto.
 - (4) The registration and identification tag will be valid for one full year from the date of issuance.
 - (5) The Licence Issuer shall issue the identification tag upon registration; payment of the annual fee and, provision of a vaccination certificate.

- (6) Every Owner or person in control of, or in apparent control of, a registered dog shall keep the identification tag securely fixed on the animal at all times except while the dog is being used for hunting purposes in an unpopulated area.
- (7) The identification tag shall expire and become void upon sale, death or other means of disposal of the animal.
- (8) In the event an identification tag is lost, the Owner shall, upon satisfying the Licence Issuer of such loss, be entitled to receive a replacement identification tag upon payment of the fee prescribed in the Schedule "A" attached hereto.
- (9) No Owner of an animal shall use an identification tag issued to him or her for any other animal other than the animal for which the identification tag was issued.
- (10) The fees charged for a dog identification tag shall be in accordance with Schedule "A" attached hereto.
- (11) Any person who produces evidence to the Nipissing First Nation showing that the dog is required as a guide for assistance by a disabled person shall be exempt from paying the Licence fee.
- (12) For seasonal residents whose primary residence is in another municipality it is sufficient to provide proof of a valid animal license displayed from that municipality.

Non-Domestic Animals

6. No person shall keep any fowl, cattle, swines, goats, swans, horses, sheep, mink or foxes or other non-domestic animal without prior written approval of Council or other authorized person on behalf of Council.

Responsibility of the Owner

7. (1) No person shall permit or allow any animal of which he/she is the Owner to run at large on the reserve;
- (2) For the purpose of this by-law an animal will be deemed to be running at large if found in any other place other than the property of the Owner of the animal and not under the immediate, continuous, and effective control of any person.

- (3) For the purpose of this by-law, an animal shall be deemed not to be under the immediate, continuous, and effective control of any person when the animal is:
 - (a) not held on a leash of a maximum length of two (2) metres by a person capable of restraining the animal's movements;
 - (b) not on a leash which is securely affixed to some permanent structure from which the animal cannot escape.
- (4) No Owner shall permit an animal to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
- (5) No person shall allow or permit an animal under their control to trespass on private property, whether on a leash or not, unless permission is first obtained from the property owner.
- (6) The Owner of any animal shall be responsible for the fencing in of their own animal(s) and prevent them from running at large.
- (7) The Owner of an animal that causes damage to any property including removable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.
- (8) Any person who owns, harbours, or possesses an animal shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private on the Reserve. In any prosecution pursuant to a violation of this section of this by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defence to the prosecution.
- (9) An animal, except an unregistered animal, shall not be considered running at large and need not be on a leash if not a Dangerous dog and the animal is:
 - (a) being used by a person for the purpose of hunting if they are not loose within a populated area of the Reserve; or
 - (b) being used for a person to work in a lawful manner with sheep or cattle; or
 - (c) used by a visually impaired person as a guide dog or other service animal.
- (10) Where an Owner claims an animal from the Animal Control Officer before it is delivered to the Humane Society for impoundment, he/she shall:
 - (a) provide proof of Ownership of the animal; and
 - (b) pay for the identification tag and registration for the animal if not currently licenced.

Impoundment

8. (1) The Animal Control Officer may seize and deliver to the North Bay Humane Society for impoundment any animal found running at large.
- (2) An Animal Control Officer may seize and deliver to the North Bay Humane Society for impoundment any animal found running at large with an identification tag within the limits of the reserve or any animal without a identification tag contrary to the provisions of this by-law.
- (3) Where an animal is impounded, the Owner, shall be liable for all charges and fees related to its impoundment and shall pay all such charges and fees on demand to the North Bay Humane Society, whether or not the animal is claimed from the pound.
- (4) If, at the discretion of the Animal Control Officer, the services of a veterinarian are required for the animal, the Owner shall not be entitled to claim the animal unless the charges for such Veterinarian's services are paid, in addition to other charges provided for in respect of the impoundment.
- (5) At the discretion of the Animal Control Officer, if an animal is seriously injured or should be destroyed without delay for humane reasons, or for safety of persons, the animal may be destroyed forthwith and the costs for destruction and disposal of the animal shall be recovered from the Owner.
- (6) No attempt may be made to claim or purchase animals for the purpose of research, notwithstanding the provisions of the Animals for Research Act, R.S.O., 1990 and no animal shall be offered for sale for the purpose of research.
- (7) An Animal Control Officer shall, within twenty-four (24) hours from the impounding of any animal, make every reasonable effort to notify the Owner that the animal is impounded.

Immunization of Animals

9. (1) All animals on the reserve must be immunized in accordance with generally accepted veterinary standards unless otherwise directed by the Licence Issuer.
- (2) Section (1) does not apply to animals under (4) four months old.

Treatment of Animals

10. (1) No Owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or cause the animal to become a nuisance.
- (2) No person shall punish or abuse an animal in a manner that is cruel or unnecessary.

Prohibition of Animals Within Specific Areas

11. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve.

Rabies Quarantine

12. (1) The Owner of any animal that has been exposed to rabies shall report to the Animal Control Officer or Council and, on demand, surrender such animal to the Animal Control Officer to be delivered to the Humane Society to be held in quarantine for a period of at least ten (10) days and such animal shall not be released from such quarantine without written permission of the Health Department.
- (2) Upon demand of Council or the Animal Control Officer, 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 delivered to the Humane Society to be held in quarantine at the discretion of the Health Department.
- (3) Any animal found to be infected with rabies must be delivered to the Humane Society at the expense of the Owner.

Wild Animals

13. (1) No person shall keep, harbour or possess a wild animal on the reserve that may be dangerous to the health or safety of the residents without the express written consent of the Council by Band Council Resolution.

Exotic Pets

14. (1) The keeping of any animals of any kind listed in Schedule "B" of this By-law, anywhere on the Reserve is hereby prohibited.

- (2) This by-law does not apply to prohibit the keeping of an animal of a kind listed in schedule "B" of this by-law in the following places or circumstances:
 - (a) in a veterinary hospital under the care of a Licenced veterinarian;
 - (b) in a public pound; and
 - (c) by the Ontario Humane Society.

Vicious Dogs

15. (1) Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
- (2) At all times a vicious dog must be muzzled and kept on a leash two (2) metres or less in length whenever it is in a public place.
- (3) On public property, a vicious dog shall be kept on a leash or in a restricted area, which shall be constructed so as to prevent any escape by the dog and /or prevent the entry of children.

Seizure of Restricted Dogs

16. (1) Sections 16(1) to 16(5) inclusively, apply only to Restricted Dogs and where these sections conflict with other sections of this by-law these sections shall prevail.
- (2) Except for in section 16(5), an Animal Control Officer shall seize any Restricted Dog that is found on the reserve:
 - (a) without an identification tag issued in accordance with this by-law; or
 - (b) running at large on the reserve.
- (3) An Animal Control Officer who has seized a Restricted Dog shall restore possession to the Owner where:
 - (a) the Owner claims possession in person as set out in section 8(3) and
 - (b) the Owner undertakes to immediately remove the Restricted Dog from the reserve, or the Owner produces a valid dog tag for the Restricted Dog.
- (4) Notwithstanding 16(2), if after reasonable effort or should Public safety be a risk in the sole discretion of the Animal Control Officer, and he/she is unable to seize any Restricted Dog found on the reserve, the Restricted Dog may be destroyed in a manner the Animal Control Officer deems appropriate in the circumstances, and the costs incurred for the destruction and disposal of the animal are to be paid by the Owner.

- (5) Upon seizure under 16(2), the Animal Control Officer shall deliver the Restricted Dog to the North Bay Humane Society for impoundment :
- (a) if a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall seize and deliver to the North Bay Humane Society for impoundment, the Restricted Dog for such a period of time to be specified by a Veterinarian, and thereafter the North Bay Humane Society may handle the Dog in a manner he/she deems humane and appropriate in the circumstances with costs incurred by Nipissing First Nation for this service to be recovered from the Owner, and no one may recover any damages or compensation as a result of such action.
 - (b) where any Restricted Dog is to be found to be injured or diseased, the Animal Control Officer shall seek Veterinary attention for the Restricted Dog, in the case where the Owner has declined or neglected to do so, the Owner shall pay to Nipissing First Nation all costs associated with the provision of such Veterinary services, and
 - (c) where any Restricted Dog has been seriously injured and in the opinion of the Animal Control Officer, should be immediately destroyed, either for humane reasons or to protect the health or safety of the public, the Restricted Dog must be delivered to the Humane Society by the Animal Control Officer and the costs incurred for the destruction and disposal of the animal are to be paid by the Owner.

Protection From Vicious Animals

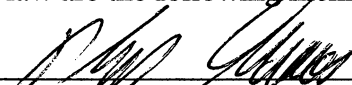
17. (1) A person or Animal Control Officer may kill, if necessary, a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, killing or destroying:
- (a) a person;
 - (b) another animal that is not running at large; or
 - (c) domestic livestock.
- (2) A person or Animal Control Officer who must kill a vicious animal, pursuant to section 17(1), shall immediately report the incident to the Animal Control Officer and notify the animal's Owner. All costs incurred for the destruction and disposal of the animal are to be paid by the Owner.
- (3) No damages or compensation may be recovered by the Owner as a result of killing an animal by a person or Animal Control Officer who is required to do so pursuant to section 17(1).

Penalties

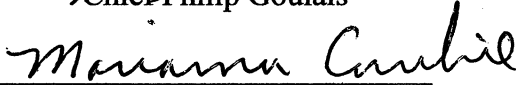
- 18. (1) Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days or to both fine and imprisonment.
- (2) A finding by a court that a provision of this By-law is void or invalid shall not affect the validity or invalidity of the rest of the By-law.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Nipissing First Nation this 27th day of June 2006.

Voting in favour of this by-law are the following members of the Council:



 Chief Philip Goulais



 Deputy Chief Marianna Couchie



 Councillor Scott McLeod



 Councillor Patricia Campeau



 Councillor Rick Stevens



 Councillor Doug Chevrier



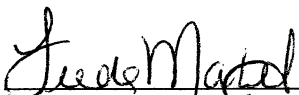
 Councillor Michael Restoule

being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five members.

Number of the Council present at the meeting: 7.

I, Philip Goulais, Chief of the Nipissing First Nation, do hereby certify that a copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District Office pursuant to subsection 82(1) of the Indian Act, this ~~28th~~ day of June, 2006



 (Witness)



 Chief Philip Goulais

Schedule "A" to By-law # 2005-01 Animal Control

FEE SCHEDULE

1. **Licence of Dog**
 - spayed/neutered & vaccinated within last 24 months
*** with certification by Veterinarian**
 - 2005.....\$20.00
 - not spayed/neutered & vaccinated within last 24 months
 - 2005.....\$30.00

2. **Replacement Identification Tags**.....\$5.00

3. **Licence of Service Animal**.....NIL

4. **Fees for strays:**
 - Picking up a stray dog or cat.....NIL

5. **Fees for Animal Control Officer to deliver animals in contravention of this by-law to the North Bay Humane Society for Impoundment:**
 - First offence.....\$30.00
 - Second offence.....\$40.00
 - Third offence.....\$75.00

***Once an animal is impounded the fees of the Humane Society are also applicable to the Owner.**

6. **Return of Licenced Animals to Owners without impounding (within Calendar year):**
 - First offence.....\$30.00
 - Second offence.....\$45.00
 - Third offence.....dog impounded

7. **Return of Unlicenced Animals to Owners without impounding (within Calendar year):**
 - First offence.....\$30.00 plus applicable licence fee
 - Second offence.....\$45.00 plus applicable licence fee
 - Third offence.....dog impounded

Schedule "B" to By-law # 2005-01 Animal Control

Alligator Snapping Turtles	Manatee
Antelopes	Margays
	Marine Toads
Baboons	Marine Turtles
Banana Spiders	Marmosets
Bird Spiders	Marsupials
Boas	Meerkats
	Mongoose
Camels	
Caracals	Ocelots
Cheetahs	Onagers
Chimpanzees	Orangutans
Civets	Owl-faced Monkeys
Coatimundi	Owl Monkeys
Coral Snakes	
Cougars	Penguins
Crocodiles	Poisonous Colurbird Snakes
	Poison-arrow Frogs
Elephants	Porpoise
	Pottos
Geckos	Pythons
Genets	
Gibbons	Rattle Snakes
Giant Centipedes	Rhesus Monkeys
Giant Millipedes	Rhinoceros Beetles
Giant Salamanders	Rhinoceros
Giant Tortoise	
Giraffes	Scorpions
Goliath Beetles	Sea Elephants
Gorillas	Sea Lions
	Seals
Hercules Beetles	Servals
Hippopotami	Spider Monkeys
	Squirrel Monkeys
Iguanas	Stag Beetles
Indago Snakes	Syrian Wild Asses
	Stonefish
Jackals	
Jaguars	Tarantulas
Jaguarundi	Tapirs
	Terrapins
Kinkajous	Tiger Cats
	Tigers
Lemurs	Toadfish
Leopard Cats	Turkeyfish (Lionfish)
Leopards	
Lionfish (Turkeyfish)	Vipers
Lions	Walrus
Llamas	Wildcats
	Whales
Macaques	Wooly Monkeys
Mandrills	
	Zebra