

NIPISSING BAND OF OJIBWAYS #10

BY-LAW NO. 1 - 84

BEING A BY-LAW TO REGULATE THE KEEPING AND CONTROL OF ANIMALS: THE LICENSING AND RESTRAINT; TAKING UP AND IMPOUNDMENT; DESTRUCTION OF DOGS IN CERTAIN INSTANCES AND OTHER MATTERS OF ANIMAL CONTROL WITHIN THE NIPISSING INDIAN RESERVE #10.

THE COUNCIL OF THE NIPISSING BAND OF OJIBWAYS #10; and,

1. For the purposes of this By-Law

- (a) "Reserve" means Nipissing Indian Reserve #10; and,

Lands surrendered for lease Jocko Point Subdivision, Surrender #2330 and order in Council 1962-668; and,

lands surrendered for lease Beaucauge Subdivision Surrender #48168, order in Council PC 1976-1506;
- (b) "Owner" means any person, group of persons, partnership, or corporation owning, keeping or harboring a domesticated canine or canines, or other animals. "Owns" or "owned" shall have a corresponding meaning.
- (c) "Kennel" means a place where dogs and other animals are kept, fed and sheltered.
- (d) "Veterinary Hospital" means any establishment, maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.
- (e) "Dog" means a male or female dog, singular or plural.
- (f) "Bitch" means the female of the domesticated canine species.
- (g) "Spayed female" means a bitch canine which has been operated upon for the removal of the ovaries and uterus by a licensed veterinarian to prevent conception.
- (h) "Animal" means a live animal not with human vertebrae.
- (i) "Animal Shelter" means any premises designated by the Humane Society for the purpose of impounding and caring for animals taken up by any officer appointed by the Band Council under the provisions of this By-Law or any employee of the Humane Society.
- (j) "Humane Society" means The Ontario Society for the prevention of cruelty to animals, a non-profit organization.
- (k) "Animal Control Officer" means the person or persons designated by the Band Council of the Nipissing Indian Band or Ojibways #10 as the enforcement officer or officers.
- (l) "At large" means that a dog shall be deemed to be running at large when found on a highway or other public place and not under the control of any person.
- (m) "Restraint" means that a dog is on a chain, rope, leash, or within an enclosure or run, on his owner's property.

- (n) "Exposed to Rabies" means a dog that has been in contact with any animal known to have been infected with rabies.
 - (o) "Peace Officer" means a Police Officer, Police Constable, Bailiff, Constable or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.
2. That all persons employed by the Ontario Humane Society for the Prevention of Cruelty to Animals shall be persons designated as Animal Control Officers for the purposes of enforcement of this By-Law.
 3. No person shall own, keep or harbour any dog within the limits of the Nipissing Indian Reserve #10 unless such dog is licensed according to the provisions set out in Schedule "A", which is attached and forms part of this By-Law.
 4. The owner of every dog shall cause such dog to be kept under restraint at all times from January 1st to December 31st inclusive, in each and every year and shall not permit such dog to be off the premises or property of the owner during the said months unless under the control of any person.
 5. All dogs apprehended while running at large shall be taken up by a Peace Officer or the Animal Control Officer as designated by the Nipissing Indian Band #10 and impounded in the animal shelter designated by the said Band and there confined according to the provisions as set out in Schedule "B" which is attached hereto and forms part of the By-Law.
 6.
 - (a) The Dog Registration Officer shall maintain an animal shelter or shelters in which an impounded dog shall be placed.
 - (b) Every animal shelter shall be open to the public for the purposes of claiming an impounded dog as directed by resolution of the Council, but in any event for not less than four hours per day, between the hours of 08:00 and 21:00 hours, and for not less than 4 days in each calendar week.
 - (c) The Dog Registration Officer shall ensure that each impounded dog is housed under sanitary conditions and receives food, water, and shelter to the extent necessary to maintain good health.
 - (d) The Dog Registration Officer shall maintain a record of each dog impounded including a general description, sex, apparent age, date, place and the basis for impounding, and tag number if known.
 7. Upon impounding a dog, the Dog Registration Officer shall:
 - (a) within 24 hours of the impoundment notify the owner, where known, in writing;
 - (b) the notification may be mailed by first class mail or may be hand delivered to the home of the owner and left with any adult person at that home;
 - (c) the notification shall advise of the impounding of the dog, the location and date of the impounding, the address of the shelter at which the dog is impounded, the hours during which the shelter is open, the fee necessary to reclaim the dog, the possible disposition of the dog in the event it is not claimed, and the date by which the dog must be claimed;

- (d) post a copy of the notice in a public place at or near the site of impounding the dog, at the Band Administration Office and at the animal shelter; and
 - (e) where the owner of the dog is not known post a public notice as in paragraphs (c) and (d) above.
 - (f) If an impounded dog is not claimed within three clear days of the giving of the notifications in section Schedule B-2 the Dog Registration Officer shall issue a final notification to the owner, where known, and post public notices in the manner noted above, if the owner is or is not known, advising that the impounded dog will be disposed of if not claimed and the appropriate fees paid within 48 hours of the posting or filing of the notices.
8. An impounded dog which is not claimed and the appropriate fees paid following the notifications and time periods referred to above may be destroyed by the Dog Registration Officer in a humane manner, or may be sold by him upon payment of the appropriate fees, and registration.
9. (a) The owner may claim an impounded dog within the time periods noted above upon payment of the pound fees and, if applicable, the payment of the registration and dog tag fees.
- (b) If an impounded dog is sold, pursuant to paragraph 3 (i) above, the new owner shall comply with all requirements of this by-law including the registration, the issuance of a dog tag, and the payment of the fee therefore.
10. The pound fees applicable to an impounded dog are:
- (i) for the first day, or any part thereof, for which the dog is impounded ... \$10.00.
 - (ii) for each additional day or part thereof for which the dog is impounded .. \$ 4.00.
11. No person shall interfere with, hinder or molest the Animal Control Officer as designated by the said Band, Peace Officer or any agent of the Ontario Society for the Prevention of Cruelty to Animals in the performance of any duty of such officer or agent seek to release any animal in the custody of the said Animal Control officer, Peace Officer or the Ontario Society for the Prevention of Cruelty to Animals except as herein provided.
12. Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days, or to both a fine and imprisonment.

THIS IS SCHEDULE "A" to BY-LAW No. 1- 84 OF THE
NIPISSING INDIAN BAND OF OJIBWAYS #10

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1. (a) Every owner of every dog in the Nipissing Indian Reserve #10 shall, annually, immediately following the first day of January, and not later than the first day of February in every year, cause the same to be licensed for the current year by the Band Council and pay the fee for the same fixed by this By-Law.
- (b) Every owner of every dog shall cause the said dog, when on or off the premises of the owner thereof but within the Nipissing Indian Reserve #10, to wear a collar or harness at all times, to which shall be attached the tag issued on the licensing of the said dog by the Band Council of the then current year.
- (c) Every License issued under the provisions of the By-Law, shall expire on the 31st day of December in each year, next after issue thereof.
2. Applications for a license shall be made to the Animal Control Officer designated by the Band Council. The application shall state the name and address of the owner, the name, breed, sex, colour and age of the dog. The license fee shall be paid at the time of making the application and a receipt given to the applicant. A numbered tag shall be issued to the owner, stamped with the year of its issuance on payment of the fee herein provided.
3. The fee applicable for the registration of a dog and the issuance of a tag pursuant to section 1 (a) is as follows:
 - (a) for each male or spayed female dog, if only one \$ 4.00
 - (b) for each additional male or spayed female dog \$ 6.00
 - (c) for each female dog, if only one \$10.00
 - (d) for each additional female dog \$50.00
 - (e) In order to qualify for the fee for a spayed female dog the owner shall produce, at the time of registration, a certificate of a veterinary surgeon to the effect that the dog has been spayed.
 - (f) No fee, or part of a fee, is refundable in the event of the loss, death or transfer of ownership of a dog.
 - (g) Where an owner acquires a dog after the first day of February in any year, the owner shall forthwith comply with all the requirements and regulations of this By-Law.
 - (h) In the event that the tag shall become lost, the owner of the dog for which a tag was shall obtain a replacement tag upon the payment of a fee of 25 cents.
 - (i) If there is a change of ownership of a dog or kennel during the license year, the new owner shall have the current license transferred to his name and pay the transfer fee of \$1.00.
4. No person shall use for any dog a license receipt, or a license tag issued for another dog.
5. (a) Veterinary hospitals, clinic and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this By-Law.
- (b) The licensing requirements of this By-Law shall not apply to any dog belonging to a non-resident of the Nipissing Indian Band of Ojibways #10 and kept within the said reserve for

no longer than thirty days provided that such dog has been currently licensed by another Band Council or municipality and shall at all times while in the said Reserve #10 be kept within a building, a vehicle, or be under restraint by the owner or any person.

THIS IS SCHEDULE "B" TO BY-LAW No. 1 - 84 OF THE
NIPISSING INDIAN BAND OF OJIBWAYS #10

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1. The minimum period of time within which the owner of a dog that has been impounded has the right to redeem it, shall be three (3) days, excluding the day on which the dog was impounded and holidays shall not be included in calculating any redemption period.
2. After the expiration of the redemption period, all dogs impounded shall become the property of the Humane Society who may destroy them or dispose of them to new owners.
3. The owner of an impounded dog shall be entitled to regain the possession of such dog when:
 - (a) There has been compliance with the license provisions of the By-Law; and
 - (b) Upon the payment of \$10.00 impoundment fee; and,
 - (c) Upon the payment of any penalty imposed by any duly constituted Court.
4. Any dog that has been impounded and has not been licensed for the current year shall have a license obtained for the then current year by any prospective owner before it shall be released by the Ontario Society for the Prevention of Cruelty to Animals.
5. Every license fee and license tag issued by another municipality for the license year, shall be recognized as a license fee and license tag for the year of such issue by the Band Council of the Indian Reserve #10 provided:
 - (i) The owner notifies the Animal Control Officer of the date of issue of said license and said license and license tag number, and,
 - (ii) The owner was a bona fide resident of said other municipality at the date of issue, and,
 - (iii) The owner is now a bona fide resident of the Nipissing Indian Reserve #10, and,
 - (iv) This By-Law will apply to all lands that will be leased by the Band.

Approved and passed at a duly convened meeting of the Council of the Nipissing Band of Indians this

8 th. day of May, 1984.

Philip Goulais

CHIEF

Jerry A. Goulais

COUNCILLOR

M.J. Commanda

COUNCILLOR

Gerald Beaucage

COUNCILLOR

Emery McLeod

COUNCILLOR

Isidore Beaucage

COUNCILLOR

COUNCILLOR

I, Philip Goulais, Chief of the Nipissing Band of Indians, do hereby certify that a true copy of the foregoing By-Law # 1 - 84 was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 82 (1) of the Indian Act, this 9 th. day of May, 1984.

David C. Beaucage
Witness

Philip Goulais
Chief