

BCR# 535-99/00

**BY-LAW N° 1998-11**

**A BY-LAW TO AMEND BY-LAW N° 1998-10**

**RESPECTING ANIMAL CONTROL**

**THE PIC RIVER FIRST NATION BAND**

7 5 3 0 '00 FEB 11 P2:32

**WHEREAS** section 81, paragraphs (a), (d), (e), (q) and (r), of the Indian Act empower the Council of a Band of Indian to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, 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 the Band did enact By-law Number 1998.10 on the 01 day of October, 1998 respecting Animal Control;

**AND WHEREAS** the Council deems it to be expedient and in the best interests of the residents of the Pic River Reserve to amend the said by-law;

**NOW THEREFORE** the Council of Pic River First Nation Band enacts as a by-law thereof as follows:

1. Interpretation Section 2 of By-law N° 1998.10 is hereby amended by adding after vicious dog paragraph (d), a new paragraph (e) so that the said section shall now read:

“Kennel” means any building, pen or other structure, other than a dwelling used for the keeping of dogs that are registered or eligible for registration with an Association Incorporated under the Animal Pedigree Act;

“Boarding Kennel” means any building, pen or other structure other than a dwelling used for the temporary keeping of dogs for gain

“Guide Dog” means a registered guide dog used for the purpose of aiding persons with a sight or hearing impairment

2. That By-law N° 1998.10, be amended by renumbering Section 15 and adding sections 15 a.b., 16, 17, 18, 19, 20, 21, 22, 23 to reflect the above noted insertion.
3. That By-law N° 1998.10, be amended to include, Animal Control wordings, Section 1 to 11, Appendix B
4. That By-law N° 1998.10 be amended to include, Dog Licence Fee's, wording, Section A. 1, 2, 3, 4, Schedule “A”

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council,  
this 7 day of Feb., 2000.

CHIEF

Roy Michano

A. Oteguerra  
(Member of Council)

Don Gordon  
(Member of Council)

Doreen M. Michano  
(Member of Council)

Norman Stue  
(Member of Council)

Arthur Fisher  
(Member of Council)

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(Member of Council)

The quorum is set at 5.

I, Roy Michano, Chief of the Band of Indians do hereby certify that a true and exact copy of the foregoing by-law N° 1998.10 was mailed to the Minister of Indian Affairs pursuant to Subsection 82(1) of the Indian Act, this 7 day of Feb., 2000.

CHIEF

Roy Michano

A. Oteguerra  
(Member of Council)

Don Gordon  
(Member of Council)

Doreen M. Michano  
(Member of Council)

Norman Stue  
(Member of Council)

Arthur Fisher  
(Member of Council)

\_\_\_\_\_  
(Member of Council)

**By-Law Respecting the Care and Control of Animals on the Reserve**

**Pic River First Nation**

**By-Law No. 1998 - 10**

**By-Law Respecting the Care and Control of Animals on the Reserve**

**WHEREAS** section 81, paragraphs (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 residents on the reserve, the prevention of nuisances, the protection against and the protection of 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 Pic River 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 Pic River First Nation enacts this by-law as follows;

**PART I - GENERAL**

**Short Title**

1. This by-law may be cited as the "Pic River First Nation Animal Control By-Law".

**Interpretation**

2. In this by-law

**"Band"** means the Pic River First Nation;

**"Council"** means the Council of the Pic River First Nation;

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

**"Cat"** means any cat, male or female;

**By-Law Respecting the Care and Control of Animals on the Reserve**

**“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 or intended to be used for human habitation and in which normal domestic functions may be carried on;

**“Muzzle”** means to secure a dog’s mouth in such a fashion that it cannot bite anything;

**“Owner”** of an animal includes a person who possesses or harbours an animal, and the terms “owns” and “owned” have a corresponding meaning;

**“At Large”** or **“running at large”** means off the premises of the owner and not muzzled or under the control of any person;

**“Peace Officer”** means any police officer, police constable, peace keeper, or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the First Nation;

**“Vicious dog”** includes

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that a peace officer, upon reasonable and probable grounds, believes to be a vicious dog;
- (c) any dog which has been the cause of a prosecution under this by-law within the previous six (6) 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.

(e) "Kennel" means any building, pen or other structure, other than a dwelling, used for the keeping of dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act;

"Boarding Kennel" means any building, pen or other structure, other than a dwelling, used for the temporary keeping of dogs for gain.

"Guide Dog" means a registered guide dog used for the purpose of aiding persons with a sight or hearing impairment.

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### **Application**

3. This by-law applies to all owners of domestic animals residing or visiting on the Pic River First Nation.

## **PART II - ADMINISTRATION**

### **Limitation on Animals Per Dwelling**

- 4.(1) No more than (2) domestic animals shall be kept, harboured or possessed in any dwelling, except as authorized by a Band Council Resolution;
- 4.(2) The provisions of Subsection 6 (1) shall not apply to dog or cat litters, whereby the pups or kittens are under four (4) months of age.

### **General Prohibitions**

- 5.(1) Subject to Subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- 5.(2) A dog need not be tethered or penned up as provided in subsection 15(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;
  - (c) or is used by a visually impaired person as a guide dog;

- 5.(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.
- 5.(4) The owner of an animal who fails to take all necessary measures to ensure that such a dog is under control or supervision or in the possession of the owner at all times, upon any property on the First Nation, is guilty of an offence.

**By-Law Respecting the Care and Control of Animals on the Reserve**

- 5.(5) The owner of a dog which causes damage to any property including moveable property, garbage containers, lawns, flower gardens, flower beds, bushes or plants or other parts of property, is guilty of offence.
- 5.(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 faeces, vomit, or any other waste left by the dog on the said property.
- 5.(7) No owner shall possess more than two dogs at any one time except in the case of a dog giving birth to puppies, in which case the puppies must be dispersed within four (4) months of the birth.
6. No owner shall allow his dog to remain unfed or without water whereby is either amounts to cruelty or causes the dog to become a nuisance.
7. No person shall punish or abuse a dog in a manner which is cruel or unnecessary.
8. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the First Nation.

**Vicious Dogs**

9. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
10. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
11. On private property, a vicious dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the dog and/or to prevent the entry of children.

### Impounding and Seizure

- 12.(1) No owner shall permit a dog to be at large on the First Nation;
- 12.(2) Where a dog is found to be running at large the officer shall make

### **By-Law Respecting the Care and Control of Animals on the Reserve**

reasonable attempts to notify the owner. Should the owner not be located the officer shall make a written record of the incident for future explanation.

- 12.(3) Whereby, a dog is seized which is injured or should be destroyed without delay for health and safety of persons or animals, the peace officer shall destroy the dog as soon after seizure as the officer thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.

### Animal Destroyed if Unable to Seize

- 13.(1) Where the peace officer, 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.
- 13.(2) No damages or compensation may be recovered as a result of the destruction of a dog by the peace officer pursuant to subsection (1).

### Protection from Vicious Dogs

- 14.(1) A peace officer may kill, if necessary, a vicious dog which is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying;
  - (a) a person;
  - (b) another dog that is tethered;
  - (c) a food cache, harness or other equipment;
  - (d) domestic livestock.
- 14.(2) A peace officer who must kill a vicious dog, shall notify the dog's owner.
- 14.(3) No damages or compensation may be recovered as a result of killing a dog by a peace officer who is required to do so pursuant to section 13(1).

### Penalty

15. Every person being the owner of a dog which exceeds the age of six (6) months shall;
  - (a) Annually on or before the 31<sup>st</sup> day of January in each year; or
  - (b) Forthwith upon a dog having passed the age of six (6) months, or within Forty-eight (48) hours of becoming the owner of a dog, the age of which exceeds six (6) months, cause such dog to be registered, numbered, described, and licenced in the office of the Pic River First Nation Band, or at such other location as the Band may from time to time designate.
16. Every person being the owner of a dog which is over the age of six (6) months shall pay to the Pic River First Nation Band of Heron Bay for the licence required under Section 15 an annual licence fee as indicated in Schedule "A" attached.
17. Every person being a dog owner, on payment of the required licence fee shall be furnished by the Band of Pic River First Nation with a dog tag Bearing the name of the Band, the Current Year, and a Serial Number.
18. Every person being the owner of a dog furnished with a dog tag under Section 17 shall keep the tag securely fixed on the said dog at all times until such time as the tag is renewed or replaced.
19. Every person being the owner of a dog for which a tag was issued under the provisions of this By-Law shall immediately upon losing the said tag make application to the Band for a replacement tag and pay a replacement fee as indicated in Schedule "A" attached.

### Kennel

20. Every person being the owner and/or operator of a Kennel or Boarding Kennel, not including a Veterinary Clinic, shall annually on or before the 31<sup>st</sup> day of January, make application to the Pic River First Nation for a Kennel Licence and "upon approval" pay such fee as indicated in Schedule "A"
21. Every person making an application under Section 20 shall have all buildings, structures and pens used in the operation of the said Kennel inspected and approved by the Proper Standards Officer.
22. No person shall operate a Kennel or Boarding Kennel within the Pic River First Nation without the benefit of an approved licence issued under the provisions of this By-Law



## Guide Dog

23. Sections 15 and Section 16 shall not apply to a person assisted by a Registered Guide Dog.
24. Every person who contravenes any of these provisions of this by-law is guilty of an offence and is liable on a summary conviction to a fine of not more than \$1000.00

### APPENDIX "B"

ITEM	Column 1	Column 2
1	Fail to Register Dog	Section 15(a)(b)
2	Fail to Fix Tag to Dog	Section 18
3	Fail to Replace Lost Tag	Section 19
4	Fail to Licence Kennel	Section 20
5	Operate Unlicensed Kennel	Section 22
6	Keep More than Two(2) dogs	Section 4(1)
7	Fail to Keep Dog Tethered	Section 5(1)
8	Fail to Remove Excrement	Section 8
9	Permit/cause to Permit Dog to Run at large	Section 12(1)
10	Owner, Fail to (Leash) (Control) Dog. With defined area	Section 10
11	Owner, permit a dog, to bark, yelp.	Section 5(8)

Note: The Penalty provision for the offences indicated above is Section 24 of By-Law No.1998.10 as amended by By-Law No. 1999.11. A certified copy of Both, have been filed.

## SCHEDULE "A"

The Pic River First Nation

By-Law No 1998.10

### A. Dog Licence Fees:

(1.) For the first dog (male, neutered male, spayed female)	\$10.00
(2.) For each additional dog	\$20.00
(3.) For Female dog	\$20.00
(4.) For the Replacement of Lost Tags	\$8.00