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LAC SEUL FIRST NATION

Dog Control By-Law

March 2000

The Lac Seul First Nation
Bylaw No. 2
Being a By-Law Respecting the
Control of Dogs on the First Nation.

WHEREAS, section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the First Nation, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, 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-laws;

AND WHEREAS the Council of the Lac Seul First Nation is of the opinion that the uncontrolled ownership, breeding and running at large of dogs may be detrimental to the health of the residents on the reserve, and nuisance to such residents;

THEREFORE, the Council of the Lac Seul First Nation enacts a by-law as follows:

Short Title

1. This by-law may be cited as the "Lac Seul First Nation Reserve Dog Control By-law".

Interpretation

2. In this by-law:
 - (a) "band" means the Lac Seul First Nation;
 - (b) "Council" means the Council of the Band;
 - (c) "dog" means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;
 - (b) "muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;
 - (c) "Animal Control Officer" means any duly appointed dog catcher;
 - (d) "owner" of a dog includes a person who possesses or harbors a dog, and "owns" and "owned" have corresponding meaning;
 - (g) "at large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;
 - (h) "Medical Officer of Health" means the medical officer of health appointed by band council resolution.
 - (i) "Dwelling" means a single unit being a fully detached house, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on.
 - (j) "reserve" means the Lac Seul First Nation No. 28

Animal Control Officer

3. (a) The Council may appoint by band council resolution an animal control officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.
- (b) The Council may, in the band council resolution provide for reasonable remuneration to be paid to the animal control officer.

General Prohibitions

4. Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
5. A dog need not be tethered or penned up as provided in subsection (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 purposes of hunting; or
 - (c) is used by a visually impaired or hearing impaired as a guide dog.
6. No owner shall allow his dog to remain unfed or unwatered as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.
7. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
8. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace or residents of the reserve at large.
9. No owner shall permit a female dog in heat to remain in any public unless such dog is attached to a leash and is accompanied by and is under the observation and control of his owner.

Prohibitions within Specific Areas of the First Nation

10. (a) The Council may at any time prohibit the keeping of dogs within any area of the reserve. (See schedule "A" for prohibited areas)
- (b) Notice of any prohibition made by Council pursuant to paragraph 10(a) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

(c) No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs within the limits of the First Nation, without express written authorization to that effect from the Band Council, by way of Band Council Resolution.

Registration and Identification of Dogs

11. Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog.
12. The application for registration and identification tag shall be filed with the Animal Control Officer and include:
 - (a) the applicant's name;
 - (b) the applicant's address or lot number;
 - (c) a description of the dog or other animal sought to be registered, including the age, sex, name and breed if known;
 - (d) the number of animals in the household;
 - (e) a record that the dog is immunized against rabies, noting the date of such immunization, the name of the person immunizing the dog;
 - (f) a record that the dog has been neutered or spayed, proof of this must be provided;
 - (g) any other information deemed by the Animal Control Officer to be necessary for proper administration of the by-law.
13. There will be a fee for registration and identification tags. (See Schedule "A")
14. The Animal Control Officer shall issue the licence tag upon registration and payment of the annual fee and where, in the case of a dog, proof of immunization against rabies is provided.
15. The licence tag shall be securely attached to the collar or harness of the dog at all times.
16. The registration and identification tag issued by the Animal Control Officer will be valid for a year from the date of the issuance of the identification tag.

Immunization of Dogs

17. All dogs in the First Nation must be immunized in accordance with generally accepted veterinary standards.
18. 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 in quarantine for a period of 10 days and such animal shall not be released from such quarantine without the written permission of the Medical Officer of Health. (See Schedule "A" for fee)
19. An owner upon demand made by the Band Council shall forthwith surrender to the Band Council any dog which has bitten any person or which has been exposed to rabies to be held quarantine at the discretion of the Medical Officer of Health.

20. Any dog found to be infected with rabies virus shall be destroyed humanely by its owner or the Animal Control Officer at the expense of the owner. (See Schedule "A" for fee)

Limit on Number of Dogs Per Dwelling

21. (a) No more than two (2) dogs shall be kept, harboured, or possessed in any dwelling.
- (b) The provisions of subsection 21 (a) shall not apply to dog litters, where the pups being under four (4) months of age.

Impounding and Seizure

22. (a) No owner shall permit a dog belonging to him/her to be at large in the First Nation.
- (b) An animal found at large in the First Nation may be impounded for not less than five (5) days and may thereafter be humanely destroyed or otherwise adopted or unless in the meantime such dog has been claimed by its owner and the costs incurred for the impounding of the dog have been paid.
23. (a) An Animal Control Officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (b) Subject to subsection (23), an officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to its owner where:
- (c) the owner claims possession of the dog within five (5) days after the date of seizure, and;
- (d) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.
- (e) Where a dog has not been reclaimed within five(5) days after seizure pursuant to subsection (23 b), the officer may destroy or dispose of the dog as he sees fit and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the officer.
- (f) Where, in the opinion of the officer, a dog seized under this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog as soon after seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the officer.
24. The duty of the Animal Control Officer appointed shall be to seize and impound all dogs running at large contrary to the provisions of this Dog Control By-Law.

25. A written report of each such incident as described in this section shall be filed with the Band Council.

Destruction Where Unable to Seize

26.(a) Where the Animal Control Officer, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, he may destroy the dog.

(b) No damages or compensation may be recovered as a result of the destruction of a dog by an officer.

Protection from Dogs

27.(a) Any person may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying;

- (1) a person,
- (2) another dog that tethered; or,
- (3) a food cache, harness or other equipment.

(b) No damages or compensation may be recovered as a result of the killing of a dog by any person.

Penalty

28. 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 more than \$100.00.

Be it known that this by-law is hereby enacted by the Council of Lac Seul First Nation at a duly convened meeting of the Council dated on the 16th day of May 2000.

[Signature]
CHIEF

[Signature]
COUNCILLOR

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COUNCILLOR

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COUNCILLOR

Being the majority of those members of the Council of Lac Seul First Nation present at the aforesaid meeting of the Band Council.

The quorum of the Band Council is six members. Number of members of the Council present at the meeting consisted of 6.

I, Roger Bull 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 District/Regional/Hull offices (as the case may be) pursuant to subsection 82(1) of the Indian Act this 16th day of May 2000.

Witness Judith Rickson

Chief/Councillor Roger Bull

Schedule "A"

Registration and Identification of Dogs

see section 13 of the by-law

Neutered Male Dog..... \$24.00 yearly
..... \$2.00 monthly

Spayed Female..... \$24.00 yearly
..... \$2.00 monthly

Male Dog (not neutered)..... \$60.00 yearly
..... \$ 5.00 monthly

Female Dog (not spayed)..... \$60.00 yearly
..... \$ 5.00 monthly

Replacement Tags..... \$ 8.00 each

Immunization of Animals

see section 18 of the by-law

Quarantine..... \$ 10.00 day

see section 20 of the by-law

Humanely destroyed.....\$ 25.00 day

Prohibitions within Specific Areas of the First Nation

see section 10 (a) of the by-law

Dogs are prohibited from all schools yards, daycare center playgrounds.

Impounding and Seizures

see section 23 (b) of the by-law

Impounding fee.....\$ 10.00 day