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**THE BURNT CHURCH BAND NO. 005**

**BY-LAW NO. 7**

**A BY-LAW RESPECTING THE CONTROL OF DOGS  
ON THE BURNT CHURCH INDIAN RESERVE NO. 14**

**WHEREAS** the Council of the Burnt Church Indian Band desires to establish a by-law governing the control of dogs on the Burnt Church Indian Reserve No. 14, and;

**WHEREAS** the Indian Act, RSC 1970, c.1-6 empower the Council of the Band to make by-laws.

**NOW THEREFORE** the Council of the Burnt Church Indian Band No. 005 enacts as their by-law the following:

- (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (ii) any dog that a dog control officer, upon reasonable and probable grounds, believes to be a villainous dog;
- (iii) 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;
- (iv) any dog which has bitten another animal or human being without provocation.

### **ANIMAL CONTROL OFFICER**

3. (1) The Council may appoint by band council resolution a dog 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.

(2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the dog control officer.

### **REGISTRATION AND IDENTIFICATION OF DOGS**

4. (1) Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog.

(2) The application for registration and identification tag shall be filed with the Burnt Church Dog control officer and include:

(a) the applicant's name;

(b) the applicant's address or lot number;

(c) a description of the dog sought to be registered, including age, sex, name and breed if known;

(d) the number of dogs 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 including the maker's name of the vaccine and its batch number;

(f) any other information deemed by the dog control officer to be necessary for the proper administration of the by-law.

(3) The charge for registration and identification tags shall be of ten dollars (\$10.00) per year.

**SHORT TITLE**

1. This by-law may be cited as the Burnt Church Dog Control By-Law.

**INTERPRETATION**

2. In this by-law:

"dog control officer" means a dog control officer appointed pursuant to section 3, or any by-law enforcement officer and includes an officer of the Burnt Church Police and a person employed by the Burnt Church Band Council for the purpose of enforcing the provisions of this by-law.

"dog register" means the register kept by the dog control officer for the purpose of the registration of all dogs on the reserve.

"band" means the Burnt Church Band;

"council" means the Council of the Burnt Church First Nation (Band), as defined in the **Indian Act**;

"dog" means any dog, male or female more than 8 months old, and includes an animal that is a cross between a dog and a wolf;

"dwelling" means each single unit being a fully detached home, a semidetached 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.

"medical officer or health" means the medical officer of health so appointed by band council resolution;

"muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;

"owner" of a dog includes a person who possesses or harbours a dog and "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;

"reserve" means the Burnt Church Indian Reserve(s) No. 14;

"villainous dog" includes:

(4) The dog control officer shall issue the licence tag upon registration and payment of the annual fee.

(5) The licence tag shall be securely attached to the collar or harness of the dog at all times.

(6) The registration and identification tag issued by the dog control officer will be valid for a year from the date of the issuance of the identification tag.

### **IMMUNIZATION OF DOGS**

5. All dogs in the reserve must be immunized in accordance with generally accepted veterinary standards.

6. The owner of any dog(s) exposed to rabies shall, on demand by the band council, surrender such dog(s) to the band council to be held by the dog control officer in quarantine for a period of 14 days and such dog(s) shall not be released from such quarantine without the written permission of the medical officer of health.

7. An owner upon demand made by the band council shall forthwith surrender to the band council any dog(s) which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the medical officer of health.

8. Any dog found to be infected with rabies shall be destroyed by its owner or by the dog control officer at the expense of the owner.

### **LIMIT ON NUMBER OF DOGS PER DWELLING**

9. (1) No person, being the owner of a dwelling on the reserve, shall keep or allow to be kept more than three (3) dogs on the premises of the dwelling.

(2) The provisions of subsection (1) do not apply where the dog is less than eight (8) months of age.

(3) A dog control officer, who has reasonable grounds to believe that an owner has contravened subsection (1), shall forward a written notice to the said owner, to remove from the premises of the dwelling that number of dogs exceeding the limit of three (3), within forty-eight hours of receipt of the notice.

(4) A dog control officer shall seize and cause to be impounded any dog(s) exceeding the established limit of three pursuant to subsection (1), and the owner shall be liable to pay an impoundment cost of twenty dollars (\$20.00) per day, and the pound keeper shall keep such dog(s) in the pound and shall record in a register kept for that purpose, the name and address of any person who brings in such dog(s) along with the date the dog(s) was delivered to the pound keeper.

## **GENERAL PROHIBITIONS**

10. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.

(2) 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 purpose of hunting; or

(c) is under a direct supervisor of an owner within the owner's property;

(d) is used by a visually impaired person as a guide dog.

(3) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents of the reserve.

11. No owner shall allow a female dog in heat to remain in any public place unless such a female dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.

12. The owner of a dog(s) who fails to take all necessary measures to ensure that such dog(s) does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.

13. 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.

14. 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.

15. No owner shall allow his dog to remain unfed or without water as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.

16. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

### **PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE**

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

(2) Notice of any prohibition made by council pursuant to paragraph (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.

(3) No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs within the limits of the reserve, without express written authorization to that effect from the band council, by way of band council resolution.

### **VILLAINOUS DOG**

18. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.

19. A villainous dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.

20. 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 by children.

### **IMPOUNDING AND SEIZURE**

21. (1) No owner shall permit a dog belonging to him at be at large in the Burnt Church Reserve;

(2) A dog found at large in the Burnt Church Reserve may be impounded for not less than five (5) days and may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such a dog has been claimed by its owner and the costs incurred for the impounding of the dog(s) have been paid.

22. (1) A dog control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

(2) If a dog is apprehended because it has inflicted an unprovoked bite upon an animal or human person, the dog control officer shall impound the animal for such period of time to be specified by a veterinary surgeon.

(3) Subject to subsection (6), a dog control officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to its owner where:

(a) the owner claims possession of the dog within (5) days after the date of seizure, and;

(b) the owner pays to the dog control officer all expenses incurred in securing, caring for and feeding the dog, and;

(c) where the owner has failed to purchase an identification tag, he obtains the registration identification tag from the dog control officer before he obtains the release of his dog.

(4) Where a dog has not been reclaimed within five (5) days after seizure pursuant to subsection (3), the dog control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the dog control officer.

(5) If a dog is found to be diseased, the dog control officer shall seek veterinary attention for it where the owner has declined, failed or neglected to do so; any fee arising from the provision of such veterinary care shall be a charge against the owner of the dog.

(6) Where, in the opinion of the dog control officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals, the dog control officer shall destroy the dog as soon after seizure as he thinks fit without permitting any person to reclaim the dog and no damages or compensation may be recovered on account of such action.

(7) When a dog has been impounded, the band council shall forthwith make every reasonable effort to notify the owner of the dog.

(8) A written report of each such incident as described in this section shall be filed with the band council.

### **DESTRUCTION WHERE UNABLE TO SEIZE**

23. (1) Where the dog 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.

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

**PROTECTION FROM DOGS**

24. (1) Any person may kill a 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.

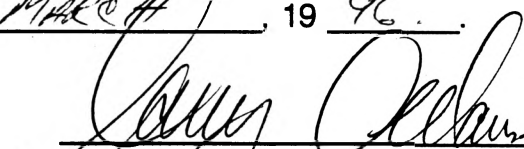
(2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

**PENALTY**


25. 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 one hundred dollars (\$100).

**APPROVED AND PASSED** at a duly convened meeting of the Council of the Burnt Church First Nation this 26 day of MARCH, 19 96.

  
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(Member of the Council)

  
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(Member of the Council)

  
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(Member of the Council)

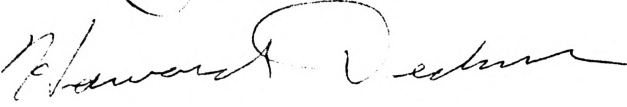
  
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(Member of the Council)





*Aene Seclam*  
(Member of the Council)

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

*Harold Ross*  
(Member of the Council)

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(Member of the Council)

being the majority of those members of the Council of the Burnt Church First Nation (Band) present at the aforesaid meeting of the Council.

The quorum of the Council is 12 members.

Number of members of the Council present at the meeting: 11.

I, *Arthur Selan* 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 26 day of March, 19 96.

*Keith Marshall*  
(Witness)

*Arthur Selan*  
(Chief/Councillor)

Number of members of the Council present at the meeting: 11.

I, *Kellian Oskan* 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 26 day of March, 19 96.

*Robert Marshall*  
(Witness)

*Kellian Oskan*  
(Chief/Councillor)

The Council of the Eskasoni Band of Indians at a meeting held May 15, 1963, makes the following by-law pursuant to paragraphs (c), (d), (q) and (r) of Section 80 of the Indian Act.

By-law No. 1

A by-law to provide for the regulation of the activities of boys and girls on the Eskasoni Indian Reserve actually or apparently under 16 years of age.

- (a) No boy or girl on the Eskasoni Indian Reserve actually or apparently under 16 years of age, shall loiter any place within the said Indian Reserve after 8 o'clock in the afternoon from September 15 to June 14 inclusive in any year.
- (b) No boy or girl on the Eskasoni Indian Reserve actually or apparently under 16 years of age, shall be in any place of entertainment, street, lane, by-way or common within the said Reserve, or shall be in the course of returning from any place of entertainment off the said Reserve after the hour of 8 o'clock in the afternoon from September 15 to June 14 inclusive in any year, unless accompanied by his or her parent or an adult appointed by a parent to accompany such child.
- (c) No boy or girl on the Eskasoni Indian Reserve actually or apparently under 16 years of age, shall loiter any place within the said Indian Reserve after 9.30 o'clock in the afternoon from June 15 to September 14 inclusive in any year.
- (d) No boy or girl on the Eskasoni Indian Reserve actually or apparently under 16 years of age, shall be in any place of entertainment, street, lane, by-way or common within the said Reserve, or shall be in the course of returning from any place of entertainment off the said Reserve after the hour of 9.30 o'clock in the afternoon from June 15 to September 14 inclusive in any year, unless accompanied by his or her parent or an adult appointed by a parent to accompany such child.
- (e) A boy or girl on the Eskasoni Indian Reserve found violating the provisions of paragraphs (a), (b), (c), or (d) may be warned and conducted home by a police officer.
- (f) A parent who permits his child to violate paragraphs (a), (b), (c) or (d) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$5.00 or imprisonment for a term not exceeding seven days, or both fine and imprisonment.

Susan J. Stevens  
Councillor

A. B. Denny  
Chief

Charles W. Gull  
Councillor

Ordinance 193, 193, makes the following by-law pursuant to paragraph (d) of Section 30 of the Indian Act.

By-law No. 2

A by-law to provide for the prevention of disorderly conduct and nuisances.

- (a) That all places of business, with the exception of the Parish Hall, located on the Eskasoni Indian Reserve #3 shall be closed to the public for business purposes at the hour of 10 o'clock in the afternoon from September 15 to June 14 inclusive in any year.
- (b) That all places of business, with the exception of the Parish Hall, located on the Eskasoni Indian Reserve #3 shall be closed to the public for business purposes at the hour of 11 o'clock in the afternoon from June 15 to September 14 inclusive in any year.
- (c) Any place of business, other than the said exception in paragraph (a) and (b) of this By-law, found violating the previous paragraphs (a) and (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$50.00 or imprisonment for a term not exceeding fifteen days or both fine and imprisonment.

P. R. Denny  
Chief

Samuel J. Stevens  
Councillor

Alvin W. Hurd  
Councillor

Leonard Paul  
Councillor

Alvin Bessard  
Councillor

Art Johnson  
Councillor

Joseph  
Councillor

Adrian Morris  
Councillor

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Councillor

Lester Bessard  
Councillor

\_\_\_\_\_  
Councillor

The council of the Eskasoni Band of Indians at a meeting held April 2, 1964, makes the following by-law pursuant to paragraph (f), (q), and (r) of Section 80 of the Indian Act.

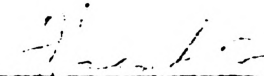
By-law No. 3

A bylaw to provide for the construction, maintenance of water, courses, roads, bridges, ditches, fences, and other local works.

- (a) No person or persons be permitted to cut wood of any description for no purpose whatsoever on the Eskasoni Indian Reserve #3A. That reserve being held for the sole purpose of establishing a tourist resort.
- (b) That the Council have adequate powers with respect to any matter arising out of or ancillary to the exercise of powers under this section.
- (c) Any person or persons on conviction be liable to a fine not exceeding \$100.00 or imprisonment for a term not exceeding thirty days, or, both fine and imprisonment for violation of this by-law.



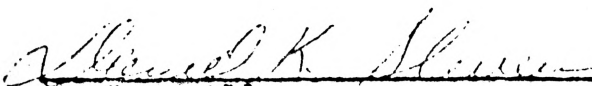
Chief

  
Councillor

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Councillor

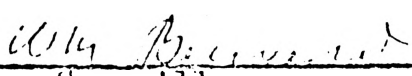
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