



CHRONOLOGICAL NO.	2268
FILE REFERENCE NO.	

BAND COUNCIL RESOLUTION

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The Council of the		Cash Free Balance
WHITEFISH RIVER FIRST NATION		Capital Account
		\$ _____
Date of Duly Convened Meeting	Province	Revenue Account
July 22, 2002	ONTARIO	\$ _____

DO HEREBY RESOLVE:

**WHEREAS** section 81, paragraph (a), (d), (e) (q) and (r), of the Indian Act, empowers the Council of a Band of Indians 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 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 Whitefish River Indian Reserve 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 a nuisance to such residents;

**THEREFORE**, the Council of the Whitefish River Indian Reserve enacts a by-law as follows:

Short Title

1. This by-law may be cited at the "Whitefish River Indian Reserve Dog Control By-Law".

Interpretation

2. In this by-law:
- (a) "animal control officer" means an animal control officer appointed pursuant to Section 3, or as designated including the United Chief & Council's of Manitoulin Police Service or a person employed by the Whitefish River Indian Reserve Council for the purpose of enforcing the provisions of this by-law;
  - (b) "animal register" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve;
  - (c) "Reserve" means the Whitefish River Indian Reserve;
  - (d) "Council" means the Council of the Whitefish River Indian Reserve, as defined in the Indian Act;
  - (e) "Dog" means any dog, male or female, and includes an animal that is a cross between a dog and a wolf;
  - (f) "household" means each single unit being a fully detached home, 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;
  - (g) "Environmental Health Officer" means the Environmental Health Office of Health Canada who provides pubic health and environmental health services or as appointed by band council resolution;
  - (h) "muzzle" means an apparatus to secure a dog's mouth in such a fashion that it cannot bite anything;
  - (i) "owner" of an animal includes a person who possesses or harbours and animal, and "owns" and "owned" have a corresponding meaning;
  - (j) "at large" or "running at large" means off the premises of the owner and not muzzled or not under the control of any person;
  - (k) "villainous dog" means

- (i) any dog that demonstrates any ferocious, vicious or aggressive behaviour;
- (ii) any dog which has been the cause of a prosecution within the last six months where a conviction had been entered concerning that specific dog;
- (iii) any dog which has bitten another animal or human without provocation;

#### **Animal Control Officer**

- 3. (1) 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;
- (2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the animal control officer.

#### **Registration and Identification of Dogs**

- 4. (1) Every person keeping one or more dogs on the reserve shall register and have an identification tag (dog tag) placed around the neck of each dog or animal.
- (2) The application for registration and identification tag (or dog tag) shall be filed with the Whitefish River Indian Reserve animal control officer and include:
  - (a) the applicant's name;
  - (b) the applicant's (911) address and phone number;
  - (c) a description of the dog or other animal sought to be registered, including age, sex, name, and breed, if known;
  - (d) the number of animals in the household;
  - (e) a record that the dog or animal 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 animal control officer to be necessary for the proper administration of the by-law;
  - (g) microchip information is supplementary information;
- (3) The fees payable for registration are:
  - (i) The initial charge for registration shall be TEN dollars and shall be effective for a 1-year period, for each animal;
  - (ii) and, in the event of a spayed female or neutered male, the charge shall be \$5 for a 1-year period, for each animal.
- (4) (i) The animal control officer shall issue a permit and an identification tag (or dog tag) upon registration any payment of the stated fee, and where proof of immunization against rabies is provided;
- (ii) A tag may be supplied by the Whitefish River Indian Reserve or by the owner and contain information allowing animal control officer to locate the owner;
- (5) The identification tag (dog tag) shall be securely attached to the collar or harness of the dog or animal at all times;
- (6) The registration and identification tag (dog tag) is valid for one year from date of issuance and the annual renewal date is May 1 of each subsequent year.
- (7) All owners of dogs or animals are to pay an annual renewal fee of \$5 for each dog or animal in subsequent years.

#### **Immunization of animals**

- 5. All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
- 6. The owner of any animal exposed to rabies shall, on demand by the Band Council, surrender such animal to the animal control officer to be held by the animal control officer in quarantine or destroyed in accordance with the Department of Agriculture Federal Guidelines on rabies control.
- 7. An owner upon demand made by the Band Council shall forthwith surrender to the animal control officer any animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the Environmental Health Officer.

8. Any animal suspected to be infected with rabies shall be handled immediately in accordance with the federal guidelines and disposed of accordingly.

**Limit on number of animals per household**

9. (1) (i) No more than two (2) dogs shall be kept, harboured or possessed in any household;
- (ii) An exception shall be made when the animals are utilized for work, sport, show or breeding and each animal shall be registered as provided for in this by-law;
- (2) The provisions of sub-section 9 (1) shall not apply to (nursing) dogs who have pups under four (4) months of age.

**General Provisions**

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; or
- (b) is being used by a person for the purpose of hunting; or
- (c) is being used by a person to work in a lawful manner with sheep or cattle; or
- (d) is used by a visually impaired person as a guide dog.
- (3) No owner shall permit a female animal in heat to remain in any public place unless such female animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his/her agent;
- (4) The owner of an animal who fails to take all necessary measures to ensure that the dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offense;
- (5) The owner of a dog which causes damage to any property including lawns, flower gardens, flower beds, water hoses, electrical cords and other parts of property, is guilty of an offense;
- (6) The owner of a dog shall, when the dog is on public property or private property, immediately pick up and thereafter dispose of any feces, vomit or any waste left by the dog on the said property;
11. No owner shall allow his dog to remain unfed for more than 24 hours or without water for more than 12 hours. Any such action is cruelty and is liable of an offence.
12. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

**Prohibitions within specific area of the reserve**

13. (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 animals within the limits of the reserve, without express written authorization to that effect from the band council by way of band council resolution.

**Villainous dogs**

14. Anyone owning a villainous dog or aggressive dog must post a clear visible sign notifying the public.
15. A villainous dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
16. On private property, a villainous dog shall be kept on a secure leash or tethered 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**

17. (1) No owner shall permit a dog belonging to him or her to be at large in the Whitefish River Indian Reserve;
- (2) An animal found at large on the Whitefish River Indian Reserve after notification to owner may be impounded for **not less than five (5) days** thereafter may be humanely destroyed or otherwise disposed of, unless in the meantime, such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid;
- (3) If upon notification of the impoundment and seizure of a dog or animal, an owner wishes to have it destroyed, owner must do so in writing and pay the costs involved.
18. (1) An animal control officer may seize a dog from any person whom he or she 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 an animal is apprehended because it has inflicted an unprovoked bite upon an animal or human person, the animal control officer shall impound the animal for such period of time to be specified by a veterinarian and/or the Environmental Health Officer.
- (3) Subject to subsection (6), an animal 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 five (5) days after the date of seizure, and;
  - (b) the owner pays to the Whitefish River Indian Reserve all expenses incurred in securing, caring for and feeding the dog according to the prescribed fee approved by the Whitefish River Indian Reserve Band Council;
  - (c) where the owner has failed to purchase an identification tag (dog tag) and pay the prescribed fee and comply with provided of Section 4 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 animal 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 animal control officer.
- (5) If an animal is found to be diseased, the animal control officer shall seek veterinary attention for it where the owner has declined, failed or neglected to do so, and any fee from the provision of such veterinary care shall be a charge against the owner of the animal.
- (6) Where, in the opinion of the animal control officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for any reasons of health or safety, no damages or compensation may be recovered by the owner on account of such action.
- (7) When an animal has been impounded, the animal control officer shall forthwith make every reasonable effort to notify the owner of such animal.
- (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**

19. (1) 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.
- (2) Where the animal control officer, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of the by-law, he may destroy the dog and notify the **Department of Agriculture** for pickup and rabies examination.

### **Prohibited Dogs**

20. (1) The purebred Pit Bull or Pit Bull cross breed shall not be permitted within the Whitefish River First Nation Territory.

- (2) The Regulation Officer may remove and destroy without notice the Pit Bull dog immediately at the expense of the owner or visitor.

**Protection from dogs**

21. (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 this is tethered; or,
  - (c) a food cache, harness or other equipment,
  - (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).
- (3) The animal control officer must be notified of such action immediately so that the carcass can be submitted to the Department of Agriculture for rabies examination.

**Penalty**

22. (a) Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine of not more than one hundred dollars (\$100.00) or to imprisonment for a term not exceeding thirty (30) days, or both.
- (b) Where a fine has been imposed, anyone served with notice in writing of a violation may voluntarily pay the fine set out in the notice to Whitefish River Indian Reserve within fifteen days of service of the notice. In the event that the fine is not voluntarily paid, the fine, exclusive of costs, is recoverable under the Provincial Offenses Act.

**WHITEFISH RIVER INDIAN RESERVE DOG CONTROL BYLAW**

**BE IT KNOWN** that this by-law is hereby enacted by the Council of the Whitefish River Indian Reserve at a duly convened meeting of the Council dated the 22<sup>nd</sup> day of July, 2002.

**WE HEREBY**, the Chief and Council of the Whitefish River Indian Band, do hereby certify that a true copy of the foregoing by-law shall be **mailed** to the Minister of Indian Affairs and Northern Development pursuant to subsection 82 (1) of the Indian Act, the 23<sup>rd</sup> day of July, 2002.

Quorum \_\_\_\_\_

\_\_\_\_\_  
Councillor

*Louise McIsaac*  
Councillor

*John Beckett*  
Councillor

*Leon Tilyak*  
Chief

\_\_\_\_\_  
Councillor

*Michael McEwen*  
Councillor

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Councillor

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Councillor

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Councillor

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority - Indian Act Section	Source of Funds	Expenditure	Authority - Indian Act Section	Source of Funds
		<input type="checkbox"/> Capital <input type="checkbox"/> Revenue			<input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommending Officer			Recommending Officer		
Signature _____ Date _____			Signature _____ Date _____		
Approving Officer			Approving Officer		
Signature _____ Date _____			Signature _____ Date _____		