

By-law No. 2006-01
Being a By-Law respecting the Care and Control of Animals
On the Wahnapiatae First Nation

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

AND WHEREAS it is deemed to be expedient to establish a method of impounding and detaining dogs running at large and restricting certain breeds of dogs from being on the Wahnapiatae First Nation for the benefit and safety of the residents on the reserve;

THEREFORE, the Council of the Wahnapiatae First Nation enacts this Animal Control By-law, Number 2006-01, as follows:

Short Title

1. This by-law may be cited as the “Wahnapiatae First Nation Animal Control By-Law”.

Interpretation

2. In this by-law

“*animal*” means a dog, a cat, or any other domestic animal;

“*Animal Control Officer*” includes any employee of the Wahnapiatae First Nation Band so appointed pursuant to section 4, or an employee, person, company or association who has entered into a contract with the Wahnapiatae First Nation to control dogs and/or cats and any servants or agents of such employee, person, company or association.

“*animal register*” means the register kept by the Animal Control Officer or someone appointed by Council for the purpose of the registration of all dogs and other animals on Wahnapiatae First Nation;

“*Akita*” means a dog of any age which can be identified as such a breed or mixed breed by an Animal Control Officer;



“at large” or “running at large” shall mean any dog or cat found in any place other than the premises of the owner and not under the immediate, continuous, and effective control of any person;

“Band” means the Wahnapiatae First Nation, as defined by section 2 of the Indian Act;

“Council” means the Chief and Council of Wahnapiatae First Nation;

***“cat”* means any male or female domesticated cat;**

“dangerous dog” or “vicious dog” includes:

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a vicious or dangerous dog;
- (c) 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 entered concerning that specific dog;
- (d) any dog which has bitten another animal or human without provocation;**

***“Doberman Pinscher”* means a dog of any age which can be identified as such a breed or mixed breed by an Animal Control Officer;**

“dog” means any male or female dog over the age of 16 weeks and includes an animal that is a cross between a dog and a wolf;

***“domestic animal”* means any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram sheep, sow, stallion, rabbit, ferret, or all types of fowl but is not restricted to such;**

“Health Department” or “Medical Officer of Health” means the authority designated by Band Council;

***“household pet”* means any cat, dog, rabbit, ferret or any other animals normally kept or intended to be kept as household pets;**

***“kennel”* means any building or structure or part thereof or premises where dogs are bred, kept, raised, trained and boarded for commercial purposes.**

***“license issuer”* means the person or persons authorized by the Wahnapiatae First Nation Council to issue dog licenses and to collect the required fees;**

“Muzzle” or “muzzled” means to secure a dogs mouth in such a fashion that it cannot bite anything;



“owner” means any owner of a dog, including a person, partnership, association or corporation that owns, possesses, harbours or has control, care or custody over a dog and where the owner is a “minor” the person responsible for the custody of the minor;

“Pit Bull” means a dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by a By-law Enforcement Officer, namely:

- (a) Pit Bull Terrier
- (b) American Pit Bull Terrier
- (c) Pit Bull
- (d) Staffordshire Bull Terrier
- (e) Bullmastiff

“reserve” means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Wahnapiatae First Nation and known as Wahnapiatae Indian Reserve No.11;

“restricted dog” means any of the breeds of dogs identified as a Pit Bull, Rottweiler, Akita, or Doberman Pinscher;

“service animal” means a guide dog or other trained service animal identifiable by a harness, used principally to assist persons with visual, hearing or other impediment or law enforcement personnel.

Application

3. This By-law applies to all owners of Animals residing or visiting on the Wahnapiatae First Nation.

Appointment

4. (1) The Council may appoint, by Band Council Resolution, an Animal Control Officer and/or a License Issuer to provide for the administration and enforcement of this by-law and more specifically to receive registration 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 for the performance of their duties.

Registration and Licensing



5. (1) Every person keeping a domestic animal or a household pet on the reserve shall register that animal with the License Issuer.
- (2) The application for registration and identification tag shall be filed with the License Issuer and will include:
 - (a) the animal owners name;
 - (b) the animal owners address, 9-1-1 number, lot and concession number;
 - (c) a description of the animal sought to be registered, including age name, sex and breed, if known it shall be identified by the License Issuer;
 - (d) the number of animals in the household;
 - (e) upon application for a tag the applicant shall produce a certificate of record that the animal has been inoculated with an anti-rabies vaccine within a period of 12 months of date of application for the tag, the certificate shall note the date of such immunization and the name of the person immunizing the animal;
 - (f) any other information deemed by the License Issuer to be necessary for the proper administration of the by-law.
- (3) The fee for registration and identification shall be \$10.00 per year.
- (4) The registration and identification tag will be valid for one full year from the date of issuance.
- (5) The License Issuer shall issue the license tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.
- (6) Every owner or person in control of, or in apparent control of, a registered dog shall keep the dog tag securely fixed on the animal at all times (except while the dog is being used for hunting purposes) and shall not transfer the license issued to any other person. The license tag shall expire and become void upon sale, death or other means of disposal of the dog.
- (7) In the event a license is lost, the owner shall, upon satisfying the License Issuer of such loss, be entitled to receive a replacement license upon payment of the fee prescribed in the Schedule "A" attached hereto.
- (8) No owner of a dog shall use a license issued to him or her for any other dog other than the dog the license was issued.
- (9) No person shall remove a dog license from a dog without the consent of the owner thereof.
- (10) The fees charged for a dog registration tag shall be in accordance with Schedule "A" attached hereto.**



- (11) Any person who produces evidence to the Wahnapiatae First Nation showing that the dog is required as a guide for assistance by a disabled person shall be exempt from paying the license fee.
- (12) **For seasonal residents whose primary residence is in another Municipality it is sufficient to provide proof of the animal licensing displayed from that Municipality.**

Responsibility of the Owner

- 6.(1) No person shall suffer, permit or allow any animal of which he/she is the owner to run at large on the reserve;
- (2) For the purpose of this by-law an animal will be deemed to be running at large if found in any other place other than the premises of the owner of the animal and not under the immediate, continuous, and effective control of any person.
- (3) For the purpose of this by-law, an animal shall be deemed not to be under the control of any person when the animal is:
 - (a) not held on a leash by a person capable of restraining the animals movements;
 - (b) not on a leash which is securely affixed to some permanent structure from which the animal cannot escape.
- (4) No owner shall permit an animal to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
- (5) No person shall suffer, allow or permit an animal under his control to trespass on private property, whether on a leash or not, permission must be first obtained from the property owner.
- (6) Each owner of an animal shall be responsible for the fencing in of their own animal(s) and keeping them from running at large.
- (7) The owner of an animal in which causes damage to any property including removable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.
- (8) No owner shall allow a female animal in heat to remain in any place unless the animal is attached to a leash and is accompanied by and is under the immediate, continuous and effective control of the owner or agent.
- (9) The owner of an animal who fails to take all necessary measures to ensure that



such an animal is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.

- (10) Any person who owns, harbours, or possesses an animal shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private on the Wahnapiatae First Nation. In any prosecution pursuant to a violation of this section off the by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defence to the prosecution.
- (11) An animal, except a registered animal shall not be considered running at large and need not be on a leash if not a Dangerous dog and the animal;
 - a. is being used by a person for the purpose of hunting; or
 - b. is being used for a person to work in a lawful manner with sheep or cattle;
or
 - c. is used by a visually impaired person as a guide dog.
- (12) Where an animal is impounded, the owner if known, shall be liable for all charges and fees in accordance with the by-law and shall pay all such charges and fees on demand to the Animal Control Officer, whether or not the animal is claimed from the pound.

Responsibilities of Animal Control Officer

- 7.(1) The Animal Control Officer of Wahnapiatae First Nation may impound any animal found running at large, either seized by him/her or delivered to him/her contrary to the provisions of this by-law.
- (2) An Animal Control Officer may seize and impound any animal found running at large within the limits of the reserve or any animal without a license contrary to the provisions of this by-law. Any animal so impounded, if not retrieved by the owner, shall be fed and watered for a period of not less than five (5) days, excluding the day on which the animal was impounded and excluding the days that the shelter is closed, and if not redeemed at the expiration of the five (5) day period, may be sold, given to fostering facilities or euthanized.
- (3) Where an owner claims an animal, he/she shall:
 - a. provide proof of ownership of the animal; and
 - b. **pay to the Animal Control Officer all expenses incurred in securing, caring for and feeding the animal as listed in Schedule "A" hereto attached;** and
 - c. pay for the license and registration for the animal if not currently licensed.
- (3) If an animal is injured and the services of a veterinary surgeon is secured, the owner shall not be entitled to redeem the animal unless the charges for such



Veterinary surgeon's services are paid, in addition to other charges provided for in this by-law.

- (5) At the discretion of the Animal Control Officer, if an animal is seriously injured or should be destroyed without delay for humane reasons, or for safety of persons or animal, the animal shall be destroyed forthwith and the costs recovered from the owner.
- (6) No attempt may be made by the authority to claim or purchase animals for the purpose of research, notwithstanding the provisions of the *Animals for Research Act, R.S.O., 1990* and no animal shall be offered for same for the purpose of research.
- (7) An Animal Control Officer shall, within twenty-four (24) hours from the impounding of any animal, make every reasonable effort to notify the owner that the animal is impounded and the conditions whereby custody of the animal may be regained.

Immunization of Animals

8. (1) All animals on the reserve must be immunized in accordance with Generally Accepted Veterinary Standards unless otherwise directed by the License Issuer.
- (2) **Section (1) does not apply to animals under (4) four months old.**

Treatment of Animals

9. (1) No owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or cause the animal to become a nuisance.
- (2) No person shall punish or abuse an animal in a manner which is cruel or unnecessary.

Prohibition of Animals Within Specific Areas

10. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve through a Zoning by-law pursuant to Paragraph 81(g) of the *Indian Act*.

Rabies Quarantine

11. (1) The owner of any animal exposed to rabies shall report to Band Council and, on demand, surrender such animal to the Band Council to be held by the Animal Control Officer in quarantine for a period of at least ten (10) days and such animal shall not be released from such quarantine without written permission of the Health Department.



- (2) Upon demand of Band Council, the owner of any animal 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 Health Department.
- (3) Any animal found to be infected with rabies shall be destroyed by its owner or by the Animal Control Officer at the expense of the owner.

Wild Animals

12. (1) **No person shall keep, harbour or possess a wild animal on the reserve that may be dangerous to the health and safety of the reserve residents without the express written consent of the Council by Band Council Resolution.**

Exotic Pets

13. (1) **The keeping of any animals of any kind listed in Schedule "B" of this By-law, anywhere on the Wahnapiatae First Nation is hereby prohibited.**
- (2) **This by-law does not apply to prohibit the keeping of an animal of a kind listed in schedule "B" of this by-law in the following places or circumstances:**
 - (a) **in a veterinary hospital under the care of a licensed veterinarian;**
 - (b) **in a public pound; and**
 - (c) **by the Ontario Humane Society.**

Kennels

14. (1) **No kennel license shall be issued within any area of the reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.).**
- (2) **No person may establish, own or operate an establishment or facility for boarding or treatment of animals within the limits of the reserve, without written consent of the Council by Band Council Resolution (B.C.R.).**
- (3) **A kennel license shall only be issued in the approved form that may be amended from time to time by Band Council Resolution.**
- (4) **Any band member who is engaged, employed or otherwise involved in the breeding of cats or dogs for sale and who owns or has custody or care of a cat or dog that is being kept for breeding purposes or for sale shall comply with the Standards, identified in the Ontario Society for the Prevention of Cruelty to Animals Act R.S.O. 1990,**



Vicious Dogs

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

Seizure of Restricted Dogs

- 16.(1) Sections 16(1) to 16(5) inclusively, apply only to Restricted Dogs and where these sections conflict with other sections of this by-law these sections shall apply.
- (2) Except for in section 16(5), an Animal Control Officer shall seize any Restricted Dog that is found on the reserve:
 - (a) without a tag issued in accordance with this by-law; or
 - (b) running at large on the reserve.
- (3) An Animal Control Officer who has seized a Restricted Dog shall restore possession to the owner where:
 - (a) the owner claims possession in person during time period described in section 7(2); and
 - (b) the owner pays to the Animal Control Officer all expenses incurred in securing, caring for and feeding the Restricted Dog; and
 - (c) the owner undertakes to immediately remove the Restricted Dog from the reserve, or the owner produces a valid dog tag for the Restricted Dog.
- (4) Notwithstanding 16(2), if after reasonable effort or should Public safety be a risk in the sole discretion of the Animal Control Officer, and he/she is unable to seize any Restricted Dog found on the reserve, the Restricted Dog may be destroyed in a manner the Animal Control Officer deems appropriate in the circumstances, and the costs recovered by the owner.
- (5) (a) upon seizure under 16(2), the Animal Control Officer shall impound the Restricted Dog for a period of not less than five (5) days, after the date of seizure and shall immediately make reasonable effort to notify the owner of the seizure, and
- (b) if ownership is not claimed within the time period prescribed in subsection



16(5) (a), the Animal Control Officer may destroy and dispose Restricted Dog in a humane manner with costs recovered from the owner, give to fostering facilities or sell and no one may recover damages or compensation as a result of such action, and

- (c) if a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall impound the Restricted Dog for such a period of time to be specified by a Veterinarian, and thereafter the Animal Control Officer may destroy the restricted Dog in a manner he/she deems humane and appropriate in the circumstances with costs recovered from the owner, and no one may recover any damages or compensation as a result of such action.
- (d) where any Restricted Dog is to be found to be injured or diseased, the Animal Control Officer shall seek Veterinary attention for the Restricted Dog, in the case where the owner has declined or neglected to do so, the owner shall pay to the Animal Control Officer all costs associated with the provision of such Veterinary services, and
- (e) where any Restricted Dog has been injured and in the opinion of the Animal Control Officer, should be immediately destroyed, either for humane reasons or to protect the health and safety of the public, the Restricted Dog may be destroyed in a manner the Animal Control officer deems humane and appropriate in the circumstances, and the costs recovered from the owner.

Protection From Vicious Animals

- 17.(1) A person or Animal Control Officer may kill, if necessary, a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, killing or destroying:
- (a) a person;
 - (b) another animal that is not running at large
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.
- (2) A person or Animal Control Officer who must kill a vicious animal, pursuant to section 17(1), shall immediately report the incident to the Chief and Council or Animal Control Officer and notify the animals owner.
- (3) No damages or compensation may be recovered as a result of killing an animal by a person or Animal Control Officer who is required to do so pursuant to section 17(1).



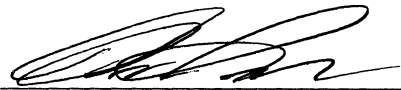
Penalties

- 18.(1) Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1000.00) or to imprisonment for a term **not exceeding** Thirty (30) days or to both fine and imprisonment.

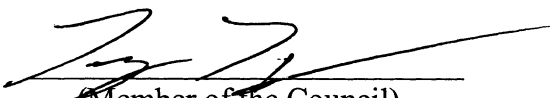
- (2) Should a court determine a provision of this by-law is invalid for any reason, the provision shall be served from the by-law and the validity of the rest of the by-law shall not be affected.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Wahnapiatae First Nation this day of October 10, 2006.

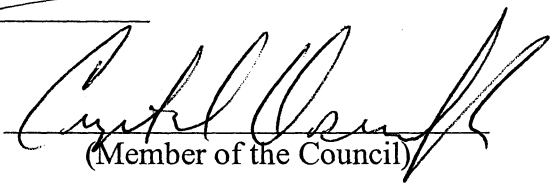
Voting in favour of this by-law are the following members of the Council:



(Chief)



(Member of the Council)

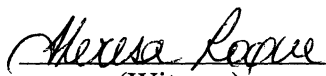


(Member of the Council)

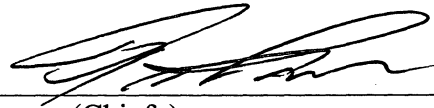
being the majority of those of the Council of the Wahnapiatae First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.
Number of the Council present at the meeting: 5.

I, TEO Roque, Chief of the Wahnapiatae First Nation, do hereby certify that a copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull Office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 12 day of October, 2006.



(Witness)



(Chief)



**Schedule "A" to By-law # 000-000-001 Animal Control
FEE SCHEDULE**

1. License of Dog	-spayed/neutered	2006.....	\$15.00
	-not spayed/neutered	2006.....	\$25.00
2. Replacement Tags			\$5.00
3. License of Service Animal			NIL
4. Service Fees			
	• Picking up an unwanted dog at the request of the owner.....		\$90.00
	• Picking up an unwanted Cat at the request of the owner.....		\$60.00
	• Picking up a dead dog at the request of the owner.....		\$65.00
	• Picking up a dead cat at the request of the owner.....		\$45.00
	• Accepting an animal at the request of the owner when delivered and released to the shelter.....		\$75.00
	• Accepting a litter of puppies at the request of the owner when delivered and released to the shelter.....		\$100.00
	• Accepting a litter of kittens at the request of the owner when delivered and released to the shelter.....		\$75.00
	• Disposing of a dead dog at the request of the owner if delivered to the shelter.....		\$50.00
	• Disposing of a dead cat at the request of the owner if delivered to the shelter.....		\$30.00
	• Euthanasia and disposal of a cat at the request of the owner if delivered to the shelter.....		\$90.00
	• Euthanasia and disposal of a dog at the request of the owner if delivered to the shelter.....		\$60.00
	• Picking up a stray animal (dog/cat, dead or alive).....		N/C
5. Impound Fees (within Calendar year):			
	First offence.....		\$25.00
	Second offence.....		\$40.00
	Third offence.....		\$75.00
6. Return of Animal to owners without impounding (within Calendar year):			
	First offence.....		\$30.00
	Second offence.....		\$45.00
	Third offence.....		dog impounded
7. After Hours – Call Out:			
	Dog delivered to shelter (emergency call) and released to owner.....		\$20.00
8. Adoption Fees (plus GST and PST):			
	Adult Dog.....		\$70.00
	Puppy with first vaccination.....		\$100.00
	Adult cat.....		\$25.00
	Kitten with first vaccination.....		\$35.00



SCHEDULE "B"

Alligator Snapping Turtles
Antelopes

Baboons
Banana Spiders
Bird Spiders
Boas

Camels
Caracals
Cheetahs
Chimpanzees
Civets
Coatimundi
Coral Snakes
Cougars
Crocodiles

Elephants

Geckos
Genets
Gibbons
Giant Centipedes
Giant Millipedes
Giant Salamanders
Giant Tortoise
Giraffes
Goliath Beetles
Gorillas

Hercules Beetles
Hippopotami

Iguanas
Indago Snakes

Jackals
Jaguars
Jaguarundi

Kinkajous

Lemurs
Leopard Cats
Leopards
Lionfish (Turkeyfish)
Lions
Llamas

Macaques
Mandrills

Manatee
Margays
Marine Toads
Marine Turtles
Marmosets
Marsupials
Meerkats
Mongoose

Ocelots
Onagers
Orangutans
Owl-faced Monkeys
Owl Monkeys

Penguins
Poisonous Colurbird Snakes
Poison-arrow Frogs
Porpoise
Pottos
Pythons

Rattle Snakes
Rhesus Monkeys
Rhinoceros Beetles
Rhinoceros

Scorpions
Sea Elephants
Sea Lions
Seals
Servals
Spider Monkeys
Squirrel Monkeys
Stag Beetles
Syrian Wild Asses
Stonefish

Tarantulas
Tapirs
Terrapins
Tiger Cats
Tigers
Toadfish
Turkeyfish (Lionfish)

Vipers
Walrus
Wildcats
Whales
Woolly Monkeys
Zebras

