

# **Fort William First Nation**

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## **By-Law to Regulate Dogs**

### **By-Law No. 2004-02**

**Whereas** the community members of Fort William First Nation have demonstrated a desire to license, regulate and control dogs on the Reserve;

**And Whereas** to better maintain law and order on the Reserve, the Chief and Council deem it necessary and desirable to licence, regulate and control dogs;

**And Whereas** subsections 81(1) (a) and (e) of the Indian Act of Canada empowers the Council of a First Nation to make By-laws governing the regulation of Dogs;

**Be it therefore resolved**, the Fort William First Nation Chief and Council assembled at the Reserve of Fort William First Nation, Ontario, enacts as a By-law the following:

#### **SHORT TITLE**

1. This by-law may be cited as the "Fort William First Nation Dog Regulation By-law"

#### **DEFINITIONS**

2. In this By-law:

"Council" means the Council of Fort William First Nation, a Council of the Band as defined in section 2(1) of the Indian Act, R.S.C. 1985, c. 1-5, as amended

"dog" means any canine, male or female

"dog control officer" includes any Peace Officer, Band Constable, or other person charged by Council with the duty to enforce First Nation By-laws

"First Nation" means the Fort William First Nation, an Indian band as defined in section 2(1) of the Indian Act, R.S.C. 1985, c. 1-5, as amended

"owner" includes the person who possesses or harbours a dog or dogs or who permits another to possess or harbour a dog or dogs and a person responsible for a minor who possesses or harbours a dog or dogs

“premises” includes the entire lot upon which a dwelling unit exists or that is possessed or under the control of an owner

“running at large” means to be in a place other than the premises of an owner of the dog and not under the physical control of any person

### **LICENCE**

3. (1) All dog owners shall make an application to Council, or a dog control officer as appointed by Council from time to time for this purpose, forthwith upon commencing ownership of a dog
- (2) An owner shall provide the following upon application
  - a) the owner’s name and address;
  - b) name and description of dog being licensed;
  - c) a certificate from a licensed veterinarian certifying that the dog being licensed has had a rabies vaccination that is valid on the date of the application;
  - d) the applicable fee; and
  - e) such other information as may be required by the Council.
- (3) Licence fees shall be as follows, subject to change by Council from time to time
  - a) male dog: \$25.00 / year
  - b) female dog (spayed) \$25.00 / year
  - c) female dog (not spayed) \$50.00 / year
- (4) Guide dogs within the meaning of the Blind Persons’ Rights Act hearing ear or working dogs, where a certificate is produced from a recognized training establishment stating the dog is being used for such a purpose be exempt from all licence fees Under this by-law.

### **PROHIBITED MATTERS**

4. (1) No owner shall fail to have each dog owned by them vaccinated against rabies.
- (2) No person shall possess or harbour the age of three months on the Reserve unless the dog is licenced in accordance with the provisions of this By-law.
- (3) There shall be no more than two dogs -kept within or about a premises regardless of ownership.
- (4) Chief and Council reserve the right to increase this limit upon application by an owner.
- (5) No owner shall fail to prohibit a dog from running at large
- (6) Any dog which is deemed by Council, or a dog control officer, to be dangerous or vicious must be kept chained or in a caged dog run kennel.

(7) No person shall forcibly remove a dog from the control of a dog control officer, a dog control officer's vehicle or a place where the dog has been impounded.

### **DANGEROUS AND VICIOUS DOGS**

5. (1) Any dog shall be deemed to be dangerous or vicious if it has made an unprovoked attack upon any person or domesticated animal in the course of which the person or animal is injured or where the person suffers damage to clothing or other personal property.
- (2) The Chief and Council may designate certain breeds of dogs to be dangerous or vicious for the purposes of this By-law.

### **DOG CONTROL OFFICER**

6. (1) Where a dog control officer has reasonable and probable grounds to believe there has been a contravention of this By-law the dog control officer may seize such dog wherever it is located and impound the dog or return the dog to its owner if known.
- (2) A dog control officer may not enter a private residence without the consent of inhabitants in order to seize a dog.
- (3) A dog control officer may kill any dangerous or vicious dog on sight, without notice to or complaint against the owner, where that dog represents a threat to public safety.
- (4) A dog control officer has discretion to deal with dogs seized under Section 6(1) in whatever manner he/she deems reasonably necessary in the circumstances.
- (5) Council may establish fees, from time to time, for the care and maintenance of impounded dogs, including reasonably necessary veterinarian expenses, and charge such fees to the owner as a pre-condition to a dog's release to its owner.
- (6) No damages or compensation may be recovered for a dog destroyed by the dog control officer acting in good faith and with reasonable cause under this By-law.

### **PENALTY**


1. (1) Any person who contravening any provision of this By-law is guilty, upon conviction, of an offence and is liable upon conviction to a **maximum fine of One Hundred (\$1,00.00) Dollars.**
- (2) The court in which the conviction has been entered, and any other court of competent jurisdiction thereafter, may make an order the continuation or repetition of the offence by the person convicted

This By-law is hereby made at Fort William First Nation, Ontario, at a duly convened meeting of the Council of Fort William First Nation called for this purposes, this 9<sup>th</sup> day of March 2004.

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



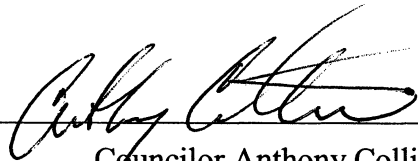
Chief Peter Collins



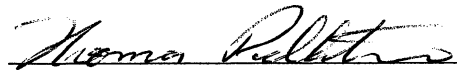
Councilor Myles Pervais



Councilor Mike Pelletier



Councilor Anthony Collins

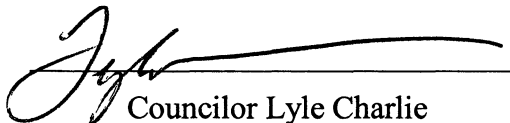


Councilor Thomas Pelletier

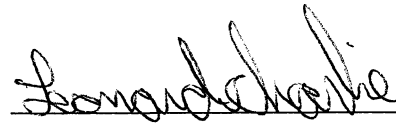


Councilor Phil Pelletier

Councilor Guy Collins



Councilor Lyle Charlie



Councilor Leonard Charlie



Councilor Martin Bannon

Councilor Tim Ward

Councilor Arlene Solomon

Councilor William Solomon

being a majority of those members of the Council of Fort William First Nation present at the aforesaid meeting of the Council. The quorum of the Council is 5 members. The number of members of the Council present at the meeting was 8.