

~~COUNCIL OF~~ **COUCHICHIING FIRST NATION**

4216-00126

By-Law No. _____

**A BY-LAW RESPECTING THE PROHIBITION ON THE RESERVE OF
AMERICAN PITBULL TERRIERS AND AMERICAN STAFFORDSHIRE
TERRIERS**

ENACTED THIS 27 DAY OF FEBRUARY , 199 5.

WHEREAS:

1. Subsection 81(1)(a), (d), (e) (q) and (r) of the *Indian Act*, R.S., 1985, c. I-5, empower the Council of a First Nation to make by-laws for the health of reserve residents, the prevention of nuisances, the prevention of trespass by domestic animals, matters ancillary to the exercise of these powers, and penalties for violation of these by-laws;
2. The Council of Couchiching First Nation is of the opinion that the ownership, possession, and running at large of certain animals may be detrimental to the health and safety of reserve residents, and a nuisance to such residents;

NOW THEREFORE the Council of Couchiching First Nation enacts the following By-Law:

1. Short Title

This by-law may be cited as the "**Couchiching First Nation Pitbull Control By-Law**".

2. Interpretation

In this by-law:

- a) "**animal control officer**" means any peace officer as defined in Section 2 of the Criminal Code, R.S.C., 1985, c. C-46;
- b) "**at large**" means not under the apparent control of any person;
- c) "**Council**" means the Council of Couchiching First Nation;
- d) "**owner**" means a person who owns, possesses or has control of a pitbull;
- e) "**pitbull**" means an "**american pitbull terrier**" or an "**american staffordshire terrier**", a breed of dog derived from the cross-breeding a bulldog and any of the various breeds of short-haired terriers;
- f) "**reserve**" means the Couchiching Indian Reserve #16A, Fort Frances, Ontario;
- g) "**visitor**" means anyone other than a resident of the reserve who is at anytime within the territorial jurisdiction of the reserve.

3. Prohibition

- a) No person who is resident on the reserve shall own, possess or have control of a pitbull on the reserve.


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- b) No person who is a visitor to the reserve shall possess or have control of a pitbull on the reserve.

4. Animal Control Officer

- a) The Council may by resolution designate an individual as an animal control officer in order to administer and enforce this By-Law.
- b) The Council may by resolution provide that reasonable remuneration be paid to an animal control officer for the performance of his or her duties.

5. Seizure of Pitbulls

- a) An animal control officer may seize any pitbull that is found at large on the reserve.
- b) An animal control officer may seize any pitbull from any person who appears to own, possess, or be in control of a pitbull on the reserve.
- c) Subject to section 6, an animal control officer who has seized a pitbull shall restore possession of the pitbull to the owner where:
 - i) the owner claims possession within five (5) days after the date of seizure;
 - ii) the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the pitbull; and,
 - iii) the owner has received a notice of offence for violation of this By-Law;
 - iv) the owner undertakes to immediately remove the pitbull from the reserve.

6. Destruction if Seizure Difficult or Public Safety at Issue

If, after reasonable effort or should public safety be at issue in the sole discretion of the animal control officer, the animal control officer is unable to seize any pitbull found on the reserve, the pitbull may be destroyed in a manner the animal control officer deems appropriate in the circumstances, and no person may recover damages or compensation as a result of such action.

7. Impounding Pitbulls

- a) Upon seizure of any pitbull pursuant to section 4, the animal control officer shall impound the pitbull for a period of not less than five (5) days, after the date of seizure and shall immediately make reasonable efforts to notify the owner.
- b) If ownership of the pitbull is not claimed within the time prescribed by subsection 7(a), the animal control officer may destroy and dispose of the pitbull in a humane manner, and no person may claim damages or compensation as a result of such action.

8. Impounding After Attack

- a) If any pitbull seized has inflicted an unprovoked bite upon any person or upon another animal, the animal control officer shall impound the pitbull for such period of time to be specified by a veterinarian.

- b) Where any pitbull has been impounded pursuant to subsection 8(a), the animal control officer may, upon direction from a veterinarian, destroy and dispose of the pitbull in a humane manner, and no person may recover damages or compensation as a result of such action.

9. Injury to Pitbull

- a) If any pitbull is found to be injured or diseased, the animal control officer shall seek veterinary attention for the pitbull in the case where the owner has declined or neglected to do so, and the owner shall pay to Couchiching First Nation all costs arising from the provision of such veterinary care.
- b) Where any pitbull 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 reserve residents, the pitbull may be destroyed in a manner the animal control officer deems humane and appropriate in the circumstances, and no person may recover damages or compensation as a result of such action.

10. Protection from Pitbulls

Any person on the reserve may immediately destroy any pitbull that is in the act of pursuing, attacking, or injuring a person or another animal, and no person may recover damages or compensation as a result of such action taken by that person.

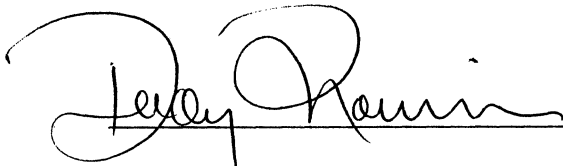

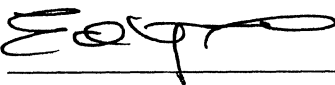
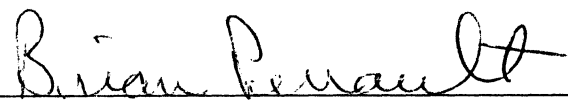
11. Report to Council

The animal control officer shall submit a written report to the Council after any violation of the provisions of this By-Law.

12. Penalty

Any person who contravenes the provisions of this By-Law is guilty of an offence and is liable upon summary conviction to a fine of not less than one hundred (\$100.00) dollars and not greater than one thousand (\$1,000.00) dollars, or imprisonment for a period not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY ADOPTED AND APPROVED by Resolution of the Council of Couchiching First Nation this 27 day of February, 1995.

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

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 7