



ALDERVILLE FIRST NATION

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Chief - Nora Bothwell
Councillor - Penny Crowe
Councillor - Karen Beaver
Councillor - Randy P. Smoke
Councillor - Kenneth Marsden

By-law No. 02
Being a by-law Respecting the
Care and Control of Animals on
Alderville First Nation.

Enacted on the 27th day of Mar/95.

WHEREAS section 81, paragraph (a), (d), (e), (g) and (r), of the Indian Act empower the Council of Alderville First Nation to pass by-laws to provide for the health of residents on the First Nation. To help 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 Alderville 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 First Nation, and a nuisance to such residents.

THEREFORE, the Council of Alderville First Nation enacts a by-law as follows:

TITLE:

1. This by-law may be cited as the "Alderville 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" means an animal control officer appointed pursuant to section 3, or any by-law enforcement officer and includes an officer of the Police and a person employed by the Band for the purpose of enforcing the provisions of this by-law.

"animal register" means the register kept by the animal control officer for the purpose of registration of all dogs and other animals on the First Nation.

"band" means Alderville First Nation.

"council" means Chief and Council of Alderville First Nation.

"dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf.

"cat" means any cat male or female.

"dwelling" means any building used or intended to be used for human habitation and in which normal domestic functions may be carried on.

"medical officer of health" means the medical officer of health employed by the Band.

"muzzle" means to secure a dogs mouth in such a fashion that it cannot bite anyone or anything.

"owner" of an animal includes a person who possesses or harbours a animal.

note "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.

"band lands" means lands owned by Alderville First Nation, #37 and Vimy Ridge #37.

"villainous dog" includes:

- (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour.
- (ii) any dog that an animal control officer, upon probable and reasonable grounds, believes to be a villainous dog.
- (iii) any dog which has been the cause of a prosecution under this by-law within six months where the conviction against anyone had been entered concerning that specific dog.
- (iv) any dog which has bitten another animal or human without provocation.

ANIMAL CONTROL OFFICER

- 3 (i) 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.
- (ii) 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 (i) Every person keeping one or more dogs in the First Nation shall register and have identification tags placed around the neck of the dog.
- (ii) The application for registration and identification tag shall be filed with the animal control officer and include:
 - (a) the applicants name;
 - (b) the applicants address or lot 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 household;
 - (e) a record that the animal is immunized against rabies noting the date of immunization, the name of the person immunizing the dog including the makers 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.
- (iii) The charge for registration and identification tags shall be of 12.00 per year.
- (iv) The animal control officer shall issue the licence tag upon registration and the payment of the annual fee and where in the case of a dog, proof of immunization against rabies is provided.
- (v) The licence tag shall be securely attached to the collar or harness of the animal at all times.
- (vi) The registration and identification tag issued by the animal control officer will be valid for a year from the date of the issuance of the identification tag.

IMMUNIZATION OF ANIMALS

- 5. All animals in the First Nation must be immunized in accordance with generally accepted veterinary standards.
- 6. The owner of any animal exposed to rabies shall, on demand by the council, surrender such animal to the animal control officer to be held in quarantine for a period of 14 days and such animal shall not be released from quarantine without written permission of the medical officer of health.
- 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 medical health officer.
- 8. 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.

GENERAL PROHIBITIONS

9. (i) Subject to subsection (ii), every owner of a dog that is kept or left outside unsupervised, shall keep the dog securely leashed at all times.
A villainous dog shall be penned up at all times when left outside unattended. (see 12 (i), (ii), (iii)).
The pens should be the minimum of 10' by 10' by 5' high.
The pens should be constructed no later than May 19 1995.
- (ii) A dog need not be penned up as provided in subsection (i) if the dog:
- (a) is held on a leash by a person capable of restraining the dogs movements;
 - (b) is being used by a person for the purpose of hunting;
 - (c) is being used by a person to work in a lawful manner with sheep or cattle;
 - (d) is used by a visually impaired person as a guide dog.
- (iii) No owner shall allow a female animal in heat to remain in any public place unless such a female animal is attached to a leash and is accompanied by and under observation and control of the owner.
- (iv) The owner of an animal who fails to take necessary measures to ensure that such a dog does not enter upon property without being under the control or in the possession of the owner is guilty of an offence.
- (v) The owner of dog which causes damage to any property including moveable property, lawns, gardens, or other parts of property, is guilty of an offence.
- (vi) The owner of a dog shall, when the dog is on public or private property belonging to another person, immediately pick up and dispose of, any feces, vomit, or any other waste left by the dog on the said property.
10. 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.
11. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

Villainous Dogs

12. (i) Any one owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.

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

(iii) A villainous dog that is left outside must be penned up at all times. (SEE # 9(i))

PROHIBITIONS within specific areas on band owned land

13. (i) The council may at any time prohibit the keeping of animals within any area of the band land when public events are being held.

(ii) At that time, a notice of a prohibition made by council shall be posted in the band office and no animal shall be allowed in that posted area until the specified time has ended.

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

IMPOUNDING AND SEIZURE

14. (i) No owner shall permit a dog belonging to him to be at large on band lands.

(ii) An animal found at large on band lands may be impounded for not less than five (5) days and may be thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by it's owner and the costs incurred for the impounding of the animal have been paid.
15. (i) An animal 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.

(ii) 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 time to be specified by a veterinary surgeon.

(iii) Subject to subsection (6), an animal control officer who has seized a dog pursuant to subsection (i) 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 animal control officer all expenses incurred in securing, caring for and feeding the dog as listed by the animal control officer.
- (c) where the owner has failed to purchase an identification tag, he obtains the registration identification tag from the animal control officer before he obtains the release of the dog.

(iv) Where a dog has not been reclaimed within five (5) days after seizure pursuant to subsection (iii), 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.

(v) If an animal is found diseased, the animal 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 charged against the owner of the animal.

(vi) 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 reasons of health or safety to persons or animals, the animal control officer shall destroy the animal as soon after the seizure as he thinks fit without permitting any person to reclaim the amount and no damages or compensation may be recovered on account of such action.

(vii) When an animal has been impounded, the council shall forthwith make every effort to notify the owner of such animal.

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

DESTRUCTION WHERE UNABLE TO SEIZE

16. (i) 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.
- (ii) No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer pursuant to subsection (i).

PROTECTION FROM DOGS

17. (i) Any band member may destroy a dog that is running at large on his/her property only if the dog is in the act of pursuing, attacking, injuring, killing or destroying:
- (a) a person
 - (b) another dog
 - (c) a food cache, harness or other equipment
 - (d) domestic livestock.
- (ii) No damages or compensation may be recovered as a result of the killing of a dog by that person to subsection (i).

PENALTY

18. 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 not more than one hundred dollars (\$100).
- or
- is liable on a summary conviction to a fine not more than one hundred dollars (\$100) or to imprisonment for a term not to exceed five days (5)days or both.

THIS BY-LAW IS HEREBY made at a duly convened council meeting of the Alderville First Nation this 27th day of Mar., 1995.

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



member of Council



member of Council



member of Council

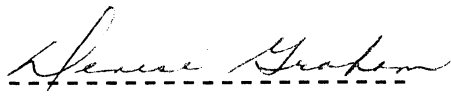


member of Council

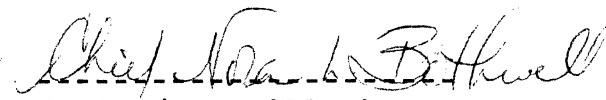
being the majority of those members of the Council of Alderville First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is four(4) members.
Number of members of the Council present at the meeting of 5 where 5 .

I Chief N.Bothwell 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 pursuant to subsection 82(1) of the Indian Act, this 27 day of Mar., 1995.



(Witness)



(Chief/Councillor)