

TRIBAL LAW RESPECTING DOG CONTROL

WHEREAS the Chiefs and Councils of the Saddle Lake Indian Tribe derive their authority from and are responsible to the membership for the peace, order and good government of the Whitefish Lake Indian Reserve #128, the Saddle Lake Indian Reserve #125 and the Cache Lake Indian Reserve #125A; and

WHEREAS the Chiefs and Councils of the Saddle Lake First Nation have the traditional and statutory authority to pass a Tribal law to provide for the health of residents on the Reserve, the protection against and prevention of trespass by domestic animals, being matters arising out of or ancillary to the exercise of such powers; and

WHEREAS the Joint Tribal Council of the Whitefish Lake Reserve, the Saddle Lake Reserve and the Cache Lake Reserve are 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 Reserves and a nuisance to such residents,

WHEREAS the Chiefs and Joint Council, as the Indian Government of the Reserves, desires to assert its inherent and traditional authority to reflect the traditions and customs of the Tribe and thereby preserve the cultural heritage of its people and the order and harmony of its communities by a Tribal law governing dog control on the Reserves of the Tribe;

THEREFORE the Chiefs and Councils of the Saddle Lake Tribe by and with the advice and consent of the members of the Saddle Lake First Nation enact a Tribal law as follows:

1. CITATION

This Tribal law shall be known as the Tribal Dog Control Law.

2. DEFINITIONS

In this Tribal law:

- (a) "At Large" or "Running at Large" means an animal that is off the premises of the Owner and not muzzled or under the continuous and effective control of any person and "Run at Large" has a meaning corresponding to "Running at Large" in this Tribal law.
- (b) "Council" means the Council elected to administer the affairs of the Reserve;
- (c) "Dog" means any dog, male or female, and includes an animal that appears to be the progeny of an animal that is or has been cross bred with a Dog.
- (d) "Estray" or "stray Dog" means a Dog found on the premises of a person other than its owner.
- (e) "Mischievous Dog" means any notoriously cross, dangerous or notoriously breachy Dog.
- (f) "Muzzle" means to secure a Dog's mouth in such a fashion that it cannot bite;
- (g) "Owner" means a person who is residing on or has been invited to be on a Reserve and owns a Dog or Dogs, is a person whose residence is frequented by a Dog or is someone who has registered a Dog pursuant to this Tribal law and "Owns" has a meaning corresponding to "owned" in this Tribal law.
- (h) "Reserve" means the Whitefish Lake Reserve #128, the Saddle Lake Reserve #125, and the Cache Lake Reserve #125A;

- (i) "Tribal Law" means "By-Law" for the purposes of section 81 of the Indian Act (Canada)

- (j) "Tribal Law Enforcement Officer" means:
 - (i) a member of the R.C.M.P.;
 - (ii) a special constable appointed for police duty on Reserve pursuant to the Alberta Police Act;
 - (iii) a person appointed by Chief and Council to enforce this Tribal law;
 - (iv) a Dog Registration Officer;
 - (v) pursuant to (i), (ii), (iii) and (iv) above, a person who is responsible for registration and control of Dogs on a Reserve.

- (k) "Saddle Lake First Nation" means a Band as defined by the Indian Act (Canada)

- (l) "Indian Act (Canada)" means the Indian Act, R.S.C. 1985 c. I-5.

3. APPLICATION OF TRIBAL LAW

This Tribal law applies to all lands within the Whitefish Lake Reserve #128, the Saddle Lake Reserve #125 and the Cache Lake Reserve #125A.

4. DELEGATION OF POWERS

- (a) The Council may in writing delegate to any member of the Tribe, permanently resident on the Reserve, any power, duty, or function conferred on the Council by this Tribal law other than the power to make regulations.

- (b) When, pursuant to subsection (1), the Council delegates to any person any express power, duty or function, any reference in this Tribal law to the Council in connection with that power, duty or function shall be construed as also referring to that person.

5. REGISTRATION

- (a) No Owner shall allow his Dog to be on a Reserve unless his Dog is registered in accordance with this Tribal law and has been issued an identification tag.
- (b) An Owner of a Dog shall register his Dog or Dogs with the Tribal Law Enforcement Officer or any other person authorized to register Dogs by Chief and Council.
- (d) An Owner shall, at all times, cause his Dog to wear a fitted collar to which the Dog's identification tag is attached.
- (e) A Dog cannot be registered by an Owner unless the Owner can provide evidence of recent vaccination against rabies, hepatitis, para influenza, distemper, corona and parvo.

6. FEES

- (a) The fee for registration of a Dog shall be Five (\$5.00) Dollars per year.

7. CONTROL OF DOGS

- (a) An Owner shall:
 - (i) control his Dogs within the boundaries of a Reserve.

- (ii) not permit his Dog to run at large;
 - (iii) not allow his Dog to remain unfed or unwatered for a period of time which would be cruel to the Dog or which would cause the Dog to become a nuisance;
 - (iv) not punish or abuse a Dog in a manner or to an extent that is cruel or unnecessary;
 - (v) not permit a female Dog in heat to be off the lands or premises of the Owner;
- (b) Council may at any time by its order prohibit the keeping of Dogs within any area of the Reserve;
- (c) Notice of any prohibition order made by Council pursuant to subparagraph (b) hereof 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.
- (d) A member may impound or cause to be impounded a stray Dog which is on his land.

8. SEIZURE

- (a) A Tribal Law Enforcement Officer may seize and impound or cause to be impounded a Dog which the officer has reasonable cause to believe is a stray Dog or any Dog which does not have an identification tag attached to it, is a Dog at Large or is a Mischievous Dog.

- (b) Subject to subsection 6, a Tribal Law Enforcement Officer who has seized or impounded a Dog pursuant to subsection (a) shall restore possession of the Dog to its Owner where:
 - (i) the Owner claims possession of the Dog within five (5) days after the date of the seizure; and
 - (ii) the Owner pays to the Tribal Law Enforcement Officer all expenses incurred in securing, caring for and feeding the Dog.
- (c) Where a Dog has not been reclaimed within five (5) days after seizure, the Tribal Law Enforcement Officer may destroy or dispose of the Dog as he sees fit and no damages or compensation may be recovered by the Owner from the Officer the Tribe or the member as a result of the disposal of a Dog by the Tribal Law Enforcement Officer.
- (d) Where, in the opinion of the Tribal Law Enforcement Officer, a Dog seized pursuant to this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the Tribal Law Enforcement Officer shall destroy the Dog as soon after seizure as he thinks fit and no damages or compensation may be recovered by the owner as a result of the destruction of a Dog by the Tribal Law Enforcement Officer.
- (e) A Dog which has been seized shall be kept by a Poundkeeper in a pound.

9. DESTRUCTION WHERE UNABLE TO SEIZE

- (a) Where a Tribal Law Enforcement Officer, after reasonable effort, is unable to seize a Dog that is running at large contrary to the provisions of this Tribal law, he may destroy the Dog.

- (b) No damages or compensation may be recovered by the owner as a result of the destruction of a Dog by a Tribal Law Enforcement Officer pursuant to subsection (1).

10. PROTECTION FROM DOGS

- (a) Any person may kill a Dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
 - (i) a person;
 - (ii) another Dog that is tethered or muzzled;
 - (iii) a food cache, harness or other equipment; or
 - (iv) livestock, tame ducks and geese, chickens, turkeys, pigs, horses, or any other domestic animal.
- (b) The Tribal Law Enforcement Officer may kill any Mischievous Dog which is running at large.
- (c) No damages or compensation may be recovered by the owner as a result of a killing of a Dog by any person pursuant to subsection (a) and (b).

11. ESTABLISH A POUND

- (a) Council shall establish and maintain such number of pounds and appoint such poundkeepers as are necessary to provide reasonable facilities in all parts of a Reserve for impounding Dogs which have been seized pursuant to this Tribal law.

- (b) Every Poundkeeper appointed by Council holds office during the pleasure of Council.
- (c) Council may, each year, grant to each Poundkeeper a sum of money as a gratuity.
- (d) The Administrator of the Reserve shall publish in the local newspaper or post notices in a conspicuous place a list of the pounds and poundkeepers.
- (e) A Poundkeeper shall keep a pound-book in the form prescribed by Council and in such book shall enter a description of every Dog impounded, the Owner of such impounded Dog, if known, the fees paid by any Owner to the Poundkeeper to regain possession of his Dog.
- (f) Council shall provide the Poundkeeper with sufficient wholesome dog food and water, if necessary, to permit him to properly nourish the impounded Dogs.
- (g) A Poundkeeper shall report on or before the 1st day of November in each and every year to Council detailing the number of Dogs impounded; who the Owners of the impounded Dogs were, if known; and a statement of all monies collected from the Owners.
- (h) A Poundkeeper shall immediately forward to Council any money he may have collected as fees, expenses or costs from an Owner.
- (i) A Poundkeeper shall issue a receipt to the person from whom he has received any money in the performance of his duties hereunder.

12. PENALTIES

- (a) Any person who fails to:
 - (i) register a Dog or Dogs;
 - (ii) control their Dog or Dogs or allows their Dog or Dogs to run at large

is guilty of an offence.
- (b) A person who contravenes this Tribal law or who refuses or neglects to comply with any condition in a permit or with any order or request directed to him pursuant to this Tribal law is guilty of an offence and liable to a fine of not more than \$500.00 or imprisonment for a term not exceeding one week, or both or in default of payment to community service of not more than three months.

13. DELEGATION OF POWERS

- (1) The Council may in writing delegate to any member of the Band, permanently resident on the Reserve any power, duty, or function conferred on the Council by this Tribal law.
- (2) When, pursuant to subsection (1), the Council delegates to any person any express power, duty or function, any reference in this Tribal law to the Council in connection with that power, duty or function shall be construed as also referring to that person.

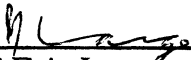
14. POWERS OF CHIEF AND COUNCIL

Council may by resolution:

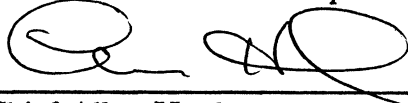
- (a) fix the terms and conditions relating to the issue and use of permits.
- (b) prescribe any terms or conditions of registration or any control measures to be observed.
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Tribal law.

15. COMING INTO FORCE

This Tribal law shall be effective not later than 40 days following delivery of this Tribal Law to the Minister of Indian Affairs and Northern Development.



Chief Eric Large



Chief Allan Houle

