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Muskoday First Nation  
Bylaw No. - 1997/98-01

A Bylaw of the Muskoday First Nation in respect to the Licensing, Restraining, Regulating and Impounding of dogs.

WHEREAS it is deemed expedient to pass a Bylaw in respect to the licensing, restraining, regulating and impounding of dogs on Muskoday First Nation;

AND WHEREAS it is deemed necessary for the protection of the public health, safety and welfare to provide for the regulation of dangerous dogs;

NOW THEREFORE THE COUNCIL OF THE MUSKODAY FIRST NATION IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Title:

1. This Bylaw may be called "The Dog Licensing and Control Bylaw".

Definitions

2. In this Bylaw, unless the context otherwise requires, the expression:
  - (a) Council shall mean the Muskoday First Nation Council.
  - (b) Dog shall mean any dog, male or female, of every breed or classification or mixture of breeds.
  - (c) Animal Control Officer shall mean the employee hired by the Council, whose duty it is to enforce this Bylaw.
  - (d) Owner shall mean and include any person owning, possessing, harboring or having custody or control of a dog, within the limits of the Muskoday First Nation.

- (e) At Large or Running At Large shall mean off the premises or beyond the boundaries of the land occupied by the owner or beyond the boundaries of any land where the dog may be with the permission of the owner or occupant of such land and when not tied or secured to a leash or chain or other similiar restraining device, not exceeding two meters (2 m) in length, the other end of a leash or chain or other similar restrianing device is held, secured or controlled by the owner or another person who is physically able to hold, secure or control the dog.
- (f) Community means Muskoday Reserve.

Licenses

- 3. (a) Every owner of a dog within the Community of Muskoday First Nation shall obtain a license for the said dog from the Animal Control Officer, which license shall not be transferrable to any other dog or any other owner. When applying for such license, the applicant shall provide the Animal Control Officer with a description of the dog, the name and address of the owner of the dog, and any other relevant information which may be required by the Animal Control Officer, and, the Animal Control Officer is authorized to register dogs and record the registration of such dogs, along with the name and address of the owner, and to issue licenses in conformity with this Bylaw.
- (b) Yearly license fees shall be payable in advance and shall be:
 

For each dog	\$20.00/year
For each spayed /neutured dog	\$5.00/year
- (c) All licenses issued under this Bylaw shall be the size which can be conveniently attached to a dog collar.
- (d) A dog owned by Sightless persons and used as a guide dog, shall be registered and licensed as provided in this Bylaw, but without charge.
- (e) A dog shall be considered "spayed"/Neutured when a document to that effect signed by Veterinary Surgeon is provided to the Animal Control Officer.

Wearing of Tags

- 4. (a) When issuing a license for a dog, the Animal Control Officer shall supply the owner with a metal license tag and a receipt of payment of the license, and the said owner shall attach the said metal tag to the collar to be worn around the neck of the said dog and take all necessary steps to assure that the said metal tag shall remain attached to the said collar at all times and to have it replaced in case of loss.
- (b) Upon satisfactory proof that the license tag originally issued has been lost, the Animal Control Officer shall issue a replacement tag for a fee of \$1.00.
- (c) The failure of any owner to have the metal tag attached to the collar of the said dog is an offence under this Bylaw and will be fined \$5.00 each time a dog is caught without a tag.
- (d) The tag shall be valid from the 1st day of April of that year until the 31st day of March of the next year.
- (e) No person other than the owner of a dog licensed under this Bylaw shall remove its collar or tag.

Running at Large

- 5. (a) No dog shall be running at large in the Community.
- (b) The owner of a dog found running at large shall be deemed guilty of an infraction of this Bylaw.
- (c) Every dog within the Community shall be licensed under this Bylaw, and further, shall wear a collar to which shall be attached the license tag. In default of either provision, the dog may be seized and dealt with as hereinafter provided.
- (d) Every owner of a dog shall, on demand by the Animal Control Officer must show his license receipt or other evidence that a dog is licensed, and further, must show the metal tag.
- (e) If a dog defecates on any public or private property, the owner of the dog shall remove the defecation immediately or be fined \$5.00.

### Seizure of Dogs

6. (a) Except as otherwise provided in this Bylaw, any dog found running at large contrary to the provisions of this Bylaw may be taken by any person 18 years of age and older to the Dog Pound provided by the Community, or to the Animal Control Officer.
- (b) The Animal Control Officer, or any other person authorized by Council, is hereby authorized to seize and capture dogs running at large, whether or not such dog is wearing a collar with tag attached thereto and to impound the said dog.
- (c) Any person attempting to rescue or who rescues a dog lawfully restrained by or in the custody of an Animal Control Officer or any other person that is authorized by Council to restrain a dog shall be guilty of an offence under this Bylaw.

### Dog Pound

7. A dog pound will be constructed in an area designated by the Council.

### Animal Control Officer

8. (a) The Council shall hire a person to maintain the dog pound and to apprehend dogs running at large and shall hold office at the pleasure of the Council.
- (b) All licensed dogs impounded in the Dog Pound shall be confined therein for a period of seventy two hours from the time of capture, excluding such days when the Dog Pound is not open to the public. During the 72 hours, the owner or keeper of a dog impounded shall have the right to repossess the dog upon payment to the Animal Control Officer the appropriate pound fee as follows:
  - the sum of ten dollars (\$10.00) for each day or any fraction of a day the dog shall remain in the Dog Pound to the maximum of three days (72 hours).
  - The owner shall be required to pay a ten dollar (\$10.00) fee for the impounding of the dog.

- (c) No unlicensed dog which is impounded shall be released to its owner or keeper or to any other person until the appropriate pound fee is paid, and a license has been purchased for it, if the dog is to remain in the Community.
- (d) Whenever any dog without a license or collar is impounded, the dog shall be deemed to be a stray and confined for a period of 24 hours from the time of capture. Upon the expiration of such time, the said dog shall be destroyed or sold .
- (e) Prior to a dog being destroyed or sold, the owner may redeem the such dog by making payment of all license fees , pound fees and tag fees.
- (f) The owner of any dog impounded shall pay the Animal Control Officer in advance of release of the said dog, the sum of ten dollars (\$10.00) for the first impounding of such dog in a 12 month period; the sum of twenty dollars ( \$20.00) for the second impounding of the same dog within a 12 month period; the sum of thirty dollars (\$30.00) for the third and all subsequent impoundings of the same dog in a 12 month period; plus the sum of \$10.00 per day or part thereof for each day that such dog shall have remained in the Pound.
- (g) All impounded dogs which are not claimed or redeemed by their owners within the time limits imposed by this section may be sold by the Animal Control Officer or other persons so authorized by Council, to any person paying for such dog, the pound fees and other fees or penalties owing to the Muskoday First Nation.
- (h) It shall be a condition of sale that before the Purchaser can have possession of a dog, the dog must be properly licensed pursuant to this Bylaw if the dog is to remain in the community.
- (i) Any dog that has been impounded and has not been redeemed by any person or owner under the provisions of this Bylaw within the time limits imposed by this section, may be destroyed or otherwise disposed of by the Animal Control Officer.
- (j) The Animal Control Officer shall keep a record of all dogs impounded and the manner in which they are disposed of, and shall make a report to the Council on or before the 15th day each month of all fees paid and monies collected in respect to the preceeding calendar month; and, all fees collected shall be turned over to the Council with the report.

10. Dangerous Dogs

Subject to Section 81(c) of the Indian Act, and any regulations set by Council, providing that, when, upon complaint that a dog has bitten or attempted to bite a person, it appears to Council having cognizance of the complaint, that the dog is dangerous, the Council may make an Order directing that the dog be kept by the owners or keeper under proper control or destroyed: and, that a person failing to comply with the Order shall be liable to a fine not exceeding \$25.00 for every day during which the failure continues; and providing that when a dog is ordered to be destroyed, the Council may, by the same Order, direct any person to destroy the dog.

11. Dog Breeding

A person must make application to the Animal Control Officer for Dog Breeding on reserve, and ensure that the kennels are secure and safe so that there is no chance of any dogs causing injury to any other person.

The owner of any dog that has had a litter of pups will be given a period of six weeks to license or sell the said litter. Failure to comply, will result in the impoundment of the said litter and will be subject to provisions of this bylaw.

12. Rabies

(a) The Animal Control Officer or any other person authorized by Council may request anyone who owns, possesses or harbours a dog, to provide a Certificate issued by a qualified Veterinarian to the effect that the dog has been inoculated against rabies and such Certificate shall be produced forthwith in the event that a Certificate is in existence, or alternately, if a Certificate is not in existence, then the onus shall be on the person to produce a Certificate for the said dog within one business day of the request.

(b) In the event that where a request has been made and a Certificate to the effect that the dog has been inoculated against Rabies is not produced for whatever reason, the dog shall be impounded and dealt with as an impounded dog in accordance with this Bylaw.

13. General

- (a) No unauthorized person shall remove from a dog - a collar or license tag.
- (b) No person shall own, possess or harbour any dog which chases a motorvehicle or any other vehicle, or is at large in the Community and who also at large creates a disturbance to the annoyance or discomfort of other persons or which causes injury to any person.
- (c) Every female dog in heat shall be confined to their yard or kennel.
- (d) No one shall abandon a dog within the limits of the Community.

14. Penalty

- (a) Any person who commits a breach of any of the provisions of this Bylaw shall be guilty of an offense and shall be liable and fined a fee of \$50.00 exclusive of costs.

15. Exceptions

This Bylaw shall not apply to dogs transported through the Community expressly for the purpose of participating in any Dog Event sanctioned by Council.

Introduced and read a 1st time, this 8th day of November, 1996.

Read a 2nd time, this 6th day of December, 1996.

Read a 3rd time, this 12th day of May, 1997.

Read a 4th time, this 21st day of May, 1997.

This Bylaw shall come into force and take effect on the date of final reading thereof.

June 30/97.  
Date

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Council

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Council

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Council

[Signature]  
Chief

Beryl Bear #1045  
Council

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Council

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Council

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