

TOBIQUE BAND OF INDIANS

BY-LAW NO.

Being a By-Law Respecting the Running at Large of Dogs

WHEREAS Paragraphs (e) and (r) of Section 81 of the Indian Act empower the Council of a Band to make by-laws respecting the protection against and prevention of trespass by cattle and other domestic animals and the imposition of a penalty for the violation thereof:

AND WHEREAS it is deemed to be expedient to establish a method of impounding and distraining dogs running at large on the Tobique Indian Reserve No. 20;

NOW THEREFORE the Council of the Tobique Band of Indians makes as a by-law thereof as follows:

1. In this by-law

- (a) "by-law enforcement officer" means the person appointed to that position by resolution of the Council;
- (b) "Council" means the Council, as defined in the Indian Act, of the Tobique Band of Indians;
- (c) "dogs" includes male and female dogs, whether spayed or not, over the age of three months;
- (d) "owner" includes owner, harbourer and possessor;
- (e) "public place" means any part of the Reserve which is not allotted to, occupied by, leased, or otherwise lawfully in the possession or under the control of an individual;
- (f) "Reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Tobique Band of Indians and known as the Tobique Indian Reserve No. 20; and

1. (Continued)

(g) "running at large" means not confined to the lands or premises allotted to, occupied by, leased, or otherwise lawfully in the possession of the owner of the dog, or, if in a public place, not under the control of the owner, or a person acting on his behalf, by means of a leash not exceeding 2 metres in length.

2. (1) No owner of a dog shall allow the same to run at large or trespass upon lands which are not lawfully in the personal possession of the owner.

(2) No person shall abandon a dog on the Reserve.

3. (1) A dog found running at large or abandoned may be distrained and impounded by the by-law enforcement officer.

(2) A dog which has bitten or mauled a person shall be distrained, impounded separately from other dogs, and remain impounded, notwithstanding the provisions of this by-law, for a period of time necessary to ensure the dog is not rabid.

(3) The owner of a dog, which has been impounded or distrained, is responsible for the costs involved in the amount of \$10.00 for each day or part thereof for which the dog is impounded or distrained.

- 4. (1) The owner of a dog shall register the same with the by-law enforcement officer.
- (2) Upon registration the by-law enforcement officer shall issue a dog tag, without charge, which tag shall be attached securely to the dog for which it is issued and shall remain so attached.
- (3) A dog tag is not transferable between owners or between dogs.

- 5. The by-law enforcement officer shall
 - (a) maintain a record of all dogs registered pursuant to Section 4, which record shall include:
 - (1) the name of the owner,
 - (ii) the date of registration,
 - (iii) the number of the tag issued in respect to the registration, and
 - (iv) a description of the dog being registered, including, but not necessarily limited to, breed, sex, coloring and approximate size.
 - (b) annually, and at such other times as the Council may direct, report to the Council on the operation of the by-law;
 - (c) maintain a record of all dogs impounded, which record shall include
 - (i) the name of the owner, where known,
 - (ii) a description of the dog, including the number of the tag issued in respect to that dog where known,
 - (iii) the date and location at which the dog was found and subsequently impounded,
 - (iv) the notifications given or posted as required by the by-law,
 - (v) the disposition of the dog, and
 - (vi) such other comments as may be appropriate; and

5. (Continued)

(d) ensure each dog impounded or distrained is provided daily, at the proper times, with good and sufficient food and water to maintain its health, and properly sheltered during the period of impoundment.

6. (1) When a dog is distrained or impounded the by-law enforcement officer shall:

(a) within twenty-four hours of such impoundment notify the owner, where known, in writing of such impoundment, advising where and when the dog may be claimed and of the possible disposition of the dog if not claimed; and post a copy of the notice in a conspicuous place at the Band Hall.

(b) where the owner is not known, post notices in conspicuous places near the site where the dog was found, at the Band Office, and at least two other places within the Reserve advising of the impoundment, giving a full description of the dog, advising where and when the dog may be claimed and of the possible disposition of the dog if not claimed, and

(c) if the dog is not claimed after the expiration of five days from the date of the notices in Section 6(a) and (b), issue a second notice in a similar manner.

(2) If the dog is not claimed after the expiration of two days following the date of the second notice, the dog may be disposed of in accordance with the terms of this by-law.

7. The owner of an impounded or distrained dog may claim the same at any reasonable hour within the time periods given, upon payment of the costs referred to in Section 3(3) and, if necessary, upon registration of the dog as referred to in Section 4.
8. If an impounded or distrained dog is not claimed within the time periods referred to in Section 6, the by-law enforcement officer may arrange for the humane disposition of the dog, or may sell or give the dog to another person.
9. No person shall interfere or attempt to interfere with the by-law enforcement officer when performing the duties imposed upon him by this by-law, or remove or attempt to remove any dog impounded or distrained except in accordance with the terms of this by-law.
10. (1) Any person who violates any provision of this by-law shall be guilty of an offense and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

(2) Where the by-law is contravened and a conviction entered, in addition to any other remedy or penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the person convicted.

Approved and passed by the Council of the Tobique Band of Indians at a duly convened meeting held on the 1st day of October, 1986, as evidenced by the signatures given below including the majority of the Councillors of the Band present at that meeting.

SIGNED David Perley

Chief

SIGNED Kenneth G. Perley

Councillor

SIGNED Peter Bernard

Councillor

SIGNED Raymond Tremblay

Councillor

SIGNED Bernard Sappier

Councillor

SIGNED Pierre Perley

Councillor

Councillor

SIGNED Vaughan Nicholas

Councillor

Councillor

SIGNED Eldon Bernard

Councillor