



KITIGAN ZIBI ANISHINABEG

P.O. Box 309, Maniwaki, QC J9E 3C9 Tel: (819) 449-5170 Fax: (819) 449-5673

KITIGAN ZIBI ANISHINABEG
FIRST NATION RESERVE
DOG CONTROL BY-LAW NO. 12



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WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act, empowers the Council of a Band of Indians to pass bylaws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic dogs, 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 bylaw;

AND WHEREAS the Kitigan Zibi Anishinabeg Council is 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 reserve, and a nuisance to such residents;

THEREFORE the Council of the Kitigan Zibi Anishinabeg First Nation Reserve enacts a bylaw as follows:

Short Title

1. This bylaw may be cited as the "KZ Dog Control By-Law."

Interpretation

2. (a) "Dog Control Officer" means a dog control officer appointed pursuant to Section 3;
- (b) "Dog Register" means the register kept by the Dog Control Officer for the purpose of the registration of all dogs on the reserve;
- (c) "Reserve" means the Kitigan Zibi Anishinabeg First Nation Reserve,
- (d) "Council" means the Council of the Kitigan Zibi Anishinabeg First Nation Reserve, as defined in the Indian Act;
- (e) "Dog" means any dog, male or female and includes a dog that is a cross between a dog and a wolf;
- (f) "Household" means each single unit being a fully detached home, a semidetached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;



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- (g) “Environmental Health Officer” means the Environmental Health Officer who provides public health and environmental health services or as appointed by Band Council Resolution;
- (h) “Muzzle” means an apparatus to secure a dog’s mouth in such a fashion that it cannot bite anything;
- (i) “Owner” of a dog includes a person who possesses or harbours a dog, and “owns” and “owned” have a corresponding meaning;
- (j) “At large” or “running at large” means off the premises of the owner and not muzzled or not under the control of any person;
- (k) “Villainous dog” means
 - (i) Any dog that demonstrates any ferocious, vicious or aggressive behaviour;
 - (ii) Any dog which has bitten another dog or human without provocation;

Dog Control Officer

- 3. (1) The Council, by Band Council Resolution, may authorize the Band Administrator to hire a Dog Control Officer to provide for the administration and enforcement of this bylaw and more specifically to receive registrations and to issue identification tags under this bylaw;
- (2) The Council, by Band Council Resolution, may provide for reasonable remuneration to be paid to the Dog Control Officer.

Registration and Identification of Dogs

- 4. (1) Every person keeping a dog on the reserve will register and have an identification tag (dog tag) placed around the neck of each dog
- (2) The application for registration and identification tag (or dog tag) shall be filed with the Kitigan Zibi Anishinabeg First Nation Reserve Dog Control Officer and include:





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- (a) the applicant's name
 - (b) the applicant's address and phone number
 - (c) a description of the dog or other dog sought to be registered, including age, sex, name and breed, if known
 - (d) the number of dogs in the household
 - (e) a record that the dog or dog is immunized against rabies, noting the date of such immunization, the name of the person immunizing the dog including the maker's name of the vaccine and its batch number
 - (f) any other information deemed by the dog control officer to be necessary for the proper administration of the bylaw
- (3) Registration Fees:
- (i) The registration fee for each dog is \$5.00;
- (4)
- (i) The Dog Control Officer shall issue an identification tag (or dog tag) upon registration, and where proof of immunization against rabies is provided;
 - (ii) A tag may be supplied by the Kitigan Zibi Anishinabeg First Nation Reserve or by the owner and contain information allowing dog control officers to locate the owner;
- (5) The identification tag (dog tag) shall be securely attached to the collar or harness of the dog or dogs at all times
- (6) The registration and identification tag (dog tag) is valid for the life of the dog

Immunization of Dogs

- 5. All dogs on the reserve must be immunized in accordance with generally accepted veterinary standards
- 6. The owner of any dog infected by rabies shall, on demand, surrender such dog to the Dog Control Officer to be in quarantine or destroyed
- 7. An owner upon demand made by the Dog Control Officer, shall forthwith surrender to the Dog Control Officer, any dog which has bitten any person or which has been exposed to rabies, to be held in quarantine at the discretion of the Environmental Health Officer



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8. Subject to the terms of this bylaw, any dog suspected to be infected with rabies shall be immediately quarantined and verified by a licenced veterinarian who will report his/her finding to the appropriate government agency.

Limit on Number of Dogs Per Household

9. (1) (i) No more than two (2) dogs shall be kept, harboured or possessed in any household or yard;
- (2) The provisions of subsection 9(1) shall not apply to (nursing) dogs who have pups under four (4) months of age;

General Prohibitions

10. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times
- (2) A dog need not be tethered or penned up as provided in subsection (1), if the dog:
- (a) Is held on a leash by a person capable of restraining the dog's movements; or
 - (b) Is being used by a person for the purpose of hunting; or
 - (c) Is being used by a person to work in a lawful manner with sheep or cattle; or
 - (d) Is used by a visually impaired person as a guide dog
 - (e) Is under control by the owner
 - (f) A police dog under the control of a law enforcement officer
 - (g) A dog used for the hearing or visual impaired person
- (3) No owner shall permit a female dog in heat to remain in any public place unless such female dog is attached to a leash and is accompanied by and is under the observation and control of the owner of his/her agent;
- (4) The owner of a dog who fails to take all necessary measures to ensure that the dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offense;
- (5) The owner of a dog which causes damage to any property including lawns, flower gardens, flower beds, water hoses, electrical cords and other parts of property, is guilty of an offense;



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- (6) The owner of a dog shall, when the dog is on public property or private property, immediately pick up and thereafter dispose of any faeces, vomit or any waste left by the dog on the said property;
11. No owner shall allow his dog to remain unfed for more than twenty-four hours or without water for more than twelve hours. Any such action amounts to cruelty and constitutes an offense.
12. Abuse of dogs is not acceptable and no person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary
13. No owner shall permit a dog to bark, yelp, growl or otherwise persistently and/or unreasonably disturb the peace of residents of the reserve.

Prohibitions Within Specific Areas of the Reserve

14. (1) The Council, by Band Council Resolution, may at any time prohibit the keeping of dogs within any area of the reserve
- (2) Notice of any prohibition made by council pursuant to paragraph (1) shall be posted in the Band Office and after thirty days of the date of the posting of such notice, no person shall keep or have a dog within the prohibited area
- (3) No person may establish, own, or operate an establishment or facility for the boarding or treatment of more than two dogs within the limits of the reserve, without express written authorization to that effect by way of Band Council Resolution
- (4) When the ownership of more than two dogs is allowed, the holding facility for these dogs will be a minimum distance of no less than 700 metres from any residential household
- (5) Residential homes are exempt from this subsection, however, the limits imposed by section 9(1) and 9(2) will apply to each household

Villainous Dogs

15. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public



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16. All villainous dogs must, at all times, be muzzled and must be kept on a leash whenever they are in a public place
17. On private property, a villainous dog shall be kept on a secure leash or tethered in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry by children

Impounding and Seizure

18. (1) No owner shall permit a dog belonging to him or her to be at large in the Kitigan Zibi Anishinabeg First Nation Reserve
- (2) A dog found at large on the Kitigan Zibi Anishinabeg First Nation Reserve may be impounded for not less than five (5) days thereafter may be humanely destroyed or otherwise disposed of, unless in the meantime, such dog has been claimed by its owner and the costs incurred for the impounding of the dog have been paid
- (3) If upon notification of the impoundment and seizure of a dog or dogs, an owner wishes to have it destroyed, the owner must do so in writing and pay the costs involved
19. (1) A Dog Control Officer may seize one or more dogs from any person whom he or she has reasonable cause to believe is violating or has violated or is about to violate, any of the provisions of this bylaw
- (2) If a dog is apprehended because it has inflicted an unprovoked bite upon a dog or human person, the Dog Control Officer shall impound the dog for such period of time to be specified by a veterinarian and/or the Environmental Health Officer
- (3) Subject to subsection (6), a Dog Control Officer who has seized a dog pursuant to subsection (1) 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) Where the owner has failed to purchase an identification tag, he must obtain the identification tag (dog tag) and pay the prescribed fee and comply with the provision of Section 4 before he obtains the release of his dog;



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- (4) Where a dog has not been reclaimed within five (5) days after seizure pursuant to subsection (3) and notice has been given to the owner, the Dog Control Officer may humanely destroy or dispose of the dog where a licenced veterinary so directs and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the Dog Control Officer
- (5) If a dog is found to be diseased, the Dog Control Officer shall seek veterinary attention for it where the owner has declined, failed or neglected to do so, and any fee from the provision of such veterinary care shall be a charge against the owner of the dog
- (6) Where, in the opinion of the Dog Control Officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for any reasons of health or safety, no damages or compensation may be recovered by the owner on account of such action
- (7) When a dog has been impounded, the Dog Control Officer shall forthwith make every reasonable effort to notify the owner of such dog
- (8) A written report of each such incident as described in this section, shall be filed with the Band Administrator

Destruction Where Unable to Seize

20. (1) When the Dog Control Officer, subject to ensuring the full safety of the public, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of the bylaw, may destroy the dog and properly dispose of it.

Protection from Dogs

21. (1) Any person may destroy a dog that is running at large and is endangering the life of a person or is in the act of pursuing, attacking, injuring, damaging, killing or destroying another dog that is tethered, a food cache, harness or other equipment and domestic livestock, however, such act may be undertaken only if there is no risk to anyone or his/her property:



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- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1)
- (3) The Dog Control Officer must be notified of such action immediately so that the carcass can be properly disposed.

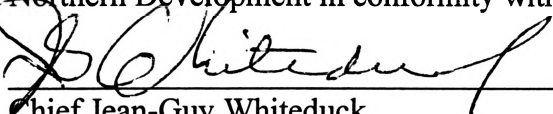
Penalty

22. (a) Every person who contravenes any of the provisions of this bylaw is guilty of an offense and is liable on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a bylaw made under section 81 of the Indian Act R.S., 1985, c.1-5

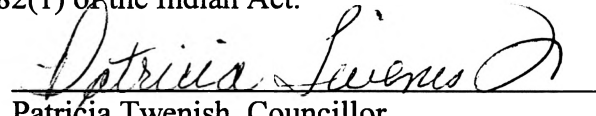
This bylaw authorizes the Dog Control Officer to take the necessary legal action against anyone who breaches this bylaw and authorizes the Animal Control Officer to issue a Notice of Infraction to anyone who contravenes this bylaw

BE IT KNOWN that this bylaw is hereby enacted by the Council of the Kitigan Zibi Anishinabeg First Nation Band at a duly convened meeting of the Council dated September 5, 2002.

WE, the Chief and Council of the Kitigan Zibi Anishinabeg First Nation, do hereby certify that this is a true copy of the foregoing bylaw enacted and is submitted to the Minister of Indian Affairs and Northern Development in conformity with Section 82(1) of the Indian Act.



Chief Jean-Guy Whiteduck



Patricia Twenish, Councillor



Frank Meness, Councillor



Albert Tenasco Jr., Councillor



Michael Stevens, Councillor