

**THE KINGSCLEAR INDIAN BAND
BY-LAW NO 4
BEING A BY-LAW RESPECTING THE
CONTROL OF DOGS ON THE RESERVE**

WHEREAS section 81, paragraph (a), (d), (e), (g) and (r), of the Indian Act empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the reserve, 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-laws;

AND WHEREAS the Council of the Kingsclear Indian Band 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 Kingsclear Band of Indians enacts a by-law as follows:

Short Title

1. This by-law may be cited as the "Kingsclear Reserve Dog Control By-Law".

Interpretation

2. In this By-Law:

- (a) "Band" means the Kingsclear Indian Band;
- (b) "Council" means the Council of the Band;
- (c) "Dog" means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;
- (d) "Muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;
- (e) "Officer" means any band constable or member of the Kingsclear Police Force, as appointed by the Council and any member of the Royal Canadian Mounted Police, or any duly appointed dog-catcher;

- 2 -

- (f) "Owner" of a dog includes a person who possesses or owns a dog, and "owns" and "owned" have a corresponding meaning;
 - (g) "At large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;
 - (h) "Reserve" means the Kingsclear Indian Reserve;
3. (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 movement;
 - (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.
 - (d) is used by a visually impaired person as a guide dog.
- (3) No owner shall allow his dog to remain unfed or unwatered for a time-frame that could amount to cruelty or to cause the dog to become a nuisance.
- (4) No person shall punish or abuse a dog in a manner or extent that is cruel or unnecessary.
- (5) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace or residents of the reserve.
- (6) No owner shall permit a female dog in heat to be off the owner's premises.
- (7) (a) The Council may at any time prohibit the keeping of dogs within any area of the reserve.

- (b) Notice of any prohibition made by council pursuant to paragraph (a) 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.

Seizure

4. (1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (2) Subject to subsection (4), an 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) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.
- (3) Where a dog has not been reclaimed within five (5) days after seizure pursuant to subsection (2), the officer may destroy or dispose of the dog as he sees fit and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the officer.
- (4) Where, in the opinion of the officer, a dog seized under this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog as soon after seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the officer.

Destruction where unable to seize

5. (1) Where an 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.

- (2) No damages or compensation may be recovered as a result of the destruction of a dog by an officer pursuant to subsection (1).

Protection from dogs

6. (1) Any person may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:

- (a) a person,
- (b) another dog that is tethered; or
- (c) a food cache, harness or other equipment.

- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

Penalty

7. 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 of not more than five hundred dollars (\$500) or to imprisonment for a term not exceeding thirty (30) days, or both.

Be it known that this by-law is hereby enacted by the Council of the Kingsclear Indian Band at a duly convened meeting of the Council dated on the 6 day of June, 1991.

Joe Saabie
Chief

Walter Paul
Councillor

Clifford Saabie
Councillor

Barbara Atuni
Councillor

Councillor

Councillor