

**By-law No. 2012/3
of the Kahkewistahaw Band**

**A By-law respecting the care and control of dogs
on the Kahkewistahaw Reserve**

WHEREAS paragraphs (a), (d), (e), (q) and (r) of Section 81 of the *Indian Act*, R.S.C. 1885, c. I-5, empowers the Council of the Kahkewistahaw First Nation to make by-laws to provide for the health of the residents on the Reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic dogs, with respect to any matter arising out of or ancillary to these powers and for the imposition of a penalty for the violation thereof;

AND WHEREAS the Council of the Kahkewistahaw Band did enact By-law No. 2012/2 on the 2nd of April 2012 pursuant to paragraphs 81(a), (d), (e), (q) and (r) of the *Indian Act*;

AND WHEREAS the Council of the Kahkewistahaw Band is of the opinion that By-law No. 2012/2 be repealed and replaced with this by-law

NOW THEREFORE the Council of the Kahkewistahaw First Nation enacts the following by-law:

1. This by-law may be cited as the "*Kahkewistahaw Dog Control By-law*".
2. By-law No. 2012/2 enacted on the 2nd day of April, 2012 and being a By-law respecting the care and control of dogs on the Kahkewistahaw Reserve is hereby repealed.
3. In this by-law:
 - (a) **“At Large”** or **“Running At Large”** means if a Dog is off the premises of its Owner, unless the Dog is both on a leash not longer than two (2) meters and under proper control;
 - (b) **“Council”** means the Council of the First Nation;
 - (c) **“Dog”** means any dog, male or female, and includes a dog that is a cross between a dog and a wolf;
 - (d) **“Dog Control Officer”** means a dog control officer appointed pursuant to Section 4, or any by-law enforcement officer;
 - (e) **“Dog Register”** means the register kept by the Dog control Officer for the purposes of the registration of all Dogs on the reserve;
 - (f) **“Dwelling”** means each home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

- (g) **“First Nation”** means the Kahkewistahaw First Nation;
- (h) **“Muzzle”** means to secure a dog's mouth in such a fashion that it cannot bite anything;
- (i) **“Officer”** means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, a Dog Control Officer and a by-law officer or any other person appointed by the Council for the purpose of enforcing the provisions of this by-law;
- (j) **“Owner”** means a person who owns or who possesses control over a Dog, and includes the person responsible for the custody of a minor where the minor is the owner of a Dog;
- (k) **“Reserve”** means all the reserves, set apart from time to time for the use and benefit of the Kahkewistahaw First Nation; and
- (l) **“Vicious Dog”** includes:
 - (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
 - (ii) any dog which has bitten another Dog or human without provocation;
 - (iii) any dog that a Dog Control Officer or the Council, upon reasonable grounds, believes to be a Vicious Dog; and
 - (iv) any dog which has been the cause of a prosecution under this by-law.

DOG CONTROL OFFICER

- 4. (a) The Council may appoint, by Band Council Resolution, a Dog Control Officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.
- (b) The Council may, in the Band Council Resolution, provide for reasonable remuneration to a Dog Control Officer.

REGISTRATION AND IDENTIFICATION OF DOGS

- 5. (a) Every person keeping a Dog in the Reserve shall register and have an identification tag placed around the neck of each Dog.
- (b) The application for registration and identification tags shall be in Form A and shall be filed with the First Nation or a Dog Control Officer and shall include:
 - (i) the applicant's name;

- (ii) address or house or lot number;
 - (iii) a description of the Dog(s) to be registered, including age, sex, name and breed if known;
 - (iv) the number of Dogs in the household; and
 - (v) any other information deemed by the council or a Dog Control Officer to be necessary for the proper administration of this by-law.
- (c) The fee for registration and identification tags shall be an amount set by the Council, by Band Council Resolution, from time to time. This fee shall be paid before the identification tags will be issued.
 - (d) The identification tag shall be securely attached to the collar or harness of the Dog at all times.
 - (e) The registration and identification tag issued by a Dog Control Officer will be valid for one (1) year from the date of issuance.
 - (f) The registration of a dog shall not be transferable.

IMMUNIZATION OF DOGS

- 6. All Dogs on the Reserve should be immunized in accordance with generally accepted veterinary standards.
- 7. The Owner of any Dog exposed to rabies shall, on demand by the Council, surrender such dog to the Council to be held by the Dog Control Officer in quarantine for a period of 14 days and such dog shall not be released from such quarantine without the written permission of a medical officer of health.
- 8. Upon demand of the Council, the owner of any Dog shall forthwith surrender to a 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 a medical health officer.
- 9. Any Dog found to be infected with rabies shall be destroyed by its Owner or by a Dog Control Officer at the Owner's expense.

LIMITATION ON DOGS PER DWELLING

- 10. No more than three (3) Dogs shall be kept, harboured or possessed in any dwelling;
- 11. The provisions of section 10 shall not apply to a Dog whereby the pups are under four (4) months of age.

GENERAL PROHIBITIONS

12. (a) Subject to subsection (b), every owner of a Dog shall keep the Dog safely tethered or penned up and under the Owner's control at all times;
 - (b) No owner shall permit or allow a Dog to be at large on the Reserve;
 - (c) A Dog need not be tethered or penned up if the Dog:
 - (i) is held on a leash by a person capable of restraining the Dog's movements;
 - (ii) is being used by a person for the purpose of hunting;
 - (iii) is being used by a person to work in a lawful manner with sheep or cattle;
or
 - (iv) is used by a visually impaired person as a guide dog.
 - (d) No Owner shall allow a female Dog in heat to remain in any public place on the Reserve unless the Dog is attached to a leash, and is accompanied by and under the control of the Owner.
 - (e) The Owner of a Dog who fails to take all necessary measures to ensure that such Dog is under control or supervision or in the possession of the Owner at all time, upon any property on the reserve, is guilty of an offence.
 - (f) The Owner of a Dog which causes damage to any property including but not restricted to moveable property, lawns, flower beds, bushes or plants or other parts of a property is guilty of an offence.
 - (g) The Owner of a Dog shall, when the Dog is on public property or private property belonging to another person, immediately pick up and dispose of, any feces or other waste left by the Dog.
13. (a) No Owner shall allow a Dog to remain unfed or without water as sufficiently long, whereby it either amounts to cruelty or causes the Dog to become a nuisance.
 - (b) No Owner shall punish or abuse a Dog in a manner or to an extent that is cruel or unnecessary.

PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

14. (a) The Council may by the Band Council Resolution, at any time, prohibit the keeping of Dogs within any area of the Reserve and notice of any prohibition made by Council 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.

- (b) No person may establish, own or operate an establishment or facility for the boarding or treatment of Dogs within the limits of the Reserve, without the express written authorization to that effect from the Council, by way of Band Council Resolution.

VICIOUS DOGS

- 15. Anyone owning a Vicious Dog or an otherwise aggressive Dog must post a clearly visible sign notifying the public.
- 16. A Vicious Dog must, at all times when in a public place, be Muzzled and kept on a leash.
- 17. On private property, a Vicious Dog shall be kept on a secure leash or 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. No Owner shall permit their Dog to be At Large on the reserve;
- 19. A Dog found At Large on the reserve may be impounded for not less than five (5) days and, after notifying the Owner, may thereafter 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.
- 20. A Dog Control Officer may seize a Dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- 21. If a Dog is apprehended because it has inflicted an unprovoked attack upon another Dog or person, a Dog Control Officer shall impound the Dog for such period of time as deemed necessary.
- 22. Subject to section 25, a Dog Control Officer who has seized a Dog pursuant to section 20 shall release the Dog to its Owner where:
 - (a) the Owner claims possession of the Dog within five (5) days after the date of seizure;
 - (b) the Owner pays all the expenses incurred in securing, caring for and feeding the Dog; and
 - (c) the Owner has obtained the necessary registration identification tag from a Dog Control Officer before the Dog is released.
- 23. Where a Dog has not be reclaimed within five (5) days after the seizure, pursuant to section 22, and notification has been given to the Owner, if known, a Dog Control Officer

may humanly destroy or dispose of the Dog and no damages or compensation may be recovered as a result of the destruction or disposal of such Dog.

24. The Dog Control Officer shall seek veterinary attention for a Dog found to be diseased, whereby the Owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the Owner of the Dog.
25. Where a Dog is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or dogs, a Dog Control Officer shall destroy the Dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the Dogs and no damages or compensation may be recovered on account of such action.
26. The Council shall forthwith make every reasonable effort to notify the Owner of a Dog, if known, which has been impounded.
27. A written report of each such incident, as described in this Article, shall be filed with the Council by a Dog Control Officer or Officer.

DOG DESTROYED IF UNABLE TO SEIZE

28. Where a Dog Control Officer or Officer, after reasonable effort, is unable to seize a Dog that is Running At Large, contrary to the provisions of this by-law, the Dog Control Officer or Officer may destroy the Dog.
29. No damages or compensation may be recovered as a result of the destruction of a Dog by the Dog Control Officer or officer pursuant to section 28.

PROTECTION FROM DOGS

30. Any person may destroy a Dog that is 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 on a leash;
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.
31. A person or Dog Control Officer or Officer who must destroy a dog, pursuant to section 30, shall immediately report the incident to the Council and notify the Owner, if known.
32. No damages or compensation may be recovered as a result of the destroying of a Dog by any person who is required to do so pursuant to section 30.

OFFENCES AND PENALTIES

33. Any person who violates any provision of this by-law is guilty of an offence.
34. An Officer may order any person who they believe has violated a provision of this by-law to refrain from causing or continuing to cause such violations.
35. Where a person has been ordered to stop causing the violation fails or refuses to comply with the order, an Officer may take such reasonable measures as are necessary to stop the violation.
36. A person who fails or refuses to comply with an order made under section 34 or who resists or interferes with an Officer acting under section 34 commits an offence.
37. Any person who is guilty of an offense under this by-law is liable on summary conviction to a fine not exceeding One Thousand (\$1,000.00) Dollars, or to imprisonment for a term not exceeding thirty (30) days, or both fine and imprisonment. Such fine to be paid to the First Nation.
38. Where an Officer believes that a person has committed an offence under this by-law, the Council in their discretion may serve upon the person a written request to attend before the Council to discuss the matter and to determine appropriate action and if the person attends before the Council, appropriate action is agreed to and the person complies with any decision of the Council, the person may avoid prosecution.
39. The written request referred to in section 38 shall be sent by first class mail or delivered by hand to the person not less than seven (7) days prior to the proposed meeting.
40. If the person upon whom a written request to attend before the Council is served, does not attend at the appointed time and place attends before the Council at the time and place, but appropriate action is not agreed to or does not comply with any decision of the Council, then the above provisions of section 38 shall not apply and the person is liable upon conviction to the fine specified in section 37.
41. Nothing in section 38 shall prevent an Officer from charging the person with an offence.

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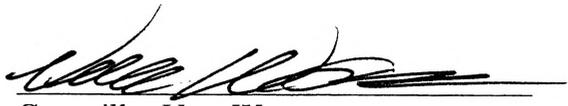
OTHER PROVISIONS

42. If any section or portion of this by-law is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining portions of this By-law.

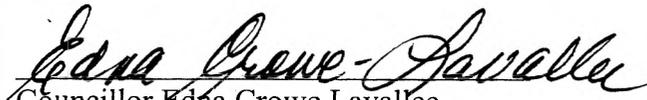
This By-Law is hereby made at a duly convened meeting of the Council of the Kahkewistahaw Band this 17th day of September, 2012.

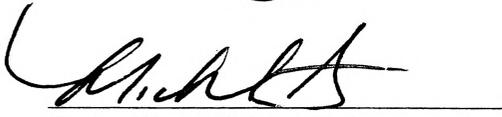
Voting in favour of the By-Law are the following members of the Council:


Chief Sheldon Taypotat


Councillor Vera Wasacase


Councillor Iris Taypotat


Councillor Edna Crowe Lavallee

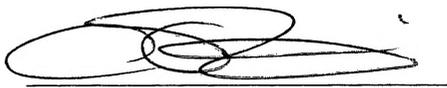

Councillor Michael Bob

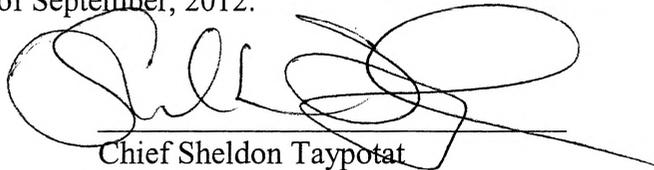
being the majority of those members of the Council of the First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

Number of members of the Council present at the meeting was 5.

I, Sheldon Taypotat, Chief of the Kahkewistahaw Band, do hereby certify that a true copy of the foregoing By-Law was **mailed** to the Minister of Aboriginal Affairs and Northern Development Canada at the AANDC Saskatchewan Regional offices of the department pursuant to subsection 82(1) of the Indian Act, this 18th day of September, 2012.


Witness


Chief Sheldon Taypotat

KAHKEWISTAHAW FIRST NATION

FORM A - BY-LAW NO. 2012/3

DOG REGISTRATION APPLICATION

Applicant's Name: _____

Applicant's Address (or House Number): _____

Applicant's Phone Number: _____

Dog to be Registered: _____

Age of Dog: _____

Sex of Dog: _____

Name & Breed of Dog: _____

Number of Dogs in Household: _____

Is Dog Immunized: _____

Date of Immunization: _____

Name of Person Who Did Immunization: _____

Maker's Name of Vaccine & Batch Number: _____

Registration Number Given to Dog: _____

Identification Tags Given to Dog: _____

1. The charge for registration and identification tags shall be \$5.00 per year.
2. The licence tag shall be securely attached to the collar or harness of the Dog at all times.
3. The registration and identification tag issued by the Dog Control Officer will be valid for a year from the date of the issuance of the identification tag.

I, owner of the above stated dog, agrees to the above, dated this __ day of _____, 20__.

Owner of Dog

Dog Control Officer