

By-law No. 19 \_\_\_\_\_  
Being a By-law Respecting the Care and  
Control of Animals on the Reserve.

4216-010  
Lamont, F  
cc Balthazar, C

**WHEREAS** section 81, paragraph (a), (d), (e), (q) and (r), of the *Indian Act* empower the Council of an Indian Band 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, in addition to, 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-law;

**AND WHEREAS** the Council of the Indian Island 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;

**AND WHEREAS** the Council of the Indian Island Band is also of the opinion that ownership of vicious dogs poses a danger to residents;

**THEREFORE**, the Council of the Indian Island Band enacts this Dog Control By-law, Number \_\_, as follows:

**PART 1 - GENERAL**

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

2. In this by-law

"*animal*" means a dog;

"*animal control officer*" means an animal control officer, appointed pursuant to section 3, or any by-law enforcement officer, including a police officer or a person employed by the band council for the purpose of enforcing the provisions of this by-law.

"*dog*" means any dog, male or female and includes an animal that is a cross between a dog and wolf;

"*band*" means the Indian Island Band, as defined by section 2 of the *Indian Act*;

"*council*" means the Council of the Indian Island Band, as defined in the *Indian Act*;

"*dwelling*" means each single unit home being a fully or semi-detached building, a multiple unit dwelling, an apartment home or any building used or intended to be used for human habitation and in which normal domestic functions may be carried on.

**"medical officer of health"** means the medical officer of health so appointed by band council resolution;

**"muzzle"** means to secure a dogs mouth in such a fashion that it cannot bite anything;

**"owner"** of a animal includes a person who possesses or harbours a animal, and the terms "owns" and "owned" have a corresponding meaning;

**"at large"** or **"running at large"** means off the premises of the owner and not muzzled or under the control of any person;

**"reserve"** means the Indian Island Indian Reserve, No. 10

**"vicious dog"** includes

- (a) doberman pincher, pit bull and rottweiler;
- (b) any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- (c) any dog that an animal control officer, upon reasonable and probable grounds believes to be vicious dog;
- (d) any dog which has bitten another animal or human without provocation.

### **APPLICATION**

3. This by-law applies to all owners of domestic animals residing or visiting on the Indian Island Reserve No. 10

### **PART II - ADMINISTRATION**

- 4. (1) The Council may appoint, by Band Council Resolution, an animal control officer to provide for the administration and enforcement of this by-law.
- (2) The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the animal control officer.

### **IMMUNIZATION OF ANIMALS**

- (3) All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
- (4) Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the owner's expense.

### **LIMITATION ON ANIMALS PER DWELLING**

- 5. (1)** No more than 1 dog shall be kept, harbored or possessed in any dwelling;
- (2)** The provisions of subsection 5 (1) shall not apply to dog litters under 8 weeks of age.
- (3)** The provisions of subsection 5 (1) shall not apply to dog sled teams.

### **GENERAL PROHIBITIONS**

- 6. (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 6(1) if the dog:
  - (a)** is held on a leash by a person capable of restraining the dog's movements;
  - (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.
- (3)** The owner of an animal who fails to take all necessary measures to ensure that such a dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
- (4)** The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.
- (5)** The owner of a dog shall, when the dog is on private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property.
- (6)** No owner shall allow his dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.
- (7)** No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
- (8)** It shall be the responsibility of all owners to report any communicable diseases that their dog has acquired, ie rabies.

### ***PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE***

- 7.(1) The Council may at any time prohibit the keeping of animals within any area of the reserve.
- (2) Notice of any prohibition made by Council pursuant to subsection 7.(1) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.

### ***VICIOUS DOGS***

8. No person shall keep a vicious dog in any dwelling or property on the reserve.

### ***IMPOUNDING AND SEIZURE***

- 9.(1) No owner shall permit his dog to be at large on the reserve;
  - (2) An animal found at large on the reserve may be impounded for not less than two (2) days and, after notifying the owner, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid.
- 10.(1) An animal control officer may seize a dog 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 by-law.
  - (2) Whereby, 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 animals, the animal control officer shall destroy the dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.

### ***ANIMAL DESTROYED IF UNABLE TO SEIZE***

- 11.(1) Where the animal control officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog.
- (2) No damages or compensation may be recovered as a result of killing a dog by a person or animal control officer who is required to do so pursuant to subsection 11.(1).

**12.(1) A person or animal control officer may kill, if necessary, a vicious dog which 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;**
- (c) a food cache, harness or other equipment; or**
- (d) domestic livestock.**

**(2) No damages or compensation may be recovered as a result of killing a dog by a person or animal control officer who is required to do so pursuant to section 12(1).**

**PENALTY**

**13. 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 \$500 or to imprisonment for a term of 20 days or to both a fine and imprisonment.**

This BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Indian Island Band this 10<sup>th</sup> day of April, 2002.

Voting in favour of the by-law are the following members of the Council:

Chief A. P. Barber  
(Chief)

Kenneth Barlow  
(Member of the Council)

John Simon  
(Member of the Council)

being the majority of those members of the Council of the Indian Island Band present at the aforesaid meeting of the Council.

The quorum of the Council is 2 members.  
Number of members of the Council present at the meeting: 3

I, Second Peter Barlow Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Amherst, N.S. office of the department pursuant to subsection 82(1) of the Indian Act, this 10<sup>th</sup> day of April, 2002.

Gail  
(Witness)

Chief P. Barlow  
(Chief/Councillor)