

BY-LAW NO. 1
DOG CONTROL BY-LAW

Pursuant to Section 81(1) (e), (q) and (r) of the Indian Act, R.S.C. 1985 C-15 as amended, and pursuant to the provisions of Treaty Number 6 and the Traditional Law of the Samson Cree Nation, and pursuant to Sections 25 and 35 of the Constitution Act 1982, the Council of the Samson Cree Nation, duly assembled, hereby enacts as follows:

PART ONE - OPERATIVE AND INTERPRETIVE

1. Title

This By-law may be cited as "The Dog Control By-law of the Samson Cree Nation".

2. Purpose

The purpose of this By-law is to regulate and control the keeping of certain dangerous dogs within the Samson Indian Reserve so as to protect the public health, safety, and welfare of Samson Cree Nation Members and any other persons on the Samson Indian Reserve.

3. Definitions

In this By-law:

- (1) "at large": a Restricted Dog shall be deemed to be at large if it is on any place other than the property of the Owner and if, while on such place, it is not securely on a leash or harness or is not muzzled;
- (2) "Council" means the Council of the Samson Cree Nation;
- (3) "Officer" means any police officer, police constable, or any person employed for the preservation and maintenance of the public peace, a person designated by the Council as having policing authority on the Reserve, or a By-law Enforcement Officer appointed by the Council;
- (4) "Owner" means any person, partnership, association or corporation:
 - (i) owning or possessing or having charge of or control over any Restricted Dog; or

- (ii) keeping or harbouring any Restricted Dog; or
 - (ii) suffering or permitting any Restricted Dog to remain in, on or about Premises owned or controlled by him.
- (5) "Pen" means an enclosed structure, building, cage or fenced area of such construction that will not allow a Restricted Dog to jump, climb, dig, or force its way out, nor allow the entry of young children;
- (6) "Premises" means any house, building, or enclosed structure of any kind whatsoever and the area of land surrounding any such structure;
- (7) "Reserve" means the Samson Indian Reserves Nos. 137 and 137A;
- (8) "Reserve Dog Shelter" means the Premises designated by the Council for the purpose of impounding and caring for all dogs found to be at large or otherwise in violation of the this By-law;
- (9) "Restricted Dog" means:
- (i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
 - (ii) any dog which has bitten another domestic animal or human without provocation; or
 - (iii) a Pitbull Terrier, American Pitbull Terrier, Pitbull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds, which can be identified through its physical characteristics as a dog partially of the aforementioned breeds or kind by a veterinarian licensed to practice in Alberta.

4. Interpretation

In this by-law, unless the context requires otherwise, the singular number shall include the plural and vice versa, the number of the verb shall be construed as agreeing with the word so substituted, words importing the masculine gender shall include

the feminine and neuter genders, and words importing persons shall include firms and corporations and vice versa.

PART TWO - RESTRICTIONS AND ENFORCEMENT

5. Licenses

- (1) No Owner shall allow a Restricted Dog to be at large within the Reserve.
- (2) The Owner of every Restricted Dog on the Reserve shall pay, in each year to the Council, or its authorized agent, a license fee of \$10.00 for each Restricted Dog and upon receipt of payment of the license fee, the Council or authorized agent, shall issue to the Owner a tag for each dog licensed.
- (3) The tags so issued shall be attached to a collar worn at all times by the Restricted Dog for which the tag is issued.

6. Control

- (1) No Owner shall keep or harbour a Restricted Dog on Premises owned or controlled by the Owner unless such Restricted Dog is kept either securely confined indoors or in a locked Pen.
- (2) No Owner of a Restricted Dog shall allow his Restricted Dog to be at large.

7. Penalty

- (1) An Owner who contravenes this By-law is guilty of an offence and is liable on Summary Conviction for a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding thirty (30) days, or both.

8. Powers of Enforcement

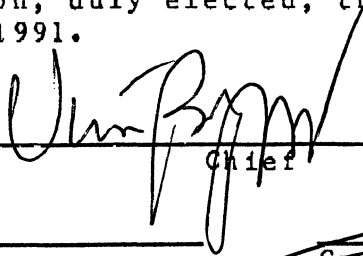
- (1) An Officer is authorized to seize and impound in the Reserve Dog Shelter any dog believed by him to be a Restricted Dog and found at large on the Reserve and to take such reasonable measures as may be necessary to subdue such Restricted Dog, including the use of tranquilizer equipment and materials.

(2) Upon the impounding of any dog pursuant to this By-law, the impounding Officer shall cause to be posted a Notice of Impoundment in the form set out in Schedule "A" to this By-law in a conspicuous location on the Reserve, and in the case of the impoundment of a licensed and tagged Restricted Dog, cause a copy of such Notice to be sent forthwith to the Owner of such dog by ordinary mail to the address as shown on the license application.


(3) Restricted Dogs may be kept at the Reserve Dog Shelter for a period of at least 96 hours from the time of impounding. Sundays and Statutory holidays shall not be included in computation of the 96 hour period. During this period, a Restricted Dog may be redeemed by its Owner upon payment to the Samson Cree Nation of:

- (i) the appropriate license fee when such dog is not licensed;
- (ii) the cost of any veterinary treatment to relieve pain and/or bleeding of any dog that it is found to be injured when siezed;
- (iii) the cost of impoundment.


Approved and passed at a duly convened meeting of the Council of the Samson Cree Nation, duly elected, this 5th day of March, 1991.



Chief




Councillor

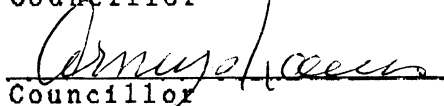


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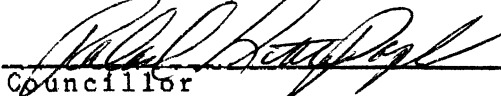
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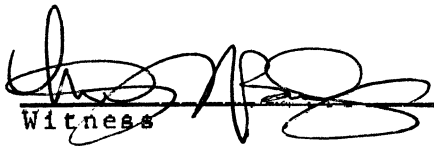
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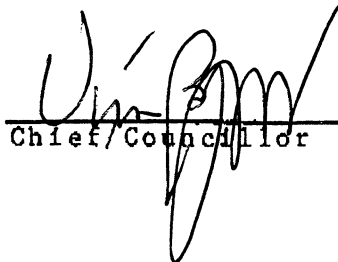


Councillor

I, **VICTOR BUFFALO**, Chief/Councillor of the Samson Cree Nation, do hereby certify that a true copy of the foregoing By-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 82 (1) of the Indian Act this 5th day of March, 1991.



Witness



Chief/Councillor

NOTICE OF IMPOUNDMENT

(PURSUANT TO THE DOG CONTROL BY-LAW
OF THE SAMSON CREE NATION)

TAKE NOTICE that the DOG described below, which is believed to be a Restricted Dog as defined in the Dog Control By-Law, was impounded on the _____ day of _____, 19____.

AND FURTHER TAKE NOTICE that the DOG must be claimed within ninety six (96) hours of its impoundment and all license fees and veterinarian fees paid, or the DOG is liable to be destroyed pursuant to the said By-Law.

The Dog may be claimed by contacting _____
_____ at _____ during normal
business hours.

DESCRIPTION OF IMPOUNDED DOG

DATED this _____ day of _____, 19____.

IMPOUNDING OFFICER