

The Siksika Nation
By-Law No. ____
Being a By-law to Control Dogs

WHEREAS it is believed necessary to enact a by-law to provide for the regulation and control of Dogs on Siksika Nation Indian Reserve Number 146;

AND WHEREAS the *Indian Act*, R.S., c. I-6, section 81(a), (d), (e), (q) and (r) provides that the council of a band may make by-laws with respect to the regulation of the health of residents on the reserve, the prevention of nuisances, the protection against and the 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-law; and control of dogs;

AND WHEREAS the Council of Siksika Nation deems it expedient and in the best interests of the Band to make a by-law for the purposes of controlling the ownership, breeding, and running at large of dogs as it is detrimental to the health of the residence and a nuisance to such residence;

NOW THEREFORE the Council of Siksika Nation, without prejudice to but in express affirmation of its right of self-government, hereby enacts:

Citation

1. This by-law shall be cited as the Siksika Nation Reserve Dog Control By-Law.

Definitions

2. In this By-law:

"Council" means the Council, as defined in the Indian Act, of the Siksika Nation of Indians;

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

"muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;

"officer" means any member of the Siksika Nation Police Service, as appointed by the Council, or any duly appointed Animal Control Officer;

"owner" of a dog includes a person who possesses or harbours a dog, and "owns" "owned" have corresponding meaning;

"premises" means the grounds immediately surrounding a dwelling unit (100' by 100'), including the dwelling unit itself;

"Reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of Siksika Nation of Indians and known as the Siksika Nation Reserve No. 146;

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

Prohibitions

3. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times when in a place other than the owner's premises.

(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, cattle or horses.

(3) No owner shall allow his or her dog to remain unfed or unwatered as sufficiently long to amount to cruelty or to cause the dog to become a nuisance.

(4) No person shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of the residents of the reserve.

(5) No owner shall permit a female dog in heat, that is untethered and uncontrolled, to be off the owner's premises.

(6) (a) The Council may at any time prohibit the keeping of dogs within any public area of the reserve.

(b) Notice of any prohibition made by the Council pursuant to paragraph (a) shall be posted in the administration office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

(7) All dogs must be licensed and the corresponding tag must accompany the dog at all times.

Seizure

4. (1) An officer may seize a dog from any person whom the officer has reasonable and probable cause to believe is violating or has reasonable cause to believe is violating or has violated or who is about to violate any of the provisions of this by-law.

(2) After seizure pursuant to subsection (1) an officer shall give notice of the seizure by posting such notice in the administration office for five days and by any other means such as telephone if the owner is known;

(3) Subject to subsection (5), an officer who has seized a licensed dog pursuant to subsection (1) shall restore the possession of the dog to the owner where:

(a) the owner claims possession of the dog within two (2) days after the date of seizure, and;

(b) the owner pays to the officer all the expenses incurred in securing, caring for and feeding the dog.

(4) Where a dog has not been reclaimed within two (2) days after the seizure and notice pursuant to subsections (2) and (3), 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 of the dog by the officer.

(5) Where, in the opinion of the officer, a dog seized under this section is unlicensed, 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 the dog by the officer.

Destruction where unable to seize

5. (1) Where the 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 in a safe manner.

(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 safely 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, or
- (c) any other animal

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

Penalty

7. Any person who contravenes any of the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or to imprisonment for a term of not more than thirty (30) days, or both.

Enactment

This By-law is hereby enacted by the Council of the Siksika Nation at a duly convened meeting held on the ____ day of ____, 19__.

[Signature]
Chief

[Signature]
Councillor

[Signature]
Councillor

[Signature]
Councillor

[Signature]
Councillor

[Signature]
Councillor

I, _____, Chief / Councillor of the Siksika Nation of Indians do hereby certify that a true copy of the foregoing By-Law No. ____ was forwarded to the Minister of Indian Affairs and Northern Development pursuant to section 82(1) of the Indian Act, this ____ day of ____ 19__.

[Signature] SP 39/16
Witness

[Signature]
Chief / Councillor

SCHEDULE "A"

1. Licensing

(a) The owner of a dog, as defined in this by-law, within the Siksika Nation Reserve shall annually, on or before the first day of February in each year, cause the dog to be registered, numbered, described and licensed for the current year at the Siksika Nation Police Service office. The owner shall cause the dog to wear around its neck a collar to which shall be attached a numbered licence tag corresponding to the records kept at the Police Office.

(b) A dog shall be licensed when it reaches four(4) months of age. Such licence shall be obtained on the first day of business following the dog reaching four(4) months.

(c) To obtain a licence for a neutered or spayed dog, proof or certificate from a veterinarian must be produced.

(d) No person shall be eligible for rebate or refund of licence fees under this by-law.

(e) No licence shall be transferrable from one dog to another.

(f) The licensing fee for a neutered male dog or a spayed female dog shall be \$15.00 per year. The licensing of all other dogs shall be \$50.00 per year.

2. Seeing Eye Dog

A person who requires the assistance of a "seeing eye dog" shall upon application be issued a licence for such a dog free of charge.

3. Lost Tag

In the case of a lost tag, a new tag will be issued for the sum of two dollars (\$2.00)