By-law No. 10-03 Being a By-law to repeal and replace By-law No. 8-05 By-law Respecting the Control of Animals Enacted on the 25 day of April, 1988

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the <u>Indian Act</u> empower the Council of an Indian Band to pass by-laws to provide for the health of the residents on the reserve, the prevention of nuisance, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of 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 Chippewas of Georgina Island First Nation Band is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

AND WHEREAS it is deemed to be expedient to establish a method of impounding and distrianing dogs running at large and restricting certain breeds of dogs from being on the Chippewas of Georgina Island First Nation Indian Reserve #33 and #33A for the benefit and safety of the residents on the reserve;

AND WHEREAS The Council of the Chippewas of Georgina Island First Nation Band enacted By-law Number 8-05 on the 25 day of April, 1988, thereby repealing the said By-law Number 8-05 and replacing it with By-law Number 10;

THEREFORE, the Council of the Chippewas of Georgina Island Fist Nation Band enacts this Animal Control By-law, Number 10, as follows:

Short Title

1. This by-law may be cited as the "Chippewas of Georgina Island Animal Control By-law".

Interpretation

2. In this by-law

"animal" means a dog, a cat, or any other domestic animal;

"Animal Control Officer" includes any employee of the Chippewas of Georgina Island first Nation Band so appointed pursuant to section 4, or an employee, person, company or association who has entered into a contract with the Chippewas of Georgina Island First Nation Band to control dogs and/or cats and any servants or agents of such employee, person, company or association.

"animal register" means the register kept by the Animal Control Officer or someone appointed by Council for the purpose of the registration of all dogs and other animals on the reserve;

"Akita" means a dog of any age which can be identified as such a breed or mixed breed by an Animal Control Officer;

"at large" or "running at large" shall mean any dog or cat found in any place other than the premises of the owner and not under the immediate, continuous, and effective control of any person;

"Band" means the Chippewas of Georgina Island First Nation Band, as defined by section 2 of the Indian Act;

"Council" means the Chief and Council of the Chippewas of Georgina Island First Nation Band #33 and #33A;

"cat" means any male or female domesticated cat;

"dangerous dog" or "vicious dog" includes:

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a vicious or dangerous dog;
- (c) any dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody had entered concerning that specific dog;
- (d) any dog which has bitten another animal or human without provocation;

"Doberman Pinscher" means a dog of any age which can be identified as such a breed or mixed breed by an Animal Control Officer;

"dog" means any male or female dog over the age of 16 weeks and includes an animal that is a cross between a dog and a wolf;

"domestic animal" means any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram sheep, sow, stallion, rabbit, ferret, or all types of fowl but is not restricted to such;

"Health Department" or "Medical Officer of Health" means the authority designated by Band Council;

"household pet" means any cat, dog, rabbit, ferret or any other animals normally kept or intended to be kept as household pets;

"kennel" means any building or structure or part thereof or premises where dogs are bred, kept, raised, trained and boarded for commercial purposes.

"license issuer" means the person or persons authorized by the Chippewas of Georgina Island First Nation Band Council to issue dog licenses and to collect the required fees;

"Muzzle" or "muzzled" means to secure a dogs mouth in such a fashion that it cannot bite anything;

"owner" means any owner of a dog, including a person, partnership, association or corporation that owns, possesses, harbours or has control, care or custody over a dog and where the owner is a "minor" the person responsible for the custody of the minor;

"Pit Bull" means a dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by a By-law Enforcement Officer, namely:

- (a) Pit Bull Terrier
- (b) American Pit Bull Terrier
- (c) Pit Bull
- (d) Staffordshire Bull Terrier
- (e) Bullmastiff

"reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Chippewas of Georgina Island First Nation Band of Indians, and known as the Chippewas of Georgina Island First Nation Reserve #33 and #33A;

"restricted dog" means any of the breeds of dogs identified as a Pit Bull, Rottweiler, Akita, or Doberman Pinscher;

"service animal" means a guide dog or other trained service animal identifiable by a harness, used principally to assist persons with visual, hearing or other impediment or law enforcement personnel.

Application

3. This By-law applies to all owners of Animals residing or visiting on the Chippewas of Georgina Island First Nation Reserve(s) No.33 and 33A.

Appointment

- 4. (1) The Council may appoint, by Band Council Resolution, an Animal Control Officer and/or a License Issuer to provide for the administration and enforcement of this by-law and more specifically to receive registration and to issue identification tags under this by-law.
 - (2) The Council may, in the Band Council resolution, provide for reasonable remuneration to be paid to the Animal Control Officer for the performance of their duties.

Registration and Licensing

- 5. (1) Every person keeping a domestic animal or a household pet on the reserve shall register that animal with the License Issuer.
 - (2) Every owner of a dog shall, on or before the 28th day of February in each and every year, or upon becoming the owner of a dog after the 28th day of February, register such an animal with the License Issuer and procure a license for each animal owned by him/her unless otherwise directed by the License Issuer.
 - (3) The license shall be renewed annually on or before the 28th day of February each year and shall expire on the 31st day of December of the same year.
 - (4) A new resident of the Island shall not be required to pay a license fee for a dog if the license for said dog has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to the License Issuer and payment is made for the cost of a replacement tag in accordance with Schedule "A" attached hereto. Residents of the Town of Georgina, Town of Newmarket, Town of Whitchurch-Stouffville or Town of East Gwillimbury are exempt from this provision of the by-law and will not be required to purchase a replacement tag.
 - (5) The application for registration and identification tag shall be filed with the License Issuer and will include:

- (a) the animal owners name;
- (b) the animal owners address, locator number, lot and concession number;
- (c) a description of the animal sought to be registered, including age name, sex and breed, if known it shall be identified by the License Issuer;
- (d) the number of animals in the household;
- (e) upon application for a tag the applicant shall produce a certificate of record that the animal has been inoculated with an anti-rabies vaccine within a period of 12 months of date of application for the tag, the certificate shall note the date of such immunization and the name of the person immunizing the animal;
- (f) any other information deemed by the License Issuer to be necessary for the proper administration of the by-law.
- (6) The License Issuer shall issue the license tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.
- (7) Every owner or person in control of, or in apparent control of, a registered dog shall keep the dog tag securely fixed on the animal at all times (except while the dog is being used for hunting purposes) and shall not transfer the license issued to any other person. The license tag shall expire and become void upon sale, death or other means of disposal of the dog.
- (8) In the event a license is lost, the owner shall, upon satisfying the License Issuer of such loss, be entitled to receive a replacement license upon payment of the fee prescribed in the Schedule "A" attached hereto.
- (9) No owner of a dog shall use a license issued to him or her for any other dog other than the dog the license was issued.
- (10) No person shall remove a dog license from a dog without the consent of the owner thereof.
- (11) The fees charged for a dog registration tag shall be in accordance with Schedule "A" attached hereto.
- (12) Any person who produces evidence to the Chippewas of Georgina Island First Nation Band showing that the dog is required as a guide for assistance by a disabled person shall be exempt from paying the license fee.
- (13) For seasonal residents whose primary residence is in another Municipality it is sufficient to provide proof of the animal licensing displayed from that Municipality.

Responsibility of the Owner

- 6.(1) No person shall suffer, permit or allow any animal of which he/she is the owner to run at large on the reserve;
 - (2) For the purpose of this by-law an animal will be deemed to be running at large if found in any other place other than the premises of the owner of the animal and not under the immediate, continuous, and effective control of any person.
 - (3) For the purpose of this by-law, an animal shall be deemed not to be under the control of any person when the animal is:
 - (a) not held on a leash by a person capable of restraining the animals movements;
 - (b) not on a leash which is securely affixed to some permanent structure from which the animal cannot escape.
 - (4) No owner shall permit an animal to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
 - (5) No person shall suffer, allow or permit an animal under his control to trespass on private property, whether on a leash or not, permission must be first obtained from the property owner.
 - (6) Each owner of an animal shall be responsible for the fencing in of their own animal(s) and keeping them from running at large.
 - (7) The owner of an animal in which causes damage to any property including removable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.
 - (8) No owner shall allow a female animal in heat to remain in any place unless the animal is attached to a leash and is accompanied by and is under the immediate, continuous and effective control of the owner or agent.
 - (9) The owner of an animal who fails to take all necessary measures to ensure that such an animal 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.
 - (10) Any person who owns, harbours, or possesses an animal shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private on the Chippewas of Georgina Island First Nation Reserve. In any prosecution pursuant to a violation of this section off the by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defence to the prosecution.

- (11) An animal, except a registered animal shall not be considered running at large and need not be on a leash if not a Dangerous dog and the animal;
 - a. is being used by a person for the purpose of hunting; or
 - b. is being used for a person to work in a lawful manner with sheep or cattle; or
 - c. is used by a visually impaired person as a guide dog.
- (12) Where an animal is impounded, the owner if known, shall be liable for all charges and fees in accordance with the by-law and shall pay all such charges and fees on demand to the Animal Control Officer, whether or not the animal is claimed from the pound.

Responsibilities of Animal Control Officer

- 7.(1) The Animal Control Officer of the reserve may impound any animal found running at large, either seized by him/her or delivered to him/her contrary to the provisions of this by-law.
 - (2) An Animal Control Officer may seize and impound any animal found running at large within the limits of the reserve or any animal without a license contrary to the provisions of this by-law. Any animal so impounded, if not retrieved by the owner, shall be fed and watered for a period of not less than three (3) days, excluding the day on which the animal was impounded and excluding the days that the shelter is closed, and if not redeemed at the expiration of the three (3) day period, may be sold, given to fostering facilities or euthanized.
 - (3) Where an owner claims an animal, he/she shall:
 - a. provide proof of ownership of the animal; and
 - b. pay to the Animal Control Officer all expenses incurred in securing, caring for and feeding the animal as listed in Schedule "A" hereto attached; and
 - c. pay for the license and registration for the animal if not currently licensed.
 - (4) If an animal is injured and the services of a veterinary surgeon is secured, the owner shall not be entitled to redeem the animal unless the charges for such veterinary surgeon's services are paid, in addition to other charges provided for in this by-law.

- (5) At the discretion of the Animal Control Officer, if an animal is seriously injured or should be destroyed without delay for humane reasons, or for safety of persons or animal, the animal shall be destroyed forthwith and the costs recovered from the owner.
- (6) No attempt may be made by the authority to claim or purchase animals for the purpose of research, not withstanding the provisions of the <u>Animals for Research Act, R.S.O., 1990</u> and no animal shall be offered for same for the purpose of research.
- (7) An Animal Control Officer shall, within twenty-four (24) hours form the impounding of any animal, make every reasonable effort to notify the owner that the animal is impounded and the conditions whereby custody of the animal may be regained.

Immunization of Animals

- 8. (1) All animals on the reserve must be immunized in accordance with Generally Accepted Veterinary Standards unless otherwise directed by the License Issuer.
 - (2) Section (1) does not apply to animals under (4) four months old.

Treatment of Animals

- 9.(1) No owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or cause the animal to become a nuisance.
 - (2) No person shall punish or abuse an animal in a manner which is cruel or unnecessary.

Prohibition of Animals Within Specific Areas

10.(1) The Council may at any time prohibit the keeping of animals within any area of the reserve through a Zoning by-law pursuant to Paragraph 81(g) of the *Indian Act*.

Rabies Quarantine

- 11.(1) The owner of any animal exposed to rabies shall report to Band Council and, on demand, surrender such animal to the Band Council to be held by the Animal Control Officer in quarantine for a period of at least ten (10) days and such animal shall not be released from such quarantine without written permission of the Health Department.
 - (2) Upon demand of Band Council, the owner of any animal shall forthwith surrender to the Animal Control Officer any animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the Health Department.
 - (3) Any animal found to be infected with rabies shall be destroyed by its owner or by the Animal Control Officer at the expense of the owner.

Wild Animals

12. (1) No person shall keep, harbour or posses a wild animal on the reserve that may be dangerous to the health and safety of the reserve residents without the express written consent of the Council by Band Council Resolution.

Exotic Pets

- 13. (1) The keeping of any animals of any kind listed in Schedule "B" of this By-law, anywhere on the Chippewas of Georgina Island First Nation reserve(s) is herby prohibited.
 - (2) This by-law does not apply to prohibit the keeping of an animal of a kind listed in schedule "B" of this by-law in the following places or circumstances:
 - (a) in a veterinary hospital under the care of a licensed veterinarian;
 - (b) in a public pound; and
 - (c) by the Ontario Humane Society.

Kennels

- 14. (1) No kennel license shall be issued within any area of the reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.).
 - (2) No person may establish, own or operate an establishment or facility for boarding or treatment of animals within the limits of the reserve, without written consent of the Council by Band Council Resolution (B.C.R.).

(3) A kennel license shall only be issued in the approved form that may be amended form time to time by Band Council Resolution.

Vicious Dogs

- 15.(1) Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
 - (2) At all times a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
 - (3) On public property, a vicious dog shall be kept on a leash or in a restricted area which shall be constructed so as to prevent any escape by the dog and /or prevent the entry of children.

Seizure of Restricted Dogs

- 16.(1) Sections 16(1) to 16(5) inclusively, apply only to Restricted Dogs and where these sections conflict with other sections of this by-law these sections shall apply.
 - (2) Except for in section 16(5), an Animal Control Officer shall seize any Restricted Dog that is found on the reserve:
 - (a) without a tag issued in accordance with this by-law; or
 - (b) running at large on the reserve.
 - (3) An Animal Control Officer who has seized a Restricted Dog shall restore possession to the owner where:
 - (a) the owner claims possession in person during time period described in section 7(2); and
 - (b) the owner pays to the Animal Control Officer all expenses incurred in securing, caring for and feeding the Restricted Dog; and
 - (c) the owner undertakes to immediately remove the Restricted Dog from the reserve, or the owner produces a valid dog tag for the Restricted Dog.

- (4) Not withstanding 16(2), if after reasonable effort or should Public safety be a risk in the sole discretion of the Animal Control Officer, and he/she is unable to seize any Restricted Dog found on the reserve, the Restricted Dog may be destroyed in a manner the Animal Control Officer deems appropriate in the circumstances, and the costs recovered by the owner.
- (5) (a) upon seizure under 16(2), the Animal Control Officer shall impound the Restricted Dog for a period of not less than three (3) days, after the date of seizure and shall immediately make reasonable effort to notify the owner of the seizure, and
 - (b) if ownership is not claimed within the time period prescribed in subsection 16(5) (a), the Animal Control Officer may destroy and dispose Restricted Dog in a humane manner with costs recovered from the owner, give to fostering facilities or sell and no one may recover damages or compensation as a result of such action, and
 - (c) if a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall impound the Restricted Dog for such a period of time to be specified by a Veterinarian, and thereafter the Animal Control Officer may destroy the restricted Dog in a manner he/she deems humane and appropriate in the circumstances with costs recovered from the owner, and no one may recover any damages or compensation as a result of such action.
 - (d) where any Restricted Dog is to be found to be injured or diseased, the Animal Control Officer shall seek Veterinary attention for the Restricted Dog, in the case where the owner has declined or neglected to do so, the owner shall pay to the Animal Control Officer all costs associated with the provision of such Veterinary services, and
 - (e) where any Restricted Dog has been injured and in the opinion of the Animal Control Officer, should be immediately destroyed, either for humane reasons or to protect the heath and safety of the public, the Restricted Dog may be destroyed in a manner the Animal Control officer deems humane and appropriate in the circumstances, and the costs recovered from the owner.

Protection From Vicious Animals

17.(1) A person or Animal Control Officer may kill, if necessary, a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, killing or destroying:

- (a) a person;
- (b) another animal that is not running at large
- (c) a food cache, harness or other equipment; or
- (d) domestic livestock.
- (2) A person or Animal Control Officer who must kill a vicious animal, pursuant to section 17(1), shall immediately report the incident to the Chief and Council or Animal Control Officer and notify the animals owner.
- (3) No damages or compensation may be recovered as a result of killing an animal by a person or Animal Control Officer who is required to do so pursuant to section 17(1).

Penalties

- 18.(1) Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days or to both fine and imprisonment.
 - (2) Should a court determine a provision of this by-law is invalid for any reason, the provision shall be served from the by-law and the validity of the rest of the by-law shall not be affected.

Repeal

19.(1) By-law number 8-05 enacted on the 25 day of April, 1988, and being a by-law to regulate the control of animals on the reserve, be the same is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Chippewas Of Georgina Island First Nation Band this day of, 2003.				
Voting in favour of this by-law are the foll	owing members of the Council:			
	Chief)			
(Member of the Council)	(Member of the Council)			
(Member of the Council)	(Member of the Council)			
being the majority of those of the Council Band present at the aforesaid meeting of the				
The quorum of the Council ismemb. Number of the Council present at the meet.				
herby certify that a copy of the foregoing be Affairs and Northern Development at the I	ewas of Georgina Island First Nation Band, do by-law was mailed to the Minister of Indian District/Regional/Hull Office (as the case may ian Act, thisday of,			
(Witness)	(Chief William M. McCue)			

Schedule "A" to By-law #10-03 Animal Control FEE SCHEDULE

1.	License of Dog	-spayed/neutered	2003\$15.	.00	
			2004	.00	
		-not spayed/neutered	2003\$25.	.00	
		1 7	2004\$30.	.00	
2.	Replacement Tags		\$5.	00	
3.	License of Service	Animal	N	IL	
4.	Service Fees				
4.	Service rees				
			owner\$90.0		
	• Picking up an unwanted Cat at the request of the owner				
	• Picking up a dead dog at the request of the owner\$65.00				
	• Picking up a dead cat at the request of the owner\$45.00			.00	
		nal at the request of the owner			
	released to the shelter\$75.00				
		of puppies at the request of the		0.0	
			\$100.	.00	
		of kittens at the request of the o	owner when delivered and\$75.0	00	
		d dog at the request of the own		00	
			\$50.0	00	
		ad cat at the request of the own	er if delivered to \$30.	.00	
		sposal of a cat at the request of	the owner if delivered\$90.	.00	
		sposal of a cat at the request of			
	to the shelter		\$60.0	00	
	 Picking up a stray 	animal (dog/cat, dead or alive)	N	/C	
5.	Impound Fees (wit	thin Calendar year):			
			\$25.	00	
	Second offence		\$40.0	00	
	Third offence		\$75.0	00	
6	Return of Animal	to owners without impoundin	g (within Calendar year):		
J.			\$30.	00	
			\$45.0		
			dog impounde		
7.	After Hours – Call	l Out			
, .			sed to owner\$20.	.00	
8.	Adoption Fees (plu	is GST and PST):			
			\$70.0		
	Puppy with first vac	ecination	\$100.	00	
			\$25.0		
	Kitten with first vac	ecination	\$35.0	00	

SCHEDULE "B"

Manatee

Margays

Whales

Zebra

Woolly Monkeys

Alligator Snapping Turtles

Antelopes

Macaques

Mandrills

By-law #10-03 Animal Control

Marine Toads Marine Turtles Baboons Banana Spiders Marmosets **Bird Spiders** Marsupials Boas Meerkats Mongooses Camels Caracals Ocelots Cheetahs Onagers Chimpanzees Orangutans Civets Owl-faced Monkeys Coatimundi Owl Monkeys Coral Snakes Penguins Cougars Poisonous Colurbird Snakes Crocodiles Poison-arrow Frogs Elephants Porpoise **Pottos** Geckos Pythons Genets Gibbons Rattle Snakes Giant Centipedes Rhesus Monkeys Giant Millipedes Rhinoceros Beetles Giant Salamanders Rhinoceros Giant Tortoise Giraffes Scorpions Goliath Beetles Sea Elephants Gorillas Sea Lions Seals Hercules Beetles Servals Hippopotami Spider Monkeys Squirrel Monkeys Iguanas Stag Beetles Indago Snakes Syrian Wild Asses Stonefish Jackals **Jaguars** Tarantulas **Tapirs** Jaguarundi Terrapins **Tiger Cats** Kinkajous **Tigers** Toadfish Lemurs Leopard Cats Turkeyfish (Lionfish) Leopards Lionfish (Turkeyfish) Vipers Lions Walrus Llamas Wildcats

By-Law 10-03 SHORT FORM WORDINGS

Owner not register animal or pet
Owner or person in control of dog, not affix tag
Owner use license on unregistered dog
Person other than owner remove license
Owner permit animal to run at large
Owner permit animal to annoy or disturb the peace
Person in control of animal allow to trespass
Owner permit animal to cause damage
Owner permit female animal in heat not to be under control
Owner fail to insure animal is under control
Owner fail to clean up excrement of animal
Person in possession fail to clean up excrement
Owner fail to immunize animal
Owner fail to provide Food or water
Person abuse animal
Keep wild animal without written permission
Posses wild animal without written permission
Keep animal listed on schedule "B"
Own animal boarding facility
Operate animal boarding facility
Own animal treatment facility
Operate animal treatment facility
Owner fail to post notice of vicious dog
Person in possession fail to muzzle vicious dog
Person in possession fail to control vicious dog in public