



FEBRUARY 1, 2019

ANIMAL CONTROL

DRAFT

DEREK ARCHIBALD
TAYKWA TAGAMOU NATION



WHEREAS Taykwa Tagamou Nation will implement the By-Law for the control and registration of Dogs and with respect to any matter's ancillary to the exercise of powers under Section 81, and for the impositions of penalties for the violation thereof;

AND WHEREAS paragraphs (a), (e), (q), and (r) of Section 81 of the Indian Act empower the Council of a Band to make such a by-law;

AND WHEREAS it is deemed to be expedient to establish a method of impounding and distraining Dogs running at large and restricting certain breeds of dogs from being on the Taykwa Tagamou Nation Reserve No. 69 and 69a for the benefit and safety of the residents of the Reserve;

AND WHEREAS the Council of the Band did enact By-Law No. 1 on the 1st day of April 2019

NOW THEREFORE the Council of Taykwa Tagamou makes the following by-law:

Terms

This By-Law may be cited as the "Dog Control By-Law."

"Atim" means a dog of any age which can be identified as such a breed or mixed breed by a Bylaw Enforcement Officer.

"Animal Control Officer" means authority designated by Council

"By law Enforcement Officer" may mean Peace Officer, Animal Control Officer or authority designated by and for Council.

"Cat" shall mean any cat, male or female.

"Council or Band Council" means the duly elected council of Taykwa Tagamou Nation a reserve as defined in the Indian Act.

"Dangerous Dog" includes:

- (a) a dog that demonstrates ferocious, vicious or aggressive behavior.
- (b) any dog that a By-Law enforcement officer, upon reasonable and probable grounds believes to be Dangerous.
- (c) any dog that has been the cause of a prosecution under this By-Law within the previous six months where a conviction against had been entered concerning that specific dog.
- (d) any dog that has bitten a human without provocation.

“Dog” means any dog, male or female.

“Domestic Animal” includes any farm animal or other dogs and cats but does not include wild animals.

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

“Health Department” means authority designated by Council.

“Kennel” means: a place or confine where dogs are bred and raised and registered in the Register of the Canadian Kennel Club Incorporated; or, held for a designated period.

“License Issuer” means the “appointee of Taykwa Tagamou Nation.”

“Muzzle” or “Muzzled” means to secure a dog’s mouth where they are not able to bite anyone.

“Owner” includes any person who possesses or harbors a dog and cat and “owns” and “owned” shall have corresponding meaning.

“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 Bylaw 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 set apart for the use and benefit of Taykwa Tagamou Nation Reserve No. 69 and 69a.

“Restricted Dog or Restricted Dogs” means any of the breeds of dogs identified as a Pit Bull, a Rottweiler, Akita or a Doberman Pinscher.

“Rottweiler” means a dog of any age which can be identified as such a breed or mixed breed by a Bylaw Enforcement Officer.

“Run at large” or “Running At Large” means off the premises of the owner and not muzzled or under the control of any person.

Appointment

1.0 The Council may by resolution appoint an Animal Control Officer or a Bylaw Enforcement Officer for the administration and enforcement of this bylaw.

2.0 The Council may by resolution provide that reasonable remuneration be paid to the Animal Control Officer or a Bylaw Enforcement Officer for the performance of their duties.

3.0 Every owner of a dog or cat shall, on or before the 15th day of April in each and every year, or upon becoming the owner of a dog or cat after the 15th day of April, register such a dog or cat with the Animal Control Officer and procure a license for each dog or cat owned by him/her except in accordance with section 13.1

3.1 Every license issued under this By-Law shall be for a maximum of one (1) year and shall expire in each year on the 31st day of March.

Kennel

4.0 No kennel license shall be issued within any area of the Reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.)

5.0 No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs/cats within the limits of the Reserve, without express written authorization to that effect from Council, by way of Band Council Resolution.

Wild Animals

6.0 No person shall keep, harbour or possess a wild animal on the reserve that may pose a danger to the health and safety of reserve residents without the express written consent of the Council by Band Council Resolution

License Fees

7.0 The annual license fee shall be paid to the License Issuer at the time the license is issued as follows:

7.1 For tags and kennel licenses purchased prior to April 15th of each and every year:

\$10.00 – spayed or neutered dog or cat/ certificate required

\$15.00 – not spayed or neutered

\$25.00 – kennel (with B.C.R. authorization)

7.2 For tags and kennel licenses purchased after April 15th of each and every year

\$15.00 – spayed or neutered dog or cat / certificate required
\$20.00 – not spayed or neutered
\$30.00 – kennel

Dog Tags

6.3 Fee for the replacement of a lost tag is \$2.00.

6.4 Upon the registration of such dog or cat, as provided by this By-Law, and upon payment of the prescribed fee, every owner shall be furnished, with a tag.

6.5 Every owner on the Reserve of a dog or cat shall cause such dog or cat to wear around its neck a collar to which is attached a tag for the then current year, issued in respect of such a dog or cat under the provisions of this By-Law.

6.6 Every license is person to the holder thereof, and no tag is transferable.

6.7 Every dog and cat tag shall bear the serial number and the year which it was issued, and a record kept by the By-Law Enforcement Officer or Animal Control Officer showing the name and address of the owner and the serial number of the tag.

6.8 The owner shall keep the tag securely fixed on the dog or cat at all times.

License Application

7.0 The application for registration and tag shall be filed with the license issuer and include:

- (a) the dog or cat owners name if not applicant;
- (b) the dog or cat owners address, Locator Number, lot and concession number;
- (c) A description of the dog or cat 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 recording that the dog or cat has inoculated with an anti-rabies vaccine within a period of 24 months of the date of application for the tag.
- (f) any other information deemed by the licensor to be necessary for the proper administration of the By-Law.

Rabies Immunization

8.0 All dogs and cats in the reserve must be immunized in accordance with generally accepted veterinary standards.

8.1 Section 8.0 does not apply to dogs or cats under four months old.

Rabies Quarantine

9.0 The owner of any animal exposed to rabies shall report to the Band Office and, on demand, surrender such animal to the Band Council to be held by the Animal Control Officer in quarantine for a period of 14 days and such animal shall not be released from such quarantine without the written permission of the Health department.

10.0 An owner upon demand made by the Band Council shall forthwith surrender to the Animal Control Officer any animal which has bitten a person, or which has been exposed to rabies to be held in quarantine at the discretion of the Health department.

11.0 Any animal found to be infected with rabies shall be destroyed by its owner or by a Bylaw Enforcement Officer at the expense of the owner.

Prohibition of Animals Within Specific Areas

12.0 The Council may at any time prohibit the keeping of animals within any area of the Reserve.

12.1 Notice of any prohibition made by Council pursuant to this section shall be posted in the band administration building and after the date of posting such notice, no person shall keep or have an animal within the prohibited area.

General Prohibition on Restricted Dogs on Reserve

13.0 No person shall have possession or control of a Restricted Dog on the Reserve except as in accordance with this bylaw.

Restricted Dogs Phased Out

13.1 No licenses will be issued for the following Restricted Breeds of dogs after the coming into force of this bylaw except as provided in section 13.2:

(a) Pit Bull

(b) Rottweiler

(c) Doberman Pinscher

(d) Atim

Exceptions for currently Licensed Restricted Dogs

13.2 Licenses for Restricted Dogs may be issued, under section 13.3 only if the dog had a valid registered dog license on the date this section came into effect.

13.3 Subject to section 13.2, licenses for Restricted dogs may be issued if;

- (a) the previous license for the dog did not lapse, and
- (b) the owner of the previous dog license remains the same, and
- (c) the dog license has not been transferred, and;
- (d) the dog is not under the age four (4) months old, and;
- (e) the dog has not previously bitten anyone without provocation or been previously seized by the Bylaw Enforcement Officer for an infraction under this Bylaw.

Dogs Running At Large

14.0 No person shall suffer, allow or permit any dog of which he is the owner to run at large on the Reserve.

14.1 For the purpose of this bylaw a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.

14.2 For the purpose of this bylaw, a dog shall be deemed not to be under the control of any person when the dog is not on a leash held by a person or, is not on a leash which is securely affixed to some permanent structure from which the dog cannot escape.

14.3 No person shall suffer, allow or permit a dog under his control to trespass on private property, whether on a leash or not, permission must be first obtained from the property owner.

Seizure and Impounding

14.4 The Bylaw Enforcement Officer of the Reserve shall, and any Police Officer may, seize any dog found running at large, any animal without a valid tag or any animal in contravention of this bylaw.

14.5 Every animal seized shall forthwith be delivered to the Animal Control Officer of the Reserve.

14.6 The Animal Control Officer shall impound any dog found to be running at large, seized by him/her or delivered to him/her.

14.7 Except as provided in section 16, the owner of a dog or cat impounded shall claim the dog or cat within seventy-two hours (exclusive of statutory holidays, Sundays and the day on which it was impounded), after that dog or cat has been impounded, on application to the Animal Control Officer.

14.8 Where an owner claims a dog or cat, he shall:

- (a) Provide proof of ownership of the dog or cat and;
- (b) pay to the Animal Control Officer all expenses incurred in securing, caring for and feeding the dog or cat as listed in Schedule "A" hereto attached; and
- (c) pay for the license and registration of the dog or cat, if not currently licensed.

14.9 Where a dog except a Restricted Dog or animal that is impounded is not claimed by the owner, within the time limited in sub-section 14.7, the Animal Control Officer may retain the dog or cat for such further time as he/she may consider proper and during that time, the Animal Control Officer may:

- (a) sell the dog or cat for such price as he/she may consider proper; or
- (b) destroy the dog or cat in a humane manner or otherwise sell or dispose of the dog or cat as set out in the Animal for Research Act.

15.0 A dog, except a Restricted Dog, shall not be considered running at large and need not be on a leash if not a Dangerous Dog and the dog;

- (a) is being used by a person for hunting; or
- (b) is being used by 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. Seizure of Restricted Dogs

16.0 Sections 16.1 to 16.5 inclusively, apply only to Restricted Dogs and where these sections conflict with other sections of this Bylaw, these sections shall apply.

16.1 Except as in 16.4, a Bylaw Enforcement Officer shall seize, and a peace officer may seize any Restricted Dog that is found on Reserve:

- (a) without a tag issued in accordance with this Bylaw, or;
- (b) running at large on the Reserve.

Claiming Restricted Dogs

16.2 A Bylaw Enforcement Officer who has seized a Restricted Dog shall restore possession to the owner where;

- (a) the owner claims possession in person within five days after the seizure; 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 has received a notice of offence in violation of this Bylaw; and
- (d) the owner undertakes to immediately remove the Restricted Dog from the Reserve, or the owner produced a valid dog tag for the Restricted Dog.

Destruction If Seizure of Restricted Dog Difficult or Public Safety at Risk

16.3 Notwithstanding section 16.1, if after reasonable effort or should Public safety be at risk in the sole discretion of the Bylaw Enforcement Officer, and the Bylaw Enforcement Officer is unable to seize any Restricted Dog found on the Reserve, the Restricted dog may be destroyed in a manner the Bylaw Enforcement Officer deems appropriate in the circumstances, and no person may recover damages or compensation as a result of the destruction.

Impounding Restricted Dogs

16.4 Notification to Owner

(a) Upon seizure under section 16.1, the Animal Control Officer shall impound the Restricted Dog for a period of not more than five (5) days, after the date of seizure and shall immediately make reasonable efforts to notify the owner of the seizure, and Unclaimed restricted dog

(b) if ownership is not claimed within the time prescribed by subsection 16.4 (a), the Animal Control Officer may destroy and dispose of the Restricted Dog in a humane manner, and no one may recover damages or compensation as a result of such action, and Quarantine of Restricted Dog After Attack

(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 period of time to be specified by a veterinarian, and thereafter the Animal Control Officer shall or a Bylaw Enforcement Officer may destroy the Restricted Dog in a manner the Animal Control Officer deems humane and appropriate in the circumstances, and no one may recover damages or compensation as a result of such action.

Care of Injured Restricted Dogs

(d) Where any Restricted Dog is 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 and the owner shall pay to the Animal Control Officer all costs associated with the provision of such veterinarian services, and Destruction of Restricted

Dog because of Injury

(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 health 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 no one may recover damages or compensation as a result of such action.

Protection from Restricted Dogs

17.0 Any person on the Reserve may immediately destroy any Restricted Dog that is in the act of attacking, pursuing for the purpose of, attacking, or injuring a person or another Domestic Animal, and no person may recover damages or compensation as a result of such action.

18.0 Notwithstanding section 16.1, a Bylaw Enforcement Officer may destroy immediately, in a humane manner, any animal found in the following circumstances:

- (a) Where an animal is considered a threat to public health or safety or has attacked and seriously injured someone;
- (b) Where the animal is injured or should be destroyed without delay for humane reasons.

18.1 No damages or compensation shall be recovered on account of any animal being destroyed under the authority of this bylaw.

Reports

19.0 A written report of each such incident in sections 16, 17, and 18 in which an animal must be destroyed shall be made to Council within thirty (30) days of the event or be included in an annual report to Council.

Clean-Up After Dogs

20.0 No person shall allow a dog which they own, harbour or possess or have control of to defecate anywhere within the Reserve other than on the land of the owner unless they immediately remove and dispose of the excrement of the said dog in a sanitary manner, except the excrement from a guide dog while under the control of a blind person.

Limit on number of animals per dwelling

21.0 No more than three (3) animals consisting of dogs and cats shall be kept, harboured or possessed in any dwelling.

21.1 The provisions of subsection 21.0 do not apply to dog or cat litters, where the pups or kittens are less than 4 months old.

Dogs in Heat

22.0 No owner shall allow a female dog in heat to remain in any public place unless such a female dog is attached to a leash and is accompanied by and is under the observation and control of the owner or their agent.

Dogs and Property

23. The owner of a dog who fails to take all necessary measures to ensure that such dogs do not enter upon property without being under control or in possession of the owner, is guilty of an offense.

23.1 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.

Abuse of Animals

24. No person shall punish or abuse any animal in a manner or to an extent that is cruel and unnecessary.

25. No owner shall neglect to feed their dogs or allow their animals to remain unfed or without water as sufficiently long either to amount to cruelty or to cause their animals to become a nuisance.

26. No owner shall permit a dog to bark, yelp, growl to such an extent as to annoy or disturb the peace of residents of the reserve.

Posting Signs for Dangerous Dogs and Restricted Dogs

27.0 Anyone owning a Dangerous or Restricted Dog must post a clearly visible, large, legible sign on their property in a conspicuous place notifying the public.

28.0 A Dangerous or Restricted Dog must be muzzled and, on a leash, or in a cage whenever it is in a public place.

Owner to Prevent Escape of Dangerous or Restricted Dogs

29.0 On private property a Dangerous Dog or Restricted Dog shall be kept on a secure leash or in a restricted area that shall be construed so as to prevent any escape by the dog.

Penalty

30.0 Every person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to pay a fine of up to five hundred (\$500) exclusive of costs.

Taykwa Tagamou Nation
Annual General Meeting
October 19, 2019

RESOLUTION # 2019-10-19-07
MOVED BY: Robert Archibald
SECONDED BY: Conrad Archibald

That Taykwa Tagamou Nation membership adopts the Dog Bylaw effective January 1, 2020, with s. 17.0 omitted.

All in favor: 51
Against: 0
Abstentions: 0
Motion Carried: Carried

I hereby certify that this document is a complete and true copy of the original document consisting of 13 pages.

Certified this 9th day of November, 2020 by:
Joel Morales, legal counsel to Taykwa
Tagamou Nation.

Signature: Joel Morales