

Roseau River Anishinabe First Nation



ANIMAL CONTROL BYLAW REVISED

02/08/2021

001-2021

BY-LAW NO. 001-2021
of the Roseau River Anishinabe First Nation
Being a By-Law Respecting
The Control of Animals
on the Roseau River Reserve Lands

WHEREAS the Council of the Roseau River Anishinabe First Nation deems it advisable, necessary, expedient and in the best interest of the First Nation and its members and residents to establish a By-Law to provide for the control of Dogs and Animals on the reserve for health and safety purposes; and

AND WHEREAS the council of the Roseau River Anishinabe First Nation is empowered to make such By-Laws, and any matter ancillary thereto pursuant to paragraphs 81(1)(e), (q), and (r) of the *Indian Act*, R.S.C. 1985, c. I-5; and

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort, and safety of the inhabitants of the Roseau River Anishinabe First Nation, to provide for the control of Dogs and Animals and to prevent nuisance by such Dogs and Animals on the reserve; and

AND WHEREAS the Council of the Roseau River Anishinabe First Nation is of the opinion that uncontrolled ownership and the running At Large of Dogs and Animals may be detrimental to the health and safety and a nuisance to the residents on reserve lands; and

NOW THEREFORE the Council of the Roseau River Anishinabe First Nation hereby makes the following By-Law: and

Short title

1. This By-Law may be cited as “Roseau River Anishinabe First Nation Animal Control By-Law”

Interpretation

2. In this By-Law, including the recitals, unless the content otherwise requires:

“*Animal*” means an animal, including a Dog or a Cat that is tame or kept, or that has been and is being sufficiently tamed or kept, to serve some purpose for the use of man, and includes:

- i. Cattle, goats, horses, rabbits, sheep, swine kept for the purpose of providing meat, dairy or eggs; and
- ii. Animals that are commonly kept as pets and animals that are wild by nature but are kept in captivity as pets and animals that are commonly used for commercial purposes.

“*By-Law Officer*” means any person appointed by Chief and Council or contracted by Council from time to time for the purpose of administrating, applying, and enforcing this By-Law, to assist in carrying out the provisions herein;

“*At Large*” means any Dog or Animal being elsewhere other than on the premises or property of the Dog or Animal’s Owner and not being under the direct charge and effective control of a responsible and competent person;

“*Cat*” means a member of the subspecies *Felis catus* over the age of four months;

“*Council*” means the Chief and Council of the Roseau River Anishinabe First Nation;

“*Dangerous Dog*” means any Dog which meets one or more of the following conditions:

- i. Is a Dog that is used primarily to guard property;
- ii. A Dog that has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency, or disposition to do so;
- iii. A Dog, that while At Large, has attacked, bitten, caused injury to, or killed an Animal;
- iv. A Dog., that while At Large, has aggressively pursued or harassed a person;
- v. A Dog, that while At Large, has aggressively pursued or harassed an Animal;
- vi. A Dog with a known propensity to attack or injure a person without provocation or to otherwise threaten the safety of human beings or domestic animals; and
- vii. A Dog that has been deemed dangerous, vicious, or any similar designation under a law or By-law of any other First Nation or municipality in the province of Manitoba or elsewhere.

“*Dog*” means a member of the subspecies *Canis lupus familiaris* over the age of four months and includes a Dangerous Dog;

“*Enclosure*” means any fence, pen, run or other structure suitable to prevent the entry of young children, and suitable to confine a Dog or Animal, in conjunction with any other measures necessary to prevent a Dog or Animal from escaping;

“*Impounded*” means seized, delivered, received, or taken into the pound, or into the custody of the By-Law Officer or Pound Keeper as provided in this By-Law;

“*Muzzle*” means a device used to secure a Dog’s mouth in such a humane fashion so that it cannot bite any person or other Dog or Animal;

“*Owner*” when used in relation to the ownership of a Dog or Animal, includes a person owning, possessing, having custody, care and control of a Dog or Animal, or permitting the Dog or Animal to remain about the person’s parcel of land, building, dwelling, mobile home or premises and, where the owner is under 18 years of age, the person responsible would be the person in charge for the custody of the person under 18 years of age;

“*Pound*” means any premises maintained and operated for the purposes of keeping Dogs or Animals Impounded under this By-Law;

“Pound Keeper” means the person or authorized agent of any corporation, society, governmental body, or other organization with whom Council has an agreement to perform any of the following tasks in accordance with this By-Law:

- i. The maintenance and operation of a Pound; and
- ii. To seize, keep or destroy Dogs or Animals.

“Public Notice” means a written notice posted in conspicuous places on Roseau River Anishinabe First Nation reserve lands, including the administration office of the Roseau River Anishinabe First Nation;

“Reserve” means the reserve lands of the Roseau River Anishinabe First Nation and includes the Roseau River Anishinabe First Nation 2 and 2A and any other reserve lands under the authority of Council;

“Special Permission” means written authorization from Council for an Owner to possess, own or care for more than three (3) Dogs.

Administration

- 3.1 The Council may appoint a person to act as the By-Law Officer and any assistants to the By-Law Officer as the Council deems necessary.
- 3.2 The By-Law Officer is authorized and directed to carry out and enforce the provisions set out in this By-Law.
- 3.3 The Council may from time to time enter into agreement with a person or authorized agent of any corporation, society, governmental body, or other organization to:
 - a) Carry out the provisions set in this By-Law;
 - b) Enforce the provisions set in this By-Law
 - c) Act as Pound Keeper; and
 - d) Maintain and operate a Pound.

Any operation of a Pound by a Pound Keeper must comply with provincial standards and regulations.

- 3.4 The Council may, by resolution, establish a charge or fees payable in respect of any matter administered under this By-Law.

Dogs

- 4.1 No person shall own, possess or have care and control of more than three (3) Dogs at any time or in any place or premises on reserve lands. A person who is in breach of this section must comply with this section by removing any Dogs in their possession beyond the permitted amount and will be fined on a daily basis until they comply with this section.

- 4.2 Only with Special Permission of Council a person may own, possess or have care and control of more than three (3) Dogs.
- 4.3 No Owner of a Dog shall allow or permit their Dog(s) to be At Large.
- 4.4 Every Owner of a Dog shall at all times while the Dog is on the premises of the Owner, keep the Dog confined either in an Enclosure, indoors or have the Dog cabled or tethered for use as a dog run.
- 4.5 A Dog need not be confined as required in subsection 4.4 if the Dog is:
- a) On a leash less than two metres long and held by a person capable of restraining the Dog's mobility;
 - b) Used as a guide assistance Dog; or
 - c) Being used by a person in aid of hunting or trapping activities.
- 4.6 Every Owner of a female Dog which is in heat is to use best efforts to confine and house the Dog for the duration in which the Dog is in heat.
- 4.7 The Owner of the Dog is responsible and liable for any and all damages caused by that Dog to any person, or personal or real property.
- 4.8 No Owner of a Dog shall permit a Dog to excessively bark, yelp, or howl or otherwise unduly disturb the peace and quiet of other residents on reserve lands. It is in the By-Law Officer's sole and absolute discretion to determine whether or not an Owner is in contravention of this provision.
- 4.9 Every Owner of a Dog is responsible for the care and control of the Dog and must:
- a) Ensure that the Dog does not become a nuisance;
 - b) Provide sufficient food and water for the Dog's humane survival;
 - c) Refrain from punishing or abusing the Dog unnecessarily, or in a manner that amounts to cruelty;
 - d) Provide a clean, sanitary, and humane living environment for the Dog; and
 - e) Utilize veterinary clinic days when provided by the Council to have their Dog(s) spayed, neutered, and vaccinations updated if necessary.
- 4.10 The Council may prohibit the keeping of any Dogs, including dangerous Dogs, on any area of reserve lands for health and safety reasons, provided it gives Public Notice of such prohibition.
- 4.11 In addition to general requirements that apply to Dogs under this By-Law, any Owner of a Dangerous Dog or any Dog that may be a Dangerous Dog must:

a) Ensure that, while on the Owners' property, the Dangerous Dog is either kept securely enclosed and locked pen, structure, or yard which:

- i) Prevents the Dangerous Dog from escaping and young children from entering;
- ii) Is at least ten feet wide and five feet deep;
- iii) Provides adequate protection from the elements for the Dangerous Dog;

b) Clearly posts signs to that effect at any premises where the Dangerous Dog regularly resides; specifically:

- i) At the end of any driveway or access to the property.
- ii) At each entrance to the property.
- iii) Any building in which a Dangerous Dog is kept.

c) Report any dangerous behaviour of the Dangerous Dog or a potentially Dangerous Dog to the By-Law Officer.

4.12 Any Dog deemed a Dangerous Dog by Council, must immediately be spayed or neutered. Council shall have the discretion to implement such process as it deems appropriate for determining whether a Dog is a Dangerous Dog.

4.13 No person shall breed a Dangerous Dog without a license issued by Council to do so, or abandon a Dangerous Dog, other than to a pound operated by or on behalf of the Roseau River Anishinabe First Nation.

4.14 The By-Law Officer shall keep a list of all Dangerous Dogs and their Owners. Notwithstanding this section, it remains the responsibility of the Owner of any Dog, Cat, Animal or Dangerous Dog to report any dangerous behavior of such Dog, Cat, Animal or Dangerous Dog to the By-Law Officer.

Other Animals

5.1 No person shall own, possess or have care and control of more than three (3) Cats at any time or in any place or premises on reserve lands.

5.2 No Owner of an Animal shall allow or permit the Animal to be elsewhere other than the premises of the Owner unless the Animal is under direct control of that person.

5.3 No Owner of an Animal shall allow or permit that the Animal to be At Large.

5.4 The Owner of an Animal is responsible and liable for any and all damages caused by that Animal to any person, personal property or real property.

5.5 Every Owner of an Animal is responsible for the care and control of that Animal and must:

a) Ensure that the Animal does not become a nuisance.

- b) Provide sufficient food and water for the Animal's humane survival.
 - c) Refrain from punishing or abusing the Animal unnecessarily or in a manner that amounts to cruelty.
 - d) Provide a clean and sanitary living environment for the Animal; and
 - e) Utilize veterinary clinic days when provided by the Council to have their Animal(s) spayed, neutered, and vaccinations updated if necessary.
- 5.6 The Council may prohibit the keeping of any Animals on any area of reserve lands for health and safety reasons, provided it gives Public Notice of such prohibition.

Seizure, Sale and Surrender of Animals

- 6.1 The By-Law Officer and the Pound Keeper have the authority to seize and impound any Dog or Animal At Large on the reserve lands.
- 6.2 If reasonably possible, the By-Law Officer will, in a timely manner, notify the Owner of the impoundment of the Dog or Animal.
- 6.3 The By-Law Officer or Pound Keeper may detain any Dog or Animal seized on reserve lands until the following amounts are paid to the Roseau River Anishinabe First Nation:
- a) Actual costs incurred by Roseau River Anishinabe First Nation in administering this By-Law with respect to the Dog or Animal, including costs for impounding, boarding, and transporting the Dog or Animal seized from reserve lands.
 - b) Any veterinarian fees incurred by Roseau River Anishinabe First Nation under subsection 6.7 herein.
 - c) Any fees actually paid by Roseau River Anishinabe First Nation or due and owing to a Service Provider for services provided under section 9.1 herein with relation to the Dog or Animal; and
 - d) Any penalties or fees established under this By-Law by the Council from time to time.
- 6.4 The Owner of a Dog that has been impounded under this By-Law and that is eligible to be redeemed may redeem it if he or she can demonstrate to the satisfaction of a designated employee that he or she is the owner of the dog.
- 6.5 In order to redeem an impounded Dog, its Owner must:
- a) Pay all applicable fees, costs, and penalties imposed as outlined in section 6.3; and
 - b) If the Dog requires a license, obtain a license for the Dog.
- 6.6 An Owner must sign a receipt for any Dog or Animal prior to the release of the Dog or Animal from the Pound.

- 6.7 The By-Law Officer or Pound Keeper may request the attendance of a veterinarian to the Pound, if in the view of the By-Law Officer or Pound Keeper, the Dog or Animal is suffering from any illness, injury, disease, or sickness or for any other valid reason as deemed necessary by the By-Law Officer or the Pound Keeper, acting in good faith.
- 6.8 If seven (7) days after the By-Law Officer or Pound Keeper has notified an Owner that his or her Dog or Animal has been seized, and the Owner has not reclaimed the Dog or Animal, then the By-Law Officer or Pound Keeper may:
- a) Sell the Dog or Animal; or
 - b) Have the Dog or Animal destroyed in a humane manner; or
 - c) Have the Dog or Animal placed for adoption.
- 6.9 If the By-Law Officer or Pound Keeper is unable to determine the Owner of a Dog or Animal and seven (7) days have passed since the Dog or Animal was seized and impounded, then the By-Law Officer or Pound Keeper may take any of the actions provided for in section 6.8.
- 6.10 The By-Law Officer must give Public Notice of a sale under this By-Law, describing each Dog or Animal to be sold and the date, time, and location of the sale.
- 6.11 If, in the reasonable opinion of the By-Law Officer or Pound Keeper, a Dog or Animal seized under this By-Law is so severely injured or diseased, that the Dog or Animal needs to be destroyed for humane or health and safety reasons, then the By-Law Officer or Pound Keeper, as the case may be, may cause the Dog or Animal to be destroyed.
- 6.12 No Owner or person will be allowed to reclaim, purchase or adopt a Dog or Animal that has been determined under subsection 6.11, to need to be destroyed.
- 6.13 Any person or the By-Law Officer is permitted to attempt to restrain a Dog or Animal by any means necessary, including killing any Dog or Animal if necessary, that is At Large and in the act of pursuing, attacking, injuring, damaging, or destroying:
- a) A person.
 - b) Another Dog or Animal that is tethered or in an enclosure.
 - c) Domestic livestock.
- 6.14 If the By-Law Officer has killed a Dog or Animal pursuant to section 6.13 or had become aware of a Dog or Animal that has been killed pursuant to section 6.13, they must immediately report the incident to the Band Council and notify the Dog's owner.
- 6.15 No damages or compensation are recoverable against the Roseau River Anishinabe First Nation, Council, By-Law Officer or any member, contractor, agent, or employee of

Roseau River Anishinabe First Nation, as a result of a Dog or Animal being destroyed under the provisions of this By-Law.

Offences and Penalties

- 7.1 Every person who violates any provision of this By-Law is guilty of an offence and is liable to pay a fine not exceeding \$150.00 to be paid within (30) days.
- 7.2 Where a violation of this By-Law continues for more than one day, that person is guilty of a separate offence for each day it continues.

Notices

- 8.1 Any notice to the Roseau River Anishinabe First Nation shall be made in writing to the Roseau River Anishinabe First Nation and mailed, postage pre-paid or personally delivered to:

**Roseau River Anishinabe First Nation PO Box 30
Ginew, MB, R0A 2R0
ATTN: By-Law Officer**

- 8.2 Notice from the Roseau River Anishinabe First Nation to an Owner shall be in writing and mailed postage pre-paid or personally delivered to the last known address of the Owner.

Service Providers

- 9.1 From time to time, Roseau River Anishinabe First Nation may partner with outside resources, shelters and other service providers who may perform services pursuant to or related to this By-Law on the Reserve ("Service Providers"). Such Service Providers shall be authorized to conduct any such services pursuant to a Band Council Resolution in a form consistent with or similar to that contained in schedule "A" hereto. For greater clarity, Council may modify this form of Band Council Resolution from time to time without such modification constituting or requiring an amendment of this By-Law.

General

- 10.1 Words within this By-Law importing the male gender include the female gender and vice versa, and words importing the singular number include the plural number and vice versa.
- 10.2 This By-Law shall be given such fair, large, and liberal construction and interpretation as best ensures the attainment of its objectives.
- 10.3 Head notes, marginal notes, and provision headings form no part of this By-Law but shall be construed as being inserted for convenience of its objectives.
- 10.4 A finding by a court of competent jurisdiction that a section or provision of this By-Law is *ultra vires*, void, or invalid, shall not affect or bear upon the validity or invalidity of any other section or part of this By-Law, or this By-Law as a whole.

10.5 Where a provision of this By-Law is expressed in the present tense, future tense or in the past tense, the provision applies to the circumstances as they arise.

10.6 Any section of this By-Law, including any schedules, may be amended from time to time by a By-Law adopted by Council and approved in accordance with the *Indian Act*.

Coming Into Force


11.1 This By-Law shall come into force upon it being first published pursuant to the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Roseau River Anishinabe First Nation this 8th day of February 2021.

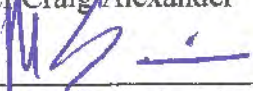
Voting in favour of this By-Law are the following members of Council:



Chief Craig Alexander




Councillor June Thomas



Councillor Max Seenie



Councillor Alfred Hayden



Councillor Terrance Nelson

Being the majority of those members of the Council of the Roseau River Anishinabe First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 5