

JOR/85-196
Dated Feb 28, 1985

BY-LAW NUMBER 1 - 1984

Council of the Red Rock Band of Indians, at a special meeting dated the 2nd day of April, 1984, hereby enacts the following By-Law pursuant to paragraph (e) of Section 81 of the Indian Act, R.S.C. 1980 Chapter I-6.

WHEREAS paragraphs (d), (e), and (r) of Section 81 of the Indian Act empowers the Council of a Band to make By-Laws respecting the prevention of nuisances and the protection against and prevention of trespass by domestic animals and the imposition of a penalty for the violation thereof;

AND WHEREAS it has been deemed expedient to enact a By-Law for the purpose of licensing and regulation of dogs to prohibit and regulate the running at large of dogs for the safety and welfare of the inhabitants of the Lake Helen Reserve 53A;

NOW THEREFORE THE COUNCIL OF THE RED ROCK BAND OF INDIANS ENACTS AS A BY-LAW THEREOF THE FOLLOWING:

1. In the By-Law,
 - (1) "dog" means a male or female dog;
 - (2) "owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning;
 - (3) "premises" means the house and subjacent land ordinarily used by the occupiers of the house.

PART 1

2. (1) Every owner of a dog shall annually, within 48 hours of receiving a dog, cause the dog to be registered with the Band Council of the Red Rock Indian Band and licensed by it as provided herein.
 - (2) All applications for licences hereunder shall be made to the Administrator of the Red Rock Indian Band at the business office of the said Red Rock Indian Band.
3. (1) The owner of every dog shall procure from the Band Council a tag for each dog required to be licenced hereunder and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year. The dog tag shall consist of a metallic plate having the letters "Red Rock Band Dog Tag" and the year for which the licence has been issued, and a number corresponding with the number which the said dog is registered.
 - (2) A tag which has been lost may be replaced upon payment of a fee of Two Dollars (\$2.00) upon application therefor and upon proof that the licence fee for the current year has been paid.
4. The Administrator of the Band Council, or such further and other person as may be designated by the Council from

time to time, shall keep a record showing the name and address of the owner of all dogs licenced hereunder and the serial number of the tag issued to such owner.

5. The licence fee for each dog required to be licenced hereunder shall be Ten (\$10.00) Dollars.

6. Every licence hereunder shall expire on the 31st day of December next ensuing after the issue thereof.

PART II

7. For the purposes of this By-Law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

8. The owner of every dog shall prevent such dog from running at large.

9. All dogs found running at large shall be impounded by the By-Law Enforcement Officer as may be designated by the Council of the Band from time to time.

10. It shall be the duty of the By-Law Enforcement Officer or such other person as the Band Council may from time to time designate to enforce the provisions of this By-Law.

11. Any dog impounded pursuant to the provisions of this By-Law may be redeemed by the owner in the 48 hour period following impoundment of the dog upon payment of the sum of Ten (\$10.00) Dollars, together with the animal's keep for the days impounded at the rate of Five (\$5.00) per day.

12. (1) Where a dog is found running at large contrary to the provisions of this By-Law, the By-Law Enforcement Officer or such other person as duly appointed to enforce this By-Law upon finding or becoming aware of such running at large may deliver or mail to the address of the owner of such dog a ticket in the form of a serially numbered notice stating:

(i) the tag number, if any, and a description of the dog;

(ii) that the dog was found running at large;

(iii) the date, time and place of the alleged offence;

(iv) that the owner thereof may make a voluntary payment in the manner set forth hereafter;

(v) that in the event of his failure to make such payment an Offence Notice will be issued under The Provincial Offences Act;

(vi) the address of the places for making payment.

(2) The person issuing same shall give or send one copy to the owner as aforesaid and deliver the other copy to the Band Council.

(3) The owner of the dog may, within 48 hours next following the date of issuance of the ticket, make payment of the sum of:

(i) \$10.00 where a first offence is alleged in the calendar year; or

(ii) \$15.00 where a second offence is alleged in the calendar year; or

(iii) \$20.00 where a third or subsequent offence is alleged in the calendar year;

by attending at the address designated by the Council and shown on the said ticket.

(4) Provided that the payment is made as hereinbefore provided, such payment shall be accepted as a payment of a penalty in full satisfaction of the alleged offence and the receipt therefore shall be given to the person making the payment, provided that such receipt shall be sent to persons remitting such sum by mail only if the name and address of the remitter is inserted in a self-addressed stamped envelope and mailed with the payment and the ticket.

(5) The failure to issue a ticket in accordance with the procedures hereinbefore set forth shall not prejudice any prosecution for an offence under this By-Law.

13. Any dog not redeemed by the owner within the 48 hour period specified in paragraphs 11 and 12 hereof shall be destroyed by the By-Law Enforcement Officer or such other person as duly appointed to enforce this By-Law. The destroying of a dog pursuant to this section shall in no way relieve the owner from the application of section 14.

14. Subject to Sections 11, 12(3) and 12(4) of this By-Law, any person violating any of the provisions of this By-Law shall be subject to a penalty of not less than Fifty (\$50.00) Dollars, exclusive of costs, and all such penalties shall be recoverable under The Provincial Offences Act of Ontario.

15. All provisions of this By-Law apply equally to all persons residing within the territorial confines of Lake Helen Reserve 53A.

16. This By-Law shall come into force and take effect upon the final passing hereof.

ENACTED AND PASSED this 2nd day of April, A.D. 1984, as witnessed by the signature of the Chief and Councillors of the Red Rock Indian Band.

(Signed) Chief Milton Wawia
Chief Milton Wawia

(Signed) James Thompson
First Councillor James Thompson

Signed) Ange-Aimie (Legarde) Veilleux
Second Councillor Ange-Aimee Veilleux

(Signed) James Wawia
Honourary Councillor James Wawia

Read a First time this 2nd day of April, A.D. 1984.

Read a Second time this 2nd day of April, A.D. 1984.

Read a Third time and
finally passed this 2nd day of April, A.D. 1984.