



DELAWARE NATION COUNCIL

Moravian of the Thames Band

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R.R. 3, THAMESVILLE, ONT.
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THE DELAWARE NATION OF MORAVIANTOWN

Being a By-Law Respecting the Control of Dogs on the Reserve

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of Delaware Nation to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and 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 WHEREAS the Council of the Delaware Nation, is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on reserve, and a nuisance to such residents;

THEREFORE, the Council of the Delaware Nation enacts a by-law as follows:

SHORT TITLE

1. This by-law may be cited as the "Delaware Nation Dog Control By-Law".

INTERPRETATION

2. In this by-law:

"council" means the Council of the Delaware Nation;

"dog" means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;

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

"officer" means any member of the Delaware Nation Police Force, as appointed by the Council, or any duly appointed dog-catcher;

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

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

"reserve" means the Delaware Nation Reserve No. 47

3. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- (2) No household shall have more than three (3) dogs in their possession at one time.
- (3) 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;
 - (b) is being used by a person for the purpose of hunting;
 - (c) is being used by a visually impaired person as a guide dog;
 - (d) the dog is not off the premises of the owner.
- (4) No owner shall allow their dog to remain unfed or unwatered as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.
- (5) No person shall punish or abuse a dog in a manner or an extent that is cruel or unnecessary.
- (6) No owner shall permit a female dog in heat to be off the owner's premises.
- (7) No Pit-Bulls allowed on the Reserve.
- (8) The Council may at any time prohibit the keeping of dogs within the area of the reserve that is Delaware Nation owned property, but not individual C.P. land.

SEIZURE

4. (1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (2) Subject to subsection (4), an officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to its owner where:
- (a) the owner claims possession of the dog within five (5) days after the date of seizure, and;
 - (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.
 - (c) the owner has been notified by the officer through identification of the dog.
- (3) Where a dog has not been reclaimed within five (5) days after seizure and after every reasonable means to notify the owner has been exhausted, pursuant to subsection (2), 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 or disposal of a dog by the officer.
- (4) Where, in the opinion of the officer, a dog seized under this section is 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 the seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the officer.

DESTRUCTION WHERE UNABLE TO SEIZE

- 5. (1) Where an 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.
- (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 destroy 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 domestic animal or fowl that is tethered or penned.
- (2) No damages or compensation may be recovered as a result of the destroying of a dog by any person pursuant to subsection (1).

PENALTY

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

THIS BY-LAW IS HEREBY enacted by the Council of the Delaware Nation at a duly convened meeting of the Council dated on the 13TH Day of SEPTEMBER 1999.

Voting on favor of the by-law are the following members of the Council.

Leighton Hopkins
CHIEF

<u>Maurice Huff</u> COUNCILLOR	<u>Demetrius Huff</u> COUNCILLOR	<u>Scott Atkinson</u> COUNCILLOR
<u>John Doy</u> COUNCILLOR	<u>[Signature]</u> COUNCILLOR	<u>[Signature]</u> COUNCILLOR

being the majority of those members of the Council of the Delaware Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

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

I, Chief Leighton Hopkins of the Delaware Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull Offices (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 13TH Day of SEPTEMBER 1999.

[Signature]
Witness

[Signature]
Chief