



FEB 11 94 00388

Chronological No. - Numéro consécutif 0057-94 Contract No. 53199
File Reference - N° de réf. du dossier E4216-003

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
 NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	BIG COVE FIRST NATION	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	N.B. DISTRICT	Committed - Engagé	\$ _____
PROVINCE	NEW BRUNSWICK	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	BIG COVE, KENT CO.	Committed - Engagé	\$ _____
DATE	07 February AD 19 94 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE;
DÉCIDE, PAR LES PRÉSENTES:

**The Big Cove Indian Band
By-Law No. 19 -
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 a Band of Indians to pass by-laws to provide for the health of residents on the reserve, law and order on the reserve, the prevention of nuisances, the protection against the 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 Big Cove Indian Band 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 the reserve, and a nuisance to such residents;

THEREFORE, the Council of the Big Cove Band of Indians enacts a by-law as follows:

Short Title

1. This by-law may be cited as the "Big Cove Reserve Dog Control By-Law".

Interpretation

2. In this by-law:
 - (a) "band" means the Big Cove Indian Band;
 - (b) "council" means the Council of the Band;
 - (c) "dog" means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and wolf;
 - (d) "muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;
 - (e) "officer" means any band constable as appointed by the council and any member of the Royal Canadian Mounted Police, or any duly appointed Dog Registration Officer.



REC
0057-94
Chronological No. 57577

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

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THE COUNCIL OF THE		Current Capital Balance	
LE CONSEIL DE LA BANDE INDIENNE BIG COVE FIRST NATION		Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	N.B. DISTRICT	Current Revenue balance	\$ _____
PROVINCE	NEW BRUNSWICK	Solde de revenu	\$ _____
PLACE		Committed - Engagé	\$ _____
NOM DE L'ENDROIT	BIG COVE, KENT CO.		
DATE	<u>07</u> <u>February</u> AD 19 <u>94</u>		
	DAY - JOUR MONTH - MOIS YEAR - ANNEE		

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DO HEREBY RESOLVE:

DÉCIDE, PAR LES PRÉSENTES:

- (f) "owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning;
- (g) "public, non-residential area" includes public parks, recreational areas and areas set aside by the Council for the general use of the Band Membership other than those common areas in and around Band Administration Buildings or immediately adjacent to Band School facilities;
- (h) "at large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;
- (i) "reserve" means the Richibucto Indian Reserve.
- (j) "Work Dogs" means those dogs chiefly utilized by their owners for the carrying out of a business enterprise or trade.

3. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- (2) 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 person to work in a lawful manner with sheep or cattle; or
 - (d) is in presence of its owner and is in a public, non-residential area that is not designed as an area where the keeping of dogs is prohibited pursuant to Section 7 of this By-Law.
- (3) No owner shall allow his dog to remain unfed or neglected, sufficiently long, either to amount to cruelty or to cause the dog to become a nuisance.



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THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	BIG COVE FIRST NATION	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	N. B. DISTRICT	Committed - Engagé	\$ _____
PROVINCE	NEW BRUNSWICK	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	BIG COVE, KENT CO.	Committed - Engagé	\$ _____
DATE	07 February AD 19 94 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

- (4) No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- (5) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace or residents of the reserve.
- (6) Notwithstanding any other provision of this By-Law, no owner shall permit a female dog in heat to be off the owner's premises.
- (7) (a) The Council may in at the first instance, or at any time by amendment to this By-Law, prohibit the keeping of dogs within any designated area of the reserve. Designated areas shall be identified in Schedule "A", which shall form part of this By-Law.
- (b) Notice of any designation and prohibition made by council pursuant to paragraph (a), shall be posted in the public place and after the date of the posting of such notice, no person shall keep or have a dog within a designated area.

- 4. (1) Subject to subsection 2, every owner of a dog shall have the dog spaded or neutered.
- (2) A dog need not be spaded or neutered as provided in subsection (1) if it is used for breeding purposes and is registered as such with the Dog Registration Officer for the Band.

Seizure

- 5. (1) An officer may seize a dog from any person whom the officer has reasonable grounds to believe is violating or has violated 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.



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THE COUNCIL OF THE <i>LE CONSEIL DE LA BANDE INDIENNE</i>	BIG COVE FIRST NATION	Current Capital Balance <i>Solde de capital</i>	\$ _____
AGENCY DISTRICT	N.B. DISTRICT	Committed - <i>Engagé</i>	\$ _____
PROVINCE	NEW BRUNSWICK	Current Revenue balance <i>Solde de revenu</i>	\$ _____
PLACE <i>NOM DE L'ENDROIT</i>	BIG COVE, KENT CO.	Committed - <i>Engagé</i>	\$ _____
DATE	07 February AD 19 94 <i>DAY - JOUR MONTH - MOIS YEAR - ANNEE</i>		

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DO HEREBY RESOLVE:

DÉCIDE, PAR LES PRÉSENTES:

- (3) Where a dog has not been reclaimed within five (5) days after seizure 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 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

6. (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

7. (1) Any person may kill 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 dog that is tethered; or
 - (c) wildlife, or;
 - (d) a food cache, harness or other equipment,
- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).



FEB 11 94 003879

Chronological No. - Numéro consécutif

0057-94 / Contract No. 52,599

File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

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Table with 2 columns: Council/Agency/Province/Place/Date and Financial Summary (Current Capital Balance, Committed, Current Revenue balance, Committed). Includes details for Big Cove First Nation, N.B. District, New Brunswick, Big Cove, Kent Co., dated Feb 07 1994.

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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

Registration of Dogs:

- 8. (1) Subject to subsection (2) the head of each household and each person living alone desiring to keep a dog shall apply to the dog registration officer for permission to do so and shall obtain a permit for such dog upon payment of a fee in the amount set out in Section 9, Schedule of Rates, and a permit shall be for one year, the issue and renewal of which shall be at the discretion of the dog registration officer.
(2) The head of each household and each person living alone may keep one dog free of the payment of any permit fee if the registration of such dog is made in accordance with this By-Law.
(3) Notwithstanding sections 1 and 2, and Band Member may keep not more than five work dogs without the requirement of paying permit fees; provided however that all work dogs all be chained or confined in a suitable enclosure, approved by a dog registration officer, when the dogs are not in use.
(4) (a) The dog registration officer shall keep a book for the registration of all dogs upon the reserve which registration shall show the name of the owner, the name of the dog and its age, sex and description; and the fee payable which shall be collected at the time of registration.
(b) Upon registration, the dog registration officer shall issue a registration tag free of charge to the owner, which shall be attached to the dog at all times; any change of ownership of any registered dog shall be entered in the register kept by the dog registration officer.

Schedule of Rates:

Table listing rates for different dog types: Spade or Neutered Dog (\$ 15.00), Working Dogs (\$ 15.00 each + Permit Fee), Breeding Dogs (\$ 15.00 each + Permit Fee), Hunting Dogs (\$ 15.00 each + Permit Fee), Permit Fee (\$ 25.00).



FEB 11 94 0 0 3 8 7 8

Chronological No. - Numéro consécutif

BCK 0057-94 (Combined No. 53599)

File Reference - N° de réf. du dossier

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THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE BIG COVE FIRST NATION
AGENCY DISTRICT N.B. DISTRICT
PROVINCE NEW BRUNSWICK
PLACE NOM DE L'ENDROIT BIG COVE, KENT CO.
DATE 07 February AD 19 94
Current Capital Balance Solde de capital \$
Committed - Engagé \$
Current Revenue balance Solde de revenu \$
Committed - Engagé \$

DO HEREBY RESOLVE: / DÉCIDE, PAR LES PRÉSENTES:

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Penalty

10. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to fine of not more than five hundred dollars (\$500) or to imprisonment for a term not exceeding thirty (30) days, or both.

Be it known that this by-law is hereby enacted by the Council of the Big Cove Indian Band at duly convened meeting of the Council dated on the 7th day of February, 19 94.

A quorum for this Bande / Pour cette bande le quorum est consists of / fixé à Council Members / Membres du Conseil

Handwritten signatures of council members including the Chief and several councillors.

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE
1. Band Fund Code
2. COMPUTER BALANCES - SOLDES D'ORDINATEUR
3. Expenditure / Dépenses
4. Authority - Autorité
5. Source of Funds / Source des fonds
6. Recommended - Recommendable / Approved - Approuvable