

Short Title

1. This by-law may be cited as the "Wahgoshig First Nation Animal Control By-Law".

Interpretation

2. In this by-law:

"First Nation" means the Wahgoshig First Nation;

"Council" means the Council of the Wahgoshig First Nation, as defined in the Indian Act;

"Reserve" means the Wahgoshig First Nation , Abitibi #70;

"Medical Officer of Health" means the medical officer of health so appointed by Band Council Resolution (B.C.R.);

"Animal Control Officer" means an animal control officer appointed pursuant to section 3, or any by-law enforcement officer and includes an officer of the Ontario Provincial Police, Nishnawbe-Aski Police Services and a person employed by the Wahgoshig First Nation council for the purpose of enforcing the provisions of this by-law;

"Owner" of an animal includes a person who possesses or harbours an animal , and "owns" and "owned" have a corresponding meaning;

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

"Animal" means a dog or cat or any other domestic animal;

"Animal Register" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve;

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

"Dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;

"Cat" means any cat, male or female;

"At Large" or "Running at Large" means off the premises of the owner and not muzzled or under the control of any person;

"Villainous Dog" includes:

- (i) any dog that demonstrates any ferocious, vicious or aggressive behaviour;**
- (ii) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;**
- (iii) any dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning that specific dog;**
- (iv) any dog which has bitten another animal or human without provocation.**

Animal Control Officer

- 3. (1) The Council may appoint by Band Council Resolution (B.C.R.) an animal control officer to provide for the administration and enforcement of this law and more specifically to receive registrations and to issue identification tags under this by-law;**
- (2) The Council may, in the Band Council Resolution (B.C.R.) provide for reasonable remuneration to be paid to the animal control officer.**

Registration and Identification of Dogs

4. (1) Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog;
- (2) The application for registration and identification tag shall be filed with the Wahgoshig First Nation animal control officer and include:
 - (a) the applicant's name;
 - (b) the applicant's address or lot number;
 - (c) a description of the dog or other animal sought to be registered, including age, sex, name and breed if known;
 - (d) the number of animals in the household;
 - (e) a record that the dog is immunised against rabies, noting the date of such immunisation, the name of the person immunising the dog, including the makers name of the vaccine and its batch number;
 - (f) any other information deemed by the animal control officer to be necessary for the proper administration of the by-law.
- (3) The charge for registration and identification tags shall be fifteen dollars per year.
- (4) The animal control officer shall issue the licence tag upon registration and payment of the annual fee and where, in the case of a dog, proof of immunisation against rabies is provided.
- (5) The licence tag shall be securely attached to the collar or harness of the dog at all times.
- (6) The registration and identification tag issued by the animal control officer will be valid for a year from the date of the issuance of the identification tag.

Immunisation of Animals

5. All animals on the reserve must be immunised in accordance with generally accepted veterinary standards.
6. The owner of any animal exposed to rabies shall, on demand by the band council, surrender such animal to the band council to be held by the animal control officer in quarantine for a period of fourteen (14) days and such animal shall not be released from such quarantine without the written permission of the medical officer of health.
7. An owner upon demand made by the band council shall forthwith surrender to the band council any animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the medical officer of health.
8. Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the expense of the owner.

Limit on Number of Animals Per Dwelling

9. (1). No more than three (3) animals consisting of dogs and cats shall be kept, harboured or possessed in any dwelling;
- (2) The provisions of subsection 9(1) shall not apply to dog or cat litters (puppies)(kittens), where the pups or kittens being under four (4) months of age.

General Prohibitions

10. (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; or
 - (c) is being used by a person to work in a lawful manner with sheep or cattle;
 - (d) is used by a visually impaired person as a guide dog.
 - (3) No owner shall allow a female animal in heat to remain in any public place unless such a female animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
 - (4) The owner of an animal who fails to take all necessary measures to ensure that dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.
 - (5) The owner of a dog which causes damage to any property including movable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.
 - (6) The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit or any other waste left by the dog on the said property.
11. No owner shall allow his dog to remain unfed or without water as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.
 12. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
 13. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents of the reserve.

Prohibitions Within Specific Area of the Reserve

14. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve.
- (2) Notice of any prohibition made by council pursuant to paragraph (a) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.
- (3) No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorisation to that effect from the band council, by way of Band Council Resolution (B.C.R.).

Villainous Dogs

15. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.
16. A villainous dog must at all times, be muzzled and must be kept on a leash whenever it is in a public place.
17. On private property, a villainous dog shall be kept on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry by children.

Impounding and Seizure

18. (1) No owner shall permit a dog belonging to him/her to be at large in the Wahgoshig Reserve;
- (2) An animal found at large in the Wahgoshig First Nation may be impounded for not less than five (5) days and may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid.
19. (1) An animal control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.
- (2) If an animal is apprehended because it has inflicted an unprovoked bite upon an animal or human person, the animal control officer shall impound the animal for such period of time to be specified by a veterinary surgeon.
- (3) Subject to subsection (6), an animal control 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 animal control officer all expenses incurred in securing, caring for and feeding the dog as listed in Schedule "A" hereto attached;
 - (c) where the owner has failed to purchase an identification tag, he obtains the registration identification tag from the animal control officer before he obtains the release of his/her dog.
- (4) Where a dog has not been reclaimed within five (5) days after the seizure pursuant to subsection (3), the animal control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the animal control officer.
- (5) If an animal is found to be diseased, the animal control officer shall seek veterinary attention for it where the owner has declined, failed or neglected to do so, any fee from the provision of such veterinary care shall be a charge against the owner of the animal.

- (6) Where, in the opinion of the animal control officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for any reasons of health or safety to persons or animals, the animal control officer shall destroy the dog as soon after seizure as he thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.
- (7) When an animal has been impounded, the band council shall forthwith make every reasonable effort to notify the owner of such animal.
- (8) A written report of each such incident as described in this section shall be filed with the band council.

Destruction Where Unable to Seize

- 20. (1) Where the animal control 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 the animal control officer pursuant to subsection (1).

Protection From Dogs

- 21. (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
 - (c) a food cache, harness or other equipment, or
 - (d) domestic livestock.
- (2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

Penalty

- 22. 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 not more than one hundred dollars (\$100) or to imprisonment for a term not exceeding five days, or both.
- (5)

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Wahgoshig First Nation this 9 day of April, 1997.

Voting in favour of the by-law the following members of the Council:

Clifford Diamond
Chief

Saul Kinn
Counsellor

Paul G. [unclear]
Counsellor

[unclear]
Counsellor

being the majority of those members of the council of Wahgoshig Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members. Number of members of the Council present at the meeting 30.

I, Clifford Diamond/Chief Chief/Counsellor of the Band, 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 30 day of May, 1997.

[Signature]
witness

[Signature]
Chief/Counsellor

SCHEDULE "A"

PERTAINING TO THE CARE AND WELL BEING OF ANY DOG BEING DETAINED WHILE IN THE CARE OF THE ANIMAL BY-LAW OFFICER OF WAHGOSHIG FIRST NATION.

There will be a daily flat rate fee of \$12.00 per impounded dog to be charged to the owner of any dog or dogs which are being detained for any of the reasons stated in the attached by-law:

Breakdown of fees for the caring of impounded dog or dogs are as follows:

1. feeding and watering of dog or dogs on a daily basis
2. cleaning of cage on a daily basis
3. ensuring that while the dog or dogs are impounded that it/they are safe and secure.