

The TEMAGAMI BAND OF INDIANS

BY-LAW NO. 007

Being a by-law respecting the control of dogs on the reserve.

WHEREAS section 81, paragraphs (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, the prevention of nuisances, the protection against and prevention of trespass by cattle and other 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 TEMAGAMI Band of Indians 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;

NOW THEREFORE the Council of the TEMAGAMI Band of Indians in the Province of ONTARIO makes as a by-law thereof as follows -

1. In this by-law

- (a) "Council" means the Council, as defined in the Indian Act, of the TEMAGAMI Band of Indians;
- (b) "dog" means any dog, male or female, over the age of 2 months; and includes the plural;
- (c) "dog control officer" means the person designated as such by resolution of the Council;
- (d) "owner" includes owner, harbinger, or possessor of a dog;
- (e) "Reserve" means the tracts of land set apart by Her Majesty for the use and benefit of the TEMAGAMI Band of Indians and known as BEAR ISLAND Indian Reserve number ONE (1) in the Province of ONTARIO and includes any portion or portions of that Reserve surrendered for lease or leased; and

- (f) "running at large" or similar words shall mean off the premises of the owner of the dog and not under the direct control of the owner or a person appointed by the owner for such purposes.
- 2.
- (1) The Council by resolution shall appoint a person to be the Dog Control Officer, and shall fix the terms of employment, duties, and remuneration, and such an appointment may include the SPECIAL CONSTABLE;
 - (2) The Dog Control Officer shall maintain a record of the registration of all dogs upon the Reserve which record shall show the name of the owner, the name of the dog and its age, sex, breed, and description, the number on the issued dog tag, the date of registration and the amount of the fee paid.
 - (3) All moneys received by the Dog Control Officer in the pursuance of his duties shall be paid over to the Financial Officer of the Band and deposited in the bank to the credit of the Band.
 - (4) Quarterly, and at such other times as the Council may direct, the Dog Control Officer shall report to the Council on all activities coming within his appointment during the period.
- 3.
- (1) The owner of a dog on or before the 15th day of October in each year, or as soon thereafter as the dog shall have attained the age of 2 months, shall cause the same to be licensed and registered with the Dog Control Officer and shall pay the applicable fee to the Dog Control Officer.
 - (2) The proof of age of every dog rests with the owner, and in the event of failure to do so, the dog shall be considered as having reached the age of 2 months and therefore subject to registration and licensing.

- (3) The owner of a female dog, once the dog has attained the age of 6 1/2 months, shall produce to the dog control officer, a certificate of a veterinary surgeon to the effect that the dog has been spayed, or shall cause the same to be Re-registered with the dog control officer and shall pay the applicable fee to the Dog Control Officer.
 - (4) The owner of a dog, as soon thereafter as the dog shall have attained the age of one (1) year, shall cause the same to be inoculated by a veterinarian against RABIES, PARVOVIRUS, DISTEMPER AND HEPATITUS and each year thereafter, shall cause the same to obtain the necessary BOOSTERS.
 - (5) The Dog Control Officer, shall refuse to register any dog, who has attained the age of one (1) year or more, unless the owner of the dog, can prove to the Dog Control Officer that, the dog has received the necessary inoculations.
 - (6) Where an owner acquires a dog after the 15th day of October in any year, the owner shall immediately comply with all of the requirements of this by-law.
- 4.
- (1) Upon application of the owner the Dog Control Officer shall enter the required information in the record and upon payment of the appropriate fee shall issue a dog tag.
 - (2) The owner shall attach the tag of the dog and shall ensure that it remains attached to the dog at all times.
 - (3) (a) A change of ownership of a dog shall be reported to the Dog Registration Officer by the owner and the particulars of the change shall be entered in the record.
(b) No charge or fee is applicable to the recording of a change of ownership.

- (4) A dog tag may not be transferred from one dog to another and applies only to the dog for which it was issued.
 - (5) Every dog tag issued shall expire on the 31st day of September in the year in which it was issued regardless of the date of registration.
 - (6) In the event that a dog tag is lost the Dog Registration Officer, upon application of the owner, shall issue a replacement tag upon payment of a fee of \$1.00 (one dollar).
5. (1) The fee applicable for the registration of a dog and the issuance of a tag pursuant to sections 3 and 4 is as follows -
- (a) for each male or spayed female dog \$10.00
 - (b) for each female dog \$40.00
 - (c) for re-registration of each female dog at 6 1/2 months of age \$30.00
- (2) In order to qualify for the fee for a spayed female dog the owner shall produce, at the time of registration, a certificate of a veterinary surgeon to the effect that the dog has been spayed.
- (3) No fee, or part of a fee, is refundable in the event of the loss, death or transfer of ownership of a dog.
6. No person under the age of eighteen years shall own, harbor, or possess a dog.
7. No dog shall be allowed to run at large within the reserve, between the hours of (9)a.m. and (6)p.m. during the months of June, July, August and September.
8. Any dog found running at large, committing a nuisance, or endangering the health of resident of the Reserve may be restrained by the Dog Control Officer and shall be impounded.

9. Complaints of a cross dog, shall be directed to the Dog Control Officer, the Dog Control Officer shall by written notification inform the dog owner, that the dog will be destroyed, should the owner fail to discipline or restrain dog.
10. Dogs that bite are to be tied up for ten (10) days by the dog owner or the Dog Control Officer, at the dog owners expense and then destroyed by the dog owner or the Dog Control Officer.
11. The Dog Control Officer shall obtain written authorization from the Band Council or written consent from the dog owner, to destroy a dog under section (9) and (10) above.
12. No person shall own, harbour, or keep an unregistered dog, or a dog without a tag, and any such dog may be seized by the Dog Control Officer and impounded.
13.
 - (1) The Dog Control Officer shall maintain an animal shelter in which an impounded dog shall be placed.
 - (2) Every animal shall be open to the public for the purposes of claiming an impounded dog as directed by resolution of the Council.
 - (3) The Dog Control Officer shall ensure that each impounded dog is housed under sanitary conditions and receives food, water, and shelter to the extent necessary to maintain good health.
 - (4) The Dog Control Officer shall maintain a record of each dog impounded including a general description, sex, apparent age, date, place and the basis for impounding, and tag number if known.
14.
 - (1) Upon impounding a dog, the Dog Control Officer shall
 - (a) notify the owner, in writing;
 - (b) the notification must be hand delivered to the owner.

- (c) the notification shall advise of the impounding of the dog, the hours during which the shelter is open, the fee necessary to reclaim the dog, the possible disposition of the dog in the event it is not claimed, and the date by which the dog must be claimed;
- (2) If an impounded dog is not claimed within one clear day, (24 hours) of the giving of the notifications in section 12(1), the Dog Control Officer shall issue a final notification to the owner, advising that the impounded dog will be disposed of if not claimed and the appropriate fees paid within 24 hours of the notice.
- (3) An impounded dog which is not claimed and the appropriate fees paid following the notifications and time periods referred to above may be destroyed by the Dog Control Officer in a humane manner, or may be sold by him upon payment of the appropriate fees, and registration.
- (4) (a) The owner may claim an impounded dog within the time periods noted above upon payment of the pound fees and, if applicable, the payment of the registration and dog tag fees.
(b) If an impounded dog is sold, pursuant to paragraph 12(3) above, the new owner shall comply with all requirements of this by-law including the registration, the issuance of a dog tag, and the payment of the fee therefore.
- (5) The pound fees applicable to an impounded dog are
 - (i) for the 1st day or any part thereof for which the dog is impounded\$5.00
 - (ii) for each additional day or part thereof for which the dog is impounded....\$5.00

13. Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days, or to both a fine and imprisonment.

Approved and passed at a duly convened meeting of the Council of the
TEMAGAMI Band of Indians this 7 day of May 1984.

Chief Gary Potts
Chief

Douglas McKenzie
Councillor

Councillor

June Twain
Councillor

Councillor