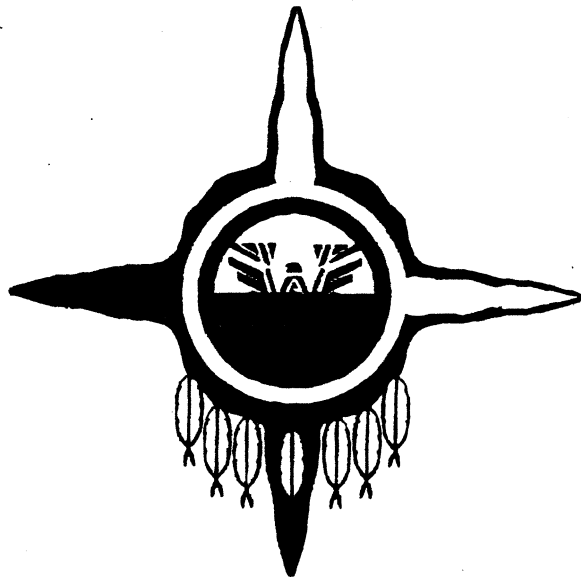




Shawanaga First Nation Ojibway Territory

R. R. #1, Nobel, Ontario P0G 1G0
(705) 366-2526 • (705) 366-2576 • (705) 366-2598
Fax: (705) 366-2740

BY-LAW NO. 01-01-22 Being a By-Law Respecting the Care and Control of Dogs on the Shawanaga Reserve

WHEREAS section 81, paragraph (a), (c), (e), (q) and (r), of the Indian Act empower the Council of an Indian Band to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the provision of any such by-law;

AND WHEREAS the Council of Shawanaga 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 Shawanaga Band enacts this Dog Control By-Law, No. 01-01-22, as follows:

PART 1 - GENERAL

SHORT TITLE

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

INTERPRETATION

2. In this by-law:

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

"band" means the Shawanaga Band, as defined by Section 2 of the Indian Act;

"council" means the Council of Shawanaga Band, as defined in the Indian Act;

"reserve" means Shawanaga Reserve(s) No. 17, 17A and 17B;

"dog control enforcement officer" means a dog control enforcement officer, a by-law enforcement officer, or police officer, for the purpose of enforcing the provision of this by-law;

"dog control administration officer" means a dog control administrator, appointed by, or a person employed by the band for the purpose of administering the provisions of this by-law;

"dog register" means the register kept by the dog control officer for the purpose of registration of all dogs on the reserve;

"dog pound" means a facility as designated by the Band Council;

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

"medical officer of health" means the medical officer so appointed by band council resolution;

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

"owner" of an animal includes a person who possesses or harbours an animal, and the terms "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 the control of any person;

"vicious dog" includes:

- (a) any dog that demonstrates a ferocious, vicious or aggressive behaviour;
- (b) any dog that a dog control officer, upon reasonable and probable grounds, believes to be a vicious dog;
- (c) 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;
- (d) any dog which has bitten another dog or human without provocation.

APPLICATION

- 3. This by-law applies on Shawanaga Reserves 17, 17A and 17B and must be respected by all resident and/or visiting dog owners.

PART II - ADMINISTRATION

DOG CONTROL ADMINISTRATION OFFICER

- 4.(1) The Council may appoint, by band council resolution, a dog control administration officer to provide for the administration of this by-law and, more specifically, to receive administration costs and to issue identification tags under this by-law;
- 4.(2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the dog control administration officer.

REGISTRATION AND IDENTIFICATION OF DOGS

- 5.(1) Every person keeping one or more dogs on the reserve shall register and have an identification tag placed around the neck of each dog.
- 5.(2) The application for registration and identification tag shall be filed with the dog control administration officer and it will include:
 - (a) the applicant's name;
 - (b) the applicant's address or lot number;
 - (c) a description of the dog sought to be registered, including age, sex, name and

- breed, if known;
 - (d) the number of dogs in the household;
 - (e) a record that the dog is immunized against rabies, noting the date of such immunization, the name of the person immunizing the dog, including the manufacturer's name of the vaccine and its batch number; and
 - (f) any other information deemed by the dog control administration officer to be necessary for the proper administration of the by-law.
6. The charge for registration and identification tags shall be \$7.00 per year.
 7. The dog control administration officer shall issue the licence tag upon registration and payment of the annual fee and, if necessary, proof that the dog has been immunized against rabies.
 8. The licence tag shall be securely attached to the collar or harness of the dog at all times.
 9. The registration and identification tag will be valid for one full year from the date of issuance.

IMMUNIZATION OF DOGS

10. All dogs on the reserve must be immunized in accordance with generally accepted veterinary standards.
11. The owner of any dog(s) exposed to rabies shall, on demand by the band council, surrender such dog to the dog control enforcement officer to be held by the dog control administration officer in quarantine for a period of 14 days and such dog shall not be released from such quarantine without the written permission of the medical officer of health.
12. Upon demand of the band council, the owner of any dog shall forthwith surrender to the dog control enforcement officer any dog which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the medical health officer.
13. Any dog found to be infected with rabies shall be destroyed by its owner or by the dog control officer at the owner's expense.

GENERAL PROHIBITIONS

- 14.(1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- 14.(2) A dog need not be tethered or penned up as provided in subsection 15(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; or
 - (d) is used by a visually impaired person as a guide dog.
- 14.(3) No owner shall allow a female dog in heat to remain in any public place unless the dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
- 14.(4) the owner of a dog who fails to take all necessary measures to ensure that such dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
- 14.(5) The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.
- 14.(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.
15. No owner shall allow his dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.
16. No person shall punish or abuse a dog in a manner which is cruel or unnecessary.

PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

- 17.(1) The Council may at any time prohibit the keeping of dogs within any area of the reserve.

17.(2) Notice of any prohibition made by Council pursuant to subsection 19(1) 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.

17.(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 authorization to that effect from the band council, by way of band council resolution.

Vicious Dogs

18. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.

19. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.

20. On private property, a vicious dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the dog and/or to prevent the entry of children.

Impounding and Seizure

21.(1) No owner shall permit his dog to be at large on the reserve;

21.(2) A dog found at large on the reserve may be impounded for not less than five (5) days and, after notifying the owner, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such dog has been claimed by its owner and the administration costs incurred for the impounding of the dog have been paid.

22.(1) A dog control enforcement 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.

22.(2) If a dog is apprehended because it has inflicted an unprovoked attack upon an animal or human person, the dog control enforcement officer shall impound the dog for such period of time as specified by a veterinary surgeon.

22.(3) Subject to subsection (6), a dog control enforcement officer who has seized a dog

pursuant to subsection (1) shall release 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 dog control administration officer all administration expenses incurred in securing, caring for and feeding the dog as listed in Schedule "A" hereto attached;
- (c) the owner has obtained the necessary registration identification tag from the dog control administration officer before the dog is released.

22.(4) Where a dog has not been reclaimed within five (5) days after seizure, pursuant to subsection (3), and notification has been given to the owner, the dog control administration 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 such a dog.

22.(5) The dog control administration officer shall seek veterinary attention for a dog found to be diseased, whereby the owner has declined, failed or neglected to do so; in any fee arising from the provision of such veterinary care shall be a charge against owner of the dog.

22.(6) Whereby, a dog is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons, the dog control enforcement officer shall destroy the dog as soon after the seizure as the officer thinks fits without permitting any person to reclaim the dogs and no damages or compensation may be recovered on account of such action.

22.(7) The dog control enforcement officer shall forthwith make every reasonable effort to notify the owner of a dog which has been impounded.

22.(8) A written report of each such incident, as described in this section, shall be filed with the dog control administration officer by the dog control enforcement officer.

DOG DESTROYED IF UNABLE TO SEIZE

23.(1) Where the dog control enforcement officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog.

- 23.(2) No damages or compensation may be recovered as a result of the destruction of a dog by the dog control enforcement officer pursuant to subsection (1).

PROTECTION FROM VICIOUS DOGS

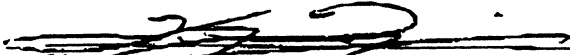
- 24.(1) A person or dog control enforcement officer may kill, if necessary, a vicious dog which is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
- (a) a person;
 - (b) another dog that is tethered;
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.
- 24.(2) A person or dog control enforcement officer who must kill a vicious dog, pursuant to section 24(1), shall immediately report the incident to the Band Council or dog control administration officer and notify the dogs' owner.
- 24.(3) No damages or compensation may be recovered as a result of killing a dog by a person or dog control enforcement officer who is required to do so pursuant to section 24(1).

PENALTY

25. 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 \$1,000.00 or to imprisonment for a term of 30 days, or to both a fine and imprisonment.
26. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.
27. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the Indian Act.

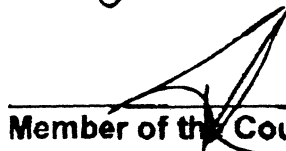
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Shawanaga Band this 19 day of March, 2001.

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


Member of the Council


Member of the Council


Member of the Council


Member of the Council

Member of the Council

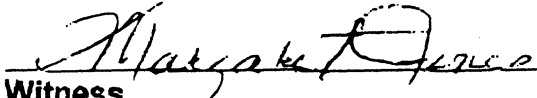
Member of the Council

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

The quorum of the Council is four (4) members.

Number of members of the Council present at the meeting 4

I, Dwayne Pamajewon, Chief 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 Toronto office of the department pursuant to subsection 82(1) of the Indian Act, this 19 day of March, 2001.


Witness


Chief

SCHEDULE "A"

- Administration Costs -

Owners of any dog(s) seized by the dog control enforcement officer will be subject to a flat fee of \$25.00 per dog upon their release within a five day period after the date the owner has been informed that their dog(s) has been seized by the dog control enforcement officer.

Owner of any dog(s) seized by the dog control enforcement officer that has not been previously registered will be subject to the registration identification tag fee of \$7.00 per dog prior to being released.