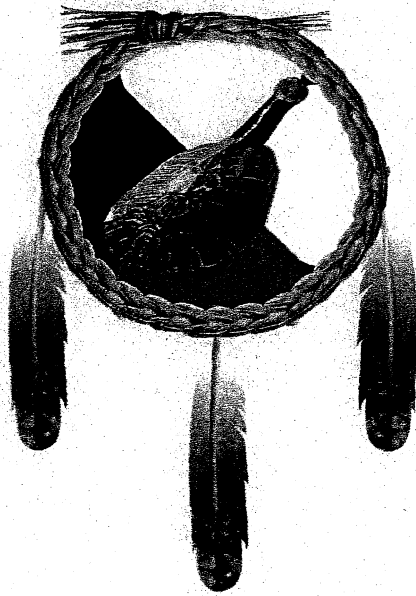


Sheshegwaning First Nation Dog By-Law #3



Motion # 04-05-18

BCR# 12-13-23

(Approved under Motion # 12-13-71)

November 1, 2004

BY-LAW OF SHESHEGWANING RESERVE

A BY-LAW TO RESPECTING THE CARE AND CONTROL OF DOGS ON THE SHESHEGWANING RESERVE.

WHEREAS **Section 81, (1) 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 preventions of nuisances, the protection against and the prevention of trespassing 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 violations of any such by-laws.

The uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health and safety of the residents, and a nuisance to such residents.

The **BY-LAW** is as follows (but will be revised as needed):

1. In this by-law:

- a. "Council" means the elected Band Council of the Sheshegwaning Reserve;
- b. "dog" means any dog, male or female and includes a cross between a dog and a wolf;
- c. "dog control officer" means the dog control officer appointed pursuant to section 2, or any by-law enforcement officer and includes an officer of the Police and a person employed by the Band Council for the purpose of the enforcing the provisions of this by-law;
- d. "animal register" means the register kept by the animal control officer for the purpose of the registration of all dogs on the reserve;
- e. "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 use for human habitation and in which normal domestic functions may be carried on;
- f. "Health Director" mean the medical officer of health, appointed by band council;
- g. "muzzle" means any apparatus to secure a dog's mouth in such a fashion that it cannot bite anything.
- h. "owner" of dog includes a person who possesses or harbors a dog, and "owns" and "owned" have a corresponding meaning;
- i. "reserve" means the tract of land set apart by Her Majesty for the use and benefit of the Sheshegwaning Reserve;

and Agriculture Canada;

- j. The animal control officer will keep a record of all dogs within the Sheshegwaning First Nation. The registration shall identify the name of the owner, the name of dog.

4. **Responsibility Of Pet Owners**

Every pet owner shall:

- a. Securely tie up their dogs on their private property;
- b. Ensure vaccinations are up to date;
- c. Ensure proper care of animals;
- d. Register dogs annually;
- e. Ensure prompt payment of fees and fines incurred;
- f. Report any abnormal behavior of pet to Animal Control Officer or Veterinarian.
- g. Report when their dog is missing.
- h. Report if dog tags are lost and require replacement.
- i. Follow Health Canada's procedures for vaccinated and unvaccinated dogs that have been exposed to rabies. (see attached letter from Health Canada)

5. **Registration And Identification Of Dogs**

- a. Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of the dog.
- b. The applications for registration and identifications tag shall be filed with the dog control officer and include:
 - i. The applicant's name;
 - ii. the applicant's address or lot number
 - iii. a description to be registered, including age, sex, name and breed (if known)
 - iv. the number of dogs in the household;
 - v. a record indicating the dog is immunized against rabies, noting the date of such immunization, the name of the person immunizing the dog including the maker's name of the vaccine and it's batch number;
 - vi. any other information deemed by the dog control officer to be necessary for the proper administration of this by-law.
- c. The charge for registration and identification tags shall be of \$20.00 per year, per dog.

- a. Subject to subsection (b), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- b. A dog need not to be tethered or penned up as provided in subsection (a) if the dog:
 - i. is retained on a leash by a person capable of restraining the dog's movements;
 - ii. is being used by a person for the purpose of hunting; or racing or;
 - iii. is being used by a person to work in a lawful manner with sheep or cattle;
 - iv. is used by a visually impaired person as a guide dog.
- c. No owner shall permit a female animal in heat to remain in any public place unless such female animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his/her agents.
- d. The owner of a dog, who fail to take all necessary measures to ensure that such a dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.
- e. The owner of a dog, which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other part os property, is guilty of an offence.
- f. The owner of a dog shall, when the dog is on public property or private property, immediately pick up thereafter dispose of feces, vomit, or any waste left by the dog on the said property.
- g. No owner shall allow his dog to remain unfed for more than 24 hours or without water for more than 12 hours. Any such action is cruelty and is liable of any offence.
- h. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary. Any such action is cruelty and liable of an offence.

9. Prohibitions Within Specific Areas Of The Reserve

- a. The Council may at any time prohibit the keeping of animals within any area of the reserve.
- b. Notice of any prohibitions made by Band Council pursuant to paragraph (a) shall be posted in the Band Office and after the date of posting of such notice, no person shall keep or have a dog within the prohibited areas.
- c. No person may establish, own or operate an establishment of facility for the boarding or treatment of animals within the limits of the reserve without express written authorization to that effect from the Band Office, by the way of Band Council Resolution.

10. Villainous Dogs

identification tag and pay the prescribed fee and comply with all sections of this by-law before he obtains the release of his/her dog. A \$ 20.00 surcharge shall apply if a dog is seized without such identification tag;

- e. Where the dog has not been reclaimed within three days after seizure pursuant subsection (c), 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 charge against the owner of the animal;
- f. 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 charged against the owner of the animal.
- g. Where, in the opinion of the animal control officer, a dog seized for humane reasons or for any reasons of health or safety, no damages or compensations may be recovered by the owner on account of such action.
- h. When an animal has been impounded, the animal control officer shall forthwith make every reasonable effort to notify the owner on account of such animal.
- i. A written report of each such incident as described in this section shall be filed with the band council.

12. Destruction Where Unable To Seize

- a. Where the animal control officer or U.C.C.M Tribal Police, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, may destroy the dog and submit it for rabies examination.
- b. Where the animal control officer or U.C.C.M. Tribal Police feels that there is an immediate risk to public or personal safety, may destroy the dog immediately and submit it for rabies examination.
- c. No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer or pursuant to subsection (a) and (b).

13. Penalty

- a. 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 one hundred dollar (\$ 100.00) or to imprisonment for a term as set out by the courts or both.
- b. If fees are owed to the Sheshegwaning First Nation Dog Control Unit and the dogs is destroyed, the owner will not be issued future registration and identification tags until outstanding fees are paid in full.

Chronological no.

12-13-23

File reference no.

BAND COUNCIL RESOLUTION

NOTE:

Band Funds.

The council of the SHESHEGWANING FIRST NATION		Cash free balance	
		Capital account	\$ _____
Date of duly convened meeting	D M Y 1 8 0 9 1 2	Revenue account	\$ _____

DO HEREBY RESOLVE:

WHEREAS section 81, paragraph (a), (d), (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 violation of any such by-law;

AND WHEREAS the Chief and Council of the Sheshegwaning First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE the Chief and Council of Sheshegwaning First Nation enacts this Animal Control By-law, Number 3.

Quorum 3 (Three)

(Councillor)

(Councillor)

(Councillor)

[Signature]
(Chief)

[Signature]
(Councillor)

[Signature]
(Councillor)

[Signature]
(Councillor)

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(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue	Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer			Recommending officer		
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Approving officer - Approuvé par			Approving officer		
_____ Signature			_____ Signature		
Date			Date		