

308/79-75
January 19, 1979THE OSNABURGH BAND OF INDIANS

By-Law 78-1

Being a by-law to license dogs in the Osnaburgh Reserve 63-A and 63-B and for prohibiting the running at large of dogs in the Osnaburgh Reserves 63-A and 63-B

Whereas Paragraphs (e) and (r) of section 81 of the Indian Act. R.S., c. 149, s.1. Empower the council of a band to make by-laws respecting the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services and the impositions of a penalty for the violations thereof;

AND WHEREAS it is deemed to be expedient for the safety and welfare of the inhabitants of the reserve of the Osnaburgh Band of Indians to license dogs and to prohibit the running at large of dogs.

NOW THEREFORE the Council of the Osnaburgh Band of Indians enacts as a by-law thereof the following:

1. In this by-law,
 - (a) "Council" means the Council, as defined in the Indian Act, of the Osnaburgh Band of Indians;
 - (b) "Reserve" means the tract of land set aside by her Majesty within the definition in the Indian Act, for the use and benefit of the Osnaburgh Band of Indians; (Osnaburgh Indian Reserves 63-A and 63-B);
 - (c) "By-law Enforcement Officer" means the Sepcial Constable employed by the Osnaburgh Band of Indians; and/or a person so appointed from time to time by Council;
 - (d) "owner" means any person or corporation who possesses or harbours a dog and who is a resident of the Osnaburgh Reserve;
2. The following annual license fees shall be imposed upon owners of all dogs within the Osnaburgh Reserve.
 - (a)
 - (1) For a male dog - Five dollars (\$5.00)
For a female dog - Ten dollars (\$10.00)
 - (2) For the second dog, if two are kept:
 - a male dog - Five dollars (\$5.00)
 - a female dog - Ten dollars (\$10.00)
 - (3) For each additional dog in excess of two, whether male or female - Thirty-five dollars (\$35.00)
 - (b) A female dog for which a certificate of spaying signed by a veterinary surgeon is produced shall be considered a male dog for the purposes of this by-law.
 - (c) The license fee prescribed shall include the cost of tags.
 - (d) The owner of a kennel of pure bred dogs, registered in the register of the Canadian Kennel Club Incorporated, shall pay an annual license fee of twenty-five dollars (\$25.00) to the Osnaburgh Band clerk as a license upon the Kennel, and he shall not be liable to pay any further license fee in respect of such pure bred dogs.
3. (a) Every owner of a dog shall, on or before the last day of January each year, or within 48 hours of taking possession of a dog at any later date, cause the dog to be licensed and registered. This provision shall not apply to a pup which has not yet reached the age of six weeks.

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- (b) Dog licenses from other municipalities and reserves shall not be valid in the reserve except in the case where the dog is owned by a non-resident, in which case a license shall not be required for a period of thirty days.
 - (c) Upon registration of a dog the owner shall procure a tag for each dog owned by him, and shall keep the said tag securely fixed on the dog at all times during the year in which the tag is current.
 - (d) The tag shall bear a serial number and the year in which it is issued and a record shall be kept by the Osnaburgh Band Clerk or such person duly appointed for that purpose, showing the name and address of the owner and the serial number of the tag.
 - (e) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on his/her dog shall be liable to a penalty not exceeding Ten dollars (\$10.00).
 - (f) No dog license shall be transferable from one owner to another.
 - (g) Any person unlawfully removing a license from any dog, or using a license upon a dog other than that for which it was issued shall be guilty of a contravention of this by-law.
4. (a) For the purpose of the by-law a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
- (b) Every owner of a dog who permits any dog owned by him/her to run at large shall be guilty of a contravention of this by-law.
5. (a) Any dog found running at large contrary to the provisions of this by-law shall be liable to seizing and impounding and killing, whether before or after impounding. Such impounding shall be in a pound designated from time to time by resolution of Council.
- (b) It shall be the duty of the by-law Enforcement Officer to seize and impound and/or kill all dogs running at large contrary to the provisions of this by-law, and he shall supply the dogs so impounded with proper food and water during the period of impoundment.
- (c) When the owners of a dog thus impounded are known, such owners shall be forthwith notified of the impoundment by the by-law Enforcement Officer, and if the said dog is not redeemed within 3 days, the by-law Enforcement Officer shall immediately proceed to sell or destroy the said dog.
- (d) When the owners of a dog thus impounded are not known the said dog shall be held for a period of three days, after which period the by-law Enforcement Officer shall immediately proceed to sell or destroy the said dog.
- (e) No dog shall be sold under the by-law for less than Ten dollars (\$10.00) plus maintenance costs.
- (f) 1. Any dog thus impounded may be redeemed by it's owner upon payment of penalties set out as follows:
- First Impoundment - Ten dollars (\$10.00)
 - Second Impoundment - Fifteen dollars (\$15.00)
 - Third Impoundment - Thirty-five dollars (\$35.00)
2. The owner of any dog thus impounded shall be, in addition, liable to a charge of Five dollars (\$5.00) per day for maintenance of the dog, payable upon redemption.

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3. Payment of any person of the penalties and costs herein provided for shall be made to the Osnaburgh Band at the Band Office. Upon payment thereof he/she shall not be liable to prosecution for the contravention in respect of which payment is made.
4. Upon redemption of any dog, the owner of the said dog shall furnish proof to the By-law Enforcement Officer that all penalties and costs have been paid and that the said dog is licensed for the current year.
5. Any person found guilty of a contravention of this by-law shall be liable to a fine at the discretion of the convicting magistrate, of not more than the maximum penalty stated in Section 81 (r) of the Indian Act.

Approved and passed at a duly convened meeting of Council this

8th day of December, 1978.

Roy Kaminawaish
Chief

Mary Ann Skunk
Band Clerk

Maurice Loon
Councillor

Joseph Skunk
Councillor

Daniel Panacheese
Councillor

James Masakeyash
Councillor

I, Roy Kaminawaish, Chief of the Osnaburgh Band of Indians, do hereby certify that a true and exact copy of the foregoing by-law forwarded to the Ministry of Indian Affairs and Northern Development pursuant to Section 82, ss (1) of the Indian Act this 8th day of December, 1978.