

THE CONSTANCE LAKE BAND OF INDIANS

BY-LAW NO. 9

A By-law to provide for the taxation, control and destruction of dogs and other animals on the Reserve.

WHEREAS Section 81 (e) of the Indian Act provides that the Council of a Band may make by-laws for the protection 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 WHEREAS Section 81 (q) of the Indian Act provides that the Council of a Band may make by-laws with respect to any matter arising out of or ancillary to the exercise of powers under Section 81;

AND WHEREAS the Council of the Constance Lake Band of Indians deems it expedient to enact such by-laws for the control of animals on the reserves;

NOW THEREFORE the Council of the Constance Lake Band of Indians at a duly convened meeting assembled enacts as a by-law thereof as follows:

- 1) This by-law may be cited for all purposes as the "Animal Control By-law".
2. In this by-law, or in any resolution of the Council passed relating to this by-law, unless the context otherwise requires
 - (a) "Animal" includes any dog, cat, horse, cow, sheep, mule, goat, pig, rabbit, or any domesticated or farm animal but excludes such generally accepted domestic pets as birds and fish;
 - (b) "Band" means that the Constance Lake Band of Indians as defined in the Indian Act;
 - (c) "Control Officer" means the person, persons or company appointed from time to time by the Council to ensure compliance with this by-law;

- (d) "Council" means the duly constituted Council of the Constance Lake Band as defined in the Indian Act;
 - (e) "Dog" means any animal of the canine species, irrespective of age or sex;
 - (f) "Highway" means any street, road, avenue, lane, crescent, bridge, alley, viaduct, public parking area, boulevard or any other way open to the members of the Constance Lake Band of Indians or the general public, or intended to be open to the general public or the members of the Constance Lake Band of Indians.
 - (g) "Indian Act" means the Indian Act, being chapter 1-6 R.S.C. 1970 as amended from time to time and any regulations pursuant thereto;
 - (h) "Own" includes harbour or possess;
 - (i) "Owner" means the person or persons shown as the owner or licensed owner of the animal in the records of the Council;
 - (j) "Owner's Property" means the property immediately surrounding the owner's dwelling place which is generally acknowledged to be his or her private use;
 - (k) "Reserve" means those tracts of land, the legal title to which is vested in Her Majesty for the use and benefit of the Constance Lake Band; and
 - (l) "Running at large" means not under control by reason of:
 - (i) not being on owner's property or on the property of another person who has the care and control of the animal; or
 - (ii) not in direct and continuous charge of a person who is competent to control the animal; or
 - (iii) not being securely confined in an enclosure; or
 - (iv) not being securely fastened so that the animal is unable to roam.
3. (a) The Council by resolution shall appoint, from time to time, a Control Officer to ensure compliance with this by-law.
- (b) The Control Officer is appointed, or other duly authorized person, shall administer this by-law and shall make any inquiries necessary, at any reasonable hour, for the purpose of determining the existence or

ownership of an animal, or for the purpose of seizing or impounding an animal or a dog, whether licensed or unlicensed, or for the purpose of determining that all provisions set out in this by-law have been complied with.

- (c) The Council shall fix the remuneration of the Control Officer by Resolution.
 - (d) The Council shall fix such other duties for the Control Officer as it may from time deem appropriate.
4. (a) Notwithstanding anything to the contrary contained in this by-law, where a dog is known to have inflicted an unprovoked bite on a person or another animal, the Control Officer shall immediately impound the dog and shall confine it to the pound where it shall be kept in isolation for a period of not less than ten (10) days.
- (b) If, at the conclusion of the ten (10) days isolation is determined that the dog is not rabid, the Control Officer may take appropriate action to return the dog to its owner or dispose of the dog in accordance with the provisions of this by-law.
5. No animal shall run at large within the reserve.
6. (a) No person shall own any dog within the boundaries of the reserve unless a valid and subsisting license and tag has been issued under this by-law for such a dog;
- (b) No license shall be issued under this by-law to any person under the age of 12 years unless and until such person provides the Control Officer with written consent, in the prescribed form, of his or her parent or guardian providing a written consent under this section shall, for the purposes of this by-law, be deemed to be the owner of the dog in respect of which the license was issued.
- (c) A dog license shall expire on the 31st day of October in the year for which it was issued and upon payment of the required fees, as set out in Schedule "A", shall be renewed immediately by the owner of the dog for the succeeding year.
- (d) No family shall own more than 2 dogs under this by-law.

7. (a) Upon payment of the appropriate license fee as set out in Schedule "A", a person who is issued a dog license under this by-law shall receive a dog tag bearing thereon a number and a mark or number so as to distinguish it as a tag for the then current year.
 - (b) The dog shall be securely fixed to a harness or collar and the tag and collar or harness shall be worn by the specific dog for which the license was issued.
 - (c) Dog licenses and tags issued under this by-law are non-transferrable and are issued in respect of a specific dog.
 - (d) Any person who places, affixes, or uses a license or dog tag issued in respect of one dog on or for another dog shall be guilty of a violation of this by-law.
 - (e) Upon application of the owner and payment of the fee as shown in Schedule "A" a replacement license or tag may be issued when the Control Officer is satisfied that the original license or tag has been lost.
 - (f) All dog licenses issued shall include a description of the dog by species, breed, colour, sex, and any distinguishing marks or deformities, and a description of the property, if different from the owner's property, upon which the dog will be kept.
 - (g) All fees shall be paid prior to the issuance of a dog license and tag and shall be as shown in Schedule "A".
 - (h) The Control Officer shall keep and maintain a copy of all licenses issued in such form and manner as to constitute a complete record of such issuances including the fees related thereto.
8. A female dog and her unweaned offspring shall be deemed to constitute one dog for the purposes of this by-law.
9. A pound shall be established by the Council, and the pound shall be open for business each day, except Sunday, at reasonable hours as may be determined by Council, but in any event for not less than total of eighteen hours each calendar week.
10. (a) The Control Officer may seize any animal running at large in the reserve, or otherwise contrary to the terms of this by-law, and cause such animal to be

impounded, and it shall be duty of the Control Officer to receive such animal and retain the same for a period of not less than six (6) clear days after the said impoundment.

- (b) Within 24 hours of the seizure the Control Officer shall post a notice in at least four (4) public places within the reserve, one of which shall be at or near the place where the animal was seized, and such a notice shall include a statement of the date, time, and place where the animal was seized, a full description of the animal, the address of the pound, and the date by which the animal should be claimed.
 - (c) In addition to the aforesaid posting of notices, where the owner of an impounded animal is known, the Control Officer shall deliver, by hand, a copy of the notice to the owner, or to an adult person at the residence of the owner, and shall maintain a record of the particulars of that delivery.
11. During the period of its detention, the Control Officer shall ensure that each impounded animal is supplied with good and sufficient quantity of food and water.
12. (a) If an impounded animal is not claimed within six (6) days of its being impounded, and if the owner is known, the Control Officer shall notify the owner, in writing, of his intention to dispose of the animal within 48 hours of the delivery of the notice, and shall maintain a record of the particulars of that delivery.
- (b) If the animal is not claimed prior to the deadline the Control Officer may dispose of the animal in accordance with the provisions of this by-law.
 - (c) If the owner of an impounded animal is not known the Control Officer may dispose of the animal in accordance with the provisions of this by-law following the expiration of the time period in section 10 (a).
13. (a) The Control Officer may dispose of an impounded animal by humane destruction, or by sale to any person by auction or by private sale.
- (b) All proceeds from the sale of impounded animals shall be credited to the general funds of the Constance Lake Band of Indians.

14. (a) Subject to the provisions of the preceding sections hereof, the owner of any animal impounded under this by-law may claim same upon application to the Control Officer. When required the owner of a dog must pay the annual licence fee hereof, and upon giving proof of ownership.

(b) On payment of the fees set out in Schedule "A" under "Seizure and Release", such animal shall be released to the owner.
15. The owner of any animal seized and released or seized and destroyed shall be held liable for all fees pertaining thereto as set out in Schedule "A".
16. It shall be the duty of the Control Officer to keep a book in which he shall enter, with reference to each animal impounded the date and hour of impounding, a description of the animal, the name of the person from whom received and the manner in which such animal is disposed of, and such book shall be open to inspection by the Council and any other person authorized by the Council to inspect the same.
17. (a) No person shall interfere with, obstruct or impede the Control Officer in the lawful performance of his duties.

(b) No person shall take or rescue, or attempt to take or rescue any animal when lawfully in the custody of the Control Officer or other person under the provisions of this by-law.
18. (a) The Council shall, by resolution prescribe the form of the dog license, which shall be prenumbered, and all other forms required by this by-law.

(b) All fees received by virtue of this by-law shall be credited to the general funds of the Constance Lake Band of Indians.
19. 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 imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

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20. Any animal found trespassing on the reserve shall be subject to this by-law and its owner shall be subject to the same conditions and penalties as apply to the owner in this by-law.

21. By-law No. 8 is hereby revoked.

APPROVED AND PASSED by the Council of the Constance Lake Band of Indians at a duly constitute meeting held on the 11th day of January 1987.

"Edgar Sutherland"
CHIEF

"Louis John George"
(COUNCILLOR)

(COUNCILLOR)

"James Sutherland"
(COUNCILLOR)

"Sinclair Taylor"
(COUNCILLOR)

"Albert Sutherland"
(COUNCILLOR)

(COUNCILLOR)

A quorum of the Band Council is five (5) members.

SCHEDULE "A"

FEES

1. Licensing

(a) FEMALE DOGS:

- (i) Spayed Female \$15.00
- (ii) Unspayed Female \$40.00

(b) MALE DOGS:

- (i) Neutered Male \$15.00
- (ii) Unneutered Male \$25.00

(c) Each replacement license/tag \$ 5.00

2. Destruction Upon Request of Owner

- Animals under 15 lbs. \$10.00
- Animals over 15 lbs. and under 50 lbs. \$15.00
- Animals over 50 lbs. and under 100 lbs. \$18.00
- Animals over 100 lbs. \$25.00

3. Seizure and Release

- First Seizure \$20.00
- Second Seizure \$30.00
- Third Seizure \$40.00
- Each additional seizure in one (1)
calendar year \$60.00

4. Seizure and Destruction \$35.00