

DOG CONTROL BY-LAW
THE CURVE LAKE FIRST NATION INDIAN BAND

BY-LAW NO. 1991.01978 APR 11 P1:22

Being a By-law Respecting the Control of Dogs
on the Reserve

WHEREAS Section 81, paragraph (a), (d), (e), (q) and (r) of the INDIAN ACT empowers the Council of First Nation 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 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 Curve Lake First Nation Indian 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 the Curve Lake First Nation Band of Indians enacts a by-law as follows;

Short Title

1. This by-law may be cited as the " Curve Lake First Nation Reserve Dog Control By-law ".

Interpretation

2. In this by-law:

- (a) "First Nation" means the Curve Lake First Nation Indian Band;
- (b) "Council" means the council of the Curve Lake First Nation Band;
- (c) "Dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;
- (d) "Dog Catcher" means any person appointed by the Council of the Curve Lake First Nation to enforce this by-law;
- (e) "Owner" means any person who possesses, harbours or has control of a dog, and "owns" and "owned" have a corresponding meaning;
- (f) "Reserve" means the Curve Lake First Nation Indian Reserve Nos. 35 and 35A;

(g) "Muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything;

(h) "At large" or "running at large" means off the premises of the owner and not muzzled or under the control of any person;

(i) "Person" includes a corporation;

(j) "Redemption Period" means a period of THREE (3) DAYS following the capture of a dog that has been impounded within which the owner has the right to obtain its release. For purposes of calculation of time, the THREE (3) day period shall not include the day of capture, weekends or statutory First Nation Band holidays;

(k) "Impound Charges" means daily fees which may be set from time to time by First Nation Council Resolution.

(l) "Licensing requirements" means registration dog tags obtained from the dog catcher at a fee which shall be determined from time to time by First Nation Council Resolution.

3. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.

(2) A dog need not be tethered or penned up as provided in subsection (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.

(3) A dog shall wear a secure collar and shall fulfil licensing requirements.

(4) No owner shall allow his dog to remain unfed or unwatered as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.

- (5) No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- (6) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents of the reserve.
- (7) No owner shall permit a female dog in heat to be off the owner's premises.
- (8) (a) The Council may at any time prohibit the keeping of dogs within any area of the reserve.

(b) Notice of any prohibition made by Council pursuant to paragraph (a) shall be posted in the First Nation Band Office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

Seizure

- 4. (1) A Dog Catcher shall catch and impound a dog that is in violation of Section 3.

(2) A Dog Catcher may seize a dog from any person whom the dog catcher has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

(3) Subject to subsection (5), a dog catcher who has seized a dog pursuant of subsection(1) shall restore possession of the dog to its owner where:
 - (a) the owner claims possession of the dog within the redemption period, and;
 - (b) the owner pays to the dog catcher all impound fees and other charges and penalties relating to such dog and complying with all licensing requirements for the dog.
- (4) Where a dog has not been reclaimed within the redemption period pursuant to Subsection (2), a dog catcher may destroy or dispose of the dog as he/she sees fit and no damages or compensation may be recovered as a result of the destruction or disposal of a dog by the dog catcher.

(5) Where, in the opinion of the dog catcher, a dog seized under this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the dog catcher shall destroy the dog as soon after as he/she thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the dog catcher.

(6) A Dog Catcher shall maintain accurate records containing a description of impounded dogs, their date of impound and manner of disposition of such dogs.

Destruction where unable to seize

5. (1) Where a dog catcher, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this by-law, he/she may destroy the dog.

(2) No damages or compensation may be recovered as a result of the destruction of a dog by a dog catcher pursuant to subsection (1).

Protection from dogs

6. (1) Any person may kill a dog that 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; or,
- (c) a food cache, harness or other equipment,

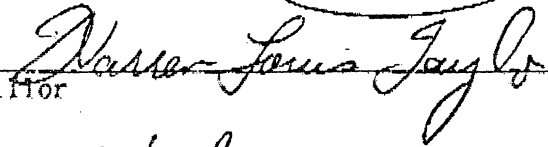
(2) No damages or compensation may be recovered as a result of the killing of a dog by any person pursuant to subsection (1).

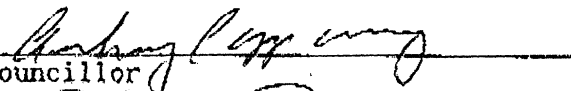
Penalty

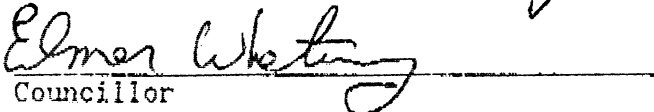
7. Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine of not more than five hundred (\$500.00) Dollars or to imprisonment for a term not exceeding thirty (30) days, or both.

Be it known that this by-law is hereby enacted by the Council of the Curve Lake First Nation Indian Band at a duly convened meeting of the Council dated on the 8TH day of April, 1991.


Chief


Councillor

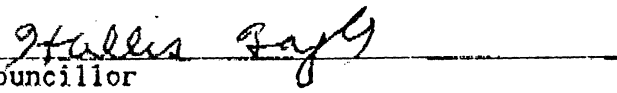

Councillor

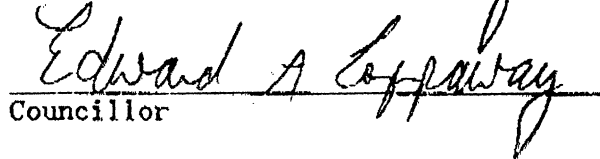

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THE QUORUM IS SET AT FIVE