

COUCHICHING FIRST NATION ANIMAL CONTROL BY-LAW

By-law No. 02-001
being a By-law Respecting the Care
and Control of Animals on Reserve

WHEREAS:

- A. Section 81, Paragraphs (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 Reserve, the prevention of nuisances, the prevention of trespass by domestic animals, as well as ancillary matters, including the imposition of a penalty for violations of any by-law;
- B. The Council of the Couchiching 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 its residents; and
- C. The Council of the Couchiching First Nation enacted By-law Number 5 entitled "The Dog By-Law" on April 18, 1978 and wish to repeal that By-law and replace it with this By-law No. ____.

NOW THEREFORE, the Council of the Couchiching First Nation enacts this Animal Control By-law, Number ____, as follows:

ARTICLE 1. GENERAL

1.01 ____ Short Title

This By-law may be cited as the "Animal Control By-law".

1.02 ____ Interpretation

In this By-law:

- **Altered** means that the animal has been sterilized by a licensed veterinarian. The term is applied to either a male animal that has been castrated, or a female animal that has been operated on to prevent conception;
- **Animal** means any member of the animal kingdom of living beings, excluding humans, and without limitation, includes all mammals, birds and reptiles;
- **Animal Register** means the register kept by the First Nation Police Office, or Animal Control Officer, for the purpose of the registering of Animals;
- **Animal Control Officer** means an Animal Control Officer, or any By-law Enforcement Officer or Police Officer or a person employed by the First Nation Council for the purpose, among other things, of enforcing the provisions of this By-law;

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- **Animal Sound** means any sound emitted from an Animal that is audible. This term shall include barking, whimpering, whining, howling and yelping;
- **Attention** means the provision of sufficient daily Attention to:
 - (a) provide for the Animal's physical well-being;
 - (b) detect problems that could be detrimental to the health of the Animal;
 - (c) attend to the needs of an Animal no later than 48 hours; or
 - (d) provide veterinary care to maintain good health of the Animal;
- **Council** means the Council of the Couchiching First Nation.
- **Cat** means any cat, male or female;
- **Dangerous Animal** means:
 - (a) an Animal which has caused severe or repeated injury, or threatened the safety of human beings or domestic Animals;
 - (b) an Animal which has severely injured a human being;
 - (c) an Animal which, while off its Owner's property, has severely injured a domestic Animal;
 - (d) any Animal which is allowed to injure or kill wildlife;
 - (e) an Animal which has been trained to fight or which is owned or harboured for this purpose; or
 - (f) an Animal, previously designated as a Potentially Dangerous Animal which, after its Owner has been notified of such designation, is maintained in violation of this By-law.
- **Designated Area** means a Designated Area of Reserve property in which an Animal may be permitted without a leash and Under Control of the Owner,
- **Dog** means any dog, male or female that is at least nine (9) weeks of age and includes a cross between a Dog and a wolf;
- **Exercise** means sufficient daily exercise to maintain the physical well being of the Animal;

- **Exotic Animal** means any Animal that is a member of the list at Section 10.04 of this By-law;
- **Food** means of a type and in amounts nutritionally adequate for the Animal;
- **Household** means any 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;
- **Kennel** means any building, part of a building or area used for breeding, raising, boarding or the keeping of Animals for compensation or for selling Animals;
- **Muzzle** means a humane fastening or covering device of adequate strength over the mouth to prevent a Dog from biting;
- **Non-Hazardous Collar** means a reference to a Cat collar which is made of a material that will expand sufficiently to permit the Cat to remove its head from the collar and which will not support the weight of the Cat;
- **Owner** includes a person who possesses, keeps or harbours one or more Animals, and, where the Owner is a minor, the person responsible for the custody of the minor;
- **Potentially Dangerous Animal** means:
 - (a) an Animal that chases or approaches any person or domestic Animal anywhere, other than on the property of the Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling; and
 - (b) an Animal which, on three separate occasions within a twelve (12) month period, has been observed uncontrolled and off its Owner's premises by the Animal Control Officer, or which as been properly impounded three (3) times within a twelve (12) month period by the Animal Control Officer;
- **Reserve** means the Couchiching Indian Reserve #16A and any other land that is or may be set apart as Reserve for the Couchiching First Nation;
- **Restrain** means where restraint is used in connection with an Animal, it shall mean:
 - (a) secured in a manner respective of its environmental needs, which prevents the Animal from leaving the property; and
 - (b) prevents contact with persons who have not consented to contact, and where Restraint is used in connection with a Dangerous Animal at its Owner's Household, it shall mean:

- (a) kept indoors in a manner respective of its environmental needs which prevents contact with persons who have not consented to contact; or
- (b) kept in a pen or other outdoor enclosure respective of its environmental needs which prevents the Animal from:
 - (i) leaving the Owner's Household (except in accordance with the provisions of this By-law); and
 - (ii) coming into contact with persons who are not at the Owner's Household,

and where Restraint is used in connection with a Dangerous Animal at a place other than its Owner's Household, it shall mean a Dangerous Animal which is muzzled, leashed, and under the control of a person;

- **Run at Large or Running at Large** means an Animal found in any place away from the Household of its Owner and not Under Control;
- **Severe Injury** means any physical injury to a person or a domesticated Animal that requires the services of a doctor or health technician;
- **Shelter** means a humane enclosure for the safety and protection of Animals;
- **Tag** means a marking device issued by Animal Control Officer;
- **Under Control** means an Animal is at all times within the sight and hearing range of the owner, or other person with the consent of the owner, and will react immediately to voice or whistle commands, regardless of surrounding distractions;
- **Veterinary Care** means professional standard in an annual check-up after initial vaccinations and altering with examinations as required throughout the year for the health of the Animal;
- **Water** means adequate amounts of potable water; and
- **Wild Animal** means an Animal of wild, untamed, uncultivated, feral, or brutal nature or disposition.

ARTICLE 2. APPLICATION

This By-law applies to every Owner of an Animal who resides on the Reserve or who visits the Reserve in possession of an Animal.

ARTICLE 3. ANIMAL CONTROL OFFICER

- (1) The Council may by resolution appoint an Animal Control Officer to provide for the administration and enforcement of this By-law, and more specifically to receive registrations and to issue identification tags under this By-law.
- (2) The Council may, in its resolution, provide for reasonable remuneration to be paid to the Animal Control Officer.

ARTICLE 4. CARE OF ANIMALS

4.01 _____ Safe, Secure and Healthy Environment

(1) Provision of Needs

Any person who keeps an Animal within the Reserve boundaries shall provide the Animal, or cause it to be provided, with Food, Water, Exercise, Attention and Veterinary Care.

(2) Shelter

If an Animal is customarily kept out-of-doors, the Owner of the Animal shall provide for its use at all times a structurally sound, weatherproof, insulated enclosure with off-the-ground flooring.

(3) Tether Specifics

- (a) Every Owner of a Dog shall keep the Dog safely tethered or kenneled at all times.
- (b) It shall constitute an offence for any person to keep an Animal within the Reserve boundaries tethered on a chain, rope or similar restraining device, of less than three (3) meters in length. The Animal must also be free of dangers within a radius of three (3) meters. Cats must be provided with Non-Hazardous Collars, and Dogs must be provided with flat collars for basic Restraint while training collars are used for training only and in the company of the Owner.
- (c) A Dog need not be tethered or kenneled if the Dog:
 - (i) is held 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;
 - (iii) is being used by a visually impaired person as a guide Dog; or
 - (iv) is Under Control and will react immediately to voice or whistle commands, regardless of surrounding distractions.

(d) The Owner of a Dog shall ensure that the Dog is Under Control at all times while on the Reserve.

(4) Transportation

It shall constitute an offence for any person to transport an Animal unsecured in the back of an open vehicle. Animals may be transported if they are safely secured or crated either in the passenger compartment or in the back of an open vehicle. Every Animal shall be provided with an environment suitable for its welfare and comfort.

(5) Spaying of Animals and Confinement during Heat

Unless licensed under this Bylaw to keep a Kennel or as a Hobby Breeder, any person acquiring a female Dog or Cat must have the Animal spayed not later than the date that the Animal turns six (6) months of age. Every person who has the custody or control of an unaltered Animal that goes into heat prior to being spayed shall keep the Animal confined so that it will not attract other Animals and shall have the Animal spayed immediately after the Animal is no longer in heat.

(6) Unsanitary Conditions Prohibited

- (a) No person shall keep an Animal within the Reserve boundaries in an unsanitary condition.
- (b) An Animal is kept in an unsanitary condition where the keeping of the Animal results in an accumulation of fecal matter, in the production of an odour or in an insect or rodent infestation.

(7) Removal of Excrement

Every Owner shall immediately remove excrement left by the Animal on property anywhere within the Reserve boundaries. It shall constitute an offence for the Owner to fail to immediately remove excrement deposited by the Animal upon any part of the Reserve, other than the property allotted to the Owner of the Animal or the property allotted to the person onto which the person in control of the Animal has been invited.

(8) Damage

- (a) Any Owner is guilty of an offence if his or her Dog or Cat causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property.
- (b) It shall be an offence if the Owner of a Dog fails when the Dog is outside the property owned by the Owner, to immediately pick up, and thereafter dispose of, any feces, vomit, or any other waste left by the Dog on said property.

(9) Noise

Every Owner shall comply with the Couchiching First Nation Noise By-law.

(10) Immunization of Animals

- (a) All Animals on the Reserve must be immunized in accordance with generally accepted veterinary standards.
- (b) If any Animal is exposed to rabies the Owner shall, on demand by the Animal Control Officer, surrender the Animal to be held by the Animal Control Officer at the Couchiching Animal Shelter in quarantine for a period of ten (10) days and such Animal shall not be released from such quarantine without the written permission of a veterinarian.
- (c) Any Animal found to be infected with rabies shall be humanely destroyed and the Owner shall bear the full responsibility for any costs incurred.

(11) Limitation of Animals Per Household

Except as may be authorized under Article 9, it shall constitute an offence for an Owner to own or keep more than two (2) domestic Animals on the Reserve.

ARTICLE 5. PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

- (1) The Council may by resolution prohibit the keeping of Animals within any area of the Reserve.
- (2) Notice of any prohibition made by Council pursuant to this Article shall be posted in the administration office of the First Nation and after the date of the posting of such notice, no person shall keep or have an Animal within the prohibited area.
- (3) No person may establish, own or operate an establishment or facility for the boarding, breeding or treatment of Animals within the limits of the Reserve, without a license authorized by resolution of the Council.

ARTICLE 6. REGISTRATION, Licensing and Renewal

6.01 _____ Registration, Licensing and Renewal

- (1) At the time of registering and obtaining a Tag for an Animal every Owner shall provide the Animal Control Officer with:
 - (a) the applicant's name, address and phone number;

- (b) a complete description of the Animal being registered, including name, sex, breed, age, as well as any registration number, tattoos, visible physical ailments and identifying marks or features;
- (c) a record that the Animal is immunized against rabies, noting the date of such immunization, the name of the person immunizing the Animal;
- (d) confirmation of the record of spaying or neutering, or if a female Animal that is not spayed, the written acknowledgement and undertaking of the registrant to have the Animal spayed prior to six (6) months of age;
- (e) the number of Animals in the Household; and
- (f) any other information deemed reasonably necessary by the Animal Control Officer.

6.02 _____ Registration Fee and Tags

The fees for registration and tags shall be paid in accordance with Article 10.

6.03 _____ New Licenses

Every person, upon becoming an Owner of a Dog or Cat that will be kept on the Reserve, shall be required, within thirty (30) days of becoming the Owner, to register and obtain from the Animal Control Officer a Tag for each Dog or Cat he or she owns.

6.04 _____ Resident Dog or Cat Owner

Every Dog or Cat Owner shall register and obtain from the Animal Control Officer a Tag for each Dog or Cat that he or she owns within thirty (30) days from the date of the coming into force of this By-law. Thereafter, the Owner of any Dog or Cat shall renew the Animal's registration and obtain a renewal Tag for each Dog and Cat that the Owner owns in compliance with this By-law. All registrations and tags shall expire one year from the date of issuance, and every Owner of a Cat or Dog shall re-register the Animal and obtain a Tag on or before the anniversary date of issuance each year.

6.05 _____ Failure to Register

It shall constitute an offence for any person who owns a Dog or Cat kept on the Reserve to fail to register the Dog or Cat in accordance with the provisions of this By-law.

6.06 _____ Affixation of Tags

Upon receipt of the registration information and prescribed fee, each Owner shall affix the Tag that has been issued to the collar of the Dog or Cat.

6.07 _____ Replacement of Tags

An Owner may obtain a replacement Tag for any Tag that is lost or destroyed upon payment of the fee set out in Article 10 of this By-law.

6.08 _____ False Tag Display

No Tag shall be transferred or displayed upon a Dog or Cat other than that for which it was issued. It shall constitute an offence for the Owner of a Dog or Cat to display a Tag upon an Animal to which the Tag is not registered.

6.09 _____ Change of Registration Information

Where the Owner of an Animal, other than a Dangerous Animal or Potentially Dangerous Animal, relocates his or her place of residence, or ceases to own the Dog or Cat, he or she shall, within seven (7) days, notify the Animal Control Officer of such change.

6.10 _____ Refusal to Issue/Revocation of Tag

The Animal Control Officer may refuse to issue a Tag, or may revoke a Tag issued to a person who has been or is found guilty of two (2) or more offences under this By-law.

6.11 _____ Age Limit for Person Restraining a Dangerous Animal

It shall constitute an offence for an Owner to permit a Dangerous Animal to be possessed or controlled by a person less than eighteen (18) years of age.

6.12 _____ Refusal to issue a Tag for a Dangerous Animal

The Animal Control Officer shall refuse to register and issue a Tag for a Dangerous Animal with respect to which the Owner is a person under the age of eighteen (18) years.

6.13 _____ Revocation of a Tag issued for a Dangerous Animal

The Animal Control Officer shall immediately revoke a Tag issued to an Owner for an Animal, which has been declared a Dangerous Animal where the Owner is a person under the age of eighteen (18) years.

6.14 _____ Dangerous Animal Owner failing to provide Notification of Change of Status

- (1) It shall constitute an offence for the Owner of a Dangerous Animal to fail to notify the Animal Control Officer within twenty-four (24) hours of:
 - (a) a change of address;
 - (b) A transfer of Ownership of the Dangerous Animal with the name, address and telephone number of the new Owner, who must comply with the requirements of this By-law;
 - (c) the Owner's loss of a Dangerous Animal;

- (d) an attack upon a person or a Domestic Animal; or
- (e) the death of the Dangerous Animal, in which case a Owner is required to give the Animal Control Officer a veterinarian's certificate.

ARTICLE 7. RUNNING AT LARGE

7.01 Failure to Restrain

- (1) It shall constitute an offence for the Owner of an Animal to fail to Restrain the Animal or to cause, permit, or allow the Animal to Run at Large.
- (2) Where it is alleged that a person has allowed his or her Animal to Run at Large, a violation notice alleging the contravention may be issued by the Animal Control Officer.
- (3) Subject to the provisions of this Article, every Animal found Running at Large may be impounded. Where facilities do not allow for the impounding of a particular Animal, the Animal Control Officer may arrange for impounding of the Animal in appropriate facilities outside the Reserve.

7.02 Impoundment

(1) First Occurrences/Licensed Animals

Any Animal found Running at Large with a current Tag shall, where the Animal has not been previously found Running at Large within the current calendar year, be returned by the Animal Control Officer to the Owner at no charge.

(2) Unlicensed Animals

Where an Animal which has no Tag is impounded, and the Owner is unable to show that the Animal is not required to have a Tag pursuant to this By-law, the proof of which shall remain with the Owner, the Owner may, upon proof of Ownership, redeem the Animal upon application and payment of the applicable impoundment fees as set out in Section 10.03 of this By-law. No Animal shall be released unless the appropriate fees have been paid and the Owner has registered the Animal and obtained a Tag for the Animal.

(3) Licensed Animals

Where an Animal, which has a Tag, is impounded and has not been returned to the Owner, the Animal Control Officer shall make a reasonable effort to inform the Owner that the Animal has been impounded. The Animal Control Officer shall also advise the Owner of any conditions or requirements upon which the Owner may regain custody of the Animal.

(4) Impoundment Period

Any Animal seized by the Animal Control Officer shall be impounded in a Shelter, where it shall be provided with the necessities of life. The Animal shall remain impounded for five (5) days unless it is claimed, and if not claimed within that time, the Animal shall be subject to release or destruction in accordance with Subsection (6) of this Section.

(5) Injured Animals

- (a) Upon impoundment, where an Animal is suffering illness or injury, and it is the opinion of a veterinarian that the Animal will not humanely sustain life, it shall be humanely euthanized.
- (b) If, an injured Animal that is seized should be destroyed without delay for humane reasons or for reasons of health or safety to persons or Animals, the Animal Control Officer, or a First Nations Police Officer at the request of the Animal Control Officer, shall humanely destroy the Animal as soon after the seizure as the Officer thinks fit without permitting any person to reclaim the Animal. No damages or compensation may be recovered by the Owner on account of such action.

(6) Placement or Destruction of Animals

Where an Animal has been impounded pursuant to the provisions of this By-law, and has not been claimed after five (5) days have elapsed (excluding the date of the impoundment), the Animal may be released at no charge to a non-profit humane organization which provides the service of co-ordinating Animal placement or adoption, or in the alternative humanely euthanized.

(7) Unable to Seize

Where the Animal Control Officer, after reasonable effort, is unable to seize a Dog that is Running at Large, contrary to the provisions of this By-law, the Animal Control Officer may humanely destroy the Dog. No damages or compensation may be recovered as a result of the destruction of an Animal by the Animal Control Officer.

(8) Fees

With the exception of the first occurrence as set out in Subsection 7.02(1) of this By-law, every Owner shall pay an impound and maintenance fee as set out in Section 10.03 of this By-law together with any medical expenses incurred upon redeeming the Animal from impoundment.

(9) Exemption

An Animal shall not be found to be Running at Large if the Animal is under Control of the Owner and the Animal is in a Designated Area.

ARTICLE 8. DANGEROUS ANIMALS

8.01 _____ Declaring an Animal a Dangerous Animal

- (1) Upon receipt of a written complaint by a resident of the Reserve, the Animal Control Officer will conduct an investigation of the complaint on behalf of Council. If the Animal Control Officer substantiates the complaint, he or she may declare the Animal to be a Dangerous Animal. If deemed necessary, the Animal may be impounded and securely confined in a humane manner on the premises of the First Nation Animal Control Shelter.
- (2) Animals involved in bites should be quarantined for observation in accordance with existing rabies control ordinances. If the Owner cannot produce veterinarian proof of up-to-date inoculations, this period of quarantine must meet the requirements of generally recognized rabies control practices.

8.02 _____ Service of a Declaration

Where an Animal has been declared a Dangerous Animal, pursuant to Section 8.01 of this By-law, the Owner shall be served notice in a registered letter. The Owner shall be provided a copy of the Animal Control Officer's written declaration of the Owner's Animal as a Dangerous Animal, including the definition of a Dangerous Animal under this Bylaw and related penalties and restrictions.

8.03 _____ Appeal of Declaration

Where an Animal has been declared as a Dangerous Animal, the Owner may apply to the Council for a hearing as to whether or not the declaration should be revoked. An application for a hearing shall be filed in writing with the Council within ten (10) business days of the date of delivery of the notice of declaration.

8.04 _____ Review Hearing

- (1) Council may consider the Owner's request for a review of the Animal Control Officer's declaration upon receiving a written request for review from the Owner.
- (2) The Owner shall be provided at least three (3) days written notice of the Council review date and be afforded a reasonable opportunity to speak to Council during the course of the review of the declaration.

- (3) The Council may receive other representations as it deems appropriate from other residents, Health Department personnel, the Animal Control Officer, the police or any other person possessing information material to the review in the opinion of the Council.

8.05 All Factor Considered in Dangerous Animal Declaration

- (1) Except in cases that Severe Injury is inflicted on any person or any domesticated Animal, all relevant factors may be considered by the Animal Control Officer in making a declaration that an Animal is a Dangerous Animal, including the training of the Animal to use excessive force. Exemption shall not be considered if the Animal has been trained to attack in a manner which will violate any other provision of law.
- (2) No Animal may be considered dangerous if threat, injury or damage is sustained by a person who, at the time, was:
 - (a) trespassing upon the premises occupied by the Owner of the Animal, except in the case of inadvertent trespass of children at play, or
 - (b) teasing, provoking, tormenting, abusing or assaulting the Animal, or
 - (c) has, in the past, teased, tormented, abused or assaulted the Animal, or
 - (d) was engaged in the commission of a crime.
- (3) No Animal shall be considered dangerous if the Animal acts to defend an attack from a person or other Animal.
- (4) No Animal shall be considered a Dangerous Animal if it is protecting or defending (erroneously or otherwise) its young or other Animal. The Owner will, however, be held responsible and correspondingly charged if by negligence or by choice he or she allows innocent persons or Animals to be injured by a Dog known to be in the situation where it would feel compelled to protect its young or other Animals. It is the responsibility of the Owner to be knowledgeable of his or her Dog's idiosyncrasies.

8.06 Obligations of Owner of a Dangerous Animal

- (1) Every Owner of any Animal designated as a Dangerous Animal shall be required to:
 - (a) have the Animal registered separately with the First Nation Police;
 - (b) arrange permanent identification of the Animal in the form of a Tattoo or Microchip through a licensed veterinarian to be recorded on Police and First Nation Animal Control records;
 - (c) place a florescent identification Tag on the designated Dangerous Animal to be worn at all times and which is not transferable;

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- (d) pay a license fee of one hundred and fifty—XX/100 (\$150.00) Dollars, annually;
- (e) securely confine the Animal indoors or in an enclosed and locked structure, suitable to prevent entry of young children and designated to prevent the Animal from escaping. Such structure must have minimum dimensions of five (5) feet by ten (10) feet and have secure sides and top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must provide appropriate Shelter for the Animal;
- (f) display a sign on his or her premises warning that there is a Dangerous Animal on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the Owner shall conspicuously display a sign with a symbol warning children of the presence of a Dangerous Animal;
- (g) a Dangerous Animal may be off the Owner's premises if it is muzzled and Restrained by a substantial chain or leash not exceeding two (2) meters in length and under the control of a responsible adult. The Muzzle must fit in a manner that will not cause injury to the Animal or interfere with it's vision or respiration, but will prevent it from biting any person or Animal; and
- (h) the Animal Control Officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provision of this Section, and to seize and impound, and/or humanely destroy, any Dangerous Animal whose Owner fails to comply with the provisions of this By-law.

8.07 _____ Council Authority upon Declaration of a Dangerous Animal

- (1) Council may also order:
 - (a) that a Dangerous Animal be spayed/neutered;
 - (b) that the Owner of a Dangerous Animal provide proof to the Animal Control Officer that he/she has general liability insurance in the amount of at least one hundred thousand—xx/100 (\$100,000.00) Dollars covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the Couchiching First Nation be named as an additional insured for the sole purpose of the Couchiching First Nation to be notified by the insurance company of any cancellation, termination or expiration of the policy; or
 - (c) that the Owner attend classes on responsible care of Animals.

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8.08 _____ Euthanasia Option

If the Owner of a Dangerous Animal is unwilling or unable to comply with this By-law for the keeping of the Animal, the Animal shall be humanely euthanized by a licensed veterinarian, after a fourteen (14) day holding period. No Animal declared a Dangerous Animal under this By-law may be offered for adoption.

ARTICLE 9. REGULATION OF KENNELS AND BREEDING OF ANIMALS

9.01 _____ Kennel Specifics

- (1) Any person owning or operating a Kennel shall comply with this By-law.
- (2) The Kennel building shall conform to the appropriate building codes and be maintained in such a manner as to be safe.
- (3) The Kennel shall be in a building separate from a building or part thereof not directly connected to a building which is or can be used for human habitation.
- (4) The Kennel building shall be such that:
 - (a) the area housing the Animals shall have a floor soundly constructed of hard, durable material which is impervious to Water;
 - (b) every cage or pen used for the housing of Animals shall be constructed so as to provide each Animal with a clean, dry and safe environment;
 - (c) the area housing the Animals shall be maintained in a clean condition suitable for the health, welfare and comfort of every Animal therein;
 - (d) the area housing the Animals shall have a floor drain;
 - (e) the area housing the Animals shall be adequately lighted for a continuous period of at least eight (8) hours in every twenty-four hour period;
 - (f) the area housing the Animals shall be adequately ventilated for the health, welfare and comfort of each Animal; and
 - (g) the area housing the Animals shall at all times be maintained at a temperature suitable for the welfare and comfort of every Animal.

- (5) Where Animals are permitted to be in an outside area from a Kennel, there shall be placed around such area a solidly constructed fence having a height of at least 1.2 metres, provided that the wall of an adjacent building may be included as part of the fenced in area, and further provided that the fenced in area shall not be required where the outside area is restricted to more than sixty (60) metres from all property lines.
- (6) Where a clipping and grooming service is performed, the clipping and grooming shall be carried out in the Kennel building only.
- (7) Every Animal shall be maintained in a cage or pen which enables the Animal to:
 - (a) extend its legs to their full extent;
 - (b) stand;
 - (c) sit;
 - (d) turn around; and
 - (e) lie down in a fully extended position.
- (8) Every Animal shall be supplied with Food of a type and in amounts nutritionally adequate for the Animal.
- (9) Every Animal shall be perpetually supplied with adequate amounts of Water.

9.02 _____ Kennel Registration

- (1) The Owner of a Kennel must pay a fee of One Thousand ~~xx~~/100 (\$1,000.00) Dollars for a licence for the Kennel, and shall not be liable to pay a licence fee for each individual Animal.
- (2) Every application for a licence under this Section shall be accompanied by a report from the Animal Control Officer as to the adequacy of the Kennel premises for the breeding, raising, boarding or keeping of Animals.

9.03 _____ Hobby Breeders

- (1) Hobby Breeder includes any person who intends to keep three (3) or more unaltered registered Animals or Animals eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) for the purpose of breeding to produce Animals for personal use to show and/or train and/or further the bloodline and who may sell excess stock.
- (2) All Hobby Breeders shall pay a fee of One Thousand — xx/100 (\$1,000.00) Dollars for a licence to operate as a Hobby Breeder and shall not be required to register each individual animal.

- (3) Every application for a licence under this Article shall be accompanied by a report from the Animal Control Officer as to the adequacy of the Hobby Breeder's premises for the keeping and raising of Animals.
- (4) Council may revoke any Hobby Breeder's licence issued under this By-law where the premises of the licensee cease, in the opinion of an Animal Control Officer, to be adequate for keeping and raising of Animals, or if the licensee is guilty of repeated violations.
- (5) All Hobby Breeders shall ensure that:
 - (a) Animals are kept in a clean, sanitary environment, both inside and outside;
 - (b) outside facilities include an Exercise area for Animals/cats that is fenced or adequately secured so as not to allow Animals to Run At Large and the surface should be easy to clean and free of Animal waste; and
 - (c) pregnant females have a heated, dry area, free of disturbances to whelp their litter.
- (6) Council may prescribe the terms and conditions of issuance of a license as it deems appropriate.

ARTICLE 10.FEES

10.01 _____Registration (Mandatory)

(1) Dogs

- (a) Registration/License Tag – Twenty — xx/100 (\$20.00) Dollars.
- (b) Where the Dog is neutered/spayed, the fee shall be reduced to Ten — xx/100 (\$10.00) Dollars.
- (c) For each Dog identified with a microchip/tattoo, the fee shall be Ten — xx/100 (\$10.00) Dollars, and where the Dog is identified with a microchip/tattoo, and is also neutered/spayed, there shall be no fee payable.
- (d) Replacement Tags – Five — xx/100 (\$5.00) Dollars.

(2) Cats

- (a) Registration/License Tag – Ten — xx/100 (\$10.00) Dollars.
- (b) Where the Cat is neutered/spayed, the fee shall be reduced to Five — xx/100 (\$5.00) Dollars.

(c) For each Cat identified with a microchip, the fee shall be Five ~~--- xx~~/100 (\$5.00) Dollars, and where the Cat is identified with a microchip, and is also neutered/spayed, there shall be no fee payable.

(d) Replacement Tags - Five ~~--- xx~~/100 (\$5.00) Dollars.

(3) The licence fee payable by a Reserve resident over fifty-five (55) years of age who is the Owner of a Dog or Cat shall be fifty percent (50%) of the licence fee set out in this section.

10.02 Exemptions to 10.01

(1) This section shall not apply to any person who:

(a) produces a certificate from the Canadian National Institute for the Blind showing that the Dog is being used as a guide Dog for a blind person;

(b) produces an identification card issued by Hearing Ear Dogs of Canada showing that the Dog is required for the assistance of a deaf person;

(c) produces evidence in a form showing that the Dog is being used as a police work dog.

10.03 Impoundment Fees

(1) Impounded Animal with a Tag

(a) Pickup Fee

(i) First Time _____	No Fee
(ii) Second time impounded in the current calendar year	\$30.00
(iii) Third time impounded in the current calendar year	\$45.00
(iv) Each successive time impounded in the current calendar year the Pickup Fee goes up by	\$ 5.00

(b) Daily Impound and Maintenance Fee
Applicable to all Animals impounded for each complete or partial day of impoundment after the first day. \$15.00

(2) Impounded Animal Without a Tag

(a) Pickup Fee

(i) First Time _____ Plus Registration Fee _	\$30.00 \$20.00
(ii) At all other times _____	\$45.00

(iii) Each successive time impounded, the above fee goes up by \$ 5.00

(b) Daily Impound and Maintenance Fee
Applicable to all Animals impounded for each complete
or partial day of impoundment after the first day. \$15.00

10.04 Exotic Animals By-Law - List

- (1) The following is a list of Animals the keeping, displaying and selling of which is prohibited on the Reserve
 - (a) All marsupials (such as Kangaroos and Opossums);
 - (b) All non-human primates (such as Gorillas and Monkeys);
 - (c) All felids, except the domestic Cat;
 - (d) All canids, except the domestic Dog;
 - (e) All viverrids (such as Mongooses, Civets and Genets);
 - (f) All mustelids (such as Skunks, Weasels, Otters, Badgers, except the domestic Ferret);
 - (g) All ursids (Bears);
 - (h) All artiodactylus Ungulates;
 - (i) All procyonids (such as Raccoons, Coatis and Cacomistles);
 - (j) All hyaenas;
 - (k) All perissodactylus ungulates;
 - (l) All elephants;
 - (m) All pinnipeds (such as Seals, Fur Seals and Walruses);
 - (n) All snakes of the families pythoidae and boidae;
 - (o) All venomous reptiles;
 - (p) All ratite birds (such as Ostriches, Rheas, Cassowaries);
 - (q) All diurnal and nocturnal raptors (such as Eagles, Hawks and Owls);
 - (r) All edentates (such as Anteaters, Sloths and Armadillos);

- (s) All bats;
 - (t) All crocodilians (such as Alligators and Crocodiles);
 - (u) All venomous arachnids (such as Scorpions and Tarantulas);
- (2) Examples of Animals of a particular prohibited class are given in parentheses. They are examples only and shall not be construed as limiting the generality of the class.

ARTICLE 11.PENALTY FOR OFFENCES

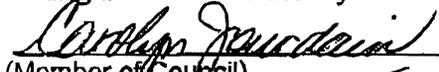
- (1) Except where this By-law provides otherwise every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand—xx/100 (\$1,000.00) Dollars or to imprisonment for a maximum term of thirty (30) days, or to both a fine and imprisonment.
- (2) Where a conviction is entered under this Bylaw, the Court may make an order prohibiting the continuation or repetition of the offence by the person convicted of the offence.
- (3) In addition to any fine, penalty or order prohibiting the continuation or repetition of the offence under this Bylaw, the Council may seek an order of the Court restraining any person from any action prohibited under this Bylaw.

ARTICLE 12.ENACTMENT

By-law Number 5 enacted on the 18th day of April, 1978, and being a By-law to regulate the care and control of dogs on the Reserve, is hereby repealed, effective the date this Bylaw comes into effect.

THIS BY-LAW IS HEREBY ADOPTED AND APPROVED by Resolution of the Council of the Couchiching First Nation present at a duly convened meeting of the Council of the Couchiching First Nation this 17th day of September, 2002.

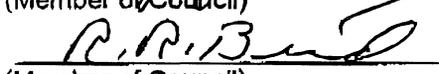
Voting in favour of the By-law are the following members of the Council:



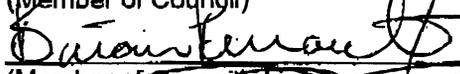
(Member of Council)



(Member of Council)



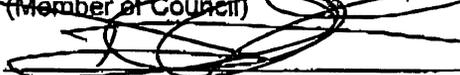
(Member of Council)



(Member of Council)



(Member of Council)



(Member of Council)

being the majority of those members of the Council of the Couchiching First Nation present at the aforesaid meeting of the Council.

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The quorum of the council is 4 members.

Number of members present at the meeting: 5

I, Charles (Chuck) McPherson Chief of the First Nation, 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 District/Regional/Hull office of the department, pursuant to Subsection 82(1) of the Indian Act, this 17th day of September, 2002.

WITNESS:)
as to the signature(s) of:)

Sven Beadle
_____)

Chuck McPherson
_____)
Chief/Councillor