

Enacted: Aug 3/99
 Mailed: Aug 4/99
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**CHIPPEWAS OF KETTLE & STONY POINT
 BY-LAW NO. 17-2
 TO REPEAL AND REPLACE BY-LAW NO. 17 (DOG LICENCING & CONTROL)
 ENACTED ON DECEMBER 10, 1988**

WHEREAS the Chippewas of Kettle & Stony Point Council wishes to pass a by-law pursuant to the Legislative Authority of the Kettle and Stony Point Band Council, to provide for the health of residents on the Lands, the prevention of nuisances, the protection against and prevention of trespass of domestic animals, matters arising out of or ancillary to the exercise of powers under this Legislative Authority of the Kettle and Stony Point Band Council, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Chippewas of Kettle and Stony Point 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 Lands and a nuisance to such residents;

NOW THEREFORE, the Council of the Chippewas of Kettle and Stony Point **HEREBY ENACTS A BY-LAW AS FOLLOWS:**

SHORT TITLE

1 This by-law may be cited as the "Kettle & Stony Point Dog Control By-Law".

INTERPRETATION

- 2
- (1) "Council" means the duly elected Chief and Council for the Kettle and Stony Point First Nation.
 - (2) "Lands" means the geographical area set aside for the use and benefit of the Chippewas of Kettle and Stony Point First Nation.
 - (3) "Dog" means any dog, male or female, more than four months old.
 - (4) "Owner" means any person who possesses or harbours a dog for any period of time, and "owns" or "owned" have a corresponding meaning.

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- 2 (5) "Public place" includes roads, highways, parks, recreation areas, playgrounds, and property or any other place to which the public is customarily admitted.
- (6) "Villainous Dog" means:
- (a) any dog that demonstrates any ferocious, vicious, or aggressive behavior;
 - (b) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;
 - (c) any dog which has been the cause of a prosecution under this by-law within the previous six months where a conviction against anybody had been entered concerning the dog;
 - (d) any dog which has bitten another animal or human without provocation.
- (7) "Animal Control Officer" means an animal control officer appointed pursuant to Section 6, or any by-law enforcement officer and includes an officer of the Kettle and Stony Point Anishinabek Police Services or a person employed by the Council for the purpose of enforcing the provisions of this by-law.

LIMIT ON NUMBER OF DOGS PER HOUSEHOLD

- 3 Except as otherwise provided, no person shall keep, or permit to be kept, in any one household or on any one premise more than two dogs provided that the young puppies thereof may be kept for a period not exceeding four months after birth.

GENERAL PROHIBITIONS

- 4 (1) (a) All dogs of the breeds, Rottweiler, Doberman Pinscher and Strassordshire Bull Terrier, when upon their private premises, are at all times to be tethered, fenced or penned up by the owner.
- (b) Any other dog, where reasonable cause to believe it is a villainous dog, when upon its' private premises, is at all times to be tethered, fenced or penned up by the owner.
- (2) (a) All dogs of the breeds, Rottweiler, Doberman Pinscher and Strassordshire Bull Terrier are at all times to be tethered or held on a leash by a person capable of restraining the dog's movements, when away from their private premises and upon another person's private property or on any public property.
- (b) Any other dog, where reasonable cause to believe it is a villainous dog, is at all times to be tethered or held on a leash by a person capable of restraining the dog's movements, when away from its' private premises and upon another person's private property or on any public property.

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- 4 (3) No owner of a dog shall allow such dog to remain unfed or unwatered as sufficiently long as to either amount to cruelty or to cause the dog to become a nuisance.
- (4) No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- (5) The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.

IMMUNIZATION OF DOGS

- 5 The owner of a dog shall ensure that the dog has been vaccinated yearly for Rabies and Distemper.

ANIMAL CONTROL OFFICER

- 6 (1) The Council may appoint an animal control officer to provide for the enforcement of this by-law.
- (2) The Council may provide for reasonable remuneration to be paid to the animal control officer.

PENALTY

- 7 (1) Any 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 dollars (\$100.00) or to imprisonment for a term not exceeding five (5) days, or to both.
- (2) Each day during which there is a breach of this by-law shall be regarded as a separate and distinct offence and any person who continues in breach of this by-law may be charged for each separate day during the continuation of the offence.

REPEAL

- 8 By-law Number 17, enacted on the 10th day of December, 1988 and being a by-law for the licencing and control of dogs, be and the same is hereby repealed.

Dog Control By-Law

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Chippewas of Kettle & Stony Point dated on this 3rd day of August, 1999.

THAT THIS Council do hereby approve By-Law No. 17-2 regarding Dog Control on the Lands and to repeal and replace By-Law No. 17 enacted on December 10, 1988.

[Signature]
(Chief)

[Signature]
(Councillor)

Peter B. Chudsa
(Councillor)

[Signature]
(Councillor)

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(Councillor)

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(Councillor)

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(Councillor)

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(Councillor)

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(Councillor)

[Signature]
(Councillor)

Quorum: Six (6)

I, Corrinda Jackson (Membership/Estates/Governance), of the Kettle & Stony Point First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian & Northern Affairs Canada at the District Office in Brantford, Ontario pursuant to subsection 82(1) of the Indian Act, this 24 day of August, 1999.

[Signature]
(Signature)

[Signature]
(Witness)