

439292

97/98-01



BAND COUNCIL RESOLUTION
OGIMAKANUK ENENDAM NOWAD

"Original" rec'd.

THE COUNCIL OF THE OGIMAHKANUK	Algonquins of Golden Lake First Nation	
AGENCY	Southern District	'97 APR 14 AM 9 20
PROVINCE	Ontario	
	25 March 97	
DAY - KEJICK - MONTH - GEESIS	AD 19	

DO HEREBY RESOLVE:
ENEIDAMOK

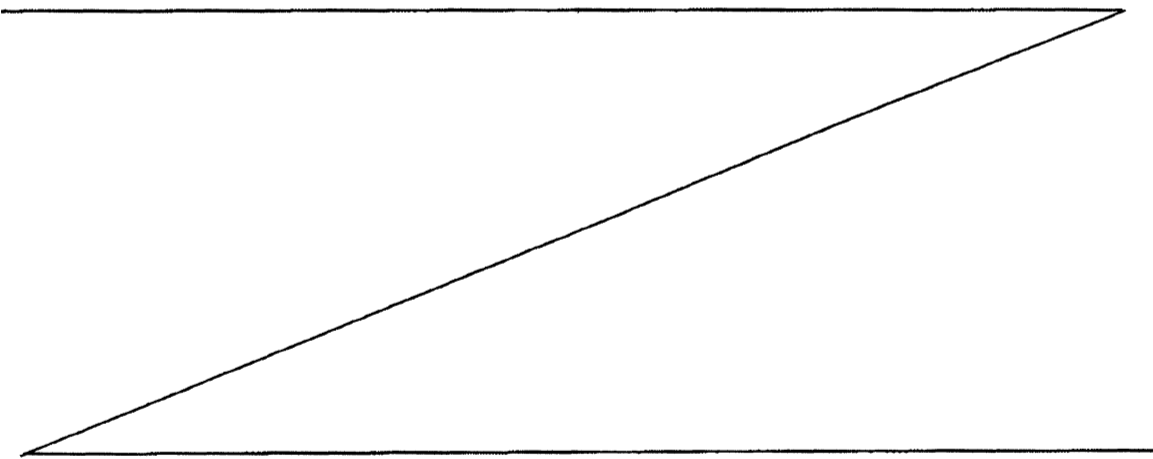
THAT, the Animal Control Law has been developed in accordance with Section 81(1) subsections (a), (d), (e), (o) and (r) of the Indian Act, Revised Statutes of Canada, Chapter I-6.,


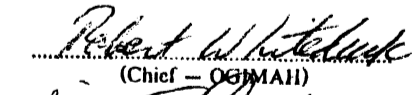

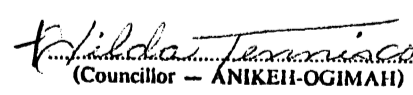

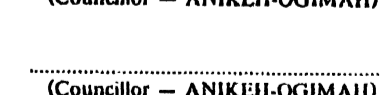
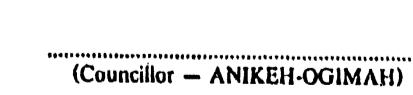

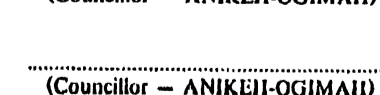
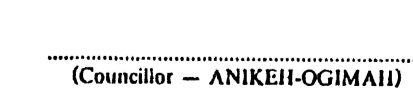
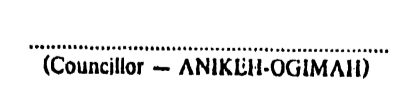
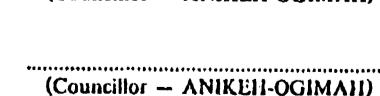
THAT a "Grandfather" clause as follows will apply:

Prior to the Law coming into effect

- Any member who has a rottweiler or a dog/wolf crossbreed, that cannot be registered in accordance with this Law, shall be allowed to register that animal within the first two months of this Law being in effect.
- Any member owning more animals than what the Law allows, shall be allowed to register the animals within the first two months of the Law being in effect.

THEREBY, we pass the "Animal Control Law" attached to take affect April 1, 1997.



 (Councillor - ANIKEH-OGIMAH)	 (Chief - OGIMAH)	 (Councillor - ANIKEH-OGIMAH)
 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)
 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)
 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)	 (Councillor - ANIKEH-OGIMAH)

ALGONQUIN GOLDEN LAKE FIRST NATION ANIMAL CONTROL LAW

The Council of the Algonquins of Golden Lake, at its duly convened meeting of the day of 24th March, 1997, hereby makes the following law pursuant to its powers of government and pursuant to subsections (a), (d), (e), (o), (q) and (r) of Section 81(1) of the Indian Act, Revised Statutes of Canada, Chapter I-6.

Every other or prior Animal Control Law, by-law or provision of the Algonquins Golden Lake is hereby repealed upon the coming into effect of this Law.

This Law shall come into effect when it is approved by the Chief and Council of the Algonquins of Golden Lake.

1. DEFINITIONS:

- (a) **"Animal"** means an animal organism other than a human being.
- (b) **"Breeding"** means to keep animals for the purpose of producing pure breed offspring animals.
- (c) **"Running at Large"** in respect of any animal, means a situation in which the animal is not on the property of the owner of the animal, is not tethered to a stationary object or under the control of a competent person and on a leash.
- (d) **"Dog"** means any animal, of the genus *Canis*, including domestic dogs and dogs which have been crossed with wolves or coyotes.
- (e) **"Exposed to rabies"**, means an animal has been bitten by any animal known to have rabies or suspected of having rabies, or it is reasonably suspected of having been bitten by such an animal.
- (f) **"Kennel"** means a place where dogs are bred, sheltered, boarded, or trained.
- (g) **"Owner"** means a person who owns an animal, has care and control of an animal, possesses or harbours an animal. "Owns" has a corresponding meaning. Where the owner is a minor, the person responsible for the custody of the minor is, for the purposes of this law, the "owner" of the animal.
- (h) **"First Nation"** in respect to this Law, means the Algonquins of Golden Lake First Nation Indian Reserve No. 39.
- (i) **"Villainous Animal"** means any animal which had demonstrated vicious, ferocious or aggressive behaviour, or which has bitten or attacked another animal or a person.

2. APPOINTMENT OF ANIMAL CONTROL OFFICER

- 2.1. The Council may appoint one or more persons to be an Animal Control Officer pursuant to this law.
- 2.2. The Council may set the remuneration to be paid to any Animal Control Officer and may authorize its officers to enter into a contract for animal control.

3. REGISTRATION OF ANIMALS

- 3.1 Any person keeping, owning, or harbouring any animal on the First Nation shall register that animal with the Animal Control Officer. Unregistered animals shall not be allowed on the First Nation.
- 3.2. The Animal Control Officer shall maintain an Animal Register in which the applications for registration of all animals shall be kept.
- 3.3. The application for registration of an animal shall be filed with the Animal Control Officer and shall state:
 - (a) The applicant's name;
 - (b) The applicant's address and lot number;
 - (c) A description of the animal including age, gender and breed;
 - (d) The number of animals already present in the household.;
 - (e) In the case of an animal which is susceptible to rabies, proof that it has been immunized, (i.e. dogs, cats);
 - (f) Any other information deemed by the Animal Control Officer to be necessary for the proper administration of the law.
- 3.4. The owner of any animal, in addition to the initial registration required in paragraph 3.1 of this law, shall cause the animal to be registered annually. The registration shall take place between April 1 and May 15 of each year.
- 3.5. The Animal Control Officer, upon the registration of a dog, shall issue the owner of the dog an identification tag to be placed around the neck of the dog.
- 3.6. The Animal Control Officer shall not register any dog of the following breeds or categories:
 - a) Pit Bull
 - b) Rottweiler
 - c) Dog/Wolf Crossbreed
 - d) Villainous dog

- 3.7. The fee for the annual registration of a dog shall be five dollars.
- 3.8. In the event that an identification tag is lost, the owner of the dog whom the tag was issued may obtain a duplicate tag from the Animal Control Officer upon payment of a fee of two dollars (\$2.00)
- 3.9. No more than two dogs and two cats shall be kept at any dwelling on the First Nation.
- 3.10. The registration provisions of the law, and Paragraph 3.9 do not apply to any animals less than four months of age.
- 3.11. The registration provisions of this law shall not apply to any animal belonging to a person who is not a resident of the First Nation, where the animal is kept on the First Nation for no longer than thirty days, and is kept at all times within a building, within a vehicle, or under restraint by its owner or some other competent person.
- 3.12. If there is a change of ownership of any dog during the registration year, the new owner may have the current registration transferred to his name upon payment of a transfer fee of one dollar (\$1.00).
- 3.13. No person shall use an identification tag for any dog other than the dog for which the tag has been issued.
- 3.14. Every person who owns, operates or conducts a kennel shall pay the First Nation two dollars (\$2.00) per tag, per year, providing always that such tags will be for a specified dog.

4. DESIGNATION OF POUND

- 4.1. The Council may designate any place to be the Animal Pound for the purposes of the Law.

5. ENTERING PRIVATE PROPERTY

- 5.1. The Animal Control Officer shall not enter private property to apprehend or destroy any animal without the consent of the owner of the private property.

6. APPREHENSION OF ANIMALS RUNNING AT LARGE

- 6.1. It shall be the duty of the Animal Control Officer to apprehend any animal running at large on the First Nation.

6.2. An animal which is on the private property of its owner shall not be considered as running at large for the purpose of this law.

6.3. The Animal Control Officer, in apprehending any animal which is running at large, shall make every effort to avoid any harm to the animal.

7. APPREHENSION OR DESTRUCTION OF VILLAINOUS ANIMALS

7.1. The Animal Control Officer may apprehend or destroy any animal which has attacked or injured any person or which he finds damaging property.

7.2. Any person may apprehend or destroy any animal that is in the act of pursuing, attacking, injuring, or killing any person or any domestic animal.

7.3. The Animal Control Officer shall only destroy an animal pursuant to this section if in his opinion, the animal continues to be a danger to people and the animal cannot be safely apprehended.

7.4. In destroying an animal pursuant to this section, the Animal Control Officer shall act humanely and shall not cause the dog any undue suffering.

7.5. Nothing in this law shall prevent the owner of private property from humanely apprehending any animal which has entered his property.

7.6. Where an owner of private property apprehends an animal which has entered his private property, he may deliver that animal into the custody of the Animal Control Officer and, from the time of delivery, this law shall apply as if the animal has been apprehended by the Animal Control Officer.

8. ABUSE OR ILL-TREATMENT OF ANIMALS

8.1. The provisions of the Criminal Code of Canada with respect to abuse or ill-treatment of animals shall apply to the First Nation.

8.2. The Animal Control Officer may seize any animal which has been abused or starved.

9. ANIMALS EXPOSED TO RABIES:

9.1. The Animal Control Officer may apprehend or destroy any animal which has been exposed to rabies.

9.2. The carcass of any animal which has been exposed to rabies shall upon demand, be surrendered to the Animal Control Officer.

9.3. The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

9.4. A person who fails or refuses to surrender any animal exposed to rabies or the carcass of any animal exposed to rabies for quarantine or destruction pursuant to this law is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars.

10. IMPOUNDMENT OF ANIMALS

10.1. An animal which has been impounded shall remain under the control of the Animal Control Officer until it is released or destroyed.

10.2. The Animal Control Officer shall keep an animal which has been impounded for at least three (3) days after it has been apprehended.

10.3. After three (3) days have passed since the impoundment of an animal, the Animal Control Officer shall either:

- a) hold the animal until released to the owner;
- b) give the animal away to a suitable home;
- c) sell the animal; or
- d) destroy the animal.

10.4. No damages or compensation may be recovered by an owner on account of the apprehension, impoundment or disposition of any animal by an Animal Control Officer under this Law.

10.5. Where an animal has been impounded because it has without provocation, bitten or attacked a person or animal, the Animal Control Officer may impound the animal for a period specified by a veterinarian.

11. RELEASE OF IMPOUNDED ANIMAL

11.1. When an animal has been apprehended or killed by the Animal Control Officer, the Animal Control Officer shall make diligent efforts to contact the owner of the animal.

11.2. The owner of an impounded animal may secure the release of the animal by paying the impoundment fee.

11.3. The impoundment fee shall be set by the Council and shall consist of a basic fee for the apprehension of the animal plus a daily fee based on the expense of maintaining the pound and caring for the animal.

11.4. The Animal Control Officer may release an animal to the animal's owner, if prior arrangements are made to pay the impoundment fee and fine.

12. DESTRUCTION OF IMPOUNDED ANIMALS

12.1. An impounded animal which is to be destroyed pursuant to this law shall be destroyed in a humane manner.

12.2. The owner of an animal which has been destroyed pursuant to this law shall, if he has been given notice of the impoundment of the animal, be liable for any impoundment fee plus a set fee for the destruction of the animal.

12.3. The fee for the destruction of animals pursuant to this law shall be set by the Council.

12.4. The owner of an animal which has been destroyed by the Animal Control Officer pursuant to Paragraph 7.1., 7.2 or 9.1. of this law shall be liable to pay for the same fee as if the animal had been destroyed in the pound, but shall not be liable for any impoundment fees unless the animal has actually been impounded.

12.5. Notwithstanding Paragraph 10.2 of this Law, where, in the opinion of the Animal Control Officer, an animal that has been impounded should be destroyed without delay for humane reasons or for reasons of safety, the Animal Control Officer may destroy the animal as soon after it has been impounded as he thinks fit without permitting any person to reclaim the animal. In such cases, the Animal Control Officer shall still make reasonable efforts to contact the owner of the animal before taking action to destroy the animal.

13. OBJECTION TO IMPOUNDMENT

13.1. Any person who feels that a animal was improperly or unlawfully impounded has the right to object to the impoundment by giving notice of objection in writing to the Manager, Lands, Estates and Membership. The notice of objection shall be in writing and shall briefly state the reasons for the objection.

13.2. The Manager, Lands, Estates and Membership shall immediately notify the Animal Control Officer of the notice of objection.

13.3. The Animal Control Officer, upon being notify of a notice of objection, shall either:

- a) release the animal into the custody of its owner, or
- b) keep the animal impounded until the objection is dealt with.

- 13.4. Once a notice of objection has been delivered to the Manager, Lands Estates and Membership, the Animal Control Officer shall not destroy any impounded animal which is the subject of the notice of objection unless ordered to do so by a veterinarian.
- 13.5. Any person may deliver to the Manager, Lands, Estates and Membership a notice of objection with respect to impoundment fees or with respect to a fee for the destruction of an animal, and all proceedings for the collection of such fees will be suspended until the objection is dealt with.
- 13.6. Objections registered pursuant to this law shall be heard by three Judges appointed by Chief and Council to hear objections or appeals on Laws established by the Chief and Council.
- 13.7. In the hearing of any objections pursuant to this law, the person making the objection and the Animal Control Officer shall be present and shall have the right to introduce relevant evidence, either through witnesses or otherwise. The Judges shall carefully hear both sides of the matter, and shall carefully weigh the evidence before making any decisions.
- 13.8. In dealing with any objection pursuant to this law, the Judges may:
- a) order that the animal be released to its owner or to any other person the Judges may designate;
 - b) order whether any fee shall be paid by the person making the objection or by the owner of the animal, and may set the amount of the fee to be paid; or
 - c) order the destruction or other disposal of the animal.

14. WILD ANIMALS

- 14.1. No wild animal may be kept on the First Nation except under such conditions as shall be fixed by the Council.
- 14.2. The Council may prescribe that the same rules that apply to dogs pursuant to this Law shall apply to any wild animals kept on the First Nation.

15. DISTURBANCE

- 15.1. No owner shall permit an animal to bark, yelp, growl, howl or otherwise annoy or disturb the peace of residents of the First Nation.

16. COLLECTION OF IMPOUNDMENT FEES

- 16.1. Fees owed pursuant to this law shall be considered as moneys owed to the Algonquins of Golden Lake and may be set off against any money payable by the Algonquins of Golden Lake to the person owing the fees.
- 16.2. Where a person owes fees pursuant to this law, the Council or the Executive Director may direct that non-essential services provided by the Algonquins of Golden Lake to that person, other than service provided pursuant to a contract with that person, may be suspended until the fees are paid.

17. OFFENCES AND FINES

- 17.1. A person who allows a dog to run at large is guilty of an offence and is liable on summary conviction to a fine of not more than three hundred dollars, in addition to the impoundment fee pursuant to this Law.
- 17.2. Where a dog has been permitted to run at large and the dog damages property or injures any person, the owner of the dog, in addition to any fees payable pursuant to this Law is guilty of an offence and is liable on summary conviction to a fine of not more than one thousand dollars.
- 17.3. A person who obstructs an Animal Control Officer in the execution of his duty under this Law is guilty of an offence and is liable on summary conviction to a fine of not more than one thousand dollars.
- 17.4. Except on his own property, the owner of an animal who fails to immediately pick up and dispose of any waste, feces or vomit left by the animal is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.
- 17.5. A person who keeps an unregistered animal on the First Nation in contravention of this Law is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.
- 17.6. A person who allows his animal to disturb other persons in contravention of this law is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.
- 17.7. A person who contravenes this law in a manner for which no specific penalty is provided is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars.