

**Skway First Nation
By-law No. 2001-01
Being a By-law Respecting the Care and
Control of Animals on the Reserve.**

WHEREAS section 81, paragraph (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 the reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to, 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 Skway 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 such residents;

THEREFORE, the Council of the Skway First Nation enacts this Animal Control By-law, Number 2001-01, as follows:

PART 1 - GENERAL

SHORT TITLE

1. This by-law may be cited as the "Skway First Nation Reserve Animal Control By-law".

INTERPRETATION

2. In this by-law

"**Animal**" means a dog, a cat, or any other domestic animal;

"**Animal Control Officer**" means an animal control officer, appointed pursuant to section 3, or any by-law enforcement officer, including a police officer or a person employed by the band council for the purpose of enforcing the provisions of this by-law.

"**Animal Register**" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve.

"**Band**" means the Skway First Nation, as defined by Section 2 of the *Indian Act*;

"Council" means the Council of the Skway First Nation, as defined in the *Indian Act*;

"Cat" means any cat, male, or female;

"Dog" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;

"Dwelling" means each 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.

"Impounded" means seized, delivered, received, or taken into the pound;

"Medical Officer of Health" means the medical officer of health so appointed by band council resolution;

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

"Owner" of an animal includes a person who possesses or harbours an animal, and the terms "owns" and "owned" have a corresponding meaning;

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

"Reserve" means the Skway First Nation.

"Vicious dog" includes

- (a) Any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) Any dog that an animal control officer, upon reasonable and probable grounds, believes to be a vicious 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 that specific dog;
- (d) Any dog which has bitten another animal or human without provocation.

APPLICATION

3. This by-law applies to all owners of domestic animals residing or visiting on the Skway First Nation.

PART II - ADMINISTRATION

ANIMAL CONTROL OFFICER

4. .1 The Council may appoint, by band council resolution, 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 the band council resolution, provide for reasonable remuneration to be paid to the animal control officer.

REGISTRATION AND IDENTIFICATION OF ANIMALS

5. .1 An application for a license under this by-law shall be made, applying in the form of a Schedule "A" to the Animal Control Officer or Band Office.
- .2 Upon receipt of the prescribed application fee, as set out in Schedule "B", the Animal Control Officer or Band Office shall issue a tag bearing a number and the current year.
- .3 Every license and corresponding license tag issued under this by-law:
 - (i) Expires on the thirty-first day of December of the year in which it issued; and
 - (ii) Is valid only in respect of the dog for which it is issued;
- .4 The person to whom a license is issued under this by-law, while the license is valid and subsisting, shall affix the corresponding licence tag to a collar or harness worn at all times by the dog for which the license is issued;
- .5 Where a license or tag is lost or destroyed, the person to whom the original license was issued, may, by paying the fee prescribed in Schedule "B" and applying in form of Schedule "A", apply for a replacement license or tag.
- .6 A person who has obtained a license in the prescribed manner for an unneutered or unspayed dog over the age of five (5) months, may before the expiration of the license period, and upon presenting a certificate in writing from a licensed and qualified veterinarian certifying that the dog for which the said license was issued has been neutered or spayed, will be entitled to a seventy-five percent (75 %) refund on their license payment for that calendar year.

IMMUNIZATION OF ANIMALS

6. All animals on the reserve must be immunised in accordance with generally accepted veterinary standards.
7. The owner of any animal exposed to rabies shall, on demand by the Band council, surrender such animal to the band council to be held by the animal control officer in quarantine for a period of 14 days and such animal shall not be released from such quarantine without the written permission of the medical officer of health.

8. Upon demand of the band council, the owner of any animal shall forthwith surrender to the animal control officer any animal, which has bitten any person or which, has been exposed to rabies to be held in quarantine at the discretion of the medical health officer.
9. Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the owner's expense.

LIMITATION ON ANIMALS PER DWELLING

10.1 No more than two (2) domestic animals shall be kept, harboured or possessed in any dwelling;

.2 The provisions of subsection 10.1 shall not apply to dog or cat litters, whereby the pups or kittens are under four (4) months of age.

GENERAL PROHIBITIONS

11.1 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 11.1 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 used by a visually impaired person as a guide dog.

.3 No owner shall allow a female animal in heat to remain in any public place unless the animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.

.4 The owner of an animal who fails to take all necessary measures to ensure that such dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.

.5 The owner of a dog that causes damage to any property including moveable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.

.6 The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter

dispose of, any feces, vomit, or any other waste left by the dog on the said property.

12. No owner shall allow his dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.
13. No person shall punish or abuse a dog in a manner that is cruel or unnecessary.
14. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.

PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

15.1 The Council may at any time prohibit the keeping of animals within any area of the reserve.

.2 Notice of any prohibition made by council pursuant to subsection 15.1 shall be posted in the band office 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 or treatment of animals within the limits of the reserve, without express written authorization to that effect from the band council, by way of band council resolution.

VICIOUS DOGS

16. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
17. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
18. On private property, a vicious dog shall be kept on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and/or to prevent the entry of children.

IMPOUNDING AND SEIZURE

19.1 No owner shall permit a dog to be at large on the reserve;

.2 An animal found at large on the reserve may be impounded for not less than five (5) days and, after notifying the owner, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid.

20.1 An animal control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

.2 If an animal is apprehended because it has inflicted an unprovoked attack upon an animal or human person, the animal control officer shall impound the animal for such period of time as specified by a veterinary surgeon.

.3 Subject to subsection .6, an animal control officer who has seized a dog pursuant to subsection .1 shall release the dog to its owner where:

- (a) the owner claims possession of the dog within five (4) days after the date of seizure, and;
- (b) the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog as listed in Schedule "B" hereto attached;
- (c) the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.

.4 Where a dog has not been reclaimed within five (5) days after seizure, pursuant to subsection (3), and notification has been given to the owner, the animal control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of such an animal.

.5 The animal control officer shall seek veterinary attention for an animal found to be diseased, whereby the owner has declined, failed or neglected to do so; in addition, any fee arising from the provision of such veterinary care shall be a charge against the owner of the animal.

.6 Whereby, a dog is seized which is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals, the animal control officer shall destroy the dog as soon after the

seizure as the officer thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.

.7 The band council shall forthwith make every reasonable effort to notify the owner of an animal that has been impounded.

.8 Subject to the provisions of this by-law the owner of an impounded dog may reclaim the same on application to the Animal Control Officer or Band Office and no proof of ownership and payment of the fees prescribed in Schedule "B".

.9 A written report of each such incident, as described in this section, shall be filed with the Band Council by the Animal Control Officer.

ANIMAL DESTROYED IF UNABLE TO SEIZE

21.1 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 officer may destroy the dog.

.2The Animal Control Officer pursuant to subsection (1) may recover no damages or compensation as a result of the destruction of a dog.

PROTECTION FROM VICIOUS DOGS

22.1 A person or animal control officer may kill, if necessary, a vicious dog which 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;
- (c) a food cache, harness or other equipment; or
- (d) domestic livestock.

.2 A person or animal control officer who must kill a vicious dog, pursuant to section 22.1, shall immediately report the incident to the Band Council or animal control officer and notify the dogs' owner.

.3 No damages or compensation may be recovered as a result of killing a dog by a person or animal control officer who is required to do so pursuant to section 22.1.

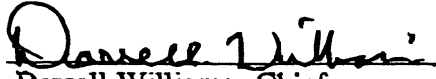
PENALTY

23.1 Every person who contravenes any of the provisions of this by-law, or who allows or permits any act or thing to be done in violation of any provisions of the by-law, or neglects to or refrains from doing anything required to be done by any provision of this by-law, is guilty of an offence against this by-law and is liable to the penalties imposed under this by-law and each day that a violation continues to exist is deemed a separate offence against this by-law.

.2 Every person who commits an offence against this by-law shall be liable on summary conviction to a fine not to exceed one thousand dollars (\$1,000.00) as set out in Schedule "A" or imprisonment or to both a fine and imprisonment, not exceeding the maximum allowed.

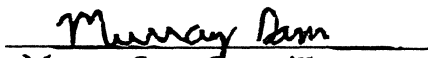
Received first reading on the 17th day of October, 2001
Received second reading on the 17th day of October, 2001
Received third reading on the 17th day of October, 2001

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Skway First Nation this 8th day of January, 2002. Voting in favour of the by-law are the following members of the Council:


Darrell Williams, Chief


Leonard Corpuz, Councillor


Tina Rabang, Councillor

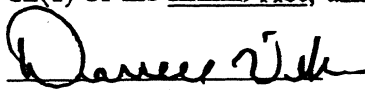

Murray Sam, Councillor

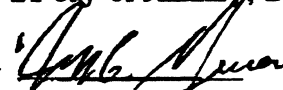
Being the majority of those members of the Council of the Skway First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three (3) members.

Number of members of the Council present at the meeting: 4

I, Darrell Williams, Chief of the Band, 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 Regional office of the department pursuant to subsection 82(1) of the Indian Act, this 21 day of January, 2002.


Darrell Williams, Chief


(Witness)

**SKWAY FIRST NATION
BY-LAW 2001-01
SCHEDULE "A"**

APPLICATION FOR A DOG LICENSE

DATE OF REGISTRATION: (mm/dd/yy) _____

OWNER'S NAME (in full): _____

MAILING ADDRESS: _____

CIVIC ADDRESS (if different): _____

HOME PHONE NO: _____ WORK NO: _____

DOG'S NAME: _____ AGE: _____ SEX: _____

NEUTERED/SPAYED (Y/N): _____

ARE YOU APPLYING FOR A REPLACEMENT LICENSE TAG? (Y/N): _____

BREED: _____

DESCRIPTION (colour, size, etc): _____

For Office Use Only

LICENSE NO: _____ FEE PAID: _____

DATE ISSUED: _____

ISSUED BY: _____

**SKWAY FIRST NATION
BY-LAW 2001-01
SCHEDULE "B"**

DOG LICENSE AND OFFENCE FEE SCHEDULES

LICENSE FEES:

UNNEUTERED MALE.....	\$40.00
UNSPAYED FEMALE.....	\$40.00
NEUTERED MALE.....	\$10.00
SPAYED FEMALE.....	\$10.00
UNDER FIVE (5) MONTHS.....	\$ 5.00
REPLACEMENT TAG.....	\$ 5.00

IMPOUND/OFFENCE FEES:

LICENSED DOG - FIRST OFFENCE.....	\$30.00
LICENSED DOG - SECOND OFFENCE.....	\$60.00
LICENSED DOG - THIRD OFFENCE.....	\$90.00
UNLICENSED DOG - FIRST OFFENCE.....	\$60.00
UNLICENSED DOG - SECOND OFFENCE.....	\$90.00
UNLICENSED DOG - THIRD OFFENCE.....	\$120.00
ANY DOG - FOURTH AND SUBSEQUENT OFFENCE	\$150.00
VICIOUS DOG, ANY OFFENCE.....	\$250.00