

**By -Law No. 1997-02
of the Metlakatla Band
BEING A BY-LAW RESPECTING THE CONTROL OF DOGS ON RESERVE.**

Whereas Section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the council of a 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 Metlakatla Band is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health and safety of the residents on the reserve, and a nuisance to such residents;

THEREFORE , the Council of the Metlakatla Band hereby makes the following by-law:

Title

1. Metlakatla Band Dog Control By-law

Interpretation

2. In this by-law

“Council” means the Council of the Metlakatla Band as defined in the Indian Act;

“dog” means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;

“muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything;

“ officer” means any Police officer, police constable or other person charged with the duty of appointed dog catcher;

“owner” of a dog includes a person who posses or harbors a dog;

“ at large” or “running at large” means off the premises of the owner and not under the control of any person;

“reserve” means the Metlakatla Reserve ,IR#2

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 visually impaired person as a guide dog.

(3) No owner shall allow his dog to remain unfed or unwatered as sufficiently long either to amount 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 it is cruel or unnecessary.

(5) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents of the reserve

(6) No owner shall permit a female dog in heat to be off the owner’s premises.

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(7). (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 Band office and community bulletin board and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.

(8) Each household is limited to two dogs per household

(9) Each dog must be licenced :

Licence Fees:

Licence fees are payable to the Band Administration office no later than March 31st of each year

Licence Fees:

(a) \$20.00 for a neutered male dog, a certificate of neutering signed by a veterinarian must be produced.

(b) \$20.00 for a female dog that has had a ovario-hysterectomy, a signed certificate by a veterinarian must be produced.

(c) \$40.00 for a male dog that is not neutered.

(d) \$60.00 for a female dog that has not had a ovario-hysterectomy.

Seizure

4.(1) An officer may seize a dog from any person whom the officer has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

(2) Subject to sub section (4), an officer who has seized a dog pursuant to subsection (1) shall restore possession of the dog to it's owner where:

(a) the owner claims possession of the dog within five days after the date of seizure and;

(b) the owner pays all expenses incurred in securing , caring for and feeding the dog, and;

(3) Where a dog has not been reclaimed within five days after seizure pursuant to subsection (2), the officer 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 officer.

(4) Where, in the opinion of the officer , a dog seized under this section is injured, diseased, or should be destroyed with out delay for humane reasons or for reasons of health or safety, the officer shall destroy the dog as soon after seizure as he thinks fit and no damages or compensation may be recovered as a result of the destruction of a dog by the officer.

Destruction Where Unable To Seize

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

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

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

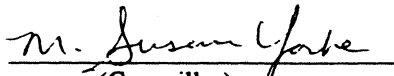
Penalty

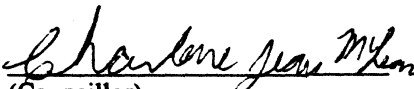
7. Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine of not more than five hundred dollars or imprisonment for a term not exceeding thirty days, or both.

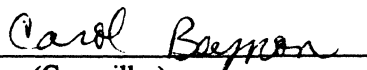
THIS BY-LAW IS HEREBY ENACTED by the Council of the Metlakatla Band present at the aforesaid meeting of Council.


The quorum of the Band Council is four members. Number of members of the Band Council present at the meeting 07.


(Councillor)


(Councillor)


(Councillor)

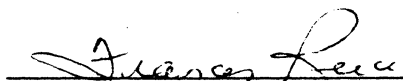

(Councillor)


(Councillor)


(Councillor)

I Harold Leighton Chief Councillor of the Metlakatla 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 pursuant to subsection 82(1) of the Indian Act, this day of 26-09 1997.


(Chief Councillor)


(Witness)