

BY-LAW NO. 0003-12

# CHEMAWAWIN CREE NATION



## DOG CONTROL BY-LAW

# **CHEMAWAWIN CREE NATION DOG CONTROL BY-LAW**

**By-Law No. 0003-12**

**Being a By-Law Respecting the Control of Dogs on  
Chemawawin Cree Nation Reserves 1, 2, and 3**

**WHEREAS** section 81, paragraphs (a), (d), (e), (q) and (r), of the Indian Act empowers the Council of a Band to make and pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of 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 Chemawawin Cree Nation 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;

**AND WHEREAS** a majority of the electors of Chemawawin Cree Nation in attendance at a Public Meeting held on **October 24, 2012** called by Chief and Council have assented to the contents of this by-law;

**THEREFORE**, the Council of Chemawawin Cree Nation enacts this Dog Control By-Law as follows:

# PART 1- GENERAL

## SHORT TITLE

1. This by-law may be cited as the “Dog Control By-Law”

## INTERPRETATION

2. In this by-law

“**Animal**” means a Dog;

“**Dog Control Officer**” means and Dog Control Officer, appointed pursuant to section 3, or any by-law enforcement officer, including a police officer or a person employed by Chemawawin Cree Nation for the purpose of enforcing the provisions of this by-law;

“**Dog Register**” means the register kept by the Dog Control Officer for the purpose of maintaining a filing system to ensure that all Dogs have been tagged and immunized by Owners;

“**Band**” means Chemawawin Cree Nation, as defined by Section 2 in the Indian Act;

“**Council**” means the Council of Chemawawin Cree Nation, as defined in the *‘Indian Act’*;

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

“**Dwelling**” means each single unit home being 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;

“**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 Chemawawin Cree Nation Reserve(s) No.1, and No. 2, and No. 3.

**“Vicious Dog”** includes

- (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 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 dogs residing or visiting on Chemawawin Cree Nation Reserve(s) No. 1, and No. 2, and No. 3.

## **PART II - ADMINISTRATION**

### **DOG CONTROL OFFICER**

4. (1) The Chemawawin Cree Nation Council may appoint, by Band Council Resolution, a Dog Control Officer to provide for administration and enforcement of this by-law and more specifically to receive copies of tagged registrations and to keep on file such copies of tagged registrations under this by-law.

(2) The Chemawawin Cree Nation Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the Dog Control Officer.

## **TAGGING AND IDENTIFICATION OF DOGS**

5. It will be the responsibility of every person keeping one or more Dogs to have an identification tag placed on each animal.

6. It will be the responsibility of every Owner to ensure that copy (s) of the identification tags are filed with the Dog Control Officer.

7. It will be the responsibility of every Owner to ensure that every Dog in the household is tagged and immunized against rabies, and that a copy(s) of the immunization records are filed with the Dog Control Officer.

8. It will be the responsibility of the Dog Control Officer to maintain a filing system with copies of the tagged and immunized Dogs, which are proof that the Owners have complied with this by-law.

## **LIMITATION ON ANIMALS PER DWELLING**

9. (1) No more than three (3) Dogs shall be kept, harbored or possessed per dwelling;

(2) The provisions of subsection 13 (1) shall not apply to dog litters, whereby pups are under four (4) months of age.

(3) The provisions of subsection 13 (1) shall not apply where permission is granted to operate a facility under subsection 18 (3)

## **IMMUNIZATION OF ANIMALS**

10. All Dogs on the reserve must be immunized in accordance with generally accepted veterinary standards at each Owners expense.

11. The Owner of any Dog exposed to rabies shall, on request by the Chemawawin Cree Nation Council through enforcement of the Dog Control Officer, surrender such animal to a veterinary clinic, at each owners expense, and that the animal be held in quarantine as recommended by a veterinarian and that the Dog shall not be released from such quarantine without the written permission of the veterinarian. Copies of the release form shall be filed with the Animal Control Officer to ensure that Owners have complied with the recommendations of the veterinarian and the said by-law.

12. Upon request of the Chemawawin Cree Nation Council through enforcement of the Dog Control Officer, the Owner of any Dog which has bitten any person or which has been exposed to rabies is to be held in quarantine at a recognized veterinary clinic at the discretion of a veterinarian, at the Owners expense.

13. Any animal found to be infected with rabies shall be handed over to the Dog Control Officer who will ensure that the Dog is humanely destroyed, at the Owners expense.

## GENERAL PROHIBITIONS

14. (1) Subject to subsection (2), every Owner of a Dog shall keep the dog safely tethered or penned up at all times.

Dog: (2) A Dog need not be tethered or penned up as provided in subsection 14 (1) if the

(a) is held on a leash by a person capable of restraining the dog's movement;

(b) is being used by a person for the purpose of hunting; or

(c) is being used by a person to work in a lawful manner with sheep or cattle; or

(d) is used by visually impaired person as a guide Dog.

(3) No Owner shall allow a female Dog 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.

(4) The Owner of a Dog 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 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.

(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.

15. No owner shall allow his/her Dog to remain unfed or without water whereby it either amounts to cruelty or causes the Dog to become a nuisance.

16. No person shall punish or abuse a Dog in a manner which is cruel or unnecessary.

17. 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**

18. (1) The Chemawawin Cree Nation Council may at any time prohibit the keeping of Dogs within any area of the reserve.

(2) Notice of any prohibition made by Chemawawin Cree Nation Council pursuant to subsection 18 (1) shall be posted in the Band Office or other conspicuous places within the Cheawawin Cree Nation Reserve 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 Chemawawin Cree Nation Council, by way of a Band Council Resolution.

## **VICIOUS DOGS**

19. Any Owner of a vicious Dog or aggressive Dog must post a clearly visible sign notifying the public.

20. At all times, a vicious Dog must be muzzled and kept on a leash whenever it is in or on public places.

21. On private property, a vicious Dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the Dog and/or to prevent the entry of children.

## **IMPOUNDING AND SEIZURE**

22. (1) No Owner shall permit his/her Dog to be at large on the reserve.

(2) If a dog is caught and impounded, the owner will receive a warning and charged impound fees on the 1<sup>st</sup> offense; if the same dog is caught a second time the owner will be charged with a \$50.00 fee including the impound fees, to offset costs of impoundment and maintenance.

(3) The cost for impounding shall be set at \$10.00 per day and an animal found at large on the reserve may be impounded for not less than five (5) days; if a dog is unclaimed after the five days, the animal maybe humanely destroyed or otherwise disposed of.

23. (1) A Dog 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 another animal or human person, the Dog Control Officer shall impound the animal for such period of time as specified by a veterinarian.

(3) Subject to subsection (6), a Dog 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 (5) days after the date of seizure, and;

(b) the Owner pays to the Dog Control Officer all expenses incurred in securing, caring for, and feeding the Dog as listed in Schedule "A" hereto attached;

(c) the Owner has verified that the identification tag matches with that registered in the records maintained by the Dog 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 Dog Control Officer may humanely destroy or dispose of the Dog where a veterinarian so directs and no damages or compensation may be recovered as a result of the destruction or disposal of the Dog.

(5) The Dog 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 Dog.

(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 Dog Control Officer shall destroy the Dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the Dog(s) and no damages or compensation may be recovered on account of such action.

(7) The Chemawawin Cree Nation Council through delegated authority to the Dog Control Officer shall forthwith make every reasonable effort to notify the Owner of a Dog which has been impounded.



(8) A written report of each such incident, as described in this section, shall be filed with the Chemawawin Cree Nation Council by the Dog Control Office

## **DOGS DESTROYED IF UNABLE TO SEIZE**

24. (1) Where the Dog 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 humanely destroy the Dog.

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

## **PROTECTION FROM VICIOUS DOGS**

25. (1) A person or Dog 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, destroying:

- (a) a person;
- (b) another dog;
- (c) a food cache, harness or other equipment; or
- (d) domestic livestock.

(2) A person or Dog Control Officer who must kill a vicious dog, pursuant to section 25 (1), shall immediately report the incident to the Chemawawin Cree Nation Council or Dog Control Officer and notify the dog's Owner.

(3) No damages or compensation may be recovered as a result of killing a Dog by a person or Dog Control Officer who required to do so pursuant to section 25 (1).


## **PENALTY**

26. 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 \$ 1,000.00 or to imprisonment for a term not exceeding 30 days, or both, a fine and imprisonment.


**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of Chemawawin Cree Nation this 8<sup>th</sup> day of November, 2012.

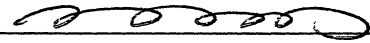
  
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Chief Clarence Easter

  
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Councillor Albert Packo

  
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Councillor A. Kenneth George

  
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Councillor Russell Chartier

  
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Councillor D. Jeffery Thomas