

Brokenhead Ojibway Nation  
General Delivery  
Scanterbury, Manitoba  
R0E 1W0

By - Law 2000-02-01  
Being a By-law Respecting the Care and  
Control of Animals on the Brokenhead Ojibway Nation

Enacted 00102103  
mailed 00102103  
cc 00104103  
Hiday 00105103

**WHEREAS** section 81, paragraph ( a ), ( d ), ( e ), ( l ), 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 Brokenhead Ojibway 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 Brokenhead Ojibway Nation enacts this by-law as follows:

## **PART 1 – GENERAL**

### **SHORT TITLE**

1 This by-law may be cited as the “Brokenhead Ojibway Nation 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 animal control officer, appointed pursuant to section 3, or any bylaw enforcement officer, including a police officer or a person employed by the band council for the purpose of enforcing the provision this by-law.

“**animal registrar**” means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the Brokenhead Ojibway Nation.

“**cat**” means any cat, male or female;

“**council**” means the Council of the Brokenhead Ojibway Nation Band, 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 a wolf;

“**dwelling**” means each single unit home being a fully or semi-detached building, a multiple unity 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.

“**First Nation**” means the Brokenhead Ojibway Nation, as defined by Section 2 of the *Indian Act*;

“**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 means”** any adult person who owns, keeps or harbours an animal or who knowingly permits or allows any other person to own, keep or harbour an animal upon premises owned, leased or occupied either solely or jointly with others, by that adult person;

**“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 Brokenhead Ojibway Nation Reserve No. 261.

**“vicious dog”** includes

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behavior;
- (b) any dog that an animal control officer, upon reasonable 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 Brokenhead Ojibway Nation reserve.

## **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) Every household keeping two dogs, or one other animal on the reserve shall register and have an identification tag placed around the neck of each animal.
- (2) The application for registration and identification tag shall be filed with the animal control officer and it will include:
  - (a) the applicant’s name;
  - (b) the applicant’s address or lot number;
  - (c) a description of the dog or other animal sought to be registered;
  - (d) the number of animals in the household;

- (e) a record that the animal is immunized against rabies, noting the date of such immunization, the name of the person immunizing the animal, including the manufacturer's name of the vaccine and its batch number; and
  - (f) any other information deemed by the animal control officer to be necessary for the proper administration of the by-law
6. The charge for registration and identification tags shall be \$25.00 dollars per year.
  7. The Brokenhead Ojibway Nation register shall issue the license tag upon registration and payment of the annual fee and, it necessary, proof that the animal has been immunized against rabies.
  8. The license tag shall be securely attached to the collar or harness of the animal at all times.
  9. The registration and identification tag will be valid for one full year from the date of issuance.

### ***IMMUNIZATION OF ANIMALS***

10. All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
11. The owner of any animal suspected of 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.
12. 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 suspected of rabies to be held in quarantine at the discretion of the medical health officer.
13. 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***

14. (1) No more than three (3) domestic animals shall be kept, harbored or possessed in any dwelling.
- (2) The provisions of subsection 14(1) shall not apply to dog or cat litter, whereby the pups or kittens are under four (4) months of age.

### ***GENERAL PROHIBITIONS***

15. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered penned up at all times.
- (2) A dog need not be tethered or penned up as provided in subsection 15(1) if the dog:

- (a) is held on a leash by a person 16 and over 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 person to work in a lawful manner with sheep or cattle; or
  - (d) is used by a visual 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 of 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 owner at all times, upon any property on the reserve, is guilty of an offence.
- (5) The owner of a dog which cause damage to any property including moveable property, lawns, flower gardens, 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.
16. 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.
17. No person shall punish or abuse a dog in a manner, which is cruel or unnecessary.
18. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the Brokenhead Ojibway Nation.

***PROHIBITIONS WITHIN SPECIFIC AREAS OF THE BROKENHEAD OJIBWAY NATION***

19. (1) The Council may at any time prohibit the keeping of animals within the area of the Brokenhead Ojibway Nation
- (2) Notice of any prohibition made by the council pursuant to subsection 19(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 Brokenhead Ojibway Nation, without express written authorization to that effect from the band council, by way of band council resolution.

***Vicious Dogs***

20. Anyone owning a vicious dog must post a clearly visible sign notifying the public.
21. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.

22. 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 prevent the entry of children.

***Impounding and Seizure***

23. (1) No owner shall permit his dog to be at large on the Brokenhead Ojibway Nation;
- (2) An animal found at large on the reserve may be impounded for **three (3) 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, at the cost of **\$10.00 per day** plus any fines incurred.
24. (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 provision 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 or time 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 three (3) 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 "A" hereto attached;
- (c) the owner has obtained the necessary registration identification tag from the Brokenhead Ojibway Nation animal register before the dog is released.
- (4) Where a dog has not been reclaimed within three (3) 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 seized which is injured or should be destroyed without delay for humane reason or for reason of health or safety to persons or animals, the animal control officer shall destroy 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, which has been impounded.
- (8) 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***

25. (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.
- (2) No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer pursuant to subsection (1).

### ***PROTECTION FROM VICIOUS DOGS***

26. (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 good 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 26(1), shall immediately report the incident to the Band Council or animal 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 animal Control officer who is required to do so pursuant to section 26(1).

### ***PENALTY***

27. Any Owner who contravenes or permits a contravention of any provision of this By-Law, or who fails, refuses or neglects to comply with the requirements of this By-law, is guilty of an offence and is liable, upon summary conviction:
- (A) to a fine of \$25.00 plus applicable costs for a first offence;
- (B) to a fine of \$100.00 plus applicable costs for a second offence;
- (C) to a fine of \$200.00 plus applicable costs, for each subsequent offence.

**FEE SCHEDULE****28. License fees shall be:****Male or Female****\$25.00****Spayed or Neutered****\$12.50**

Proof of sterilization shall be by a certificate of a licensed Veterinary Surgeon to that Effect. If such certificate is not produced the full license fee shall apply.

The owner of a dog which becomes 6 months of age after August 1<sup>st</sup> in any license year or which is over the age of six months when it is brought into the Brokenhead Ojibway Nation after the 1<sup>st</sup> day of August in any license year, shall obtain a license for the remainder of that license year upon the payment of the following fees.

	<b>Male or Female</b>	<b>Spayed or Neutered</b>
<b>August 1<sup>st</sup> – October 31<sup>st</sup></b>	<b>\$18.75</b>	<b>\$9.38</b>
<b>November 1<sup>st</sup> – January 31<sup>st</sup></b>	<b>\$12.50</b>	<b>\$6.25</b>
<b>February 1<sup>st</sup> – April 30<sup>th</sup></b>	<b>\$6.25</b>	<b>\$3.13</b>



THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Brokenhead Ojibway Nation this 23 day of February, 2000.

Voting in favor of the by-law are the following members of the Council.

John Bunn  
Chief John Bunn

Gary Bear  
Councillor Gary Bear

Tim Spence  
Councillor Tim Spence

Debbie Chief  
Councillor Debbie Chief

Tina Leveque  
Councillor Tina Leveque

Being a majority those members of the Council of the Brokenhead Ojibway Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

Numbers of members of the Council present at the meeting: 4.

I, Deborah G. Chief Chief/Councillor of the Brokenhead Ojibway Nation, 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 Ottawa office of the department pursuant to subsection 82(1) of the Indian Act this 28 day of March, 2000.

Therese Pommer  
Witness

Deborah G. Chief  
Chief/Councillor