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PETER BALLANTYNE CREE NATION
SOUTHEND ADMINISTRATION
RESERVE #200

#002/93

A Bylaw of the Peter Ballantyne Cree Nation,
Southend Indian Reserve #200, in the Province
of Saskatchewan, being a Bylaw to Provide for
the Regulation and Control of Dogs

WHERE it is within the powers of the Council of the Peter Ballantyne Cree Nation, Southend Reserve #200, to make bylaws respecting the regulation and control of dogs on the Reserve;

AND WHERE it is deemed expedient to control the movement of dogs on the Reserve;

NOW THEREFORE the Council of the Peter Ballantyne Cree Nation, Southend Reserve #200, enacts as a bylaw the following:

PART I - DEFINITIONS

1. This Bylaw shall be known as the "Dog Regulation and Control Bylaw".

2. In this Bylaw:

- (a) "Administrator" means the Administrator of the Southend administration or any person authorized to act on his behalf;
- (b) "Animal Control Person" means that person or persons appointed by the Council or the animal/pest control committee for the purpose of enforcing this Bylaw, or any person authorized to act on his behalf;
- (c) "Council" means Council of the Peter Ballantyne Cree Nation and includes the animal/pest control committee established by the Council;
- (d) "Dog" means, whether male or female, any classification or breed of dog, or mixture of breeds, and includes an animal that is a cross between a dog and a wolf;
- (e) "Judge" means a Judge of the Provincial Court for Saskatchewan;
- (f) "Kennel" means any structure or premises used by any person for keeping, harbouring, boarding or otherwise caring for, training or whelping of more than three (3) dogs over the age of three (3) months;

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- (g) "Medical Health Personnel" means the Medical Health Personnel of the Southend Indian Reserve #200, if any, and includes any other person acting under Peter Ballantyne Cree Nation, Federal and Provincial authority, and having jurisdiction over health standards within the boundaries of Southend Indian Reserve #200;
- (h) "Owner" means any individual, partnership, association or corporation who owns a Dog or who has care and control of a Dog, and "owns" has a corresponding meaning;
- (i) "Reserve" means the Peter Ballantyne Cree Nation Southend Indian Reserve #200;
- (j) "running at large", with respect to a Dog, means not being on the premises of its Owner and not under the immediate, continuous and effective control of its Owner;
- (k) "Sled Dog" means a Dog that is used for the sport of dog racing and/or a Dog that is used for trapping.

PART II - REGULATION AND CONTROL OF DOGS

3. (1) The operator of any Kennel within the Reserve shall apply to Council for kennel operations approval on or before the 1st day of January in each year, tendering with the application a Certificate of Approval from the Medical Health Personnel.

(2) The operation of any Kennel within the Reserve shall be subject to the approval of the Medical Health Personnel, and further to the discretion of Council as to the location of the Kennel.

(3) Upon such application being made and approved by Council, the Administrator shall issue an approval form to the Kennel operator, but obtaining such an approval shall not relieve the Kennel operator from any liability for an offence committed under this Bylaw.

4. No person shall own more than three (3) Dogs over the age of three (3) months unless he or she is the holder of a Kennel operation approval for that year.

5. No Owner shall at any time allow his Dog to run at large within the Reserve.

6. Subject to Article 7 of this Bylaw, every Dog that is found running at large may be killed by the Animal Control Person.

7. Anyone that finds a Dog running at large that he identifies as a Sled Dog must first ensure, using reasonable efforts, that such Dog is not a threat to the residents of the

Reserve, and then must try to locate the Kennel Owner. The Owner will be liable to any costs related to the capture or destruction of that Dog.

8. A female Dog in heat shall be confined and secured at the residence of the Owner, or in an approved Kennel operation, throughout the entire period that the Dog is in heat, except when under the control of the Owner.

9. Every Owner of a Dog found on a school yard, playground or posted park area commits an infraction of this Bylaw.

10. If any Dog shall cause destruction or litter on public or private property, the Owner shall be responsible for all damages to the property.

11. Any person teasing, baiting or throwing objects at a Dog which is confined upon its Owner's property commits an infraction of this Bylaw.

12. Nothing in this Bylaw shall be read as applying to seeing eye dogs used as guides by blind persons or to any dog used for police work by the Royal Canadian Mounted Police.

PART III - DANGEROUS DOGS AND DISEASED (RABID) DOGS

13. (1) When upon information or complaint it is alleged that a Dog has bitten or attempted to bite any person, and it appears to Council or any person acting on their behalf hearing the complaint that the Dog is dangerous, the Council may make an order:

- (a) directing that the Dog be kept under proper control by the Owner; or
- (b) directing that the Dog be destroyed and naming the person to destroy the Dog.

(2) A person who fails to comply with the order made under subsection (1) is liable to a fine of not more than Ten Dollars (\$10.00) for each day during which the failure continues.

(3) Where, under subsection (1) the Owner cannot be ascertained, the Council or any person acting on their behalf may direct any person to seize and destroy the Dog.

(4) Notwithstanding the other provisions of this section, where a Dog is suspected of having rabies, then such a Dog shall not be destroyed, but shall be secured and isolated and the matter immediately reported to the Medical Health Personnel whose instructions shall be carried out with respect to the Dog.

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14. (1) When a Dog has bitten a person and/or is suspected of being rabid or of having contact with a rabid animal, the Medical Health Personnel shall be notified immediately; if unavailable, the report shall be made to a member of the Royal Canadian Mounted Police.

(2) The Medical Health Personnel or member of the Royal Canadian Mounted Police having cognizance that the Dog is dangerous or might have been exposed to rabies, may order that:

(a) the person owning such Dog, whether vaccinated or not against rabies, shall keep it under confinement at a place acceptable to the Medical Health Personnel for a period of at least two (2) weeks or until such a time as the suspicion of rabies has been confirmed or refuted; or

(b) where in the opinion of the Medical Health Personnel, rabies infection has reached proportions where mass vaccination is indicated, every person on the Reserve who owns a Dog susceptible to rabies shall cause such Dog to be inoculated against rabies.

PART IV - PENALTY PROVISIONS

15. The Owner of a Dog found running at large commits a violation of this Bylaw and is liable upon summary conviction:

(a) in the case of a first offence, to a fine of Thirty Dollars (\$30.00), and in default of payment, to imprisonment of a period of not more than five (5) days;

(b) in the case of a second offence, committed within a period of twelve (12) months following the commission of a first offence, to a fine of Ninety Dollars (\$90.00), and in default of payment, to imprisonment for a period of not more than Thirty (30) days;

(c) in the case of each third and subsequent offence committed within a period of twelve (12) months following the commission of a first offence, to a fine of not more than One Thousand Dollars (\$1,000.00), and in default of payment, to imprisonment of not more than thirty (30) days.

16. Any person who is guilty of a violation of any provision of this Bylaw for which no other penalty is specified, is liable upon summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00), and in default of payment, to a term of imprisonment for not more than thirty (30) days.

17. (1) The conviction of a person for a contravention of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting Judge shall, in addition to any fine imposed, order the person to perform, within a period specified, any act of work necessary to remedy the contravention of this Bylaw.

(2) Any person who fails to comply with an Order made under subsection (1) within the time specified, is guilty of an offence and liable on summary conviction to:

- (a) a fine of not more than Two Hundred and Fifty Dollars (\$250.00) for each day during which the failure continues; or
- (b) imprisonment for a term of not more than thirty (30) days; or
- (c) both such fine and imprisonment.

18. (1) A person who fails to comply with an Order made pursuant to this Bylaw may be summoned before a Judge, who may Order any Dog owned by him to be destroyed unless the penalty and costs are paid before a time to be specified in the Order.

(2) For the purpose of carrying out an Order under subsection (1), a Peace Officer may enter upon the premises of the Owner and destroy the Dog.

19. (1) Notwithstanding any other provision of this Bylaw, any person, upon being served with a ticket as a notice of violation, may during regular business hours voluntarily pay the fine fixed for the offence indicated by the Administrator, and if such voluntary payment is made within seventy-two (72) hours from the time of service, such fine shall be discounted by the sum of Ten Dollars (\$10.00).

(2) Upon such payment being made, then the person shall not be liable to prosecution for the offence.

20. In a prosecution for a violation of any of the provisions of this Bylaw where the age of the Dog is relevant, the onus of proof as to the Dog's age shall be upon the person accused.

PART V - GENERAL

21. This Bylaw shall come into force and take effect forty (40) days after a copy of this Bylaw is forwarded to the Minister

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of Indian Affairs and Northern Development, unless it is disallowed by the Minister within that period.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE PETER BALLANTYNE CREE NATION, THIS 18 DAY OF November, 1923

Charles Michel
Chief

[Signature]
Councillor

Councillor

[Signature]
Councillor

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Councillor

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I, _____, Chief/Councillor (as the case may be) of the Peter Ballantyne Cree Nation, DO HEREBY CERTIFY that a true copy of the foregoing Bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to s. 82(1) of the Indian Act, this _____ day of _____, A.D. 19__.

Witness _____

Chief/Councillor _____