

**MILLBROOK BAND**  
**Dog By-Law**

By-Law No. 2008-1

**BEING** a By-Law, Respecting Dogs, to repeal and replace By-Law No. 8, Control of Animals (SOR/80-426). Enacted on the 10<sup>th</sup> day of June, 2008.

**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 Millbrook Band 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;

**Definitions**

**1. In this By-Law**

- (a) Millbrook Staff mean the Millbrook Dog Control Officer or a person appointed by Chief and Council to act on the Millbrook's behalf for the Purposes of this By-law and includes the Pound Keeper;
- (b) "Dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
- (c) "Owner" means the owner of a dog and any person who possesses, has the care or control of, or harbors a dog and where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (d) "Development Area" means the area or areas in Millbrook Indian Reserves No. 27, 27ABC, Truro, NS; No. 30 Cole Harbour, NS; No. 36 Sheet Harbour, NS and No. 17 Beaver Lake presently developed or set aside for development purposes of any nature or kind;
- (e) "Extraordinary Expense" means any expense incurred by Millbrook Animal Control, in relation to a dog for provision of food and shelter;



- (f) "Reserve" means the Millbrook Indian Reserve's No. 27, 27A, 27B, 27C, 30, 36 and 17;
- (g) "Muzzle" means to secure a dog's mouth in such a fashion that it cannot bite anything.

**Application**

- 2. This By-law applies to all Owners of all Dogs residing or visiting on the Millbrook Reserve's No. 27, 27A, 27B, 27C, 30, 36 and 17;

**Registration:**

- 3. The Owner of any Dog shall register such Dog with the Millbrook Animal Control and obtain from Millbrook Animal Control a tag for such Dog.
- 4. Subject to section 7, every Owner of a Dog shall, within ten (10) days of having become an Owner, register such Dog with Millbrook Animal Control and obtain from Millbrook Animal Control a tag for such Dog.
- 5. In order to register a Dog, an Owner shall pay the annual registration fee as set by Council from time to time, in a recorded resolution and shall supply Millbrook Animal Control the following:
  - (a) Name, civic address, mailing address and telephone number of the Owner;
  - (b) Name and breed of a Dog;
  - (c) Description of a Dog including whether the Dog is male or female, spayed or neutered or un-neutered as the case may be;

**And, at the discretion of the Owner, the following additional information may be given:**

- (d) A photograph of a Dog;
- (e) Identification information such as micro-chip implants, tattoos or special marking; and
- (f) The name of the veterinary clinic frequented by the Dog and veterinary file ID number.



6. Registration shall be effective until the last day of December for the then current year of registration;
7. The registration fee shall be in such amount as Council may authorize by resolution, and where the Owner acquires ownership of the Dog. After July 1<sup>st</sup> he/she shall only be charged one-half (½) of the Dog registration fee in the year of acquisition;
8. The following is exempt from registration:
  - (a) A Dog shall be exempt from registration and registration fees in the event that the Owner proves that the Dog is under the age of three months.
9. The Owner of every Dog shall keep on the Dog a collar with the tag issued for the Dog by Millbrook Animal Control at the time of registration and such tag shall be kept securely fixed on the Dog at all times during the year until replacement tag is issued.
10. The Owner of a Dog shall deliver in writing to the Millbrook Band a statement of the number of Dogs owned or harbored, or kept upon the premises occupied by the Owner within 10 days after having received notice from the Millbrook Band requiring it to be provided.
11. All Dogs on the reserve must be immunized in accordance with generally accepted veterinary standards.
12. The Owner of any Dog exposed to rabies shall, on demand by the Band Council, surrender such Dog to the Band Council to be held by the Animal Control officer in quarantine for a period of 14 days and such Dog shall not be released from such quarantine without the written permission of the medical officer of health.
13. Upon demand of the Band Council, the Owner of any Dog shall forthwith surrender to the Animal Control officer any Dog 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.
14.
  - (1) Any Dog found to be infected with rabies shall be destroyed by its Owner or by the Animal Control officer at the Owner's expense.
  - (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).



### **Limitation on Animals per Dwelling**

15. No more than three (3) dogs shall be kept, harbored or possessed in any dwelling on Millbrook Reserve lands.

### **Dog Control and Pound**

16. Millbrook Band shall be responsible for the enforcement of this By-law.
17. Council shall appoint a Pound Keeper who shall:
  - (i) Collect on behalf of the Millbrook Band, any impounding fees, daily pound fees and any other additional charges or fees as are authorized in this By-law and as may be set by resolution of Council;
  - (ii) Be responsible for the operation of the pound;
  - (iii) Provide adequate food and water to the impounded Dogs;
  - (iv) Keep the pound in a reasonable state of cleanliness;
  - (v) Keep the pound premises neat and tidy in appearance.

### **Impounding**

18. Millbrook Band, without notice to or complaint against the Owner, will impound any Dog that:
  - (a) runs a large contrary to this By-law;
  - (b) is not wearing a tag as required by this By-law;
  - (c) is not registered pursuant to this By-law;
  - (d) is fierce or dangerous;
  - (f) persistently annoys or disturbs the peace and quiet of a neighborhood by barking, howling or otherwise.
19. Council, by resolution, may set an Impounding fee and Daily Pound Fees.
20. Subject to section 25 of this By-law, except in the case where a Dog is impounded for being fierce or dangerous, or rabid or exhibits symptoms of canine madness,



the owner of a Dog which has been impounded, upon proof of ownership of the Dog, may redeem the Dog after payment to the Pound Keeper of any Impounding Fees, Daily Pound Fees, along with reimbursement of any Extraordinary Expenses incurred by the Millbrook Band relating to the Dog.

21. In case of redemption of a Dog which has not been registered pursuant to this By-law, the Owner shall be required to register the Dog and pay the registration fee before being allowed to redeem the Dog.
22. (1) Any Dog which has not been redeemed by its Owner at the expiry of a period of 24 hours after being impounded may be given away, sold or destroyed by the Pound Keeper and if sold, the proceeds shall belong to the Band Council.  
  
(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).
23. Whenever the 24 hours of impounding time expires on the weekend, the Pound Keeper shall hold such until the expiry of the first business day following the weekend to permit the Owner to redeem the Dog.

#### **Notice**

24. Upon any Dog being impounded, the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least one attempt to contact the registered Owner of the Dog using the tag number on the records of Millbrook Band. Provided however that if a Dog is missing, the onus is on the Owner of a Dog to ascertain, within the time period provided for impounding under this By-law, whether the Dog has been impounded.

#### **Dogs Running at Large**

25. Any Dog which is off the premises occupied by the Owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purpose of this By-law.
26. In Development Areas, the Owner of a dog shall, while the Dog is off the property occupied by the Owner, keep the Dog under control by means of a harness or leash, and the Dog shall be deemed to be running at large where the Owner fails to use such apparatus.

#### **Fierce/vicious or Dangerous Dogs**



27. For the purpose of this By-law a Dog that is fierce/vicious or dangerous includes, but is not limited to, any Dog:
- (i) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
  - (ii) that, in the absence of a mitigating factor as defined, has attacked or injured a domestic animal;
  - (iii) that, in the absence of a mitigating factor as defined, demonstrates any ferocious, vicious or aggressive behavior;
  - (iv) that, in the absence for a mitigating factor, **an Animal Control officer, upon reasonable and probable grounds, believes to be a fierce/vicious Dog;**
  - (v) owned or harbored in whole or in part for the purpose of a dog fight;
  - (vi) trained for dog fighting.

Provided that no Dog shall be deemed fierce/vicious or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement or lawfully engaged in private security.

**“Mitigating Factor”** means a circumstance which excuses the aggressive behavior of a dog where:

- (i) the Dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner;
- (ii) the Dog immediately prior to the aggressive behavior was being abused or tormented by the person attacked or injured.

### **Fierce Dogs**

- 29. Anyone owning a fierce/vicious Dog or an aggressive Dog must post a clearly visible sign notifying the public.
- 30. At all times, a fierce/vicious Dog must be muzzled and kept on a leash whenever it is in a public place.
- 31. On private property, a fierce/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.

**Prohibitions within Specific Areas of the Reserve**

- 32. (1) The Council may at any time prohibit the keeping of Dogs within any area of the Reserve;
- (2) Notice of any prohibition made by Council pursuant to subsection (1) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have a Dog within the prohibited area;
- (3) No person may establish, own or operate an establishment or facility for the boarding, breeding 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.

**General Prohibitions**

- 33. (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 person to work in a lawful manner with sheep or cattle; or
  - (d) is used by a 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 Dog is attached to a leash and is accompanied by and is under the observation and control of the Owner or his/her agent; the Owner of a Dog that fails to do so, is guilty of an offence.
- (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) 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.
- (7) No person shall punish or abuse a dog in a manner which is cruel or unnecessary.

34. The owner of a Dog:

- (a) whose Dog runs at large, except as set forth in (2) above;
- (b) whose Dog is not wearing a tag required by this By-law;
- (c) whose Dog is not registered pursuant to this By-law;
- (d) whose Dog persistently annoys or disturbs the peace and/or quiet of the neighborhood by barking, howling, yelping or otherwise;
- (e) who neglects or refuses to provide a written statement required by this By-law;
- (f) who fails to abide or is in contravention of sections of this By-law dealing with fierce or dangerous dogs;
- (g) who fails to remove the feces of a dog, other than a dog that is trained to assisting a person with a disability, from public property or private property other than the property owners;

is guilty of an offence.

#### **Destroyed if Unable to Seize**

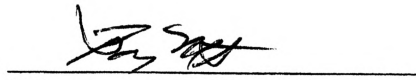
- 35. (1) Where the Animal Control Officer, after reasonable effort, is unable to seize a dog that is running at large, contrary to the provisions of this by-law, the officer may destroy the dog.
- (2) No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer pursuant to subsection (1).

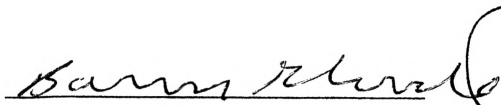
#### **Protection from Fierce or Dangerous Dogs**



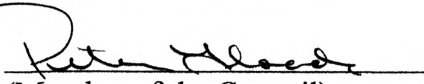


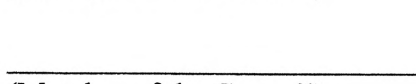
  
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(Member of the Council)

  
(Member of the Council)

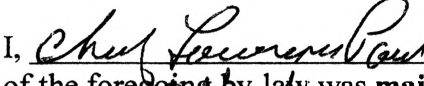
  
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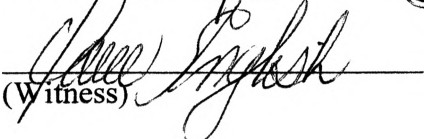
  
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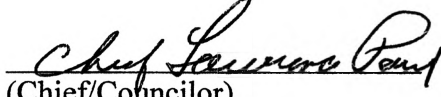
  
(Member of the Council)

being the majority of those members of the Council of the Millbrook Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.  
Number of members of the Council present at the meeting: 7.

I,  Chief/Councillor 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 Attlebridge office of the department pursuant to subsection 82(1) of the Indian Act, this 4<sup>th</sup> day of July, 2008.

  
(Witness)

  
(Chief/Councillor)



36. (1) A person or Animal Control Officer may kill, if necessary, a fierce/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 fierce/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 subsection (1).

**Penalty**

37. 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 dollars or to imprisonment for a term not to exceed 30 days or to both a fine and imprisonment.

**Repeal**

38. By-law number 8, SOR/80-426 dated 1980/06/09 and being a By-law respecting dogs be and the same is hereby repealed.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Millbrook Band his <sup>4<sup>th</sup></sup> day of July, 2008.

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

Chris Lawrence  
(Chief of the Council)

Chris Nam  
(Member of the Council)

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(Member of the Council)

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(Member of the Council)

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(Member of the Council)

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(Member of the Council)

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(Member of the Council)