

BYLAW 98-6
A BYLAW RESPECTING THE CONTROL OF DOMESTIC ANIMALS

WHEREAS Paragraphs (a) and (q) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases and any matter arising out of or ancillary to the exercise of this power;

AND WHEREAS Paragraphs (e) and (q) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to protect against and prevent trespass by cattle and other domestic animals and matters arising ancillary thereto;

AND WHEREAS, Paragraph (r) of Section 81(1) of the *Indian Act*, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to impose a penalty for the violation thereof;

AND WHEREAS, It is deemed to be expedient to protect permittees and licensees of the Resort from the spread of disease and damage caused by domestic animals;

NOW THEREFORE, The Council of the White Bear First Nation hereby makes the following By-Law:

1. In this By-Law:

- (a) "Animal" means and includes cattle, horses, mules, asses, sheep, goats, swine, dogs and cats;
- (b) "At Large" means an animal which is beyond the boundaries of the land occupied by the owner, possessor or harbourer of the said animal, or beyond the boundaries of any lands where it may be with the permission of the owner or occupant of the said land and when it is not under control by being:
 - (i) securely confined within an enclosure; or
 - (ii) securely fastened so that it cannot roam at will.
- (c) "Company" means the White Bear Lake Resort Inc. appointed by the White Bear Band Council for the operation of White Bear Lake Resort;
- (d) "Council" means the Council of the White Bear First Nation;
- (e) "Officer" means any person employed in connection with the administration and management of the Resort;
- (f) "Person" includes members of the White Bear First Nations as defined within the Indian Act;
- (g) "Resort" means the White Bear Lake Resort.

2. No Animal shall be At Large in the Resort, and any person who owns, possesses or harbours an Animal found At Large shall be deemed guilty of an infraction of this By-Law.
3. No Animal shall cause damage to any property within the Resort including but not restricted to moveable property, lawns, flower beds, bushes, plants or fences.
4. A person who owns, possesses or harbours an Animal who violates paragraph 3 shall be deemed guilty of an infraction of this By-Law.
5. A person who owns possesses or harbours an Animal shall immediately pick up and dispose of any feces or vomit left by the Animal.
6. Any Officer may notify a person in violation of this By-Law of their violation, and may report such violation to the R.C.M.P. who may enforce this By-Law.
7. When an Animal has bitten another Animal or human being or is suspected of being rabid or has been in contact with a rabid animal, the Medical Health Officer and local veterinarian or an officer of the R.C.M.P. shall be notified.
8. A Medical Health Officer or licensed veterinarian or officer of the R.C.M.P. having cognizance that an Animal is or might be dangerous, infectious, or rabid may order that the person owning, harbouring or having in his possession such Animal, whether vaccinated or not against rabies shall keep the Animal under confinement at a place acceptable to the veterinarian until such time as the suspicion of rabies has been confirmed or refuted.
9. Where, in the opinion of the Medical Health Officer or a qualified veterinarian, rabies infection has reached such proportions in the vicinity that mass vaccination is deemed necessary, every person who owns or harbours or has in his possession within the Resort any Animal susceptible to rabies shall cause such Animal to be inoculated against rabies at the owner's expense.
10. A certificate issued by a qualified veterinarian to the effect that an Animal has been inoculated against rabies shall be *prima facie* evidence that such Animal has been inoculated.
11. Any person who violates any of the provisions of this By-Law shall be guilty of an offence and shall be liable on a summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars, or imprisonment for a term not exceeding thirty (30) days, or both.
12. The Chief and Council reserve the right to revisit this issue and amend the By-Law at a regularly convened Chief and Council Meeting of the White Bear First Nation.