

Bylaw No.2003-01
Being a Bylaw to repeal and replace
Bylaw No. 9
Enacted on the 8th of May, 1959

- WHEREAS** The Listuguj Mi'gmaq Government wishes to better protect the public and the dog population from harm;
- WHEREAS** The Listuguj Mi'gmaq Government is of the opinion that the uncontrolled breeding and running at large of the dog population in Listuguj to better ensure public safety.
- WHEREAS** Implementing a dog control bylaw has been identified as a means of better ensuring the safety and well being of the general public by allowing for the humane control of the dog population in the Listuguj Mi'gmaq First Nation Reserve, Quebec.
- WHEREAS** Section 81, paragraphs (a), (d), (e), (q) and (r) of the Indian Act empower the Council of an Indian Band to pass bylaws to provide for the health of residents of 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 such bylaw.

THEREFORE BE IT RESOLVED

The Listuguj Mi'gmaq Government has drafted the following *Dog Control Bylaw* to better achieve the above goals of ensuring both the safety of the public and the dog population within the Listuguj Mi'gmaq First Nation Reserve.

BE IT ALSO RESOLVED

In accord with the spirit of the inherent, treaty and constitutional rights of the Mi'gmaq Nation, the Listuguj Mi'gmaq Government does submit this *Dog Control Bylaw* for consideration by the Minister of Indian Affairs and Northern Development and seeks approval from the Minister to enact this *Dog Control Bylaw* under the authority of the *Indian Act*, Section 81, specifically sections 81(a), (d), (e), (q) and (r).

Article 1. SHORT TITLE

This Bylaw may be cited for all purposes as "*Dog Control Bylaw*", hereinafter to be referred to as "Bylaw".

Article 2. INTERPRETATION

For the purposes of this Bylaw, the following definitions will stand.

"Animal Control Officer" means an animal control officer, appointed pursuant to Article 6, or any bylaw enforcement officer, including a police officer or person employed by the Listuguj Mi'gmaq Government for the purposes of enforcing the provisions of this Bylaw.

"At large" refers to any dog who is unrestrained by a leash, effective voice control, or other means of direct control while not in the company of its owner or designate, or being on any private or public property without permission of the person who owns or has a right to possess or use the property

"Leash" means any rope, leather strap, or other material not exceeding six feet in length, being held in the hand of a person actually controlling the animal to which it is attached.

"Vicious Dog" includes;

- (a) any dog that demonstrates ferocious, vicious, or aggressive behavior;
- (b) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a vicious

Article 3. APPLICATION

This Bylaw shall be applicable to all owners of a dog(s) residing or visiting on the Listuguj Mi'gmaq First Nation Reserve, the province of Quebec.

Article 4. AMENDMENTS

Only another Listuguj Mi'gmaq Government bylaw may amend this Bylaw.

Article 5. SEVERABILITY

If any section, subsection, sentence or phrase of this Bylaw is for any reason(s) held to be invalid by a decision of any Court or competent jurisdiction it shall not affect the validity of the remaining parts of this Bylaw or the validity of this Bylaw as a whole.

Article 6. ANIMAL CONTROL OFFICER

- (1) The Listuguj Mi'gmaq Government may appoint, by Order-in-Council, an animal control officer to provide for the administration and enforcement of this Bylaw and more specifically to receive registrations for dog licenses and to issue license tags under this Bylaw.
- (2) The Listuguj Mi'gmaq Government may, in the Order-in-Council, provide for reasonable remuneration to be paid to the animal control officer.

Article 7. REGISTRATION AND IDENTIFICATION OF DOGS

- (1) Any person owning or having control over a dog within the community of Listuguj shall purchase a separate dog license and license tag from the animal control officer for each dog they own or harbor, within thirty (30) days after it becomes four months of age, or within thirty (30) days after obtaining any dog over four months of age.
- (2) The application for a dog license and license tag shall be filed with the animal control officer and it will include;
 - a. The applicant's name
 - b. The applicant's address
 - c. A description of the dog sought to be registered, including sex, age and name of breed if known
 - d. The number of dogs in a 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 the batch number
- (3) The charge for registration and license tags shall be \$25.00 per year.
- (4) The registration and identification tag will be valid for one full year from the date of issuance and are required to be renewed annually.
- (5) The animal control officer shall issue the license tag upon registration and payment of the annual fees and proof that the dog has been immunized against rabies.
- (6) The dog owner shall securely affix the current license tag to the collar or harness of the dog and ensure that the dog wears such license tag at all times.

Article 8. IMMUNIZATION OF ANIMALS

- (1) All dogs in Listuguj must be immunized in accordance with generally accepted veterinary standards.
- (2) Any person owning or having custody of a dog, shall obtain a rabies vaccination for each dog they own or have custody of, within thirty (30) days after it becomes four months of age, or within thirty (30) days after obtaining any dog over four months of age.
- (3) Proof of vaccination shall be a certificate issued by a licensed veterinarian.
- (4) Any person owning or having custody of a dog within the community of Listuguj, shall be permitted to provide proof that a dog has received a valid and current rabies vaccination before a dog's registration and tag is issued or renewed. Proof of vaccination shall be a certificate from a licensed veterinarian.
- (5) The owner of any dog exposed to the rabies virus shall, on demand of the Listuguj Mi'gmaq Government, surrender such animal to the animal control officer to be held 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.
- (6) The owner of any dog who has been exposed to rabies and bites a person, shall notify the animal control officer and the LMG Health Department as soon as possible afterward.
- (7) Any dog found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the owner.
- (8) Pursuant to the Health of Animals Act, 1990, c. 21 and the Reportable Diseases Regulations, SOR/91-2, the animal control officer is required to declare any and all rabies cases to the local Canada Food Inspection Agency.

Article 9. LIMITATIONS ON DOGS PER DWELLING

- (1) No more than 3 dogs shall be kept, harbored or possessed in any dwelling.
- (2) The provisions of Article 10 (1) shall not apply to dog litters whereby the pups are under 4 (4) months of age.

Article 10. GENERAL PROHIBITIONS/REGULATIONS

- (1) Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- (2) No person shall allow an animal or animals in his/her custody to defecate or urinate on property other than that of the owner or person having control of the dog.
- (3) No person shall own or harbor a dog or dogs in such a manner that the incessant and persistent barking of the animal disturbs the peace and quiet of the public from 10 p.m. to 8 a.m.
- (4) Any person owning or having custody or control of a dog shall prevent the dog from;
 - a. Attacking,
 - b. Biting, or,
 - c. Causing injury to any person;

Article 11. RESTRAINT OF DOG REQUIRED

- (1) Any person owning or having custody or control of a dog shall prevent the dog from being "at large".
- (2) Any person owning or having custody or control of a dog that is lawfully on any private property, shall keep the dog;
 - a. Either on a leash or tether,
 - b. Under direct and effective control by voice or electronic pet containment system, or
 - c. In a building or enclosure that is adequate to ensure the physical confinement of the dog and meet humane standards.

Article 12. VICIOUS DOGS

- (1) Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public
- (2) At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
- (3) 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.
- (4) 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 food cache, harness or other equipment; or
 - d. other domestic animals
- (5) A person or animal control officer who must kill a vicious dog, pursuant to Article 17 (4), shall immediately report the incident to the Listuguj Mi'gmaq Government or animal control officer and notify the dog's owner.
- (6) 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 Article 17 (4).

Article 13. IMPOUNDMENT AND SEIZURE

- (1) An animal control officer may seize and impound a dog from any person who he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this Bylaw.
- (2) The animal control officer may seize and impound any dog that is found by him/her to be "at large" whether the dog be licensed or unlicensed within the community of Listuguj.
- (3) The animal control officer shall seize and impound any dog that is found by him/her to have attacked and/or bitten a person for such a period of time as specified by a veterinary surgeon.
- (4) The animal control officer upon receipt of a dog delivered to him by the Listuguj Police Department or any similar body or a member of the general public may deal with that dog in the same manner as other dogs received and retained by him/her pursuant to this Bylaw.
- (5) The animal control officer, upon seizure and impoundment of a dog shall make every effort to inform the person owning or having custody of the dog, if known, that the dog has been seized and impounded.
- (6) Any resulting impoundment as per Article 16, subsections (1), (2), (3) and (4) will be at the expense of the owner(s) and subject to the impound fees as setout in Schedule A.
- (7) An animal control officer who has seized a dog pursuant to subsection (1), (2), and (3) or has obtained a dog as per subsection (4) shall release the dog to its owner where;
 - a. The owner claims possession of the dog within five (5) days after the date of the 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 animal control officer before the dog is released.
- (8) If after the expiration of not less than 5 days, pursuant to subsection (7), and clear notification has been given to the owner, the animal control officer may euthanize or place the dog for adoption.
- (9) The animal control officer shall seek veterinary attention for a dog 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.
- (10) Whereby a dog is seized which is injured or should be euthanized without delay for humane reasons or for reasons of health or safety to persons or animals, the animal control officer shall destroy the dog as soon after the seizure as the officer thinks fit without permitting any person to reclaim the dog and no damages or compensation may be recovered on account of such action.
- (11) Impound fees pursuant to this Bylaw shall be those set out in Schedule 'A'.

Article 14. PENALTY

Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00 or to imprisonment for a term of not more than 30 days, or to both.

Article 15. IN FORCE

This Bylaw shall come into immediate effect upon approval of this *Animal Control Bylaw* as per Section 82 (2) of the *Indian Act*.

REPEAL

Bylaw No. 9, enacted on the 8th day of May, 1959, and being a Bylaw to regulate the care and control of animals of the reserve, be in the same and hereby repealed.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Listuguj Mi'gmaq Government this 21st day of April 2003.

Voting in favor of the Bylaw are the following members of the Council:



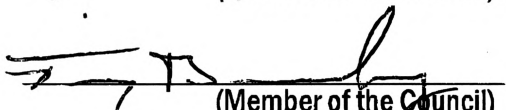
(Chief)



(Member of the Council)



(Member of the Council)




(Member of the Council)



(Member of the Council)



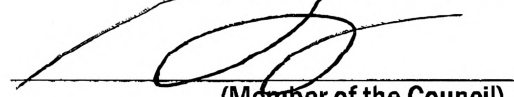
(Member of the Council)



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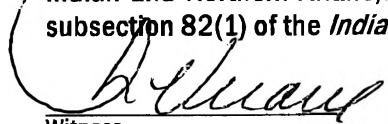
(Member of the Council)

(Member of the Council)


being the majority of the members of the Council of the Listuguj Mi'gmaq Government present at the aforesaid meeting of the Council.

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

I, Allison Metallic, Chief of the Listuguj Mi'gmaq First Nation, do hereby certify that a true copy of the foregoing Bylaw was mailed to the Minister of Indian Affairs and Northern Development at , Indian and Northern Affairs, 10 Wellington Street, North Tower, Hull (QC), K1A 0H4, pursuant to subsection 82(1) of the *Indian Act* this 24th day of March, 2003.



Witness



Chief

SCHEDULE 'A'
ANIMAL CONTROL BYLAW
DOG IMPOUND FEES

A dog owner may reclaim their impounded dog upon proving ownership and upon paying the following impound fees;

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|---|-----------|
| (a) An impoundment fee in respect of a licensed dog: | \$ 50.00 |
| (b) An impound fee in respect of an unlicensed dog: | \$ 75.00 |
| (c) A maintenance fee in respect of each day of the
impound period: | \$ 10.00 |
| (d) An impound fee in respect of a vicious dog: | \$ 100.00 |
| (e) An impound fee in respect of a vicious dog who
has bitten a person | \$ 150.00 |