

**THE LENNOX ISLAND BAND**

**BY-LAW NO. 1- 1994  
BEING A BY-LAW RESPECTING THE CARE AND  
CONTROL OF ANIMALS ON THE RESERVE**

**ENACTED ON THE 29 DAY OF DECEMBER, 1994**

WHEREAS Section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, 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 Lennox Island 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;

THEREFORE, the Council of the Lennox Island Band of Indians enacts a by-law as follows:

**Short Title**

1. This by-law may be cited as the "Lennox Island Reserve 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 an animal control officer appointed pursuant to Section 3, or any by-law enforcement officer and includes an officer of the Royal Canadian Mounted Police and a person employed by the Lennox Island Band Council for the purpose of enforcing the provisions of this by-law;

"animal register" means the register kept by the animal control officer for the purpose of the registration of all dogs and other animals on the reserve;

"band" means the Lennox Island Band;

"cat" means any cat, male or female;

"council" means the Council of the Lennox Island Band, as defined in the Indian Act;

"dog" means any dog, male or female more than 8 months old, and includes an animal that is a cross between a dog and a wolf;

"dwelling" means each single unit being a fully detached home, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

"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" of an animal includes a person who possesses or harbours an animal, and "owns" and "owned" have a corresponding meaning;

"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 Lennox Island Indian Reserve No.002;

"villainous dog" includes

- (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (ii) any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog;
- (iii) 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;
- (iv) any dog which has bitten another animal or human without provocation.

### **Animal Control Officer**

3. (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 Dogs**

4. (1) Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog.

(2) The application for registration and identification tag shall be filed with the Lennox Island animal control officer and include:

- (a) the applicant's name;
- (b) the applicant's address or lot number;
- (c) a description of the dog sought to be registered, including age, sex, name and breed if known;
- (d) the number of animals in the household;
- (e) a record that the dog is immunized against rabies, noting the date of such immunization, the name of the person immunizing the dog including the maker's name of the vaccine and its batch number;
- (f) any other information deemed by the animal control officer to be necessary for the proper administration of the by-law.

(3) The charge for registration and identification tags shall be of \$ 5.00 per year or such amount as is set from time to time by the Council.

(4) The animal control officer shall issue the licence tag upon registration and payment of the annual fee and proof of immunization of the dog against rabies is provided.

(5) The licence tag shall be securely attached to the collar or harness of the dog at all times.

(6) The registration and identification tag issued by the animal control officer will be valid for a year from the date of the issuance of the identification tag.

(7) Lost or missing tags will be replaced by the animal control officer at nominal cost to the owner.

### **Immunization of Animals**

5. All animals in the reserve must be immunized in accordance with generally accepted veterinary standards.

6. The owner of any animal exposed to 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.

7. An owner upon demand made by the band council shall forthwith surrender to the band council any animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the medical officer of health.

8. Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the expense of the owner.

### **Limit on Number of Dogs Per Dwelling**

9. (1) No person, being the owner of a dwelling on the reserve, shall keep or allow to be kept more than three (3) dogs on the premises of the dwelling.

(2) The provisions of subsection (1) do not apply where the dog is less than eight (8) months of age.

(3) An animal control officer, who has reasonable grounds to believe that an owner has contravened subsection (1), shall forward a written notice to the said owner, to remove from the premises of the dwelling that number of dogs exceeding the limit of three (3), within forty-eight hours of receipt of the notice.

(4) An animal control officer shall seize and cause to be impounded any animal exceeding the established limit of three (3) pursuant to subsection (1), and the owner shall be liable to pay an impoundment cost of \$10.00 per day, and the pound keeper shall keep such animal in the pound and shall record in a register kept for that purpose, the name and address of any person who brings in such an animal along with the date the animal was delivered to the pound keeper.

### **General Prohibitions**

10. (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;
- (c) is being used by a person to work in a lawful manner with sheep or cattle;
- (d) is used by a visually impaired person as a guide dog.

(3) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents of the reserve.



11. No owner shall allow a female animal in heat to remain in any public place unless such a female animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.

12. The owner of an animal who fails to take all necessary measures to ensure that such dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.

13. The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plans, or other parts of property, is guilty of an offence.

14. No owner shall allow his dog to remain unfed or without water as sufficiently long either to amount to cruelty or to cause the dog to become a nuisance.

15. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

#### **Prohibitions Within Specific Areas of the Reserve**

16. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve.

(2) Notice of any prohibition made by council pursuant to paragraph (a) 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 of 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.

(4) No person may establish, own or operate a kennel for the breeding of animals within the limits of the reserve without the written authorization to that effect from the Band Council by way of Band Council Resolution.

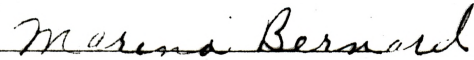
#### **Villainous Dogs**

17. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Lennox Island Band this 29<sup>th</sup> day of November, 1994

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

  
(Member of the Council)

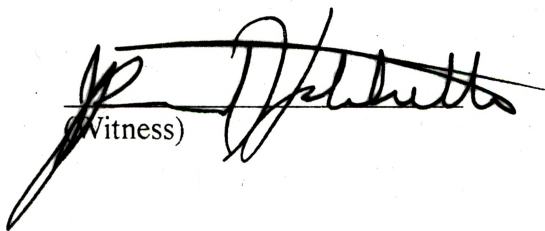
  
(Member of Council)

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

The quorum of the Council is 2 members.

Number of members of the Council present at this meeting: 2.

I, **JACK SARK**, Chief 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 District/Regional/Hull offices (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 29<sup>th</sup> day of November, 1994.

  
(Witness)

  
**CHIEF JACK SARK**