

By-law Number 2002-01
Being a By-law to repeal and replace By-law No. 1998-01
Enacted on the 8th day of June, 1998
Being a By-law Respecting the Care and
Control of Animals on the Reserve

WHEREAS section 81, sub-paragraphs (a), (d), (e), (q) and (r), of the *Indian Act, R.S. 1985, C-5, as amended* (herein, '*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 animals, in addition to matters arising out of or ancillary thereto and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Louis Bull 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;

AND WHEREAS the Council of the Band did enact By-law Number 1998-01 on the 8th day of June, 1998 and wishes to repeal the said By-law Number 1998-01 and replace it with this By-law.

THEREFORE, the Council of the Louis Bull Band enacts this Animal Control By-law as follows:

1- SHORT TITLE

This by-law may be cited as the "Louis Bull Reserve Animal Control By-law" and is referred to herein as 'By-law'.

2- DEFINITIONS

In this By-law

"*animal*" means a non-human animate being which is endowed with the power of voluntary motion;

"*animal control officer*" means an animal control officer appointed pursuant to section 4, or any by-law enforcement officer, including a peace officer or a person employed by the Band Council for the purpose of enforcing the provisions of this By-law;

"*Band*" means the Louis Bull Band, as defined by Section 2 of the *Indian Act*;

"*Council*" means the Council of the Louis Bull Band, as defined in the *Indian Act*;

"*dog*" means any dog, male or female and includes an animal that is a cross between a dog and a wolf;

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

“*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 the terms “owns” and “owned” have a corresponding meaning;

“*premises*” means a dwelling, as defined herein, together with the lands immediately adjacent to the dwelling which are used in association therewith, which are under the occupation and control of the person inhabiting or residing at the dwelling, and which are gated or secured in such manner so as to confine an animal on the same.

“*Reserve*” means Louis Bull Indian Reserve No.138B;

“*running at large*” or “*at large*” means off the premises of the owner and not muzzled or under the control of any person;

“*vicious dog*” includes

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

3- APPLICATION

This By-law applies to all owners of animals residing on or visiting the Louis Bull Reserve No.138B.

4- ANIMAL CONTROL OFFICER

- (1) The Council may appoint, by Band Council Resolution, an animal control officer to provide for the administration and enforcement of this By-law.
- (2) The Council may, by Band Resolution, provide for reasonable remuneration to be paid to the animal control officer.

5- REGISTRATION AND IDENTIFICATION OF ANIMALS

- (1) The Council may require that every person keeping one or more dogs, or other animals on the Reserve as specified by the Council shall register and have an identification tag placed around the neck of each animal.
- (2) The application for registration and identification tag shall be filed with the animal control officer and shall include:
 - (a) the applicant's name;
 - (b) the applicant's address or lot number;
 - (c) a description of the dog or other animal 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 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 its batch number; and,
 - (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 in the amount determined by the Council from time to time.
- (4) The animal control officer shall issue the licence tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.
- (5) The licence tag shall be securely attached to the collar or harness of the animal at all times.
- (6) The registration and identification tag will be valid for one full year from the date of issuance.

6- IMMUNIZATION OF ANIMALS

- (1) All animals on the Reserve must be immunized in accordance with generally accepted veterinary standards.
- (2) Any animal found to be infected with rabies shall be destroyed by its owner or by the animal control officer at the owner's expense.

7- **PROHIBITIONS FOR DOMESTIC DOGS:**

- (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 7(1) if the dog:
 - (a) is on the owner's premises or in the owner's dwelling as defined herein;
 - (b) is held on a leash by a person capable of restraining the dog's movements;
 - (c) is being used by a person for the purpose of hunting;
 - (d) is being used by a person to work in a lawful manner with sheep or cattle;
 - or
 - (e) is used by a visually impaired person as a guide dog.
- (3) No owner shall allow a female animal in heat to remain in any public place unless the animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
- (4) The owner of an animal 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 as defined herein.
- (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 as defined herein.
- (6) The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property.
- (7) No owner shall allow his dog to remain unfed or without water whereby it either amounts to cruelty or causes the dog to become a nuisance.
- (8) No person shall punish or abuse a dog in a manner which is cruel or unnecessary.
- (9) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the Reserve.

8- **VICIOUS DOGS**

- (1) Anyone owning a vicious dog or aggressive dog must post a clear 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.

9- INTENTIONAL ACTS AND ACTS OF NEGLIGENCE

No person shall:

- (1) untie, loosen or otherwise free an Animal which has been tied or otherwise restrained; or
- (2) negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to run at large within the Reserve.

10- TORMENT

No person shall tease, torment or annoy an Animal.

11- PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

- (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 subsection 11(1) shall be posted in the Band administration 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 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.

12- IMPOUNDING AND SEIZURE

- (1) No owner shall permit a dog or any Animal as may be specified by the Council in accordance with the same notice provisions as set out in paragraph 11(2) above, to be at large on the Reserve;
- (2) An animal control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this By-law.

- (3) If an animal is apprehended because it has inflicted an unprovoked attack upon an animal or human person, the animal control officer may either impound the animal for such period of time as specified by a veterinary surgeon or destroy the animal.
- (4) Subject to subsection (7), an animal control officer who has seized and impounded a dog pursuant to subsection (2) shall release the dog to its owner where:
 - (a) the owner claims possession of the dog within two (2) days after the date of seizure;
 - (b) the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog; and,
 - (c) the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.
- (5) Where a dog has not been reclaimed within two (2) days after seizure, pursuant to subsection (3), and notification has been given to the owner, the animal control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of such an animal.
- (6) The animal control officer may seek veterinary attention for an animal 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.
- (7) In those circumstances where a dog is seized which is either injured or which should be destroyed 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 animals and no damages or compensation may be recovered on account of such action.
- (8) The Band Council shall forthwith make every reasonable effort to notify the owner of an animal which has been seized.
- (9) A written report of each such incident, as described in this section, shall be filed with the Band Council by the animal control officer.

13- ANIMAL DESTROYED IF UNABLE TO SEIZE

- (1) Should the animal control officer, after reasonable effort, be unable to seize a dog that is running at large contrary to the provisions of this By-law, said 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).

14- PROTECTION FROM VICIOUS DOGS

- (1) An 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) domestic livestock.
- (2) An animal control officer who must kill a vicious dog, pursuant to section 14(1), shall immediately report the incident to the Band or animal control officer and notify the dogs' 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 section 14(1).

15- PENALTY

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 or to imprisonment for a term of not exceeding thirty (30) days, or to both a fine and imprisonment.

16- REPEAL

By-Law number 1998-01 enacted on the 8th day of June, 1998, and being a By-law to regulate the care and control of animals on the Reserve, be and the same is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Louis Bull Band this 9th day of October, 2002.

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



 (Member of the Council)



 (Member of the Council)

(Member of the Council)

Elaine Roasting
(Member of the Council)

Simon Threefingers
(Member of the Council)

(Member of the Council)

[Signature]
(Member of the Council)

(Member of the Council)

Jonathan Bull
(Member of the Council)

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

The quorum of the Council is five (5) members.

Number of members of the Council present at the meeting: 8.

I, Simon Threefingers Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian and Northern Affairs Canada at the _____ office of the department pursuant to subsection 82(1) of the *Indian Act*, this 9th day of October, 2002.

[Signature]
(Witness)

Simon Threefingers
(Chief/Councillor)

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