

***Dog Control Bylaw***

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**THE BLOOD TRIBE**

**BYLAW NO. 01-2006**

**Being a Bylaw of the Blood Tribe to provide for the  
licensing, regulation and control of dogs on the  
Blood Indian Reserve Nos. 148 and 148A pursuant  
to Section 81 of the *Indian Act*.**

**THE BLOOD TRIBE**

**BYLAW NO. 01-2006**

**Being a Bylaw of the Blood Tribe to provide for the licensing, regulation and control of dogs on the Blood Indian Reserve Nos. 148 and 148A pursuant to Section 81 of the *Indian Act*.**

**WHEREAS** it is deemed necessary to enact a bylaw to provide for the licensing, regulation and control of dogs on the Blood Indian Reserve Nos. 148 and 148A.

**AND WHEREAS** subsections 81(1)(a), (d), (e), (q) and (r) of the *Indian Act*, provide that the Council of a Band may make bylaws with respect to a number of matters related to the licensing, regulation and control of dogs.

**AND WHEREAS** the Blood Tribe Council acknowledges the cultural significance of dogs in Kainaiwa society.

**NOW THEREFORE** the Blood Tribe Council without prejudice to but in express affirmation of its inherent right of self-government, hereby enacts as follows:

**PART I - GENERAL**

***Title***

1. This bylaw may be cited as the "Dog Control Bylaw".

***Definitions***

2. In this bylaw unless the context otherwise requires:

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"Animal Control Officer" means a person, firm or corporation appointed pursuant to Section 4, or any bylaw enforcement officer, including a police officer or a person employed by the Council for the purpose of enforcing the provisions of this bylaw.

"Blood Tribe" means the Blood Indian Band, which is a band as defined by the *Indian Act*.

"Council" means the Chief and Councillors of the Blood Tribe duly elected from time to time in accordance with the *Kainaiwa/Blood Tribe Election By-Law, 1995*.

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

"*Indian Act*" means the *Indian Act*, RSC 1985, c. I-5.

"kennel" means premises or a portion thereof intended or used for the keeping or harbouring of more than three (3) dogs at one and the same time.

"maintenance expenses" means the expenses incurred for securing, caring for and feeding an impounded or seized dog as set out in Schedule "A" annexed to and forming part of this bylaw.

"Notice of Impoundment or Seizure" means a notice in the form set out in Schedule "B" annexed to and forming part of this bylaw.

"owner" means a natural person or body corporate who has legal title to the dog, and includes any person who may not have legal title but who has possession or custody of the dog, either temporarily or permanently, or harbours the dog, or allows the dog to remain on his premises.

"police officer" means a member of the Blood Tribe Police Service.

"premises" means the area immediately surrounding a dwelling unit which is 100 feet by 100 feet and includes the dwelling unit itself.

"Register" means the register kept by the Animal Control Officer for the purpose of the registration of all dogs on the Reserve.

"Reserve" means the Blood Indian Reserve Nos. 148 and 148A, and any future additions to the reserve lands of the Blood Tribe.

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"running at large" or "at large" means off the premises of the owner and not under the control of any person;

"school ground" means the grounds set aside for schools located on the Reserve.

"tag" means a license that is a metal or other tag issued by the Animal Control Officer to an owner for each dog he owns, indicating the year for which the fee has been paid and which bears a number corresponding to a number in the Register kept by the Animal Control Officer.

"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 prosecution under this bylaw within the previous six (6) months where a conviction against anybody had been entered concerning that specific dog;
- (d) any dog which has bitten a person or animal without provocation.

***Application***

3. This bylaw applies to all owners of dogs residing or visiting on the Reserve.

**PART II - ADMINISTRATION*****Animal Control Officer***

4. (1) The Council may appoint, by band council resolution, an Animal Control Officer to provide for the administration and enforcement of this bylaw and more specifically to receive registrations and to issue tags under this bylaw.
- (2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the Animal Control Officer.

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**Registration And Identification of Animals**

5. (1) Every owner of a dog aged six (6) months or more shall, prior to January 1<sup>st</sup> of each year or immediately upon becoming the owner of a dog, register and obtain a tag for such dog from the Animal Control Officer and shall pay in full the annual fee specified in Schedule "A".
- (2) Notwithstanding subsection 5(1), where the Animal Control Officer is satisfied that:
  - (a) the owner is of age 65 or more; or
  - (b) the owner is handicapped and the dog is trained and used to assist such handicapped personthere shall be no fee payable by the owner under this Section 5.
- (3) The application for registration and tag shall be filed with the Animal Control Officer and shall include:
  - (a) the owner's name;
  - (b) the owner's address and telephone number;
  - (c) a description of the dog for which registration is sought, including age, sex, name and breed if known;
  - (d) the number of dogs in the dwelling unit or on the premises of the owner; and
  - (e) any other information deemed by the Animal Control Officer to be necessary for the proper administration of this bylaw.
6. Upon registration and receipt of payment under the provisions of subsection 5(1), a receipt and a tag shall be issued to the owner.
7. Upon registration under the provisions of subsection 5(1), a receipt and a tag shall be issued to the owner.
8. The owner shall ensure that the dog wears a collar and tag at all times.

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9. If a tag is lost or destroyed, a replacement tag will be issued by the Animal Control Officer upon presentation by the owner of a receipt showing registration of the dog for the current year and payment of the fee specified in Schedule "A".
10. The tag is valid only for the period January 1<sup>st</sup> to December 31<sup>st</sup> in the year for which it was issued.
11. Tags are not transferrable from one dog to another and no refund shall be made for any tag because of the death or sale of the dog or upon the owner leaving the Reserve before the expiration of the current license year.
12. The new owner of a dog licensed under this bylaw for the current year shall report the change of ownership to the Animal Control Officer and complete a registration form but no fee will be charged.
13. An owner who operates a kennel shall, prior to January 1<sup>st</sup> of each year or immediately upon operating a kennel, obtain a license from the Animal Control Officer and shall pay in full the annual fee specified in Schedule "A".
14. A kennel license is valid only for the period January 1<sup>st</sup> to December 31<sup>st</sup> in the year for which it was issued.
15. The Council shall establish one or more facilities for the keeping and impounding of dogs and the Animal Control Officer shall make rules not inconsistent with this bylaw pertaining to the administration of the facility.
16. The Animal Control Officer shall keep the Register current and shall keep records of complaints, notices, fees received and any other reports required by the provisions of this bylaw and the Council.

***Limitations on Dogs***

17. (1) No more than three (3) dogs shall be kept, harboured or possessed in any premises at any given time unless the owner has a valid kennel license.
- (2) The provisions of subsection (1) shall not apply to dog litters where the pups are under four (4) months of age.

**PART III - GENERAL PROHIBITIONS**

18. (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 required 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 cattle, horses or sheep;
  - (d) is used by a handicapped person as a guide dog; or
  - (e) is being used by a duly authorized person to patrol Blood Tribe public places or buildings as security measures.
- (3) The owner of a female dog in heat shall not allow such dog in any place other than the owner's premises during the whole of the heat period.
- (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 public or private property, other than the property of the owner, is guilty of an offence.
- (6) The owner of a dog shall, when the dog is on public or private property other than the property of the owner, immediately pick up and thereafter dispose of any defecation or other waste left by the dog on the said property. This provision shall not apply to a dog that is trained and used to assist a handicapped person while it is assisting that handicapped person.
19. 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.
20. No person shall punish or abuse a dog in a manner that is cruel and unnecessary.

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- 21. No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the Reserve.

***Prohibited Areas***

- 22. The Council may at any time prohibit the keeping of dogs within any public area located on the Reserve.
- 23. Notice of any prohibition made by the Council pursuant to Section 22 shall be posted in the Blood Tribe Administration building and any other public places it deems suitable, and shall be published in the Blood Tribe community newspaper and other newspapers it deems suitable, and after the date of posting and publishing such notice, no person shall keep or have a dog within the prohibited area.

***Vicious Dogs***

- 24. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
- 25. 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 to prevent the entry of children.

***Impoundment and Seizure***

- 26. (1) No owner shall permit his dog to be at large on the Reserve.
- (2) A dog found at large on the Reserve may be impounded for not less than five (5) days and, after notifying the owner in accordance with Section 28, may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such dog has been claimed by its owner and the maintenance expenses specified in Schedule "A" have been paid.
- 27. (1) The 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 bylaw.



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- (2) If a dog is seized because it has inflicted an unprovoked attack upon a person or animal, the Animal Control Officer shall impound the dog for such period of time as specified by a veterinary surgeon.
  - (3) Subject to subsection (6), an Animal Control Officer who has seized a dog pursuant to subsection (1) shall release the dog to its owner where:
    - (a) the owner claims possession of the dog within five (5) days after the date of posting of the Notice of Impoundment or Seizure;
    - (b) the owner pays to the Animal Control Officer maintenance expenses specified in Schedule "A"; and
    - (c) the owner has obtained the necessary tag from the Animal Control Officer before the dog is released.
  - (4) Where a dog has not been reclaimed within five (5) days after seizure pursuant to subsection (3), and notification has been given to the owner in accordance with Section 28, 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 dog.
  - (5) The Animal Control Officer shall seek veterinary attention for a seized dog found to be diseased, where 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 dog as specified in Schedule "A".
  - (6) Where a dog is seized which is injured or 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 he thinks fit without permitting any person to reclaim the dog and no damages or compensation may be recovered on account of such action.
28. The Animal Control Officer shall notify the owner by posting a Notice of Impoundment or Seizure in the Blood Tribe Administration building and any other public place deemed suitable for five (5) days, and by any other means deemed suitable, including telephone to the number listed in the Register for such owner.
  29. A written report of each incident described in Sections 26 and 27 shall be kept by the Animal Control Officer and provided to the Council upon request.

*Dog Control Bylaw****Destruction Where Unable to Seize***

30. (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 bylaw, he may destroy the dog in a safe and humane manner.
- (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 Vicious Dogs***

31. (1) The 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 person or another animal.
- (2) The Animal Control Officer who must kill a vicious dog, pursuant to subsection (1), shall immediately report the incident to the Council or its representative and notify the owner, if known, by appropriate means including telephone.
- (3) No damages or compensation may be recovered as a result of killing a dog by the Animal Control Officer who is required to do so pursuant to subsection (1).

**PART IV - OFFENCES**

32. Every person who contravenes any of the provisions of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.
33. Should a court determine that a provision of this bylaw is invalid for any reason, the provision shall be severed from the bylaw and the validity of the rest of the bylaw shall not be affected.

**PART V - DISCRETIONARY POWERS**

34. When enforcing the provisions of this bylaw, the Animal Control Officer may exercise reasonable discretion when dealing with elders of the Blood Tribe community.

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**PART VI - COMING INTO FORCE**

35. This bylaw comes into force forty (40) days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to Section 82 of the *Indian Act*.

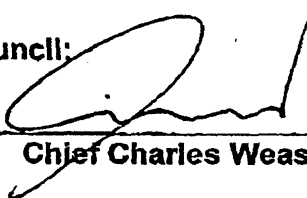
**READ FOR A FIRST TIME** by Council this 9th day of January, 2006 at 1:50 p.m.

**READ FOR A SECOND TIME** by Council this 9th day of January, 2006 at 1:51 p.m.

**READ FOR A THIRD TIME** by Council this 9th day of January, 2006 at 1:52 p.m.

**THIS BYLAW IS HEREBY** made at a duly convened meeting of the Blood Tribe Council this 9th day of January, 2006.

Blood Tribe Chief and Council:

  
\_\_\_\_\_  
Chief Charles Weasel Head

  
\_\_\_\_\_  
Councillor Randy Bottle

  
\_\_\_\_\_  
Councillor Nina M. Buckskin

  
\_\_\_\_\_  
Councillor Dolores Day Chief

  
\_\_\_\_\_  
Councillor Rod First Rider

  
\_\_\_\_\_  
Councillor Lambert Fox

  
\_\_\_\_\_  
Councillor Marley Frank

  
\_\_\_\_\_  
Councillor Alex Goodstriker

\_\_\_\_\_  
Councillor Leslie Healy

  
\_\_\_\_\_  
Councillor Kirby Many Fingers

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Councillor Clement Soop

  
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Councillor Marcel Weasel Head

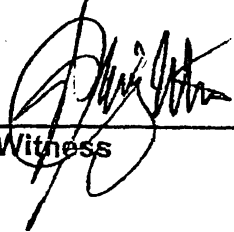
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being the majority of those members of the Council of the Blood Tribe present at the aforesaid meeting of the Council.

The quorum of the Council is seven (7) members.

Number of members of the Council present at the meeting is 10.

I, CHARLES WEASEL HEAD, Chief/Councillor of the Blood Tribe, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the HEAD office of the department pursuant to subsection 82(1) of the Indian Act, this 10th day of JANUARY, 2006.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Chief/Councillor

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**Schedule "A"**

**BLOOD TRIBE BYLAW NO. 01-2006  
DOG CONTROL BYLAW  
FEES**

<b>Annual Fee For 2006 to March 31, 2007 for Registration and Tag</b>	Neutered	\$ 5.00 per dog
	Not Neutered	\$ 10.00 per dog
<b>Annual Fee commencing April 1, 2007 and thereafter for Registration and Tag</b>	Neutered	\$25.00 per dog
	Not Neutered	\$50.00 per dog

(No Annual Fee by owners  
age 65 or over, or handicapped)

**Replacement Tag** \$ 5.00 per dog

**Maintenance Expenses** \$ 20.00 per dog/per  
day or portion  
thereof

**Veterinary Fees** Amount expended

**Annual Kennel License** \$ 50.00

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**Schedule "B"**

**BLOOD TRIBE BYLAW NO. 01-2006  
DOG CONTROL BYLAW  
NOTICE OF IMPOUNDMENT OR SEIZURE**

**TO:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RE:**

Name of Dog: \_\_\_\_\_

Type of Dog: \_\_\_\_\_

Date Impounded \_\_\_\_\_

or Seized: \_\_\_\_\_

Place: \_\_\_\_\_

Time: \_\_\_\_\_

Tag Number: \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED** that a dog bearing Tag Number \_\_\_\_\_ for the year 200\_ registered under the above name and address, was impounded on \_\_\_\_\_, 200\_ pursuant to the provisions of Bylaw No. 01-2006 of the Blood Tribe, referred to as the *Dog Control Bylaw*, and that, unless the said dog is claimed and all maintenance expenses and other fees are paid to the Animal Control Officer, on or before \_\_\_\_\_, 200\_, being five (5) days from the date of posting of this Notice, the said dog will be destroyed or otherwise disposed of pursuant to said Bylaw and no damages or compensation may be recovered as a result of the destruction or disposition.

\_\_\_\_\_  
**Animal Control Officer**

POSTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_.