

**BIGSTONE CREE NATION
DOG CONTROL BY-LAW**

APPROVED

**BY-LAW NO. _____
BEING A BY-LAW RESPECTING THE CARE
AND CONTROL OF DOGS ON THE RESERVE**

WHEREAS the Council derives its authority from the membership of the Bigstone Cree Nation and is responsible for the peace, order and good government of the Bigstone Cree Nation;

AND WHEREAS the Council desires to address the problem of unrestrained dogs loose on the Reserve;

AND WHEREAS ss. 81(1)(a),(d),(e),(q), and (r) of the *Indian Act*, R.S.C. 1985, c. I-5 as amended, empower the Council of the Bigstone Cree Nation to pass a By-law 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 enactment of such By-laws, and the imposition of a penalty for the violation of any such By-law;

THEREFORE, BE IT RESOLVED THAT the Council of the Bigstone Cree Nation hereby enacts the following Dog Control By-law:

Short Title

1. This By-law may be cited as the *Bigstone Dog Control By-law*.

Definitions

2. In this By-law:
 - (a) "*at large*" means off the premises of the owner and not under the control of any person;

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; and any dog which has bitten another animal or human without provocation.

Application

3. This By-law applies in respect of all domestic dogs found on the Reserve, whether residing, visiting or residing elsewhere, and the owners thereof.

Dog Control Officer

4. The Council may appoint an officer to provide for the administration and enforcement of this By-law including to receive registrations and to issue identification tags as required under the provisions of this By-law.

Registration and Identification of Dogs

5.
 - Every person keeping one or more dogs on the Reserve shall register the
 - (a) dog and have an identification tag placed around the neck of each dog.
 - (b) The application for registration and identification tag shall be filed at the Bigstone Administration office and shall include:
 - (i) applicant's name and address or lot number;
 - (ii) a description of the dog sought to be registered, including the age, sex, name and breed of dog;
 - (iii) the number of dogs in the household;
 - (iv) if applicable, a record that the dog is immunized against rabies, noting the date of immunization;
 - (v) any other information deemed by the dog control officer to be necessary for the proper administration of this By-law.

- (c) The fee for registration and identification tags shall be \$5.00 dollars per calendar year.
- (d) The dog control officer shall issue the licence tag upon registration and payment of the annual fee prescribed in section 5(c) of this By-law.
- (e) The licence tag shall be securely attached at all times to a collar or harness placed around the neck of the dog.
- (f) The registration and identification tag issued by the officer will be valid for the period for which the license was issued.

Rabies

- 6. The owner of any dog exposed to rabies shall, on demand by the officer, surrender such animal to the Council to be held by the officer in quarantine for a period of 10 days and such dog shall not be released from such quarantine without the written permission of a medical officer of health.
- 7. An owner, upon demand made by the Council, shall forthwith surrender to the Council any dog that 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 dog found to be infected with rabies shall be destroyed by its owner or by the officer at the expense of the owner.

General Prohibitions

- 9. No owner shall allow a dog to go unrestrained on the Reserve.
- 10. No owner shall allow a female dog in heat to remain in any public place unless such female dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.

11. No owner shall allow his dog to cause damage to any property including moveable property, gardens, or other types of property.
12. 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.
13. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

Prohibitions Within Specific Areas

14. (a) Council may at any time prohibit the keeping of dogs within any area of the reserve that they so specify, including:
 - (i) schoolyards;
 - (ii) playgrounds; or
 - (iii) any other area as specified under this By-law.
- (b) Notice of any prohibition made by Council pursuant to subsection 14(a) shall be posted in the Bigstone Administration office and after the date of posting of such notice, no person shall keep or have a dog within the prohibited area.

Kennels

15. No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs within the limits of the Reserve without express written authorization from the Council.

Vicious Dogs

16. An owner of a vicious dog or aggressive dog must post a clearly visible sign notifying the public.

17. A vicious dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
18. An owner of a vicious dog shall keep such dog on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry by children.

Impounding and Destruction

19. (a) A dog found at large on the Reserve may be impounded.
- (b) Where a tagged dog is found at large on the Reserve by the officer, the officer shall make reasonable attempts to notify the registered owner.
- (c) Where the officer has notified the registered owner that the dog has been impounded and/or seized, the dog may be impounded no more than seven (7) calendar days.
- (d) Where a dog has been claimed by its owner, the owner shall pay any costs incurred for impounding of the dog prior to the dog's release, as set out in Schedule "A" attached hereto.
- (e) Any registered and tagged dog not claimed by an owner shall, after twenty- four (24) hours, be advertised as being available for adoption by any resident on the Reserve.
- (f) Where the registered owner fails to retrieve a dog that has been seized, the officer may, after the expiration of seven (7) days from date of seizure, humanely destroy or otherwise dispose of the dog and no compensation may be recovered as a result of the destruction or disposal of a dog by the officer.
- (g) If a dog is apprehended because it has inflicted an unprovoked bite upon an animal or person, the animal control officer shall impound the dog for such period of time to be specified by a veterinary surgeon.

- (h) If an unregistered and untagged dog is found at large and impounded, it will be deemed a stray by the Officer and destroyed if it is not claimed within twenty-four (24) hours of pick-up.

Disease

- 20. (a) If an officer has reason to believe that any dog on the Reserve is diseased, he shall notify the owner to seek veterinary attention for the dog and where the owner has declined, failed or neglected to do so the officer shall seize the dog from the owner and arrange for veterinary care for the dog.
- (b) Where the officer arranges for veterinary care of any dog seized under subsection 20(a) of this By-law, any fee arising from the provision of such veterinary care shall be a charge against the owner of the dog.
- (c) Where a dog has not been reclaimed within seven (7) days after seizure made under section 20(a), the officer may humanely destroy or dispose of the dog and compensation may be recovered as a result of any costs incurred in the destruction or disposal of the dog by the officer.

Destruction Where Unable to Seize

- 21. (a) Where the dog control officer, after reasonable effort, is unable to seize a dog that is running at large contrary to the provisions of this By-law, he may destroy the dog.
- (b) No damages or compensation may be recovered as a result of the destruction of a dog by the dog control officer pursuant to subsection 21(a).

Reporting

- 22. A written report of each such incidence of seizure or destruction as described in this By-law shall be filed with the Council.

Penalty

23. Every person who contravenes section _____ of this By-law is guilty of an offence and is liable on summary conviction to the following terms:

- (i) a warning from the officer;
- (ii) a fine of \$25 for the first offence;
- (iii) a fine of \$50 for the second offence; or
- (iv) a fine to a maximum of \$ 100 or to a maximum of five (5) days imprisonment.

THIS BY-LAW IS HEREBY ENACTED AS BY-LAW NO. _____
BY COUNCIL AT A DULY CONVENED MEETING HELD ON THE 24 DAY OF
February, 2003.

Chief

Councillor



Councillor



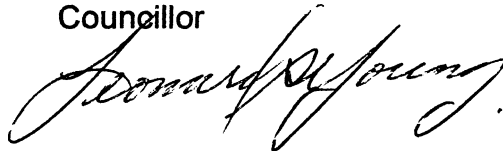
Councillor



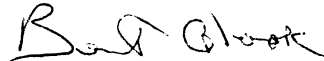
Councillor



Councillor



Councillor



SCHEDULE "A"

Impounding charges are as follows:

Registration charge for unregistered dogs	\$5.00/year
Impounding service charge:	\$30.00
Care and feeding:	\$5.00/day