

PEERLESS TROUT FIRST NATION
Animal Control Bylaw
 Bylaw No. 1

Enacted on the 11 day of February, 2025

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the *Indian Act* empower the Council of Peerless Trout First Nation 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 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 any such by-law;

AND WHEREAS the Council of the Peerless Trout First Nation 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 Chief and Council of the Peerless Trout First Nation deem it advisable and in the best interests of the Peerless Trout First Nation to establish a bylaw to both regulate the keeping of and prohibit the running at large of animals within the Peerless Trout First Nation Reserve

AND WHEREAS the Chief and Council of the Peerless Trout First Nation may, under paragraph 81 of the *Indian Act*, make bylaws:

1. for the prevention of disorderly conduct and nuisances (paragraph 81(d));
2. for the protection against and prevention of trespass by horses, cattle and other domestic animals, the establishment of pounds, the appointment of pound keepers, the regulation of their duties and the provision for fees and charges for their services (paragraph 81(e));
3. with respect to any matter arising out of or ancillary to the exercise of the aforementioned powers (paragraph 81(q));
4. with the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding 30 days, or both, for violation of a bylaw made under section 81 (paragraph 81(r));

NOW THEREFORE the Chief and Council of the Peerless Trout First Nation at a duly convened meeting thereof enact the following bylaw:

PART I
SHORT TITLE

1. This Bylaw may be cited for all purposes as the Peerless Trout First Nation Animal Control Bylaw.

EXECUTION COPY

PART 2 DEFINITIONS

2. The following terms whenever used in this Bylaw, or in any resolution of Chief and Council passed relating to this Bylaw, shall have the meaning respectively ascribed to them in this section unless the context otherwise requires:

"**Act**" means the *Indian Act* (together with all regulations made pursuant to same) being Chapter I-5 of the Revised Statutes of Canada, 1985, and any amendments thereto;

"**Animal**" means any living creature other than a human being;

"**Animal Control Officer**" means any person appointed or contracted by Chief and Council to enforce and carry out the provisions of this Bylaw;

"**Chief and Council**" means the Chief and Council of the Peerless Trout First Nation;

"**Dangerous Dog**" means any Dog that meets any one or more of the following:

- (a) the Dog has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) the Dog, while Running at Large, has attacked, bitten, killed or caused injury to an Animal;
- (c) the Dog, while Running at Large, has aggressively pursued or harassed a person or Animal;
- (d) the Dog has a known propensity, tendency or disposition to attack a person without provocation or to otherwise cause injury or threaten the safety of human beings or Animals;
- (e) any Dog that the Animal Control Officer, upon reasonable and probable grounds, believes to be a Dangerous Dog;

"**Dog**" means any Animal of the canine species;

"**Highway**" includes every highway, bridge, driveway, street, lane, square, road, avenue, parkway, thoroughfare, parking area, or other place within the Reserve designed or intended for the use of the membership of the Peerless Trout First Nation and/or the general public for the passage of vehicles or the parking of vehicles, including without restricting the generality of the foregoing, every area designated as a highway, bridge, driveway, street, lane, road, avenue, parking area or thoroughfare, on any Federal or Provincial or Municipal Plan;

"**Kennel**" means an establishment for the breeding or boarding of dogs or cats;

"Livestock" means domestic animals including but not limited to cattle, horses, sheep, goats, chickens, pigs.

"Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an Animal;

"Owner's Property" means the property immediately surrounding the dwelling place of an Owner that is generally acknowledged to be for the Owner's private use;

"Pound" means any structure, yard or enclosure established within the Reserve as a pound by Chief and Council under this Bylaw, or if Chief and Council fails to establish such structure, yard or enclosure, Pound means any building or enclosure established as a Pound by a third party;

"Reserve" includes all Reserve lands of the Peerless Trout First Nation;

"Run at Large" or **"Running at Large"** refers to any Animal found within the boundaries of the Reserve on public property or on the property other than the Owner's Property unless the Animal is accompanied by some person exercising control thereof;

"Schedule of Fees" means that Schedule of Fees attached as Schedule "A" to this Bylaw and forming a part hereof;

"Stray Animal" means an Animal with no Owner's identification upon it and whose Owner cannot be ascertained upon reasonable inquiry;

PART III ANIMAL CONTROL OFFICER AND LICENSING

APPOINTMENT

3. (a) Chief and Council may from time to time appoint a person to be the Animal Control Officer and may at any time terminate any such appointment.
- (b) The Animal Control Officer will have the powers and carry out the duties set out in this Bylaw.

OBSTRUCTION OF ANIMAL CONTROL OFFICER

4. No person may interfere with, obstruct or impede the Animal Control Officer exercising powers or carrying out duties under this Bylaw.

ANIMAL RESCUE PROHIBITED

5. (a) Without limiting the generality of section 4, no person shall rescue or attempt to rescue any Animal that the Animal Control Officer is seizing or attempting to seize or that is

otherwise lawfully in the custody or control of the Animal Control Officer pursuant to this Bylaw.

- (b) Without limiting the generality of subsection (a) or section 4, no Animal being kept in the Pound shall be removed therefrom by any person without prior consent of the Animal Control Officer.

REGISTRATION AND IDENTIFICATION OF ANIMALS

- 6. (a) Every person keeping one or more dogs on the reserve shall register and have an identification tag placed around the neck of each dog.
- (b) The application for registration and identification tag shall be filed with the Animal Control Officer and it will 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 dogs 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 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.
- (c) The charge for registration and an identification tags shall be \$20.00 dollars which shall be valid for the life of the dog.
- (d) The Animal Control Officer shall issue the license tag upon registration and payment of the registration fee and, if necessary, proof that the dog has been immunized against rabies.
- (f) The license tag shall be securely attached to the collar or harness of the dog at all times.
- (g) All horses on PTFN Reserve shall be registered in accordance with the regulations specified by the Animal Control Officer and posted at the PTFN Administrative Office for public viewing.

IMMUNIZATION OF ANIMALS

- 7. (a) All animals on the reserve must be immunized in accordance with generally accepted veterinary standards.
- (b) The owner of any animal exposed to rabies shall, on demand by the Animal Control Officer, surrender such animal to the Animal Control Officer 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.

- (c) Upon demand of Animal Control Officer, the owner of any animal shall forthwith surrender to the Animal Control Officer 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 health officer.
- (d) 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.

PART IV POUND

ESTABLISHMENT OF POUND

- 8. (a) Chief and Council may establish a Pound to keep Animals impounded under this Bylaw, to be located at such place within the Reserve, and to be constructed to such standard as may be approved, from time to time by Chief and Council.
- (b) In lieu of establishing a Pound under subsection (a), Chief and Council may make contractual arrangements with a third party for the use of the third party's Pound for the purposes of this Bylaw.

POUND RECORDS

- 9. (a) The Animal Control Officer must keep a record book in which shall be entered with reference to each Animal impounded, the date and location of impounding, a description of the Animal, the name of any person from whom the Animal is received and the date upon and the manner in which such Animal is disposed of.
- (b) The record book referred to in sub-section (a) shall be open to inspection by Chief and Council, and by any other person authorized by Chief and Council, at any time during regular business hours of the Pound.

PART V KEEPING AND CONTROL OF ANIMALS

GENERAL CARE AND CONTROL

- 10. Every Owner of an Animal shall treat the Animal in a humane manner, including but not limited to the provision of:
 - (a) Shelter for the Animal that is waterproof and that protects it from exposure to the elements, as appropriate;

- (b) Shelter for the Animal that is adequate for its size and breed; and
- (c) Adequate food and water for the Animal.

LIVESTOCK

11. Animals, which includes horses, when outside of any buildings or structures used to shelter or house them, must be kept enclosed within secure fences, corrals or pens sufficient to retain them.

HOUSEHOLD PETS

12. Household pets may be kept in a reasonable number provided they are kept primarily within the household to which they are associated and their keeping does not create a nuisance to persons on adjacent parcels.

KENNELS

13. No person shall establish a Kennel on the Reserve without prior written permission of Chief and Council.

RUNNING AT LARGE

14. No person owning or having control or custody of any Animal shall allow that Animal to Run at Large or to stray, depasture or trespass on any Highway or any other lands other than the Owner's Property.

DISTURBANCES

15. No person shall own, keep or harbor any Animal within the boundaries of the Reserve which by loud, continued or frequent howling, barking, or other noise making shall unreasonably annoy, disturb or endanger the health, welfare, or repose of any person or neighbor.

DANGEROUS DOGS

16. (a) No person shall keep, own or possess within the boundaries of the Reserve any Dangerous Dog unless:
- (i) the Dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person; or
 - (ii) the Dog is securely confined indoors or in an enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the Animal from escaping.

- (b) An Owner of a Dangerous Dog shall display a clearly visible warning sign that there is a Dangerous Dog on the property. Such sign shall include a warning symbol that warns children of the presence of a Dangerous Dog.

PART VI IMPOUNDING OF ANIMALS

AUTHORITY TO SEIZE AND IMPOUND

17. Any Animal found Running at Large or trespassing in or upon any parcel of land, premises or public place including any Highway in violation of this Bylaw shall be subject to seizure and impoundment by the Animal Control Officer.

Notwithstanding the foregoing, if a Dangerous Dog is found Running at Large and cannot be safely seized, such Dog may be destroyed by the Animal Control Officer.

NOTIFICATION OF IMPOUNDMENT

18. Any Animal seized by the Animal Control Officer that is branded shall be reported to the nearest Brand Office of Livestock Identification Services or the RCMP for further advice and direction.

19. The Animal Control Officer shall (unless the Owner of the Animal can, by virtue of the circumstances resulting in impoundment of the Animal, reasonably be assumed to be aware that the Animal has been impounded) forthwith make reasonable efforts to notify the Owner, or if the Animal has no Owner any person known by the Animal Control Officer to have been the possessor of the Animal, of such impoundment.

STRAY ANIMALS

20. Stray Animals may be destroyed by the Animal Control Officer.

DANGEROUS DOGS

21. Notwithstanding anything to the contrary elsewhere contained in this Bylaw, where a Dangerous Dog has caused injury to a person or Animal, upon seizure and impoundment the Dog may be immediately destroyed by the Animal Control Officer.

RECLAIMING AN IMPOUNDED ANIMAL

22. The Owner of any Animal seized and impounded pursuant to section 17 may reclaim such Animal upon application to the Animal Control Officer at any time prior to the Animal being sold or destroyed pursuant to this Bylaw, on providing payment of the applicable fees as prescribed in the Schedule of Fees. Notwithstanding the foregoing in the event of any cow, horse or other livestock being seized and impounded for the third offence, the animal may be sold, adopted or humanely destroyed, as the Animal Control Officer shall in its sole discretion deem appropriate.

UNCLAIMED, SICK OR INJURED ANIMALS

23. If any Animal impounded pursuant to section 17 is not claimed by its Owner or by a person claiming to have the right to lawful possession of the Animal within a period of 5 days from the date the Animal is impounded, exclusive of the day on which the Animal was impounded, the Animal Control Officer may forthwith cause such Animal to be sold, adopted or humanely destroyed, as the Animal Control Officer shall at his/her sole discretion deem appropriate. Any revenue from the adoption or sale of any Animal shall be applied against any impoundment fees and costs, and any remaining amount shall be paid to the Owner or in the event the identity of the Owner is unknown then it shall be retained by the Peerless Trout First Nation.

24. Notwithstanding anything to the contrary elsewhere contained in this Bylaw, if an Animal is impounded pursuant to section 17 and the Animal Control Officer notifies the Owner, or any person known by the Animal Control Officer to have been the possessor of such Animal, that the Animal has been impounded, and such Owner or person indicates to the Animal Control Officer that he does not intend to re-claim such Animal from the Pound, the Animal Control Officer may thereupon forthwith cause such Animal to be sold, adopted or humanely destroyed, as the Animal Control Officer shall at his/her sole discretion deem appropriate.

25. Notwithstanding anything to the contrary elsewhere contained in this Bylaw, when an Animal has been seized pursuant to section 17 and it is found that such Animal is suffering from an injury, disease or sickness that in the reasonable opinion of the Animal Control Officer is so severe that it is unlikely that the Animal will survive such injury, disease or sickness, or that it would be an act of humanity to destroy the Animal, the Animal Control Officer shall cause such Animal to be immediately destroyed.

PART VII RIGHTS, DUTIES AND LIABILITIES

RIGHT OF ENTRY

26. (a) The Animal Control Officer is authorized to enter, at all reasonable times, upon any parcel of land or premises within the Reserve in order to determine the health and well-being of any Animal within the premises and to ascertain whether the provisions of this Bylaw are being obeyed.
- (b) Where the Animal Control Officer is satisfied that an Animal is not receiving proper care, treatment or shelter or is being kept on any premises contrary to the provisions of this Bylaw, the Animal Control Officer is authorized to enter upon any parcel of land or premises within the Reserve in order to control, impound any such Animal or destroy any dangerous, wounded or sick animal.

RIGHT TO DESTROY

27. Any person shall have the right to destroy immediately any Dog engaged in the process of injuring or harassing livestock or other domestic or game animals or threatening or inflicting harm to any person, or inflicting serious harm to persons.

DUTY OF OWNER OF DOG FOUND HARASSING LIVESTOCK

28. It shall be the duty of the Owner of any Dog found chasing, biting, or injuring any livestock or other domestic animal or game animal, upon being notified of that fact by the Owner of such livestock or domestic animal or by an Animal Control Officer, to keep such Dog on leash or confined upon the Owner's Property. If such Owner shall fail or neglect to comply with the provisions of this section, it shall be lawful for the Owner of such domestic animals or an Animal Control Officer to kill such Dog not so confined.

DUTY OF OWNER TO KILL MARAUDING DOG

29. It shall be the duty of the Owner of any Dog which shall be found killing any livestock or other domestic animal or game animal to kill such Dog within forty-eight hours after being notified of that fact by the Owner of such livestock or domestic animal or by an Animal Control Officer. If such Owner shall fail or neglect to comply with the provision of this section, it shall be lawful for an Animal Control Officer to kill such Dog if found Running at Large.

LIABILITY OF OWNERS

30. Every Owner of an Animal shall be liable in damages for any property damage or injury committed by such Animal and it shall not be necessary in any action brought therefor to allege or prove that such Animal was of a dangerous or mischievous disposition or that the Owner thereof knew that it was dangerous or mischievous. However, proof of provocation of an attack by any injured person shall be a complete defense to any action for damages.

ABANDONMENT

31. It shall be unlawful for any person to abandon any Animal within the boundaries of the Reserve or for any Owner of an Animal to neglect to furnish adequate food or care for said Animal.

PART VIII FEES AND FORMS

32. Chief and Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any fee schedule, forms, protocols or other related documentation which complement and support this Bylaw, and will post notice of same in public areas and make a copy of same available for viewing free of charge at the administrative offices of the Peerless Trout First Nation.

PART IX OFFENCES AND WARNINGS

33. No person shall obstruct, interfere with or hinder Chief and Council, the Animal Control Officer or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Bylaw.

34. Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Bylaw, is guilty of an offence and is liable to a penalty on a summary conviction not exceeding one thousand dollars or imprisonment for a term not exceeding 30 days, or both, for violation of this bylaw.

35. Despite any other provision of this Bylaw, if the Animal Control Officer has reasonable grounds to believe that a person is not complying with a provision of this Bylaw, the Animal Control Officer may give that person a verbal or written warning.

PART X IMMUNITY

36. No action for damages lies or may be instituted against present or past Chief and Council, Animal Control Officer, or members, employees, servants or agents of either for:

- (a) anything said or done or omitted to be said or done by that person in the actual or required performance of the person's duty or the exercise of their authority; or
- (b) any alleged neglect or default in the actual or required performance of the person's duty or the exercise of their authority.

unless that person, in relation to the conduct that is the subject matter of the action, was guilty of dishonesty, gross negligence or malicious or wilful misconduct; or the cause of action is libel or slander.

37. Present or past Chief and Council, or members, employees, servants or agents thereof are not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Bylaw or from the neglect or failure, for any reason or in any manner, to enforce this Bylaw.

PART XI APPLICATION OF LAW

38. This Bylaw shall become effective and of full force and effect upon the date it is enacted.

**PART XII
SEVERABILITY**

39. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.

BE IT KNOWN that this Bylaw entitled "The Peerless Trout First Nation Animal Control Bylaw" is hereby read and enacted as Bylaw No. 1 by the Chief and Council of the Peerless Trout First Nation at a duly convened meeting of Council held on the 11 day of February, 2025.

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



Chief Gilbert Okemow




Julianne Noskiye



Corrine Alook



Judy Sinclair



Paul Houle

SCHEDULE A

SCHEDULE OF FEES PER ANIMAL

FINES

1.	ANIMAL RUNNING AT LARGE	\$50.00
2.	ANIMAL CREATING A DISTURBANCE	\$50.00
3.	ABANDONING OR NEGLECTING AN ANIMAL	\$50.00

IMPOUNDMENT FEES

1.	PER EACH DOG	First impoundment	\$20.00 *per day
		Second impoundment	\$30.00 * per day
		Third and subsequent impoundment	\$50.00 * per day

*\$10.00 per day cost of care and feeding fee will be added

2.	PER EACH LIVESTOCK	First impoundment	\$50.00 ** per day
		Second impoundment	\$100.00 ** per day
		Third impoundment	removed and disposed**

** **PLUS COSTS** including but not limited to costs for care, feeding, special equipment or personnel required to effect the impoundment, destroying and disposal of the livestock.