BY-LAW NO. 1-99

OF THE M'CHIGEENG FIRST NATION

A BY-LAW FOR THE REGULATION OF DOGS

**WHEREAS** the Council of the M'Chigeeng First Nation, believes that the controlled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on the First Nation, and a nuisance to such residents;

**AND WHEREAS** Section 81(1), paragraphs (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 preventions 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-laws;

**NOW THEREFORE** the Council of the M'Chigeeng First Nation, in the Province of Ontario, enacts the following by-law:

1. In this by-law:
   (a) "Council" means the elected Band Council of the M'Chigeeng First Nation, in the Province of Ontario, District of Manitoulin;
   (b) "dog" means any dog, male or female, over the age of two months, and includes a cross between a dog and wolf;
   (c) "dog control officer" means the person(s) involved with the control and destruction of dogs with M'Chigeeng First Nation;
   (d) "animal register" means the register kept by the Dog Control Officer for the purpose of the registration of all dogs on the reserve;
   (e) "owner" of a dog includes a person who possesses or harbors a dog;

(f) "Reserve" means that track of land set apart by Her Majesty for the use and benefit of the M'Chigeeng First Nation and known as M'Chigeeng First Nation, in the Province of Ontario and includes any portion or portions of that Reserve surrendered for lease or leased;

(g) "at large or running at large" shall mean off the premises of the owner of the dog and not under the direct control of the owner or a person appointed by that owner for such purposes;

(h) "villainous or cross dog" includes:

  (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;

  (ii) any dog that a Dog 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;

  (v) specifically rottweilers and pitbulls;

(i) "premises" means buildings and structures thereto, including accepted yard areas;

(j) "public areas" means public buildings and structures erected and /or maintained by the M'Chigeeng First Nation, including roadways and paths;

(k) "responsible ownership" means an acknowledgement of responsible dog ownership and that this acknowledgement is used to encourage this by providing incentives for those owners who are able to meet the criteria defined below:

(a) Been a registered owner in the M'Chigeeng First Nation for at least two years.

(b) Never been convicted of an offence under the Dog Control By-Law.

(c) Has not been issued with a warning notice by the Dog Control Officer.

(d) Never been issued an infringement notice under the Dog Control By-Law.

(e) Dog has never been impounded.

(f) Registration fees have been paid by due date.

(g) Having dog immunized.

(h) Having dog spayed or neutered.

**DOG CONTROL OFFICER**

2. (a) The Council may appoint by Band Council Resolution a Dog Control Officer, and may fix the terms of employment, duties, and remuneration, and such appointment may include a By-Law Enforcement Officer; or
Council may issue a contract for the specified services of a Dog Control Officer;

(b) The Council may in a Band Council Resolution provide for reasonable remuneration to be paid for kennelling and euthanasia services associated with the enforcement of this by-law;

**RESPONSIBILITIES OF DOG CONTROL OFFICER**

(a) Patrol and monitor public places for dogs and pickup any loose, unregistered dogs;

(b) Terminate dogs after three (3) consecutive communications/contacts on different days to have the dog picked up by the owner;

(c) Take care of the dogs in kennel during their waiting period for release to owners;

(d) Coordinate annual vaccination and sterilization clinics with Community Health Representative and Veterinarian;

(e) Notify owner of dog pickup and any fees they may incur;

(f) Administrative duties include telephone call or home visit (as applicable) to notify owners of dog pick up, maintain up-to-date registry of dogs, collect registration fees, inform summer residents, including landlords, of dog by-law and their personal duty to follow the by-law;

(g) Promote and enforce the M'Chigeeng First Nation Dog By-Law;

(h) Notify Environmental Health Officer and any other relevant professional of dog biting/attacking incidents;

(i) Follow routine accordingly regarding possible rabies outbreak as outlined by Health & Agriculture Canada.

(j) The Dog Control Officer will keep a record of all dogs within M'Chigeeng First Nation. The registration will identify the name of the owner, the name of the dog, age, sex, fees paid or owing etc.

(k) Upon registration, the Dog Control Officer will issue a registration tag which must be attached to the dog at all times. If there is a change in ownership of any registered dog, the new owner must notify the Dog Control Officer. The cost of the registration tag is included in the annual fee.

(l) All monies received by the Dog Control Officer in the pursuance of his/her duties shall be paid over to the Finance Office of M'Chigeeng First Nation;

(m) The Dog Control Officer shall report to the Council as Council may direct.

**RESPONSIBILITIES OF COMMUNITY PET OWNERS:**

Every Pet Owner Shall:

(a) Securely tie up dogs, keep on property;

(b) Ensure vaccinations are up to date;

(c) Ensure proper care of animals;

(d) Register dogs annually;

(e) Ensure prompt payment of fees and fines incurred;

(f) Report any abnormal behaviours of pet to the Dog Control Officer or Veterinarian;

(g) Report any biting incidents to the Dog Control Officer or the UCCM Anishnaabe Police;

(h) Owners shall advise the Dog Control Officer when a pet is missing.

**REGISTRATION AND IDENTIFICATION OF DOGS:**

13. (a) The head of each family and each person living alone on M'Chigeeng First Nation may keep one dog providing a $5.00 annual registration fee is paid within one month of receiving the dog or of this By-Law coming into effect. If this registration fee is not paid within one week, the registration fee will be $10.00 for each additional week;

(b) The head of each family or any person living alone wanting to keep more than one dog over the age of six months must inform the Dog Control Office and must register each additional dog with payment of $25.00 per dog annually. If the dog is spayed or neutered, there will be a reduced registration fee of $12.50 for each additional dog (proof of sterilization by qualified professional must be submitted).

(c) The kennel rates are as follows: after one day - $20.00; after two days - $30.00; after three days - $40.00, being the maximum amount charged. All fees must be paid by cash or certified cheque, payable to M'Chigeeng First Nation, before the release of the dog. On day four (4), if there is no contact made for pickup of the dog, the dog will be destroyed.

## CONTROL OF DOGS

17. No dog shall be allowed to run at large within the reserve.

18. Rottweilers and pitbulls are not allowed within the M'Chigeeng First Nation.

19. Any dog found running at large, committing a nuisance, or endangering the health of residents of the M'Chigeeng First Nation shall be impounded.

20. In a reported instance of a dog becoming aggressive or attacking someone, the United Chiefs & Councils of Manitoulin (UCCM) Anishnaabe Police will investigate the incident. If the incident is found to be of solid and warranted proof, the Dog Control Officer will automatically destroy the dog. The assistance of the UCCM Anishnaabe Police will be to keep the peace. The Dog Control Officer will document the incident.

21. In any reported biting incident, if the Environmental Health Officer or the UCCM Anishnaabe Police feel the dog owner cannot confine the dog for the required quarantine period of 10 days, the Dog Control Officer will pick up and lodge the dog at the kennel. The dog owner will be fined $50.00 per day. This fee must be paid in full by cash or certified cheque before the dog is released to the owner. One day after the quarantine period, if the dog is still in the kennel and no contact has been made by the owner, or if contact has been made by the owner and no reasonable alternative arrangements have been made for payment of kennel fees, the dog will be destroyed.

22. This by-law applies to leased lots/summer residents - the owner or landlord must notify and provide a copy of this by-law to the lessee and assist with the enforcement of such by-law. All summer residents must

register their dog, pay any fees and adhere to this by-law. The registration process and fee payments must be completed with the Dog Control Officer.

23. This by-law will be reviewed annually by the Dog Control Officer, Health Services Committee and the Environmental Health Officer.

**THIS BY-LAW IS HEREBY made at a duly convened meeting of the COUNCIL OF THE M'CHIGEENG FIRST NATION, this** 13 **day of** December **19**99 .
#589 Joe/Roger

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

Chief Glen Hare

Councillor Roger Beaudin

Deputy Chief Earl Debassige

Councillor Nelson Debassige

Councillor Dan Simon

Councillor Cheyenne Migwans

Councillor Joseph Hare

Councillor Terry Debassige

Councillor Geraldine Ense-McGregor

Councillor Fred Migwans

Councillor Ray Corbiere

being the majority of those members of the Council of the M'Chigeeng First Nation present at the aforesaid meeting of the Council.

The quorum of Council is 5 members.
Number of members of the Band Council present at the meeting: (5) five

Mr. Alfred Debassige, Band Administrator