Whitefish River First Nation

By-law Number 2268-BCR Dated July 22, 2002
Being a By-law to repeal and replace

By-law No. 4 Enacted on the 12 th day of March, 2007

WHEREAS section 81, Paragraph (a), (d), (e), (q) and (r), of the Indian Act, empowers the Council of an Indian Band to pass 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 exercise of powers under this section, and the imposition of penalty for the violation of any such by-law;

AND WHEREAS the Council of the Whitefish River First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large off dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

AND WHEREAS the Council of the Whitefish River First Nation enacted By-Law Number 4 on the 12 th day of March 2007, thereby repealing the said By-Law Number 2268-BCR dated July 22, 2002 and replacing it with By-law Number 4;

THEREFORE THE COUNCIL OF THE WHITEFISH RIVER FIRST NATION ENACTS THIS DOG CONTROL BY-LAW, NUMBER 4 AS FOLLOWS:

This by-law may be cited as the "Dog Control By-Law";

1. **DEFINITIONS:**

1.1 **Animal Control Officer** - shall mean a Officer appointed pursuant to an agreement made, or a person employed by the Whitefish River First Nation Council for the purpose of enforcing the provisions of this by-law;

1.2 **At Large** - shall mean that an animal shall be deemed at large when it is found in any place other than the premises of the owner of the dog and not under the control of any person;

1.3 **Council** – shall mean the Council of the Whitefish River Indian Reserve, as defined in the Indian Act;

1.4 **Dog** - shall mean any member of the species canis familiaris which is over twelve (12) weeks of age;

1.5 **Identification**– shall mean dog tags; received by a certified veterinarian

1.6 **Noise** - shall mean the sound made by any dog which unreasonably disturbs the peace, quiet, comfort or repose of any person for a period greater than one hour in any dwelling unit;

1.7 **Owner** - shall mean any person, group of persons, partnership or corporation who possesses or harbors dogs; and " own(s)", shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of animals; and where the owner is a minor, the person responsible for the custody of the minor;

1.8 **Persons** - shall mean any individual or firm, incorporated group, business entity, or club to whom the context can apply;

1.9 **Pound** - shall mean such premises and facilities that are used for the detention, maintenance or disposal of dogs that have been impounded;

1.10 **Pound Keeper** - shall mean the person, or persons, or agency that act as keeper of the pound;

1.11 **Registration** – shall mean owner of dog(s) must get an assign number by the Animal Control Officer

1.12 **Restraint** - shall mean a dog is under restraint within the meaning of this by-law, if it is on the owner's property, out on a leash, or at "heel" beside a person and is obedient to that person's command;

1.13 **Reserve** – shall mean the Whitefish River First Nation;

2. ANIMAL CONTROL OFFICER

2.1 The Council may appoint by Band Council Resolution an animal control officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags;

2.2 The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the animal control officer;

2.3 An Animal Control Officer may enter on any public property, or private property with the consent of the owner or tenant, for the purpose of capturing any dog running at large;

2.4 Any dog found running at large contrary to this by-law may be seized and impounded by an Animal Control Officer;

3. IMPOUNDMENT

3.1 It shall be the duty of the Animal Control Officer to capture dogs found running at large and return them to the owner's habitual residence if known, or to impound same, when practical, where they can be confined subject to the right of the owner to redeem the dog within seventy-two (72) hours from the time of impoundment;

3.2 The owner of every dog impounded, if known, whether or not the dog is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees to the contractor;

3.3 Where at the end of the said seventy-two (72) hours, possession of the dog has not been restored to the owner, the operator of the pound may dispose of the dog in accordance with Chapter A.22 of the *Animals for Research Act,* Sections 20 (6) and (7);

3.4 No dog shall be returned to the owner unless it has been registered in accordance with the provisions of this by-law, and any owner of a dog without a dog tag shall obtain a dog tag for the current year before delivery is made;

3.5 Where a dog is seized and impounded, is injured or should be destroyed without delay for humane reasons or safety to persons or animals, the Animal Control Officer may have the dog disposed of in a humane manner as soon after seizure as deemed fit without permitting any person to reclaim the dog or animal or without offering it for sale and in that event no damages or compensation shall be recoverable on account of its killing;

3.6 Where a dog is alleged to have bitten any person or domestic animal, such dog may be impounded and held by the pound until proceedings under the Powers of Council of the Whitefish River Indian Reserve, provided that no dog shall be so impounded or held for a period in excess of Twenty-one (21) days unless otherwise ordered by the Council of Whitefish River First Nation.

4. REGISTRATION AND IDENTIFICATION FEES

4.1 Every owner of a dog(s) in the Reserve shall register the dog and obtain a identification tag for each dog owned by that owner

- **4.1.1** The applicant's name
- **4.1.2** The applicant's address or lot number
- **4.1.3** A description of the dog to be registered, including sex, age, and breed if known;
- **4.1.4** The number of animals in the household;
- **4.1.5** A record that the animal is immunized against rabies, noting the date of such immunization, the name of the person or veterinarian hospital, including the vaccine and its batch number; and
- **4.1.6** Other information deemed by the animal control officer to be necessary for the proper administration of the by-law

4.2 The fee for such dog(s) registered shall be payable as set out in Schedule "A" attached to and forming part of this by-law.

4.3 Upon application for a registration, the owner may be required to produce a certificate signed by a practicing veterinarian that the dog(s) has been

inoculated with an anti-rabies vaccine within a period of twelve (12) months of the date of application.

4.4 Every registration issued pursuant to this by-law shall expire on the 31st day of March in the year following the year in which it was issued.

4.5 The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.

4.6 Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Reserve showing the name and address of the owner and the serial number of the tag.

4.7 No person shall use a dog tag for a dog other than the dog for which such tag was issued.

4.8 The replacement fee for a lost dog tag shall be as set out in Schedule "A" of this by-law.

4.9 No identification or registration shall be transferable. A identification and registration shall expire and become void upon the sale, death, or disposal of the dog for which such identification and registration relates.

4.10 Notwithstanding Section 3.1 no identification shall be required for any dog before it is twelve (12) weeks old, but when any such dog becomes twelve (12) weeks old, the owner shall be liable to register and obtain a identification and tag in accordance with this Part within fifteen (15) days of its becoming twelve weeks old.

5. DOG WASTE:

5.1 Every person who owns, harbors, possesses or is in control of any dog within the limits of the Whitefish River First Nation, owner's resident or other residents shall remove forthwith and dispose of any excrement left by dog on any property in these areas.

6. MISCELLANEOUS MATTERS:

6.1 No person or persons shall own, harbor, or keep any more than two (2) dogs per household. The provisions of this subsection do not apply to:

6.1.1 dogs under twelve(12) weeks of age

7. MUZZLING and LEASHING OF DOGS:

7.1 Every owner of a dog after it has bitten a person or a domestic animal shall ensure that said dog is muzzled and leashed while said dog is on any property in the Reserve, including the premises of the owner of the dog.

7.2 An owner of said dog shall, when on the premises and lands of the owner at all times:

7.2.1 keep within the premises, said dog confined; or
7.2.2 keep in an enclosed pen of construction and sufficient dimension to provide humane shelter for said dog and preventing it from escaping or entry therein of unsupervised children.

7.3 No owner shall permit a female dog in heat remain in reserve publicly, unless its on a leash and is accompanied by and under the observation and controlled by the owner or his / her agent;

7. LIABLE FOR DAMAGES:

7.1 The Whitefish River First Nation, its officer, and the Animal Control Officer shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

8. PENALTY PROVISIONS:

8.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence; and

8.1(a) upon conviction thereof shall be liable to a penalty as set out in Section 81(1), (a), (d), (e), (q) and (r) of The Indian Act, 2003,

9. SEVERABILITY

9.1 If any section, subsection, clause, paragraph or provision of this by-law is found by any board of competent jurisdiction to be invalid or beyond the powers of the Council of the Whitefish River First Nation to enact, such section, subsection, clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law and all other sections or parts of this by-law shall be deemed to be separate and independent there from and are enacted as such.

10. REPEAL SECTION

10.1 Upon the coming into force of this by-law and which by-laws were passed pursuant to the Powers of Council of Whitefish River First Nation, Section 81 of the Indian Act, as amended, or predecessor provisions, are hereby repealed.

11. This by-law shall come into force and effect on the date of approval of the short form wording.

12. By-law Number BCR 2268 enacted on the 22nd day of July ,2002 and being a By-law to regulate the care and control of Dogs 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 Whitefish River First Nation on the 12th day of March ,2007

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

Franklin Paibomsai
Chief

member of the Council

member of the Council

Murray A. McGregor
member of the Council

member of the Council

member of the Council

Celia Walker
member of the Council

being the majority of those members of the Council on the Whitefish River First Nation present at the aforesaid meeting of the Council.

The Quorum of the Council is 4 members; Number of members of the Council present at the meeting; 5 (five) ;

I, Franklin Paibomsai Chief, of the Whitefish River First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the By-Law Advisory Services Unit, Indian & Northern Affairs Canada, Room 18 A, 18th Floor, TLC, 10 Wellington St., Ottawa, On KIA OH4 office of the department to subsection 82 (1) of the Indian Act, this 13TH day of March ,2007.

Witness

Franklin Paibomsai
Chief

SCHEDULE "A"

Whitefish River First Nation BY-LAW NO. 4

DOG REGISTRATION FEES

Dog Registration	$ 20.00
Replace Dog Tag	$ 2.00
Dog Registration and Tag Fee after November 1st of each year	$ 10.00

Impounding Fees:

Seized dog payable to Animal Control Officer	per contract
Pound Fee	per contract
Disposal of Dog	per contract