

By-law No. 2014-X
Being a By-law Respecting the Care and
Control of Animals on the Reserve

WHEREAS Dogs have always been a part of our culture as First Nations people. They were used as a means of transportation, for hunting, and most of all, used as companionship. Over the years as more people came and settled the dog population began increasing. Today we now have a vast number of dogs running at large due to strays mating with other strays and no one to care for them. The dog population is becoming an issue where dogs are scared, hungry, and need shelter from our harsh winter conditions. No one is taking the responsibility to harbor these strays. The dogs run around in packs and make it unsafe for our Band members who walk or play in the areas. We need to be able to walk and play without the fear of getting attacked or bitten by these dogs;

WHEREAS This Animal by-law will aid with better control over the dog population. It will also help with the many responsible pet owners who would like their pets immunized, healthy and safe. This By-law will also prevent these animals from starvation and suffering;

Although the number of animal bites reported is not very outrageous, they still are statistics. We should have no bites to report. Take into consideration that not all bites are reported;

And WHEREAS section 81, in paragraphs (a), (d), (e), (q) and (r), of the *Indian Act*, empowers the Council of an Indian Band 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;

THEREFORE, the Council of the [*insert name of band*] First Nation enacts this Animal By-law, Number 2014-X, as follows:

1. SHORT TITLE

1.1 This by-law may be cited as the "Animal By-law, 2014."

2. INTERPRETATION

2.1 In this by-law:

"Animal" means a dog, a cat, or any other domestic or domesticated animal, male or female but does not include livestock and/or farmed fur bearing animals;

"Animal Control Officer" means a person, appointed pursuant to Section 5, or any by-law enforcement officer, including a police officer or a person employed or contracted by the Council for the purpose of enforcing the provisions of this by-law;

"Animal register" means the register kept by the Animal Control Officer for the purpose of the registration of all animals on the reserve;

"At large" or *"running at large"* means off the premises of the owner and not on a leash or under the effective supervision and control of a person capable of controlling the animal by verbal command;

"Band" means [*insert name of band*] Band, a "band" within the meaning of section 2 of the *Indian Act*;

"Cat" means any domesticated cat, male or female;

"Council" means the Council of the [*insert name of band*] a "council of the Band" as defined in the *Indian Act*;

"Disposal" means disposing of the carcass of cat or dog at an approved disposal site in a pit and covering it with dirt to a depth of at least two (2) feet.

"Dog" means a dog, whether male or female, of any classification or breed, or mixture of breeds, and includes an animal that is a cross between a dog and wolf;

"Household" means each single unit home being a fully or semi-detached building, a multiple unit household, an apartment home or any building used or intended to be used for human habitation;

"NITHA" means Northern Inter-Tribal Health Authority Inc.

"Owner" means any natural or legal person that owns, harbours, possesses, or has control, care or custody over an animal, and the terms "owns" and "owned" have a

corresponding meaning;

"Pound keeper" means that person, organization, or corporation as may from time to time be appointed by the Council for the purpose of retaining dogs seized or impounded pursuant to the provisions of this by-law, or if no appointment is made by Council the Animal Control Officer shall be deemed to be the pound keeper;

"Quarantine" means in respect of a cat or dog, the limitation of freedom of movement and contact with other animals or humans during the incubation period of the communicable disease in respect of which quarantine is imposed.

"rabid animal" or *"rabies suspect animal"* means an animal that is infected with or potential carrier for the rabies virus such as a fox, skunk, racoon or bat and likely to transmit the virus to other domesticated animals or humans mainly through bite wound or contact of virus infected saliva with scratch, open wound or the mucous membrane of the eyes, nose or mouth.

***"Reserve"* means**

<i>[Insert list of communities under the First Nation Band]</i>	

"Vaccination" means the administration of vaccines to a cat or dog to protect against diseases.

"Vicious dog" means any dog to which any of the following applies:

- a) that has killed a human being or domesticated animal without provocation, whether on or off the owner's property;
- b) that has bitten or injured a human being or domesticated animal, without provocation, whether on or off the owners' property;
- c) that is attack trained;
- d) that has been deemed dangerous, vicious, or similar under a law or by-law of any other First Nation, municipality or regional district of the Province of Saskatchewan;
- e) that has shown the disposition or tendency to be threatening or aggressive.

2.2 The headings given to the sections and paragraphs of this by-law are for convenience only, do not form part of this by-law, and will not be used in the interpretation of this by-law.

3. APPLICATION

3.1 This by-law applies to all owners of domestic and domesticated animals residing on or visiting the reserve.

4. PURPOSE

4.1 The purpose of this by-law is:

- a) to provide for the licensing and registration of cats and dogs;
- b) to control and regulate cats and dogs;
- c) to provide for the impounding of dogs that are running at large;
- d) to provide a safe environment from dangerous dogs.

5. ANIMAL CONTROL OFFICER

- 5.1 The Council may appoint, by Band Council Resolution, an Animal Control Officer (or Designate) to;
- a) provide for the administration of this by-law;
 - b) receive registrations under this by-law; and
 - c) carry out enforcement measures and impoundment as provided for in this by-law.
- 5.2 The Council may, by Band Council resolution, provide for reasonable remuneration to be paid to the Animal Control Officer (or Designate).
- 5.3 The Animal Control Officer (or Designate) may delegate any of his or her duties and powers under this by-law with the consent of the Council by way of Band Council Resolution.

6. REGISTRATION AND IDENTIFICATION OF ANIMALS

- 6.1 No person shall own or keep more than three (3) animals, aged three (3) months or more, on the reserve unless such animals are registered as provided in this by-law,
- 6.2 The application for registration of an animal must be in the form attached as Schedule "B", and shall include:
 - a) the applicant's name;
 - b) the applicant's address or lot number;
 - c) a description of the animal sought to be registered, including age, sex, name and breed if known;
 - d) the number of animals in the household; and
 - e) any other information deemed by the Animal Control Officer (or Designate) to be necessary for the proper administration of the by-law,
- 6.3 The Animal Control Officer (or Designate) shall register the animal upon submission of a completed application and payment as set out in Schedule A
- 6.4 Upon successful application and payment of the registration fee, the applicant will receive a tag for their animal(s) and a copy of the registration form.
- 6.5 The Animal Control Officer (or Designate) shall maintain a complete registry of all registered animals.
- 6.6 The owner of any registered animal shall, within 30 days of the owner's change of address, change of ownership of the animal, or death of a registered animal, notify the Animal Control Officer (or Designate) of the change of address or ownership, or of the animal's death, as the case may be, and the Animal Control Officer (or Designate) shall amend the registry or cancel the registration accordingly.

7.0 ANIMAL BREEDING PERMIT

- 7.1 No person may be or become an owner of any cat or dog that is actually or apparently over the age of six (6) months unless:
- a) the dog or cat has been spayed or neutered, as the case may be, by a veterinarian; or
 - b) the person holds a valid cat or dog breeding permit as provided for in this by-law.
- 7.2 Every owner of a cat or dog must ensure that the cat or dog, if it is unspayed or unneutered, whether pursuant to a cat or dog animal breeding permit issued under this by-law or otherwise, is not permitted to be running at large on the reserve.
- 7.3 Any person who wishes to obtain a cat or dog animal breeding permit that will exempt that person from the provisions of Section 7.1(a) during the life of the permit, must submit to the Animal Control Officer (or Designate) an animal breeding permit application in the form of Schedule C.
- 7.4 The Animal Control Officer (or Designate) shall, upon receipt of a completed cat or dog animal breeding permit application form together with the applicable fee set out in Schedule A, issue a cat or dog animal breeding permit which will be valid for a period of two (2) years from the date of issuance.

8.0 RABIES AND OTHER INFECTIOUS ILLNESSES

- 8.1 The owner of any animal exposed to rabies or other infectious illness shall, on demand by the Council, surrender such animal to the Animal Control Officer (or Designate) to be held by the Animal Control Officer or (or Designate) in quarantine for a minimum period of fourteen (14) days. Such animal shall not be released from such quarantine without the written permission of the Animal Control Officer (or Designate), after consulting with a veterinarian.
- 8.2 The owner of any animal found to be infected with rabies shall cause such animal to be destroyed humanely, or shall surrender the animal to be destroyed by the Animal Control Officer or (or Designate) at the owner's expense.
- 8.3 All animal bites must be reported to the NITHA Medical Health Officer.

9.0 LIMITATION ON ANIMALS PER HOUSEHOLD

- 9.1 No more than three (3) domestic animals shall be kept, harboured or possessed in any household, except as provided for in this section.
- 9.2 The provisions of Section 9.1 shall not apply to:
- a) dog or cat litters, where the owner is in possession of a valid dog or cat animal breeding permit issued pursuant to Section 7, and where the pups or kittens are under three (3) months of age; or
 - b) an establishment or facility authorized under Section 9.3.
- 9.3 No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorization to that effect from the Council, by way of Band Council resolution.

10.0 PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

- 10.1 The Council may at any time prohibit the keeping or frequenting of animals within any area of the reserve.
- 10.2 Notice of any prohibition made by Council pursuant to subsection 10(1) shall be posted in the Band's administration offices and in a conspicuous location at the area of prohibition. After the date of the posting of such notice, no person shall keep an animal within, or permit an animal to frequent, the prohibited area.

11. CONTROL OF ANIMALS

- 11.1 An owner shall ensure that his or her animal:
- a) does not run at large on the reserve;
 - b) does not, while in heat, remain in any public place unless the dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent;
 - c) Does not cause damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property.
- 11.2 The owner of an animal shall immediately pick up and thereafter dispose of any feces, vomit, or any other waste left by the animal on public or private property on the reserve including owner's property.

- 11.3 No owner shall permit his or her dog to bark, yelp, growl or otherwise vocalize in any manner which might reasonably disturb or annoy any person.
- 11.4 No owner of a dog shall permit his or her dog to, without provocation, chase, bite or attack any person or domesticated animal.
- 11.5 An owner shall ensure that his or her animal is provided with:
- a) clean potable drinking water and food of sufficient quantity to allow for healthy growth and the maintenance of healthy body weight, and to ensure that the animal does not become a nuisance;
 - b) the opportunity for regular exercise, under appropriate control, sufficient to maintain good health; and
 - c) necessary veterinary care when the animal exhibits signs of pain, injury, illness, or suffering.
- 11.6 No person shall bring onto the reserve, and no person shall keep, harbour or possess anywhere on the reserve, a vicious dog.

12.0 CONTROL, IMPOUNDING AND SEIZURE OF DOGS

- 12.1 For the purpose of impounding dogs in the course of enforcement of this by-law, a pound shall be established at such place or places as may from time to time be designated by the Council, and the Council may from time to time appoint one or more pound keepers and fix their remuneration
- 12.2 Neither the Band, Council nor any person acting in good faith in the enforcement of this by-law shall be liable, either in civil or criminal proceedings for the capture, impounding, sale, destruction or other disposition of any dog.
- 12.3 Where the Animal Control Officer (or Designate) is satisfied on reasonable grounds that an animal is being kept on any lands or premises within the reserve contrary to the provisions of this by-law, the Animal Control Officer (or Designate) is authorized to enter upon any parcel of land or premises within the reserve in order to control or impound the animal.
- 12.4 Where the Animal Control Officer (or Designate) is satisfied on reasonable grounds that an owner is causing or permitting any ongoing or repeated violation of Sections 11.1 - Section 11.6, then, after providing the owner with a written warning and the opportunity to correct the problem, the Animal Control Officer (or Designate) may enter upon any parcel of land or premises within the reserve in order to impound the animal.

- 12.5 Where the Animal Control Officer (or Designate) is satisfied on reasonable grounds that the owner has contravened Section 11.7, the Animal Control Officer (or Designate) is authorized to enter upon any parcel of land or premises within the reserve in order to impound the animal.
- 12.6 The pound keeper shall keep a record of all dogs impounded and of the disposition made of the same, and of all fees and monies collected by him, and shall make a monthly return to the Council or its designate.
- 12.7 The Animal Control Officer, any Peace Officer, or any other person designated by the Council may capture or seize any dog found running at large, or in respect of which any other violation of this Bylaw has been committed by the use of a tranquilizer gun or other method authorized by the Council, and shall thereupon deliver such dog to the pound.
- 12.8 Upon delivery to the pound, any dog with or without a collar and license tag shall be impounded and kept for a period of seventy-two (72) hours, and if not claimed and redeemed by the owner within that time, the dog shall be sold, destroyed, or otherwise disposed of by the pound keeper or any other person or company designated or contracted by the Animal Control Officer (or Designate).
- 12.9 The Animal Control Officer (or Designate) shall make all reasonable efforts to determine the identity of the owner of such animal and to inform such owner that the animal has been impounded, whether the animal is alive or dead.
- 12.10 Where an owner decides to redeem an impounded dog, in order to obtain the release of the impounded dog within the said period of impoundment period under Section 12.8, the owner shall:
- a) provide such proof of ownership as may be reasonably required;
 - b) provide, if the animal is a dog and the owner is resident on the reserve, proof of registration;
 - c) pay to the Animal Control Officer or his authorized delegate:
 - i) an impoundment fee;
 - ii) reasonable per diem animal care and housing fees; and
 - iii) any costs incurred due to veterinary services rendered during the impoundment period.
- 12.11 During the impoundment period, the Animal Control Officer or his authorized

delegate may provide such veterinary care for an injured or ill impounded animal as may be necessary to sustain its life and shall be entitled to recover from the owner the cost of veterinary care provided while the dog was impounded.

- 12.12 Where an impounded dog has not been redeemed by the owner within said period of impoundment, under Section 12.8, the dog may be sold to any person for an amount equal to the pound fees, license fees, and penalties owing to the Band, and any surplus from such sale shall form part of the general revenue of the Band for the purposes of animal control, and it shall further be a condition of any such sale that the purchaser comply with the provisions of this Bylaw with respect to licensing of the dog.
- 12.13 The pound keeper may require that any person claiming, purchasing or redeeming an impounded dog, provide proof of current vaccination against rabies and in the absence of such proof require that the costs of rabies vaccination be paid prior to the dog being redeemed or sold.
- 12.14 Fees shall be those fees prescribed in Schedule "A hereto.
- 12.15 No person may interfere with, resist, or otherwise obstruct the Animal Control Officer (or Designate) in the performance of his or her duties.
- 12.16 No person shall destroy and dispose of an animal involved in a biting incident without prior notification of NITHA Medical Health Officer.

13. Penalty

- 13.1 Every person who commits a violation of the Bylaw is guilty of an offence:
- a. In the case of the 1st offence, a fine of ten (\$10) dollars is issued, or a payment of dog food is acceptable.
 - b. In the case of the 2nd offence committed, a fine of fifteen (\$15) dollars is issued.
 - c. In the cases of consistent offences, the dog shall be adopted to another person or euthanized.
 - d. In the event that an owner cannot pay for the fine, the dog may be adopted or euthanized.
- 13.2 In addition to any other penalties otherwise provided for, every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction for each offense to a fine of not more than \$1000.00 or to imprisonment for a term which does not exceed 30 days, or to both a fine and imprisonment.

13.3 Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

14.0 LIMITATION

14.1 All actions against the Band, the Council, a person, the Animal Control Officer (or Designate) for the unlawful doing of anything that:

a) is purported to have been done under the powers conferred by this by-law, and

b) might have been lawfully done if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose, but not afterwards.

TEMPLATE

15.0 SEVERABILITY

15.1 If any section, subsection, clause or phrase of this by-law is for any reason held to be invalid by the Minister of Aboriginal Affairs and Northern Development Canada, or a court of competent jurisdiction, it may be severed from this by-law without affecting the validity of the remaining portions of this by-law.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of [insert name of band].....this ____ day of _____, 20____.

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

- _____
- Chief
- _____
- _____
- Councillor 1
- Councillor 2
- _____
- _____
- Councillor 3
- Councillor 4
- _____
- _____
- Councillor 5
- Councillor 6
- _____
- _____
- Councillor 7
- Councillor 8
- _____
- _____
- Councillor 9
- Councillor 10
- _____
- _____
- Councillor 11
- Councillor 12

being the majority of those members of the [insert band name.....] Band Council present at the aforesaid meeting of the Council.

The quorum of the Council is _____ members.

Number of members of the Council present at the meeting: _____

I, _____ Chief/Councillor of the [insert band name]
[insert name of Chief or Councillor]

do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Aboriginal Affairs and Northern Development Canada at the Governance Policy and Implementation office of the department pursuant to subsection 82(1) of the *Indian Act*, this _____ day of _____, 20_____.

Witness

Signature

TEMPLATE

Schedule "A" - Fees

Licenses/Permits

Dog license	\$10.00
Cat License	\$ 10.00
Animal Breeding Permit, valid for 2 years from date of issue.	\$ 60

Pound Fees

Dog pound	\$3.00/day
-----------	------------

Offence penalty

Penalty Fees

1st offence committed	\$10.00
2 nd offence committed	\$15.00

Schedule "B" 'Animal Registration Form'

[[*insert name of band*] application form]

TEMPLATE

Appendix "C" - 'Animal Breeding Permit Application'

Owner(s)

Address

Phone Number (home)

(work)

(cell)

Animal type: _____ Registration number: _____

- Animal(s) up to date inoculations

Animals physical description:

Emergency Contact

Name:

Address:

Phone number (s):

Veterinarian

Name:

Clinic:

Phone number(s):

Declarations

[insert Animal
Photo here]

Owner(s) declare the above information to be correct and agree to abide by the established [insert name of band] Animal bylaw 2014.

Owner (s) signature

Date

Based on this application, the Animal Control Officer has issued the Animal Breeding Permit described above.

Animal Control Officer

Date of Issuance

Permit Expiry Date (two (2) years from Date of Issuance)