

## **DOG BY-LAW #96-02**

**DATED - 1996-08-13**

**of the Whitefish Lake Indian Reserve, Band No. 6**

**BEING A BY-LAW TO RESPECTING THE CARE AND CONTROL OF DOGS ON THE WHITEFISH LAKE INDIAN RESERVE, BAND NO. 6 - PROVINCE ONTARIO, IN THE DISTRICT OF SUDBURY.**

**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;**

**AND WHEREAS the Council of the Whitefish Lake Indian Reserve, Band No. 6, is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;**

**NOW THEREFORE the Council of the Whitefish Lake Indian Reserve No 6, in the Province of Ontario enacts a by-law thereof as follows:**

**The Whitefish Lake Indian Reserve, Band No. 6 enacts a by-law as follows:**

- 1. In this by-law:**
  - (a) "Council" means the elected Band Council of the Whitefish Lake Indian Reserve, Band No. 6, in the Province of Ontario, District of Sudbury.**
  - (b) "dog" means any dog, male or female and includes a cross between a dog and wolf;**
  - © "dog control officer" includes the person or License Agent who has entered into a contract with the Whitefish Lake Indian Reserve Administration to provide for the administration and enforcement of the provisions of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.**
  - (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) **“dwelling” means each single unit being a fully detached home, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to used for human habitation and in which normal domestic functions may be carried on.**
  - (f) **“environmental health officer” means the Environmental Health Officer of health so appointed by Band Council Resolution;**
  - (g) **“muzzle” means to secure a dog’s mouth in such fashion that it cannot bite anything;**
  - (h) **“owner” of a dog includes a person who possesses or harbours a dog, and ‘owns’ and ‘owned’ have a corresponding meaning;**
  - (l) **“Reserve” means that tract of land set apart by Her Majesty for the use and benefit of the Whitefish Lake Indian Reserve , Band No 6;**
  - (j) **“at large or running at large” means that a dog is not restrained by a leash of two (2) metres or less and is off the premises of the owner and not muzzled or under the control of any person;**
  - (k) **“villainous dog” includes:**
    - (l) **any dog that demonstrates any ferocious, vicious, or aggressive behaviour;**
    - (ii) **any dog that an 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.**
2. (a) **The Council may appoint by Band Council Resolution a Licence Agent, or Dog Control Officer, to provide for the administration and enforcement of this by-law, and more specifically to receive registrations and to issue identification tags under this by-law.**
- (b) **The Council may, in the Band Council Resolution provide for reasonable remuneration to be paid to the Licence Agent or Dog Control Officer.**

**Registration and Identification of dogs:**

3. Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog.

**The application for registration and identification tag shall be filed with the dog Licence Agent and include:**

4. (a) the applicant's name;
- (b) the applicant's address or lot number;
- © a description of the dog 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 maker's name of the vaccine and its batch number;
- (f) any other information deemed by the Dog Control Officer to be necessary for the proper administration of the by-law.
5. The Dog Control Officer shall issue the licence tag upon registration and payment of the annual fee and where, in the case of a dog, proof of immunization against rabies is provided.
6. The licence tag shall be securely attached to the collar or harness of the dog at all times.
7. The registration and identification tag issued by the Dog Control Officer will be valid for only calendar year from the date of the issuance of the identification tag. If a dog is obtained after August 1 of that year, then license fee shall be ½ the regular cost.
8. All moneys received from the sale of dog tags and also the remuneration of fines shall be kept for the benefit of the Band.
9. The Dog Control Officer shall supply a report quarterly and at such other times as the Band Council may direct, to outline the number of dogs picked up, redeemed, adopted, or euthanised.
10. The Dog Control Officer would satisfy all government regulations regarding kennels, insurance and humane euthanasia as well as required documentation and central computer input for registrations.

11. (a) The owner of new born dogs (pups) must register them as soon as possible after birth and not later than 60 days after birth. If dogs (pups) are given away or sold to new owners, this section shall apply, on or before the date.
- (b) The burden of proof is on the owner that a dog is less than 60 days old and that the dog is subject to registration and licensing immediately.
- © The owner of a female dog, once the dog has attained the age of 6 ½ months, shall produce to the Dog Control Officer, a certificate of a veterinary surgeon to the effect that the dog has been spayed, or shall cause the same to be re-registered with the Dog Control Officer and shall pay the applicable fee to the Dog Control Officer.

#### Immunization of dogs

12. All dogs in the Reserve must be immunized in accordance with generally accepted veterinary standards. The owner of a dog, is responsible for the dog and shall cause the same to be inoculated by a veterinarian against Rabies, Parvovirus, Distemper and Hepatitis, and each year thereafter, shall cause the same to obtain the necessary Booster.
13. The owner of any dog exposed to rabies shall, on demand by the Band Council, surrender such dog to the Dog Control Officer to be held by the Dog 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 Environmental Health Officer.
14. Any dog suspected to be infected with rabies shall be destroyed by its owner or by the Dog Control Officer at the expense of the owner.
15. Any new owner of a dog shall immediately comply with all of the requirements of this by-law.
16. (a) Upon application of the owner the Dog Control Officer shall enter the required information in the record and upon payment of the appropriate fee shall issue a dog tag.
- (b) The owner shall ensure that the dog is wearing a collar at all times with the tag or licence attached to it.
- © (l) A change of ownership of a dog shall be reported to the Dog Control Officer by the owner and the particulars of the change shall be entered in the record.

- (ii) A change in the ownership of a dog may be allowed and at the expense of the new owners and in compliance of the Dog Control Officer.
  - (d) A dog tag may not be transferred from one dog to another and applies only to the dog for which it was issued.
  - (e) Every dog tag issued shall expire at the end of the calendar year regardless of the date of registration.
  - (f) In the event that a dog tag is lost, the Dog Control Officer, upon application of the owner, shall issue a replacement tag upon payment of a reasonable remuneration.
17. (1) A reasonable remuneration would be applicable for the registration of the dog and the issuance of tag pursuant to sections 3 and 4 and the following:
- (a) neutered male or spayed female dog a reasonable remuneration would be applicable
  - (b) Intact male and female over 7 months of age a reasonable remuneration would be applicable
  - © senior citizens (65 and over) - ½ above fees interim fee for puppies 60 days to 7 months - a reasonable remuneration would be applicable
  - (d) at which time of 7 months of age a further a reasonable remuneration would be applicable will be due and payable if still intact
  - (e) Registration due January each year. A reasonable remuneration would be applicable for a late fee after April.
- (2) In order to qualify for the fee for a spayed female dog the owner shall produce, at the time of registration, a certificate of a veterinary surgeon to the effect that the dog has been spayed.
- (3) No fee, or part of a fee, is refundable in the event of the loss, death or transfer of ownership of a dog.
18. No person under the age of eighteen years shall own, harbor, or possess a dog, without the parents or guardians approval.
19. No dog shall be allowed to run at large within the reserve.

20. Any dog found running at large, committing a nuisance, or endangering the health of residents of the Reserve may be restrained by the Dog Control Officer and shall be impounded.
21. Complaints of a villainous dog shall be directed to the Dog Control Officer, the Dog Control Officer shall, by written notification inform the dog owner, that the dog will be destroyed, should the owner fail to discipline or restrain the dog.
22. Villainous dogs that bite are to be tied up for fourteen (14) days by the dog owner. If in the opinion of the Dog Control Officer that this dog is dangerous, at the dog owners expense the dog will be destroyed "by the dog owner" or by the Dog Control Officer, after release is given by the Environment Health Officer.
23. The Dog Control Officer shall obtain written authorization from the Band Council or written consent from the dog owner, to destroy a dog under section (21) and (22) above.
24. No person shall own, harbor, or keep an unregistered dog, or a dog without a tag, and any such dog may be seized by the Dog Control Officer and impounded.
25.
  - (a) The Dog Control Officer shall maintain an animal shelter in which an impounded dog shall be placed.
  - (b) Every animal shelter shall be open to the public for the purposes of claiming an impounded dog as directed by Resolution of the Council:
  - © The Dog Control Officer shall ensure that each impounded dog is housed under sanitary conditions and receives food, water, and shelter to the extent necessary to maintain good health.
  - (d) The Dog Control Officer shall maintain a record of each dog impounded including a general description, sex, apparent age, date, place and the basis for impounding, and tag number if known.

#### Impounding and Seizure

26.
  - (1) Upon impounding a dog, the Dog Control Officer shall:
    - (a) notify the owner, in writing;
    - (b) the notification must be hand delivered to the owner or the Band Office if the owner is not available.

- © the notification shall advise of the impounding of the dog, the hours during which the shelter is open, the fee necessary to reclaim the dog, the possible disposition of the dog in the event it is not claimed, and the date by which the dog must be claimed;
- (2) If an impounded dog is not claimed within one clear day, (24 hours) of the giving of the notifications in section 26(1), the Dog Control Officer shall give three days notice at the time of delivery of notice advising the owner that the dog will be either be euthnized or adopted.
  - (3) (a) The owner may claim an impounded dog within 5 days of seizure by payment of pound fees, dog tag fees and registration. If the owner does not claim the dog within the time periods mentioned above, the Dog Control Officer may sell the dog upon payment of all outstanding fees and charges including pound fees, dog tag fees and registration.  
  
(b) If an impounded dog is sold, pursuant to paragraph (a), the new owner shall comply with all requirements of this by-law including the registration, the issuance of a dog tag, and the payment of the fee therefore.
  - (4) An impounded dog which is not claimed, or sold, pursuant to subsection 26 (3), may be destroyed by the Dog Control Officer in a humane manner, as directed by a veterinary surgeon. No damages or compensation may be recovered as a result of the destruction or disposal of a dog by the Dog Control Officer.
  - (5) The applicable impound fee shall be a reasonable remuneration fee - which cover the cost and time involved in capture and transport of dog. Daily fee or part thereof shall be a reasonable remuneration fee daily.
27. No owner shall permit a dog belonging to him to be at large in the reserve;
28. (1) A dog control officer may seize a dog from any person whom he has reasonable cause to believe is violating or is about to violate any of the provisions of the By-Law.
- (2) If the dog is apprehended because it has inflicted an unprovoked bite upon an animal or human person, the dog control officer shall impound the dog for such a period of time to be specified by a Environmental Health Officer.

29. If a dog is found to be diseased, the Dog Control officer shall seek veterinary attention for it where the owner has declined, failed or neglected to do so; and fee arising from the provision of such veterinary care and shall be a charge against the owner of the dog.
30. Where, in the opinion of the dog control officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or dogs, the dog control officer shall destroy the dog as soon after seizure as he thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.
31. When a dog has been impounded, the Dog Control Officer shall forthwith make every reasonable effort to notify the owner of such dog.
32. A written report of each such incident as described in this section shall be filed with the Band Council of Whitefish Lake Indian Reserve.

#### Limit on the number of dogs per dwelling

33. (a) No more than two (2) dogs shall be kept, harboured or possessed in any dwelling;
- (b) The provisions of subsection 33(a) shall not apply to dog , where pups being under (4) months of age.

#### General prohibitions

34. (1) Subject to subsection (2), every owner of a dog shall keep the dog safely tethered or penned up at all times.
- (2) A dog need not to be tethered or penned up as provided in subsection (1) if the dog:
  - (a) is retained by a leash by a person capable of restraining the dog's movements;
  - (b) is being used by a person for the purpose of hunting; or racing or;
  - © is being used by a person to work in a lawful manner with sheep or cattle.
  - (d) is used by a visually impaired person as a guide dog.
35. No owner shall allow a female dog in heat to remain in any public place unless such a female dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.

36. The owner of a dog who fails to take all necessary measures to ensure that such dog does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.
37. The owner of a dog which causes damage to any property including moveable property, lawns, flower gardens, flower beds, bushes or plants, or other parts of property, is guilty of an offence.
38. The owner of a dog shall, when the dog is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces, vomit, or any other waste left by the dog on the said property.
39. 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.
40. No person shall punish or abuse a dog in a manner to an extent that is cruel or unnecessary.
41. No owner shall permit a dog to bark, yelp, growl, otherwise annoy or disturb the peace of residents of the reserve.

#### Prohibitions within specific areas of the reserve

42. (a) The Council may at any time prohibit the keeping of animals within any area of the reserve.  
  
(b) Notice of any prohibition made by Band Council pursuant to paragraph (42) shall be posted in the Band Office and after the date of the posting of such notice, no person shall keep or have a dog within the prohibited area.  
  
© 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 Band Council, by way of Band Council Resolution.

#### Villainous dogs

43. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.
44. A villainous dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
45. On private property, a villainous dog shall be kept 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.

### Destruction where unable to seize

46. (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 (a).

### Protection from dogs

47. (1) Any person may kill a dog that is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying;
- (a) a person,  
(b) another dog that is tethered;  
© a food cache, harness or other equipment, or  
(d) domestic livestock.
- (2) No damages or compensation may be recovered as a result of the destruction of a dog by the dog control officer pursuant to subsection (1).

### Penalty

48. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars (\$100.00) or to imprisonment for a term not exceeding five (5) days, or both.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Whitefish Lake Indian Reserve No. 6, on August 13, 1996.

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

Chief Harvey C. Petahtegoose:

Harvey Petahtegoose

Councillor Deborah J. Beaucage:

D.J. Beaucage

Councillor Lisa J. Wabegijig:

Lisa Wabegijig

Councillor Elmer A. Shawbonquit:

Elmer Shawbonquit

Councillor Douglas P. Nootchtai:

Douglas Nootchtai

Councillor Gerald T. Nootchtai:

Gerald Nootchtai

Councillor Gordon J. Naponse:

Gordon Naponse

being the majority of those members of the Council of the Whitefish Lake Indian Reserve No. 6, present at the foresaid meeting of the Council.

The quorum of the Council is four (4) members.

Number of members of the Council present at the meeting: 7 .

I, Harvey Petahtegoose, Chief of the Band, 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 District/Regional/Hull office (as the case may be) pursuant to subsection 82 (1) of the Indian Act, this 13th day of August, 1996.