



**Dog Control By-law**

September 2023

## **THE LAC SEUL FIRST NATION BYLAW NO. 01-2023**

Being a By-Law Respecting the Control of Dogs on the First Nation

**WHEREAS** section 81, paragraph (a), (d), (e), (q) and (r) of the *Indian Act* empower the Council to pass by-laws to provide for the health of residents on the First Nation, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, matters arising out of or ancillary to exercising powers under this section, and the imposition of a penalty for violating any such by-laws; and

**WHEREAS** the Council of the Lac Seul First Nation 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 nuisance to such residents;

**THEREFORE** the Council of the Lac Seul First Nation enacts this Dog Control By-Law, No. 01-2023 as follows:

### **PART I – GENERAL**

#### **SHORT TITLE**

1. This by-law may be cited as the “*Lac Seul First Nation Dog Control By-law*”.

#### **INTERPRETATION**

2. In this by-law:
  - (a) “**Animal Control Officer**” means an officer appointed under this by-law to enforce the provision of this by-law;
  - (b) “**at large**” or “**running at large**” means outside of the premises of the owner and not muzzled or under the control of any person;
  - (c) “**band**” means the Lac Seul First Nation, as defined by section 2 of the *Indian Act*;
  - (d) “**Council**” means the Council of the Lac Seul First Nation, as defined in the *Indian Act*;
  - (e) “**dog**” means any dog, male or female, more than four months old and includes an animal that is a cross between a dog and a wolf;
  - (f) “**dog register**” or “**register**” means the register kept by the Animal Control Officer for registration of all dogs on the reserve;
  - (g) “**dwelling**” means a single unit being a fully detached house, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

- (h) “**impound**” or “**impounding**” means the legal seizure and taking into custody of a dog because of an infringement of this by-law;
- (i) “**Medical Officer of Health**” means the Medical Officer of Health appointed by Band Council Resolution;
- (j) “**muzzle**” or “**muzzled**” means a human fastening or covering device made of metal, plastic, leather, or a combination of these materials, that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to secure a dog's mouth in such a fashion that it cannot bite anything;
- (k) “**officer**” means an Assistant to the Animal Control Officer, a dog catcher, a by-law enforcement officer, or police officer.
- (l) “**owner**” of a dog includes a person who possesses, harbors or has control, care, or custody over a dog, and the terms “owns” and “owned” have corresponding meanings;
- (m) “**reserve**” means the Lac Seul First Nation No. 28;
- (n) “**vicious dog**” means:
  - (i) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
  - (ii) any dog that an Animal Control Officer, or Council upon reasonable and probable grounds, believes to be a vicious dog and has designated as such;
  - (iii) any dog that has been the subject of a prosecution under this by-law within the previous six (6) months; and
  - (iv) any dog which has bitten another animal or human without provocation.

## **APPLICATION**

3. This by-law applies on Lac Seul reserves and must be respected by all resident and visiting dog owners.

## **COMPLIANCE WITH OTHER LAWS**

4. Where any applicable federal or provincial law, act, regulation, or Lac Seul First Nation by-law applies to any matter covered by this by-law, compliance with this by-law will not relieve the person from also complying with any other applicable law, act, regulation, or by-law.

## **PART II – ADMINISTRATION**

### **ANIMAL CONTROL OFFICER**

5. The Council may appoint, by Band Council Resolution, an Animal Control Officer and an Assistant to the Animal Control Officer to provide for the administration and enforcement of this by-law and to receive registrations and to issue identification tags under this by-law. Unless this by-law states otherwise, any power exercised by the Animal Control Officer shall also be exercised by the Assistant to the Animal Control Officer under the supervision and direction of the Animal Control Officer.
6. The Council may, by Band Council Resolution, provide for reasonable remuneration to be paid to the Animal Control Officer and the Assistant to the Animal Control Officer.
7. Where no Animal Control Officer has been appointed, all officers, as defined in section 2(k), shall have the authority and powers to take such actions as is reasonably necessary to enforce provisions of this by-law.

### **REGISTRATION AND IDENTIFICATION OF DOGS**

8. Every person keeping one or more dogs in the reserve shall register and have an identification tag placed around the neck of each dog.
9. The application for registration and identification tag shall be filed with the Animal Control Officer and include:
  - (a) the applicants name;
  - (b) the applicant's address, telephone number and email address;
  - (c) a description of the dog or other animal sought to be registered, including the age, sex, name and breed if known;
  - (d) the number of animals 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;
  - (f) a record that the dog has been neutered or spayed, proof of this must be provided; and
  - (g) any other information deemed by the Animal Control Officer to be necessary for proper administration of the by-law.

There shall be no fee for registration and only a replacement fee for identification tags, however, Council by way of Band Council Resolution may set registration fees (see

10. Schedule “A”).
11. The Animal Control Officer shall issue the licence tag upon registration.
12. The license tag shall be securely attached to the collar or harness of the dog at all times. An owner that fails to properly attach a license tag shall be liable for a fine in accordance with Schedule A.
13. The registration and identification tags are issued by the Animal Control Officer and are valid for the life of the dog.

#### **IMMUNIZATION OF DOGS**

14. All dogs in the First Nation must be immunized in accordance with generally accepted veterinary standards.

The owner of any dog(s) exposed to rabies shall, on demand by the Band Council, surrender such animal to the Band Council to be held by the Animal Control Officer in quarantine for ten (10) days and such animal shall not be released from such quarantine without the written permission of the Medical Officer of Health (see

15. Schedule “A” for fees).

16. An owner, upon demand made by the Band Council, shall forthwith surrender to the Band Council any dog which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the Medical Officer of Health.

Any dog found to be infected with rabies virus shall be destroyed humanely by its owner, by a veterinarian or the Animal Control Officer in accordance with section 41 at the expense of the owner (see

17. Schedule "A" for fees).

### **NEUTER AND SPAY REQUIREMENTS FOR DOGS**

18. Unless the owner has requested in writing and been granted an exception, all dogs over the age of one shall be spayed or neutered. Owners must provide proof that the animal has been spayed or neutered upon request of the Animal Control Officer or Band Council.
19. Where a dog has been impounded pursuant to this by-law and it is determined that the dog is likely over one year of age and has not been spayed or neutered in accordance with section 18 of this by-law, the Animal Control Officer may arrange for and take necessary measures to have the animal spayed or neutered. In such case the owner shall be responsible for the costs of the spaying or neutering.

### **GENERAL PROHIBITIONS**

20. No owner shall permit his or her dog to run at large within the area of the reserve.
21. Notwithstanding section 22, every owner of a dog shall keep the dog safely tethered or penned at all times.
22. A dog need not be tethered or penned as provided in section 21 if the dog:
- (a) is held on a leash by a person capable of restraining the dog's movements;
  - (b) is being used by a person to hunt; or
  - (c) is used as a guide dog by a person with visual or hearing impairment.
23. No owner shall allow his dog to remain unfed or without water for a period of time that would reasonably be considered to amount to animal cruelty or that may cause the dog to become a nuisance.
24. No person shall punish or abuse a dog in a manner or to an extent that is generally considered cruel or unnecessary.
25. Owners shall take all steps necessary to prevent their dog(s) from disturbing the peace on the reserve, or disturbing other residents, by repeated barking, yelping or growling.
26. No owner shall permit a female dog in heat to remain in public unless such dog is attached to a leash, is accompanied by and under the observation and control of its owner.
27. 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 property.

**PROHIBITION WITHIN SPECIFIC AREAS OF THE FIRST NATION**

The Band Council may prohibit the keeping of dogs within any specific area of the reserve (see



28. Schedule “A” for prohibited areas).
29. Notice of any prohibition made by Band Council under section 28 shall be posted in the band office and after the posting of such notice, no person shall keep or have a dog within the prohibited area.
30. No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs within the limits of the First Nation without express written authorization to that effect from the Band Council, by the way of Band Council Resolution.

### **VICIOUS DOGS**

31. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign at the entrance to their property or the pen where the dog is kept notifying the public of its presence.
32. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
33. On private property, a vicious dog shall be tethered or kept in a restricted area which shall be constructed to prevent the dog from escaping and to prevent children from entering.

### **LIMIT ON NUMBER OF DOGS PER DWELLING**

34. No more than three (3) dogs shall be kept, sheltered, or housed in any dwelling.
35. Section 34 shall not apply to dog litters where the puppies are under four (4) months of age.

## **PART III – ENFORCEMENT**

### **IMPOUNDING AND SEIZURE**

36. A dog found at large in the First Nation shall be impounded for not less than three (3) days and, unless during that time the dog is claimed by its owner, may thereafter be adopted out to a rescue organization or sent to a Veterinarian to be euthanized. To claim a dog, the owner must pay all costs incurred for the impoundment of the dog and any additional fees as outlined in Schedule “A”.
37. An Animal Control Officer may seize a dog from any person whom the he or she has reasonable cause to believe is violating or has violated or is about to violate the provisions of this by-law.
38. The Animal Control Officer shall as soon as reasonably possible following a seizure make all reasonable effort to notify the owner of a dog about the seizure.
39. Subject to section 41, an Animal Control Officer who has seized a dog under section 36 shall restore possession of the dog to its owner where:
  - (a) the owner claims possession of the dog within three (3) days following seizure;

- (b) the owner has taken steps to comply with all applicable provisions of this by-law;
  - (c) the owner pays to the Animal Control Officer all expenses incurred in securing, impounding, caring for and feeding the dog; and
  - (d) the owner has obtained the necessary registration identification tag from the Animal Control Officer.
40. Where a dog has not been reclaimed within three (3) days after seizure the Animal Control Officer may arrange for the dog to be adopted and if unable to adopt out may send the dog to a veterinarian to be euthanized. An owner whose dog is adopted out, destroyed, or otherwise disposed of in accordance with this section shall not be entitled to any damages or compensation.
41. Where, in the opinion of the Animal Control Officer, a dog seized under this section is injured, diseased, or should be destroyed without delay for humane reasons or for reasons of health or safety, the Animal Control Officer shall destroy the dog as soon after seizure as she/he thinks fit. Only the Animal Control Officer may destroy a dog under this section. An owner whose dog is destroyed in accordance with this section shall not be entitled to any damages or compensation.
42. A written report of each incident described in this section shall be submitted to Council by the Animal Control Officer.

#### **PROTECTION FROM VICIOUS DOGS**

43. The Animal Control Officer may destroy a vicious dog running at large that is pursuing, attacking, injuring, damaging, killing or destroying:
- (a) a person;
  - (b) another dog that is tethered;
  - (c) a food cache, harness or other equipment; or
  - (d) domestic livestock.
44. Where a vicious dog is destroyed under section 43, the Animal Control Officer shall immediately report the incident to the Band Council and notify the dog's owner.
45. An owner whose dog is destroyed in accordance with section 43 shall not be entitled to any damages or compensation.

#### **OFFENCE**

46. Subject to section 47, any Person who violates this by-law commits an offence and is liable for a fine of not more than \$100.00.

47. An act or action that is reasonably required to carry out a business purpose or other means of livelihood authorized by Council and that is otherwise in contravention of this by-law and does not constitute a danger to other residents of the reserve shall not constitute an offence under section 48.
48. An Animal Control Officer may order any person in contravention of this by-law to take all steps necessary to comply with this by-law within such period as is reasonable in the circumstances.
49. Where a person has received an order under section 48 and fails to, or refuses to, comply with the order within the specified period of time, the Animal Control Officer, or the Assistant to the Animal Control Officer upon direction and authorization of the Animal Control Officer, may take such measures as are reasonably necessary to prevent further contraventions of this by-law.
50. Any person who resists or interferes with an Animal Control Officer or an Assistant to the Animal Control Officer in the enforcement of this by-law commits an offence.

#### **REGULATIONS**

51. Council may by Band Council Resolution adopt further rules, directions, and regulations to assist with the administration and enforcement of this by-law.

#### **CIVIL LIABILITY UNAFFECTED**

52. Nothing in this by-law shall be interpreted to affect the civil liability of a person in contravention of this by-law or any Band Council Resolution passed under section 51.

#### **SEVERABILITY**

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

#### **BY-LAW COMING INTO FORCE**

54. This by-law shall be published on the Lac Seul First Nation website.
55. The Council shall be required to provide a hardcopy of the by-law to any person that requests a copy and has not before received a copy.
56. This by-law comes into force ten (10) days after the by-law has been published on the Lac Seul First Nation website.

**BE IT KNOWN THAT THIS BY-LAW IS HEREBY** enacted by the Band Council of Lac Seul First Nation at a duly convened meeting on this 18<sup>th</sup> day of September, 2023.

*Clifford Bull*

Chief Clifford Bull

*Samantha Kejick*

Councillor Samantha Kejick

*Elvis Trout*

Councillor Elvis Trout

*Gerald Kejick*

Councillor Gerald Kejick

*Raymond Angeconeb*

Councillor Raymond Angeconeb

*Wade Bull*

Councillor Wade Bull

*Clayton Littledeer*

Councillor Clayton Littledeer

*E. Derek Maud*

Councillor E. Derek Maud

**Schedule "A"**

**Registration and Identification of Dogs**

See sections 8 through 13 of the by-law.

Any dog Male or Female .....	Free, one-time registration.
Replacement Tags.....	\$10.00 each
Fail to provide dog with collar or affix tag (section 12).....	\$30.00

**Immunization of Animals**

See sections 14 through 0 of the by-law.

Quarantine .....	\$10.00 per day
Humanely Destroyed.....	\$25.00 per dog

**Prohibitions within Specific Areas of the First Nation**

See section 28 of the by-law.

Dogs are prohibited from all school yards, daycare center playgrounds.

**Impounding and Seizures**

See section 39(b) of the by-law.

(a) First impoundment .....	\$30.00 per day
(b) Second impoundment.....	\$40.00 per day
(c) Third impoundment.....	\$50.00 per day
(d) Fourth impoundment and each subsequent impoundment.....	\$60.00 per day