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Oct 5 '98

BY-LAW NO. 1-98

OF THE MISSISSAUGA FIRST NATION

A BY-LAW FOR THE REGULATION OF DOGS

WHEREAS the Council of the Mississauga First Nation, Band No. 8, believes that the uncontrolled 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 Mississauga First Nation No. 8 enacts the following by-law:

1. In this by-law:
 - (a) "Council" means the elected Band Council of the Mississauga First Nation, Band No.8;
 - (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 that person designated as such by the Council;
 - (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 tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a Band, and known as Mississauga First Nation, Band No. 8, 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;
- (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 Mississauga First Nation, including roadways and paths;
- (k) "responsible ownership" means an acknowledgement of responsible dog ownership by providing incentives for those owners who are able to meet the following criteria:

- (a) Has been a registered owner in the Mississauga First Nation for at least two years.
- (b) Has 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) Has 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) Has had dog immunized.
- (h) Has had dog spayed or neutered.
- (i) Dog has been properly fed, exercised and trained.
- (j) Has notified Dog Control Officer of provider of care when owner is absent if different than alternate previously identified.

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;
- (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;
- (c) The Dog Control Officer shall maintain a record of all registrations including the information received upon application for registration; the number of the issued dog tag, the date of registration; and the amount

of the fee paid;

- (d) All monies received by the Dog Control Officer in the pursuance of his/her duties shall be paid to the Finance Office of Mississauga First Nation;
- (e) The Dog Control Officer shall report to the Council as Council may direct.

OWNERSHIP OF DOGS:

- 3. No person under the age of eighteen years shall own, harbor, or possess a dog without the parents or guardians approval.
- 4.
 - (a) Every owner of a dog(s) shall keep the dog safely tied or penned up at all times.
 - (b) A dog need not be tied or penned up as provided in section 3 if the dog:
 - (i) is restrained by a leash by a person capable of restraining the dog's movements;
 - (ii) is being used by a person for the purpose of hunting; or racing; or;
 - (iii) is being used by a person to work in a lawful manner;
 - (iv) is used by a visually impaired person as a guide dog.
- 5. No owner shall allow a female dog in heat or a dog infected with mange, distemper, or other infectious diseases in public areas.

6. 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 responsible for restitution or repair.
7. All dogs on 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, Parvo virus, Distemper, and Hepatitis, and each year thereafter shall cause the same to obtain the necessary Booster.
8. Any dog who is infected with rabies shall be surrendered 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.
9. Any dog whom the Dog Control Officer believes, on reasonable grounds to be infected with rabies shall be destroyed by its owner or by the Dog Control Officer at the expense of the owner.
10. Anyone owning a villainous dog or aggressive dog must post a clearly visible sign notifying the public.
11. A villainous or cross dog must, at all times, be muzzled and must be kept on a leash whenever it is away from the premises of its owner or in a public place.
12. On its owners premises, 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 of children.

REGISTRATION AND IDENTIFICATION OF DOGS:

13. (a) Every person keeping one or more dogs in the reserve shall register with the Dog Control Officer and have an identification tag placed around the neck of each dog on or before the 1st day of April in each year, or so soon thereafter as the dog shall have attained the age of two months (the burden of proof is on the owner that a dog is less than 60 days old, or the dog is subject to registration and licensing immediately);
 - (b) Where an owner acquires a dog after the 1st day of April in any year, the owner shall immediately comply with all of the requirements of this by-law;
 - (c) The owner shall attach the tag to the dog and shall ensure that it remains attached to the dog at all times;
 - (d) A dog tag may be transferred from one dog to another providing ownership of the registered dog has ceased due to death, sale or transfer of ownership, and providing an application for registration for the new dog has been filed with the Dog Control Officer.
14. The application for registration and identification tag shall be filed with the Dog Control Officer and include:
 - (a) the applicant's name;
 - (b) The applicant's address;
 - (c) the owner's phone number;
 - (d) a description of the dog to be registered, including age, sex, name, and breed if known;

- (e) the number of dogs in the household;
- (f) 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;
- (g) any other information deemed by the Dog Control Officer to be necessary for the proper administration of the by-law;
- (h) an alternate contact in absence of owner.

15. Any owner who keeps two (2) or more dogs shall require a license to do so.

- (i) Council may affix an annual fee for a license issued for 2 or more dogs.
- (ii) Council will have the right to impose terms and conditions on the issuing of the license, including:
 - (a) specifying the number of dogs that may be kept at any one time;
 - (b) specifying the duration of the license;
 - (c) specifying the particular dogs to which the license shall relate to;
 - (d) restrictions as to the purpose for which such dogs may be kept; and
 - (e) provision for hygiene.

16. (a) The Dog Control Officer may issue the license tag upon registration and payment of the annual fee and where proof of immunization against rabies is provided.

(b) Responsible owners shall benefit from reduced fees and other privileges as may be determined by Council.

(c) The registration and identification tag issued by the Dog Control Officer

shall expire on the 31st day of March of every year regardless of date of registration;

- (d) 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 fee.
17. (a) The fees applicable for the registration of a dog and the issuance of tags pursuant to Section 3 and 4 shall be set by Council.
- (b) In order to qualify for the fee for a spayed female or neutered male 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 or neutered;
- (c) No fee, or part of a fee, is refundable in the event of the loss, death or transfer of ownership of a dog.

CONTROL OF DOGS

18. (a) No dog shall be allowed to run at large within the reserve.
All dogs shall be treated humanely.
- (b) Complaints of a dog at large shall be directed to the Dog Control Officer.
19. Any dog found running at large, committing a nuisance, or endangering the health or safety of residents of the Reserve shall be impounded.
20. (a) Complaints of a cross or villainous dog shall be directed to the Dog Control Officer;

- (b) 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.
- 21.
- (a) Dogs that bite are to be tied up for fourteen (14) days by the dog owner;
 - (b) If, in the opinion of the Dog Control Officer, the dog is deemed to be dangerous, the dog will be destroyed after fourteen (14) days or within a shorter period on the advice of a veterinarian, after release is given by the Environmental Health Officer;
 - (c) Euthanasia can be arranged by the owner of the dog or by the Dog Control Officer at the owner's expense;
 - (d) No damages or compensation may be recovered as a result of the destruction of a dog.
- 22.
- (a) No person shall own, harbour, or keep any unregistered dog, or a dog without a tag and any such dog may be seized by the Dog Control Officer and impounded.
 - (b) The Dog Control Officer may enter upon the premises where a dog is reasonably suspected of being abused and/or neglected based on reported or witnessed accounts.

PROTECTION FROM DOGS

23. (1) Any person may take any necessary measures to stop 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;
 - (c) any other animal or object.

- (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).

IMPOUNDING OF DOGS

24.
 - (a) The Dog Control Officer shall place an impounded dog in the animal shelter ;
 - (b) The Dog Control Officer shall be available at reasonable hours to open the animal shelter to the public for the purposes of claiming an impounded dog;
 - (c) 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;
 - (d) Any dog impounded pursuant to this section shall be confined for a period of at least five (5) days excluding Saturdays, Sundays and Statutory Holidays.

25. Upon impounding a dog, the Dog Control Officer shall:
 - (a) Notify the owner in writing;
 - (b) Make reasonable effort to hand deliver the notice to the owner and if unable to do so, deliver the notice to the home of the owner or person designated by owner to be in charge of the dog, in his/her absence;
 - (c) 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;
 - (d) If an impounded dog is not claimed within five (5) clear days of giving of the notification, the Dog Control Officer shall make arrangements to dispose of the dog;

- (e) The owner may claim an impounded dog within the time periods noted above upon payment of the pound fees and if applicable, the payment of the registration and dog tag fees;
- (f) The pound fees applicable to an impounded dog shall be determined by Council.

DISPOSITION OF DOGS

- 26. The owner may claim an impounded dog within five (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 adopt the dog out for payment of all outstanding fees and charges, including pound fees, dog tag fees, and registration.
- 27. An impounded dog which is not claimed, or adopted, pursuant to subsection 26 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.
- 28. In the case where a dog could be treated and the owner is willing to take responsibility to do so, the dog shall be released to the owner. The owner is to forward a report from the veterinarian to the Dog Control Officer stating that the appropriate care was administered.
- 29. The Dog Control Officer may, upon advice from a veterinarian, destroy without delay for humane reasons or for reasons of health and safety.
- 30. Persons are prohibited from abandoning dogs and those identified in such cases shall be subject to costs and the penalties imposed under this by-law.

31. Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding One Hundred Dollars (\$100.00) or to imprisonment for a term not exceeding thirty (30) days, or to both a fine and imprisonment.

32.
 - (a) The Council may at any time prohibit the keeping of animals within any area of the reserve and may ban some breeds after consultation with the community.

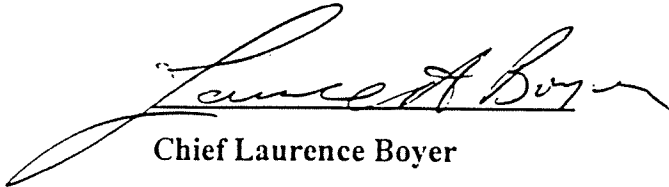
 - (b) Notice of any prohibition made by Band Council pursuant to paragraph 30(a) shall be posted in the Band Office and shall be sent to all on reserve band members by regular mail and after the date of posting of such notice, no person shall keep or have a dog within the prohibited area.

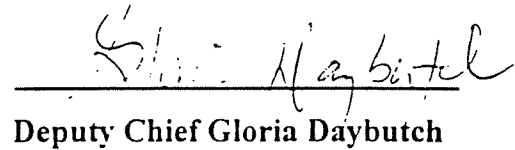
 - (c) No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the reserve, without express written authorization to that effect from the Band Council, by way of Band Council Resolution.

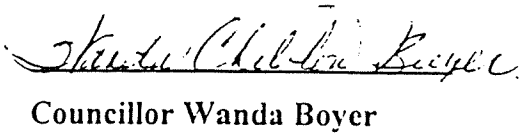
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Mississauga First Nation, Band No. 8, THIS ⁵TH DAY OF AUGUST 1998.

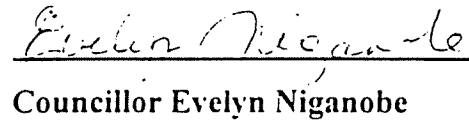
A quorum of this Council is 5 (five) Councillors.

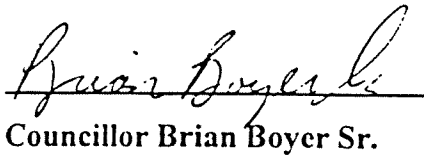
Voting in favour of this By-law are the following members of Council:

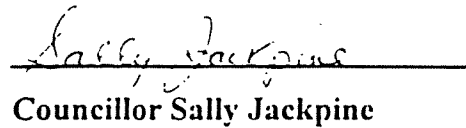

Chief Laurence Boyer

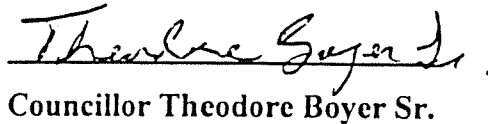

Deputy Chief Gloria Daybutch



Councillor Wanda Boyer

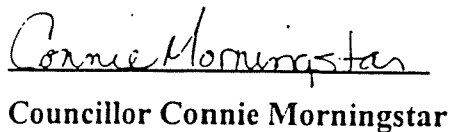

Councillor Evelyn Niganobe


Councillor Brian Boyer Sr.

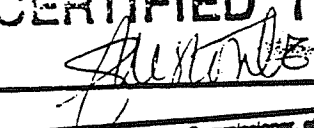

Councillor Sally Jackpine


Councillor Theodore Boyer Sr.


Councillor Vital Gionnette

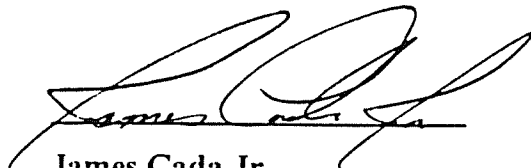

Councillor Connie Morningstar

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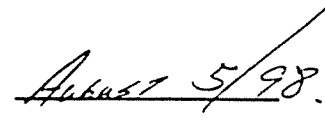

Gail Helen Restoule, a Commissioner, etc.,
Province of Ontario, for the Government of Canada
Department of Indian and Northern Affairs,
Expires October 28, 2000.

DECLARATION

I, James Cada Jr., am the Band Administrator of the Mississauga First Nation and I hereby certify that five (5) Councillors constitute a quorum for Mississauga First Nation.



James Cada Jr.



Date

