

The Wagmatcook Band

By-Law No. 1998.01

Being a By-Law Respecting the Care and Control of Dogs on the Reserve

COPY

WHEREAS, section 81, paragraph (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 prevention of nuisances, the protection against and prevention of trespass of 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-law;

AND WHEREAS, the Council of the Wagmatcook Band has received support from the residents of Wagmatcook respecting the care and control of dogs on the reserve;

AND WHEREAS, the Council of the Wagmatcook Band is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

THEREFORE, the Council of the Wagmatcook Band enacts a by-law as follows:

1. Short Title

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

2. Interpretation

In this by-law:

"Attack Dog" means any dog trained to respond in a fierce and dangerous way to the commands of its owner or trainer.

"Band" means the Wagmatcook Band.

"Band Council" means the Council of the Wagmatcook Band.

“Council” means the Council of the Wagmatcook Band, as defined in the Indian Act;

“Dog” includes any dog of any age, male or female or neutered, or any animal that is the result of the breeding of a dog and any other animal.

“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 be used for human habitation and in which normal domestic functions may be carried on.

“Fierce and Dangerous” means any dog which has;

- inflicted injury on a human being or animal, or killed a human being or animal or damaged property without provocation;
- a dog that is owned or harboured and/or trained for the purpose of dog fighting; and
- any dog not owned by a governmental or law enforcement agency used primarily to guard public or private property.

“Kennel” means any building, structure, compound, group of pens or cages, or property in which, or where, more than two (2) pure-bred dogs are kept.

“Medical officer of health” means the medical officer of health so appointed by band council resolution or by Health Canada, Indian Health Services.

“Muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything;

“Officer” means any police officer, constable or other person charged with the duty to preserve and maintain the public peace and includes any person appointed by the Band to enforce its by-laws;

“Owner” means any person who owns, possesses or harbours a dog or dogs, and is resident on the Wagmatcook reserve. When the person is a minor, owner includes a person with custody of this minor.

“At large” or “running at large” means off the property occupied, or owned, by the owner while not muzzled or under control of the owner.

“Reserve” means the Wagmatcook Indian Reserve No. 1.

3. Authorization for Dog Control

The Council may authorize, by band council resolution, an officer to provide for the administration and enforcement of this by-law and more specifically to issue written warnings, destroy fierce or dangerous dogs, and charge persons who contravene this by-law.

4. Records

The Officer shall keep a record of every dog whose owner was charged with an offence under this By-law. The record shall include the name and description of the dog charged and the name, address and telephone number of the owner.

5. Limit on Number of Dogs Per Dwelling

- 5.1 No person on the reserve shall keep or allow to be kept more than two (2) dogs on the premises of the dwelling.
- 5.2 An Officer, who has reasonable grounds to believe that an owner has contravened subsection (5.1), shall forward a written notice to the said owner, to remove from the premises of the dwelling that number of dogs exceeding the limit of two (2), within forty-eight (48) hours of receipt of the notice.
- 5.3 An Officer shall seize and cause to be impounded at the nearest animal pound any animal exceeding the established limit of two (2) pursuant to subsection (5.1), and the owner shall be liable to pay all impoundment costs.

6. **Immunization of Animals**

All dogs in the reserve must be immunized in accordance with generally accepted veterinary standards.

All dogs must wear immunization tags issued by a certified veterinarian.

7. **Rabid**

The owner of any dog exposed to rabies shall, on demand by the Band Council, surrender such dog to the band council to be held by the officer at the nearest animal pound in quarantine for a period of seven (7) days and such dog shall not be released from such quarantine without the written permission of the medical officer of health.

An owner upon demand made by the band council shall immediately 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 shall be destroyed by its owner or by an Officer at the expense of the owner.

8. **Offences**

Any individual or individuals training a dog or dogs to be attack dogs within the meaning of this By-law.

- outside of an impoundment area which does not prevent the dog(s) from exiting the training area; and/or
- within 500 feet of a residence other than the residence of the trainer.

Unprovoked dogs which attack or chase an individual, without bodily harm, the owner will be asked to tie his/her dog. Second offence will result in destroying and disposal of the dog.

Any dog(s) that damage property, the Officer will notify the owner to tie his/her dog. Second offense the dog will be impounded by the Officer and the owner shall pay the actual costs of impound before the release of the dog.

9. Impounding

- 9.1 No owner shall permit a dog belonging to him to be at large in the Wagmatcook reserve.
- 9.2 An Officer, without notice to or complaint against the owner or any such dog, may impound dogs:
 1. Found running at large contrary to this By-Law.
 2. Which are fierce and dangerous, or
 3. A immunization tag has not been obtained or is not worn by the dog.
- 9.3 While pursuing any dog in accordance with this By-Law, the Officer may pass over the land of any person.
- 9.4 The Council shall contact a pound keeper who shall keep all dogs impounded by an Officer and provide them with shelter, food and water.
- 9.5 The pound keeper shall be obliged to provide shelter, food and water for any dog impounded for a period of 48 hours beginning at the time the dog was picked up by the Officer.
- 9.6 The pound keeper will attempt to notify the registered owner of an impounded dog bearing an immunization tag that:
 - the dog has been impounded, and
 - the dog may be destroyed or disposed of after 48 hours impounded if it is not claimed by the owner.
- 9.7 If the owner appears at the pound and claims the dog prior to 48 hours, the dog shall be discharged to him/her.
 - on payment of all impounding fees for room and board, plus
 - any veterinary bills incurred by the pound keeper, provided the person claiming to be the owner of the dog is not under the age of 18 years.
- 9.8 The owner of any dog that has been impounded for its third infraction within 24 months may not redeem the dog.

- 9.9 If, at the expiration of 48 hours following the impoundment of any dog, no claim of ownership for such a dog is made in compliance with Section 8.7 of this part, the pound keeper shall dispose of the dog, either by selling it for the best price obtainable, or if the dog cannot be sold, by destroying it in a humane manner.

10. Prohibitions Within Specific Areas of the Reserve

- 10.1 The Council may at any time prohibit the keeping of any dog within any area of the reserve.
- 10.2 Notice of any prohibition made by council pursuant to subsection (8.1) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have any dog within the prohibited area.
- 10.3 No person may establish, own or operate an establishment or facility for the boarding or treatment of dogs within the limits of the reserve, without express written authorization to that effect from the band council, by way of band council resolution.

11. General Prohibitions

- 11.1 Subject to subsection (9.2), every owner of a dog shall keep the dog(s) safely tethered or penned up at all times.
- 11.2 A dog need not be the tethered or penned up as provided in subsection (9.1) 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 for the purpose of hunting; or
 - (c) is used by a visually impaired person as a guide dog.
- 11.3 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.

- 11.4 No owner shall allow his dog to enter land reserved for the purposes of educating elementary and secondary students, caring for preschool children, playgrounds, the community church and Band facilities intended for business purposes.
- 11.5 No owner shall allow his dog to be tied to a porch or step which prevents emergency access to the house.
- 11.6 No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

12. Fierce or Dangerous Dogs

- 12.1 Anyone owning a fierce or dangerous dog or aggressive dog must post a clearly visible sign notifying the public.
- 12.2 A fierce or dangerous dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
- 12.3 A fierce or dangerous 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.

13. Penalty

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) or to imprisonment for a term not exceeding five (5) days.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Wagmatcook Band this 27th day of October, 1998.

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

Mary L. Bernard
Chief Mary Louise Bernard

Nancy Bernard
Councillor Nancy Bernard

Noel M. Bernard
Councillor Noel Mike Bernard

Norman Bernard
Councillor Norman Bernard

Lester Peck
Councillor Lester Peck

Francis R. Pierro
Councillor Francis Pierro

being the majority of those members of the Council of the Wagmatcook Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

I Mary L. Bernard Chief of the Wagmatcook 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 Regional Office pursuant to subsection 82(1) of the Indian Act this 27 day of October, 1998.

[Signature]
Witness

98 OCTOBER 27.
Date



BAND COUNCIL RESOLUTION

Chronological no.

File reference no.

NOTE:

The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the WAGMATCOOK BAND		Cash free balance	
		Capital account	\$ _____
Date of duly convened meeting (YYYY-MM-DD) 2010-03-02	Province NOVA SCOTIA	Revenue account	\$ _____

DO HEREBY RESOLVE:

Whereas the Wagmatcook Band Council has passed by-law number 1998-01 on October 27, 1998, Being a By-Law Respecting the Care and Control of Dogs on the Wagmatcook Reserve

And whereas band members have raised concerns of an increase in stray and fierce dogs on Wagmatcook band lands,

Therefore Be It Resolved That the Wagmatcook Band Council issues the following decree;

- 1) That By-Law 1998-01 will be enforced for the health and safety of all band members.
- 2) That Chief and Council delegate authority to Mr. Lawrence M (Jibby) Paul to serve as Animal Control Officer as it pertains to the enforcement of By-Law 1998-01.
- 3) That Chief and Council will issue dogs tags free of charge to band members who own dogs for a period of one month effective March 15 to April 14, 2010. After April 14, 2010, a dog tag fee of \$6.00 will be charged.
- 4) That any dog not tagged and running loose after April 14th, 2010 will be subject to capture by the Animal Control Officer to be managed according to Band Law 1998-01.
- 5) That any dog considered "fierce" shall be removed from Wagmatcook lands at any time by the Animal Control Officer.
- 6) That all other provisions of Band By-Law 1998-01 are in full force and effect.

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Quorum _____

Sharon Paul
(Councillor)
Grenville Paul
(Councillor)
Roger Paul
(Councillor)

Michael B. Paul
(Chief)
Daniel B. Paul
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue	Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer			Recommending officer		
_____ Signature			_____ Signature		
_____ Date			_____ Date		
Approving officer - Approuvé par			Approving officer		
_____ Signature			_____ Signature		
_____ Date			_____ Date		