

**BY-LAW NO. ROB-2015.2**

**ODANAK BAND**

**RESOLUTION TO REPEAL AND REPLACE BY-LAW NO. GO-02-2000 GOVERNING ANIMAL CONTROL**

**WHEREAS** the Odanak Band Council is authorized under paragraphs 81 (1) a), d), e), q) and r) of the *Indian Act*, R.S.C. (1985), c. I-5, to adopt by-laws on measures to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, matters arising out of or ancillary to the exercise of these powers, and the imposition of a penalty for violation of any such by-law;

**AND WHEREAS** according to the Odanak Band Council, the lack of control over property, breeding, and running at large of animals may be detrimental to the health of residents on the reserve, and a nuisance to such residents;

**AND WHEREAS** the Band Council has enacted by-law No. 02-2000-GOB, October 3, 2000, and now wishes to repeal this by-law and replace it with the following by-law;

**THEREFORE** the Odanak Band Council hereby enacts the following by-law:

SHORT TITLE

1. Odanak Reserve Animal Control By-law.

INTERPRETATIVE PROVISIONS

2. In this by-law:

*“animal”* means a dog, a cat or any other domestic animal;

*“animal control officer”* means an animal control officer appointed pursuant to section 3, or any police officer or member of the Odanak Police force appointed by the Council, or any Band Council employee appointed for the purpose of enforcing this by-law, or organization with which the Council has reached an agreement in this by-law.

*“band”* means the Odanak Band;

*“cat”* includes any cat, male or female;

*“dog”* includes any dog, male or female, 8 months old and older;

*“vicious dog”* includes:

- i. any dog that demonstrates ferocious, vicious or threatening behaviour;
- ii. any dog that an animal control officer has reasonable grounds to believe it is a vicious dog;
- iii. any dog whose owner has been prosecuted under this by-law within the previous six months and where a conviction had been entered;
- iv. any dog which has bitten a person or another animal without provocation;
- v. any dog not on a leash with a person able to restrict its movements;

*“Council”* means the Odanak Band Council, as defined in the *Indian Act*;

*“custodian”* is the animal’s guardian, owner, the person who has custody or accompanies the animal.

*“at large”* or *“running at large”* means off the premises of the owner and not muzzled or under a person’s control;

*“dwelling”* means each single unit home and includes a fully or semi-detached building, row houses, an apartment or any other building used for residential purposes by a person or persons for family occupation;

*“muzzle”* means to secure a dog’s mouth in such a fashion to prevent biting;

*“owner”* of an animal includes a person who possesses or harbours an animal, and the terms *“owns”* and *“owned”* have a corresponding meaning;

*“animal register”* means the register kept by the animal control officer to record all dogs and other domestic animals on the reserve;

*“reserve”* means the Odanak reserve.

### ANIMAL CONTROL OFFICER

3. (1) The Council may, by resolution, appoint one or more animal control officers to perform the functions related to the implementation of this by-law laid provided for by the latter.

(2) The Council may, by resolution, set the reasonable remuneration to be paid to the animal control officer appointed under subsection (1).

## REGISTRATION AND IDENTIFICATION OF CATS AND DOGS

4. (1) Any person who keeps one or more dogs, one or more cats on the reserve shall register them and place an identification tag around their neck.

(2) The application for registration and for the identification tag shall be filed with the animal control officer and include:

- a. the applicant's name;
- b. the lot number or address of the applicant;
- c. a description of the animal sought to be registered, including age, gender, name and breed of the animal, if known;
- d. the number of animals in the dwelling;
- e. a record stating that the animal is immunized against rabies, the date of such immunization, the name of the person immunizing the animal, including the manufacturer's name of the vaccine and the vaccine batch number;
- f. any other information that may be required by the animal control officer for the proper administration of the by-law.

(3) The fee for the issuance of an identification tag is (*it must be a reasonable and nominal price*) per year.

(4) The animal control officer shall issue the identification tag upon registration and payment of the required fee and upon proof that the dog or cat has been immunized against rabies.

(5) The identification tag shall be securely attached to the cat or dog's collar or to the dog's harness at all times.

(6) The dog and cat registration and the identification tag are valid for one year from the date of delivery of the tag.

## ANIMAL IMMUNIZATION

5. All animals on the reserve shall be immunized in accordance with standards established by a veterinarian.

6. The owner of an animal exposed to rabies shall, as requested by the Band Council, surrender such animal to the Council, to be held by the animal control officer in quarantine for a

period of 14 days and such animal shall not be released from such quarantine without the written consent of a medical health officer.

7. The owner of an animal, as requested by the Band Council, shall forthwith surrender to the Band Council any animal that has bitten a person or has been exposed to rabies to be held in quarantine at the discretion of the medical health officer.

8. Any animal with rabies shall be destroyed by its owner or by the animal control officer at the owner's expense.

9. (1) It is forbidden to keep or own more than three adult animals on the reserve.

(2) Every animal owner or custodian shall be considered to have in their possession or under their custody more than three adult animals when these animals have reached the age of eight months and when the number of adult animals exceeds three. These same owners or custodians shall dispose of animals exceeding the limit permitted within forty-eight hours, subject to a fine.

(3) Every animal control officer observing that an animal owner or custodian has more than three adult animals under his care shall instruct the offender to dispose of any animal exceeding the allowable limit under subsection (1) within forty eight hours of a written notice to that effect.

(4) Any animal exceeding the allowable limit may be taken to the public pen for the sum of thirty dollars (\$ 30.00) and it shall be the duty of the pen's keeper to receive the animal and impound it, and record in a book kept for this purpose, the name and address of the person bringing the said animal to the pen and the date of delivery of the animal.

### GENERAL PROHIBITIONS

10. (1) Subject to subsection (2), every dog owner shall always keep it securely tethered or penned up.

(2) Notwithstanding subsection (1), a dog need not be tethered or penned up in the following cases:

- a. the dog is held on a leash by a person capable of restraining the dog's movements;
- b. it is used for hunting purposes; or
- c. is used by a visually impaired person.

(3) No owner shall permit a dog to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.

11. No owner shall allow a female animal in heat to remain in any public place unless the animal is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
12. The owner of an animal who fails to take all necessary measures to ensure that such dog is under control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.
13. The owner of an animal 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.
14. The owner of an animal shall, when the animal 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 animal on the said property.
15. No owner shall allow his animal to remain unfed or without water whereby it either amounts to cruelty or causes the animal to become a nuisance.
16. No owner shall punish or abuse an animal in a manner which is cruel or unnecessary.

#### PROHIBITIONS WITHIN SPECIFIC AREAS OF THE RESERVE

17. 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.

#### VICIOUS DOGS

18. Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
19. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.
20. On private property, a vicious dog shall be kept on a secure leash or in a restricted area which shall be constructed so as to prevent any escape by the dog and/or to prevent the entry of children.

## IMPOUNDING AND SEIZURE

*\* Does not apply to cats wearing collars and registered.*

21. (1) No owner shall permit his dog to be at large on the reserve;

(2) A dog found at large on the reserve may be impounded for not less than (3 or 5) days, and may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such dog has been claimed by its owner and the costs incurred for the impounding of the dog have been paid.

22. (1) An animal control officer may seize a dog from any person whom he has reasonable cause to believe is violating or has violated or is about to violate any of the provisions of this by-law.

(2) If an animal is apprehended because it has inflicted an unprovoked attack upon an animal or human person, the animal control officer shall impound the animal for such period of time as specified by a veterinary surgeon.

(3) Subject to subsection (6), an animal control officer who has seized a dog pursuant to subsection (1) shall release the dog to its owner where:

- a. the owner claims possession of the dog within (3 or 5) days after the date of seizure, and
- b. the owner pays to the animal control officer all expenses incurred in securing, caring for and feeding the dog.
- c. the owner has obtained the necessary registration identification tag from the animal control officer before the dog is released.

(4) Where a dog has not been reclaimed within (3 or 5) days after seizure, pursuant to subsection (3), the animal control officer may humanely destroy or dispose of the dog where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of such an animal.

(5) Where a dog is seized under this section has a contagious disease, the animal control officer shall obtain the advice of a veterinarian if the dog owner refuses or fails to take the necessary measures; expenses incurred under any of these reports to the owner.

(6) Where a dog is seized under this section is, according to the animal control officer, injured or sick, or should be destroyed for humane reasons or for reasons of health or safety, the animal control officer shall destroy the dog as soon after the seizure as the officer thinks fit without permitting any person to claim damages or compensation on account of such action.

(7) The Band Council shall forthwith make every reasonable effort to notify the owner of an animal which has been impounded.

(8) A written report of each such incident, as described in this section, shall be filed with the Band Council by the animal control officer.

### ANIMAL DESTROYED IF UNABLE TO SEIZE

23. (1) If an animal control officer is unable, despite reasonable efforts, to catch a dog at large, contrary to the provisions of this by-law, the officer may destroy it and if necessary, may request assistance from a police officer.

(2) No damages or compensation may be recovered as a result of the destruction of a dog by the animal control officer pursuant to subsection (1).

### PROTECTION FROM DOGS

24. (1) Any person may kill, if necessary, a vicious dog which 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; or
- c. domestic animals.

(2) No damages or compensation may be recovered as a result of the destruction of a dog pursuant to subsection (1).

### STERILIZATION OF ANIMALS

25. Each owner of a dog or cat under their custody and control shall, within four months of acquisition or within two months of the adoption of this by-law, have the animal sterilized with a veterinarian, member in good standing of the *Ordre des médecins vétérinaires du Québec*.

26. Each owner must report to the animal control officer, in the absence of an animal control officer, to the Council, a certificate issued by the veterinarian who carried out the sterilization of the animal, confirming the medical act, within ten (10) days of the medical act.

27. Exception to the sterilization requirement shall only be permitted in specific cases where the health of the animal would be in danger, to invoke such an exception, the animal owner

shall file the request in writing with the animal control officer, in the absence of an animal control officer, with the Council.

PENALTY

28. 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 not exceeding one thousand dollars (\$ 1,000), or to imprisonment for a term not exceeding thirty (30) days, or to both a fine and imprisonment.

REPEAL

29. By-law No. GOB-02-2000, enacted October 3, 2000, on the control of domestic animals is hereby repealed.

THIS BY-LAW IS HEREBY WAS ADOPTED by the Odanak Band Council at a duly convened meeting held on \_\_\_\_\_.

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

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

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

The quorum of the Council is 3 members. Number of Council members present at the meeting:  
\_\_\_\_\_



I, \_\_\_\_\_ (Chief/Councillor) 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 district office/Gatineau (depending), pursuant to subsection 82(1) of the *Indian Act*, on \_\_\_\_\_.

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Chief/Councillor

Witness