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NIPISSING FIRST NATION ANIMAL CONTROL BY-LAW
By-law No. IA-2005-10-001
Being a By-Law respecting the Care and Control of Animals
On the Nipissing First Nation

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of an Indian Band to pass by-laws to provide for the health of the residents on the reserve, the prevention of nuisance, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of 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 Nipissing First Nation 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;

AND WHEREAS it is deemed to be expedient to establish a method of impounding and detaining dogs running at large and restricting certain breeds of dogs from being on the Nipissing First Nation for the benefit and safety of the residents on the reserve;

NOW BE IT HEREBY RESOLVED that By-Law No. 1/97 on January 21, 1997, enacted pursuant to Section 81 paragraphs (a), (d), (e), (q) and (r) of the *Indian Act*; and all amendments thereto are hereby repealed and replaced with the following:

Short Title

1. This by-law may be cited as the "Nipissing First Nation Animal Control By-Law".

Interpretation

2. In this by-law

"animal" means a dog, a cat, or any other domestic animal;

"Animal Control Officer" includes any employee of the Nipissing First Nation Band so appointed pursuant to section 4, or an employee, person, company or association who has entered into a contract with the Nipissing First Nation to control dogs and/or cats and any servants or agents of such employee, person, company or association.

"animal register" means the register kept by the Animal Control Officer or someone appointed by Council for the purpose of the registration of all dogs and other animals on Nipissing First Nation;

"Akita" means a dog of any age that can be identified as such a breed or mixed breed by an Animal Control Officer;

"*at large*" or "*running at large*" shall mean any dog or cat found in any place other than the premises of the owner and not under the immediate, continuous, and effective control of any person;

"*Band*" means the Nipissing First Nation, as defined by section 2 of the Indian Act;

"*Boarding Stables*" means any building or structure or part thereof or premises where horses are bred, kept, raised, trained and boarded for commercial purposes;

"*Council*" means the Chief and Council of Nipissing First Nation;

"*cat*" means any male or female domesticated cat;

"*dangerous dog*" or "*vicious dog*" includes:

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a vicious or dangerous dog;
- (c) 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;
- (d) any dog which has bitten another animal or human without provocation;

"*Doberman Pinscher*" means a dog of any age that can be identified as such a breed or mixed breed by an Animal Control Officer;

"*Dog*" means any male or female dog over the age of 16 weeks and includes an animal that is a cross between a dog and a wolf;

"*Domestic animal*" means any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram sheep, sow, stallion, rabbit, ferret, or all types of fowl but is not restricted to such;

"*Health Department*" or "*Medical Officer of Health*" means the authority designated by Band Council;

"*Household pet*" means any cat, dog, rabbit, ferret or any other animals normally kept or intended to be kept as household pets;

"*Kennel*" means any building or structure or part thereof or premises where dogs are bred, kept, raised, trained and boarded for commercial purposes.

"*Licence issuer*" means the person or persons authorized by the Nipissing First Nation Council to issue dog Licences and to collect the required fees;

"Muzzle" or "muzzled" means to secure a dogs mouth in such a fashion that it cannot bite anything;

"Non Domestic Animal" means any domestic cattle, swines, goats, swans, horses, sheep, mink, foxes, ducks, or geese.

"Owner" means any owner of a dog, including a person, partnership, association or corporation that owns, possesses, harbours or has control, care or custody over a dog and where the owner is a "minor" the person responsible for the custody of the minor;

"Pit Bull" means a dog of any age that can be identified as a dog of one or more of the following breeds or mixed breeds by a By-law Enforcement Officer, namely:

- (a) Pit Bull Terrier
- (b) American Pit Bull Terrier
- (c) Pit Bull
- (d) Staffordshire Bull Terrier
- (e) Bullmastiff

"Reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Nipissing First Nation and known as Nipissing Indian Reserve No.10;

"Restricted dog" means any of the breeds of dogs identified as a Pit Bull, Rottweiler, Akita, or Doberman Pinscher;

"Service animal" means a guide dog or other trained service animal identifiable by a harness, used principally to assist persons with visual, hearing or other impediment or law enforcement personnel.

Application

3. This By-law applies to all owners of Animals residing or visiting on the Nipissing First Nation.

Appointment

4. (1) The Council may appoint, by a Resolution, an Animal Control Officer and/or a Licence Issuer to provide for the administration and enforcement of this by-law and more specifically to receive registration and to issue identification tags under this by-law.
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the Animal Control Officer for the performance of their duties.

Registration and Licensing

5. (1) Every person keeping a non domestic animal, domestic animal or a household pet on the reserve shall register that animal with the Licence Issuer.
- (2) The application for registration and identification tag shall be filed with the Licence Issuer and will include:
 - (a) the animal owners name;
 - (b) the animal owners address, 911 number, lot and concession number;
 - (c) a description of the animal sought to be registered, including age name, sex and breed, if known it shall be identified by the Licence Issuer;
 - (d) the number of animals in the household; maximum of two (2) of any animal per household – excluding farm animals;
 - (e) upon application for a tag the applicant shall produce a certificate of record that the animal has been inoculated with an anti-rabies vaccine within a period of 12 months of date of application for the tag, the certificate shall note the date of such immunization and the name of the person immunizing the animal;
 - (f) any other information deemed by the Licence Issuer to be necessary for the proper administration of the by-law.
- (3) The fee for registration and identification shall be in accordance with Schedule “A” attached hereto.
- (4) The registration and identification tag will be valid for one full year from the date of issuance.
- (5) The Licence Issuer shall issue the Licence tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been immunized against rabies.
- (6) Every owner or person in control of, or in apparent control of, a registered dog shall keep the dog tag securely fixed on the animal at all times except while the dog is being used for hunting purposes if they are not loose within the residential communities and shall not transfer the Licence issued to any other person. The Licence tag shall expire and become void upon sale, death or other means of disposal of the animal.
- (7) In the event a Licence is lost, the owner shall, upon satisfying the Licence Issuer of such loss, be entitled to receive a replacement Licence upon payment of the fee prescribed in the Schedule “A” attached hereto.
- (8) No owner of an animal shall use a Licence issued to him or her for any other animal other than the animal the Licence was issued.

5. continued:

- (9) No person shall remove a dog Licence from a dog without the consent of the owner thereof.
- (10) The fees charged for a dog registration tag shall be in accordance with Schedule "A" attached hereto.
- (11) Any person who produces evidence to the Nipissing First Nation showing that the dog is required as a guide for assistance by a disabled person shall be exempt from paying the Licence fee.
- (12) For seasonal residents whose primary residence is in another Municipality it is sufficient to provide proof of the animal licensing displayed from that Municipality.

Non-Domestic Animals

- 6. No person shall keep any domestic fowl, cattle, swines, goats, swans, horses, sheep, mink or foxes within any area defined by Nipissing First Nation Band Council as Residential, Commercial or Industrial without prior written approval of Band Council or other authorized person on behalf of Band Council.

Responsibility of the Owner

- 7. (1) No person shall suffer, permit or allow any animal of which he/she is the owner to run at large on the reserve;
- (2) For the purpose of this by-law an animal will be deemed to be running at large if found in any other place other than the premises of the owner of the animal and not under the immediate, continuous, and effective control of any person.
- (3) For the purpose of this by-law, an animal shall be deemed not to be under the control of any person when the animal is:
 - (a) not held on a leash by a person capable of restraining the animals movements;
 - (b) not on a leash which is securely affixed to some permanent structure from which the animal cannot escape.
- (4) No owner shall permit an animal to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.
- (5) No person shall suffer, allow or permit an animal under his control to trespass on private property, whether on a leash or not, permission must be first obtained from the property owner.

7. continued:

- (6) Each owner of any animal shall be responsible for the fencing in of their own animal(s) and prevent them from running at large.
- (7) The owner of an animal that causes damage to any property including removable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.
- (8) No owner shall allow a female animal in heat to remain in any place that it has access to or can be accessed by male animals, except for the purpose of controlled breeding, unless the animal is attached to a leash and is accompanied by and is under the immediate, continuous and effective control of the owner or agent.
- (9) The owner of an animal who fails to take all necessary measures to ensure that such an animal 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.
- (10) Any person who owns, harbours, or possesses an animal shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private on the Nipissing First Nation. In any prosecution pursuant to a violation of this section of the by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defence to the prosecution.
- (11) An animal, except an unregistered animal, shall not be considered running at large and need not be on a leash if not a Dangerous dog and the animal is
 - (a) being used by a person for the purpose of hunting if they are not loose within the residential communities; or
 - (b) being used for a person to work in a lawful manner with sheep or cattle; or
 - (c) used by a visually impaired person as a guide dog.
- (12) Where an animal is impounded, the owner if known, shall be liable for all charges and fees in accordance with the by-law and shall pay all such charges and fees on demand to the Animal Control Officer, whether or not the animal is claimed from the pound.

Responsibilities of Animal Control Officer

- 8. (1) The Animal Control Officer of Nipissing First Nation may deliver to the North Bay Humane Society for impoundment any animal found running at large, either seized by him/her or delivered to him/her contrary to the provisions of this by-law.

8. (2) An Animal Control Officer may seize and deliver to the North Bay Humane Society for impoundment any animal found running at large within the limits of the reserve or any animal without a Licence contrary to the provisions of this by-law. Any animal so impounded, will be retained and discharged to the owner in accordance with the policies and bylaws of the North Bay Humane Society.
- (3) Where an owner claims an animal from the Animal Control Officer before it is delivered to the Humane Society for impoundment, he/she shall:
- provide proof of ownership of the animal; and
 - pay for the Licence and registration for the animal if not currently licenced;
- (4) If an animal is injured and the services of a veterinary surgeon is secured, the owner shall not be entitled to redeem the animal unless the charges for such Veterinary surgeon's services are paid, in addition to other charges provided for in this by-law.
- (5) At the discretion of the Animal Control Officer, if an animal is seriously injured or should be destroyed without delay for humane reasons, or for safety of persons or animal, the animal shall be destroyed forthwith and the costs recovered from the owner.
- (6) No attempt may be made by the authority to claim or purchase animals for the purpose of research, notwithstanding the provisions of the Animals for Research Act, R.S.O., 1990 and no animal shall be offered for same for the purpose of research.
- (7) An Animal Control Officer shall, within twenty-four (24) hours from the impounding of any animal, make every reasonable effort to notify the owner that the animal is impounded.

Immunization of Animals

9. (1) All animals on the reserve must be immunized in accordance with Generally Accepted Veterinary Standards unless otherwise directed by the Licence Issuer.
- (2) Section (1) does not apply to animals under (4) four months old.

Treatment of Animals

10. (1) No owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or cause the animal to become a nuisance.

10. (2) No person shall punish or abuse an animal in a manner that is cruel or unnecessary.

Prohibition of Animals Within Specific Areas

11. (1) The Council may at any time prohibit the keeping of animals within any area of the reserve through a Zoning by-law pursuant to the Nipissing First Nation Land Code.

Rabies Quarantine

12. (1) The owner of any animal exposed to rabies shall report to Band Council or the Animal Control Officer and, on demand, surrender such animal to the Animal Control Officer to be delivered to the Humane Society to be held in quarantine for a period of at least ten (10) days and such animal shall not be released from such quarantine without written permission of the Health Department.
- (2) Upon demand of Band Council or the Animal Control Officer, the owner of any animal shall forthwith surrender to the Animal Control Officer any animal which has bitten any person or which has been exposed to rabies to be delivered to the Humane Society to be held in quarantine at the discretion of the Health Department.
- (3) Any animal found to be infected with rabies must be delivered to the Humane Society at the expense of the owner.

Wild Animals

13. (1) No person shall keep, harbour or possess a wild animal on the reserve that may be dangerous to the health and safety of the residents without the express written consent of the Council by Band Council Resolution.

Exotic Pets

14. (1) The keeping of any animals of any kind listed in Schedule "B" of this By-law, anywhere on the Nipissing First Nation is hereby prohibited.
- (2) This by-law does not apply to prohibit the keeping of an animal of a kind listed in schedule "B" of this by-law in the following places or circumstances:
- (a) in a veterinary hospital under the care of a Licenced veterinarian;
 - (b) in a public pound; and
 - (c) by the Ontario Humane Society.

Boarding Stables

15. (1) No Boarding Stable Licence shall be issued within any area of the reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.).
- (2) No person may establish, own or operate an establishment or facility for boarding or treatment of animals within the limits of the reserve, without written consent of the Council by Band Council Resolution (B.C.R.).
- (3) A Boarding Stable Licence shall only be issued in the approved form that may be amended from time to time by Band Council Resolution.
- (4) Any band member who is engaged, employed or otherwise involved in the breeding of horses for sale and who owns or has custody or care of a horse that is being kept for breeding purposes or for sale shall comply with the Standards, identified in the Recommended Code of Practice for the Care and Handling of Farm Animals (Horses) issued by the Ministry of Agriculture and Food.

Kennels

16. (1) No kennel Licence shall be issued within any area of the reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.).
- (2) No person may establish, own or operate an establishment or facility for boarding or treatment of animals within the limits of the reserve, without written consent of the Council by Band Council Resolution (B.C.R.).
- (3) A kennel Licence shall only be issued in the approved form that may be amended from time to time by Band Council Resolution.
- (4) Any band member who is engaged, employed or otherwise involved in the breeding of cats or dogs for sale and who owns or has custody or care of a cat or dog that is being kept for breeding purposes or for sale shall comply with the Standards, identified in the Ontario Society for the Prevention of Cruelty to Animals Act R.S.O. 1990.

Vicious Dogs

17. (1) Anyone owning a vicious dog or aggressive dog must post a clearly visible sign notifying the public.
- (2) At all times a vicious dog must be muzzled and kept on a leash whenever it is in a public place.

17. (3) On public property, a vicious dog shall be kept on a leash or in a restricted area, which shall be constructed so as to prevent any escape by the dog and /or prevent the entry of children.

Seizure of Restricted Dogs

18. (1) Sections 18(1) to 18(5) inclusively, apply only to Restricted Dogs and where these sections conflict with other sections of this by-law these sections shall apply.
- (2) Except for in section 18(5), an Animal Control Officer shall seize any Restricted Dog that is found on the reserve:
- (a) without a tag issued in accordance with this by-law; or
 - (b) running at large on the reserve.
- (3) An Animal Control Officer who has seized a Restricted Dog shall restore possession to the owner where:
- (a) the owner claims possession in person as set out in section 8(3) and
 - (b) the owner undertakes to immediately remove the Restricted Dog from the reserve, or the owner produces a valid dog tag for the Restricted Dog.
- (4) Notwithstanding 18(2), if after reasonable effort or should Public safety be a risk in the sole discretion of the Animal Control Officer, and he/she is unable to seize any Restricted Dog found on the reserve, the Restricted Dog may be destroyed in a manner the Animal Control Officer deems appropriate in the circumstances, and the costs recovered by the owner.
- (5) (a) upon seizure under 18(2), the Animal Control Officer shall deliver the Restricted Dog to the North Bay Humane Society for impoundment
- (b) if ownership is not claimed within the time period prescribed by the North Bay Humane Society, the North Bay Humane Society may destroy and dispose Restricted Dog in a humane manner with costs recovered from the owner, give to fostering facilities or sell and no one may recover damages or compensation as a result of such action, and
 - (c) if a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall seize and deliver to the North Bay Humane Society for impoundment, the Restricted Dog for such a period of time to be specified by a Veterinarian, and thereafter the North Bay Humane Society may destroy the restricted Dog in a manner he/she deems humane and appropriate in the circumstances with costs incurred by Nipissing First Nation for this service to be recovered from the owner, and no one may recover any damages or compensation as a result of such action.

- (d) where any Restricted Dog is to be found to be injured or diseased, the Animal Control Officer shall seek Veterinary attention for the Restricted Dog, in the case where the owner has declined or neglected to do so, the owner shall pay to Nipissing First Nation all costs associated with the provision of such Veterinary services, and
- (e) where any Restricted Dog has been injured and in the opinion of the Animal Control Officer, should be immediately destroyed, either for humane reasons or to protect the health and safety of the public, the Restricted Dog must be delivered to the Humane Society by the Animal Control Officer and the costs recovered from the owner.

Protection From Vicious Animals


- 19. (1) A person or Animal Control Officer may kill, if necessary, a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, killing or destroying:
 - (a) a person;
 - (b) another animal that is not running at large
 - (c) a food cache, harness or other equipment; or
 - (d) domestic livestock.
- (2) A person or Animal Control Officer who must kill a vicious animal, pursuant to section 19(1), shall immediately report the incident to the Chief and Council or Animal Control Officer and notify the animals owner. All costs incurred shall be recovered from the owner.
- (3) No damages or compensation may be recovered as a result of killing an animal by a person or Animal Control Officer who is required to do so pursuant to section 19(1).

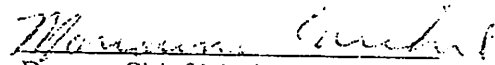
Penalties

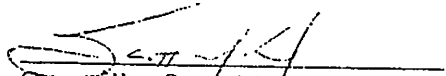
- 20. (1) Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days or to both fine and imprisonment.
- (2) A finding by a court that a provision of this By-law is void or invalid shall not affect the validity or invalidity of the rest of the By-law.

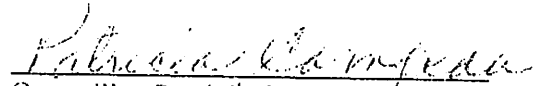
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Nipissing First Nation this 4th day of October 2005.

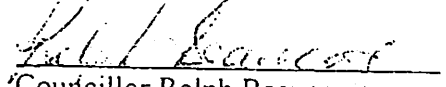
Voting in favour of this by-law are the following members of the Council:

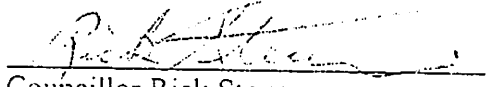

Chief Philip Goulais

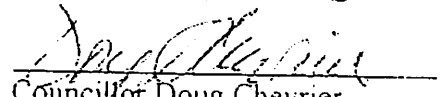

Deputy Chief Marianna Couchie

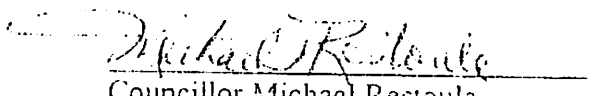

Councillor Scott McLeod


Councillor Patricia Campeau


Councillor Ralph Beaucage


Councillor Rick Stevens


Councillor Doug Chevrier

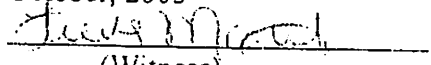

Councillor Michael Restoule

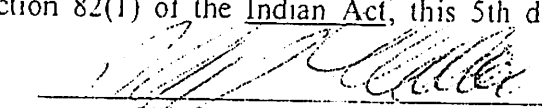
being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five members.

Number of the Council present at the meeting: 7

I, Philip Goulais, Chief of the Nipissing First Nation, do hereby certify that a copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District Office pursuant to subsection 82(1) of the Indian Act, this 5th day of October, 2005


(Witness)


Chief Philip Goulais

Schedule "A" to By-law # 2005-01 Animal Control

FEE SCHEDULE

1. Licence of Dog
 - spayed/neutered & vaccinated within last 24 months
* with certification by Veterinarian
 - 2005.....\$20.00
 - not spayed/neutered & vaccinated within last 24 months
 - 2005.....\$30.00
2. Replacement Tags.....\$5.00
3. Licence of Service Animal.....NIL
4. Fees for strays:
 - Picking up a stray dog or cat.....NIL
5. Fees for Animal Control Officer to deliver animals in contravention of this by-law to the North Bay Humane Society for Impoundment:
 - First offence.....\$30.00
 - Second offence.....\$40.00
 - Third offence.....\$75.00

*Once an animal is impounded the fees of the Humane Society are also applicable to the owner.
6. Return of Licenced Animals to owners without impounding (within Calendar year):
 - First offence.....\$30.00
 - Second offence.....\$45.00
 - Third offence.....dog impounded
7. Return of Unlicenced Animals to owners without impounding (within Calendar year):
 - First offence.....\$30.00 plus applicable licence fee
 - Second offence.....\$45.00 plus applicable licence fee
 - Third offence.....dog impounded

Schedule "B" to By-law # 2005-01 Animal Control

Alligator Snapping Turtles	Manatee
Antelopes	Margays
Baboons	Marine Toads
Banana Spiders	Marine Turtles
Bird Spiders	Marmosets
Boas	Marsupials
Camels	Meerkats
Caracals	Mongoose
Cheetahs	Ocelots
Chimpanzees	Onagers
Civets	Orangutans
Coatimundi	Owl-faced Monkeys
Coral Snakes	Owl Monkeys
Cougars	Penguins
Crocodiles	Poisonous Colurbird Snakes
Elephants	Poison-arrow Frogs
Geckos	Porpoise
Genets	Pottos
Gibbons	Pythons
Giant Centipedes	Rattle Snakes
Giant Millipedes	Rhesus Monkeys
Giant Salamanders	Rhinoceros Beetles
Giant Tortoise	Rhinoceros
Giraffes	Scorpions
Goliath Beetles	Sea Elephants
Gorillas	Sea Lions
Hercules Beetles	Seals
Hippopotami	Servals
Iguanas	Spider Monkeys
Indago Snakes	Squirrel Monkeys
Jackals	Stag Beetles
Jaguars	Syrian Wild Asses
Jaguarundi	Stonefish
Kinkajous	Tarantulas
Lemurs	Tapirs
Leopard Cats	Terrapins
Leopards	Tiger Cats
Lionfish (Turkeyfish)	Tigers
Lions	Toadfish
Llamas	Turkeyfish (Lionfish)
Macaques	Vipers
Mandrills	Walrus
	Wildcats
	Whales
	Wooly Monkeys
	Zebra