

**NEZAADIKAANG /
Lac des Mille Lacs First Nation
Pet and Animal By-Law**

BY-LAW 17-03

A by-law to establish standards
to regulate animals and pets on
Lac des Mille Lacs First Nation Reserve

BY-LAW 17-03: PET AND ANIMAL

of the Lac des Mille Lacs First Nation.

A By-Law to Establish Standards to Regulate Animals and Pets on Lac des Mille Lacs First Nation Reserve.

Enacted on this _____ day of _____ 20__.

WHEREAS the Lac des Mille Lacs First Nation leadership requires a by-law to establish standards for the ownership and care of animals and pets on Reserve;

AND WHEREAS the Lac des Mille Lacs First Nation leadership is empowered to make such by-law pursuant to paragraphs 81(1)(g), (q) and (r) of the *Indian Act*;

AND WHEREAS it is considered appropriate to regulate animals and pets for the purpose and reasons of consumer protection, health and safety and to ensure no public nuisance is caused;

THEREFORE be it resolved that the Lac des Mille Lacs First Nation leadership hereby makes the following by-law:

PART I – GENERAL

Short Title

1. This by-law may be cited as the "LDMLFN Pet and Animal By-law".

Interpretation

2. In this by-law:

- (a) Band, First Nation, or LDMLFN refers to the Lac des Mille Lacs First Nation (LDMLFN) First Nation.
- (b) By-law Enforcement Officer refers to any person or authority designated by and for Chief and Council to oversee the enforcement of First Nation by-laws.
- (c) Cat refers to any feline species, male or female.
- (d) Chief and Council or Band Council refers to the governing body composed of those persons elected pursuant to the *Custom Leadership Selection Code*.
- (e) Dangerous Dog includes:
 - (i) a dog that demonstrates ferocious, vicious or aggressive behavior;
 - (ii) any dog that is found to be dangerous, upon reasonable and probable grounds;
 - (iii) any dog that has been the cause of a prosecution under this by-law within the previous six months where a conviction against its Pet Owner had been entered concerning that specific dog; and
 - (iv) any dog that has bitten a human without provocation.

- (f) Dog refers to an animal of the canine species, male or female.
- (g) Domestic Animal refers to an animal that is tame or kept, including a Cat, Dog or any farm animal but does not include wild animals.
- (h) Dwelling refers to any building which is primarily used for the dwelling of persons, and includes a single family home, semi-detached home, duplex, Dwelling Unit in a multi-unit building, including but not limited to any modular, prefabricated, or mobile home that may be described as a home, house, cottage, seasonal home and/or camp.
- (i) Dwelling Unit refers to one or more habitable rooms designed for use by and occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (h) Farm Animal refers to an animal and/or livestock that is typically reared on a farm and kept for domestic use but not as pets.
- (i) Housing Committee refers to the committee established or appointed by Chief and Council to review and formulate policies, plans and by-laws and to oversee the administration and enforcement of all LDMLFN housing programs and services. The decisions and approvals of the Housing Committee are made with the full direction and support of Chief and Council.
- (k) Leash refers to a rope, chain, cord, leather strip or other device attached to the collar of a dog capable of controlling and restraining the activity of the dog in a manner which conforms to requires of this by-law.
- (l) Lot means a parcel or tract of land that has been properly surveyed and identified as being separate and distinct from any adjacent or adjoining Land, and for which a Certificate of Possession may be issued by LDMLFN.
- (m) Pack refers to four or more domestic animals that are running at large.
- (n) Pet Owner refers to any person who owns, possesses, harbours or has long-term custody, care and control of a dog, cat, Domestic Animal or Farm Animal and “owns” and “owned” shall have corresponding meanings.
- (o) Public Place refers to any area on the Reserve to which the public have access, but does not include a private Dwelling Unit or Lot.
- (p) Reserve refers to the tracts of land held by Her Majesty the Queen in Right of Canada for the use and benefit of LDMLFN, and under the jurisdiction of the LDMLFN and its members, and which is known as the Lac des Mille Lacs Indian Reserve 22A1 and 22A2.
- (q) Run at large or Running at large refers to an animal that is off the Lot of the Pet Owner

and is not under the control of any person.

Application of By-Law

1. (1) The provisions of this by-law apply to all Domestic Animals, Farm Animals and pets located on Reserve.

PART II - ADMINISTRATION

Authority

2.(1) The Chief and Council may, by resolution, appoint or designate the Housing Committee and/or By Law Enforcement Officer and/or any other person or authority whose duty shall be to administer and enforce this by-law.

(2) The Chief and Council may, in the resolution, provide for reasonable remuneration to be paid to such person or authority.

PART III - GENERAL PROVISIONS

Limitation on Domestic Animals per Dwelling

3. (1) No more than four (4) Domestic Animals shall be kept, harbored or possessed in any Dwelling Unit.

(2) This provision shall not apply to dog or cat litters, whereby the pups or kittens are under five months of age.

(3) This provision shall not apply to Farm Animals kept in any Rural Zone or Residential Future Zone under the LDMLFN Zoning By-Laws.

Limitation on Farm Animals

4. All Farm Animals shall be kept in a penned enclosure; shall be provided shelter from the elements; and shall not exceed numbers that can be safely accommodated by such enclosures and shelter, as to prevent overcrowding.

Licensing

5. (1) This section is for future use of Lac des Mille Lacs First Nation.

(2) Every Pet Owner of a Domestic Animal is responsible to ensure that the dog and or cat must display sufficient identification to any person finding the Domestic Animal running at large to properly identify and contact the Pet Owner.

Immunization of Animals

6.. (1) All Domestic Animals and/or Farm Animals on the Reserve must be immunized in accordance with generally accepted veterinary standards.

(2) The Pet Owner of any Domestic Animal and/or Farm Animal exposed to rabies shall report to Chief and Council and immediately surrender the animal to the nearest animal pound for quarantine. The incident is to be immediately reported to Ontario Public Health Authority (“OPHA”).

(3) Any Domestic Animal and/or Farm Animal found to be infected with rabies shall be destroyed by its Pet Owner or by the Lac des Mille Lacs First Nation at the owner’s expense in accordance with the requirements of the OPHA.

Excrement

7. (1) The Pet Owner of a Domestic Animal and/or Farm Animal shall, on a timely and regular basis remove all excrement from any property so as not to create an objectionable condition for neighbouring property owners.

(2) The Pet Owner or other person in control of a Domestic Animal and/or Farm 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.

Annoyance

8. (1) No Pet Owner shall permit his/her animal to be a nuisance or disturb the peace of residents on the Reserve, through frequent barking, howling, yelping, chasing birds or other wildlife, or chasing of motor vehicles or other vehicles, or in any other manner likely to cause annoyance or disturbance.

Animals Running at Large

9. (1) The Pet Owner of a Domestic Animal and/or Farm Animal who fails to take all necessary measures to ensure that the animal is securely contained on the property or is under the control or supervision of a competent person or in the possession of the Pet Owner, is guilty of an offence.

Animals Causing Damage

10.(1) The Pet Owner of a Domestic Animal and/or Farm 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.

Animals Causing Injury

11.(1) The Pet Owner of a Domestic Animal and/or Farm Animal which threatens or causes injury to a person or to another animal by way of chasing, attacking or biting is guilty of an offence, whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the Pet Owner. Each offence will be reviewed on a case-by-case basis with the breed and history of the animal taken into consideration.

Control of Dogs

12.(1) Every Pet Owner of a Dog is responsible to ensure that the Dog bears sufficient identification to any person finding the dog running at large to identify and contact the owner.

(2) No Pet Owner will take or allow any Dog onto any public beaches, swimming areas, parks or school grounds unless the park or public area has been otherwise designated and allowed for Dogs in the area.

(3) All Dogs while outside and not under the effective control by a leash held by a competent person in urbanized areas or under the immediate care and effective control of a responsible and competent person in rural areas, must be kept in an enclosure in the backyard (penned up) or tethered on a proper leash, unless:

- a it is being used by a person for the purpose of hunting; or
- b it is used by a visually impaired person as a guide dog.

(4) A guide dog will be properly identified with its identification properly displayed on its body that is in clear sight, with the adequate attire for the guide dog to prove he or she is working.

- (5) A dog for the purpose of hunting will be wearing proper adequate attire to identify the dog as working/hunting.
- (6) No Pet Owner or other person will tie, secure, tether or pen any dog within 1.5 metres (or 5 feet) of any Lot line.
- (7) No Pet Owner or other person will tie, secure, or tether any dog without the tethering system allowing adequate freedom of movement.
- (8) It will be unlawful for a person to have a Dangerous Dog in a street or in a public place or other place that is not owned or controlled by the person unless the Dog is leashed, controlled and effectively muzzled to prevent it from biting another animal or a person.

Control of Cats

- 13. (1) Every Pet Owner of a cat is responsible to ensure that the cat bears sufficient identification to any person finding the cat running at large to identify and contact the Pet Owner.
- (2) Any unsprayed or unneutered cat is not permitted to be running at large.
- (3) No Pet Owner will take or allow any cat onto any public beaches, swimming areas, parks or school grounds unless the park or public area has been otherwise designated and allowed for domestic pets in the area.
- (4) All Cats while outside and not under the effective control of a leash held by a competent person must be kept in an enclosure in the backyard (penned up) or tethered on a proper leash.

Destroying and Disposing of Dogs and Cats

- 14.(1) The By-law Enforcement Officer is authorized to enter, at all reasonable times, upon any Land, Building or Structure that is subject to any of the terms and conditions of this by-law, in order to take a Domestic Animal into custody where:
 - a it is under reasonable grounds that the Domestic Animal is ownerless; or
 - b it is under reasonable grounds that the Domestic Animal is or has been running at large.
- (2) The By-law Enforcement Officer is authorized to destroy a Domestic Animal, where:
 - a it is under reasonable grounds that the Domestic Animal is ownerless; or
 - b it is under reasonable grounds that the Domestic Animal represents an ongoing threat to the safety of persons or other animals.
- (3) A person who destroys a Dog or Cat under this by-law or an order made under this by-law must destroy and dispose of the Dog or Cat, or cause the Dog or Cat to be destroyed and disposed of, in the prescribed manner and not more than two (2) days after destroying the Dog or Cat, submit to the nearest domestic animal protection agency a written report containing their name, position, description of the Dog or Cat, and the circumstances surrounding the killing and disposition of the Dog or Cat.

Abuse of a Domestic Animal

- 15. (1) No Pet Owner of a Domestic Animal and/or Farm Animal shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or causes the animal to become a nuisance.
- (2) No Pet Owner shall punish, neglect or abuse an animal in a manner which is cruel or unnecessary.
- (3) All cases of animal abuse will be reported to Society for the Prevention of Cruelty of Animal (SPCA).

PART V - ENFORCEMENT

Right of Entry

16. (1) The Housing Committee and/or By-law Enforcement Officer may, at all reasonable hours, enter upon and inspect any Land, Building, Structure or other property that is subject to any of the terms and conditions of this by-law, for the purpose of determining whether this by-law is being complied with.

(2) Where it has been satisfied that an animal or pet is not receiving proper care, treatment or shelter or is being kept on any premises contrary to the provisions of this by-law, the Housing Committee and/or By-Law Enforcement Officer is authorized to take custody of, control, impound or destroy any Domestic Animal or Farm Animal in accordance with this by-law.

Complaints

17. Upon receiving a complaint from any person, the By-Law Enforcement Officer is authorized to investigate, capture and impound any Domestic Animal or Farm Animal in cases where the animal is:

- a found causing an annoyance or disturbance in any manner specified, at any time of the day or year, whether the animal is on private property or otherwise;
- b the Pet Owner of the Domestic Animal or Farm Animal is found to be non-compliant with this by-law.

Notice of Violation

18.(1) **Verbal Notice:** If the Housing Committee or By-Law Enforcement Officer has reasonable grounds to believe that the Pet Owner is not complying with a provision of this by-law, they may give that Pet Owner a verbal warning and attempt to persuade the Pet Owner to undertake the necessary action to correct the violation. The Pet Owner will have five (5) days to comply with this verbal notice.

(2) **Written Notice:** If the Housing Committee or By-law Enforcement Officer is unable to persuade the Pet Owner to correct the deficiencies, the Housing Committee or By-Law Enforcement Officer shall provide the owner with written notice of his or her observations and a demand to correct the violation. The written notice will go out on the sixth (6th) day following the verbal notice and the Pet Owner will be given another twenty (20) days to comply.

(3) The notice shall be completed by the authority appointed by Chief and Council, and shall, at a minimum, contain the following information:

- a the description of the Land and or property on which the violation occurred;
- b the particulars of the violations to this by-law, including specific reference to sections containing the applicable standards that have not been met;
- c direction as to how the violation can be brought into compliance with the by-law;
- d a twenty (20) day time period within which the violation must be brought into compliance with the by-law to avoid penalty; and
- e the contact information of the Housing Committee or By-law Enforcement Officer who conducted the inspection and issued the notice under this Section, including a statement that that person is authorized to vary the requirements where appropriate.

Offence

19. (1) A Pet Owner or person in control of an animal or pet and who treats their animal or pet in a manner contrary to any provision of this by-law, or who violates any provision of this by-law or causes or permits any such violation of this by-law and does not cure such violation within the time period permitted after receipt of written notice of the violation, commits an offence.

(2) A person who interferes with or obstructs in the administration and enforcement of this by-law commits an offence.

(3) Where an act or omission in contravention of this by-law continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues.

Penalty

20. A person who commits an offence is liable on summary conviction to a fine not exceeding \$1,000 and/or full reimbursement of the costs to rectify the infraction to comply with this by-law.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Lac des Mille Lacs First Nation this ____ day of _____ 20__ in accordance with s.81 of the *Indian Act*.

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

(Chief)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

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

The quorum of the Council is ____ members.

Number of members of the Council present at the meeting: ____.