

## PIKWAKANAGAN ANIMAL CONTROL LAW

The Council of the Algonquins of Pikwakanagan, at its duly convened meeting of the 11th day of January, 2000 hereby makes changes to the following law pursuant to its powers of government.

The Council of the Algonquins of Pikwakanagan, at its duly convened meeting of the 24th day of March, 1997, hereby makes the following law pursuant to its powers of government and pursuant to subsections (a), (d), (e), (o), (q) and (r) of Section 81(1) of the Indian Act, Revised Statutes of Canada, Chapter I-6.

Every other or prior Animal Control Law, by-law or provision of the Algonquins of Pikwakanagan is hereby repealed upon the coming into effect of this Law.

### 1. DEFINITIONS:

- (a) **"Animal"** means an animal organism other than a human being.
- (b) **"Appeal Board"** means a group of members, appointed by Band Council Resolution to make decisions and hear appeals and objections on all Administrative Laws.
- (c) **"Breeding"** means to keep animals for the purpose of producing pure breed offspring animals, which are registered with the Canadian Kennel Club of Canada.
- (d) **"Running at Large"** in respect of any animal, means a situation in which the animal is not on the property of the owner of the animal, is not tethered to a stationary object or under the control of a competent person and on a leash.
- (e) **"Dog"** means any animal, of the genus *Canis*, including domestic dogs and dogs which have been crossed with wolves or coyotes.
- (f) **"Exposed to rabies"** means an animal has been bitten by any animal known to have rabies or suspected of having rabies, or it is reasonably suspected of having been bitten by such an animal.
- (g) **"Kennel"** means any person, group of persons, partnership or corporation in the commercial business of breeding, buying, selling or boarding dogs and cats.
- (h) **"Owner"** means a person who owns an animal, has care and control of an animal, possesses or harbours an animal. "Owns" has a corresponding meaning. Where the owner is a minor, the person responsible for the custody of the minor is, for the purposes of this law, the "owner" of the animal.
- (i) **"Pikwakanagan"** means the land reserved for the use and benefit of the Algonquins of Pikwakanagan, Indian Reserve #39.
- (j) **"Villainous Animal"** means any animal which had demonstrated vicious, ferocious or aggressive behaviour, or which has bitten or attacked another animal or a person.

### 2. APPOINTMENT OF ANIMAL CONTROL OFFICER

- 2.1. The Council may appoint one or more persons to be an Animal Control Officer pursuant to this law.
- 2.2. The Council may set the remuneration to be paid to any Animal Control Officer and may authorize its officers to enter into a contract for animal control.

### 3. REGISTRATION OF ANIMALS

- 3.1. Any person keeping, owning, or harbouring any animal within Pikwakanagan shall register that animal with the Animal Control Officer. Unregistered animals shall not be allowed in Pikwakanagan.
- 3.2. The Animal Control Officer shall maintain an Animal Register in which the applications for registration of all animals shall be kept.

3.3. The application for registration of an animal shall be filed with the Animal Control Officer and shall state:

- (a) The applicant's name;
- (b) The applicant's address and lot number;
- (c) A description of the animal including age, gender and breed;
- (d) The number of animals already present in the household;
- (e) In the case of an animal, which is susceptible to rabies, proof that it has been immunized, (i.e. dogs, cats);
- (f) Any other information deemed by the Animal Control Officer to be necessary for the proper administration of the law.

3.4. The owner of any animal, in addition to the initial registration required in paragraph 3.1 of this law, shall cause the animal to be registered annually. The registration shall take place between April 1 and May 15 of each year.

3.5. The Animal Control Officer, upon the registration of a dog, shall issue the owner of the dog an identification tag to be placed around the neck of the dog.

3.6. The Animal Control Officer shall not register any dog of the following breeds or categories:  
a) Pit Bull  
b) Rottweiler  
c) Dog/Wolf Crossbreed  
d) Villainous dog  
e) or any dog of mixed breeding which includes any of the above aforementioned breeds.

3.7. The fee for the annual registration of a dog shall be five dollars (\$5.00).

3.8. In the event that an identification tag is lost, the owner of the dog whom the tag was issued may obtain a duplicate tag from the Animal Control Officer upon payment of a fee of two dollars (\$2.00).

3.9. No more than two dogs and two cats shall be kept at any dwelling within Pikwakanagan.

3.10. The registration provisions of the law, and Paragraph 3.9 do not apply to any animals less than four months of age.

3.11. The registration provisions of this law shall not apply to any animal belonging to a person who is not a resident of Pikwakanagan, where the animal is kept within Pikwakanagan for no longer than thirty days, and is kept at all times within a building, within a vehicle, or under restraint by its owner or some other competent person.

3.12. If there is a change of ownership of any dog during the registration year, the new owner may have the current registration transferred to his name upon payment of a transfer fee of one dollar (\$1.00).

3.13. No person shall use an identification tag for any dog other than the dog for which the tag has been issued.

3.14. Every person who owns, plans to own, operate or conduct the operation of a kennel shall apply to the Appeal Board for a permit to operate a kennel within Pikwakanagan and pay two dollars (\$2.00) per tag for each breeder, providing always that such tags will be for a specified dog.

#### **4. DESIGNATION OF POUND**

4.1. The Council may designate any place to be the Animal Pound for the purposes of the law.

#### **5. ENTERING PRIVATE PROPERTY**

5.1. The Animal Control Officer shall not enter private property to apprehend or destroy any animal without the consent of the owner of the private property.

#### **6. APPREHENSION OF ANIMALS RUNNING AT LARGE**

6.1. It shall be the duty of the Animal Control Officer to apprehend any animal running at large within Pikwakanagan.

6.2. An animal, which is on the private property of its owner, shall not be considered as running at large for the purpose of this law.



- 6.3. The Animal Control Officer, in apprehending any animal, which is running at large, shall make every effort to avoid any harm to the animal.

**7. APPREHENSION OR DESTRUCTION OF VILLAINOUS ANIMALS**

- 7.1. The Animal Control Officer may apprehend or destroy any animal which has, without provocation, attacked or injured any person or which he finds damaging property.
- 7.2. Any person may apprehend any animal that is in the act of pursuing, attacking or injuring any person or any domestic animal.
- 7.3. The Animal Control Officer shall only destroy an animal pursuant to this section if, in his opinion, the animal continues to be a danger to people and the animal cannot be safely apprehended.
- 7.4. In destroying an animal pursuant to this section, the Animal Control Officer shall act humanely and shall not cause the dog any undue suffering.
- 7.5. Nothing in this law shall prevent the owner of private property from humanely apprehending any animal, which has entered his property.
- 7.6. Where an owner of private property apprehends an animal, which has entered his private property, he may deliver that animal into the custody of the Animal Control Officer and, from the time of delivery, this law shall apply as if the Animal Control Officer has apprehended the animal.

**8. ABUSE OR ILL-TREATMENT OF ANIMALS**

- 8.1. The provisions of the Criminal Code of Canada with respect to abuse or ill treatment of animals will apply within Pikwakanagan.
- 8.2. The Animal Control Officer will seize any animal which has been abused or starved.

**9. ANIMALS EXPOSED TO RABIES:**

- 9.1. The Animal Control Officer may apprehend, quarantine or destroy any animal, which has been exposed to rabies.
- 9.2. The carcass of any animal which has been exposed to rabies, shall upon demand, be surrendered to the Animal Control Officer.
- 9.3. The Animal Control Officer shall direct the disposal of any animal found to be infected with rabies.
- 9.4. A person who fails or refuses to surrender any animal exposed to rabies or the carcass of any animal exposed to rabies for quarantine or destruction pursuant to this law is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars.

**10. IMPOUNDMENT OF ANIMALS**

- 10.1. An animal, which has been impounded, shall remain under the control of the Animal Control Officer until it is released or destroyed.
- 10.2. The Animal Control Officer shall keep an animal, which has been impounded, for at least three (3) days after it has been apprehended.
- 10.3. After three (3) days have passed since the impoundment of an animal, the Animal Control Officer shall either:
- a) hold the animal until released to the owner;
  - b) give the animal away to a suitable home;
  - c) sell the animal; or
  - d) destroy the animal.
- 10.4. No damages or compensation may be recovered by an owner on account of the apprehension, impoundment or disposal of any animal by an Animal Control Officer under this Law.

- 10.5. Where an animal has been impounded because it has, without provocation, bitten or attacked a person or animal, the Animal Control Officer may impound the animal for a period specified by a veterinarian.

**11. RELEASE OF IMPOUNDED ANIMAL**

- 11.1. When an animal has been apprehended or destroyed by the Animal Control Officer, the Animal Control Officer shall make diligent efforts to contact the owner of the animal.
- 11.2. The owner of an impounded animal may secure the release of the animal by paying the impoundment fee.
- 11.3. The impoundment fee shall be set by the Council and shall consist of a basic fee for the apprehension of the animal plus a daily fee based on the expense of maintaining the pound and caring for the animal.
- 11.4. The Animal Control Officer may release an animal to the animal's owner, if prior arrangements are made to pay the impoundment fee and fine.

**12. DESTRUCTION OF IMPOUNDED ANIMALS**

- 12.1. An impounded animal, which is to be destroyed pursuant to this law, shall be destroyed in a humane manner.
- 12.2. The owner of an animal, which has been destroyed pursuant to this law, shall, if he has been given notice of the impoundment of the animal, be liable for any impoundment fee plus a set fee for the destruction of the animal.
- 12.3. The fee for the destruction of animals pursuant to this law shall be set by the Council.
- 12.4. The owner of an animal which has been destroyed by the Animal Control Officer pursuant to Paragraph 7.1., or 9.1. of this law shall be liable to pay for the same fee as if the animal had been destroyed in the pound, but shall not be liable for any impoundment fees unless the animal has actually been impounded.

- 12.5. Notwithstanding Paragraph 10.2 of this Law, where, in the opinion of the Animal Control Officer, an animal that has been impounded should be destroyed without delay for humane reasons or for reasons of safety, the Animal Control Officer may destroy the animal as soon after it has been impounded as he thinks fit without permitting any person to reclaim the animal. In such cases, the Animal Control Officer shall still make reasonable efforts to contact the owner of the animal before taking action to destroy the animal.

**13. OBJECTION TO IMPOUNDMENT**

- 13.1. Any person who feels that an animal was improperly or unlawfully impounded has the right to object to the impoundment by giving notice of objection in writing to the Manager, Lands, Estates and Membership. The notice of objection shall be in writing and shall briefly state the reasons for the objection.
- 13.2. The Manager, Lands, Estates and Membership shall immediately notify the Animal Control Officer of the notice of objection.
- 13.3. The Animal Control Officer, upon being notified of a notice of objection, shall either:
- a) release the animal into the custody of its owner, or
  - b) keep the animal impounded until the objection is dealt with.
- 13.4. Once a notice of objection has been delivered to the Manager, Lands, Estates and Membership, the Animal Control Officer shall not destroy any impounded animal, which is the subject of the notice of objection unless ordered to do so by a veterinarian.
- 13.5. Any person may deliver to the Manager, Lands, Estates and Membership a notice of objection with respect to impoundment fees or with respect to a fee for the destruction of an animal, and all proceedings for the collection of such fees will be suspended until the objection is dealt with.



- 13.6. Objections registered pursuant to this law shall be heard by three members of the Appeal Board appointed by Chief and Council to hear objections or appeals on Laws developed by the Chief and Council.
- 13.7. In the hearing of any objections pursuant to this law, the person making the objection and the Animal Control Officer shall be present and shall have the right to introduce relevant evidence, either through witnesses or otherwise. The Appeal Board Members shall carefully hear both sides of the matter, and shall carefully weigh the evidence before making any decisions.

- 13.8. In dealing with any objection pursuant to this law, the Appeal Board Members may:

- a) order that the animal be released to its owner or to any other person the Appeal Board Members may designate;
- b) order whether any fee shall be paid by the person making the objection or by the owner of the animal, and may set the amount of the fee to be paid; or
- c) order the destruction or other disposal of the animal.

#### **14. WILD ANIMALS**

- 14.1. No wild animal may be kept within Pikwakanagan except under such conditions as shall be fixed by the Council.
- 14.2. The Council may prescribe that the same rules that apply to dogs pursuant to this Law shall apply to any wild animals kept within Pikwakanagan.

#### **15. DISTURBANCE**

- 15.1. No owner shall permit an animal to bark, yelp, growl, and howl or otherwise annoy or disturb the peace of residents of Pikwakanagan.

#### **16. COLLECTION OF IMPOUNDMENT FEES**

- 16.1. Fees owed pursuant to this law shall be considered as moneys owed to the Algonquins of Pikwakanagan and may be set off against any money payable by the Algonquins of Pikwakanagan to the person owing the fees.

- 16.2. Where a person owes fees pursuant to this law, the Council or the Executive Director may direct that non-essential services provided by the Algonquins of Pikwakanagan to that person, other than service provided pursuant to a contract with that person, may be suspended until the fees are paid.

#### **17. OFFENCES AND FINES**

- 17.1. A person who allows a dog to run at large is guilty of an offence and is liable on summary conviction to a fine of not more than three hundred dollars, in addition to the impoundment fee pursuant to this Law.

- 17.2. Where a dog has been permitted to run at large and the dog damages property or injures any person, the owner of the dog, in addition to any fees payable pursuant to this Law is guilty of an offence and is liable on summary conviction to a fine of not more than one thousand dollars.

- 17.3. A person who obstructs an Animal Control Officer in the execution of his duty under this Law is guilty of an offence and is liable on summary conviction to a fine of not more than one thousand dollars.

- 17.4. Except on his own property, the owner of an animal who fails to immediately pick up and dispose of any waste, feces or vomit left by the animal is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.

- 17.5. A person who keeps an unregistered animal in Pikwakanagan in contravention of this Law is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.

- 17.6. A person who allows his animal to disturb other persons in contravention of this law is guilty of an offence and is liable on summary conviction to a fine of not more than two hundred dollars.

- 17.7. Where the court is satisfied that an order is necessary for the protection of the public, the court may order:

- a) That the dog be destroyed in such manner as provided in the order; or
- b) That the owner of the dog take such steps as are provided in the order for the more effective control of the dog; or
- c) That the owner of the animal cannot keep the animal within Pikwakanagan; or
- d) Other direction or decision that the court deems necessary.

17.8. A person who contravenes this law in a manner for which no specific penalty is provided is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars.

The Council of the Algonquins of Pikwakanagan, at its duly convened meeting of the 11th day of January 2000, hereby amends the Pikwakanagan Animal Control Law pursuant to its powers of government.