By-Law Number 2015001
An Animal Control By-Law

THE COUNCIL of the Glooscap First Nation Indian Band ("the Council") 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 as well as a nuisance to these residents.

PARAGRAPHS 81(1)(a), (d), (e), (q) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5 (the "Act), provide that a council of a band may make by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against trespass by animals, the establishment of animal shelters, the appointment of Animal Control Officers, the regulation of their duties and the provision for fees and charges for their services, in addition to 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;

THE COUNCIL makes the following by-law:

Short Title

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

2. In this by-law:

"aggressive behaviour" means snarling, growling or pursuing another animal or person.

"animal" means any member of the animal kingdom, other than a human. This includes furbearing animals, household pets (domestic and companion animals), poultry and wild animals.

"Animal Control Officer" means any by-law enforcement officer, including a police officer or person or Society employed by the Band Council for the purpose of enforcing the provisions of this by-law, including appointments pursuant to section 4 of this by-law.

"animal register" means the register kept by the Animal Control Officer for the purpose of the registration of all animals on the reserve.

"Animal Shelter" means any facility designated by the Council as an animal pound.

"Band" means the Glooscap First Nation Band, as defined under section 2 of the *Indian Act.*

"bite" means a wound to the skin causing it to puncture or break.

"cat" means a household pet of the feline species and includes a kitten.

"companion animal" means an animal kept as a pet or as a guide animal.

"Council" means the Council of the Glooscap First Nation Band, as defined in the *Indian Act.*

"dog" means any member of the canine species and includes a puppy.

"domestic animal" means a cat or dog.

"dwelling" means each single unit home being a fully or semi-detached building, a multiple unit dwelling, an apartment home or any building used or intended to be used for human habitation and in which normal domestic functions may be carried out.

"microchip" means an approved "Canadian Standard" encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database.

"muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting. The words "muzzled" and "muzzling" have similar meanings.

"owner" of an animal includes a person who possesses or harbours an animal, and the terms "owns" and "owned" have a corresponding meaning.

"running at large" means off the premises of the owner and not muzzled or under the control of any person.

"reasonable notice" is defined as not less than 72 hours notice, excluding the day of impoundment , statutory holidays and days when the animal shelter is closed.

"reserve" means the Glooscap First Nation Indian Reserve No.35

"tether" means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words "tethered" and "tethering" have a similar meaning.

"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 dog;

(c) any dog which has been the cause of a prosecution under this by-law within the previous six (6) months where a conviction against anybody had been entered concerning that specific dog; or

(d) any dog which has bitten or attacked another animal or human without provocation.

"without provocation" means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or present, by the person or domestic animal, who sustained the bite or attack.

Application

3. This by-law applies to all owners of animals residing or visiting on the Glooscap First Nation Reserve No.30.

PART II – ADMINISTRATION

Animal Control Officer

4. **(1)** The Council may appoint, by Band Council Resolution, and Animal Control Officer to provide for the administration and enforcement of this by-law and more specifically to receive registrations and to issue identification tags under this by-law.
(2) The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the Animal Control Officer.

Registration and Identification of Animals

5. **(1)** Every person keeping one or more animal(s) on reserve must register and have an identification tag placed around the neck of each animal.
(2) The application for registration and an identification tag must be filed with the Animal Control Officer and must include:

(a) the applicant's name;
(b) the applicant's address or lot number;
(c) a description of the animal sought to be registered, including the age, sex, and name of breed if known;
(d) the number of animals in a household;
(e) a record that the animal is immunized against rabies, noting the date of such immunization, the name of the person immunizing the animal, including the manufacturer's name of the vaccine and its batch number; and

(f) any other information the Animal Control Officer deems necessary for the proper administration of this by-law. i.e. whether the animal has been spayed or neutered.

6. The owner of an animal four (4) months of age or older shall, within thirty (30) days of acquiring it, apply and register and identify it.

7. The charge for registration and identification tags is $10.00 per year.

8. The Animal Control Officer must issue the licence tag upon registration and payment of the annual fee and, if necessary, proof that the animal has been vaccinated and immunized against rabies.

9. The licence tag must be securely attached to the collar or harness of the animal at all times.

10. The registration and identification tag will be valid for one full year from the date of issuance.

11. No person shall use a tag upon an animal other than the animal for which it was issued.

Responsibility to Care for Animals

12. Every person who keeps an animal on reserve must ensure water is adequate to meet the needs of the animals. Water is considered adequate if it meets all of the following criteria:

(1) it is clean, fresh, potable, unfrozen water of drinkable temperature,
(2) it is accessible by an animal in sufficient volume, taking into account the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of animal or in a volume prescribed by a veterinarian;

13. Every person who keeps an animal on reserve must ensure food is adequate to meet the needs of the animal. Food is considered adequate if it meets all of the following criteria:

(1) it is accessible to an animal in sufficient quantities and nutritive value to enable the animal to maintain healthy growth and a healthy body weight for the age, breed, condition and size of the animal, or in quantities or nutritive values prescribed by a veterinarian;

(2) it is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, or at intervals prescribed by a veterinarian.

14. An animal's owner or caretaker must ensure that a receptacle or container that is intended for providing food or water to the animal is usable and designed and placed in manner that prevents spillage, injury or contamination.

15. An animal's owner or caretaker must ensure that the animal receives regular grooming and claw care.

16. An animal's owner or caretaker must ensure that a collar or restraining device that is used on the animal meets all of the following requirements:

(1) it must be well-fitted;
(2) it must be appropriate to the age and size of the animal;
(3) it must not hamper the animal's ability to breathe;
(4) it must not cause trauma or injury to the animal.

17. No dog shall be un-spayed, in heat and not be confined inside a dog-proof enclosure.

Standards of Care for Animals Outdoors

18. An animal's owner or caretaker must ensure that an area on which the animal is being kept outdoors meets all of the following requirements:

(1) the area must provide protection from inclement weather to which the animal could otherwise be exposed and that could cause the animal to be in distress;
(2) shade must be accessible to the animal at all times within the area;
(3) the area must be clean and free from excess excrement.

19. In deciding whether protection from inclement weather is required under clause 17 (1), an animal's owner or caretaker must consider all of the following to determine the animal's ability to adapt to weather conditions:

(1) the animal's age;
(2) the animal's health;
(3) the animal's breed;
(4) the animal's ability to adapt to the heat or the cold;
(5) the animal's coat;
(6) the outdoor temperature;
(7) inclement weather that the animal could be exposed to.

Standards of Care for Shelters

20. An animal's owner or caretaker must ensure that the animal has continuous access to a shelter if the animal is kept outdoors:

(1) for more than 12 hours at a time; or
(2) in any weather conditions that could cause the animal to be in distress.

21. In deciding whether protection from weather conditions is required under clause 19 (2) an animal's owner or caretaker must consider all of the following to determine the animal's ability to adapt to weather conditions:

(1) the animals age;
(2) the animals health;
(3) the animals breed;
(4) the animals ability to adapt to the heat or cold;
(5) the animals coat;
(6) the outdoor temperature;
(7) the inclement weather that the animal could be exposed to.

22. An animal's owner or caretaker must ensure that a shelter required by this section meets all of the following requirements:

(1) it must not present a risk to the health or safety of the animal;
(2) it must be accessible to the animal;
(3) it must provide protection from inclement weather;
(4) it must be sufficiently ventilated to prevent the accumulation of moisture and odors;
(5) it must have flooring and bedding that is clean and dry and sufficient to provide adequate insulation from inclement weather;
(6) if it is a dog shelter, its ceiling heights must be at least 5cm greater than the height of the dog in a sitting position measured from the top of the dog's head to the ground;
(7) its sleeping area must allow for the animal to easily turn around and lie down.

Standards of Care for Pens

23. An animal's owner or caretaker must ensure that a pen used for the animal meets all of the following requirements:

(1) it must be designed and located to prevent injury or distress to the animal;
(2) it must have a clean, dry place, free from excessive excrement, where the animal can lie down;
(3) it must be kept in good repair.

24. If more than 1 animal is kept in a pen, the animal's owner or caretaker must ensure that the pen has an area large enough to provide the animals with adequate space for all of the following:

(1) feeding, resting, urinating and defecating;
(2) engaging in species typical behaviours and maintaining adequate social distances.

25. An animal's owner or caretaker must ensure that the animal is not left in a pen unsupervised for more than 12 consecutive hours.

26. If an animal is kept in a pen for longer than 12 consecutive hours in any 24-hour period, the animal's owner or caretaker must ensure that the animal has a time out of the pen during that same 24-hour period to allow for exercise, socialization and protection from inclement weather.

Standards of Care for Tethering

27. An animal's owner or caretaker may tether the animal for only up to 12 hours in any 24-hour period.

28. If an animal has been tethered for 12 consecutive hours, the owner or caretaker of the animal must untether the animal for 12 consecutive hours before tethering the animal again.

29. An animal's owner or caretaker must ensure that the minimum length of a tether used on the animal is the greater of:

(1) 5m; or

(2) 5 times the length of the animal, as measured from the tip of its nose to the base of its tail.

30. In addition to the length requirements of section 28, an animal's owner or caretaker must ensure that a tether used on the animal meets all of the following requirements:

(1) it must allow the animal to reach its food and water and a clean dry place to lie down in a shaded area or shelter, if required by these regulations;

(2) it must allow the animal to move in a manner that is safe and, except by the length of the tether, is unrestricted;

(3) it must be configured to prevent the animal from doing any of the following:

(a) becoming entangled with other objects or animals;

(b) moving over and edge, such as the edge of a wall or stairway, in a manner that could result in strangulation or injury of the animal;

(4) it must not cause discomfort for the animal because of its type or weight.

Standards of Care for Transporting and Animal

31. A person must not transport an animal in the trunk of a motor vehicle.

32. Section 30 does not apply to a motor vehicle, such as a station wagon, passenger van, sports utility vehicle or hatchback model, that does not have a closed areas as its main storage compartment.

33. A person must not transport an animal in a motor vehicle outside the passenger compartment unless the animal is confined or secured

(1) in a container that meets the requirements of section 33; and

(2) in a manner that prevents the animal from experiencing injury or distress, falling off the vehicle or otherwise injuring itself or causing a hazard to other vehicles.

34. A container that is used to transport an animal in a motor vehicle outside the passenger compartment must meet all of the following requirements:

(1) it must be constructed to prevent an animal from escaping;
(2) it must be constructed to allow the animal to have good footing, protection from inclement weather and adequate ventilation;
(3) it must be durable and kept in good repair;
(4) it must be large enough to enable the animal to turn around normally, to stand and sit erect and to lie in a natural position;
(5) it must be secured to the motor vehicle.

35. A person must not leave or confine an animal in any unattended motor vehicle or enclosed container under any conditions that could endanger the health or well-being of the animal or any circumstance that could reasonably be expected to cause distress or death to the animal, including any of the following:

(1) heat;
(2) cold;
(3) lack of adequate ventilation;
(4) lack of food or water.

36. An inspector or peace officer may remove an animal from a motor vehicle or other enclosed container if the animal's safety appears to be in immediate danger from any of the conditions or circumstances referred to in section 34.

37. An inspector or peace officer who removes an animal from a motor vehicle must take it to an animal shelter or other places of safekeeping or, if the inspector or peace officer considers necessary, to a veterinary hospital for treatment.

38. An inspector or peace officer is authorized to take all steps that are reasonably necessary to remove an animal from a motor vehicle or other enclosed container, including breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible has been made.

39. An inspector or peace officer who removes an animal from a motor vehicle must leave written notice bearing his name or her name and title, and the address of the location where the animal can be claimed, in a secure and conspicuous location on or within the motor vehicle.

40. An animal that has been removed from a motor vehicle or enclosed container by an inspector or peace officer may be claimed by the owner only after payment of any charges that have been accrued for the maintenance, care, medical treatment or impoundment of the animal.

Limitation on Number of Domestic Animals Per Dwelling

41. No more than three (3) domestic animals shall be kept, harboured or possessed in any dwelling. These provisions shall not apply to dog or cat litters, whereby the puppies or kittens are under four (4) months of age.

42. Any person who owns more than the permitted number of domestic animals when the by-law comes into force shall be permitted to keep them until they have died or are otherwise disposed of, provided that such animals are registered with the animal register within ninety (90) days that the by-law comes into force.

Immunization of Animals and Rabies

43. All animals on the reserve must be vaccinated and immunized against rabies in accordance with generally accepted veterinary standards.

44. The owner of any animal exposed to rabies shall, on demand by the Council, surrender such animal to the Animal Control Officer to be held in quarantine for a period of fourteen (14) days and such animal shall not be released from such quarantine without the written permission of the Medical Officer of Health.

45. Upon demand of the Council, 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 held in quarantine at the discretion of the Medical Officer of Health.

46. Any animal found to be infected with rabies shall be destroyed by its owner or by the Animal Control Officer at the owner's expense.

GENERAL PROHIBITIONS

Restricted Areas

47. **(1)** The Council may at any time prohibit the keeping of animals within any area of the reserve.

(2) Notice of any prohibition made by Council pursuant to subsection (1) shall be posted in the band office and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.

(3) 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 Council, by way of Band Council Resolution.

(4) No person may own prohibited animals including venomous snakes or other animals listed with the Department of Natural Resources.

Running at Large

48. For the purposes of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.

49. No owner shall permit their dog to run at large on the reserve.

50. Every owner of a dog shall ensure that the dog is kept on a leash and under the control of some person when the dog is on the reserve unless:

(1) the land is the premises of the owner of the dog; or

(2) the land is owned by a person who has given prior consent to the dog being off the leash.

51. No owner of a dog shall control a dog by means of a leash that:

(1) is not held by the person in their hand; or

(2) is not securely affixed to some immoveable structure from which the dog cannot escape.

IMPOUNDMENT

52. An animal found running at large on the reserve may be impounded for not less than five (5) days, exclusive of the day of impoundment, statutory holidays, or days when the animal shelter is not open, during which time an owner shall be entitled to redeem their animal, providing the owner pays such licence and animal shelter fees as provided by this by-law and takes such other action as the Animal Control Officer or Council may direct.

Minimum Notice Requirement

53. The owner of an animal must be provided with not less than 72 hours notice, Exclusive of the day of impoundment, statutory holidays, or days when the pound is not open, that their animal has been impounded and will be destroyed if not claimed by its owner.

54. After providing reasonable notice to the owner of the animal, the animal may then Be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by its owner and the costs incurred for impounding the animal have been paid by the owner.

55. **(1)** An Animal Control Officer may seize an animal from any person whom he has

reasonable cause to believe is violating 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 veterinarian.

(3) Subject to subsection (7), an Animal Control Officer who has seized an animal pursuant to subsection (1) shall release the animal to the owner where:

(a) the owner claims possession of the animal within (72) hours after the date of Seizure;

(b) the owner pays the Animal Control Officer all expenses incurred in securing, caring for and feeding the animal; and

(c) the owner has obtained the necessary registration identification tag from the Animal Control Officer before the animal is released.

(4) Where an animal has not been reclaimed within five (72) hours after seizure and notification has been given to the owner, the animal may be rehomed (adopted), humanely destroyed or disposed of by a veterinary surgeon and no damages or compensation may be recovered as a result of the destruction or disposal of such animal.

(5) The Animal Control Officer shall seek veterinary attention for an animal found to be deceased where the owner has declined, failed or neglected to do so.

(6) Any fee arising from the provision of such veterinary care, as referred to in subsection (5), shall be charged to the owner of the animal.

(7) Where the animal that is seized is injured and should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals, the Animal Control Officer shall destroy the animal as soon after the seizure as the Animal Control Officer thinks fit without permitting any person to reclaim the animals and no damages or compensation may be recovered on account of such action.

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

(9) A written report of each such incident, as described in this subsection, shall be filed with the Council by the Animal Control Officer.

56. **(1)** Where the Animal Control Officer, after reasonable effort, is unable to seize an animal that is running at large contrary to the provisions of this by-law, the Animal Control Officer may destroy the animal.

(2) No damages or compensation may be recovered as a result of the destruction of

an animal by the Animal Control Officer pursuant to subsection (1).

57. **(1)** No owner of an animal shall knowingly or unknowingly allow any animal to make noise excessively.

(2) For the purposes of this section, a dog shall be deemed to be making noise excessively if it barks or howls repeatedly for a period of twenty (20) minutes.

58. **(1)** Where the Council or an Animal Control Officer has reason to believe that a dog has bitten a person or domestic animal and it is the first bite on record, the Animal Control Officer shall serve the owner with either a written warning or a Notice to Muzzle Order and a written warning of possible prosecution.

(2) Where the first bite has occurred on public property, or where the bite is a second or subsequent bite on reserve, an Animal Control Officer shall serve the dog owner with a Notice to Muzzle, which shall require that:

(a) while it is on the property of the owner that it shall be either tethered or confined in a fenced-in area in a way that prevents the dog from escaping or being accidentally or intentionally released;
(b) whenever it is off the property of the owner, that the dog shall be muzzled and leashed, and shall only be under the control of a person sixteen (16) years of age or older when off its property; and
(c) within fourteen (14) days of having been served with a Notice to Muzzle, the dog owner shall have such dog identified with microchip identification, and the owner shall promptly provide the animal register with the microchip identification information.

59. Anyone owning a vicious or aggressive dog must post a clearly visible sign notifying the public.

60. At all times, a vicious dog must be muzzled and kept on a leash whenever it is in a public place.

61. 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 to prevent the entry of children.

62. **(1)** A person or Animal Control Officer 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
(c) A food cache, harness or other equipment; or
(d) Domestic livestock.

(2) A person or Animal Control Officer who must kill a vicious dog, pursuant to subsection (1), shall immediately report the incident to the Council or Animal Control Officer and notify the dog's owner.

(3) No damages or compensation may be recovered as a result of killing a dog by a person or Animal Control Officer who is required to do so pursuant to subsection (1).

Penalty

63. A person who commits an offence under this by-law is liable on summary conviction to a fines not exceeding $1000 or to imprisonment for a term not exceeding 30 days, or both.

Severance

64. Should a court determine that a provision of this by-law is invalid for any reason, the provisions shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

Effective Date

65. This bylaw comes into effect on the date the Council signs.

THIS BY-LAW IS made at a duly convened meeting of the Council of the Glooscap First Nation Indian Band this 22 of April in 2015.

Voting in favour of the by-law are the following members of the Glooscap First Nation Indian Band Council:

Councillor Kristen Halliday

Councillor Larry Peters

Councillor Jean Labradore-Powers

These being the majority of those members of the Glooscap First Nation Indian Band Council present at the above meeting of the Glooscap First Nation Indian Band Council.

The quorum of the Glooscap First Nation Indian Band Council is 2 members.

The number of members of the Glooscap First Nation Indian Band Council present at the above dated meeting was 4.

Therefore, the Glooscap First Nation Animal Control Bylaw 2015001 is now in effect.

Chief Sidney Peters
Glooscap First Nation Indian Band

Witness