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By-law No. 1998-01
A By-law Respecting the Care and
Control of Animals on the
Mississaugas of the New Credit First Nation

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r), of the Indian Act empower the Council of a Band of Indians to pass by-laws to provide for the health of residents on the First Nation, the prevention of nuisances, the protection against and prevention of trespass by domestic animals, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Mississaugas of the New Credit First Nation Band 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;

THEREFORE, the Council of the Mississaugas of the New Credit First Nation Band enacts a by-law as follows:

1. That for the purposes of this by-law;
 - (a) **“dog”** means a male, female or neutered domestic dog;
 - (b) **“owner”** of a dog or animal includes a person who possesses or harbours a dog or animal and where the owner is a minor the person responsible for the custody of the minor; person having care, custody, charge or control of dog or animal; the owner of the lands upon which the said dog or animal(s) are confined or intended to be confined.
 - (c) **“By-law Administration Officer”** means that person appointed by the First Nation for the purpose of administering and registering tags and licenses for dogs, and ensuring compliance to all Mississaugas of the New Credit by-laws.
 - (d) **“Animal Control Officer”** means a person appointed pursuant to Section 3, or any by-law enforcement officer and includes an officer of the Police and a person employed by the First Nation Council for the purpose of enforcing the provisions of this by-law.
 - (e) **“At Large”** or **“Running at Large”** means off the premises of the owner and not muzzled or under the control of any person.
 - (f) **“First Nation”** means the Mississaugas of the New Credit First Nation No. 40A.
 - (g) **“Villainous Dog”** includes: any dog that demonstrates any ferocious, vicious, or aggressive behaviour; any dog that an animal control officer, upon reasonable and probable grounds, believes to be a villainous dog; 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

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concerning that specific dog; any dog which has bitten another animal or human without provocation.

- (h) **“Medical Officer of Health”** means the medical officer of health so appointed by Council.
- (I) **“Pound”** means the premises that are used for the detention, maintenance or disposal of dogs or animals that have been impounded in accordance with the provisions of this by-law.
- (j) **“Animal”** for the purpose of this by-law shall mean anything other than dogs (eg. cats, sheep, bulls, cows, chickens, etc).

Registration and identification of dogs

- 2. (1) Every person keeping one or more dogs on the First Nation shall register and have an identification tag placed securely, to the collar or harness, of the dog at all times.
- 2. (2) The application for registration (attached hereto as schedule “A”), and identification tag shall be filed with the animal control officer or the by-law administration officer.
- 2. (3) The by-law administration officer shall issue the dog tag upon: a) registration; b) payment of the annual fee (\$15.00) and, c) proof of immunization against rabies is provided.
- 2. (4) The registration and identification tag issued by the by-law administration officer will be valid for one year from the date of issuance of the identification tag.
- 2. (5) The owner of a dog shall, within ten (10) days of becoming such owner, and thereafter on the anniversary of this date, cause the dog to be registered, numbered, described and licenced by the By-law Administration Officer.
- 2. (6) If any owner of a dog does not renew their registration by the anniversary date, the fee will be increased by five (\$5.00) dollars.

Immunization

- 3. (1)(a) All animals and dogs on First Nation must be immunized in accordance with generally accepted veterinary standards against rabies.
- (b) All dogs under the age of two must be immunized in accordance with generally accepted veterinary standards against corona and against distemper.
- 3. (2) The owner of any animal or dog exposed to rabies shall, on demand by the By-law Administration Officer, surrender such animal or dog to be held by the Animal Control Officer in quarantine for a period of 10 days, and such animal or dog shall not be released

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from quarantine without the written permission of the medical officer of health.

3. (3) Any animal or dog found to be infected with rabies shall be destroyed by its owner or by the Animal Control Officer at the expense of the owner.
3. (4) An owner upon demand made by the By-law Administration Officer shall forthwith surrender to the council any animal or dog 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.

Limit on number of animals per dwelling

4. (1) No more than three (3) animals consisting of dogs and cats shall be kept, harboured or possessed in or on an individuals property, with the exception of an approved kennel.
4. (2) The provisions of Subsection 4(1) shall not apply to dog or cat litters, where the pups or kittens being under four (4) months of age, however it is owners responsibility to comply with Subsection 4(1) after litter reaches four (4) months old. Subsection 4(1) does not include farm animals.

General Prohibitions

5. (1) Subject to Subsection 5(2), every owner of a dog shall keep the dog safely tethered or penned up at all times; all other animals must be contained on owners' property by a fence or other confining mechanism.
5. (2) A dog need NOT be tethered or penned up as provided in Subsection 5 (1) if the dog: is held on a leash by a person capable of restraining the dog's movements; is being used for the purpose of hunting; is being used by a person to work in a lawful manner with livestock; or is used by a visually impaired person as a guide dog.
5. (3) No owner shall allow a female animal or dog in heat to remain in any public place unless such a female animal or dog is attached to a leash and is accompanied by and is under the observation and control of the owner or his agent.
5. (4) The owner of an animal or dog who fails to take all necessary measures to ensure that such dog or animal does not enter upon property without being under the control or in the possession of the owner, is guilty of an offence.
5. (5) The owner of a dog or 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, and liable for all damages and injuries committed.

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5. (6) The owner of a dog or animal shall, when the dog or animal is on public property or private property belonging to another person, immediately pick up and thereafter dispose of, any feces or any other waste left by the dog on the said property.
5. (7) No owner shall allow his/her dog or animal(s) to remain unfed or without water as sufficiently long either to amount to cruelty or to cause the dog or animal to become a nuisance.
5. (8) No person shall punish or abuse a dog or animal in a manner or to an extent that is cruel or unnecessary.
5. (9) No owner shall permit a dog or animal to bark, yelp, growl or otherwise annoy or disturb the peace or residents of the reserve.

Prohibitions within specific areas of the First Nation


6. (1) The Council may at any time prohibit the keeping of animals or dogs within any area of the Reserve.
6. (2) Notice of any prohibition made by Council pursuant to Subsection 6(1) shall be posted in the band office, Newsletter, and mailed to residents of the New Credit Reserve; and after the date of the posting of such notice, no person shall keep or have an animal within the prohibited area.
6. (3) No person may establish, own or operate an establishment or facility for the boarding or treatment of animals or dogs within the limits of the reserve, without express written authorization to that effect from the band Council, by way of Band Council resolution.

Villainous Dogs

7. (1) Anyone owning a villainous dog or aggressive dog must post a clearly visible sign that notifies the public.
7. (2) A villainous dog must, at all times, be muzzled and must be kept on a leash whenever it is in a public place.
7. (3) On private property, a villainous dog shall be kept on a secure leash or in a restricted area that shall be constructed so as to prevent any escape by the dog and prevent the entry by children.

Impounding and Seizure

8. (1) No owner shall permit a dog or animal belonging to him to be at large on First Nation

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8. (2) An animal or dog found at large on First Nation may be impounded for not less than three (3) days and may thereafter be humanely destroyed or otherwise disposed of, unless in the meantime such animal has been claimed by its owner and the costs incurred for the impounding of the animal have been paid by said owner.
8. (3) An Animal Control Officer may seize a dog or animal from any person whom he/she has reasonable cause to believe is violating or has violated any of the provisions of this by-law.
8. (4) If an animal or dog is apprehended because it has inflicted an unprovoked bite upon an animal, dog, or human being, the animal control officer shall impound the animal or dog for such period of time to be specified by a veterinary surgeon.
8. (5) Subject to Subsection 8(8), an Animal Control Officer who has seized a dog or animal pursuant to Subsection 8(3) shall restore possession of the dog or animal to its owner where: (A) the owner claims possession of the dog or animal within three (3) days after the date of seizure; (B) the owner pays to the Animal Control Officer all expenses incurred in securing, caring for and feeding the dog as listed in Schedule "B" hereto attached; (C) where the owner has failed to purchase an identification tag, he obtains the registration identification tag from the by-law administration officer before he obtains the release of his dog.
8. (6) Where a dog or animal has not been reclaimed within three (3) days after seizure pursuant to Subsection 8(5), the Animal Control Officer may humanely destroy or dispose of the dog or animal where a veterinary surgeon so directs and no damages or compensation may be recovered as a result of the destruction or disposal of a dog or animal by the Animal Control Officer.
8. (7) If an animal or dog is found to be diseased, the Animal Control Officer shall seek veterinary attention for it where the owner has declined, failed, or neglected to do so; any fee arising from the provision of such veterinary care shall be a charge against the owner of the animal or dog.
8. (8) Where, in the opinion of the Animal Control Officer, a dog or animal seized under this section is injured or 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 dog or animal as soon after seizure as he thinks fit without permitting any person to reclaim the animal or dog and no damages or compensation may be recovered on account of such action.
8. (9) When an animal or dog has been impounded, the Animal Control Officer shall forthwith make every reasonable effort to notify the owner of such animal or dog, and a written report of each incident as described in this section shall be filed with the Band Council.

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Destruction where unable to seize

9. (1) Where the Animal Control Officer, after reasonable effort, is unable to seize a dog or animal that is running at large contrary to the provisions of this by-law, he may destroy the dog or animal.
9. (2) No damages or compensation may be recovered as a result of the destruction of a dog or animal by the Animal Control Officer pursuant to Subsection 9 (1).
9. (3) Any person who is legally entitled to be referred to as adult, may kill a dog or animal that 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 on that dog owners property
 - c) a food cache, harness or other equipment, or
 - d) domestic livestock
9. (4) No damages or compensation may be recovered as a result of the killing of a dog or animal by any person pursuant to Subsection 9 (3).

Penalty

10. 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 of not more than one hundred dollars (\$100.) or to imprisonment for a term not exceeding five (5) days, or both.

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This by-law is hereby passed at a duly convened meeting of the Band Council of the Mississaugas of the Credit Indian Band, this 29th day of JUNE, 1998.

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

Carolyn King Councillor
William G. Fene Councillor
R. W. Smith Councillor
Louise A. Fene Councillor
Georgina Sault Councillor
R. Stanley Fene Councillor
Sylvia Sault Councillor
Festie King Councillor

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

The quorum of the Band Council is of 4 members.

Number of members of the Band Council present at the meeting: 8.

I, Carolyn King Chief/Councillor of the Mississaugas of the Credit Indian Band, 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 District office pursuant to subsection 82(1) of the Indian Act, this 1st day of July, 1998.

Carolyn King
(Chief Councillor)

Kelly Greene
(Witness)

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**Mississaugas of the New Credit
Registration & Identification of Dogs**

Schedule "A"

Applicant(s) Name _____ Date _____

Lot, _____, Con., _____

Phone # _____

No. Of Animals in Household _____;

Please complete the following information for each animal in the household....

Tag #	Name	Breed	Age/ Sex	Rabies Immunization?		Date Of Immunization	Name of Veterinarian	List of Other vaccinations	
				Yes	No				Date
Animal No. 1 #									
Animal No. 2 #									
Animal No. 3 #									
Animal No. 4 #									

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Mississaugas of The New Credit First Nation

R.R. 6 Hagersville, Ontario NOA 1H0

Tel. 1-905-768-1133
Fax 1-905-768-1225

IMPOUND REPORT Schedule "B"

TAG REGISTRATION#: _____ DATE: _____

OWNER'S NAME: _____

Date and Time of Seizure: _____

Circumstances surrounding seizure: _____

Owner notified: Yes _____ No _____ if no, explain: _____

Owner to retrieve: Yes _____ No _____ if no, date destroyed: _____

Rabies Inoculation: Yes _____ No _____ Date: _____

COMMENTS:

Shelter costs: # of days x \$____/day (food included) \$ _____

Expenses incurred during seizure* \$ _____

Veterinarian expenses* \$ _____

Registration Fees (\$ if applicable) \$ _____

Total: \$ _____

*List particulars of expenses:

Owner's signature & date

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A.C.O. signature & date

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