

Flying Dust First Nation By-Law Number 2021-01 Animal Control By-Law

THE COUNCIL of the Flying Dust First Nation ("the Council") is of the opinion that the uncontrolled ownership, breeding and running at large of animals is 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:

1. This by-law may be cited as the *Flying Dust 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, community safety officer, or person or group appointed by the Council for the purpose of enforcing the provisions of this by-law.

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

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

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

"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.

"livestock" means animals and birds that are kept on a farm, including but not limited to: bison, cows, sheep, pigs, goats, chickens and turkeys.

"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.

"reserve" means the Flying Dust First Nation Indian Reserve.

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

"Vicious Animal" includes:

- (a) any animal that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any animal that an animal control officer, upon reasonable and probable grounds, believes to be a vicious animal;
- (c) any animal 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 animal by the person or domestic animal, who sustained the bite or attack. All bites will be deemed unprovoked unless there is evidence to the contrary.

Application

3. This by-law applies to all owners of animals residing or visiting on the Nation.

Animal Control Officer

4. The Council may appoint, by Band Council Resolution, an Animal Control Officer to provide for the administration and enforcement of this by-law.

Responsibility to Care for Animals

5. Every person who keeps an animal on reserve must ensure water, food and shelter is adequate to meet the needs of the animal.
6. An animal's owner or caretaker must ensure that a collar or restraining device is used on the animal.

Limitation on Number of Domestic Animals Per Dwelling

7. No more than two (2) dogs shall be kept, harboured or possessed in any dwelling.

This provision does not apply to dog litters, where the puppies are under four (4) months of age.

Immunization of Animals and Rabies

8. All animals on the reserve must be vaccinated and immunized against rabies in accordance with generally accepted veterinary standards.
9. Any animal found to be infected with rabies must be destroyed by its owner or by the Animal Control Officer at the owner's expense.

Restricted Areas

10. The Council may at any time prohibit the keeping of animals within any area of the Nation.
11. 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.
12. No person may own venomous snakes or dangerous exotic species.

Running at Large

13. For the purposes of this by-law, an animal shall be deemed to be running at large if found in any place other than the premises of the owner of the animal and not under the control of any person.
14. No owner shall permit their animal to run at large on the reserve.

Impoundment

15. Impound fees will be established by Council and reviewed on an annual basis.
16. An animal found running at large on the reserve may be seized and impounded by the Animal Control Officer.
17. The owner of an animal must claim the animal within 72 hours. Owners must pay the impound fee to claim an animal. Animals may be rehomed or destroyed if not claimed by its owner within 72 hours.
18. If 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 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.

19. An Animal Control Officer may seize an animal from anyone he/she has reasonable cause to believe is violating or is about to violate any of the provisions of this by-law.
20. 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.
21. No damages or compensation may be recovered as a result of the destruction of an animal by the Animal Control Officer pursuant to this section.

Animal Bites

22. Vicious animals are not permitted on the reserve.
23. A person or Animal Control Officer may kill a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, damaging, killing or destroying:
 - (a) A person
 - (b) Another domestic animal
 - (c) A food cache, harness or other equipment; or
 - (d) Livestock.
24. If an animal is seized because it has inflicted an unprovoked attack upon an animal or human person, the Animal Control Officer may destroy the animal.
25. No damages or compensation may be recovered as a result of destroying an animal by a person or Animal Control Officer who is required to do so pursuant to this bylaw.
26. A written report of each such incident, as described in this section, shall be filed with the Council by the Animal Control Officer

Penalty

27. 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

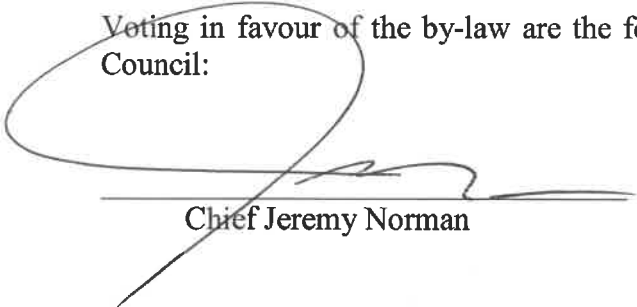
28. Should a court determine that a provision of this by-law is invalid for any reason, the provisions shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

Effective Date

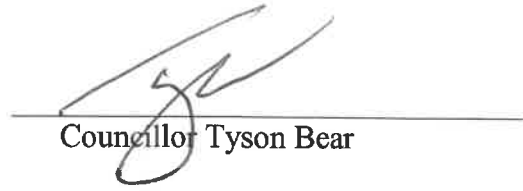
29. This bylaw comes into effect on the date the Council signs.

THIS BY-LAW IS made at a duly convened meeting of the Council of the Flying Dust First Nation this 8th day of April, 2021.

Voting in favour of the by-law are the following members of the Flying Dust First Nation Council:



Chief Jeremy Norman



Councillor Tyson Bear



Councillor Connie Derocher



Councillor Marie Gladue



Councillor Rubyn Norman

These being the majority of those members of the Council present at the above meeting of the Flying Dust First Nation Council.

The quorum of the Flying Dust First Nation Council is 3 members. The number of members of the Flying Dust First Nation Council present at the above dated meeting was 4.

Therefore, the *Flying Dust First Nation Animal Control Bylaw* is now in effect.