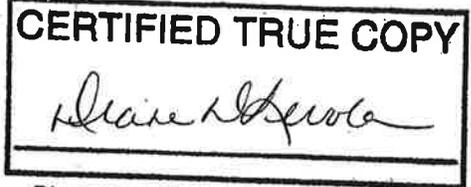


THE TEMAGAMI FIRST NATION
BYLAW NO. 2006 - 001
RE: DOG CONTROL
July 5, 2006



Diane Deborah Levola
Commissioner for the Taking of Oaths
pursuant to paragraph 108(a) of the
Indian Act.

Being a bylaw *respecting the control of dogs* on the reserve.

WHEREAS Section 81, paragraphs (a), (d), (e), (q) and (r), of the Indian Act empower the Council of the Temagami First Nation to pass bylaws to provide for the health of residents on reserve, the prevention of nuisances, the protection against and prevention of trespass by cattle and other domestic animals, matters arising out of or ancillary to the exercise powers under this section, and the imposition of a penalty for the violation of any such bylaw;

AND WHEREAS the Council of the Temagami First Nation is of the opinion that the uncontrolled ownership, breeding, and running at large of dogs may be detrimental to the health of the residents on the reserve, and a nuisance to such residents;

NOW THEREFORE the Council of the Temagami First Nation in the Province of Ontario makes as a bylaw thereof as follows –

1. In this bylaw
 - (a) "Council" means the Council, as defined in the Indian Act, of the Temagami First Nation;
 - (b) "dog" means any dog, male or female, over the age of two (2) months and includes plural;
 - (c) "Dog Control Officer" means the person designated as such by resolution of the Council;
 - (d) "Owner" includes owner, harbinger, or possessor of a dog;
 - (e) "Reserve" means the tracts of land set apart by Her Majesty for the use and benefit of the Temagami First Nation known as Bear Island Indian Reserve No. 1 in the Province of Ontario and includes any portion or portions of that Reserve surrendered for lease or leased and;

- (f) "Running at large" or similar words shall mean off the premises of the owner of the dog and not under the direct control of the owner or a person appointed by the owner for such purposes;
2. (I) The Council by resolution shall appoint a person to be the Dog Control Officer and shall fix the terms of employment, duties and remuneration and such appointment may include First Nation Constables;
- (II) The Dog Control Officer shall maintain a record of the registration of all dogs upon the Reserve which record shall show the name of the owner, the name of the dog and its age, sex, breed and description, the number on the issued dog tag, the date of registration and the amount of the fee paid;
- (III) All monies received by the Dog Control Officer in the pursuance of his duties shall be paid over to the Financial Officer of the First Nation and deposited in the bank to the credit of the First Nation;
- (IV) Quarterly, and at such other times as the Council may direct, the Dog Control Officer shall report to the Council on all activities coming within his/her appointment during the period;
3. (I) The owner of a dog on or before the 15th day of October in each year, or as soon thereafter as the dog shall have attained the age of two (2) months, shall cause the same to be licensed and registered with the Dog Control Officer and shall pay the applicable fee to the Dog Control Officer;
- (II) The proof of age of every dog rests with the owner, and in the event of failure to do so, the dog shall be considered as having reached the age of two (2) months and therefore subject to registration and licensing;
- (III) The owner of a female or male dog, once the dog has attained the age of six (6) months, shall produce to the dog control officer, a certificate of a veterinary surgeon to the effect that the dog has been spayed or neutered, or shall cause the same to be re-registered with the dog control officer and shall pay the applicable fee to the dog control officer;
- (IV) The owner of a dog, as soon thereafter, as the dog shall have attained the age two (2) months, shall cause the same to be inoculated by a

veterinarian against Rabies, Parvovirus, Distemper, and Hepatitis and each year thereafter, shall cause the same to obtain the necessary boosters;

- (V) (a) The Dog Control Officer, shall refuse to register any dog, unless the owner of the dog can prove to the Dog Control Officer that the dog has received the necessary inoculations;
 - (b) The Dog Control Officer shall refuse to register any rottweilers, pitbulls, Dobermans and the cross breeds of these animals;
 - (c) Any dog not inoculated & registered on inoculation day the owner will be given thirty (30) days to do so or the dog will be destroyed;
- (VI) Where an owner acquires a dog after the 15th day of October in any year, the owner shall be given written notice to comply with all requirements of this bylaw within thirty (30) days;
4. (I) Upon application of the owner, the Dog Control Officer shall enter the required information in the record and upon payment of the appropriate fee shall issue a dog tag;
- (II) The owner shall attach the tag to the dog and ensure that it remains attached to the dog at all times;
- (III) (a) A change in ownership of a dog shall be reported to the Dog Registration Officer by the owner and the particulars of the change shall be entered in the record;
- (b) No charge or fee applicable to the recording of a change of ownership;
- (IV) A dog tag may not be transferred from one dog to another and applies only to the dog for which it was issued;
- (V) Every dog tag issued shall expire on the 30th day of September in the year in which it was issued regardless of the date of registration;
- (VI) In the event that a dog tag is lost the Dog Registration Officer, upon application of the owner shall issue a replacement tag upon payment of a fee of \$1.00 (one dollar);
5. (I) The fee applicable for the registration of a dog and the issuance of a tag pursuant to Sections 3 and 4 is as follows:

- (a) for each neutered male or spayed female dog \$10.00
 - (b) for each unspayed female dog or non-neutered male dog \$40.00
 - (c) for re-registration of each female or male dog \$30.00
- At the age of two (2) months

(II) In order to qualify for the fee for each spayed female dog the owner shall produce at the time of registration, a certificate of a veterinary surgeon to the effect that the dog has been spayed or neutered;

(III) No fee, or part of a fee, is refundable in the event of the loss, death or transfer of ownership of a dog;

6. No person under the age of eighteen (18) years shall own, harbor, or possess a dog and a maximum of three (3) dogs allowed per each residential lot;
7. No dog shall be allowed to run at large on the reserve at anytime;
8. Any dog found running at large regardless of age, committing a nuisance, or endangering the health of residents of the reserve may be restrained by the Dog Control Officer and shall be impounded;
9. Complaints of a cross dog, shall be directed to the Dog Control Officer, the Dog Control Officer shall issue written notification informing the dog owner, that the dog will be destroyed, should the owner fail to discipline or restrain the dog;
10. Dogs that bite are to be tied up for ten (10) days by the dog owner or the Dog Control Officer, and then destroyed by the dog owner or the Dog Control Officer, at the dog owners expense;
11. The Dog Control Officer shall obtain written authorization from the First Nation Council or written consent from the dog owner, to destroy a dog under Section 9 or 10 above;
12. No person shall own, harbor or keep an unregistered dog, or a dog without a tag and any such dog may be seized by the Dog Control Officer and impounded;
13. (I) The Dog Control Officer shall maintain an animal shelter in which an impounded dog shall be placed;

- (II) Every animal shelter shall be open to the public for the purposes of claiming an impounded dog as directed by resolution of the Council;
 - (III) The Dog Control Officer shall ensure that each impounded dog is housed under sanitary conditions and receives food, water and shelter to the extent necessary to maintain good health;
 - (IV) The Dog Control Officer shall maintain a record of each dog impounded including a general description, sex, apparent age, date, place and the basis for impounding and tag number if known;
14. (I) Upon impounding a dog, the Dog Control Officer shall:
- (a) notify the owner, in writing;
 - (b) the notification must be hand delivered to the owner;
 - (c) the notification shall advise of the impounding of the dog, the hours during which the shelter is open, the fee necessary to reclaim the dog, the possible disposition of the dog in the event it is not claimed and the date by which the dog must be claimed;
- (II) If an impounded dog is not claimed within one clear day, (24 hours) of the giving of the notifications in Section 14(1), the Dog Control Officer shall issue a final notification to the owner, advising that the impounded dog will be disposed of if not claimed and the appropriate fees paid within seventy two (72) hours of the notice (totals four (4) days);
- (III) An impounded dog which is not claimed and the appropriate fees paid following the notifications and time periods referred to above may be destroyed by the Dog Control Officer in a humane manner, or may be sold by him upon payment of the appropriate fees and registration;
- (IV) (a) The owner may claim an impounded dog within the time periods noted above upon payment of the pound fees and if applicable, the payment of the registration and dog tag fees;
- (b) If an impounded dog is sold, pursuant to paragraph 14(3) above, the new owner shall comply with all requirements of this bylaw including the registration, the issuance of a dog tag and the payment of the fee therefore;

(V) The pound fees applicable to an impounded dog are:

- (a) for the 1st day or any part thereof
for which the dog is impounded \$15.00
- (b) for each additional day or part thereof
for which the dog is impounded \$25.00

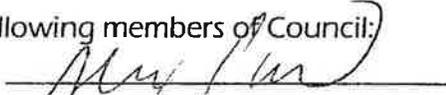
15. Any person who violates any of the provisions of this bylaw shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred dollars (\$100) or to imprisonment for a term not exceeding thirty (30) days, or to both a fine and imprisonment.

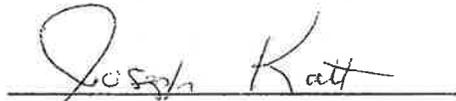
Repeal

By-law No. 007 enacted on the 7th day of May 1984, and amended on the 14th day of April, 1999, being a By-law respecting the control of dogs on the Reserve, and the same is hereby repealed.

This By-Law is hereby made at a duly convened meeting of Council of the Temagami First Nation Band of Indians this 5th day of July, 2006.

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


Signed by Chief


Second Chief


Councillor


Councillor

Councillor

Councillor

being the majority of those members of the Council of Temagami First Nation Band of Indians present at the aforesaid meeting of the Council.

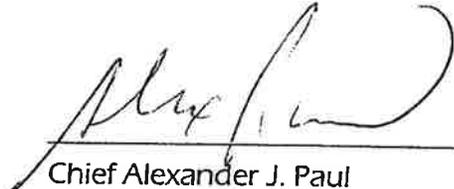
The quorum of the Council is 4 members.

Number of members of the Council present at this meeting: 4

I, Alexander J. Paul, Chief of Temagami First Nation Band of Indians, do hereby certify that an original of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Terrasses de La Chaudiere, 18th Floor, 10 Wellington Street, Gatineau, PQ, K1A 0H4, pursuant to subsection 82(1) of the Indian Act, this 6th day of July, 2006.



(Witness)



Chief Alexander J. Paul

