

**ANIMAL CONTROL BY-LAW
OF
RAINY RIVER FIRST NATIONS**

ENACTED THIS 31 DAY OF May, 2024.

WHEREAS:

- A. Section 81, paragraphs (a), (d), (e), (q), and (r) of the *Indian Act* (Canada) empower the Council of a First Nation to pass by-laws to provide for the health of residents on a First Nation, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to the matters arising out of or ancillary to the exercise of such powers, and the imposition of penalties for the violation of any such by-laws;
- B. The Council of the Rainy River First Nations is of the opinion that the uncontrolled ownership, breeding, and running at large of animals may be detrimental to the health and safety of the residents of the Rainy River First Nations, and a nuisance to such residents,

NOW THEREFORE the Council of the Rainy River First Nations enacts this Animal Control By-Law as follows:

1. Interpretation

In this By-law:

- (a) **"Altered"** means that the animal has been sterilized by a licensed veterinarian. This term can be applied to either a male animal that has been castrated or a female animal that has been operated on to prevent conception;
- (b) **"Animal"** means any member of the animal kingdom of living beings, excluding humans, fish, and aquatic invertebrates and without limitation, includes all mammals, birds and reptiles;

- (c) **"Animal Control Officer"** means the person designated by the Rainy River First Nations as the person responsible for animal control and or Treaty #3 Police for the purpose, among other things, of enforcing the provisions of this By-Law;

- (d) **"Animal Cruelty"** refers to the intentional infliction of harm, neglect, or mistreatment upon animals by individuals or entities. This harm can manifest in various forms including physical abuse, neglect, abandonment, and other actions that cause unnecessary suffering or distress to animals. Examples of this include:
 - (i) Physical Abuse – beating, kicking or otherwise physically harming animals
 - (ii) Neglect – Failure to provide animals with adequate food, water, shelter or veterinary care leading to their suffering and/or death
 - (iii) Abandonment – deserting animals without proper provisions or care, leaving them to fend for themselves
 - (iv) Exploitation – Using animals for entertainment, sports or other purposes such as dogfighting or cockfighting that may cause them harm or distress

- (e) **"Animal Register"** means the registry kept by Rainy River First Nations, for the purpose of the registering of Animals;

- (f) **"Cat"** means a male or female domesticated cat.

- (g) **"Dangerous Animal"** means an Animal:
 - (i) which has caused severe or repeated injury, or threatened the safety of human beings or domestic Animals;
 - (ii) which has severely injured a human being;
 - (iii) which, while off its Owner's property, has severely injured or killed a domestic animal
 - (iv) which is allowed to injure or kill wildlife;
 - (v) that has bitten or injured a human being or domestic animal without provocation, on public or private property;
 - (vi) which is trained to fight or which is owned or harboured for this purpose; and
 - (vii) an Animal, previously designated as a Potentially Dangerous Animal which, after its Owner has been notified of such

designation, is maintained in violation of this By-Law.

- (h) **"Dog"** means any male or female domesticated dog
- (i) **"Owner"** includes any person who possesses, keeps or harbours one or more Animals, and, where the Owner is a minor, the person responsible for the custody of the minor.
- (j) **"Potentially Dangerous Animal"** means an Animal:
 - (i) which chases or approaches any person or domestic Animal anywhere, other than on the property of the Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling; and
 - (ii) which, on three (3) separate occasions within a twelve (12) month period, has been observed uncontrolled and off its Owner's premises by the Animal Control Officer, or which has been properly impounded three (3) times within a twelve (12) month period by the Animal Control Officer;

2. Care of Animals and Animal Cruelty

- 2.1 Any person who keeps an Animal within the Reserve boundaries shall provide the Animal, or cause it to be provided, with Food, Water, Exercise, Attention, and Veterinary Care.
- 2.2 If an animal is customarily kept out doors, the Owner of the Animal shall provide for its use at all times a structurally sound, weatherproof, insulated enclosure with off-the-ground flooring.
- 2.3 Tether Specifics
 - (a) Each Owner of a Dog shall keep the Dog safely tethered or kenneled at all times.
 - (b) It shall constitute an offence for any person to keep an Animal within the Reserve boundaries tethered on a chain, rope or similar restraining devices, of less than three (3) meters in length. The Animal must also be free of dangers within a radius of three (3) meters in length. Cats must be provided with Non-Hazardous Collars, and Dogs must be provided with flat collars for basic Restraint while training collars are used for training only and in the company of the Owner.
 - (c) A dog need not be tethered or kenneled if the Dog:
 - i. is held on a leash by a person capable of restraining the Dog's movements;
 - ii. is being used by a person for the purpose of hunting;

- iii. is being used by a visually impaired person as a guide Dog; Or
 - iv. is Under Control and will react immediately to voice or whistle commands, regardless of surrounding distractions.
 - (d) The Owner of a Dog shall ensure that the Dog is always Under Control while on the Reserve.
- 2.4 It shall constitute an offence for any person to transport an Animal unsecured in the back of an open vehicle. Animals may be transported if they are safely secured or crated either in the passenger compartment or in the back of an open vehicle. Every animal shall be provided with an environment suitable for its welfare and comfort.
- 2.5 Any person acquiring a female dog or cat must have the animal spayed not later than the date the Animal turns six (6) months of age. Every person who has custody or control of an unaltered animal that goes into heat prior to being spayed shall keep the Animal confined so that it will not attract other Animals and shall have the animal spayed immediately after the animal is no longer in heat.
- 2.6 No person shall keep an Animal within the Reserve boundaries in an unsanitary condition. An Animal is kept in an unsanitary condition where the keeping of the Animal results in an accumulation of fecal matter, in the production of an odour or in an insect or rodent infestation.
- 2.7 Every Owner shall be responsible for the immediate removal of any excrement left by the Animal on property anywhere within the Reserve boundaries. It shall constitute an offence for the Owner to fail to immediately remove the excrement deposited by the Animal upon any part of the Reserve, other than the property allotted to the Owner of the Animal or the property allotted to the person onto which the person in control of the Animal has been invited.
- 2.8 Every Owner of an Animal will be responsible for any damaged caused by the Animal within the First Nation.
- 2.9 No Owner will permit a Dog to bark or yelp in circumstances which would disturb the peace of residents of the First Nation.
- 2.10 Immunization of Animals
- (a) All Animals on the Reserve must be immunized in accordance with generally accepted veterinary standards;
 - (b) If any Animal is exposed to rabies the Owner shall, on demand by the Animal Control Office, ensure that the Animal is contained for a period of ten (10) days; and
 - (c) Any Animal found to be infected with rabies shall be humanely destroyed and the Owner shall bear the full responsibility for any costs incurred.

2.11 No household on the First Nation will be permitted to have more than two (2) Dogs or two (2) cats.

3. Registration

3.1 Prior to the first day of August 2024, The Owner of a Dog or Cat on the Rainy River First Nations will register and obtain from the Animal Control Officer a registration tag for each Dog or Cat. At the time of registration, every Owner will provide the Animal Control Officer with:

- (a) the Owner's name, address and phone number;
- (b) description of the Animal being registered;
- (c) immunization record;
- (d) record of spaying or neutering;
- (e) number of Animals in the household; and
- (f) any other information deemed relevant by the Animal Control Officer.

3.2 The registration and tags will be provided free of charge.

3.3 Every person, who becomes a new Owner of a Dog or Cat after August 1st, 2024 will be required, within seven (7) days of becoming a new Owner, to register and obtain from the Animal Control Officer a registration tag for each Dog or Cat.

3.4 Every Dog or Cat Owner who becomes a new resident of the Rainy River First Nations after August 1, 2024 will be required, within thirty (30) days of becoming a new resident of Rainy River First Nations, to register and obtain from the Animal Control Officer a registration tag for each Dog or Cat.

3.5 Upon receipt of the prescribed information, each Owner will be responsible for ensuring that the relevant registration tag is at all times affixed to the collar of each Dog or Cat.

3.6 It shall constitute an offence for any person who owns a Dog or Cat kept on the Reserve to fail to register the animal in accordance with the provisions of this By-Law.

3.7 Where the owner of an Animal, other than a Dangerous Animal or Potentially Dangerous Animal relocates his or her place of residence, or cease to own the Animal, he or shell shall, within seven (7) days notify the Animal Control Officer of such a change.

3.8 It shall constitute an offence for the Owner of a Dangerous Animal to fail to notify the Animal Control Officer within twenty-four (24) hours of:

- (a) a change of address;
- (b) a transfer of Ownership of the Dangerous Animal with the name, address and telephone number of the new Owner, who must comply with the requirements of this By-law;
- (c) the Owner's loss of a Dangerous Animal;
- (d) an attack upon a person or Domestic Animal; or
- (e) the death of a Dangerous Animal, in which case a Owner is required to give the Animal Control Officer a veterinarian's certificate.

4. Running at Large

- 4.1 No animal will be permitted to run at large on the Rainy River First Nations.
- 4.2 Any animal found running at large with a current registration tag, where the Dog has not been previously found running at large within the current calendar year, will be returned to the Owner with a warning.
- 4.3 Any animal found running at large with a current registration tag, where the Dog has been previously found running at large within the current calendar year, will be impounded.
- 4.4 Any animal found running at large without a current registration tag will be impounded.
- 4.5 In the case of animal(s) impounded under Sections 4.3 or 4.4 above, the Animal Control Officer will make reasonable efforts to inform the Owner that the animal has been impounded and to advise the Owner of any conditions which must be met for the return of the animal to the Owner. Generally, these conditions will be:
 - (a) where the animal has been previously been found running at large within the current calendar year, the Owner will be required to pay an impoundment fee of \$120.00 for each day of impoundment; and
 - (b) where the animal does not have a current registration tag, the Owner will be required to register the Dog in accordance with Section 2, in addition to the paying the \$120.00 per day impoundment fee.
- 4.6 Where an animal has been impounded pursuant to the provisions of this by-law and has not been claimed after five (5) days (excluding the date of impoundment), the animal may be sold, released at no charge to a non-profit humane organization or euthanized.
- 4.7 Where the Animal Control Officer, after reasonable efforts, is unable to seize an animal that is running at large contrary to the provisions of this by-law, the Animal

Control Officer may arrange to have the animal humanely destroyed. No damages or compensation may be recovered by the Owner or any other person as a result of the destruction of the animal in accordance with this Section.

5. **Dangerous Animals**

5.1 Upon receipt of an Animal complaint from a Rainy River First Nations member or enforcement officer, the Animal Control Officer in conjunction with the Treaty #3 police will investigate and, if deemed warranted, declare the Animal to be a Dangerous Animal. If necessary, the Animal may be impounded during the investigation. Animals involved in physical harm to persons or other Animals should be quarantined in accordance with applicable rabies control requirements unless the Owner can satisfy the First Nation that the Animal has up to date rabies inoculations.

5.2 All factors considered in Dangerous Animal Declaration:

- (a) Except in cases that the Severe Injury is inflicted on any person or any domesticated Animal, all relevant factors may be considered by the Animal Control Officer in making the declaration that an Animal is a Dangerous Animal, including the training of the Animal to use excessive force. No exemptions will be considered if the Animal has been trained to attack in a manner which violates any other provision of law.
- (b) No Animal may be considered dangerous if threat, injury or damage is sustained by a person who, at the time, was:
 - i. Trespassing upon the premises occupied by the Owner of the Animal, except in the case of inadvertent trespass of children at play;
 - ii. Teasing, provoking, tormenting, abusing or assaulting the Animal;
 - iii. Has, in the past, teased, tormented, abused or assaulted the Animal;OR
 - iv. Was engaged in the commission of a crime.
- (c) No Animal shall be considered dangerous if the Animal acts to defend an attack from a person or other Animal.
- (d) No Animal shall be considered a Dangerous Animal if it is protecting or defending (Erroneously or otherwise) its young or other Animal. The Owner, will however be held responsible and correspondingly charged if by negligence or by choice he or she allows innocent persons or Animals to be injured by an Animal known to be in the situation where it would feel compelled to protect its young or other Animals. It is the responsibility of the Owner to be knowledgeable of his or her Animal's idiosyncrasies.

5.3 Where an Animal has been declared a Dangerous Animal, the Owner will be notified of such by the Animal Control Officer and or the Treaty #3 police.

Upon delivery of this notice the Owner will be required to sign acknowledging receipt of the declaration. The Owner will be provided with a copy of the Animal Control Officer's written declaration of the Owner's Animal as a Dangerous Animal, including the definition and related penalties and restrictions for a Dangerous Animal.

- 5.4 The Owner will have the right to apply within five (5) days of receipt of such notice to Council for a hearing as to whether the Dangerous Animal declaration should be revoked. Council shall make reasonable efforts to arrange such hearing within ten (10) days of receipt of the Owner application.
- 5.5 In the event that the Owner of any Animal which has been declared a Dangerous Animal (a) does not apply to Council for a hearing within five (5) days as provided in Section 5.4, or (b) applies to Council as provided in Section 5.4, but Council determines that the Dangerous Animal designation should not be revoked, then, in each case, the Dangerous Animal will be humanely euthanized.

6. Injured Animals

- 6.1 Upon impoundment, where an animal is suffering illness or injury, and it is the opinion of a veterinarian that the Animal will not humanely sustain life, it shall be humanely euthanized.
- 6.2 If, an injured Animal that is seized should be destroyed without delay for humane reasons or for the reasons of health and safety to persons or Animals, the Animal Control Officer, or Treaty #3 Police Office, at the request of the Animal Control Officer, shall humanely destroy the animal as soon after the seizure as the Officer thinks fit without permitting any person to reclaim the Animal. No damages or compensation may be recovered by the Owner on the account of such action.

7. Penalties and Fines

Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to the penalties and/or fines prescribed in this section.

- a) Each day of violation of any provision of this bylaw shall constitute a separate offence.
- b) Violation of the Animal Control By-Law may result in fines or penalties as outlined in this policy and based on the severity of the offense. Where any person(s) violates the same provision of this by-law twice within one twelve (12) month period, the specific penalty in respect of the second contravention is double the amount specified in this policy.
- c) Violation of this policy may result in the withholding of solar cheques as compensation for the cost of impounding your animal. Withheld solar cheques will be used to care for the animal and costs associated with housing the animal.
- d) The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable

under the provision of this bylaws.

- e) In some cases, where payment of a monetary fine is not within the means of the owner of the animal, at the discretion of Chief and Council or Administration community service may be accept as payment.
- f) Provincial Court Judge, in addition to the penalties provided in this bylaw, may, if he/she considers the offence sufficiently serious, direct or order the owner of a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the community, or order the animal humanely destroyed.
- g) In some cases authorities, as outlined in this by-law may have the right to remove or impound animals that are in violation of the by-laws. This action is taken to ensure the safety and well-being of both animals and the community.
- h) Offenders may be required to undergo education or counselling programs related to responsible pet ownership. This is aimed at promoting awareness and preventing future violations.
- i) Owners found in repeated violation of this animal by-law may face future restrictions on future animal ownership within the community. This could include further limits to the number or type of animals that a person is allowed to have.

8. Treaty #3 Police Enforcement

Treaty #3 Police Services, or their designate, under this by-law is hereby permitted to use and enforce the Animal Control Act and Dog Owner's Liability Act. Treaty #3 Police Services, or their designate is further authorized to offer support when requested to the Animal Control Officer in order for them to safely complete their work. This is permitted to allow them to enforce the Animal Control By-Law, as outlined in the document.

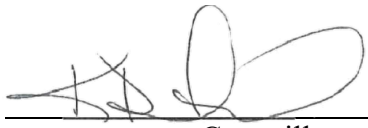
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Rainy River First Nations.

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

Chief



Councillor



Councillor



Councillor

Councillor

Councillor

The quorum of Council is three (3) members.