

Beausoleil First Nation Animal Control By-Law
By-Law No. 21
Being a By-Law Respecting the Care and Control of Animals on the Beausoleil First Nation

WHEREAS section 81, paragraph (a), (d), (e), (q) and (r) of the *Indian Act* empower the Council of an Indian Band to pass By-Laws to provide for the health of the residents on the reserve, the prevention of nuisance, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such By-Law;

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

AND WHEREAS it is deemed to be expedient to establish a method of impounding and detaining dogs and cats running at large and restricting certain breeds of dogs from being on the Beausoleil First Nation for the benefit and safety of the residents of the reserve;

NOW THEREFORE the Council of the Beausoleil First Nation enacts this Animal Control By-Law No. 21

Short Title

1. This By-Law may be cited as the "Beausoleil First Nation Animal Control By-Law".

Interpretation

2. In this By-Law

"Akita" means a dog of any age which can be identified as such a breed or mixed breed by an Animal Control Officer;

"animal" means a dog, cat or any other domestic animal;

"Animal Control Officer" means a person, appointed pursuant to section 4, or an employee, person, company or association who has entered into a contract with the Beausoleil First Nation to control dogs and/or cats and any agents of such employee, person, company or association;

"animal register" means the register kept by the Animal Control Officer or someone appointed by Council for the purpose of the registration of all dogs and other animals on Beausoleil First Nation;

"at large" or "running at large" means off the premises of the owner and not muzzled or securely confined within an enclosure and not under the immediate, continuous and effective control of any person;

"Band" means the Beausoleil First Nation, as defined by section 2 of the *Indian Act*;

"Cat" means any male or female domesticated cat;

"Council" means the Chief and Council of Beausoleil First Nation;

**Janice Lynn Monaque,
a Commissioner etc., County of
Simcoe, for Beausoleil First Nation,
Expires September 10, 2023**

**Certified True Copy
of the Original**
Signature *Janice Lynn Monaque*
Sept. 15, 2021

“dangerous dog” or “vicious dog” includes

- (a) Any dog that demonstrates any ferocious, vicious or aggressive behavior;
- (b) Any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a dangerous or 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 has been entered concerning that specific dog;
- (d) Any dog which has bitten another animal or human without provocation.

“Doberman Pincher” means a dog of any age that can be identified as such a breed or mixed breed by the Animal Control Officer;

“dog” means any male or female dog over the age of 16 weeks and includes an animal that is a cross between a dog and a wolf;

“domestic animal” means any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram sheep, sow, stallion, rabbit, ferret, or all types of fowl but is not restricted to such;

“Health Department” or “Medical Officer of Health” means the authority designated by Band Council;

“household pet” means any cat, dog, rabbit, ferret or any other animals normally kept or intended to be kept as household pets;

“kennel” means any building or structure or part thereof or premises where dogs are bred, kept, raised, trained and boarded for commercial purposes;

“license issuer” means the person or persons authorized by the Beausoleil First Nation Council to issue dog licenses and to collect the required fees;

“muzzle” or “muzzled” means to secure a dogs mouth in such a fashion that it cannot bite anyone or anything;

“owner” means a person that owns, possesses, harbours or has control, care or custody over a dog and where the owner is a minor the person responsible for the custody of the minor;

“Pit Bull” means a dog of any age that can be identified as a dog of one or more of the following breeds or mixed breeds by an Animal Control Officer, namely:

- (a) Pit Bull Terrier;
- (b) American Pit Bull Terrier;
- (c) Pit Bull;
- (d) Staffordshire Bull Terrier; or
- (e) Bullmastiff

“restricted dog” means any of the breeds of dogs identified as a Doberman Pincher, Pit Bull, Akita or Rottweiler;

“Rottweiler” means a dog of any age that can be identified as such a breed or mixed breed by the Animal Control Officer.

“service animal” means a guide dog or other trained service animal identifiable by a harness, used principally to assist persons with visual, hearing or other impediment or law enforcement personnel;

Application

3. This By-Law applies to all owners of animals residing or visiting on the Beausoleil First Nation.

Animal Control Officer Appointment

4. (1) The Council may appoint, by a Band Council Resolution, an Animal Control Officer and/or a License Issuer to provide for the administration and enforcement of this By-Law and more specifically to receive registration 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 for the performance of their duties.

(3) Council of the Beausoleil First Nation may from time to time enter into an agreement with an individual or an authorized agent of any corporation, society, governmental body or other organization to:
 - (a) carry out the provisions set in this By-Law; and
 - (b) enforce the provisions set in this By-Law;

Registration and Licensing

5. (1) Every person keeping a domestic animal or a household pet on the reserve shall register that animal with the Animal Control Officer and/or the license issuer.

(2) The application for registration and identification tag shall be filed with the Animal Control Officer and/or license issuer and will include:
 - (a) the owner’s name;
 - (b) the owners address;
 - (c) a description of the animal to be registered, including age, name, sex and breed, if known;
 - (d) a certificate that the animal has been inoculated with an anti-rabies vaccine within a period of 12 months of the date of application for the tag, the certificate shall note the date of immunization and the name of the person immunizing the animal.;
 - (e) any other information deemed by the Animal Control Officer and/or license issuer to be necessary for the proper administration of the By-Law.
(3) The fee for registration and identification shall be in accordance with Schedule “A” attached hereto.

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

(5) The Animal Control Officer and/or license issuer shall issue the tag upon registration and payment of the annual fee, and, if necessary, proof that the animal has been immunized against rabies.

(6) Every owner or person in control of, or in apparent control of, a registered dog shall keep the tag securely fixed on the animal at all times, except while the dog is being used for hunting purposes, if they are not loose within residential communities and shall not transfer the license issued to any other person. The tag shall expire and become void upon sale, death or other means of disposal of the animal.

(7) in the event a license is lost, the owner shall upon satisfying the Animal Control Officer and/or license issuer of such loss, be entitled to receive a replacement license upon payment of the fee prescribed in Schedule "A" attached hereto.

(8) No owner of an animal shall use the license issued to him or her for any other animal other than the animal the license was issued.

(9) No person shall remove a license from a dog without the consent of the owner.

(10) Any person who produces evidence to the Beausoleil First Nation showing that the dog is required as a guide for assistance by a disabled person shall be exempt from paying the license fee.

(11) For seasonal residents whose primary residence is in another municipality, it is sufficient to provide proof of animal licensing from that municipality.

Responsibility of the Owner

6. (1) No person may keep or harbor more than two (2) dogs and two (2) cats at any one time in or on any premises on a parcel of land within Beausoleil First Nation, and every person who keeps or harbours three (3) or more of each animal is deemed to operate a kennel, which is strictly prohibited under this By-law.

(2) No person shall suffer, permit or allow any animal of which he/she is the owner to run at large on the reserve.

(3) For the purposes of this By-Law, an animal shall be deemed to be running at large if found in any other place other than the premises of the owner of the animal and not under the immediate, continuous and effective control of any person

(4) For the purpose of this By-Law, an animal shall be deemed not to be under the control of any person when the animal is:

(a) not held on a leash by a person capable of restraining the animal's movements;

(b) not on a leash which is securely affixed to some permanent structure from which the animal cannot escape.

(5) No owner shall permit an animal to bark, yelp, growl or otherwise annoy or disturb the peace of residents on the reserve.

(6) No person shall suffer, allow or permit an animal under his control to trespass on private property, whether on a leash or not, permission must first be obtained from the property owner.

(7) Each owner of any animal shall be responsible for the fencing in of their own animal(s) and prevent them from running at large.

(8) The owner of an animal that causes damage to any property including removable property, lawns, flower gardens, flowerbeds, bushes or plants, or other parts of property, is guilty of an offence.

(9) No owner shall allow a female animal in heat to remain in any place unless the animal is attached to a leash and is accompanied by and is under the immediate, continuous and effective control of the owner or agent.

(10) The owner of an animal who fails to take all necessary measures to ensure that such an animal is under the control or supervision or in the possession of the owner at all times, upon any property on the reserve, is guilty of an offence.

(11) Any person who owns, harbours, or possesses an animal shall forthwith clean up and dispose of any excrement left by the said animal on any property, whether public or private, on the Beausoleil First Nation.

(12) An animal, except a registered animal shall not be considered running at large and need not be on a leash if not a dangerous dog and the animal;

(a) is being used by a person for the purpose of hunting;

(b) used by a visually impaired person as a guide dog.

(13) Where an animal is impounded, the owner, if known, shall be liable for all charges and fees in accordance with the By-Law and shall pay all such charges and fees on demand of the Animal Control Officer, whether or not the animal is claimed from the pound.

Responsibilities of Animal Control Officer

7 (1) The Animal Control Officer of Beausoleil First Nation may deliver to the Midland OSPCA for impoundment any animal found to be running at large, either seized by him/her or delivered to him/her contrary to the provisions of this By-Law.

(2) An Animal Control Officer may seize and deliver to the Midland OSPCA for impoundment any animal found running at large within the limits of the reserve or any animal without a license contrary to the provisions of this By-Law. Any animal so impounded will be retained and discharged to the owner in accordance with the policies and by-laws of the Midland OSPCA.

(3) Where an owner claims an animal from the Animal Control Officer before it is delivered to the Midland OSPCA for impoundment, he/she shall:

(a) provide proof of ownership of the animal; and

(b) pay to the Animal Control Officer all expenses incurred in securing, caring for and feeding the animal as listed in Schedule "A" hereto attached; and

(c) pay for the license and registration for the animal if not currently licensed.

(4) if an animal is injured and the services of a veterinary surgeon is secured, the owner shall not be entitled to redeem the animal unless the charges for such veterinary surgeon's services are paid, in addition to, other charges provided for in this By-Law.

(5) At the discretion of the Animal Control Officer, if an animal is seriously injured or should be destroyed without delay for humane reasons, or for the safety of persons or animal, the animal shall be destroyed forthwith and the costs recovered from the owner.

(6) An Animal Control Officer shall, within twenty-four (24) hours of the impounding of any animal, make every reasonable effort to notify the owner that the animal is impounded.

Immunization of Animals

8 (1) All animals on the reserve must be immunized in accordance with generally accepted veterinary standards unless otherwise directed by the Animal Control Officer.

(2) Subsection (1) does not apply to animals under four (4) months old.

Treatment of Animals

9 (1) No owner shall allow his/her animal to remain unfed or without water whereby it either amounts to cruelty or cause the animal to become a nuisance.

(2) No person shall punish or abuse an animal in a manner that is cruel or unnecessary.

Kennels

10 (1) No Kennel license shall be issued within any area of the reserve, except as otherwise permitted by written Band Council Resolution (B.C.R.).

(2) No person may establish, own or operate an establishment or facility for boarding or treatment of animals within the limits of the reserve, without written consent of the Council by Band Council Resolution (B.C.R.).

(3) Any band member or resident who is engaged, employed or otherwise involved in the breeding of cats or dogs for sale and who owns or has custody or care of a cat or dog that is being kept for breeding purposes or for sale is in contravention of this By-law, and will be subject to penalties in accordance with Section 19.

Vicious Dogs

11. (1) Anyone owning a vicious or aggressive dog must post a clearly visible sign notifying the public.

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

(3) On public property, a vicious dog shall be kept on a leash or in a restricted area, which shall be constructed so as to prevent any escape by the dog and/or prevent the entry of children.

Seizure of Restricted Dogs

12 (1) Sections 11(1) to 11(5) inclusively apply only to Restricted Dogs and where these sections conflict with other sections of this By-Law these sections shall apply.

(2) Except for in section 11(5), an Animal Control Officer shall seize any Restricted Dog that is found on the reserve:

- (a) without a tag issued in accordance with this By-Law; or
- (b) running at large on the reserve

(3) An Animal Control Officer who has seized a Restricted Dog shall restore possession to the owner where:

- (a) the owner claims possession in person as set out in section 7(3); and
- (b) the owner undertakes to immediately remove the Restricted Dog from the reserve, or the owner produces a valid dog tag for the Restricted Dog.

(4) Notwithstanding section 11(2), if after reasonable effort or should public safety be a risk in the sole discretion of the Animal Control Officer, and he/she is unable to seize any Restricted Dog found on the reserve, the Restricted Dog may be destroyed in a manner that the Animal Control Officer deems appropriate in the circumstances, and the costs recovered by the owner.

(5) (a) Upon seizure under section 11(2), the Animal Control Officer shall deliver the Restricted Dog to the Midland OSPCA for impoundment.

(b) If ownership is not claimed within the time period prescribed by the Midland OSPCA may destroy and dispose of the Restricted Dog in a humane manner with costs recovered by the owner, give to fostering facilities, or sell and no one may recover damages or compensation as a result of such action.

(c) If a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall seize and deliver to the Midland OSPCA for impoundment, the Restricted Dog for such a period of time to be specified by a veterinarian , and thereafter the Midland OSPCA may destroy the Restricted Dog in a manner he/she deems humane and appropriate in the circumstances with cost for this service to be recovered from the owner, and no one may recover any damages or compensation as a result of such action.

(d) Where any Restricted Dog is found to be injured or diseased, the Animal Control Officer shall seek veterinary attention for the Restricted Dog, in the case where the owner has declined or neglected to do so, the owner shall pay to the Animal Control Officer all costs associated with the provision of such veterinary services, and

(e) Where any Restricted Dog has been injured and in the opinion of the Animal Control Officer, should be immediately destroyed, for either humane reasons or to protect the health and safety of the public, the Restricted Dog must be delivered to the Humane Society by the Animal Control Officer and the costs recovered from the owner.

Protection from Vicious Animals

13 (1) A person or Animal Control Officer may kill, if necessary, a vicious animal which is running at large and is in the act of pursuing, attacking, injuring, killing or destroying:

- (a) a person;
- (b) another animal that is not running at large;
- (c) a food cache, harness or other equipment; or
- (d) domestic livestock

(2) A person or Animal Control Officer who must kill a vicious animal pursuant to subsection 12(1) shall immediately report the incident to Chief and Council or Animal Control Officer and notify the animal's owner. All costs incurred shall be recovered from the owner.

(3) No damages or compensation may be recovered as a result of killing an animal by a person or Animal Control Officer who is required to do so pursuant to subsection 12(1).

Prohibition of Animals Within Specific Areas

14 The Council may at any time prohibit the keeping of animals within any area of the reserve through a Zoning By-Law pursuant to Paragraph 81(g) of the *Indian Act*.

Rabies Quarantine

15 (1) The owner of any animal exposed to rabies shall report to Animal Control Officer and, on demand, quarantine that animal for a period of at least ten (10) days and such animal shall not be released from quarantine without written permission of the Beausoleil Family Health Centre or the Health Department.

(2) Upon demand of 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 Beausoleil Family Health Centre or the Health Department.

(3) Any animal found to be infected with rabies shall be destroyed by its owner or by the Animal Control Officer at the expense of the owner.

Wild Animals

16 No person shall keep, harbor or possess a wild animal on the reserve that may be dangerous to the health and safety of the residents without the express written consent of Council by Band Council Resolution (B.C.R.).

Exotic Pets

17 (1) The keeping of any animals of any kind listed in Schedule "B" of this By-Law, anywhere on Beausoleil First Nation is hereby prohibited.

Penalties

18 (1) Every person who contravenes any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days or to both fine and imprisonment.

(2) A finding by a court that a provision of this By-Law is void or invalid shall not affect the validity or invalidity of the rest of the By-Law.

Schedule "A" to By-Law No. 21
Animal Control FEE SCHEDULE

1. License of Dog	
•spayed/neutered 2006.....	\$25.00
•not spayed/neutered 2006.....	\$35.00
2. Replacement Tags.....	\$15.00
3. License of Service Animal.....	NIL
4. Service Fees	
• Picking up an unwanted dog at the request of the owner.....	\$90.00
• Picking up an unwanted Cat at the request of the owner.....	\$60.00
• Picking up a dead dog at the request of the owner.....	\$65.00
• Picking up a dead cat at the request of the owner.....	\$45.00
• Accepting an animal at the request of the owner	\$75.00
• Accepting a litter of puppies at the request of the owner when delivered and released to the shelter	\$100.00
• Accepting a litter of kittens at the request of the owner when delivered and released to the shelter.....	\$75.00
•Disposing of a dead dog at the request of the owner.....	\$50.00
• Disposing of a dead cat at the request of the owner.....	\$30.00
• Euthanasia and disposal of a dog at the request of the owner.....	\$90.00
• Euthanasia and disposal of a cat at the request of the owner.....	\$60.00
• Picking up a stray animal (dog/cat, dead or alive).....	N/C
5. Impound Fees (within Calendar year):	
First offence.....	\$30.00
Second offence.....	\$50.00
Third offence.....	\$80.00
6. Return of Animal to owners without impounding (within Calendar year):	
First offence.....	\$30.00
Second offence.....	\$50.00
Third offence.....	animal impounded
7. After Hours - Call Out:	
Dog picked up by Animal Control Officer (emergency call) and released to owner.....	\$50.00

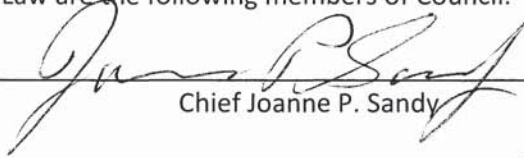
Schedule "B" to By-Law No. 21
Exotic Animals Prohibited

CLASS	ORDER	COMMON NAMES
Mammals		
	Artiodactyls	such as camels, moose, giraffe, non-domestic sheep
	Canidae	such as coyotes, wolves, foxes, hybrid wolf dogs, coy dogs (except dogs)
	Castoridae	such as beavers
	Chiroptera	such as bats, fruit bats, myotis, flying foxes
	Edentates	such as anteaters, sloths, armadillos
	Felidae	such as tigers, leopards, cougars, lions, lynx, panthers, pumas (except domestic cats)
	Hyaenidae	such as hyenas
	Lagomorpha	such as hares, pikas (except domestic rabbits)
	Marsupialia	Such as bandicoots, koalas, kangaroos, possums, wallabies (except sugar gliders derived from self sustaining captive population)
	Mustelidae	such as martens, mink, skunks, polecats, weasels, otters, badgers (except ferrets)
	Perissodactyl Ungulates	such as tapir, zebra
	Pinnipediae	such as seals, walrus
	Primates (NonHuman Primata)	such as apes, chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	such elephants, rhinoceros, hippotamus
	Procyonidae	such as coatimundi, cacomistles, raccoons, ringtails
	Rodentia	such as porcupines, prairie dogs, nutria, (except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)
	Ursidae	such as bears
	Viverridae	such as mongoose, civets, genets
REPTILES	Crocodylia	such as alligators, crocodiles, gavials, caimans
	Septentes of the families Pythonidae & Biodae	such as pythons, boas, anaconda
	Squamata	Lizards that are venomous or poisonous Lizards that are greater than 2 metres (6.56 ft) Snakes that are venomous or poisonous Snakes that are not indigenous to North America Snakes that are greater than 2 metres (6.56 ft.)
BIRDS	Struthioniformes	such as rheas, cassowaries, kiwis
	Raptors	such as eagles, hawks, falcons except those falcons licensed by the Ontario Ministry of Natural Resources, owls
OTHER		All venomous or poisonous insects and amphibians, such as tarantulas
	Arthropods	such as scorpions, centipedes, beetles


Note: the common names referred to in the right-hand column are some of the names referenced in the left-hand column of the schedule. The common name is provided for information purposes only and is not intended to limit the extent of the classes of animals referred to.


THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Beausoleil First Nation this 15th day of September, 2021.

Voting in favour of this By-Law are the following members of Council.

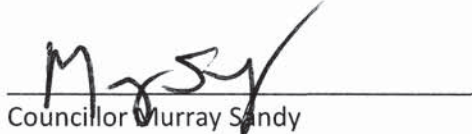

Chief Joanne P. Sandy


Councillor Tanya Roote-Jamieson


Councillor Trevor Reid


Councillor Whitney Walsh


Councillor Jane Copegog

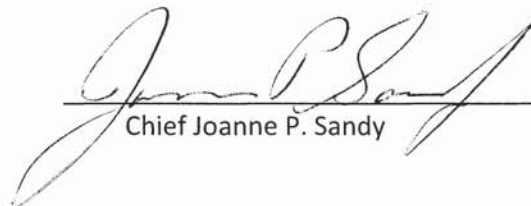

Councillor Murray Sandy

being the majority of those of the Council of Beausoleil First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.
Number of Council present at the meeting: 5

I, Joanne P. Sandy, Chief of the Beausoleil First Nation, do hereby certify that a copy of the foregoing By-Law was published on the Beausoleil First Nation website (www.chimnissing.ca) this 15th day of September, 2021.


Witness


Chief Joanne P. Sandy