

**The Chippewas of Georgina Island First Nation**  
**By-law No. 31-C-05**  
**Being a By-law to Amend**  
**By-law No. 10-03**  
**Chippewas of Georgina Island First Nation Animal Control By-law**  
**Enacted on the 29<sup>th</sup> day of September, 2003**

**WHEREAS** the Chippewas of Georgina Island First Nation desires to amend certain By-laws;

**AND WHEREAS** the Council of the Chippewas of Georgina Island First Nation, pursuant to sections 80 and 81 of the Indian Act, R.S.C. 1985, cI-5, may, subject to the approval of the Minister of Indian Affairs and Northern Development, make by-laws for any or all of the purposes provided for under sections 80 and 81;

**AND WHEREAS** the Council of the Chippewas of Georgina Island First Nation did enact certain by-laws in accordance with the aforesaid sections of the Indian Act, R.S.C. 1985, cI-5;

**NOW THEREFORE** the Council of the Chippewas of Georgina Island First Nation, hereby enacts this by-law Amending the following by-law:

Band by-law number 10-03, By-law Title “Chippewas of Georgina Island First Nation Animal Control”, enacted on the 29<sup>th</sup> day of September 2003, effective on the 8<sup>th</sup> day of November 2003.

By-law number 10-03 is amended by adding the definition of “*Rottweiler*” to Section 2. Interpretation to be read as follows:

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

Section 16. is amended by adding in subsections A, B, C, D, and E so that section 16. shall now be read as follows:

**General Prohibition on Restricted Dogs on Reserve**

16. A(1) No person shall have possession or control of a Restricted Dog on the reserve except as in accordance with this by-law.

**Restricted Dogs Phased Out**

B(1) No licenses will be issued for the following Restricted Breeds of dogs after the coming into force of this by-law except as provided in section 16.C:

- (a) Pit Bull
- (b) Rottweiler
- (c) Doberman Pincher
- (d) Akita

**Exceptions for Currently Licensed Restricted Dogs**

C(1) Licenses for Restricted Dogs may be issued under this section if:

- (a) the dog had a valid registered dog license on or before the date this section of the Animal Control By-law came into effect; and
- (b) the previous license did not lapse; and
- (c) the owner of the previous dog license remains the same; and
- (d) the dog license has not been transferred; and
- (e) the dog is not under the age of (4) four months old; and
- (f) the dog has been spayed/neutered; and
- (g) the dog has not previously bitten anyone without provocation or been previously seized by the Animal Control Officer for an infraction under this by-law.

### **Posting Signs for Dangerous Dogs and Restricted Dogs**

- D(1) Anyone owning a Dangerous or Restricted Dog must post a clearly visible, large, legible sign on their property in a conspicuous place so as to notify the public.
- (2) On private property a Dangerous Dog or restricted 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.
- (3) A Dangerous or Restricted Dog must be muzzled and on a leash or in a cage whenever it is in a public place.

### **Seizure of Restricted Dogs**

- E(1) Sections 16E(1) to 16E(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 16E(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 during time period described in section 7(2); and
  - (b) the owner pays to the Animal Control Officer all expenses incurred in securing, caring for and feeding the Restricted Dog; and
  - (c) 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 16E(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 the Animal Control Officer deems appropriate in the circumstances, and the costs recovered by the owner.
- (5) (a) upon seizure under 16E(2), the Animal Control Officer shall impound the Restricted Dog for a period of not less than three (3) days, after the date of seizure and shall immediately make reasonable effort to notify the owner of the seizure, and
  - (b) if ownership is not claimed within the time period prescribed in subsection 16E(5) (a), the Animal Control Officer may destroy and dispose Restricted Dog in a humane manner with costs recovered from the owner, give to Fostering facilities or sell and no one may recover damages or compensation as a result of such action, and
  - (c) if a Restricted Dog has inflicted an unprovoked bite or injury on any person or upon another animal, the Animal Control Officer shall impound the Restricted Dog for such a period of time to be specified by a Veterinarian, and thereafter the Animal Control Officer may destroy the restricted Dog in a manner he/she deems humane and appropriate in the circumstances with costs 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 to be 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, either for humane reasons or to protect the health and safety of the public, the Restricted Dog may be destroyed in a manner the Animal Control officer deems humane and appropriate in the circumstances, and the costs recovered from the owner.

**THIS BY-LAW IS HEREBY ENACTED** at a duly convened meeting of the Council of the Chippewas of Georgina Island First Nation, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

\_\_\_\_\_  
(Brett Mooney, Chief)

\_\_\_\_\_  
(Patricia BigCanoe, Councillor)

\_\_\_\_\_  
(William McCue, Councillor)

\_\_\_\_\_  
(Andrew BigCanoe, Councillor)

\_\_\_\_\_  
(Donna BigCanoe, Councillor)

being the majority of those members of Council of the Chippewas of Georgina Island First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is **3** members.

No. of members of the Band Council present at the meeting: \_\_\_\_\_.

I, Brett Mooney, Chief of the Chippewas of Georgina Island First Nation Band, do hereby certify that a copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull Office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Chief Brett Mooney)