

Department: Lands & Properties Department

Date:

April 5, 2024

Subject: Dog Control By-Law

Prepared By: Wyatt Bannon – By-Law Enforcement

COMMUNITY NOTICE

As per By-Law No. 2021-1 a By-Law Respecting the Control of Dogs which was signed into law March 6, 2024 (see attached)

Dogs are NO LONGER permitted to run at large within the boundaries of Fort William First Nation. Dog owners are also required to register their dog(s) with FWFN Animal Control.

During the next few weeks there will be an education / registration period followed by a full implementation of the By-Law within the next 4 months.

At which time all free roaming dogs will be seized and impounded. This will result in an impound fee levied against the dog's owner, which must be paid in full to have the dog returned. All unclaimed dogs will be put up for adoption.

If you or your child has been harassed or bitten by a dog which is dealt with under the Dog Owners Liability Act (DOLA), please contact Anishinabek Police Service at 807 625-0232.

If you have concerns regarding the treatment of any dog, which is dealt with under the Provincial Animal Welfare Act (PAWS) please contact the Ontario Animal Protection call center at 1-833-926-4625.

If you have any questions, please feel free to contact us at 807 285-9428.

Respectfully,

Wyatt Bannon
By-Law Enforcement/Animal Control

By-law No. 2021-1

By-law Respecting the Control of Dogs

WHEREAS Fort William First Nation is a band as defined in the provisions of the Indian Act, R.S.C. 1985, C. 1-5;

AND WHEREAS Fort William First Nation's lands consist of those certain lands vested in Her Majesty the Queen and held in trust for the use and benefit of Fort William First Nation situated within Fort William Indian Reserve No. 52 (the "Reserve");

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, 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 the Fort William First Nation Band is of the opinion that the 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 it is hereby enacted pursuant to section 81(1) of the Indian Act, R.S.C., 1985, c. 1-5:

SHORT TITLE

1. This by-law may be cited as the "Fort William First Nation Dog Control By-law".

INTERPRETATION

2. In this by-law

"**Abandoned Dog**" means any dog that is not claimed by an owner.

"**Animal Control Officer**" means a person appointed by Fort William First Nation to enforce this by-law; and includes any Police Officer, By-Law Enforcement Officer.

"**At Large**" or "**Running at Large**" means any dog found in any place other than the premises of the owner and not under the immediate, continuous, and effective control of any person;

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

"**Containment of Dog on Property**" means that a dog shall be contained on property by means of one of the following:

- (a) enclosure;
- (b) containment within a fenced area;

- (c) physical restraint of the dog by chain or other similar means;
- (d) an electronic containment device

“Dog” means any domestic dog, male or female;

“Dangerous Dog” or “Vicious Dog” includes;

- (a) any dog that demonstrates any ferocious, vicious, or aggressive behaviour;
- (b) any dog that an Animal Control Officer, upon reasonable and probable grounds, believes to be a vicious or dangerous dog;
- (c) any dog which has bitten another animal or human without provocation;

“Electronic Containment Device” means an electronic system whereby an underground cable is placed around the perimeter of a property that transmits an electric shock to the owner’s dog if the dog attempts to leave the property;

“fee” means for the purpose of this By-law is an amount set out in Schedule “A”;

“Impound” means to seize and hold a dog for the purpose of enforcing this By-law, and the word “impoundment” have a similar meaning;

“Impound Service Agreement” means a service agreement between the Band and a third party to provide shelter, care, food and water for dogs impounded by this By-law.

“Muzzle” or “Muzzled” means a humane fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink.

“Owner” means a person who owns, possesses, harbours or has control, care or custody over a dog or allows the dog to remain on their premises, where the owner is a “minor” the person responsible for the custody of the minor;

“reserve” means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Fort William First Nation Band of Indians, and known as the Fort William First Nation Reserve #52;

“leash” means a chain or other material capable of restraining the dog on which it is being used;

Application

3. This By-law applies to all owners of dogs residing or visiting on the Fort William First Nation Reserve No.52.

Responsibility of the Owner

4. (1) **No Running at Large:** No owner shall allow their dog to run at large within the Reserve;
- (2) **Leash and Control:** Every dog owner shall ensure that their dog is under leash and under the effective control of an adult person or under the effective control of a child who has an adult present with that child at all times, when off the premises of the owner;
- (3) **Prohibition Against Trespassing:** No owner of a dog shall permit their dog to trespass upon any private property;
- (4) **Containment of Dog on Property:** An owner of a dog shall keep the dog contained on the owner's property, subject to the directions in this by-law.

Impoundment of Dogs

5. (1) **Impoundment by Animal Control Officer:** An Animal Control Officer of the reserve may impound any dog found running at large;
- (2) **Impoundment by any Person:** Any person may seize a dog running at large or trespassing on their property and deliver it to the Animal Control Officer.
- (3) **Removal from Reserve:** No person other than an Animal Control Officer pursuant to this By-Law shall remove a dog found running at large from the reserve without the permission of the owner or an Animal Control Officer.

Length of Impound:

6. (1) **General:** the Animal Control Officer may keep any impounded dog for a period of up to (5) days, excluding the day on which the animal was impounded and excluding the days that the shelter is closed.

Conditions for Release

7. (1) **Conditions for release:** An Animal Control Officer may require any of the following of the owner prior to releasing the dog, and may refuse to release the dog until such conditions are met:
 - (a) provide proof of ownership of the dog; and
 - (b) pay to Fort William First Nations all fees for securing, caring for and feeding the dog in accordance to schedule "A"; and

(c) If the dog 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.

Abandoned Dog

8. (1) **General:** Unless otherwise directed in this by-law, if a dog has been impounded and is not redeemed by their owner within the time period specified in section 6 (1) then the dog becomes the property of the Band and may be;
 - (a) put up for adoption; or
 - (b) transferred to an animal rescue facility.
- (2) **Abandoned Dog;** Whether or not the person is the owner. No person shall cause a dog to enter the reserve for the purpose of abandoning the dog and shall be liable for all fees for securing, caring for and feeding the dog in accordance to schedule "A" and for all costs incurred if the dog is injured and the services of a veterinary surgeon is secured.

Vicious Dogs

9. (1) Anyone owning a vicious dog or aggressive dog must post a clearly visible sign on their property 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.

Registration

10. (1) Every owner of a Dog aged four months or more shall register the Dog with Fort William First Nation Animal Control.
- (2) When a dog is off property, every owner of a dog shall cause the dog to wear around the neck a collar to which shall be attached the licence tag issued for that dog by Fort William First Nation.
- (3) Fort William First Nation shall keep a record of all dogs registered and licensed, showing the date and number of registration and licence, and the name and description and picture of the dog.

Penalties

11. (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 (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days or to both fine and imprisonment.

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

(3) In addition to offences referred to in this By-law, every person is guilty of an offence who:

- (a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law;
- (b) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this By-law.

(4) In addition to offences referred to under this By-law, if an offence under this By-law is also an offence under the *Criminal Code of Canada R.S.C., 1985 c. C-46*, then the Criminal Code offence shall prevail.

12. (1) **Schedule “A”:** Schedule “A”, being a Schedule of Fees, attached hereto is hereby incorporated into and forms part of the within By-law.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Fort William First Nation Band this 1st day of December, 2021.

Mikell Bell
CHIEF

Sherry Belote
Councillor

Councillor

Schedule “A” – FEES

TO BY-LAW 2021-1

IMPOUNDMENT	Fee
Impoundment Fee	TBD
Daily Boarding Fee	TBD