

MICMACS OF GESGAPEGIAG

Animal CONTROL BYLAW

BYLAW NO [20260527]

WHEREAS

The Micmacs of Gesgapegiag have and continue to exercise an inherent Aboriginal right of self-government that is recognized and affirmed by Articles 34 and 35 of the United Nations Declaration on the Rights of Indigenous Peoples and Section 35 of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c. 11;

Section 81, paragraphs (a), (d), (e), (q) and (r) of the *Indian Act* (R.S.C., 1985, c. I-5) empowers the Council of a First Nation to pass by-laws to provide for the health and safety of residents of a community, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, matters arising out of or in addition to the exercise of powers under Section 81, and the imposition of a penalty for the violation of any such by-law;

Chief and Council of the Micmacs of Gesgapegiag recognize that the uncontrolled ownership, breeding, and running at large of dogs is detrimental to the health and safety of residents in the community and is a nuisance and threat to all residents; and

Chief and Council believe that the regulation and control of dogs within the community lands of the Micmacs of Gesgapegiag is required for the health and safety of community members, and the humane treatment of the dogs.

NOW THEREFORE, the Council enacts as follows.

CHAPTER I DEFINITIONS

ARTICLE 1

The following definitions apply to this Bylaw:

- a) "At Large" means a Dog that is off the Owner's property and not securely confined in a vehicle or enclosure or restrained by a Leash and under the direct, continuous, and effective control of a person competent to control it.
- b) "Animal Control Officer" means the person appointed by Council to administer and enforce this Bylaw and who is assigned to the Public Security department.

- c) “Community” means the population of Gesgapegiag.
- d) “Community Lands” means the tract of land reserved for the use and for the benefit of the Micmacs of Gesgapegiag, designated as a reserve under the *Indian Act* (R.S.C., 1985, c. I-5) and referred to by the name of Gesgapegiag.
- e) “Council” or “Chief and Council” means the governing body of the Micmacs of Gesgapegiag elected pursuant to s. 74 of the *Indian Act*.
- f) “Dangerous Dog” means a Dog identified by the Dog Control Officer as posing a risk of serious harm to persons or animals.
- g) “Dog” means any domesticated canine.
- h) “Enforcement Officer” means a police officer, a member of the Sûreté du Québec, a member of the Gesgapegiag Police Department, or other designated public security officer authorized by the Council to enforce this Bylaw.
- i) “Impound” means to seize and hold a Dog in a Kennel or Pound.
- j) “Kennel” or “Pound” means a facility designated by Council for impounding Dogs, which may include facilities outside the Community by agreement.
- k) “Leash” means a device of sufficient strength and design to restrain the Dog, attached to a collar or harness and held by a competent person.
- l) “Officer” means a Dog Control Officer or an Enforcement Officer.
- m) “Owner” includes a person who owns, possesses, harbours, or has care or control of a Dog.
- n) “Veterinarian” means a currently licensed veterinarian in Quebec or in surrounding areas serving the community.
- m) “cats” definition
- o) animals in general that can pose a danger to the community

CHAPTER II

PURPOSE AND APPLICATION

ARTICLE 2

The purpose of this Animal Control Bylaw is to promote the safety, health, and welfare of the community by regulating the keeping, control, and licensing of Dogs, cats, and other animals in the Community Lands.

This Bylaw establishes standards for responsible ownership, protects people and animals from Dangerous Dogs, and provides for the humane treatment and management of Dogs in the Community.

ARTICLE 3

This Bylaw applies to all Dogs, cat and animals located in the Community Lands.

CHAPTER III
ADMINISTRATION

ARTICLE 4

Council will appoint an Animal Control Officer under the Public Security department to administer and enforce this Bylaw.

The Animal Control Officer may delegate specific authority to Enforcement Officers and may contract with enforcement or animal protection services to assist with implementation and impoundment.

ARTICLE 5

The Public Security department is responsible for processing fines and tickets issued under this Bylaw.

CHAPTER IV
LICENSING

ARTICLE 6

Every Owner shall obtain and maintain an annual licence for each Dog, Cat, animals by [*registration date to be determined*] of each calendar year, or as soon thereafter that a dog attains the age of six (6) months or has been a resident for thirty (30) days or more.

ARTICLE 7

Licences must be renewed annually before the registration date; late applications are subject to higher fees per Schedule A.

ARTICLE 8

Applicants must be at least eighteen (18) years of age and provide:

- a) their name, address, phone number, and email if available,
- b) a picture of the dog and a description of the dog, including the dog's name, breed or breeds, gender, descriptive colouring and markings,
- b) proof of vaccinations if applicable,
- c) proof of spay/neuter if applicable,
- d) proof of age, and
- e) the licence fee, as determined in Schedule A.

ARTICLE 9

The Animal Control Officer may issue or renew licences and impose reasonable conditions; the Animal Control Officer may refuse, revoke, or suspend a licence in case of violation of this Bylaw or a licence condition, or if the information provided is false.

ARTICLE 10

Every Owner must notify changes in information, including, but not limited to, the death or change of ownership of the Dog or the change of address of the Owner, within thirty (30) days of the change.

CHAPTER V

DOG TAGS

ARTICLE 11

The Animal Control Officer shall keep a record of all Dogs for which a licence has been issued, showing the issuance date of the licence, the licence number, the name and description of the Dog, whether the Dog is a Dangerous Dog, any special conditions on the licence, and the name, address, and contact information of the Owner.

ARTICLE 12

Upon issuance of a licence, the Animal Control Officer shall issue a licence tag for the Dog to the Owner; replacement tags are available for a prescribed fee.

ARTICLE 13

Every Owner or any other person having care or control of a Dog shall ensure it wears the appropriately issued licence tag, and that the licence number on the licence tag is legible.

CHAPTER VI

CONTROL AND MAINTENANCE OF DOGS

ARTICLE 14

Every Owner must ensure a Dog is not At Large and is under immediate control and held on a Leash when off the Owner's property.

Dogs are to be on lease in all public beaches, swimming areas, or parks.

ARTICLE 15

Every Owner must ensure Dogs do not molest passersby, approach in a menacing fashion, bite, attack, chase vehicles or cyclists, attack animals, damage property other than of the Owner, or bark excessively.

ARTICLE 16

Every Owner must carry means to remove excrement when accompanied by a Dog outside the Owner's private property, promptly remove excrement from public or others' property, and avoid accumulation causing odor.

ARTICLE 17

Every Owner will ensure that the Pet is:

- a) properly fed,
- b) not carrying contagious diseases or sores,
- c) kept in humane and sanitary conditions, and is not subject to overcrowding,

- d) not mistreated or abused, and
- e) treated in compliance with all applicable provincial and federal laws regarding the treatment of animals.

CHAPTER V DANGEROUS DOGS

ARTICLE 18

The Animal Control Officer may designate a Dog as a Dangerous Dog based on reasonable grounds from personal observation, police or officer observation, investigation, witness reports, history, or qualified professional reports, including pre-enactment incidents.

ARTICLE 19

Upon a Dangerous Dog designation, written notice shall be delivered to the Owner stating the reason for the decision and all conditions imposed on the licence of the Owner, including the mandatory conditions of Article 20 and any additional conditions imposed pursuant to Article 21.

ARTICLE 20

When off the property, a Dangerous Dog must be muzzled and, on a Leash, not exceeding two (2) metres; on property, it must be securely confined indoors or in an enclosure preventing escape and access by children.

ARTICLE 21

The Animal Control Officer may impose additional conditions including shorter leash length, no off-leash areas, permanent identification such as a microchip, "Beware of Dog" signage, behavioural remediation by a trainer, and liability insurance of not less than [\$500,000] for injuries caused by the Dog.

CHAPTER VI APPEAL

ARTICLE 22

An Owner may appeal a licensing refusal, revocation or suspension or a Dangerous Dog designation by filing a written notice of appeal to Council within [ten (10)] days of the decision, stating reasons.

Pending appeal of a Dangerous Dog designation, the Dog must comply with Dangerous Dog provisions.

ARTICLE 23

Council shall hold a hearing within [thirty (30)] days; shall provide the Owner with written notice of the hearing not less than seven (7) days in advance; may receive written submissions; and shall issue a written decision with reasons within [ten (10)] days of the hearing's close, delivering it to the Owner and Dog Control Officer within twenty-four (24) hours of issuance.

CHAPTER VII
SEIZURE AND IMPOUNDMENT

ARTICLE 24

An Officer may seize a Dog on reasonable grounds that it is At Large, unlicensed, in breach of this Bylaw or licence conditions, abandoned, has bitten or killed, is likely to seriously injure a person, or is a Dangerous Dog posing a threat to the Community.

ARTICLE 25

The Officer will deliver seized Dogs to the Pound; where immediate medical care is required, Dogs may be taken directly to a veterinarian.

ARTICLE 26

The Pound keeper shall receive every Dog seized pursuant to this Bylaw and shall notify the Owner if known within twenty-four (24) hours; if the Owner is unknown, a notice shall be posted at the Pound and community offices or website.

ARTICLE 27

An Owner may reclaim an impounded Dog within [three (3) to seven (7)] days of notice by providing proof of ownership and meeting all requirements for its release, such as paying any required fines or fees.

After the holding period, the Pound keeper or facility may give or sell the Dog to another person or entity, surrender the Dog to another agency, continue to contain the Dog or safely and humanely end the Dog's life and dispose of its remains.

ARTICLE 28

Veterinary costs incurred during impoundment are recoverable from the Owner.

ARTICLE 29

If a seized Dog is in severe distress and end of life prior to delivery to a veterinarian is warranted, the Officer may humanely end the Dog's life.

ARTICLE 30

Written reports of each seizure or impoundment shall be filed and maintained with the Dog's licence record.

CHAPTER VIII
END OF LIFE

ARTICLE 31

Where the Animal Control Officer determines, based on documented incidents and an assessment of risk, that a Dangerous Dog poses a substantial threat to the security of the Community, the Animal Control Officer may submit a written recommendation to Council that the Dangerous Dog's life should be ended.

The recommendation shall set out the factual basis, relevant incident history, any prior orders or conditions imposed, and the reasons supporting the recommendation.

ARTICLE 32

Upon receipt of a recommendation, Council shall hold a hearing within [thirty (30)] days; may receive written submissions; and shall issue a written decision with reasons within [ten (10)] days of the hearing's close, delivering it to the Owner and Animal Control Officer within twenty-four (24) hours of issuance.

The decision shall address the evidence considered, the applicable standard, the findings on material facts, and the disposition, which may include ordering the end of the Dangerous Dog's Life, imposing conditions, or dismissing the recommendation.

ARTICLE 33

The Animal Control Officer shall provide the Owner with written notice of the hearing not less than seven (7) days in advance. The notice shall include the date, time, and manner of the hearing; a summary of the grounds for the recommendation; and information regarding the Owner's right to participate and to file written submissions.

ARTICLE 34

The Owner shall have a reasonable opportunity to be heard, to present evidence, and to respond to the Animal Control Officer's recommendation.

ARTICLE 35

In deciding whether to order the end of the Dangerous Dog's Life, Council shall consider whether the Dangerous Dog poses a substantial threat to the security of the Community that cannot be adequately mitigated by lesser measures.

Relevant factors may include: the severity and number of incidents; predictability and triggers of aggression; history of compliance with orders; effectiveness of prior conditions; the feasibility of containment or behavioural controls; expert assessments; and any impact on Community safety.

ARTICLE 36

Where Council orders the end of the Dangerous Dog's life, the Animal Control Officer shall ensure the procedure is carried out by a Veterinarian or other qualified professional in a manner consistent with accepted animal welfare standards and applicable law, as soon as practicable after delivery of the decision, unless a stay is in effect.

ARTICLE 37

Pending the hearing and decision, the Animal Control Officer may impose interim conditions necessary to protect Community safety, including impoundment, restrictions on access, handling, and visitation of the Dangerous Dog while impounded.

ARTICLE 38

The Animal Control Officer shall maintain records of the recommendation, notices, submissions, evidence, and the decision.

CHAPTER VIII

ENFORCEMENT, OFFENCES AND PENALTIES

ARTICLE 39

No person shall interfere with, resist, or obstruct the Animal Control Officer, Enforcement Officer, or Pound keeper acting in the lawful exercise of their duties.

ARTICLE 40

An Enforcement Officer may enter and search any place to seize or impound a Dog; entry and search of premises require either consent of the owner or occupier of the place, written authorization of the Animal Control Officer, or exigent circumstances.

An Enforcement Officer who is not a police officer must be accompanied by police to enter premises for search.

ARTICLE 41

Any person who violates this Bylaw or a licence condition commits an offence; each day an offence continues constitutes a separate offence.

ARTICLE 42

The Animal Control Officer may issue a ticket for any offence under this Bylaw specifying the fee in the amount set out in Schedule B.

ARTICLE 43

Every person who commits an offence and who does not pay the ticket fee in thirty (30) days is liable on summary conviction to a fine not exceeding \$1,000 for each offence.

ARTICLE 44

Any unpaid ticket fees or fines constitute a debt due to the Micmacs of Gesgapegiag.

CHAPTER IX

COMING INTO FORCE AND AMENDMENT

ARTICLE 45

All prior laws, bylaws and resolutions of the Micmacs of Gesgapegiag about animal control are hereby repealed and replaced with this Bylaw.

ARTICLE 46

The Council may approve written amendments to this Bylaw by vote at a duly convened meeting.

ARTICLE 47

This Bylaw comes into force on the date determined by a resolution of the Council.