

Draft: May 8, 2019

DECLARATION OF PRINCIPLES

The Long Plain First Nation tribal government in the discharge of their responsibilities hereby declares that the fundamental principles guiding the provision of this Animal Care and Control By-Law are:

1. We emphasize that effective action for animal care and control requires the involvement of pet owners, as partners and owners in the recognition of their respective roles and responsibilities.
2. We emphasize the responsibility of each pet owner to maintain fair, responsible, ethical, and efficient care and control of their pet/s within the tribal reserve lands of Long Plain First Nation.
3. We shall accord high priority to the safety, health, protection and well-being of people and the safety and protection of property within the tribal reserve lands of Long Plain First Nation;
4. We recognize that other jurisdictions (e.g. cities, towns, **First Nations**, and municipalities) have standards and norms to deal effectively with animal control and pet ownership, and the importance of their judiciary and prosecution authorities. We shall endeavor, as appropriate, to use and apply the jurisdictional standards and norms in relevant part: *The Animal Liability Act*, *The Municipal Act* or a by-law of another local government district passed in accordance with *The Local Government Districts Act*; Diseases and Dead Bodies Regulation of *The Public Health Act*.

In furtherance of these principles, the Long Plain First Nation tribal government declares as follows:

Whereas, the safety, security and well-being of people and protection of property are fundamental rights on tribal reserve lands;

Whereas, the Tribal Government, in Council assembled, enacted Motion #99/2000-53 to appoint the Fire Department as the Ordinance Officer to administer the Dog Bylaw. (Moved by Councillor Steve A. Prince and Seconded by Councillor Marvin Daniels); and

Whereas, the Tribal Government, in Council assembled, enacted Motion #99/2000-102 to adopt Band Council Resolution #99-40 that the Chief and Council of Long Plain First Nation enacts an ordinance known as the *Long Plain Dog Control Ordinance No. 1999-01*. (Moved by Councillor Marvin Daniels and Seconded by Councillor Steve A. Prince);

Therefore Be It Resolved, the Long Plain First Nation tribal government repeals "*Band Council Resolution #99-40 titled Long Plain Dog Control Ordinance No. 1999-01 dated August 10, 1999*"; and adopts and ratifies this Long Plain First Nation "**Animal Care and Control By-Law**" to regulate the presence of wild and domesticated animals within tribal reserve lands, their activities and the activities of their owners.

LIST OF SCHEDULES:

- Schedule "A" Offence Notice
- Schedule "B" Notice of Impoundment
- Schedule "C" Procedures & Guidelines for Trapping of Stray Cats
- Schedule "D" Dog / Cat Biting Report
- Schedule "E" Excess Animal Permit
- Schedule "F" Excess Animal Site Inspection
- Schedule "G" Restricted Animal Permit Application

AMENDMENT OF SCHEDULES

The tribal government may from time to time, by resolution, amend each and every schedule attached to this by-law.

1.0 TITLE

This by-law shall be cited as the “*Long Plain First Nation Animal Care and Control By-law*”.

2.0 DEFINITIONS

In this by-law:

“**Animal**” means any creature that is tame or kept, to serve some purpose for the use of man, and includes:

- i. Cattle, goats, horses, poultry, rabbits, sheep, swine kept for the purpose of providing meat, dairy or eggs; and
- ii. Animals that are wild by nature, kept in captivity, and whose pelts are commonly used for commercial purposes.

“**At Large**” means any dog, cat or other animal being somewhere other than on premises of a person owning or having care and control of such dog, cat or animal and not under the direct, continuous and effective control of a person competent to control it; or securely confined within an enclosure or securely fastened so that it is unable to roam at will, being under strict supervision of a responsible and competent person.

“**Cat**” means both male and female of the *feline domesticus* (domestic cat) species that is over the age of four (4) months.

“**Community Land**” means any Long Plain First Nation land in which all LPFN tribal citizens have a common interest.

“**Dog**” means both male and female of the *canis familiaris* (domestic dog) species that is over the age of four (4) months.

“**Dangerous Animal**” means any dog, cat or any other animal that has on at least one occasion, worried, attacked, injured or killed a person, livestock or any other animal, or that is for any other reason determined to be a risk to any person, livestock or any other animal, and that has been declared a dangerous animal under **section 19 of this By-Law**.

“**Dangerous Dog**” means any dog which meets one or more of the following conditions:

1. a dog used primarily to guard property.
2. a dog that has bitten, attacked or caused injury to a person or

another animal.

3. a dog that has, while “at large”, bitten, attacked, killed or caused injury to another animal.
4. a dog that has, while “at large”, aggressively pursued or harassed a person.
5. a dog that has, while “at large”, aggressively pursued or harassed another animal.
6. a dog with a known propensity to attack or injury a person without provocation or otherwise threaten the safety of human beings or domestic animals; and
7. a dog that has been dangerous, vicious or similar under a law or By-Law of any other First Nation or municipality in the Province of Manitoba.

“Enclosure” means any fence, pen, or structure suitable to prevent the entry of young children, as per article 4.11 herein;

“Impounded” means seized, delivered, received or taken into the pound;

“Long Plain First Nation” or **“LPFN”** means, the tract of land set apart by Her Majesty for the use and benefit of Long Plain First Nation #287 and shall include *Long Plain First Nation Reserve No.6, Long Plain First Nation No.6 Keeshkeemaquah Reserve, Long Plain First Nation Madison Reserve No. 1*, and any other Long Plain First Nation land now acquired or in future is purchased or settled by a land claim;

“Muzzle” means a device used to secure a dog’s mouth in such a humane fashion so that it cannot bite any person or other dog or animal.

“Owner” means/**includes** possessing, owning, having care and control of a dog, cat or animal, or if the owner is under 18 years of age, the parents/guardian is the person responsible for the dog, cat or animal.

“Owner” includes any person who owns, keeps, harbors or has possession or control of an animal, or who owns, leases or occupies, either solely or jointly with others, any premises containing the animal or which contained the animal immediately prior to an attack by the animal or apprehension of the animal by the **Animal Control Officer** or any other Person.

“Public Notice” means a written notice posted in conspicuous places on Long Plain First Nation Reserve lands, including the administration office of the Long Plain First Nation;

“Reserve” means, the tract of land set apart by Her Majesty for the use and benefit of Long Plain First Nation #287 and shall include *Long Plain First Nation Reserve No.6, Long Plain First Nation No.6 Keeshkeemaquah Reserve, Long Plain First Nation Madison Reserve No. 1*, and any other Long Plain First Nation land now acquired or in future is purchased or settled by a land claim;

“Special Permission” means written authorization from Chief and Council for an owner to possess, own or care for more than two (2) animals: two dogs, or two cats, or one dog and one cat.

“Tribal Government” means the duly elected Chief and Council of Long Plain First Nation, and any successor tribal government of Long Plain First Nation.

“Urban Reserve” means a tract of land that is owned by Long Plain First Nation situated within or adjacent to an urban area: Keeshkeemaquah Reserve 6 located in Portage La Prairie, Madison Reserve No. 1 in Winnipeg; and any other Long Plain First Nation land now acquired or in future is purchased or settled by a land claim;

“Working animal” means any animal, dog, cat of various breeds that is developed or trained to do useful work, such as herding, pulling sleds/wagons, or guarding property.

3.0 INTERPRETATION

3.1 Where a provision of this By-Law is expressed in the present tense, future tense or in the past tense, the provision applies to the circumstances as they arise.

Any section of this By-Law, including any schedules, may be amended from time to time and adopted by Council and approved in accordance with the Long Plain First Nation Land Code.

4.0 DOG OWNERSHIP, CARE AND CONTROL

- 4.1 No person shall own, possess or have care and control of more than two (2) dogs at any time or in any place or premises on reserve lands.
- 4.2 Only with special permission of Council a person may own, possess or have care and control of more than two (2) dogs.
- 4.3 No owner of a dog shall allow or permit their dog(s) to be at large.
- 4.4 Every owner of a dog shall at all times while the dog is on the premises of the owner, keep the dog confined either in an enclosure, indoors or have the dog cabled or tethered for uses as a dog run.
- 4.5 A dog need not be confined as required in the above subsection if the dog is:
 - a. on a leash less than two meters long and held by a person capable of restraining the dog's mobility;
 - b. Used as a guide dog; or
 - c. Being used by a person in aid of hunting or trapping activities.
- 4.6 Every owner of a female dog which is in heat, shall use their best efforts to confine and house the dog for the duration in which the dog is in heat.
- 4.7 The owner of a dog is responsible and liable for any and all damages caused by that dog to any person, or personal or real property.
- 4.8 Every owner of a dog is responsible for the care and control of the dog and must:
 - a. ensure that the dog does not become a nuisance;
 - b. provide enough food and water for the dog's humane survival;
 - c. refrain from punishing or abusing the dog unnecessarily, or in a manner that amounts to cruelty; and
 - d. provide a clean, sanitary and humane living environment for the dog; and
 - e. utilize veterinary clinic days when provided by the Council to have their dog(s) spayed, neutered and vaccinations updated as necessary.
- 4.9 No owner of a dog shall allow or permit a dog to bark, yelp or howl or otherwise disturb the peace and quiet of other residents on **on-reserve or urban reserve lands.**

- 4.10 The Council may prohibit the keeping of dangerous dogs, on any area of reserve lands for health and safety reasons, and provides public notice of such prohibition.
- 4.11 In addition to the general requirements that apply to dogs that become dangerous under this by-law, any owner of a dangerous dog must:
- a. Ensure that, while on the owner's property, the "Dangerous Dog" is either kept securely confined indoors or is kept in a securely enclosed and locked pen, structure or yard which:
 - i. Prevents the Dangerous Dog from escaping and young children from entering;
 - ii. Is at least ten (10) feet wide and five (5) feet deep;
 - iii. Provides adequate protection from the elements for the Dangerous Dog
 - b. clearly post signs to that effect at any premises where the dangerous dog regularly resides; specifically
 - i. at the end of any driveway or access to the property
 - ii. at each entrance to the property; and
 - iii. any building in which a dangerous dog is kept.
 - c. Ensure that, in addition to the requirements, the dangerous dog must wear a muzzle if it's not confined as required under subsection 5a.
- 4.12 Any dog deemed to be a dangerous dog by the Animal Control Officer must immediately be spayed or neutered.
- 4.13 No person shall breed a dangerous dog without a license issued by an Animal Control Officer abandon a dangerous dog, other than to a pound operated on behalf of the Long Plain First Nation.

5.0 OTHER ANIMALS

- 1.1 No person shall own, possess or have care and control of more than three (3) cats at any time or in any place or premises on reserve lands.
- 1.2 No owner of an animal shall allow or permit the animal to be elsewhere other than the premises of the owner, unless the animal is under direct control of that animal.
- 1.3 No owner of an animal shall allow or permit that animal to be at large.

- 1.4 The owner of an animal is responsible and liable for any and all damages caused by the animal to any person, personal property or real property.
- 1.5 Every owner of an animal is responsible for the care and control of that animal and must:
 - a. Ensure that the animal does not become a nuisance;
 - b. Provide enough food and water for the animal’s humane survival;
 - c. Refrain from punishing or abusing the animal unnecessarily or in a manner that amounts to cruelty; and
 - d. Provide a clean and sanitary living environment for the animal;
 - e. Utilize veterinary clinic days when provided by the council to have their animal(s) spayed, neutered and vaccinations updated if necessary.
- 1.6 The tribal government may prohibit the keeping of any animals on any area of reserve lands for health and safety reasons, provided it gives public notice of such prohibition.

6.0 SEIZURE, SALE, AND DISPOSAL OF ANIMALS

- 6.1 Local police services may seize and impound any dog or animal at large on reserve lands.
- 6.2 If reasonably possible, the Manitoba First Nation Police Service or the Long Plain Fire Department will, in a timely manner, notify the owner, of the impoundment of the dog or animal.
- 6.3 The Long Plain First Department or Manitoba First Nation Police Service may detain any Dog or Animal seized on reserve lands until the following.

7.0 NOTICES

- 7.1 Any Notice to the Long Plain First Nation shall be made in writing and mailed, postage pre-paid or personally delivered to:

Long Plain First Nation
P.O. Box 430
Portage La Prairie, Manitoba R1N 3B7

7.2 Notice from the Long Plain First Nation to an owner shall be in writing and mailed postage pre-paid or personally delivered to the last known address of the owner.

8.0 PUBLICATION OF BY-LAW

The Council shall publish a copy of this by-law on the Long Plain First Nation internet site, at Long Plain First Nation entities/businesses, and with general home delivery circulation on reserve.

9.0 UNENFORCEABLE PROVISION

In the event that any provision(s) contained herein shall be held by a court of competent jurisdiction to be unenforceable or void in law then this *Long Plain First Nation Animal Care and Control By-Law* shall be read and construed as if it did not contain the particular provision(s) and the remainder of this by-law shall not be affected thereby.

10.0 COMING INTO FORCE

This By-law shall come into force on the day of its final passing.

Read a first time this 14th day of November 2018.

Read a second time this ___ day of June 2018.

Read a third time and finally passed this ___ day of July 2018.

11.0 ADOPTION AND ENACTMENT

The LPFN Tribal Government duly adopt, ratify and enact the foregoing *Long Plain First Nation Curfew of Children By-Law* at a duly convened meeting held at the Long Plain First Nation Tribal Government Office on ___ July 2019 by a vote of ___ for, ___ against and ___, abstention/s, a quorum being present.

PASSED and ENACTED, on this ___ day of July 2019 at Long Plain First Nation.

Chief Dennis Meeches

Councillor Marvin Daniels

Councillor Liz Merrick

Councillor James Assiniboine

Councillor Stephen Prince