



ANIMAL CARE AND CONTROL BY-LAW

JUNE 7, 2019

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REFERENDUM DATE: THURSDAY, JUNE 13, 2019

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LIST OF SCHEDULES:

Schedule "A" Policy and Procedures Manual (to be developed based on this By-Law)

AMENDMENT OF SCHEDULES

The tribal government may from time to time amend by resolution Schedule "A" Policy and Procedures Manual developed for this by-law.

AMENDMENT OF THIS BY-LAW

The tribal government may from time to time amend by resolution this By-law for clerical or spelling errors, and minor changes provided the changes do not alter the spirit, intent and meaning of any article.

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.

Further Be It Resolved, the Tribal Government, in Council assembled, revises Motion #99/2000-53 to appoint the Long Plain First Nation Fire Department as the designated authority to administer this “Animal Care and Control By-Law” Bylaw.

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;

“**Dangerous Dog Designation**” means that a dog is likely to cause significant harm or injury to individuals or animals; or is used primarily to guard property;

“Designated Authority” means the appointment of the Long Plain First Nation Fire Department as the designated authority to administer this By-law.

“Enclosure” means any fence, pen, or structure suitable to prevent the entry of young children;

“Enforcement officer” means a peacekeeper, a band constable, a First Nation constable or any other authorized peace officer who has been granted permission by Chief and Council to enforce this By-law.

“Excess Animal Permit” 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) per household on LPFN land or property;

“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, shelters 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 Fire Department or any other person;

“Prohibited Animal” means an animal that is not permitted to be harbored or kept under Commercial Animals (keeping commercial animals in violation of LPFN Land Code);

“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;

“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 by Portage La Prairie, Madison Reserve No. 1 within 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 trained to do useful work, such as herding, pulling sleds/wagons, or guarding property.

3.0 INTERPRETATION AND APPLICATION

The conventions enacted under the Long Plain First Nation Tribal Constitution apply to law-making powers that are within the jurisdiction of Long Plain First Nation.

Application of *Long Plain First Nation Tribal Constitution* provisions

3.1 In accordance with the *Long Plain First Nation Tribal Constitution*, this By-Law shall form and be part of and applicable to Long Plain First Nation:

- a. Tribal Constitution
- b. Tribal Governance Code
- c. Tribal Citizenship Code
- d. Land Code
- e. Housing and Residential Tenancy Act
- f. Residential Tenancy Application and Tenancy Agreement
- g. Administration Policy Manual
- h. First Nations Financial Management Act
- i. Other laws, policies, acts, by-laws or regulations ratified by the Tribal Government and/or by tribal citizen referendum.

3.2 Every housing applicant, tenancy agreement holder, and excess animal permit holder must disclose every animal and any prohibited dog breed. For greater certainty, the owner must provide all veterinary documentation with their housing application and/or tenancy agreement, and excess animal permit application.

Application of *Long Plain First Nation Tribal Land Code* provisions

3.3 If there is an inconsistency between the *Long Plain First Nation Land Code* and any other enactment of Long Plain, in regard to lands, including by-laws enacted, the *Long Plain First Nation Land Code* prevails to the extent of the inconsistency.

3.4 Any section of this By-Law, including any schedules, Policy and Procedures Manual, may be amended from time to time and adopted by Council.

4.0 DOG OWNERSHIP, CARE AND CONTROL

Definitions

4.1 Notwithstanding subsection 2 Definitions, in this Part,

“animal” means a dog;

Prohibited Dog Breeds

4.2 Subject to this section, no person may bring into the Long Plain First Nation or, being its owner, allow to be in Long Plain First Nation, a dog which has the appearance and physical characteristics predominantly conforming to the standards of the Canadian Kennel Club or the United Kennel Club for any of the following breeds:

- a. American Pit Bull Terrier;
- b. Staffordshire Bull Terrier;
- c. American Staffordshire Terrier.

4.3 Subject to this section, every housing applicant, tenancy agreement holder, and excess animal permit holder must disclose any prohibited dog breed. For greater certainty, the owner must provide all veterinary documentation with their housing application and/or tenancy agreement, and excess animal permit application.

Dangerous Dog Designation

4.4 Dangerous Dog Designation means a dog is likely to cause significant harm or injury to individuals or animals; or is used primarily to guard property.

4.5 In making a dangerous dog designation is based on:

- a. any recent incident in which the dog has
 - i. caused harm or injury to individuals or animals; or
 - ii. pursued or menaced individuals or animals;
- b. the nature of any incidents referred to in clause (a), including the seriousness of any harm or injury caused by the dog;
- c. all the circumstances of any incidents referred to in clause (a) and, in particular, whether the dog was provoked; and
- d. the behavior of the dog since the incident.

4.6 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.

4.7 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.
- 4.8 Any dog deemed to be a dangerous dog by the LPFN Fire Department or enforcement agency must immediately be spayed or neutered.
- 4.9 No person shall breed a dangerous dog.
- Care for dogs in need of protection**
- 4.10 A designated authority is authorized to take into custody a dog whose owner is unable to provide it with proper care due to the owner's mental or physical illness, incarceration, death or for any other reason.
- 4.11 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.
- 4.12 Only with an excess animal permit an owner may own, possess or have care and control of more than two (2) dogs.
- 4.13 No owner of a dog shall allow or permit their dog(s) to be at large.
- 4.14 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.
- 4.15 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.
- 4.16 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.

- 4.17 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.
- 4.18 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;
 - e. utilize veterinary clinic days when provided by the Council to have their dog(s) spayed, neutered and vaccinations updated as necessary;
 - f. ensure that the dog has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
 - g. where the dog defecates on any property, the owner shall cause the excrement to be removed immediately in a sanitary manner;
 - h. ensure that the dog does not damage public or private property;
 - i. ensure that the dog does not bite, wound or otherwise injure any individual or animal; and
 - j. where the dog upsets garbage cans and other waste receptacles, or scatters the contents of waste receptacles, the owner shall cause the clean up immediately in a sanitary manner.
- 4.19 In addition to the general requirements that apply to dogs any owner of a dog must ensure that, while on the owner's property, each dog is either kept securely confined indoors or is kept in a securely enclosed and locked pen, structure or yard which:
- a. Prevents a dog from escaping and young children from entering;
 - b. Is at least ten (10) feet wide and five (5) feet deep for each dog;
 - c. Provides adequate protection from the elements for the dangerous dog
- 4.20 An owner of a dog must clearly post signs to that effect at any premises where the dog regularly resides; specifically
- a. at the end of any driveway or access to the property
 - b. at each entrance to the property; and
 - c. any building in which a dog is kept.
- 4.21 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.

Police Dogs Exempted

- 4.22 Sections: impoundment and quarantine for rabies observation, impoundment of potentially dangerous dog, dangerous dog designation, and destruction of exceptionally dangerous dog, do not apply to a Police Service dog or a dog owned by a law enforcement agency.

Valid Tattoo

- 4.23 The owner of a dog must ensure that his or her dog is identifiable by a tattoo that has been registered with the LPFN Fire Department.

Impoundment of Dog Running at Large

- 4.24 A designated authority is authorized to impound a dog as having been running at large. In acting under this provision, a designated authority may require that a person turning over a dog do so at the facilities of the LPFN Fire Department or animal services agency.
- 4.25 Unless it is redeemed earlier, the designated authority shall impound or ensure that a dog is impounded:
- a. for a minimum period of eight days in the case of a dog that is not tattooed; or
 - b. for a minimum period of three days, in the case of any other dog.
- 4.26 If a dog being impounded has a tattoo, a designated authority must notify the owner of the dog's impoundment. The owner is entitled to redeem the dog at any time during its impoundment.
- 4.27 If a dog has been impounded for a period of time specified without having been redeemed, the designated authority is authorized to dispose of the dog in any manner he or she considers appropriate.

5.0 CAT OWNERSHIP, CARE AND CONTROL**Definitions**

- 5.1 Notwithstanding subsection 2 Definitions, in this Part,

"animal" means a cat or commercial animal;

"running at large", in reference to a cat, means that the cat is not

- a. on its owner's property;
- b. on other property with the consent of the owner or occupant;
- c. securely confined in a vehicle or other enclosure; or
- d. securely leashed.

Owner's responsibilities

- 5.2 Subject to this section, the owner of a cat that is in the Long Plain First Nation must
- a. ensure that, if the cat is over the age of six months, it is sterilized;
 - b. ensure that the cat does not run at large;

- c. ensure that, except when it is
 - i. on the owner’s property; or
 - ii. on the property of another person who has consented to the presence of the unleashed cat;the cat is at all times kept on a leash that is never longer than 20 feet in length and no longer than 6 feet in length when the cat is on a street, on a path or any other place that is not an open space or when people or other animals are within 20 feet of the cat;
 - d. ensure that the cat has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
 - e. where the cat defecates on any property other than the property of the owner, cause the excrement to be removed immediately in a sanitary manner;
 - f. ensure that the cat does not damage public or private property belonging to someone other than the owner;
 - g. ensure that the cat does not bite, wound or otherwise injure any individual or animal;
 - h. ensure that the cat does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and
 - i. ensure that a female cat that is in heat is confined on the owner’s property during the entire period that she is in heat.
- 5.3 The requirement set out in “vaccination for rabies” does not apply to the owner of a cat who can provide a written statement from a veterinarian declaring that vaccinating the cat for rabies is not advisable for medical reasons.
- Cat Permit Mandatory**
- 5.4 Subject to this By-law, if a cat over the age of six months is in the Long Plain First Nation, its owner must ensure that the cat has a valid cat permit issued under this section. This obligation does not apply to any cat owner who can provide proof that he or she owns the cat and is not a resident of the Long Plain First Nation.
- 5.5 In order to obtain a cat permit, the owner, who must be at least 18 years of age, must
- a. pay the permit fee and any other applicable fees; and
 - b. provide, in a form acceptable to the LPFN Fire Department any information reasonably required to administer and enforce this By-law.
- 5.6 If a cheque used to pay for a permit is returned for insufficient funds, the permit purchased by the cheque is void.
- 5.7 An applicant for a cat permit must provide accurate information when applying for a permit. In particular, an applicant for a cat permit must not provide incorrect information concerning whether a cat is sterilized.

- 5.8 A cat permit is not valid after its expiry date. In order to ensure that his or her cat has a valid cat permit, an owner must renew its cat permit before its expiration date.
- 5.9 A cat permit may not be transferred to another cat.
- 5.10 The permit fee set, by Council or Council's delegate, for a cat that is unsterilized must be higher than the permit fee for a cat that is sterilized.

Valid Tattoo

- 5.11 The owner of a cat must ensure that his or her cat is identifiable by a tattoo that has been registered with the LPFN Fire Department.

Impoundment of Cat Running at Large

- 5.12 A designated authority is authorized to impound a cat as having been running at large. In acting under this provision, a designated authority may require that a person turning over a cat do so at the facilities of the LPFN Fire Department or animal services agency.
- 5.13 Unless it is redeemed earlier under redemption of impounded cats, the designated authority shall impound or ensure that a cat is impounded
- c. for a minimum period of eight days in the case of a cat that is wearing a valid permit tag; or
 - d. for a minimum period of three days, in the case of any other cat.
- 5.14 If a cat being impounded is wearing a valid permit tag, a designated authority must notify the owner of the cat's impoundment. The owner is entitled to redeem the cat under "Redemption of impounded cats" at any time during its impoundment.
- 5.15 If a cat has been impounded for a period of time specified without having been redeemed, the designated authority is authorized to dispose of the cat in any manner he or she considers appropriate.

Use of cat traps

- 5.16 A designated authority is authorized to rent or loan cat traps to individuals for the purpose of capturing cats running at large on condition that the individual agrees to
- a. turn a captured cat over to the animal services agency or its designated agent for impoundment;
 - b. treat the captured cat humanely; and
 - c. comply with any other conditions imposed by the designated authority.
- 5.17 A person who borrows or rents a cat trap must comply with the terms and conditions imposed under subsection (1).

6.0 EXCESS ANIMAL PERMIT

- 6.1 In order to obtain a excess animal permit, the owner, who must be at least 18 years of age, must
- a. pay the permit fee and any other applicable fees; and
 - b. provide, in a form acceptable to the LPFN Fire Department any information reasonably required to administer and enforce this By-law.
- 6.2 If a cheque used to pay for a permit is returned for insufficient funds, the permit purchased by the cheque is void.
- 6.3 An applicant for a excess animal permit must provide accurate information when applying for a permit. In particular, an applicant must not provide incorrect information concerning veterinary documentation.
- 6.4 The excess animal permit is issued in respect of specifically identified dogs or cats or both dogs and cats, for a total of six animals over the age of six months, of which no more than four may be dogs or cats, or both dogs and cats. The excess animal permit is for a limited time and shall have conditions imposed on it.
- 6.5 An excess animal permit shall not be transferred to another dog or cat.
- 6.6 It is a condition of every excess animal permit that the permit holder must comply with this By-law, Land Code and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Land Authority Board is authorized to suspend or revoke the permit.
- 6.7 An excess animal permit applies to a specific person and to a specific parcel of land. It is not capable of being transferred to another person or to another parcel of land.
- a. An excess animal permit holder shall reapply and update their permit six (6) weeks prior to moving.
- Restriction on number of cats and dogs on property**
- 6.8 Subject to this section, unless the person holds a valid excess animal permit, no person may own, shelter, keep, have in his or her possession, or have on a single parcel of land of which he or she is the occupant or tenant a total of more than six animals over the age of six months, of which no more than four may be dogs or cats, or dogs and cats.
- a. The obligation in applies even though a person holds a valid service or companion animal permit issued under this By-Law.

Variation of conditional excess animal permit

- 6.9 There shall not be any variation or removal of conditions imposed on the excess animal permit.
- 6.10 The conditional excess animal permit shall be included or applied to a housing application and tenancy agreement. For greater certainty, the owner must provide all veterinary documentation with their housing application and/or tenancy agreement.
- 6.11 The housing applicant or housing tenant must, at least 14 days before the application is considered, serve the notice referred to in subsection 10 on the Long Plain First Nation by personal service, or by sending it by registered mail or personal delivery.
- 6.12 Before a decision is made to issue or refuse to issue an excess animal permit, the Council must consider written or verbal representations from any person who wishes to be heard.

Decision re: Excess Animal Permit

- 6.13 An excess animal permit may only be issued if the Land Authority Board considers that
- a. the dogs, cats or both dogs and cats for which the applicant is seeking a permit will not unduly annoy or disturb the occupants of nearby properties; and
 - b. the applicant can and will comply with this By-law and all other applicable legislation in respect of the dogs, cats or both dogs and cats for which the applicant is seeking an excess animal permit.
- 6.14 The decision of the Land Authority Board concerning an excess animal permit is final and binding, and may not be appealed.

7.0 IMPOUNDMENT AND QUARANTINE FOR RABIES OBSERVATION

- 7.1 Subject to this section, if
- a. a designated authority suspects that a dog has been exposed to rabies; or
 - b. a dog bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch, the designated authority is authorized to capture, impound and quarantine the dog at the facilities of an animal services agency for a period of no less than ten days from the day of the bite or scratch for observation.
- 7.2 If a designated authority gives notice to the owner of a dog that he or she is acting under the authority of subsection 7.1, the owner must surrender the dog to the designated authority for impoundment and quarantine immediately.

- 7.3 As an alternative to impounding and quarantining the dog under subsection 7.1, the designated authority is authorized to permit or require the owner of the dog, at the owner's expense, to
- a. have the dog quarantined at a veterinary clinic; or
 - b. have the dog quarantined on the property of its owner.

The designated authority is authorized to act under this subsection if he or she determines that the dog will be securely held and will not leave the property. The designated authority may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the dog is appropriately confined during the quarantine period. An owner who fails to ensure that the dog is securely held on the property or fails to ensure compliance with other conditions imposed by a designated authority commits an offence.

- 7.4 If a dog is quarantined at an animal services agency or on the property of its owner, a designated authority must observe it for symptoms of rabies. If it is quarantined at a veterinary clinic, the veterinarian must observe it for symptoms of rabies. If, during the quarantine period, it is determined to have rabies, the dog must be euthanized, if it has not already died or been euthanized. The dog's body may then be examined for proof of rabies at the expense of the owner of the dog.
- 7.5 If a dog impounded and quarantined at the facilities of an animal services agency is tattooed, a designated authority or enforcement agency must notify the owner of the dog's impoundment and quarantine.
- 7.6 A dog quarantined at an animal services agency, unless it is determined to have rabies, may be redeemed after its mandatory period of impoundment and quarantine has ended. If it has not been redeemed within 48 hours after the end of its period of impoundment and quarantine under this section, the Fire Department is authorized to dispose of the dog in any manner he or she considers appropriate.

8.0 OTHER ANIMALS

- 8.1 No person shall own, possess or have care and control of more than two animals at any time or in any place or premises on reserve lands.
- 8.2 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 owner.
- 8.3 No owner of an animal shall allow or permit that animal to be at large.
- 8.4 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.

- 8.5 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.
- 8.6 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.

Keeping commercial animals in violation of LPFN Land Code prohibited

- 8.7 Subject to this section, no person shall keep a commercial animal.

9.0 SEIZURE, SALE, AND DISPOSAL OF ANIMALS

- 9.1 Local police services may seize and impound any dog or animal at large on reserve lands.
- 9.2 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.
- 9.3 The Long Plain First Nation Fire Department or Manitoba First Nation Police Service may detain any dog or animal seized on reserve lands.

10.0 NOTICES

- 9.1 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
- 9.2 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.

11.0 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.

12.0 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.

13.0 COMING INTO FORCE

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

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

Read a second time the 3rd day of June 2019.

Read a third time and finally passed this ___day of June 2019.

14.0 ADOPTION AND ENACTMENT

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

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

Chief Dennis Meeches

Councillor Marvin Daniels

Councillor Liz Merrick

Councillor James Assiniboine

Councillor Stephen Prince