ALEXIS NAKOTA SIOUX NATION

ANIMAL CONTROL DOG BYLAW

By-Law No. 2022-001

Being An Animal Control Dog By-Law concerning the control of animals and to provide for the health and safety of all residents of the Alexis Nakota Sioux Nation.

WHEREAS the Chief and Council of the Alexis Nakota Sioux Nation maintains itself as a sovereign Nation and affirms its inherent rights to live according to traditional, customary, spiritual, and natural laws of the Creation as recognized by the making of Treaty with the British Crown in 1876;

WHERE AS, The Alexis Nakota Sioux Nation has and continues to exercise an inherent aboriginal and treaty right to self-government that is recognized and affirmed by section 35 of the Constitution of Canada [1982]c 11.

WHERE AS, nothing in this By-law misconstrues, or derogates any treaty right pursuant to Treaty Six and Nothing in this By-Law shall deem to alter, diminish the spirit and intent of our Treaty Rights and the inherent rights as understood by the Alexis Nakota Sioux Nation peoples who are signatory to Treaty Number Six in the State of Canada.

WHEREAS Section 81 (1) of the Indian Act, R.S.C.,1985, 1-4, Empowers the Council of an Indian Band to pass by-laws to provide for the health of residents on the reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals, in addition to, matters arising out of or supplementary 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 Alexis Nakota Sioux Nation (ANSN) believes the uncontrolled ownership, breeding and running at large of animals may be detrimental to the health of the residents on reserve, and a nuisance to such residents:

Definitions:

1. Citations: This by-law may be cited as "The Alexis Nakota Sioux Nation Dog Control By-law"

In this By-Law:

(a) **"At Large"** or "Running at large" means off the property occupied of the Dweller, or by the owner of the Dog while not restrained by a leash or muzzle or under immediate, effective and continuous control of the owner;

(b) **"Dog"** includes any Dog, male or female member of the canine family or any animal that is the result of the breeding of a Dog and any other animal; of the species canis familiaris [domesticated descendant of the wolf].

(c) **"Dwelling"** means each single unit being a fully detached home, a semi-detached home, a multiple attached home, an apartment home and any building used or intended to be used for human habitation and in which normal domestic functions may be carried on;

(d) **"Extraordinary Expense"** means any expense incurred by ANSN Animal Control, in relation to a Dog for provision of medicine, food and shelter;

(e) **"Fierce/Vicious "** means any Dog which has bitten or attacked another animal or human without provocation; common types of vicious dogs are German Shepherds, Pit Bull Terriers, Cane Corsas, Mastiffs, Rottweilers, Staffordshire Terriers, Akitas & Great Danes or Hound Dogs.

[f] **"Dangerous Dog",** means any dog that has been deemed dangerous by an animal control officer or peace officer, after an investigation has been conducted. Which includes the dangerous dogs act, R.S.A., 2000 Chapter D-5

(f) **"ANSN Animal Control Officer"** for the purpose of this By-Law shall be the Pound Keeper, herein identified as the ANSN Community Humane Society (ANSN CHS). The Animal Control Officers shall provide for the administration and enforcement of this By-law and more specifically receive registrations and issues identification licenses/tags under this By-Law;

(g) **"Alexis Nakota Sioux Nation"** means the reserved area or areas of the ANSN lands as indicated by the lands department and where residents live and frequent on the Nation. Whereby, **"Reserved lands"** means lands reserved for the people of all Alexis Nakota Sioux Nation, which includes Whitecourt #232, Eagle River #233, Cardinal River #234, and Alexis #133.

(h) **"Muzzle"** means to secure a Dog's mouth in such a fashion that it cannot bite anything;

(i) **"Owner"** means the owner of a Dog and any person who possesses, has the care or control of or harbors a Dog and where such a person is a minor, includes a parent, guardian or custodian of such a person; and is a member of Alexis Nakota Sioux Nation and has received approval to be a registered owner of a dog on lands reserved for the people of Alexis Nakota Sioux Nation.

(j) "**Notwithstanding**" means despite, in spite of, regardless of the proven attack perpetuated by any Dog on-reserve, happened off-reserve;

[k] "**Domestic Dogs**", all dogs weighed under 5 [kg] are considered in-door housed dogs.

[l], "**Registered Visitor**", means any non-band members granted permission of dog registration to enter the "reserved lands" of the people of Alexis Nakota Sioux Nation. Which includes band members who have been granted an extended a stay of visitation by a permanent resident residing on Alexis Nakota Sioux Nation "**Reserved Lands**".

[m] "**Pit Bull Dog**" means a Dog that,

(a) is a pit bull terrier, or

(b) is of the Staffordshire Bull Terrier breed, or

(c) is of the American Staffordshire Terrier breed, or

(d) is of the American Pit Bull Terrier breed, or

(e) Bullmastiffs, or

(f) Boxers, or

(g) Cane Corso, or

(e) has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in any of clauses (b) to (d), having regard to the breed standards established for Staffordshire Bull Terriers, American Staffordshire Terriers or American Pit Bull Terriers by the Canadian Kennel Club.

[n] "**Rottweiler**" "known in German as Rottweiler Metzgerhund, meaning Rottweil butchers' dogs"

APPLICATION

1. **Animal Control By-law Application:** This By-Law applies to all Owners of all Dogs residing or visiting in Alexis Nakota Sioux Nation.

2. Registration:

3. The Owner of any Dog shall register such Dog with the ANSN housing department and include a veterinarian certified ownership and tracking chip license at the time of application.

4. Subject to section 7, every Owner of a Dog shall, within ten (10) days of having become an Owner, register such Dog with ANSN housing department and obtain from ANSN Animal Control a license for such Dog.

5. **To register a Dog,** an Owner shall pay the registration fee of $100 per/dog as set by Alexis Nakota Sioux Nation Chief and Council. And from time to time, in a recorded resolution and shall supply ANSN Animal Control the following:

(a) Name, House Number, mailing address and telephone number of the Owner;

(b) Name and breed of the Dog;

(e) Identification information such as micro-chip implants, tattoos or special marking; and,

(c) Description of a Dog including whether the Dog is male or female, spayed or neutered or un-neutered as the case may be;

And, at the discretion of the Owner, the following additional information may be given:

(d) A photograph of a Dog;

(f) The name of the veterinary clinic frequented be the Dog and veterinary file ID number.

6. **Registration** shall be effective until the last day of December for the then current year of registration.

7. The registration license renewal fee shall be an annual fixed amount of $50.00 as set by Alexis Nakota Sioux Nation.

8. The registration fee includes the following:

[a] max of 2 dogs outside dogs

[b] Alexis Nakota Sioux Nation dog registration and certification.

[c] Name, Gender, Age of Animal

[d] Evidence establishing that the dog is spayed or neutered and immunization history

[e] The name, on-reserve location and on-reserve owner contact.

(F) 10 kg is determined inside dogs only

DOG OWNERSHIP

9. **The Owner of every Dog** shall keep on the Dog a collar with the license issued for the Dog by ANSN Animal Control at the time of registration and such license shall always be kept securely fixed on the Dog during the-year until replacement license is issued.

10.**The Owner of every dog registration with an ANSN license** issued under this By-Law shall not be transferrable from one Dog to another, or from one Owner to another unless the transfer is approved in writing by the ANSN Animal Control Officer.

11. **The owner of all Dogs registered** on the reserve must ensure they are properly and safely immunized in accordance with generally accepted Alberta veterinary standards.

12. **The Owner of any Dog exposed to** rabies shall on demand by ANSN, surrender such Dog to ANSN to be held by the Animal Control Officer in quarantine for a period of 14 days and such Dog shall not be released from such quarantine without the written permission of the ANSN Medical Officer of Health.

13. **No owner shall allow a female Dog** in heat to remain in any public place unless the Dog is attached to a leash and is accompanied by and is under the observation and control of the Owner or his/her agent; the Owner of a Dog that fails to do so, is guilty of an offense.

14. **No Owner shall allow his/her Dog to remain unfed,** without water or safe shelter whereby it either amounts to cruelty or causes the Dog to become a nuisance.

15. No Owner or person shall punish or abuse a Dog in a manner which is cruel or unnecessary.

16. **Upon demand of the Alexis Nakota Sioux Nation Council, the Owner of any Dog** shall forthwith surrender to the Animal Control Officer any Dog which had bitten any person, or which has been exposed to rabies to be held in quarantine at the discretion of the ANSN Medical Health Officer.

17. Any Dog found to be infected with rabies shall be destroyed by its Owner or by the Animal Control Officer at the Owner's Expense.

(a) No damages or compensation may be recovered because of the destruction of a Dog by the Animal Control Officer pursuant to subsection (1).

Breeding

18. No person may establish, own or operate an establishment or facility for the boarding, breeding or treatment of canine animals within the limits of the Reserve, without express written authorization to that effect from the ANSN, by way of Band Council resolution.

Requirements

1. Active veterinarian care
    - Current rabies vaccination.
    - Letter from a veterinarian supporting the breeding of a specific dog or cat
2. History of responsible pet ownership

3. Inspection of the breeding property
    - Clean and sanitary conditions.
    - Little or no animal-related odours.
    - Ample room for enrichment.
    - Wholesome food and water.
4. Limits
    - Limit of one litter per year.
    - No more than four litters over the life of the animal.

Defecation:

19. (a) The Owner of a Dog shall forthwith remove any defecation left by the Dog on any public property or private property other than the Owner's property.

(b) The owner or any other person having care or control of a Dog shall ensure that Dog feces on the Owner's property does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to other individuals.

Limitation on Animals per Dwelling:

20. (a) No more than two Dogs shall be kept, harbored or possessed in any dwelling on ANSN Reserve. (no limitation 10kg Dogs)

(b) The provisions of subsection (19-A) do not apply where the Dog is less than four (4) months of age to 16 weeks.

Control and Pound

21. ANSN Administration shall be responsible for the enforcement of this By-Law. Where it has been satisfied that a Dog is subject to the provisions of this By-Law, the ANSN Animal Control Officer is authorized to take custody of, control, impound or destroy any Dog in accordance with this Bylaw.

Pound Inclusions:

[a]. Or any dog subject to the by-law, Chief & Council deemed necessary for impounding or control.

[b]. Any dog that has been deemed abandoned after 72hours, subject to 21 [c].

Impounding:

22. Upon notice to or following a complaint against the Owner, ANSN will impound any Dog that:

a) **dangerous dog running at large contrary to this By-Law;**

b) is not wearing a license or tag as required by this By-Law;

c) is not registered pursuant to this By-Law;

d) **is deemed a dangerous dog;**

Upon receiving a complaint from any person, the ANSN By-Law Animal Control Officer is authorized to investigate, capture and impound any Dog or Domestic Dog, in cases where the animal is:

(a) The Dog Owner of the Dog or Domestic Animal is found to be non-compliant with this By-Law.

(b) Any Dog which has not been redeemed by its Owner at the expiry of a period of 72 hours after being impounded may be adopted out or destroyed by the Pound Keeper and if sold, the proceeds shall belong to the Alexis Nakota Sioux Nation.

[c] Whenever the 72 hours of impounding time expires on the weekend or public holiday, the Pound Keeper shall hold such until the expiry of the first business day following the weekend or public holiday to permit the Owner to redeem the Dog.

Notice:

23. Upon any Dog being impounded, the Pound Keeper shall check for a license and if a license is found, the Pound Keeper shall make an attempt to contact the registered Owner of the Dog using the license number on the records of Alexis Nakota Sioux Nation.

24. Dogs Running At Large:

[a] Any Dog which is off the premises occupied by the Owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purpose of this By-Law.

[b] In ANSN, the Owner of a Dog shall, while the Dog is off the property occupied by the Owner, keep the Dog under control by means of a harness or leash, and the Dog shall be deemed to be running at large where the Owner fails to use such apparatus.

[c] Every owner of a dog shall at all times while the dog is on the premises of the Owner, keep the dog confined in a safe and equitable enclosure.

[d] Any dog off the property of the owner shall be on a 2-meter leash certified by the Alberta Veterinarian Association.

25. Fierce/Vicious or Dangerous Dog:

For the Purpose of this By-Law a Dog that is fierce/vicious or dangerous includes, but is not limited to, any Dog:

i. that, in the absence of a mitigating factor as defined herein, has attacked or injured a person, notwithstanding time and place;

ii. that, in the absence of a mitigating factor as defined, has attacked or injured a domestic animal, notwithstanding time and place;

iii. that, in the absence of a mitigating factor as defined, demonstrates any ferocious, vicious or aggressive behavior;

iv. that, in the absence of a mitigating factor, an Animal Control Officer, upon the reasonable and probable ground, believes to be a fierce/vicious Dog;

v. that, in the absence of a mitigating factor, approaches a person in an apparent attitude of attack upon streets, sidewalks, any public grounds, or places or on private property other than the property of the owner;

vi. owned or harboured in whole or in part for the purpose of an organized Dog fight;

vii. trained for dog fighting.

26. Dangerous Dog

For the purposes of this by-law, dangerous dog means any canine animal which meets two or more of the following conditions:

[a] A dog that has attacked bitten or caused permanent injury or death to a person.

[b] A dog that while at large, has attacked, bitten or killed or caused permanent injury to an individual or animal.

[c] A dog that has been deemed a dangerous dog by a peace officer or animal control officer subject to terms and conditions of the dangerous dog bylaw of Alexis Nakota Sioux Nation.

[d] "**Mitigating Factor**" means a circumstance which excuses the aggressive behavior of a Dog where:

i. the Dog, at the time of the aggressive behavior, attacked or injured any trespasser on property occupied by its owner;
ii. ii. the Dog immediately prior to the aggressive behavior was being accused or tormented by the person attacked or injured.

27. Prohibited Breeds

Alexis Nakota Sioux Nation Animal Control Dog Bylaw allows the banning of specific breeds of dogs and is based only on the breed of dog (not specific behaviour). All these specified breeds and hybrids put the communities' safety at risk. The ANSN Animal Control Officer has been given the authority to enter homes or the private property of any person and remove the dogs. Breeds that are banned include any Pitbull or hybrid mix including Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Cane Corso, Boxer, Bullmastiff, Dogo Argentino, Rottweiler, Dobermann, Malamute, Pinscher and all cross or hybrid breeds of these.

28. Prohibitions within Specific Areas of the Reserve:

i) The Council may at any time prohibit the keeping of Dogs deemed dangerous or vicious within any area of the Reserve;

ii) Notice of any prohibition made by Council pursuant to subsection (i) shall be posted in the ANSN Administration office and after the date of the posting of such notice, no person allows within the prohibited area;

29. General Prohibition:

Notice: Anyone owning a fierce/vicious Dog, or aggressive Dog must post a clearly visible sign notifying the public.

Owner of a Dog shall always keep the Dog safely tethered or penned up; ii) A Dog must not be tethered or penned up as provided in subsection (i) if the Dog:

a) is held on a leash by a person capable of restraining the Dogs' movements;

b) is being used by the owner for cultural aide in hunting or trapping on reserved lands;

c) is being used by a person to work in a lawful manner;

d) is being used by a person as a therapy Dog(the animal will need documentation as medical need and register as such); or

e) is used by a visually impaired person as a guide Dog.

F) the dog leash must meet the guidelines of the Alberta veterinarian association and be at least the appropriate length for the size of the dog, where the metal collar forms part of the Tether.

31. Destroyed if Unable to Seize:

(a) Where the Animal Control Officer, after reasonable effort, is unable to seize a Dog that is running at large, contrary to the provisions of this By-Law, the Officer may destroy the Dog;

(b) No damages or compensation may be recovered because of the destruction of a Dog by the Animal Control Officer pursuant to subsection (1).

(c) The dog has been the subject of an order or direction of a court pursuant to the dangerous dog's act, R.S.A., 2000 Chapter D-5

32. Protection from Fierce or Dangerous Dogs: (a) A person or Animal Control Officer may euthanize, if necessary, a fierce/vicious Dog which is running at large and is in the act of

pursuing, attacking, injuring, damaging, killing or destroying: a) a person; or b) another Dog (or cat) that is tethered.

(b) A person or Animal Control Officer who must euthanize a fierce/vicious Dog, pursuant to section 38 (1), shall immediately report the incident to the ANSN or Animal Control Officer and notify the Dog's Owner.

(c) No damages or compensation may be recovered because of destroying a Dog by a person or Animal Control Officer who is required to do so pursuant to subsection 38 (1).

33. Disclaimer:

The Alexis Nakota Sioux Nation Council is not liable for any injury or damages caused by any Dog on reserve under this By-Law. The Owner or Keeper of any Dog on-reserve, shall at all times, be strictly responsible and legally for the behavior of any Dog under their care, control or otherwise, and the consequences thereof on private or public property.

34. Penalty: Any person who contravenes any of the provisions of this By-Law is deemed liable to a summary conviction of a fine of not more than $1,000 dollars, pursuant to S.81[1] Of the Indian Act. Any person who contravenes the terms of this by-law is subject to the prohibition of dog ownership for a term of period up to 24 months or to both a fine and prohibition. Any person deemed to be fined by the **Alexis Nakota Sioux Nation Dog Control By-Law Officer.**

35. Appeal: Any recommendations of Alexis Nakota Sioux Nation Customary Laws On-reserve which includes, from the Alexis Nakota Sioux Nation Elders will be granted consideration

36. Amendments: These by-laws can only be amended by a quorum of Chief and Council at a duly convened meeting.

THIS BY-LAW IS HEREBY made at a duty-convened meeting of the Alexis Nakota Sioux Nation Council on the 6 day of February 2023

The quorum for the Band Council is Council Members

Chief _____ Council _____

Council _____ Council _____

Council _____ Council _____

Council _____ Council _____