

ENGLISH RIVER FIRST NATION

By-Law No. 2023-07

WHEREAS Council of English River First Nation deems it advisable and in the best interests of English River First Nation to enact a law to regulate the keeping of within English River First Nation lands;

NOW THEREFORE Council of the English River First Nation enacts the following law:

1. TITLE

1.1 This law may be cited as the "Dog Control By-Law".

2. PURPOSE

2.1 The purpose of this Law is to regulate pets and potentially dangerous domestic animals on the First Nation to protect citizens and property to ensure the members and residents can enjoy their pets without causing danger to other members, residents and property.

3. JURISDICTION

3.1 The provisions of this law apply to the while area of the English River First Nation.

4. DEFINITIONS

4.1 For the purposes of this Law, the following definitions apply:

(a) "**Community Safety Officer or CSO**" means a Community Safety Officer appointed by Council and includes by-law enforcement officer and Special Constable.

(b) "**Dangerous Dog**" means a Dog that meets any one or more of the following conditions:

- i. A Dog that has attacked, bitten or caused injury, with or without provocation, to a person or has demonstrated a propensity, tendency or disposition to do so;
- ii. A Dog that, while running at large, has bitten, killed or caused injury to a domestic animal;
- iii. A Dog that, while running at large, has aggressively pursued or harassed a person or domestic animal;
- iv. A Dog with a known propensity to attack or injure a person without provocation;

- v. A Dog owned or harboured primarily, or in part, for the purpose of Dog fighting or a Dog trained for Dog fighting;
- vi. A Dog that has been determined to be dangerous or aggressive by the CSO under this By-Law, by another government or by a court.

(c) "**Dog**" means any animal of the canine species.

(d) "**Domestic Animal**" means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people.

(e) "**Enclosure**" means a fence, pen, run or other structure, built in accordance with criteria established by Council, from time to time, suitable to prevent the entry of young children, and suitable to confine a Dog, in conjunction with other measures which may be taken by the Owner or keeper, such as tethering.

(f) "**First Nation**" means English River First Nation.

(g) "**Impounded**" means seized, delivered, received, or taken into the Pound, or into the custody of the Pound keeper as provided in this By-Law".

(h) "**Kennel**" means a house or range of buildings in which a Dog or Dogs are kept for the purpose of boarding or breeding.

(i) "**Leash**" means a rope, chain, cord, leather strip or other device attached to the collar of a Dog capable of controlling and restraining the activity of a Dog in a manner which conforms to requirements of this Law.

(j) "**Noise**" means continuous barking, howling or yelping sounds lasting more than 5 minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of 5 minutes or longer in any 15-minute period which sounds are repeated again within 72 hours.

(k) "**Non-Resident**" means a person who is not a resident of the First Nation and includes any person who is residing within the First Nation for a short duration and who has not taken up permanent residency.

(l) "**Owner**" means any person:

- i. To whom a licence for a Dog has been issued pursuant to this law;
- ii. Who owns, is in possession of, or has the care or control of any Pet or animal; or

- iii. Who harbours, shelters, permits or allows any Pet or animal to remain on or about the Owner's land or Premises.
- (m) "**Pet**" means any domesticated animal other than Livestock or Poultry kept within a residence or on real property for other than commercial purposes.
- (n) "**Pound**" means a facility designated by Council as a dedicated impoundment facility for Pets.
- (o) "**Poundkeeper**" means the person or persons appointed from time to time by Council to be Poundkeeper, or the authorized agent of any corporation, society, governmental body or other organization with whom Council has an agreement to act as Poundkeeper, including their assistants.
- (p) "**Premises**" means a store, office, shop, building, home, warehouse, factory, structure, Enclosure, temporary or permanent stand, yard, or other definite area occupied or capable of being occupied by a Person.
- (q) "**Public Place**" includes any highway and any real property owned, held or operated or administered by the First Nation.
- (r) "**Run at Large**" with reference to a Dog means:
 - i. A Dog located elsewhere than on the Premises of the person owning or having the custody, care or control of the Dog this is not under the immediate charge and control of a responsible and competent person
 - ii. A Dog located upon a highway or other public place, including school ground, park or public bench, that is not secured on a leash to a responsible and competent person; or
 - iii. A Dangerous Dog that is on the premises of the Owner that is not contained in an Enclosure or securely confined within a dwelling

And **running at large** has a corresponding meaning and includes a Dog without a leash located in a designated "off leash" area within a park is not "running at large" for the purposes of this Law provided that the Dog is otherwise under the immediate charge and control of a responsible and competent person.

- (s) "**Seize**" includes impound and detain.
- (t) "**Unlicensed Dog**" means any Dog over the age of three (3) months that is not licenced by the First Nation or is not wearing a current valid Dog Licence tag.

5. LICENSING OF DOGS

- 5.1 No person will own, keep, harbour or possess, within the First Nation, a Dog over three (3) months of age unless a licence for the Dog has been obtained.
- 5.2 The Owner of every Dog must, annually on or before the last day of January of each year, or as soon thereafter as such Dog attains the age of three (3) months, cause the Dog to be registered, numbered and described and licenses in the administration offices of the First Nation and must cause the dog to wear around its neck a leather, fabric or metal collar to which must be attached the metal tag referred to in section 5.8 of this By-Law.
- 5.3 The licence will be issued by the CSO, and applications for licences may be made to the CSO, or any other person duly authorized to received applications for licences. Every licence will be distinguished by a number. A record will be kept by the CSO of all licences issued, and for the purpose of identification, will include a general description of the dog in respect of which the licence was issued.
- 5.4 A Non-Resident Dog owner will, at the expiry of thirty (30) days residency upon the First Nation, cause that Dog to be registered, numbered, described and licenced as outlined in Sections 5.2 and 5.3 of this By-Law.
- 5.5 Every application for a licence must be accompanied by a licence fee payable to the First Nation, as set out in Schedule "A" to this By-Law, or such other agency with whom the First Nation has an agreement to collect such fee.
- 5.6 A late fee will be payable by the Owner of any Dog, if the application licence fee is not paid in full prior to the last day of January of the licencing year, as set out in Schedule "A" to this By-Law.
- 5.7 All Owners of seeing eye and hearing aid guide dogs are required to obtain a licence, but here will be no charge for the licence.
- 5.8 Every licence issued under this By-Law will be for the calendar year in which the licence is issued and will expire on the thirty-first (31st) day of December next following the date on which the licence was issued. There will be issued with each licence a metal tag which will be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the year in which the licence expires.

- 5.9 Where the Owner of a Dog in respect of which a licence is issued under this By-Law sells or otherwise ceases to be the Owner of the Dog, the licence, in respect of that Dog, is cancelled.

Kennel

- 5.10 No person may keep or harbour more than three (3) Dogs in or on any Premises on a parcel of land with the First Nation unless a Kennel licence is held.
- 5.11 Every person who keeps or harbours four (4) or more Dogs is deemed to operate a Kennel and must obtain a Kennel licence.
- 5.12 Any Owner raising, training or keeping more than three (3) Dogs is required to obtain a Kennel licence.
- 5.13 Applications for a Kennel licence may be made to the CSO, or to any other person duly authorized by Council to receive these applications and must be accompanied by the applicable Kennel licence fee payable in accordance with section 5.5 of this By-Law. Kennel licences will be issued by the CSO. Issuance of a Kennel licence is conditional on a Kennel structure being built in accordance with the standards for Dog Kennels established by Council, from time to time, and which structure is approved by the CSO.
- 5.14 A Veterinary hospital is exempt from the requirements of obtaining a Kennel licence.
- 5.15 Schedule "A" to this By-Law shall set out the fees payable pursuant to this By-Law, in respect of licencing, seizure of Dogs and destruction of Dogs.

6. CONTROL OF DOGS

- 6.1 No Owner of animals shall allow their animals to run at large.
- 6.2 No Owner will take or allow any Dog onto any public beaches, swimming areas, parks, or school grounds unless the park or public area has been otherwise designated by Council and posted to allow for Dogs in the area.
- 6.3 Council may, from time to time, designate specific parks or public areas to allow either for Dogs on Leash or for Dogs off Leash.
- 6.4 All Dogs while outside and not under effective control on a Leash held by a competent person in urbanized areas or under the immediate care and effective control of a responsible and competent person in rural areas, must

be kept in an Enclosure in the back yard, which Enclosure must be constructed in accordance with the standards for Enclosures established by Council from time to time.

- 6.5 No Owner will tie, secure, tether or pen any Dog in a front yard or within 1.5 metres (5 feet) of any side or backyard property line.
- 6.6 No Owner will tie, secure, or tether any Dog except in a backyard and the tethering system must allow adequate freedom of movement, with a minimum of 3 metres (10 feet) radius.
- 6.7 Notwithstanding section 6.3 hereof, where a back yard of a property is fully enclosed with a secure fence and a self-locking gate which will effectively prevent any Dog from escaping therefrom, a Dog may be allowed to roam free anywhere therein.
- 6.8 It will be unlawful for a person to have a Dangerous Dog:
 - 6.8.1 In a street or in a public place or other place that is not owned or controlled by the person unless the dog is Leashed, controlled and effectively muzzled to prevent it from biting another animal or person; or
 - 6.8.2 On the Premises owned or controlled by the person and is not kept securely confined either indoors or in an Enclosure required under this By-Law.
- 6.9 No Owner of a Dog will allow a Dog to run at large within the First Nation. This prohibition does not apply to a Dog that is under the charge and control of:
 - 6.9.1 A responsible and competent person and is actively engaged in Dog Trials, Dog shows, or other similar activities; or
 - 6.9.2 A CSO, enforcement officer or other person employed for the preservation and maintenance of the public peace, an officer or a person having the powers of a customs and excise officer when performing a duty in the administration of the federal *Customs Act* or *Excise Act*, or an officer or member of the Canadian Forces, or a duly licenced and qualified security guard, while in the course of performing lawful duties.
- 6.10 On receipt of a complaint of a Dog running at large or a Dog tied, secured or tethered in violation of sections 6.5 and 6.6, a Dog Owner will be required within fourteen (14) days to erect a secure fence or pen in accordance with the standards for Enclosures established by Council from time to time. If

the fence or pen is not built within fourteen (14) days, a charge may be paid pursuant to the provisions of this By-Law.

- 6.11 No person being the Owner or occupant of any private Premises on a parcel of land with the First Nation will permit, allow or suffer the Noise of barking, yelping or howling sounds from a Dog(s) to be caused or made at the private Premises owned or occupied by that person in a manner that can easily be heard or otherwise perceived by an individual who is not at the same private Premises.

7. EXCREMENT

- 7.1 No Owner of a Dog will allow or suffer the Dog to leave or deposit any feces or excrement in any public property or any park, boulevard or road allowance unless the person immediately removes the feces or excrement and disposes of it in a sanitary manner.
- 7.2 No Owner of a Dog will allow or suffer the Dog to leave or deposit any feces or excrement in any private property not in the care and control of the Dog Owner or onto private property on which the Dog Owner has not been invited, unless the person immediately removes the feces or excrement and disposes of it in a sanitary manner.

8. IMPOUNDING OF DOGS

- 8.1 Council will itself, or contract to, establish and operate a Pound for the impounding of Dogs pursuant to the provisions of this By-Law.
- 8.2 Council will, from time to time, as may be required, appoint or contract with a Poundkeeper, who will operate a Pound for the impounding of Dogs pursuant to the provisions of this By-Law.
- 8.3 The CSO is authorized to seize any Dog found running at large, or any dog that is not securely fenced or penned in accordance with standards for Enclosures established by Council, from time to time, or any Dog which is tethered contrary to section 5.5 or 5.6 of this By-Law, or any Dog which is unlicensed or is not wearing a tag as referred to in sections 5.1 and 5.2 of this By-Law or any Dog which is found running at large contrary to section 6.1.
- 8.4 The CSO will, immediately after making the seizure under section 8.3, cause for the Dog to be Impounded, and the Poundkeeper will retain the Dog, as the case may be, for seventy-two (72) hours, and if the Dog is not reclaimed or the infraction is not remedied within eh seventy-two (72) hour period, it will be the duty of the Poudkeeper to cause the Dog to be sold or

humanly destroyed or to take such further measures as the Poundkeeper determined to be necessary.

- 8.5 Notwithstanding the provisions of section 8.4 of this By-Law, the Owner of a Dog will, upon written request, be allowed to leave the Dog in the Pound for up to fourteen (14) days while an Enclosure required pursuant to section 6.10 is being constructed, without the Poundkeeper selling or humanely destroying the impounded dog after seventy-two (72) hours as provided in this By-Law.
- 8.6 It is the duty of the Poundkeeper to receive any Dog delivered to him which has been seized or Impounded pursuant to the provisions of this By-Law, and to retain the Dog and deal with it in the manner as other Dogs seized, received and retained by him, pursuant to this By-Law.
- 8.7 If the Owner of an Impounded Dog is known to the Poundkeeper, the Poundkeeper will immediately notify the owner by mail or telephone in accordance with the form of Impounding Notice established by Council, from time to time.
- 8.8 If an Owner contacts the Poundkeeper and requests that their Dog be taken away and destroyed, the Poundkeeper may direct the CSO to call for and take away the Dog and may humanely destroy or otherwise dispose of the Dog.
- 8.9 The Owner of a Dog Impounded under this By-Law, may reclaim their Dog on application to the Poundkeeper after providing proof of ownership and payment in full of all applicable license, penalty, impounding and maintenance fees, and where the Dog is a Dangerous Dog, demonstrating that an Enclosure is available for that dangerous Dog at their normal Premises.
- 8.10 Notwithstanding sections 8.4, 8.5 or 8.6, where a Dangerous Dog has caused injury to a person or a domestic animal, the Poundkeeper may humanely destroy the Dog.
- 8.11 The CSO may, where he has reason to believe that either a Dog for which the license for the current year has not been paid, or a Dog not bearing the collar and tag as required by sections 5.1 and 5.2 of this By-Law, has taken refuge on any Premises, request the occupant of the premises to satisfy him that the requisite licence has been paid for and to exhibit the requisite tag, or to forthwith deliver to him the Dog; and where any Dog is found to be on any such premises to produce the license and tag for the Dog. Any person, who fails or refuses to produce the license receipt and tag, or who fails, neglects, or refuses to deliver the Dog on request, and who resists or interferes with the CSO in seizing the Dog, is deemed to be guilty of an infraction of this By-Law.

- 8.12 It is unlawful for any person to release or rescue or to attempt to release or rescue any Dog lawfully in the custody of the Poundkeeper or CSO, and no person may intervene or otherwise interfere with the Poundkeeper or CSO in the lawful exercise of their respective duties.
- 8.13 Where the Owner is not known or the Owner so notified pursuant to section 8.7 of this By-Law, does not within three (3) days of impoundment or notification, as the case may be appear at the Pound and reclaim their impounded Dog by payment of the applicable charges, in accordance with the provisions of this By-Law, the Poundkeeper may sell or humanely destroy the Dog as provided for in this By-Law.
- 8.14 The Poundkeeper must not allow a person to adopt any Dog unless that person firstly pays in full all applicable license fees and secondly, can demonstrate that there is adequate fencing or an adequate pen provided, or signs a declaration that they will provide a fence or pen in accordance with the standards for Enclosures established by Council, from time to time. The new owner must be allowed fourteen (14) days to cause the fence or pen to be constructed, and if the fence or pen is not constructed at the expiry of the fourteen (14) days, a fine may be imposed pursuant to the provisions of this By-Law. Apartment dwellers are exempt from this fence or pen requirement.
- 8.15 Every owner or other person entitled to the possession of a Dog which has been Impounded must within seventy two (72) hours upon being notified or becoming aware of such impounding, reclaim the Dog in accordance with the provisions of this By-Law.
- 8.16 If the Pound is broken into and the Dog escapes and gets back to the possession or custody of the Owner or any person caring for the Dog, the Owner or person will still be liable for the payment of fees and expenses chargeable and recoverable under section 8.9 of this By-Law
- 8.17 When selling or adopting out a Dog to a person other than the previous Owner, the Poundkeeper must ensure that the dog is neutered or spayed, and if neutering or spaying is required, must charge the veterinary fee to the purchaser.

9. RIGHT OF ENTRY

- 9.1 The CSO is authorized to enter, at all reasonable times, upon any parcel of land within the First Nation that is subject to any of the terms and conditions of this By-Law, in order to determine the health and well-being of any Dog within the premises and to ascertain whether the provisions of this By-Law are being obeyed.

- 9.2 Where the CSO or the Poundkeeper is satisfied that the Dog is not receiving proper care, treatment or shelter or is being kept on any premises contrary to the provisions of this By-Law, they are each authorized to enter upon any parcel of land or premises within the First Nation in order to control, impound or destroy any Dangerous Dog, or wounded or sick Dog.

10. DOGS CAUSING INJURY OR DAMAGE

- 10.1 A CSO, or other person(s) or agencies authorized by Council for the purpose of this By-Law, may destroy Dog(s) if the Dog(s) are found:

10.1.1 running at large in packs

10.1.2 attacking or viciously posing a person or a domestic animal

11. DOGS RUNNING AT LARGE

- 11.1 A CSO may take a dog that is running at large into custody and Impound the Dog pursuant to the provisions of this By-Law.

- 11.2 If a Dog that is taken into custody under 11.1 is apparently Ownerless, the CSO may:

(a) release the dog to any person who:

- (i) obtains a valid and subsisting licence for the dog, and pays the applicable impounding fee; and
- (ii) is, in the opinion of the CSO, capable of owning and being responsible for the Dog; or

(b) destroy the dog.

- 11.3 If a Dog that is taken into custody under 11.1 is licensed or if the owner of the Dog is ascertained, the CSO must release the Dog to the Owner on payment of the applicable impounding fee.

12. ORDER TO DESTROY A DOG

- 12.1 On being satisfied that a Dog has killed or injured, or is likely to kill or injure, a person or a domestic animal, the Poundkeeper or the CSO may, apply to the Provincial Court for an order that the Dog, as the case may be, be killed in a manner specified in the order.

- 12.2 A CSO may, with the consent of the Poundkeeper, or the person whom Council may in writing designate, and on being satisfied that the situation is urgent and an application cannot reasonably be made to the Provincial Court under 12.1, make an order under 12.1.
- 12.3 A consent under 12.2 must be in writing, if however the Poundkeeper, the CSO or the person designated under 12.2 is of the opinion that the situation is urgent, then they may give a consent verbally or by means of an electronic communications device.
- 12.4 An owner who requests that their Dog be humanely destroyed or otherwise disposed of by the Poundkeeper must first complete the form of Consent established by Council, from time to time.
- 12.5 A dog which is to be humanely destroyed will be destroyed under direct supervision of a person authorized to practice veterinary medicine in the Province of Saskatchewan.

13. TRANSIENT DOGS

- 13.1 A Dog that has attached to its collar or harness a valid and subsisting licence tag issued by any jurisdiction outside Saskatchewan must not be considered ownerless, but it is subject to every other provision of this By-Law.

14. FEES AND FORMS

- 14.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this By-Law, and will post notice of same in a public area of the administration building and make a copy of same available for viewing free of charge at the administrative offices.

15. OFFENCES

- 15.1 No person shall obstruct, interfere with or hinder Council, the CSO, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this By-Law.
- 15.2 Any person who violates any of the provisions of this By-Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-Law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this By-Law, is guilty of an offence under this By-Law, and is liable to the penalties imposed by this By-Law.

- 15.3 Each day a violation of this By-Law continues will be deemed to be a separate offence for which a fine may be imposed.
- 15.4 Any person who is guilty of an offence under this By-Law is liable, on summary conviction to a fine as set out in Schedule "B" to this By-Law. All fines shall be payable to the First Nation.


16. APPEAL

- 16.1 Any decision of a CSO or agent or Poundkeeper, including an Offence and Ticket set out at Schedule "B" to this By-Law, may be appealed to Council of the First Nation within fourteen (14) days of the decision or offence.
- 16.2 Council has the discretion to apply, deny or alter the decision of the CSO, agent or Poundkeeper.
- 16.3 The decision of Council shall be final and binding.

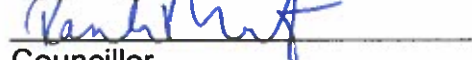
17. APPLICATION OF BY-LAW

- 17.1 Where any federal Act or regulation or provincial Act or regulation or any other First Nation By-Law may apply to any matter covered by this By-Law, compliance with this By-Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.
- 17.2 If any section of this By-Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this By-Law.
- 17.3 The headings given to the sections and paragraphs in this By-Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this By-Law.

APPROVED AND PASSED at duly convened meeting of Chief and Council of the English River First Nation in the Province of Saskatchewan this 12th day of July, 2023.


Councillor


Councillor


Councillor


Councillor


Councillor

SCHEDULE "A"

FEES AND CHARGES

DESCRIPTION	FEE/CHARGE
Annual License Fee	\$50.00
Late Fee Licence Fee	\$25.00
Annual Kennel Licence Fee	\$50.00
Seizure of Dog (plus kennelling per day)	\$75.00
Impounding of Dog (plus kenneling per day)	\$75.00
Kenneling Fee (per day)	\$100.00

SCHEDULE "B"

OFFENCES

OFFENCES	SECTION OF BY-LAW	AMOUNT
Harbouring more than 3 Dogs	Section 5.1	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Dog Running At Large	Section 6.1 and 6.9	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Dogs on Public Lands (not designated for Dogs)	Section 6.2	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
No Enclosure for Dog	Section 6.4	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Tethering Dog within 5 feet of property line	Section 6.5	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Tethering Dog must be at least 10 feet in length	Section 6.6	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Dangerous Dog	Section 6.8	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Failure to build Enclosure	Section 6.10	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Noise	Section 6.11	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Excrement on Public Property	Section 7.1	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Excrement on Private Property	Section 7.2	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Failure to produce Licence and tag	Section 8.11	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Failure to deliver the Dog (as requested by CSO)	Section 8.11	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Person who interferes with the CSO seizure of Dog	Section 8.11	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Interference with Poundkeeper or CSO duties	Section 8.12	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750
Obstruct, interfere with or hinder Council, the CSO, or any authorized employee, officer or agent	Section 15.2	1 st Offence = \$200 2 nd Offence = \$400 3 rd Offence = \$750