

CREE NATION OF CHISASIBI

LAW NO. 2018-003

respecting the care and control of animals

WHEREAS the Cree Nation of Chisasibi enacted By-law No. 2007-001 regarding the care and control of domestic animals on the 29th day of May 2007;

WHEREAS the Cree Nation of Chisasibi wishes to establish standards with respect to the care of animals and update certain processes and restrictions concerning the control of animals in the community;

WHEREAS it is appropriate to repeal the said By-law No. 2007-001 and replace it with the present law;

NOW THEREFORE:

PURSUANT to sections 4.26 and 6.2 (g) (iii) of the *Agreement on Cree Nation Governance Between the Crees of Eeyou Istchee and the Government of Canada* as given effect by section 3 of the *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c. 4 s. 1, the Cree Nation of Chisasibi, acting through its Council at a meeting of the Council held in Chisasibi on the 4th day of December 2018, hereby enacts the present law respecting the care and control of animals and repeals By-law No. 2007-001.

INTERPRETATION

1. In this law shall have the same meaning as in the *Agreement on Cree Nation Governance Between the Crees of Eeyou Istchee and the Government of Canada* as given effect by section 3 of the *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c. 4 s. 1, except

"Act" means the *Cree Nation of Eeyou Istchee Governance Agreement Act*, S.C. 2018, c. 4, s. 1,

"Agreement" means the *Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada* as given effect by the Act,

"animal" means any domesticated animal, including a dog or a cat,

"Chisasibi" is the Cree Nation of Chisasibi,

"community" means the settled area of the Category IA lands of Chisasibi, and any unsettled area located within that area,

"Council" is the Council of the Cree Nation of Chisasibi,

"destroy" means to kill or put down an animal in as humane a manner as possible,

"dog" is a dog, male or female, and includes an animal that is a cross between a dog and any wild canine species,

"kennel" means an establishment where animals are bred, bought, sold or boarded,

"muzzle" means to secure an animal's mouth in a humane manner so as to prevent it from biting;

"operator" is the person who operates a pet shop or kennel,

"owner" means the person who owns, keeps or possesses an animal and includes the person who has temporary control or custody of an animal, or if such person is a minor, the person having parental authority over him,

"owns" means to own, keep or possess an animal or to have control or custody, even temporarily, of the animal,

"*pet shop*" is a business, whether registered or not, where animals are kept and offered for sale,

"*police officer*" is any member of the Eeyou-Eenou Police Force;

"*Public Safety Officer*" is the person appointed as Public Safety Officer by Chisasibi,

"*running at large*" means off the premises of the owner and not under the control of any person,

"*sell*" means to offer or exchange an animal for money or other valuable consideration, but does not include recovery of those expenses incurred in offering for adoption an animal that has been abandoned or lawfully seized,

"*vicious animal*" indicates any animal, domesticated or not, that has bitten or attacked a human or other animal without provocation,

"*without provocation*" means the absence of teasing, tormenting, abusing or assaulting actions upon an animal or its owner, either in the past or the present, by the person or animal that sustained the bite or attack.

APPLICATION

2.(1). This law shall apply to all Category IA land of the Cree Nation of Chisasibi, to Category III land situated within the perimeter of such Category IA land, and to all persons on such lands.

POSSESSION OF ANIMALS

3.(1) No person shall own any wild animal or any animal that is not domesticated.

3.(2) No more than two (2) animals of the same species over twenty (20) weeks of age or four (4) animals of varying species may be owned in one residence.

3.(3) Notwithstanding the foregoing, a person may own more than two dogs over twenty (20) weeks of age with the authorization of the Public Safety Officer where such dogs are kept for hunting or sledding purposes and are kept tied on the owner's premises. However, at no time may such a person own more than eight (8) dogs.

3.(4) No person shall own, keep or possess any animal that is not licenced in accordance with this law.

CARE OF ANIMALS

4.(1) Every owner of an animal must ensure that the animal is provided with

- (a) a clean and sanitary environment,
- (b) suitable shelter to protect the animal from the heat and cold,
- (c) adequate and appropriate care, food and water,
- (d) appropriate clinical animal care by a veterinarian,
- (e) daily opportunities to exercise and socialize with humans or other animals, and
- (f) a quality of life where the animal will not spend the whole day tied up on a chain or a leash,

and must maintain adequate records of the clinical care that has been provided to the animal.

4.(2) Except as permitted at section 10, the owner of an animal may not breed that animal, or allow that animal to breed, more than once in the animal's life following which the animal be spayed.

4.(3) The owner of an animal must ensure that the animal carries a licence tag attached to its collar or harness whenever it is off the premises of the owner.

4.(4) No person shall punish or abuse an animal in a manner or to an extent that is cruel or unnecessary.

4.(5) No person shall place poisoned bait at any place in the area in which this law applies.

4.(6) The owner of an animal must sign the pet ownership agreement, substantially in the form of Schedule A upon registration of that animal and after, once a year when renewing the animal licence.

RUNNING AT LARGE

5.(1) No owner shall permit an animal to run at large within the community.

5.(2) No owner shall permit an animal to be outside a dwelling unless the animal is under the control of a person or is tied or securely restrained within the confines of the owner's premises.

5.(3) No owner shall allow a female animal in heat to be outside a dwelling unless it is attached to a leash and is under the control of a person.

DISTURBANCES AND BITING

6.(1) No owner shall permit an animal to bark, yelp or growl excessively, or otherwise make excessive noise, so as to annoy or disturb the peace of the residents of the community.

6.(2) No owner shall permit an animal to cause damage to public property or to the property of others.

6.(3) Where an animal defecates anywhere off the owner's premises the owner of that animal must immediately remove the excrement and dispose of it in a sanitary manner.

6.(4) No owner shall permit an animal to bite or attack without provocation a person or a domestic animal.

An owner shall be deemed to have permitted an animal to bite or attack a person or animal if that animal is outside the owner's dwelling and is not leashed, tied or securely restrained.

6.(5) Every owner of a vicious animal must, at all times when the vicious animal is not in the owner's dwelling, ensure that

- (a) the vicious animal is muzzled so as to prevent it from biting a person or other animal,
- (b) the vicious animal is secured on a leash which does not allow it to go beyond the vicinity of the owner's premises, or
- (c) the vicious animal is contained within an enclosed area, having a fenced wall of an appropriate height for the animal, or in a manner such that the vicious animal is unable to come into contact with persons or other animals.

6.(6) Every owner of a vicious animal must, at all times when the vicious animal is not inside a dwelling or tied or restrained within the confines of the owner's premises, keep the vicious animal muzzled.

6.(7) The animal control officer, or any other person, may, if necessary, kill a vicious animal that is running at large not muzzled and that is in the act of pursuing, attacking, injuring, damaging, killing or destroying a person or an animal or a food cache. No damages or compensation may be recovered as a result of killing such an animal.

A person who must, by necessity, kill a vicious animal shall immediately report the incident to the animal control officer, who shall notify the animal's owner.

RABIES

7.(1) Every owner must ensure that a dog or cat over six (6) months of age is vaccinated against rabies and shall keep such immunization up-to-date.

The owner must keep a record of the animal's vaccinations and must produce this record for inspection when requested to do so by the Public Safety Officer.

7.(2) Every person who has reason to believe that an animal, domesticated or not, has been exposed to rabies must report such belief immediately to the animal control officer.

7.(3) If there are reasonable grounds to believe that an animal has been exposed to rabies, then the owner of the animal shall, if so instructed by the Public Safety Officer, hold the animal in quarantine within the owner's dwelling or in another secure area for ten (10) days or other such period as may be reasonably imposed by the Public Safety Officer.

7.(4) In the event an episode of rabies is confirmed, the owner of the animal so infected shall, without delay, release the animal to the animal control officer for destruction and shall provide such reasonable assistance as the Public Safety Officer may require in order to take possession of the animal in a safe manner.

ADMINISTRATION

8.(1) The Public Safety Officer is responsible for the application of this law.

8.(2) In addition to the Public Safety Officer, Council may appoint such animal control officer or officers as is deemed necessary for the application of this law. The animal control officer or officers so appointed will have the authority and powers of the Public Safety Officer for the purposes of this law.

8.(3) The Public Safety Officer may, in applying this law, file a complaint with a police officer whenever he has reasonable grounds to believe that a person has contravened, or is contravening any part of this law.

8.(4) Council may, by resolution, establish the fees to be paid for licences under this law.

LICENCING

9.(1) The owner of an animal twenty (20) weeks of age or older must obtain, and renew, a licence for that animal in order to establish its identity and ownership, by submitting an application substantially in the form of Schedule B hereof, and that contains the following

- (a) the name, address and telephone number of the owner,
- (b) the name, age, gender, colour, species and breed, if known, of the animal,

- (c) confirmation of immunization against rabies, if the animal is a dog or a cat,
- (d) confirmation of sterilization, if applicable, and
- (e) any other information that may be reasonably required.

9.(2) All applications for a licence must be accompanied by payment of the fee established by Council resolution.

9.(3) Subject to section 3.(2), upon receiving an application for a licence or renewal and confirmation of payment of the prescribed fee, Chisasibi shall issue a licence tag permitting the identification of the animal and its owner.

9.(4) A licence granted under this law expires one (1) year from the date on which it is issued.

9.(5) A duplicate of a lost or destroyed tag may be obtained from the Public Safety Officer upon payment of the fee established by Council.

BREEDING AND SALE

Licencing

10.(1) No person may operate a pet shop or a kennel without holding an Establishment Licence.

10.(2) The application for an Establishment Licence, and renewal, must be submitted to Chisasibi, substantially in the form of Schedule C hereof, and that provides

- (a) the name, address and telephone number of the applicant and the name under which the applicant carries on business,
- (b) the number, species and breed of animals over twenty (20) weeks of age that the applicant owns or intends to own,
- (c) the number of breeding females that the applicant owns or intends to own,
- (d) a description of the premises in which the animals will be kept,
- (e) proof that the applicant has obtained a valid business permit for the breeding and sale operation,
- (f) proof that the applicant holds adequate general liability insurance, and
- (g) any other information that may reasonably be required.

10.(3) The application must be accompanied by payment of the fees established by Council, including a licence fee for each animal kept at the pet shop or kennel.

10.(4) Upon receiving an application for a Breeding and Sale Permit, and confirmation of payment of the prescribed fees, Chisasibi shall issue an Establishment Licence unless

- (a) the applicant has been convicted of an offence under this law,
- (b) the applicant has been convicted of an offence under any law of Canada or Quebec respecting the care and humane treatment of animals,
- (c) in the opinion of Chisasibi, the applicant cannot ensure the proper care and treatment of the animals,
- (d) the applicant has provided false, inaccurate or incomplete information in the application for an Establishment Licence, or
- (e) Chisasibi has other reasonable concerns respecting the operation of a pet shop or kennel.

10.(5) Chisasibi may, at its sole discretion, restrict the number, species or breeds of animals kept by a pet shop or kennel.

10.(6) If an application is refused, then the applicant shall be entitled to a refund equal to 50% of the fees paid in respect of that application.

10.(7) An Establishment Licence issued under this section expires one (1) year from the date on which it is issued.

Display

10.(8) Every operator must display the Establishment Licence in a conspicuous location.

Sale of animals

10.(9) No operator may keep more than fifteen (15) animals at any one time.

10.(10) All animals kept for sale must

- (a) be kept in a place providing adequate space for the species, breed, size and number of animals,
- (b) be provided adequate food and water, and
- (c) be provided a clean, dry sanitary environment.

10.(11) No operator may sell an animal that is

- (a) too young to be separated from its mother, given the species of that animal,
- (b) in the case of a cat or dog, less than eight (8) weeks old and that has not been vaccinated,
- (c) unable to feed or drink on its own,
- (d) known or suspected to be sick, diseased or injured, or
- (e) a vicious animal.

10.(12) No animal may be sold to a minor.

10.(13) At the time of sale, the operator must

- (a) provide the purchaser with information concerning the appropriate care of the animal, including
 - (i) its dietary needs,
 - (ii) its traits and behavioural particularities;
 - (iii) the vaccine status of the animal and vaccination schedule, and
- (b) provide the purchaser with a written record of sale, including
 - (i) the date of sale,
 - (ii) the name and address of the pet shop or kennel,
 - (iii) a description of the animal including any tattoo, microchip or other identifying marking,
 - (iv) the breed or cross breed of the animal, if applicable.

10.(14) The operator must

- (a) keep and maintain a register containing a record of each transaction in which an animal is acquired or sold, including
 - (i) the name and address of the person from whom the animal was acquired,
 - (ii) the date of the acquisition,

- (iii) the animal's date of birth,
 - (iv) a description of the sex and colouring of the animal and any tattoo, microchip or other identifying marks, and
 - (v) the date the animal was sold, and
- (b) produce the register for inspection by the Public Safety Officer.

Breeding

10.(15) The operator may not breed a female animal more than once per year and not more than three times during the life of the animal, following which the animal must be spayed.

10.(16) Every female animal used for breeding must be examined by a veterinarian at least once each year and prior to breeding.

10.(17) Breeding animals must be kept in space that is large enough to allow the animals to engage in the normal behaviour of their species or breed.

Every female animal and its litter must be kept in a sufficiently large clean, warm, dry space that is isolated from other animals but not from humans.

10.(18) If an operator knows or should know that an animal is unhealthy or diseased that animal must not be used for breeding. The operator must obtain the advice of a veterinarian in the event of an unexplained illness or death of an animal.

Inspection

10.(19) The Public Safety Officer may, during ordinary business hours and without notice, enter any pet shop or kennel to inspect

- (a) the premises to ensure the operator holds the required Establishment Licence,
- (b) the animals kept at the pet shop or kennel to ensure that all animals present are properly licenced,
- (c) the female and litter if there are reasonable grounds to believe that they are not in good health or the operator is not providing the care and humane treatment required under this law.

SEIZURE AND IMPOUNDMENT

11.(1) The Public Safety Officer may seize an animal from any person or operator where there are reasonable grounds to believe that

- (a) the animal is not licenced
- (b) the animal is not being provided adequate care in accordance with this law or is being treated inhumanely,
- (c) the operator has not respected the provisions of this law or any conditions of an Establishment Licence issued pursuant to this law,
- (d) the animal poses a threat to humans or other animals by reason of infection.

11.(2) The Public Safety Officer, or any person, may seize any animal that is running at large. Where a person seizes an animal that is running at large, that person shall deliver the animal to the Public Safety Officer without delay.

11.(3) An animal that is running at large without a valid licence tag, and for which there is no record in the animal registry, may, at the discretion of the Public Safety Officer, be destroyed or disposed of by sale or adoption without delay and without notice to the owner of the animal.

11.(4) The Public Safety Officer, upon seizing or receiving an animal pursuant to sections 11.(1) or 11.(2), must immediately inform the owner that the animal has been seized if the owner was not present at the time of seizure, and must provide a notice of seizure pursuant to section 11.(5). Notice is deemed to have been given when the owner is informed of the seizure.

If notification cannot be given in person, the owner is deemed to have received notice twenty-four (24) hours after written notice has been left at the owner's known residence or sent to him via electronic mail, or within three (3) days of the mailing of such notice if the owner does not reside in the community.

11.(5) The notice of seizure referred to in section 11.(4) shall include

- (a) the reasons for and circumstances of the seizure,
- (b) the procedure by which the owner may reclaim the animal,
- (c) the impoundment fees and any other fees to be paid before the animal will be returned to the owner, and
- (d) notice to the owner that the animal may be destroyed or disposed of if the owner fails to reclaim the animal within the period set out in the notice.

11.(6) An animal seized pursuant to sections 11.(1) or 11.(2) shall be impounded for not less than three (3) days after the notice of seizure is deemed to have been given to the owner.

11.(7) The Public Safety Officer may restore possession of a seized animal to its owner only if

- (a) the owner claims possession of the animal within the period provided for in the notice of seizure, or in any event, before the animal has been destroyed or disposed of,
- (b) the owner obtains a licence for the animal, paying the prescribed fees,
- (c) the Public Safety Officer is satisfied that the animal will receive adequate care and humane treatment where the animal was seized pursuant to paragraph 11.(1)(b),
- (d) any threat of infection or danger to public safety or to the safety of other animals has ceased, in the opinion of the Public Safety Officer, where the animal was seized pursuant to paragraph 11.(1)(d), and
- (e) the owner has paid the impoundment fees and other fees set out in the notice of seizure.

11.(8) Where an owner fails to claim an animal or satisfy the requirements set out in section 11.(7) within the period provided for in the notice of seizure, the Public Safety Officer may destroy the animal or dispose of the animal by sale or adoption.

11.(9) Where, in the opinion of the Public Safety Officer, an animal seized under sections 11.(1) or 11.(2) is injured, ill or suffering, the Public Safety Officer may destroy the animal for humane reasons as soon after seizure as is deemed necessary without permitting the owner to claim or take possession of the animal.

11.(10) The Public Safety Officer may destroy an animal seized pursuant to section 11.(1) or 11.(2) where that animal is deemed a vicious animal and its destruction is necessary for the safety of the public and other animals.

11.(11) Any animal seized more than five times in one year for running at large may, at the discretion of the Public Safety Officer, be destroyed or disposed of, and the owner shall not be permitted to claim or take possession of the animal.

DESTRUCTION WHERE UNABLE TO SEIZE

12(1). If, after reasonable efforts, the Public Safety Officer is unable to seize an animal that is running at large contrary to the provisions of this law, the Public Safety Officer may destroy that animal.

INTERFERENCE WITH PUBLIC SAFETY OFFICER

13.(1) No person shall impede, resist or interfere with the Public Safety Officer in the performance of the duties set out in this law.

13.(2) No person shall willfully damage, tamper with or destroy any cages or other equipment used by the Public Safety Officer for the purposes of this law, or with any leash, enclosure or other equipment used by an owner to restrain an animal in accordance with this law.

IMMUNITY

14(1). Neither the Public Safety Officer, nor any person acting in accordance with this law shall incur any civil or penal liability by reason of any act performed in the enforcement of this law, including the destruction or disposal of any animal carried out hereunder.

OFFENCES AND PENALTIES

15.(1) Any person who contravenes a provision of this law shall be guilty of an offence and shall be liable, upon summary conviction, to a fine of not more than two thousand dollars (\$2,000.00) or to imprisonment for a term not exceeding six (6) months, or to both.

15.(2) Each day of non-compliance shall be deemed a separate offence for the purposes hereof.

15.(3) Where a person is convicted of an offence under this law the Court may order, on the grounds of public safety or for humane reasons, the destruction or disposal of any animal belonging to that person and may make such order as the Court deems appropriate to restrict or prohibit such person from owning, keeping or possessing animals.

COMING INTO FORCE

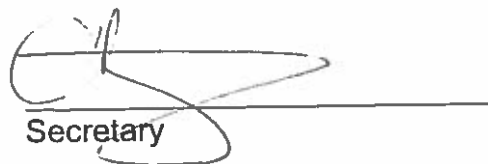
16.(1) This law shall come into force on the date of its posting.

16.(2) By-law No. 2007-001 is hereby repealed and replaced by this law, effective the date of its coming into force.

Signed at Chisasibi this 4th day of December, 2018 and posted this 12th day of March, 2019.



Chairman



Secretary

SCHEDULE A

Pet Ownership Agreement



PET NAME _____ Date _____
OWNER'S NAME _____
ADDRESS _____ TOWN _____ PC _____
ANIMAL DESCRIPTION _____
DOG CAT BREED _____ SEX M F N
COLOUR _____ DOB _____ DISTINGUISHING FEATURES _____

UNDERTAKING

I, _____ the owner/adopter hereby agree that I am adopting the above pet as a pet for myself and/or my family. I promise to comply with the **Law respecting the care and control of animals** at all times, especially in respect of my obligations to provide adequate care. I will not sell, give or otherwise dispose of my pet for any reason. If I cannot care for my pet, I will contact the CNC Animal Rescue and will surrender my pet, paying the prescribed fee.

I promise to care for the pet in a humane and responsible manner and to ensure that the pet has a clean and adequate shelter, adequate food, water and veterinary care. I will keep the pet inside my house or, if safe, in my yard. However, I will not leave my pet outside during extremely cold or hot days and I will not allow my pet to roam freely in the community. I will not leave my pet tied up outside for long periods and will ensure my pet receives daily exercise. My pet will wear a collar, with identification tags, at all times, especially whenever my pet is outside.

I will register and renew my pet's registration each year as required. I will ensure my pet is sterilized (spayed or neutered) at 6 months. I understand that sterilization is done regularly in Chisasibi at the *Chiots Nordiques spay and neuter clinic*. I will also ensure my pet receives rabies shots and other vaccines to protect it and other pets from disease as required.

I understand that I will receive to free impound services each year in the event my pet is caught running at large in the community. Otherwise, I understand that I will be charged an impound fee of \$35/day for each additional instance of running at large.

I understand that if I contravene the above Law Chisasibi Animal Rescue may remove my pet from my possession and impound it. I agree that if I contravene the above Law, the Chisasibi Animal Rescue may file a complaint against me with the Eeyou Eenu Police Force. I further understand that I can be prosecuted for any violation of the above Law and fined an amount of \$200 or more.

SIGNED

Pet Owner

Date

CHISASIBI ANIMAL RESCUE

Date

Per: