



Misipawistik Cree Nation

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MISIPAWISTIK CREE NATION

MCN ANIMAL CARE ACT

PREAMBLE

The purpose of this Act is to fulfill our obligation as Indigenous peoples to maintain one another's safety, including the animals that come under our care. We uphold our responsibility to our relations when they come under our care by providing them with shelter, water and food and ensuring their overall safety.

Further, that the uncontrolled care of animals is irresponsible to the animal, goes against the natural law of caring for our relations and may cause harm to Misipawistik Cree Nation members, any animals under their care, and their personal belongings.

Misipawistik Cree Nation retains inherent authority over our own affairs as sovereign peoples and is demonstrably practicable by the coming into force this Act.

The *MCN Animal Care Act*, and the penalties listed within, are further empowered through the *Misipawistik Cree Nation Land Code*, enacted on June 1, 2017, and by section 35 of the Canadian Constitution wherein our treaty partner recognizes our inherent and treaty rights, such as our right to self-government and self-determination.

1. TITLE AND APPLICATION

1.1 This Act may be cited as "*MCN Animal Care Act*"

1.2 This Act applies to all persons residing on Misipawistik Cree Nation territory

1.3 This Act applies to all members and non-members of Misipawistik Cree Nation residing on Misipawistik Cree Nation territory

2. DEFINITIONS

2.1 In this Act

"Animal Care Officer" means any person as may be designated by Chief and Council of Misipawistik Cree Nation as per section 3.1 of this Act for the purposes of fulfilling all parts of this Act.

"Animal" means any domestic animal including those commonly kept as a pet, such as a dogs, cats, rabbits, ferrets, or others

“Animal’s caretaker” the individual of whom the pet falls under the care of

“At large” meaning an animal that is in an area that is not the animal’s caretaker’s residence without any form of control or restraint such as a leash

“Chief and Council” means the Chief and Council of Misipawistik Cree Nation (MCN) as selected by the MCN membership

“Cruel or unnecessary punishment” means anything that causes trauma or injury to an animal and is not within an action of reasonable discipline

“Dangerous or vicious” means

- i. An animal that demonstrates aggressive or ferocious behaviour towards a person or other animal
- ii. An animal that can be reasonably believed to be or become aggressive or ferocious towards others and potentially cause harm
- iii. An animal that has caused real harm to a person or other animal

“Kennel” means any household or other building where animals exceed the permissible numbers as outlined in section 4.1 so that they may be bred, kept, raised, trained, and boarded for commercial purposes excluding those reasons set out in 4.2 of this Act.

“Misipawistik Cree Nation Territory” means the lands of the Inniniwak people of Misipawistik Cree Nation

“Pet” means animal under the care of a person

“Resident and residence” mean the homestead or designated land for the private use of the individual

3. ANIMAL CARE OFFICER

3.1 Council may appoint an Animal Care Officer by way of resolution

3.2 Council may otherwise enter into an agreement with an individual or authorized animal control agency, corporation, society, governmental body or other as may be deemed suitable from time to time to enforce and carry out these provisions

3.3 An appointed Animal Care Officer may by written order of the Chief and Council:

- a) Enter onto the premises of an individual’s residence to enforce the purpose of this Act or investigate reported concerns of human or animal safety
- b) Impound or cause to be impounded any animal that is found to be outside of the control of the animal’s caretaker
- c) Make recommendations to Chief and Council for the development and delivery of non-compliance orders
- d) Administer those non-compliance orders and ensure their fulfillment
- e) Impose any necessary fines or fees as set out throughout this Act

- f) In accordance with the reasoning of section 7.2 or a failure to meet the fees or fines of this Act, remove an animal from Misipawistik Cree Nation territory or cause an animal to be deceased

4. FEES

4.1 Chief and Council shall set fees associated with the administration and enforcement of this Act, including:

- a) Registration of kennels
- b) Impoundment fees

4.2 FINES

4.2 Chief and Council shall set fines where an animal's caretaker fails to comply to any or all parts of this Act within the allotted time allowable within the relevant section, or after 3 noncompliance notices

- a) Schedule of fees and fines in appendices

4. KENNELING

4.1 Any resident on Misipawistik Cree Nation territory with more than 2 animals of the same type or breed will require additional licensing permission from Chief and Council

- a) a kenneling license must be acquired prior to the operating of a kennel
- b) where a kennel is found to exist in operation the resident will have 2 months to apply for a kenneling licence
- c) rejection of a kennel license application will include a cease-and-desist operations notice
- d) failure to apply for a kennel license will result in a cease-and-desist operations notice
- e) noncompliance of 4.1 c) or d) cease and desist orders will result in a fine as set out in the Schedule of Fees and Fines

4.2 Where an animal may have birthed an unplanned litter, the animal's caretaker shall be granted 4 months to have those animals adopted out of their home or be deemed to be operating a kennel

5. IMMUNIZATION AND VACCINATION

5.1 At 4 months of age an animal's caretaker must ensure the animal is immunized and vaccinated according to standard veterinary practices, including but not limited to, rabies, heart worm and tic or flea treatments

5.2 Failure to ensure the requirements of 5.1 will result in a fine as set out in the Schedule of Fees and Fines

- a) Where an animal that is not immunized or vaccinated in accordance with 5.1 and is also subject to the actions deemed under 7.2 (a) the animal's caretaker will be responsible for all fees, fines and costs required to complete the consequences of 7.2

6. RESPONSIBILITY OF CARETAKERS AND TREATMENT OF ANIMALS

6.1 An animal's caretaker shall, within 3 months of bringing an animal under their care, ensure that they

- a) Create a fence or means of maintaining the animal within their resident property
 - a. Where a tether or rope is used, that tether or rope must allow for adequate freedom of movement on the resident property
- b) Keep the animal on a leash when entering public spaces
- c) Ensure the animal is provided with adequate food, water, and shelter
- d) Ensure the animal is free from cruel or unnecessary punishment or abuse
- e) Liable for damages caused by the animal

6.2 An animal's caretaker shall not

- a) Allow or cause to allow an animal under their care to run at large
- b) Allow or cause to allow the animal to be a nuisance
- c) Allow or cause to allow the animal to trespass
- d) Allow or cause to allow the animal into areas that are considered sacred
 - a. An exception to d) may be made where the animal is a trained eye dog for visually impaired persons or other specially trained animal

6.3 Failure to comply with section 6.1 within the allowable timeframe set out in 6.1 will result in a fine as listed in the Schedule of Fees and Fines

- a) Further failure to meet the Schedule of Fees and Fines within an allowable timeframe as determined by the Animal Care Officer shall entitle the Animal Care Officer to impound an animal with a partner agency animal shelter outside of Misipawistik Cree Nation.

6.4 An animal's caretaker that is found to have not upheld section 6.2, without exception of subsection 7.2 d) a., may either be fined, held criminally accountable for their animal's actions, or face the consequences of their animal's actions as set out in section 7.2 of this Act

7. PROTECTION AGAINST ANIMALS

7.1 The Animal Care Officer, by order of Chief and Council, may provide an animal's caretaker with 7 days notice of a noncompliance of this Act and any set consequences

- a) An animal's caretaker that fails to comply or advise of compliance with the notice provided within the 7-day period shall be subject to the fines or fees as set out in Schedule A
- b) Further failure to meet the Schedule of Fees and Fines within an allowable timeframe as determined by the Animal Care Officer shall entitle the Animal Care Officer to impound an animal with a partner agency animal shelter outside of Misipawistik Cree Nation

7.2 The Animal Care Officer may deem an animal dangerous or vicious and immediately remove an animal from Misipawistik Cree Nation territory, or in such cases as may be warranted, to take an Animal's life

- a) When that animal is diseased, maims, severely injures, attacks, kills or destroys any person, other animal not under the care of an individual, livestock
- b) Where an animal's life must be taken an incident report detailing the cause and reasons to the Animal Care Officer, Chief and Council and the animal's caretaker

7.3 The Animal Care Officer may return an animal to its caretaker when,

- a) The caretaker claims responsibility for the animal and can demonstrably fulfill the responsibilities outlined in section 6.1
- b) The caretaker has fulfilled any consequences and paid any related fees or fines

8. APPEALS

8.1 An appeal on any part of this Act must be submitted within 15 days of a dated non-compliance order by way of a letter to the Animal Care Officer and Chief and Council

- a) Appeals will not be heard for those animal caretakers that have failed to protect their fellow nation members and or other animals as set out in section 7.2 of this Act

8.2 Appeals will be heard by neutral parties forming a committee as established by Chief and Council for the purposes of hearing that specific appeal

9. AMENDMENT

9.1 *The MCN Animal Care Act* may be amended from time to time by the Chief and Council of Misipawistik Cree Nation, as deemed necessary, in accordance with the Misipawistik Cree Nation Land Code

10. COMMENCEMENT OF LAW

10.1 *The MCN Animal Care Act* takes effect on June 30th, 2025, following its passage at a duly convened voting meeting of the members of Misipawistik Cree Nation

SCHEDULE A

SCHEDULE OF FEES AND FINES

5.1 A Kenneling Licence fee of \$200 must be paid annually on all Chief and Council approved kennels

Noncompliance of 5.1 c) or d) cease and desist orders will result in a fine of \$200 following 7 days after the date of a Chief and Council approved noncompliance order.

6.2 Failure to immunize, vaccinate according to veterinary practices will result in \$75 fine following 7 days after the date of a Chief and Council approved noncompliance order.

7.3 Failure to comply with a noncompliance order regarding any subsection of 7.1 will result in a fine of \$50 for each occurrence or reoccurrence

7.3 Failure to comply with a noncompliance order regarding any subsection of 7.2 will result in a fine of \$75 for each occurrence or reoccurrence

