

S.R.O. # _____

By-Law # 1

DATE: November 8, 1988

ORIGINAL: Yes

AMENDING # _____

THE BEARDY-OKEMASIS BAND OF INDIANS

By-Law Number 1

Being a by-law to provide for the prohibition against the ownership and possession of American Pitbull Terriers also known as American Staffordshire Terriers on the Beardy-Okemasis Indian Reserve.

Whereas subsection (1)(e) of Section 81 of the Indian Act empower the Council to make by-laws respecting the protection against and prevention of trespass by cattle and other domestic animals on the reserve and the imposition of a penalty for the violation thereof; and

Whereas it is in the interest of Council to ensure that the safety of it's band members from vicious, ferocious, and unpredictable domesticated animals is addressed.

Now, therefore, the Council of the Beardy-Okemasis Band of Indians of the Beardy-Okemasis Reserve #96 and #97 enacts, as a by-law the following:

1. IN THIS BY-LAW

- (a) "Council" means: the council of the Band elected pursuant to Section 74 of the Indian Act.
- (b) "Reserve" means: the Beardy-Okemasis Indian Reserve #96 & #97.
- (c) "Band member" means: a person whose name appears on the Band list or who is entitled to have his/her name appear on the Band list of the Beardy-Okemasis Band.
- (d) "Band list" means: a list of persons that is maintained under Section 8 of the Indian Act by the Band or in the department.
- (e) "Visitor" means: any person/group or persons who come onto the Reserve to seek out the company of relatives, friends or acquaintances in order to socialize, or carry on some form of interaction.

- (f) "Place of Residence" means: the occupation, under normal circumstances, of one or more habitable rooms used or intended to be used together for living and sleeping purposes by one or more persons.
- (g) "Resident" means: any person or group of persons occupying a place of residence in the reserve in either his/her own household or that of another resident for a period exceeding thirty days.
- (h) "American Pitbull Terrier" or "American Staffordshire Terrier" refers to a breed of crossbred canines grouped as nonsporting dogs and are the result of a cross between a bull-dog and various breeds of short-haired terriers.

2. PROHIBITION AGAINST THE OWNERSHIP OR POSSESSION OF AMERICAN PITBULL TERRIER AND/OR AMERICAN STAFFORDSHIRE TERRIOR.

- (a) No Band member who is resident on the Beardy-Okemasis Indian Reserve shall be allowed to own or have an American Pitbull Terrior(s) or an American Stafforshire Terrior(s) in his/her possession.
- (b) Any person who is not a member of the Beardy-Okemasis Band but who is a resident of the Band shall not be allowed to own or possess an American Pitbull Terriers(s) or an American Stafforshire Terrier(s)
- (c) No person otherwise classed as a visitor under this by-law shall be allowed to have an American Pitbull Terrier(s) or American Staffordshire Terrier(s) whilst on the Beardy-Okemasis Indian Reserve.
- (d) This by-law applies ipso facto to those band employees who are not members of the Beardy-Okemasis Band and who are otherwise grouped as visitors for the purposes of this by-law.

3. COMPLAINTS

All violations of this by-law shall be initiated by complaint. A complaint is a written statement sworn to by the complaining witness and charging that a named individual has contravened a particular section of this by law.

4. COMPLAINTS SHALL

- (a) Be in writing and in the name of the Beardy-Okemasis Indian Band and
 - (b) Be signed by the complaining witness or witnesses
 - (c) Contain a written statement by the complaining witness or witnesses describing in ordinary language the nature of the contravention of this by-law, including the time and place as nearby as may be ascertained.
 - (d) State the name of the person or persons alleged to have committed the offence.
 - (e) State the section of the by-law alleged violated.
5. The Council of the Band may designate an individual or individuals who shall be available to assist persons in drawing up complaints and shall screen them for sufficiency.
6. (a) The Council of the Band may designate an individual from the Band as an enforcement officer for the purposes of carrying out the provisions of this by-law in whole or in part including the search and seizure of evidence to substantiate the laying of an information.
- (b) Where no person is designated as per Section 6 of this by-law, the Council of the Band may direct one of it's members to act as a duty officer for the purposes of carrying out the provisions of this by-law in whole or in part including the search and seizure of evidence to substantiate the laying of an information.
7. Where a suspected violation of this by-law has been substantiated by a written complaint as per Section 4, the Council may attempt to have the accused correct the situation amicably. If this fails then the Council's designate or enforcement officer can proceed to charge the individual before the court.

8. The enforcement officer or Council's designate will lay an information before a justice charging the accused with violating this by-law.

9. METHOD OF LAYING AN INFORMATION

An information form is available from the local police detachment or court, which must be completed in a specific manner and sworn to before a justice. Assistance in completing a form will be available at the local police detachment. The justice will then issue a summons to person charged with the offence to appear before the presiding judge on a specified date and time when the matter will be considered. The summons would normally be served by a police officer.

At the specified time and date the accused will appear before the presiding judge to enter a plea of guilty or not guilty.

If the accused pleads "not guilty" the case will be heard by a presiding judge at a specified time and place at which time a decision will be made.

The person laying the information together with such witnesses and evidence as is necessary, also must be present.

If the accused proposes to fight the charge, it would be in order for Council to engage a solicitor to prosecute the case or request the services of the provincial crown attorney's office.

10. PUNISHMENT

Any person who is found guilty of violating any enforcement provision of this by-law shall be sentenced by way of summary conviction to a fine not less than fifty dollars and not exceeding one thousand dollars and /or imprisonment for a term not exceeding thirty days.

11. DISPOSITION OF EVIDENCE

Any physical evidence seized by duly authorized personnel in the administration of this by-law will be left to the discretion of the judge who presided over the case.

BAND COUNCIL RESOLUTION

Chronological Number: 1988/89-0076

The Council of: BEARDY'S AND OKEMASIS BAND

Agency: SASKATOON

Place: DUCK LAKE, SASKATCHEWAN

Date: November 9, 1988.

WHEREAS the Chief and Council of the Beardy-Okemasis Band is vested with the responsibility of looking out for the health and safety of it's Band members.

WHEREAS the Chief and Council are concerned about the unpredictable nature of a breed of canines referred to as American Pitbull Terriers or American Staffordshire Terriers.

WHEREAS some resident and non-resident band members and resident and non-resident non-band members own or possess such breeds of canines.

and WHEREAS this breed of canines pose a danger to our band and non-band members resident or non resident.

and WHEREAS the Council of our band is authorized by Section 81 (1)(e) of the Indian Act to pass a by-law for the protection against and prevention of trespass by cattle and other domestic animals.

THEREFORE BE IT RESOLVED that this by-law entitled "Prohibition against the ownership and possession of American Pitbull Terriers or American Staffordshire Terriers" is hereby enacted as by-law NO. 1 by the Council of the Beardy-Okemasis Band of Indians at a duly convened meeting of the said Council held on the 8 day of November, 1988.

The by-law is consented to by the following members of council:

[Signature]
Chief

Marg. Gamble
Witness

[Signature]
Councillor

Marg. Gamble
Witness

[Signature]
Councillor

Marg. Gamble
Witness

[Signature]
Councillor

Marg. Gamble
Witness

[Signature]
Councillor

Carla Eyakpaise
Witness

[Signature]
Councillor

Doreen Mike
Witness

[Signature]
Councillor

Marg. Gamble
Witness

[Signature]
Councillor

Doreen Mike
Witness

Being the majority of those members of the Council of the Beary-Okemasis Indian Band of Indians present at the aforesaid meeting of the Council.