

Manto Sipi Cree Nation Prohibited Animal By-law (Cat)

By-law No. 2023-01-03 of the Manto Sipi Cree Nation

Being a By-law providing for the prohibition of certain animals

Enacted on the 03 day of January, 2023

WHEREAS:

The Manto Sipi Cree Nation (hereafter “the First Nation”) has and exercises an inherent, Aboriginal and Treaty Right of self-determination that is recognized and affirmed by Articles 3, 4, 5, 34 and 35 of the United Nations Declaration on the Rights of Indigenous Peoples, Section 35 of the *Constitution Act, 1982* and is recognized, affirmed and protected by the terms of Treaty Number 5;

Whereas under section 81(1) of the *Indian Act, RSC 1985, c. I-5*, the First Nation as represented by the Council may make By-laws, not inconsistent with the *Indian Act* or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes:

- (a) to provide for the health of Residents on the Reserve and to prevent the spreading of contagious and infectious diseases;
- (c) the observance of law and order;
- (d) the prevention of disorderly conduct and nuisances;
- (e) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services;
- (q) with respect to any matter arising out of or ancillary to the exercise of powers under this section; and
- (r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a By-law made under this section;

Whereas persons who are Members of the First Nation, Residents and Non-Residents of the Manto Sipi Cree Nation or who are visitors to the Manto Sipi Cree Nation from time-to-time experience significant threats to health due to allergic reactions to direct or indirect exposure to a Domestic Cat, *Felis silvestris catus* :

Whereas the First Nation as represented by Chief and Council has an obligation to protect the Members of the First Nation, Residents and non-residents and particularly Elders, children, those Members and Residents with underlying health conditions and allergies other vulnerable community members;

Whereas the First Nation as represented by Chief and Council recognize that the nature and effective period of any measure as set out in this By-law may be varied through a duly enacted amendment to the By-law which will form a part of this By-Law.

Now Therefore the Council of the First Nation at a duly convened meeting enacts the following By-law.

Part 1: Name

1.1 This By-law may be cited as the “Manto Sipi Cree Nation Prohibited Animal By-law (Cat)”;

Part 2: Publication

2.1 Upon enacting this By-law, Council shall:

(a) Publish this By-law in the *First Nations Gazette*;

2.2 Upon enacting this By-law, Council may:

(a) Post this By-law on an Internet site maintained by the First Nation, to remain at least until such date that it expires or is repealed;

(b) Post this By-law in a public area in the First Nation Administration Building including a notice containing:

i. The date on which this By-law is in force;

ii. The time period in which this By-law will remain in force; and

iii. A summary of this By-law

(c) Provide a copy of this By-law as soon as reasonably possible to the Peace Officers, First Nation Safety Officers and By-law Enforcement Officers who are enforcing this By-law, to Public Prosecutions of Canada (Manitoba Regional Office), and to common carriers serving the First Nation, as well as to the Pandemic Coordinator, the Nursing Station and the Health Centre.

Part 3: Interpretation

“**Council**” means the Council of the First Nation;

“**Domestic Cat**” means any cat, *Felis silvestris catus*, male or female, of any age;

“**First Nation By-law Enforcement Officer**” means a person appointed by the Council under section 81(1)(c) and 81(1)(q) of the *Indian Act*;

“**First Nation Safety Officer**” means a First Nation Safety Officer within the meaning of *The Police Services Act*, C.C.S.M. c. P94.5, part 7.2, as amended, and appointed by the First Nation further to a First Nation Safety Officer Operating Agreement.

“**First Nation Safety Officer Operating Agreement**” means the Operating Agreement for a First Nation Safety Officer Program between The Government of Manitoba, as represented by the Minister of Justice and Attorney General of Manitoba, the Royal Canadian Mounted Police (RCMP) and the First Nation in accordance with Part 7.2 of *The Police Services Act*, as amended or extended;

"Peace Officer" means the Royal Canadian Mounted Police (RCMP), a First Nation Safety Officer within the meaning of *The Police Services Act*, part 7.2, as amended, and appointed by the First Nation further to a First Nation Safety Officer Operating Agreement including but not limited to s. 19 and 22, and any officer or person appointed or recognized as have the powers and protections of a Peace Officer under the common law, an act of Parliament or an act of the Legislative Assembly of Manitoba;

"Prohibited Animal" means a **"Domestic Cat"**;

"Reserve" means all those lands set apart by Canada for the use and benefit of the First Nation in accordance with the terms of Treaty No. 5;

Part 4: Authorization and Application

4.1 Pursuant to its inherent Indigenous and Treaty Right of self-determination and to the authority pursuant to sections 81(1)(a)(c)(d)(e)(q)(r) of the *Indian Act*, the First Nation hereby enacts this Manto Sipi Cree Nation Prohibited Animal (Cat) By-law.

4.2 This By-law applies to the Reserves of the First Nation.

4.3 This By-law applies to all persons on the Reserve, including Members, Residents and non-residents of the Reserve.

Part 5 Enforcement

5.1 Pursuant to section 81(1)(a)(c)(d)(e)(q) and (r) and 103(1) of the *Indian Act*, a Peace Officer or a First Nation Safety Officer may:

- a) where they have reasonable grounds to believe an offence has been or is being committed, stop a person or vehicle for the purposes of monitoring, confirming and enforcing compliance with this By-law;
- b) where they have reasonable grounds to believe that a violation of section 6.1 of this By-law is taking place issue a direction to immediately comply with this By-Law;
- c) where persons refuse to comply with a warning under section 5.1(b), search a residence or any building for the purposes of monitoring, confirming, and enforcing compliance with section 6.1 and section 6.2, including to affect the apprehension and removal from the Reserve of a Prohibited Animal;
- d) attend a residence for the purposes of monitoring, confirming and enforcing compliance with this By-Law;
- e) affect the apprehension and removal from the Reserve of a Prohibited Animal that may be at large on the Reserve;

Part 6: Requirements and Offences

Prohibition of a Prohibited Animal on the Reserve:

6.1 Pursuant to Section 81(1)(a), (c), (d), (q), and (r) of the *Indian Act*:

- a) Subject to this By-law, no person shall permit or condone a Prohibited Animal to be transported to or to be present on the Reserve;

- b) Any person who has permitted or condoned a Prohibited Animal to be present on or to be transported to the Reserve in contravention of this By-Law shall forthwith arrange for the removal of a Prohibited Animal from the Reserve at the expense of the person;
- c) Every person who permits or condones a Prohibited Animal to be present on or transported to the Reserve and who fails to forthwith arrange for the removal of the Prohibited Animal from the reserve is guilty of an offence punishable on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

6.2 Upon demand of a First Nation Safety Officer or Peace Officer, any person who is guilty of an offence under section 6.1 or section 6.2 shall forthwith surrender to a First Nation Safety Officer or Peace Officer any Prohibited Animal;

- a) Any person who refuses or fails to comply with a demand under section 6.2 is guilty of an offence punishable on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

6.3 In addition to any penalty that may be imposed upon summary conviction under this section, any and all costs related to the removal by the Council of any Prohibited Animal from the Reserve will be the responsibility of the persons who are guilty of an offence under section 6.1 and subject to a demand under section 6.2, with the costs to be payable to the Council forthwith upon presentation by the Council of an invoice for such costs.

Amendment and Extension

7.1 This By-law may be amended, including, without limitation, to extend the effective period of this By-law and to vary any restrictions and requirements in this By-law, by a quorum of Council at a duly convened meeting of Council. Council will promptly post and distribute the amended By-law in accordance with s. 2.1 of this By-Law.

Conflict of Laws

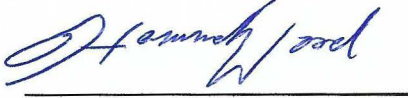
8.1 To the extent of any inconsistencies with previously enacted By-laws of the First Nation or provincial laws of general application, this Manto Sipi Cree Nation Prohibited Animal By-Law (Cat) shall prevail.

8.2 Should a court determine that a provision of this By-Law is invalid for any reason, the provision shall be severed from the By-Law and the validity of the rest of the By-Law shall not be affected.

Effective Date and Term

9.1 This Manto Sipi Cree Nation Prohibited Animal By-Law (Cat) comes into force on the day on which it is first published in the First Nations Gazette and shall remain in force until such time as this By-law is terminated or the term of this By-law is reduced or extended by Council though the repeal of or an amendment to this By-law including by a Schedule duly enacted as an amendment to and which forms a part of this Bylaw.

I, Chief Michael Yellowback of the Manto Sipi Cree Nation, do hereby certify that a copy of the foregoing By-law was published on the *First Nations Gazette*, pursuant to subsection 86(1) of the *Indian Act*, on the 3rd day of January, 2023.



(Witness)

Hannah Wood

(Print name)



(Chief/Councillor)

Michael Yellowback


(Print name)

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the First Nation this 3rd day of January, 2023.


Voting in favour of the By-law are the following members of the Council:



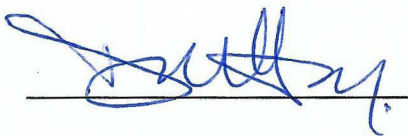
Chief Michael Yellowback



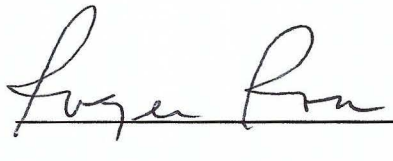
Councillor Bobby Okemow



Councillor MaryLou Okemow



Councillor Dennis McKay



Councillor Roger Ross

being the majority of those members of the Council of the Manto Sipi Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

Number of members of the Council present at the meeting: ____