

The Beardy & Okemasis Band Indians
By-law No. 1-90

A By-law to prevent the trespass of domestic-animals on the Beardy-Okemasis Reserve.

WHEREAS

Domestic livestock roaming at large on the Beardy & Okemasis Reserve, are causing property damage, impeding vehicular traffic and creating a general nuisance to the reserve residents, and

it will be expedient to establish an animal pound and administration for control and legal remedy, and

the Indian Act Sections 81(1)(e), 81(1)(q) and 81(1)(r) provide power to the Beardy & Okemasis Band Council to make a by-law to prohibit and prevent trespass by cattle and other domestic animals, to establish animal pounds and to appoint pound-keepers and to regulate the duties and powers of the pound-keepers and to provide penalties upon summary conviction in violation of its by-laws.

NOW THEREFORE

The Band Council of the Beardy & Okemasis Band of Indians makes a by-law as follows:

1. In this by-law

"Animals" means domestic livestock and animals that are personal property, specifically including but not exclusive to cattle, horses, sheep, goats, dogs, and cats.

"Impoundment" means the act of taking into custody, and maintaining in custody, animals as defined in this by-law.

"Owner" means a person, group, company or syndicate that has title to or ownership of the animal or animals, as defined in this by-law, or who have been given or taken care or custody of such animals or animals by the person, group, company or syndicate that has title to or ownership of the animal or animals. Owner shall also include harbourer or possessor.

"Pound-keeper" is a person or persons designated by the Band Council as pound-keeper whose duty it is to administer this by-law and to receive, capture, impound and release animals in accordance with this by-law.

"Reserve" means that tract of land the legal title to which is vested in her majesty that has been set apart for the use and benefit of the Beardy & Okemasis Band of Indians and known as the Beardy & Okemasis Indian Reserve No. 96 & 97 and as defined in the Indian Act.

"Running at Large" means domestic animals not under the control of a person or not within the confines of lands occupied or otherwise legally controlled by the owner.

2. (a) Animals that are not retained within an enclosure or on a secured tether while on the Beardy & Okemasis Reserve are deemed to be running at large.
 - (b) Animals that are running at large may be taken and held by the pound-keeper in an enclosure that is designated by the Band Council as an animal pound.
 - (c) There will be no more than one animal pound located on the reserve.
3. (a) Any member of the band who resides on the reserve may in his own discretion and at his own peril take into custody any animal that is running at large but must deliver the animal immediately and directly to the pound-keeper at the reserve pound.

- (b) The pound-keeper in his discretion may impound the animal or animals and will keep them impounded and properly cared for until all of the fees and charges have been paid in accordance with this bylaw or upon instructions from the Band Council.
4. (a) Perdiem fees and cost charges for apprehending, impounding, maintaining and releasing animals will be in accord with the fees that are charged by the Rural Municipality of Duck Lake.
- (b) In addition to daily fees, the cost of damage to reserve property or to any property on the reserve and all costs associated with the capture of the animals to their dispositions of their impoundments, if such costs are not included in the provisions of Paragraphs (a) of this section, will be estimated by the pound-keeper and included as specific items in the charges to the owner.
- (c) Fees and charges that are set in accordance with this by-law shall be paid to the Band Administrator.
5. (a) All fees and charges prescribed in Section 3 and 4 of this by-law are debts against the owner and owing to the Beardy & Okemasis Band of Indians and shall commence to accrue upon delivery of the animals to the reserve pound.
- (b) No payment shall be made to any person for capture and delivery of an animal to the reserve pound unless that service was engaged in advance by the pound-keeper or the Band Council duly assembled.
- (c) Animals that are impounded for seven consecutive days or part days may be sold at public auction, at the owners expense, upon a decision of the Band Council duly assembled and the proceeds less costs prescribed in this by-law shall be payable to the owner of the animal or animals.
- (i) Notwithstanding the provisions of paragraph (c) of this section any animal that cannot be sold at public auction will be disposed of by whatever means deemed appropriate by council including the sale of or fostering of same to interested parties

(d) Subject to Paragraph (c) of this Section, moneys that are chargeable pursuant to this section and collected on behalf of the band will be paid against charges in the following order of priority:

(i) Per diem fees

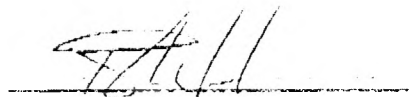
(ii) Subject to Paragraph (d) (i) of this section, charges arising from the capture of the animal or animals, delivery of the animal or animals to the reserve pound, and release from impoundment.

(iii) Charges arising from property damage pursuant to Section 4.

(e) Moneys collected in the interest of property damage remedies less costs will be paid to injured party.

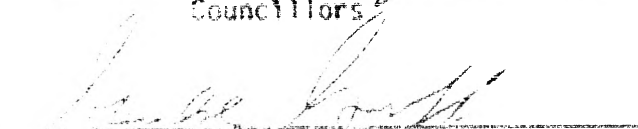
6. Any attempt to interfere with the administrator of this by-law or with people in the line of duty or right in the by-laws administration or with the fallibility of the reserve pound, is a violation of this by-law and is subject upon summary conviction in a court of law to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days or both.

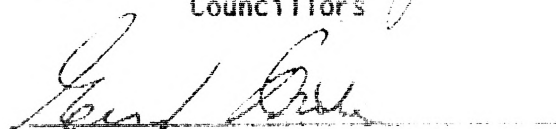
Approved and passed at a duly convened meeting of the Beardsy & Okemasis Band Council this 18 day of January, 1990.

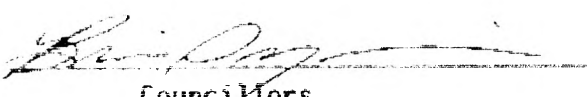

Chief

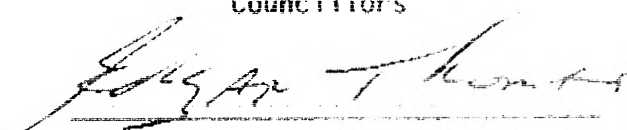

Councillors


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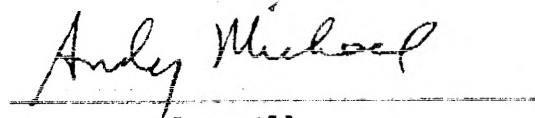

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