

THE PIIKANI NATION

BYLAW NO. 01-2017 STRAY LIVESTOCK BYLAW

Being a Bylaw of the Piikani Nation to provide for
the control of stray livestock on the Piikani Nation Reserve 147
and Peigan Timber Limits 147B pursuant to section 81 of the *Indian Act*

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WHEREAS stray livestock can be a nuisance detrimental to the environment, and the health, safety and property of the residents of the Piikani Nation Reserve 147 and Peigan Timber Limits 147B;

AND WHEREAS it is expedient and desirable that a bylaw be enacted to provide for the control of stray livestock on the Piikani Nation Reserve 147 and Peigan Timber Limits 147B;

AND WHEREAS The Piikani Nation Council is empowered to make a bylaw pursuant to subsections 81(1)(a), (d), (e), (q) and (r) of the *Indian Act*, RSC 1985, c.1-5 to prevent nuisance and protect the environment and the health and safety of the residents and land occupants, by providing for 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, and with respect to matters arising out of or ancillary thereto, and for the imposition of a penalty for a violation of this Bylaw;

AND WHEREAS the Piikani Nation Council enacted Bylaw No. 2 on the 10th day of February, 1965, in respect of the aforementioned matters;

AND WHEREAS it is expedient to repeal Bylaw No.2 and replace it with this Bylaw No. 01-2017;

NOW THEREFORE the Piikani Nation Council, without prejudice to but in express affirmation of its inherent right of self-government, hereby enacts the following bylaw:

PART 1 – GENERAL

Short Title

1.1 This Bylaw may be cited as the “Stray Livestock Bylaw”.

Definitions

1.2 In this bylaw unless the context otherwise requires:

“Allocated Lands” means lands which an Occupant has been granted permission to occupy and use according to the custom of the Piikani Nation, but does not include lands which an Occupant has been granted permission to use but not to occupy.

“animal” means an individual unit of livestock.

“Assessor” means a person appointed as an assessor by the Council pursuant to this Bylaw.

“calendar year” means a space of twelve (12) calendar months calculated from any point.

“Community Pasture” means the Peigan Hay Lease and the North Community Pasture.

“Council” means the Council of the Piikani Nation duly elected from time to time in accordance with the *Piikani Nation Custom Election Bylaw, 2002*, as amended, and which is a “council of the band” as defined by s. 2(1) of the *Indian Act*.

“damage” means damage done to real or personal property by livestock or any person in capturing livestock.

“expenses” means the expenses incurred in capturing, confining, impounding, identifying, maintaining, transporting and selling livestock, attempting to ascertain the owner of livestock or the last person in possession of livestock, and carrying out any other provisions of this bylaw, as set out provisionally in Schedule “A” hereto, or as prescribed by the Council from time to time.

“First Impoundment” means the capture or impoundment of livestock which is

- (a) where the owner is known to the Livestock Control Officer, the first time livestock belonging to the owner has been captured or impounded within a calendar year;
- (b) where the owner is not known to the Livestock Control Officer, but the last person in possession of the livestock is known to the Livestock Control Officer,

- the first time livestock in the possession of that person has been captured or impounded within a calendar year; or
- (c) where neither the owner nor the last person in possession of the livestock is known to the Livestock Control Officer, the first time that the animal has been captured or impounded in a calendar year.

“Health Officer” means a person or organization designated by the Council for the purposes of section 4.5.

“impound facility” means a place where livestock are impounded.

“last person in possession of livestock” means

- (a) the last person in actual possession of livestock, but does not include a person who captures, confines or impounds livestock pursuant to this bylaw; and
- (b) when livestock are captured, confined or impounded pursuant to this bylaw the “last person in possession of livestock” means the person who was the last person in actual possession of livestock before the capture, confinement or impoundment of the livestock.

“livestock” means

- (a) any horse, head of cattle, sheep, swine, goat, mule, ass, or bison; or
- (b) any other similar domestic or exotic animal declared by the Council to be livestock.

“Livestock Control Officer” means

- (a) A person appointed as a Livestock Control Officer pursuant to this bylaw or any bylaw enforcement officer, including a police officer or a person employed by the Piikani Nation for the purpose of enforcing the provisions of this bylaw; or
- (b) Any person assisting a person appointed as a Livestock Control Officer.

“Notice of Impoundment” means a notice issued or posted pursuant to section 4.10 in the form prescribed by the Council.

“Notice of Sale” means a notice issued or posted pursuant to section 5.1 in the form prescribed by the Council.

“Occupant” means a person who has been granted permission to occupy and use Reserve land according to the custom of the Piikani Nation.

“owner” means a natural person or body corporate that has legal title to livestock, any person that may not have legal title but that has possession or control of livestock, either temporarily or permanently, or any person that keeps livestock or allows livestock to remain on that person’s Allocated Lands.

“Piikani Nation” means the Piikani Nation Indian Band, which is a band as defined by the *Indian Act*.

“Provincial Brand Book” means the registry of brands established and maintained pursuant to section 5 of the *Livestock Identification and Commerce Act*, S.A. 2006, c. L-16.2.

“Reserve” means the Piikani Nation Reserve No. 147 and Peigan Timber Limit 147B, and any future additions to the reserve lands of the Piikani Nation.

“Registry” means the registry of livestock on the Reserve established and maintained by the Piikani Nation Lands Department pursuant to section 7.3.

“Resident” means a person who is residing on Allocated Lands and whose name is included on the Piikani Nation Membership list, other than the Occupant.

“Second Impoundment” means the capture or impoundment of livestock that is not a First Impoundment and,

- (a) where the owner is known to the Livestock Control Officer, is the second time livestock belonging to the owner has been impounded within a calendar year;
- (b) where the owner is not known to the Livestock Control Officer, but the last person in possession is known to the Livestock Control Officer, is the second time livestock in the possession of that person has been impounded within a calendar year;
- (c) where neither the owner nor the last person in possession of the livestock is known to the Livestock Control Officer, is the second time that the animal has been impounded in a calendar year; or

- (d) where the Livestock Control Officer has reason to believe that the livestock are trespassing due to the negligent or malicious actions of a person acting without the knowledge or permission of the owner or last person in possession of livestock, or that the livestock is trespassing as a result of war, act of terrorism, flood, fire, environmental disaster or other reason similarly outside of the control of the owner or last person in possession of the livestock, is the second or subsequent time that the animal has been impounded, or that livestock belonging to the owner has been impounded, in a calendar year.

“statement of capture and expenses” means a statement in writing given by a person pursuant to section 4.8 or 4.9 describing the circumstances surrounding the trespass by and capture of livestock, any expenses incurred in connection with the capture, and any other information in respect of the trespass by and capture of livestock as may reasonably be required by the Livestock Control Officer or prescribed by the Council.

“stubble field” means land for which a permit has been issued under s. 28(2) of the *Indian Act* for the purposes of growing crops, after a crop has been harvested, but before the land has been prepared to grow a new crop or a new crop has begun to grow.

“Third Impoundment” means the capture or impoundment of an animal that is not a First Impoundment or a Second Impoundment.

Interpretation

1.3 For the purposes of this bylaw,

- (a) the owner of livestock is known to be the owner by the Livestock Control Officer if the owner’s name appears in the Registry or the Provincial Brand Book as the owner of the livestock;
- (b) the last person in possession of livestock is known to be the last person in possession by the Livestock Control Officer if the person’s name appears in the Registry as a person in possession of the livestock;
- (c) the owner of livestock is believed to be the owner of livestock by the Livestock Control Officer if the Livestock Control Officer, within his personal knowledge, has reasonable grounds to believe that the person is the owner of livestock; and
- (d) the last person in possession of livestock is believed to be the last person in possession of livestock by the Livestock Control Officer if the Livestock Control Officer, within his

personal knowledge, has reasonable grounds to believe that the person is the last person in possession of livestock.

Application

1.4 This bylaw applies on the Piikani Nation Reserve 147 and Peigan Timber Limits 147B.

Part 2 – ADMINISTRATION

Livestock Control Officers, Assessors and Others

2.1 The Council may appoint Livestock Control Officers, Health Officers and Assessors by Band Council Resolution.

PART 3 – LIABILITY

Liability for Trespassing Livestock

3.1 When livestock trespasses and causes damage or causes a person to incur expenses, or both, the owner of the livestock and the last person in possession of the livestock are jointly and severally liable for the damage or expenses, or both, except where such damage or expenses is due wholly to the fault of the person suffering the damage or expenses.

3.2 For greater certainty, any damage or expense shall not be treated as due to the fault of the person suffering it by reason only that the person could have prevented it by fencing his Allocated Lands.

3.3 No Livestock Control Officer or person authorized to assist in the capture, impoundment or disposal of livestock shall be liable for any damage caused by livestock if that person is not the owner of the livestock or the last person in possession of the livestock, unless the damage is caused, in whole or in part, deliberately by the person or due to the person's gross negligence.

Liability for Opening and Not Closing Gate

3.4 When a person

- (a) opens and fails to close a gate, or
- (b) tampers with, damages or destroys a gate or fence,

as a result of which livestock escape, the person is liable for any damage that occurs or expenses that are incurred, or both, and is liable to both the owner of livestock, and when the last person in possession of livestock was required to pay for any damage or expenses under section 3.1, to that person.

3.5 Nothing in section 3.4 restricts the liability under section 3.1 of the owner of livestock and the last person in possession of livestock.

Dispute as to Damages

3.6 For the purposes of sections 4.14(d), 4.15(e), 5.2(d) and 5.3(e), where there is a dispute as to liability for or quantum of damages, it shall be sufficient if the owner or last person in possession of the livestock pays to the Piikani Nation Lands Department an amount which, in the reasonable opinion of the Livestock Control Officer, would be sufficient to pay any damages if proven.

3.7 The amounts paid pursuant to section 3.6 shall be held by the Piikani Nation Lands Department and shall only be disbursed by agreement of the parties to the dispute or in satisfaction of an award made in respect of the dispute by binding arbitration or a court of competent jurisdiction.

3.8 The balance of any proceeds remaining after the payment of an award made pursuant to section 3.7 shall be paid to the owner or last person in possession of the livestock, as the case may be.

PART 4 – CAPTURE, CONFINEMENT AND IMPOUNDMENT OF LIVESTOCK

Powers of Livestock Control Officer

4.1 A Livestock Control Officer may at any time, if satisfied that livestock are trespassing, capture and impound them or authorize another person to capture and impound them.

4.2 Livestock are considered to be trespassing and will be impounded if

(a) livestock are at large on the Reserve outside the owner or last person in possession's Allocated Lands, unless they are located on the Community Pastures with the

- authorization of the Council, or upon another person's Allocated Lands with the permission of that person, and are not in violation of any other provision of this section;
- (b) livestock are at large in the townsite of Brocket;
 - (c) livestock are grazing on the Community Pastures without the authorization of the Council;
 - (d) livestock are grazing on a stubble field without the permission of the permit holder;
 - (e) livestock are at large on any lands that are subject to a permit under section 28(2) of the *Indian Act*, the presence or activities of which interfere with the rights of the permit holder;
 - (f) livestock owned by a non-member are on the Reserve other than in accordance with a permit under section 28(2) of the *Indian Act*, or authorization of the Council granted by Band Council Resolution; or
 - (g) livestock owned by a non-member is located on the Community Pastures or Peigan Timber Limit 147B.

Destruction of Dangerous Livestock

4.3 A Livestock Control Officer who is satisfied that

- (a) livestock are trespassing on land,
- (b) attempted capture of the livestock will likely result in injury to some person or property, and
- (c) the owner of livestock or the last person in possession of livestock is unknown, or the owner of livestock or the last person in possession of livestock is unwilling or unable to remove the livestock,

may destroy the livestock in a safe and humane manner or authorize another person to destroy the livestock in the same manner.

4.4 No damages or compensation may be recovered as a result of the destruction of livestock by the Livestock Control Officer or any person authorized by him pursuant to section 4.3.

Destruction of Injured Livestock

4.5 Where livestock is at large or captured which the Livestock Control Officer has reason to believe is injured or should be destroyed without delay for humane reasons or for reasons of health or safety to persons or animals:

- (a) the Livestock Control Officer shall document the injuries or state of health of the livestock and any risk to the health or safety of persons or animals, including making reasonable efforts to photograph visible injuries or symptoms;
- (b) unless otherwise ordered by a peace officer or health authority, upon documenting the injuries or state of health of the livestock and any risk to the health or safety of persons or animals, the Livestock Control Officer shall destroy the livestock forthwith without permitting any person to reclaim the livestock;
- (c) where the Livestock Control Officer has reason to believe that the livestock might be infected with a disease which causes it to carry a risk to the health of persons or animals, the Livestock Control Officer shall forthwith use reasonable efforts to consult with a Health Officer, if one has been appointed, in respect of any decision to be made pursuant to this section; provided that the Livestock Control Officer shall not be required to wait on the availability of a Health Officer if the situation appears to pose an immediate and serious risk to health and safety;
- (d) if the Livestock Control Officer has reason to believe that the condition of the livestock is the result of abuse or neglect, the Livestock Control Officer shall report the incident to the Society for the Prevention of Cruelty to Animals, along with a copy of the documentation created pursuant to subsection (a);

and, provided that the Livestock Control Officer and Health Officer are acting in good faith, they shall not be liable for the payment of damages or any compensation to any person on account of such actions.

Capture of Livestock

4.6 If livestock trespass on land, the Occupant or Resident of Allocated Land may, while livestock are on the Allocated Land, capture and confine the livestock or authorize another person to capture and confine the livestock in a place appropriate to enable the Livestock Control Officer to identify the livestock.

4.7 No Occupant or Resident of Allocated Land, or person acting on their behalf, who is capturing livestock under section 4.6 shall permit or allow the captured livestock to be:

- (a) Transported or driven across or along a highway; or
- (b) Transported or driven over any land that does not belong to the Occupant of the Allocated Land or is not the land upon which the Resident resides,

nor shall such person drive livestock onto Allocated Land to be captured, unless authorized to do so in writing by a Livestock Control Officer.

4.8 When the Occupant or Resident of the Allocated Land, or a person acting on his or her behalf, captures livestock trespassing on the Allocated Land the Occupant, Resident or person acting on their behalf shall, within 48 hours of the time the livestock have been confined, complete a statement of capture and expenses and provide it to the Livestock Control Officer.

Confinement of Stray Livestock

4.9 When a Livestock Control Officer receives a statement of capture and expenses in respect of Stray Livestock pursuant to section 4.8, the Livestock Control Officer shall impound such livestock and

- (a) Leave the livestock with the person who has the livestock confined, with the permission of that person, who may submit a supplementary statement of capture and expenses to reflect additional expenses incurred therefrom, or
- (b) Transport or arrange for transport of the livestock to an impound facility.

Impoundment of Livestock

4.10 Where a Livestock Control Officer impounds livestock pursuant to this Bylaw the Livestock Control Officer,

- (a) if the owner of livestock is known, shall issue a Notice of Impoundment to the owner of livestock by any reasonable means;
- (b) if the last person in possession of livestock is known, shall issue a Notice of Impoundment to the last person in possession of livestock by any reasonable means;
- (c) if neither the owner of livestock nor the last person in possession of livestock is known, shall
 - (i) post a Notice of Impoundment in the Piikani Nation Administration building and any other public place deemed suitable; and
 - (ii) cause a copy of the Notice of Impoundment to be delivered by any reasonable means to any person believed to be the owner or last person in possession of livestock by the Livestock Control Officer.

4.11 The notice period for a Notice of Impoundment shall be as follows:

- (a) for a First Impoundment, fourteen (14) days;
- (b) for a Second Impoundment, seven (7) days;
- (c) for a Third Impoundment, there shall be no notice period, and the Notice of Impoundment shall be accompanied by a Notice of Sale.

Effect of Notice of Impoundment

4.12 On the issue or posting of a Notice of Impoundment, the livestock described in the Notice become subject to the control of the Livestock Control Officer and shall not be transported or disposed of except;

- (a) in accordance of this bylaw, and
- (b) with the consent of a Livestock Control Officer.

4.13 No person shall transport, move or dispose of livestock impounded pursuant to this bylaw without prior written consent of a Livestock Control Officer.

Release of Impounded Livestock

4.14 For a First Impoundment, if the owner of the livestock or the last person in possession of the livestock claims the livestock on or before the expiry of the notice period for the Notice of Impoundment and

- (a) registers the livestock in the Registry, if it has not already been so registered;
- (b) marks the livestock with a visible brand or other identification in accordance with section 7.1, if it is not already so marked
- (c) pays the prescribed expenses; and
- (d) pays for all damages,

then the Livestock Control Officer shall release or authorize the person confining the livestock to release the livestock to the owner of the livestock or the last person in possession of the livestock.

4.15 For a Second Impoundment, if the owner of livestock or last person in possession of livestock claims the livestock on or before the expiry of the notice period for the Notice of Impoundment, and

- (a) if the Livestock Control Officer so requires, establishes to the satisfaction of the Livestock Control Officer that a proper place to keep livestock has been secured, which may consist of an executed grazing permit or similar agreement;
- (b) registers the livestock in the Registry, if it has not already been so registered;
- (c) marks the livestock with a visible brand or other identification in accordance with section 7.1, if it is not already so marked;
- (d) pays the prescribed expenses; and
- (e) pays for all damages

then the Livestock Control Officer shall release or authorize the person confining the livestock to release the livestock to the owner of the livestock or the last person in possession of the livestock.

4.16 For a Third Impoundment, the Livestock Control Officer shall not release the livestock and shall forthwith dispose of the livestock pursuant to Part 5.

PART 5 - SALE OF LIVESTOCK

Sale of Livestock

5.1 When livestock is impounded pursuant to this bylaw and

- (a) the owner or last person in possession of livestock has not claimed or complied with the conditions for release of livestock pursuant to section 4.14 or 4.15 on or before the expiry of the notice period for the Notice of Impoundment, or
- (b) the impoundment is a Third Impoundment,

then the Livestock Control Officer shall, after the date set out in the Notice of Impoundment has passed,

- (c) if the owner of livestock is known, issue a Notice of Sale to the owner of livestock by any reasonable means;
- (d) if the last person in possession of livestock is known, issue a Notice of Sale to the last person in possession of livestock by any reasonable means;
- (e) if neither the owner of livestock nor the last person in possession of livestock is known,
 - (i) post a Notice of Sale in the Piikani Nation Administration building and any other public place deemed suitable; and

- (ii) cause a copy of the Notice of Sale to be delivered by any reasonable means to any person believed to be the owner or last person in possession of livestock by the Livestock Control Officer.

5.2 For a First Impoundment, if the owner of the livestock or the last person in possession of the livestock claims the livestock on or before the expiry of the notice period for the Notice of Sale and

- (a) registers the livestock in the Registry, if it has not already been so registered;
- (b) marks the livestock with a visible brand or other identification in accordance with section 7.1, if it is not already so marked;
- (c) pays the prescribed expenses; and
- (d) pays for all damages,

then the Livestock Control Officer shall release or authorize the person who is confining the livestock to release the livestock to the owner of the livestock or the last person in possession of the livestock.

5.3 For a Second Impoundment, if the owner of the livestock or the last person in possession of the livestock claims the livestock on or before the expiry of the notice period for the Notice of Sale and

- (a) if the Livestock Control Officer so requires, establishes to the satisfaction of the Livestock Control Officer that a proper place to keep livestock has been secured, which may consist of an executed grazing permit or similar agreement;
- (b) registers the livestock in the Registry, if it has not already been so registered;
- (c) marks the livestock with a visible brand or other identification in accordance with section 7.1, if it is not already so marked;
- (d) pays the prescribed expenses; and
- (e) pays for all damages

then the Livestock Control Officer shall release or authorize the person who is confining the livestock to release the livestock to the owner of the livestock or the last person in possession of the livestock.

5.4 The notice period for the Notice of Sale shall be as follows

- (a) for a First Impoundment, fourteen (14) days,

- (b) for a Second Impoundment, seven (7) days, or
- (c) for a Third Impoundment, there shall be no notice period for the Notice of Sale.

5.5 When a Notice of Sale has been issued or posted pursuant to this bylaw and

- (a) the owner or last person in possession of livestock has not claimed or complied with the conditions for release of livestock pursuant to section 5.2 or 5.3 on or before the expiry of the notice period for the Notice of Sale, or
- (b) the impoundment is a Third Impoundment,

then the Livestock Control Officer shall, after expiry of the notice period for the Notice of Sale, or forthwith if the impoundment is a Third Impoundment, sell the livestock through public auction or by any other means deemed expedient in the opinion of the Livestock Control Officer.

PART 6 – DISPOSITION OF PROCEEDS OF SALE OF LIVESTOCK

6.1 When livestock is sold pursuant to this bylaw, the proceeds of sale shall be disbursed in accordance to this Part.

6.2 The proceeds of sale shall be disbursed in the following priority, on proof that expenses have been incurred:

- (a) to pay for all expenses associated with the sale of livestock, including transporting the livestock to the place of sale;
- (b) to pay expenses incurred in capturing and impounding the livestock;
- (c) to pay expenses in transporting the livestock to an impound facility and attempting to ascertain the owner of the livestock or the last person in possession of the livestock, including expenses for issuing notices and mileage;
- (d) to pay any other prescribed expenses;

and the Council may by Band Council Resolution prescribe expenses contemplated by subsection (d) and the amounts of any expenses contemplated by this section.

6.3 Any balance of the proceeds of sale remaining after compliance with section 6.2 shall be paid into the Piikani Nation Land Lease Account.

6.4 The Piikani Nation shall pay out of a balance referred to in section 6.3, to the extent that money is available in that balance, to a person claiming damages, the following amount:

- (a) The amount of the damage claim, if it is reasonable in the opinion of the Livestock Control Officer; or
- (b) The assessment calculated by an Assessor under section 6.8.

6.5 The Piikani Nation may pay out of the balance, if any, of the proceeds of sale of livestock after compliance with section 6.4, to a person who is not the owner or the last person in possession of the livestock and who

- (a) claims within three (3) months from the date of the sale of livestock, and
- (b) establishes to the satisfaction of the Council that the person was the lender in a transaction to finance the purchase of the livestock by the owner of the livestock prior to the sale,

the amount owing by the owner to the person in respect of the livestock.

6.6 The owner of livestock and the last person in possession of livestock shall not be entitled to receive any proceeds from the sale of livestock, and the balance, if any, of the proceeds of sale of livestock after compliance with section 6.5 shall be forfeited to the Piikani Nation.

Assessment of Damages

6.7 When livestock is sold pursuant to this bylaw and a person claiming to have suffered damage and a Livestock Control Officer do not agree on the amount of damage, the Council may, at the request of the Livestock Control Officer or the person, direct an Assessor to assess the amount of the damage and, when appropriate, to determine the livestock responsible for the damage.

6.8 An Assessor shall, on making his assessment and determination, give a written notice to the Council, the Livestock Control Officer and the person claiming to have suffered damage, showing the assessment and determination, if any.

6.9 If the Assessor assesses the amount of damage in an amount less than the amount claimed by the person claiming to have suffered damage, the Assessor may reduce the assessment by an amount not exceeding the cost of conducting the assessment and determination, or by such lesser amount as the Assessor deems to be appropriate in the

circumstances given the relative positions of the Livestock Control Officer and the person claiming to have suffered damage, subject to any recommended, maximum or minimum costs as may be prescribed by the Council.

6.10 The assessment and determination, if any, of the Assessor is final for the purpose of calculating the amount to be paid to the person claiming to have suffered damage pursuant to section 6.4.

PART 7 – IDENTIFICATION OF LIVESTOCK

Identification

7.1 In order to assist in the identification of livestock, all livestock on Reserve shall be marked with a visible brand or other identification that in some way permanently identifies the owner of the Livestock.

7.2 Where a member of the Piikani Nation has entered into a transaction to finance the purchase of livestock which requires the lender's brand or other identification to be placed on the livestock, that member shall ensure that the lender's brand or other identification is placed on the livestock.

Registry

7.3 The Piikani Nation Lands Department shall establish and maintain a Registry of all livestock branded or otherwise permanently identified.

7.4 Every person owning or in possession of livestock on the Reserve shall register the brand or other identification and the livestock with the Piikani Nation Lands Department, who shall record the livestock in the Registry.

7.5 Where a member of the Piikani Nation has entered into a transaction to finance the purchase of livestock which requires the lender's brand or other identification to be placed on the livestock, both the member and the lender shall be responsible for registering the livestock with the Piikani Nation Lands Department.

Sales or Transfer

- 7.6 Any sale or transfer of livestock branded or permanently identified by the owner of the livestock to another person shall be reported by the seller to the Piikani Nation Lands Department within seven (7) days of such sale or transfer.

Forms

- 7.7 The Council may by Band Council Resolution prescribe forms for the establishment and maintenance of the Registry.

PART 8 – GENERAL MATTERS

Delegation

- 8.1 The Council may delegate any of its powers, duties or functions under this bylaw to a Livestock Control Officer, Assessor or any other person, except its power to make regulations under this bylaw.
- 8.2 When a delegation is made under section 8.1, a reference in this bylaw or the regulations to the Council or a Livestock Control Officer or Assessor with respect to the delegated powers, duties or functions is to be read as if it were a reference to the delegated body.

Procedural Defects

- 8.3 No notice or act taken pursuant to this Bylaw shall be deemed to be void or invalid by reason only of a defect in form or procedure that does not cause material prejudice to any party.

Time and Service

- 8.4 The Notice Period for any Notice of Impoundment shall commence as follows:
- (a) where the owner of livestock is known, on the date that the Notice of Impoundment is personally served upon the owner, or is entrusted to Canada Post or a courier for delivery to the last known address of the owner;

- (b) where the owner of livestock is not known, but the last person in possession of the livestock is known, on the date that the Notice of Impoundment is personally served upon that person, or is entrusted to Canada Post or a courier for delivery to the last known address of that person; or
- (c) where neither the owner nor the last person in possession of livestock is known, on the date that the Notice of Impoundment is posted in a public place pursuant to section 4.10(c)(i);

and no Notice of Impoundment shall be issued unless it is dated as of the date that it commences.

8.5 The Notice Period for any Notice of Sale shall commence the date it is issued.

Regulations

8.6 The Council may, by Band Council Resolution,

- (a) prescribe the form or content of any document contemplated by this Bylaw or reasonably necessary for the administration hereof;
- (b) prescribe permissible expenses for the purposes of this Bylaw;
- (c) prescribe recommended, maximum or minimum costs as contemplated by section 6.9; and
- (d) make any other regulations necessary for the proper administration of this Bylaw.

PART 9 – OFFENCES

Offences and Penalties

9.1 It is an offence to:

- (a) knowingly contravene sections 3.4 or 4.7;
- (b) knowingly permit livestock to commit a trespass pursuant to section 4.2(f) or (g); or
- (c) knowingly submit a false or misleading statement of capture.

9.2 Any person who commits an offence hereunder is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty (30) days, or to both a fine and imprisonment.

Civil Liability Unaffected

- 9.3 Nothing in this bylaw affects the civil liability of a person who contravenes any provision of this bylaw or the regulations or the question of liability for damages.

PART 10 – REPEAL

Bylaw No. 2

- 10.1 The *Pound Bylaw*, being Bylaw No. 2, enacted on the 10th day of February, 1965, be and the same is hereby repealed.

PART 11 – COMING INTO FORCE

- 11.1 This Bylaw comes into force upon publication pursuant to section 86 of the *Indian Act*.

SCHEDULE "A"

PRESCRIBED EXPENSES

Unless otherwise prescribed by the Council, the expenses incurred in capturing, confining, impounding, identifying, maintaining, transporting and selling livestock, attempting to ascertain the owner of livestock or the last person in possession of livestock, and carrying out any other provisions of this bylaw shall be as follows:

1. In respect of a First Impoundment:
 - (a) For the initial capture and impoundment, \$10.00 per animal.
 - (b) For each day of impoundment after the first,
 - (i) in respect of an uncastrated male animal, \$4.00 per animal;
 - (ii) in respect of any other animal, \$3.00 per animal
2. In respect of a Second Impoundment or Third Impoundment:
 - (a) For the initial capture and impoundment, \$15.00 per animal.
 - (b) For each day of impoundment after the first,
 - (i) in respect of an uncastrated male animal, \$8.00 per animal;
 - (ii) in respect of any other animal, \$6.00 per animal
3. For transportation of livestock by trailer or motor vehicle, \$50.00 plus \$1.00 for each kilometer travelled in excess of 50 kilometers.
4. For trailer rental, if necessary, \$150.00 per day or part thereof.
5. For use of horses to capture livestock, if necessary, \$50.00 per horse used per day or part thereof.

6. For the hiring of individuals to assist the Livestock Control Officer in respect of a particular capture and impoundment of livestock, the cost shall be assessed at the prevailing minimum wage in the Province of Alberta.
7. For the issuance and service or posting of a Notice of Impoundment or Notice of Sale, \$2.00 per Notice, plus the actual cost of service, if any.
8. For advertising costs, the actual cost of advertising.
9. For kilometers travelled by a Livestock Control Officer in furtherance of a capture or impoundment, \$0.50 per kilometer.
10. For commissions on sale or auction, the actual cost thereof.
11. For veterinary expenses, the actual cost thereof.
12. For expenses relating to consultation with a Health Officer in respect of an animal, the reasonable fees and disbursements of the Health Officer.

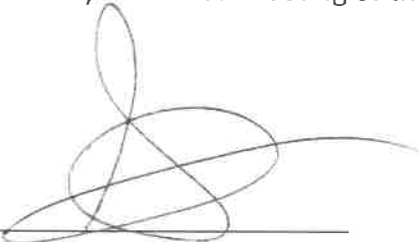
READ FOR A FIRST TIME by Council this 16th day of June, 2016 at 3:45 pm

READ FOR A SECOND TIME by Council this 3rd day of August, 2016 at 1:00 pm

READ FOR A THIRD TIME by Council this 20th day of April, 2017 at _____am/pm

THIS BYLAW IS HEREBY made at a duly convened meeting of the Piikani Nation Council this 20th day of April, 2017.

Piikani Nation Council:



Chief

Councillor Doane Crow Shoe

Councillor Keith Grier

Councillor Troy Knowlton



Councillor Fabian North Peigan



Councillor Brian Jackson

Councillor Barnaby Provost



Councillor Ferlin Crow Shoe



Councillor Lowell Yellow Horn

Being the majority of those members of the Piikani Nation Council present at the aforesaid meeting of the Council.

The quorum of the Piikani Nation Council is seven (5) members.

Number of members of the Piikani Nation Council present at the meeting is ____.