

**Muskoday First Nation**  
Land Registry  
Instrument Particulars



**Grantee:**

**Surname**

**Given Names**

..... Muskoday First Nation .....

**Type of Instrument**..... First Nation Land Law .....

**Date of Instrument**..... April 22, 2008 .....

**Purpose**..... Miscellaneous .....

**Parcel of Land Affected**..... All lands identified by Chief & Council .....

**Supporting Documentation**..... Land Law brought into force January 1, 2008 .....

This instrument has been entered into the Muskoday First Nation Land Registry,  
and has been registered under number: Land Law 2007-01 at 3:15 A.M./P.M.  
on April 28, 2008, A.D.

April 29/08  
Date

  
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Manager - Lands, Resources &  
Environment

**Filed in the  
Muskoday 1st Nation  
Land Registry**

# **Muskoday First Nation**

## **Land Law Number 1 of 2007**



#99

**WHEREAS** the Muskoday First Nation has taken control of its reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management*, and has enacted the *Muskoday First Nation Land Management Code* which came into force and effect on January 1, 2000 and as amended on March 19, 2007;

**AND WHEREAS** under the jurisdiction of the *Muskoday First Nation Land Code*, the Chief and Council of the First Nation may enact laws respecting the development and management of its lands and the interests and licenses in relation to those lands;

**THEREFORE**, the Chief and Council of the Muskoday First Nation do hereby enact the following Land Law;

### **Title**

The title of this enactment is the

### **Lawful Fences and Secure Enclosures Land Law**

### **Interpretation**

In this law, the following definitions apply:

**"Council"** means the Council of the Muskoday First Nation.

**"Crown Corporation"** means any publicly owned utility company and any subsidiary companies thereof owned by the Government of Saskatchewan, including SaskEnergy, SaskPower and SaskTel.

**"Emergency Services Personnel"** mean those persons in the employ of any ambulance, fire protection or first responders department or company. This shall include members of the Muskoday Volunteer Fire Department and Security Service.

**"Land Code"** means the *Muskoday First Nation Land Management Code*.

**"Land User"** means a permittee, lessee, and any person, company or corporation who has a right to agricultural and non-agricultural use of First Nations lands under the authority of a resolution of the Muskoday First Nation or any other person living on Muskoday First Nation lands.

**"Lands"** means the Muskoday First Nation lands as identified in the Muskoday First Nation Land Code and any other lands identified through the acquisition of any land claim, be it Treaty Land Entitlement or Specific Claim.

**"Law Enforcement Personnel"** mean those persons in the employ of the Royal Canadian Mounted Police for policing and safety on Muskoday Lands.

**"Right of Way or Easement"** means an agreement that confers on an individual, government or company the right to use a landowner's property in some way.

## **Preamble**

As per Section 4.3.2 of the Muskoday First Nation Land Use Plan adopted in 2002, no livestock shall be permitted in the Community Residential zone on Muskoday First Nation, and limited numbers of livestock shall be permitted in the Country Residential zone.

Where fencing is required for livestock in the Country Residential zone and other agricultural areas, standards shall be adhered to herein this land law.

Fencing in Community Residential Areas shall follow its own set of guidelines.

## **PART I**

### **Fencing for Livestock**

#### **1. Secure Enclosure Required**

No animals defined as livestock shall be permitted to run free at large on the Muskoday First Nation. All persons or companies with active permits or licenses shall ensure that any animals owned by them are properly identified with ear tags or branding, are securely penned and do not pose a hazard to any member, invitee, or other persons with a leasehold interest in Muskoday Lands.

Perimeter fencing, corrals or pens may be built from materials from such as wooden rails or slabs, but must be secured in a manner to limit the escape of any animals it was intended to secure.

Electric fencing shall not to be used as a main exterior fence for any pasture, corral or pen; only as cross fencing for rotational grazing within pastures or corrals.

#### **2. Fencing upon Right of Ways**

No person, company or corporation shall erect a fence that encroaches upon any easement, right of way or road allowance (developed or undeveloped) that is granted to a public or private company or in the name of the First Nation.

#### **3. Animals to be deemed as Livestock**

The list of animals which shall be fenced according to this land law may be defined as, but not limited to, any of the following:

Cattle	Bison	Llamas or alpacas
Goats	Horses	Domestic sheep
Domestic pigs		Mule deer and/or white tailed deer
Bighorn sheep		other domestic or fur game animals.

Heights and limitations will be set out in the attached Appendix "A".

#### **4. Protecting Water sources**

Fencing around water sources such as man made dugouts, creeks, tributaries, sloughs, ponds or rivers shall be maintained with a buffer space of approximately 1.82 meters (6 feet) from the edge of the shore. Permit holders and First Nation members should use best management practices when keeping animals close to any of the abovementioned areas to limit trampling of shorelines and limit feces in the water supply.

#### **5. Corral or enclosure used as a pound**

The fence of a corral or an enclosure, other than a building, used as a pound must be substantially erect and kept in good state of repair so as to keep and prevent any animals impounded from escaping from the corral or enclosure.

## **6. Upkeep of Fences**

Any person, company or crown corporation shall be responsible for the upkeep of any fences erected by them during the term or any license or permit and, upon expiry or sooner termination of said license or permit, may be required to remove them. Failing such requirement, the fences shall become the property of the First Nation.

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## **PART II**

### **Residential Zones**

#### **1. Fencing in Residential Areas**

- (a) Members wishing to build or construct a fence shall contact the Lands department to have their individual lots surveyed as to prevent encroachment onto another Members interest or right of ways for roads, public works utilities or Crown Corporation utilities.
- (b) No fence shall be constructed that shall cause bodily harm to any member or invitee. This includes the use of barbed wire fencing, razor wire, electric fencing or any other material that may be deemed dangerous or a public hazard in residential areas.
- (c) Any member who constructs or installs a fence on his/her allotted land(s) shall indemnify the First Nation for any claims, actions, causes of action, damages or expense whatever arising from his use of those lands, whether that use be authorized or unauthorized, whether it arises from his act or omission, and whether it arises from an own act or omission, or that of his agent, employee, family member, contractor, guest or invitee.
- (d) Any fence constructed shall be no higher than six (6) feet or 1.83 meters high as to prevent emergency vehicles (RCMP, Fire, EMS, Security patrol) from properly identifying any home or structure or prevent access to the land by any First Nation official, law enforcement or emergency services personnel.
- (e) Any fence constructed out of metal or metal-like materials that are in excess of 3 millimeters in thickness which is deemed to "excessively fortify" any yard or property shall not be permitted under this law.
- (f) This Land law shall not prohibit the use or application of commercially marketed household security devices designed and applied to provide against reasonable fortification and protection from theft or other criminal activity against the person or property of an individual.

#### **Office and Penalties**

Any person, company or Crown Corporation who violates any of the provisions of this land law is guilty of an offence and is liable on summary conviction to a fine not exceeding **one thousand (\$1,000.00) dollars** or to imprisonment for a term not exceeding **thirty (30) days, or both.**

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**Appeal against Land law**

An occupant of land affected by this law passed may appeal against the law to the First Nation after giving notice to the Land Manager that he intends to appeal.

Every notice of appeal is to be in writing, to set out the name and address of the appellant, a description of the law, the location of the land affected and the ground of the appeal and to be mailed to the Land Manager within 15 days from the date of receipt.

Any dispute resolution pertaining to this Land Law will be done under Section 30 of the *Muskoday First Nation Land Code*.

**Amendment**


This Land law may be comprehensively reviewed and amended from time to time as needed.

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This land law is hereby passed at a duly convened meeting of the Council of the Muskoday First Nation, this 16<sup>th</sup> day of November 2007.

# of Councilors present 5 (4 Council members constitutes a quorum)

Voting in favor of this Land law are the following members of the Council:

 Chief Austin Bear

 Councilor Eric Bear

 Councilor Barry Brass

\_\_\_\_\_ Councilor Eldon Crain

 Councilor Herman Crain

 Councilor Ernie Dreaver, Jr.

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## **Appendix "A"**

### **Regulations for Fences for Animals**

#### **1. Domesticated Farm and Game Animals**

##### **(a) for cattle:**

- (i) three or more barbed or high tensile wire strands secured to substantial posts that are not more than 20 meters (65 feet) apart, the wire being fastened to droppers not more than five meters (16 feet) apart, and the strands of wire being 35 to 40 centimeters (13 – 15 inches) apart, with the lowest strand being 35 to 40 centimeters (13-15 inches) from the ground; or
- (ii) three or more barbed or high tensile wire strands secured to substantial posts that are not more than 7.5 meters (24 feet) apart, the strands of wire being 30 to 35 centimeters (13-15 inches) apart, with the lowest strand being not more than 30 to 35 centimeters (13-15 inches) from the ground;

**(b) for bison,** five or more barbed or high tensile wire strands secured to substantial posts that are not more than 7.5 meters (24 feet) apart, the strands of wire being 30 to 35 centimeters (13-15 inches) apart, with the lowest strand being not more than 30 to 35 centimeters (13-15 inches) from the ground;

**(c) for llama and alpaca,** four or more barbed or high tensile wire strands secured to substantial posts that are not more than 7.5 meters (24 feet) apart, the strands of wire being 30 to 35 centimeters (13-15 inches) apart, with the lowest strand being not more than 30 to 35 centimeters (13-15 inches) from the ground;

**(d) for goats,** woven wire not less than 1.5 meters (5 feet) high, secured to posts not more than five meters (16 feet) apart;

**(e) for horses:** at least two strands of barbed wire, one strand at chest height of a mature horse and the other strand at half distance between the top strand and the ground.

##### **(f) for domestic sheep:**

- (i) woven wire not less than 1.1 meters (3.5 feet) high;
- (ii) four strands of electric wire, evenly spaced not less than 1.1 meters (3.5 feet) high with the lowest strand being not more than 10 centimeters (4 inches) from the ground; or
- (iii) woven wire and one strand of electric wire or high tensile wire not less than 1.1 meters (3.5 feet) high;

##### **(g) for domestic pigs:**

- (i) woven wire 1.2 meters (4 feet) high, buried in the ground 45 centimeters (17 inches) down and 45 centimeters (17 inches) into the pen, and secured to posts not more than five meters (16 feet) apart; or
- (ii) electric wire 15 centimeters (6 inches) from the ground and secured to posts not more than five meters (16 feet) apart;

**(h) for the species and interspecies hybrids of mule deer and white-tailed deer,** an enclosure at least 2.44 meters (8 feet) high;

**(i) for bighorn, American thinhorn or mouflon sheep,** an enclosure of 2.1 Meters (7 feet) high;

**(j) for domestic game farm animals other than those mentioned in clauses (h) and (i),** an enclosure at least 2.1 meters (7 feet) high;

**(k) for fur animals,** an enclosure in accordance with The Fur Farming Regulations of Saskatchewan.