

PIKANGIKUM FIRST NATION INTOXICANT BY-LAW

NO. 1-97

WHEREAS the use of intoxicants has been demonstrated over time to be the greatest contributor to death, suicide, drowning, family breakdown, ill-health, disorderly conduct, nuisances and breaches of law and order for the Pikangikum First Nation people, thereby threatening the present and future peace, health and well-being of the Pikangikum community and its residents;

AND WHEREAS combating the destructive effects of intoxicants in an effective manner in our particular community requires special measures tailored to its unique location, culture, traditions, character and composition;

AND WHEREAS the inhaling of the vapors of gasoline, solvents, cements and other substances poses a very serious threat to the health and safety of our young people and similarly requires that special measures be taken for their protection;

AND WHEREAS the Chief and Council of the Pikangikum First Nation have the power under the Indian Act to make Laws respecting intoxicants, including Laws declaring the complete prohibition of intoxicants from the Reserve, pursuant to Section 85.1.

AND WHEREAS the Council of the Pikangikum First Nation must be adequately protected and respected in their duty to enforce the control of intoxicants at the Pikangikum First Nation Reserve;

RESCINDMENT

1. Intoxicant By-law #39/96 passed by the Chief and Council of Pikangikum First Nation on July 23, 1996 is hereby repealed.

DEFINITIONS

2. In this Law:

a) "Intoxicants" includes:

- i) glues, cements and similar compounds, and the vapors thereof;
- ii) gasoline, naphtha and other fuels, and the vapors thereof;
- iii) cleaning solvents, disinfectants, and the vapors thereof;

- iv) anti-freeze, de-icers and other similar products containing alcohol, and the vapors thereof;
 - v) perfumes, hairsprays, mouthwashes and other cosmetic of hygienic products, and the vapors thereof;
 - vi) home-made mixtures capable of producing a state of intoxication;
 - vii) intoxicants as defined under Section 2(1) of the Indian Act; and
 - viii) drugs such as cocaine, marijuana, hashish, heroine, etc.;
 - ix) such other substances and the vapors thereof used to produce a state of intoxication;
- b) "Traffic" means:
- i) to manufacture an intoxicant; or
 - ii) to sell, exchange, barter or trade an intoxicant; or
 - iii) where the recipient of the intoxicant is 18 years of age or younger, to supply, give, administer or distribute an intoxicant to such a young person, whether or not for gain; or
 - iv) to offer to do anything in paragraphs (a), (b) and (c) immediately above;
- and "trafficking" has a corresponding meaning.
- c) "Intoxicated" means:
- i) in addition to its ordinary meaning, any person 18 years of age or less who has in any manner consumed intoxicants is deemed to be intoxicated for the purpose of this Law.

EXCEPTIONS

3. No offence is committed against the provisions of this Law:
- a) where the intoxicant is possessed, used or intended to be used solely:
 - i) for medicinal purposes; or
 - ii) for domestic, business, commercial or other purposes that do not involve producing a state of intoxication in any person.

OFFENSES AND PENALTIES

4. Everyone who:
 - a) is intoxicated on the Reserve is guilty of an offence punishable on summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or imprisonment for a period not exceeding three (3) months, or both;
 - b) is in possession of an intoxicant on the Reserve is guilty of an offence punishable on summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or imprisonment for a period not exceeding three (3) months or both;

5. Everyone who:
 - a) traffics in an intoxicant, or
 - b) is in possession of an intoxicant for the purpose of trafficking

is guilty of an offence punishable on a summary conviction and is liable to a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or imprisonment for a period not exceeding six (6) months, or both;

6. Everyone who, while intoxicated, and not being in a dwelling house, creates a nuisance by disturbing the peace and quiet of an occupant of a dwelling house by fighting, screaming, shouting, swearing, singing, using insulting or obscene language, attempting to gain entry to said dwelling house or other disorderly conduct is guilty of an offence punishable on summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or imprisonment for a period not exceeding ninety 90 days (3 months), or both;

7. Everyone, who while intoxicated and not being in a dwelling house, causes a nuisance to another person by impending, insulting, molesting, harassing, threatening, begging from, shouting at, swearing at or displaying other disorderly conduct towards that other person is guilty of an offence punishable by summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or to imprisonment for a period not exceeding ninety (90) days, or both;

8. Everyone who, while intoxicated, interferes with the orderly conduct of commercial, administrative, educational, recreational, health care, religious powwows or ceremonial activities, on the Reserve is guilty of an offence punishable on summary conviction and is liable to a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or to imprisonment for a period not exceeding (6) months, or both;

9. Everyone who, while intoxicated, puts at risk the health of any child under the age of 12 years to whom that person stands in loco parentis by leaving said child without making reasonable arrangements for his/her shelter, feeding, clothing, supervision or protection during that person's absence or by exposing the child to danger while undertaking any activity, including the operation of a vehicle, including a snowmobile, where the child is a passenger is guilty of an offence punishable to fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or to imprisonment for a period not exceeding (6) months, or both.

ALTERNATE PENALTIES

10. The ticketing of offences, payable to Pikangikum First Nation, can and may be substituted for the enforcement of penalties pursuant to charges of intoxication and possession as outlined in section 4 hereof, at the discretion of the Pikangikum First Nation Constables in consultation with the Chief and Council;
11. The accused, upon being charged with violation of a Pikangikum First Nation Intoxicant Law, may be offered the option of being issued a Pikangikum First Nation Offence Ticket, or being subject to criminal proceedings;
12. Upon pleading guilty, the accused shall pay within 15 days of the charge being laid, that is, on or before the expiration date marked on the ticket, to Pikangikum First Nation the required penalty;
13. Upon failure to pay within 15 days of the charge being laid, Pikangikum First Nation Constables shall complete a court brief and a summons will be issued to the accused;
14. All tickets shall have a number that will be unique to the said ticket and that the Pikangikum First Nation shall stamp all copies of the ticket upon payment as a receipt for the accused;
15. The accounting of the ticket offence system shall be in a ledger format that will include seven columns:
- a) Ticket number
 - b) Donation amount payable
 - c) Name of accused
 - d) Expiry date
 - e) Name of issuing constable
 - f) Payment received or not received by expiry date

- g) If unpaid, date case was referred back to issuing constable (or his or her replacement).
16. The following will be the scheduled penalties for the offences:
- a) Intoxication charge:
 - i) First charge \$50.00
 - ii) Second charge within six months \$75.00
 - iii) Third charge within six months \$100.00
 - b) Possession charge:
 - i) First charge \$50.00
 - ii) Second charge within six months \$75.00
 - iii) Third charge within six months \$100.00
17. Chief and Council reserve the right to invoke alternate arrangements for payment schedules which shall include assessment of income maintenance of a said household, so as to alleviate undue hardship;

EVICTIONS

18. Any person not a member of the Pikangikum First Nation or ordinarily resident in the Pikangikum First Nation community who is found intoxicated in the Pikangikum Reserve or in possession of intoxicants, firearms or weapons while intoxicated on the Pikangikum Reserve shall be subject to prosecution under the provisions of this Law and the Band Council shall have the right to evict such person from the Pikangikum Reserve at his expense.

PROTECTION OF CHIEF, COUNCIL AND BAND MEMBERS

19. Any person who:
- a) threatens or causes or attempts to cause any injury or bodily harm to any member of the Council of the Pikangikum First Nation or to any Band member working on behalf of the Council in enforcing this Law and especially where such person is in possession of a weapon including an axe, firearm, or knife shall be guilty of an offence and shall be prosecuted immediately under the provisions of the Criminal Code of Canada.
 - b) assists a peace officer in enforcement of this law shall be fully protected in law and indemnified from any legal action that may be pursued.

PROVISO

20. Nothing in this Law shall be constructed in any manner which serves to limit the powers of the Chief and Band Councillors, Band Constables or other authorized peace officers contained in any other statute or recognized at common law.

ENFORCEMENT

21. Pikangikum First Nation Council authorize the Ontario Provincial Police (O.P.P.) and the Royal Canadian Mounted Police (R.C.M.P.), the Pikangikum First Nation Constables and Pikangikum Peacekeepers to diligently enforce the provisions of this law.



Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada
Indian and Inuit Affairs / Affaires indiennes et inuit

Chronological No. -- Numéro consécutif: 24-97
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BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE Pikangikum First Nations
AGENCY: Sioux Lookout
DISTRICT: Ontario
PROVINCE: Ontario
PLACE: Pikangikum
NOM DE L'ENDROIT: Pikangikum
DATE: 30 April AD 19 97
DAY - JOUR MONTH - MOIS YEAR - ANNEE

Current Capital Balance / Solde de capital	\$
Committed - Engagé	\$
Current Revenue balance / Solde de revenu	\$
Committed - Engagé	\$

DO HEREBY RESOLVE: / DECIDE, PAR LES PRÉSENTES:

BE IT RESOLVED THAT:

The Chief and Council of Pikangikum First Nation hereby approve and enact the PIKANGIKUM FIRST NATION INTOXICANT BY-LAW NO. 1 - 97, attached as Schedule "A" hereto, which by-law shall come into force on the date of this Resolution.

A quorum for this Bande / Pour cette bande le quorum est consists of / fixé à Council Members / Membres du Conseil

Handwritten signatures of Council members and Chief, including names like Eddy Quill, Samuel Quill, and others.

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE
1. Band Fund Code / Code du compte de bande
2. COMPUTER BALANCES - SOLDES D'ORDINATEUR (A. Capital, B. Revenue - Revenu)
3. Expenditure / Dépenses
4. Authority - Autorité (Indian Act / Loi sur les Indiens)
5. Source of Funds / Source des fonds (Capital, Revenue)
6. Recommended - Recommandable / Approved - Approuvable