



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Indian and Inuit Affairs

Affaires indiennes et inuit

Chronological No. - Numéro consécutif

136/88

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4216-236

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever 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 Poplar Hill Band	Current Capital Balance <i>Solde de capital</i> \$ _____
AGENCY DISTRICT Sioux Lookout	Committed - <i>Engagé</i> \$ _____
PROVINCE Ontario	Current Revenue balance <i>Solde de revenu</i> \$ _____
PLACE <i>NOM DE L'ENDROIT</i> Poplar Hill Ontario	Committed - <i>Engagé</i> \$ _____
DATE <u>18</u> DAY - <i>JOUR</i> <u>February</u> MONTH - <i>MOIS</i> AD 19 <u>88</u> YEAR - <i>ANNEE</i>	

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

It was the will of the people of Poplar Hill on
16 February, 1988
and it is still the will of the people of Poplar Hill that the
Chief and Council of Poplar Hill, Ontario First Nations re-passed
and approved the attached by-law 85-1 prohibiting the use and possession
of intoxicants.

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

ORIGINAL SIGNED

BY

Patricia One
(Chief - Chef)

CERTIFIED TRUE COPY

[Signature]
(Councillor - conseiller)

(Councillor - conseiller)

JOHN STRANG
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

Albert Green
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

1. Band Fund Code <i>Code du compte de bande</i>	2. COMPUTER BALANCES - <i>SOLDES D'ORDINATEUR</i>		3. Expenditure <i>Dépenses</i>	4. Authority - <i>Autorité</i> Indian Act Sec <i>Art. de la Loi sur les Indiens</i>	5. Source of Funds <i>Source des fonds</i> <input type="checkbox"/> Capital <input type="checkbox"/> Revenue <i>Revenu</i>
	A. Capital \$ _____	B. Revenue - <i>Revenu</i> \$ _____			
6. Recommended - <i>Recommandable</i>			Approved - <i>Approuvable</i>		
Date _____ Recommending Officer - <i>Recommandé par</i> _____			Date _____ Approving Officer - <i>Approuvé par</i> _____		

Draft by-law on intoxicant Abuse

By-law No. 1 dated February 18, 1988 at Poplar Hill Band Office

By-law No 1

The Poplar Hill Band of Indians

Being a By-law respecting intoxication and the use of intoxicants on the Poplar Hill Reserve—being the Poplar Hill Band of Indians.

Whereas, subsection 85.1(1) of the Indian Act R.S.C. 1970, chapter 1-6 (as amended), empowers the Council of the Poplar Hill Band to make By-laws respecting intoxication and the use of intoxicants on the Reserve of the Poplar Hill Band, and

Whereas, pursuant to subsection 85.1 (2) of the Indian Act, the form and substance of the by-law set out below were assented to by a majority of the electors of the Poplar Hill Band who voted at a special meeting of the Band on the 16 day of February 1988, called by the Council of the Poplar Hill Band for the purpose of considering the said by-law, and

Whereas, the Council of the Poplar Hill Band considers necessary special measures for the protection of the citizens of the Reserve of the Poplar Hill Band from the presence of intoxicants;

DEPT. OF INDIAN AFFAIRS
&
NORTHERN DEVELOPMENT
FEB 26 1988
1757
Sioux Lookout, Ontario

Now, therefore, pursuant to Section 85.1 of the Indian Act, the Council of the Poplar Hill Band enacts as a By-law thereof as follows;

1. In this By-law

"intoxicant" means "intoxicant" as is defined under subsection 2(1) of the Indian Act, and for greater certainty and without altering the meaning of "intoxicant", it shall be deemed to include the following preparations and mixtures capable of human consumption that are intoxicating:

- 1) glue and the vapours thereof,
- 2) "Lysol" and other similar cleaning products and the vapours thereof, and
- 3) gasoline and gasoline-based products and the vapours thereof;

"tourist" means a person not normally resident on the Reserve of the Poplar Hill Band who is travelling for recreation, pleasure or culture and who is a guest of one of the tourist camps operated by the Poplar Hill Band on and off the Reserve of the Poplar Hill Band.

2. A person who sells, barter, supplies or manufactures an intoxicant on the Reserve of the Poplar Hill Band is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1 (4) (a) of the Indian Act, namely a fine of not more than one thousand dollars or imprisonment for a term not exceeding six months., or both.

3. A person who is found
 - a) with intoxicants in his possession or
 - b) intoxicatedon the Reserve of Poplar Hill Band, is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1 (4) (b) of the Indian Act, namely a fine of not more than one hundred dollars or imprisonment for a term not exceeding three months or both.

4. No offence is committed against this by-law where the intoxicant is used or intended to be used
 - a) in cases of sickness or accident
 - b) for domestic or commercial purposes that not involve human consumption, or
 - c) in the form of sacramental wine by a recognized Church.

5. 1) No offence is committed against subparagraph 3 (a) of this by-law if the person in possession is a tourist transporting the intoxicant in an unopened state across the reserve to a destination beyond the reserve boundary,
 - 2) in the cases of a tourist described in subsection (1) who must sojourn on the reserve overnight for a few days in order to avoid bad weather, in order to gather supplies or for any other valid purposes, he shall deliver the intoxicants in his possession as soon as is reasonably possible to a special constable, band constable, any other authorized peace officer or any other person designated by the Band Council Resolution the person in possession of the intoxicant is guilty of an offence under sub-paragraph 3 (a) of this by-law.

6. (1) Every person coming into the reserve of the Poplar Hill Band shall, at that time, if requested by a special constable, Band constable or any other authorized Peace officer, declare whether or not he has in his possession any intoxicant, whether on his person or in his luggage bags, packages or other containers that he is bringing onto the reserve.

(2) following a declaration or a failure to declare under subsection (1) a special constable, Band constable or any other peace officer who believes, on reasonable grounds, that there is any person contravening Sections 2 or 3 of this by-law

a) detain that person for a period of time sufficient to conduct a search for any intoxicant, and containers

b) detain the luggage, bags, packages or other containers that person is bringing onto the Reserve for a period of time sufficient to apply for a search warrant under section 103 of the Indian act and for a period of time sufficient to execute any warrant issued by a Justice of the Peace under Section 103.

3) the name of every person who fails to declare under subsection(1) shall be reported to the Council of the Poplar Hill Band by a special constable, band constable or any other Peace officer.

Approved and passed at a duly convened meeting of the Council of the Poplar Hill Band of Indians on the 16 day of February 1988.

Chief: Patrick Owen

Head Councillor: JOHN STRANG

Councillor: Albert Owen