

BY-LAW NO. 87-1

THE PIKANGIKUM BAND OF INDIANS

Being a By-Law respecting intoxication and the use of intoxicants on the reserve of the PIKANGIKUM 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 PIKANGIKUM Band to make By-Laws respecting intoxication and the use of intoxicants on the reserve of the PIKANGIKUM 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 PIKANGIKUM Band who voted at a special meeting of the PIKANGIKUM Band on the 10th day of December, 1985, called by the Council of the PIKANGIKUM Band for the purpose of considering the said By-Law; AND,

WHEREAS, the Council of the PIKANGIKUM Band considers necessary special measures for the protection of the citizens of the reserve of PIKANGIKUM Band from the presence of intoxicants;

NOW THEREFORE, pursuant to section 85.1 of the Indian Act, the Council of the PIKANGIKUM Band enacts as a By-Law thereof as follows:

1. IN THIS BY-LAW

"Intoxicant" means "intoxicant" as it 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,
- (11) "Lysol" and other similar cleaning products and the vapours thereof,
- (111) Gasoline and gasoline-based products and the vapours thereof, and
- (1V) Hairspray products and the vapours thereof.

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

3. A Person who is found

- (A) with intoxicants in his/her possession or
- (B) intoxicated

on the reserve of PIKANGIKUM 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, or
- (B) for domestic and commercial purposes that do not involve human consumption.

5. (1) Every person coming onto the Reserve of the PIKANGIKUM Band shall, at that time, if requested by a special constable, band constable or any other authorized peace officer, declare whether or not he/she has in her/his possession any intoxicant, whether on her/his person or among the luggage, bags, packages or other containers that she/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 authorized peace officer who believes, on reasonable grounds, that there is any person contravening sections 2 or 3 of this By-Law may

- (A) Detain that person for a period of time sufficient to conduct a search for any intoxicant, and
- (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 PIKANGIKUM Band by a special constable, band constable or any other authorized peace officer.