

PIKANGIKUM  
FIRST  
NATION

BY-LAW NO. 39/96

A BY-LAW REGULATING INTOXICANTS

ON PIKANIGKUM FIRST NATION

JULY 1996

**PIKANGIKUM FIRST NATION "DRY" INTOXICANT BY-LAW****BY-LAW NO. 39/96****A BY-LAW REGULATING INTOXICANTS ON PIKANGIKUM RESERVE**

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

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

**AND WHEREAS** the geographical isolation of the Pikangikum Reserve effectively bars speedy access to Judges and Justices for the purposes of obtaining judicial authorizations for certain investigative or enforcement measures considered necessary for effective enforcement of laws concerning intoxicants, including search warrants;

**AND WHEREAS** effective enforcement of many of the provisions of this intoxication law requires a speedy response to prevent destruction of evidence, escape, avoidance of prosecution and the like;

**AND WHEREAS** the Chief and Council of Pikangikum First Nation have the power under the Indian Act to make laws;

- a) to provide for the health of reserve residents. (Section 81 (1) (a));
- b) to provide for the observance of law and order. (Section 81 (1) (c));
- c) for the prevention of disorderly conduct and nuisances. (Section 81 (1) (d));

- d) with respect to any other matter arising out of or ancillary to those powers (Section 81 (1) (g), including those investigative measures deemed necessary for effective enforcement of those laws and
- e) respecting intoxicants, including laws declaring the complete prohibition from the Reserve, (Section 81.1 (1-4).

**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.

### **DEFINITIONS**

**1. In this Law:**

**"Intoxicants" includes;**

- a) cleaning solvents, disinfectants, and the vapors thereof;
- b) anti-freeze, de-icers, and other similar products containing alcohol, and the vapors thereof;
- c) perfumes, hairsprays, mouthwashes and other cosmetic or hygienic products and the vapors thereof;
- d) homemade mixtures capable of producing a state of intoxication;
- e) intoxicants as defined under Section 2 (1) of the Indian Act; and
- f) such other substances and the vapors thereof used to produce a state of intoxication.

**"Trafficking" means;**

- a) to manufacture an intoxicant; or
- b) to sell, exchange, barter or trade an intoxicant; or
- c) 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

- d) to offer to do anything in paragraphs (a), (b) and (c) immediately above; and "trafficking" has a corresponding meaning .**

**"Intoxicated" means:**

**in addition to it's ordinary meaning, any person 18 years of age or less who has in any manner consumed intoxicants is deemed to be intoxicated for the purposes of this Law.**

### **EXCEPTIONS**

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

### **OFFENSES AND PENALTIES**

- 3. a) Everyone who is intoxicated on the Pikangikum Reserve, is guilty of an offense 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 THIRTY (30) DAYS or to both.**
- b) Everyone who is in possession of an intoxicant on the Pikangikum Reserve, is guilty of an offense 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 THIRTY (30) DAYS or to both.**
- c) Everyone who:**
- i) traffics an intoxicant, or**
- ii) is in possession of an intoxicant for the purpose of trafficking,**

**is guilty of an offense punishable on a summary conviction and is liable to a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisonment for a period not exceeding THIRTY (30) DAYS;**

- d) **Everyone who while intoxicated and causes a nuisance to another person by impeding, insulting, molesting, harassing, threatening, begging from, shouting at, swearing or displaying other disorderly conduct towards that other person is guilty of an offense punishable by summary conviction;**
- e) **All fines collected as a result of offenses and penalties under the Law shall ensure to the benefit of Pikangikum First Nation by having the fine revenues deposited in a Pikangikum First Nation Trust Account, and these fine revenues shall go to the benefit of the entire community.**

### **SEARCH AND SEIZURE**

- 4. a) **A First Nation Constable or other authorized Peace Officer, where authorized by First Nation Council, may conduct a reasonable search of the clothing of a person entering Pikangikum Reserve:**
  - i) **If he has reasonable grounds to believe that person to be in possession on an intoxicant in contravention of this Law; or**
  - b) **The First Nation Council may authorize a First Nation Constable or other Peace Officer in a reasonable search of a person entering Pikangikum Reserve who may be attempting to import intoxicants concealed under his/her clothing.**
- 5. **A First Nation Constable or other authorized Peace Officer may at all points of entry onto Pikangikum Reserve, on the basis of reasonable grounds to believe or suspect that an offense under this Law is being committed or attempted, conduct reasonable searches of all aircraft, vehicles including; snowmobiles, boats, vessels, luggage, bags, boxes or other containers and conveyances coming onto Pikangikum First Nation Reserve.**

### **BUILDINGS**

- 6. **A First Nation Constable or other Peace Officers including Pikangikum Peacekeepers or members of the First Nations Council may conduct a reasonable search of any building on Pikangikum Reserve, including offices and dwelling houses, provided that;**
  - a) **there are reasonable grounds to believe that such a search will disclose evidence of an offense under this Law; and**

- b) the prior approval of the Chief or any two members of the Pikangikum First Nation Council has been obtained for conducting that particular search at that particular time; and**
- c) the person conducting the search is accompanied by at least one member of the Pikangikum First Nation Council; and**
- d) only sufficient force is utilized to gain entry into a building on Pikangikum Reserve where entry cannot be obtained without the use of force.**

### **EVICCTIONS**

- 7. Any person not a member of the Pikangikum First Nation or ordinarily a resident in the Pikangikum First Nation community who is found intoxicated on the Pikangikum Reserve or in possession of intoxicants on the Pikangikum Reserve shall be subject to prosecution under the provisions of this Law and the First Nation Council shall have the right to evict such person from Pikangikum Reserve at his/her expense.**

### **PROVISO**

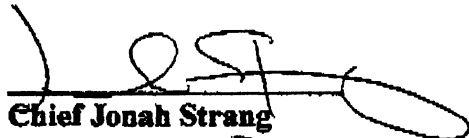
- 8. Nothing in this Law shall be constructed in any manner which serves to limit the powers of the Chief and First Nation Councilors, First Nation Constables or other authorized Peace Officers contained in any other statute or recognized at common law.**

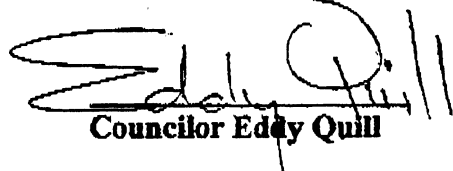
### **ENFORCEMENT**

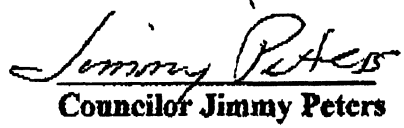
- 9. Pikangikum First Nation Council authorize the Ontario Provincial Police (OPP), the Royal Canadian Mounted Police (RCMP), the Pikangikum First Nation Constables and the Pikangikum Peacekeeper to diligently enforce provisions of the law.**

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the council of the  
Pikangikum First Nation this 23rd Day of July, 1996.

Voting in favor of the By-Law are the following members of the Council:


  
Chief Jonah Strang

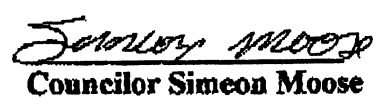
  
Councilor Eddy Quill

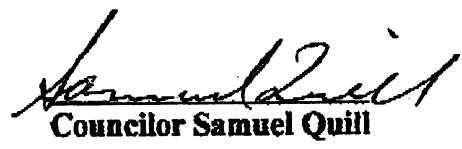
  
Councilor Jimmy Peters

  
Councilor Soloman Turtle

  
Councilor Martha Suggashic

  
Councilor Smith Keeper

  
Councilor Simeon Moose

  
Councilor Samuel Quill

**Being in majority of those members of the Council of the Pikangikum First Nation present at the aforesaid meeting of the Council.**

**The quorum of the Council is 5 members. Number of members of the Council present at the meeting is/was 8.**

**I, Jonah Strang, Chief of the Pikangikum First Nation, do hereby certify that a true copy of the foregoing By-law was mailed and faxed to the Minister on Indian and Northern Affairs at Headquarters in Hull, Quebec, pursuant to the provisions of the Indian Act this 23 day of JULY, 1996.**

**Witness**  **Chief Jonah Strang** 





**39/96**

**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		<b>PIKANGIKUM FIRST NATION</b>		Cash free balance - Solde disponible	
Date of duly convened meeting Date de l'assemblée dument convoquée		D-J	M	Y-A	Province
		2   3	0   7	9   6	<b>ONTARIO</b>
		Capital account Compte capital		\$ _____	
		Revenue account Compte revenu		\$ _____	

DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

**WHEREAS; the Chief and Council have been directed by the people of Pikangikum First Nation to address the escalation of alcohol related incidents which have created unhealthy community environment, disturbances and increased risks of lives, and**

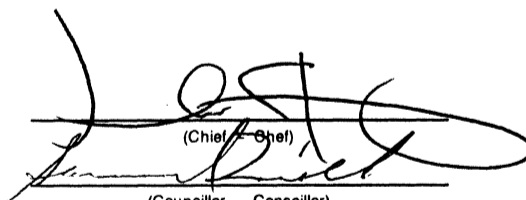
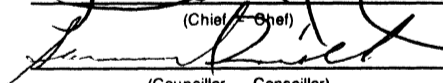
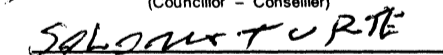
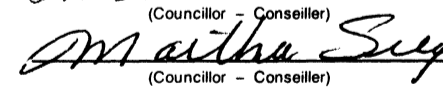
**WHEREAS; the people of Pikangikum First Nation have directed the Chief and Council to establish a By-Law regulating the intoxicants on the Pikangikum reserve, and**

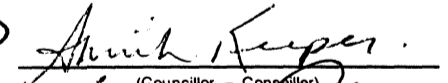
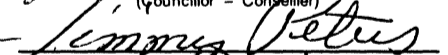
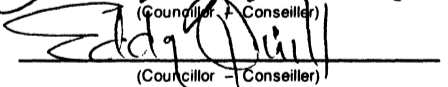
**WHEREAS; the Chief and Council can enact such By-Laws within the powers of the Indian Act, and**

**THEREFORE BE IT RESOLVED, that the Chief and Council hereby enact "Pikangikum First Nation "DRY" Intoxicant By-Law". A by-law regulating intoxicants on Pikangikum Reserve.**

**BE IT FURTHER RESOLVED that this By-Law immediately be submitted to the Minister of Indian and Northern Affairs according to the provisions of the Indian Act.**

Quorum **FIVE (5)**  
\_\_\_\_\_  
(Councillor - Conseiller)  
\_\_\_\_\_  
(Councillor - Conseiller)  
\_\_\_\_\_  
(Councillor - Conseiller)

  
(Chief - Chef)  
  
(Councillor - Conseiller)  
  
(Councillor - Conseiller)  
  
(Councillor - Conseiller)

  
(Councillor - Conseiller)  
  
(Councillor - Conseiller)  
  
(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending officer - Recommandé par			Recommending officer - Recommandé par		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving officer - Approuvé par			Approving officer - Approuvé par		
_____ Signature		_____ Date	_____ Signature		_____ Date