

BY-LAW No. 85-1

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,

(III) Gasoline and gasoline-based products and the vapours thereof, and

(IV) 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)(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) intoxicated

on the reserve of the 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 has in his possession any intoxicant, whether on his person or among the 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 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.

NOTICE OF SPECIAL MEETING

The Pikangikum Band Meeting of Electors to consider
a By-law for the Prohibition of the use of intoxicants on the
Indian Reserve No. 14.

DATE: December 10, 1985

TIME: 1:00 p.m.

PLACE: Pikangikum Band Hall
Pikangikum Reserve
Pikangikum, Ont.

ATTENDANCE: 75

IN FAVOUR: 70

AGAINST: 0

ABSTAIN: 5

(see pg.2-attached)

This By-Law was approved by the Chief & Council of the Pikangikum
Band On the 20 Day of December , 1985.

Charlie Peters.
Chief, Charlie Peters

SOLOMON TURTLE
Councillor, Solomon Turtle

John T. Strang
Councillor, John T. Strang

JOE MOOSE
Councillor, Joe Moose

James Strang
Councillor, James Strang



Chronological No. - Numéro consécutif
File Reference - N° de réf. du dossier

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 <i>LE CONSEIL DE LA BANDE INDIENNE</i> <u>Pikangikum Indian Band</u>	Current Capital Balance <i>Solde de capital</i> \$ _____
AGENCY	Committed - <i>Engagé</i> \$ _____
DISTRICT <u>Sioux Lookout</u>	Current Revenue balance <i>Solde de revenu</i> \$ _____
PROVINCE <u>Ontario</u>	Committed - <i>Engagé</i> \$ _____
PLACE <i>NOM DE L'ENDROIT</i> <u>Pikangikum</u>	
DATE <u>17th</u> <u>August</u> AD 19 <u>87</u> <i>DAY - JOUR MONTH - MOIS YEAR - ANNEE</i>	

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

That we the elected Chief and Council of the Pikangikum Band do hereby re-pass and approve the attached By-Law 85-1 prohibiting the use and possession of intoxicants within the Pikangikum Indian Reserve No. 14.

A quorum for this Bande
Pour cette bande le quorum est

consists of
fixé à

Council Members
Membres du Conseil

.....
(Councillor - *conseiller*)

.....
(Councillor - *conseiller*)

.....
(Councillor - *conseiller*)

.....
(Councillor - *conseiller*)

[Signature]
.....
(Chief - *Chef*)

[Signature]
.....
(Councillor - *conseiller*)

[Signature]
.....
(Councillor - *conseiller*)

[Signature]
.....
(Councillor - *conseiller*)

[Signature]
.....
(Councillor - *conseiller*)

SOLOMON TURTLE
.....
(Councillor - *conseiller*)

[Signature]
.....
(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>		