



Kingfisher Lake Band

KINGFISHER LAKE

ONTARIO P0V 1Z0

BY-LAW ON INTOXICANT USE

By-Law No. 1

50R/85-1152
dated Dec. 11/85.

The Kingfisher Lake Band of Indians

Being a By-Law respecting intoxication and the use of intoxicants on the reserve of the Kingfisher Lake 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 Kingfisher Lake Band to make By-Laws respecting intoxication and the use of intoxicants on the reserve of the Kingfisher Lake 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 Kingfisher Lake Band who voted at a special meeting of the Band on the 15th day of November, 1985, called by the Council of the Kingfisher Lake Band for the purpose of considering the said By-Law; and,

Whereas, the Council of the Kingfisher Lake Band considers necessary special measures for the protection of the citizens of the reserve of the Kingfisher Lake Band from the presence of intoxicants;

Now therefore, pursuant to section 85.1 of the Indian Act, the Council of the Kingfisher Lake Band enacts as a By-Law thereof as follows:

1. In this By-Law

"Intoxicant" means "intoxicant" as it is defined under subsection 2(f) 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:

- (i) Glue and the vapours thereof,

- (ii) "Lysol" and other similar cleaning products and the vapours thereof,
 - (iii) Gasoline and gasoline-based products and the vapours thereof.
2. A person who sells, barterers, supplies or manufacturers an intoxicant on the reserve of the Kingfisher Lake 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 intoxicant in his possession or
 - (b) intoxicated,on the reserve of the Kingfisher Lake 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. The provisions of this By-Law do not apply where the intoxicant is used or intended to be used,
 - (a) in cases of sickness or accident,
 - (b) for domestic or commercial purposes that do not involve human consumption, or
 - (c) in the form of sacramental wine by a recognized church.
 5. A band constable or any other authorized peace officer may arrest without warrant any person whom he finds contravening sections 2 or 3 of this By-Law.
 6. (1) No offence is committed against subparagraph 3(a) of this By-Law if the person in possession is transporting the intoxicant in an unopened state across the reserve to a destination beyond the reserve boundary.

(2) In the case of a person described in subsection (1) who must sojourn on the reserve overnight or for a few days in order to avoid bad weather, in order to gather supplies or for any other valid purpose, he shall forthwith deliver the intoxicant in his possession to a special constable, Band constable, any other authorized peace officer, or any other person designated for this special purpose by Band Council resolution.

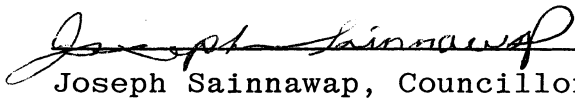
- (3) Where a special constable, a band constable, or an authorized peace officer or a person designated by Band Council resolution takes delivery of an intoxicant in the circumstances described in subsection (2), he shall forthwith deposit the intoxicant in a place of safekeeping, such as a lock-up or a Band Administration building.
 - (4) A special constable, a band constable, an authorized peace officer or a person designated by Band Council resolution who is in charge of the intoxicant deposited in accordance with subsection (3) shall return the intoxicant to the original possessor described in subsections (1) and (2) within twenty-four hours of his departure from the reserve, it being the responsibility of the original possessor of the intoxicant to provide due notice of his imminent departure.
 - (5) In the case of a person described in subsection (2) who fails to deliver forthwith the intoxicant in his possession to a special constable, band constable, any other authorized peace officer or any other person designated by Band Council resolution, the person in possession of the intoxicant may be found guilty of an offence under subparagraph 3(a) of this By-Law.
7. (1) Every person coming onto the reserve of the Kingfisher Lake Band shall, at that time, if requested by a 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 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) If any intoxicant is found pursuant to a search conducted under subsection (2), a band constable or any other authorized peace officer may arrest without warrant any person in possession of the intoxicant, pursuant to section 5 of this By-Law.
- (4) The name of every person who fails to declare under subsection (1) shall be reported to the Council of the Kingfisher Lake Band by a band constable or any other authorized peace officer.

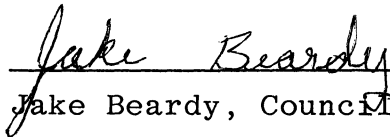
Approved and passed at a duly convened meeting of the Council of the Kingfisher Lake Band of Indians on the 25th day of November, 1985.



Chief Simon Sakakeep



Joseph Sainnawap, Councillor



Jake Beardy, Councillor



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Indian and Inuit Affairs

Affaires indiennes et inuit

Chronological No. - Numéro consécutif

247/85

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 LE CONSEIL DE LA BANDE INDIENNE	Kingfisher Lake 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>	Kingfisher Lake	Committed - <i>Engagé</i>	\$ _____
DATE	25 Nov 85		
	<i>DAY - JOUR MONTH - MOIS AD 19 YEAR - ANNEE</i>		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

Recording of Vote Taken Pursuant of Subsection 85.1(2) of the Indian Act R.S.D. 1970. c.I-6 (as amended) in Order to Enact a By-Law on Intoxicant Abuse

Whereas, pursuant to subsection 85.1(1) of the Indian Act (as amended), the Council of the Kingfisher Lake Band made a by-law dealing with intoxicant use on-reserve, a copy of which is attached; and,

Whereas, it is appropriate to record the procedural steps leading up to the making of the attached by-law;

Therefore Be It Resolved that the Council of the Kingfisher Lake Band hereby attests that the following procedural steps were taken prior to the making of the attached by-law;

- (i) on November 8, 1985, copies of the proposed by-law were distributed to each household on the reserve of the Kingfisher Lake Band;
- (ii) on November 8, 1985, copies of the proposed by-law were posted at the following prominent places on the reserve of the Kingfisher Lake Band; the Omahamo Store, the Bulletin Board, the Band Office, and the radio station;
- (iii) on November 12, 1985, copies of a written notice of a special band meeting to consider the proposed by-law were distributed to each household on the reserve and copies of the written notice were posted at the four prominent

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A quorum for this Bande
Pour cette bande le quorum est

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Council Members
Membres du Conseil

Simon Atakeep
(Chief - Chef)

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(Councillor - conseiller)

Joseph Sainsbury
(Councillor - conseiller)

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(Councillor - conseiller)

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(Councillor - conseiller)

John Beards
(Councillor - conseiller)

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(Councillor - conseiller)

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



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

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PROVINCE	Ontario	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	Kingfisher Lake	Committed - Engagé	\$ _____
DATE	25 Nov. AD 19 85		
	DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

places listed above;

- (iv) on November 15, 1985 at 1:00 p.m., a special meeting of the Band to consider the proposed by-law was held at the Community Parish Hall; and,
- (v) at the special meeting of November 15, 1985, 114 Band electors were present and the result of the vote on the attached by-law was as follows: 112 electors in favour of the by-law and 2 against the by-law.

A quorum for this Bande
Pour cette bande le quorum est

consists of
fixé à

Council Members
Membres du Conseil

Lenora Setkele
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(Chief - Chef)

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(Councillor - conseiller)

Joseph Siminow
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(Councillor - conseiller)

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(Councillor - conseiller)

Jack Beardy
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(Councillor - conseiller)

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FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

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