

Wapekeka By-law on Solvent and Gasoline Abuse.

The Wapekeka First Nations By-law No. 94.2

Being a By-law Respecting the Prohibition against the Inhalation of Solvent and Gasoline Vapours.

WHEREAS, the Chief and Council of the Wapekeka First Nation deem it expedient and necessary to enact a by-law for the purpose of safeguarding its First Nation membership and residents on the reserve from the serious problems resulting from the unhealthy and destructive practice of inhaling solvents and gasoline for the sole purpose of producing euphoria, hallucinations and intoxication;

WHEREAS, pursuant to paragraph 81 (1), (a), (c), (d), (q) and (r) of the Indian Act, R.S.C. 1985, C.1-5, empowers the Council of the Wapekeka First Nation to make by-laws to provide for the health of members and residents, the observance of law and order, the prevention of disorderly conduct and nuisances, with respect to any matter arising out of or ancillary to the exercise of powers under paragraph 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

THEREFORE BE IT RESOLVED that the Chief and Council of the Wapekeka First Nation hereby enacts the following by-law:

Short Title

1. This By-Law may be cited as the "Wapekeka Solvent and Gasoline Abuse By-Law".

Interpretation

2. In this By-Law

"intoxicating matter" includes plastic solvents, adhesive cements, cleaning agents, glue, dope, nail polish remover, lighter fluid, liquid paper, gasoline, naphtha, paint or lacquer thinner.

"intoxicating vapour" means any vapour, fume or liquid that is emitted, given off or produced from an intoxicating matter;

"possession" means possession as defined in subsection 4 (3) of the Criminal Code. R.S., c. C-34;

"Wapekeka" or "Wapekeka First Nation" has the same meaning as Band in the Indian Act;

"officer" means any police officer, police constable, First Nation constable or any other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order;

"Council" or "Chief and Council" or "First Nation Council" means the duly elected Chief and Councillors of the Wapekeka First Nation;

"tourist" means any person enroute to the Fawn River Tourist Camps established by the Council.

"visitor" means any person staying overnight at a residence with any member or resident of the Wapekeka First Nation.

"reserve" means the reserve of the Wapekeka First Nation and includes the First Nation Reserves No. 1 and No. 2;

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Prohibitions

Against Inhalation

3. Every person who, for the purpose of inducing euphoria, hallucinations or intoxication
- (a) inhales, administers or otherwise introduces into his/her respiratory system, or
 - (b) assists or causes another person to inhale, administer or otherwise introduce into his/her respiratory system.

an intoxicating vapour is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days or to both.

Against Possession

4. (1) No person shall have in his/her possession any intoxicating matter for the purpose of inhaling, administering or otherwise introducing into his/her respiratory system the intoxicating vapours emitted, given off or produced from the intoxicating matter.
- (2) No person shall have in his/her possession any intoxicating matter for the purpose of selling, giving, administering, transporting, sending, delivering or distributing the intoxicating matter to a person
- (i) who he/she knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs or by reason of inhaled intoxicating vapours, or
 - (ii) who he/she knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations or intoxication.
- (3) Every person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days or to both.

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Against Sale

5. Every person who sells, gives, administers, transports, sends, delivers or distributes any intoxicating matter
- (a) to a person who he/she knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs or by reason of having inhaled intoxicating vapours, or
 - (b) who he/she knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations or intoxication.

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days or to both.

Exceptions

6. The provisions of this By-law do not apply where the intoxicating matter is possessed, sold, administered, transported, sent, delivered, distributed, used or intended to be used,
- (a) in the case of manufacturing or selling of intoxicating matter for medical purposes, or
 - (b) for domestic or commercial purposes that do not involve inhalation for the purpose of inducing euphoria, hallucinations or intoxication, or
 - (c) inhaling, administering or otherwise introducing an intoxicating vapour into his/her respiratory system under the supervision of a physician or dentist, or
 - (d) by a physician or dentist or a person acting under the direction of a physician or dentist who assists or causes another person to inhale, administer or otherwise introduce into his/her respiratory system an intoxicating vapour.
7. (1) No offence is committed against Section 4 (1) and (2) of this By-law if the person in possession is a visitor or tourist transporting the intoxicant matter in an unopened state across the Reserves to a destination beyond the Reserve boundaries.

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(2) In the case of a visitor or tourist described in subsection (1) who must sojourn in the Reserves overnight or for a few days in order to avoid bad weather, in order to visit, to gather supplies or for any other valid purpose, he/she shall deliver the intoxicant matter in his/her possession as soon as is reasonably possible to an officer.

(3) Where an officer takes delivery of an intoxicant matter in the circumstances described in subsection (2), he/she shall deposit, as soon as is reasonably possible, the intoxicant matter in a place of safekeeping, such as a lock-up or a First Nation administration facility.

(4) An officer who is in charge of the intoxicant matter deposited in accordance with subsection (3) shall return the intoxicant matter to the original possessor described in subsections (1) and (2) within twenty-four hours of his/her departure from the Reserve, it being the responsibility of the original possessor of the intoxicant matter to provide due notice of his/her imminent departure.

(5) In the case of a person described in subsection (2) who fails to deliver the intoxicant matter in his/her possession as soon as is reasonably possible to an officer, the person in possession of the intoxicant matter is guilty of an offence under Section 4 (3) of this By-law.

Declaration

8. (1) Every person coming into the Reserve (s) of the Wapekeka First Nation shall, at that time, if requested by an officer, declare whether or not he/she has in his/her possession any intoxicant matter, whether on his/her person or among the luggage, bags, packages or other containers that he/she is bringing into the Reserve (s).

(2) Following a declaration or a failure to declare under subsection (1), an officer, who believes, on reasonable grounds, that there is any person contravening sections 4, 5, 6 and 7 of this By-law may

(a) detain the luggage, bags, packages or other containers of that person is bringing into the Reserve (s) 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.

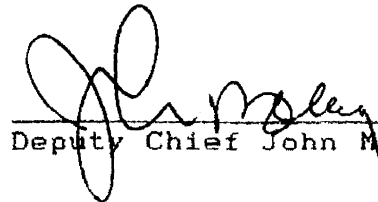
(3) The name of every person who fails to declare under Sub-section (1) shall be reported to the Council by an officer.

Enactment

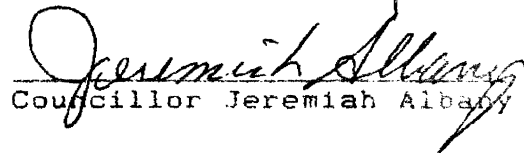
This By-law is hereby enacted at a duly convened meeting of the Wapekeka First Nation Council this the 30th day of May, 1994.

Voting in favour of this by-law are the following Members of the Council:


Chief Norman Brown


Deputy Chief John McKay


Councillor Donald Brown

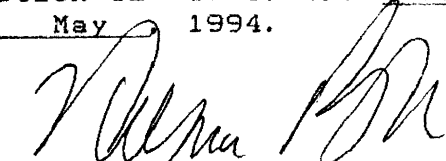

Councillor Jeremiah Albany

being the majority of those Members of the Council of the Wapekeka First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three (3) Members. Number of Council Members present at this meeting: four (4).

I, Norman Brown, Chief of the Wapekeka First Nation, hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District office pursuant to subsection 82 (1) of the Indian Act, this the 30th day of May 1994.

Witness


Chief Norman Brown

**DEPT. OF INDIAN AFFAIRS
 &
 NORTHERN DEVELOPMENT**

JUN 1 1994

BAND COUNCIL RESOLUTION 1101947
RÉSOLUTION DE CONSEIL DE BANDE

Stoux Lookout, Ontario

Chronological no. - N° consécutif
 492/94

Reference no. - N° de référence du dossier
 4216-206

Band Funds (Capital or Revenue) whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 Les fonds de 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		Cash free balance - Soide disponible	
WAPEKEKA FIRST NATION		Capital account Compte capital	\$ _____
Date of duly convened meeting Date de l'assemblée dument convoquée	D-Y M Y-A	Province	Revenue account Compte revenu
3 0 0 5 9 4		ONTARIO	\$ _____

DO HEREBY RESOLVE
 DÉCIDE PAR LES PRÉSENTES:

B.C.R. 05/94/24
WAPEKEKA SOLVENT AND GASOLINE ABUSE BY-LAW

We, the undersigned Chief, Deputy Chief and Councillors of the Wapekeka First Nation, make oath and say as follows:

- We did on May 24, 1994 held a Membership General Meeting where by-law was read and discussed and was supported by the Membership and Council.
- This By-law 94.2 is Moved by Chief Norman Brown and seconded by Deputy Chief John McKay on this the 30th day of May, 1994.
- That the By-law entitled Wapekeka By-law on Solvent and Gasoline Abuse be made as By-law No. 94.2 of the Wapekeka First Nation was passed.
- The Motion was passed.
 - Number of First Nation Council Members present (4)
 - Those voting in favour of By-law No. 94.2:
 - Chief Norman Brown
 - Deputy Chief John McKay
 - Councillor Donald Brown
 - Councillor Jeremiah Albany
 - Those voting against By-law No. 94.2: 0
- We acknowledge and are satisfied that all the procedural requirements have been met and do declare that by-law No. 94.2 is in force and in effect.

Quorum: _____
 _____ (Chief - Chef)
 _____ (Councillor - Conseiller)
 _____ (Councillor - Conseiller)
 _____ (Councillor - Conseiller)

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

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Expenditure - Dépenses	Authority (Indien - Art. Section / Autorité (Art. de la Loi sur les Indiens))	Source of funds / Source des fonds
<input type="checkbox"/> Capital <input type="checkbox"/> Re. <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Re.		<input type="checkbox"/> Capital <input type="checkbox"/> Revenue <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
Recommending officer - Recommandé par		
Date	Signature	Date
Approving officer - Approuvé par		
Date	Signature	Date