

INTOXICANTS BY-LAW

OJIBWAYS OF SHAWANAGA INDIAN BAND

BY-LAW 17:186

WHEREAS pursuant to Section 85.1 of the Indian Act, the Council of the Shawanaga Band has authority to make by-laws respecting the prohibition of the sale, supply or manufacture of intoxicants on the Reserves of the Band, namely: Shawanaga #17, Naiscoutaing #17A and Naiscoutaing #17B; and,

WHEREAS under the said Section of the Indian Act the Council of the Shawanaga Indian Band has authority to make by-laws respecting the prohibition of possession of intoxicants on the Reserves; and,

WHEREAS the Council of the Shawanaga Indian Band considers it desirable and necessary for the regulation of the presence and use of intoxicants on Reserves of the Shawanaga Indian Band;

THEREFORE BE IT RESOLVED that the Ojibways of Shawanaga Indian Band Council, with the advice and consent of a majority of the electors of the Shawanaga Indian Band enact as follows:

Definitions

1. In this By-Law:

- a) "Band" means the Shawanaga Indian Band, Section 2, (1) (a);
- b) "Council of the Band" means the Chief and Councillors chosen for the good government of the Band under Section 74 of the Indian Act or according to the custom of the Band;
- c) "Reserves" means all the lands, legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Shawanaga Indian Band, and includes any special Reserves;
- d) "Band Member" means a member of the Shawanaga Indian Band;
- e) "Intoxicants" means any substance which is an intoxicant within the definition of "intoxicants" for the purpose of the Indian Act;
- f) "Residence" means a place that is actually occupied and used as a dwelling, whether or not in common with other persons, including all premises used in conjunction therewith that is not a public place, and where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith;
- g) "Elector" means a person who
  - i) is registered on the Shawanaga Band List,
  - ii) is of the full age of eighteen years, and
  - iii) is not disqualified from voting at Band elections

## Prohibition Against Sale, Purchase, Supply or Manufacture of Intoxicants

2. Every person who sells, purchases, supplies or manufactures intoxicants on the Reserves of the Shawanaga Indian Band is guilty of an offense punishable on summary conviction except:
  - a) Where the Band Council has issued a permit allowing the sale of intoxicants. These circumstances are as follows: weddings, banquets, sports events, Band owned enterprise or individual enterprise that sell intoxicants for profit.
  - b) Where the Band Council has issued a permit allowing the manufacture of intoxicants. This circumstance will be with regulations and conditions.

### Offense

3. Every person who contravenes the above Section of this By-law is guilty of an offense and is liable on summary conviction to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both.

## Prohibition Against Intoxication

4. Every person who is under 18 years of age who is intoxicated on the Reserves of the Shawanaga Indian Band is guilty of an offense punishable on summary conviction.
5. Every person who is intoxicated on the Reserves of the Shawanaga Indian Band are guilty of an offense punishable on summary conviction except,
  - a) where a person is intoxicated in his home, at a campsite, at a place used as a private residence or at a private dwelling to which he has been invited, or
  - b) where a person is causing no nuisance or disturbance of the peace, or
  - c) where the Band Council has issued a permit allowing intoxicants in circumstances such as: weddings, banquets, sports events, e.g. (beer gardens) and also Band owned or individual enterprise that sell intoxicants for profit.

### Offense

6. Every person who contravenes this Section of the By-law is guilty of an offense and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

## Prohibition on Possession of Intoxicants

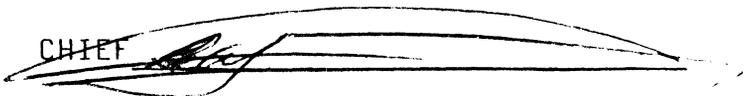
7. Every person who is under 18 years of age who is found in possession of intoxicants on the Reserves of the Shawanaga Indian Band is guilty of an offense punishable on summary conviction.

6. Every person who is found in possession of intoxicants on the Reserves of the Shawanaga Indian Band is guilty of an offense punishable on summary conviction except,
- a) where possession is for medicinal purposes, or
  - b) where possession is in his home, at a campsite or at a place used as a private residence or at a private dwelling to which he has been invited, or
  - c) where the Band Council has issued a permit allowing the possession of the intoxicants in such circumstances, or
  - d) where possession is merely for the purpose of transportation from one place where it is lawful to possess it to another such place, providing the intoxicant is sealed.

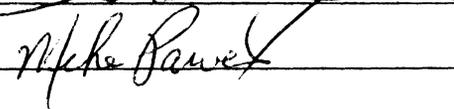
Offense

9. Every person who contravenes this Section of the By-Law is guilty of an offense and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

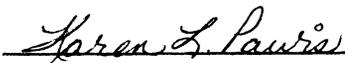
Approved and passed at a duly convened meeting of the Council of the Ojibways of Shawanaga Band dated this 10th day of February 1986.

CHIEF 

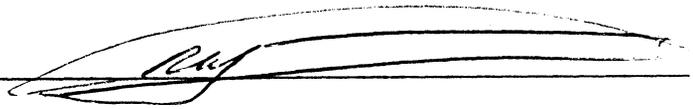
COUNCILLOR 

COUNCILLOR 

I, Roger Jones Chief of the Ojibways of Shawanaga Indian Band do hereby certify that a true copy of the foregoing By-Law #17:186 was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 85.1(3) of the Indian Act, This 11th day of February 1986 and within four days of its being made.



WITNESS

  
CHIEF