

B.C.R.# 1987-88-45
 File Reference - N° de réf. du dossier
 4216-1-186
 4215-4-186

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	Marten Falls Band	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	Nakina	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Ontario JAN 13.88 101199	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	OGOKI POST		
DATE	4 DAY - JOUR 01 MONTH - MOIS AD 19 88 YEAR - ANNEE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

WHEREAS a by-law under Section 85.1 of the Indian Act was as-
 sented to by a majority of the electors of the band who voted at
 a special meeting of the band on December 21, 1987 which was duly
 called by the council of the band for the purpose of considering
 the by-law, pursuant to subsection 85.1 (2) of the Indian Act, as
 evidenced by the letter attached as Schedule A to this
 resolution;

AND WHEREAS the council of the band on the 22nd day of December,
 1987, approved and passed the "By-Law respecting intoxication and
 the use of intoxicants on the Reserve of the Marten Falls Band of
 Indians", attached as Schedule B to this Resolution;

NOW THEREFORE BE IT RESOLVED that the said By-Law be forwarded to
 the Minister of Indian Affairs for registration.

A quorum for this Bande
 Pour cette bande le quorum est

consists of
 fixé à 2 (TWO)

Council Members
 Membres du Conseil

[Signature]
 (Chief - Chef)
[Signature]
 (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 Revenu
	A. Capital \$	B. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		
JAN 18/88 Date Recd <i>[Signature]</i> Officer - Reconnandé par			4215-4-186 Date Approving Officer - Approuvé par		

THE MARTEN FALLS INDIAN BAND

BY-LAW NUMBER TEN (10)

Being a by-law respecting intoxication and the use of intoxicants on the Reserve of the Marten Falls Band of Indians.

WHEREAS subsection 85.1 (1) of the Indian Act, R.S.C. 1970, c. I - 6, as amended, empowers the Council of the Marten Falls Indian Band to make By-Laws respecting intoxication and the use of intoxicants on the reserve of the Marten Falls Indian Band;

AND WHEREAS the Council of the Marten Falls Indian Band considers necessary special measures for the protection of the citizens of the reserve of the Marten Falls Indian Band from the presence of intoxicants;

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 Marten Falls Indian Band who voted at a special meeting of the band on the 21 th day of December , 1987, called by the Council of the Marten Falls Indian Band for the purpose of considering the said By-Law;

NOW THEREFORE, pursuant to section 85.1 of the Indian Act, the Council of the Marten Falls Indian Band hereby enacts the following as a by-law of the Band, said by-law to come into force on December 21st , 1987 and thereafter.

1. In this By-Law

- a) "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:
 - (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, and

- (iv) perfume, hairspray and other similar cosmetic products and the vapours thereof.

 - b) "reserve" means those tracts of land, the legal title to which is vested in Her Majesty, that have been set apart by Her Majesty for the use and benefit of the Marten Falls Indian Band, and more particularly, the tract of land known as the Marten Falls Indian Reserve No. 65.
2. A person who sells, barter, supplies or manufactures an intoxicant on any of the reserve of the Marten Falls Indian Band is guilty of an offence punishable on summary conviction.
3. A person who is found
- (i) with intoxicants in his possession, or
 - (ii) intoxicated
- on the reserve of the Marten Falls Indian Band is guilty of an offence punishable on summary conviction.
4. The provisions of this By-Law do not apply where the intoxicant is used or intended to be used,
- (i) for medicinal purposes;
 - (ii) in cases of sickness or accident;
 - (iii) for domestic and commercial purposes that do not involve human consumption; or
 - (iv) where a person is merely transporting the intoxicant in a closed or sealed container across the reserve to a destination beyond the boundary of the reserve.
5. Subject to section four (4), a band constable or any other authorized peace officer may arrest without warrant any person whom he finds contravening section 2 or 3 of this by-law.

6. (1) Every person coming onto the reserve of the Marten Falls Indian 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, in his vehicle, 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 vehicle, 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 (4) of the Act.
- (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) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 2 or 3 of this by-law has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed.
- (5) All goods and chattels seized pursuant to subsection (1) may be detained for a period of three months following the day of seizure unless during that period proceedings under the Indian Act in respect of such offence are undertaken, in which case the goods and chattels may be further detained until such proceedings are finally concluded.

7. The penalties for violating the provisions of this by-law relating to the prohibition against the sale, barter, supply or manufacture of an intoxicant on the reserve of the Marten Falls Indian Band shall be the penalties described in paragraph 85.1 (4)(a) of the Indian Act, namely, a fine of not more than one thousand (\$1,000.00) dollars or imprisonment for a term of not more than six (6) months, or to both.
8. The penalties for violating the provisions of this by-law relating to the prohibition against the possession of intoxicants, or the prohibition against being intoxicated on the reserve of the Marten Falls Indian Band shall be the penalties described in paragraph 85.1 (4) (b) of the Indian Act, namely, a fine of not more than one hundred (\$100.00) dollars, or imprisonment for a term not exceeding three months, or to both.

APPROVED AND PASSED by the Council of the Marten Falls Band of Indians at a duly constituted meeting held on the 22 th day of December , 1987.


Chief


Councillor


Councillor

Councillor

Councillor