

BY-LAW ON INTOXICANT ABUSE

85 - 1
BY-LAW NO. SECTION 97 (b)

DEPT. OF INDIAN AFFAIRS
&
NORTHERN DEVELOPMENT

NOV 29 1985

Sioux Lookout, Ontario

THE FORT SEVERN BAND OF INDIANS

BEING A BY-LAW RESPECTING INTOXICATION AND THE USE OF INTOXICANTS
ON THE RESERVE OF THE FORT SEVERN 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
FORT SEVERN BAND TO MAKE BY-LAWS RESPECTING INTOXICATION AND
THE USE OF INTOXICANTS ON THE RESERVE OF THE FORT SEVERN
BAND; AND,

WHEREAS, PURSUANT TO SUBSECTION 85.1(1) 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 FORT SEVERN BAND
WHO VOTED AT A SPECIAL MEETING OF THE BAND OF THE 4TH
DAY OF NOVEMBER, 1985, CALLED BY THE COUNCIL OF THE
FORT SEVERN FOR THE PURPOSE OF CONSIDERING THE SAID BY-LAW;
AND,

WHEREAS, THE COUNCIL OF THE FORT SEVERN BAND CONSIDERS
NECESSARY SPECIAL MEASURES FOR THE PROTECTION OF THE CITIZENS OF
THE RESERVE OF THE FORT SEVERN BAND FROM THE PRESENCE
OF INTOXICANTS;

NOW THEREFORE, PURSUANT TO SECTION 85.1 OF THE INDIAN ACT,
THE COUNCIL OF THE FORT SEVERN BAND ENACTS AS A BY-LAW
THEREOF AS FOLLOWS:

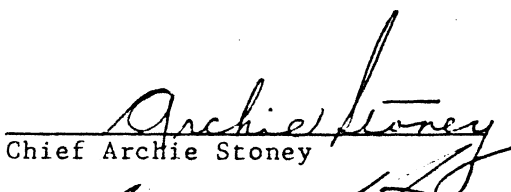
1. NO OFFENCE IS COMMITTED AGAINST SUBPARAGRAPH 3(A) OF
THIS BY-LAW IF THE PERSON IN POSSESSION IS TRANSPORT-
ING THE INTOXICANT IN AN UNOPENED STATE ACROSS THE
RESERVE TO A DESTINATION BEYOND THE RESERVE BOUNDARY.

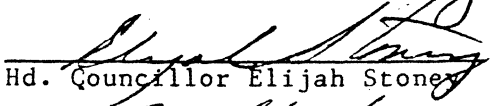
2. IN THE CASE OF A PERSON DESCRIBED IN SUBSECTION (1) WHO
MUST SOJOURN ON THE RESERVE OVER NIGHT OR FOR A FEW DAYS
IN ORDER TO AVOID BAD WEATHER, IN ORDER TO GATHER SUPPLIES
OR FOR ANY OTHER VALIS PURPOSE, HE SHALL FOR THUS DELIVER
THE INTOXICANT IN HIS POSSESSION TO A SPECIAL CONSTABLE,
BAND CONSTABLE, 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 THUS 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 POSSESSION DESCRIBED IN SUBSECTION (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 FOR THIS 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.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF FORT SEVERN BAND INDIANS THIS 5TH DAY OF NOVEMBER 1985.


Chief Archie Stoney


Hd. Councillor Elijah Stoney


Councillor Romeo Skunk

BY-LAW ON INTOXICANT ABUSE

BY-LAW NO. SECTION 97 (b)

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AND,

WHEREAS, THE COUNCIL OF THE FORT SEVERN BAND CONSIDERS
NECESSARY SPECIAL MEASURES FOR THE PROTECTION OF THE CITIZENS OF
THE RESERVE OF THE FORT SEVERN BAND FROM THE PRESENCE
OF INTOXICANTS;

NOW THEREFORE, PURSUANT TO SECTION 85.1 OF THE INDIAN ACT,
THE COUNCIL OF THE FORT SEVERN BAND ENACTS AS A BY-LAW
THEREOF AS FOLLOWS:

1. *somewhat as in attached letter.*
2. NO OFFENCE IS COMMITTED AGAINST ^{section 1} ~~SUBPARAGRAPH 3(A)~~ OF
THIS BY-LAW IF THE PERSON IN POSSESSION IS TRANSPORT-
ING THE INTOXICANT IN AN UNOPENED STATE ACROSS THE
RESERVE TO A DESTINATION BEYOND THE RESERVE BOUNDARY.
3. IN THE CASE OF A PERSON DESCRIBED IN ~~SUB~~SECTION ² (X) WHO
MUST SOJOURN ON THE RESERVE OVER NIGHT OR FOR A FEW DAYS
IN ORDER TO AVOID BAD WEATHER, IN ORDER TO GATHER SUPPLIES
OR FOR ANY OTHER VALID ^D PURPOSE, HE SHALL ~~FOR THIS~~ 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.
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PEACE OFFICER OR A PERSON DESIGNATED BY BAND COUNCIL RESOLUTION
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IN ~~SUB~~SECTION ³ (X), HE SHALL ~~THIS~~ DEPOSIT THE INTOXICANT IN A
PLACE OF SAFEKEEPING, SUCH AS A LOCK-UP OR ^{THE} ~~A~~ BAND ADMINISTRATION
BUILDING.

5 a 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~~ ⁴ (1) SHALL RETURN THE INTOXICANT TO THE ORIGINAL ~~POSSESSION~~ ^{POSSESSOR} DESCRIBED IN ~~SUBSECTION~~ ² (1) AND ³ (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 ~~TO~~ NOTICE OF HIS IMMINENT DEPARTURE.

6 b IN THE CASE OF A PERSON DESCRIBED IN ~~SUBSECTION~~ ³ (2) WHO FAILS TO DELIVER ~~FOR THIS~~ 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)~~ ^{SECTION 1} OF THIS BY-LAW.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF FORT SEVERN BAND INDIANS THIS ~~5TH~~ DAY OF ~~NOVEMBER~~ 1985.

7. The by-law respecting intoxicant abuse passed by the Council of the Fort Severn Band of Indians on November 5, 1985, is hereby repealed.

Archie Stoney
Chief Archie Stoney

Elijah Stoney
Hd. Councillor Elijah Stoney

Romeo Skunk
Councillor Romeo Skunk

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

1718
 STATUTORY REQUIREMENTS

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

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	Fort Severn Band	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	Sioux Lookout	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Ontario	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	Fort Severn		
DATE	05 November AD 19 85 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

Whereas, the Council of the Fort Severn Band considers necessary special measures for the protection of the citizens of the reserve of the Fort Severn Band from the presence of intoxicants.

Whereas a referendum was held on November 4th, 1985 to determine whether or not alcohol will be allowed on Fort Severn Reserve.

Whereas sufficient time of notice was notified to Fort Severn Reserve from October 28, 1985 to November 5, 1985 as required in Bill C-31.

Whereas the results of the referendum are as follows:

86 in favor of attached By-Law.

16 against attached By-Law.

Be It Therefore Resolved that the results of the referendum are approved and passed at a duly convened meeting of the Council of the Fort Severn Band Indians this 5th day of November 1985.

MINISTER'S OFFICE
 I.N.A.C.
 CABINET DU MINISTRE
 A.I.N.C.

Nov 13 12 04 PM '85

REFERED SA-
 FILE NO. 190-4-2
 190-14-2

A quorum for this Bande
 Pour cette bande le quorum est
 consists of
 fixé à
 Council Members
 Membres du Conseil

..... (Councillor - conseiller)	<i>Archie Stoney</i> (Chief - Chef) (Councillor - conseiller)
..... (Councillor - conseiller)	<i>Raymond Stoney</i> (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller)	<i>Bob Stoney</i> (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

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"/> Revenu
	A. Capital \$	B. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	

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