

CHIPPEWAS OF NAWASH BAND COUNCIL

LIQUOR BY-LAW - 12-26-85

- WHEREAS the primary function of the Chippewas of Nawash Band is to provide a measure of self-government;
- WHEREAS the regulation and control of intoxicants is a necessary aspect of self-government of the Chippewas of Nawash Band;
- WHEREAS a majority of the electors of the Chippewas of Nawash Band, who attended and voted at a special meeting of the Chippewas of Nawash Band on December 26, 1985 called by the Council of the Chippewas of Nawash Band on December 10, 1985 for the purpose of considering the contents of this by-law, assented to the contents of this by-law;
- WHEREAS Section 85.1 of the Indian Act empowers the Council of the Chippewas of Nawash Band to make by-laws regulating intoxicants on a Reserve:

Now Therefore the Council of the Chippewas of Nawash Band makes the following by-law:

Prohibitions

- (1) (a) Every person who is found intoxicated or found with intoxicants in their possession or who keeps or causes intoxicants to be kept in their dwelling-house, building, camp-site, or place, or supplies an intoxicant to any person on the reserve is guilty of an offence and is liable in a summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or both a fine and imprisonment.
- (b) Every person who by himself or any other person on his behalf;
- (1) sells, barter to any person on the Reserve,
- (2) makes or manufacture intoxicants on a Reserve, is guilty of an offence and is liable in a 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 fine and imprisonment.

Exceptions

- (2) Notwithstanding anything in this by-law, no person commits an offence under this by-law by the possession, or by the supply to another person, of an intoxicant,
- (a) which was manufactured for medicinal purposes, is in a container labelled so as to indicate that it is for medicinal purposes only,

Effective Date

- (3) This by-law shall come into effect on the 26th day of December 1985.

THE MAKING OF THIS BY-LAW was assented to by a majority of the electors of the Band who voted at a Special Meeting of the Band called by the Council of the Chippewas of Nawash Band on December 10, 1985 for the purpose of considering the by-law.

CHIPPEWAS OF NAWASH BAND

ADMINISTRATION OFFICE

R. R. 5,

WIARTON, ONTARIO, CANADA N0H 2T0

Date *December 26, 1985*

File No. *E5468-1*

Dept. of Administration

Phone (519) 534-1689

CHIPPEWAS OF NAWASH BAND COUNCIL

LIQUOR BY-LAW - 12-26-85

- WHEREAS *The primary function of the Chippewas of Nawash Band is to provide a measure of self-government;*
- WHEREAS *The regulation and control of intoxicants is a necessary aspect of self-government of the Chippewas of Nawash Band;*
- WHEREAS *A majority of the electors of the Chippewas of Nawash Band, who attended and voted at a special meeting of the Chippewas of Nawash Band on December 26, 1985 called by the Council of the Chippewas of Nawash Band on December 10, 1985 for the purpose of considering the contents of the by-law, assented to the contents of this by-law;*
- WHEREAS *Section 85.1 of the Indian Act empowers the Council of the Chippewas of Nawash Band to make by-laws regulating intoxicants on a Reserve;*
- WHEREAS *Now therefore the Council of the Chippewas of Nawash Band makes the following by-law;*

*Prohibition Against Intoxication*

- (1) *Every person who is intoxicated on the Reserve of the Chippewas of Nawash Band is guilty of an offence punishable on summary conviction except;*
- (a) *where a person is intoxicated in his home, at a campsite, at a place used as a private residency, 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) *a police officer may arrest without warrant any intoxicated person when, where, in the opinion of the police officer, to do so is necessary for the safety of the person or is necessary to protect another person from injury, or*
  - (d) *where the Band Council has issued a permit allowing intoxication in such circumstances.*

Prohibition on Possession of Intoxicants

- (2) Every person who is found in possession of intoxicants on the Reserve of the Chippewas of Nawash Band is guilty of an offence 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 intoxicants in such circumstances, or;
  - (d) where the sealed package possession is merely for the purposes of transportation from one place where it is lawful to possess it to another such place.

Conveying Liquor in Vehicle

- (3) No person shall drive or have the care or control of a motor vehicle or motorized snow vehicle, whether it is in motion or not while there is contained therein any liquor, except;
- (a) liquor is a bottle or package that is unopened and the seal unbroken, or;
  - (b) liquor in a bottle or package that is packaged with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

Arrest Without Warrant

- (4) Where a police officer finds a person contravening this by-law and such person refuses to give his name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest such person without warrant.

Offences

- (5) Every person who contravenes this by-law is guilty of an offence 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.

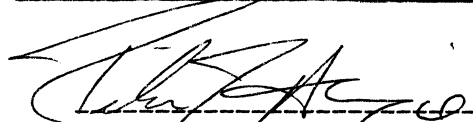
Chippewas of Nawash Band

- (6) Chippewas of Nawash Band means the Chippewas of Nawash Band of Indians within the meaning of the Indian Act.


CHIPPEWAS OF NAWASH BAND COUNCIL

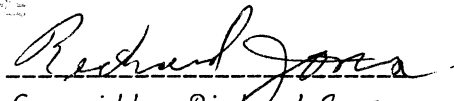
LIQUOR BY-LAW - 12-26-85

PROHIBITION AGAINST INTOXICATION

  
Chief Peter J. Akiwenzie

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Councillor Ralph Akiwenzie

  
Councillor Arthur Elliott

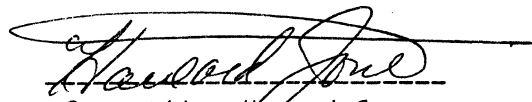
  
Councillor Richard Jones

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Councillor Ella Waukey

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Councillor Bernard Keeshig

  
Councillor Sylvia Akiwenzie

  
Councillor Melvin Elliott

  
Councillor Howard Jones

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Councillor Randel Proulx

CHIPPEWAS OF NAWASH BAND

ADMINISTRATION OFFICE

R. R. 5,

WIARTON, ONTARIO, CANADA N0H 2T0

Date .....

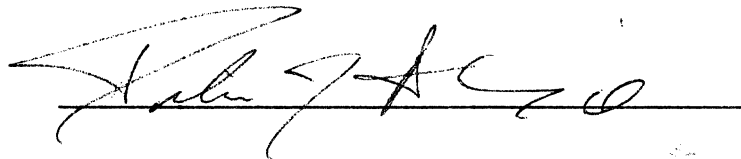
File No. ....

Dept. of Administration

Phone (519) 534-1689

LIQUOR BY-LAW 12-26-1985

Approved and passed at a duly convened meeting of the Council of the Chippewas of Nawash Band, Indian Reserve # 27, this 26th day of December, 1985.



Chief

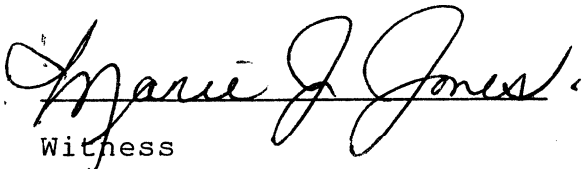


Councillor

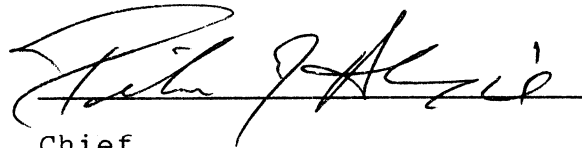


Councillor

I, Peter J. Akiwenzic Chief, of the Chippewas of Nawash Band; do hereby certify that a true copy of the foregoing by-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to section 82(1) of the Indian Act this 30<sup>th</sup> day of Dec, 1985.



Witness



Chief



Indian and Northern Affairs Canada

Affaires indiennes et du Nord Canada

Indian Inuit Affairs

Affaires indiennes et inuit

5011/86 - 130 dated Jan 15/86

Chronological No. - Numéro consécutif

1985-86-190

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 CHIPPEWAS OF NAWASH BAND
LE CONSEIL DE LA BANDE INDIENNE
AGENCY DISTRICT BRUCE
PROVINCE ONTARIO
PLACE NOM DE L'ENDROIT CAPE CROKER RESERVE #27
DATE 26TH DAY - JOUR DECEMBER MONTH - MOIS AD 19 85 YEAR - ANNEE
Current Capital Balance Solde de capital
Committed - Engagé
Current Revenue balance Solde de revenu
Committed - Engagé

DO HEREBY RESOLVE: DÉCIDE, PAR LES PRÉSENTES: MOTION No. 372

MOVED BY HOWARD JONES, SECONDED BY RICHARD JONES, CHIPPEWAS OF NAWASH BAND COUNCIL HEREBY APPROVE LIQUOR BY-LAW 12-26-85; PROHIBITION AGAINST INTOXICANTS, AS PER ATTACHED.

CARRIED.

A quorum for this Bande Pour cette bande le quorum est consists of fixé à (5) Council Members Membres du Conseil

(Chief - Chef)
(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 A. Capital B. Revenue - Revenu
3. Expenditure Dépenses
4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
5. Source of Funds Source des fonds Capital Revenu
6. Recommended - Recommandable Approved - Approuvable
Date Recommending Officer - Recommandé par Date Approving Officer - Approuvé par