

SOR/86-83  
voted Jan 9/86  
FORT WARE INDIAN BAND

BY-LAW NUMBER 1-1985

BEING AN INTOXICANTS BY-LAW

WHEREAS Section 85.1 of the Indian Act enables the council of a band to make by-laws to protect its residents from the presence of intoxicants on its reserve lands, and to impose penalties for the violation of such by-laws;

AND WHEREAS the Council of the Fort Ware Indian Band considers it necessary to establish an intoxicants by-law for the protection of the inhabitants of the reserves of the Fort Ware Indian Band from the presence of intoxicants;

AND WHEREAS this by-law has been assented to by a majority of the electors of the Fort Ware Indian Band who voted at a special meeting of the Fort Ware Indian Band called by the Council of the Band and held on "DECEMBER 9", 1985 for the purpose of considering this by-law;

NOW THEREFORE the Council of the Fort Ware Indian Band hereby enacts as a by-law thereof as follows:

1. In this by-law
  - (a) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;
  - (b) "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Fort Ware Indian Band.

2. No person shall sell, barter, supply or manufacture intoxicants on any reserves of the Fort Ware Indian Band.
  
3. No person shall be intoxicated on any reserves of the Fort Ware Indian Band.
  
4. No person shall be in possession of intoxicants on a reserve of the Fort Ware Indian Band.
  
5. Any person who violates any of the provisions as set out in section 2 of the by-law shall be guilty of an offence and shall be 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.
  
6. Any person who violates any of the provisions as set out in section 3 and section 4 of this by-law shall be guilty of an offence and shall be 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.

Be it known that this by-law entitled "Intoxicants By-Law" is hereby enacted as By-Law No. 1-1985 by the Council of the Fort Ware Indian Band at a duly convened meeting of the said Council held on "DECEMBER 9", 1985.

This By-Law is consented to by the following members of the council:

"Emil McCook"  
CHIEF

"Michael Metcalf"  
WITNESS

"John Poole"  
COUNCILLOR

"Michael Metcalf"  
WITNESS

"Melvin McCook"  
COUNCILLOR

"Michael Metcalf"  
WITNESS

"Mary Charlie"  
COUNCILLOR

"Michael Metcalf"  
WITNESS

AND being the majority (or more) of those members of the Council of the Fort Ware Indian Band present at the above-mentioned meeting.

A quorum of this Band Council is three members.

AND THAT the effective date of this by-law shall be the date on which this by-law is registered by the Privy Council Office pursuant to the Statutory Instruments Act.