

**The Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations  
By-Law NO. 2  
By-Law to Prohibit Intoxicants**

**AND WHEREAS** the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations considers it desirous to undertake measures for the protection of the community;

**AND WHEREAS** the council of the Band is desirous of declaring in effect a prohibition against the sale, barter, supply or manufacture of intoxicants in the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nation reserve lands; against any person being intoxicated on the reserve lands; and against any person having intoxicants in his possession on the reserve lands; and wish to provide for an exception thereto;

**AND WHEREAS** Subsection 85.1(1) of the Indian Act, authorizes the council of a band to make by-laws:

- a) **Prohibiting the sale, barter, supply or manufacture of intoxicants on reserve lands;**
- b) **Prohibiting any person from being intoxicated on reserve lands;**
- c) **Prohibiting any person from having intoxicants in his possession on reserve lands; and**
- d) **Providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);**

**AND WHEREAS** subsection 85.1(4) of the Indian Act provides that every person who contravenes a by-law made under this section is guilty of an offence and is liable on summary conviction, in the case of a by-law made under paragraph 85.1(1)(a), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and in the case of a by-law made under paragraph 85.1(1)(b) or paragraph 85.1(1)(c), to a fine or not more than one hundred dollars or to imprisonment for a term not exceeding three months, or to both; and

**AND WHEREAS** a majority of the electors of the Band who attended a special meeting of the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations on June 26, 1999 called by the council of the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations on June 4, 1999 for the purpose of considering the contents of this by-law, assented to the contents of this by-law;

**NOW THEREFORE**, it is hereby enacted pursuant to section 85.1 of the Indian Act:

**Short Title**

1. This by-law may be cited as the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations Intoxicant By-Law.

**Interpretation**

2. In this By-Law:

"Band" means the Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations;

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**"Intoxicated"** means being under the influence of an intoxicant;

**"Reserve"** means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-I-5, and set apart for the use and benefit of the Ka:'yu:'k't'h'/Che:k:tlles7et'h' First Nations and known as Houp-si-tas Reserve #6 and Village Island Reserve #1.

### Prohibitions

3. No person shall be intoxicated on reserve lands of the Ka:'yu:'k't'h'/Che:k:tlles7et'h' First Nations.
4. No person shall be in possession of an intoxicant on reserve lands of the Ka:'yu:'k't'h'/Che:k:tlles7et'h' First Nations.
5. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicants on reserve lands.

### Exceptions

6. No person contravenes section 4 by reason only that he is in possession of an intoxicant for the purpose of transporting it across the reserve lands from a point of origin outside of Reserve Lands to a destination outside Reserve Lands, provided that the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.
  7. No person contravenes section 3, 4 or 5 of this By-Law where the intoxicant is possessed, used or intended to be used solely
    - For medicinal purposes; or
    - For domestic, business, commercial or other purpose that does not involve producing a state of intoxication in any person
  8. No person contravenes sections 4 or 5 of this By-Law where the intoxicant is possessed; used or intended to be used solely for a religious purpose that does not involve producing a state of intoxication in any person.
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To: All Electors of the Ka:'yu:'k't'h'/Che:k:tlas7et'h First Nations  
General Delivery Urban Membership  
Kyuquot, BC  
VOP 1J0

Your Chief and Council have decided that the time has come to determine whether the community wants its council to exercise its powers under the Indian Act to prohibit the sale and use of intoxicants on our reserve lands.

Section 85.1 of the Indian Act allows the Chief and Council, with agreement of a majority of voting Band Members at a special meeting, to pass by-laws to prohibit the possession and sale of intoxicants and to prohibit any person from being intoxicated on our reserve lands.

Your Chief and Council has prepared a By-Law which may address the intoxicants problem in our community. We are enclosing a copy of this By-law for your review and consideration.

Subsection 85.1(2) of the Indian Act provides that an Intoxicant By-law has to be assented to by a majority of the electors of the Band, who voted at a special meeting of the Band, called by the Council, for the purpose of considering the By-Law.

The Chief and Council will be holding a special community meeting for the sole purpose of considering this By-Law.

The Meeting will be as follows:

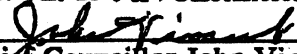
June 26, 1999 9:00 AM to 4:30PM

Houp-Si-Tas Reserve,  
Cultural Centre  
(Location)

We would ask that you make all efforts to attend this meeting and give your views on the proposed By-Law.

A vote will be taken during the meeting to see if there is enough community support to pass this By-Law.

Sincerely,  
Ka:'yu:'K't'h'/Che:k:tlas7et'h First Nations Council

  
Chief Councillor John Vincent

  
Councillor Janice John

  
Councillor Beverly Hansen

  
Councillor Natalie Jack

  
Councillor Cynthia Carlos