

LAW NO. 2011- 01 OF THE AHOUSAHT FIRST NATION

A LAW TO PROHIBIT INTOXICANTS

WHEREAS the citizens of Ahousaht First Nation consider it desirous and in the best interests of the Ahousaht First Nation to enact a law to provide for the protection of the community, children and citizens of the Ahousaht First Nation;

AND WHEREAS the citizens of Ahousaht First Nation have acknowledged the presence, and increasing abuse, of alcohol and other intoxicants within Ahousaht First Nation territory;

AND WHEREAS the citizens of Ahousaht First Nation have acknowledged that the abuse of intoxicants has a destructive impact on the community through increased violence and criminal behavior;

AND WHEREAS the citizens of Ahousaht First Nation have recognized the impact of alcohol and other substances on our family value system and the increasing number of children who need to be raised in the care of others due to substance misuse;

AND WHEREAS the citizens of Ahousaht First Nation have identified the need to control the sale, barter, supply or manufacture of intoxicants within Ahousaht First Nation territory;

AND WHEREAS the citizens of Ahousaht First Nation want to declare a prohibition against the sale, barter, supply or manufacture of intoxicants on the Reserve of the band; against any person being intoxicated on Reserve; and against any person having intoxicants in his or her possession on the Reserve;

AND WHEREAS subsection 85.1(1) of the *Indian Act* authorizes the council of a band to make bylaws:

- A. prohibiting the sale, barter, supply or manufacture of intoxicants on the Reserve;
- B. prohibiting any person, including Ahousaht First Nation citizens and non- citizens, from being intoxicated on the Reserve; and
- C. prohibiting any person, including Ahousaht First Nation citizens and non- citizens, from having intoxicants in his or her possession on the Reserve;

AND WHEREAS subsection 85.1(4) of the *Indian Act* provides that every person who contravenes a bylaw made under this section is guilty of an offence and is liable on summary conviction, in the case of a bylaw made under paragraph 85.1(1)(a), to a fine of not more than \$1,000 or to imprisonment for a term not exceeding six (6) months or to both; and in the case of a bylaw made under paragraph 85.1(1)(b) or paragraph 85.1(1)(c), to a fine of not more than \$100 or to imprisonment for a term not exceeding three (3) months, or to both;

AND WHEREAS a majority of the electors of Ahousaht First Nation who attended a special meeting of the Ahousaht First Nation on June 9, 2011 called by the Ahousaht Council on May 12, 2011 for the purpose of considering the contents of this bylaw, assented to the contents of this bylaw;

NOW THEREFORE, it is hereby enacted pursuant to section 85.1 of the *Indian Act* on this 9th day of June, 2011:

Short Title

1. This bylaw may be cited as the Ahousaht First Nation Intoxicant Law (the "Law").

Interpretation

2. In this Law:

"*Ahousaht First Nation*" means Ahousaht First Nation, a band within the meaning of s. 2 of the *Indian Act*;

"*Citizen*" means a person registered as a member of Ahousaht First Nation in accordance with the *Ahousaht Membership Rules*;

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

"*Reserve*" means all those lands defined as a "reserve" within the meaning of the *Indian Act*, and set apart for the use and benefit of the citizens of Ahousaht First Nation and attached as Schedule 1.

Prohibitions

3. No person, including Ahousaht First Nation citizens and non- citizens, shall be intoxicated on the Reserve.
4. No person, including Ahousaht First Nation citizens and non- citizens, shall be in possession of an intoxicant on the Reserve.

5. No person, including Ahousaht First Nation citizens and non- citizens, shall sell, barter or supply an intoxicant to anyone on the Reserve.
6. No person, including Ahousaht First Nation citizens and non- citizens, shall manufacture an intoxicant on the Reserve.

Exceptions

7. No person contravenes Section 4 of this Law by reason only that he is in possession of an intoxicant for the purpose of transporting it across the Reserve from a point of origin outside of the Reserve to a destination outside of the Reserve, provided that the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.

Offence

8. Every person who contravenes this Law is guilty of an offence and liable:
 - a. In the case of contravention of Section 3 or Section 4 of this Law to a fine of not more than \$100 or to imprisonment for a term not exceeding three (3) months or to both; and
 - b. In the case of contravention of Section 5 or Section 6 of this Law to a fine of not more than \$1,000 or to imprisonment for a term not exceeding six (6) months or to both.

Enforcement

9. The Royal Canadian Mounted Police has authority to enforce this Law.

Coming Into Force


10. This Law comes into force on the day of enactment, which is the day that a majority of the electors of the Ahousaht First Nation who attended a special meeting of the Ahousaht First Nation assented to the contents of this bylaw.

Voting in favour of the Law are the following members of the Council:

Chief John Frank




Deputy Chief Curtis Dick




Council Member:
Philomena Webster

Council Member:




Council Member:

Council Member:



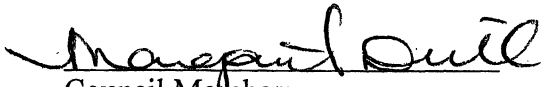
Council Member:
LOUIE FRANK

Council Member:



Council Member:
Melinda Swan

Council Member:



Council Member:
Margaret Dick

Council Member:

Council Member:

being the majority of those members of the Council of the Ahousaht First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 6.

Schedule 1- Ahousaht First Nation Reserves

No.	Name	Location	Hectares
06853	AHOUS 16	VARGAS ISLAND, CLAYOQUOT DISTRICT, SOUTH OF AHOUS BAY	13.80
06869	BARTLETT ISLAND 32	VANCOUVER DIST. CLAYOQUOT DIST., LOT 1681, BARTLETT ISLAND 3 MILES NORTHWEST OF VARGAS ISLAND	69.60
06854	CHETARPE 17	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, EAST SHORE OF RUSSEL CHANNEL	14.20
06849	CLOOLTHPICH 12	VANCOUVER ISLAND, CLAYOQUOT DIST. ON EAST SHORE OF MANUS CHANNEL, CLAYOQUOT SOUND	23.90
06871	HISNIT FISHERY 34	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, LOT 1528, EAST SHORE OF HESQUIAT HARBOUR, NEAR KANIM LAKE	2.90
06866	KISHNACOUS 29	VANCOUVER ISLAND CLAYOQUOT DISTRICT AT HEAD OF SYDNEY INLET	13.70
06870	KUTCOUS POINT 33	FLORIS ISLAND, CLAYOQUOT DISTRICT ON KUTCOUS POINT SOUTH- EAST SHORE OF FLORES ISLAND	39.70
06852	MARKTOSIS 15	FLORES ISLAND, CLAYOQUOT DISTRICT ON MCNEIL PENINSULA AT MARKTOSIS	116.70
06860	MOYEHA 23	VANCOUVER ISLAND, CLAYOQUOT DISTRICT ON WEST SHORE OF MOYE- HA BAY, NEAR MOUTH OF MOYEHA RIVER	5.30
06851	OINIMITIS 14	VANCOUVER ISLAND, CLAYOQUOT DISTRICT ON EAST SHORE NEAR HEAD OF BEDWELL SOUND	10.10
06864	OPENIT 27	VANCOUVER ISLAND, CLAYOQUOT DISTRICT ON SHARP POINT, WEST SIDE OF SYDNEY INLET	31.10
06859	PENEETLE 22	VANCOUVER ISLAND, CLAYOQUOT DISTRICT ON WHITEPINE GROVE HERBERT ISLAND	38.40
06850	QUORTSOWE 13	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, AT MOUTH OF BULSON CREEK, WARN BAY, CLAYOQUOT SOUND	14.60
06861	SEEKTUKIS 24	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, ON E. SHORE OF MILLAR CHANNEL, CLAYOQUOT SOUND, INCLS. SMALL ISLAND IN BAY	14
06855	SUTAQUIS 18	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, NORTH OF MARFEE ISLAND EPPER PASSAGE	11
06872	SWAN 35	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, ON WEST SHORE OF REFUGE COVE, 1/2 MILE WEST OF HOT SPRINGS COVE P.O.	2
06858	TEQUA 21	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, ON SOUTH SHORE OF BAWDEN BAY, CLAYOQUOT SOUND	2.40
06865	TOOTOOWILTENA 28	FLORES ISLAND, CLAYOQUOT DISTRICT, ON A SMALL BAY ON WEST SHORE OF FLORES ISLAND	8.50
06868	VARGAS ISLAND 31	VARGAS ISLAND, CLAYOQUOT DISTRICT, LOT 1440, ON SOUTHEAST TIP OF VARGAS ISLAND	11
06856	WAHOUS 19	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, AT MOUTH OF THE CYPRE RIVER, CYPRESS BAY, CLAYOQUOT SOUND	58
06857	WAHOUS 20	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, ON NORTH SHORE OF CYPRESS BAY, CLAYOQUOT SOUND	13.70
06863	WAPPOOK 26	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, MOUTH OF MEGIN RIVER NORTH SHORE OF SHELTER INLET, CLAYOQUOT SOUND	4.40
06862	WATTA 25	VANCOUVER ISLAND, CLAYOQUOT DISTRICT, AT HEAD OF SHELTER INLET, CLAYOQUOT SOUND	4.80
06848	YARKSIS 11	VARGAS ISLAND, CLAYOQUOT DISTRICT, ON EAST SHORE OF VARGAS ISLAND	41.80