

BY-LAW NO. 19 93.1

of the Valley River Band

A By-Law to Regulate Intoxicants

WHEREAS the Valley River Indian Band considers it desirable to undertake measures for the protection of the community;

WHEREAS the Council of the Band is desirous of declaring in effect 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 wish to provide for an exception there to;

WHEREAS the Council of the Band did enact By-law Number 1993-1 on the 29 day of January, 1993 .

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 the reserve;
- (b) prohibiting any person from having intoxicants in his possession on the reserve;
- (c) prohibiting any person from having intoxicants in his possession on the reserve; and
- (d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);

WHEREAS Subsection 85.1(4) of the Indian Act provides that every person who contravenes a by-law 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 \$ 500 dollars or to imprisonment for a term not exceeding 60 days or to both; and in the case of a bylaw made under paragraph 85.1(1)(c), to a fine of not more than \$ 500 dollars or to imprisonment for a term not exceeding 60 days months, or to both; and

WHEREAS a majority of the electors of the Band who attended a special meeting of the Valley River Band on 01-29-93 (date) 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 1993-1 Indian Band Intoxicant By-law.

Interpretation

2. In this By-law:

- (a) "Band" means the Valley River Indian Band;
- (b) "Reserve" means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-15, and set apart for the use and benefit of the Valley River Band of Indians and known as Valley River Indian Reserve number(s) 292

Prohibitions

3. No person shall be in possession of an intoxicant on the Reserve.
4. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicant on the Reserve.
5. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicant on the Reserve.

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 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.
7. No offence is committed against sections 2, 3 or 4 of this Bylaw:
 - (a) Where the intoxicant is possessed, used or intended to be used solely
 - (i) for medicinal purposes; or
 - (ii) for domestic, business, commercial or other purposes that do not involve producing a state of intoxication in any person;
 - or
 - (b) Where the intoxicant is being transported in an unopened state across the Reserve to a destination beyond the Reserve boundary with no intention to consume, sell, barter or supply the intoxicant on the Reserve.

This by-law is hereby made at a duly convened meeting of the Council of the Valley River Indian Band this 29 day of 01, 19 93.

Voting in favour of the by-law are the following members of the Council:

[Signature]
(Member of the Council)
[Signature]
(Member of the Council)
[Signature]
(Member of the Council)
[Signature]
(Member of the Council)

being the majority of those members of the Council of the Valley River Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.
Number of members of the Council present at the meeting: 4.

I, [Signature] Chief/~~Councillor~~ of the Valley River Band, do hereby certify that a true copy of the foregoing by-law was mailed/faxed/hand delivered (as the case may be) to the Minister of Indian Affairs and Northern development at the District/Regional/Hull Office (as the case by be) pursuant to subsection 82(1) of the Indian Act, this 01 day of 02, 19 93.

[Signature] (Witness) [Signature] (Chief/Councillor)

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