

BY-LAW NO. 2010. 1
of the Pauingassi First Nation
A By-law to Prohibit Intoxicants
ENACTED ON THE 25TH DAY OF AUGUST, 2010

AND WHEREAS Pauingassi First Nation 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 on the reserve of the band; against any person being intoxicated on reserve; and against any person having intoxicants in his possession on the reserve; and wish to provide for an exception thereto;

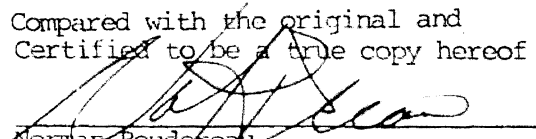
AND WHEREAS Subsection 85.1(1) of the Indian Act, authorizes the council of a band to make by-laws:

- (a) prohibiting the sale, barter, supply or manufacture of intoxicants on the reserve;
- (b) prohibiting any person from being intoxicated 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);

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 bylaw made under paragraph 85.1(1)(b) or paragraph 85.1(1)(c), to a fine of 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 Pauingassi First Nation on the 25th day of August 2010 called by the council of Pauingassi First Nation on July 20, 2010 for the purpose of considering the contents of this bylaw, assented to the contents of this bylaw:

Compared with the original and
Certified to be a true copy hereof



Norman Boudreau
A Notary Public in and for
the Province of Manitoba

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 Pauingassi First Nation Intoxicant By-law.

Interpretation

2. In this Bylaw:

"*Band*" means the Pauingassi First Nation;

"*Intoxicants*" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor as part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating;

"*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 Pauingassi First Nation and known as Pauingassi First Nation Indian Reserve number 327.

Prohibitions

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


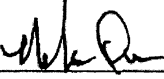
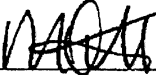
Exceptions

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 person contravenes sections 3, 4 or 5 of this By-Law where the intoxicant is possessed, used or intended to be used solely
 - (i) for medicinal purposes; or
 - (ii) 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.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Pauingassi First Nation this 25 day of August, 2010.

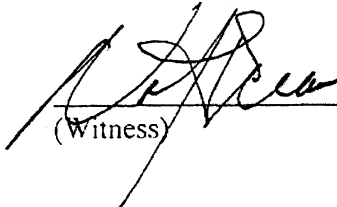

Voting in favour of the by-law are the following members of the Council:

 _____ (Member of the Council)	 _____ (Member of the Council)
 _____ (Member of the Council)	_____ (Member of the Council)
_____ (Member of the Council)	_____ (Member of the Council)

being the majority of those members of the Council of the Pauingassi First Nation 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: 3

I, Harold Crow Chief/~~Councillor~~ of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Winnipeg Regional office of the department pursuant to subsection 82(1) of the Indian Act, this 25th day of August, 2010.

 _____ (Witness)	 _____ (Chief/Councillor)
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