

GARDEN HILL BAND
ISLAND LAKE, MANITOBA ROB OTO

TELEPHONE - (204) 456-2085
456-2062
456-2072

THE GARDEN HILL FIRST NATION INDIAN BAND
BY-LAW NUMBER 1992.01

BEING A BY-LAW RESPECTING THE PROHIBITION
AGAINST THE INHALATION OF SOLVENT AND GASOLINE VAPOURS

WHEREAS, THE COUNCIL OF THE GARDEN HILL FIRST NATION INDIAN BAND DEEMS IT EXPEDIENT TO ENACT A BY-LAW FOR THE PURPOSE OF SAFEGUARDING ITS COMMUNITY ON THE RESERVE FROM THE SERIOUS PROBLEMS RESULTING FROM THE UNHEALTHY AND DESTRUCTIVE PRACTICE OF INHALING SOLVENTS AND GASOLINE FOR THE SOLE PURPOSE OF PRODUCING EUPHORIA, HALLUCINATIONS AND INTOXICATION;

AND WHEREAS, PARAGRAPH 81(1), (a), (c), (d), (q) AND (r) OF THE INDIAN ACT, R.S.C. 1985, c.I-5, EMPOWER THE COUNCIL OF A BAND TO MAKE BY-LAWS TO PROVIDE FOR THE HEALTH OF RESIDENTS, THE OBSERVANCE OF THE LAW AND ORDER, THE PREVENTION OF DISORDERLY CONDUCT AND NUISANCISM WITH RESPECT TO ANY MATTER ARISING OUT OF OR ANCILLARY TO THE EXERCISE OF POWERS UNDER SECTION 81, AND THE IMPOSITION ON SUMMARY CONVICTION OF A FINE OR IMPRISONMENT FOR VIOLATION THEREOF:

AND WHEREAS A MAJORITY OF THE ELECTORS OF THE BAND WHO ATTENDED A SPECIAL MEETING OF THE GARDEN HILL FIRST NATION BAND ON May 04, 1992 CALLED BY THE COUNCIL OF THE GARDEN HILL FIRST NATION BAND ON APRIL 25/92 FOR THE PURPOSE OF CONSIDERING THE CONTENTS OF THIS BYLAW, ASSENTED TO THE CONTENTS OF THIS BYLAW;

NOW THEREFORE THE COUNCIL OF THE GARDEN HILL FIRST NATION INDIAN BAND ENACTS AS A BY-LAW THEREOF AS FOLLOWS:

SHORT TITLE

1. THIS BY-LAW MAY BE CITED AS THE "GARDEN HILL FIRST NATION BAND SOLVENT AND GASOLINE ABUSE BY-LAW".



INTERPRETATION

2. IN THIS BY-LAW

"INTOXICATING MATTER" INCLUDES PLASTIC SOLVENTS, ADHESIVE CEMENT, CLEANING AGENTS, GLUE, DOPE, NAIL POLISH REMOVER, LIGHTER FLUID, GASOLINE, PAINT OF LACQUER THINNER;

"INTOXICATING VAPOUR" MEANS ANY VAPOUR, FUME OR LIQUID THAT IS EMITTED, GIVEN OFF OR PRODUCED FROM AN INTOXICATING MATTER;

"POSSESSION" MEANS POSSESSION AS DEFINED IN SUBSECTION 4(3) OF THE CRIMINAL CODE. R.S., c.C-34.

PROHIBITIONS

AGAINST INHALATION

3. EVERY ONE WHO, FOR THE PURPOSE OF INDUCING EUPHORIA, HALLUCINATIONS OR INTOXICATION

(A) INHALES, ADMINISTERS OR OTHERWISE INTRODUCES INTO HIS RESPIRATORY SYSTEM, OR (B) ASSISTS OR CAUSES ANOTHER PERSON TO INHALE, ADMINISTER OR OTHERWISE INTRODUCE INTO HIS RESPIRATORY SYSTEM.

AN INTOXICATING VAPOUR IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING \$ 50.00 OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING 30 DAYS OR TO BOTH.

AGAINST POSSESSION AND POSSESSION FOR SALE

4. (1) NO PERSON SHALL HAVE IN HIS POSSESSION ANY INTOXICATING MATTER FOR THE PURPOSE OF INHALING, ADMINISTERING, OR OTHERWISE INTRODUCING INTO HIS RESPIRATORY SYSTEM THE INTOXICATING VAPOURS EMITTED, GIVEN OFF OR PRODUCED FROM THE INTOXICATING MATTER

(2) NO PERSON SHALL HAVE IN HIS POSSESSION ANY INTOXICATING MATTER FOR THE PURPOSE OF SELLING, GIVING, ADMINISTERING, TRANSPORTING, SENDING, DELIVERING OR DISTRIBUTING THE INTOXICATING MATTER TO A PERSON.

(i) WHO HE KNOWS OR HAS GOOD REASON TO BELIEVE IS OF UNSOUND MIND, IS IMPAIRED BY ALCOHOL, DRUGS OR BY REASON OF HAVING INHALED INTOXICATING VAPOURS, OR

(ii) WHO HE KNOWS OR HAS GOOD REASON TO BELIEVE WILL USE THE INTOXICATING MATTER FOR THE PURPOSE OF INDUCING EUPHORIA, HALLUCINATIONS OR INTOXICATION.

(3) EVERY ONE WHO CONTRAVENES SUBSECTION (1) OR (2) IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING \$ 50.00 OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING 30 DAYS OR TO BOTH.

AGAINST SALE

5. EVERY ONE WHO SELLS, GIVES, ADMINISTERS, TRANSPORTS, SELLS, DELIVERS OR DISTRIBUTES ANY INTOXICATING MATTER

(A) TO A PERSON WHO HE KNOWS OR HAS GOOD REASON TO BELIEVE IS OF UNSOUND MIND, IS IMPAIRED BY ALCOHOL, DRUGS OR BY REASON OF HAVING INTOXICATING VAPOURS, OR

(B) WHO HE KNOWS OR HAS GOOD REASON TO BELIEVE WILL USE THE INTOXICATING MATTER FOR THE PURPOSE OF INDUCING EUPHORIA, HALLUCINATIONS OR INTOXICATION

IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING \$ 100.00 OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING 30 DAYS OR TO BOTH.

EXCEPTIONS

6. SECTIONS 3, 4 AND 5 DO NOT APPLY TO ANY PERSON WHO

(A) MANUFACTURES OR SELLS AN INTOXICATING MATTER FOR MEDICAL PURPOSES,

(B) INHALES, ADMINISTERS OR OTHERWISE INTRODUCES AN INTOXICATING VAPOUR INTO HIS RESPIRATORY SYSTEM UNDER THE SUPERVISION OF A PHYSICIAN OR DENTIST, OR

(C) IS A PHYSICIAN OR DENTIST OR A PERSON ACTING UNDER THE DIRECTION OF A PHYSICIAN OR DENTIST WHO ASSISTS OR CAUSES ANOTHER TO INHALE, ADMINISTER OR OTHERWISE INTRODUCE INTO HIS RESPIRATORY SYSTEM AN INTOXICATING VAPOUR.

THIS BY-LAW IS HEREBY MADE AT A DULY CONVENED MEETING OF THE COUNCIL OF THE GARDEN HILL FIRST NATION BAND THIS 4th DAY OF May, 1992.

VOTING IN FAVOUR OF THE BY-LAW ARE THE FOLLOWING MEMBERS OF THE COUNCIL:

Gordon Beardsy
(MEMBER OF THE COUNCIL)

Bruce Day Joell Harper
(MEMBER OF THE COUNCIL)

Samuel Hunter Eltano
(MEMBER OF THE COUNCIL)

[Handwritten signature]


BEING THE MAJORITY OF THOSE MEMBER OF THE COUNCIL OF THE GARDEN HILL FIRST NATION BAND PRESENT AT THE AFORESAID MEETING OF THE COUNCIL.

THE QUORUM OF THE COUNCIL IS 6 MEMBERS.

NUMBER OF MEMBERS OF THE COUNCIL PRESENT AT THE MEETING: 6.

I, GEORDIE LITTLE CHIEF/COUNCILLOR OF THE GARDEN HILL FIRST NATION 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 DISTRICT/REGIONAL/HULL OFFICES (AS THE CASE MAY BE) PURSUANT TO SUBSECTION 82(1) OF THE INDIAN ACT, THIS 11th DAY OF August, 1992.


(WITNESS)


(CHIEF/COUNCILLOR)

GARDEN HILL BAND
ISLAND LAKE, MANITOBA ROB OTO

247900

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SOLVENT ABUSE BY-LAW

I, GEORDIE LITTLE, CHIEF OF THE GARDEN HILL FIRST NATION BAND,
MAKE OATH AND SAY AS FOLLOWS:

Aug 19 8 42 AM '92

- 1) I DID ON 1 PM THE 04 TH DAY OF MAY, 1992,
HOLD A SPECIAL MEETING OF THE BAND AT THE RECREATION
HALL, AT GARDEN HILL RESERVE.
- 2) A LETTER WAS SENT ON APRIL 29 1992 TO EACH
OF THE ELECTORATE NOTIFYING THEM OF THE DATE, TIME AND PLACE
THAT THE MEETING WAS TO BE HELD (A SAMPLE OF THE SAID LETTER
IS ATTACHED HERETO AND MARKED AS EXHIBIT "A").
- 3) NOTICES (ATTACHED HERETO AND MARKED AS EXHIBIT "B") WERE ALSO
POSTED AT THE FOLLOWING PUBLIC AREAS OF THE RESERVES:
 - a) NORTHERN STORE
 - b) GARDEN HILL POST OFFICE
 - c) GARDEN HILL BAND OFFICE
- 4) THE ABOVE MENTIONED MEETING COMMENCED AT 1 P.M./OR _____ HRS.
AND WAS HELD FOR THE PURPOSE OF VOTING ON THE FORM AND CONTENTS
OF THE BY-LAW (ATTACHED HERETO AS EXHIBIT "C").
- 5) THE NUMBER OF ELECTORATE IN ATTENDANCE AT THIS SPECIAL MEETING
WAS 34.
- 6) THE NUMBER OF VOTES IN FAVOUR OF BY-LAW WAS 34.
- 7) THE NUMBER OF VOTES AGAINST THE BY-LAW WAS NIL.
- 8) THE NUMBER OF ABSTENTIONS WAS NIL.

ENTERED	
BY <u>lc</u>	DATE <u>19/8/92</u>

JCLMB
02/08/92

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EXHIBIT "B"

TO VOTING MEMBERS OF THE
GARDEN HILL FIRST NATION BAND

NOTICE OF MEETING
REGARDING A SOLVENT ABUSE BY-LAW

TAKE NOTICE THAT A SPECIAL MEETING OF THE ELECTORATE OF THE GARDEN HILL FORST NATION BAND BE HELD TO CONSIDER A BAND BY-LAW UNDER SECTION 81 OF THE INDIAN ACT.

THE PURPOSE OF THE BY-LAW IS TO PROHIBIT THE UNHEALTHY AND DESTRUCTIVE PRACTICE OF INHALING SOLVENTS AND GASOLINE OF THE GARDEN HILL FIRST NATION RESERVE.

PLACE:

DATE:

TIME:

PLEASE NOTE THAT A VOTE WILL BE TAKEN AT THIS MEETING ON THE QUESTION OF WHETHER THE ELECTORS OF THE BAND WISH TO CONSENT TO THE FORM AND CONTENTS OF THE SOLVENT ABUSE BY-LAW PROPOSED BY CHIEF AND COUNCIL. A COPY OF THE DRAFT BY-LAW MAY BE OBTAINED AT THE BAND OFFICE.

