

INTOXICANTS PROHIBITION BY-LAW OF THE O'CHIESE INDIAN BAND NO. 203

WHEREAS the Chief and Council of the O'Chiese Indian Band No. 203 (hereinafter "the Band") desire to preserve the community harmony, cultural heritage, and law and order on the Reserve; and

WHEREAS the manufacture, sale, and use of liquor and other intoxicants on the Reserve has disrupted the harmony, peace, and order of the community and poses an ongoing danger to the health and safety of Reserve residents; and

WHEREAS the Band members and Band Council desire to establish by-laws in relation to prohibiting the manufacture, sale, and consumption of intoxicants, and intoxicification on the O'Chiese Indian Reserve No. 203 in a proper and lawful manner pursuant to S. 81(a), S. 81(c), and S. 85.1 of the Indian Act; and

WHEREAS this By-law was approved by a majority of the electors of the Band who voted at a special meeting of the electors held on the 17 day of FEBRUARY, 1988;

BE IT RESOLVED that:

1.0 CITATION

1.1 This By-law may be cited as the Intoxicants Prohibition By-law of the O'Chiese Indian Band No. 203.

2.0 DEFINTIIONS

2.1 For the purposes of this By-law:

(a) "Intoxicant" includes:

- i) any alcohol, spirit, wine, liquor, or malt, or other intoxicating liquid or combination of liquids,
- ii) any mixed liquid that is partly spirituous, or fermented and that is intoxicating,
- iii) all drinks or drinkable liquids and all preparations or mixtures that are capable of human consumption whether by drinking or inhalation and are used for the process of intoxication,
- iv) beer, cider and wine,
- v) a liquid preparation or mixture that contains more than 1.5% alcohol by volume shall be conclusively deemed to be intoxicating,
- vi) any other class of liquor designated by the Alberta Liquor Control Board for the purposes of the Liquor Control Act R.S.A., 1980 Ch. L-17.

(b) "Sale" and "Sell" include:

- i) the exchange, barter and traffic of liquor, and
- ii) the selling, supplying or distributing, by any means whatsoever, of liquor.

3.0 INTERPRETATION OF THIS BY-LAW

3.1 If any part of this By-law is found by the Courts to be ineffective or inoperative by rule of law, it shall be severed from the By-law in order to preserve the intent of the whole.

3.3 This By-law shall be interpreted and applied in a manner consistent with the customs, traditions and values of the Band and nothing in this By-law should be construed or interpreted so as to deny, abrogate or derogate from the aboriginal and Treaty rights of the Band and the Membership of the Band.

4.0 MANUFACTURE AND SALE OF INTOXICANTS ON THE RESERVE

4.1 No person shall be permitted or allowed in any manner to manufacture or sell intoxicants on the Reserve.

5.0 USE AND CONSUMPTION OF INTOXICANTS ON THE RESERVE

5.1 No person shall be permitted to manufacture, use, or consume intoxicants on the Reserve.

6.0 INTOXIFICATION ON RESERVE

6.1 No person shall be allowed to be intoxicated on the Reserve.

6.2 No person shall be allowed to enter the Reserve who is intoxicated.

6.3 For the purposes of this section, everyone who:

i) has consumed alcohol in such quantity that the proportion thereof in his blood exceeds 80 mg. of alcohol in 100 ml. of blood; or

ii) demonstrates behaviour indicating intoxicification, however caused,

shall be considered to be intoxicated.

7.0 POSSESSION OF INTOXICANTS ON THE RESERVE

7.1 No person shall be permitted to have intoxicants in his possession while on the Reserve.

7.2 No person shall be allowed or permitted to have intoxicants in any vehicle, residence, public facility, or at any other location on the Reserve.

7.3 An owner or tenant of a residence, building, or vehicle on the Reserve shall not knowingly permit a person to be in the possession of intoxicants at that residence, or building, or in his vehicle.

8.0 PENALTIES

8.1 Any person who contravenes Section 4.0 of this By-law is guilty of an offence and liable on summary conviction and to a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months or to both.

8.2 Any person who contravenes any other Sections of this By-law is guilty of an offence and liable on summary conviction, to a fine of not more than One Hundred Dollars (\$100.00) or to imprisonment for a term not exceeding three (3) months, or to both.

9.0 EFFECTIVE DATE

9.1 This By-law shall be effective from the 17 day of APRIL, 1988.

Approved by the Chief and Council this 29 day of January, 1988.

Theresa Stauber
Chief

Martin Ironbow
Councillor

Neil Strawling
Councillor

Councillor