

ALEXIS NAKOTA SIOUX NATION

SMOKING CONTROL BYLAW 2008

WHEREAS the Alexis Nakota Sioux Nation has aboriginal and treaty rights and other rights and freedoms that are recognized and affirmed by the Constitution of Canada;

AND WHEREAS Chief and Council, as the elected government of the Nation, has jurisdiction to pass laws for the good government of Alexis members, lands and resources;

AND WHEREAS Chief and Council consider it in the best interests of the Nation to regulate smoking on Alexis reserve lands pursuant to Section 81 of the *Indian Act* and the Alexis Nakota Sioux Nation's inherent and treaty rights, for the purpose of regulating the use of such lands and for the purpose of protecting and promoting the health, safety and welfare of residents on reserve;

NOW THEREFORE THE COUNCIL OF THE ALEXIS NAKOTA SIOUX NATION makes the following bylaw:

1. This bylaw may be cited as the ***Alexis Nakota Sioux Nation Smoking Control Bylaw 2008***.

Definitions

2. In this bylaw:
 - a. "Chief and Council" means the elected Chief and Council of the Alexis Nakota Sioux Nation.
 - b. "designated smoking area" means a smoking area or smoking room designated by Chief and Council;
 - c. "minor" means a person who is under 18 years of age;
 - d. "officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a bylaw officer or any other person appointed by Chief and Council for the purpose of enforcing the provisions of this bylaw;
 - e. "private social function" means a specific social event:
 - i. for which an entire room has been reserved, which is physically separated from areas where smoking is prohibited under this bylaw and to which members of the public do not have access as of right or by express or implied invitation; and
 - ii. at which attendance is limited to people who have been specifically invited or designated by the sponsor; and

- iii. at which seating arrangements are under the control of the sponsor of the event and not of the proprietor of the room,

but does not include:

- iv. events which are held primarily for the purpose of business or for invitees who are in attendance in the course of or for the purpose of their employment; or
 - v. an event at which minors are in attendance;
- f. "proprietor" means an employer or other person who, directly or indirectly, controls, governs or directs the activities in the place;
 - g. "public place" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation, but does not include a place at which a private social function is being held;
 - h. "public vehicle" means a bus, taxi or other vehicle that is used to provide transportation services to members of the public;
 - i. "reserve" means land reserved for the Nation from time to time;
 - j. "smoke" or "smoking" means to smoke, hold or otherwise have control over a lit tobacco product, and includes carrying a lighted cigarette, pipe or cigar or any other related smoking equipment;
 - k. "workplace" means all or any part of a building, structure or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and includes reception areas, corridors, lobbies, stairwells, elevators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles; and
 - l. "work vehicle" means any vehicle owned or leased by an employer and used by employees in the course of their employment.

Smoking Prohibited

- 3. Except as otherwise provided in this bylaw, no person shall smoke in the following places:
 - a. a public place;
 - b. a workplace;
 - c. a public vehicle.

Exclusions

4. Nothing in this bylaw affects the rights of Nation members to carry out traditional spiritual or cultural practices or ceremonies.
5. Subject to section 6, this bylaw does not apply to a building, structure or vehicle, or any part thereof, that is used as a private residence.
6. Notwithstanding section 5, that part of a private residence that is:
 - a. used to operate a home business; and
 - b. is used by employees who work in the residence, but do not live in the residence, in the course of their employment,is a workplace for the purposes of this bylaw.

Exceptions

7. Chief and Council may, on application by a proprietor of a public place or workplace, issue a permit to allow smoking in a designated smoking area, which area may be all or any part of that public place or workplace.
8. An application pursuant to section 7:
 - a. shall be in the form which is attached to this Bylaw; and
 - b. shall be accompanied by an application fee in the amount of \$25.00.
9. Chief and Council may, at its sole discretion:
 - a. refuse to grant a permit;
 - b. require the applicant to provide further information in or in support of the application as may be deemed necessary by Chief and Council; or
 - c. issue a permit in such form and containing such conditions as may be determined by Chief and Council, including conditions as to the physical separation of the designated smoking area from areas where smoking is prohibited under this bylaw and in the maintenance of ventilation systems.
10. A person shall be entitled to smoke in a designated smoking area, and the proprietor shall be entitled to permit smoking in a designated smoking area, provided that the proprietor of the public place or workplace:
 - a. insures that signs are posted and conspicuously displayed indicating that minors are not permitted to enter or be in a place where smoking is permitted; and
 - b. complies with any other conditions in the permit.

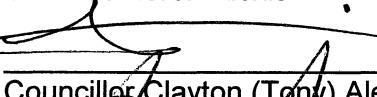
- 11. The proprietor of a place where smoking is prohibited under this bylaw must not permit a person to smoke in that place.
- 12. The proprietor of a public place or workplace must not permit persons under the age of 18 years to enter or be in a designated smoking area.
- 13. Chief and Council, in its sole discretion, may revoke a permit granted pursuant to Section 8 on 90 days written notice to the proprietor of the public place or workplace to which the permit applies.


Enforcement

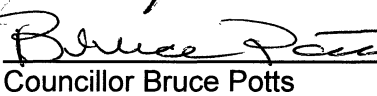
- 14. Any person who contravenes in this bylaw is guilty of an offence, and upon summary conviction, is liable to a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding 30 days, or both.

Voting in favor of the bylaw are the following members of the Council:


 Chief Cameron Alexis



 Councillor Clayton (Tony) Alexis



 Councillor Henry Hank Alexis


 Councillor Bruce Potts


 Councillor Gloria Potts

 Councillor Darwin Alexis


 Councillor Sandy Alexis

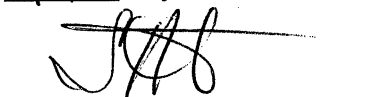

 Councillor Elmer Potts

being the majority of those members of the Council of the Alexis Nakota Sioux 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: 7

I, Chief Cameron Alexis of the Alexis Nakota Sioux Nation, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Regional office pursuant to subsection 82 (1) of the *Indian Act*, this 17 day of March, 2008.



 WITNESS



 Chief Cameron Alexis

**ALEXIS NAKOTA SIOUX NATION
APPLICATION FOR PERMIT
TO ALLOW SMOKING IN A DESIGNATED SMOKING AREA
(Sections 7 and 8, Smoking Control Bylaw 2008)**

Date: _____

Applicant Name: _____

Applicant Address: _____

Premises for which application is being made: _____

Location of the proposed Designated Smoking Area: _____

Diagram attached? YES _____ NO _____

Duration of Permit: Indefinite? YES _____ NO _____

If "NO", dates for which Permit is required:

Additional Information: _____

For internal use only

Application fee of \$25.00 inclosed? YES _____ NO _____

ALEXIS NAKOTA SIOUX NATION BAND COUNCIL RESOLUTION

Chronological no. - 07-08 / 133-3-6-88
File reference no. -

NOTE: The words "from Funds" "capital", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The Council of the ALEXIS NAKOTA SIOUX NATION					Cash free balance	
					Capital account \$ _____	
Date of duly convened meeting	D-J		M	Y-A		Province Alberta
	1	7	0	3	0	
					Revenue account \$ _____	

(AMENDED: March 15, 2008)

DO HEREBY RESOLVE:

WHEREAS a quorum of Chief and Council met at a duly convened meeting on Monday, March 17, 2008:

AND WHEREAS pursuant to the Indian Act and their inherent right to self-government, the Council is empowered to act on behalf of the Alexis Nakota Sioux Nation;

AND WHEREAS the Chief and Council of the Alexis Nakota Sioux Nation derive their authority from and are responsible to the membership of the Alexis Nakota Sioux Nation for the peace, order and good governance of the membership of the Alexis Reserves;

AND WHEREAS the Chief and Council consider it in the best interest of the Nation to regulate smoking on the Alexis reserve lands pursuant to *Section 81* of the *Indian Act* and the Alexis Nakota Sioux Nation inherent and treaty right for the purpose of regulating the use of such lands and for the purpose of protecting and promoting the health, safety and welfare of the residents on the reserves.

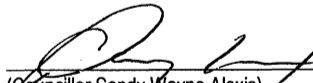
THEREFORE BE IT RESOLVED the Chief and Council of the Alexis Nakota Sioux Nation hereby ratifies the ***Alexis Nakota Sioux Nation Smoking Control Bylaw 2008***.

Quorum 7/8




(Chief Cameron Alexis)


(Councillor Darwin Alexis)



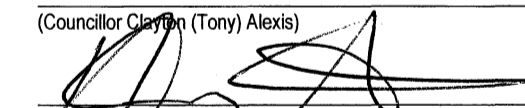
(Councillor Sandy Wayne Alexis)



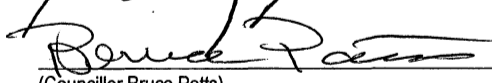
(Councillor Bruce Potts)



(Councillor Clayton (Tony) Alexis)



(Councillor Henry (Hank) Alexis)



(Councillor Bruce Potts)



(Councillor Gloria Potts)

FOR DEPARTMENT USE ONLY					
Expenditure	Authority - Indian Act Section	Source of funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue	Expenditure	Authority - Indian Act Section	Sources of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommending Officer			Recommending Officer		
Signature _____		Date _____	Signature _____		Date _____
Approving Officer			Approving Officer		
Signature _____		Date _____	Signature _____		Date _____