



WAYWAYSEECAPPO FIRST NATION

TREATY FOUR

P.O. BOX 9, WAYWAYSEECAPPO, MANITOBA R0J 1S0
BY-LAW NO. 2020-04-08
of the Waywayseecappo First Nation

A By-Law to Prohibit Illegal Drugs

WHEREAS: the Waywayseecappo First Nation has and continues to exercise an inherent right to self-government;

WHEREAS: in addition to their inherent right of self-government, Waywayseecappo First Nation has authority under the Indian Act to make By-laws;

WHEREAS: the use, possession and selling of illegal drugs on the Waywayseecappo First Nation is causing misery and turmoil amongst the people of Waywayseecappo First Nation and is a major cause of social concerns and problems in the community;

WHEREAS: the Waywayseecappo First Nation considers it necessary to undertake measures for the protection and safety of the community and residents of Waywayseecappo First Nation;

WHEREAS: the Council of the Waywayseecappo First Nation are desirous of declaring in effect a prohibition against the use, sale and possession of illegal drugs on the Waywayseecappo First Nation (subject to exceptions provided herein);

WHEREAS: Subsection 85.1(1)(a) and (c) on the Indian Act authorizes the Council of the Waywayseecappo First Nation to make such a By-law;

NOW THEREFORE, it is hereby enacted pursuant to Section 85.1 of the Indian Act:

1.00 TITLE

1.01 This by-law may be cited as the "Waywayseecappo First Nation Illegal Drug By-Law"

2.00 INTERPRETATION

2.01 In this By-Law,

Administration (204) 859-2879
Admin. Fax (204) 859-2403

Education Dept. (204) 859-2777
Fax Line (204) 859-2403

Community School (204) 859-2811
School Fax (204) 859-2992

- a) "*Waywayseecappo First Nation*" means the Waywayseecappo First Nation Band;
- b) "*Lands*" means all of 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 Waywayseecappo First Nation Band;
- c) "*Illegal Drugs*" means those drugs and substances prohibited or controlled under the Controlled Drugs and Substances Act, S.C. 1996, C. 19;
- d) "*Council*" means the Chief and Council of the Waywayseecappo First Nation.

3.00 PROHIBITIONS

- 3.01 No person shall sell, barter, supply or manufacture an illegal drug on the Lands.
- 3.02 No person shall use or be in possession of an illegal drug on the Lands.
- 3.03 No person shall harbour an individual who has been removed or banished pursuant to this By-Law.

4.00 EXPECTATIONS

- 4.01 No person contravenes Section 3.00 of this By-law where illegal drugs are possessed, used or intended to be used solely for medical purposes upon prescription by a medical doctor in accordance with the Controlled Drugs and Substances Act, S.C. 1996, C. 19 and the Marijuana Medical Access Regulations, S.O.R. 2001/227.

5.00 ENFORCEMENT

- 5.01 Every person who fails or refuses to comply with a provision of this By-law commits an offence.

6.00 PENALTY

- 6.01 Every person who commits an offence under this By-Law is liable on summary conviction:
 - a) in the case of an offence under paragraph 3.01 of this By-law, to a fine of not more than \$1,000.00 or to imprisonment of a term not exceeding six months, or to both;

- b) in the case of an offence arising out of paragraph 3.02 of this By-law, to a fine of not more than \$100.00 or to imprisonment of a term not exceeding three months, or to both.
- c) in the case of an offence arising out of paragraph 3.03 of this By-law, to a fine of not more than \$100.00 or to imprisonment of a term not exceeding three months, or to both.

6.02 In addition to the above penalties, every person who commits an offence under the By-Law may also be subject to the following sanctions:

- a) termination of employment with the Waywayseecappo First Nation;
- b) termination or denial of assistance of any kind, including but not limited to social assistance, economic, and educational support;
- c) denial of housing on the Lands;
- d) removal of names from the housing list;
- e) eviction from housing on the Lands;
- f) publication of the names of offenders;
- g) refusal by the Waywayseecappo First Nation and its affiliated or related companies and their agencies to do business with such persons; and
- h) removal from the Lands.

7.00 BAND COUNCIL RESOLUTIONS

7.01 The Council may make Band Council Resolutions respecting any matter that the Council considers necessary or advisable to meet or further the objectives of this By-Law.

8.00 MISCELLANEOUS

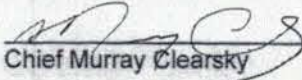
8.01 Should a court determine that a provision of this By-Law is invalid for any reason, the provision shall be severed from the By-Law and the validity of the rest of this By-Law shall not be affected.

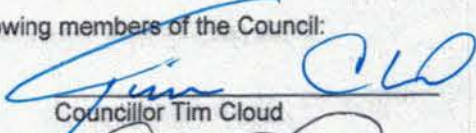
8.02 This By-Law comes into force on the day of enactment.

- 8.03 The provisions of this By-Law apply to all Lands of the Waywayseecappo First Nation.
- 8.04 Nothing in this By-Law shall derogate or abrogate from existing Indigenous Aboriginal or inherent Treaty Rights.

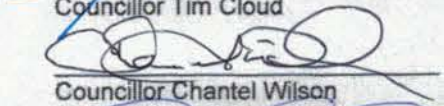
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Waywayseecappo First Nation this 8 day of APR, 2020.

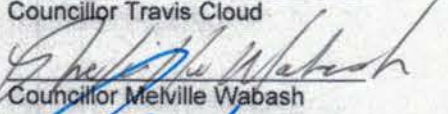
Voting in favour of the By-Law are the following members of the Council:

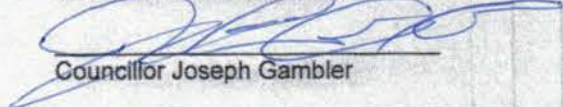

Chief Murray Clearsky

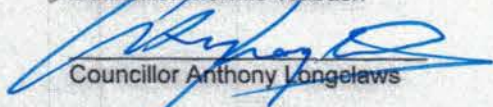

Councillor Tim Cloud

Councillor Travis Cloud


Councillor Chantel Wilson


Councillor Melville Wabash


Councillor Joseph Gambler


Councillor Anthony Longelaws

Being the majority of those members of the Council of the Waywayseecappo First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

The number of members of the Council present at the meeting: 6.