



Chronological No.	216/96
File Reference	4/216-236

BAND COUNCIL RESOLUTION

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.

THE COUNCIL OF THE			Current Capital Balance	\$ _____
POPLAR HILL FIRST NATION				
AGENCY/DISTRICT	SIOUX LOOKOUT		Committed - Engage	\$ _____
PROVINCE	ONTARIO		Current Revenue balance	
PLACE	POPLAR HILL, ONTARIO		Solde de revenu	\$ _____
DATE	07 Day-Jour	05 Month-Mois	96 Year-Annee	Committed - Engage
				\$ _____

Subject: INDIAN ACT BY-LAWS 96

DO HEREBY RESOLVE: that the Band Council of Poplar Hill First Nation revise and update our Indian Act By-Law, Section 85 - 1 that was passed back in Feb. of 1988.

Whereas: the Chief and Council approve of all the following By-Laws of 85-1, prohibiting the use and possession of intoxicants here in the First Nation Territory of Poplar Hill.

Furthermore: the Band Council of Poplar Hill First Nation consider it necessary for special measures to be taken to protect the citizens of Poplar Hill from the presence of intoxicants.

Furthermore: the citizens of Poplar Hill First Nation need this By-Law in place for the lack of respect of intoxication and the abuse of intoxicants here in the First Nation Territory of Poplar Hill.

Furthermore: Subsection 85-1 (1) of the Indian Act R.S.C. 1970, Chapter 1-6 (as amended) empowers the Band Council of Poplar Hill First Nation to make these By-Laws in respect to intoxication and the use of intoxicants here in the First Nation Territory of Poplar Hill.

Furthermore: on Feb. 16 of 1988 a meeting by the electors of Poplar Hill First Nation, pursuant to subsection 85-1 (2) of the Indian Act, decided to form and set these By-Laws in place.

CERTIFIED TRUE COPY

[Signature]

A quorum for this Bands
Pur cette bande le quorum est
consists of
fixe a
Council Members
Membres du Conseil

[Signature]
Philip Howe
(Councillor - conseiller)

[Signature]
Eli Morse
(Chief - Chef)
(Councillor - conseiller)

[Signature]
Alex Stang
(Councillor - conseiller)

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FOR DEPARTMENTAL USE ONLY - RESERVE AU MINISTERE					
1. Band Fund Code Code du compte de band	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditures Depenses	4. Authority Indian Act Section	5. Source of Funds Source de fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	\$ A. Capital	\$ B. Revenue - Revenu			
6. Recommended - Recommendable			Approved - Approuvable		
Date	Recommending Officer - Recommande par		Date	Approving Officer - Approuve par	



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Indian Act By-Laws - 96' p.2

Be it resolved: Section 85-1(1) of the Indian Act shall be as follows:

1. INTOXICANT is defined under subsection 2(1) of the Indian Act and shall be deemed to include the following preparations and mixtures capable of human consumption that is intoxicating as follows.

- A - glue and other vapours thereof
- B - LYSOL, HAIRSPRAY, other cleaning products & vapours
- C - gasoline & other gasoline based products & vapours
- D - alcohol & other alcohol related beverages
- E - homebrew that is used for intoxication
- F - DRUGS - used to get high, Hash & other substances

Be it resolved: Section 85-1(2) of the Indian Act shall be as follows.

- 2(A) - Supply - to give to other people here at Poplar Hill First Nation an intoxicant contrary to section 3(B)
- 2(B) - Manufacture - to make an intoxicant for the sole purpose of consumption contrary to section 3(B)
- 2(C) - Sell or Barter - anyone who sells or barter an intoxicant for the sole purpose of being intoxicated contrary to section 3(B)

Furthermore: any person guilty of section 2 of this By-Law is liable on summary conviction to a penalty described in Paragraph 85-1(4) (A) of the Indian Act and shall pay a Donation of not more than \$1000.00 or imprisonment for a term **NOT** exceeding 6 months, or both.

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Pat [Signature]
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(Chief - Chef)

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				\$ _____

Indian Act By-Laws -96' p.3

Be it resolved: Section 85-1(3) of the Indian Act shall be as follows of a person who is found:

- 3(A) - Possession - a person with intoxicants in his or her possession, directly or indirectly related to their property
- 3(B) - Intoxicated - a person who is intoxicated or high from the use of an intoxicant

Furthermore: Any person guilty of section 3 of this By-Law is liable on summary conviction to a penalty described in Paragraph 85-1(4) (B) of the Indian Act and shall pay a Donation of not more than \$100.00 or imprisonment for a term not exceeding 3 months or both.

Be it resolved: Subsection 85-1(4) shall be as follows.

-(No offense is committed against this By-Law where the intoxicant is used or intended to be used :)

- 4(A) - in case of sickness or accidents
- 4(B) - for domestic or commercial purposes that do not involve human consumption
- 4(C) - in the form of sacramental wine used by a recognized church
- 4(D) - Persons who intend to use an intoxicant for the purposes of subsection (4) must have a written letter of authorization from the attending registered nurse for illness or must have a letter of written authorization from the band council for domestic, commercial or church purposes here at Poplar Hill First Nation

Whereas: "TOURIST" means a person not normally a resident of Poplar Hill First Nation and is travelling for recreation, pleasure or culture purposes or is a guest of one of the tourist camps operated by the band which may be on or off the First Nation Territory of Poplar Hill.

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 Membres du Conseil

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Pat [Signature] (Chief - Chef)
Eli Morse (Councillor - conseiller)
Alan Strong (Councillor - conseiller)

(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
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Indian Act By-Laws - 96' pg.4

Be it resolved: Subsection 85-1(5) shall be as follows.

5(A) - no offense is committed against subsection 3(A) of this By-Law if the person is in possession and is a tourist transporting the intoxicants in an opened state across the First Nation Territory of Poplar Hill to a destination beyond our First Nation Territory.

5(B) - in case a tourist should stay overnight at Poplar Hill First Nation, he shall deliver the intoxicants in his possession to a special constable, band constable or peacekeeper as soon as possible. The person in possession of this intoxicant will be responsible of this intoxicant and could be guilty of an offense under subsection 3(A) of this By-Law if found in contravention

Be it resolved: Subsection 85-1(6) shall be as follows.

6(1) - every person coming into the First Nation Territory of Poplar Hill shall at that time, if requested by a special constable, band constable or peacekeeper, declare whether or not they have any intoxicants in their possession, whether on the person or in the luggage, packages or other containers that is in their possession when coming into the First Nation Territory of Poplar Hill.

6(2) - following a declaration of the person or a failure to declare under subsection 6(1), a special constable, band constable or peacekeeper who believes on reasonable grounds, that the person is contravening subsection 2 or 3 of this By-Law.

6(2)(A)- detain that person for a period of time sufficient to conduct a search for any intoxicants on the person

6(2)(B)- detain any luggage, bags, packages or containers that the person is bringing onto Poplar Hill First Nation for a period of time sufficient to conduct a proper search for any intoxicants contrary to subsection 3 of this By-Law

6(2)(C) - anyone who has intoxicants in their possession shall be reported to the band council of Poplar Hill First Nation

Furthermore: ALL THE CHANGES AND UPDATING OF THIS BY-LAW IS APPROVED BY THE BAND COUNCIL OF POPLAR HILL FIRST NATION. DATED MAY 7th 1996.

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 Pur cette bande le quorum est
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 fixe a
 Council Members
 Membres du Conseil

CERTIFIED TRUE COPY

Philip Howe (Councillor - conseiller)
Pat [Signature] (Chief - Chef)
Eli Morse (Councillor - conseiller)
[Signature] (Councillor - conseiller)
Alec Strong (Councillor - conseiller)

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Indian and Northern
Affairs Canada

Indian and Inuit Affairs

96-05-16-855: 4435
Affaires indiennes
et du Nord Canada

Affaires indiennes et inuit

Chronological No. - Numero consecutif 1996	217/96
File Reference - No. de ref. du dossier	4216-236

**BAND COUNCIL RESOLUTION
RESOLUTION DE CONSEIL DE BANDE**

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NOTA: Les mots "des fonds de notre bande" "Capital" ou revenu" selon le cas doivent paraitre dans tou tes les resolutions portant sur des depenses a meme les fonds de bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	POPLAR HILL FIRST NATION	Current Capital Balance Solde de capital	\$ _____
AGENCY/DISTRICT	SIOUX LOOKOUT	Committed - Engage	\$ _____
PROVINCE	ONTARIO	Current Revenue balance Solde de revenu	\$ _____
PLACE	POPLAR HILL, ONTARIO	Committed - Engage	\$ _____
DATE	01 05 96 Day-Jour Month-Mois Year-Annee		

DO HEREBY RESOLVE:

That a Band Constable or Peacekeeper By-law is in place for all B.C.'s or Peacekeeper working within the First Nation Territories of Poplar Hill.

Whereas; the Chief & Council of P.H. consider it necessary for special measures for the protection of the citizens of the F.N.T. of P.H. from its presence or use of intoxicants.


Furthermore; this By-law resolution is made in special consideration for those residents of P.H. who are supplying others with intoxicants, or conducting drinking parties in this residence which is expressly forbidden in the F.N.T. of Poplar Hill.

Whereas; the P.H. F.N.T. Peacekeepers shall use whatever means necessary to gain access to any and all properties in P.H. F.N.T. to conduct search & seizures where it is believed on reasonable grounds that a contravention of the P.H. By-laws is being committed

Whereas; the P.H. F.N.T. Peacekeepers acting in accordance with P.H. F.N.T. By-laws have the authority to conduct searches & seizure of contraband such as any intoxicants, with or without resident(s) permission to prevent the continuation of the breach of P.H. By-laws.

Furthermore; If Peacekeepers do use force to gain access to a property in the F.N.T. of P.H. they will immediately report back to the Chief & Council of why the use of force was necessary.

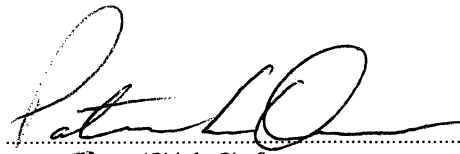
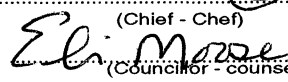
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 (Chief - Chef)

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Indian and Northern
Affairs Canada

Indian and Inuit Affairs

96-05-16 REF: 4436

Chronological No.	- 218/96
File Reference	- 4216.236

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Subject: Poplar Hill First Nation Offence Certificate

Whereas: There is a need for effective enforcement for penalizing those who chose to violate POPLAR HILL FIRST NATION BY-LAWS,

Whereas our community requires special measures to be taken to be effective,

Whereas: the POPLAR HILL FIRST NATION Constables and Peacekeepers spend significant time in preparation of court briefs which often result in insignificant sentences while these resources could be better utilized on prevention and intervention projects for the community,

Be it resolved: that ticketing of offenses, payable to the POPLAR HILL FIRST NATION, can and may be substituted for the regular court procedure at the discretion of the POPLAR HILL FIRST NATION Constables and Peacekeepers in consultation with the Chief and Council of Poplar Hill.,

Furthermore: that the ticket offense system that the individual upon violation of a Band By-Law will have the option of being issued a POPLAR HILL FIRST NATION Offence Ticket or be subject to criminal proceedings,

Furthermore: that all tickets will have a number that will be unique to the said ticket and that the POPLAR HILL FIRST NATION will stamp the triplicate upon payment which will also act as a receipt for the violator or accused,

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Subject: Offence Certificate - P.2

Furthermore: that the accused person upon a guilty plea will make payable, within 15 days, on or before the expiry date marked on the ticket, to the POPLAR HILL FIRST NATION the required donation or the POPLAR HILL FIRST NATION will return to the Constables or Peacekeepers the unpaid ticket stub who will then create a court brief and a summons will be issued to the violator or accused,

Furthermore: that the accountability will be in a ledger format that will include 6 columns: ticket #, donation amount, name of violator/accused, expiry date, paid or returned to Constables, and date of latter action,

Be it resolved: that the following will be the scheduled set donations and penalties for offenses:

- 1- INTOXICATION CHARGE
\$100.00 per charge
contrary to Section 85-1(3)(B) of the Indian Act.
- 2- POSSESSION CHARGE
\$100.00 per charge
contrary to Section 85-1(3)(A) of the Indian Act.

Furthermore: the Chief and Council reserve the right to invoke alternate arrangements for payments schedules, which will include assessment of income maintenance of a said household, so as to alleviate undue hardship.

Furthermore: any person that is not a resident of POPLAR HILL FIRST NATION community shall be subject to prosecution under the provisions of our By-Laws, and one letter of warning will be issued to repeat offenders prior to their eviction from our FIRST NATION TERRITORY at their own expense, in the form of a Band Council Resolution.

Furthermore: ALL THE MATERIAL IN THIS BAND COUNCIL RESOLUTION IS FULLY APPROVED BY ALL ON THE BAND COUNCIL. DATED MAY 7th OF 1996.

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