

DEC 6 1985

BAND BY-LAW ON INTOXICANT ABUSE

Sioux Lookout, Ontario

BY-LAW NO. SECTION 97 (b)

THE WUNNUMIN LAKE BAND OF INDIANS

BEING A BY-LAW RESPECTING INTOXICATION AND THE USE OF INTOXICANTS
ON THE RESERVE OF THE WUNNUMIN LAKE BAND OF INDIANS.

WHEREAS, SUBSECTION 85.1(1) OF THE INDIAN ACT, R.S.C. 1970,
CHAPTER 1-6 (AS AMENDED), EMPOWERS THE COUNCIL OF THE
WUNNUMIN LAKE BAND TO MAKE BY-LAWS RESPECTING INTOXICATION AND
THE USE OF INTOXICANTS ON THE RESERVE(S) OF THE WUNNUMIN LAKE
BAND; AND,

WHEREAS, PURSUANT TO SUBSECTION 85.1(2) OF THE INDIAN ACT,
THE FORM AND SUBSTANCE OF THE BY-LAW SET OUT BELOW WERE ASSENTED
TO BY A MAJORITY OF THE ELECTORS OF THE WUNNUMIN LAKE BAND
WHO VOTED AT THE SPECIAL MEETING OF THE BAND OF THE WUNNUMIN LAKE
DAY OF NOVEMBER 25, 1985, CALLED BY THE COUNCIL OF THE
WUNNUMIN LAKE BAND FOR THE PURPOSE OF CONSIDERING THE SAID BY-LAW;
AND,

WHEREAS, THE COUNCIL OF THE WUNNUMIN LAKE BAND CONSIDERS
NECESSARY SPECIAL MEASURES FOR THE PROTECTION OF THE CITIZENS OF
THE RESERVE(S) OF THE WUNNUMIN LAKE BAND FROM THE PRESENCE
OF INTOXICANTS;

NOW THEREFORE, PURSUANT TO SECTION 85.1 OF THE INDIAN ACT,
THE COUNCIL OF THE Wunnumin Lake BAND ENACTS AS A BY-LAW
THEREOF AS FOLLOWS:

1. IN THIS BY-LAW

"INTOXICANT" MEANS "INTOXICANT" AS IT IS DEFINED UNDER
SUBSECTION 2(1) OF THE INDIAN ACT, AND FOR GREATER
CERTAINTY AND WITHOUT ALTERING THE MEANING OF "INTOXICANT",
IT SHALL BE DEEMED TO INCLUDE THE FOLLOWING PREPARATIONS
AND MIXTURES CAPABLE OF HUMAN CONSUMPTION THAT ARE INTOXI-
CATING:

- (I) GLUE AND THE VAPOURS THEREOF,
- (II) "LYSOL" AND OTHER SIMILAR CLEANING PRODUCTS
AND THE VAPOURS THEREOF,
- (III) GASOLINE AND GASOLINE-BASED PRODUCTS AND
THE VAPOURS THEREOF, AND
- (IV) ETC.

2. A PERSON WHO SELLS, BARTERS, SUPPLIES OR MANUFACTURERS AN
INTOXICANT ON THE RESERVE(S) OF THE Wunnumin Lake BAND
IS GUILTY OF AN OFFENCE AND IS LIABLE ON SUMMARY CONVICTION
TO THE PENALTY DESCRIBED IN PARAGRAPH 85.1(4)(A) OF THE
INDIAN ACT, NAMELY, A FINE OF NOT MORE THAN ONE THOUSAND
DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING SIX MONTHS
OR BOTH.

3. A PERSON WHO IS FOUND

(A) WITH INTOXICANTS IN HIS POSSESSION OR

(B) INTOXICATED,

ON THE RESERVE OF THE Wunnumin Lake BAND, IS GUILTY OF AN OFFENCE AND IS LIABLE ON SUMMARY CONVICTION TO THE PENALTY DESCRIBED IN PARAGRAPH 85.1(4)(B) OF THE INDIAN ACT, NAMELY, A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THREE MONTHS OR BOTH.

4. THE PROVISIONS OF THIS BY-LAW DO NOT APPLY WHERE THE INTOXICANT IS USED OR INTENDED TO BE USED,

(A) IN CASES OF SICKNESS OR ACCIDENT, OR

(B) FOR DOMESTIC AND COMMERCIAL PURPOSES THAT DO NOT INVOLVE HUMAN CONSUMPTION.

5. A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER MAY ARREST WITHOUT WARRANT ANY PERSON WHOM HE FINDS CONTRAVENING SECTIONS 2 OR 3 OF THIS BY-LAW.

6. (1) EVERY PERSON COMING ONTO THE RESERVE(S) OF THE Wunnumin Lake BAND SHALL, AT THAT TIME, IF REQUESTED BY A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER, DECLARE WHETHER OR NOT HE HAS IN HIS POSSESSION ANY INTOXICANT, WHETHER ON HIS PERSON OR AMONG THE LUGGAGE, BAGS, PACKAGES OR OTHER CONTAINERS THAT HE IS BRINGING ONTO THE RESERVE(S).

6. (2) FOLLOWING A DECLARATION OR A FAILURE TO DECLARE UNDER SUBSECTION (1), A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER WHO BELIEVES, ON REASONABLE GROUNDS, THAT THERE IS ANY PERSON CONTRAVENING SECTIONS 2 OR 3 OF THIS BY-LAW MAY

- A) DETAIN THAT PERSON FOR A PERIOD OF TIME SUFFICIENT TO CONDUCT A SEARCH FOR ANY INTOXICANT, AND
- B) DETAIN THE LUGGAGE, BAGS, PACKAGES OR OTHER CONTAINERS THAT PERSON IS BRINGING ONTO THE RESERVE FOR A PERIOD OF TIME SUFFICIENT TO APPLY FOR A SEARCH WARRANT UNDER SECTION 103 OF THE INDIAN ACT AND FOR A PERIOD OF TIME SUFFICIENT TO EXECUTE ANY WARRANT ISSUED BY A JUSTICE OF THE PEACE UNDER SECTION 103.

(3) IF ANY INTOXICANT IS FOUND PURSUANT TO A SEARCH CONDUCTED UNDER SUBSECTION (2), A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER MAY ARREST WITHOUT WARRANT ANY PERSON IN POSSESSION OF THE INTOXICANT, PURSUANT TO SECTION 5 OF THIS BY-LAW.

(4) THE NAME OF EVERY PERSON WHO FAILS TO DECLARE UNDER SUBSECTION (1) SHALL BE REPORTED TO THE COUNCIL OF THE Wunnumin Lake BAND BY A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER.

291/85

File Reference - N° de réf. du dossier

4216-217

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE
 Sioux Lookout, Ontario

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
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	WUNNUMIN LAKE	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	SIoux LOOKOUT	Committed - Engagé	\$ _____
PROVINCE	ONTARIO	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	WUNNUMIN LAKE	Committed - Engagé	\$ _____
DATE	02 / 12 AD 19 85 DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

WHEREAS; the Wunnumin Band Council have completed a community referandum on the reserve's intoxicant by-law, and;
 WHEREAS; a majority of the Band members have accepted the by-law as per attachment, and;
 WHEREAS; the Referandum Results were as follows:
 Against by-law: 4
 For by-law: 100
 Band members Not Voting: 74
 Total eligible Band memebtrs 18 years and over: 178

It is hereby resolved that pursuant to Section 85.1 of the Indian Act, the Council of the Wunnumin Lake Band enacts as a by-law thereof as follows: as per attached by-law number: Section 97(b).

A quorum for this Bande
 Pour cette bande le quorum est
 consists of
 fixé à
 Council Members
 Membres du Conseil

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 (Councillor - conseiller)

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 (Councillor - conseiller)

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FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
	A. Capital \$	B. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		
Date			Date		
Recommending Officer - Recommandé par			Approving Officer - Approuvé par		