



New Osnaburgh Ontario P.O. No. 2 Ho

Telephone No. (807) 928-2414

INTOXICANT BY-LAW

OSNABURGH INDIAN BAND
BY-LAW 01:1986

WHEREAS pursuant to Section 85.1 of the Indian Act, the Council of the Osnaburgh Band has authority to make by-laws respecting the prohibition of the sale, supply or manufacture of intoxicants on the Reserves of the Band,
namely: Osnaburgh 63-A and Osnaburgh 63-B

WHEREAS under the said Section of the Indian Act the Council of the Osnaburgh Indian Band has authority to make by-laws respecting the prohibition of possession of intoxicants on the Reserves:
and,

WHEREAS the Council of the Osnaburgh Indian Band considers it desirable and necessary for the regulation of the presence and use of intoxicants on Reserves of the Osnaburgh Indian Band;

THEREFORE BE IT RESOLVED that the Osnaburgh Indian Band Council, with the advice and consent of a majority of the electors of the Osnaburgh Indian Band enact as follows:

Definitions

1. In this By-Law:

- a) "Band" means the Osnaburgh Indian Band, Section 2, (1) a)
- b) "Council of the Band" means the Chief and Councillors chosen for the good government of the Band under Section 74 of the Indian Act or according to the custom of the Band;
- c) "Reserves" means all the lands, legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Osnaburgh Indian Band, and includes any special Reserves;
- d) "Band Member" means a member of the Osnaburgh Indian Band;
- e) "Intoxicants" means any substance which is an intoxicant within the definition of "intoxicants" 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:
 - (i) Glue, rubber cement or any similar product 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) Solvents and the vapours thereof,
 - (v) Magic markers or any similar product which may cause or have an intoxicating effect when inhaled.
 - (vi) Insecticides and the vapours thereof,
 - (vii) Spray-on frying pan lubricants and the vapours thereof,
 - (viii) Liquor, beer, wine or home-brew by whatever name it may be called.
- f) "Elector" means a person who
- i) is registered on the Osnaburgh Band List,
 - ii) is of full age of eighteen years, and
 - iii) is not disqualified from voting at Band elections.

Prohibition Against Sale, Barter, Supply or Manufacture of Intoxicant:

2. Every person who sells, barter, supplies or manufactures intoxicants on the Reserves of the Osnaburgh Indian Band is guilty of an offense punishable on summary conviction.

Offense

3. Every person who contravenes the above Section of this By-Law is guilty of an offense and is liable on summary conviction to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both.

Prohibition Against Intoxication

4. Every person who is under 19 years of age who is intoxicated on the Reserves of the Osnaburgh Indian Band is guilty of an offense punishable on summary conviction.
5. Every person who is intoxicated on the Reserves of the Osnaburgh Indian Band are guilty of an offense punishable on summary conviction.

Offense

6. Every person who contravenes this Section of the By-Law is guilty of an offense and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

Prohibition on Possession of Intoxicants

7. Every person who is under 19 years of age who is found in possession of intoxicants on the Reserves of the Osnaburgh Indian Band is guilty of an offense punishable on summary conviction.

8. Every person who is found in possession of intoxicants on the Reserves of the Osnaburgh Indian Band is guilty of an offense punishable on summary conviction except,
- a) where possession is for medicinal purposes.
 - b) for domestic and commercial purposes that do not involve human consumption.

Offense

9. Every person who contravenes this Section of the By-Law is guilty of an offense and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

Approved and passed at a duly convened meeting of the Council of the Osnaburgh Indian Band dated this 30th day of June, 1986.

CHIEF

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

Ray Kamminich
Jesie Nelson
Ken St. Lawrence
Harry Kamminich
Jim Roundhead