

Grassy Narrows First Nation Intoxicant law

1-97

Whereas the use of intoxicants has been demonstrated over time to be the greatest contributor to death, suicide, drowning, family breakdown, ill health, disorderly conduct, nuisances and breaches of law and order for the Grassy Narrows First Nations people, thereby threatening the present and future peace, health and well-being of the Grassy Narrows community and it's residents;

And whereas combatting the destructive effects of intoxicants in an effective manner in our particular community requires special measures tailored to it's unique location, culture, traditions, character and composition;

And whereas the geographic isolation of the Grassy Narrows reserve effectively bars speedy access to judges or justices for the purpose of obtaining judicial authorizations for certain investigative or enforcement measures considered necessary for effective enforcement of Laws concerning intoxicants, including search warrants;

And whereas effective enforcement of many of the provisions of this Intoxication law requires a speedy response to prevent destruction of evidence, escape, avoidance of prosecution and the like;

And whereas the Chief and Council of the Grassy Narrows First Nation have the power under the Indian Act to make laws;

- (a) to provide for the health of Reserve residents (section 81(1)(a));**
- (b) to provide for the observance of law and order (section 81(1)(c));**
- (c) for the prevention of disorderly conduct and nuisances (section 81(1)(d));**
- (d) with respect to any other matter arising out of or ancillary to those powers (section 81(1)(g)), including those investigative measures deemed necessary for effective enforcement of those Laws; and**
- (e) respecting intoxicants, including Laws declaring the complete prohibition of intoxicants from the reserve (section 85.1-(1-4)).**

And whereas the council of the Grassy Narrows First Nations must be protected and respected in their duty to enforce the control of intoxicants at the Grassy Narrows First Nations Reserve;

DEFINITIONS

1. In this law

"intoxicants" includes;

- (a) cleaning solvents, disinfectants, and the vapours thereof;**
- (b) anti-freeze, de-icers and other similar products containing alcohol, and the vapours thereof;**
- (c) perfumes, hairsprays, mouthwashes and other cosmetic or hygienic products, and the vapours thereof;**
- (d) home-made mixtures capable of producing a state of intoxication;**
- (e) intoxicants as defined under Section 2(1) of the Indian Act; and**
- (f) such other intoxicants and the vapours thereof used to produce a state of intoxication;**

"Trafficking" means:

- (a) to manufacture an intoxicant; or**
- (b) to sell, exchange, barter or trade an intoxicant; or**
- (c) where the recipient of the intoxicant is 18 years of age or younger, to supply, give, administer or distribute an intoxicant to such a young person, whether or not for gain;**
or

(d) to offer to do anything in paragraphs (a), (b) and (c) immediately above; and trafficking has a corresponding meaning.

"Intoxicated"

In addition to its ordinary meaning, any person 18 years of age or less who has in any manner consumed intoxicants is deemed to be intoxicated for the purpose of this Law.

"Private Dwelling House"

Includes inside the home, and within a radius extending to where the outside yard is maintained from the home.

EXCEPTIONS

- 2. No offence is committed against the provisions of this Law:**
- (a) Where the intoxicant is possessed, used or intended to be used solely;**
 - (i) within a private dwelling house other than a building for collective use of the community as a whole;**
 - (i) for medicinal purposes; or**
 - (ii) for domestic, business, commercial or other purposes that do not produce a state of intoxication in any person.**
 - (b) where the intoxicant is being transported to a private dwelling house and is in an unopened state across the reserve to a destination beyond the reserve boundary with no intention to traffic the intoxicant on the reserve.**
 - (c) where liquor is possessed and being consumed in a private dwelling house for social purposes and not in a public place within the First Nation Territory.**
(Subject to Section 85.1(d) of the Indian Act)

OFFENSES AND PENALTIES

- 3. (a) Everyone who is intoxicated on the Reserve, other than consuming liquor in a private dwelling house is guilty of an offense punishable by summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or to imprisonment for a period not exceeding three (3) months, or to both;**
- (b) Everyone who is in possession of an intoxicant on the reserve, other than liquor in a private dwelling house, is guilty of an offence punishable on summary conviction and is liable to a fine of not more than ONE HUNDRED DOLLARS (\$100.00) or to imprisonment for a period not exceeding three (3) months, or to both;**
- (c) Everyone who: (i) traffics in an intoxicant, or**
- (ii) is in possession of an intoxicant for the purpose of trafficking**
- is guilty of an offence punishable on summary conviction and is liable to a fine of not more ONE THOUSAND DOLLARS (\$1,000.00) or imprisonment for a period not exceeding six (6) months.**

PROVISO

- 4. nothing in this law shall be constructed in any manner which serves to limit the powers of the Chief and First Nation Councillors, First Nation Constables or other authorized peace officers contained in any other statute or recognized at common law.**



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The council of the Le conseil de		GRASSY NARROWS FIRST NATION		Chronological no. - N° consécutif	
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Date of duly convened meeting Date de l'assemblée dûment convoquée		D J	M	Y A	Province
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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

Band Council Resolution

Whereas the membership of Grassy Narrows First Nation have identified as an immediate priority the need to combat the destructive effects of being intoxicated within public places on Grassy Narrows reserve lands, including the Band Office, School, Community Centre and roads, etc., and to address the serious problem of bootlegging;

BE IT THEREFORE RESOLVED that the previous intoxicant by-law 837 which made Grassy Narrows a "Dry Reserve" is hereby rescinded and is replaced with the Grassy Narrows First Nation Intoxicant Law 1-97 which formally makes Grassy Narrows a "Wet Reserve". The by-law may be summarized as follows:

- a) everyone who is intoxicated on the reserve, other than consuming liquor in a private dwelling house is guilty;
- b) everyone who is in possession of an intoxicant on the reserve, other than liquor in a private dwelling house is guilty;
- c) everyone who traffics (bootlegs) in an intoxicant is guilty;
- d) everyone who, while intoxicated, and not being in a private dwelling house, causes a nuisance is guilty;

FINALLY BE IT RESOLVED that all law enforcement personnel fully comply with and enforce the provisions of BY-LAW 1-97

Quorum 6

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

William Fort

(Chief - Chef)

Isaac L...

(Councillor - Conseiller)

Bob L...

(Councillor - Conseiller)

Mary R. Nelson

(Councillor - Conseiller)

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