



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Indian and Inuit Affairs

Affaires indiennes et inuit

Chronological No. - Numéro consécutif

89/90 - 247

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

**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

<b>THE COUNCIL OF THE</b> <b>LE CONSEIL DE LA BANDE INDIENNE</b> <b>FORT HOPE BAND</b>	Current Capital Balance Solde de capital     \$ _____
<b>AGENCY</b> <b>DISTRICT</b> <b>WESTERN</b>	Committed - Engagé     \$ _____
<b>PROVINCE</b> <b>ONTARIO</b>	Current Revenue balance Solde de revenu     \$ _____
<b>PLACE</b> <b>NOM DE L'ENDROIT</b> <b>FORT HOPE</b>	Committed - Engagé     \$ _____
<b>DATE</b> <u>26</u> <u>10</u> AD 19 <u>89</u> DAY - JOUR     MONTH - MOIS     YEAR - ANNÉE	

**DO HEREBY RESOLVE:**  
**DÉCIDE, PAR LES PRÉSENTES:**

WHEREAS, the Fort Hope Band passed Section 85.1 Alcohol By-Law #6 on December 16, 1985 as per minutes of special meeting and B.C.R. 85 - 46 attached;

WHEREAS, the Alcohol By-Law #6 has been in full knowledge of the community since 1985;

WHEREAS, the Section 85.1 Alcohol By-Law #6 had not been resubmitted for registration after the exemption under the Statutory Instruments Act, as per letter of Minister July 16, 1987;

WHEREAS, renewed public campaign of announcement measures have been taken to fully inform and notify everyone affected;

THEREFORE, BE IT RESOLVED, that the Band Council hereby re-passes and adopts Section 85.1 Alcohol By-Law #6;

AND FURTHERMORE, the Band Council requests the Minister of Indian Affairs to resubmit our Section 85.1 Alcohol By-Law #6 for registration.

A quorum for this Bande  
Pour cette bande le quorum est

consists of  
fixé à     4

Council Members  
Membres du Conseil

<i>Charles Keese</i> ..... (Councillor - conseiller)	<i>Stanley Keese</i> ..... (Councillor - conseiller)	<i>Tom Morrison</i> ..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	<i>Christina Jones</i> ..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	<i>Al Boyer</i> ..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)

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

F O R T H O P E I N D I A N B A N D

BY-LAW NO. SIX (6)

BEING A BY-LAW RESPECTING INTOXICATION AND THE USE OF  
INTOXICANTS ON THE RESERVE OF THE FORT HOPE 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 FORT  
HOPE BAND TO MAKE BY-LAWS RESPECTING INTOXICATION AND THE  
USE OF INTOXICANTS ON THE RESERVE OF THE FORT HOPE 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 FORT HOPE  
BAND WHO VOTED AT A SPECIAL MEETING OF THE BAND ON THE 16th  
DAY OF DECEMBER, 1985, CALLED BY THE COUNCIL OF THE FORT HOPE  
BAND FOR THE PURPOSE OF CONSIDERING THE SAID BY-LAW; AND,

WHEREAS, THE COUNCIL OF THE FORT HOPE BAND CONSIDERS NECESSARY  
SPECIAL MEASURES FOR THE PROTECTION OF THE CITIZENS OF THE  
RESERVE OF THE FORT HOPE BAND FROM THE PRESENCE OF INTOXICANTS;

NOW THEREFORE, PURSUANT TO SECTION 85.1 OF THE INDIAN ACT, THE  
COUNCIL OF THE FORT HOPE 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 INTOXICATING:

- (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) PERFUME, HAIRSPRAY AND OTHER SIMILAR COSMETIC PRODUCTS AND THE VAPOURS THEREOF.

2. A PERSON WHO SELLS, BARTERS, SUPPLIES OR MANUFACTURES AN INTOXICANT ON THE RESERVE OF THE FORT HOPE 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 FORT HOPE 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 SECTION 2 OR 3 OF THIS BY-LAW.

6. (1) EVERY PERSON COMING ONTO THE RESERVE OF THE FORT HOPE 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.

(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 FORT HOPE BAND BY A BAND CONSTABLE OR ANY OTHER AUTHORIZED PEACE OFFICER.