

CHIPPEWAS OF NAWASH BAND

Liquor Bylaw 12-26-85

Amended March 29, 1988

The Band Council of the Chippewas of Nawash at its Meeting of March 29, 1988, Hereby make the following Bylaw Revisions of Liquor Bylaw 12-26-85 pursuant to paragraphs (b), (c), (d), (q), and (r) of Section 81 and paragraphs (a), (b), (c), (d), (2), (4), (4a), and (4b) of Section 85.1 of the Indian Act. R.S., C. 1-6.

WHEREAS The primary function of the Chippewas of Nawash is to provide a measure of self-determination;

WHEREAS The regulation and control of intoxicants is a necessary aspect of self-determination of the Chippewas of Nawash Band;

WHEREAS A majority of the electors of the Chippewas of Nawash Band, who attended and voted at a special meeting of the Chippewas of Nawash Band on December 26, 1985 called by the Council of the Chippewas of Nawash Band on December 10, 1985 for the purpose of considering contents of the Bylaw, assented to the contents of this bylaw;

WHEREAS Section 85.1 of the Indian Act empowers the Council of the Chippewas of Nawash Band to make bylaws regulating intoxicants on a Reserve;

Now, therefore, the Council of the Chippewas of Nawash Band makes the following bylaw, which shall govern the lands and waters owned/held by the Chippewas of Nawash Band:

BAND means the Chippewas of Nawash Band of Indians;

COUNCIL means the Council of the Chippewas of Nawash Band of Indians.

INDIAN means a person who is:

- i) registered as an Indian pursuant to the Indian Act; or
- ii) registered as a member of a Band of Indians in Canada; or

iii) registered as a member of a Tribe of Indians in the United States of America.

MEMBER OF THE BAND	means a person who is registered or entitled to be registered as a member of the Band.
OFFICER/CONSTABLE	means a member of the Chippewas of Nawash Police Force.
GUEST	means any person or visitor residing, visiting the Chippewas of Nawash Band Reserve No. 27 and No. 60B.
RESERVE	means any lands reserved for or owned by the Band, either by itself or jointly with any other Band or person, and includes the Cape Croker Hunting Grounds Reserve and the Fishing Island Reserve, as well as any waters pursuant to those lands.
INTOXICANTS	has the same meaning as defined in the Indian Act.
PERMIT	means a special occasion permit issued under this bylaw by Band Council.
REGULATIONS	means the regulations made under this bylaw.
SELL	means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and sale has a corresponding meaning.
LICENSED PREMISE	means a place or building where an event that sells or supplies intoxicants under the authority of a special occasion permit is held.
PUBLIC PLACE	means a place to which the general public is invited or permitted access, whether or not for a fee.

#### PROHIBITION AGAINST INTOXICATION

- (1) Every person who is intoxicated on the Reserve of the Chippewas of Nawash Band is guilty of an offence punishable on summary conviction except:

- (a) where a person is intoxicated in his home, at a campsite, at a place used as a private residence, or at a private dwelling to which he has been invited, or
  - (b) where a person is causing no nuisance or disturbance of the peace, or
  - (c) a police officer may arrest without warrant any intoxicated person who, where, in the opinion of the police officer, to do so is necessary for the safety of the person or is necessary to protect another person from injury, or
  - (d) where the Band Council has issued a permit allowing intoxicants in such circumstances.
- (2) No person under the age of 19 years shall have, consume, attempt to purchase, purchase or otherwise obtain intoxicants.

#### PROHIBITION ON POSSESSION OF INTOXICANTS

- (3) Every person who is found in possession of intoxicants on the Reserve of the Chippewas of Nawash Band is guilty of an offence punishable on summary conviction except:
- (a) where possession is for medicinal purposes, or:
  - (b) where possession is in his home, at a campsite, or at a place used as a private residence or at a private dwelling to which he has been invited, or:
  - (c) where Band Council has issued a permit allowing the possession of intoxicants in such circumstance, or:
  - (d) where the sealed package possession is merely for the purpose of transportation from one place where it is lawful to possess it to another such place.
- \* (e) no person shall keep for sale, offer for sale or sell intoxicants except under the authority of a special permit issued by the Band Council.

## CONVEYING LIQUOR IN VEHICLE

- (4) No person shall drive or have the care or control of a motor vehicle or motorized snow vehicle or boat, whether it is in motion or not while there is contained therein any liquor, except;
- (a) liquor in a bottle or package that is unopened and the seal unbroken; or
  - (b) liquor in a bottle or package that is packaged with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

## ARREST WITHOUT WARRANT

- (5) Where a police officer finds a person contravening this bylaw and such person refuses to give his name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest such persons without warrant.

## OFFENCES

- (6) Every person who contravenes this bylaw is guilty of an offence 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, except;
- (a) Every person who contravenes the provisions of Section 3E of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding 3 months or to both fine and imprisonment.

-----  
-----  
-----



1988-89-17

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

NOTE The words "From our Band Funds" "Capital" or "Revenue", whichever 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	CHIPPEWAS OF NAWASH BAND	Current Capital Balance Solde de capital	\$
AGENCY DISTRICT	BRUCE	Committed - Engagé	\$
PROVINCE	ONTARIO	Current Revenue balance Solde de revenu	\$
PLACE NOM DE L'ENDROIT	CAPE CROKER RESERVE #27	Committed - Engagé	\$
DATE	12 April AD 19 88 DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:

DÉCIDE, PAR LES PRÉSENTES:

Motion No. 45


Moved by Anthony Chegahno, seconded by Ernest Nadjiwon, Chippewas of Nawash Band, Bruce District hereby accept and ratify referendum vote and results of liquor bylaw amendments with changes as indicated as per public meeting held on March 29, 1988.

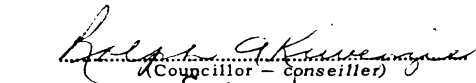
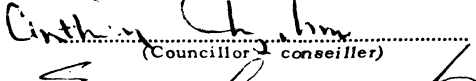


Carried.

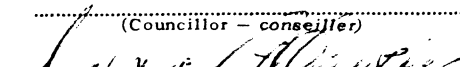
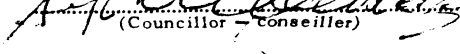
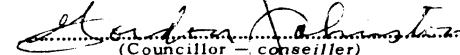
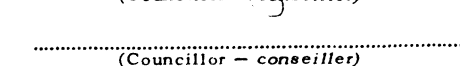
A quorum for this Bande  
Pour cette bande le quorum est

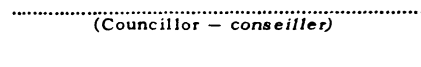
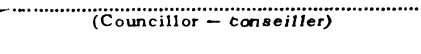
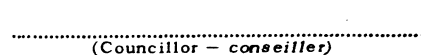
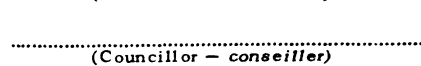
consists of  
fixé à

Council Members  
Membres du Conseil

  
(Chief - Chef)

  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)

  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)

  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)  
  
(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR A. Capital \$ B. Revenue - Revenu \$	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
6. Recommended - Recommandable  Date Recommending Officer - Recommandé par			Approved - Approuvable  Date Approving Officer - Approuvé par	