

SOR/73-145
March 12, 1973

Whereas the Council of the Fisher River Band of Indians at a meeting held on the 21st day of November, 1972, have found the current "Places of Amusement Regulations" to be inconsistent with the requirements of the Fisher River Band, we hereby resolve and agree that the current regulations be revoked in accordance with Section 4 (2) of the Indian Act.

and

Whereas the Council of the Fisher River Band of Indians recognizes the requirement of regulations pertaining to places of amusement, we hereby make the following by-law pursuant to paragraph "d", "l", "m", "q", and "r", of section 81 of the Indian Act and ancillary to paragraph "b", and "c" of section 116 of the Indian Act.

By-Law No. 00172

A by-law to provide regulations governing the operation, supervision and control of poolrooms, dance halls, moving picture theatres and other places of amusement on the Fisher River Indian Reserve. These regulations shall hereafter be known as the Fisher River Band Places of Amusement Regulations.

1. In these Regulations:

- a) "dance hall" means any hall, place, room, premises, tent or structure of any kind kept or used for public dancing;
- b) "inspector" means any member of Council of the Band designated by Council to inspect places of amusement or any law enforcement officer of the Fisher River Band or the R.C.M. Police;
- c) "licence" means a licence issued by the Fisher River Band;
- d) "moving picture theatre" means any theatre, concert hall, premises, room, place house, building or structure of any kind where a cinematograph, moving picture machine or other similar apparatus is operated and to which the public is admitted;
- e) "owner" means any person operating, manager or servant of that person;
- f) "place of amusement" means any dance hall, moving picture theatre, band hall, arena, sports facilities or poolroom and includes any other place or premises which is designated as a place of amusement by the Council of the Fisher River Band;

- g) "pool" includes billiards, bagatelle and any other similar game;
- h) "poolroom" means a room or rooms in a building, house, shed, tent, or other place in which a pool table is set up for hire or gain and includes an annex, addition or extension thereto over which the owner has control;
- i) "Council" means the Council of the Fisher River Band;
- j) "Reserve" means the Fisher River Reserve #44 and #44A.

2. No person shall conduct, operation or manage a place of amusement on the Reserve unless he is the holder of a license duly authorized by the Council upon receipt of a fee of \$1.00 payable to the Fisher River Band.

3. 1) Every owner shall at all times display his license in a conspicuous place within the place of amusement to which the license refers.
- 2) Every owner shall, upon request by an inspector, as designated in 1 (b) produce his license for inspection/

4. No owner of a place of amusement shall:

- a) admit to a poolroom a person under the age of 12 years or allow such a person to remain in the poolroom;
- b) in conjunction with and ancillary to Section 116 (b) of the Indian Act, during regular school hours, admit to a place of amusement any person under the age of 16 inclusive or allow such a person to remain in the place of amusement;
- d) in conjunction with and ancillary to Section 116 (c) of the Indian Act, during regular school hours, admit to the place of amusement any person 17 or 18 years of age who is known to be enrolled for school attendance;
- d) admit to the place of amusement for the balance of the day any student known to have missed school during the day due to illness/
- e) permit gambling to be carried on or played in that place of amusement;
- f) permit a punchboard or other gambling device to be kept or operated in that place of amusement;
- g) admit into that place of amusement an intoxicated person or allow such person to remain therein;
- h) allow liquor in that place of amusement at any time.

5. No person shall swear or use blasphemous or obscene language in that place of amusement.
6. No person shall hinder or obstruct or attempt to hinder or obstruct an inspector or peace officer in the performance of his duties under these regulations.
7. The owner of a place of amusement shall;
 - a) apply to Council to have hours of operation set in writing by Council;
 - b) post in a conspicuous place within the place of amusement the hours of operation as authorized by Council;
 - c) not open prior to or remain open after the hours of operation as authorized by Council;
8.
 - 1) Every owner shall maintain his place of amusement;
 - a) in a good state of repair,
 - b) in a sanitary condition;
 - c) free of any fire hazard;
 - d) adequately equipped with fire extinguishing equipment;
 - e) in all other respect safe for use by the public.
 - 2) The inspector may serve a written notice to an owner directing him to correct any condition where, in his opinion, that condition constitutes a violation for the provisions of regulation #8 (1).
 - 3) the notice referred to in 8 (2) shall state a reasonable time within which the owner is to correct the condition referred to in the notice.
 - 4) Where -
 - a) the notice referred to in 8 (2) has been served on an owner, and
 - b) in the opinion of the Council the owner has not corrected the condition referred to in the notice, the Council may suspend or cancel the license held by the owner.
9. Cancellation or Suspension of License.
 1. where the Council is of the opinion that:
 - a) it is in the interests of the Band that a place of amusement be closed, or
 - b) an owner is violating a provision of these Regulations, Council may suspend or cancel the license held by the owner.

2. Council may, upon such terms and conditions as it considers necessary, reinstate a license that has been suspended or re-issue a license that has been cancelled.

Enforcement

10) An inspector or Peace Officer may enter and close down any place of amusement that is open to the public that does not have a license.

Offences

11) Any person who violates any of these Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.00 or imprisonment for a term not exceeding three months or both fine and imprisonment.

Dated and signed at
Koostatak, Manitoba
this 21st day of
November 1972

Chief Chas Sinclair

Chief

Councillor

Norman Murdock

Councillor

Reginald Murdock

Councillor

Wesley Hart

Councillor

Certified to be original copy

W.L. Tucker

Local Government Adviser