

BY-LAW NO. 2 (two)
OF THE CHESLATTA INDIAN BAND
A BY-LAW TO PROHIBIT INTOXICANTS
ENACTED ON THE 15 DAY OF June, 1994

AND WHEREAS the Cheslatta Indian Band considers it desirable to undertake measures for the protection of the community;

AND WHEREAS the Council of the Band is desirous of declaring in effect a prohibition against the sale, barter, supply or manufacture of intoxicants on the reserve of the band; against any person being intoxicated on reserve; and against any person having intoxicants in his possession on the reserve; and wish to provide for an exception thereto;

AND WHEREAS Subsection 85.1(1) of the *Indian Act*, authorizes the council of a band to make by-laws:

- a. prohibiting the sale, barter, supply or manufacture of intoxicants on the reserve;
- b. prohibiting any person from being intoxicated on the reserve;
- c. prohibiting any person from having intoxicants in his possession on the reserve; and
- d. providing for exceptions to any of the prohibitions established pursuant to paragraph b. or c.;

AND WHEREAS subsection 85.1(4) of the *Indian Act* provides that every person who contravenes a by-law made under this section is guilty of an offence and is liable on summary conviction, in the case of a by-law made under paragraph 85.1(1)(a), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and in the case of a by-law made under paragraph 85.1(1)(b) or paragraph 85.1(1)(c), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months, or to both; and

AND WHEREAS a majority of the electors of the Band who attended a special meeting of the Cheslatta Band on June 15, 1994 (date) called by the council of the Cheslatta Band on May 4 1994 (date) for the purpose of considering the contents of this bylaw, assented to the contents of this bylaw;

AND WHEREAS the Council of the Band did enact By-law Number _____ on the _____ day of _____, 1994, and wishes to repeal the said By-law Number _____ and replace it with this by-law: (*this recital should only be included if you are repealing an already existing by-law*)

NOW THEREFORE, it is hereby enacted pursuant to section 85.1 of the *Indian Act*:

Short Title

1. The by-law may be cited as the Cheslatta Indian Band Intoxicant By-law.

Interpretation

2. In this Bylaw:

"Band" means the Cheslatta Indian Band:

"Reserve" means all those lands defined as a "reserve" within the meaning of the *Indian Act*, R.S.C. 1985, c-I-5, and set apart for the use and benefit of the Cheslatta Band of Indians and known as Cheslatta Indian Reserve number(s) IR# 1 (parcels 1-11) (and IR# 1 to 16). ***MARVIN, INSERT HERE THE NUMBERS OF THE INDIAN RESERVES THAT THE BAND PRESENTLY HOLDS***

Prohibitions

3. No person shall be intoxicated on the Reserve.
4. No person shall be in possession of an intoxicant on the Reserve.
5. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicant on the Reserve.

Exceptions

6. No person contravenes section 4 by reason only that he is in possession of an intoxicant for the purpose of transporting it across the Reserve from a point or origin outside of the Reserve to a destination outside of the Reserve, provided

that the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.

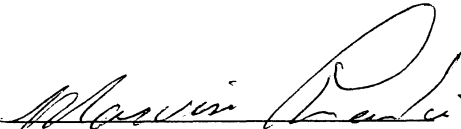
7. No person contravenes sections 3, 4 or 5 of this By-Law where the intoxicant is possessed, used or intended to be used solely
- (i) for medicinal purposes; or
 - (ii) for domestic, business, commercial or other purpose that does not involve producing a state of intoxication in any person;
8. No person contravenes sections 4 or 5 of this by-Law where the intoxicant is possessed, used or intended to be used solely for a religious purpose that does not involve producing a state of intoxication in any person.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Cheslatta Indian Band this 15 day of JUNE, 1994.

Voting in favour of the By-Law are the following members of the Council:


RICHARD PETERS, Councillor


GEORGE LOUIS, Councillor

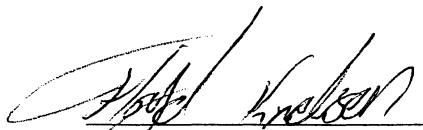

MARVIN CHARLIE, Chief

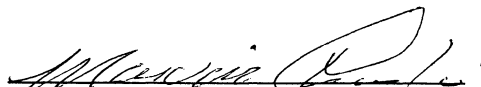
being the majority of those members of the Council of the Cheslatta Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council TWO (2) members.

Number of members of the Council present at the meeting: 3

I, MARVIN CHARLIE, Chief of the Indian Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional (*as the case may be*) pursuant to subsection 82(1) of the *Indian Act*, this 17 day of JUNE, 1994.


(Witness)


(Chief/Councillor)