

SOR/84-102
Dated Jan 13/84

RIVER DESERT BAND

By-Law No. 6

respecting the regulation of sale and consumption of alcoholic beverages and the issuance of a permit to individuals or enterprises within the limits of the Maniwaki Indian Reserve

WHEREAS Section 81(c), (d), (r) and (q) of the Indian Act empowers the council of a band to make by-laws respecting the observance of law and order and the prevention of disorderly conduct and nuisances on a reserve;

WHEREAS Section 83(a)(a)(ii) of the Indian Act empowers the council of a band to make by-laws for the purpose of raising money by the licensing of businesses;

WHEREAS, further to a referendum held on July 24th, 1982 the majority of the electors of the River Desert Band decided to request the withdrawal of Section 94 of the Indian Act in its application to the Maniwaki Indian Reserve;

WHEREAS, a proclamation declaring the non-application of Section 94 has been duly issued by the Governor in Council on March 24, 1983; and P.C. 1983-849;

WHEREAS the council of the River Desert Band is of the opinion, for the benefit of the band members, that grocery permits, bar permits and special event permits be granted accordingly to the present by-law;

THEREFORE, the Council of the River Desert Band of Indians enacts the following by-law;

Section 1

The present by-law repeals the River Desert Band By-Law No. 4, respecting the regulations of sale and consumption of alcoholic beverages and enacts the following by-law.

Section 2

In the present by-law, the following expressions mean:

"Alcohol" means the product of the distillation of a fermented liquid whatever may be its origin, followed by one or many re-distillation.

"Alcoholic beverages" means the five kinds of beverages defined in this section, being alcohol, beer, spirits, wine and cider.

"Beer" means the beverage obtained by the alcoholic fermentation, in drinkable water, of an infusion or decoction of barley, malt, hops or any such product.

"Cider" means the beverage obtained by the alcoholic fermentation of apple juice and which contains at least two and one half per cent and not more than thirteen per cent in volume of alcohol.

"Spirits" means any beverage in which enters alcohol mixed with drinkable water and other substances in dissolution, and comprises, among others, brandy, rum, whiskey and gin.

"Wine" means the alcoholic beverage obtained by fermentation of grape juice, of other fruit juices or vegetable or honey; this word does not include cider.

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Section 3

A person or a corporation may obtain a permit from the Band Council to sell alcohol beverages within the reserve.

Section 4

Holders of permits are not authorized to transfer, sell or dispose of any permit which have been duly granted to them.

Section 5

To be valid, a permit shall be authorized by a Band Council Resolution passed at a duly convened meeting and signed by the Chief.

Section 6

A permit shall indicate the name of the holder, specify the building or any room in this building in which the permit will be in operation, the date of its validity and shall indicate, if applicable, that the presentation of shows or dancing is authorized by the permit.

Section 7

a. To qualify for a permit, a person shall:

1. be a member of the River Desert Band
2. be twenty-one years of age
3. provide his name, date of birth, address and band number
4. be financially solvent
5. identify the place and building where the business is to be situated and specify the room in such a building where the permit is to be in operation
6. establish that he is the owner or tenant of the premises or that he is the specially authorized by the owner or tenant to use the premises for the purposes set out in the permit requested
7. pay the cost of the permit fee
8. demonstrate that he meets with the requirements of this by-law

b. To qualify for a permit, a corporation shall:

1. ensure that all the shareholders are members of the River Desert Band
2. ensure that the corporation is financially solvent
3. identify that place and building where the business is to be situated and specify the room in such a building where the permit is to be in operation
4. when a permit is for the benefit of a company, partnership, association, club or other, provide a resolution from any such group authorizing the application for such a permit
5. pay the cost of the permit fee
6. demonstrate that all the shareholders meet with the requirements of this by-law

Section 8

A room, building or premises that will be utilized to operate a permit shall be in commonplace with the standards of security and public health according to the relevant band laws and regulations.

Section 9

A permit shall be posted where it can be easily seen in the room, place or building where such a permit is in operation.

Section 10

Alcoholic beverages shall only be sold to a person of eighteen years of age or over.

Section 11

A person may be asked to provide a proof of his majority.

Section 12

The permits issued by the Band Council are "Grocery Permit", "Bar Permit" and "Special Event Permit".

Section 13

The grocery permit authorizes the sale in bottles or can of beer, cider and wine which must not be consumed in the store or its outbuildings and which may be delivered at the residence of the purchaser.

For the purpose of this by-law, a grocery store is an establishment, the main purpose of which is to sell food.

Section 14

Grocery permits may only be in operation between 8:00 a.m. and 11:00 p.m. every day.

Section 15

The annual cost of a grocery permit fee is \$200.00.

Section 16

The bar permit authorizes the sale of alcoholic beverages for consumption in the room of the establishment for which it is granted.

Section 17

The bar permit shall not authorize the presentation of shows or dancing in the room for which it was granted unless it is expressly stated in the said permit.

Section 18

Bar permits may only be in operation between 8:00 a.m. and 11:00 the following day.

Section 19

The annual cost of a bar permit fee is \$300.00.

Section 20

Bar permits and grocery permits shall be issued for a period not exceeding one year from the date of its issuance.

Section 21

Bar and grocery permits may be reviewed by the Band Council if all the requirements of this by-law are followed.

Section 22

At least sixty days prior to the expiry date of all bar permits or all grocery permits, the Band Council will serve notice to the holders of such permits in regard to its coming expiry date and to the payment of the permit fee for a renewal.

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Section 23

In order to renew bar permits or grocery permits, the holder of such a permit shall pay the permit fee at least thirty days before the expiry date of such a permit.

Failure to receive notice from the Band Council does not release the holder of a permit from this requirement.

Section 24

The special event permit authorized the sale of alcoholic beverages during special events or festivities on the reserve.

Section 25

Special event permits shall only be granted for one day to a duly mandated representative of a non-profit organization. All proceeds from the sale of alcoholic beverages shall be used for the benefit of the organization.

Section 26

Special event permits may only be in operation between 8:00 a.m. and 1:00 a.m. the following day.

Section 27

On request and exceptionally, the Band Council by resolutions may modify the hours of operation permitted by the special event permit.

Section 28

The cost of a special event permit is \$100.00.

Section 29

A person or a corporation who does not comply with any of the provisions of the present by-laws commits an offence punishable, on summary conviction, of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both for each offence.

Approved and passed at a duly convened meeting of a Council of the River Desert Band this

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15th day of August, 1983.

Jean-Guy Whiteduck
Chief

Patrick Dumont
Councillor

Jacqueline Cote
Councillor

Albert Tenasco Jr.
Councillor

Albert Tenasco Sr.
Councillor