

THE BLOOD TRIBE

BYLAW NO. 01-2007

SMOKE-FREE FACILITIES BYLAW

Being a Bylaw of the Blood Tribe to regulate,
control and prohibit smoking in certain facilities
located on the Blood Indian Reserve
pursuant to Section 81 of the *Indian Act*

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Being a Bylaw of the Blood Tribe to regulate, control and prohibit smoking in certain facilities located on the Blood Indian Reserve pursuant to Section 81 of the *Indian Act*

WHEREAS it is deemed necessary in the interest of promoting the health, safety and welfare of all residents of the Blood Indian Reserve to regulate, control and prohibit smoking in certain facilities located on the Blood Indian Reserve as hereinafter set out;

AND WHEREAS the Blood Tribe Council considers it expedient and desirable that smoking be prohibited in all Facilities unless otherwise excepted as provided herein;

AND WHEREAS the Blood Tribe Council is empowered to make a bylaw pursuant to subsections 81(1)(a), (q) and (r) of the *Indian Act*, RSC 1985, c. I-5 in order to carry out such purposes, and desires to make a bylaw to provide for the health, safety and welfare of the residents of the Blood Indian Reserve, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and for the imposition of a penalty for a violation thereof;

NOW THEREFORE the Blood Tribe Council, without prejudice to but in express affirmation of its inherent right of self-government, hereby enacts the following bylaw:

PART 1 - GENERAL

Short Title

1.1 This bylaw may be cited as the *Smoke Free Facilities Bylaw*.

Interpretation

1.2 In this bylaw unless the context otherwise requires:

“Blood Tribe” means the Blood Indian Band, which is a band as defined by the *Indian Act*.

“Ceremonial Purposes” means any activity exclusive to traditional Blood Tribe culture or spiritual practices involving smoke or smoking carried out in a Facility.

“Council” means the Chief and Councillors of the Blood Tribe duly elected from time to time in accordance with the *Kainaiwa/Blood Tribe Election Bylaw and Regulations, 1995*.

"Facility" or "Facilities" means a building or buildings which are situated on the Reserve to which residents of the Reserve and members of the public have access as of right or by express or implied invitation.

"Proprietor" means an owner, or his agent or representative of the Facilities referred to in this bylaw, and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein, and, where the context so requires, also includes the Council.

"Reserve" means the Blood Indian Reserve Nos. 148 and 148A, and any future additions to the reserve lands of the Blood Tribe.

"smoke" or "smoking" means to smoke, hold or otherwise have control over a lit tobacco product or any other lighted smoking equipment.

"tobacco product" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, and intended to be smoked.

PART 2 - SMOKING PROHIBITED

- 2.1 No person shall smoke in any Facility except as provided for in subsection 3.3.
- 2.2 The Proprietor of every Facility shall ensure that a sign or signs are posted and displayed in accordance with Part 4.

PART 3 - EXCEPTIONS

- 3.1 The Council may designate any area within a Facility as a smoking area, including for Ceremonial Purposes, and shall inform the Proprietor of the Facility of such designation.
- 3.2 Upon being notified by Council, the Proprietor shall ensure that such area bear a sign or signs stating, "SMOKING IN THIS AREA ONLY".
- 3.3 Where an area has been designated in accordance with subsection 3.1, smoking shall be permitted in such area.

PART 4 - SIGNS

- 4.1 A Proprietor shall ensure that signs indicating that smoking is prohibited are posted and continuously displayed within a Facility and shall also ensure that such signs:
 - (a) carry the text, "NO SMOKING", in capital letters;

- (b) consist of two (2) contrasting colours, or if lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
- (c) with respect to size of lettering, be not less than a letter height of 2.54 cms; and
- (d) include in the text at the bottom of each sign, "Blood Tribe Bylaw No. 01-2007, MAXIMUM FINE \$1000", in letters not less than one half (1/2) of an inch in height for signs with letter size of one inch (1"), and not less than one-quarter (1/4) of the height of the letters on all other sizes of signs.

4.2 Notwithstanding the provisions of subsection 4.1, the following graphic symbol may be used to indicate no smoking areas:



Blood Tribe Council

Bylaw No. 01-2007

MAXIMUM FINE \$1000

- 4.3 Any such symbol shall be on a white background with the circle and the interdictory stroke in red, with a cigarette, letters and figures in black, and provided that the diameter of the circle is at least fifteen (15) cm.
- 4.4 No person other than a Proprietor or a person acting under the Proprietor's instructions shall remove, alter, deface, conceal or destroy a sign that is posted or displayed under this bylaw.

PART 5 - PENALTIES

- 5.1 Any person who contravenes any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both a fine and imprisonment.
- 5.2 Any Proprietor who fails or neglects to perform the duties imposed on him by any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both a fine and imprisonment.

PART 6 - REGULATIONS

6.1 The Council, by Band Council Resolution, may make regulations for the proper administration of this bylaw.

PART 7 - COMING INTO FORCE

7.1 This bylaw comes into force forty (40) days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.


READ FOR A FIRST TIME by Council this 17th day of December, 2007 at 10:50 a.m.

READ FOR A SECOND TIME by Council this 17th day of December, 2007 at 11:10 a.m.

READ FOR A THIRD TIME by Council this 17th day of December, 2007 at 11:15 a.m.

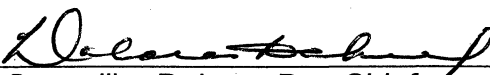
THIS BYLAW IS HEREBY made at a duly convened meeting of the Blood Tribe Council this 17th day of December, 2007.

Blood Tribe Council:



Chief Charles Weasel Head

Councillor Randy Bottle

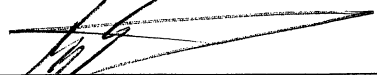


Councillor Dolores Day Chief



Councillor Lambert Fox

Councillor Alex Goodstriker



Councillor Kirby Many Fingers



Councillor Clement Soop

Councillor Nina M. Buckskin

Councillor Rod First Rider



Councillor Harley Frank



Councillor Leslie Healy

Councillor Oliver Shouting

Councillor Marcel Weasel Head

being the majority of those members of the Blood Tribe Council present at the aforesaid meeting of the Council.

The quorum of the Blood Tribe Council is seven (7) members.

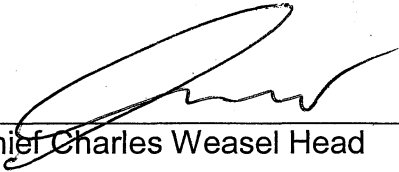
Number of members of the Blood Tribe Council present at the meeting is 7.

I, Charles Weasel Head, Chief of the Blood Tribe, do hereby certify that a true copy of the foregoing bylaw was **mailed** to the Minister of Indian Affairs and Northern Development at the head office of the department pursuant to subsection 82(1) of the *Indian Act*, this 17th day of December, 2007.



Witness

MELANIE D. WELLS
Barrister & Solicitor
Notary Public



Chief Charles Weasel Head