



**Roseau River Anishinabe First Nation Government**

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**By-law No. 005/2021  
of the Roseau River Anishinabe First Nation**

**A By-law for Regulation of Retailers who Sell Tobacco Products on the Reserve**

**WHEREAS** the Council of Roseau River Anishinabe First Nation desires to make a by-law for the regulation of Retailers who sell Tobacco Products on the Reserve;

**AND WHEREAS:** Roseau River Anishinabe First Nation has an inherent right to self-government. Reference to the Laws of Manitoba and Canada and any agreements made thereunder are made for convenience only and nothing in this By-Law shall derogate or abrogate from the inherent rights of Roseau River Anishinabe First Nation;

**AND WHEREAS** the Council of Roseau River Anishinabe First Nation is empowered to make such by-law, and with respect to any matter arising out of or ancillary to the exercise of the power and, for the imposition of a penalty for a violation thereof, pursuant to section 81(1)(a), (q), and (r) of the *Indian Act* R.S.C. 1985, c. I-5;

**AND WHEREAS** it is considered to be expedient and necessary for the health, benefit, comfort and safety of the inhabitants of the Roseau River Anishinabe First Nation to provide for the regulation of Retailers who sell Tobacco Products on the Reserve;

**AND WHEREAS** any Retail Outlet established on Roseau River Anishinabe First Nation would entitle Roseau River Anishinabe First Nation to apply for a Provincial tax rebate for Tobacco Products sold in the Retail Outlet;

**AND WHEREAS** in addition to receiving rebate monies from the Province for the benefit of the members of Roseau River Anishinabe First Nation, the Council also wishes to assist members of Roseau River Anishinabe First Nation in establishing on Reserve Businesses;

**NOW THEREFORE** the Council of Roseau River Anishinabe First Nation hereby enacts the following by-law:

### **Short Title**

1. This by-law may be cited as the "Roseau River Anishinabe First Nation Tobacco Retailers By-law".

### **Interpretation**

2. In this by-law,

"*Business*" means any enterprise involved in the trade of goods, services or both to consumers for the purpose of gain or profit;

"*Council*" means the Chief and Council, as defined in the *Indian Act*, of the Roseau River Anishinabe First Nation;

"*Tobacco Product*" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves but does not include any product for use in nicotine replacement therapy;

"*Tobacco Tax Agreement*" means an agreement between Roseau River Anishinabe First Nation and the Retailer to operate a business that sells Tobacco Products;

"*Reserve*" means all of those lands defined as a "Reserve" within the meaning of the *Indian Act*, RSC 1985, c-15, and set apart for the use and benefit of the Roseau River Anishinabe First Nation;

"*Retailer*" means a person engaged in a Business;

"*Retail Outlet*" means a store in which goods are sold to individual customers.

### **Requirements for Businesses that Sell Tobacco**

3. A Retailer must not deal in, sell, offer for sale, or distribute Tobacco Products on the Reserve except in compliance with this by-law and the regulations made under this by-law.
4. Every Retailer conducting or carrying on a business on the Reserve that sells Tobacco Products must enter into a Tobacco Tax Agreement with Roseau River Anishinabe First Nation under this by-law.
5. Nothing in this By-Law shall create an obligation on the part of Roseau River Anishinabe First Nation towards any retailer, or potential retailer, with reference to the granting of a licence, and Council may in its sole discretion utilize considerations including but not limited to market conditions to limit the number of licences granted, with a view to ensuring the best interest of the First Nation and its members.

**Penalty**

- 6. Every Retailer who violates any of the provisions of this by-law is guilty of an offense and on summary conviction is liable to a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment not exceeding thirty (30) days, or to both a fine and imprisonment.

**Enforcement**

- 7. This by-law will apply to all Businesses currently operating on the Roseau River Anishinabe First Nation and will be effective as of the date this By-law comes into force.

**Coming Into Force**

- 8. This by-law shall come into force upon it being first published pursuant to subsection 86(1) of the *Indian Act*.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Roseau River Anishinabe First Nation this 25th day of May 2021.

Voting in favour of the by-law are the following members of the Council:

  
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Chief Craig Alexander

  
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Councillor Max Seenie

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Councillor June Thomas

  
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Councillor Alfred Hayden

  
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Councillor Terrance Nelson

being the majority of those members of the Council of the Roseau River Anishinabe First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting: 4