

WABASEEMOONG INDEPENDENT NATIONS
KIBHICHITOOTAA MINIKWAYIN and MUCHI MISHKIKI IWAN INAAKONIGAYWIN”.

BY-LAW - #01/2024

WHEREAS the Wabaseemoong Independent Nations Chief and Council are the duly elected government of the Wabaseemoong Independent Nations and are elected to ensure the peace, safety and well being of their community members within the former three (3) communities of One-Man Lake, Swan Lake and Whitedog communities, and;

WHEREAS the Wabaseemoong Independent Nations recognize that since time immemorial which is to say “long before contact with European colonists” they have always had an inherent right to be a self-governing nation in accordance with the laws given to them by Kitchi Manito and those laws created by their Anishinaabeg Elders for the safety, health and wellbeing of all their citizens, and;

WHEREAS the Wabaseemoong Independent Nations Chief and Council deem it necessary to exercise their inherent rights under their own laws provided by Kitchi Manito and;

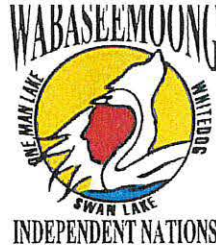
WHEREAS the Band Council of Wabaseemoong Independent Nations deems it necessary to review by-laws previously ratified by their membership and to make amendments to existing by-laws when and where necessary in order for their Wabaseemoong Independent Nation by-laws to be effective and functional documents; and

WHEREAS the Majority of Electors in attendance at a meeting held on July 12, 2023 which was called to discuss a “state of emergency” and address community issues including how uncontrolled entry and sales of alcohol, drugs and substances (lacquer) on the Wabaseemoong Independent Nations communities were creating high instances of family violence, community violence, children in care, suicides, illnesses and death; and

WHEREAS as a result of several community meetings and surveys conducted by Wabaseemoong Independent Nations the electors of the Wabaseemoong Independent Nations have directed the Chief and council to create, implement, repeal and amend where necessary Wabaseemoong Independent Nations community laws and by-laws, including; curfews, housing, financial, band policies and procedures, road safety, animal, and by-laws that reduce the sales and possession of alcohol, drugs and other substances on their community, and;

WHEREAS the Wabaseemoong Independent Nations Chief and Council have identified that alcohol use contributes to increased violence, family violence, neglect of children, child apprehensions, illnesses, diseases and death which makes their community very dangerous and unsafe, and;

WHEREAS section 81(1) subsections (a) to (d), (p) and section 85.1 of the Indian Act empowers the Chief and Council of Wabaseemoong Independent Nations to pass by-laws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81 and 85.1 of the Indian Act; and



Be it resolved that the Council of Wabaseemoong Independent Nations have determined that it is desirable that their Anishinaabe Nation creates, implements and enforces By-Laws,

“Kibichitootaa Minikwayin and Muchi Mishkikiwan Inakonigaywin” #01/2024

“Wabaseemoong Independent Nations Peace Officer and By-Law Officer By-Law” #02/2024

to limit the import, transportation and illegal sale of alcohol, drugs and substances into and on the Wabaseemoong Independent Nations which are comprised of Swan Lake, One Man Lake and Wabaseemoong; and

Be it further resolved that the Wabaseemoong Independent Nations Council do hereby give authorization to Treaty Three Police Officers, WIN Peace Officers and WIN By-Law Officers to implement and enforce “THE WABASEEMOONG INDEPENDENT NATIONS “KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKIIVAN INAKONIGAYWIN 02/2024” By-Law and the “Peace Officer and By-Law Officer Enforcement By-Law 02/2024 including any future by-laws required by their membership and nation to be developed and implemented; and

Be it finally resolved that the Chief and Council of Wabaseemoong Independent Nations enacts “THE WABASEEMOONG INDEPENDENT NATIONS “KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKIIVAN INAKONIGAYWIN” BY-LAW 01/2024 and “Peace Officer and By-Law Officer Enforcement By-Law 02/2024:

PART 1: INTERPRETATION

1.0 Title

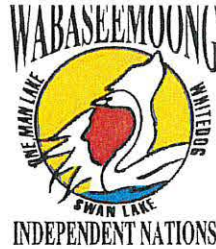
1.1 This By-Law may be cited as the “THE WABASEEMOONG INDEPENDENT NATIONS “KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKIIVAN INAKONIGAYWIN BY-LAW” #01-2024 and includes the “Peace Officer and By-Law Officer Enforcement By-Law” #02-2024.

PART 2: PURPOSE

The purpose of this by-law is to regulate the import, transport, manufacture, possession, use, sale, consumption and barter of Minikwayin aka alcohol and Muchi Mishkikiwan aka drugs and any noxious substances which can be ingested, injected or inhaled on or within the Wabaseemoong Independent Nations comprised of Swan Lake, One Man Lake and Wabaseemoong for the purpose of fostering and healthy environment and ensuring the safety, health and wellbeing of its members and community.

PART 3: DEFINITIONS

In this By-Law, except where otherwise defined:



3.1 "Minikwayin" means Alcohol which is any fermented, distilled liquid or substance containing alcohol intended for human consumption and includes; wine, beer, whiskey, spirits, champagne, coolers, vodka, gin, liqueurs, homebrew and may include other liquid beverages containing alcohol.

3.2 "Muchi Mishkikiwan" means any drugs or noxious substances (solvents) artificially manufactured from plants, minerals, fossils and are dangerous to humans when consumed.

3.3 "WIN" means the Wabaseemoong Independent Nations

3.4 "Council" means a quorum of any three (3) members of Council for the Wabaseemoong Independent Nations;

3.5 "The Wabaseemoong Independent Nations By-Law Justice Committee or WINBLJC" are the committee whose purpose is to oversee the implementation and enforcement of this by-law and any other by-laws created by the Wabaseemoong Independent Nations.

3.6 "Peace Officer" means a Wabaseemoong Independent Nations Community Peace Officer who may be appointed by the Chief or WIN council designate, possess similar training and authority as a police officer appointed pursuant to the provisions of Section 81 and 85.1 of the Indian Act;

3.7 "By-Law Enforcement Officer" means any By-Law Officer appointed by Chief and Council or their designate pursuant to provisions of Section 81 of the Indian Act to enforce WIN By-Laws;

3.8 "Traffic" means to sell any fermented, distilled liquid or substance containing alcohol intended for human consumption and includes; wine, beer, whiskey, spirits, champagne, homebrew and may include other liquids containing alcohol. It also means the sale of substances and illegal drugs such as; Meth, Cocaine, Crack Cocaine, LSD (Acid), Lacquer and other addictive substances that may harm a person.

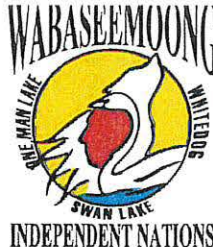
3.9 "Vehicle" means any form of transportation including but not limited to; automobiles, pick-up trucks, vans, SUV's, quads, side by sides, motor cycles, mopeds, semi trucks, boats, snow machines, personal watercrafts (seadoos), lawnmowers, tractors, skidders, buses, motor homes.

3.10 "Property" means any real or personal property which, without limiting the generality of the foregoing, includes motorized vehicles, boats, snowmobiles, motorcycles, mopeds, quads, side by sides, smart phones, appliances and any structures purchased and owned by a WIN member in accordance to the Indian Act or Community Land Code under the First Nation Land Management Act if applicable;

3.11 "Reserve" means the lands set apart by Her Majesty the Queen in right of Canada for the use and benefit of the First Nation;

3.12 "Violation Ticket" means a Wabaseemoong Independent Nations Tribunal Court summons violation ticket as provided by a Treaty Three Police Officer, a WIN Peace Officer or By-Law Officer.

PART 4: PROHIBITION ON SALES AND TRAFFICKING OF ALCOHOL, DRUGS, INTOXICANTS (LACQUER)



4.1 No person shall traffic alcohol, marijuana, illegal drugs, pharmaceutical drugs or be in possession of alcohol of such quantities or in such circumstances that it may be reasonable to infer that it is for the purpose of trafficking/bootlegging.

4.2 No person shall traffic (bootleg) alcohol, meth, crack cocaine, prescription drugs (T-3s, Percocet's, Gabapentin's, etc.), heroin, LSD (Acid), lacquer or any other substances that may harm or endanger the life of a person or minor (under 18 years of age).

4.3 Without limiting the foregoing, no person/s or vehicle shall enter the WIN community in possession of a daily (24-hour period) limit of;

- a. 1 x 26-ounce bottle of liquor/ spirits per person per day or;
- b. 12 x 473 milliliters cans of beer per person per day or;
- c. 15 bottles/cans containing 355 milliliters of beer per person per day or;
- d. 6 x king cans containing 710 milliliters of beer each per person per day or;
- e. 750 milliliters of wine per person per day or;
- f. 12 x 473 Wine/Vodka Coolers Cans/Bottles per person per day
- g. Illegal drugs such as Cocaine, LSD, Crystal Meth, Heroin, Fentanyl, Crack Cocaine, prescription drugs or any opiates except those prescribed by a medical doctor or nurse practitioner.
- h. large quantities of Solvents including Lacquer and Plastic Wood (unless they are contractors).
- i. More than 28 grams of marijuana, hash, hash oil or any other derivatives.
- j. Halley's Camps and Caribou Falls Camp may receive a permit to transport alcohol through WIN.

4.4 Police Officers, WIN Peace Officers or WIN By-Law Officers may request to see receipts to show that such alcohol, drugs (including Marijuana or products) and chemicals (lacquer) have been purchased from a licenced distributor/vendor.

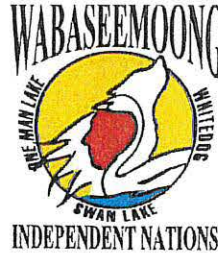
4.5 Under this by-law Treaty Three Police, WIN Peace Officers and By-Law Officers have the authority to search and seize (confiscate) any alcohol beyond the quantities listed above, these include illegal drugs (Meth, Cocaine, LSD, Crack Cocaine, Heroin) or large quantities of solvents intended for trafficking within the WIN boundaries. Person/s may opt to leave WIN with their exceeded limit of alcohol or marijuana.

PART 5: POWERS AND DUTIES OF BY-LAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

5.0 Jurisdiction: Peace Officers and By-Law Enforcement Officers are authorized to act in the area of service within the reserve lands of Wabaseemoong Independent Nations. *See Peace Officers and By-Law Officers By-Law.

5.2 Peace Officers and By-Law Officers are authorized to act in that area of service presented by Wabaseemoong Independent Nations and authorized by the Wabaseemoong Independent Nations Peace Officer's formal appointment documents, which can be changed or amended by the Chief and Council of the Wabaseemoong Independent Nations.

5.3 By-Law Enforcement Officers and Peace Officers are to carry upon his/her person, at all times he/she is acting as a By-Law Enforcement Officer, evidence in writing of his/her appointment such as a Peace



Officer or By-Law Officer identification card and bear the uniform of his position as a By-Law Enforcement Officer or Peace Officer representing Wabaseemoong Independent Nations.

5.4 WIN Peace Officers and By-Law Enforcement Officers shall have the following duties:

5.5 be responsible for the enforcement of all By-Laws of Wabaseemoong Independent Nations;

5.6 issue Violation Tickets for offences under Wabaseemoong Independent Nations By-Laws, in accordance with any established Wabaseemoong Independent Nations By-Laws;

5.7 exercise all powers, duties, and functions of a designated peace officer to conduct any inspections, searches, remedies, or enforcement authorized or required by any and all Wabaseemoong Independent Nations By-Laws including new By-Law enactments. These powers may include seizure of excessive amounts of alcohol (as permitted by other by-laws), illegal drugs, other intoxicants and substances as outlined by any and all Wabaseemoong Independent Nations By-Laws.

PART 6.0 Offence and Penalties for Trafficking (Bootlegging) in Alcohol, drugs or banned substances:

6.1 Anyone found guilty of contravening sections 2.14, 2.15, 2.16 is liable on summary conviction of \$500.00 to \$10,000.00 and if employed by WIN or Waabashki Makinakoons Abinoojii Niwiidabimaa may be automatically terminated from their employment position in accordance with their policies and procedures manual.

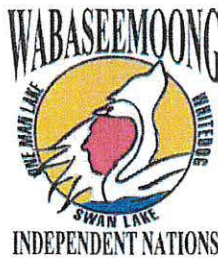
6.2 Anyone found in contravention of sections 4.1, 4.2 and 4.3 of the "KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKIIWAN INAKONIGAYWIN" by-law shall have all their alcohol, drugs or banned substances confiscated from them and disposed of by the designated Peace Officers or the By-Law Officers or, they may turn their vehicle around and leave with their alcohol intact.

6.3 Any persons not registered with Wabaseemoong Independent Nations found trafficking in alcohol, drugs or substances such as inhalants will be evicted from the WIN community and banned from entering. 1st offense – 6 months, 2nd offense 12 months and 3rd offense – lifetime banishment from WIN.

PART 7: Anishinaabe Manito Inakonigaywin, Canadian Human Rights Act and the Indian Act;

7.1 The "KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKIIWAN INAKONIGAYWIN" is in accordance with the Laws of Creator aka Manito Aki Inakonigaywin and the Anishinaabeg of Wabaseemoong Independent Nations which have been in place since time immemorial (long before contact with colonists) on Manito Aki and these laws have deeper meaning for the Anishinaabeg of Wabaseemoong Independent Nations than the Canadian Human Rights Act and Criminal Code of Canada and thus does not conflict with these colonial laws.

7.2 Should there be any conflict in whole or in part with modern Canadian Laws including; The Canadian Human Rights Act, Criminal Code of Canada or any relevant Case Laws our elected WIN leadership will review, may repeal and amend such sections and make changes as they deem necessary.



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7.3 If any Section or Sections of this By-Law or parts thereof are found in any court of law to be illegal and unconstitutional, contrary to Wabaseemoong Independent Nations Inakonigaywin, contrary to Manito Aki Inakonigaywin, contrary to Canadian Charter of Human Rights such Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue to be enacted as such.

7.4 By signing this by-law # 01-2024 the Wabaseemoong Independent Nations Chief and Council fully support the will of their voting members who have unanimously (76.3 %) voted in favour of this by-law which is designed and intended to ensure the health, safety and well being of all their members, including the children and future generations. (Ratification Vote results attached)

APPROVED AND PASSED at a duly convened meeting by Chief and Council at;

2400 Mystic Lake Blvd, Prior Lake, MN USA 55372

Date:

July 18/2024

Quorum: Three (3)

Chief Waylon Scott

[Signature]

Councillors:

Roland Fisher:

[Signature]

Roanna Carpenter-Jourdain:

[Signature]

Rocky Bunting:

Glen Kent: