



**BY-LAW NO. 2013-2014 #001
THUNDERCHILD FIRST NATION INTOXICANT BY-LAW**

WHEREAS the Thunderchild First Nation considers it desirable to undertake measures for the protection of the community; and

WHEREAS the Thunderchild First Nation Chief and Council is desirous of declaring in effect a prohibition against the sale, barter, supply or manufacture of intoxicants on the reserve; against any person being intoxicated on reserve; and against any person having intoxicants in their possession on the reserve; and

WHEREAS pursuant to subsection 85.1(1) of the *Indian Act*, the Thunderchild First Nation Chief and Council can develop and pass 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 subsection 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 bylaw made under subsection 85.1(1)(b) or subsection 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

WHEREAS a majority of the electors of the Band who attended a special meeting of the Thunderchild First Nation on May 26, 2013 called by the Thunderchild First Nation Chief and Council for the purpose of considering the contents of this bylaw, assented to the contents of this bylaw.

THEREFORE BE IT RESOLVED it is hereby enacted pursuant to section 85.1 of the *Indian Act*.

Short Title

1. This by-law may be cited as the Thunderchild First Nation Intoxicant By-law.

Interpretation

2. In this By-law:
 - (a) "*Band*" means the Thunderchild First Nation;
 - (b) "*Elector*" means a person who:
 - (i) is registered on a Band List;
 - (ii) is of the full age of eighteen years; and
 - (iii) is not disqualified from voting at band elections.
 - (c) "*Intoxicant*" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating;
 - (d) "*Intoxicated*" means being under the influence of an intoxicant;
 - (e) "*Reserve*" means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-1-5, and set apart for the use and benefit of the Thunderchild First Nation and known as Indian Reserve number(s) 115B and 115C.

Prohibitions

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

Penalties

6. Every person who contravenes any of the prohibitions above is guilty of an offence and liable on summary conviction
 - (a) in the case of section 3, to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and
 - (b) in the case of section 4 and 5, to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

Coming into Force

7. This by-law comes into force on the day of enactment.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Thunderchild First Nation Band this ____ day of _____, 20 _____.

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

_____ (Member of the Council)

_____ (Member of the Council)

_____ (Member of the Council)

_____ (Member of the Council)

_____ (Member of the Council)

_____ (Member of the Council)

_____ (Member of the Council)

being the majority of those members of the Council of the Thunderchild First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: _____ .

I, _____ Chief of the Thunderchild First Nation, 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 _____ office of the department pursuant to subsection 82(1) of the *Indian Act*, this day of _____, 20____.

_____ (Witness)

_____ (Chief)