

PA
PILON
FLOATER

May 6, 1988

Ms Regena Crowchild
Sarcee Nation Administration Office
8700 Anderson Road, S.W.
CALGARY, Alberta
T2W 3C4

Dear Ms Crowchild:

Sarcee Band
Liquor By-Law - 3

I regret the delay in confirming the recording of the above-mentioned by-law. Its effective date is March 2, 1988.

Notwithstanding the recording of this by-law, I wish to let you know that only a court of law may decide upon its validity. In particular, I note that the by-law purports to regulate the manufacture, the sale, etc. of liquor on your reserve while it appears that section 85.1 of the Indian Act grants limited powers of prohibition to the band councils.

Yours truly,

Original signed by
Original signé par
G. Pilon

Gaetan Pilon
Head
Band Governance

PILON/88.5.6/crowchild

c.c. Jack Hughes, Alberta Regional Office
Gerald Pulak

PULAK FULTON LEE

A Partnership of Professional Corporations for the Practice of Law

1100 - 840 - 7th Avenue, S.W.
Calgary, Alberta, T2P 3G2

532

Your file: 1546-75
Our file:

8 April 1988

Telephone 265-0575
Area Code 403

APR 13 9 06 AM '88

Indian and Northern Affairs Canada,
10 Wellington Street,
Ottawa, Ontario, K1A 0H4

Attn: Gaetan Pilon

Dear Sir,

Re: Sarcee Liquor By-law

We spoke on February 10th concerning the Liquor By-law. Please confirm that the Sarcee Liquor By-law is now in effect.

Yours truly,



GERALD PULAK
GTP/lynn
cc. R. Crowchild

RECEIVED

13 1988

Statutory Requirements
Directorate



SARCEE NATION ADMINISTRATION OFFICE

March 18, 1988

Indian & Northern Affairs
10 Wellington Street North Tower
Ottawa, Ontario
K1A 0H4

Attention: Mr. Richard Jackman

Dear Sir:

Re: Liquor Control By-Law Sarcee

I am forwarding Band Council Resolution #1247, which enacts and adopts the attached Liquor Control By-Law. This resolution is being forwarded in accordance with instructions from the Department of Indian Affairs.

Thank you,


REGINA CROWCHILD

RC/ps

dat paid : 02-03-88
" rec. : 21-03-88
" affixed : 02-03-88



RECEIVED MAR 21 1988
RECEIVED MAR 21 1988



#1247

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds", "Capital" or "Revenue" wherever they appear in this form are to be filled in by the Band Council. The words "From our Band Funds" should be filled in by the Band Council. The words "Capital" or "Revenue" should be filled in by the Band Council.

The Council of the Le conseil de la bande indienne SARCEE NATION		Current Capital Balance Solde de capital \$ _____
Agency District: SOUTHERN ALBERTA		Committed Engage \$ _____
Province ALBERTA		Current Revenue Balance Solde de revenu \$ _____
Place Nom de l'endroit SARCEE ADMINISTRATION OFFICE		Committed Engage \$ _____
Date 02 March AD 19 88 Day - Mois March - Mars Year - Année		

DO HEREBY RESOLVE
DECIDE PAR LES PRESENTES:

WHEREAS the Sarcee Chief and Council had enacted Band Council Resolution #1161 to adopt the attached Liquor Control By-Law, pursuant to Section 85.1 of the Indian Act,

WHEREAS certain irregularities occurred with the registration of the By-law and have been advised by the Department of Indian Affairs that a Band Council Resolution is required to correct the irregularities;

BE IT THERE RESOLVED that, we, the Chief and Council, at a duly convened meeting held on March 2, 1988, do hereby adopt the attached Liquor Control By-law.

A quorum for this Band
Pour cette bande le quorum est

consists of 5
est de 5

Council Members
Membres du Conseil 8

Ray White
Council Member
Membre du Conseil

[Signature]
Chief - Council
Chef - Conseil

[Signature]
Council Member
Membre du Conseil

[Signature]
Council Member
Membre du Conseil

[Signature]
Council Member
Membre du Conseil

[Signature]
Council Member
Membre du Conseil

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

1. Date of Resolution Date de la Résolution	2. Date of Decision Date de la Décision	3. Date of Approval Date de l'Approbation	4. Date of Implementation Date de l'Implémentation
5. Date of Review Date de la Revue	6. Date of Review Date de la Revue	7. Date of Review Date de la Revue	8. Date of Review Date de la Revue

ada

BY-LAW No. _____

LIQUOR CONTROL BY-LAW

THE SARCEE NATION, by and with the advice and consent of the Government of Canada, ENACTS AS FOLLOWS:

1. DEFINITIONS

In this Act:

- (a) "Adult" means a person over the age of eighteen (18) years or any other age as stipulated by the Sarcee Nation Council.
- (b) "Person" means, as well as a natural born person, any body incorporated under federal or provincial statute.
- (c) "Sarcee Police" means a member of the Sarcee Tribal Police Force.
- (d) "Board" means the Sarcee Nation Liquor Control Board.
- (e) "Inspector" means an inspector appointed by the Sarcee Nation Liquor Control Board.
- (f) "Minor" means a person under the age of eighteen (18) years.
- (g) "Minister" means the Minister in charge of the Department of Indian Affairs and Northern Development or any Ministry that succeeds it.
- (h) "Enforcement Officer" means an officer in addition to the Sarcee Police that may enforce this by-law and shall include the Sarcee Police. A Peace Officer, Superintendent, a person authorized by the Minister, the R.C.M.P., and any person authorized by the Sarcee Nation.
- (i) "Surrendered Land" means any portion of the Sarcee Nation Reserve which has been surrendered either absolutely or with qualifications, conditionally or unconditionally.
- (j) "Development Land" means land designated by the Sarcee Nation Council as development land to be used for the benefit of the

Sarcee Nation.

- (k) "Licence" means a licence issued under this by-law and its regulations.
- (l) "Licensed Premises" means the premises described in a licence.
- (m) "Licensee" means the person who holds a licence or is named in a licence.
- (n) "Permit" means a permit issued under this by-law and its regulations.
- (o) "Permittee" means the person named in a permit.
- (p) "Sale" and "Sell" include the exchange, barter and traffic of liquor and the selling, supplying or distributing by any means whatsoever of liquor.
- (q) "Package" means a bottle, vessel or receptacle containing liquor or a container wholly or partly enclosing a bottle, vessel or receptacle used for holding liquor.
- (r) "Liquor" includes:
 - (i) any alcohol, spirituous, vinous, fermented malt or other intoxicating liquid or combination of liquids;
 - (ii) any liquid that is partly spirituous, vinous or fermented and that is intoxicating;
 - (iii) all drinks or drinkable liquids in preparations or mixtures that are capable of human consumption and are intoxicating;
 - (iv) beer, cider and wine and any other class of liquor designated by the Board for the purpose of this by-law.
- (s) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, hops or any other similar product juice in drinkable water.
- (t) "Cider" means an alcoholic beverage obtained by the natural fermentation of the sugar content of fruits or other agricultural products containing sugar and designated by the Board for the purpose of this Act as the class of liquor called cider.

- (u) "Spirits" means any substance whether in liquid or other form containing any proportion by weight or volume of ethyl alcohol obtained from fermented beer, wash, wort or from petroleum or from any other substance, whether obtained in a distillery by distillation or by means of any other process.
- (v) "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, and containing more than 1.5% alcohol by volume.
- (w) Any beverage containing more than 1.5% alcohol by volume shall conclusively be deemed to be intoxicating.

2. APPLICATION OF BY-LAW

No person shall, except as provided in this by-law and the regulations, on the Sarcee reserve make, manufacture, import, sell, purchase, provide, give receive, possess, convey, keep, use or consume liquor except as authorized by the Board.

Part 1 SARCEE LIQUOR CONTROL BOARD

3. MEMBERSHIP OF BOARD

- (a) The Board shall consist of the Chief of the Sarcee Nation or his designate, and four (4) persons who will be named Members-at-Large and be appointed by the Sarcee Nation Council.
- (b) Each member of the Board holds office during the pleasure of the Sarcee Nation Council.

- (c) Each member of the Board shall receive a remuneration fixed, from time to time, by the Sarcee Nation Council.
- (d) Three members of the Board constitute a quorum.
- (e) The Board shall administer this by-law and its regulations.

4. POWERS OF THE BOARD

- (a) The board is responsible for the regulation and control of the consumption, sale and importation of liquor on the Sarcee Nation reserve.
- (b) The Board shall provide for the establishment of liquor stores or other establishments authorized to sell alcoholic beverages on the Sarcee Nation reserve.
- (c) The Board shall determine the conditions under which liquor may be sold on the Sarcee Nation reserve.
- (d) The Board may determine the manner in licensing the sale of liquor on the Sarcee Nation reserve and the fees to be paid for licences.
- (e) The Board may make inspection of any premises which are licensed or in which liquor is consumed or sold.
- (f) Any profit made from the sale of liquor by the Sarcee Liquor Control Board or the sale of permits or licences is the property of the Sarcee Nation.

5. MANUFACTURE OF LIQUOR

- (a) A person may be licensed by the Board to manufacture liquor

on the Sarcee Nation reserve for consumption on or off the reserve under regulations stipulated by the Sarcee Liquor Control Board.

- (b) A person's liquor licence may be suspended by the Sarcee Liquor Control Board at its discretion. Such suspension may be appealed within thirty (30) days to the Sarcee Nation Council.

6. REGULATIONS

The Sarcee Nation Council may make regulations respecting the use, manufacture and sale of liquor on the Sarcee Nation reserve. It may govern the days and the hours during which liquor may be sold and the nature of the premises in which liquor may be sold.

7. PROHIBITIONS

No person shall possess liquor on the Sarcee Nation reserve except on surrendered land or land designated as development land. The consumption, sale and manufacture of liquor on surrendered or developed land shall be in accordance with this by-law and its regulations.

8. PENALTIES

- (a) A person who contravenes any provision of this by-law or the regulations is guilty of an offence under this by-law.
- (b) An individual convicted under this Act for a breach for which no specific penalty has been provided is liable to a maximum fine of not more than \$1,000 or for a term of imprisonment not exceeding six (6) months, or both.

- (c) A corporation convicted of an offence under this by-law for which no specific penalty has been provided is liable for a fine of not more than \$5,000.
- (d) A person who, directly or indirectly, by himself or by any other person on his behalf, knowingly sells, barter, supplies or gives intoxicants to any person on the Sarcee Nation reserve is guilty of an offence.
- (e) Any person who is intoxicated on the Sarcee Nation reserve is guilty of an offence and is subject, upon conviction, to a fine not exceeding \$100 or to imprisonment for a term not exceeding three (3) months.
- (f) Any person who is found with liquor in his possession on the Sarcee Nation reserve is guilty of an offence and is subject, upon conviction, to a fine not exceeding \$100 or to imprisonment for a term not exceeding three (3) months.

9. ENFORCEMENT

- (a) Any Sarcee Nation Police Officer or any Peace Officer authorized by the Sarcee Nation who believes on reasonable grounds, that a breach of this by-law is being committed, may without warrant enter into any premises on the Sarcee Nation reserve where he believes an offence is being committed, and search the premises, and for that purpose may break open any door, lock or fastening, and may seize any liquor on that premises if the liquor is being kept in contravention to this by-law or the regulations.
- (b) The goods may be removed after seizure and any force appropriate to the seizure and removal may be used. The seized goods are to be held until their disposition is

ordered by a Court of competent jurisdiction.

- (c) It is an offence to interfere with a duly authorized enforcement officer in carrying out his duties under this by-law.
- (d) The Sarcee Nation Police are empowered to enforce this by-law.

10. EXCEPTIONS

- (a) Notwithstanding anything else contained in this by-law, the Sarcee Nation Liquor Control Board may allow liquor to be used or transported on the Reserve for a period not exceeding one day. This exemption may be applied for to the Sarcee Nation Liquor Control Board on one week's notice and, if authorized, a permit may be issued.

11. IMPLEMENTATION OF BY-LAW

- (a) This by-law shall come into force when a majority of the electors of the Sarcee Nation present at a special meeting of the Sarcee Nation vote in favour of this by-law.

12. AMENDMENT AND REPEAL

- (a) An amendment may be made to this by-law on twenty-five per cent (25%) of the electors of the Sarcee Nation petitioning the Sarcee Nation Council for a change and a two-thirds (2/3) majority of the Sarcee Nation Council vote for that change.
- (b) This by-law may be amended or repealed at any time when a

majority of the electors of the Sarcee Nation vote at a special meeting of the Sarcee Nation called for that purpose by the Sarcee Nation Council vote to amend or repeal this by-law.

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A person who is unsatisfied with the decision of the Sarcee Nation Liquor Control Board may, within seven (7) days of the Board's decision, appeal the decision, in writing, to the Sarcee Nation Council. The Council may decline to hear the Appeal, and if it does so, the decision of the Board is final. If the Council hears the Appeal, it can direct the Board to carry out its decision. The decision of Council is final.

14. REGULATIONS

Regulations to this by-law may be made by the Sarcee Nation Council.

15. DISPOSITION OF FUNDS

Every fine, penalty or forfeiture imposed under this By-law belongs to the Sarcee Nation.

SARCEE NATION COUNCIL

James B. Lane Ray W. Lane
Gordon Cranfield John R. Lane
Carl W. Lane Thurston Lane

PULAK FULTON LEE 0 3 2 8
A Partnership of Professional Corporations for the Practice of Law

1100 - 840 - 7th Avenue, S.W.
Calgary, Alberta, T2P 3G2

Your file: 1546-75
Our file: 9 May 1988

May 16 10 05 AM '88

Telephone 265-0575
Area Code 403

Indian and Northern Affairs Canada,
10 Wellington Street,
Ottawa, Ontario. KIA 0H4


Attn: Gaetan Pilon

Dear Sir,

Re: Sarcee Liquor Bylaw

We understood that the Liquor Bylaw has been in force for some time. We later learned that this was not the case. I have discussed the Taxation Bylaw with you on the telephone and, briefly, the Liquor Bylaw. We would very much appreciate your advising us by letter of the status of the Liquor Bylaw.

Yours truly,


GERALD PULAK
GTP/lynn

BY-LAW No. _____

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15. DISPOSITION OF FUNDS

Every fine, penalty or forfeiture imposed under this By-law belongs to the Sarcee Nation.

SARCEE NATION COUNCIL

Ernie Big Bear Roy Willey
Gordon Beckett Tom Leman
John D. [unclear] Theresa [unclear]