



CHIPPEWAS OF NAWASH
BAND COUNCIL RESOLUTION
(DONOK-NAH-GAHMIN)

FILE REFERENCE

The Council of the **CHIPPEWAS OF NAWASH FIRST NATION**
Of **Neyaashiinigmiiing**
In the Province of **Ontario**

On the Eleventh of July AD 2019
(Day) - Kee-shi-gag (Month) - Geezis

Motion No. 272 page 1 of 4

Moved by Nick Saunders, Seconded by Peggy Mansur,
We, The Chippewas of Nawash Unceded First Nation, Band Council hereby accept amendments to
Motion # 241 of June 28, 2019 as below:

BY LAW NO. 241-06-28-19

Of the Chippewas of Nawash First Nation

**A BY-LAW TO ESTABLISH INTERIM CONTROL AND REGULATION OF THE CANNABIS
INDUSTRY ON RESERVE as amended**

WHEREAS the Council of the Chippewas of Nawash Unceded First Nation has the authority under the
Indian Act, R.S.C. 1985, c. I-5, and under its inherent laws to protect its reserve from environmental
degradation and to ensure that any development of the reserve is not detrimental to Chippewas of
Nawash's Aboriginal and Treaty rights, the environment, water, species at risk, migratory birds,
waters, and the health and safety of its citizens and residents;

AND WHEREAS the Council of the Chippewas of Nawash Unceded First Nation has the power and
inherent authority to determine uses of its reserve;

AND WHEREAS the Council of the Chippewas of Nawash Unceded First Nation has the power and
authority pursuant to section 81(1) of the *Indian Act*, R.S.C. 1985, c. I-5, and in particular subsections
(g) (h) (i) (q) and (r) to: enact by-laws for the purposes of regulating construction of certain structures;
set out zones to prohibit construction or maintenance of buildings and carrying out classes of business
or trades; regulate construction, repair and use of buildings on the reserve; and impose a fine for
violation of a by-law;

AND WHEREAS the Council of the Chippewas of Nawash Unceded First Nation have developed a
process to ensure that early engagement and consultation be undertaken including the requirement to
undertake Class environmental assessments;

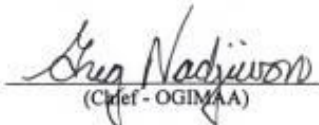
AND WHEREAS the Council of the Chippewas of Nawash Unceded First Nation recognize that the
key principle of environmental assessments is consultation, so that concerns can be identified and
addressed before irreversible decisions are made;

Quorum: 5


(Councillor - KEEG-DOH-NINI)


(Councillor - KEEG-DOH-NINI)


(Councillor - KEEG-DOH-NINI)


(Chief - OGIMAA)

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(Councillor - KEEG-DOH-NINI)

"CAUTION - - CONFIDENTIAL - - CAUTION"

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On the Eleventh of July AD 2019
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AND WHEREAS on June 28, 2019, the Council of the Chippewas of Nawash Unceded First Nation passed a Band Council Resolution directing that the Council establish a committee of Council to undertake a review or study of the effects of cannabis production and sale on reserve, and to make recommendations to the Council for the purposes of replacing, upholding, amending, or repealing this by-law within a period of 18 months of the date of the Band Council Resolution;

NOW THEREFORE the Council of Chippewas of Nawash First Nation enacts as follows,

Part I – SHORT TITLE

1. This by-law may be cited as the “Nawash Cannabis Industry By-Law”, which was enacted by Council of Chippewas of Nawash First Nation on June 28, 2019, and as amended on July 11, 2019

PART II - INTERPRETATION

cannabis has the same meaning as in the *Cannabis Act*, S.C. 2018 c. 16 (as may be amended), or its successor or replacement legislation.

distribute includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute.

Special Development Zone means the reserve or any part thereof so designated in this by-Law;

person includes a corporation or a First Nation;

produce, in respect of cannabis, means to obtain it by any method or process for sale including by

- (a) manufacturing;
- (b) synthesis;
- (c) altering its chemical or physical properties by any means; or
- (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.

reserve means the reserve set aside for the use and benefit of the Chippewas of Nawash First Nation known as Neyaashiinigmiing Indian Reserve.

sell includes offer for sale, expose for sale and have in possession for sale.

Quorum: 5

(Councillor - KEEG-DOH-NINI)

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PART II – ZONING AND INTERIM CONTROL

1. The entirety of the reserve is zoned as a “Special Development Zone”.
2. No person shall use any land, erect, alter or expand or use any building, watercourse, road, bridge, ditch, fence or other local works for a purpose prohibited by this by-law.
3. Within the Special Development Zone, it is prohibited for any person to undertake any of the following activities:
 - i. to produce cannabis for sale;
 - ii. to sell cannabis;
 - iii. to process cannabis for sale;
 - iv. to package cannabis for sale;
 - v. to extract cannabis for sale; and
 - vi. to distribute cannabis for sale.
4. Within the Special Development Zone, no person shall use nor erect, alter, expand any building, watercourse, road, bridge, ditch, fence or other local work for the following purposes:
 - i. to produce cannabis for sale;
 - ii. to sell cannabis;
 - iii. to process cannabis for sale;
 - iv. to package cannabis for sale;
 - v. to extract cannabis for sale; and
 - vi. to distribute cannabis for sale.

PART III – OFFENCE

5. Any person who contravenes this by-law is guilty of a summary conviction and on conviction the court may impose a fine of \$1000 or imprisonment for a term not exceeding 30 days, or both.

PART IV - ENFORCEMENT

6. The Council of Chippewas of Nawash First Nation may appoint a by-law officer or by-law officers for the purposes of enforcing this by-law.

Quorum: 5

Anthony Chish
(Councillor - KEEG-DOH-NINI)

Bernard Kusby
(Councillor - KEEG-DOH-NINI)

[Signature]
(Councillor - KEEG-DOH-NINI)

Greg Nadyson
(Chief - OGIMAA)

(Councillor - KEEG-DOH-NINI)

(Councillor - KEEG-DOH-NINI)

[Signature]
(Councillor - KEEG-DOH-NINI)

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[Signature]
(Councillor - KEEG-DOH-NINI)

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7. The Chippewas of Nawash Band Council may, at any time, whether or not an information has been laid pursuant to section 5, order that any person comply with the requirements of this by-law, or take such other lawful steps as may be necessary, including the obtaining of a court order from a court of competent jurisdiction in order to prevent the continuation or repetition of any contravention of this by-law.

PART V – COMING INTO FORCE, EXTENSION, REPEAL AND AMENDMENT

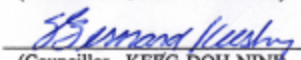
8. This by-law comes into force on the day it is published on the Chippewas of Nawash First Nation website.
9. This by-law is repealed within 18 months of its enactment, but the Council of Chippewas of Nawash First Nation may extend the period of time during which it will remain in effect for an additional 18 month period, after which this by-law is repealed.
10. If the Council of Chippewas of Nawash First Nation is considering extension, repeal or amendment of this by-law, notification of such proposal shall be publicized on the First Nation's website at least one week in advance of the meeting at which the extension, repeal or amendment of this by-law will be considered.
11. If the period in which this by-law is in effect has expired, and the Chippewas of Nawash First Nation Council has passed a by-law consequent on the completion of the review or study within the time period specified in this by-law, and there is an appeal or judicial review of the consequent by-law, this by-law continues in effect as if it had not expired until such time as a final decision has been reached the appeal or judicial review of the consequent by-law, and all appeal periods prescribed by the *Courts of Justice Act* or the *Federal Courts Act* have expired, unless this by-law is otherwise repealed.

ENACTED BY A QUORUM OF COUNCIL AT A DULY ELECTED MEETING HELD ON JUNE 28, 2019 and amended July 11, 2019;

6 For
Carried.

Quorum: 5


(Councillor - KEEG-DOH-NINI)


(Councillor - KEEG-DOH-NINI)


(Councillor - KEEG-DOH-NINI)

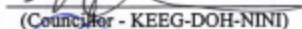

(Chief - OGIMAA)


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