

**By-law No. _____
of the Waywayseecappo First Nation**

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

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

AND WHEREAS the Council of Waywayseecappo 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 Waywayseecappo First Nation to provide for the regulation of Retailers who sell Tobacco Products on the Reserve;

AND WHEREAS studies indicate the relevant taxes collected are a significant loss to tribal members;

AND WHEREAS any Retail Outlet established on Waywayseecappo First Nation would entitle Waywayseecappo 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 Waywayseecappo First Nation, the Council also wishes to assist tribal members in establishing on Reserve Businesses;

NOW THEREFORE the Council of Waywayseecappo First Nation hereby enacts the following by-law:

Short Title

1. This by-law may be cited as the "Waywayseecappo 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 Waywayseecappo 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 Waywayseecappo First Nation and the Retailer to operate a business that sells Tobacco Products;

"*Reserve*" means the reserves of the Waywayseecappo First Nation and includes any other reserve lands under the authority of Council;

"*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 under this by-law.

Penalty

5. 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

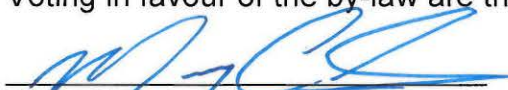
6. This by-law will apply to all Businesses currently operating on the Waywayseecappo First Nation and will be effective the 1st day of November, 2016.

Coming Into Force

7. 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 Waywayseecappo First Nation this 5th day of August, 2016.

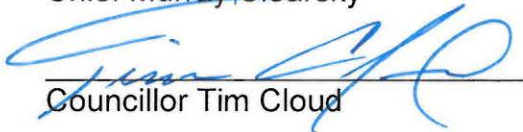
Voting in favour of the by-law are the following members of the Council:



Chief Murray Clearsky



Councillor Mel Wabash

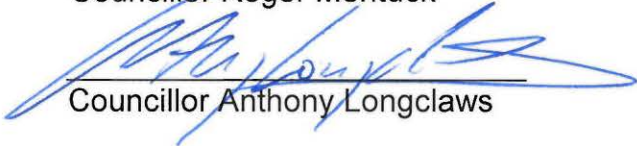


Councillor Tim Cloud



Councillor Roger Mentuck

Councillor James Cote



Councillor Anthony Longclaws

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

The quorum of the Council is four members.

Number of members of the Council present at the meeting: