

WHEREAS the Mohawk Council of Akwesasne is the duly elected government and is empowered by the Mohawk people of Akwesasne.

WHEREAS the Mohawk Council of Akwesasne hereby considers it necessary to take special measures for the protection of the Mohawk people of Akwesasne in the sale, use and consumption of intoxicants.

NOW THEREFORE it is hereby enacted pursuant to Section 85.1 of the Indian Act, the following Akwesasne Intoxicants By-Law:

1. DEFINITIONS

BE IT KNOWN THAT according to this By-law,

1.1. "Intoxicants" 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 or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating.

1.2 Service organizations are Mohawk Community oriented organizations and shall for the purpose of this By-law mean those established organizations recognized by the Mohawk Council of Akwesasne; including:

Akwesasne Emergency Team,
Cornwall Island, St. Regis & Chenail Recreation Cttes.,
Cornwall Island & Chenail Homemakers Clubs,
Akwesasne Sportmens Club,
St. Regis Rescue Squad,
Hogansburg Volunteer Fire Department,

and all other Mohawk Community-oriented service organizations recognized by the Mohawk Council of Akwesasne.

1.3 Tolerance Permit means a permit issued by the Mohawk Council of Akwesasne for the responsible sale, use, and consumption of intoxicants by the Mohawk people of Akwesasne as subject to Section 5 of this by-law.

2. PROHIBITION ON SALE, BARTER, SUPPLY OR MANUFACTURE

2.1 Any individual who sells, barters, supplies or manufactures intoxicants within the Mohawk Territory of Akwesasne is guilty of an offense punishable upon summary conviction.

3. PROHIBITION AGAINST PUBLIC INTOXICATION

3.1 Any individual who is publically intoxicated within the Mohawk Territory of Akwesasne is guilty of an offense punishable upon summary conviction.

4. PROHIBITION OF POSSESSION OF INTOXICANTS

4.1 Any individual who is found in public possession of intoxicants within the Mohawk Territory of Akwesasne is guilty of an offense punishable upon summary conviction.

4.2 Nevertheless, the Mohawk Council of Akwesasne may grant a Tolerance Permit to Service Organizations and/or to individuals for the responsible sale, use and consumption of intoxicants subject to Section 5 of this by-law.

5. TOLERANCE PERMITS

5.1 Tolerance Permits will be issued to a specific Service Organization or Mohawk individual upon approval by the Mohawk Council of Akwesasne for the specifically authorized sale, use, and consumption of intoxicants as defined by this by-law.

5.2 Sale, use, and consumption of intoxicants under the provisions of this Section 5 will be prohibited to any person under the age of twenty-one (21).

5.3 Under the provisions of this Section 5, intoxicants will only be sold, used, or consumed at any public or private function, so authorized by the Mohawk Council of Akwesasne. within a daily time period as specified within the Tolerance Permit, but not before 11:00 in the forenoon of a specific day and not after 2:00 in the a.m. of that following day.

5.4 A Tolerance Permit will be given to a Service Organization or individual for a maximum of three (3) consecutive days; but not to exceed three (3) permits per year.

5.5 A Tolerance Permit issued under this Section will identify the following:

- (a) name of Service Organization responsible with officers for that Organization accompanied by their respective Band numbers
OR
name and Band number of individual permitted,

- (b) type of public or private function,
- (c) location of function.
- (d) specific number of days permitted with commencement date
- (e) specific time period for each day or days permitted,
- (f) date of issue and date of expiry,
- (g) names of authority issuing permit.

5.6 The Mohawk Council of Akwesasne will only accept applications for a Tolerance Permit clearly identifying the following:

- (a) name of Service Organization with the responsible officers for that organization accompanied by their respective Band numbers
OR
name and Band number of individual requesting a Tolerance Permit,
- (b) proposed function with activities,
- (c) location of proposed function,
- (d) proposed number of days with suggested commencement date,
- (e) suggested time period for day or days proposed
- (f) date of application,
- (g) proof of public liability insurance.

5.7 The permit holder will be responsible for the actions and conduct of participants of the approved function.

5.8 However, Section 5 of this by-law will not apply to individual participants or Tolerance Permit Holders if they become involved in any criminal activity at a function authorized by the Mohawk Council of Akwesasne.

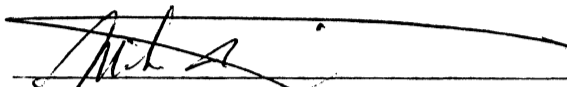
6. PENALTIES

6.1 Anyone who violates this by-law is liable upon summary conviction to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for term not to exceed thirty (30) days or both fine and imprisonment, and immediate cancellation of Tolerance Permit where applicable.

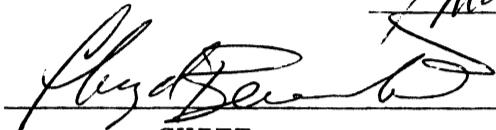
7. CITATION

7.1 This by-law shall hereby be cited as the Intoxicants By-Law of the Mohawk people of Akwesasne, being a by-law respecting intoxicants.

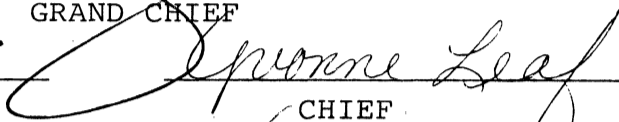
APPROVED and passed at a duly convened meeting of the Mohawk Council of Akwesasne for the Mohawk people of Akwesasne on this 1st day of March 1986; as evidence by the signatures below and being a majority of the Council present at this meeting.



GRAND CHIEF



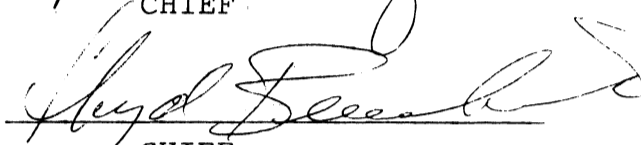
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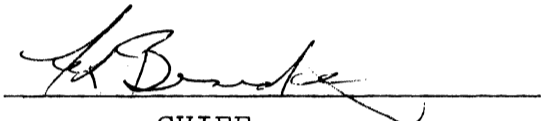
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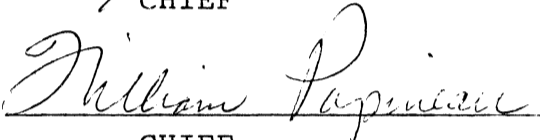
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