

Sept 8, 1986

INTOXICANTS BY-LAW

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:

DEFINITIONS

1. In this by-law, 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.

PROHIBITION ON SALE, BARTER, SUPPLY OR MANUFACTURE

2. Everyone who sells, barter, supplies or manufacturers intoxicants within the Mohawk Territory of Akwesasne is guilty of an offence punishable on summary conviction and is liable to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months of both.

PROHIBITION ON POSSESSION OF INTOXICANTS

3(1) Everyone who is found in possession of intoxicants within the Mohawk Territory of Akwesasne is guilty of an offence punishable on summary conviction and is liable to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or both.

3(2) Notwithstanding subsection (1), no offence is committed against this by-law if such possession is for medicinal or religious purposes, the proof of which lies on the person in possession.

3(3) Notwithstanding subsection (1), no offence is committed against this by-law where a person is in possession of an intoxicant in his home or in a private dwelling to which he has been invited.

3(4) Notwithstanding subsection (1), no offence is committed against this by-law if the person in possession is transporting the intoxicant in an unopened state across the reserve to a destination beyond the boundaries of the Territory of Akwesasne;

3(5) Notwithstanding subsection (1), no offence is committed against this by-law if the person in possession is transporting the intoxicant in an unopened state across the territory of Akwesasne to his home or to a private dwelling to which he has been invited.

PROHIBITION AGAINST INTOXICATION

4(1) Everyone who is intoxicated within the Mohawk territory of Akwesasne is guilty of an offence punishable on summary conviction and is liable to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both;

4(2) Notwithstanding subsection (1), no offence is committed against this by-law if the person is found intoxicated in his home or in a private dwelling to which he has been invited;

5. For the purposes of subsections 3(3), 3(5) and 4(2) of this by-law, the words "home" and "private dwelling" include the private property on which the house is situated.

6. This By-law to apply retroactively to March 1, 1986.