

PEACE
UNITY
STRENGTH

Mohawk Council of Kahnawake

P.O. Box 720,
Kahnawake, Quebec, J0L 1B0
(OFFICE OF THE COUNCIL OF CHIEFS)

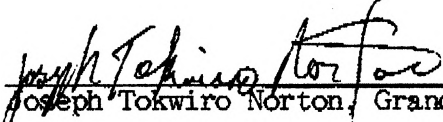


Tel. (514) 632-7500
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30, Kentenhkō:wa/November 1992

To Whom It May Concern:

I, Joseph Tokwiro Norton, Grand Chief, of the Mohawks of Kahnawake do hereby certify that a true and exact copy of the foregoing By-Law No. 100 - A Law Concerning The Use Of Intoxicants In Kahnawake was sent by registered mail pursuant to Section 85.1.(3) of the Indian Act, this 30th. day of November, 1992.



Joseph Tokwiro Norton, Grand Chief

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BY-LAW NO. 100

A LAW CONCERNING THE USE OF INTOXICANTS IN KAHNAWAKE

4216-070

WHEREAS the Mohawks of Kahnawake and the Mohawk Council of Kahnawake have always been possessed of the power to prohibit, permit and otherwise regulate the use of intoxicants within the Territory of Kahnawake;

AND WHEREAS the power possessed by the Mohawk Council of Kahnawake includes, but is not restricted to, that provided for in Sections 81 and 85.1 of the Indian Act (R.S.C. 1985, c.I-5, as amended);

AND WHEREAS the Mohawks of Kahnawake, by a series of community meetings held December 3, 1985, January 21, 1986, and May 6, 1986, identified and recognized the responsibility of determining for themselves how best to exercise their power to prohibit, permit and otherwise regulate the use of intoxicants and of establishing formal rules and regulations concerning intoxicants that are to apply within the territory over which the Mohawks of Kahnawake have jurisdiction;

AND WHEREAS through these community meetings the Mohawks of Kahnawake also have expressed their will that only the Kahnawake Peacekeepers, the Justices of the Peace and the Court of Kahnawake shall have authority to deal with matters relative to contraventions of this law;

AND WHEREAS the Mohawks of Kahnawake, by a special community meeting held on November 24, 1992, called by the Mohawk Council of Kahnawake for the purpose of considering this law, assented to its terms;

NOW THEREFORE the Mohawk Council of Kahnawake enacts as follows:

1. In this Law,

"Dwelling House" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence, including a unit that is designed to be mobile or to be used as a permanent or temporary residence.

"Intoxicants" includes alcohol, alcoholic spiritous, vinous fermented malt or other intoxicating liquor or combination of liquors and mixed liquor, a part of which is spiritous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating.

"Justices of the Peace" means persons appointed under section 107 of the Indian Act;

"Public Place" means a place to which the general public has a right to resort; a place in which the public has an interest as affecting the safety, health, morals and welfare of the community; or a place exposed to the public or where the public gather together or use for passage.

2. No person shall sell, barter, supply or manufacture intoxicants within the Territory of Kahnawake.
3. No person shall consume an intoxicant or be intoxicated within an establishment which sells, barter, supplies or manufactures intoxicants within the Territory of Kahnawake.
4. No person shall, being intoxicated, cause a disturbance in or near a public place or dwelling house within the Territory of Kahnawake.
5. No person shall have any intoxicant in his or her possession within the Territory of Kahnawake except:

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A LAW CONCERNING THE USE OF INTOXICANTS IN KAHNAWAKE

- 2 -

- (a) for purposes of private use or consumption other than the sale, barter, supply or manufacture of intoxicants;
- (b) for purposes of delivering, conveying or transporting intoxicants to persons authorized by this By-Law to have them in his or her possession; or
- (c) as authorized by the Mohawk Council of Kahnawake as granted by resolution passed by Council.

6. Penalties

Every person who does not comply with any section of this law is guilty of an offence and is liable on summary conviction:

- (a) In the case of Section 3, 4, or 5, to a fine of not more than One Hundred Dollars (\$100.00) or to imprisonment for a term not exceeding (3) months, or to both; and
- (b) In the case of Section 2 to a fine of not more than One Thousand Dollars (\$1,000.00) or to imprisonment for a term not exceeding six (6) months, or to both.

7. Repeal

Kahnawake Intoxicant By-Law No. 08/1987-88, as assented to by Mohawk Council Resolution No. 08/1987-88, is hereby repealed.

8. Short Title

This Law may be referred to as the "Kahnawake Intoxicant By-Law".

9. Coming into force

This Law shall come into force on the day of its enactment.

ENACTED BY THE MOHAWK COUNCIL OF KAHNAWAKE, at a duly convened meeting, this 30th. day of November, 1992.

Joseph Tokwiro Norton

JOSEPH TOKWIRO NORTON, Grand Chief

Paul G. Deer

PAUL G. DEER, Chief

Tessie Goodleaf

TESSIE GOODLEAF, Chief

Phillip R. Jacobs

PHILLIP R. JACOBS, Chief

Lindsay LeBorgne

LINDSAY LEBORGNE, Chief

PEGGY MAYO, Chief

Allen Paul

ALLEN PAUL, Chief

Thomas Phillips

THOMAS PHILLIPS, Chief

Davis Rice

DAVIS RICE, Chief

Michael Sky

MICHAEL SKY, Chief

BILLY TWO-RIVERS, Chief

RICHARD WHITE, Chief

THE QUORUM IS SET AT SEVEN (7)