



ALCOHOLIC BEVERAGES CONTROL BOARD

P.O. Box 1410, Kahnawake Mohawk Territory, J0L 1B0

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KAHNAWÁ:KE REGULATION PROVIDING ANY OTHER MEASURE USEFUL TO THE APPLICATION OF THIS LAW.

DATE Enacted October 7, 2013

Whereas the Alcoholic Control Beverages Control Board has the power and jurisdiction to enact regulations for conditions attached to each type of Alcohol Permit category in the Mohawk Territory of Kahnawá:ke.

1. JURISDICTION

- 1.1 The Kanien'kehá:ka of Kahnawá:ke are a community within the Kanien'kehá:ka Nation and the Rotinohsonnión:we. The Kanien'kehá:ka of Kahnawá:ke Indigenous Peoples who possess a fundamental and inherent right of self-determination.
- 1.2 The Kanien'kehá:ka of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawá:ke and have asserted their rights and laws with foreign governments.
- 1.3 The Kanien'kehá:ka of Kahnawá:ke have existing and inherent rights, including the right to self-determination which includes the right to regulate and add additional conditions to each type of category related to alcohol permits in the Mohawk Territory of Kahnawá:ke.
- 1.4 The Kanien'kehá:ka of Kahnawá:ke, represented by the Alcoholic Beverages Control Board, have the ultimate power, right and jurisdiction to regulate and add additional conditions to each type of category related to alcohol permits in the Mohawk Territory of Kahnawá:ke.

2. PURPOSE

- 2.1 This Regulation is an expression of the wishes of the Kanien'kéha of Kahnawá:ke that the conditions are attached to the alcohol permits for each type of category granted in the Mohawk Territory of Kahnawá:ke be regulated.
- 2.2 This Regulation is enacted pursuant to sections 131

3. APPLICATION:

- 3.1 This Regulation applies to the conditions attached to a permit for each permit granted within the Mohawk Territory of Kahnawá:ke and any matters related thereto.

4. DEFINITIONS:

- 4.1 For the purpose of this Regulation:

See the Alcohol Control Beverages Control Law

5. CONDITIONS ATTACHED TO ALL PERMITS:

- 5.1 The Permit Holder must inform the ABC Board if they will be absent from their Establishment, for a period of time, and provide the name and telephone number, of the person they entrust to manage their Establishment. *i.e. Vacation*
- 5.2 The ABC Board Members, the Kahnawá:ke Peacekeepers or a future *Inspector* hired by the ABC Board may conduct Site Visits as deemed necessary. If the Permit Holder does not allow entry or refuses to cooperate, the ABC Board may, in its sole discretion, suspend or revoke the Permit, for undetermined amount of time.
- 5.3 If a Permit Holder becomes associated with crime or criminality that taints the good character, integrity and honesty of the Permit Holder, the ABC Board may revoke or suspend the Permit, until such a time that a proper investigation is complete.
- 5.4 If a Permit Holder does not follow the standard rules attached to their ABC Permit, and contained within the ABC Law, the ABC shall revoke or suspend the Permit, until such a time that a proper investigation is complete.
- 5.5 If the Permit Holder does not pay for their Permit by the due date, the Permit will automatically be revoked. The Invoices are sent 3 (three) months in advance of the renewal date, which allows for sufficient time to pay accordingly.
- 5.6 All Permit Holders must have all the Barmaids/Bartenders attend the “Alcohol Server Responsibility Training” held at Kahnawá:ke Shakotiiia’takehnhas Community Services. These sessions are held twice a year. Special Sessions for an establishment can be arranged.
- 5.7 Ample parking is needed to accommodate patrons of the Permit Holders without blocking roads and driveways. Emergency vehicles need to be able to access all roadways surrounding the establishment.
- 5.10 Minors must leave the premises at 9:00 pm. for private parties at a Bar.
- 5.11 For the Restaurant, and Bar (private parties), no minors shall sit at the actual bar, they should be seated at a table.
- 5.12 There shall be no external or community media advertising of specials such as Happy Hour, Two for One Drinks, All You Can Drink, promotion of drinking competitions/Tournaments, or any other form of advertising which promotes excessive consumption of Alcoholic Beverages. No price lists of the alcoholic beverages can be advertised.
- 5.13 Specials may be advertised within the building where patrons of the establishment may view them. Brand names of the alcoholic beverages available for sale in the establishment can be advertised. Bring your own wine can be advertised.

5.13 The Board has the authority to restrict or refuse a permit to an establishment that is located within six hundred (600) feet from any Schools, Public Playgrounds or Youth Facilities. This distance will be measured from the property line. Exceptions may be considered at the discretion of the Board. No grocery store Permit will be granted within a 400ft radius of an existing grocery permit.

6. **AMENDMENTS TO THE REGULATION**

6.1 The Board may amend this Regulation by Resolution.

7. **COMING INTO FORCE**

7.1 This Regulation comes into force on the day fixed by Resolution of the Board.

7.2 This Regulation will be reviewed annually, and will address any concerns that the Community provides to Board.

8. **HISTORY**

8.1 Adopted by Alcoholic Beverages Control Board Resolution on the 7th of October, 2013.