

MOHAWK COUNCIL OF AKWESASNE

AKWESASNE BOAT REGISTRATION

REGULATION

2022

Passed by Mohawk Council Resolution: 2022/2023-#028

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2022 Akwesasne Boat Registration Regulations

Table of Contents

1. INTERPRETATION	2
2. APPLICATION	3
3. ELIGIBILITY	3
4. REGISTRATION PACKAGE	4
5. REGISTRATION FEE AND PAYMENTS	5
6. AUTHORIZATION	5
7. REGISTRATION	5
8. EXPIRATION DATE OF BOAT REGISTRATION	6
9. CHANGE IN REGISTRATION	6
10. INSPECTION and SEIZURE	7
11. DATABASE MAINTENANCE	8
13. RECLAMATION OF A BOAT	8
14. TRANSFER TO A DIFFERENT DEPARTMENT	8
15. PENALTIES AND SANCTIONS	9
ATTACHMENT A: BOAT REGISTRATION FORM	10

2022 Akwesasne Boat Registration Regulations

1. INTERPRETATION

Definitions:

“AKW #” means the number assigned by the Registrar that is automatically assigned by the Akwesasne Boat Registration Database and is to be affixed to the outside of the boat;

“Akwesasne Boat Registration Database” means the database of boat registrations maintained and operated by the Akwesasne Justice Department;

“Conservation Officer” means the person who holds the position as a Conservation Officer for the Mohawk Council of Akwesasne;

“Commercial Watercraft” mean a boat or water vessel, motorized or non-motorized, which is utilized for financial gain;

“Compliance Officer” means the person(s) who holds the position as a Compliance Officer to enforce Akwesasne Laws and By-laws for the Mohawk Council of Akwesasne;

“Disposal” means discarding or throwing away;

“Enforcement Officers” means a person authorized by the Mohawk Council of Akwesasne to enforce Akwesasne Laws or Regulations, and for greater certainty, this includes the Conservation Officers and the Compliance Officers;

“Fishing Boat” means a boat utilized by a Member in the exercise of an aboriginal right or treaty right;

“Inspection” means careful examination or scrutiny;

“Member” means a person enrolled on the Akwesasne Membership Roll under the Akwesasne Membership Code;

“Motorized” means a watercraft operated with a motor, either attached or imbedded in the watercraft such as a boat or jet ski;

“Non-motorized” means a watercraft which is not operated with a motor and uses other modes of operating such as a sail boat;

2022 Akwesasne Boat Registration Regulations

“Non-transferable” means the inability to assign, use or legally owned by anyone other than the original Registrant;

“Reclamation” means the process of reclaiming;

“Registrar” means the person authorized to sign the boat registrations;

“Registrant” means the boat owner who is registering their boat;

“Seizure” means the action of taking or impounding property (such as a boat);

“Status Card” means the legal identification issued by the Mohawk Council of Akwesasne;

“Watercraft” means a boat or other vessel that travels on water.

2. APPLICATION

Akwesasne is a multi-jurisdictional community located at the intersection of the provinces of Ontario and Quebec, and the State of New York in the United States of America. The Mohawk Council of Akwesasne is an *Indian Act* elected band representing the Mohawks of Akwesasne. The Mohawks of Akwesasne are expressing authority over boat registrations by implementing the following Akwesasne Boat Registration Policy as passed by Mohawk Council Resolution.

The Mohawk Council of Akwesasne asserts jurisdiction over the proper registration of watercraft (boats) for the community of Akwesasne and the maintenance of the Boat Registration Database.

3. ELIGIBILITY

All Members are eligible to receive an AKW Boat registration number and must meet the following eligibility:

- a) Be a Member of the Mohawks of Akwesasne;
- b) Be at least 14 years of age;
- c) Show proof of ownership of the vessel.

Types of boats which must be registered:

A pleasure craft (a vessel used for the enjoyment of the owner, their family and friends without financial exchange) owned by a registered Member of the Mohawks of

2022 Akwesasne Boat Registration Regulations

Akwesasne. This includes fishing boats, pontoons, personal watercraft (typically known as a Sea-doo or Jet Ski) and sailboats.

A passenger-carrying vessel of not more than 15 gross tonnage that carries not more than 12 passengers and is not human-powered and that ferries or transports passengers is considered a commercial watercraft. The commercial watercraft must be solely owned by a Member of the Mohawks of Akwesasne in order to be registered under the Akwesasne Boat Registration Policy. The Registration fee must be renewed annually.

A workboat of not more than 15 gross tonnage, by a business operating in Akwesasne, must be solely owned by a Mohawk of Akwesasne in order to be registered under the Akwesasne Boat Registration. The Registration fee must be renewed annually.

Water vessels which do not need to be registered:

Human-powered vessels such as kayaks, canoes, or rowboats.

Lifeboats aboard a registered vessel.

4. REGISTRATION PACKAGE

The Registrant must provide the Akwesasne Justice Department with a completed Boat Registration Form containing the following information:

- (a) Registrant's contact information (name, band number, address, and phone number)
- (b) Type of boat
- (c) Boat model name
- (d) Year the boat was manufactured
- (e) Boat serial number (if homemade, indicate "hand-crafted")
- (f) Boat colour
- (g) Boat length, width and breadth
- (h) Boat weight
- (i) If motorized:
 - i. Type of motor (inboard/outboard)
 - ii. Motor model name
 - iii. Year the motor was manufactured
 - iv. Motor serial number
 - v. Motor horsepower
 - vi. Motor colour

2022 Akwesasne Boat Registration Regulations

(j) Registrant's signature

The Registrant must also provide a copy of their Status Card (front and back), proof of purchase/sale and a current picture of the boat.

A boat registration form, all necessary documents and registration fee must be submitted to the Akwesasne Justice Department before a boat registration number is issued.

5. REGISTRATION FEE AND PAYMENTS

The Registrant must pay a fee depending on the size and type of the boat being registered. This can be done as a cash payment at the time the documents are submitted to the Akwesasne Justice Department, or, as a credit card payment through the Finance Department (Hilltop Drive, Kanatakon – where the Housing Department/Hydro payments were located). A receipt will be issued for both types of payments.

Type of Boat		Registration Cost	Replacement cost for Lost or Stolen Registration Card
Non-Motorized	Pleasure craft	50.00	25.00
	Commercial	(annually) 100.00	50.00
Motorized	Pleasure craft	50.00	25.00
	Commercial	(annually) 100.00	50.00

6. AUTHORIZATION

Once the registration package and payment has been processed, the authorized Registrar will sign the registration and affix the registration document with the Department Seal.

If obtaining the signature of the Conservation Officer or the Compliance Officer would cause an undue delay, the Director of the Akwesasne Justice Department may sign and affix the seal to the registration document.

7. REGISTRATION

Once the registration has been authorized, the Akwesasne Justice Department will issue the Registrant the next available "AKW #" registration number.

2022 Akwesasne Boat Registration Regulations

The AKW # is in numerical order in accordance with the Akwesasne Boat Registration Database.

In the past, (before 2020) registrations were issued manually. Unfortunately, two Registrants may have been assigned the same AKW #. Although this does not happen any longer due to the technology, the Akwesasne Justice Department will make all attempts to correct the error. The first Registrant listed in the database will keep the original boat registration number. The second Registration will be re-issued a new number to the second Registrant.

The AKW # registration number must be prominently indicated on the boat and easily visible to Enforcement Officers.

Once issued, the Registrant must keep a copy of their registration on their person while operating the vessel or with the boat operator. A copy of the registration is sufficient. The AKW # on the registration document must match the AKW # on the boat.

8. EXPIRATION DATE OF BOAT REGISTRATION

The boat registration is valid for the lifetime of the pleasure craft or the owner, whichever comes first.

Commercial boats must be renewed yearly.

The boat registrations and AKW #s are non-transferable.

9. CHANGE IN REGISTRATION

9.1 Loss of Registration

The Registrant (Community Member) must reapply for a new registration if they lose copies of the boat registration. The Registrant must request a new copy and pay a registration fee. The Registrant will be re-issued the same AKW # and a new registration paper will be issued.

2022 Akwesasne Boat Registration Regulations

9.2 Sale of Vessel

If the Registrant is selling their boat, they must remove the AKW# from their boat and notify the Akwesasne Justice Department.

The Purchaser (new owner) of the boat must prepare a new registration package, and submit the required documents to the Akwesasne Justice Department. The Purchaser must pay the registration fee according to the specificities of the boat. The Purchaser will be issued a new AKW # as long as the Purchaser (new owner) meets the Eligibility requirements.

9.3 Modifications to the Vessel

If the Registrant is changing addresses or is significantly modifying their vessel, they must resubmit a filled-out Boat Registration Form with the new information to the Akwesasne Justice Department. If the boat has been altered, a new picture must also be provided. An updated registration will be re-issued with the same AKW #, at no cost to the Registrant. If the boat has never been registered or there is no picture of the boat before the modifications, the Registrant must pay the entire fee as if it was a new registration.

9.4 Transfer

A transfer of the boat to another person is considered a new Registration.

9.5 Disposal

When disposing of the boat, the owner of the boat must call the Akwesasne Justice Department to deregister the boat.

10. INSPECTION and SEIZURE

Proof of Boat Registration must be carried by the boat owner/operator during the operation of the water vessel.

The Boat Registration must be produced to an Enforcement Officer, including the MCA Compliance Officers and/or the MCA Conservation Officer, when requested to do so.

Upon inspection of the boat registration by an authorized enforcement officer, the enforcement officer may seize the boat if any person, other than the owner, cannot produce written permission to use the boat.

2022 Akwesasne Boat Registration Regulations

Unregistered boats on Akwesasne waters are subject to seizure by an Enforcement Officer.

The towing fee, and a storage fee of \$10.00 per day, must be paid before the boat is released to the owner unless the boat was stolen.

An unclaimed boat may be auctioned off after 30 days of not being claimed.

11. DATABASE MAINTENANCE

If the registration package is incomplete, the Registrant will be prompted by the Akwesasne Justice Department to provide the missing information.

The database is maintained by the Akwesasne Justice Department and all information must be complete before the registration can be issued.

The database information is shared with local law enforcement agencies if the boat is found abandoned or the operator is not the registered owner.

The Akwesasne Justice Department issues replacement registrations in accordance with this policy.

13. RECLAMATION OF A BOAT

If the boat is lost or stolen, immediate notification must be made to the Boat Registry Office at the Akwesasne Justice Department. The Akwesasne Justice Department will revoke the AKW #.

If the boat is recovered or reclaimed, the owner must pay the replacement cost for the boat registration.

14. TRANSFER TO A DIFFERENT DEPARTMENT

The Boat Registration Database and its Policy will remain in effect upon transfer to a different MCA Department with the expectation that the different Department will maintain the database, issue the boat registrations and act in accordance with this policy.

2022 Akwesasne Boat Registration Regulations

15. PENALTIES AND SANCTIONS

- 15.1 Any offense under this Akwesasne Boat Registration Regulation is answerable to the Akwesasne Court.
- 15.2 All monetary penalties under this Akwesasne Boat Registration Regulations will be equivalent to a summary conviction in Canada.
- 15.3 Any person who does not prominently display their boat registration number on their water vessel or does not produce the necessary documents to an Enforcement Officer is guilty under this section.
- 15.4 Any person who operates a vessel or owns a vessel registered under the Akwesasne Boat Registration policy and is not eligible to register their vessel, is guilty of an offense and the vessel can be seized by an Enforcement Officer.
- 15.5 Any person who does not comply with Section 9 is guilty of an offense.
- 15.6 Any subsequent fine of non-compliance by a Member, the Ratiianerenhserakweniéhstha (Justice) may order suspension of a boat registration for six months, to a maximum of five years.
- 15.7 It is the responsibility of the Akwesasne Court Clerk to notify the person in charge of the Akwesasne Boat Registration Database of the suspension order.

2022 Akwesasne Boat Registration Regulations

ATTACHMENT A: BOAT REGISTRATION FORM

BOAT REGISTRATIONS

If you are looking to register your boat, please fill out the boat registration form.

You will need to submit to the Akwesasne Justice Department:

1. Boat registration form filled out and signed.
 2. Bill of sale for the boat
 3. A copy of your status card (front and back)
 4. A picture of the boat.
 5. A fee of \$50.00 for each water vessel, including jet skis.
- Remit a completed package to the Angus Mitchell Memorial Building (St. Regis Post Office). You may have to be screened for COVID-19.
 - Upon completion of the required documents, a boat registration number will be assigned to you. There may be short delays while we verify you are an enrolled Member of the Mohawks of Akwesasne and you are in Good Standing with the Mohawk Council of Akwesasne programs and services.
 - Please make sure you have a working phone # where you can be reached once the registration is completed.
 - We will issue you a receipt for the \$50.00 registration fee.

The boat registration cannot be transferred to another person. Any changes to the boat or sale of the boat will make the AKW registration invalid.

ELECTRONIC FILING:

- You can submit your form and required documents. Call for an email address. We can be reach at 613 575 5000.
- Any credit card payment for the \$50.00 registration fee is through the Finance Department (Hilltop Drive, Kanatakon) where the Housing Department/Hydro payments were located.

Mohawk Council of Akwesasne Justice Department



BOAT REGISTRATION FORM (NON-TRANSFERABLE)

Boat Reg. #: AKW-

Band #: _____

Name: _____ Phone # _____

Address: _____

Particulars

Boat:

Year: _____ Model Name: _____ Color: _____

Type: _____ Serial #: _____

Length: _____ Breadth: _____ Depth: _____

Weight: _____

Motor:

Inboard, Outboard, Dual: _____

Year: _____ Horsepower: _____ Color: _____

Model Name: _____ Serial #: _____

Other Features: _____

Signature of Registrant

Date

Along with this completed form please submit:

- 1.) Bill of Sale
- 2.) Copy of Status Card (front & back)
- 3.) Picture of the Boat & Motor
- 4.) \$50.00 Registration fee

By signing this boat registration form, you agree to abide by the *Akwesasne Boat Registration Regulation*.