



Small Vessels Act within the Mohawk Territory of Akwesasne

Kaiahnehronshera iehiontakwa Number: 2015-28

Mohawk Council Resolution: 1988/1989-#132

Date Enacted: June 4, 1988

Coming into Force: June 4, 1988

FILE REFERENCE

AKWESASNE MOHAWK COUNCIL RESOLUTION

1988/89 - 132



THE	MOHAWK COUNCIL OF AKWESASNE		CURRENT CAPITAL BALANCE	\$ _____
AGENCY	Peterborough District		COMMITTED	\$ _____
PROVINCE	Ontario/Quebec		CURRENT REVENUE BALANCE	\$ _____
PLACE	Community Building		COMMITTED	\$ _____
DATE	<u>04</u> DAY	<u>June</u> MONTH	<u>1988</u> YEAR	

DO HEREBY RESOLVE:

MOVED: [Signature]
SECONDED: [Signature]

To accept the Small Vessels Act as per attached.

<u>[Signature]</u> CHIEF	<u>[Signature]</u> GRAND CHIEF	_____	CHIEF
<u>[Signature]</u> CHIEF	<u>[Signature]</u> CHIEF	_____	CHIEF
<u>[Signature]</u> CHIEF	_____	_____	CHIEF
_____	_____	_____	CHIEF

THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PARTICIPATING.

FOR DEPARTMENTAL USE ONLY

1. GRAND FUND CODE	2. COMPUTER BALANCE		3. EXPENDITURE	4. AUTHORITY—INDIAN ACT	5. SOURCE OF FUNDS <input type="checkbox"/> CAPITAL <input type="checkbox"/> REVENUE
	CAPITAL \$ _____	REVENUE \$ _____			
8. RECOMMENDED			APPROVED		
DATE	RECOMMENDING OFFICER		DATE	APPROVING OFFICER	

SMALL VESSELS ACT WITHIN THE MOHAWK TERRITORY OF AKWESASNE

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

WHEREAS it has been deemed necessary to establish laws pertaining to the regulation and maintenance of water safety;

THEREFORE; the Mohawk Council of Akwesasne adopts the following by-law at a duly convened meeting held at the offices of the Mohawk Council on June 4, 1988.

In virtue of its authority as the elected representative of the Mohawk people of Akwesasne and in virtue of its powers under Section 81 of the Indian Act as amended to date, the Mohawk Council of Akwesasne hereby enacts the following:

SMALL VESSELS ACT

DEFINITIONS

- CHAPTER I Requirements for Pleasure Craft and Racing Type Vessels
- CHAPTER II Requirements for Commercial Passenger Carrying Vessels Not Over Five (5) Tons
- Chapter III Safety Rules
- Chapter IV Offences and Penalties

DEFINITIONS

In these regulations,

“Intoxicants” includes: alcohol, alcoholic, spirituous, liquor or drugs capable of human consumption that are intoxicating.

“Long blast” means a blast from 4 to 6 seconds duration.

“Pleasure Craft” means a vessel being used for pleasure and not carrying persons or goods for hire or reward, and includes a vessel chartered or hired by or on behalf of the persons carried therein. This definition includes racing type vessels, pontoons, sea-doo’s, air boats, barges, canoes, row-boats, paddle-boats, etc.

“Vessel” includes any motorized and non-motorized ship or boat or any other description of vessel used or designed to be used in navigation.

SMALL VESSELS ACT

CHAPTER 1

REQUIREMENT FOR PLEASURE CRAFT & RACING TYPE VESSEL NOT OVER 18 FT.
IN LENGTH

1. Every vessel not over 18 ft. in length shall carry:
 - (a) one approved life jacket, or an approved personal flotation device or approved life saving cushion for each person on board;
 - (b) two oars and rowlocks or two paddles;
 - (c) one bailer or one manual pump; and
 - (d) if vessel is motorized or is equipped with a cooking or heating appliance that burns liquid or gaseous fuel, one Class B 1 fire extinguisher; and
 - (e) sufficient lights as defined in Chapter III.

OVER 18 FT. AND NOT OVER 26 FT. IN LENGTH

2. Every vessel over 18 ft. and not over 26 ft. in length shall carry:
 - (a) one approved lifejacket, or approved life saving cushion floatation device or life saving cushion for each person on board;
 - (b) two oars and rowlocks, two paddles;
 - (c) or one anchor with not less than 50 ft. of cable, rope or chain;
 - (d) one bailer or manual pump;
 - (e) if the vessel is motorized or is equipped with a cooking or heating appliance that burns liquid or gaseous fuel, one Class B 1 fire extinguisher; and
 - (f) one of the following throwable devices:
 - (i) an approved lifesaving cushion;
 - (ii) a buoyant heaving line, or
 - (iii) an approved 20 inch, 24 inch or 30 inch lifebuoy.
 - (g) sufficient lights and sound signaling apparatus as defined in Chapter III.

OVER 26 FT. AND NOT OVER 40 FT. IN LENGTH

3. Every vessel over 26 ft. and not over 40 ft. in length shall carry:
 - (a) one approved lifejacket for each person on board;
 - (b) one approved lifebuoy 30 inches, 24 inches or 20 inches in diameter;
 - (c) one buoyant heaving line of not less than 50 ft. in length;
 - (d) 12 distress signals in a watertight container of which not more than six may be daylight smoke signals;
 - (e) one anchor with not less than 50 ft. of cable, rope or chain;
 - (f) if the vessel is motorized or is equipped with a cooking or heating appliance that burns liquid or gaseous fuel, one Class B 1 fire extinguisher;
 - (g) sufficient lights and sound signaling apparatus.

SMALL VESSELS ACT

CHAPTER II

REQUIREMENTS FOR COMMERCIAL PASSENGER CARRYING VESSELS

NOT OVER FIVE (5) TONS

APPLICATION

4. This Part applies to vessels other than pleasure craft, if such vessels are not over five (5) tons gross tonnage and carry not more than 12 passengers.

NOT OVER 18 FT. IN LENGTH

5. Every vessel not over 18 ft. in length shall carry:
 - (a) one approved lifejacket, approved flotation device, or life saving cushion for each person on board;
 - (b) two oars and rowlocks or two paddles;
 - (c) one bailer or one manual pump; and
 - (d) one Class B 1 fire extinguisher.

OVER 18 FT. AND NOT OVER 26 FT. IN LENGTH

6. Every vessel over 18 ft. and not over 26 ft. in length shall carry:
 - (a) one approved lifejacket or lifesaving cushion approved flotation device for each person on board;
 - (b) two oars and rowlocks or two paddles;
 - (c) or one anchor with not less than 50 ft. of cable, rope or chain;
 - (d) one bailer or one manual pump;
 - (e) one Class B 1 fire extinguisher;
 - (f) sufficient lights as defined in Chapter III.

OVER 26 FT. IN LENGTH

7. Every vessel over 26 ft. in length shall carry:
 - (a) one approved standard lifejacket for each person on board;
 - (b) one approved 30 inch diameter lifebuoy with not less than 30 ft. of rope attached;
 - (c) one bailer or one manual pump;
 - (d) 12 red flares;
 - (e) one anchor with not less than 50 ft. of cable, rope or chain;
 - (f) one Class B 1 fire extinguisher; and
 - (g) sufficient lights and sound signaling apparatus.

SMALL VESSELS ACT

CHAPTER III

PART II GENERAL PROVISIONS

8. In obeying and constructing the requirements of this part, every operator shall have due regard to all dangers of navigation and collision and special circumstances.
9. No person shall drive or maneuver a vessel in such a way as to endanger the lives or safety of the general public or of a member thereof.

PRECAUTIONS

10. Every operator shall keep a proper lookout and shall take every precaution that may be required by the ordinary practice or by the special circumstances of the case.

UNNECESSARY SOUNDING OF WHISTLE OF HORN

11. No person on board a vessel shall sound, authorize or permit the unnecessary sounding of a horn, whistle or other signalling device.

MOORING TO NAVIGATIONAL AIDS

12. No person shall moor any vessel to any buoy, marker or beacon placed by a competent authority as an aid to navigation.
13. No person shall, except in an emergency, anchor a vessel in any channel in such a manner as to obstruct the normal passage of other vessels.

LIFE SAVING EQUIPMENT

14. Every person under the age of fourteen, must wear a lifejacket, personal flotation device at all times while in a vessel.

DRIVING RESTRICTIONS

15. No person under the age of sixteen shall be allowed to drive a motorized vessel unless accompanied by an adult.
16. No person under the age of fourteen shall be allowed to utilize a non-motorized vessel unless supervised by an adult.
17. (1) No person may possess intoxicants or be in an intoxicated state while on a vessel;
(2) Notwithstanding subsection (1) no offence is committed if the person is transporting the intoxicants in an unopened state on the vessel.

SMALL VESSELS ACT

PART II

LIGHTS

18. (1) The provisions of this Part in respect of light shall be complied with from sunset to sunrise. During such times no other lights shall be exhibited except such lights as cannot be mistaken for or do not impair the visibility or distinctive character of the prescribed lights, or interfere with the keeping of a proper look-out.
(2) The lights prescribed by this Part may be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.
19. (1) A motorized vessel not over 26 ft. in length shall carry while in operation:
 - (a) a bright white light to show all around the horizon; and
 - (b) the green light from right ahead through an angle of $112\frac{1}{2}$ degrees toward the stern on the starboard side and a red light from right ahead through an angle of $112\frac{1}{2}$ degrees towards the stern on the port side.
20. Every white light shall be of such character as to be visible at a distance of at least 2 miles. the coloured light prescribed shall be of such character as to be visible at a distance of at least 1 mile.
21. A motorized vessel shall exhibit a white light in the direction of any approaching vessel in sufficient time to prevent collision.

LIGHTS FOR VESSELS AT ANCHOR

22. A vessel at anchor at any place other than where small vessels are left at anchor shall exhibit a white light so constructed as to show a bright white light visible all around the horizon at a distance of at least 1 mile.

USE OF SEARCH LIGHTS

23. No person shall direct the rays of a search light or other blinding light on a vessel that is under way in such a manner as to interfere with the vision of the person navigating or steering the other vessel.

SMALL VESSELS ACT

PART 3

PRECAUTIONS AGAINST FIRE

24. This part applies to all motorized vessels.
25. (1) Every inboard engine that uses gasoline as a fuel shall be fitted under the carburetor, with:
 - (a) a drip pan covered with wire gauze; or
 - (b) approved equipment to prevent gasoline from leaking into the bilges.(2) Every inboard engine that is installed below deck or enclosed by boxing and that uses gasoline as a fuel shall be fitted with flame arrestors.
(3) Any enclosed space in which an inboard gasoline engine is installed shall be efficiently ventilated by the installation of suitable ventilators or an exhaust fan.

FUELLING

26. (1) Gasoline tanks and lines shall be so installed and maintained as to prevent:
 - (a) leakage of gasoline; and
 - (b) spillage of gasoline when tanks are being filled.(2) When gasoline tanks are being filled, a funnel or other efficient device shall be used to prevent:
 - (a) leakage of gasoline; and
 - (b) spillage of gasoline into the hull of the vessel.(3) Vessels carrying passengers shall not be fuelled when passengers are on board.

SHIELDING FROM HEAT

27. Woodwork and other inflammable material in close proximity to hot pipes and other sources of heat shall be efficiently shielded.

FUEL BURNING APPLIANCES

28. (1) Appliances that burn liquid or gaseous fuel shall be so installed as to allow full circulation of air all around and below them.
(2) No propane or other liquefied petroleum gas system for cooking or other purposes shall be installed or carried in any vessel carrying passengers.

FIRE EXTINGUISHERS RESTRICTIONS

29. (1) Soda acid and water type fire extinguishers shall not be provided for use on oil fires;
(2) Vaporizing liquid fire extinguishers shall not be installed or carried in any vessel.

SMALL VESSELS ACT

PART 4

FOG SIGNALLING AND MANEUVERING

30. A power driven vessel and a sailing vessel over 26 ft. and not over 65 ft. in length shall be provided with:
- (a) an efficient horn; and
 - (b) an efficient bell.
31. In any condition of poor visibility, the operator of a power driven vessel on hearing the fog signal of another vessel ahead shall reduce speed to bar steerage away and then navigate with caution until danger of collision is past.

VESSELS NOT OVER 26 FT. IN LENGTH

32. A vessel not over 26 ft. in length may, in lieu of the signals prescribed in this part, make some other efficient sound signal at intervals of not more than one minute.

PART 5

STEERING AND SIGNALING RULES

33. (1) Motorized vessels shall keep out of the way of sailing vessels and vessels propelled by oars and paddles.
- (2) No non-motorized vessel shall have the right to hamper, in a narrow channel, the safe passage of a motorized vessel that can navigate only inside that channel.
34. When two motorized vessels are meeting head on or nearly head on so as to involve risk of collision, each vessel shall alter course to to the right so that each shall pass on the port side of the other and the operator of each vessel shall sound one short blast on his whistle.
35. Vessels not over 26 ft. in length are not required to sound the maneuvering signals prescribed in section 34. They shall be maneuvered in such a manner as to prevent risk of collision.

CHAPTER IV

OFFENCES AND PENALTIES

36. Every person who fails to comply with or contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding three months or to both.

vessel: 03.06.88

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