

KAHNAWÁ:KE ANIMAL CONTROL LAW

Title

K.R.L. c. A-2

[Enacted as By-Law D-2 by SOR/77-1054 on 17 Seskehkó:wa/September, 1964;
Repealed & Replaced on 25 Ohiarihkó:wa/July, 1977;
Amended by By-Law 13/1983/84 on 31 Kenténha/October, 1983;
Amended by MCR #18/1986-87 on Seskéha/August 4,1986;
Repealed & Replaced by MCR # 43/1989-90 on 6 Seskehkó:wa/September, 1989;
Amended by MCR # 19/1996-97 on 4 Seskehkó:wa/September, 1996; and
Repealed & Replaced by MCR #65/2001-2002 on 25 Enniskó:wa/March, 2002]

Preamble

WHEREAS the Mohawk Council of Kahnawá:ke has the power and jurisdiction to enact a Law for the control and regulation of animals in the Mohawk Territory of Kahnawá:ke; and,

SECTION I

"Application"

1. APPLICATION

1.1 This Law shall apply to all animals physically within the limits of the Mohawk Territory of Kahnawá:ke, as well as to all guardians in or on the Mohawk Territory of Kahnawá:ke and shall be enforced by the Animal Protection Officer, under the supervision of the Kahnawá:ke Conservation Program.

"Definitions"

2. DEFINITIONS

2.1 For the purposes of this Law:

"Aggressive Behavior"

"**Aggressive behavior**" means a threatening, non-bite attack, including but not limited to growling, showing teeth, attempting to bite, chasing an individual when off its owner's property, as well as behavior that in any way disturbs an individual in public areas;

"Animal"

"**Animal**" includes dogs, cats and any other animal that is kept domestically, either male or female.

"Animal Protection Officer"

"**Animal Protection Officer**" means the person or persons designated by the Mohawk Council of Kahnawá:ke for the pick up of stray animals, aggressive animals and animals that have bitten, and for their proper disposal under the existing Law;

"Destructive behavior"

"**Destructive behavior**" means a behavior of an animal which results in property or material damages.

<i>"Guardian"</i>	"Guardian" includes any person who owns, possesses, cares for or maintains an animal, as well as the proprietor, possessor, lessee or occupant of a building or structure where an animal dwells or is being kept, cared for, maintained or sheltered;
<i>"Mohawk Territory of Kahnawake"</i>	"Mohawk Territory of Kahnawá:ke" means all lands presently held by, subject to a claim, or over which the Mohawk Community of Kahnawá:ke has jurisdiction.
<i>"Peacekeeper"</i>	"Peacekeeper" means a Kahnawá:ke Peacekeeper and includes any member of the Kahnawá:ke Peacekeepers;
<i>"Mad Animal"</i>	"Mad Animal" is an animal which attacks or is threatening to attack without apparent reason;
<i>"Notice of viciousness"</i>	"Notice of viciousness" means a written notice given by the Animal Protection Officer to the guardian of an animal notifying such guardian that the said animal is deemed to be a vicious animal. A notice of viciousness is admissible in evidence against anyone to establish that the animal is a vicious animal where the animal mentioned in the notice is the subject of a prosecution under this Law;
<i>"Nuisance"</i>	"Nuisance" means an activity or physical function of the animal which in any way causes harm or annoyance to a member of the Mohawk Community of Kahnawá:ke. This includes, but is not limited to, repetitive barking or howling, defecating or urinating on property other than that of its owner, blocking or restraining the circulation of vehicles on public roads or ripping up garbage bags left on roadsides for collection;
<i>"Pound Keeper"</i>	"Pound Keeper" denotes the person or persons designated by the Mohawk Council of Kahnawá:ke to manage the pound;
<i>"Property"</i>	"Property" includes all property, moveable or immovable, real or personal, dwellings, buildings, residences and premises situated within the Mohawk Territory of Kahnawá:ke of which any person has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto;
<i>"Public complaints"</i>	"Public complaints" means the complaint made by any Kahnawá:ke Community Member to a Peacekeeper or to the Animal Protection Officer, alleging the aggressive behavior of an animal;
<i>"Public place"</i>	"Public place" includes any place to which the public has access as of right or by invitation, express or implied;
<i>"S.P.C.A."</i>	"S.P.C.A." means the Society for the Prevention of Cruelty to Animals;

"Vicious animal"

"Vicious animal" includes:

- (i) Any animal of any age, that demonstrates any aggressive or destructive behavior;
- (ii) Any animal that has in the community the reputation of being a nuisance;
- (iii) Any animal that a Peacekeeper or the Animal Protection Officer, upon reasonable and probable grounds, believes to be a vicious animal; and
- (iv) Any animal which has been the cause of a prosecution under this Law within the previous six (6) months where a conviction against anybody had been entered concerning that specific animal.

SECTION II

"Confinement of animals"

3. CONFINEMENT OF ANIMALS

- 3.1 Every guardian of an animal shall confine his or her animal by tying the animal with a proper chain sufficient to restrict the animal in consideration of his weight and size or by restricting the animal in any other sufficient way to a yard which is sufficiently fenced to prevent the animal from escaping.

"Animals in Heat"

4. ANIMALS IN HEAT

- 4.1 Without restricting the generality of the foregoing, no guardian shall allow a female animal in heat to remain in any public place unless such a female animal is attached to a leash, or placed in a secure container and is accompanied by and is under the observation and control of a guardian.

"Prohibited Entry of Animals"

5. PROHIBITED ENTRY OF ANIMALS

- 5.1 Every guardian of an animal who fails to take all necessary measures to ensure that such animal does not enter upon property without being under the control or in the possession of such guardian, shall be guilty of an offence and shall be liable to all the penalties provided in this Law.
- 5.2 Any animal which enters upon property, without being under the control or in the possession of such guardian, contrary to the provision of this article, may be seized and placed in the pound herein established or summarily destroyed by the Animal Protection Officer, any Peacekeeper, the S.P.C.A. or by the Pound Keeper mentioned herein. The guardian will, in such case, still be liable to the penalties

mentioned herein. The guardian will, in such case, still be liable to the penalties provided for in the present Law.

*"Immediate
Destruction for
Biting"*

6. **IMMEDIATE DESTRUCTION FOR BITING**

- 6.1 Any animal which bites any person may be destroyed at the discretion of the Animal Protection Officer, any Peacekeeper, the S.P.C.A. or by the Pound Keeper mentioned herein after it has been quarantined for seven (7) to ten (10) days to determine whether or not it has rabies.

*"Destruction for
Nuisance"*

7. **DESTRUCTION FOR NUISANCE**

- 7.1 If an animal commits an act prohibited under this Law and if a complaint has been made subsequently against the guardian or a person responsible for the same animal, the court, by conviction of the guardian or the person in charge, can order the destruction of the animal after it has been quarantined for seven (7) to ten (10) days (to determine whether or not it has rabies) and it will be the responsibility of the Animal Protection Officer to destroy the animal or to place the animal for adoption in the country. If an animal dies during the quarantined period described in this article, it will be the responsibility of the Animal Protection Officer to preserve the cadaver of the animal and to submit an immediate report to the local Veterinary of the Federal Department of Health.

"Mad Animals"

8. **MAD ANIMALS**

- 8.1 The Animal Protection Officer, any Peacekeeper, the S.P.C.A. or the Pound Keeper may destroy without delay, any animal which he has reasonable and probable grounds to believe is a mad animal or which is sick or hurt.

*"Sick or Wounded
Animals"*

9. **SICK OR WOUNDED ANIMALS**

- 9.1 The Animal Protection Officer or the S.P.C.A. may order or proceed to the destruction of any wounded or sick animal.

"Loose Animals"

10. **LOOSE ANIMALS**

- 10.1 Any animal found running at large in the streets, or any other public place on the Mohawk Territory of Kahnawá:ke, shall be taken by the Animal Protection Officer, any Peacekeeper, the S.P.C.A. or the Pound Keeper to the pound established by the Mohawk Council of Kahnawá:ke under this law.

"Destruction of Property"

11. **DESTRUCTION OF PROPERTY**

- 11.1 The guardian of an animal which causes damage to any property including, but not restricted to, moveable property, lawns, flower gardens, flower beds, bushes or plants or other parts of property, shall be guilty of an offence, and subject to the penalties under this law, and shall be liable for all damages as provided for in the present Law.

"Nuisance"

12. **NUISANCE**

- 12.1 The guardian of an animal which is a nuisance shall be guilty of an offence under this Law and shall be subject to the penalties provided in this Law.

"Boarding of Animals & Dog Pound"

13. **BOARDING OF ANIMALS & DOG POUND**

- 13.1 No person may establish, own or operate an establishment or facility for the boarding or treatment of animals within the limits of the Mohawk Territory of Kahnawá:ke, without express written authorization to that effect from the Mohawk Council of Kahnawá:ke by way of resolution.
- 13.2 The Mohawk Council of Kahnawá:ke may, by resolution, establish a pound for the Mohawk Territory of Kahnawá:ke and may appoint a pound keeper for such pound.
- 13.3 The Animal Protection Officer, any Peacekeeper, the S.P.C.A. or the Pound Keeper may bring to such pound any animal which enters upon property contrary to the provisions of this Law, or which is found running at large and a Ten (\$10.00) Dollar boarding fee will be charged to the guardian of the animal. Furthermore, an Animal Protection Service is to be created and will be located on S.L.S. 4 in the local Town Garage compound.

"Recovery of Animals Brought to Pound"

14. **RECOVERY OF ANIMALS BROUGHT TO POUND**

- 14.1 No animal which has been brought to a pound in accordance with the present Law may be claimed by its guardian unless such guardian or a person on his behalf pays to the Pound Keeper the cost of boarding and keeping the said animal in the pound.
- 14.2 If such animal is not claimed within three (3) days after it has been impounded, it may be summarily disposed of. The body of any destroyed animal will be disposed of by the Animal Protection Officer in accordance with proper disposal methods.

"Registration Certificate & Identification Tags"

15. **REGISTRATION CERTIFICATE & IDENTIFICATION TAGS**

- 15.1 Every person keeping one or more animals in the Mohawk Territory of Kahnawá:ke shall register and have an identification tag placed, if possible, around the neck of each animal. The charge for registration and identification tags shall be fixed from time to time by the Mohawk Council of Kahnawá:ke by resolution. The fee for registration and tagging will be set at Ten (\$10.00) Dollars per animal, per year.

"Inoculation"

16. **INOCULATION**

- 16.1 Animals must be inoculated in accordance with generally accepted veterinarian standards.

"Care & Treatment"

17. **CARE & TREATMENT**

- 17.1 A guardian of an animal shall provide the animal with shelter, food, water and appropriate care and shall not mistreat or be cruel to the animal.

"Disposal of Waste"

18. **DISPOSAL OF WASTE**

- 18.1 A guardian of an animal shall, when the animal is on public property or on private property belonging to another person, immediately pick up and thereafter dispose of, any excrement, vomit or other waste dropped or left by the animal on the said property.

"Vicious Animals"

19. **VICIOUS ANIMALS**

- 19.1 The owner and the guardian of a vicious animal are both responsible under this Law for any offences committed under this Law.

Both the owner and the guardian of a vicious animal can be prosecuted for any offence under this Law.

- 19.2 No one shall establish or operate a kennel to breed vicious animals.
- 19.3 A vicious animal must, at all times, be muzzled, kept on a leash or placed in a secure container whenever the said animal is in a public place.
- 19.4 A vicious animal on private property shall be kept on a secure leash, placed in a secure container or placed in a restricted area of the property.

The restricted area of the said private property shall be so constructed as to prevent the escape of the vicious animal and prevent the entry by children under the age of sixteen (16) years of age.

- 19.5 The owner and guardian of a vicious animal must post clearly visible and understandable signs to the effect that a vicious animal is on private property.
- 19.6 The owner and guardian of a vicious animal must affix any notice of viciousness delivered by the Animal Protection Officer at a place where it is easily readable by the public.
- 19.7 The owner and guardian of a vicious animal must not destroy or allow to be destroyed any notice of viciousness delivered to him by the Animal Protection Officer concerning a specific animal.
- 19.8 Any vicious animal found loose on the Mohawk Territory of Kahnawá:ke may be either taken to the pound or summarily disposed of by the Animal Protection Officer, any Peacekeeper, the S.P.C.A. or by the Pound Keeper.
- 19.9 Any vicious animal found on the private property of a person other than that of its owner or guardian, and not on a leash or placed in a secure container held by such owner or guardian, may be brought to the pound or summarily disposed of by the Animal Protection Officer, any Peacekeeper, the S.P.C.A. or by the Pound Keeper.
- 19.10 The judge or the court imposing sentence for any offence under this Law may order the destruction of an animal at the expense of the person found guilty of the offence.

SECTION III

"Penalties"

20. PENALTIES

- 20.1 Everyone who contravenes any provision of this Law is guilty of an offence and shall be liable upon summary conviction to a minimum fine of Fifty (\$50.00) Dollars for the first offence and up to a maximum of One Thousand (\$1,000.00) Dollars for each succeeding offence.

"Subsequent Conviction"

21. SUBSEQUENT CONVICTION

- 21.1 If a person is found guilty of an offence under this Law and there is a subsequent conviction under the present Law in respect of the same animal, the judge or the court, in addition to any other penalty provided hereunder, may order the immediate destruction of the animal and it shall then be destroyed forthwith by the Animal Protection Officer.

*"Transition
Provision"*

22. **TRANSITION PROVISION**

- 22.1 Any prosecution commenced under the previous Law shall continue to be prosecuted under the previous Law as if the present Law had not been enacted.
- 22.2 Any prosecution instituted after the coming into force of the present Law but arising from a transaction which occurred prior to the coming into force of the present Law, shall be prosecuted under the terms and according to the previous Law as if the present Law had not been enacted.

"Court"

23. **COURT**

- 23.1 The Court of Kahnawá:ke has jurisdiction over all matters related to this law.

SECTION IV

*"Coming into
Force"*

24. **COMING INTO FORCE**

- 24.1 This Mohawk Law comes into force and effect on the date it is affirmed by resolution of the Mohawk Council of Kahnawá:ke.

"History"

25. **HISTORY**

- 25.1 Origin By-Law D-2 by SOR/77-1054 on 17 Seskehkó:wa/September, 1964: Date of Revision: Tsothohrkó:wa/January 1, 2008

KAHNAWÁ:KE ANIMAL CONTROL LAW
APPLICATION FORM FOR THE ESTABLISHMENT
OF A POUND OR A KENNEL

1. PERSONAL INFORMATION:

Name: _____

Address: _____

Telephone: (Home): _____ (Business): _____

2. POUND OR KENNEL:

Name of Premises: _____

Address: _____

Telephone Number: _____

Lot Description: _____

COPY OF LEASE (Only if applicant not the owner)

3. DESCRIPTION OF ACTIVITIES OF POUND:

4. NAMES & ADDRESS OF:

Veterinarian: _____

Supplier: _____

5. **THE APPLICANT DECLARES THAT:**

- (1) I am the occupant of the premises on Lot No. _____
- (2) I have complied with all the requirements in the Kahnawá:ke Animal Control Law; and paid the application fee of:
- (3) I will comply with the aforementioned by-law in the future.
- (4) All the facts, plans and specifications in this application are true.
- (5) If I breach Clauses 2, 3 or 4 of this declaration, my permit is rendered null and void and I will cease operation of the pound on Lot no. _____.

AND I HAVE SIGNED: _____ (Applicant)

DATED THIS _____ DAY OF _____ MONTH _____ YEAR..

FOR OFFICE USE ONLY - DO NOT FILL IN:

Verification done by _____, for the (Mohawk Council of Kahnawá:ke).

Dated this _____ Day of _____ month _____ year.

KAHNAWÁ:KE ANIMAL CONTROL LAW

RESOLUTION NO. _____

The Mohawk Council of Kahnawá:ke, by a majority of the members present at a meeting of the Mohawk Council of Kahnawá:ke duly convened and at which a quorum was present, does hereby resolve that:

(Name and Mohawk Membership Number)

duly domiciled at _____

is authorized under article 12 of the Kahnawá:ke Animal Control Law to operate a Pound or Kennel on Lot No. _____, and to be known as _____, subject to the following conditions:

- (a) _____
- (b) _____
- (c) _____
- (d) _____

Signed: _____ day month _____ year.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____