

# KAHNAWÀ:KE ANIMAL CONTROL LAW

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Repealed & Replaced on 25 Ohiarikhkó:wa/July, 1977;  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Repealed & Replaced by MCR # 43/1989-90 on 6 Seskehkó:wa/September, 1989;  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Repealed & Replaced by MCR #65/2001-2002 on 25 Enniskó:wa/March, 2002;  
Repealed and Replaced by MCR # /2023-2024 on Day, Month, Year

## **1. SHORT TITLE**

- 1.1 This Law may be cited as the “Animal Control Law”

## **2. JURISDICTION**

- 2.1 The Kanien'kehá:ka of Kahnawà:ke, are a community within the Kanien'kehá:ka Nation and the Rotinonhsonnion:we. The Kanien'kehá:ka of Kahnawà:ke are Indigenous Peoples who possess a fundamental and inherent right of self-determination.
- 2.2 The Kanien'kehá:ka of Kahnawà:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawà:ke and have asserted our rights and laws with foreign governments.
- 2.3 The Kanien'kehá:ka of Kahnawà:ke have existing and inherent rights, including the right of self-determination which includes the right and responsibility to control and regulate animals within their Territory.
- 2.4 The Kanien'kehá:ka of Kahnawà:ke, represented by the Mohawk Council of Kahnawà:ke, have the ultimate power, right and jurisdiction to control and regulate animals within their Territory.

## **3. PURPOSE**

- 3.1 This Law is an expression of the wishes of the Kanien'kehá:ka of Kahnawà:ke that Animals be controlled and regulated in a fair and responsible manner to preserve the health and safety of the public and Animals within the Territory.

## **4. APPLICATION**

- 4.1 This Law applies to all Animals and their Owners on the Mohawk Territory of Kahnawà:ke.

## **5. DEFINITIONS**

- 5.1 For the purposes of this Law, the following definitions apply:

- a) **“Animal”** means any bird, reptile, amphibian or mammal excluding humans and wildlife;
- b) **“Animal Control Facility”** means the community-owned facility managed by the Public Safety Division of the Mohawk Council of Kahnawà:ke established for the holding of impounded Animals as set out in this Law;
- c) **“Animal Control Officer”** means a person appointed pursuant to this Law and empowered to enforce the provisions of this Law;
- d) **“Commissioner”** means the Commissioner of Public Safety or that person’s designate;
- e) **“Dog of Concern”** means a dog designated by an Animal Control Officer with potential restrictions on its ownership;
- f) **“Former Owner”** means the person who at the time of impoundment was the Owner of an Animal which has subsequently been sold or euthanized;
- g) **“Judge”** means a Justice of the Peace of the Court of Kahnawà:ke, or any other Judge appointed pursuant to the *Kahnawà:ke Justice Act* or its Regulations but excludes an Appeal judge appointed pursuant to that Act;
- h) **“Kahnawà:ke Peacekeeper”** or **“Peacekeeper”** means a person authorized by *Kahnawà:ke Peacekeeper Law* K.L.R. c P-1 to act as a peace officer, with all the powers and obligations provided for police officers in the Criminal Code, and includes the Chief Peacekeeper;
- i) **“Leash”** means a chain or other material capable of restraining an Animal on which it is being used;
- j) **“Livestock”** includes, but is not limited to:
  - i. a horse, mule, cow, pig, sheep, or goat,
  - ii. domestically reared or kept deer, or bison,
  - iii. farm bred fur bearing Animals,
  - iv. Animals of the avian species including chickens, turkeys, ducks, geese, or pheasants, and
  - v. all other Animals that are kept for agricultural purposes,
 but does not include cats, dogs, or other domesticated household pets;
- k) **“Mohawk Territory of Kahnawà:ke”** means:
  - i. the lands presently under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke, including Tioweró:ton (Doncaster) and the lands referred to by the government of Canada as “Kahnawà:ke Indian Reserve No. 14”;
  - ii. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke through the negotiation and resolution of land grievances;

- iii. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawà:ke as a result of any other means;
  - iv. lands, which are returned to, Kahnawà:ke as lands within the meaning of subsection 91(24) of the Constitution Act, 1867;
  - v. the water and waterways under the control and jurisdiction of the Kanien'kehá:ka of Kahnawà:ke; and
  - vi. lands that Kahnawà:ke has not relinquished or ceded;
- l) **"Owner"** means any natural or legal person:
    - i. who is the registered Owner of the Animal;
    - ii. who has legal title to the Animal;
    - iii. who has possession or custody of the Animal, either temporarily or permanently; or
    - iv. who harbours the Animal, or allows the Animal to remain on their premises.
  - m) **"Prohibited Dog"** means a dog subject to euthanasia or relocation following a decision by the Animal Control Officer;
  - n) **"Property"** includes all property, moveable or immovable, real or personal, including but not limited to: dwellings, buildings, residences and premises situated on the Mohawk Territory of Kahnawà:ke of which any person has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto;
  - o) **"Running at Large"** means an Animal that is not on the property of the Owner and not on a Leash and/or under the control of a responsible person.

## **6. DUTY OF CARE**

- 6.1 The Owner of an Animal must provide the Animal with adequate shelter, food, water and appropriate care and must not mistreat or be cruel to the Animal, including exposing the Animal to extreme heat or cold.
- 6.2 In accordance with section 6.1, an Owner must provide the Animal with veterinary care when needed, including the inoculations required in accordance with generally accepted veterinarian standards.
- 6.3 No Owner may abandon an Animal.

## **7. REGISTRATION INFORMATION**

- 7.1 Registration is recommended for all cats and dogs in the Territory.
- 7.2 The Owner of a dog found Running at Large may be obligated to register their dog prior to its release from the Animal Control Facility.
- 7.3 When registering under this Law, the Owner must provide the following:

- a) a description of the cat or dog including breed, name, gender and age;
  - b) the name, address and telephone number of the Owner;
  - c) where the Owner is a legal person, the name, address and telephone number of the natural person responsible for the cat or dog;
  - d) information establishing if the cat or dog is neutered or spayed;
  - e) any other information as an Animal Control Officer may require or which is contained in the registration form; and
  - f) the registration fee for each cat or dog as established by the Mohawk Council of Kahnawà:ke.
- 7.4 If any information is missing or incorrect, the Animal Control Officer may refuse to register the Animal.
- 7.5 No person will give false information when applying for a registration tag pursuant to this Law.
- 7.6 An Owner will notify the Animal Control Facility within five (5) business days of any change with respect to any information provided in an application for registration.

## **8. REPLACEMENT OF LOST REGISTRATION TAG**

- 8.1 Upon losing a registration tag, an Owner must pay a replacement fee for the registration tag, as established by the Mohawk Council of Kahnawà:ke.

## **9. SERVICE ANIMALS**

- 9.1 Where the Animal Control Officer is satisfied that a person who requires a service Animal, that is trained and used to assist such person, there will be no fee payable by the Owner for registration.

## **10. PRIVATE KENNEL, BREEDING OR PET STORE LICENCE**

- 10.1 No person will operate a private kennel, pet store or other facility where Animals are boarded or bred for resale without having been issued a licence from the Public Safety Division.
- 10.2 When issuing a private kennel licence or a breeding licence, the Animal Control Officer may impose such conditions as may be necessary to ensure the humane treatment of Animals boarded or bred at the facility, as well as any conditions that may be necessary to ensure the kennel does not create a nuisance to the surrounding properties.
- 10.3 Every person who owns or operates a kennel or pet store or who breeds cats or dogs must allow an Animal Control Officer or a Kahnawà:ke Peacekeeper to enter and inspect the premises at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this Law.

- 10.4 Where an Animal Control Officer or a Kahnawà:ke Peacekeeper finds that the Owner or operator of a kennel, pet store or person who breeds does not comply with this Law, they may direct that the Animals be seized and impounded.
- 10.5 A private kennel licence, pet store licence or breeding licence may be revoked by the Animal Control Officer if they have reason to believe that the kennel is no longer operating in a manner which ensures the humane treatment of Animals boarded or bred at the facility or if it is a nuisance to the surrounding properties.
- 10.6 After notifying an applicant or a licence holder in writing of a pending decision under section 10, and allowing them at least five (5) business days to submit observations, the Animal Control Officer may suspend, cancel, or refuse a licence if:
- a) they do not meet, or no longer meet, the conditions prescribed by this Law for the issue or renewal of the licence;
  - b) they fail to comply with any conditions, restrictions or prohibitions specified on the licence;
  - c) they have been found guilty of an offence under this Law or the regulations;
  - d) they repeatedly fail to comply with the Law or regulations; or
  - e) they have been found guilty of an offence under an Act or a regulation or under the Criminal Code (R.S.C. 1985, c. C-46) in relation to the treatment of Animals or the illegal possession of an Animal.
- 10.7 A decision of the Animal Control Officer under sections 11.11 or 11.12 must be rendered in writing, with reasons and notified to the person it concerns.  
It takes effect on its date of notification.
- 10.8 A person whose application for a license is refused or whose license is suspended, cancelled or refused may request a review by the Commissioner of the Animal Control Officer's decision within 15 days after notification of the decision.
- 10.9 The Owner may request a review of the Commissioner's decision before the Administrative Tribunal of Kahnawà:ke, in accordance with the Kahnawà:ke Justice Act and its applicable regulation, within 15 days after notification of the decision.
- 10.10 The decision of the Administrative Tribunal of Kahnawà:ke is final and without appeal.

## **11. NON-TRANSFERABLE**

- 11.1 A registration or licence issued pursuant to this Law is not transferable.

## **12. ANIMALS RUNNING AT LARGE**

- 12.1 Every Owner must ensure that their Animal is not Running at Large and is responsible for confining their Animal by any sufficient and humane way to prevent the Animal from Running at Large.
- 12.2 Animals found Running at Large will be taken by an Animal Control Officer or a Kahnawà:ke Peacekeeper to the Animal Control Facility.

- 12.3 Animals taken to the Animal Control Facility that are not registered and identifiable in accordance with this Law, after a delay of 72 hours from the time of pick up, may be put up for adoption, sent to a local shelter, the S.P.C.A., a rescue facility or humanely euthanized.
- 12.4 The Owner of a registered Animal will be contacted to reclaim their Animal from the Animal Control Facility within 24 hours of picking up the Animal.
- 12.5 If, after 24 hours, no contact has been made with the Owner, the Animal Control Facility must serve the Owner with a copy of the Notice in Schedule "A" of this Law.
- 12.6 If the Owner fails to respond to the Notice after a delay of 72 hours from the time of receiving the Notice, the Animal may be put up for adoption, sent to a local shelter, the S.P.C.A., a rescue facility or humanely euthanized.
- 12.7 The Animal Control Officer may retain an Animal for a longer period if the circumstances warrant it or they have reasonable grounds to believe that the Animal is a danger to persons, Animals, or property.
- 12.8 If an Animal is kept on the reasonable grounds that it is a danger to persons, Animals or property, the Animal Control Officer must follow the process in section 24 of this Law and any applicable regulations.
- 12.9 In addition to any penalties that may be imposed, the Owner claiming their Animal from the Animal Control Facility will be required to pay the costs related to the holding, as well as comply with section 26 of this Law and any applicable regulations.
- 12.10 An Owner's licence to breed may be revoked if their Animal is found Running at Large and may be required to spay or neuter the cat or dog prior to it being released.

### **13. OFF LEASH AREAS**

- 13.1 Notwithstanding section 12, an Owner of a dog is not required to have the dog on a Leash in a park or portion of a park which has been designated as an "off-Leash area".
- 13.2 The Owner of a dog in an "off Leash area" must ensure that the dog is under control at all times.
- 13.3 An Animal Control Officer may:
  - a) order that a dog be put on a Leash;
  - b) order that a dog be removed from an off-Leash area;
  - c) ban a dog from off-Leash areas.
- 13.4 Nothing in this section relieves a person from complying with any other provisions of this Law.
- 13.5 No person will allow an Animal other than a dog to enter into or remain in an off - Leash area.

### **14. RESTRICTIONS ON DOGS IN PUBLIC**

- 14.1 The Owner of a dog will ensure that their dog is on a Leash while in public.

- 14.2 Owners must control their dogs when they are in public and are responsible for any damage that is done to property.
- 14.3 The Owner of a dog must ensure that their dog does not enter or remain in any area where dogs are prohibited by posted signs.

## **15. DISPOSAL OF WASTE**

- 15.1 An Owner of an Animal must, when the Animal is off the premises of its Owner, immediately pick up and dispose of, any excrement, vomit or other waste dropped or left by the Animal on the property.
- 15.2 If an Animal is on any public or private property other than the property of its Owner, the Owner must have in their possession a suitable means of removing the Animal's waste.

## **16. UNATTENDED ANIMALS**

- 16.1 The Owner of an Animal must ensure that their Animal is not left unattended while tethered or tied on premises where the public has access.
- 16.2 The Owner of an Animal left unsupervised while tethered or tied on private property must ensure:
  - a) that the animal is restrained in a manner that allows enough space for the Animal to have free movement;
  - b) that the Animal does not have access to public property;
  - c) that the Animal has access to sufficient food and water;
  - d) that the Animal has access shelter from the elements; and
  - e) any other requirements for the humane treatment of the Animal and avoidance of nuisance to the community.
- 16.3 The Owner of an Animal left unattended in a motor vehicle will ensure:
  - a) the Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and
  - b) the Animal has suitable ventilation and hydration.
- 16.4 The Owner of an Animal must not leave an Animal unattended in a motor vehicle if the weather conditions are not suitable for the well-being of the Animal.
- 16.5 In the event that an Animal is in distress or in danger, a Peacekeeper may enter the vehicle and seize the Animal.

## **17. CONTAGIOUS DISEASES**

- 17.1 An Owner of an Animal must ensure that all vaccines are up to date and that they have proof of the vaccinations.
- 17.2 An Owner of an Animal suspected of having rabies or any other contagious disease must immediately report the matter to an Animal Control Officer.

- 17.3 An Owner of an Animal suspected of having rabies or any other contagious disease must confine or isolate the Animal, in such a manner as prescribed by the Animal Control Officer, so as to prevent further spread of the disease, this may include paying for appropriate confinement at the Animal Control Facility or other suitable facility.
- 17.4 The Animal Control Officer may require the Owner to provide a medical document prior to ending the isolation or confinement.
- 17.5 Following any Animal bite, the Owner must show proof of vaccinations, and if the Animal does not have updated vaccines, the Owner will be required to get the Animal vaccinated and provide proof to an Animal Control Officer within 30 days of the bite.

## **18. NOISE**

- 18.1 The Owner of an Animal, of a kennel or pet store must not permit the Animal to bark, cry, howl or make any other frequent or long continuous noise that disturbs the peace and quiet of the persons who reside or work in the neighbourhood.

## **19. SCATTERING GARBAGE AND RECYCLING**

- 19.1 The Owner of an Animal must ensure that the Animal does not disturb any waste or recycling receptacles or scatter the contents on public property or in or about premises not belonging to or in the possession of the Owner of the Animal.

## **20. THREATENING BEHAVIOURS**

- 20.1 The Owner of an Animal or Livestock must ensure that their Animal does not:
- a) bite, bark at, or chase Livestock, Animals, bicycles, automobiles, or other vehicles;
  - b) chase or otherwise threaten a person or persons, whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
  - c) cause damage to Property or to other Animals when the Animal is off the property of the Owner;
  - d) do any act that injures a person or persons whether on the property of the Owner or not; or
  - e) cause death to another Animal.

## **21. OTHER ANIMALS AND LIVESTOCK**

- 21.1 An Owner of any Livestock must ensure that when the Animal(s) or Livestock are off the Owner's property or outside of a fenced in area, that they are under the control of the Owner.

## **22. PROHIBITED ACTIVITIES**

- 22.1 No one will establish or operate a kennel to breed vicious or aggressive Animals.



- 22.2 No one will breed or use Animals for the purpose of engaging them in fights.
- 22.3 No Owner will use or direct an Animal to attack, chase, harass or threaten a person or Animal, except if the person or Animal is trespassing on the Owner's property or except in extenuating circumstances.
- 22.4 No one will own or possess any Animals which pose a risk to public safety, including but not limited to exotic animals as prescribed by regulation.
- 22.5 No one will own or keep more than a maximum of (5) five dogs and (5) five cats per household, unless they hold a kennel or breeders licence.
- 22.6 No one can keep an Animal in unsanitary conditions within the Territory. Conditions will be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling or commercial establishment.

### **23. SEIZURE**

- 23.1 An Animal Control Officer or a Kahnawà:ke Peacekeeper may capture and impound any Animal or Livestock which is required to be impounded for the safety of the Animal, Livestock or the community pursuant to the provisions of this Law or any Regulation made thereunder.
- 23.2 An Animal Control Officer or a Kahnawà:ke Peacekeeper may capture and impound any Animal Running at Large with respect to which a complaint under this Law has been made.

### **24. DOGS OF CONCERN AND PROHIBITED DOGS**

- 24.1 The Animal Control Officer may seize a dog when they have reasonable grounds to believe that the dog is a Dog of Concern or is a Prohibited Dog.
- 24.2 Before any decision of an Animal Control Officer designating a dog as a Dog of Concern or a Prohibited Dog, the Owner must be notified of the reasons for the designation as well as their opportunity to provide a response.
- 24.3 The Animal Control Officer may place conditions on the ownership and care of the Dog of Concern in order to ensure the protection and safety of the public before releasing the Animal.
- 24.4 Upon reviewing all of the evidence, the Animal Control Officer will declare a dog to be a Prohibited Dog if there is a serious risk to public safety, including but not limited to attacking and or causing harm to people or Animals.
- 24.5 Any designation under section 24 and conditions imposed on ownership must be updated by the Animal Control Officer in the registration.
- 24.6 The decision of the Animal Control Officer may be reviewed by the Commissioner by requesting a review within 15 days of the Animal Control Officer's decision.

- 24.7 The Owner may request a review of the Commissioner's decision before the Administrative Tribunal within 15 days after notification of the decision.
- 24.8 The decision of the Administrative Tribunal is final and without appeal.
- 24.9 Following the end of the delay for review(s), Prohibited Dogs must be relocated off of the Territory or humanely euthanized, within five (5) days, unless there is proof of exceptional circumstances.
- 24.10 The Dog of Concern designation continues to apply if the Animal is sold, given, or transferred to a new Owner.
- 24.11 If the Owner of a dog that has been designated as a Dog of Concern or as a Prohibited Dog is unwilling or unable to comply with the requirements of this Law, the dog may be humanely euthanized after a five (5) day holding period.
- 24.12 Any dog that has been designated as a Prohibited Dog under this Law may not be offered for adoption or sale within the Territory.
- 24.13 The Owner must be notified in writing of all decisions under section 24.

## **25. OBSTRUCTION AND INTERFERENCE**

- 25.1 No person, whether or not that person is the Owner of an Animal which is being or has been pursued or captured will:
- a) interfere with or attempt to obstruct an Animal Control Officer or a Kahnawà:ke Peacekeeper who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure;
  - b) open the vehicle in which Animals have been captured for impoundment or seizure; or
  - c) remove or attempt to remove any Animal from the possession of an Animal Control Officer or a Kahnawà:ke Peacekeeper.
- 25.2 No person will:
- a) untie, loosen or otherwise free an Animal which has been tied or otherwise restrained;
  - b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to Running at Large in the Territory;
  - c) entice an Animal to go Running at Large;
  - d) tease an Animal in an enclosed space;
  - e) throw or poke any object into an enclosed space when an Animal is confined therein.
- 25.3 Section 25 does not apply to an Animal Control Officer or Kahnawà:ke Peacekeeper who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure pursuant to this Law.

## **26. RECLAIMING**

- 26.1 The Owner of any impounded Animal may reclaim the Animal by:
- a) paying to the Animal Control Facility the costs of impoundment as established by the Mohawk Council of Kahnawà:ke;
  - b) where a licence or registration is required under this Law, obtaining the licence or registration;
  - c) proof of the Animal having been spayed or neutered or the payment for spaying and neutering;
  - d) providing proof of ownership of the Animal or Livestock; and
  - e) any other conditions established by Regulation.

## **27. ENFORCEMENT**

- 27.1 Animal Control Officers or Kahnawà:ke Peacekeepers have the authority and jurisdiction to enforce the present Law, including the authority to investigate complaints, give notices, issue statements of offence and impose any measures required and permitted by the present Law and its regulations.
- 27.2 Any Owner who fails to comply to measures imposed by an Animal Control Officer or a Kahnawà:ke Peacekeeper is liable to:
- a) A minimum fine of \$200 for the first offence;
  - b) A minimum fine of \$350 for the second offence; and
  - c) A minimum fine of \$600 for each subsequent offence.

## **28. INSPECTIONS**

- 28.1 An Animal Control Officer or Kahnawà:ke Peacekeeper, bearing proper identification, may conduct an inspection in order to determine whether or not this Law or an order issued pursuant to this Law is being complied with.
- 28.2 If the area to be inspected is private property and the Owner does not consent to the inspection, a warrant may be sought by a Kahnawà:ke Peacekeeper.
- 28.3 No person will interfere with or attempt to obstruct an Animal Control Officer or a Kahnawà:ke Peacekeeper who is attempting to conduct an inspection pursuant to section 28, and is liable to:
- a) A minimum fine of \$350 for the first offence;
  - b) A minimum fine of \$ 500 for the second offence; and
  - c) A minimum fine of \$1000 for each subsequent offence.

## **29. AUTHORITY OF THE ANIMAL CONTROL OFFICER**

- 29.1 The Animal Control Officer may:
- a) receive Animals into protective care pursuant to fire, flood, or other reasons;

- b) retain Animals temporarily;
  - c) humanely euthanize pursuant to this Law and any Animal in extreme terminal distress where it is not possible to contact an Owner immediately;
  - d) charge the Owner fees as established by the Mohawk Council of Kahnawà:ke.
- 29.2 The Animal Control Officers are authorized to offer for adoption, transport to another animal facility, euthanize, or otherwise dispose of all unclaimed Animals or Livestock which have been received at the Animal Control Facility.
- 29.3 Animal Control Officers are not liable for actions or decision pursuant their authority as Animal Control Officers under this Law, unless such acts, omissions or decisions are found by a court of competent jurisdiction, upon entry or final judgment, to be outside the scope of the Animal Control Officer's authority or to have be made in bad faith, or as a result of gross negligence.
- 29.4 The Animal Control Officer is authorized to, before offering an unclaimed Animal for adoption, require that the Animal be spayed or neutered. The cost of the procedure is borne by the Owner.

### **30. FEE FOR EUTHANIZING**

- 30.1 When an Animal is to be euthanized, the Owner must pay to the Animal Control Facility a fee as established by the Mohawk Council of Kahnawà:ke.

### **31. FULL RIGHT AND TITLE**

- 31.1 The person who adopts an Animal from the Animal Control Facility pursuant to the provisions of this Law will obtain full right and title to it and the right and title of the Former Owner of the Animal will cease thereupon.

### **32. OFFENCES AND PENALTIES**

- 32.1 If an Animal or Livestock is involved in a contravention of this Law, the Owner is subject the penalties under this Law.
- 32.2 Every Owner of an Animal or Livestock who contravenes any of the provisions of this Law by:
- a) doing any act or thing which the person is prohibited from doing, or
  - b) failing to do any act or thing the person is required to do,
- is subject to the penalties under this Law.

### **33. VIOLATIONS, TICKETS AND PENALTIES**

- 33.1 Where an Animal Control Officer or a Kahnawà:ke Peacekeeper has reasonable grounds to believe that a person has contravened any provision of this Law, they may commence proceedings by issuing a statement of offence.
- 33.2 Everyone who contravenes any section or provision of this Law is liable to a fine as provided in Schedule B.

33.3 All fines against dogs designated as a Dog of Concern are automatically doubled.

#### **34. CONTINUING OFFENCES**

34.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and is liable to a fine in an amount not less than that established by this Law for each such day.

#### **35. COURT OF KAHNAWÀ:KE**

35.1 The Court of Kahnawà:ke has exclusive jurisdiction to hear any contestations of statements of offence or measures that may arise from the application of the Law.

35.2 Contestations filed pursuant to this Law must be made within thirty (30) days of the issuance of the statement of offence or measure imposed.

35.3 Judgments from the Court of Kahnawà:ke taken pursuant to the application of this Law are final and without appeal.

#### **36. ORDERS BY A JUDGE**

36.1 Following a conviction under this Law a Judge may make any order that is deemed necessary, including but not limited to:

- a) that the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;
- b) that the Animal is a Dog of Concern;
- c) that the Animal is a Prohibited Dog;
- d) that the Animal be euthanized; or
- e) that the Owner be prohibited from owning any Animal for a specified period of time.

#### **37. CERTIFIED COPY OF RECORDS**

37.1 A copy of a record produced by the Commissioner or an Animal Control Officer will be admitted in evidence as *prima facie* proof of the facts stated in the record without requiring proof of the appointment or signature of the person signing it.

#### **38. REGULATIONS**

38.1 In accordance with the Community Decision Making and Review Process, the Mohawk Council of Kahnawà:ke may enact the following Regulations concerning:

- a) Exotic Animals;
- b) Seizure of Animals;
- c) Dogs of Concern;
- d) Prohibited Dogs;

- e) adoption of Animals;
- f) the appointment of Animal Control Officers and the form and content of their oath of office;
- g) the conditions, standards and requirements for the issuance of a private kennel licence;
- h) the conditions, standards and requirements for the issuance of a pet shop licence;
- i) the conditions, standards and requirements for the issuance of a breeders licence; and
- j) any other regulation necessarily required to achieve the purposes of this Law.

### **39. TRANSITIONAL**

- 39.1 An existing registration issued under the *Kahnawà:ke Animal Control Law* K.L.R c. A-2, remains valid.
- 39.2 The *Kahnawà:ke Animal Control Law* K.L.R c. A-2, is repealed and replaced by this Law.

### **40. GENERAL PROVISIONS**

- 40.1 Each provision of this Law is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Law remain valid and enforceable.
- 40.2 Nothing in this Law relieves a person from complying with, any provision of any other Law, regulation or any requirement of any lawful permit, order or licence.

### **41. AMENDMENTS**

- 41.1 This Law may be amended in accordance with the procedure set forth in the Community Decision-Making and Review Process or any other process which may replace it.

### **42. EFFECTIVE DATE**

- 42.1 This Law comes into force and effect on the date it is affirmed by Mohawk Council of Kahnawà:ke Resolution.

## SCHEDULE "A"

### FORM OF NOTICE OF IMPOUNDED ANIMAL

You, NAME and ADDRESS, are hereby notified that an Animal bearing registration number \_\_\_\_\_ for 20\_\_\_\_ registered under the above name and address was impounded on \_\_\_\_\_, 20\_\_\_\_ pursuant to the *Kahnawà:ke Animal Control Law* K.L.R. c. A-2 No. (the "Law").

Under section 12.6 of the Law, you have 72 hours from the receipt of this Notice to respond. Failure to respond within this time could result in the Animal being put up for adoption or sent to a local shelter, the S.P.C.A., a rescue facility or humanely euthanized.

In order to reclaim your animal, you must comply with section 26 of the Law.

#### SECTION 26. RECLAIMING

26.1 The Owner of any impounded Animal may reclaim the Animal by:

- a) paying to the Animal Control Facility the costs of impoundment as established by the Mohawk Council of Kahnawà:ke;
- b) where a licence or registration is required under this Law, obtaining the licence or registration;
- c) proof of the Animal having been spayed or neutered or the payment for spaying and neutering;
- d) providing proof of ownership of the Animal or Livestock; and
- e) any other conditions established by Regulation.

**SCHEDULE "B"**

**OFFENCE PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>	<b>SUBSEQUENT OFFENCES</b>
6.1	Failure to provide an Animal with adequate shelter, food, water and appropriate care.	\$500 - \$750	\$750-\$1,000	\$1,000 - \$1,500
6.1	Mistreating or cruelty towards an Animal, including, but not limited to, exposing the Animal to extreme heat or cold	\$500 - \$750	\$750-\$1,000	\$1,000 - \$1,500
6.3	Abandoning an Animal	\$500 - \$750	\$750-\$1,000	\$1,000 - \$1,500
7.5	Giving false information when applying for registration	\$250 - \$500	\$500 -\$750	\$750 -\$1,000
10.1	Operating a private kennel, pet store or other facility where animals are boarded or bred for resale without a licence	\$500-\$1,000	\$750-\$1,500	\$1,000-\$2000
10.2	Failure to comply with conditions of licence	\$500-\$1,000	\$750-\$1,500	\$1,000-\$2000
12.1	Animal Running at Large	\$100-\$500	\$200-\$1,000	\$300-\$1,500
13.3	Failure to comply with orders or ban	\$200-\$500	\$350-\$1,000	\$600-\$2,000
13.5	Allowing an Animal other than a dog to enter or remain in an off-Leash area	\$200-\$500	\$300-\$1,000	\$400-\$1,000
14.1	Failure to Leash a dog in Public	\$500-\$750	\$750-\$1,000	\$1,000-\$1,500
15.1	Failure to immediately pick up and dispose of any excrement, vomit or other waste dropped or left by the Animal when off the Owner's property	\$200-\$500	\$300-\$1,000	\$400-\$1,000
15.2	Not having a suitable means to remove an Animals waste when off the Owner's property	\$100-\$500	\$200-\$1,000	\$300-\$1,000
16.1	Unattended animal that is tethered or tied in an area where the public has access	\$200-\$500	\$300-\$1,000	\$400-\$1,000
16.2	Failure to respect the conditions for tethering or tying an Animal	\$200-\$500	\$300-\$1,000	\$400-\$1,000



16.3	Leaving an Animal unattended in the car contrary to the conditions set out in sections 16.3 and 16.4	\$500-\$750	\$750-\$1,000	\$1,000-\$1,500
16.4				
17.1	Failure to have Animal vaccinated	\$100-\$500	\$200-\$1,000	\$300-\$1,000
17.2	Failure to immediately report to the Animal Control Officer an Animal suspected of having rabies or any other contagious disease	\$200-\$500	\$300-\$1,000	\$400-\$1,000
17.3	Failure to confine or isolate an Animal in the manner prescribed by the Animal Control Officer	\$200-\$500	\$350-\$1,000	\$600-\$1,000
18.1	Noise Disturbance	\$200-\$500	\$300-\$1,000	\$400-\$1,000
19.1	Scattering of waste	\$200-\$500	\$300-\$1,000	\$400-\$1,000
20.1(a)	Biting, barking at, or chasing Livestock, Animals, bicycles, automobiles, or other vehicles	\$200-\$500	\$300-\$1,000	\$400-\$1,000
20.1(b)	Chasing or otherwise threatening a person or persons	\$500-\$750	\$750-\$1,000	\$1,000-\$1,500
20.1(c)	Causing damage to property or to other Animals	\$500-\$750	\$750-\$1,000	\$1,000-\$2,000
20.1(d)	Injuring a person	\$500-\$1,000	\$750-\$1,500	\$1,500-\$2,000
20.1(e)	Causing death to another Animal	\$500-\$750	\$750-\$1,000	\$1,000-2,000
21.1	Animal(s) or Livestock out of control off the property of the Owner.	\$200-\$500	\$300-\$1,000	\$400-\$1,000
22.1	Breeding vicious or aggressive Animals	\$500-\$1,000	\$750-\$1,500	\$1,000-\$2000
22.2	Breeding or using Animals to engage them in fights	\$500-\$1,000	\$750-\$1,500	\$1,000-\$2000
22.3	Directing an Animal to attack, chase, harass or threaten a person or Animal	\$500-\$750	\$750-\$1,500	\$1,000-\$2000
22.4	Owning or possessing an Animal which poses a risk to public safety	\$500-\$750	\$750-\$1,000	\$1,000-\$2,000
22.5	Owning more than ten dogs and cats on one Property without a licence	\$500-\$1,000	\$750-\$1,500	\$1,500-\$2000
22.6	Keeping an Animal in unsanitary conditions	\$500- \$750	\$750-\$1,000	\$1,000 - \$1,500
25.1	Interfering with or attempting to obstruct an Animal Control Officer or a Peacekeeper	\$350-\$1,500	\$500-\$3000	\$1,000-\$5,000

25.2(a)	Untying, loosening or otherwise freeing an Animal which has been tied or otherwise restrained	\$200-\$500	\$500-\$750	\$400-\$1,000
25.2(b)	Negligently or willfully opening a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to Running at Large in the Territory	\$200-\$500	\$500-\$750	\$400-\$1,000
25.2(c)	Enticing an Animal to go Running at Large	\$200-\$500	\$500-\$750	\$400-\$1,000
25.2(d)	Teasing an Animal in an enclosed space	\$200-\$500	\$500-\$750	\$400-\$1,000
25.2(e)	Throwing or poking any object into an enclosed space when an Animal is confined therein	\$200-\$500	\$500-\$750	\$400-\$1,000
		\$	\$	\$

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