

KAHNAWÀ:KE ANIMAL CONTROL

LAW

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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{Repealed & Replaced on 25 Ohiarihkó:wa/July, 1977};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~~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{Repealed & Replaced by MCR # 43/1989-90 on 6 Seskehkó:wa/September, 1989};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{Repealed & Replaced by MCR #65/2001-2002 on 25 Enniskó:wa/March, 2002};
Repealed and Replaced by MCR # /2023-2024 on Day, Month, Year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 Kanién'kehá:ka of Kahnawà:ke, are a community within the Kanién'kehá:ka Nation and the Rotinohsonnion:we. The Kanién'kehá:ka of Kahnawà:ke are Indigenous Peoples who possess a fundamental and inherent right of self-determination.

2.2 The Kanién'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 Kanién'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 Kanién'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 Kanién'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 ~~4.~~ For the purposes of this Law, the following definitions apply:

~~(a) “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;~~

~~(b) “Animal” includes dogs, cats and any other animal that is kept domestically, either male or female.~~

~~a) (c) “Animal” means any bird, reptile, amphibian or mammal excluding humans and wildlife;~~

~~“Animal Protection Officer” means the person or persons designated by the Public Safety Division of the Mohawk Council of Kahnawà:ke established for the pick up of stray animals, aggressive animals and animals that have bitten, and for their proper disposal under the existing Law;~~

~~(d) “Destructive behavior” means a behavior holding of an animal which results in property or material damages.~~

~~(e) “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;~~

~~(f) Mohawk Territory of Kahnawake means all lands presently held by, subject to a claim, or over which the Mohawk Community of Kahnawake has jurisdiction.~~

~~(g) Peacekeeper means a Kahnawà:ke Peacekeeper and includes any member of the Kahnawà:ke Peacekeepers;~~

~~(h) “Mad animal” is an animal which attacks or is threatening to attack without apparent reason;~~

~~(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;~~

~~b) 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 impounded Animals as set out in this Law;~~

~~(j) “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 Kahnawà: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;~~

~~(k) “Pound Keeper” denotes the person or persons designated by the Mohawk Council of Kahnawà:ke to manage the pound;~~

~~c) ~~(t)~~ “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 ~~within~~on the Mohawk Territory of ~~Kahnawà:ke~~Kahnawà:ke of which any person has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto;

~~(m) “Public complaints”~~“Running at Large” means ~~the complaint made by any Kahnawà:ke Community Member to a Peacekeeper or to the~~an Animal Protection Officer, alleging the aggressive behavior of an animal;

~~(n) “Public place”~~ includes any place to which the public has access as of right or by invitation, express or implied;

~~(o) “S.P.C.A.”~~ means the Society for the Prevention of Cruelty to Animals;

~~(p) “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.~~

~~1. APPLICATION~~

~~2. 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 is not 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.~~

~~— CONFINEMENT OF ANIMALS~~

- ~~3. 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. 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. 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.~~

~~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 provided for in the present Law.~~

IMMEDIATE DESTRUCTION FOR BITING

6. ~~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 of the Owner and not it has rabies.~~

DESTRUCTION FOR NUISANCE

- 7.0) ~~If an animal commits an act prohibited under this Law and if a complaint has been made subsequently against the guardian or a person on a Leash and/or under the control of a 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 Healthperson.~~

MAD ANIMALS

8. ~~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. ~~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. ~~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 Kahnawake under this law.~~

~~DESTRUCTION OF PROPERTY~~

- ~~11. 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. 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. 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.~~

~~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.~~

~~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. ~~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.~~

~~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. ~~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.~~

INNOCULATION

6. Animals DUTY OF CARE

16. ~~The Owner of an Animal must be inoculated in accordance with generally accepted veterinarian standards.~~

CARE & TREATMENT

- 17.6.1 ~~A guardian of an animal shall provide the animal/Animal with adequate shelter, food, water and appropriate care and ~~shall~~must not mistreat or be cruel to the animal/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

~~14.15.1~~ A guardianAn Owner of an animal shallAnimal must, when the animalAnimal is on public property or on private property belonging to another personoff the premises of its Owner, immediately pick up and thereafter dispose of, any excrement, vomit or other waste dropped or left by the animalAnimal on the said property.

~~**SUBSEQUENT CONVICTION**~~

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 is found guilty of an offence 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 and/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 is 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 conviction under the present Law in respect of the same animal, the judge or the 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.

19:29.3 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, 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 of competent jurisdiction, upon entry or final judgment, to be outside the scope of the Animal Control Officer's authority or to have been 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 FOR CONTRAVENTION

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 guilty 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 shall be 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 liable upon summary 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 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 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~~

~~20:e) that the Owner be prohibited from owning any Animal for each succeeding offence a specified period of time.~~

~~—VICIOUS ANIMALS~~

~~21. 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.~~

~~22. No one shall establish or operate a kennel to breed vicious animals.~~

~~23. 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.~~

~~24. 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.~~

- ~~25. 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.~~
- ~~26. 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.~~
- ~~27. 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.~~
- ~~28. 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.~~
- ~~29. 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.~~
- ~~30. 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.~~

~~TRANSITION PROVISION~~

- ~~31. 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.~~

~~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.~~

~~1. JURISDICTION~~

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

~~32.40.1~~ 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 Kahnawake has competent jurisdiction over, all matters related to other provisions of this law. Law remain valid and enforceable.

COMING INTO FORCE

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 Mohawk 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

~~33.42.1~~ This Law comes into force and effect on the date it is affirmed by ~~resolution of the~~ Mohawk Council of ~~Kahnawake~~ Kahnawà:ke Resolution.

~~THIS LAW IS AFFIRMED AND COMES INTO FORCE AND EFFECT ON _____
_____, PURSUANT TO MOHAWK COUNCIL OF KAHNAWAKE RESOLUTION
NO. _____.~~

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).

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.

DRAFT