

**DRAFT KAHNAWÀ:KE ANIMAL CONTROL LAW**  
**FIRST HEARING**  
**MOOSE LODGE**  
January 24, 2024  
6:00 PM – 9:00 PM

**RECORD OF DISCUSSION**

**FACILITATORS:**

Dale Dione

**RESOURCE PEOPLE:**

Ratsénhaienhs Ryan Montour  
Lloyd Phillips  
Robyn Montour  
Suzanne Jackson  
Brandi Rice  
Trisha Delormier

**RECORDER:**

Ashley Ross

**CHIEFS IN ATTENDANCE:**

Ietsénhaienhs Tonya Perron  
Ratsénhaienhs Ryan Montour

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**AGENDA:**

- ❖ **Opening Address** – Ohén:ton í:iete ne Ietsénhaienhs Kahsennenhawe Sky-Deer
- ❖ **Welcome/Respectful Behaviors/Process** – Dale Dione
- ❖ **Mandate, Purpose and Scope** - Dale Dione
- ❖ **Proposed Amendments to the Draft Kahnawà:ke Animal Control Law** – Lloyd Phillips and Ryan Montour:

*Lloyd explained why the law has been updated – in order to find a balance between the rights of owners and the rights of an animal. Chief Montour explained that this law had an extensive review and changes were made by an Animal Control Technical Drafting Committee, as the old law had a lot of issues that were presented to Animal Control that the current Law did not address.*

- Overview of Law
- Opportunity for questions and comments

- ❖ **Next Steps** – Presented by Dale Dione

## Review Sections 1-20

### 1. Section 5: Definitions

#### DISCUSSION:

- ❖ Some definitions have been reworded and new ones were added:

- d) Commissioner
- e) Dog of Concern
- j) Livestock
- m) Prohibited Dog

Regarding, “Prohibited Dog” - the owner still has the right to appeal a decision when a dog has been designated as a “prohibited dog” – this does not mean a dog is immediately euthanized – there is a process to determine whether the dog should be euthanized, however, the regulations still need to be developed. There is a bit more detail in Section 24 concerning this definition.

- ❖ **Question:** to clarify when the word “Dog” is capitalized or when it is in lower case-  
**Response:** This is just a draft, so this type of error as well as other grammatical errors still need to be corrected throughout the document.

#### OUTCOME:

- Suzanne Jackson, Legal Services, will verify grammar throughout document.

### 2. Section 6: Duty of Care

#### DISCUSSION:

An Animal Control Officer will now have the authority to investigate a situation of concern. I.e. if an animal is tied all day, is not being cared for properly, and there is enough evidence an Animal Control Officer has the authority to proceed with the best means using their discretion.

- ❖ **Question:** the Peacekeepers have been called many times and the dispatcher has advised that it is not the responsibility of the Peacekeepers to pick up a dog? Is this the case?  
**Response:** It is not the primary duty of the Peacekeepers but if for some reason an Animal Control Officer is not available then they would be secondary and would need to handle the situation if it was of urgent concern.

**RECOMMENDATION:** make it clear at the top of the regulations that Animal Control is the first place to call, and Peacekeepers are secondary, since Peacekeepers focus is community policing.

- ❖ There needs to be more education provided to the community about the responsibility of caring for an animal – especially dogs as some people get a dog when it’s a puppy but then they don’t take care of it after it has grown.

**Response:** this will be part of the plan moving forward and if an Animal Control Officer needs to investigate a situation, they will provide various solutions to the owner of the animal to not have to take the animal. Unless it’s a repeat situation or an urgent situation all other recourses taken, and information will provided before an animal is removed.

- ❖ **Question:** What if someone keeps allowing their dog to have puppies, would this be considered a “Duty of care” responsibility?

**Response:** Yes, an Animal Control Officer would investigate the situation and they would have the authority to order that a dog be spayed or neutered.

### **3. Section 7: Registration Information**

#### **DISCUSSION:**

- ❖ 7.1 This has changed from mandatory to recommended, however, if an animal is picked up then the owner will need to register the animal.

### **4. Section 9: Service Animals**

#### **DISCUSSION:**

- ❖ **Question:** Will the owner be required to provide proof that their animal is a service animal?  
**Response:** yes, proof will be required and in the case of an animal that is owned for mental wellness a doctor’s note will be required.

### **5. Section 10: Private Kennel, Breeding or Pet Store License**

#### **DISCUSSION:**

- ❖ Regulations for this section will still need to be developed.

### **6. Section 12: Animals Running at Large.**

#### **DISCUSSION:**

- ❖ 12.6 Note - that “order by a judge” needs to be added to this section to protect the Animal Control Officer and/or MCK from any liability issues when an animal is euthanized.

## **7. Section 13: Off Leash Areas**

### **DISCUSSION:**

- ❖ Currently there are no off-leash areas, but this has been discussed in the past, therefore, it has been added to accommodate any future plans to create off-leash areas.

## **8. Section 16: Unattended Animals**

### **DISCUSSION:**

- ❖ 16.1 This is a discretionary consideration., For example, if an animal is left for a few minutes there should be less of a concern, however, if an animal is left for a longer period of time, then an Animal Control Officer has the right to investigate the situation and apply discretionary measures.

## **9. Section 20 Threatening Behaviour**

### **DISCUSSION:**

- ❖ 20.1 b) Suggestion to clarify the word “trespasser” and put it in the definitions section, for example, what if there is a situation where someone enters a property with good intentions and a situation arises, as this has happened in the past.
  - It was explained by Suzanne Jackson, Legal Services, that the word “trespasser” can be put in the definitions - and the definition for this is that a trespasser is someone who enters onto someone’s property with ill intent.

### **OUTCOME:**

- Suzanne Jackson, Legal Services will add the definition of “trespasser” to the definitions section.

## **OUTCOME OF REVIEW SECTIONS 1-20:**

**CONSENSUS REACHED** by everyone present and the review of Section 1-20 is complete.

## **Review Sections 21-42**

### **10. Section 22- Prohibited Activities**

#### **DISCUSSION:**

- ❖ 22.3 – **Question:** Would this also be in reference to any dogs that are trained and used by the Peacekeepers.

**Response:** yes, as the word “extenuating circumstances” would cover this, as the Peacekeepers cannot allow a trained dog to attack unless it’s under extenuating circumstances.

#### **DISCUSSION:**

- ❖ 22.4 – There is a concern about certain breeds and that they should be banned from the community i.e. Pitbulls – It was discussed that there many factors that come into play and that it not a certain breed that determines if it poses a risk. There are other factors such as, living conditions, health, treatment of an animal, etc. that come into play. A dog that poses a risk is not breed specific as a smaller type of dog can also pose a risk. A dog that potentially poses risk will be determined at the discretion of the Animal Control Officer and this will be further addressed in the regulations. This is also addressed in Section 24. -Dogs of Concern and Prohibited Dogs.

#### **OUTCOME:**

- The discussion resulted in the fact that the concerns above will be addressed by the Animal Control Officer and the community members present are good with this if there are clear regulations.

### **11. Section 24- Dogs of Concern and Prohibited Dogs**

#### **DISCUSSION:**

- ❖ **Question:** Since this section is new to the Law does this remove the “One Bite Rule” that Animal Control followed previously?

**Response:** There was always an assessment of the circumstances done in these cases, but yes, there will no longer be a “one bite rule”, as there are many factors that can come into play when a dog bites. Therefore, this section, as well as other sections in the Law give the

authority to the Animal Control Officer to make a discretionary decision, as well as take legal recourse when it comes to Dogs of concern and prohibited dogs.

## **12. Section 27- Enforcement**

### **DISCUSSION:**

- ❖ It was explained that the first steps would be to do some community education concerning animals in the proper care of an animal, owner responsibility, etc. and if there are repeat occurrences then the Enforcement Section would be followed.

### **OUTCOME OF REVIEW SECTIONS 21-42:**

**CONSENSUS REACHED** by everyone present and the review of Section 21-42 is complete.

### **DECLARATION OF CONCLUSION:** Trisha Delormier

As the draft amendments to the Kahnawà:ke Animal Control Law (KACL) have been reviewed in their entirety. And, the Kahnawà:ke Legislative Commission (KLC) and the Technical Drafting Committee (TDC) have done their due diligence informing the community of the amendments to the law through extensive Front-End work; the Hearing phase is now complete.

### **NEXT STEPS:** Dale Dione

The next steps include:

- The 30 day (maximum) Final Drafting period will be completed by the lawyer on the TDC.
- A Legislative Session (duly convened council meeting) is scheduled whereby the TDC will present their implementational/operational/financial plans to the MCK Council of Chiefs for their approval, along with a legal review completed by the TDC lawyer.
- The Reading of the Law into the Record is done by the KACL TDC. A video of the Reading is done by MCK Public Relations with Local media invited to attend. No further amendments will be made at the Reading of the Law into the Record.
- This completes Phase II - Hearings.
- Then, we move to Phase III - the enactment phase.
- An enactment package is prepared by KLS in collaboration with the KACL TDC and presented to MCK Council of Chiefs at a duly convened Council meeting and enacted by MCR.
- Once enacted, the Law will be published on the CDMRP website.

**FINAL OUTCOME:**

**THE FIRST HEARING OF THE KAHNAWÀ:KE ANIMAL CONTROL LAW (KACL) SECTIONS 1 TO 42 IS COMPLETE AND THERE IS CONSENSUS TO MOVE FORWARD WITH THE PROCESS.**

**CLOSING: Ratsénhaienhs Ryan Montour**

Approved by:



Ratsénhaienhs Ryan Montour

February 19, 2024

Date



Lloyd Phillips, Commissioner of Public Safety

February 05, 2024

Date



**FINAL OUTCOME:**

**THE FIRST HEARING OF THE KAHNAWÀ:KE ANIMAL CONTROL LAW (KACL) SECTIONS 1 TO 42 IS COMPLETE AND THERE IS CONSENSUS TO MOVE FORWARD WITH THE PROCESS.**

**CLOSING: Ratsénhaienhs Ryan Montour**

Approved by:

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Ratsénhaienhs Ryan Montour

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Date

  
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Lloyd Phillips, Commissioner of Public Safety

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February 05, 2024  
Date