

TABLE OF CONSEQUENTIAL AMENDMENTS RELATED TO THE KAHNAWÀ:KE JUSTICE ACT

INTRODUCTION

The purpose of this table is to set out the amendments required to ensure cohesion between Kahnawà:ke laws and to integrate the Kahnawà:ke justice system more fully into the body of these laws. It also provides an opportunity to make the following clerical amendments: 1) correct the spelling of “Kahnawà:ke” within these laws, and 2) renumber sections of laws where necessary.

As such, this table is divided into three (3) parts:

- 1) Consequential amendments;
- 2) Correction of spelling of “Kahnawà:ke”; and
- 3) Renumbering of sections of laws.

This document is an update of the *Table of Incidental Amendments Related to the Justice Act* approved by MCR #2/2015-2016 in June 2015, which have not been finalized. This MCR will be rescinded and replaced. Accordingly, this update includes revisions to certain terminology, removal of references to regulations, and removal of laws that have since been amended or repealed.

PART I - CONSEQUENTIAL AMENDMENTS

1.0 KAHNAWÀ:KE ALCOHOLIC BEVERAGES LAW A-1

1.1 The citation will be corrected to read as follows:

K.R.L. c. A-1

1.2 Section 80 will be amended to read as follows:

The Board’s decision to suspend, cancel, terminate, amend, not issue, grant or renew any license or permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

1.3 Section 171 will be amended to read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

2.0 KAHNAWÀ:KE ATHLETIC EVENTS LAW A-3

2.1 Section 3.3 will be added to the law and will read as follows:

The Commission's decision to suspend, cancel, terminate, amend, not issue, grant or renew any license or permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

2.2 Section 7.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

3.0 KAHNAWÀ:KE ATV/ATC LAW A-4

3.1 Section 8.3 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law including matters concerning permit issuance, suspension, revocation and non-renewal.

4.0 KAHNAWÀ:KE BUILDING USE LAW B-1

4.1 Section 8.2 will be added to the law and will read as follows:

The Council's decision to suspend, cancel, terminate, amend, not issue, grant or renew any permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

4.2 Section 16.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

5.0 KAHNAWÀ:KE BUSINESSES, TRADES & PROFESSIONS LAW B-3

5.1 Section 14.1 will be amended to read as follows:

The Council's decision to suspend, cancel, terminate, amend, not issue, grant or renew any license or permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

5.2 Sections 14.2-14.5 will be deleted.

5.3 Section 16.1 will be amended to read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

6.0 KAHNAWÀ:KE CONSERVATION LAW C-2

6.1 Section 3.1 will be amended to read as follows:

No one can act as a Conservation Officer until sworn in by a Justice of the Peace or Judge of the Court of Kahnawà:ke upon recommendation by the Mohawk Council of Kahnawà:ke by Resolution duly passed.

6.2 Section 4.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

7.0 KAHNAWÀ:KE CURFEW LAW C-3

7.1 The Whereas clause will be corrected by deleting the typo “The”.

7.2 Section 6.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

8.0 KAHNAWÀ:KE DISORDERLY CONDUCT & NUISANCE LAW D-1

8.1 Section 6.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

9.0 KAHNAWÀ:KE EMERGENCY PREPAREDNESS LAW E-2

9.1 Section 33 will be amended to read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

10.0 KAHNAWÀ:KE FIREWORKS LAW F-1

10.1 Section 2.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

11.0 KAHNAWÀ:KE GAMING LAW G-1

11.1 Section 21.1 will be amended by adding the word “be”.

11.2 Section 34.1 will be amended to read as follows:

The Court of Kahnawà:ke has sole and exclusive jurisdiction to hear and decide any matter arising out of or related to a breach of any provision of this Mohawk Law.

12.0 KAHNAWÀ:KE HAWKERS & PEDDLERS LAW H-1

12.1 Section 2.6 will be added to the law and will read as follows:

The Council's decision to suspend, cancel, terminate, amend, not issue, grant or renew any license or permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

12.2 Section 6.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

13.0 KAHNAWÀ:KE HAZARDOUS STRUCTURES LAW H-2

13.1 Section 11.2 will be combined into section 12.1, which will be amended to read as follows:

The Court of Kahnawà:ke shall be the Court of competent jurisdiction to hear all matters relating to this Law including any appeal from a decision of the Community Building Inspector.

14.0 KAHNAWÀ:KE HEALTH CARE PROFESSIONS LAW H-3

14.1 Section 10.4 will be amended to read as follows:

The Inspector's decision to suspend, cancel, terminate, amend, not issue, grant or renew any license or permit may be reviewed by the Administrative Tribunal in accordance with the *Kahnawà:ke Justice Act* and its applicable regulations, by filing a petition at the offices of Justice Services within thirty (30) days of receipt of the decision.

14.2 Section 10.5 will be deleted.

14.3 Section 16.1 will be amended to read as follows:

The Court of Kahnawà:ke has exclusive jurisdiction to hear and decide any matter arising out of or related to a breach of any provision of this Law or the Regulations.

15.0 KAHNAWÀ:KE INDIAN VILLAGE LAW I-1

15.1 Section 5.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

16.0 KAHNAWÀ:KE LANGUAGE LAW L-1

- 16.1 The last paragraph of the first whereas clause will be amended by correcting the spelling of “winter”.
- 16.2 Sections 4.2 and 4.3 will be amended by correcting the spelling of “Kanien’kéha”.
- 16.3 Section 6.5 will be amended by capitalizing the word “Court”.
- 16.4 Section 9.6 will be deleted.
- 16.5 Section 10.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

17.0 KAHNAWÀ:KE PEACEKEEPERS LAW P-1

- 17.1 Section 51.1 will be amended by having the word “or” moved to follow subsection a).
- 17.2 Section 77.2 will be added to the law and will read as follows:

The Court of Kahnawà:ke has original inherent jurisdiction in all matters related to this Law which have not been specifically assigned to another entity empowered by this Law.

18.0 KAHNAWÀ:KE PROTECTION, PRESERVATION & MANAGEMENT OF FUR-BEARING ANIMALS, FISH & GAME LAW P-4

- 18.1 Section 2.2 will be amended to read as follows:

Any officer authorized to enforce this Law shall forthwith seize all game or fish protected by this Law along with any equipment by which such game or fish were procured and shall make charge against violators before a Justice of the Peace or Judge of the Court of Kahnawà:ke, when: ...

- 18.2 Section 3.2 will be amended to read as follows:

Where a person is convicted under this Law for a violation that occurred within Mohawk Territory of Kahnawà:ke, a Justice of the Peace or Judge of the Court of Kahnawà:ke may order that the game and fish, in addition to any penalty imposed, are forfeited for the benefit of the Kahnawà:ke Community Members provided however that the game or fish so forfeited shall be delivered to a charitable institution designated by the Mohawk Council of Kahnawà:ke.

18.3 Section 3.3 will be amended to read as follows:

Where a person is convicted under this Law for a violation that occurred within Mohawk Territory of Doncaster a Justice of the Peace or Judge of the Court of Kahnawà:ke may order that the game and fish, in addition to any penalty imposed, are forfeited for the benefit of either to Kahnawà:ke Community Members or Kahnehsá:take Community Members, or both, provided however that the game or fish so forfeited shall be delivered to a charitable institution designated by either the Mohawk Council of Kahnawà:ke or Kahnehsá:take or both.

19.0 KAHNAWÀ:KE PUBLIC HEALTH LAW P-5

19.1 Section 1.1 will be amended by correcting the spelling of “putrefying”.

19.2 Section 3.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

20.0 KAHNAWÀ:KE QUARRY LAW Q-1

20.1 Section 4.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

21.0 KAHNAWÀ:KE RECREATIONAL PATHS LAW R-1

21.1 Section 9 will be amended by correcting the spelling of “EXCEPTION” in the heading.

21.2 Section 12.1 will be amended to read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this Kaianerénhsera (Law).

22.0 KAHNAWÀ:KE ROAD LAW R-2

22.1 Section 4.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

23.0 KAHNAWÀ:KE SANITARY CONDITIONS LAW S-1

23.1 Section 21.2 will be amended by deleting the word “Court” and replacing it with the words “Court of Kahnawà:ke”.

23.2 Section 22.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

24.0 KAHNAWÀ:KE STREET LIGHTS LAW S-1

24.1 Section 1(b)(i) will be amended by deleting the typo “11.”.

24.2 Section 3.1 will be amended by deleting the word “Court” and inserting the words “Court of Kahnawà:ke”.

24.3 Section 4.1 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

25.0 KAHNAWÀ:KE “THE COMMON” LAW T-2

25.1 Section 6 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

26.0 KAHNAWÀ:KE TOWN DUMP LAW T-3

26.1 Section 9 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

27.0 KAHNAWÀ:KE TRAFFIC LAW T-4

27.1 Section 29 will be added to the law and will read as follows:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

28.0 KAHNAWÀ:KE WEAPON CONTROL LAW W-1

28.1 Section 6.1 will be amended to read as follows:

In addition to any penalty that he may impose, a Justice of the Peace or Judge of the Court of Kahnawà:ke may order upon conviction of the defendant, that he not have in his possession for a minimum of one (1) year and a maximum of five (5) years, any firearm, knife or ammunition anywhere on the Territory.

28.2 Section 6.2 will be amended to read as follows:

In addition to any penalty that he may impose, a Justice of the Peace or Judge of the Court of Kahnawà:ke may order upon conviction of the defendant that any firearm, knife or ammunition involved in the commission of an offence under the present by-law, be forfeited to the benefit of the Council to be destroyed.

28.3 Section 8 will be amended to include the following:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

29.0 KAHNAWÀ:KE AND KANEHSATA:KE LAW RESPECTING ZONING OF THE TERRITORY OF DONCASTER Z-1

29.1 The definition of “Justice” at section 1.1 will be amended to read as follows:

“Justice” 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; ...

29.2 Section 5.2 will be amended to include the following:

The Court of Kahnawà:ke has jurisdiction over all matters related to this law.

PART II - CORRECTION OF SPELLING OF “KAHNAWÀ:KE”

The following laws will be amended to correct the spelling of “Kahnawà:ke”:

- 1) KAHNAWÀ:KE ALCOHOLIC BEVERAGES LAW A-1
- 2) KAHNAWÀ:KE ATHLETIC EVENTS LAW A-3
- 3) KAHNAWÀ:KE ATV/ATC LAW A-4
- 4) KAHNAWÀ:KE BUILDING USE LAW B-1
- 5) KAHNAWÀ:KE BUSINESSES, TRADES & PROFESSIONS LAW B-3
- 6) KAHNAWÀ:KE CONSERVATION LAW C-2
- 7) KAHNAWÀ:KE CURFEW LAW C-3
- 8) KAHNAWÀ:KE DISORDERLY CONDUCT & NUISANCE LAW D-1
- 9) KAHNAWÀ:KE EMERGENCY PREPAREDNESS LAW E-2
- 10) KAHNAWÀ:KE FIREWORKS LAW F-1
- 11) KAHNAWÀ:KE GAMING LAW G-1
- 12) KAHNAWÀ:KE HAWKERS & PEDDLERS LAW H-1
- 13) KAHNAWÀ:KE HAZARDOUS STRUCTURES LAW H-2
- 14) KAHNAWÀ:KE HEALTH CARE PROFESSIONS LAW H-3
- 15) KAHNAWÀ:KE INDIAN VILLAGE LAW I-1
- 16) KAHNAWÀ:KE LANGUAGE LAW L-1
- 17) KAHNAWÀ:KE PEACEKEEPERS LAW P-1
- 18) KAHNAWÀ:KE PROTECTION, PRESERVATION & MANAGEMENT OF FUR-BEARING ANIMALS,
FISH & GAME LAW P-4
- 19) KAHNAWÀ:KE PUBLIC HEALTH LAW P-5
- 20) KAHNAWÀ:KE QUARRY LAW Q-1
- 21) KAHNAWÀ:KE RECREATIONAL PATHS R-1
- 22) KAHNAWÀ:KE ROAD LAW R-2
- 23) KAHNAWÀ:KE SANITARY CONDITIONS LAW S-1
- 24) KAHNAWÀ:KE STREET LIGHTS LAW S-1
- 25) KAHNAWÀ:KE “THE COMMON” LAW T-2
- 26) KAHNAWÀ:KE TOWN DUMP LAW T-3
- 27) KAHNAWÀ:KE TRAFFIC LAW T-4
- 28) KAHNAWÀ:KE WEAPON CONTROL LAW W-1
- 29) KAHNAWÀ:KE AND KANEHSATA:KE LAW RESPECTING ZONING OF THE TERRITORY OF
DONCASTER Z-1

PART III - RENUMBERING OF SECTIONS OF LAWS

The following laws have sections that need to be renumbered:

- 1) KAHNAWÀ:KE ATHLETIC EVENTS LAW A-3
- 2) KAHNAWÀ:KE ATV/ATC LAW A-4
- 3) KAHNAWÀ:KE BUILDING USE LAW B-1
- 4) KAHNAWÀ:KE BUSINESSES, TRADES & PROFESSIONS LAW B-3
- 5) KAHNAWÀ:KE CONSERVATION LAW C-2
- 6) KAHNAWÀ:KE CURFEW LAW C-3
- 7) KAHNAWÀ:KE DISORDERLY CONDUCT & NUISANCE LAW D-1
- 8) KAHNAWÀ:KE FIREWORKS LAW F-1
- 9) KAHNAWÀ:KE GAMING LAW G-1
- 10) KAHNAWÀ:KE HAWKERS & PEDDLERS LAW H-1
- 11) KAHNAWÀ:KE HAZARDOUS STRUCTURES LAW H-2
- 12) KAHNAWÀ:KE HEALTH CARE PROFESSIONS LAW H-3
- 13) KAHNAWÀ:KE INDIAN VILLAGE LAW I-1
- 14) KAHNAWÀ:KE LANGUAGE LAW L-1
- 15) KAHNAWÀ:KE PEACEKEEPERS LAW P-1
- 16) KAHNAWÀ:KE PUBLIC HEALTH LAW P-5
- 17) KAHNAWÀ:KE QUARRY LAW Q-1
- 18) KAHNAWÀ:KE RECREATIONAL PATHS R-1
- 19) KAHNAWÀ:KE ROAD LAW R-2
- 20) KAHNAWÀ:KE SANITARY CONDITIONS LAW S-1
- 21) KAHNAWÀ:KE STREET LIGHTS LAW S-1
- 22) KAHNAWÀ:KE "THE COMMON" LAW T-2
- 23) KAHNAWÀ:KE TOWN DUMP LAW T-3
- 24) KAHNAWÀ:KE TRAFFIC LAW T-4
- 25) KAHNAWÀ:KE WEAPON CONTROL LAW W-1
- 26) KAHNAWÀ:KE AND KANEHSATA:KE LAW RESPECTING ZONING OF THE TERRITORY OF DONCASTER Z-1