

Akwesasne Wolf Belt

# Mohawk Territory of Akwesasne



By-Law Respecting Control of Dogs Amendment 18-79

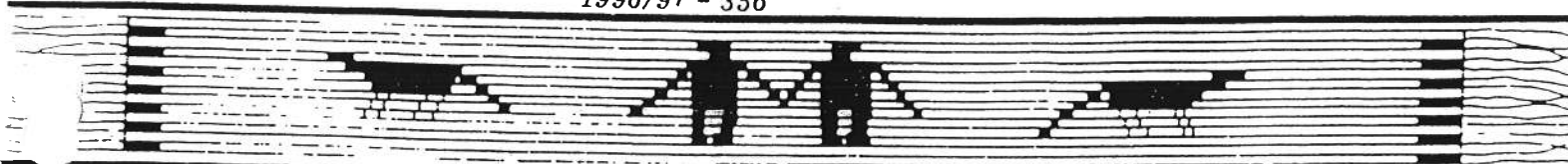
As passed by Mohawk Council Resolution

Council-July 13, 1979 Amended-June 4, 1988

Ministry-April 20, 1967

# AKWESASNE MOHAWK COUNCIL RESOLUTION

1996/97 - 356



<b>THE</b>	<b>MOHAWK COUNCIL OF AKWESASNE</b>	<b>CURRENT CAPITAL BALANCE</b> \$ _____
<b>AGENCY</b>	<b>SOUTHERN ONTARIO DISTRICT</b>	<b>COMMITTED</b> \$ _____
<b>PROVINCE</b>	<b>ONTARIO / QUEBEC</b>	<b>CURRENT REVENUE BALANCE</b> \$ _____
<b>PLACE</b>	<b>ADMIN. II BOARDROOM</b>	<b>COMMITTED</b> \$ _____
<b>DATE</b>	<u>27</u> <u>NOV</u> <u>1996</u> <small>DAY                      MONTH                      YEAR</small>	

**DO HEREBY RESOLVE:**

**MOVED:** Vincenette Cook  
**SECONDED:** Johanne Jackson

**TO ACCEPT THE ATTACHED "EMERGENCY INTERIM DOG CONTROL REGULATION".**

**CARRIED**

Antoine Delormier  
CHIEF

Mike Mitchell  
CHIEF

\_\_\_\_\_  
CHIEF

Russell Roundpoint  
GRAND CHIEF

Johanne Jackson  
CHIEF

\_\_\_\_\_  
CHIEF

Vaughn Phillips  
CHIEF

Raymond Mitchell  
CHIEF

Vincenette Cook  
CHIEF

Gerald J. Sharrow  
CHIEF

Leona Benedict  
CHIEF

**THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING.**

Karihwenhawe Dorothy Lazore  
CHIEF

Lynn Roundpoint  
CHIEF

**RECORDED VOTE:**

**FOR:** \_\_\_\_\_

**AGAINST:** \_\_\_\_\_

**ABSTENTION:** \_\_\_\_\_

WHEREAS the Mohawk Council of Akwesasne has from time to time passed resolutions and enacted legislation governing the control of dogs within the Mohawk Territory of Akwesasne;

AND WHEREAS the current law has not been enforced in an efficient manner, due to the lack of procedural regulations for the enforcement of such law:

AND WHEREAS the absence of such procedural regulations has created immediate community concern for the health and safety of its residents:

NOW THEREFORE BE IT RESOLVED that until an Akwesasne Dog Control Law is duly enacted by the Mohawk community of Akwesasne, the following Emergency Interim Dog Control Regulation be incorporated with the current laws governing the control of dogs within the Mohawk Territory of Akwesasne:

1. Any owner who does not have control of their dog commits an offense.
2. **STRAY DOGS**
  - a) Any dog, not under the control of its owner, may be seized by the Akwesasne Conservation Department and held until the owner arranges for its release. The owner must arrange for their dog's release within 5 working days of seizure.
  - b) No dog shall be released to its owner until the owner has paid all expenses incurred by the seizure to the Akwesasne Conservation Department.
  - c) The Conservation Department may destroy any dog that has been held pursuant to subsection 2(a) for a period exceeding 5 working days.
3. **AGGRESSIVE DOGS**
  - a) Any dog, not under the control of its owner and deemed by the Akwesasne Conservation Department to be aggressive, shall be seized and not released to its owner until the owner has satisfied the Akwesasne Conservation Department that the aggressive behavior no longer poses a threat to the safety or health of any person.
  - b) The provisions of subsections 2(b) and 2(c) shall apply for any dog seized under this section.
4. **BITING INCIDENTS**
  - a) Any dog, not under the control of its owner, that bites a person, shall be quarantined under the authority of the Akwesasne Conservation Department. The Akwesasne Conservation Department may order the owner to quarantine their dog for a period not exceeding 10 days.
  - b) Any dog that is subject to quarantine pursuant to subsection 4(a), shall be destroyed after 10 days.
  - c) Any owner that violates subsection 4(a) commits an offense.

5. **LIABILITY OF OWNER**

- a) The owner of any dog that has caused property damage or injury to a person, while not under the control of its owner, shall be liable for all expenses incurred, by any source, resulting from the incident.
- b) Where the owner of a dog does not satisfy the expenses incurred pursuant to subsection 5(a), the victim may apply to Akwesasne Mohawk Court for an Order.
- c) Anyone who does not comply with an Order pursuant to subsection 5(b), commits an offense.

6. **DUTIES OF THE AKWESASNE MOHAWK POLICE SERVICE**

- a) The Akwesasne Mohawk Police Service shall perform the duties under this resolution in the event of emergency situations or where the Akwesasne Conservation Department is not available.
- b) The Akwesasne Mohawk Police Service shall transfer to the Akwesasne Conservation Department, as soon as possible, any duties or responsibilities undertaken pursuant to subsection 6(a).

7. **PENALTIES**

- a) Any person found guilty of an offense under this Regulation shall be liable to a fine not exceeding \$1,000.00 or to a term of imprisonment not exceeding 30 days, or to both.
- b) In addition to any other authority under this Regulation, the Akwesane Mohawk Court may order an offender not to own a dog for any period that it deems appropriate.

8. **APPEALS**

Any decision of the Akwesasne Mohawk Court may be appealed to the Council of Elders within five working days.

9. This Emergency Interim Dog Control Regulation shall come into effect on the <sup>97</sup>~~27~~ day of Nov, 1996, and shall be enforced on the 4 day of DEC, 1996.

BY-LAW RESPECTING CONTROL OF DOGS  
AMENDMENT 18-79

Passed by Akwesasne Mohawk Council on July 13, 1979 and amended on June 4, 1988.

Accepted by Ministry on July 16, 1988

Being a by-law respecting regulations for the control and destruction of dogs within the Mohawk Territory of Akwesasne.

WHEREAS the Mohawk Council of Akwesasne is responsible to it's Mohawk people to prevent the spreading of diseases and the imposition of a penalty for a violation thereof;

WHEREAS it is deemed necessary to provide for the regulation, control and destruction of dogs for the health, safety and welfare of the inhabitants within the Mohawk Territory of Akwesasne;

THEREFORE, the Mohawk Council of Akwesasne adopts the following by-law at a duly convened meeting held at the offices of the Mohawk Council of Akwesasne on June 4, 1988

In virtue of its authority as the elected representatives of the Mohawk people of Akwesasne and in virtue of its powers under Section 81 of the Indian Act as amended to date, the Mohawk Council hereby enacts the following:

Section 1.

DEFINITIONS

"Animal Control Officer" means a Peacekeeper appointed by the Mohawk Council of Akwesasne including the Akwesasne Mohawk Police and the Akwesasne Conservation Officer;

"Mohawk Territory of Akwesasne" means the territory over which the Mohawk Council has jurisdiction;

"Nuisance" is any activity that disrupts the peace and comfort of any person, causes physical injury to any person or endangers the lives, safety or health or the general public or member thereof;

"Owner" includes a person who assumes responsibility for a dog;

Section 2.

A dog owner must ensure that his dog is not a nuisance in any way to the general public or a member thereof.

Section 3.

A dog owner must ensure that his dog is properly cared for.

Section 4.

- (1) Upon receiving information that a dog has committed a nuisance, the Animal Control Officer shall contact the dog's owner and issue him a warning to prevent the nuisance from reoccurring.
- (2) If the nuisance occurs a second time, the Animal Control Officer shall impose a one hundred (\$100) fine on the owner.
- (3) If the nuisance reoccurs, the Animal Control Officer may seize the dog and may petition the Mohawk Court to have the dog declared a serious nuisance.

Section 5.

Notwithstanding Section 4, a dog that poses an imminent threat to the life or safety of the general public or of a member thereof shall be immediately seized by the Animal Control Officer. He shall petition the Mohawk Court to have the dog declared a serious nuisance.

Section 6.

A dog declared to be a serious nuisance by the Mohawk Court shall be destroyed by the Animal Control Officer. The owner must be given prior verbal or written notification of this action.

Section 7.

The Animal Control Officer shall make a reasonable effort to identify the owner of a dog that has committed a nuisance. If the owner cannot be identified, the Animal Control Officer may petition the Mohawk Court to have the dog declared a serious nuisance.

Section 8.

- (1) A person who suspects that a dog has been involved in a wounding incident shall immediately notify the Animal Control Officer.

- (2) The Animal Control Officer shall seize and quarantine for a period not exceeding six (6) months a dog he believes, on reasonably and probable grounds, to have been involved in a wounding incident.

Section 9.

Owners of aggressive dogs, such as pit-bull terriers and Doberman pinchers, must ensure their dogs are not given free, unsupervised access to the general public.

Section 10.

A dog pack determined to be a serious nuisance by the Animal Control Officer shall be restrained by any degree of force deemed necessary by the Officer.

Section 11.

A person who violated a provision of this law is liable upon summary conviction to a fine not exceeding one thousand dollars (\$1,000.) or a term of imprisonment not exceeding thirty (30 days), or both.

Grand Chief - Michael Mitchell  
Chief - Vivian Smoke  
Dave Benedict  
John Lazore

Timothy Thompson  
Hilda King