

AMENDING BY-LAW #: 13/1983-84
PROPOSED BY : Chief Kenneth Kane
SECONDED BY : Chief Myrtle Bush

WHEREAS the Mohawk Band Council of Kahnawake at a duly convened Council meeting held on October 31, 1983 did agree to the proposed amendments in the Kahnawake Town By-Laws to include, the term «Peace Keeper», where applicable. Now therefore by the present By-Law, the following by-laws are amended to reflect terminological changes as follows:

Kahnawake Town By-Law (T.B.L.) Cir. 1 is hereby amended so that the definition of Peace Officer in Article 1-A reads:

«A Peace Officer - includes any member of the Caughnawaga Police Force or any members of the Kahnawake Peace Keepers; having jurisdiction on the Kahnawake Indian Reserve.»

T.B.L., Cir. 1, Article #18 - Snow Removal, is hereby amended to read:

«All Peace Officers or the foreman of the department and/or his assistant are authorized to have removed, at the expense of the owner, all vehicles parked on a street or public place during the cleaning and removal of snow.»

T.B.L., Cir.1, Article #19 - Seizure of Vehicles, is hereby amended to read:

«All Peace Officers are authorized to bring to the Police Station all vehicles driven by an intoxicated person, contrary to some of the dispositions of the present by-law.

The owner of said vehicle can always directly or by his agent reclaim the vehicles by paying the fine imposed by law or by the present by-law and the towing charges.»

T.B.L., Cir.1, Article #29 - Highway Code, is hereby amended to read:

T.B.L., #3/65-66 Article #1-(A) which reads:

«"Special Constable" means a person appointed pursuant to section 10 of the Royal Canadian Mounted Police Act. R.S.C. 1959, c.54 for the purpose of maintaining law and order on the Caughnawaga Indian Reserve.»

is hereby deleted from said by-law.

T.B.L., #3/65-66 Articles #7, 8, & 9 are hereby amended to read:

#7 «Any Peace Officer shall have the power and authority to arrest any person who violates any of the provisions of this by-law.»

#8 «No person shall resist or wilfully obstruct a peace officer in the execution of his duty or any person lawfully acting in aiding such an officer.»

#9 «No person shall omit without reasonable excuse to assist a peace officer in the execution of his duty in arresting a person or in preserving the peace after having reasonable notice that he is required to do so.»

«Peace Officer - includes any member of the Caughnawaga Police Force, of the Kahnawake Peace Keepers, and having jurisdiction on the Kahnawake Indian Reserve.»

T.B.L., #I-1 (C) Buildings & Trespassing, is hereby amended to read:

«Peace Officer - includes any member of the Caughnawaga Police Force, any member of the Kahnawake Peace Keepers, and having jurisdiction on the Kahnawake Indian Reserve.»

T.B.L., #L-1 - Disorderly, Article #2, is hereby amended to read:

#2 «Any Peace Officer of the Band will have the authority to arrest at sight any person who violates this by-law and seize any articles, apparatus used in connection with the commitment of this offence.»

T.B.L. #2B - Fur Bearing Animals, Article #3 is hereby amended to read:

- #3 «The Chiefs & Councillors of the Band, Conservation Officers, Kahnawake Peace Keepers, and any other person or persons named by the Council shall be ex-officio officers for the enforcement of this by-law.»

T.B.L. titled Dog Regulations, Article 1-c, 6, 12, 13, 14, 15 & 16 are hereby amended to read:

«The word "Peace Officer" includes any member of the Caughnawaga Police Force, or the Kahnawake Peace Keepers, and having jurisdiction on the Kahnawake Indian Reserve.»

T.B.L., titled Dog Regulations, Article #6, is hereby amended to read:

- #6 «And dog which bites any person may be summarily destroyed by any Peace Officer or by the Pound-Keeper. If a dog commits an act prohibited under this article of the present and of a complaint has been made subsequently under the same article against the guardian or a person 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 14 days (for the prevention of rabies) and it will be the responsibility of the Chief of Police or Chief Peace Keeper to destroy the animal or to place for adoption in the country. If a dog dies during the quarantined period described in this article, it will be the responsibility of the Chief of Police or Chief Peace Keeper to preserve the cadaver of the animal and to submit an immediate report to the local Veterinary of the Federal Department of Health.»

- #12 «Any Peace Officer may destroy without delay any dog which he has reason to suspect is a mad dog or which is sick or hurt.»

- #13 «The Council may by resolution establish a Dog Pound for the Kahnawake Indian Reserve and may appoint a Pound-Keeper for such Dog Pound.»

- #14 «No dog which has been brought in a pound in accordance with the present by-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 dog in the Pound. Such costs shall be fixed from time to time by Resolution of the Council.

If such dog is not claimed within four (4) days after it has been impounded, it may be summarily disposed of.

The cadaver of any destroyed dog may be disposed of by the Pound-Keeper, or Peace Officer, as he sees fit.»

- #15 «The Peace Officer or the Pound-Keeper appointed by the Council or any Veterinary may order or proceed to the destruction of any wounded or sick dog that has been placed in the Pound.»

- #16 «If a person is found guilty of an offence under this by-law and there is a subsequent conviction under the present by-law in respect of the same dog, the court, in addition to any other penalty provided for hereunder, may order the immediate destruction of the dog and it shall then be destroyed forthwith by a Peace Officer.»

George Montan

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