

CHAPTER 15 - ANIMAL CONTROL REGULATIONS

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CHAPTER 15 - ANIMAL CONTROL REGULATIONS

15.1 SECTION 1: PURPOSE

15.1.1 The purpose of these Animal Control Regulations is to protect the children, elderly, and all residents of the Red Cliff Reservation and their guests from injury by dogs, cats, and other animals, and to prevent the spread of disease, which could hurt human beings and wildlife on the reservation. The Tribal Council finds that unregulated animals pose a threat to the safety of reservation residents, domestic animals, and wildlife, and that this threat has a direct effect on the political integrity, economic security and health and welfare of the Tribe, its members, and wildlife.

15.2 SECTION 2: DEFINITIONS

As used in this ordinance, unless the context otherwise indicates.

15.2.1 "Animal Control Officer" shall mean any Tribal Warden, Law Enforcement Officer or person designated by the Tribe to enforce these regulations. (05/18/10)

15.2.2 "Animal" shall be intended to mean both male and female dogs, cats, or any other common household pet. (05/18/10)

15.2.3 "Owner" shall be intended to mean any person or persons owning, keeping, or harboring an animal. (05/18/10)

15.2.4 "At Large" shall be intended to mean not under the control of the owner or a member of his immediate family either by leash, cord, chain, or otherwise on or off the premises of the owner. (05/18/10)

15.3 SECTION 3: VACCINATION

15.3.1 It shall be unlawful for the owner to keep or maintain any dog unless:

- (1) The dog has been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, and
- (2) The dog at all times bears a current and valid tag indicating that the dog has been vaccinated.

15.4 SECTION 4: LICENSE

15.4.1 No person shall keep, harbor, or maintain a dog unless; such dog is currently and validly licensed by the Tribe.

15.4.2 The owner shall state on the application for the license his or her name and address, and the name, breed, color and sex of the dog, and whether the dog, has been spayed or neutered.

15.4.3 Every owner is required to provide each dog with a collar to which the license tag must be securely affixed, and shall insure that the collar, rabies tag and license tag are constantly worn.

15.4.4 No owner shall transfer a dog tag from one animal to another

15.4.5 Each owner shall pay a fee of \$5.00 per dog, except that the fee shall be \$2.00 if the owner presents a veterinarian's certificate that the dog is neutered or spayed. A duplicate license is free. (05/18/10)

15.5 SECTION 5: INSPECTION

15.5.1 Every person who keeps, harbors, or maintains a dog on the reservation gives implied consent to any animal control officer to ascertain whether the animal is wearing a rabies tag and a tribal license tag. Any other violation of this Chapter may also be charged during the inspection. (05/18/10)

15.6 SECTION 6: LEASH LAW

15.6.1 No owner or keeper of any dog shall permit such dog to be at large.

- 15.6.2** It shall be the duty of every animal control officer to apprehend any dog found at large, and impound the dog in the animal shelter. The dog must be held for a minimum of 7 days before it may be adopted out or disposed of in a humane manner. (05/18/10)
- 15.6.3** Before disposal, the Animal Control Officer shall make reasonable efforts to identify the owner and notify the owner that disposal will be within 7 days. (05/18/10)
- 15.6.4** "Reasonable efforts" to notify the owner shall be presumed to have been made if the officer does anyone of the following:
- (a) Informs a person over the age of 12 at the address of record of the owner that the animal will be destroyed if not reclaimed within 7 days; (05/18/10)
 - (b) Posts a notice on the door of the address of record, to the owner that the animal will be destroyed if not reclaimed within 7 days; (05/18/10)
 - (c) Confers with 3 residents of the reservation to try and identify the owner and ascertain the owner's address;
- 15.6.5** It is a continuing obligation of every owner to inform the animal control officer of his or her current address. If the animal is found at large, the officer shall be entitled to rely on the address supplied by the owner in the application for a tribal dog license, which shall be the address of record.
- 15.6.6** It shall not be a defense to a prosecution for any violation of Chapter 15 that the Tribe failed to prosecute any other animal owner before the defendant was prosecuted. (05/18/10)

15.7 SECTION 7: REDEMPTION

15.7.1 An owner who violates any section of Chapter 15 and whose animal has been impounded may redeem the animal upon payment of any costs incurred during impoundment. (05/18/10)

15.8 SECTION 8: QUARATINE

15.8.1 An owner whose animal is believed to have rabies or has been bitten by an animal suspected of having rabies, shall immediately confine the animal in a secure manner that ensures the safety of people or other animals for a period of 10 days on the owner's premises, and, upon demand of an animal control officer, shall surrender the animal for inspection and impoundment, which shall be at the expense of the owner. (05/18/10)

15.8.2 Any owner whose animal has bitten another person shall immediately confine the animal in a secure manner that ensures the safety of people or other animals for a period of 10 days on the owner's premises, and, upon demand of an animal control officer, shall surrender the animal for inspection and impoundment, which shall be at the expense of the owner. (05/18/10)

15.9 SECTION 9: NUISANCE

15.9.1 An animal may be deemed a nuisance and his owner may be held liable if said animal is; habitually at large, destroys the property of another, makes a noise that persistently occurs to such a degree or extent that is unreasonable, or frightens or harasses any person in any way. It is not a defense to a violation of this provision that the animal was leashed when the damage was done, unless the animal was provoked. (05/18/10)

15.9.2 No person shall keep, harbor or maintain an animal, which has been declared a danger to the public or other animals. (05/18/10)

15.10 SECTION 10: CRUELTY TO ANIMALS

15.10.1 No person shall tease, provoke, taunt, beat, cruelly treat or torment, any animal, or cause or permit any fight or other combat between animals. (05/18/10)

15.10.2 No owner or keeper shall fail to provide his animal(s) with food, water, adequate shelter, or proper care when needed to prevent suffering. (05/18/10)

15.10.3 No owner or keeper shall abandon an animal. Abandonment shall consist of leaving the animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water, and check on the animal's condition. (05/18/10)

15.11 SECTION 11: BURIAL OF ANIMALS

15.11.1 No person shall bury a dead animal within the boundaries of the reservation unless the body is at least three feet underground.

15.11.2 No person shall bury an animal within 500 feet of any stream, pond, river, creek, lake, building, or sanitary landfill.

15.11.3 No person shall dispose of an animal in any body of water.

15.12 SECTION 12: PENALTIES

15.12.1 A person who violates any provision of this Chapter 15 shall be subject to a civil forfeiture of not more than \$5000.00. In addition to or in lieu of a civil forfeiture, a person who violates any provision of this chapter shall be subject to any of all of the following:

15.12.2 Restitution of damages to the Tribe or to an injured individual, including but not limited to payment of medical bills; damages for pain and suffering; property damage; all costs of impoundment, licensing, boarding or disposal; all veterinary fees, or;

15.12.3 Community service, including but not limited to any service needed by the community; animal control education; building, operation, or maintenance of an animal shelter; boarding, disposal or burial of animals; or in-kind provision of food, supplies, equipment or care for impounded animals.

15.12.4 In addition to any civil forfeiture or restitution for damages, the Court may order any animal declared a dangerous animal or is habitually at large, to be removed from within the boundaries of the Red Cliff Reservation.
(05/18/10)

15.13 **SECTION 13: PARENTS**

15.13.1 The parent or legal guardian of a minor is financially and legally liable for every act of the minor in violation of this chapter.

15.14 **SECTION 14: LIABILITY**

15.14.1 Animal control officers and persons authorized to enforce the provisions of this chapter shall, in the performance of their official duties, be exempt from any and all liability for acts done or property destroyed by authority of law.

15.15 **SECTION 15: EFFECTIVE DATE**

15.15.1 This ordinance shall become effective immediately upon passage by the Red Cliff Tribal Council.
(05/18/10)