

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI INDIANS**

**ANIMAL CONTROL CODE**

**TITLE VIII-12**

**ARTICLE I**

**GENERAL PROVISIONS**

**SEC.101 TITLE.** THE TITLE OF THIS CODE SHALL BE THE ANIMAL CONTROL CODE.

**SEC.102 PURPOSE.** THE PURPOSE OF THIS CODE IS TO:

- (A) PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE TRIBE, ITS CITIZENS AND VISITORS TO THE TRIBE'S RESERVATION;
- (B) GOVERN THE ACTIVITIES OF ALL PERSONS WHO OWN, POSSESS OR HAS CUSTODY OF ANIMALS ON THE RESERVATION OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI BY INCORPORATING AND APPLYING THE LAWS OF THE STATE OF MICHIGAN AS TRIBAL LAW TO SUCH ACTIVITIES;
- (C) PROVIDE FOR TRIBAL REGULATION OF ACTIVITIES RELATED TO THE OWNERSHIP, POSSESSION OR CUSTODY OF ANIMALS BY ALL PERSONS WITHIN THE TERRITORIAL JURISDICTION OF THE TRIBE.

**SEC. 103. SEVERABILITY.** IF ANY PROVISION OF THIS CODE IS FOUND TO BE UNCONSTITUTIONAL OR UNLAWFUL BY THE COURTS OF THE TRIBE OR THE FEDERAL COURTS, SUCH PROVISION(S) SHALL BE STRUCK AND THE REMAINDER OF THIS CODE SHALL CONTINUE IN FULL FORCE AND EFFECT.

**SEC. 104. EFFECTIVE DATE.** THIS CODE SHALL TAKE EFFECT 30 DAYS AFTER ITS APPROVAL AND FOLLOWING POSTING AT ALL TRIBAL GOVERNMENT BUILDINGS.

**SEC. 105. INTERPRETATION.** IN ITS INTERPRETATION AND APPLICATION THE PROVISIONS OF THIS CODE SHALL BE HELD TO BE MINIMUM REQUIREMENTS AND SHALL BE LIBERALLY CONSTRUED IN FAVOR OF THE TRIBE AND SHALL NOT BE DEEMED AS A LIMITATION UPON OR REPEAL OF ANY OTHER TRIBAL POWER OR AUTHORITY.

**SEC. 106. NON-LIABILITY.** THE TRIBE DECLARES THAT THERE IS NO LIABILITY ON THE PART OF THE TRIBE, ITS AGENCIES, AGENTS OR EMPLOYEES FOR ANY DAMAGES WHICH MAY OCCUR AS A RESULT OF RELIANCE UPON OR CONFORMITY TO THIS CODE. THE TRIBE BY THE ADOPTION OF THIS CODE DOES NOT WAIVE ITS SOVEREIGN IMMUNITY IN ANY RESPECT.

## **ARTICLE II DEFINITIONS**

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

- (A) *ABANDON* MEANS TO FORSAKE AN ANIMAL ENTIRELY OR TO NEGLECT OR REFUSE TO PROVIDE OR PERFORM THE LEGAL OBLIGATIONS FOR CARE AND SUPPORT OF AN ANIMAL BY ITS OWNER.
- (B) *AT LARGE* MEANS NOT ON THE PREMISES OF THE OWNER AND NOT UNDER CUSTODY, CHARGE OR POSSESSION OF THE OWNER, OR KEEPER. A POLICE DOG OR POLICE HORSE WHILE IN USE BY A LAW ENFORCEMENT AGENCY SHALL NOT BE DEEMED TO BE AT LARGE.
- (C) *CITATION* SHALL HAVE THE MEANING OF A WRIT TO APPEAR IN THE TRIBAL COURT OF LAW.
- (D) *CRUELTY* SHALL HAVE THE MEANING OF THE QUALITY OR CONDITION OF BEING CRUEL OR AN ACT THAT DELIBERATELY CAUSES PAIN AND DISTRESS.
- (E) *DIRECT CONTROL* MEANS IMMEDIATE AND CONTINUOUS PHYSICAL CONTROL OF AN ANIMAL AT ALL TIMES SUCH AS BY MEANS OF A FENCE, LEASH, CORD OR CHAIN OF SUFFICIENT STRENGTH TO RESTRAIN THE SAME.
- (F) *DOMESTIC ANIMAL* MEANS ANY EQUINE OR BOVINE ANIMAL, GOAT, SHEEP, SWINE, DOG, CAT, POULTRY, OR OTHER DOMESTICATED BEAST OR BIRD.
- (G) *KEEPER* OR *OWNER* SHALL MEAN ANY PERSON THAT OWNS, POSSESSES, OR HAS CUSTODY, OR CONTROLS, OR GIVES SHELTER, FEEDS, CONFINES, BOARDS, KEEPS, HOUSES, OR IS IN CHARGE OF, OR TENDS ANY ANIMAL.
- (H) *LICENSE CERTIFICATE* MEANS A STATE OF MICHIGAN LICENSE CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE.
- (I) *LICENSE TAG* MEANS A STATE OF MICHIGAN LICENSE TAG ISSUED PURSUANT TO THIS ARTICLE.
- (J) *LICENSED VETERINARIAN* MEANS ANY PERSON WHO IS LICENSED TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE.
- (K) *ORDINANCE* MEANS ANY ORDINANCE RELATING TO THE CONTROL OF OR CRUELTY TO ANIMALS ENACTED BY THE TRIBAL COUNCIL, THE VIOLATION OF WHICH IS A CIVIL INFRACTION.
- (L) *PERSON* MEANS ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, ESTATE, OR OTHER LEGAL ENTITY OR BUSINESS UNIT.
- (M) *PUBLIC NUISANCE ANIMAL* MEANS ANY ANIMAL THAT UNREASONABLY ANNOYS HUMAN BEINGS, ENDANGERS THE LIFE OR HEALTH OF OTHER ANIMALS OR PERSONS OR SUBSTANTIALLY INTERFERES WITH THE RIGHTS OF PERSONS OTHER THAN THEIR OWNERS TO ENJOYMENT OF LIFE OR PROPERTY. THE TERM "PUBLIC NUISANCE ANIMAL" SHALL MEAN AND INCLUDE, BUT IS NOT LIMITED TO, ANY ANIMAL THAT:
  - 1) IS REPEATEDLY FOUND AT LARGE;

- 2) DAMAGES THE PROPERTY OF ANYONE OTHER THAN ITS OWNER;
- 3) CHASES VEHICLES;
- 4) MAKES EXCESSIVE DISTURBING NOISES, INCLUDING BUT NOT LIMITED TO, CONTINUED OR REPEATED HOWLING, BARKING, WHINING OR OTHER UTTERANCES CAUSING UNREASONABLE ANNOYANCE, DISTURBANCE OR DISCOMFORT TO THE NEIGHBORS OR TO OTHERS IN CLOSE PROXIMITY TO THE PREMISES WHERE THE ANIMAL IS KEPT OR HARBORED;
- 5) IS OFFENSIVE OR DANGEROUS TO THE PUBLIC HEALTH, SAFETY OR WELFARE BY VIRTUE OF THE NUMBER OR TYPES OF ANIMALS KEPT OR HARBORED; OR
- 6) ATTACKS OTHER ANIMALS.

N) *SECURE ENCLOSURE* MEANS:

- 1) A BUILDING SUCH AS THE OWNER'S DWELLING; OR
- 2) A KENNEL WHICH MEASURES A MINIMUM OF FOUR (4) FEET BY EIGHT (8) FEET, WHICH DOES NOT SHARE COMMON FENCING WITH THE PERIMETER OF THE PREMISES, AND WHICH CONSISTS OF A TOP AND SIDES MADE FROM AT LEAST ELEVEN (11) GAUGE CHAIN LINK WIRE AND SECURED TO A CONCRETE FLOOR BY EMBEDDING THE WIRE IN THE CONCRETE BY USING GALVANIZED OR STEEL PIPE AND TIES.

O) *REGISTRATION* IS THE ACT OR PROCESS OF REGISTERING YOUR ANIMAL WITH THE NHBP POLICE DEPARTMENT.

P) *SHELTER* MEANS A STRUCTURE WITH THREE (3) SIDES, A ROOF AND A FLOOR WHICH PROTECTS THE ANIMALS FROM CONDITIONS SUCH AS RAIN, SUN, AND OTHER WEATHER ELEMENTS.

Q) *TRIBAL ANIMAL CONTROL AUTHORITY* IS THE NHBP POLICE DEPARTMENT.

R) *TRIBAL ANIMAL CONTROL OFFICER* IS ANY NHBP POLICE OFFICER.

### **ARTICLE III**

## **CONDUCT DEEMED DETRIMENTAL TO PUBLIC HEALTH, SAFETY AND WELFARE**

### **SEC. 3.01. HARBORING OF DOMESTIC ANIMALS AND FOWL**

IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP OR HOUSE ANY DOMESTIC ANIMALS OR FOWL, WHETHER LICENSED OR UNLICENSED, EXCEPT DOGS, CATS, OR ANIMALS COMMONLY CLASSIFIED AS PETS ON ANY TRIBAL LANDS.

### **SEC. 3.02. RUNNING AT LARGE.**

(A) IT IS A VIOLATION OF THIS ARTICLE FOR ANY PERSON OWNING OR HAVING POSSESSION, CHARGE, CUSTODY

OR CONTROL OF ANY DOG TO CAUSE, PERMIT OR ALLOW A DOG TO STRAY OR IN ANY MANNER TO RUN AT LARGE IN OR UPON ANY PUBLIC STREET, SIDEWALK OR OTHER PUBLIC PROPERTY OR ON THE PROPERTY OF ANOTHER; HOWEVER, SUCH DOG MAY BE OFF THE PREMISES OF THE OWNER OR OF THE PERSON HAVING POSSESSION, CHARGE, CUSTODY OR CONTROL OF THE DOG IF THE DOG IS LEASHED AND UNDER CONTROL OF THE OWNER OR THE PERSON HAVING POSSESSION, CHARGE, CUSTODY OR CONTROL OF THE DOG.

- (B) THIS SECTION SHALL NOT APPLY TO ANY DOG ACTUALLY ENGAGED IN THE SPORT OF HUNTING IN AUTHORIZED AREAS AT AUTHORIZED TIMES AND SUPERVISED BY A COMPETENT PERSON.
- (C) TRIBAL POLICE ARE AUTHORIZED TO IMPOUND ANY DOG WHICH IS AT LARGE AND ARE AUTHORIZED TO ENTER ONTO PRIVATE PROPERTY FOR THE PURPOSE OF CAPTURING SUCH DOG FOR IMPOUNDMENT.
- (D) IT IS A VIOLATION OF THIS ARTICLE FOR THE OWNER OR KEEPER OF A DANGEROUS OR VICIOUS ANIMAL TO REFUSE OR FAIL TO CONFINE OR RESTRAIN SUCH ANIMAL AS REQUIRED BY THIS ARTICLE.
- (E) THE OWNER OR KEEPER OF A DANGEROUS OR VICIOUS ANIMAL, WHETHER OR NOT IS HAS BEEN DECLARED DANGEROUS OR VICIOUS, WHO PERMITS, ALLOWS OR CAUSES SUCH ANIMAL TO RUN OR STRAY OR BE UNCONTROLLED OR AT LARGE IN OR UPON PUBLIC OR PRIVATE PROPERTY, SHALL BE IN VIOLATION OF THIS ARTICLE IF SUCH ANIMAL BITES, ATTACKS OR CAUSES INJURY TO ANY PERSON OR DOMESTIC ANIMAL.

### **SEC. 3.03. ANIMAL WASTE**

THE OWNER OF EVERY ANIMAL SHALL BE RESPONSIBLE FOR THE IMMEDIATE REMOVAL OF ANY FECAL MATTER DEPOSITED BY HIS/HER ANIMAL ON PUBLIC PROPERTY, PUBLIC EASEMENTS, OR PRIVATE PROPERTY, BEFORE LEAVING THE IMMEDIATE AREA.

### **SEC. 3.04.ALLOWING ANIMAL TO MAKE EXCESSIVE NOISE**

A PERSON SHALL NOT ALLOW AN ANIMAL OWNED BY THEM OR OTHERWISE IN THEIR CONTROL TO MAKE EXCESSIVE NOISE BY CONTINUALLY BARKING, HOWLING, GROWLING, SCREECHING OR OTHERWISE DISTURBING THE PEACE AND TRANQUILITY OF ANOTHER PERSON:

- (A) IN EXCESS OF TWENTY (20) MINUTES BETWEEN THE NIGHT TIME HOURS OF 10:00 PM AND 7:00 AM; OR
- (B) IN EXCESS OF THIRTY (30) MINUTES AT ANY TIME DURING DAYTIME HOURS OF 7:00 AM AND 10:00 PM.

### **SEC. 3.05. FEMALE DOGS AND CATS IN HEAT**

- (A) IT SHALL BE UNLAWFUL FOR THE OWNER OR CUSTODIAN OF ANY FEMALE DOG OR CAT TO PERMIT OR ALLOW SUCH DOG OR CAT TO GO BEYOND THE PREMISES OF SUCH OWNER OR CUSTODIAN WHEN SHE IS IN HEAT.
- (B) THE OWNER OF ANY FEMALE DOG OR CAT IN HEAT WHICH IS NOT KEPT IN A SECURE ENCLOSURE, SUCH AS A BUILDING, VETERINARY HOSPITAL, BOARDING KENNEL OR CLOSED KENNEL IN SUCH A MANNER THAT SUCH FEMALE DOG OR CAT CANNOT COME IN CONTACT WITH A MALE DOG OR CAT, EXCEPT FOR INTENTIONAL BREEDING PURPOSES, SHALL BE IN VIOLATION OF THIS ARTICLE. FOR THE PURPOSE OF THIS SECTION A FENCED AREA IS NOT SUFFICIENT ENCLOSURE.

### **SEC. 3.06. KEEPING OF DANGEROUS, DISEASED OR RABID ANIMALS**

NO PERSON SHALL PERMIT ANY DANGEROUS ANIMAL, DISEASED ANIMAL OR AN ANIMAL THAT HAS BEEN BITTEN BY ANY ANIMAL KNOWN TO HAVE BEEN AFFLICTED WITH RABIES OR OTHER INFECTIOUS DISEASE TO BE ON ANY PRIVATE OR PUBLIC PROPERTY. ANY ANIMAL WHICH HAS BEEN ATTACKED OR BITTEN BY ANOTHER ANIMAL HAVING OR SHOWING SYMPTOMS OF RABIES SHOULD BE IMMEDIATELY REPORTED TO THE TRIBAL POLICE DEPARTMENT, AND NO PERSON SHALL DESTROY OR DISPOSE OF THE ANIMAL WITHOUT THE PERMISSION OF THE TRIBAL POLICE DEPARTMENT. WHENEVER AN ANIMAL IS IMPOUNDED FOR HAVING BITTEN A PERSON, THE TRIBAL POLICE DEPARTMENT MAY, IF DEEMED NECESSARY, CAUSE SUCH ANIMAL TO BE DESTROYED AS A DANGEROUS ANIMAL. ANY DANGEROUS ANIMAL RUNNING AT LARGE WHICH CANNOT SAFELY BE TAKEN OR IMPOUNDED MAY BE DESTROYED BY THE TRIBAL POLICE. IN ALL CASES WHERE AN ANIMAL HAS BITTEN A PERSON OR OTHER ANIMAL AS TO CAUSE A PUNCTURE OR ABRASION OF THE SKIN OR WHERE THE ANIMAL IS SUSPECTED TO BE RABID OR HAVE ANOTHER INFECTIOUS DISEASE, NO INJURY SHOULD BE DONE TO THE HEAD OF THE ANIMAL.

### **SEC. 3.07. KEEPING OF WILD OR EXOTIC ANIMALS**

NO PERSON SHALL KEEP OR PERMIT TO BE KEPT ON HIS/HER PREMISES ANY WILD ANIMAL SUCH AS, BUT NOT LIMITED TO, BEAR, DEER, EXOTIC OR POISONOUS SNAKES, LARGE REPTILES, LARGE MEMBERS OF THE CAT FAMILY, OR ANY ANIMAL SPECIFICALLY PROHIBITED FROM DOMESTIC HOUSING BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS AS A PET OR FOR DISPLAY OR EXHIBITION PURPOSES WITHOUT OBTAINING ALL OF THE NECESSARY AND REQUIRED LICENSES AND PERMITS BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. PERSON(S) FOUND VIOLATING THIS SECTION MUST IMMEDIATELY SURRENDER SUCH ANIMAL TO THE TRIBAL POLICE OR AGENCY AUTHORIZED TO HOUSE SUCH WILDLIFE.

### **SEC. 3.08. ABANDONED OR UNWANTED ANIMALS**

IT SHALL BE UNLAWFUL TO ABANDON AN ANIMAL OR CAUSE AN ANIMAL TO BE ABANDONED, IN ANY PLACE, WITHOUT MAKING PROVISIONS FOR THE ANIMAL'S ADEQUATE CARE, UNLESS THE PREMISES ARE TEMPORARILY VACATED FOR THE PROTECTION OF HUMAN LIFE DURING A DISASTER. AN ANIMAL THAT IS LOST BY AN OWNER OR CUSTODIAN WHILE TRAVELING, WALKING, HIKING, OR HUNTING SHALL NOT BE REGARDED AS ABANDONED UNDER THIS SECTION WHEN THE OWNER OR CUSTODIAN HAS MADE, OR IS MAKING A REASONABLE EFFORT TO LOCATE THE ANIMAL.

### **SEC. 3.09. ORDER TO SHOW CAUSE WHY AN ANIMAL SHOULD NOT BE DESTROYED**

TRIBAL POLICE MAY ISSUE A CITATION FOR A VIOLATION OF THIS SECTION OR A COMPLAINT MAY BE FILED IN THE TRIBAL COURT AND THE TRIBAL COURT SHALL ISSUE A SUMMONS TO THE OWNER OF SUCH DANGEROUS ANIMAL TO SHOW CAUSE WHY THE ANIMAL SHOULD NOT BE KILLED OR OTHERWISE DISPOSED OF. THE OWNER SHALL PAY ALL COSTS INCURRED FOR THE DISPOSITION OF THE ANIMAL. SUCH ACTION SHALL BE IN ADDITION TO ANY PENALTY IMPOSED PURSUANT TO THIS CHAPTER.

### **SEC. 3.10. IMPOUNDMENT.**

- (A) THE TRIBAL COUNCIL IS EMPOWERED AND AUTHORIZED TO DESIGNATE AND UTILIZE ANIMAL CONTROL SHELTERS OR HOLDING FACILITIES AT LOCATIONS SELECTED BY THE TRIBAL COUNCIL IN ORDER TO PROVIDE ADEQUATE ANIMAL CONTROL FACILITIES FOR THE TRIBE OR ARRANGE WITH PRIVATE PARTIES FOR THE SAME.

- (B) TRIBAL POLICE MAY ENGAGE THE SERVICES OF A LICENSED VETERINARIAN TO TREAT ANY SICK OR INJURED ANIMAL, INCLUDING ANY ANIMAL SUBJECT TO CRUELTY, OR ANY ANIMAL INFECTED WITH OR SUSPECTED OF CARRYING RABIES, IMPOUNDED PURSUANT TO THIS ARTICLE. THE OWNER OR KEEPER OF SUCH ANIMAL SHALL BE LIABLE FOR PAYMENT OF VETERINARY AND IMPOUNDMENT EXPENSE OR REIMBURSEMENT OF THE TRIBE'S EXPENSES IN TREATING THE ANIMAL.
- (C) THE TRIBAL COUNCIL SHALL ESTABLISH FEES TO BE CHARGED FOR IMPOUNDING, BOARDING AND FEEDING ANIMALS.
- (D) THE POLICE DEPARTMENT MAY CATCH, SEIZE, HUMANELY TRAP, OR PICK UP AND IMPOUND:
- 1) ANY DOG OR CAT AT LARGE.
  - 2) ANY DOG NOT VACCINATED OR LICENSED AS REQUIRED.
  - 3) ANY ANIMAL WHICH HAS BITTEN OR SCRATCHED A PERSON OR ANY ANIMAL CARRYING OR SUSPECTED OF CARRYING RABIES OR OTHER INFECTIOUS OR CONTAGIOUS DISEASES.
  - 4) ANY SICK, INJURED, ABANDONED OR CRUELLY TREATED ANIMAL FOR WHICH THE OWNER CANNOT BE FOUND AFTER REASONABLE EFFORT TO DO SO.
  - 5) ANY PUBLIC NUISANCE ANIMAL.
  - 6) ANY DANGEROUS OR DISEASED ANIMAL.
  - 7) ANY ANIMAL NOT PROPERLY QUARANTINED.
  - 8) ANY FEMALE DOG OR CAT IN HEAT NOT PROPERLY CONFINED.
  - 9) ANY DOG NOT WEARING A LICENSE TAG.
  - 10) ANY OTHER ANIMAL AUTHORIZED BY THIS ARTICLE TO BE IMPOUNDED.
- (E) TRIBAL POLICE SHALL ATTEMPT TO IDENTIFY AND LOCATE THE OWNER OR KEEPER OF AN ANIMAL IMPOUNDED PURSUANT TO THIS ARTICLE. IF THE OWNER CAN BE IDENTIFIED AND LOCATED, THE TRIBAL POLICE SHALL PROVIDE NOTICE EITHER IN WRITING, BY TELEPHONE, OR IN PERSON THAT THE ANIMAL HAS BEEN IMPOUNDED.
- (F) ANY ANIMAL IMPOUNDED PURSUANT TO THIS ARTICLE, EXCEPT FOR AN ANIMAL CLASSIFIED AS A DANGEROUS OR VICIOUS ANIMAL, MAY BE REDEEMED WITHIN FIVE (5) DAYS OF SUCH NOTICE. THE PERIOD FOR REDEMPTION SHALL INCLUDE THE DAY OF IMPOUNDMENT. THE LAST DAY OF SUCH REDEMPTION PERIOD SHALL OCCUR ON A DAY THE NHBP POLICE DEPARTMENT FACILITY IS OPEN FOR BUSINESS.
- (G) NO ANIMAL IMPOUNDED PURSUANT TO THIS ARTICLE SHALL BE RELEASED UNTIL:

- 1) THE OWNER OR KEEPER OF AN IMPOUNDED DOG WHICH IS NOT VACCINATED AGAINST RABIES OR WHICH DOES NOT HAVE A VALID LICENSE CERTIFICATE OR LICENSE TAG ARRANGES FOR RABIES VACCINATION AND OBTAINS A LICENSE CERTIFICATE AND LICENSE TAG;
- 2) THE OWNER OR KEEPER OF AN IMPOUNDED ANIMAL PAYS THE FEES FOR IMPOUNDMENT, BOARD, FEED AND ANY ADDITIONAL FEES.
- 3) THE OWNER OR KEEPER OF AN IMPOUNDED ANIMAL PAYS ANY EXPENSES INCURRED BY THE TRIBE FOR VETERINARY TREATMENT;
- 4) THE OWNER OR KEEPER OF AN IMPOUNDED ANIMAL PROVIDES PROOF OF OWNERSHIP OR CUSTODY, SUCH AS A LICENSE CERTIFICATE, SALES RECEIPT, AFFIDAVITS OF NEIGHBORS, PHOTOGRAPHS, OR OTHER DOCUMENTARY EVIDENCE.

## **ARTICLE IV**

### **QUARANTINE OF ANIMALS**

**SEC. 4.01.** ANY PERSON BITTEN OR HAVING KNOWLEDGE OF ANY PERSON BITTEN BY ANY DOG, CAT OR OTHER ANIMAL SHALL REPORT THE FACT IMMEDIATELY TO AN NHBP POLICE OFFICER OR THE NHBP POLICE DEPARTMENT. THE OFFICER OR DEPARTMENT SHALL NOTIFY THE OWNER OF THE ANIMAL ALLEGED TO HAVE BITTEN A PERSON CONCERNING THE REPORTED BITE.

**SEC. 4.02.** IF QUARANTINE OF A DOG OR CAT CANNOT BE MAINTAINED AT THE OWNER'S HOME OR AT ANOTHER LOCATION, THE DOG OR CAT SHALL BE QUARANTINED AT A COUNTY SHELTER OR OTHER HOLDING FACILITY. IT IS A VIOLATION OF THIS ARTICLE FOR THE OWNER OF A DOG OR CAT TO REFUSE OR FAIL TO MAINTAIN THE DOG OR CAT UNDER THE RABIES QUARANTINE AS REQUIRED.

**SEC. 4.03.** THE FEES ESTABLISHED BY THE TRIBAL COURT FOR IMPOUNDMENT AND MAINTENANCE OF ANIMALS SHALL BE APPLIED TO COVER THE COSTS OF ANIMALS QUARANTINED UNDER TRIBAL LAW. NO ANIMAL QUARANTINED PURSUANT TO THIS ARTICLE SHALL BE RELEASED UNTIL ALL SUCH FEES HAVE BEEN PAID.

**SEC. 4.04.** A VICIOUS ANIMAL WHICH HAS BITTEN, ATTACKED, OR CAUSED INJURY TO ANY PERSON OR DOMESTIC ANIMAL WITHOUT PROVOCATION SHALL NOT BE RELEASED BUT SHALL BE HUMANELY DESTROYED. PRIOR TO THE DESTRUCTION OF ANY SUCH VICIOUS ANIMAL, THE OWNER SHALL BE NOTIFIED OF THE IMMINENT DESTRUCTION OF THE ANIMAL AND THE BASIS THEREOF, BY HAND DELIVERY OR REGULAR MAIL, TO THE OWNER'S LAST-KNOWN ADDRESS. THE DATE OF DESTRUCTION SHALL BE INCLUDED IN THE NOTICE, AND SUCH DESTRUCTION SHALL NOT BE EARLIER THAN THE EIGHTH DAY FOLLOWING THE MAILING OR HAND DELIVERY OF SUCH NOTICE. NOTICE IS PRESCRIBED BY THIS ARTICLE IN ORDER TO GIVE THE OWNER OF SUCH ANIMAL TIME TO APPLY TO COURT OF COMPETENT JURISDICTION FOR ANY REMEDIES WHICH MAY BE AVAILABLE.

**SEC. 4.05.** THE NHBP POLICE DEPARTMENT SHALL KEEP, OR CAUSE TO BE KEPT, ACCURATE AND DETAILED

**ARTICLE V**  
**CRUELTY TO ANIMALS PROHIBITED**

**SEC. 5.01.** THE FOLLOWING SHALL BE CONSIDERED ACTS OF CRUELTY:

- (A) TO IMPOUND OR CONFINED ANY ANIMAL IN ANY PLACE WITHOUT A SUFFICIENT QUANTITY OF GOOD, WHOLESOME FOOD AND WATER; TO KEEP ANY ANIMAL IN ANY ENCLOSURE WITHOUT WHOLESOME EXERCISE AND CHANGE OF AIR; TO ABANDON TO DIE ANY ANIMAL THAT IS MAIMED, LACKING STRENGTH AND VITALITY BECAUSE OF SICKNESS OR AGE, OR DISEASED.
- (B) FAILURE TO MAINTAIN A CLEAN, FECES FREE ENVIRONMENT.
- (C) ANY PERSON WHO IS THE OWNER OR POSSESSOR, OR HAS CHARGE OR CUSTODY OF ANY ANIMAL WHO COMMITS THE ABOVE ACTS UPON ANY ANIMAL OR WHO ABANDONS SUCH ANIMAL TO SUFFER INJURY OR MALNUTRITION OR ABANDONS ANY ANIMAL IN A STREET, ROAD OR PUBLIC PLACE WITHOUT PROVIDING FOR THE CARE, SUSTENANCE, PROTECTION, AND SHELTER OF SUCH ANIMAL SHALL BE IN VIOLATION OF THIS ARTICLE.
- (D) IT IS A VIOLATION OF THIS ARTICLE FOR ANY VEHICLE OWNER, PASSENGER OR OPERATOR TO CONFINED AN ANIMAL OR ALLOW IT TO BE CONFINED OR TO REMAIN IN AN UNATTENDED VEHICLE WITHOUT SUFFICIENT VENTILATION OR UNDER CONDITIONS FOR SUCH A PERIOD OF TIME AS MAY REASONABLY BE EXPECTED TO ENDANGER THE HEALTH OR WELL-BEING OF SUCH ANIMAL DUE TO HEAT, LACK OF WATER OR SUCH OTHER CIRCUMSTANCES AS MAY BE EXPECTED TO CAUSE SUFFERING, DISABILITY OR DEATH. ANY TRIBAL POLICE OFFICER WHO FINDS AN ANIMAL IN A VEHICLE IN VIOLATION OF THIS ARTICLE MAY ENTER THE VEHICLE BY USING THE AMOUNT OF FORCE WHICH IS REASONABLE NECESSARY TO REMOVE THE ANIMAL. NEITHER THE OFFICER NOR NHBP SHALL BE LIABLE FOR ANY DAMAGE REASONABLY RELATED TO THE REMOVAL OF THE ANIMAL UNDER THIS SECTION. THE OFFICER IS AUTHORIZED TO IMPOUND AND DISPOSE OF SUCH ANIMAL IN THE MANNER PROVIDED FOR IN THIS ARTICLE.
- (E) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENCOURAGE OR PERMIT ANY ANIMAL TO ENGAGE IN ANIMAL FIGHTING OR BAITING FOR AMUSEMENT OR GAIN, INCLUDING:
- 1) KNOWINGLY OWNING, MANAGING OR OPERATING A PROPERTY OR FACILITY KEPT OR USED FOR ANIMAL FIGHTING OR BAITING OR EQUIPMENT USED IN SUCH FIGHTS;
  - 2) BREEDING, OWNING, POSSESSING, KEEPING, TRAINING, TRANSPORTING, PURCHASING OR KNOWINGLY SELLING ANY ANIMAL FOR ANIMAL FIGHTING OR BAITING.
  - 3) PROMOTING, STAGING, ADVERTISING, WAGERING ON OR CHARGING AN ADMISSION FEE TO ATTEND ANIMAL FIGHTING OR BAITING BETWEEN TWO OR MORE ANIMALS;

- 4) PERFORMING ANY SERVICE OR ACT TO FACILITATE ANIMAL FIGHTING OR BAITING, INCLUDING, BUT NOT LIMITED TO, PROVIDING SECURITY, REFEREEING, HANDLING OR TRANSPORTING ANIMALS OR BEING A STAKEHOLDER OF ANY MONEY WAGERED ON ANIMAL FIGHTING OR BAITING;
- 5) ATTENDING SUCH FIGHTING OR BAITING AS A SPECTATOR, WHETHER OR NOT ONE HAS PAID AN ADMISSION FEE TO DO SO.

## **ARTICLE VI**

### **REGISTRATION**

#### **SEC. 6.01. REQUIRED**

ALL DOGS, SIX MONTHS OF AGE OR OLDER, ON ANY TRIBAL LANDS SHALL BE REGISTERED WITH THE TRIBAL POLICE DEPARTMENT, ENSURING THAT ANIMALS HAVE THE NECESSARY VACCINATIONS PROVIDES FOR THE SAFETY OF THE COMMUNITY. WHEN REGISTERING A DOG, A CURRENT STATE DOG LICENSE AND RECORD OF VACCINATION SHALL BE PRESENTED.

#### **SEC. 6.02. REGISTRY**

THE TRIBAL POLICE DEPARTMENT SHALL MAINTAIN A REGISTRY OF ALL REGISTERED DOGS ON TRIBAL LANDS. THE REGISTRY SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING INFORMATION;

- (A) NAME AND ADDRESS OF OWNER
- (B) NAME, BREED, SEX, AGE, COLOR OF ANIMAL
- (C) STATE DOG LICENSE NUMBER
- (D) RABIES VACCINATION NUMBER
- (E) OTHER VACCINATION RECORD
- (F) NAME OF THE VETERINARIAN OR CLINIC ADMINISTERING THE VACCINATION.

#### **SEC.6.03. FEES**

A FEE OF \$25.00 SHALL BE CHARGED FOR THE REGISTRATION OF EACH ANIMAL REGISTERED. THIS FEE IS DUE AT THE TIME THE ANIMAL IS REGISTERED. FEE MAY BE REIMBURSED IF SPAY OR NEUTERED WITHIN THIRTY (30) DAYS OF REGISTRATION.

#### **SEC. 6.04. WAIVER OF FEES**

THE REGISTRATION FEE OF \$25.00 SHALL BE WAIVED UPON THE OWNER SHOWING PROOF THAT THE ANIMAL TO BE REGISTERED HAS BEEN SPAY OR NEUTERED.

#### **SEC. 6.05. TAG TO BE WORN**

- (A) THE OWNER OR KEEPER OF A DOG ON TRIBAL LAND SHALL BE REQUIRED TO OBTAIN A LICENSE CERTIFICATE AND LICENSE TAG FOR SUCH DOG EACH YEAR AS REQUIRED BY ACT NO. 339 OF THE PUBLIC ACTS OF MICHIGAN OF 1919 (MCL 287.261 ET SEQ., MSA 12.511 ET SEQ.), AS AMENDED, MORE COMMONLY

KNOWN AS THE DOG LAW OF 1919, AS IF SUCH DOG WERE KEPT OUTSIDE OF TRIBAL LANDS. IT IS A VIOLATION OF THIS ARTICLE FOR THE OWNER OR KEEPER OF A DOG TO REFUSE OR FAIL TO OBTAIN A CURRENT LICENSE CERTIFICATE OR LICENSE TAG FOR THE DOG AS REQUIRED BY THIS SECTION.

- (B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP OR POSSESS OR HAVE THE CARE OF ANY DOG OF THE AGE OF SIX MONTHS OR OVER, WITHIN TRIBAL LANDS UNLESS SUCH DOG SHALL WEAR A COLLAR OR HARNESS TO WHICH IS ATTACHED THE LICENSE TAG PROVIDED FOR BY ACT NO. 339 OF THE PUBLIC ACTS OF MICHIGAN OF 1919 (MCL 287.261 ET SEQ., MSA 12.511 ET SEQ.), AS AMENDED, MORE COMMONLY KNOWN AS THE DOG LAW OF 1919.
- 1) IT IS A VIOLATION OF THIS ARTICLE FOR ANY LICENSE IDENTIFICATION TAGS OR MARKS ISSUED FOR ONE ANIMAL TO BE UTILIZED FOR ANOTHER ANIMAL.
  - 2) IT IS A VIOLATION OF THIS ARTICLE FOR ANY PERSON TO POSSESS OR USE A STOLEN, COUNTERFEIT OR FORGED CERTIFICATE, TAG, OR OTHER DOCUMENT REQUIRED BY OR ISSUED PURSUANT TO THIS ARTICLE.
  - 3) THE LICENSE TAG SHALL BE ATTACHED TO THE COLLAR OR HARNESS OF THE DOG AND SHALL BE WORN AT ALL TIMES, AND IT IS A VIOLATION OF THIS ARTICLE FOR A DOG NOT TO WEAR SUCH TAGS. THIS REQUIREMENT SHALL NOT APPLY TO ANY DOG ACTUALLY ENGAGED IN THE SPORT OF HUNTING IN AUTHORIZED AREAS, AT AUTHORIZED TIMES, AND SUPERVISED BY A COMPETENT PERSON.
  - 4) PROOF OF CURRENT RABIES VACCINATION AND PURCHASE OF RABIES VACCINATION TAG MUST BE FORWARDED OR SHOWN WHEN PAYING THE CIVIL PENALTIES FOR THOSE VIOLATIONS OR THE CHARGES WILL NOT BE SATISFIED.
  - 5) IT IS A VIOLATION OF THIS ARTICLE FOR THE OWNER OR KEEPER OF A DOG TO REFUSE OR FAIL TO SHOW THE CERTIFICATE, TAG OR OTHER DOCUMENT UPON LAWFUL REQUEST BY A POLICE OFFICER, PROVIDED THAT THE OFFICER MAY ALLOW THE OWNER OR KEEPER SEVENTY-TWO (72) HOURS TO PRODUCE THE REQUESTED CERTIFICATE, TAG, OR OTHER DOCUMENT.

## **ARTICLE VII ADMINISTRATION AND ENFORCEMENT**

**SEC. 7.01.** IT SHALL BE UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON TO INTERFERE WITH, OBSTRUCT, RESIST OR OPPOSE ANY TRIBAL POLICE WHILE APPREHENDING ANIMALS OR PERFORMING ANY OTHER DUTIES.

(A) IT SHALL BE UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON TO TAKE OR ATTEMPT TO TAKE ANY ANIMAL FROM ANY OFFICER OR FROM ANY VEHICLE USED BY THE TRIBAL POLICE TO TRANSPORT ANY ANIMAL.

(B) IT SHALL BE UNLAWFUL AND A VIOLATION OF THIS ARTICLE TO TAKE OR ATTEMPT TO TAKE ANY ANIMAL FROM AN ANIMAL SHELTER WITHOUT PROPER AUTHORITY.

(C) TRIBAL POLICE SHALL BE IMMUNE FROM PROSECUTION FOR REASONABLE, GOOD-FAITH, TRESPASS UPON PRIVATE PROPERTY.

(D) NHBP TRIBAL POLICE SHALL INVESTIGATE COMPLAINTS OF ALLEGED VIOLATIONS OF THIS ARTICLE.

(E) NHBP TRIBAL POLICE MAY CATCH, SEIZE OR PICK UP:

- 1) ANY ANIMAL AT LARGE;
- 2) ANY SICK OR INJURED ANIMAL, INCLUDING ANY ANIMAL SUBJECT TO CRUELTY, IN NEED OF IMMEDIATE MEDICAL ATTENTION;
- 3) ANY ANIMAL INFECTED WITH OR SUSPECTED OF CARRYING RABIES OR ANY OTHER INFECTIOUS DISEASE;
- 4) ANY DANGEROUS ANIMAL OR VICIOUS ANIMAL.
- 5) ANY ANIMAL NOT PROPERLY QUARANTINED;
- 6) ANY ANIMAL CREATING A NUISANCE;
- 7) ANY FEMALE DOG OR CAT IN HEAT NOT PROPERLY CONFINED;
- 8) ANY DOG NOT VACCINATED AGAINST RABIES;
- 9) ANY DOG NOT WEARING A LICENSE TAG; AND
- 10) ANY ANIMAL OTHERWISE IN VIOLATION OF THIS ARTICLE.

(F) THE TRIBAL POLICE SHALL IMPOUND ANY ANIMAL CAUGHT, SEIZED OR PICKED UP PURSUANT TO THIS ARTICLE.

(G) IT IS A VIOLATION OF THIS ARTICLE FOR ANY PERSON TO REFUSE OR FAIL TO SURRENDER AN ANIMAL OR THE CARCASS OF A DEAD ANIMAL UPON LAWFUL DEMAND BY THE TRIBAL POLICE.

(H) THE TRIBAL POLICE SHALL KEEP, OR CAUSE TO BE KEPT, ACCURATE AND DETAILED RECORDS OF FUNDS RELATING TO THE ADMINISTRATION OF THIS ARTICLE.

(I) THE TRIBAL POLICE OR THEIR DESIGNEE MAY DECLARE AN ANIMAL TO BE A DANGEROUS ANIMAL AND SHALL ORDER THE OWNER OR KEEPER TO CONFIRM OR RESTRAIN SUCH ANIMAL AS REQUIRED BY THIS ARTICLE. TRIBAL POLICE MAY INSPECT THE PREMISES OF THE OWNER OR KEEPER OF SUCH ANIMAL FOR COMPLIANCE WITH THE ORDER OF THE TRIBAL POLICE AND THE PROVISIONS OF THIS ARTICLE.

## SECTION VIII

### ENFORCEMENT PROCEEDINGS FOR VIOLATIONS

#### SEC. 8.01. JURISDICTION.

- (A) JURISDICTION IS HEREBY CONFERRED UPON THE TRIBAL COURT OVER PROSECUTIONS FOR CRIMINAL VIOLATIONS AND CIVIL INFRACTIONS OF THIS CODE.
- (B) VIOLATIONS OF THIS CODE SHALL BE TREATED IN THE FOLLOWING MANNER:
1. VIOLATIONS RESULTING FROM INTENTIONAL OR RECKLESS CONDUCT, SHALL CONSTITUTE CRIMINAL VIOLATIONS OF THIS CODE IF COMMITTED BY A MEMBER, ANY OTHER INDIAN, OR ANY OTHER PERSON TO THE EXTENT THAT SUCH JURISDICTION IS PERMITTED BY FEDERAL LAW. THE COURT MAY IMPOSE CRIMINAL PENALTIES IN ACCORDANCE WITH SECTION 9.02 OF THIS CODE AND THE SCHEDULE OF OFFENSES ADOPTED BY THE TRIBAL COUNCIL.
  2. VIOLATIONS SHALL CONSTITUTE CIVIL INFRACTIONS OF THIS CODE IF COMMITTED BY ANY PERSON OVER WHOM THE TRIBE HAS JURISDICTION, INCLUDING PERSONS OVER WHOM THE TRIBE IS NOT PERMITTED BY FEDERAL LAW TO EXERCISE CRIMINAL JURISDICTION. SUCH VIOLATIONS SHALL BE PUNISHABLE BY A CIVIL FINE IN ACCORDANCE WITH THE LIMITATIONS PRESCRIBED IN SECTION 9.01 AND THE PROCEDURES DESCRIBED IN SECTIONS 8.02 AND 8.03. BY SUCH CIVIL INFRACTIONS IN ACCORDANCE WITH SECTION 9.01 OF THIS CODE AND A SCHEDULE OF FINDS ADOPTED BY THE TRIBAL COUNCIL FROM TIME TO TIME.
  3. IN ADDITION TO ANY PENALTY IMPOSED BY THE TRIBAL COURT, THE COURT UPON CONVICTION SHALL ORDER PAYMENT OF COURT FEES AND COSTS IN THE AMOUNT OF DETERMINED BY THE TRIBAL COURT.
- (C) PROCEEDINGS FOR CRIMINAL VIOLATIONS OF THIS CODE SHALL BE GOVERNED BY THE LAW AND ORDER CODE, CHAPTER III - CRIMINAL PROCEDURES CODE.

**SEC. 8.02.** ANY TRIBAL POLICE OFFICER, INCLUDING LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE TRIBAL LAW, WHO HAS PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED AN ACT IN VIOLATION OF THIS ARTICLE MAY ISSUE A CITATION TO THE PERSON.

**SEC. 8.03.** TRIBAL POLICE SHALL PERSONALLY DELIVER THE CITATION FOR VIOLATION TO THE ALLEGED VIOLATOR OF THIS ARTICLE.

(A) IN ISSUING A CITATION FOR CODE VIOLATIONS, TRIBAL POLICE SHALL:

- 1) MAKE A PERSONAL INVESTIGATION TO DETERMINE WHETHER THE TRIBAL POLICE HAVE REASONABLE CAUSE TO BELIEVE THAT THE SUSPECT HAS COMMITTED A CIVIL INFRACTION IN VIOLATION OF THIS ORDINANCE.
- 2) THE TRIBAL POLICE, UPON MAKING THE DETERMINATION THAT A VIOLATION EXISTS, SHALL ISSUE A

NOTICE TO THE PERSON THAT HAS COMMITTED A VIOLATION OF THIS CODE AND SHALL ESTABLISH A REASONABLE TIME PERIOD WITHIN WHICH THAT PERSON MUST CORRECT THE VIOLATION. SUCH TIME PERIOD SHALL NOT EXCEED THIRTY (30) DAYS.

- 3) THE TRIBAL POLICE DO NOT HAVE TO PROVIDE A PERSON WITH A REASONABLE TIME PERIOD TO CORRECT THE VIOLATION PRIOR TO ISSUING A CITATION AND MAY IMMEDIATELY ISSUE A CITATION IF THERE EXISTS REASON TO BELIEVE THAT THE VIOLATION REPRESENTS A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR IF THE VIOLATION IS IRREPARABLE OR REVERSIBLE.
  - 4) IF, UPON PERSONAL INVESTIGATION, THE OFFICER FINDS THAT THE PERSON HAS NOT CORRECTED THE VIOLATION WITHIN THE NOTICE'S TIME PERIOD, A CITATION TO THE PERSON WHO HAS COMMITTED THE VIOLATION MAY BE ISSUED.
- (B) AFTER ISSUING A CITATION TO AN ALLEGED VIOLATOR, THE ORIGINAL WHITE CITATION SHALL BE DEPOSITED WITH THE CLERK OF THE COURT. THE NHBP TRIBAL POLICE DEPARTMENT SHALL RECEIVE THE YELLOW COPY OF THE CITATION. THE VIOLATOR SHALL BE GIVEN THE GOLDENROD COPY OF THE CITATION AND THE PINK COPY OF THE CITATION IN THE EVENT OF MULTIPLE VIOLATIONS.
- (C) IF THE PERSON ELECTS NOT TO CONTEST THE CITATION, THE PERSON SHALL PAY THE APPLICABLE CIVIL PENALTY TO THE CLERK OF THE TRIBAL COURT WITHIN THIRTY (30) DAYS AFTER ISSUANCE OF THE CITATION.
- (D) IF THE PERSON ELECTS TO CONTEST THE CITATION, THE PERSON SHALL REQUEST A HEARING THROUGH THE CLERK OF THE TRIBAL COURT WITHIN THIRTY (30) DAYS AFTER ISSUANCE OF THE CITATION. THE CLERK SHALL SCHEDULE A HEARING IN THE TRIBAL COURT AND SHALL PROVIDE WRITTEN NOTICE OF THE HEARING TO THE PERSON AND THE OFFICER.
- (E) IF THE PERSON FAILS TO PAY THE CIVIL PENALTY WITHIN THE TIME ALLOWED, OR FAILS TO APPEAR IN COURT TO CONTEST THE CITATION, HE SHALL BE DEEMED TO HAVE WAIVED HIS RIGHT TO CONTEST THE CITATION AND JUDGMENT MAY BE ENTERED AGAINST THE PERSON FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY.
- (F) PROCEEDINGS BEFORE THE TRIBAL COURT SHALL BE NONJURY PROCEEDINGS.
- (G) ALL ANIMAL CONTROL PROCEEDINGS SHALL BE HEARD AT THE NHBP TRIBAL COURT LOCATED IN THE NHBP ADMINISTRATION BUILDING, 2221 1-1/2 MILE ROAD, FULTON, MI 49052, UNLESS OTHERWISE PROVIDED BY LAW.
- (H) A FAILURE TO PAY A FINE, PENALTY, OR FEE ASSESSED BY THE TRIBAL COURT OR ELECTED BY THE VIOLATOR SHALL BE A VIOLATION OF THIS ARTICLE AND SHALL BE PUNISHED. A BENCH WARRANT FOR ARREST OR A SUMMONS TO APPEAR IN COURT MAY BE ISSUED FOR A FAILURE TO APPEAR OR TO SCHEDULE A HEARING BY

THE TRIBAL COURT JUDGE.

- (I) MANDATORY COURT APPEARANCES ARE REQUIRED FOR VIOLATIONS AFTER ISSUANCE OF A THIRD OR SUBSEQUENT CITATION TO A PERSON IN ANY 18 MONTH PERIOD. THE CITATION MUST CLEARLY INFORM THE PERSON OF THE MANDATORY NATURE OF THE COURT APPEARANCE. THE DEPARTMENT MUST MAINTAIN RECORDS REGARDING THE NUMBER OF PREVIOUS CITATIONS TO THE PERSON IN THE 18 MONTH PERIOD. SUCH PERSONS DO NOT HAVE THE OPTION OF PAYING A CIVIL FINE IN LIEU OF THE APPEARANCE AT COURT, AND WILL BE IN CONTEMPT OF COURT IF THEY DO NOT APPEAR.
  
- (J) AN ANIMAL CONTROL NOTICE LEFT UPON A PROPERTY IN AN ATTEMPT TO NOTIFY AN OWNER OR OWNER'S AGENT OF AN EXISTING VIOLATION OF THE ANIMAL CONTROL LAWS SHALL BE RESPONDED TO BY TELEPHONE OR IN PERSON TO THE TRIBAL POLICE DEPARTMENT WITHIN TWENTY-FOUR (24) HOURS FROM THE TIME REGISTERED ON THE NOTICE. FAILURE TO DO SO WILL RESULT IN THE IMPOUNDMENT OF THE ANIMAL OR ANIMALS INVOLVED IN THE VIOLATION. IF THE ANIMAL OR ANIMALS INVOLVED IN THE VIOLATION ARE IN A STRUCTURE OR A FENCED-IN AREA, SUCH ANIMAL OR ANIMALS SHALL BE IMPOUNDED UPON ISSUANCE OF A WARRANT IF THERE IS NO RESPONSE TO THE NOTICE WITHIN TWENTY-FOUR HOURS.

## **ARTICLE IX PENALTIES**

**SEC. 9.01.** A VIOLATION OF THIS CODE CONSTITUTES A CIVIL INFRACTION.

- (A) THE MAXIMUM CIVIL PENALTY FOR A CIVIL INFRACTION SHALL NOT EXCEED \$1,000.00.
- (B) THE CIVIL PENALTY FOR A CIVIL INFRACTION SHALL BE LESS THAN THE MAXIMUM CIVIL PENALTY, IF THE PERSON WHO HAS COMMITTED THE CIVIL INFRACTION DOES NOT CONTEST THE CITATION.
- (C) CIVIL PENALTIES FOR CIVIL INFRACTIONS SHALL BE AS DESCRIBED IN A SCHEDULE OF FINES APPROVED BY THE TRIBAL COUNCIL FROM TIME-TO-TIME AS SET FORTH IN APPENDIX A.

**SEC. 9.02.** VIOLATIONS OF THIS CODE CONSTITUTE CRIMINAL OFFENSES WHEN THE CONDUCT INVOLVES THE FOLLOWING AGGRAVATING CIRCUMSTANCES:

- (A) INTENTIONAL OR RECKLESS DISREGARD FOR THE LEGAL OBLIGATIONS PRESCRIBED BY THIS CODE; OR
- (B) INTENTIONAL OR RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF PERSONS OR OF THE ANIMAL OR ANIMALS INVOLVED IN THE VIOLATION.
- (C) CRIMINAL OFFENSES UNDER THIS CODE ARE DIVIDED INTO THREE (3) CLASSES WHICH ARE DEMONINATED IN IN APPENDIX B AND SUBJECT TO MAXIMUM PENALTIES AS FOLLOWS:

- (1) CLASS A MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF 180 DAYS IMPRISONMENT, A FINE OF ONE THOUSAND DOLLARS (\$1,000.00), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT;
- (2) CLASS B MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF 90 DAYS IMPRISONMENT, A FINE OF SEVEN HUNDRED-FIFTY DOLLARS (\$750.00), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT ;
- (3) CLASS C MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF 30 0DAYS IMPRISONMENT, A FINE OF FIVE HUNDRED DOLLARS (\$500), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT.

**APPENDIX A  
CIVIL PENALTIES  
SCHEDULE OF FINES**

<b>CODE SECTION</b>	<b>DESCRIPTION OF VIOLATION</b>	<b>FIRST VIOLATION</b>	<b>SECOND VIOLATION</b>	<b>THIRD OR SUBSEQUENT VIOLATIONS</b>
3.02 (A)	RUNNING AT LARGE	\$105	\$305	\$505
3.02 (D)	FAILURE TO CONFINE OR RESTRAIN DANGEROUS OR VICIOUS ANIMAL.	\$155	\$305	\$555
3.02 (E)	UNCONTROLLED DANGEROUS OR VICIOUS ANIMAL WHICH CAUSES INJURY	\$155	\$355	\$555
3.03	FAILURE TO REMOVE ANIMAL WASTE FROM PRIVATE PROPERTY OR PUBLIC EASEMENTS.	\$105	\$305	\$505
3.04	ALLOWING AN ANIMAL TO MAKE EXCESSIVE NOISE	\$105	\$305	\$505
3.05	FAILURE TO CONFINE FEMALE DOG OR CAT IN HEAT	\$105	\$305	\$505
3.06	KEEPING OF DANGEROUS, DISEASED OR RABID ANIMAL ON ANY PRIVATE OR PUBLIC PROPERTY	\$155	\$355	\$555
3.07	KEEPING OF WILD OR EXOTIC ANIMALS	\$55	\$255	\$455
3.08	ABANDONING OR CAUSING ABANDONMENT	\$105	\$305	\$505
4.02	FAILURE OR REFUSAL TO MAINTAIN A DOG OR CAT UNDER RABIES QUARANTINE	\$155	\$355	\$555
5.01 (A)-(E)	ACTS OF CRUELTY	\$155	\$355	\$555
6.05 (A)(B)	FAILURE OR REFUSAL TO OBTAIN A CURRENT LICENSE CERTIFICATE AND LICENSE TAG FOR DOG SIX MONTHS OR OLDER	\$105	\$305	\$505
6.05 (B) 1)	DOG WEARING LICENSE TAG ISSUED FOR ANOTHER DOG	\$105	\$305	\$505
6.05 (B) 2)	POSSESSION OF STOLEN, COUNTERFEIT, OR FORGED CERTIFICATE, TAG, OR DOCUMENT	\$105	\$305	\$505
6.05 (B) 3)	LICENSE NOT BEING ATTACHED TO COLLAR OR HARNESS	\$105	\$305	\$505
6.05 (B) 5)	REFUSE OR FAIL TO SHOW CERTIFICATE, TAG OR OTHER DOCUMENTS UPON LAWFUL REQUEST	\$105	\$305	\$505
7.01	INTERFERENCE WITH A TRIBAL POLICE OFFICER	\$105	\$305	\$505
7.01 (A)	TAKING OR ATTEMPTING TO TAKE ANY ANIMAL FROM ANY OFFICER OR VEHICLE USED TO TRANSPORT ANIMAL	\$155	\$355	\$555
7.01 (B)	TAKING OR ATTEMPTING TO TAKE ANY ANIMAL FROM CUSTODY WITHOUT PROPER AUTHORITY	\$155	\$355	\$555
7.01 (G)	REFUSING OR FAILING TO SURRENDER ANIMAL OR CARCASS OF DEAD ANIMAL	\$55	\$155	\$355

**APPENDIX B**  
**CRIMINAL PENALTIES**  
**CLASSIFICATION OF OFFENSES**

<b>CODE SECTION</b>	<b>DESCRIPTION OF VIOLATION</b>	<b>FIRST VIOLATION</b>	<b>SECOND OR SUBSEQUENT VIOLATIONS</b>
3.02 (A)	RUNNING AT LARGE	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
3.02 (D)	FAILURE TO CONFINE OR RESTRAIN DANGEROUS OR VICIOUS ANIMAL.	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
3.02 (E)	UNCONTROLLED DANGEROUS OR VICIOUS ANIMAL WHICH CAUSES INJURY	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
3.03	FAILURE TO REMOVE ANIMAL WASTE FROM PRIVATE PROPERTY OR PUBLIC EASEMENTS.	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
3.04	ALLOWING AN ANIMAL TO MAKE EXCESSIVE NOISE	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
3.05	FAILURE TO CONFINE FEMALE DOG OR CAT IN HEAT	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
3.06	KEEPING OF DANGEROUS, DISEASED OR RABID ANIMAL ON ANY PRIVATE OR PUBLIC PROPERTY	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
3.07	KEEPING OF WILD OR EXOTIC ANIMALS	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
3.08	ABANDONING OR CAUSING ABANDONMENT	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
4.02	FAILURE OR REFUSAL TO MAINTAIN A DOG OR CAT UNDER RABIES QUARANTINE	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
5.01 (A)-(E)	ACTS OF CRUELTY	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
6.05 (A)(B)	FAILURE OR REFUSAL TO OBTAIN A CURRENT LICENSE CERTIFICATE AND LICENSE TAG FOR DOG SIX MONTHS OR OLDER	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
6.05 (B) 1)	DOG WEARING LICENSE TAG ISSUED FOR ANOTHER DOG	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
6.05 (B) 2)	POSSESSION OF STOLEN, COUNTERFEIT, OR FORGED LICENSE NOT BEING ATTACHED TO COLLAR OR HARNESS	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
6.05 (B) 3)		CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
6.05 (B) 5)	REFUSE OR FAIL TO SHOW CERTIFICATE, TAG OR OTHER DOCUMENTS UPON LAWFUL REQUEST	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR
7.01	INTERFERENCE WITH A TRIBAL POLICE OFFICER	CLASS B MISDEMEANOR	CLASS A MISDEMEANOR
7.01 (A)	TAKING OR ATTEMPTING TO TAKE ANY ANIMAL FROM ANY OFFICER OR VEHICLE USED TO TRANSPORT ANIMAL	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
7.01 (B)	TAKING OR ATTEMPTING TO TAKE ANY ANIMAL FROM CUSTODY WITHOUT PROPER AUTHORITY	CLASS A MISDEMEANOR	CLASS A MISDEMEANOR
7.01 (G)	REFUSING OR FAILING TO SURRENDER ANIMAL OR CARCASS OF DEAD ANIMAL	CLASS C MISDEMEANOR	CLASS B MISDEMEANOR