

Spirit Lake Tribal Dog Ordinance

Ordinance A05-70-01

Enacted January 27, 1970

Amended: August 2014

AUTHORITY:

ARTICLE VI: GOVERNMENTAL AUTHORITY

The Tribal Council of the Spirit Lake Tribe shall exercise its powers, subject to any limitations imposed by this Constitution and Bylaws and regulation on the Federal Government, pursuant to section 4 of this article.

ARTICLE III: JURISDICTION

The jurisdiction of this organization shall extend to all lands on the Spirit Lake Reservation in the state of North Dakota and to such other land as may be acquired by or in behalf of said tribe and added thereto under the laws of the United States.

PURPOSE:

To protect the health, safety, and welfare of the residences and members of the Spirit Lake Tribe. The Tribal Council of the Spirit Lake Reservation enacts the provisions set forth in this ordinance.

Dog Licensing and Control

1. Definitions
2. License requirements and fees
3. Tag and Collar
4. Running at large prohibited
5. Nuisances
6. Impoundment
7. Notice to owner and redemption
8. Disposition of Unclaimed dogs
9. Breeding Kennels Prohibited
10. Dangerous animals
11. Disposition of Infected Dogs
12. Solid Waste
13. Setting of dogs at large
14. Breaking into Dog Pound – Hindering officers
15. Rabies Control
16. Enclosure
17. Mistreating Animals

Section 1. Definitions

For the purpose of this chapter, the following words will have the following meanings:

At Large – any dog that is not on the owner’s premises, in an enclosure, or under the control of the owner, or person authorized by the owner, wither by leash, cord, chain, or other physical restraint of a maximum of six feet in length.

Dog – Any domestic animal in the canine family that is intact, spayed or neutered of either sex

Enclosure – A fence or kennel that securely confines the dog and prohibits the unsupervised entry of young children and the dog escaping

Owner – Any person or persons, firm, association, corporation, or business that owns, is keeping or harboring, or is controlling the dog

Stray – any dog not having a known owner

Section 2 Animal Control

- A. **Office Created** – there shall be employed by the tribe an Animal Control officer who shall be under the supervision and control of the Spirit Lake Nation Fish and Wildlife Department director as an employee of Animal Control. The Animal Control officer shall be deputized as a tribal police officer.
- B. **General Duties** – The Animal Control Officer shall have the following general duties:

- a. He/she shall preform the services customarily done by animal control officers, including the euthanization of impounded animals
- b. He/she shall also serve as a tribal pound master and receive into his custody any animal to be impounded under the provisions of tribal ordinances, and shall be responsible for providing sufficient and suitable food and drink for the animals so impounded.
- C. **Authority** – the animal control officer shall have the authority to carry out all tribal ordinances relating to animals, except that he/she is not authorized to make arrests to individuals as regular law enforcement. He/she shall, however, have full authority to take all action pertaining to animals as provided in the ordinances, including the issuance of citations for violations of the provisions therein

Section 3 Licensing Requirements and Fees

- A. A dog license is required for all dogs living on the Spirit Lake Reservation. No person living on the Spirit Lake Reservation may harbor, keep, or own any dog over three (3) months of age without first having obtained a dog license as provided in this section. Dogs used for law enforcement purposes, service dogs, emotional support dogs, or any other working dog on the Spirit Lake Reservation are also to be registered with Animal Control.
- B. A dog license fee will be collected by Animal Control for the purpose in aiding the Animal Control Program. Applicants for the dog license must show proof of vaccinations and spay/neuter procedure at time of applying for said license.
- C. **Required Vaccinations.** Prior to obtaining a dog licenses, all dogs must have current vaccinations and provide the certificates of such vaccinations. Length of vaccinations must be recorded on certificates. **Required vaccinations include:**
 - a. Rabies
 - b. Parvovirus
 - c. Distemper
- D. Dog Licenses will be valid for the length of the rabies vaccination that is current at the time of application. License renewals will be issued for the time of the rabies vaccination thereafter.
- E. **Tags and Collars.** Upon payment for the dog license, a tag will be issued to the applicant. Numbers will be printed on the tag that corresponds with the license database.
 - a. The tags must be attached on a collar and the collar must be constantly worn by the corresponding dog. Duplicate tags will be issued for a small fee if collars/tags need replaced due to loss or destruction
 - b. Tags are non-transferable from one animal to another
 - c. Rabies tags must also be attached to the collar

Section 4 Confinement of Dogs

- A. Two methods or confinements are accepted:
 - a. Enclosures – A dog shall be securely confined indoors or in a securely enclosed and locked pen outdoors. The outdoor pen must be designed to

- b. Any animal, when unprovoked, approaches a human or other domestic animal in a malicious, vicious, or terrorizing manor
 - c. Any animal owned or harbored primarily for or in part for fighting or attacking, or any animal in training for fighting or attacking
 - d. Any animal certified by a doctor of veterinary medicine, animal behaviorist, or other animal professional, after careful observation as posing a danger to human life or property if not kept in the manner required by this section
 - e. Any animal which had been deemed dangerous or vicious by a tribal government entity or agency
- B. No animal may be deemed or declared dangerous if:
- a. An injury or damage is sustained by a person who, at the time was committing a willful trespass or other torture upon the premises occupied by the owner/keeper of the animals, or the person was teasing, abusing, or assaulting the animal or was committing or attempting to commit a crime.
 - b. An injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained by taunting, abusing, or assaulting the animal
 - c. The animal was protecting or defending a human within the vicinity of the animal from and an attack or an assault.
 - d. The animal was protecting or defending its young offspring
- C. Prohibition and Control of Dangerous Animals
- a. It shall be unlawful for any person to own, keep, or harbor a dangerous animal within the populated areas of the four districts on the reservation or in any of the housing clusters on the reservation
 - b. No person shall own or harbor any animals for the purpose of attacking, fighting, tormenting, badgering, or use any animal to attack humans or other domestic animals.
 - c. No person shall own or harbor any animals for the purpose of baiting
- D. Biting/Attacking/Destroying of Property
- a. It shall be unlawful for any person to allow their dog[s] to bite, attack, or destroy property of another.
 - i. For the purpose of this ordinance,
 - ii. Biting is broken down into two levels of severity:
 - 1. Level 1 - Mouthing – dog[s] in the action of a bite but does not break skin or break bone. Bruises and indentations are evident
 - 2. Level 2 – Biting - as the dog breaking skin and drawing blood or breaking bone
 - iii. Attack will be defined as a dog[s] running after another person unprovoked while not contained, pushing another person to the ground in a threatening manner, and/or pinning another person to the ground.
- E. Enforcement

- a. The Animal Control and all Tribal Law Enforcement are empowered to make whatever inquiry in seemed necessary to ensure compliance with the provisions of this section and any such law enforcement is empowered to seize and impound any dangerous animals whose owner or keeper fails to comply with the provisions hereof.
- b. Upon such attack or assault the Law Enforcement of Animal Control is empowered to confiscate and destroy such dangerous animal if the conduct of such dangerous animal or its' owner/keeper constitutes a violation of the provision of this article. No animal shall be destroyed within five (5) working days of being impounded.
 - i. If the owner/keeper of an animal impounded for an alleged violation of this section believes that there has not been a violation of this section, the owner/keeper by petition Animal Control that the impounded animal not be destroyed. The impounded animal shall not be destroyed pending resolution of such owner's/keeper's petition, if the petition has been filed within five (5) working days of the impoundment and notice has been served within the five (5) working days of the impoundment upon Animal Control
- c. In the event Tribal Law Enforcement or Animal Control has reasonable suspicion to believe that an animal is dangerous and may pose a threat of human harm, then Tribal Law Enforcement or Animal Control shall be empowered to issue a citation in order to appear before the tribal court for the purposes of determining whether or not the animal in question shall be declared dangerous. Tribal Law Enforcement or Animal Control shall conduct or cause to be conducted an investigation and shall notify the owner/keeper of the animal that a hearing will be held. At this time, the owner/keeper may have the opportunity to present evidence why the animal shall not be declared dangerous.
- d. In the even that Tribal Law Enforcement or Animal Control has probable cause to believe that the animal in question is dangerous and may pose a threat of serious harm or other domestic animal, Tribal Law Enforcement or Animal Control may seize and impound the animal. The owner/keeper of the animal shall be liable to Animal Control for the cost and expenses of impounding such animals
- e. It is unlawful for the owner, keeper, or harbinger of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found to be the subject of the violation of this section shall be subject to immediate seizure and impoundment as in section 6. Failure to comply shall be an offense punishable with a fine.
- f. Any person may file a petition with Animal Control or a complaint with the tribal court to determine, declare, or find an animal dangerous as defined herein.

F. Violations

- a. ~~Any person violating or permitting the violation of any provision of this section shall, upon conviction in tribal court, be found guilty of an infraction and fined a sum not more than one hundred (\$100) dollars. In addition to the foregoing penalty, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this article~~
- b. If any animal has previously been declared dangerous, pursuant to any of the provisions above, and, after having been ordered to be removed from the populated areas and/or housing areas of the four districts on the reservation, is brought back into the area[s] in violation of court order or the provisions of this section, such animal shall immediately be taken by Animal Control and destroyed. A separate penalty, including fines, shall be assessed as indicated in the bond schedule against the violator.
- c. At any time, if a dangerous animal cannot be caught by Animal Control or Tribal Law Enforcement without exposing such employee to danger of personal injury from such animal or without exposing another person to danger of personal injury from such animal, it shall be lawful for Animal Control or Tribal Law Enforcement to forthwith destroy such animal.
- d. If any person is found to be in violation of this section three (3) times, said person may be prevented from owning animals within the populated areas and/or housing areas of the four district on the reservation for a reasonable amount of time as determined by the tribal judge.

Section 8 Impoundment

- A. No later than three (3) working days after the impounding of any dog, the owner, if known, shall be notified. The owner of any dog so impounded may reclaim such animal upon payment for the current costs of impoundment and maintenance per day per dog.
- B. If an impounded dog is not claimed by the owner within three (3) working days after placing the dog in the dog pound, Animal Control shall offer the dog up for adoption to any other person for a period of five (5) days, who upon complying with the provisions of this chapter will become the lawful owner of such dog thereafter. The new lawful owner will be responsible for paying a current adoption fee to Animal Control for expenses incurred for housing the dog if the dog is not adopted, Animal Control shall euthanize the dog in a painless and humane method.
- C. Any impounded dog that appears to be suffering from excessive mange, distemper, rabies, or is injured beyond normal healing shall not be released but may be humanely euthanized.
- D. It shall be unlawful for any unauthorized person to trespass or break in to the tribal dog pound or any other enclosure in which Animal Control has impounded any dog[s] or attempt to do so. It shall be unlawful to take or let out any dog at the tribal dog pound or any other enclosure, or attempt to take or let out any dog at the tribal dog pound or any other enclosure. Any person caught trespassing, breaking into,

taking, or attempting to break into or take any dog from the tribal dog pound or any other enclosure shall be fined by tribal court.

Section 9 Hindering Animal Control

- A. It shall be unlawful to take or attempt to take from an Animal Control employee, Tribal Law Enforcement, or any other designated person any dog taken up by him/her in compliance with the title or in any manner to interfere with or hinder such person in the discharge of his duties under this title. Any person caught hindering an Animal Control employee, Tribal Law Enforcement, or any other designated person shall be fined by tribal court.

Section 10 Suspected Rabies – if any dog, cat, or other animal is believed to have rabies, such animals shall be placed under observation of Animal Control or a veterinarian, at the expense of the owner for a period of ten (10) days.

- A. Human bitten
 - a. **If an animal bites an adult** will be removed to a veterinary clinic or impounded at the tribal pound and placed under solitary observation for a period of ten (10) days at the expense of the owner.
 - b. **If the animal bites a child**, the animal is to be immediately destroyed and the head sent to the North Dakota Department of Health Lab in Bismarck for rabies testing.
- B. Other cases of rabies exposure
 - a. If an owner suspects his/her dog or cat has been exposed to rabies and at his/her discretion, Animal Control is empowered to have such animal removed from the owner's premises to a veterinary clinic or to the tribal dog pound and placed under solitary observation for a period of ten (10) days at the expense of the owner
 - b. It shall be unlawful for any person knowing or suspecting that a dog, cat, or other animal has rabies to allow such dog, cat, or other animal, be allowed to be taken off his/her premises without the written permission of Animal Control.
 - c. Every owner or other person upon ascertaining that a dog, cat or other animal is rabid, shall immediately notify Animal control or a police officer who shall either remove the animal for observation or summarily destroy it.

Section 11 Solid Waste of Dogs

- A. Every person having custody or control of a leashed dog on property other than his/her own shall be equipped to collect and properly dispose of the dog's solid waste when eliminated

Section 12 Breeding Kennels Prohibited

- A. A kennel for breeding dogs shall be construed to mean any place where a female dog is kept for breeding purposes where the enterprise of breeding dogs is carried

on for commercial purposes or profit, and the maintaining within the primary populated area and /or housing areas of the our districts of the reservation is prohibited.

Section 13 Mistreating Animals

- A. In accordance with the Tribal Law and Order Code (3-7-107) and this ordinance:
 - a. No person shall torture, cruelly beat, neglect, or unjustifiably injure, maim mutilate, or kill any animal
 - b. No person shall deprive any animal over which he had charge or control of necessary food, water or shelter
 - c. No person shall keep any animals in any enclosure without exercise and wholesome change of air
 - d. No person shall abandon any animal
 - e. No person shall willfully instigate, or any way further ad act of cruelty to any animal or animals, or act tending to produce such cruelty.

Section 14 Police, Service, and Working dogs

- A. For the purpose of this code, the following definition are adopted:
 - a. Bomb Detection Dog – any dog professionally trained to locate bombs or explosives by scent
 - b. Firearm Detection Dog – any dog professionally trained to locate firearms or ammunition by scent
 - c. Narcotic Detection Dog – any dog professionally trained to locate narcotics or any other controlled substance by scent
 - d. Patrol Dog – any dog professionally trained to protect a peace officer ad to apprehend or hold a person in violation of the laws of the tribe and United States of America
 - e. Search and Rescue Dog – any dog professionally trained to track and locate people by scent
 - f. Police Dog – any dog that assists Law Enforcement, includes, but not limited to: Bomb Detection Dogs, Narcotic Detection Dog, Firearm Detection Dog, Patrol Dog, Search and Rescue Dog
 - g. Service Dog – any dog trained to assist a person with a disability or injury that affects the owner’s daily life
 - h. Emotional Support Dog – any dog trained to assist a person with a mental disability including, but not limited to: autism, down syndrome, Post-traumatic Stress Disorder, etc.
 - i. Working Dog – any dog professionally trained for a specific job not listed above and who attends the jobsite with the owner/handler on a daily basis
- B. The keeping or owning of a K-9 police dog by a police department or officer of any law enforcement agency and any service dog or emotional support dog may be kept in the housing areas of the four districts on the reservation.

Section 15 Prohibited Dog Breeds In Housing Areas

In order to protect the health, safety, and welfare of the residents and citizens of the Spirit Lake Nation, the Spirit Lake Tribal Council does enact the provision set forth in this section.

- A. Pit Bull Terrier Type Dogs Prohibited – it is unlawful to keep, harbor, own, or in any way possess within the housing areas on the reservation. A Pit bull type dog is defined as:
 - a. Standard American Pit-bull Terrier
 - b. Staffordshire Bull Terrier
 - c. American Staffordshire Terrier
 - d. Dogs that are of mixed breed, mixed with a pit bull terrier
- B. Other prohibited dog breeds in the housing areas in the four districts on the reservation:
 - a. Rottweiler Type Dogs Prohibited – it is unlawful to keep, harbor, own, or in any way possess within the housing areas on the reservation any dog considered a Rottweiler or a Rottweiler mixed breed
 - b. Beauceron Type Dogs Prohibited – it is unlawful to keep, harbor, own, or in any way possess within the housing areas on the reservation any dog considered a Beauceron or a Beauceron mixed breed
 - c. Doberman Type Dogs Prohibited – it is unlawful to keep, harbor, own or in any way possess within the housing areas on the reservation any dog considered a Doberman or a Doberman mixed breed
 - d. Mastiff Type Dogs Prohibited – it is unlawful to keep, harbor, own, or in any way possess within the housing areas on the reservation any dog considered a Mastiff or Mastiff mixed breed. Mastiff breeds are:
 - i. Bull Mastiff, Argentinian Mastiff, Brazilian Mastiff, English Mastiff, French Mastiff, German Mastiff, Napoleon Mastiff, Tibetan Mastiff, Spanish Mastiff, and the Italian Mastiff or Cane Corso.
 - e. Any dog that has the appearance and characteristics of being predominantly of the breeds listed above or a combination of these breeds.

Section 16 Violations and Penalties

- A. Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in tribal court, be fined a sum no more than two thousand (\$2000) dollars per animal. In addition to fines imposed via bond schedule, the court may sentence the defendant to imprisonment to the tribal jail for a period not to exceed thirty (30) days. In addition, the court shall order the dog removed from the housing areas of the four district on the reservation.
 - a. Should the defendant refuse to remove the dog from this area, the tribal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including: shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this ordinance.

Section 17 Severability

- A. If any section, sentence, clause or phrase of this code, is for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall to affect the validity of the remaining portions of this code.

Section 18 Procedure for Grievance

- A. An individual who wishes to sign a grievance regarding collation of any section of this title must contact Animal Control and state his/her name, address, nature and circumstances of the violation. This individual must appear before the tribal health board and state their case. If the individual is not satisfied the individual will present their case to the tribal council. An order of impoundment pending grievance procedures may be issued at the discretion of the tribal health board and served upon the owner, until grievance is resolved. The owner will be responsible for all impoundment costs.

