

# **Animal Cruelty, Dangerous Dogs, Registration and Rabies Control Act of 2008**

## **Chapter 1. Short Title, Purpose and Definitions**

### **Section 1. Short Title and Purpose**

It is the obligation of the White Earth Reservation as a sovereign nation to protect the rights of all its enrolled members. In accordance with the Constitution and By-Laws of the White Earth Indian Reservation, and to promote public safety, health and welfare, the White Earth Tribal Council hereby enacts the following Animal Cruelty, Dangerous Dogs, Registration and Rabies Control Act of 2008. The White Earth Tribal Police Department and the White Earth Conservation Officers shall have concurrent enforcement authority over the provisions of this Act.

This statute shall be known as the White Earth Reservation Animal Cruelty, Dangerous Dogs, Registration and Rabies Control Statute and shall apply to all persons within the boundaries of the White Earth Reservation. However, because of the unique nature of law enforcement and natural resource management responsibilities, employees of the White Earth Reservation Tribal Police, Natural Resources and Conservation Departments, or authorized personnel, in carrying out their assigned duty to promote and protect public safety, health and welfare, shall be exempted from the restrictions herein stated to the extent necessary to fulfill their assigned tasks and duties of employment.

### **Section 2. Definitions. As Used in This Act:**

Subd. 1) **Abuse:** Shall mean intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

Subd. 2) **Animal:** Shall mean every living creature except members of the human race.

Subd. 3) **Cruelty or Torture:** Shall mean causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

Subd. 4) **Dangerous Dog: Dangerous Dog:** Shall mean any dog that has without provocation, (a) inflicted substantial bodily harm on a human being on public or private property, (b) while off the owner's property, killed a domestic animal, (c) has been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals, or (d) is identified as a canine breed known as the Akita, Pit Bull, Rottweiler, German Shepherd, Doberman Pincher, Wolf Hybrid or the Chow Chow.

Subd. 5) **Neglect:** Shall mean failure to provide the minimum care required for the health and well being of a pet or companion animal.

Subd. 6) **Owner:** Shall mean any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

Subd. 7) **Pet or Companion Animal:** Shall mean a non-human mammal, bird, or reptile impounded or being held for breeding or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

Subd. 8) **Potentially Dangerous Dog:** Shall mean any dog that when unprovoked, (a) inflicts bites on a human or domestic animal on public or private property, (b) chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack, or (c) has a known propensity, tendency, disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 9) **Proper Enclosure:** Shall mean securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or structure that would allow the animal to exit of its own volition, or any house or structure in which the windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

Subd. 10) **Shelter:** Shall mean an enclosure provided to protect or confine a pet or companion animal when it is not in transit.

Subd. 11) **Substantial Bodily Harm:** Shall mean bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member, or which causes permanent injury or death to a victim.

## **Chapter 2. Animal Cruelty and Mistreatment**

### **Section 1. Overworking or Mistreating Animals**

Subd. 1) **Abandonment:** No person shall abandon any animal.

Subd. 2) **Cruelty:** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals including the use of cruel handling or training devices or methods.

Subd. 3) **Dog House:** All persons in charge or control of any animal which is kept outdoors or in an unheated enclosure shall provide the animal with shelter and bedding.

Subd. 4) **Enclosure:** No person shall keep any animal in any enclosure without providing wholesome exercise and change of air.

Subd. 5) **Food:** All animals in a person's charge or care must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight.

Subd. 6) **Health Care:** No person shall deprive any pet or companion animal of adequate health care including parasite and pest control.

Subd. 7) **Nourishment and Shelter:** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Subd. 8) **Poisoning:** No person shall unjustifiably administer any poisonous or noxious drug or substance to any animal, or procure or permit it to be done, or unjustifiably expose the drug or substance with intent that the drug is taken by any animal, whether the animal is the property of the person or another.

Subd. 9) **Shade:** Shade from the direct rays of the sun must be provided during the months of June to September.

Subd. 10) **Torture:** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

Subd. 11) **Unattended:** A person may not leave a dog or cat unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety. Tribal Conservation Officers or any person with delegated authority may use reasonable force to enter a motor vehicle and remove the dog or cat.

Subd. 12) **Water:** All animals under the care or charge of a person must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

## **Chapter 3. Dangerous Dogs**

### **Section 1. Dangerous Dogs Prohibited.**

Subd. 1) It is hereby determined that Dangerous Dogs have inherently vicious and dangerous propensities, and are potentially hazardous and unreasonably dangerous to the health, safety, and welfare of the citizens, residents, and inhabitants of the White Earth Reservation.

Subd. 2) The ownership, location, maintenance, keeping, harboring, or use of Dangerous Dogs on the Reservation is hereby declared to be a public nuisance.

Subd. 3) No person shall cause, permit, promote, aid, assist, encourage, or engage in the ownership, location, maintenance, keeping, harboring, or use of Dangerous Dogs on the Reservation unless such person is a licensed veterinarian and engaged in the business thereof, at the address indicated in the occupational license issued therefore, and then only for the minimum time required for treatment of the Dangerous Dog, or unless such person is granted Retention of a Dangerous Dog, pursuant to Section 2 of this Chapter, or meets the criteria of an Exception under Section 3 of this Chapter.

## **Section 2. Animal Retention**

Upon conviction of a violation of Section 1, of this Chapter, relating to the possession of Dangerous Dogs, a Tribal Police Officer, a Tribal Conservation Officer or the Tribal Court, as applicable, shall have the authority to order the following:

- Subd. 1) That the following statutory provisions be followed as a condition of the owner being permitted to retain ownership of a Dangerous Dog:
- a. The Dangerous Dog shall be spayed/neutered, microchip implanted for identification purposes and registered annually with the White Earth Licensing Department, providing that sufficient evidence shows that a Proper Enclosure exists for the Dangerous Dog and a sufficient posting on the premises exists with a clearly visible warning sign and symbol indicating that there is a Dangerous Dog on the property.
  - b. The Dangerous Dog shall be confined in a Proper Enclosure constructed of an uncovered fence or structure of at least seven feet in height with anti-climbers or a covered structure of sufficient height to allow the Dangerous Dog to stand erect without touching the top of the cover. All such Proper Enclosures shall be designed to prevent the entry of small children and shall be suitable to confine Dangerous Dogs. Such Proper Enclosures shall be securely closed and locked, and shall be designed to prevent Dangerous Dogs from digging out or otherwise escaping from the enclosure.
  - c. The premises and Enclosure shall display a warning sign and symbol to inform children that there is a Dangerous Dog on the property. The warning sign shall be clearly visible from the public roadway or public access if applicable.
  - d. A Dangerous Dog shall not be permitted outside of the dwelling of its owner or outside of its enclosure unless it is necessary to obtain veterinary care or under the direction of a Police Officer or Conservation Officer. If a Dangerous Dog must be allowed outside the permitted areas, it shall be under the direct control and supervision of its owner or keeper and shall be muzzled in a manner that will prevent the dog from biting any person or animal but will not cause injury to the Dangerous Dog or interfere with its vision or respiration. Additionally, the Dangerous Dog shall be restrained with a lead, leash or chain, not to exceed three feet in length, or the Dangerous Dog shall be placed in a secure animal carrier/kennel.
  - e. The owner or keeper of a Dangerous Dog shall immediately notify a Tribal Conservation Officer and the White Earth Tribal Police Department if the animal becomes loose, unconfined, has attacked an animal or human being, or is deceased.

Subd. 2) In the alternative to Subd. 1, of this Section, the Tribal Court may order that the animal be immediately surrendered to a Tribal Police Officer or a Tribal Conservation Officer to be euthanized.

### **Section 3. Exemptions**

Subd. 1) Any dogs used by law enforcement officials for police work are exempt from the Dangerous Dog Act provisions.

Subd. 2) Dogs may not be declared as Dangerous Dogs if the threat, injury, or damage was sustained by a person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the Dangerous Dog or if s/he was provoking, tormenting, abusing, or assaulting the dog, or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog, or if s/he was committing or attempting to commit a crime.

### **Section 4. Penalty**

Subd. 1) Any person violating Section 1. or Section 2, of this Chapter, shall be fined not less than \$100.00 nor more than \$500.00, and shall pay restitution to any victim harmed by a Dangerous Dog as ordered by the Tribal Court. Each animal and each day the violation continues shall be deemed a separate offense. Animals meeting the definition of a Dangerous Dog shall be forfeited and euthanized unless otherwise ordered by the Tribal Court. Said animals shall be held pending disposition by the Tribal Court.

Subd. 2) Upon conviction of a second or subsequent offense under this Chapter, relating to the possession of a Dangerous Dog, the penalty shall be a fine of not less than \$250.00 nor more than \$500.00, plus victim restitution as ordered by the Tribal Court; and if the violation involves the same Dangerous Dog, the Tribal Court may order the Dangerous Dog immediately surrendered to a Tribal Police Officer or Conservation Officer to be euthanized.

## **Chapter 4. Dog Registration and Rabies Control**

### **Section 1. Definitions. As Used in this Chapter:**

Subd. 1) **“At Large”** shall mean any dog off the owner’s premises and not under control of a person by leash, cord, chain or otherwise.

Subd. 2) **“Dog(s)”** shall mean any canine animals 6 months of age and over, provided that this paragraph shall not apply to dog(s) owned by non-residents temporarily visiting the White Earth Reservation if the owner presents evidence satisfactory to the Reservation Tribal Council or the Executive Director of the Reservation Business Committee that the animal has received a vaccination against rabies within the preceding 12 months.

Subd. 3) **“Owner”** shall mean any person or persons, firm(s), associations(s) or corporation(s) owning, keeping, harboring, or controlling a dog.

Subd. 4) **“Rabies vaccination”** shall mean the injection subcutaneously or otherwise of canine antirabic vaccine approved by the Reservation Tribal Council or the Department of Health, Education and Welfare, Public Health Service, received from a licensed veterinarian or at a public clinic which may be established for this purpose by the Reservation Tribal Council.

Subd. 5) **“Quarantine”** shall mean a period of time in effect for a minimum of 10 days after the diagnosis of the last known case of rabies within a Quarantine area, or where any dog(s) known to have bitten a person so as to cause an abrasion of the skin, or which appears to be infected by rabies, when the owner fails to confine such dog(s) themselves, or if the owner is not known.

Subd. 6) **“Stray”** shall mean any dog not having a known owner.

## **Section 2. Registration of Dog(s)**

Subd. 1) No dogs shall be kept, harbored, or maintained within the boundaries of the White Earth Reservation unless such dog has been registered by the owner with the Tribal Licensing Department.

Subd. 2) The Reservation Tribal Council shall designate a representative(s) to conduct semi-annual clinics for the registration of all dogs including those acquired by the owner(s) during the interim. The clinics shall be held at a reasonable time and place in each of the 10 communities located on the White Earth Reservation. Each community shall be notified about the clinics a minimum of two weeks in advance. Registration representatives shall issue a “Certificate of Registration” and “Registration Tag” for each dog(s) on the reservation; provided that the owner exhibits a vaccination certificate signed by a licensed veterinarian.

Subd. 3) Registration Certificates and Tags issued under this ordinance shall expire at midnight on the last day of the registration year. For the purposes of this ordinance, the registration year shall begin July 1, and end on June 30. Application for renewals may be made for the ensuing registration year during the month of May and upon payment of the applicable fee required by the Tribal Licensing Department.

Subd. 4) No person shall attach registration tags to a dog(s) unless such dog(s) has been properly registered with the Tribal Licensing Department.

Subd. 5) The refusal or failure of the owner of any dog(s) to pay the registration fee or any necessary expenses occurred in control of such dog(s) within 30 days after written notice thereof by the Tribal Court shall be deemed abandonment of such dog(s) by the owner.

## **Section 3. Seizure and Destruction of Domestic Animals**

Subd. 1) No dog(s) without a registration tag; no dog(s) of a fierce, dangerous or vicious nature; no female dog(s) which becomes a nuisance to others shall be permitted to run at large on the

White Earth Reservation. The Tribal Conservation Officers and/or the Tribal Police are hereby authorized to seize and destroy such dogs.

Subd. 2) All at large dogs shall be destroyed in a humane and sanitary manner by the Tribal Conservation Officers or by the Tribal Police.

#### **Section 4. Control of Rabies Infected Animals**

Subd. 1) **Confinement.** Any dog(s) known to have bitten a person so as to cause an abrasion of the skin, or which appears to be infected by rabies shall be closely confined by the owner by means of a secure kennel for a period of 10 days or as may be recommended by a health advisor. Other owners of domestic animals within a Quarantine area shall confine their animals to the owner's premises or maintain them under leash or kennel.

Subd. 2) **Quarantine.** If the owner fails to confine such dog(s) or if the owner is not known, the Tribal Conservation Officers, Tribal Police Officers or another designated person shall remove the dog(s) to a veterinary hospital or other location as designated by the Tribal Council and placed under Quarantine. The owner, if known, shall in such cases be required to reimburse the Tribal Conservation Department and/or Tribal Police Department for any Quarantine costs incurred.

Subd. 3) **Removal and Vaccination.** No animal subject to the Quarantine shall be removed from the Quarantine area without written permission from the Conservation Department. The White Earth Reservation may on recommendations of a health advisor, require the vaccination of any or all domestic animals in the community during a period of Quarantine.

Motion made by Bud Heisler to approve dog ordinance as presented, effective October 1<sup>st</sup>, 2008, with community education, Seconded by Terry Tibbetts. Motion carried, 4 for, 0 against.