

**Title XXII
(22)**

Animal Control

Standing Rock Sioux Tribal Code of Justice



**Ordinance No. 190
Resolution No. 197-12**

*** * ***

Amendment Approved

May 8, 2012

By

Standing Rock Sioux Tribal Council

ORDINANCE NO. 190

NOW THEREFORE BE IT RESOLVED, that **TITLE XXII - CONTROL OF DOGS** of the Tribal Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby amended as the attached **TITLE XXII - ANIMAL CONTROL**.

[DOCUMENT ATTACHED - 10 Pages]

RESOLUTION NO. 197-12

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934 [48 Stat. 984], with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV of the Constitution of the Standing Rock Sioux Tribe, that **TITLE XXII - CONTROL OF DOGS** of the Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby further amended and replaced with the attached new **TITLE XXII - ANIMAL CONTROL**; and

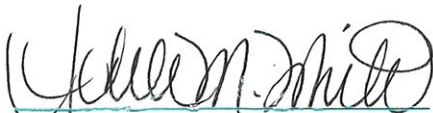
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 17 constituting a quorum, were present at a meeting, thereof, duly and regularly called, noticed, convened and held on the 8th day of **MAY, 2012**, and that the foregoing resolution was adopted by the affirmative vote of 15 members, with 0 opposing, and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 8th **DAY OF MAY, 2012.**

ATTEST:



Adele M. White, Secretary
Standing Rock Sioux Tribe


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date 05-08-2012
Motion No. 67

Title XXII. Animal Control

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TITLE XXII ANIMAL CONTROL

22-101 Purpose

The purpose of this Title shall be to promote the health, safety, morals, and general welfare of the Standing Rock Sioux Tribe by adopting and enforcing certain regulations and restrictions on the privileges of owners of animals, and the rights and privileges of the residents of the Standing Rock Sioux. This Title supersedes and repeals any and all previous versions of Title XII controlling dogs and/or animals on the Standing Rock Sioux Tribe Reservation.

22-102 Title

This Title shall be known and may be cited as the "Standing Rock Sioux Tribe Animal Control Ordinance, as amended." This Title applies to all residents of the Reservation, regardless of membership status, to the fullest extent permissible under the law, and shall be abided.

22-103 Definitions

For the purposes of this Title, the following terms shall have the following meanings respectively designated as follows:

1. "Abandonment of Animals" shall mean the act by which any owner(s) leaves an animal off the premises of such owner(s) without provision for care and/or control by another person.
2. "Animal," as used as a general term in this Title, and unless specifically broadened or limited in a given Section or subsection thereof, shall be synonymous with "domesticated animals" as defined by section (13) of this Section.
3. "Animal Control Officer(s)" or simply "Officer(s)" shall mean a person, designated by the Standing Rock Sioux Tribe, in charge of enforcing the provisions of this Title, as further set forth in Section 22-110 of this Title.
4. "Animal Shelter" shall mean any facility operated by a humane society, governmental agency, or the authorized agents of a governmental agency, for the purpose of impounding and/or caring for domesticated animals held under authority of this Title or other provisions of the Standing Rock Sioux Tribe Code of Justice. For purposes of "livestock" as defined by Section 103(15) of this Title, "animal shelter" may also included any controlled pasture, field or similar land on which livestock may be reasonably impounded.
5. "At Large" shall mean any animal found off the premises of the animal's owner and not: (1) under the control of any person by means of personal presence and attention which constitutes reasonable control of the animal's conduct, (2) restraint of the animal in a vehicle, or (3) housing the animal in a veterinary hospital or kennel.
6. "Cat" shall mean both males and females of the species, whether neutered or spayed.
7. "Dangerous Animal" shall mean any animal (1) not naturally tamed or domesticated, (2) of wild or feral nature or character, or (3) capable of or known to inflict serious injury or death. While

not limiting those animals which shall be considered dangerous animals, this definition may be subsequently amended to specifically designate animals as "dangerous animals" should circumstances require.

8. "Dart" shall mean the sedative projectile shot from a rifle or gun for the purpose of subduing or rendering an animal unconscious for detainment.
9. "Department" shall mean the Standing Rock Sioux Tribe Game and Fish Department.
10. "Dispose of" shall mean the humane euthanization of an animal, offering an animal up for adoption, or selling livestock at a sale or by other reasonable and humane means.
11. "Division" shall mean the Animal Control Division of the Standing Rock Sioux Tribe Game and Fish Department.
12. "Dog" shall mean both males and females of the species, whether or not neutered or spayed.
13. "Domesticated Animal" shall mean any animal, kept for pleasure or utility and in a tame condition either by training, breeding or natural propensity of the animal, and maintained by man to live in a controlled condition, including "livestock" as defined by Section 22-103(15) of this Title. "Domesticated Animal" shall not include dangerous animals as defined by Section 22-103(7) of this Title.
14. "Harboring" shall mean the act by which the owner or occupant of any premises knowingly keeps an animal on said premises, or to which an animal customarily returns for daily food and care.
15. "Livestock" shall mean any animal of equine, bovine, poultry or swine class; goats, sheep, mules or other grazing animals traditionally living in a farm setting.
16. "Neutered" refers to the surgical procedure performed on a male animal to prevent reproduction.
17. "Nuisance" shall mean an animal which disturbs the peace, safety or comfort of nearby residents, or which interferes with any person in the reasonable and comfortable enjoyment of life or property.
18. "Owner" shall mean any adult person or persons, or custodian owning, keeping, harboring, in possession of, or having control over any animal.
19. "Prohibited Dog" shall mean any dog of Rottweiler, Doberman Pinscher, or Pit Bull pedigree.
20. "Quarantine" shall mean to detain and isolate an animal which has either bitten a person or is suspected of having rabies.
21. "Reservation" shall mean the land within the exterior boundaries of the Standing Rock Sioux Tribe Reservation.
22. "Spayed" refers to the surgical procedure performed on a female animal to prevent reproduction.
23. "Stray" shall mean any domesticated animal found to have no identification or known owner.
24. "Tribal Court" shall mean the Standing Rock Sioux Tribal Court.
25. "Tribe" shall mean the Standing Rock Sioux Tribe.

22-104 Jurisdiction

The Department and Division shall have jurisdiction over, and the authority to enforce this Title regarding, all animals found on the Reservation. The several Districts of the Standing Rock Sioux Tribe may, at their discretion, assume jurisdiction to control livestock reported as nuisances within their respective Districts, and may request assistance in controlling the livestock creating such nuisance from the Division, Department, or other appropriate law enforcement agency.

22-105 Violations Based on Conduct of Animals

It shall be unlawful for an owner of any animal within the exterior boundaries of the Reservation to permit, allow or suffer any animal to:

1. Engage in excessive noisemaking, including loud howling or barking, or to conduct itself in such a manner as to repeatedly cause unreasonable disturbance to any person other than the owner or person harboring such dog.
2. Cause damage or destruction of property or commit a nuisance upon the premises of a person other than the owner.
3. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
4. Habitually chase any means of transportation or other animals whether in a threatening or unthreatening manner.
5. Run "at large" as defined by Section 22-103(5) of this Title, whether upon the roadways of, or elsewhere on, the Reservation.
6. Attack, bite, molests, maul or otherwise cause the injury or death of any person or animal whether intentional or unintentional.

22-106 Violations Based on Conduct of Owners

It shall be unlawful for an owner of any animal, within the exterior boundaries of the Standing Rock Sioux Tribe, to:

1. Own, possess, breed, harbor or care for any Prohibited Dog under this Title, including any pedigree of Pit Bull, Rottweiler or Doberman Pinscher.
2. Harbor any dangerous or diseased animal.
3. Abandon any animal, or participate in any way in the abandonment of any animal within the boundaries of the Reservation. In addition to any civil penalties under Section 22-109 of this Title, Abandonment of Animals shall constitute a class B misdemeanor.
4. Own or harbor more than two (2) dogs or cats at any one residence in a residential community or housing project at any time, except that puppies and kittens under six (6) months of age shall not be counted in determining whether an individual is in violation of this subsection.
5. Commit any act of animal cruelty as enumerated in Section 22-107 of this Title and Section 4-1004 of the Standing Rock Sioux Tribe Code of Justice.

6. Pursuant to Section 22-114 of this Title, (1) fail to provide proper vaccination for a dog or cat owned or harbored by that individual, (2) fail or refuse to exhibit a copy of the certificates of vaccination upon demand, or (3) fail to affix required collar and vaccination tags to a dog or cat owned or harbored by that individual.
7. Own or harbor any livestock without owning or leasing real property on which to keep such livestock.
8. Engage as a principal or accomplice in any of the following forms of interference regarding animal control on the Reservation:
 - a. Interfering with the capture of any animal, dangerous animal, diseased animal, or prohibited animal.
 - b. Interfering with the conveyance or transport of any animal, dangerous animal, diseased animal or prohibited animal.
 - c. Interfering with the impoundment of any animal, dangerous animal, diseased animal or prohibited animal.
 - d. Interfering with the disposal of any animal, dangerous animal, diseased animal, or prohibited animal.
 - e. Interfering with the integrity of an animal shelter within the exterior boundaries of the Reservation. It shall be a violation of this subsection for any individual to (i) damage, injure or break open any animal shelter, (ii) to aid or assist, abet or advise any person to damage, injure or break open any animal shelter, or (iii) let out, rescue or aid or assist or abet in letting out or rescuing any animal which may be impounded.

22-107 Cruelty to Animals

Whoever intentionally, recklessly, or negligently subjects any animal to cruel mistreatment is guilty of cruelty to animals. This Section shall be read to conform with Section 4-1004 of the Standing Rock Sioux Tribe Code of Justice. Cruelty to animals shall include the following acts:

1. Fail to provide an animal with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and to withhold or otherwise fail to give humane care and treatment.
2. Beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal – whether domesticated or otherwise.
3. Leave a dog, cat or other small animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of the animal. An Animal Control Officer or other law enforcement officer may use reasonable force to remove any such animal from the vehicle; any such officer shall not be held civilly or criminally liable for any damage caused by the reasonable removal of the animal from the motor vehicle.
4. Keep any animal in an enclosure which, because of spacial restrictions or due to the length of time kept in the enclosure, deprives the animal of reasonable exercise or wholesome change of air.

5. Should the operator of a motor vehicle strike an animal, he or she shall stop immediately to render such assistance as may be possible, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be quickly ascertained, such operator shall at once report the accident to the appropriate law enforcement agency.

Commission of any such act shall be a Class B misdemeanor, and shall furthermore subject the individual to the civil penalties as set forth under Section 22-109 of this Title; provided, however, that when an individual is found after a hearing to have committed any single act of animal cruelty, the Court may require the automatic forfeiture of the animal, regardless of how many offenses the individual is found to have committed.

22-108 Defenses

1. It shall be a defense to Section 22-105(5) of this Title that an owner's animal escaped from an otherwise properly controlled environment on the owner's premises. Proof of such escape may be made by showing that the owner posted, in at least one public place in the owner's community, a notice that the animal had escaped or gone missing, and which provides the owner's contact information. However, this defense is qualified in that an adverse inference may be made against an owner who has repeatedly allowed their animal to violate the aforementioned section and continued to assert this defense.
2. It shall be a defense to Section 22-107 that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel. Further, that this section does not apply to the eradication by lawful and safe methods of rodents, including rats, mice, gophers and moles.

22-109 Penalties

1. Any person who violates any provision of Section 22-105, 22-106, or 22-107 of this Title shall be deemed to have committed an offense against this Title and any person convicted of any such violation after investigation and hearing shall be liable for a civil penalty for each violation in addition to any criminal penalty which may apply as specified under this Title or the Standing Rock Sioux Tribe Code of Justice.
2. The civil penalty levied against such an offender, unless specifically and otherwise denoted in the Title, shall be based on a graduated scale of offenses:
 - a. For a domesticated animal, excluding livestock, per offense/animal:
 - i. First Offense: \$75.00
 - ii. Second Offense: \$100.00
 - iii. Third Offense: \$150.00
 - b. For livestock, per offense/animal:
 - i. First Offense: \$150.00

- ii. Second Offense: \$200.00
 - iii. Third Offense: \$300.00
- c. When an individual commits a third offense under either subsection (a) or (b) of this Section with the same animal under his or her ownership or harbor, the individual will be subject to the immediate forfeiture of the animal.
- 3. Civil penalties under subsections (2)(a) and (2)(b) of this Section shall be paid directly to the Department and thereafter be submitted to the Finance Office for the Animal Control Fund of the Standing Rock Sioux Tribe. If the payor under either subsection (2)(a) or (2)(b) instead submits the payment to the Tribal Court, the Court shall forward the penalty payment to the Department under this subsection with proper notation on the identity of the payor.
- 4. Such civil penalties shall be separate from any applicable Court costs or fees which may be imposed by the Court.

22-110 Animal Control Officers

- 1. The Animal Control Officers, BIA Police Department, Game and Fish Department, Environmental Protection Agency, Tribal Health Department, Standing Rock Housing Authority, and the Local District Security Officers are responsible for carrying out the provisions of this Title.
- 2. Animal Control Officers – and the general responsibility to control animals on the Reservation – shall be based in an Animal Control Division under the jurisdiction of the Department. The Department shall supervise the Division and its operations on the Reservation, and operation of the Division shall be included in the Department budget.
- 3. Animal Control Officers shall report to the Department Director at least once per day. The Department Director shall submit monthly and annual reports on animal control operations to the Judicial Committee of the Tribe. Officers shall be selected and supervised pursuant to the employment standards set forth in Title XVIII of the Standing Rock Sioux Tribe Code of Justice.
- 4. Animal Control Officers shall have the authority to promptly apprehend, transport, report on, investigate, issue any citation or complaint, and provide for the humane disposal of domesticated animals and dangerous animals on the Reservation.
- 5. Animal Control Officers shall have the following training: (1) National Animal Control Association Certification (Levels I, II and III); and (2) any other training as deemed necessary by the Department Director.

22-111 Apprehension of Domesticated Animals

The apprehension of domesticated animals under this Title shall be governed by the following provisions.

- 1. Officers shall apprehend any domesticated animal found to be in violation of any provision of this Title. If said animal is of a vicious or dangerous nature – or acts in a manner by which it is preventing Officers from apprehending the domesticated animal – the Officers may employ necessary and reasonable means to subdue the domesticated animal, including the use of approved sedative darts. Animal Control Officers shall be immune from suit for all reasonable

actions taken while performing the functions of their jobs. Once apprehended, the Officers shall impound the animal in an animal shelter.

2. Upon impoundment of an animal in an animal shelter, Animal Control Officers shall begin the process of notifying the owner(s) or custodian(s) of the animal of the impoundment.
 - a. If the owner or custodian of an animal is ascertainable, Officers must notify the individual(s) within 24 hours of impoundment by serving or having served upon the owner or custodian of such impounded animal a summons returnable to the Standing Rock Sioux Tribal Court and file with the Tribal Court a verified information and supporting affidavit by the person or persons making the complaint.
 - b. If the owner or custodian of an animal is not readily ascertainable, Officers must publish notice of the impoundment within 24 hours of impoundment. Publication of notice shall be deemed to have occurred when Officers cause to have a document visibly displayed at the Standing Rock Sioux Tribe Administrative Building with a picture of the impounded animal, the time and date the animal was impounded, and the time and date the notice was posted. Officers may also publish notice by other means, including by publishing notice in the official Tribal newspaper or on the internet.
3. Any animal apprehended pursuant to this provisions of this Title will be held by the Division for redemption for a set time pursuant to the following:
 - a. If the owner or custodian has been notified by summons pursuant to Section 22-111(2)(a) of this Title, the animal shall be held for 72 hours after the owner or custodian is in receipt of the summons. Receipt of the summons shall be deemed accomplished either (1) at the time the summons has been hand-delivered to the owner or custodian, or (2) 24 hours after postmarked and placed in the United States mail.
 - b. If the owner or custodian is not discernible, the animal shall be held for 72 hours after notice has been posted pursuant to Section 22-111(2)(b) of this Title.
4. After the time limits enumerated in Section 22-111(3) have expired, and if the owner or custodian has not redeemed their animal from impoundment, the animal shall be deemed to be a stray animal, and may be disposed of as defined in Section 22-103(10), and further provided for under Section 22-115, of this Title.
5. An owner or custodian who redeems their animal from Animal Control shall be taxed an automatic \$25 impoundment fee regardless of the amount of time the animal was impounded by Animal Control. The owner or custodian shall also be taxed an additional fee for each 24-hour period the animal was impounded by Animal Control pursuant to the following schedule:
 - a. Cat or Dog: Five (5) dollar fee for each 24-hour period of impoundment.

- b. Other Domesticated Animal: Ten (10) dollar fee for each 24-hour period of impoundment.
6. No animal may be redeemed without receipt from Animal Control indicating payment of redemption fees. All fees collected shall be paid to the Department and thereafter be submitted to the Finance Office for the Animal Control Fund of the Standing Rock Sioux Tribe. If the payor neglects to pay the fee to the Department, and instead submits the payment to the Tribal Court, the Court shall forward the fee payment to the Department with proper notation on the identity of the payor.

22-112 Apprehension of Non-Domesticated Animals

If any animal which does not fall within the definition of a “domesticated animal” under Section 103(13) of this Title – including dangerous animals as defined under Section 103(7) – conducts itself in a manner which is a violation of this Title, the Division shall have the authority to apprehend and impound those animals. If those animals may be safely removed from the city or community limits to return to its natural habitat, Officers should strive to do so. If such removal may not be effectuated safely due to the nature or demeanor of the animal, Officers may provide for the humane disposal of the animal in a manner which comports with Section 115 of this Title.

22-113 Specific Restrictions

The Standing Rock Housing Authority shall enforce their housing occupancy policies in accordance with ~~their~~ the Standing Rock Housing Authority Rental Lease. As part of said policies, no household in a residential community or housing project may own or harbor more than two (2) dogs or cats at any time, except that puppies and kittens under six (6) months of age should not be counted in determining whether a household is in violation of the provision.

22-114 Vaccination

1. Every individual who owns or harbors any dog or cat over (6) months of age for five (5) or more days shall have such animals vaccinated against rabies with a modified live virus inactivated chick embryo at least once every three (3) years. All veterinarians who are duly registered and licensed to practice veterinary medicine in the United States are hereby designated as authorized to vaccinate animals against rabies and to execute certificates of vaccination as provided by law. Certificate of vaccination shall be issued, shall be retained by the owner, and on request shall be subject to review of Animal Control Officers, representatives of the Division and Department, and the Tribal or BIA Police Department.
2. All dogs and cats shall wear collars on which is displayed a rabies vaccination tag showing the number of certificate of vaccination and the year of vaccination.

22-115 Disposal of Animals

1. Any animal held in impound without response and/or redemption by the animal’s owner or custodian for the time periods set forth in Section 22-111(3) of this Title may be disposed of as

defined by Section 22-103(10). Those animals inflicted with a disease harmful to humans - including rabies - shall only be disposed of by humane euthanization.

2. An owner who requests the Division dispose of his or her animal must:
 - a. Pay a \$20 disposal fee prior to Officers taking the animal for disposal. The disposal fee must be made paid to the Department and thereafter submitted – along with a copy of the waiver required under subsection (2)(b) of this Section - to the Finance Office for the Animal Control Fund of the Standing Rock Sioux Tribe. If the payor neglects to pay the fee to the Department, and instead submits the payment to the Tribal Court, the Court shall forward the fee payment to the Department with proper notation on the identity of the payor.
 - b. Sign a waiver – provided to the owner by the Division - releasing the Division, the Department, and the Tribe from any and all liability for the disposal. The waiver must include:
 - i. An acknowledgement by the owner that they are the rightful and legal owner of the animal and that no other individual has a superior ownership right to the animal.
 - ii. Any appropriate clause indemnifying and/or holding harmless the Division, Department and Tribe for any and all liability.
 - iii. A statement alerting the owner that any misrepresentation on the form – including a misrepresentation regarding ownership of the animal – may subject the individual to any applicable criminal penalties.
 - iv. A statement that the waiver form acts as a receipt for the owner indicating payment of the \$20 disposal fee as required under subsection 2(a) of this Section.
 - v. A statement whereby the signor acknowledges they are making the waiver knowingly and voluntarily.
3. Disposal by euthanization may never occur within the boundaries of any city or other organized community on the Reservation, unless within a controlled facility designed for such purpose.
4. Disposal by euthanization shall always be effectuated by humane means.

22-116 Impoundment of Prohibited Dogs

When Animal Control first apprehends and impounds a prohibited dog as defined by Section 22-103(19) of this Title, the dog may be available for redemption by the owner of the animal, provided the owner has arranged to have the animal permanently transported off of the Reservation. Animal Control Officers should work with the owner toward achieving such an outcome. However, when Animal Control apprehends the same animal on a subsequent occasion, the prohibited dog shall be unavailable for redemption, and shall be disposed of under one of the options enumerated in Section 22-103(10). However, that adoption of a prohibited dog must be made to an individual off of the reservation.

22-117 Quarantine

1. Any report of an animal biting a human being shall be immediately investigated by Animal Control Officers. Any animal reported to have bitten any person shall be quarantined for not

less than ten (10) days and, even if vaccinated, shall not be released unless authorized by the Animal Control Officer. During the period of quarantine, Animal Control shall work with the appropriate local health officer to determine if the animal is suffering from a disease.

Impoundment costs during the period of quarantine shall be borne by the owner pursuant to the provisions in Section 22-111(5) of this Title. The payment of such costs shall be governed by the provisions in the same Section. An animal which is found to be rabid shall be disposed of in accordance with Section 22-115(1) of this Title.

2. Officers shall also have authority to apprehend and quarantine any animal reasonably suspected of being infected with rabies, and to follow the quarantine provisions under subsection (1) of this Section.

22-118 Mange

The owner of an animal with mange or any other communicable disease will be held liable for costs and damages if he or she does not confine the affected animal.

22-119 Hunting

Nothing in this Title shall be interpreted as restricting an individual's lawful right to hunt.

22-120 Severability

If any provision of this Title or the application of any provision of this Title is held invalid, the remainder of this Title shall not be affected thereby.