

BLACKFEET TRIBAL

DOG ORDINANCE NO. 88

OF THE BLACKFEET TRIBE
OF THE BLACKFEET INDIAN RESERVATION

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BLACKFEET TRIBAL

DOG ORDINANCE

CHAPTER I.

Section 1.1 Neglecting Dogs. Any person who shall allow a dog owned by such person or in his lawful custody to run at large or wander through any populated areas within the exterior boundaries of the Blackfeet Indian Reservation is guilty of an offense as described in this Ordinance.

Section 1.2 Definitions. When used in this Ordinance, the following words and phrases shall have the meanings:

- A. "Dog": Includes male and female.
- B. "Owner": Any person or persons, firm, association or corporation owning, keeping, harboring, or otherwise having physical possession of a dog.
- C. "Harbor": A person who habitually lets or permits a dog to remain or be in or about his or her house or premises.
- D. "Pound": The place provided by the Blackfeet Tribe and maintained by the Police Department for the impounding of dogs.
- E. "Vaccinate": The inoculation of a dog with an anti-rabies vaccine under the administration of the Indian Health Service, Blackfeet Tribal Health Department, or by any licensed veterinarian, the cost of said vaccination to be borne by the owner of the dog.

- F. "Current Vaccination Certificate": A vaccination certificate against rabies which shall be dated within three (3) years from the date that the application for a dog license is made.
- G. "Vicious Dog": A vicious dog is defined as one which has previously bitten a human being, without provocation, when such human being was not on the premises of the dog owner.
- H. "Running at Large": A dog which is allowed to wander or rove at will and unrestrained off the owned or leased premises of the dog owner, unless the dog is under leash or under the control of its owner or other competent person.
- I. "Kennel": Any premises or property of any kind or description where more than two female dogs are kept for breeding purposes, or where more than one litter of pups or dogs are kept for purposes of sale.
- J. "Law Enforcement Officer": For the purpose of dealing with dogs, any policeman, pound operator, dog warden, or other lawfully appointed person.
- K. "Residents": A person or persons permanently residing on the Blackfeet Indian Reservation for more than thirty (30) days.
- L. "Non-Resident": A person or persons who is not a resident as defined in this Section.
- M. "Revenue Department": The Blackfeet Tribal Revenue Department.

Section 1.3 Collar and Tag for Dogs.

A. It is unlawful for any person to own, harbor, or keep any dog over the age of four (4) months or to permit such a dog which is owned, harbored, or controlled by him to run at large, unless the dog or dogs has attached to its neck or leg a substantial collar with proper identification and vaccination tag.

B. Upon payment of the license fee, as set forth in Section 1.11, Revenue Department shall issue to the owner a license certificate and a metallic tag for each dog licensed. The shape of the tag shall change every year and shall have stamped thereon the year for which it was issued.

C. Every owner shall provide each dog with a collar to which the license tag must be affixed, and see that the collar and tag are constantly worn. In case the tag is lost or destroyed, a duplicate will be issued by the Revenue Department upon payment of a fee of Fifty Cents (\$.50). Tags shall not be transferable from one dog to another.

Section 1.4 Dog Kennel License. Any person maintaining a kennel as defined in Section 1.2(I) shall pay a license fee of Twenty Five Dollars (\$25.00) per year for maintaining such a kennel. No license shall be issued until the premises to be used for the kennel has been inspected and approved by the Indian Health Service Sanitarian.

Section 1.5 Cruelty to Dogs. It is unlawful for any person to willfully and cruelly inflict pain or injury upon any dog.

Section 1.6 Dogs Creating a Nuisance.

A. It is declared a public nuisance for a dog to destroy property or other pets, to bite, or chase after persons not trespassing on the property of the dog's owner, or to cause annoyance or disturbance to any person by prolonged howling, yelping, barking or interference with the reasonable use and enjoyment of their property.

B. It is unlawful for any owner of a dog to willfully or through willful neglect, permit such dog to cause any nuisance specified in this Section.

C. Any person aggrieved by a nuisance animal may file a complaint in Tribal Court, charging the owner with the violation of this Section.

D. Upon a third conviction under this Section, the nuisance dog may be seized, impounded and taken up by any law enforcement officer and put to death.

Section 1.7 Investigation.

A. For the purpose of enforcing the provisions of this Ordinance, any Law Enforcement Officer as defined in Section 1.2(J) is empowered to demand from the occupants of any premises, upon or in which a dog or other animal is kept or harbored, the exhibition of such dog, and the license or tag for the dog.

B. Whenever a report or complaint has been made that a dog is or has been recently kept in a reportedly cruel or inhumane manner, the Law Enforcement Officer may examine

such dog and take possession of the same when, in his opinion, it requires humane treatment.

Section 1.8 Interference with Law Enforcement Officer.

It is unlawful for any person to prevent, hinder, detain, or interfere with any Law Enforcement Officer in the performance of any duty or power imposed on such officer by this Ordinance, or to release, or attempt to release any animal in the custody of any law enforcement official.

Section 1.9 Creation of Dog Pound. The Blackfeet

Tribe shall establish a dog pound and it shall be the duty of any Law Enforcement Officer as defined in Section 1.2(J) to take up and impound any dog known to him to be running at large within the Blackfeet Reservation, or tethered in said Blackfeet Reservation contrary to the provisions of this Ordinance. It shall be the duty of the Pound Operator to receive into such pound all dogs brought to the Pound pursuant to the provisions of this Ordinance, and to take care of and properly feed all dogs impounded.

Section 1.10 Citizen Involvement. It shall be lawful

for any person to take up any dog running at large in said Blackfeet Indian Reservation, or tethered herein contrary to the provisions of this Chapter, and to take the same to an appropriate law enforcement official, but no compensation or reward shall be paid directly or indirectly for such taking and delivery.

Any person who shall take or drive any such dog out of any enclosure, stable or other building, or from outside of

any pound district into the limits of any pound district, with intent that such dog shall be impounded, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) and or six (6) months imprisonment for each dog so taken or driven.

Section 1.11 Licensing. The owner of every dog over six (6) months of age within the Blackfeet Indian Reservation is required to pay an annual license fee of Three Dollars (\$3.00) for every neutered male dog and/or spayed female dog and Five Dollars (\$5.00) for every unspayed female dog and/or unneutered male dog, and to register said dog on or before the 1st day of February, each year at the Blackfeet Revenue Department.

The owner shall state at the time application is made for such license, the dog's name, breed, color, sex and if female, if spayed or neutered. He shall exhibit to the Tribal Clerk a current vaccination certificate or like proof, and no license shall be issued by the Clerk without such current vaccination certificate.

Any dog brought onto the Reservation after the 1st day of June and prior to the 1st day of the following February, or any dog attaining the age of six (6) months after such date and prior to such date in the succeeding year shall pay the fee and register the dog as provided herein. Such registrations shall expire with all other registrations on the 31st day of the following January.

The provisions of this Section shall not apply to dogs whose owners are non-residents (as defined in Section 1.2(L)) temporarily within the Reservation, nor to dogs brought into the Reservation for the purpose of participating in any dog show, nor to "Seeing Eye" dogs, properly trained to assist a blind person, when such dogs are actually being used by a blind person for the purpose of aiding them in going from place to place.

Section 1.12 Running at Large Prohibited during Certain Periods. The Chairman of the Blackfeet Tribe may by proclamation, when the public safety requires, direct the muzzling and leashing of all dogs within the Blackfeet Reservation for a limited period, and during such period, no unmuzzled or unleashed dog shall run at large within said Reservation. During the time prescribed by the Chairman's proclamation any unmuzzled or unleashed dog found at large upon the public streets of said town shall be killed forthwith.

It shall be unlawful for the owner, possessor or harbinger of any female dog, knowingly to permit her to run at large while in heat, and it shall be the duty of any law enforcement officer to slay or cause to be slain any female dog running at large while in heat on the Blackfeet Reservation.

Section 1.13 Use of Tranquilizer Gun. No person, including law enforcement officials, shall in the enforcement of this Ordinance, use a "tranquilizer gun" or

any similar mechanized device, which causes paralysis or unconsciousness in a dog, except if the dog is a "vicious dog" as defined in this Chapter. However, nothing herein shall preclude the use of such a tranquilizer gun or similar device in the hands of a licensed veterinarian who is competent to use such a tranquilizer gun or similar device.

Section 1.14 Penalty. Any person violating a provision of this Chapter, shall upon the complaint and conviction thereof, be punished by a fine of not more than Five Hundred Dollars (\$500.00) and/or six (6) months imprisonment.

CHAPTER II.

IMPOUNDING OF DOGS

Section 2.1. Seizure and Impounding of Dogs.

A. Any dog which is found running at large without a valid current identification tag or dog license tag which is required pursuant to Section 1.3 may be seized and impounded by any law enforcement officer.

B. Any dog which has created a nuisance described in Section 1.6 may be impounded by a law enforcement officer.

C. All dogs impounded under this Section shall be quarantined at the animal shelter or at a veterinarian hospital for the period and under the same conditions as animals exposed to rabies.

Section 2.2 Notice of Impoundment By Redemption.

A. The impounding official shall give notice of impoundment of any dog by causing personal service on the owner, or some responsible person at the owner's residence or place of business. If such person cannot be found, notice shall be given by detention of the dog and by posting the information of impoundment in two (2) separate places within the Reservation.

B. The owner must redeem the impounded dog within five (5) days after the giving of notice, or it shall be subject to disposal by the Pound Operator or any law enforcement officer, as provided in Section 2.3. The owner of any impounded dog may not regain possession of the animal until he has paid an impounding fee of Five Dollars (\$5.00), plus

Two Dollars (\$2.00) for its keeping for each twenty-four (24) hour period, or part thereof, that is impounded.

C. The Pound Operator or any Law Enforcement Officer may issue a ticket or notice to appear in Court to the person redeeming any dog impounded for violation of any provisions of this Ordinance, and file a complaint with the Tribal Court.

Section 2.3 Disposition of Unredeemed Dogs. The refusal or failure of the owner of any such impounded dog to pay the fee and charges within five (5) days of notification, shall be held to be an abandonment of the dog by the owner. The Pound Operator or any Law Enforcement Officer may offer the dog for sale. The sale and certificate of sale shall confer title and ownership to the dog, free of all claims and interest of the previous owner. In the event that any impounded dog is not redeemed by the owner or purchase, it may be disposed of by the Pound Operator, or any Law Enforcement Officer in a humane manner. Any impounded dog suffering from an infectious disease shall not be released, but must be put to death, unless the Tribal Court shall otherwise order.

Section 2.4. Vicious Dogs. A vicious dog shall be muzzled at all times when the owner, as defined in Section 1.2(B), takes the vicious dog off the owned or leased premises. Whenever an affidavit is made before a law enforcement officer or Tribal Judge that a vicious dog as defined herein, has bitten a human being within the

Blackfeet Reservation and that the person so bitten was not at that time trespassing or injuring the person or property of the owner of the dog, or provoking the dog, a law enforcement official or Tribal Judge shall issue an order directing the owner or possessor of said vicious dog to turn the dog over to the Law Enforcement Division within 24 hours after receiving such order.

The owner or possessor who shall refuse or neglect to turn over said dog to the Law Enforcement Division within twenty-four (24) hours after receiving such order shall be in violation of this Chapter and punished as hereinafter provided. After the lapse of said 24 hour period the Law Enforcement Division shall forthwith seize said dog and cause same to be killed immediately, unless suspected of rabies infection, in which event it shall be impounded for a period of fourteen (14) days.

Section 2.5 Obstruction of Justice. If any person shall break, open or in any manner directly or indirectly aid, or assist in, or counsel or advise the breaking open of any Reservation pound or animal shelter, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined any sum not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00) and/or six (6) months imprisonment.

Any person who shall hinder, delay or obstruct any person while engaged in taking to any pound any animal liable to be impounded under the provisions of this Chapter,

shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00) and/or six (6) months imprisonment.

CHAPTER III.

PREVENTION OF RABIESSection 3.1 Animals Exposed to Rabies-Quarantine

A. Every dog or other animal which has been bitten by, or exposed to, an animal suspected to have been infected with rabies shall be forthwith seized and taken up by a Law Enforcement Official and securely and separately impounded in the animal shelter. Such animal shall be quarantined in the pound or at a licensed veterinarian hospital for a period of ten (10) days. If after observation for such period, any such animal is adjudged free of rabies, the owner may reclaim the animal upon the payment of the regular keeping fees. In the event that any animal under quarantine or other confinement is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the Law Enforcement Division in its absolute discretion.

B. No person shall delay or obstruct any Law Enforcement Officer in the enforcement of this Section.

Section 3.2 Vaccination

A. Whenever the Tribal Council, acting through its proper officer, shall deem it necessary to take extra measures to prevent the spread of the disease known as "rabies", the Council shall designate a licensed veterinarian(s) to vaccinate all dogs within the exterior boundaries of the Reservation with the proper vaccine. The cost of the vaccination shall be paid by the owner of the dog at the time of vaccination. Upon vaccination of such

dog or dogs, the veterinarian shall issue to the owner or owners, his certificate showing the inoculation thereof. He shall keep a duplicate of such certificate and file the same in the Office of the Tribal Clerk. A metallic tag may be attached to a collar on the dog showing the vaccination and the date thereof.

B. Whenever the Blackfeet Tribe shall require the vaccination of dogs, no person shall obstruct or prevent an officer of the reservation from carrying out the duties required by paragraph A of this Section.

C. Any dog which shall be within the exterior boundaries of the Blackfeet Reservation and which shall not have affixed to its collar such rabies vaccination tag as set forth in Section 3.2(A), shall be declared to be a nuisance, and any law enforcement officer or dog catcher appointed by the Tribal Business Council or the Superintendent of the Blackfeet Reservation shall have the right to capture such dog and, after making a reasonable attempt to identify the owner of such dog, shall have the right to destroy such dog in the most humane manner feasible.

Section 3.3 Penalty. Any person violating a provision of this Chapter shall, upon complaint and conviction thereof, be punished by a fine of not more than Five Hundred Dollars (\$500.00).

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

Lee Wilson
LEE WILSON, Secretary

Earl Old Person
EARL OLD PERSON, Chairman

CERTIFICATION

I hereby certify that the foregoing Dog Ordinance No. 88
was adopted by the Blackfeet Tribal Business Council in a
duly called, noticed and convened Special Session,
assembled the 3rd day of May, 1993, ~~XXXX~~, with Seven (7)
members present to constitute a quorum, and with a vote of
-7- FOR and -0- OPPOSED.

(SEAL)

Lee Wilson
LEE WILSON, Secretary