



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 09- 40

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that regulation of animals on the Reservation is essential to the health and welfare of the Squaxin Island Tribe and its members.

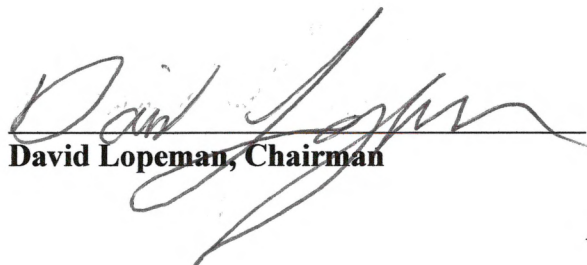
NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby repeals the following provisions:

1. Squaxin Island Tribal Code, Title 9, Law and Order, Chapter 9:04. Animal Control
2. Squaxin Island Tribal Code, Title 9, Law and Order, Article XX. Animals

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the attached provisions entitled "Animal Control", said provisions to be made a part of the Squaxin Island Tribal Code, as Section 9.04 et. seq.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 23rd day of April, 2009, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

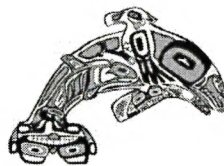

David Lopeman, Chairman

Attested by: Misty D. Siemz Garcia
Vincent Henry, Sr., Secretary


Arnold Cooper, Vice Chairman

Squaxin Island Tribe

Animal Control Ordinance



Revised April 2009

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Chapter 9.04

ANIMAL CONTROL

Sections:

- 9.04.010 Purpose.
- 9.04.020 Definitions.
- 9.04.030 Administration and enforcement.
- 9.04.040 Delegation and authority
- 9.04.050 Animal control zone.
- 9.04.060 Licensing of dogs.
- 9.04.070 Dog license procedure.
- 9.04.080 Impounding, redemption and disposition of animals.
- 9.04.090 Quarantine.
- 9.04.100 Crimes.
- 9.04.110 Penalties.
- 9.04.120 Forfeiture of vicious animal.
- 9.04.130 Infractions.
- 9.04.140 Infraction penalties.
- 9.04.150 Infraction procedure.
- 9.04.160 Enforcement by civil action.
- 9.04.170 Construction.
- 9.04.180 Budgeting, planning and separation accounting of moneys.

9.04.010 Purpose.

The purpose of this chapter is to provide regulations to control animal conduct so that such conduct will not constitute a nuisance; provide means of identification of dogs in case of injury or misconduct, establish guidelines for those who are responsible for animals and provide a program of enforcement through the Office of Housing and Tribal Police Department.

9.04.020 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent, words herein shall be given their common and ordinary meaning. In addition, the following definitions shall apply:

“**Abatement**” means termination of any violation by reasonable and lawful means determined by the animal control authority in order that a person or persons presumed to be the owner will comply with this chapter.

“**Adult dog**” means any member of the dog family past the age of six months.

“Animal,” for the purpose of animal control, means any non-human member of the mammal class, reptile, bird or amphibian.

“Animal control authority” means the Squaxin Island Tribal Council or their designee.

“Animal control officer” means any Squaxin Tribal Police Officer or employee of the Office of Housing known as Housing Enforcement Officer, authorized by the Tribal Council and specially commissioned by the Chief of Police to enforce the provisions of this Title (9. 04).

“Animal Cruelty” means he or she intentionally:

1. (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
2. (a) fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure. (b) abandons the animal and as a result of being abandoned, the animal suffers bodily harm or creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

“Animal welfare organization” means an organization which regularly engages in the practice of acquiring or transferring animals for the purpose of animal welfare; which includes protecting or caring for animals, returning animals to their natural habitat, or placing animals for adoption.

“At large” means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain eight feet in length or shorter.

“Dangerous dog” means any animal that;

- A. Aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
- B. Has inflicted severe injury on a human being without provocation; or
- C. Has killed a domestic animal without provocation; or
- D. Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

“Domesticated animal” means an animal in a tame condition either by training, breeding or natural propensity or disposition which is maintained to enhance pleasure, welfare or aesthetic means of an owner.

“Euthanasia” means human destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during such loss of consciousness.

“Guard dog” means adult member of the dog family which has been trained to protect persons and property by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

“Guide dog” (or “service dog”) means a dog which is working in harness, trained and approved for the purpose of guiding blind persons or assisting hearing impaired persons.

“Impound” means to receive into the custody of the animal shelter or into the custody of an animal control officer.

“Livestock” means any horses, ponies, bovine animals, sheep, rams, lambs, goats, kids, mules, jacks, jennies, domesticated hares, rabbits.

“Nuisance” means any domesticated animal that destroys or causes damage to public or private property not of its owner’s or keepers.

“Owner” means any person, firm, corporation, organization, trust, or partnership possessing, harboring, keeping, having an interest in, or having control, custody, or possession of an animal..

“Pack” means two or more dogs running together on either public or private lands, not of their owner’s, when such dogs are not restrained or controlled.

“Police dog” The definition of “police dog” in RCW 4.24.410, including all future amendments, additions, or deletions, is adopted by reference.

“Potentially dangerous dog” means any dog which:

- A. Unprovoked, bites or injures a human or domestic animal on public or private property; or
- B. Unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or
- C. Has a know propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.

“Poultry” means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks, and geese.

“Premises” means the area of land surrounding a house or dwelling unit and actually or by legal construction forming an enclosure with it and to which the owner of an animal has legal and equitable right therein. In addition automobiles, trucks or farm wagons are also premises.

“Surrendering of animal” means the owner of a licensed dog may surrender the ownership rights of the animal to an animal control officer for the purpose of adoption and or euthanasia and cremation.

“Special circumstances” means if established by the owner by a preponderance of the evidence, that the owner’s failure to care for the animal or ability to maintain proper care for the animal was due to economic distress beyond the owners control.

“Severe injury” means any physical injury that results in (a) broken bones, (b) muscle, ligament, or tendon tears, (c) skin lacerations or puncture wounds which require sutures or surgery, or (d) transmission of an infectious or contagious disease.

9.04.030 Administration and enforcement

Administration and enforcement of this chapter shall be the responsibility of the Director of Planning and Community Development, and the Office of Housing.

A. The Office of Housing shall:

1. Operate or cause to be operated animal shelters and /or dog pounds as may be required.
2. If deemed necessary, select, train, hire and retain Housing Enforcement Officers who will enforce the provisions of this chapter.
3. Make investigations of complaints pertaining to animal misconduct occurring in the area of jurisdiction and provide for administration, issuance, reissuance of licenses fees and other charges as provided herein.
4. Negotiate contracts or agreements with agencies or facilities within or outside the reservation to aid in the execution of his or her responsibilities.

9.04.040 Delegation - Authority

In carrying out the responsibilities of this chapter the:

- A. Director of Planning and Community Development may at his/her discretion:
 - 1. Delegate all or part of his/her responsibilities to a competent agency or agencies.
 - 2. Hire and appoint a Housing Enforcement Officer responsible to the Housing Manager to enforce and investigate animal regulations.
- B. Chief of Police at his/her discretion:
 - 1. May authorize a limited police commission in accordance with the Squaxin Island Police Policy, Procedures and written directives, for the purpose of enforcing this chapter.
 - 2. Is responsible for enforcing this chapter along with Housing Enforcement.
- C. Housing Enforcement Officer shall:
 - 1. Investigate and enforce the laws of this chapter.
 - 2. Wear a designated uniform identified as Housing Enforcement.
- D. Authorized agents may perform duties.
 - 1. Whenever a power is granted to or a duty imposed upon the Squaxin Island Office of Housing, the power may be exercised or the duty may be performed by any animal control or law enforcement officer.
- E. Authority to pursue.
 - 1. Those authorized under 9.04.040(D) may pursue animals running at large onto Tribal-owned property, vacant property, and unenclosed private property and seize, remove, and impound the same.
- F. Probable cause to impound animal.
 - 1. Any animal control or law enforcement officer having probable cause to believe that any person has violated any provision of this title by reason of his/her animal's misconduct may impound or cause to be impounded any such animal.
 - 2. When a animal control or law enforcement officer has probable cause to believe a dog is a dangerous dog, he/she may impound the animal. Law enforcement or animal control officers may require that such dog be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting such a hearing has passed.

9.04.050 Animal control zone.

Jurisdiction is extended over all persons or entities within the jurisdiction of the Tribe, who own, sell, allow or have in their possession, animals as defined in Title 9.04 within:

- A. The Exterior boundaries of the Squaxin Tribal Reservation.
- B. Lands owned by, held in trust for, leased or used by the Squaxin Tribe, its members, and any other entity of the Tribe; or
- C. The Indian Country of the Squaxin Island Tribe, as that term may be defined from time to time by the laws of the United States.

9.04.060 Licensing of dogs.

- A. It is a misdemeanor for any person to keep, maintain or harbor any adult dog without paying the license fee and obtaining the license required by this chapter. In addition any person who acquires an unlicensed or licensed dog, whose dog becomes an adult, or who moves onto the reservation with an unlicensed dog, shall have thirty (30) days from the date of any of those events occurring to obtain the license required. Provided, those animals in the custody of a veterinarian or animal shelter designated as the custodians if impounded, animals whose owners are unknown or those for sale in a pet store need not be licensed. In addition, occasional residents or visitors whose dog(s) are licensed in another city or county and whose dog displays a valid license, need not be licensed with the Squaxin Island Tribe.
- B. Any owner or member of a household who, within 1 year after a written surrender, obtains another animal shall be assessed an animal license fee of \$150.
- C. Dog License Fees are determined annually by the Squaxin Tribal Council.
- D. Annual license fees which have not been paid by the 30th of March are subject to an additional fee to be determined by Council, there shall be no additional fee where:
 - 1. The applicant has owned the dog for less than thirty (30) days.
 - 2. The dog is less than seven months of age at the time of application.
 - 3. The applicant has resided on the Squaxin Island Indian Reservation less than thirty (30) days
 - 4. The applicant voluntarily applies for a license and was not found to be in violation of this chapter.
 - 5. Replacement of a lost or damaged license may be obtained at a cost to be determined by Council.
- E. Exemptions from License Fees. The following are exempt from license fees:
 - 1. Dogs actively and regularly engaged in the work of a law enforcement agency.
 - 2. Dogs actively and regularly engaged in assisting the visually or hearing impaired.
 - 3. The Director of Planning and Community Development authorized the waiving of fees under 9.04.180(E)
- F. Elders Dog Licenses. Persons, who have reached the age of fifty-five (55) may, by paying regular annual fees, obtain a permanent dog license which will be valid for the lifetime of the animal; provided the animal lives permanently with license applicant. Any individual having a permanent dog license shall place the Office of Housing on notice upon the death or disposition of the licensed animal.
- G. No person or persons residing in the same household may obtain more than three licenses pursuant to this section. Any owner who had four (4) dogs licensed as of April 23, 2009, may continue to maintain those four dogs until one or more no longer reside on the property, after which the limit of three (3) dogs will apply.

9.04.070 Dog license procedure.

- A. Issuance of License. The Office of Housing and/or any agents authorized by the Tribal Council will issue licenses pursuant to Section 9.04.060 of this chapter.

- B. Contents of License Receipt. The receipt shall contain the following:
 - 1. Date of issuance;
 - 2. A serial number;
 - 3. Name of dog, its age, color, sex, and whether the animal is spayed or neutered;
 - 4. The name, address, and phone number of the owner or keeper of the dog.
- C. License Tag. With each license issued, the owner or keeper shall receive a license tag which will contain the serial number corresponding to the serial number on the license.
- D. Permanent licenses. Permanent licenses issued pursuant to this chapter shall contain no expiration date. The license tag will be permanently worn by the licensed dog on a substantial collar, but tags need not be worn by dogs engaged in hunts, in a sanctioned dog show or in formal obedience training.
- E. Transferability. Licenses are not transferable from one animal to another but may be transferred from an original owner to a new owner; but in no event are licenses issued pursuant to Sections 9.04.060 (c) and (d) transferable.

9.04.080 Impounding, surrendering, redemption and disposition of animals, livestock, and poultry.

- A. Surrendering animals. Animals may be surrendered upon a written notice to the Office of Housing for the following reasons:
 - 1. Due to economic or physical distress.
 - 2. Terminally ill animals, elderly animals with pain, or diseased animals.
 - 3. A situation beyond the owners control with approval of the Housing Manager.
 - 4. Fees may be assessed for the disposal of surrendered animals.
- B. Impounding Animals. Animals may be impounded in the following situations:
 - 1. When the animal is off the premises of its owner or keeper.
 - 2. If the animal is an adult dog and it has no license tag.
 - 3. If the animal is an adult dog, if it has an expired license and the date is July 1st or
 - 4. When the animal has been subjected to cruel treatment.
 - 5. If the animal is a dangerous dog
 - 6. If the animal has bitten or attacked either humans or domestic animals.
 - 7. After notice is given to remove livestock or poultry from the reservation.
- C. Place and Manner of Impoundment. Animals, livestock and poultry shall be impounded in a place and manner designated by the Squaxin Island Director of Planning and Community Development or his assigned designee.
- D. Notice to Owner. Within 24 hours of impoundment, the Director of Planning and Community Development or his or her authorized agent will provide written notice to the owner or keeper of the animals, livestock, and or poultry of its impoundment. If the owner or keeper of the animal, livestock or poultry is unknown, reasonable efforts to notify the owner or keeper of the impoundment will be made.
- E. Redemption of Animals.

1. An animal other than livestock, poultry and a dangerous dog may be redeemed upon payment of the scheduled fees assigned by the agent responsible for housing and caring for impounded animal. Quarantined animals, see Section 9.04.090
 2. Livestock and poultry may be redeemed upon payment of an impound fee and boarding fee, and if impounding requires special transportation, a fee will be assessed for such special transportation.
- F. Disposition of impounded animals not redeemed:
1. When an animal other than livestock or poultry is not redeemed, sooner than two days following written notice being given to its owner, the Director of Planning and Community Development or his authorized agent may give or sell the animal to a qualified person or organization, for the purpose of adoption, euthanize or otherwise dispose of the animal.
 2. When livestock and poultry are not redeemed, sooner than seven days following written notice being given its owner, the Director of Planning and Community Development or his authorized agent may commence to sell the animal at public auction. Notice of the auction and a description of the livestock to be auctioned shall be published at least five days prior to the sale in the official county or tribal newspaper. Such notice shall also be mailed to the owner of the livestock if known. Cost of publication and the costs described in subsection (D) (2) of this section shall be deducted from the proceeds of the sale. The balance shall be remitted to the owner, if known. Otherwise it shall be deposited with the Squaxin Island Tribal general account.
- G. Disposition of Sick or Injured Animals. Sick or injured animals may be euthanized or otherwise disposed of at any time in furtherance of the public health and safety, or necessary to prevent unnecessary suffering. When reasonably possible, the owner or keeper shall be notified prior to any such disposition.

9.04.090 Quarantine.

Animals will be quarantined pursuant to public health regulations.

- A. Animals will be quarantined pursuant to public health regulations, provided however that a dangerous dog or a dog that has bitten someone severely enough to break the skin will be picked up by the animal control authority, and impounded at the authorities facility for a period of not less than ten (10) days.
- B. After the ten (10) day period of impoundment the owner or keeper of the animal other than a dangerous dog or a dog that has bitten someone severely enough to break the skin, may redeem it at a cost of fifty dollars (\$50.00) and any other fines or license fees applicable.
- C. After the ten (10) day period of quarantine and/or a finding from the Tribal Court, a dangerous dog or a dog that has bitten someone severely enough to break the skin, may be destroyed and disposed of by a licensed veterinary clinic, hospital or facility under contract with the Squaxin Island Tribe, through the authority of an animal control officer.

9.04.100 Crimes.

The following are declared to be misdemeanors:

- A. Removing License. For a person other than the owner, keeper or other authorized person to remove the license tag from the animal required to be licensed pursuant to this chapter.
- B. Failure to Respond. Failure to respond to a notice of infraction issued pursuant to Section 9.04.130.
- C. Selling Diseased Animal. For an owner or keeper to sell an animal knowing it is diseased.
- D. Interfering with Impounding. For a person to prevent, obstruct or hinder the impoundment of an animal pursuant to Section 9.04.080.
- E. Violation of an abatement order.
- F. Harboring a Dangerous Dog. To own, harbor or maintain a dangerous dog.
- G. Failure to maintain potentially dangerous dog.
- H. Cruelty to Animals. As defined in 9.04,021 (21) 1&2.
- I. Allowing dangerous or potentially dangerous animals at large.
- J. Domestic animals- taking, concealing, injuring, killing, etc. As defined in 9.12.800.

9.04.110 Penalties.

Any person, firm or corporation violating any provision of Section 9.04.100 shall be guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of Section 9.04.100 is committed, continued or permitted. Upon conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment for each separate offense.

9.04.120 Declaration and Forfeiture of potentially dangerous or dangerous dog.

- A. The Tribal animal control officer shall classify potentially dangerous dogs and dangerous dogs. The animal control officer may find and declare a dog dangerous if he/she has probable cause to believe that the dog falls within the definitions set forth in Section 9.04.020 (9). An animal control officer may find and declare a dog potentially dangerous if he/she has probable cause to believe that the dog falls within the definition set forth in Section 9.04.020 (19). The finding must be based upon:
 - 1. The written complaint of a citizen or
 - 2. Any dog bite report filed with the shelter or Tribe; or actions of the dog witnessed by any animal control officer or law enforcement officer; or
 - 3. Other substantial evidence.
- B. The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
 - 1. Certified and regular mail to the owner's last know address; or
 - 2. Personally served
- C. The declaration shall state at least:
 - 1. A description of the dog;

2. The name and address of the owner of the dog, if known;
 3. The whereabouts of the dog, if it is not in the custody of the owner;
 4. A summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based, including the definition of dangerous or potentially dangerous under which the declaration is being made;
 5. The availability of a hearing in case the person objects to the declaration, if a written request for a hearing is made by the owner within 10 days date of being served notice of the declaration.
 6. A summary of the restrictions place on the dog as a result of the declaration; and
 7. A summary of the potential penalties for violation of the restrictions, including the possibility of destruction of the animal and imprisonment or fining of the owner.
- D. Confinement and disposition of dangerous and potentially dangerous dogs.
1. When a dog is declared a dangerous dog, the dog shall be impounded.
 2. When a dog is declared a potentially dangerous dog, the dog may be impounded.
 3. From the date of initial declaration of potentially dangerous by the Tribal Animal Control officer, the dog owner shall comply with all requirements imposed by the Director of Planning and Community Development or his or her designee.
 4. A dangerous dog shall be euthanized: (1) any time after the expiration of the ten (10) day grace period given the owner under Section 9.04.120(C)(5), in the event the owner fails to appeal the dangerous dog designation; or (2) upon entry of an order from Tribal Court, in the event the owner appeals the dangerous dog designation pursuant to Section 9.04.120(C)(5).
- E. The owner or keeper of an animal found in a judicial proceeding to be a dangerous dog shall forfeit the right to own or possess such an animal. Such a judicial proceeding may be commenced by filing in the Squaxin Island Tribal Court a notice of proceeding to forfeit the animal. Such a notice shall be served upon the owner or keeper of the animal. Thereafter, the matter shall proceed to trial as for the trial in criminal cases. A forfeited animal shall be rendered to the proper authority for disposition. The trial regarding forfeiture may proceed in conjunction with a trial for violation of Section 9.04.100 C.

9.04.130 Infractions.

The following are declared to be infractions:

- A. Dog in Heat. For the owner or keeper of a dog in heat to keep such a dog in a fashion where it is accessible to male dogs unless such accessibility is for the purpose of planned breeding.
- B. Barking and Howling. For the owner or keeper to own, harbor or maintain an animal which unreasonably annoys or disturbs others through frequent or habitual barking, howling, yelping or crying.
- C. Damaging Property. For the owner or keeper of an animal to permit the animal to leave the premises of the owner or keeper and thereafter cause damage to any thing of value or a domestic animal.
- D. Disturbing Pedestrians. For the owner or keeper to own, harbor or maintain an animal which disturbs people lawfully on public ways or snarling, growling or jumping at or toward such people.

- E. Chasing Vehicles. For the owner or keeper to own, harbor or maintain an animal which chases or runs at or after vehicles lawfully on public ways.
- F. Reporting and Releasing Stray Animals. For any person to fail to notify proper authority (Office of Housing or Law Enforcement) that a stray animal is in his or her possession or to refuse to release a stray animal to the tribal police chief or his or her authorized agent upon demand.
- G. Releasing Animal. For any person except the owner, keeper or other authorized person to release any animal from confinement.
- H. Excess Number of Adult Dogs. To own, keep or maintain three or more adult dogs at the same place.
- I. No Valid Dog License. To own, keep or maintain a dog without a license as require by Section 9.04.060.
- J. Agitating an Animal. To intentionally agitate, molest or provoke an animal confined on the premises of its owner or keeper.
- K. Running in Packs. For the owner or keeper of any dog to allow such dog to leave the premises of such owner or keeper and thereafter run from place to place with other dogs.
- L. Getting into garbage other than its owner's or keeper's.
- M. Owning or allowing livestock and poultry on the Squaxin Island Tribal Reservation.
- N. Dogs at Large Prohibited--Exceptions. It is unlawful for any person to cause, permit or allow any dog owned, harbored, controlled or kept by him, to roam, run or stray away from the premises where the same is owned, harbored, controlled or kept. Except that while away from said premises, such dog shall, at all times, be controlled by means of a leash or chain not exceeding eight feet in length, by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle.

Upon the animal control officers authority to determining that a violation of subsections A, B, C, D, E, H, I, K, or M of this section has occurred, on the first such determination, a verbal or written warning shall be given the responsible party upon a second or subsequent such violation a citation may be issued.

9.04.140 Infraction penalties.

The penalty for any infraction specified in Section 9.04.130 after the required warning mentioned in that section shall be fifty dollars (\$50.00) for the first cited violation, seventy-five dollars (\$75.00) for the second cited violation committed within one year from date of the offense, and one hundred dollars (\$100.00) for the third and subsequent cited violation committed within one year, from date of offense. Each and every day or portion thereof in which an infraction is committed shall constitute a separate and distinct infraction.

9.04.150 Infraction procedure.

Infractions under this chapter shall, insofar as possible, be charged and processed pursuant to tribal court infraction rules as now or hereafter amended.

9.04.160 Enforcement by civil action.

Any action or inaction by any animal or the owner or keeper thereof which is contrary to the provisions of this chapter, shall be and the same are declared to be unlawful and a public nuisance. Compliance with this chapter may be enforced by an action for abatement or injunction by an affected citizen or by the prosecuting attorney.

9.04.170 Construction.

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rules of strict construction shall have no application.

9.04.180 Budgeting, planning and separation accounting of moneys.

- A. Budgeting. The Director of Planning and Community Development or his or her authorized designee will prepare an annual budget for animal control, which will be submitted to the Tribal Council during the normal budgeting process. Included with the annual budget will be a recommendation for an increase/decrease in the dog license fee cost for the next annual licensing of dogs.
- B. Planning. Submitted as part of the animal control budget will be a plan for the next fiscal year of operations which will include expected staffing, envisioned level of operations, construction or building improvements, contracts and agreements, maintenance of physical properties and other relevant features to support the budget.
- C. Separation and Accounting of Moneys. The animal control financing and budgeting will be entirely separate from the tribal law enforcement and housing maintenance budgets.
- D. Collection of Moneys/Fees. All moneys collected for license fees and civil penalties connected with this chapter will be kept track of by the tribal accounting department who will make the total annual amount known to the Tribal Council when so requested. Said Council may at its discretion take into account this amount when considering the annual animal control budget.
- E. Waiving of fees. The Director of Planning and Community Development or his/her designee is authorized to: (1) waive any animal licensing fees; and (2) waive fees regarding the surrender of animals up to and including euthanasia and cremation fees. The waiving of fees will be for the purpose of "special circumstances" only, as defined in 9.04.020 (24).