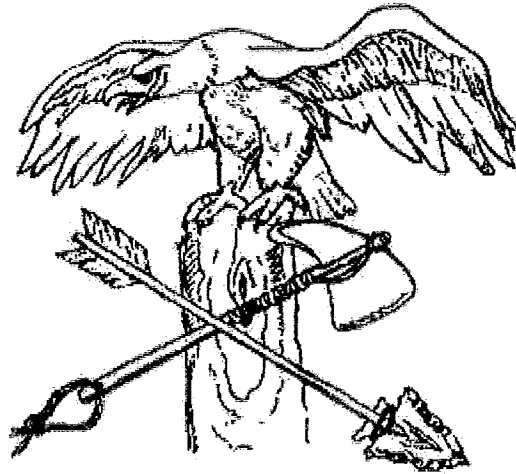


Shoalwater Bay Indian Tribe

Code of Laws



TITLE 13

Animal Control

Public Hearing April 6, 1993

Adopted July 15, 1993

Resolution #07-15-93-50



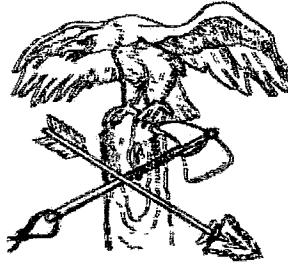
Shoalwater Bay Indian Tribe
Code of Laws
Title 13
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See Title 2 Law and Order Code Section 2.10 Offenses Involving Animals



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13.01.010 Responsibility for Animals

Any person who owns or has under his control any animal shall be responsible for:

- a) Damage to persons or property caused by the animal; and
- b) Providing proper medical care, vaccinations, food, water and reasonable supervision and care for the animal.

13.01.020 Definitions

As used in this code the following terms shall have the following meanings:

- a) "Animal Owner," means an owner of any animal and any person with control over an animal.
- b) "At Large" shall mean in any public place or on private property not owned or occupied by the owner of the animal unless the permission of the owner of the property has been obtained.
- c) "Pack" of dogs shall mean four or more dogs.

13.01.030 Animal Control

No person shall cause, permit, or allow any animal he or she owns or which is under his or her control to:

- a) Roam, stray, or run in packs, or run at large within any area under the jurisdiction of the Shoalwater Bay Indian Tribe;

- b) Cause physical damage to the property of another person. This includes plants, trees, and landscaping damaged through consumption and/or by bodily function (urination/defecation) by any animals;
- c) Chase any vehicle, including bicycles;
- d) Harass livestock and other animals;
- e) Jump at or harass any person in any public or private location. This includes e.g. Chasing, sneaking behind, and growling in a menacing manner;
- f) Excessive, empty barking or other noises which disturbs the peace of the public from 11:00 p.m. to 9:00 a.m. Monday through Sunday;
- g) Defecate or urinate on another's maintained property;
- h) Scatter garbage;
- i) Hamper traffic, including jumping at vehicles;
- j) Dig holes on another's maintained property including Tribal Center, Graveyard, etc; or
- k) Bite, claw, scratch, or knock at or down or cause any injury, etc., to any person.

13.01.040 Leash Required

All animals with a propensity for damaging or causing bodily injury shall be physically restrained at all times by means of secure leash to prevent any possible escape. This includes horses, goats, llamas, cows, etc. All animals shall be registered with the Shoalwater Bay Law Enforcement. Any person acquiring an animal after the initial process shall immediately register the animal with Shoalwater Bay Law Enforcement. Animals on their own property must be controlled responsibly.

13.01.050 Dogs in Heat

Any person who owns or is in control of a female dog shall keep the dog leashed or in confinement during any time period in which the dog is in heat. Confinement shall mean keeping the dog indoors or in an enclosure which prevents escape.

13.01.060 Civil Violations

Failure of any person to comply with Sections 13.01.010, 13.01.020, 13.01.030, 13.01.040, and 13.01.050 of this code constitutes a civil violation, and a penalty consistent with this code shall be assessed.

13.01.070 Tribal Court Jurisdiction

The Shoalwater Bay Tribal Court shall have jurisdiction over all cases arising under this title.

13.01.080 Complaints

Any person who has knowledge of a violation of this code may file a civil complaint with the Court Clerk or Tribal Law Enforcement Officer. No filing fee is required. The complaint shall state the name of the owner, if known, a description of the animal, the section of this code allegedly violated, and the specific facts on which the complaint is based, the possible penalties which may be imposed, the consequences of failure to respond to the complaint and the signature of the complainant.

13.01.090 Service of Complaints

The Court Clerk shall cause the complaint and a summons to be served on the animal owner named in the complaint by the Tribal Police Officer, Tribal Court Clerk, or by Certified Mail. Service shall be made and a hearing scheduled as soon as practicable to provide for the prompt disposition of animal control complaints.

13.01.100 Answer

The animal owner may file a written answer with the court on or before the hearing date. The animal owner must appear in person at the hearing to answer to the complaint. Failure to appear after proper notice has been given will result in a court order finding that the animal owner committed the violation and assessing penalties in accordance with this code.

13.01.110 Hearing

The Court shall give the animal owner, the complainant and any witnesses the opportunity to be heard and present evidence. If the Court finds, by the greater weight of the evidence, that the animal owner committed a violation, it shall enter judgment against the owner and assess penalties consistent with this code.

13.01.120 Civil Penalties-Generally

The Court shall impose a minimum civil fine \$10.00 for each civil violation of this code. Repeat violations and violations involving harm or the threat of harm to persons shall be penalized by a civil fine of not less than \$15.00 and not to exceed \$500.00. In addition to any fine the Court may order:

- a) Restitution to the victim or property owner for actual damages and, in case of serious injury to a person, pain, and suffering compensation.
- b) Destruction or immediate permanent removal of the animal if the animal is found to be a threat to the safety or health of the community. All costs for removal shall be assessed against the owner or guardian of said animal;
- c) Court Costs; and
- d) Any other remedy necessary to compel compliance with this code (e.g. ordering medical attention for the animal).

13.01.130 Impoundment of Dogs Allowed

Any dog found in violation of this code may be seized or impounded by any law enforcement officer of the Shoalwater Bay Indian Tribe, or the Bureau of Indian Affairs, any animal control officer of any agency or jurisdiction whose assistance has been requested by such Tribal or BIA officer, or any person employed or appointed by the Shoalwater Bay Tribal Council.

13.01.140 Notification to Owner of Impounded Dog

When an animal has been seized or impounded, the office or agency responsible shall make reasonable efforts to ascertain the identity of the owner and to notify him or her of the impoundment and the fees for reclaiming the animal.

13.01.150 Length of Impoundment and Fees

All animals impounded under this code shall be held for at least the minimum duration set by the impoundment facility, unless earlier claimed by the owner and the fees required by the impoundment facility paid. At the expiration of the holding period the animal shall be placed for adoption or humanely destroyed.

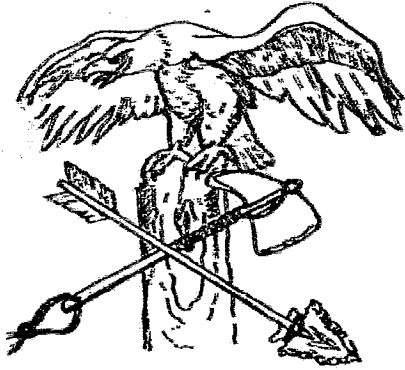
13.01.160 Authorized Dog "Round-Up"

The Shoalwater Bay Indian Tribe appropriate authority is authorized to periodically conduct a "round-up" of any and/or all dogs that are roaming or running at large. This authority is granted in addition to the power to have

individual animals impounded under this code. Prior notice to the Tribal Community shall be prominently posted prior to any "round-up." Instructions for claiming the animals shall be prominently posted immediately after such impoundment.

13.01.170 Severability

Should any word, section, clause, paragraph, sentence, or provision of this code be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other part of this code which can be given effect without such invalid parts.



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
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SHOALWATER BAY INDIAN TRIBE RESOLUTION #07-15-93-50

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the Governing Body of the Shoalwater Bay Indian Tribe in accordance to their Constitution;

WHEREAS, The Shoalwater Bay Tribal Council has the authority to enact laws necessary to govern the administration of justice; and

WHEREAS, The Shoalwater Bay Tribal Council deems it appropriate and necessary for tribal community harmony to enact a Animal Control Ordinance;


WHEREAS, The Animal Control Ordinance, TITLE 13, will provide procedures for enforcement for all people within the jurisdiction of the Tribe;

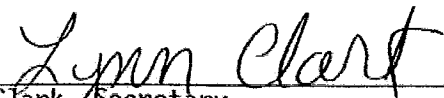
WHEREAS, A Public Hearing was held regarding the Animal Control Ordinance Title 13 on April 6, 1993, now

THEREFORE BE IT RESOLVED, That the Shoalwater Bay Indian Tribe hereby adopts the attached TITLE 13 ANIMAL CONTROL CODE, effective as of the date of this resolution, to amend and/or delete as needed.

C E R T I F I C A T I O N

This Resolution was passed at a Regular Tribal Council Meeting of July 15, 1993 at which a quorum was present. 4 FOR 0 AGAINST AND 0 ABSTENTION.


Herbert Mark Whitish, Chairman
Shoalwater Bay Tribal Council


Lynn Clark, Secretary
Shoalwater Bay Tribal Council