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Title 25

Animal Control Code

TITLE 25
NOOKSACK INDIAN TRIBE CODE OF LAWS
ANIMAL CONTROL

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TITLE 25
NOOKSACK INDIAN TRIBE CODE OF LAWS
ANIMAL CONTROL CODE

Chapter 25.01 General Provisions

25.01.010 Purpose

The purpose of this code is to provide regulations to protect the health and safety of the community; to control animal behavior both on and off the property of the animal's owner or keeper; to encourage humane treatment of animals; and to delineate the responsibilities of animal owners and keepers within the jurisdiction of the Nooksack Indian Tribe.

25.01.020 Effective Date

This Code shall take effect on January 8, 2008; provided, however, that no penalties for keeping an unlicensed animal shall be imposed for a period of sixty (60) days after enactment so that animal owners and keepers will have sufficient time in which to obtain licenses and vaccinations for their animals.

25.01.030 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.

25.01.040 Definitions

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

- (a) "Animal" includes dogs and cats for the purposes of the licensing requirements of this ordinance, and also includes other animals over which it is necessary for the Tribe to exercise control for the health, safety and welfare of the Tribal community.
- (b) "At Large" shall mean an animal found off the premises of the animal's owner or keeper:
 - i. In any public place;
 - ii. On Tribal trust land;
 - iii. On individual trust land not owned or occupied by the owner of the dog, unless the permission of the owner of the individual trust land has been obtained.
- (c) "Dangerous animal" means any animal that according to the records of the Nooksack Indian Tribal Police or other Animal Control Agency:
 - i. Has inflicted severe injury on a human being without provocation on public or private property;
 - ii. Chases or approaches a human upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack on multiple occasions;

- iii. Has a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or animals;
 - iv. Has killed an animal without provocation while off the owner's property; or
 - v. Is potentially dangerous, where the owner has received notice of the behavior, and the animal again aggressively bites, attacks, or endangers the safety of humans or animals.
- (d) "Keeper" means any person performing any of the acts of providing care, shelter, protection, refuge, or nourishment in such a manner as to control the animal's actions, or is the occupant of any premises at which an animal remains or to which it customarily returns daily for food and care.
 - (e) "Leash" means a cord, strap, or chain of sufficient strength by which an animal is controlled.
 - (f) "Owner" means any person having an interest or right of possession to any animal or any person who has, or is responsible for, control, custody, or possession of any animal. If the animal has been seen residing consistently at a location, the resident or occupant of such location shall be presumed to be the owner.
 - (g) "Animal Control Officer" means any law enforcement officer of the Nooksack Indian Tribe, official, agent or person designated by the Tribe to issue licenses, seize, restrain, impound, sell, dispose, give notice or to do any other acts, duties or function prescribed by this ordinance or other tribal laws related to the animals herein regulated; or any animal control officer of any agency or jurisdiction whose assistance has been requested by Nooksack Tribal officers, or any person employed or appointed by the Tribal Council or Nooksack Indian Housing Authority to perform this duty.
 - (h) "Pack" of dogs shall mean three or more dogs.
 - (i) "Under control" or "Restrained" means the owner or keeper, by means of a fence, leash or other means, restrains the animal to the owner's premises or by a leash of not more than ten (10) feet in length if not on the premises of an owner or keeper, so as to prevent the animal from trespassing upon property of another or annoying or chasing other persons, animals, or vehicles, of any sort.

Chapter 25.02 Licensing and Registration

25.02.010 License Tags Required

- (a) All dogs and cats three (3) months of age and over that are kept, harbored or maintained within the jurisdiction of the Nooksack Indian Tribe shall be registered and issued a license tag. The license tag shall be worn on the collar of each dog or cat at all times. Any lost registration tags must be immediately replaced by a new tag upon payment of the replacement fees.
- (b) All dogs or cats who are not registered and displaying the license tag shall be considered unlicensed animals.

25.02.020 Contents of License Registration Application – Procedure

Registration application for a pet license shall be on forms provided by Nooksack Indian Police Department and shall consist of the animal and owner's name and address, a

description of the animal by species, breed, sex, color, weight and name of animal. A license tag shall be issued at the time of registration. The Nooksack Indian Police Department shall maintain a record of all license tags issued.

25.02.030 License – Proof of Rabies Vaccination Required

No license may issue for any animal that has not been vaccinated for rabies. The certificate of a licensed veterinarian is required as proof of vaccination. The Nooksack Indian Tribe Police Department may require additional vaccinations as circumstances require, and similar proof thereof, as a condition to obtaining or keeping a valid animal license.

25.02.040 Denial of License – Grounds

An animal license shall be denied to any person who:

- (a) Has three (3) or more animal control violations within the three (3) year period immediately preceding application, in this or any other jurisdiction;
- (b) Has a history of cruelty, neglect or mistreatment of animals, based on reliable information;
- (c) Has any unpaid and past due fines, costs, fees or damages imposed under authority of this ordinance, including impoundment fees and costs; and restitution; or
- (d) Issuance of a license would be contrary to the public health or safety of the tribal community.

25.02.050 License Fees

The license fee for each animal shall be as follows:

- (a) Spayed or neutered dog or cat - \$5.00
- (b) Other dog or cat - \$10.00
- (c) Replacement tag - \$2.00

Chapter 25.03 Animal Control

25.03.010 Dog Control

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

- (a) be without a current license tag and not in the presence of its owner, keeper or other authorized person;
- (b) roam, stray, run in packs, or run at large within any area under the jurisdiction of the Nooksack Indian Tribe;
- (c) cause physical damage to the property of another person;
- (d) chase any vehicle, including bicycles;
- (e) harass livestock;
- (f) jump at or on any person in any public or private place not the property or premises of the owner or keeper;
- (g) bark or make other noise which disturbs the peace of any person;

- (h) enter a Tribal building, office, community center, facility, or restricted area where Tribal business is conducted;
- (i) defecate on any property which does not belong to the dog owner or does not lie within the property boundaries of the dog owner's or keeper's premises;
- (j) scatter garbage;
- (k) hamper traffic;
- (l) dig holes; or
- (m) bite or claw any person.

25.03.020 Cruelty to Animals

It is unlawful for any person to willfully mistreat, injure, beat or abuse an animal, or run down an animal with a vehicle. Any person who kills or injures an animal shall stop and render such assistance as is practicable, shall make a reasonable effort to locate and identify himself to the owner or keeper of the animal, and shall report the accident immediately to Tribal Law Enforcement.

25.03.030 Suitable Shelter and Food

It is unlawful for any person to:

- (a) Keep or harbor an animal within the Nooksack jurisdiction without providing a suitable dry place for the animal's shelter, and a suitable amount of wholesome food and clean water for the animal's nutrition and comfort; or
- (b) Leave the premises upon which the animal is confined, or to which it customarily returns, for more than twenty-four (24) hours without providing for its feeding and care during the absence.

25.03.040 Leash or Fence Required

All dogs shall be physically restrained by means of a leash of not more than ten (10) feet in length when not on the property of the dog's owner or by a fence on the property.

25.03.050 Dangerous Animals Banned

No person shall allow a dangerous animal to be present within the jurisdiction of the Nooksack Indian Tribe.

25.03.060 Pit Bulls Banned

No person shall allow any pit bull dog to be present within the jurisdiction of the Nooksack Indian Tribe. "Pit bull" shall include mixed breed dogs with pit bull ancestry. The owner shall have the burden to prove pedigree.

25.03.070 Diseased Animal – Confined to Premises

Any animal that has a contagious disease shall not be permitted off the owner's or keeper's premises except as necessary for the health and welfare of the animal, and then only if the animal is securely leashed in the custody and control of a person eighteen (18) years of age or older who is physically able to restrain and control such animal. When on the owner's or keeper's premises a diseased animal shall be kept securely confined so that

it cannot reach persons who are lawfully present on the premises. Children ten (10) years of age or younger are presumed to be lawfully present.

25.03.080 Dogs in Heat

Any person who owns or is in control of a female dog shall keep the dog in confinement during any time period during which the dog is in heat. Confinement shall mean keeping the dog indoors or in an enclosure which prevents access by other dogs by any means including digging.

25.03.090 Harboring Animal in Violation of Code

Any person, including the owner or keeper or a member of his family, who shall give refuge to or who shall fail or refuse to deliver possession of an animal to an officer who was in pursuit of an animal which is in violation of any provision of this code shall be subject to a fine of \$100.

Chapter 25.04 Seizure and Impoundment

25.04.010 Seizure and Impoundment - Generally

An animal may be seized and impounded by an Animal Control Officer when an animal:

- (a) is without a current license tag and not in the presence of its owner, keeper or other authorized person;
- (b) roams, strays, runs in packs, or runs at large within any area under the jurisdiction of the Nooksack Indian Tribe;
- (c) causes physical damage to the property of another person;
- (d) chases any vehicle, including bicycles;
- (e) harasses livestock;
- (f) jumps at or on any person in any public or private place not the property of the owner;
- (g) barks or makes other noise which disturbs the peace of any person;
- (h) enter a Tribal building, office, community center, facility, or restricted area where Tribal business is conducted;
- (i) defecates on any property which does not belong to the dog owner or does not lie within the property boundaries of the dog owner's or keeper's premises;
- (j) scatters garbage;
- (k) hampers traffic;
- (l) digs holes; or
- (m) bites or claws any person

25.04.020 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 of the fees for reclaiming the animal.

25.04.030 Length of Impoundment and Fees

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

25.04.040 Vicious Animals at Large

- (a) Nooksack Tribal Police Department is authorized to kill any animal that an officer observes attacking or threatening immediate bodily injury to any person.
- (b) Any person may protect or defend themselves or another from attack or imminent bodily injury or may protect their own property or the property of another from an attacking vicious animal by use of reasonable force necessary to abate the current threat.

25.04.050 Housing Authority Dog, "Round-up" Authorized

The Nooksack Indian Housing Authority is authorized to conduct a "round-up" of 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. Notice to the Tribal Community shall be prominently posted prior to any roundup and instructions for claiming the animals shall be prominently posted immediately after such impoundment. Animals impounded in the round-up shall be handled in the same manner as those impounded under §§ 25.04.010, 25.04.020 and 25.04.030 of this Code.

Chapter 25.05 Civil Violations

25.05.010 Civil Penalties -Generally

The Court shall impose a minimum civil fine of \$25.00 for each civil violation of this code not to exceed \$150.00. Repeat violations and violations involving harm or the threat of harm to persons shall be penalized by a civil fine of not less than \$50.00 and not to exceed \$250.00. In addition to any fine the Court may order:

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

25.05.020 Civil Penalties -Dangerous Animal or Pit Bull Violation

The Court shall order the following penalties for violations of §§ 25.03.060 and 25.03.070:

- (a) A fine of \$250.00, and
- (b) Removal of the dog from the Nooksack Indian Tribe's jurisdiction.

Failure to comply with the Court's order to remove the animal shall be grounds for eviction as a violation of the person's duty to maintain his or her property in a safe condition.

25.05.030 Suspension of Fine for Compliance

The Court may suspend any civil fine issued under this Code, including minimum fines, contingent on the owner's compliance with the Court's order.

25.05.040 Tribal Court Jurisdiction

The Nooksack Tribal Court shall have jurisdiction over all cases arising under this Title.

25.05.050 Complaints

Any person who has knowledge of a violation of this code may file a civil complaint with the Court through the court clerk. 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, whether or not the animal has a license tag and if so the license number, 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.

25.05.060 Service of Complaints

The court clerk shall cause the complaint and a summons to be served on the animal owner named in the complaint in the manner provided in Title 10 of the Nooksack Code of Laws. Service shall be made and a hearing scheduled as soon as practicable to provide for the prompt disposition of animal control complaints.

25.05.070 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.

25.05.080 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.

25.05.090 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.