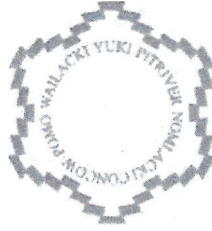


ROUND VALLEY INDIAN TRIBES

A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
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LOCATION ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

ANIMAL CONTROL ORDINANCE OF THE ROUND VALLEY INDIAN TRIBES 2011

Round Valley Indian Tribes Animal Control Ordinance

Purpose:

In enacting this Code, it is the intent of the Round Valley Indian Tribes to insure reasonable control of domestic animals by their owners, and to protect the children, elderly, and all residents of the Round Valley Reservation and their guests from injury by dogs, cats, and other animals, and to prevent the spread of disease which could hurt human beings and wildlife on the Reservation. The Tribal Council finds that unregulated animals pose a threat to the safety of reservation residents, domestic animals, and wildlife, and that this threat has a direct effect on the political integrity, economic security and health and welfare of the Tribes, its members and wildlife.

DEFINITIONS: For the use in this Ordinance, the following terms are defined:

1. "Animal" means dogs and cats and every other animate being other than a human.
2. "At heel" means under the voice control and within fifteen feet of the owner or person in custody of the animal.
3. "At large" means any licensed or unlicensed animal found off the premises of its owner and not under the control of a person, restrained within a vehicle, housed in a kennel, or at heel beside a person and obedient to that person.
4. "Cat" means both female and male animals of the cat family (Fells Catus), whether neutered or not.
5. "Dangerous animal" means and includes, any animal, which is not naturally tamed or gentle; or which is of a wild nature or disposition; or which is capable of killing or inflicting serious injury upon human beings and having immediate tendencies, individually or as a species, to do so; or which, because of its size or other characteristics, would constitute a danger to life or property, if it is not kept or maintained in a safe manner or in secure quarters.
6. "Domestic animal" shall mean, any of various animals, such as the horse, cow, sheep, domesticated by man, so as to live and breed in a tame condition.
7. "Dart" means the process, whereby a drug or a sedative nature is delivered to and injected into an animal by means of a projectile shot from a rifle or gun, for the purpose of subduing or rendering an animal unconscious for capture.
8. "Dog" means both male and female animals of the canine species, whether neutered or not.

9. "Neutered" refers to a surgical procedure that has been performed on a dog or cat that renders it incapable of siring or bearing offspring.

10. "Owner" means any person or persons, firm, association or corporation, or parent of a child owning, keeping, sheltering or harboring an animal.

11. "Rabies Vaccination" means the injection intramuscularly of anti-rabic vaccine received from a licensed veterinarian or at a public clinic, which may be established for this purpose.

12. "Stray" shall mean any dog, cat or animal, not having a known owner.

13. "RVIT" shall refer to the Round Valley Indian Tribes.

14. "Vicious" shall mean having bad habits or a cruel and fierce disposition.

SECTION 1-01 PROGRAM DESIGNATED

1. The Animal Control Program, as administered by Round Valley Indian Tribes Tribal Police, is designated as the official agent of the RVIT for the purpose of enforcement of this ordinance and issuing animal licenses and collecting fees, therefore pursuant to the provisions of this ordinance.

2. The Animal Control Officer, however, in the absence of an Animal Control Officer, Round Valley Indian Tribes Tribal Police shall have the authority upon approval by Tribal Council to enter into agreements with third parties for collection of license fees, for capture, transport, impoundment and disposition of any animal found within the boundaries of the Round Valley Reservation, and for the other purposes relating to the enforcement of this ordinance.

SECTION 1-02 LICENSING OF DOGS AND CATS

No dogs or cats shall be kept, harbored or maintained within the boundaries of the Round Valley Reservation, unless such dog or cat has been registered by the owner with the Animal Control Officer or the Round Valley Indian Tribes Tribal Police.

SECTION 1-03 RABIES CERTIFICATION OR VACCINATION REQUIRED

1. The Animal Control Officer shall issue a Certificate of Registration for each dog or cat within the RVIT, provided that the owner exhibit proof that the dog or cat described in the registration application is up-to date on its rabies vaccination and provided further, that the owner shall pay to the Animal Control Officer, a ten dollar (\$10) Registration Fee, to be paid to the RVIT Fiscal Department, for each dog or cat.

2. Within thirty (30) days, after July 1st or within thirty (30) days or after the dog or cat reaches six (6) months of age. Every owner of such dog or cat shall procure a Tribal Animal License for ten dollars (\$10) each year, to be paid to RVIT Fiscal Department, beginning July 1st from the Animal Control Officer of RVIT.

3. Licenses must be renewed each year, regardless, of date of issue; all licenses shall expire on June 30th of the year the license was in effect. Registration fees shall be due on an annual basis and must be paid at the time of license renewal to RVIT Fiscal Department.

SECTION 1-04 EXCEPTION

This Code applies reservation-wide, with no exceptions.

SECTION 1-05 DISPLAY OF TAGS

1. The Tags received at the time the animal is vaccinated against rabies, and at the time of licensure, must be attached by the owner to a substantial collar.

2. These Tags shall be replaced with new tags at the time of subsequent rabies vaccination and license renewal.

SECTION 1-06 TRANSFER OR CHANGE OF OWNERSHIP

When the permanent ownership of a dog, cat or other domesticated animal is transferred, the new owner shall, within thirty (30) days of the date of change in ownership, make an application for a new license, as provided in Section 1-03, regardless of whether or not the dog, cat or domesticated animal was previously licensed under the provisions of Section 1-03, and shall pay the full annual license fee.

SECTION 1-07 DUPLICATE TAG

Upon filing that a license tag has been lost or destroyed, the owner may obtain another tag upon payment of replacement fee of ten dollars (\$10). The Animal Control Officer shall enter the new number assigned in the license record after payment receipt from RVIT Fiscal Department is presented.

SECTION 1-08 REMOVAL OF TAGS

It will be unlawful for any person to remove a license from a dog or cat, unless they are the owner, RVIT employee, or Tribal Law Enforcement officer who is acting in an official capacity.

SECTION 1-09 AT LARGE PROHIBITED

The owner of an animal shall at all times, restrain such animals to prevent it from running at large.

SECTION 1-10 IMPOUNDMENTS AND TICKETING

1. An animal found at large, shall be seized and impounded; or at the discretion of the Animal Control Officer or Law Enforcement Officer, a Citation and/or Complaint to appear before the Round Valley Tribal Court to answer charges made there under, may be served to the owner.
2. If the owner of an impounded animal can be identified, the owner shall be notified by the Animal Control Officer within two (2) days that upon payment of ten dollars a day (\$10) impounding fees, the animal will be returned. If an impounded licensed animal is not recovered by its owner within fifteen (15) days after the notice, the animal shall be offered for adoption to the public for a period of five (5) days. An adoption fee of ten dollars (\$10) will be collected.
3. If an animal has not, been claimed by its owner or adopted within the twenty day period describe above the animal shall be disposed of in a humane manner.

SECTION 1-11 DISPOSITIONS OF ANIMALS

1. After the expiration of the applicable impoundment period or quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the Animal Control Officer, be disposed of in a humane manner.
2. During the applicable impoundment or quarantine, if the animal, whether licensed or unlicensed appears to be suffering from rabies or infected with disease, or which is mortally injured, or is an unredeemed animal, it may, at the discretion of the Animal Control Officer, be disposed of in a humane manner.
3. If the animal is injured or destroyed because it is vicious, the Animal control Officer shall dispose of the animal. If other persons destroy an injured or vicious animal, the Animal Control Officer shall be contacted to dispose of the animal.
4. If an animal is found dead, the Animal Control Officer shall dispose of the animal.
5. In the event that the animal has bitten a person, State or Local Health Officials must be consulted before the animal is disposed of.
6. No civil liability shall arise where a suffering animal is humanely destroyed.

SECTION 1-12 IMPOUNDMENT FEES

There shall be a ten dollars (\$10) impoundment fee for each animal taken and impounded on the first occasion an animal is impounded; there shall also be a ten dollar (\$10) fee per day for impoundment up to five (5) days, if the animal is suspected to be rabid, or up to fifteen (15) days, if confirmed rabid. The fees shall be paid to the RVIT Fiscal Department. Civil penalties are addressed in Section 1-34 and are separate costs under this Code.

SECTION 1-13 REDEMPTION

1. Any animal held or impounded at the Animal Control Facility may be redeemed to the owner thereof, upon (A) proof of ownership; (B) payment of the board and keep fee, impoundment fee, and any other related costs incurred by the RVIT; (C) presentation of the tribal license, which shall not be issued until proof of a current rabies vaccination is presented; and (D) showing proof in the form of a certificate, issued and signed by a licensed veterinarian or other authorized agent that such animal has been properly vaccinated for rabies.
2. Failure of the owner to show proof shall be prima facie proof that vaccination has not been obtained as required by this Code.
3. For purposes of this section, the Animal Control Officer shall give written notice of impoundment and the reasons for impoundment to the owner personally, by posting a written notice at the owner's residence, or by mail.

SECTION 1-14 INJURED ANIMALS AT LARGE

1. In the event that an injured animal, licensed pursuant to this Code, is found at large, the Animal Control Officer or Tribal Law Enforcement Officer may cause the animal to be darted if necessary, and may take the animal into custody. Upon taking an injured animal into custody, the Animal Control Officer shall notify, in writing, the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either, immediately take custody of such animal or cause the animal to be transported to a veterinarian.
2. In the event the injured animal is unlicensed, or in the event that the Animal control Officer is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such animal or cause it to be transported to a veterinarian, the Animal Control Officer shall transport such animal to the nearest available veterinarian for treatment.
3. If an injured animal, at large, cannot be darted and it displays vicious tendencies, which would make its capture by any other means unduly hazardous,

the Animal Control Officer or the Tribal Law Enforcement Officer may cause immediate destruction of such animal.

4. In the event that an animal, running at large, is so seriously injured as to make recovery improbable or unlikely, the Animal Control Officer may, in his discretion, immediately destroy such animal in a humane manner in the interest of humane treatment.

5. In the event that the Animal Control Officer or Tribal Law Enforcement Officer transports an injured animal to the nearest veterinarian, he shall thereupon offer to give custody of said animal to the veterinarian for treatment at the veterinarian's cost. In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the Animal Control Officer shall be directed to destroy said animal as expeditiously as possible, in the interest of humane treatment.

6. After an animal has been humanely destroyed under this section, the animal shall be subject to autopsy by local or State Health Officials, if rabies is suspected and/or if the animal bit a person.

SECTION 1-15 VICIOUS ANIMALS- DUTY OF OWNER

1. All persons owning or having custody of/or control over an animal or animals, whether licensed or unlicensed, which attacks, bites or attempts to bite a person or persons, or domestic animals or fowl, or is vicious, or worries, chases, maims or kills domestic animals or fowl, are required to keep such animals from running at large and from going into the streets and other public places within the reservation, unless muzzled and on a leash, and shall keep such animal or animals from attacking or injuring persons unlawfully on the premises of the owner.

2. The Animal Control Officer or Tribal Law Enforcement Officer, upon being satisfied that there is a vicious animal or animals at large, shall, if practicable, notify, in writing, the owner of the animal or animals to restrain them from running at large and to control them on the premises of the owner. The ACO or TLEO shall issue a citation for the violation of subsection (1) above, occurring before such notice is given. The right granted herein, of the Animal Control Officer or Tribal Law Enforcement Officer to prosecute for the violation of subsection (1) shall not be exclusive.

3. The killing of vicious animals and/or prosecution of owners is authorized if the animal is vicious and has, without provocation, actually bitten or attacked a person or a domestic animal or fowl. The Animal Control Officer, or Tribal Law Enforcement Officer shall, without killing the animal, notify the owner; as provided in subsection (2) hereof, and cite the owner for violation of subsection (1) hereof. If an animal, which has bitten a person is destroyed, the animal shall

be tested for rabies, If not destroyed, the animal shall be quarantined and observed for at least ten (10) days to determine if it has rabies.

4. Immunity of officers from costs. No officer, making complaint or destroying a vicious animal under the provisions of this article, shall be required to give surety for costs, or be liable for costs that may arise upon any complaint brought under the provisions of this article.

5. Destruction of dogs in the immediate defense of persons or livestock. Any person may kill any dog that may suddenly assault him or any person of his family or in his company, while the person so assaulted is out of the enclosure of the owner or keeper of that dog; and any person may kill any dog found out of the enclosure of its owner or keeper, assaulting, wounding or killing any cattle, sheep, lamb, horse, hog or fowl.

SECTION 1-16 REGULATION OF VICIOUS DOGS

1. While on the owner's property, a vicious dog must be securely confined indoors or in a securely enclosed and locked pen structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of 5'X 10' and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide the animal protection from the elements.

2. The owner or keeper shall display a sign on his/her premises, warning that there is a vicious dog on the property. The sign shall be visible and capable of being read from the public highway or street. In addition, the owner shall conspicuously display the sign warning children of the presence of a vicious dog and failure to do so is in violation of this section and a citation will be issued.

SECTION 1-17 HARBORING STRAYS.

1. Any person who harbors any animal found astray within the reservation shall, within twenty-four (24) hours, notify the Animal Control Officer.

2. Harboring or feeding an animal for twenty-four (24) hours or more shall constitute ownership by the person harboring or feeding the animal and must adhere to Section 1-02-Licensing of Dogs and Cats.

SECTION 1-18 GENERAL PROHIBITIONS AND DUTIES.

1. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any

gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

2. It shall be the duty of every person coming or having the custody and control of a dog to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with a public right-of-way or the property of another.

3. It shall be unlawful for a person, owning or having the care or custody of an animal to permit such animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, caterwauling or making any other loud or unusual noise. Leaving an animal unattended, which subsequently disturbs the peace and quiet of the neighborhood, shall be a violation of this subsection.

4. In the event an animal is making any noises to the disturbance of the peace and quiet of the neighborhood, and the person owning or having the care, custody or control of the animal cannot be found to remedy the situation or, if found, refuses to do so, the animal shall be impounded. A notice of impoundment must be left with the person or in an obvious place on the premises where the animal was impounded. Written notice of impoundment must also be mailed as soon as possible to the licensed owner of the animal, if known; or the lessee of the premises, upon which the animal was found, if known; or the record owner of the premises. Nothing in this article shall be construed to require dual notice of impoundment or to prohibit the filing of charges. The animal may be claimed on any regular workday during regular work hours. The impoundment fee will be assessed prior to release of the animal.

5. It shall be prohibited for any person, in any manner to interfere with any employee or designated representative of the RVIT so as to hinder, delay or prevent his executing his duties pursuant to this section.

6. No person may set traps on any area populated by human beings for the purpose of apprehending wild or domesticated animals. This section does not prohibit: trapping mice, rats, or other household vermin, moles or other underground pests, so long as the traps used may be triggered only by subsurface action, or setting traps in the line of duty by the Animal Control Officer or with written permission from and under supervision of the Animal Control Officer or licensed pest control officer.

7. No person shall abandon any animal within any of the populated areas of the Round Valley Reservation, or where animal may find its way into populated areas.

8. It shall be unlawful for any person to fail to provide sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and to withhold and not to give humane care and treatment to any animal.

9. No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse any animal or to cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.

10. The owner of any animal shall not abandon any animal for a period of longer than 48 hours.

11. Should the operator of a motor vehicle strike a domestic animal, he shall stop immediately and 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 ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.

Exceptions: The following purposes are permitted and excepted; provided the dog does not present a hazard to the public safety and welfare, does not trespass upon private property, does not cause a nuisance or violate any other provisions of this code;

(A) Lawful hunting;

(B) Livestock herding and control

(C) Organized field trials

(D) Tracking, obedience training/or show and other recognized work activities when under the direct control of the owner or handler of assistance dogs for the physically handicapped when performing their duties.

SECTION 1-19 COMPULSORY IMMUNIZATION OF DOGS AND CATS FOR RABIES.

1. The owner of all dogs and cats six (6) months of age or older within the reservation, are required to have their animals vaccinated against rabies and re-immunized as required. With the vaccine currently in use, an initial dose is given, followed by a repeat dose one year later. Then, booster doses are administered every three (3) years thereafter.

2. A current certification of immunization for rabies signed by a licensed veterinarian or other designated agent shall, be required for all dogs and cats within the limits of the Round Valley Reservation, and a copy of the certificate shall be presented by the owner or his agent to the RVIT Animal Control Officer

on or before July 1st and the certificate shall, at that time, be accepted by the RVIT as proof of immunization.

3. The owner shall display both the current rabies immunization tag issued at the time of vaccination and current license tag issued by the RVIT, at all times on the collar, harness or chain attached to the dog or cat within the reservation.

SECTION 1-20 PRIMA FACIE EVIDENCE

Failure of the owner to comply with Section 1-19 shall be construed as prima facie evidence of a failure to secure the required immunization referred to herein.

SECTION 1-21 REPORT BY OWNER.

It shall be the duty of the agent or owner of any, dog, cat or other domesticated animal suspected of being infected with rabies or other diseases communicable to the human family, or any animal that has attacked, bitten or caused any skin abrasion upon any person, to report the same at once to the Animal Control Officer.

SECTION 1-22 RABIES REPORT BY PHYSICIAN.

It shall be the duty of any physician to immediately transmit to the Animal Control Officer, any information that may come to him in his professional capacity with reference to any patient of his having been attacked, bitten or having any skin abrasion caused by any dog, cat or other animal, whether domestic or wild.

SECTION 1-23 RABIES REPORT BY ANOTHER

It shall be the duty of any person so attacked or bitten or who has any skin abrasion caused by being attacked or bitten by any dog, cat or other animal to immediately report the incident to the Animal Control Program.

SECTION 1-24 RABIES EXAMINATION

In the event of any of the foregoing contingencies, the Animal Control Officer or the Tribal Law Enforcement Officer shall cause the dog, cat or other domesticated animal so suspected of being infected with diseases communicable to the human family, or who has attacked, bitten or caused any skin abrasion upon any person, to be immediately forwarded to appropriate authorities for examination.

SECTION 1-25 QUARANTINE/CONDITIONS

The Animal Control Officer or Tribal Law Enforcement Officer shall thereupon, make such examinations in his judgment are necessary to determine whether or not such dog or cat or other animal is suffering from rabies or other communicable diseases transmissible to the human family, and shall place such dog, cat or other domesticated animal in

quarantine and keep it under observation for such period, as in his opinion may be necessary, but at least for a period of ten (10) days.

Section 1-26 WILD ANIMAL BITES

All wild animals captured, after biting a person shall be sacrificed immediately and the appropriate authorities notified to examine for evidence of rabies.

SECTION 1-27 RABIES/REPORT OF CONDITION

It shall be the duty of the Officer, after the dog, cat or other domesticated animal is placed under quarantine, to report at once to the owner, who has placed the animal under quarantine, any noticeable change in the physical condition of such animal, and to notify him at once in the event that such animal should die. Any animal requiring quarantine shall be placed in an animal control facility at the expense of the animal's owner.

SECTION 1-28 DEATH OF ANIMAL DURING QUARANTINE

In the event of the death of an animal, which has bitten a person or is suspected by the officers to be rabid or suffering from disease, the owner of said animal shall leave the carcass of such animal untouched until the Animal Control Officer has had an opportunity to viewing such carcass, and shall turn over said animal to the Local and State Health Officials for the purpose of making such post mortem examinations or other examinations, including autopsy and disposal thereof, which in his opinion, are necessary to determine whether or not such animal has died of rabies or other diseases communicable to humans.

SECTION 1-29 PAYMENT OF QUARANTINE AND EXAMINATION COSTS

1. The owner of any animal quarantined may redeem such animal after the quarantine period, upon the payment of all costs of confinement, including cost of food and the care of such animal.
2. When an animal dies during quarantine, the owner, if known, shall be billed for all costs of confinement to date of death, and for all examinations, including post mortem or laboratory tests for rabies.
3. If the owner of an animal, or any other person or organization, specifically requests a post mortem or laboratory examination of the animal for rabies, then the person making such request shall pay all of the costs incurred.

SECTION 1-30 CIVIL LIABILITY OF OWNER FOR DAMAGES CAUSED BY THE OWNER'S DOG, CAT OR OTHER DOMESTICATED ANIMAL

Every person owning or harboring a dog, cat or other domesticated animal shall be liable for all damages done by the dog, cat or other domesticated animal.

SECTION 1-31 SOVEREIGN IMMUNITY OF THE TRIBE

There is no waiver of Sovereign Immunity of the Round Valley Indian Tribes of the Round Valley Indian Reservation in the implementation of this law.

REGULATIONS:

SECTION 1-32 PENALTIES FOR USE IN THIS CODE, THE PENALTIES FOR VIOLATIONS ARE AS FOLLOWS:

1. The Civil Penalty, except as listed below, for any person to do any act forbidden or to fail to perform any act required by any provision or section of this Animal Control Code is Twenty- Five dollars (\$25.00) for the first violation; Fifty dollars (\$50.00) for the second violation; and Seventy-Five dollars (\$75.00) for any subsequent violations. In addition, the following maximum Civil Penalties apply to violations of the following section:

| SECTION | MAXIMUM |
|---|----------|
| 1-15 Vicious Animal at Large | \$200.00 |
| 1-16 Regulation of Vicious Dogs | \$200.00 |
| 1-18 (5) Interference with Lawful Authority..... | \$100.00 |
| 1-18 (7) Abandonment plus costs of Animal Control Services by the Abandonment | \$100.00 |

2. Proceedings to enforce civil penalties herein are to be initiated by the issuance of a Citation by a Tribal Law Enforcement Officer.