

**FORT BELKNAP INDIAN COMMUNITY  
DOMESTICATED PET CONTROL ORDINANCE**  
*(Ordinance No. 1-77, As Amended and Restated \_\_\_\_\_, 2026)*

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**SECTION 1. SHORT TITLE**

- 1.1** This Ordinance shall be known and may be cited as the “Fort Belknap Indian Community Domesticated Pet Control Ordinance.”
- 1.2** For purposes of codification within the Fort Belknap Indian Community (“FBIC”) Law and Order Code (“Code”), this Ordinance may be referred to as the “Domesticated Pet Control Ordinance” and may be assigned a title and chapter number consistent with the organizational structure of the Code.

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## **SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE**

### **2.1 Legislative Findings.**

The FBIC Council (“Council”) hereby makes the following findings:

- 2.1.1** Inherent Authority and Responsibility. The FBIC is a sovereign Indian nation with the inherent authority and responsibility to protect the health, safety, welfare, and cultural integrity of its members and all persons present within the exterior boundaries of the Fort Belknap Reservation.
- 2.1.2** Public Health Risks. Uncontrolled and unvaccinated domesticated animals pose serious and ongoing public health risks to the FBIC, including, but not limited to, the transmission of rabies and other zoonotic diseases, infestation by parasites, and contamination of public and private spaces.
- 2.1.3** Public Safety and Property Concerns. Domesticated animals that are not properly controlled or supervised may bite or attack persons, chase or harass children and elders, damage homes, vehicles, and other personal property, threaten and kill livestock and wildlife, and generally endanger the safety and peace of residents and visitors.
- 2.1.4** Nuisance Impacts. Persistent barking, howling, roaming, fouling of yards and public spaces, and other nuisance behaviors by domesticated animals can significantly impair the quiet enjoyment of homes and community spaces, contribute to neighborhood conflict, and undermine the overall quality of life within the FBIC.
- 2.1.5** Responsibility of Owners. Persons who own, keep, harbor, or otherwise assume responsibility for domesticated animals on the Reservation are in the best position to prevent such animals from causing harm or nuisance. The Council finds that such Owners must be held accountable for the conduct of their animals and for injuries and damages caused by those animals.
- 2.1.6** Importance of Humane Treatment. The FBIC recognizes that domesticated animals can provide companionship, security, and cultural and educational benefits. The Council therefore finds that a system of animal control should promote humane treatment, adequate care, and the prevention of cruelty and neglect, consistent with FBIC values and best practices.
- 2.1.7** Need for Comprehensive, Modern Regulation. The Council has reviewed prior animal control ordinances and has determined that a more comprehensive, modern, and flexible civil regulatory framework is needed to address current

conditions on the Reservation, including clear provisions for licensing, vaccination, control, impoundment, quarantine, dangerous and nuisance animal management, and owner liability.

- 2.1.8** Civil Regulatory Scheme Applicable to All Persons. In order to effectively protect the FBIC, the Council finds it necessary to establish a civil, regulatory system that applies to all persons who own, keep, or harbor animals on the Reservation—regardless of whether they are members or non-members of the FBIC—while preserving the FBIC’s authority to separately define and prosecute criminal offenses under FBIC law.
- 2.1.9** Need for Administrative Flexibility. The Council further finds that effective animal control requires the ability to respond over time to changing conditions, costs, and best practices by updating approved species lists, breed-specific restrictions, household pet limits, and fee and penalty schedules without the need for constant amendment of this Ordinance.
- 2.1.10** Protection of Livestock, Wildlife, and Cultural Resources. Grazing livestock, wildlife populations, and other natural resources upon which the FBIC depends for subsistence, culture, and economic development are vulnerable to injury and destruction by uncontrolled domesticated animals. Protecting these resources is a core aspect of the FBIC’s sovereignty and stewardship responsibilities.
- 2.1.11** Promotion of Education and Voluntary Compliance. The Council recognizes that education, outreach, and voluntary compliance can significantly reduce animal-related incidents and that this Ordinance should support cooperative approaches between the Regulating Authority and Owners, while still providing clear enforcement tools when necessary.

## **2.2 Purpose.**

In light of these findings, this Ordinance is enacted for the following purposes:

- 2.2.1** Protection of Health and Safety. To protect the health, safety, and welfare of the FBIC and all persons present on the Reservation by reducing and preventing animal bites, attacks, disease transmission, and other animal-related hazards.
- 2.2.2** Establishment of a Comprehensive Civil Regulatory Framework. To establish a comprehensive, primarily civil and regulatory framework for the control of domesticated pets that applies to all Owners on the Reservation, including non-Indians, through licensing, vaccination, control, impoundment, quarantine, and other regulatory tools.
- 2.2.3** Responsible Ownership and Humane Care. To promote responsible pet ownership and the humane care and treatment of domesticated animals,

including minimum standards for shelter, food, water, supervision, and veterinary care, and to prevent cruelty, neglect, and abandonment.

- 2.2.4** Management of Dangerous and Nuisance Animals. To provide clear procedures for identifying, designating, and managing dangerous and potentially dangerous animals and nuisance animals, including the imposition of control conditions, impoundment, and, where necessary to protect public safety, humane destruction.
- 2.2.5** Prevention and Redress of Harm. To prevent and deter harm to persons, livestock, wildlife, and property caused by domesticated animals, and to ensure that Owners are civilly liable for injuries and damages caused by their animals, in addition to any civil fines or sanctions imposed by the FBIC.
- 2.2.6** Support for FBIC Administration and Enforcement. To authorize and empower a FBIC Regulating Authority to administer and enforce this Ordinance, to adopt implementing regulations, and to work in coordination with FBIC law enforcement, health officials, and other FBIC departments.
- 2.2.7** Flexibility Through Annual Schedules and Regulations. To provide a structure through which the Council, upon recommendation of the Regulating Authority, may adopt and periodically update an annual Animal Control Fee and Penalty Schedule and implement regulations, including lists of Approved Domesticated Pets, breed or species restrictions, household pet limits, and other standards, without the need to repeatedly amend this Ordinance.
- 2.2.8** Protection of FBIC Sovereignty and Jurisdiction. To implement these policies in a manner that affirms and preserves the sovereign authority of the FBIC and the jurisdiction of its Tribal Court, and that is consistent with applicable federal law and the FBIC's Constitution.

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### **SECTION 3. AUTHORITY AND APPLICABILITY**

#### **3.1 Authority.**

- 3.1.1** This Ordinance is enacted pursuant to the inherent sovereign authority of the FBIC and the legislative authority of the Council under the FBIC's Constitution, together with all other applicable FBIC and federal law recognizing the authority of Indian tribes to protect public health, safety, and welfare within their territories.
- 3.1.2** The Council specifically finds that the regulation of domesticated animals, including their licensing, vaccination, control, impoundment, and the civil

regulation of owners and keepers of such animals, is an essential governmental function directly related to protecting the political integrity, economic security, natural resources, and health and welfare of the FBIC.

**3.1.3** This Ordinance does not regulate Livestock (including breeding, husbandry, or agricultural practices), which may be addressed under a separate FBIC livestock ordinance; provided, however, that this Ordinance may be enforced as written if an animal otherwise meets the definition of an Approved Domesticated Pet.

### **3.2 Territorial Applicability.**

**3.2.1** This Ordinance applies throughout the exterior boundaries of the Fort Belknap Reservation, including all FBIC trust lands, allotted lands, fee lands, rights-of-way, public spaces, housing areas, and all other lands and premises located within the Reservation, to the fullest extent permitted by FBIC and federal law.

### **3.3 Persons Subject to Ordinance.**

**3.3.1** This Ordinance applies to:

- (A) All persons who own, keep, harbor, possess, or control Approved Domesticated Pets within the Reservation; and
- (B) All persons whose animals are located within the Reservation, regardless of whether such persons reside on or off the Reservation.

**3.3.2** Applicability of this Ordinance is not limited by FBIC membership status and includes FBIC members, non-member Indians, and non-Indians to the extent permitted by FBIC and federal law.

### **3.4 Conduct Subject to Regulation.**

**3.4.1** This Ordinance regulates, among other matters:

- (A) The keeping, harboring, licensing, and vaccination of Approved Domesticated Pets;
- (B) The control, confinement, and supervision of animals within the Reservation;
- (C) Animals running At Large or otherwise posing risks to persons, property, livestock, or wildlife;
- (D) Animals that constitute nuisances or disturbances;

- (E) Dangerous and potentially dangerous animals;
- (F) Impoundment, quarantine, and disposition of animals;
- (G) Abandonment, neglect, or inhumane treatment of domesticated animals; and
- (H) Civil liability and enforcement actions arising from violations of this Ordinance.

### **3.5 Exclusion of Wildlife, Livestock, and Ceremonial Animals.**

- 3.5.1** Except as expressly provided in this Ordinance, this Ordinance does not regulate wildlife, livestock, or animals maintained primarily for agricultural, ranching, subsistence, or commercial livestock purposes.
- 3.5.2** This Ordinance also does not regulate animals possessed or used in connection with traditional, cultural, or ceremonial activities of the FBIC, except to the extent necessary to protect public health or safety in situations involving animals running at large, animal attacks, or rabies control measures.
- 3.5.3** Nothing in this Section limits the authority of the FBIC to regulate interactions between domesticated pets and wildlife or livestock, including but not limited to situations involving attacks on livestock or harassment of wildlife.

### **3.6 Jurisdiction Over Civil Regulatory Matters.**

- 3.6.1** The Council declares that the regulation of domesticated animals and their owners within the Reservation constitutes a civil, regulatory function of FBIC government necessary to protect the health, safety, and welfare of the FBIC.
- 3.6.2** Civil enforcement actions, penalties, license sanctions, and regulatory orders under this Ordinance shall fall within the jurisdiction of the FBIC Tribal Court or other tribunal designated by FBIC law.
- 3.6.3** Nothing in this Ordinance limits the FBIC's authority to enforce separate criminal laws where criminal jurisdiction otherwise exists.

### **3.7 No Creation of Property Right in Animals Running at Large.**

- 3.7.1** Nothing in this Ordinance shall be construed to create a protected property interest in any animal on the List of Approved Domesticated Pets that is unlawfully At Large, abandoned, or impounded pursuant to this Ordinance, beyond the procedural rights expressly provided herein.

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## **SECTION 4. DEFINITIONS**

### **4.1 Purpose and Scope of Definitions.**

- 4.1.1 The definitions set forth in this Section apply to all provisions of this Ordinance and to all regulations adopted pursuant to this Ordinance unless the context clearly requires otherwise.
- 4.1.2 Terms defined in the singular include the plural, and terms in the plural include the singular, unless the context clearly indicates otherwise.
- 4.1.3 Words in the present tense include the future tense, and words in the future tense include the present tense, where appropriate to effectuate the purpose of this Ordinance.
- 4.1.4 In the event of ambiguity, definitions shall be interpreted in a manner consistent with the purposes stated in Section 2 of this Ordinance and in favor of protecting public health, safety, and welfare.

### **4.2 Definitions; Generally.**

- 4.2.1 “Abandonment” means the intentional relinquishment or desertion of an animal on the List of Approved Domesticated Pets without arranging for its continued care, or failure to reclaim an impounded animal after notice and expiration of applicable holding periods.
- 4.2.2 “Adequate Care” means the provision of sufficient and appropriate food, potable water, sanitary and weather-appropriate shelter, exercise, and veterinary attention necessary to maintain an animal on the List of Approved Domesticated Pets in good health and prevent unnecessary harm or suffering to the animal or others.
- 4.2.3 “Adequate Shelter” means a structure or enclosure providing protection from weather extremes, is structurally sound, allows sufficient space for normal movement, has clean and dry bedding or surface, has sanitary conditions appropriate to the species and environmental conditions, and prevents escape and unauthorized contact with persons or animals.
- 4.2.4 “Animal” means any non-human living creature.
- 4.2.5 “Animal Control Officer” means any individual employed or designated by the Regulating Authority to enforce this Ordinance, including Conservation

Officers, Game Wardens, designated enforcement personnel, and FBIC law enforcement officers acting within the scope of duties under this Ordinance.

**4.2.6** “Animal Fighting” means causing, promoting, organizing, conducting, participating in, or allowing any fight or combat between animals for purposes of sport, wagering, entertainment, or financial gain, or for purposes of training animals to fight. The term includes, but is not limited to:

- (A) Possessing, breeding, training, transporting, buying, selling, or maintaining animals with the intent that such animals be used in fighting;
- (B) Knowingly allowing premises, vehicles, or property under one’s control to be used for animal fighting; and
- (C) Attending or participating in events where animal fighting occurs.

This definition does not prohibit lawful hunting, predator control, or legitimate animal husbandry practices conducted in accordance with FBIC and applicable law.

**4.2.7** “Approved Domesticated Pet” or “Approved Pet” means any animal species authorized by regulation of the Regulating Authority to be kept as a household pet within the Reservation. Approved Domesticated Pets shall, at a minimum, include domesticated dogs and cats unless otherwise restricted by regulation. The Regulating Authority may establish, modify, or restrict the list of Approved Domesticated Pets through regulations adopted pursuant to this Ordinance, including restrictions based on species, breed, size, number, or risk to public safety, livestock, wildlife, or community welfare.

**4.2.8** “At Large” means an Approved Domesticated Pet that is:

- (A) Off the premises of its Owner; and
- (B) Not under the immediate and effective physical control of the Owner or a responsible person by means of a leash, cord, chain, crate, carrier, enclosure, or other restraint sufficient to prevent roaming, chasing, or attacking.

An animal on the List of Approved Domesticated Pets within an unfenced or unsecured yard, open vehicle, or similar area without effective restraint may be deemed At Large. An animal on the List of Approved Domesticated Pets shall not be considered under effective control if it is not immediately responsive to commands or is able to roam, chase, or approach persons or animals without

restraint. An animal on the List of Approved Domesticated Pets shall be considered At Large regardless of whether it is licensed or vaccinated.

- 4.2.9** “Breeder” means any person who intentionally allows animals on the List of Approved Domesticated Pets to reproduce for sale, trade, exchange, gifting, or other distribution of offspring, or who maintains animals for recurring breeding purposes.
- 4.2.10** “Breeder Permit” means a permit issued by the Regulating Authority authorizing an Owner of Approved Domesticated Pets to (A) keep more than the default household pet limits, or (B) engage in breeding activities involving Approved Domesticated Pets, subject to conditions, inspections, and fees established by regulation. A Breeder Permit is not required for livestock breeding or animal husbandry activities involving Livestock, which are outside the scope of this Ordinance and may be regulated under a separate FBIC livestock ordinance.
- 4.2.11** “Dangerous Animal” means an Approved Domesticated Pet which, without provocation:
- (A) Inflicts Serious Bodily Injury upon a person; or
  - (B) Kills or seriously injures livestock or another domesticated animal off the Owner’s property;
  - (C) Having previously been designated as a Potentially Dangerous Animal, commits subsequent aggressive acts demonstrating that control measures have failed to protect public safety; or
  - (D) Has demonstrated a pattern of aggressive behavior indicating a substantial risk or likelihood of future injury to persons or animals.
- 4.2.12** “Domesticated Pet” or “Pet” means an animal customarily kept for companionship, protection, or household purposes and included on the Approved Domesticated Pets list adopted by the Regulating Authority. The term excludes livestock and wildlife unless expressly stated otherwise in this Ordinance.
- 4.2.13** “Enclosure” means a structure or fenced area designed to securely confine an animal on the List of Approved Domesticated Pets and prevent escape, entry of unauthorized persons or animals, and uncontrolled contact with the public. An adequate enclosure shall:
- (A) Be constructed of materials and in a manner sufficient to prevent the animal’s escape or release;

- (B) Be of sufficient height, strength, and design to prevent climbing, digging, or jumping out;
- (C) Provide adequate space for the species and number of animals confined;
- (D) Be maintained in a sanitary and safe condition; and
- (E) Where required for dangerous or potentially dangerous animals, include secure gates, locks, or other protective measures as required by regulation.

Temporary barriers or restraints that do not reasonably prevent escape or uncontrolled contact shall not constitute an enclosure.

**4.2.14** “Feral Animal” means a domesticated animal, typically a cat or dog, that:

- (A) Lives in a wild or untamed state without effective ownership or human control; and
- (B) Avoids or resists human contact and is not reasonably socialized for domestic living.

A stray animal that is accustomed to human contact or is temporarily lost shall not be considered feral.

The Regulating Authority may adopt regulations governing the handling, management, or control of feral animal populations consistent with humane and public health practices.

**4.2.15** “Household” means all persons occupying a single dwelling unit, including the dwelling structure and its associated yards, structures, enclosures, or curtilage, regardless of whether occupants are related by blood, marriage, or adoption.

**4.2.16** “Impound” or “Impoundment” means the lawful seizure and holding of an animal by the Regulating Authority or Animal Control Officer for the purposes of enforcement, quarantine, owner notification, or disposition under this Ordinance.

**4.2.17** “Livestock” means animals raised or kept primarily for agricultural, ranching, subsistence, or commercial purposes, including but not limited to cattle, horses, sheep, goats, pigs, poultry, and similar animals.

**4.2.18** “Microchip” or “Permanent Identification” means an implanted electronic identification device or other permanent identification method approved by the Regulating Authority that:

- (A) Provides a unique identification number linked to owner contact information in a registry database;
- (B) Can be read by a standard scanner used by veterinary clinics, shelters, or animal control authorities; and
- (C) Is intended to provide permanent or long-term identification of an animal.

Permanent identification may also include tattooing or other approved methods where microchipping is impracticable or unavailable, as determined by regulation.

**4.2.19** “Nuisance Animal” means an Approved Domesticated Pet that habitually, repeatedly, or unreasonably under the circumstances:

- (A) Barks, howls, whines, or makes other sounds that unreasonably disturb the peace and quiet of neighboring persons or the public peace;
- (B) Roams or trespasses onto property not owned or controlled by the Owner;
- (C) Damages property;
- (D) Scatters garbage, refuse, or waste, or creates unsanitary conditions; or
- (E) Otherwise interferes with the reasonable use and enjoyment of property or public spaces.

A single incident may constitute a nuisance where the conduct is severe or presents a significant disturbance or risk to public peace or safety.

**4.2.20** “Owner” means any person who:

- (A) Owns an Approved Domesticated Pet;
- (B) Keeps, harbors, or possesses an Approved Domesticated Pet;
- (C) Has custody or control of an Approved Domesticated Pet; or

- (D) Permits an animal to remain on premises owned, leased, or controlled by that person.

More than one person may be deemed an Owner of the same animal for purposes of liability and enforcement. Ownership is not dependent on licensing status or proof of legal title.

**4.2.21** “Potentially Dangerous Animal” means any Approved Domesticated Pet that, without provocation:

- (A) Bites a person but does not cause Serious Bodily Injury;
- (B) Injures livestock or another domesticated animal; or
- (C) Chases, menaces, or threatens persons or animals in a manner that would cause a reasonable person to fear injury.

**4.2.22** “Provocation” means conduct by a person or animal that would reasonably be expected to cause an animal on the List of Approved Domesticated Pets to react defensively, including tormenting, abusing, assaulting, or physically threatening the animal. Lawful presence on property, ordinary movement, or accidental contact shall not constitute provocation.

**4.2.23** “Quarantine” means the enforced isolation of an animal for observation or testing to determine whether it carries rabies or another communicable disease, consistent with public health standards or orders issued by FBIC, state, or federal health authorities.

**4.2.24** “Regulating Authority” means the FBIC Fish & Game Department, or such other FBIC department, commission, or entity as may be designated by Council resolution to administer and enforce this Ordinance.

**4.2.25** “Serious Bodily Injury” means bodily injury that involves or creates a substantial risk of death, extreme physical pain, permanent disfigurement, or prolonged loss or impairment of the function of any bodily member or organ.

**4.2.26** “Temporary Visitor” means a non-resident person who brings an Approved Domesticated Pet into the Reservation for a period not exceeding thirty (30) consecutive days. Temporary Visitor status shall not be used to avoid licensing requirements through repeated short-term entries into the Reservation.

**4.2.27** “Wild Animal” means an animal species not included on the Approved Domesticated Pets list. Possession of a Wild Animal as a household pet is prohibited unless expressly authorized by regulation.

### **4.3 Definitions; Communicable Disease/Communicable Condition.**

- 4.3.1** “Communicable Disease” or “Communicable Condition” means any disease, infection, parasite, pathogen, or medical condition that can be transmitted directly or indirectly between animals, or from animals to humans (zoonotic disease), including transmission by contact, bodily fluids, mating, bites, scratches, aerosols, vectors, fomites, or environmental contamination.
- 4.3.1.1** Without limiting the definition above, Communicable Diseases/Conditions may include rabies, parvovirus, distemper, leptospirosis, mange, canine brucellosis (*Brucella canis*), and canine transmissible venereal tumor (“CTVT”/“TVT”) (a contagious cancer transmitted primarily through mating and contact with tumor tissue).
- 4.3.1.2** The Regulating Authority may identify additional Communicable Diseases/Conditions by regulation, written order, or case-specific determination consistent with this Ordinance.
- 4.3.1.3** This Ordinance’s Communicable Disease authority applies only to Approved Domesticated Pets, unless expressly provided otherwise in another FBIC law.
- 4.3.2** “Communicable Disease Order” means a written or verbal order issued by the Regulating Authority or an Animal Control Officer (and confirmed in writing when feasible) requiring one or more of the following for purposes of public health protection: veterinary examination, diagnostic testing, treatment, vaccination, isolation, quarantine, movement restrictions, or other reasonable disease-control measures authorized by this Ordinance.
- 4.3.3** “Veterinary Examination” means an examination of an animal by a licensed veterinarian (or other qualified veterinary professional authorized by law) for purposes of diagnosis, assessment of contagious risk, treatment planning, certification of health status, or verification of compliance with this Ordinance.
- 4.3.4** “Diagnostic Testing” means laboratory or point-of-care testing recommended or ordered by a licensed veterinarian or public health authority to identify, confirm, or rule out a Communicable Disease/Condition, including testing required for breeding-related reproductive disease control.
- 4.3.5** “Isolation” means confinement of an animal in a manner that prevents contact with other animals and persons except for caretakers using reasonable protective measures, for the purpose of preventing disease transmission as directed by a Communicable Disease Order.

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## **SECTION 5. ADMINISTRATION AND REGULATORY AUTHORITY**

### **5.1 Purpose and Scope.**

**5.1.1** The purpose of this Section is to establish a clear administrative structure for implementation and enforcement of this Ordinance, including delegation of regulatory authority, designation of enforcement personnel, adoption of implementing regulations, and coordination among FBIC departments and public health authorities.

**5.1.2** This Section shall be interpreted broadly to ensure effective administration of this Ordinance as a civil regulatory program and to promote public health, safety, welfare, humane treatment of animals, and responsible ownership.

### **5.2 Designation of Regulating Authority.**

**5.2.1** The Regulating Authority for this Ordinance shall be the FBIC Fish & Game Department, unless the Council designates a different FBIC department, commission, or entity by Council resolution.

**5.2.2** The Regulating Authority is authorized to administer and enforce this Ordinance, including licensing, impoundment, quarantine, dangerous animal determinations, nuisance enforcement, issuance of citations, and all related administrative functions.

**5.2.3** The Council may, by resolution, authorize interdepartmental agreements or memoranda of understanding to assign or share animal control responsibilities among FBIC departments and programs, including but not limited to law enforcement, housing, environmental health, and emergency management.

### **5.3 Animal Control Officers and Authorized Personnel.**

**5.3.1** The Regulating Authority may employ, contract with, or designate Animal Control Officers and other personnel reasonably necessary to carry out this Ordinance, subject to applicable personnel policies and budget authority.

**5.3.2** Authorized personnel may include Conservation Officers, Game Wardens, designated enforcement personnel, and FBIC law enforcement officers acting within the scope of duties under this Ordinance.

**5.3.3** The Regulating Authority may adopt written policies addressing qualifications, training, safety protocols, uniform and identification requirements, humane capture practices, and approved equipment and procedures for Animal Control Officers.

**5.3.4** Animal Control Officers are authorized to issue civil citations, seize and impound animals as permitted by this Ordinance, enforce quarantine orders, and take any other enforcement action expressly authorized herein.

**5.4 General Powers and Duties of the Regulating Authority.**

Subject to Council-approved regulations and applicable law, the Regulating Authority shall have the following powers and duties:

**5.4.1 Licensing and Registration.**

- (A) Establish and administer a licensing program for Approved Domesticated Pets and any permits authorized by this Ordinance, including breeder permits and dangerous/potentially dangerous animal registrations.
- (B) Issue, renew, deny, suspend, revoke, and reinstate licenses and permits in accordance with this Ordinance and implementing regulations.
- (C) Issue tags, maintain identification systems, and maintain licensing records.

**5.4.2 Public Health and Vaccination Compliance.**

- (A) Establish procedures for verifying rabies vaccinations and other vaccinations required by regulation.
- (B) Coordinate with Indian Health Services (“IHS”) Environmental Health, local public health authorities, veterinary providers, and other appropriate entities regarding rabies control, quarantine protocols, reporting, and post-exposure response.
- (C) Maintain quarantine procedures consistent with public health standards.

**5.4.3 Animal Control and Enforcement.**

- (A) Investigate complaints and alleged violations of this Ordinance.
- (B) Issue civil citations and notices of violation.
- (C) Impose administrative remedies authorized by this Ordinance and regulations, including warnings, compliance orders, corrective action requirements, and referrals for hearing.

- (D) Seize and impound animals consistent with the impoundment and due-process provisions of this Ordinance.
- (E) Establish and enforce conditions for the keeping, confinement, and control of animals, including conditions for dangerous, potentially dangerous, or nuisance animals.

**5.4.4** Shelter Operations and Humane Care.

- (A) Manage, operate, or coordinate with an animal shelter, kennel, or holding facility for impounded, quarantined, stray, abandoned, or seized animals.
- (B) Adopt humane care standards for animals in custody, including feeding, watering, sanitation, veterinary care, recordkeeping, and euthanasia practices.
- (C) Establish protocols for adoption, transfer, rescue placement, or humane destruction of unclaimed animals, consistent with this Ordinance and regulations.

**5.4.5** Records and Reporting.

- (A) Maintain records necessary for enforcement and administration, including licensing records, citations, impoundment logs, bite reports, quarantine records, dangerous animal determinations, breeder permits, and disposition records.
- (B) Prepare periodic reports for Council regarding program operations, expenditures from the Animal Control Fund, enforcement metrics, and recommendations for policy changes.

**5.4.6** Education and Outreach. Develop community education materials and outreach programs addressing responsible ownership, vaccination, humane care, bite prevention, nuisance prevention, and compliance with this Ordinance.

**5.4.7** Communicable Disease Prevention and Control (Approved Domesticated Pets Only).

- (A) The Regulating Authority is authorized to prevent, investigate, and control Communicable Diseases/Conditions in Approved Domesticated Pets within the Reservation where reasonably necessary to protect public health, safety, or welfare.

- (B) This Ordinance does not regulate Communicable Diseases/Conditions affecting Livestock or Wild Animals, which may be addressed under separate FBIC law.
- (C) The Regulating Authority may issue Communicable Disease Orders requiring veterinary examination, diagnostic testing, vaccination, treatment, isolation, quarantine, movement restrictions, or other reasonable disease-control measures.
- (D) The Regulating Authority may coordinate with FBIC health personnel, IHS medical personnel, IHS Environmental Health, and other FBIC, state, or federal public health authorities regarding disease investigation, diagnostic testing, isolation/quarantine standards, and recommended medical response for exposed persons.
- (E) The Regulating Authority may establish or approve intake screening and isolation protocols for animals impounded, sheltered, or otherwise placed in FBIC custody, including enhanced procedures for animals exhibiting signs consistent with contagious disease.

## **5.5 Authority to Adopt Implementing Regulations.**

**5.5.1** The Regulating Authority is authorized to adopt written implementing regulations consistent with this Ordinance, subject to approval by Council resolution.

**5.5.2** Regulations may include, but are not limited to:

- (A) A List of Approved Domesticated Pets, including permitted, restricted, and prohibited species;
- (B) Breed-specific restrictions, prohibited breeds, or breed-based conditions, if determined necessary to protect public safety or community welfare;
- (C) Household limits for dogs, cats, and other Approved Domesticated Pets, including limits based on number, species, size, or risk;
- (D) Breeder permits, including eligibility criteria, inspection standards, pen/enclosure standards, and conditions for issuance or renewal;
- (E) Dangerous and potentially dangerous animal standards, including designation criteria, control requirements, microchipping, muzzling, enclosure standards, insurance or financial responsibility requirements, signage, and inspection schedules;

- (F) Nuisance animal standards, complaint procedures, verification requirements, and corrective action plans;
- (G) Standards for Adequate Care, Adequate Shelter, tethering, sanitation, exercise, and humane treatment;
- (H) Licensing documentation requirements, tag design, replacement procedures, and proof of ownership requirements;
- (I) Procedures and standards for impoundment, holding periods, owner notice, redemption, fees, adoption/transfer, forfeiture, and euthanasia;
- (J) Quarantine and rabies-control protocols, including coordination with health authorities and laboratory testing standards;
- (K) Citation procedures, hearing procedures, default judgments, settlement authority, and methods of collection for civil penalties;
- (L) Procedures for administrative orders, appeals, and judicial review;
- (M) Standards and procedures for Communicable Disease/Condition control, including (i) a list of Communicable Diseases/Conditions of concern; (ii) circumstances triggering Veterinary Examination or Diagnostic Testing; (iii) isolation/quarantine criteria and minimum handling standards; (iv) criteria for release from isolation/quarantine; (v) special standards for breeder permits and breeding-related testing; and (vi) cost responsibility and documentation requirements; and
- (N) Any other procedures or standards reasonably necessary to implement this Ordinance.

**5.5.3** Regulations shall not:

- (A) Create or imply any waiver of FBIC sovereign immunity;
- (B) Authorize entry into homes or dwellings without consent or lawful court authorization; or
- (C) Conflict with the express terms of this Ordinance.

**5.5.4** The Regulating Authority may adopt regulations establishing different standards, limits, or requirements for Approved Domesticated Pets based on zoning classifications or land-use designations established by FBIC law,

resolution, or official zoning map. Such standards may vary based on residential, mixed-use, agricultural, rural, commercial, or other zoning categories recognized by FBIC. Regulations adopted under this Subsection shall be consistent with any applicable FBIC zoning law and shall not modify, expand, or reclassify zoning districts/areas without Council authorization.

## **5.6 Adoption and Publication of Regulations; Due Process.**

**5.6.1** Before submitting proposed regulations to Council for approval, the Regulating Authority should provide reasonable notice of at least thirty (30) calendar days to the public of the proposed regulations and an opportunity for community input, unless immediate adoption is necessary due to urgent public health or safety concerns.

**5.6.2** All regulations and amendments adopted under this Ordinance shall be:

(A) Approved by Council resolution; and

(B) Made reasonably available to the public by posting at the Regulating Authority's office, the FBIC Administration building, and any other customary public posting locations, and by electronic posting if available.

**5.6.3** Regulations that impose significant new duties, fees, or restrictions should specify an effective date and, where appropriate, provide a reasonable compliance period.

## **5.7 Annual Fee and Penalty Schedule Authority.**

**5.7.1** The Regulating Authority shall annually propose an Animal Control Fee and Penalty Schedule for Council approval by resolution, as further described in Section 14 of this Ordinance.

**5.7.2** The fee and penalty schedule may include licensing fees, breeder permit fees, dangerous/potentially dangerous animal registration fees, impoundment and boarding fees, quarantine and diagnostic fees, civil penalty amounts, discounts, surcharges, and any other fees or assessments authorized by this Ordinance.

**5.7.3** Fees and civil penalties shall be imposed and collected as civil regulatory assessments. Failure to pay may result in license denial, suspension, revocation, impoundment holds, civil judgments, or other remedies authorized by this Ordinance and regulations.

## **5.8 Coordination with FBIC Law Enforcement and Public Health Authorities.**

**5.8.1** The Regulating Authority and FBIC law enforcement shall cooperate in

enforcement of this Ordinance, including response to dangerous animal situations, seizures, impoundment support, and officer safety.

**5.8.2** The Regulating Authority shall coordinate with IHS Environmental Health and other public health entities regarding rabies vaccination, bite reporting, quarantine, testing, and post-exposure procedures.

**5.8.3** Nothing in this Ordinance limits the authority of FBIC law enforcement to take immediate action in emergencies to protect persons, property, or public safety.

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## **SECTION 6. LICENSING, REGISTRATION, AND VACCINATION REQUIREMENTS**

### **6.1 Purpose and Scope.**

**6.1.1** The purpose of this Section is to establish a comprehensive licensing, registration, and vaccination system for Approved Domesticated Pets within the Reservation in order to promote responsible ownership, assist in the identification and return of animals, protect public health, and support enforcement of this Ordinance.

**6.1.2** Licensing and registration requirements under this Section are civil regulatory requirements and apply to all Owners residing on or keeping Approved Domesticated Pets within the Reservation, regardless of FBIC membership status.

### **6.2 Animals Subject to Licensing.**

**6.2.1** Except as otherwise provided in this Ordinance or by regulation, all Owners residing within the Reservation who own, keep, harbor, or possess an Approved Domesticated Pet designated by regulation as subject to licensing shall obtain and maintain a valid FBIC license for each such animal.

**6.2.2** At a minimum, all domesticated dogs and cats over the age specified by regulation, which shall not exceed six (6) months of age unless otherwise justified, shall be licensed.

**6.2.3** The Regulating Authority may, by regulation, require licensing or registration of additional species designated as Approved Domesticated Pets where necessary for public health, safety, or administrative purposes.

### **6.3 License Requirement and Duration.**

**6.3.1** A license issued pursuant to this Section shall be valid for the period specified in the annual Animal Control Fee and Penalty Schedule, which may include

annual, multi-year, or lifetime licensing options where administratively feasible.

**6.3.2** Unless otherwise specified by regulation, licenses shall expire annually and must be renewed by the date established in the annual fee schedule.

**6.3.3** Owners are responsible for timely renewal of licenses and for updating ownership or contact information.

#### **6.4 Application for License.**

**6.4.1** Applications for licensing shall be submitted in a form approved by the Regulating Authority and may require:

- (A) Owner name, address, and contact information;
- (B) Description of the animal, including species, breed, color, age, and sex;
- (C) Proof of current rabies vaccination for animals for which vaccination is required;
- (D) Proof of spay or neuter status, where applicable;
- (E) Permanent identification information, including microchip number if available or required; and
- (F) Payment of applicable fees.

**6.4.2** The Regulating Authority may deny or delay issuance of a license where required information or proof of vaccination is not provided.

#### **6.5 Rabies Vaccination Requirement.**

**6.5.1** All dogs and cats required to be licensed under this Ordinance shall be vaccinated against rabies by a licensed veterinarian or authorized vaccination provider, in accordance with recognized veterinary or public health standards.

**6.5.2** Proof of vaccination shall be required prior to issuance or renewal of a license.

**6.5.3** Vaccination certificates shall include:

- (A) Owner identification;
- (B) Animal description;

- (C) Date of vaccination;
- (D) Vaccine manufacturer and serial number; and
- (E) Vaccination expiration date or booster requirement.

**6.5.4** The Regulating Authority may establish procedures allowing temporary or conditional licensing where vaccination cannot be immediately completed due to age, health, or availability constraints, provided compliance occurs within a reasonable period.

## **6.6 License Tags and Identification.**

**6.6.1** Upon issuance of a license, the Regulating Authority shall provide a license tag or other approved identification marker.

**6.6.2** Owners shall ensure that licensed animals wear identification tags whenever off the Owner's premises, unless impractical due to species or other conditions established by regulation.

**6.6.3** Replacement tags may be issued upon payment of replacement fees established by regulation.

## **6.7 Permanent Identification and Microchipping.**

**6.7.1** The Regulating Authority may, by regulation, require permanent identification, including microchipping, for:

- (A) Dangerous or potentially dangerous animals;
- (B) Animals previously impounded multiple times;
- (C) Animals subject to breeder permits; or
- (D) Other categories reasonably related to enforcement needs.

**6.7.2** The Regulating Authority may establish incentive programs encouraging microchipping or permanent identification to promote return of lost animals.

## **6.8 Exemptions from Licensing.**

**6.8.1** Licensing requirements shall not apply to:

- (A) *Temporary Visitors*. Approved Domesticated Pets brought onto the Reservation by Temporary Visitors for a period not exceeding thirty (30)

consecutive calendar days, provided animals are vaccinated where required and remain under control.

- (B) *Service Animals*. Service animals assisting persons with disabilities, although vaccination and control requirements remain applicable.
- (C) *Animals Exempted by Regulation*. Additional exemptions established by regulation where licensing would not reasonably advance public health or enforcement goals.

**6.8.2** Temporary Visitor status may not be used to repeatedly avoid licensing requirements.

## **6.9 Household Pet Limits and Breeder Authorization.**

**6.9.1** The Regulating Authority may establish default limits on the number and type of Approved Domesticated Pets per household, to prevent overcrowding, nuisance conditions, or threats to public safety—and such limits may vary based on applicable zoning classifications or land-use designations.

**6.9.2** Owners wishing to exceed established limits for Approved Domesticated Pets or engage in breeding activities involving Approved Domesticated Pets must obtain a Breeder Permit and comply with enclosure, care, inspection, and fee requirements established by regulation. This Breeder Permit requirement does not apply to Livestock.

**6.9.3** Failure to comply with permit conditions may result in revocation, impoundment, or enforcement actions.

**6.9.4** Breeder Permit—Veterinary Certification and Testing. As a condition of issuance and renewal of a Breeder Permit, the permit holder shall provide veterinary certification and Diagnostic Testing documentation as required by regulation and reasonably necessary to reduce the risk of breeding-related Communicable Diseases/Conditions. At a minimum, the Regulating Authority may require:

- (A) A Veterinary Examination of breeding animals at intervals established by regulation; and
- (B) Diagnostic Testing for reproductive disease control, including canine brucellosis (*Brucella canis*) testing before breeding and at intervals established by regulation.

**6.9.5** Breeding Restrictions Pending Results; Positive Tests.

- (A) The Regulating Authority may order a permit holder to suspend breeding activities pending receipt of required test results or where a Communicable Disease/Condition is suspected.
- (B) Where testing or Veterinary Examination indicates a Communicable Disease/Condition that materially increases the risk of transmission (including CTVT/TVT or Brucella canis), the Regulating Authority may impose permit conditions reasonably necessary to prevent spread, including mandatory treatment, isolation of affected animals, and breeding prohibitions until cleared by veterinary certification.

**6.9.6** Records Inspections. Breeder Permit holders shall maintain veterinary records and testing documentation and shall make them available upon reasonable request during inspections authorized by this Ordinance and regulations.

**6.10 Duty to Update Ownership Information.**

**6.10.1** Owners shall notify the Regulating Authority within a reasonable period established by regulation when:

- (A) Ownership of a licensed animal changes;
- (B) An animal on the List of Approved Domesticated Pets is permanently removed from the Reservation;
- (C) An animal on the List of Approved Domesticated Pets dies; or
- (D) Owner contact information changes.

**6.11 Denial, Suspension, or Revocation of License.**

**6.11.1** The Regulating Authority may deny, suspend, or revoke a license where:

- (A) Required vaccination is not maintained;
- (B) Required fees remain unpaid;
- (C) The Owner repeatedly violates this Ordinance; or
- (D) The animal on the List of Approved Domesticated Pets poses a continuing public safety risk.

**6.11.2** Owners shall be entitled to notice and an opportunity for hearing consistent with procedures established by regulation or Tribal Court rules.

**6.12 Effect of Failure to License.**

**6.12.1** Failure to obtain or maintain required licensing constitutes a violation of this Ordinance and may result in civil penalties, impoundment of animals found At Large, or denial of animal redemption until compliance is achieved.

**6.13 No Creation of Property Right.**

**6.13.1** Issuance of a license does not create a property right in violation of this Ordinance nor limit the authority of FBIC to regulate, impound, or order disposition of animals consistent with this Ordinance.

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**SECTION 7. GENERAL CONTROL REQUIREMENTS; ANIMALS AT LARGE; CONFINEMENT AND RESTRAINT**

**7.1 Purpose and Scope.**

**7.1.1** The purpose of this Section is to establish minimum standards for the control, restraint, and confinement of Approved Domesticated Pets within the Reservation in order to prevent injuries to persons and animals, protect property and livestock, reduce nuisance conditions, and promote safe and responsible ownership.

**7.1.2** This Section applies to all Owners and all Approved Domesticated Pets within the Reservation, regardless of licensing status.

**7.2 Duty to Maintain Control of Animals.**

**7.2.1** Every Owner shall maintain their Approved Domesticated Pet under reasonable and effective control at all times so as to prevent the animal from:

- (A) Running At Large;
- (B) Injuring or threatening persons or animals;
- (C) Damaging property; or
- (D) Creating nuisance or unsafe conditions.

**7.2.2** Control shall be exercised by physical restraint, confinement within an enclosure, or other effective means sufficient to prevent roaming, chasing, or uncontrolled contact with persons, animals, or vehicles.

**7.3 Animals At Large Prohibited.**

- 7.3.1 No Owner shall allow an Approved Domesticated Pet to run At Large within the Reservation.
- 7.3.2 Any Approved Domesticated Pet found At Large may be seized and impounded by the Regulating Authority or an Animal Control Officer.
- 7.3.3 Repeated incidents of animals running At Large may result in escalating enforcement actions, including civil penalties, corrective orders, licensing restrictions, or designation as a nuisance or dangerous animal where appropriate.

**7.4 Requirements When Off Owner’s Premises.**

- 7.4.1 When off the Owner’s premises, Approved Domesticated Pets shall be under immediate and effective physical control by leash, harness, carrier, crate, or other restraint appropriate to the species and circumstances.
- 7.4.2 Voice control alone shall not constitute adequate restraint in public or shared spaces unless specifically authorized by regulation in designated areas.
- 7.4.3 Owners shall not permit animals to roam freely in public roadways, parks, trails, parking areas, or other public or commonly used spaces.

**7.5 Confinement on Owner’s Property.**

- 7.5.1 Owners shall maintain fences, enclosures, or other confinement systems in a condition reasonably sufficient to prevent animals from escaping the property.
- 7.5.2 Animals habitually escaping from Owner property shall be deemed inadequately confined and subject to corrective enforcement measures.
- 7.5.3 Tethering or chaining of animals shall not substitute for proper enclosure where such tethering results in repeated escape, injury risk, or nuisance conditions.

**7.6 Female Animals in Heat.**

- 7.6.1 An Owner of a female animal in heat shall securely confine such animal in a manner that prevents attraction of other animals and prevents escape or uncontrolled contact.
- 7.6.2 Animals in heat found At Large may be immediately impounded.

**7.7 Trespass and Property Damage.**

7.7.1 Owners shall prevent Approved Domesticated Pets from entering or remaining upon property not owned or controlled by the Owner without permission of the property occupant.

7.7.2 Owners are responsible for property damage caused by their animals and may be subject to civil penalties and restitution in addition to private civil liability.

## **7.8 Sanitation and Waste Removal.**

7.8.1 Owners or persons in control of animals shall promptly remove and properly dispose of animal waste deposited on public property or on private property not owned or controlled by the Owner.

7.8.2 The Regulating Authority may establish sanitation standards for kennels, enclosures, and areas where animals are kept.

## **7.9 Immediate Action for Dangerous Situations.**

7.9.1 Animal Control Officers or FBIC law enforcement officers may immediately seize or, where reasonably necessary to protect persons or animals from imminent serious injury, humanely destroy any animal on the List of Approved Domesticated Pets observed:

- (A) Actively attacking or attempting to attack a person;
- (B) Actively attacking livestock or domesticated animals; or
- (C) Presenting an immediate and substantial threat to public safety.

7.9.2 When feasible and consistent with public safety, officers should attempt capture or containment before destruction of an animal.

7.9.3 Destruction of an animal under emergency circumstances shall be documented and reported to the Regulating Authority.

## **7.10 Owner Responsibility for Prevention of Aggressive Conduct.**

7.10.1 Owners who know or reasonably should know that their animal exhibits aggressive tendencies shall take reasonable precautions to prevent injury or escape, including enhanced confinement, restraint, or training.

7.10.2 Failure to take reasonable precautions may be considered in determining nuisance, potentially dangerous, or dangerous animal designations.

## **7.11 Repeated Violations.**

- 7.11.1** Repeated violations of this Section may result in:
- (A) Increased civil penalties;
  - (B) Mandatory corrective measures;
  - (C) Dangerous or nuisance animal designation proceedings;
  - (D) Licensing restrictions; or
  - (E) Seizure or forfeiture proceedings authorized under this Ordinance.

**7.12 No Limitation on Other Enforcement Authority.**

- 7.12.1** Nothing in this Section limits the authority of the Regulating Authority or FBIC law enforcement to take additional enforcement action authorized elsewhere in this Ordinance or under other FBIC law.

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**SECTION 8. NUISANCE ANIMALS; COMPLAINTS AND ABATEMENT PROCEDURES**

**8.1 Purpose and Scope.**

- 8.1.1** The purpose of this Section is to provide procedures for identifying, investigating, and abating nuisance conditions caused by Approved Domesticated Pets in a manner that protects community peace and safety while encouraging voluntary compliance and responsible ownership.
- 8.1.2** This Section establishes a progressive enforcement framework intended to resolve nuisance conditions through education and corrective action where possible, while providing enforcement remedies where compliance is not achieved.
- 8.1.3** This Section applies to all Owners and Approved Domesticated Pets within the Reservation.

**8.2 Filing of Complaints.**

- 8.2.1** Any person affected by a nuisance animal may file a complaint with the Regulating Authority.
- 8.2.2** Complaints should include, where reasonably available:

- (A) Identity or location of the Owner, if known;
- (B) Description of the animal;
- (C) Description of the nuisance behavior;
- (D) Dates, times, and duration of incidents; and
- (E) Any other information helpful for investigation.

**8.2.3** Anonymous complaints may be investigated where credible information suggests ongoing nuisance or public safety concerns.

### **8.3 Investigation of Complaints.**

**8.3.1** Upon receipt of a complaint, the Regulating Authority or an Animal Control Officer may investigate by interviewing witnesses, observing conditions, or contacting the Owner.

**8.3.2** Officers may provide education or voluntary compliance guidance where appropriate prior to enforcement action.

### **8.4 Progressive Enforcement Procedures.**

Unless immediate enforcement action is necessary to protect public safety or health, nuisance enforcement should generally proceed as follows:

#### **8.4.1** First Verified Complaint (Warning).

- (A) The Owner may receive a written or verbal warning describing the nuisance condition and recommended corrective measures.
- (B) The Owner shall be given a reasonable opportunity to correct the problem.

#### **8.4.2** Second Verified Complaint (Notice of Violation).

- (A) A written notice of violation or civil citation may be issued.
- (B) The notice may include required corrective measures, such as confinement improvements, training, waste control, or supervision requirements.

**8.4.3** Third Verified Complaint (Enforcement Action). Upon continued violations, the Regulating Authority may:

- (A) Issue civil penalties;
- (B) Designate the animal a Nuisance Animal subject to additional control requirements;
- (C) Order corrective action plans;
- (D) Impound the animal; or
- (E) Refer the matter for hearing or additional enforcement.

## **8.5 Corrective Orders.**

**8.5.1** Corrective orders may require Owners to take reasonable actions to eliminate nuisance conditions, including but not limited to:

- (A) Repair or installation of fencing or enclosures;
- (B) Behavioral training or supervision;
- (C) Use of noise-reduction or control devices where humane;
- (D) Removal of attractants or waste conditions; or
- (E) Modification of animal housing conditions.

**8.5.2** Failure to comply with corrective orders may result in additional civil penalties or impoundment.

## **8.6 Immediate Enforcement Authority.**

**8.6.1** Nothing in this Section requires progressive enforcement where:

- (A) The nuisance condition poses an immediate threat to public health or safety;
- (B) The animal is also subject to designation as dangerous or potentially dangerous; or
- (C) The Owner refuses to cooperate or comply with reasonable corrective measures.

In such cases, citations, impoundment, or other enforcement action may proceed immediately.

**8.7 Repeated or Chronic Violations.**

**8.7.1** Animals repeatedly determined to constitute nuisances may be subject to enhanced restrictions, including:

- (A) Reclassification proceedings;
- (B) Permit revocation;
- (C) Mandatory confinement standards;
- (D) Increased licensing or penalty fees;
- (E) Inspection requirements; or
- (F) Removal of the animal from the Reservation, where permitted by law.

**8.8 Owner Responsibility Unaffected.**

**8.8.1** Nothing in this Section limits an Owner's civil liability to affected persons for damages or harm caused by nuisance behavior.

**8.9 Relation to Other Enforcement Provisions.**

**8.9.1** Nuisance animal designation does not prevent subsequent classification of an animal as potentially dangerous or dangerous where facts warrant.

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**SECTION 9. DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS;  
DESIGNATION AND CONTROL**

**9.1 Purpose and Scope.**

**9.1.1** The purpose of this Section is to establish procedures for identifying, designating, and regulating Approved Domesticated Pets that present an elevated risk of injury to persons, livestock, or other animals.

**9.1.2** This Section is intended to prevent serious injury through early intervention, corrective control measures, and, where necessary, removal or humane destruction of animals that cannot be safely maintained within the community.

**9.1.3** Nothing in this Section prevents immediate action authorized elsewhere in this Ordinance where an animal presents an imminent threat to public safety.

## **9.2 Grounds for Investigation and Designation.**

**9.2.1** The Regulating Authority may investigate and consider designation of an animal as Potentially Dangerous or Dangerous upon receipt of:

- (A) Bite or attack reports;
- (B) Complaints or incident reports from the public or law enforcement;
- (C) Veterinary or medical reports;
- (D) Prior enforcement records; or
- (E) Observations by Animal Control Officers or FBIC law enforcement.

**9.2.2** Designation decisions shall be based upon the totality of circumstances, including severity of injury, prior incidents, provocation, and the Owner's ability to safely control the animal.

## **9.3 Notice of Proposed Designation.**

**9.3.1** When the Regulating Authority determines that an animal meets the criteria for designation, written notice shall be provided to the Owner, which shall include:

- (A) The basis for designation;
- (B) The proposed classification;
- (C) Required control measures;
- (D) The Owner's right to request a hearing; and
- (E) Applicable deadlines for response.

**9.3.2** Notice may be served personally, by mail, or by other methods reasonably calculated to provide actual notice.

## **9.4 Temporary Seizure Pending Hearing.**

**9.4.1** The Regulating Authority may temporarily seize and impound an animal pending hearing where continued possession by the Owner presents a credible risk of injury.

**9.4.2** Temporary seizure shall be used only where reasonably necessary to protect public safety or ensure compliance with this Ordinance.

## **9.5 Owner Right to Hearing.**

- 9.5.1** The Owner may request a hearing by submitting a written request to the Regulating Authority within ten (10) calendar days after service of the notice of proposed designation, unless a different time period is established by duly adopted regulation.
- 9.5.2** Hearings shall be conducted before the Tribal Court or other designated neutral decisionmaker.
- 9.5.3** The Owner may present evidence, testimony, and witnesses.
- 9.5.4** Failure to submit a timely request for a hearing shall result in the designation becoming final without further proceedings.

## **9.6 Designation of Potentially Dangerous Animals.**

- 9.6.1** An animal designated Potentially Dangerous may be subject to one or more of the following conditions:
- (A) Secure confinement requirements;
  - (B) Leash and muzzle requirements when off Owner premises;
  - (C) Mandatory spay or neuter;
  - (D) Mandatory microchipping or permanent identification;
  - (E) Behavioral training requirements;
  - (F) Warning signage;
  - (G) Registration and additional licensing fees; or
  - (H) Other reasonable control measures necessary to prevent future incidents.
- 9.6.2** Failure to comply with imposed conditions may result in escalation to Dangerous Animal designation.

## **9.7 Designation of Dangerous Animals.**

- 9.7.1** Animals designated Dangerous shall be subject to strict control requirements, which may include:

- (A) Confinement in a secure, escape-proof enclosure with locked access;
- (B) Mandatory muzzling and restraint when outside enclosure;
- (C) Permanent identification;
- (D) Liability insurance or other demonstrable financial responsibility, if reasonably available, sufficient to cover potential injuries or damages resulting from future incidents;
- (E) Posting of warning signage;
- (F) Regular inspections;
- (G) Restrictions on transfer or relocation; and
- (H) Additional licensing or monitoring fees.

**9.8 Order of Removal or Humane Destruction.**

**9.8.1** Where the Tribal Court or designated decisionmaker determines that no reasonable control measures can adequately protect public safety, an order may be issued requiring:

- (A) Permanent removal of the animal from the Reservation; or
- (B) Humane destruction of the animal.

**9.8.2** Humane destruction shall be carried out in accordance with accepted veterinary or humane standards.

**9.9 Emergency Destruction Authority.**

**9.9.1** Nothing in this Section limits authority under Section 7 or other applicable provisions allowing officers to humanely destroy animals presenting an immediate threat of serious injury where capture is unsafe or impracticable.

**9.10 Costs of Confinement and Proceedings.**

**9.10.1** Owners may be held responsible for reasonable costs associated with seizure, impoundment, confinement, and hearings related to designation proceedings.

**9.11 Transfer or Sale Restrictions.**

**9.11.1** Owners shall not transfer ownership or relocate an animal subject to

investigation or designation without notifying the Regulating Authority.

**9.11.2** Failure to notify may result in additional enforcement action.

**9.12 Review and Modification of Conditions.**

**9.12.1** Owners may request modification of imposed control conditions after demonstrating sustained compliance and absence of further incidents for a period specified by regulation.

**9.13 Relationship to Other Enforcement Actions.**

**9.13.1** Designation under this Section does not prevent additional enforcement actions under nuisance, impoundment, licensing, or civil liability provisions of this Ordinance.

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**SECTION 10. IMPOUNDMENT, CUSTODY, AND QUARANTINE OF ANIMALS**

**10.1 Purpose and Scope.**

**10.1.1** The purpose of this Section is to establish uniform procedures governing the seizure, impoundment, custody, quarantine, and disposition of animals taken into custody under this Ordinance in order to protect public health and safety, ensure humane treatment of animals, and provide fair procedures for Owners.

**10.1.2** This Ordinance is limited to regulation of Approved Domesticated Pets. Regulation of Livestock, Wild Animals, conservation species, agricultural animals, or ceremonial animals is reserved to other applicable FBIC law.

**10.2 Authority to Seize and Impound Animals.**

**10.2.1** The Regulating Authority or an Animal Control Officer may seize and impound any animal on the List of Approved Domesticated Pets where:

- (A) The animal is found At Large;
- (B) The animal is maintained in violation of this Ordinance or regulations;
- (C) The animal is subject to dangerous, potentially dangerous, or nuisance animal proceedings;
- (D) The animal is abandoned, neglected, or cruelly treated;

- (E) The animal is subject to quarantine requirements; or
- (F) Seizure is otherwise reasonably necessary to protect public health or safety.

**10.2.2** FBIC law enforcement may also seize animals where necessary to protect public safety or assist enforcement.

### **10.3 Transportation and Intake Procedures.**

**10.3.1** Animals seized shall be transported in a humane manner consistent with officer and public safety.

**10.3.2** Upon intake, the Regulating Authority shall document, where reasonably practicable:

- (A) Date and location of seizure;
- (B) Reason for impoundment;
- (C) Description and condition of the animal;
- (D) Identification tags or microchip information; and
- (E) Known or suspected Owner information.

### **10.4 Notice to Owner.**

**10.4.1** Where ownership can reasonably be determined, the Regulating Authority shall make reasonable efforts to notify the Owner that the animal has been impounded.

**10.4.2** Notice may be provided by personal contact, telephone, mail, electronic communication, or posting at the Owner's residence.

**10.4.3** Failure to successfully contact the Owner shall not prevent lawful disposition of the animal after required holding periods.

### **10.5 Holding Period for Impounded Animals.**

**10.5.1** Except as otherwise provided in this Section, impounded animals shall be held for not less than three (3) business days and not more than five (5) business days, excluding weekends and holidays, to allow Owner redemption.

**10.5.2** The Regulating Authority may extend holding periods where necessary to allow Owner contact, medical care, or administrative proceedings.

**10.5.3** Animals subject to dangerous animal proceedings or quarantine requirements may be held for longer periods as required.

**10.6 Owner Redemption of Animals.**

**10.6.1** An Owner may redeem an impounded animal by:

- (A) Providing proof of ownership or custody;
- (B) Obtaining required licensing and vaccination;
- (C) Paying applicable impoundment, boarding, and administrative fees; and
- (D) Correcting conditions that led to impoundment where required.

**10.6.2** The Regulating Authority may refuse release where release would pose an immediate risk to public safety or violate this Ordinance.

**10.7 Disposition of Unclaimed Animals.**

**10.7.1** Animals not redeemed within the holding period may be:

- (A) Offered for adoption or transfer;
- (B) Released to approved rescue or animal welfare organizations; or
- (C) Humanely euthanized.

**10.7.2** The method of disposition shall consider public safety, animal condition, adoptability, and available resources.

**10.8 Humane Care During Custody.**

**10.8.1** Animals held in custody shall receive humane care, including food, potable water, sanitation, and necessary veterinary care consistent with available resources.

**10.8.2** Animals suffering from severe illness or injury may be humanely euthanized where veterinary treatment is unavailable or impracticable.

**10.9 Quarantine Requirements for Rabies or Disease Exposure.**

- 10.9.1** Any animal on the List of Approved Domesticated Pets that has bitten or otherwise exposed a person to possible rabies, or that is suspected of rabies exposure, shall be quarantined for observation or testing consistent with public health standards.
- 10.9.2** Quarantine periods shall generally be not less than ten (10) calendar days, unless modified by applicable public health guidance.
- 10.9.3** Quarantine may occur at an approved animal control facility or other location authorized by the Regulating Authority where safe confinement can be ensured.
- 10.9.4** Animals under quarantine shall not be removed or destroyed without authorization of the Regulating Authority or appropriate health authority unless necessary for emergency public safety reasons.
- 10.9.5** Facilities or areas used for quarantine shall be clearly marked with signage stating “**RABIES – QUARANTINE**” or similar wording approved by the Regulating Authority. Signage shall be placed in a manner reasonably calculated to warn personnel and the public and to prevent unauthorized access to quarantined animals.
- 10.9.6** Where an animal dies, is euthanized, or must be destroyed while under quarantine due to suspected rabies exposure, reasonable efforts shall be made to preserve diagnostic samples necessary for rabies testing. Testing shall be conducted through laboratories approved or recognized by FBIC, state, or federal public health authorities. Disposition of remains shall comply with public health guidance and applicable sanitation standards.
- 10.9.7** The Regulating Authority shall coordinate with:
- (A) IHS medical personnel;
  - (B) FBIC public health or environmental health personnel; and
  - (C) Any applicable state or federal public health agencies,
- regarding bite investigations, rabies exposure risk, quarantine determinations, testing results, and recommended post-exposure medical treatment.
- 10.9.8** Animal Control Officers and FBIC law enforcement shall promptly report animal bite incidents involving potential rabies exposure to appropriate FBIC or IHS medical authorities to support timely medical evaluation and treatment decisions.

**10.9.9** Animals under quarantine shall not be removed, transferred, released, or destroyed without authorization of the Regulating Authority or appropriate public health authority, except where immediate destruction is required to protect human safety.

**10.10 Communicable Disease/Condition Orders (Non-Rabies; Any Animal on the List of Approved Domesticated Pets).**

**10.10.1** Authority. Where the Regulating Authority reasonably believes an animal on the List of Approved Domesticated Pets may have, may have been exposed to, or may be transmitting a Communicable Disease/Condition, the Regulating Authority may issue a Communicable Disease Order applicable to any animal on the List of Approved Domesticated Pets as necessary to protect public health and prevent transmission.

**10.10.2** Required Measures. A Communicable Disease Order may require Veterinary Examination, Diagnostic Testing, vaccination, treatment, Isolation, Quarantine, movement restrictions, and other reasonable disease-control measures, including mandatory follow-up certification of clearance by a veterinarian.

**10.10.3** Location of Isolation/Quarantine. Isolation or Quarantine may occur at an approved animal control facility, veterinary facility, or other location authorized by the Regulating Authority where safe confinement and compliance can be ensured.

**10.10.4** Owner Cooperation; Prohibited Conduct. An Owner or custodian shall cooperate with Communicable Disease Orders and shall not remove, transfer, conceal, sell, relocate, breed, or destroy an animal on the List of Approved Domesticated Pets subject to a Communicable Disease Order without written authorization of the Regulating Authority, except where immediate destruction is required to protect human safety.

**10.10.5** Enforcement and Impoundment. Failure to comply with a Communicable Disease Order constitutes a civil violation and is grounds for seizure and impoundment.

**10.10.6** Costs. The Owner may be responsible for reasonable costs incurred for Veterinary Examination, Diagnostic Testing, treatment, isolation/quarantine, impoundment, and care, as established by the annual fee and penalty schedule and regulations.

**10.10.7** Coordination With Health Authorities. The Regulating Authority shall coordinate, as appropriate, with FBIC/IHS medical personnel and public health authorities regarding disease risk assessment and recommended response for

exposed persons and may share incident information as needed for public health purposes consistent with privacy and applicable law.

**10.11 Owner Responsibility for Costs.**

**10.11.1** Owners may be responsible for reasonable costs associated with impoundment, boarding, quarantine, veterinary care, and disposition of animals as established by the annual fee and penalty schedule.

**10.12 Dangerous or High-Risk Animals in Custody.**

**10.12.1** Animals on the List of Approved Domesticated Pets determined to pose heightened risks may be confined under enhanced security or handling procedures, and release may be conditioned upon compliance with control measures required under Section 9.

**10.13 Documentation and Records.**

**10.13.1** The Regulating Authority shall maintain reasonable records concerning seizure, custody, quarantine, release, transfer, or disposition of animals impounded under this Ordinance.

**10.14 No Limits on Emergency Authority.**

**10.14.1** Nothing in this Section limits authority to immediately seize or humanely destroy animals where necessary to prevent imminent injury or danger under other provisions of this Ordinance.

**10.15 Conditional Release Authority.**

**10.15.1** The Regulating Authority may condition release of any impounded animal upon compliance with licensing; vaccination; enclosure; training; microchipping; any Communicable Disease Order and upon proof of Veterinary Examination, Diagnostic Testing, treatment, vaccination, or clearance documentation as required; or other corrective requirements necessary to prevent recurrence of the violation.

**10.16 Owner Duties Following Bite or Exposure Incident.**

**10.16.1** Owners shall cooperate with quarantine, testing, and investigation requirements and shall not remove, transfer, conceal, or destroy animals on the List of Approved Domesticated Pets involved in bite or exposure incidents without authorization.

**10.17 Mandatory Sterilization After Repeat At-Large.**

- 10.17.1** As a condition of redemption for any animal impounded for being At Large two (2) or more times within a twelve (12) month period, the Regulating Authority may require proof that the animal has been spayed or neutered, unless the Owner holds a current Breeder Permit for that animal and complies with applicable breeder requirements.

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**SECTION 11. ABANDONMENT, NEGLECT, AND HUMANE TREATMENT OF ANIMALS**

**11.1 Purpose and Scope.**

**11.1.1** The purpose of this Section is to establish minimum standards for the humane treatment and care of animals on the List of Approved Domesticated Pets within the Reservation and to prohibit abandonment and neglect of animals on the List of Approved Domesticated Pets in order to protect animal welfare, public health, and community safety.

**11.1.2** This Section establishes civil regulatory standards governing the treatment of animals on the List of Approved Domesticated Pets and does not limit the authority of FBIC to prosecute criminal animal cruelty or related offenses under separate FBIC law where criminal jurisdiction exists.

**11.2 Abandonment Prohibited.**

**11.2.1** No person shall abandon any animal on the List of Approved Domesticated Pets within the Reservation.

**11.2.2** Abandonment includes, but is not limited to:

- (A) Leaving an animal on the List of Approved Domesticated Pets without arranging for adequate care;
- (B) Deserting an animal on the List of Approved Domesticated Pets at a residence, public place, roadside, or other location;
- (C) Relinquishing possession of an animal on the List of Approved Domesticated Pets without ensuring another responsible person assumes care; or
- (D) Failing to reclaim an impounded animal on the List of Approved Domesticated Pets after notice and expiration of the applicable holding period.

**11.2.3** Animals on the List of Approved Domesticated Pets determined to be abandoned may be impounded and disposed of in accordance with Section 10.

**11.3 Minimum Standard of Care Required.**

**11.3.1** Every Owner or person having custody or control of an animal on the List of Approved Domesticated Pets shall provide Adequate Care appropriate to the species and circumstances, including:

- (A) Sufficient and appropriate food;
- (B) Continuous access to potable water;
- (C) Adequate Shelter appropriate to weather conditions;
- (D) Reasonable opportunity for exercise and movement;
- (E) Sanitary living conditions; and
- (F) Necessary veterinary care to prevent undue suffering.

**11.3.2** Failure to provide Adequate Care constitutes a violation of this Ordinance.

**11.4 Prohibited Neglect and Inhumane Conditions.**

**11.4.1** No person shall keep an animal on the List of Approved Domesticated Pets in conditions that result in unnecessary suffering, disease, injury, or exposure to extreme weather.

**11.4.2** Examples of prohibited conditions include, but are not limited to:

- (A) Prolonged exposure to extreme heat, cold, or weather without adequate protection;
- (B) Failure to provide sufficient food or water;
- (C) Maintaining animals on the List of Approved Domesticated Pets in unsanitary enclosures causing illness or infestation;
- (D) Tethering animals on the List of Approved Domesticated Pets in a manner causing injury or preventing access to food, water, or shelter; or
- (E) Allowing untreated injury or illness causing prolonged suffering.

**11.5 Animal Cruelty Prohibited.**

**11.5.1** No person shall intentionally, knowingly, or recklessly subject any animal on the List of Approved Domesticated Pets to cruelty.

**11.5.2** For purposes of this Section, cruelty includes, but is not limited to:

- (A) Torturing, tormenting, beating, mutilating, or causing unjustified physical injury to an animal on the List of Approved Domesticated Pets;
- (B) Intentionally causing prolonged suffering or unnecessary pain;
- (C) Failing to provide necessary care resulting in severe suffering or death;
- (D) Using animals on the List of Approved Domesticated Pets in organized fighting or combat activities;
- (E) Abandoning an injured or incapacitated animal on the List of Approved Domesticated Pets without arranging care; or
- (F) Killing an animal on the List of Approved Domesticated Pets in a manner not reasonably calculated to cause rapid and humane death, except in lawful hunting, slaughter, veterinary euthanasia, or emergency defense situations.

**11.5.3** Nothing in this Section prohibits lawful hunting, livestock management, predator control, veterinary treatment, or humane euthanasia conducted in accordance with applicable law and accepted practices.

**11.5.4** Animals on the List of Approved Domesticated Pets subjected to cruelty may be seized and impounded pursuant to Section 10.

**11.5.5** Enforcement under this Section is civil and regulatory in nature and does not prevent referral for criminal prosecution under separate FBIC laws where criminal jurisdiction exists.

## **11.6 Seizure of Animals in Immediate Danger.**

**11.6.1** Where an Animal Control Officer or FBIC law enforcement officer reasonably believes that an animal on the List of Approved Domesticated Pets is in immediate danger due to neglect, cruelty, or inhumane conditions, the officer may seize and impound the animal to protect its welfare.

**11.6.2** Officers should, where feasible and safe, provide notice to the Owner prior to seizure, but prior notice is not required where delay would endanger the animal.

**11.7 Corrective Orders and Compliance Opportunities.**

11.7.1 Where conditions do not require immediate seizure, the Regulating Authority may issue a corrective order requiring the Owner to remedy deficiencies within a specified period.

11.7.2 Failure to comply with corrective orders may result in civil penalties, seizure of animals, or further enforcement action.

**11.8 Veterinary Treatment and Humane Euthanasia.**

11.8.1 Animals suffering from severe injury or illness may receive emergency veterinary treatment while in custody where reasonably available.

11.8.2 Animals suffering from incurable illness or severe injury causing undue suffering may be humanely euthanized when treatment is unavailable or impracticable, consistent with accepted veterinary standards.

**11.9 Costs of Care and Custody.**

11.9.1 Owners may be responsible for reasonable costs incurred for impoundment, treatment, boarding, or disposition of animals seized due to neglect or abandonment as established by regulation or the annual fee schedule.

**11.10 Relationship to Criminal Enforcement.**

11.10.1 Nothing in this Section prevents referral of cases involving severe cruelty, intentional harm, or animal fighting to appropriate authorities for prosecution under separate criminal provisions of FBIC law.

**11.11 Education and Compliance Encouraged.**

11.11.1 The Regulating Authority is encouraged, where appropriate, to promote voluntary compliance through education and outreach prior to enforcement, provided that animal welfare and public safety are not compromised.

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**SECTION 12. OWNER LIABILITY; DAMAGES; RESTITUTION; RELATIONSHIP TO FBIC PENALTIES**

**12.1 Purpose and Scope.**

12.1.1 The purpose of this Section is to make clear that Owners are responsible for the conduct of their Approved Domesticated Pets and are civilly liable for injuries

and damages caused by those animals, in addition to any civil fines, fees, or administrative sanctions imposed by FBIC under this Ordinance.

**12.1.2** This Section applies to all Owners of Approved Domesticated Pets and to all incidents occurring within the Reservation.

## **12.2 General Civil Liability of Owners.**

**12.2.1** An Owner is civilly liable for injuries to persons and damages to property proximately caused by the Owner's Approved Domesticated Pet, including but not limited to:

- (A) Bodily injury, including medical expenses and related costs;
- (B) Damage to real property or personal property;
- (C) Reasonable costs incurred to repair or replace damaged property; and
- (D) Other reasonably foreseeable damages resulting from the animal's conduct.

**12.2.2** Owner liability under this Section applies regardless of whether the animal was licensed or vaccinated and regardless of whether the Owner knew of the animal's propensity for harm, except where the injury or damage was caused solely by Provocation as defined in Section 4.

**12.2.3** More than one person may be deemed an Owner of the same animal and may be jointly and severally liable under this Section.

## **12.3 Liability for Injuries to Other Animals; Veterinary Costs.**

**12.3.1** An Owner is civilly liable for injury to or death of another person's domesticated animal proximately caused by the Owner's Approved Domesticated Pet.

**12.3.2** Damages may include, where supported by evidence:

- (A) Reasonable veterinary expenses;
- (B) Replacement value where appropriate; and
- (C) Other direct losses proximately caused by the incident.

## **12.4 Liability for Injury to Livestock.**

**12.4.1** An Owner is civilly liable for injury to or death of livestock proximately caused by the Owner's Approved Domesticated Pet.

**12.4.2** Damages may include:

- (A) Fair market value of the livestock killed or injured;
- (B) Reasonable veterinary or disposal costs; and
- (C) Other direct losses proximately caused by the incident, including loss of use where appropriate.

**12.5 Restitution in FBIC Enforcement Proceedings.**

**12.5.1** In addition to civil penalties, the Tribal Court may order restitution to a victim for losses proximately caused by an Owner's violation of this Ordinance, including medical expenses, veterinary expenses, property repair costs, and other direct losses.

**12.5.2** Restitution orders under this Section are civil and regulatory in nature and are enforceable as civil judgments.

**12.6 Civil Penalties Are Separate and In Addition to Private Civil Claims.**

**12.6.1** Civil fines, fees, costs, restitution, license sanctions, impoundment actions, or other remedies imposed by FBIC under this Ordinance are separate from and in addition to any civil damages or other relief that an injured person may seek directly from an Owner in a private civil action.

**12.6.2** The imposition, payment, reduction, or waiver of any FBIC civil penalty does not bar, limit, or satisfy any private civil claim arising from the same incident unless expressly agreed in writing by the injured person.

**12.7 No Limitation on FBIC Remedies or Authority.**

**12.7.1** Nothing in this Section limits FBIC's authority to impose civil penalties, seize or impound animals, impose control requirements, designate animals as nuisance, potentially dangerous, or dangerous, or take other enforcement actions authorized by this Ordinance.

**12.7.2** Nothing in this Section limits FBIC's authority to seek injunctive or abatement relief to prevent continuing harm or repeated violations.

**12.8 Venue; Enforcement of Liability.**

**12.8.1** Civil actions or proceedings arising under this Section may be brought in the FBIC Tribal Court consistent with applicable FBIC law.

**12.8.2** Judgments or orders entered under this Section shall be enforceable as civil judgments under FBIC law.

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**SECTION 13. ENFORCEMENT; CIVIL VIOLATIONS; CITATIONS; HEARINGS; OBSTRUCTION; PENALTIES; REMEDIES**

**13.1 Purpose and Scope.**

**13.1.1** The purpose of this Section is to establish clear, fair, and enforceable procedures for civil regulatory enforcement of this Ordinance, including the issuance of civil citations, notice and hearing procedures, collection of civil penalties, obstruction provisions, and available remedies.

**13.1.2** All enforcement under this Ordinance is civil and regulatory in nature unless expressly addressed under separate FBIC criminal laws.

**13.2 Civil Regulatory Nature; No Criminal Classification Under This Ordinance.**

**13.2.1** All violations of this Ordinance and regulations adopted pursuant to this Ordinance are hereby declared to be civil regulatory violations.

**13.2.2** Civil penalties, fees, costs, restitution, license sanctions, impoundment, forfeiture, and injunctive relief under this Ordinance are imposed as civil regulatory assessments and remedies.

**13.2.3** Nothing in this Ordinance limits FBIC's authority to investigate or prosecute criminal offenses under separate FBIC criminal laws where criminal jurisdiction exists.

**13.3 Enforcement Authority.**

**13.3.1** The Regulating Authority and Animal Control Officers are authorized to enforce this Ordinance and duly adopted regulations, including investigating complaints, issuing civil citations, seizing and impounding animals, issuing compliance orders, and referring matters for hearing.

**13.3.2** FBIC law enforcement officers may enforce this Ordinance, assist with seizures or impoundments, respond to dangerous situations, and issue civil citations where authorized.

**13.3.3** The Regulating Authority may coordinate enforcement with FBIC Housing, Environmental Health, IHS personnel, and other agencies as appropriate.

**13.4 Civil Violations; Separate Violations.**

**13.4.1** Any act or omission that violates this Ordinance, including a violation of, or failure to comply with, any Communicable Disease Order issued under this Ordinance, or duly adopted regulations constitutes a civil violation subject to civil penalties, seizure/impoundment, and any additional remedies authorized by this Ordinance.

**13.4.2** Each day a violation continues may constitute a separate civil violation.

**13.4.3** Each animal involved may constitute a separate violation where appropriate to effectuate public safety and compliance.

**13.5 Compliance Warnings; Corrective Orders.**

**13.5.1** The Regulating Authority may issue written warnings or corrective orders requiring an Owner to take specified actions within a stated time to cure or prevent a violation.

**13.5.2** Corrective orders may include, without limitation: licensing or vaccination compliance, enclosure repairs, sanitation measures, training requirements, confinement conditions, microchipping, spay/neuter, or other reasonable measures.

**13.5.3** Failure to comply with a corrective order constitutes a separate civil violation.

**13.6 Civil Citations; Contents; Service.**

**13.6.1** An Animal Control Officer or other authorized official may issue a written civil citation for any violation.

**13.6.2** A civil citation should include, to the extent reasonably available:

- (A) Name and address of the cited person, if known;
- (B) Date, time, and location of the violation;
- (C) Description of the violation, including applicable section(s);
- (D) Proposed civil penalty amount(s) and any applicable fees or costs;
- (E) Corrective measures required, if any;

- (F) Instructions for payment, contest, or hearing request; and
- (G) Deadline for response.

**13.6.3** Citations may be served personally, by posting at the residence, by mail, by electronic means, or by any method reasonably calculated to provide actual notice.

**13.7 Payment in Lieu of Hearing; Admissions.**

**13.7.1** A cited person may resolve a civil citation by timely paying the stated civil penalty and complying with required corrective measures.

**13.7.2** Payment of the civil penalty constitutes an admission of the violation for purposes of this Ordinance but does not constitute a criminal conviction and does not preclude private civil liability under Section 12.

**13.8 Right to Hearing; Default Deadline; Failure to Request.**

**13.8.1** A person cited under this Ordinance may request a hearing by submitting a written request to the Regulating Authority and Tribal Court within ten (10) calendar days after personal service or, if served by mail or electronic means, three (3) days after transmission, unless a different period is established by duly adopted regulation.

**13.8.2** Failure to timely request a hearing constitutes a waiver of the right to contest the citation, and the alleged violation, civil penalty, and corrective measures stated in the citation shall become final by default.

**13.8.3** Upon default, the Tribal Court may enter a default civil determination or judgment, and the penalties and corrective measures stated in the citation shall become immediately enforceable.

**13.8.4** Where a hearing is requested but the cited person fails to appear without good cause, the Tribal Court or hearing officer may likewise enter a default determination and impose authorized penalties and remedies.

**13.8.5** The Tribal Court may set aside a default determination upon a showing of good cause if doing so does not materially compromise public health or safety.

**13.9 Hearing Procedures; Burden of Proof; Evidence.**

**13.9.1** Hearings shall be conducted before the Tribal Court or other neutral decisionmaker designated by FBIC law.

- 13.9.2** The Regulating Authority bears the burden to prove the violation by a preponderance of the evidence, unless otherwise provided in this Ordinance.
- 13.9.3** Formal rules of evidence need not apply, provided that the proceeding is fair and reliable evidence is considered.
- 13.9.4** Parties may present testimony, documents, photographs, incident reports, veterinary records, and other relevant evidence.
- 13.9.5** The decisionmaker may affirm, modify, or dismiss the citation, adjust penalties within the authorized schedule, and issue remedial orders consistent with this Ordinance.

**13.10 Orders and Additional Remedies Available at Hearing.**

- 13.10.1** In addition to imposing civil penalties, the decisionmaker may order one or more of the following remedies when supported by evidence:
- (A) Compliance orders requiring licensing, vaccination, microchipping, spay/neuter, training, or enclosure modifications;
  - (B) Suspension, denial, or revocation of animal licenses or permits;
  - (C) Restrictions on the number or type of animals an Owner may keep;
  - (D) Nuisance, potentially dangerous, or dangerous animal designation or conditions;
  - (E) Impoundment, seizure, forfeiture, or removal of animals as authorized by this Ordinance;
  - (F) Restitution as provided in Section 12;
  - (G) Mandatory training or education programs for Owners, including responsible ownership or animal control compliance programs;
  - (H) Inspection schedules or monitoring conditions;
  - (I) Breeding restrictions or permit revocation;
  - (J) Any other order reasonably necessary to protect public health, safety, or welfare consistent with this Ordinance.

**13.11 Civil Penalties; Annual Schedule; Escalation.**

- 13.11.1 Civil penalties, impoundment fees, boarding fees, administrative costs, and other assessments shall be established in the annual Animal Control Fee and Penalty Schedule adopted pursuant to Section 14.
- 13.11.2 The annual schedule may include escalating penalties for repeat violations, enhanced penalties for dangerous animal violations, and discounts or incentives as authorized by this Ordinance.
- 13.11.3 The Regulating Authority may recommend penalty reductions, payment plans, or community service alternatives where authorized by regulation and consistent with program goals. Payment plans or reductions may be conditioned upon demonstrated compliance and correction of violations.

**13.12 Collection; Civil Judgment.**

- 13.12.1 Unpaid civil penalties, fees, costs, or restitution may be referred to the Tribal Court for entry as a civil judgment.
- 13.12.2 Civil judgments under this Ordinance may be enforced by all lawful civil collection methods available under FBIC law, including garnishment where authorized, liens where authorized, or other lawful remedies.
- 13.12.3 Failure to pay may also result in denial, suspension, or revocation of licenses and permits.

**13.13 Obstruction and Interference with Enforcement.**

- 13.13.1 No person shall knowingly obstruct, interfere with, or attempt to obstruct or interfere with the Regulating Authority, an Animal Control Officer, FBIC law enforcement officer, or any other authorized official in the performance of duties under this Ordinance.
- 13.13.2 Prohibited obstruction includes, but is not limited to:
  - (A) Physically blocking the capture, seizure, impoundment, or transport of an animal;
  - (B) Hiding, removing, relocating, or releasing an animal to avoid inspection, seizure, quarantine, or impoundment;
  - (C) Knowingly providing false information regarding the identity, location, ownership, vaccination status, or whereabouts of an animal;

- (D) Intimidating, threatening, or attempting to intimidate or threaten enforcement personnel;
- (E) Tampering with or removing posted official notices, including quarantine signage; or
- (F) Assisting another person in conduct prohibited by this subsection.

**13.13.3** Obstruction is a civil violation subject to civil penalties and remedial orders and may also be referred for criminal prosecution under separate FBIC laws where criminal jurisdiction exists.

#### **13.14 Retaliation Prohibited.**

**13.14.1** No person shall retaliate against, threaten, or harass any person for making a good-faith complaint, report, or statement to the Regulating Authority or law enforcement officer under this Ordinance.

#### **13.15 Cumulative Remedies; No Bar to Other Actions.**

**13.15.1** Remedies under this Ordinance are cumulative. The imposition of a civil penalty or remedial order does not prevent additional enforcement actions for the same or related conduct where necessary to achieve compliance and protect public safety.

**13.15.2** FBIC enforcement actions are separate from and in addition to private civil claims for damages under Section 12.

#### **13.16 Injunctive and Abatement Relief.**

**13.16.1** The Regulating Authority may seek temporary, preliminary, or permanent injunctive relief from the Tribal Court to prevent ongoing or threatened violations, including orders requiring removal of animals, correction of unsafe enclosures, cessation of breeding, or compliance with dangerous animal conditions.

**13.16.2** The Tribal Court may issue such orders upon a showing that injunctive relief is necessary to protect public health, safety, welfare, livestock, or wildlife.

#### **13.17 Summary Abatement of Ongoing Violations.**

**13.17.1** Where ongoing violations present continuing threats to public health or safety, the Regulating Authority may seek expedited Tribal Court authorization to remove animals, impose confinement requirements, or otherwise abate unsafe conditions pending final proceedings.

**13.18 Appeals; Finality.**

- 13.18.1** Final orders or judgments issued under this Section may be appealed in accordance with Tribal Court rules or other applicable FBIC law.
- 13.18.2** Unless otherwise ordered by the Tribal Court, filing an appeal does not automatically stay compliance orders necessary to protect public safety.

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**SECTION 14. ANIMAL CONTROL FUND; ANNUAL FEE AND PENALTY SCHEDULE; PROGRAM FUNDING**

**14.1 Purpose and Scope.**

- 14.1.1** The purpose of this Section is to establish a funding mechanism to support administration and enforcement of this Ordinance and to authorize adoption of an annual fee and penalty schedule that may be adjusted without amendment to this Ordinance.
- 14.1.2** This Section is intended to provide flexibility for FBIC to respond to changing program costs, public health needs, and enforcement requirements while maintaining Council oversight.

**14.2 Establishment of Animal Control Fund.**

- 14.2.1** There is hereby established an FBIC Animal Control Fund (“Fund”), which shall be maintained by FBIC in accordance with applicable financial policies.
- 14.2.2** The Fund shall consist of monies collected or received from:
- (A) Licensing and registration fees;
  - (B) Breeder permits and related permits;
  - (C) Civil penalties and enforcement fees;
  - (D) Impoundment, boarding, and quarantine fees;
  - (E) Adoption or transfer fees;
  - (F) Grants, donations, or cooperative program funding; and
  - (G) Any other funds designated for animal control purposes.

**14.2.3** Funds collected under this Ordinance shall be deposited into the Animal Control Fund unless otherwise directed by Council resolution.

**14.3 Use of Fund Monies.**

**14.3.1** Monies in the Fund may be used for purposes including, but not limited to:

- (A) Employment, training, and equipment for Animal Control Officers and enforcement personnel;
- (B) Operation, improvement, or contracting of animal shelter or impoundment facilities;
- (C) Veterinary services, vaccinations, quarantine expenses, and humane care of impounded animals;
- (D) Licensing systems, recordkeeping, microchipping, and identification programs;
- (E) Community education and outreach programs promoting responsible ownership;
- (F) Enforcement operations and public safety measures authorized by this Ordinance; and
- (G) Any other lawful purpose reasonably related to administration and enforcement of this Ordinance.

**14.4 Annual Animal Control Fee and Penalty Schedule.**

**14.4.1** The Regulating Authority shall annually propose an Animal Control Fee and Penalty Schedule for approval by Council resolution.

**14.4.2** The schedule may establish fees, penalties, and assessments necessary to administer this Ordinance, including but not limited to:

- (A) Licensing and renewal fees;
- (B) Reduced fees for spayed or neutered animals;
- (C) Replacement tag or identification fees;
- (D) Breeder permit and inspection fees;
- (E) Dangerous or potentially dangerous animal registration fees;

- (F) Impoundment, boarding, and quarantine fees;
- (G) Adoption or transfer fees;
- (H) Civil penalties for ordinance violations; and
- (I) Administrative or enforcement cost recovery fees.

**14.4.3** Fees and penalties may vary based on species, number of animals, risk factors, enforcement history, or administrative costs.

#### **14.5 Discounts, Incentives, and Enhanced Fees.**

**14.5.1** The annual schedule may include discounts or reduced fees to encourage responsible ownership, including but not limited to:

- (A) Reduced fees for spayed or neutered animals;
- (B) Reduced fees for animals permanently identified by microchip;
- (C) Reduced fees for senior citizens or low-income households;
- (D) Reduced fees for compliance achieved within specified correction periods.

**14.5.2** The schedule may include enhanced fees or penalties where reasonably necessary to protect public safety, including but not limited to:

- (A) Increased fees for dangerous or potentially dangerous animals;
- (B) Increased fees for repeat violations;
- (C) Fees associated with breeding operations; and
- (D) Fees necessary to offset increased enforcement or shelter costs.

#### **14.6 Payment Plans and Hardship Considerations.**

**14.6.1** The Regulating Authority may establish payment plan options or hardship accommodations if consistent with program objectives and public safety.

**14.6.2** Nothing in this subsection requires waiver of fees or penalties but allows reasonable flexibility to achieve compliance.

**14.7 Collection and Enforcement of Fees and Penalties.**

- 14.7.1 Fees and penalties imposed under this Ordinance constitute civil regulatory assessments.
- 14.7.2 Unpaid fees or penalties may be referred for collection or entry as civil judgments consistent with Section 13.
- 14.7.3 Failure to pay required fees may result in denial, suspension, or revocation of licenses or permits or refusal to release impounded animals until compliance occurs.

**14.8 Annual Review and Reporting.**

- 14.8.1 The Regulating Authority should periodically report to Council concerning program revenues, expenditures, enforcement activity, and recommended changes necessary to maintain effective program operations.

**14.9 No Creation of Property Interest.**

- 14.9.1 Payment of fees or penalties under this Section does not create a property interest in the continued possession of animals maintained in violation of this Ordinance.

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**SECTION 15. JURISDICTION; VENUE; INTERPRETATION; RELATIONSHIP TO OTHER LAWS**

**15.1 Purpose and Scope.**

- 15.1.1 The purpose of this Section is to confirm FBIC jurisdiction and venue for enforcement of this Ordinance, establish rules of interpretation, and clarify how this Ordinance interacts with other FBIC laws and policies.
- 15.1.2 This Section applies to all enforcement actions, proceedings, and administrative determinations under this Ordinance.

**15.2 Civil Regulatory Jurisdiction.**

- 15.2.1 FBIC declares that this Ordinance is a civil regulatory enactment intended to protect the health, safety, welfare, and community peace of the Reservation and to regulate activities and persons within the Reservation.

- 15.2.2** The Tribal Court shall have subject matter jurisdiction over all civil regulatory actions arising under this Ordinance, including:
- (A) Citation enforcement and civil penalty collection;
  - (B) Impoundment and forfeiture proceedings;
  - (C) Dangerous and potentially dangerous animal designations and related orders;
  - (D) Injunctive and abatement actions; and
  - (E) Restitution and civil judgments authorized by this Ordinance.

**15.2.3** This Ordinance shall be applied to all persons within the Reservation to the fullest extent permitted by federal law.

### **15.3 Venue.**

**15.3.1** Venue for all actions under this Ordinance shall lie in the FBIC Tribal Court, unless otherwise provided by FBIC law.

**15.3.2** The Tribal Court may issue all orders and process necessary to enforce this Ordinance, including civil judgments and injunctive or abatement relief.

### **15.4 Interpretation and Liberal Construction.**

**15.4.1** This Ordinance shall be construed to effectuate its purposes as stated in Section 2, including the protection of public health, safety, welfare, livestock, wildlife, and community peace.

**15.4.2** The provisions of this Ordinance shall be liberally construed in favor of FBIC's authority to regulate animals and animal ownership within the Reservation.

**15.4.3** Headings and titles are for convenience only and shall not control interpretation.

### **15.5 Relationship to Other FBIC Laws, Regulations, and Policies.**

**15.5.1** This Ordinance establishes minimum standards for domesticated pet control. FBIC departments, programs, enterprises, and the FBIC Housing Authority (or similar entity) may adopt and enforce more restrictive animal rules applicable to their facilities, programs, leases, or premises.

**15.5.2** If a conflict exists between this Ordinance and another FBIC law, regulation, or policy, the stricter requirement shall apply to the extent of the conflict, unless FBIC law expressly provides otherwise.

**15.5.3** Nothing in this Ordinance limits FBIC's authority to regulate wildlife, livestock, or ceremonial animals under other FBIC laws, consistent with Section 3.

**15.6 No Consent to External Jurisdiction.**

**15.6.1** Nothing in this Ordinance shall be construed as consent to the jurisdiction of any state or federal court absent an express written waiver approved by Council resolution.

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**SECTION 16. LIMITATION OF LIABILITY; OFFICIAL IMMUNITY; NO PRIVATE RIGHT OF ACTION**

**16.1 Purpose and Scope.**

**16.1.1** This Section is intended to preserve FBIC sovereign immunity, confirm official immunity for good-faith enforcement actions, and clarify that this Ordinance does not create private claims against FBIC for discretionary enforcement decisions.

**16.2 Preservation of FBIC Sovereign Immunity.**

**16.2.1** FBIC retains and expressly preserves its sovereign immunity from suit, including immunity of its departments, agencies, boards, commissions, officers, employees, and agents acting within the scope of their authority.

**16.2.2** Any waiver of FBIC sovereign immunity must be express, in writing, and approved by Council resolution. No waiver shall be implied.

**16.3 Official Immunity; Good Faith Action.**

**16.3.1** The Regulating Authority, Animal Control Officers, Conservation Officers, Game Wardens, FBIC law enforcement, and other authorized personnel acting within the scope of authority under this Ordinance shall not be personally liable for actions taken in good faith performance of official duties under this Ordinance.

**16.3.2** This subsection does not immunize willful misconduct or gross negligence to the extent such claims are permitted under FBIC law.

## **16.4 No Private Right of Action Against FBIC.**

- 16.4.1** This Ordinance is enacted for the protection of the public and does not create any duty owed by FBIC or its officials to any individual person.
- 16.4.2** Nothing in this Ordinance creates a private right of action against FBIC, its departments, officers, employees, or agents for alleged failure to enforce this Ordinance or for discretionary enforcement decisions.
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## **SECTION 17. SEVERABILITY**

### **17.1 Purpose and Scope.**

- 17.1.1** If any provision of this Ordinance, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the Ordinance and the application of its provisions to other persons or circumstances shall not be affected and shall continue in full force and effect.
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## **SECTION 18. REPEAL; TRANSITION; EFFECTIVE DATE**

### **18.1 Repeal of Inconsistent Enactments.**

- 18.1.1** All prior ordinances, resolutions, regulations, policies, or provisions inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency, including prior versions of FBIC domesticated pet or dog control ordinances addressing the same subject matter.
- 18.1.2** Repeal under this Section shall not affect any enforcement action, civil penalty, impoundment, quarantine, citation, or proceeding initiated prior to the effective date of this Ordinance, which may proceed to conclusion under the law in effect at the time the action was initiated unless FBIC law provides otherwise.

### **18.2 Transition and Implementation.**

- 18.2.1** The Regulating Authority is authorized to develop forms, procedures, regulations, and the initial Animal Control Fee and Penalty Schedule necessary to implement this Ordinance.
- 18.2.2** Unless otherwise specified by Council resolution or regulation, existing valid licenses issued under prior law (if any) may be recognized until their natural expiration date, after which licensing shall be governed by this Ordinance and the then-current annual schedule.
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**18.2.3** Owners shall be provided a reasonable compliance period for any new licensing or identification requirements created by regulation, provided that no compliance period shall limit FBIC's authority to take immediate action necessary to protect public safety or public health.

**18.3 Effective Date.**

**18.3.1** This Ordinance shall take effect on the date of adoption by the FBIC Council, unless a different effective date is stated in the adopting resolution.

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