

## **TITLE VII**

### **ANIMAL AND RABIES CONTROL**

#### **CHAPTER 7.1 – INTRODUCTION**

##### **Section 7.101 Title.**

This ordinance shall be known as the Saginaw Chippewa Indian Tribe of Michigan Animal and Rabies Control Code, herein referred to as the “Animal Control Code”.

##### **Section 7.102 Authority.**

This Animal Control Code is enacted pursuant to Article VI, Section 1. of the Constitution and By-Laws of the Saginaw Chippewa Indian Tribe of Michigan, as amended.

##### **Section 7.103 Purpose.**

This Animal Control Code shall be deemed as an exercise of the general police power of the Saginaw Chippewa Indian Tribe of Michigan (“Tribe”) for the protection of the public welfare, health, peace, and safety of the Tribe and all provisions of this Animal Control Code will be liberally construed for the accomplishment of this purpose.

##### **Section 7.104 Effective Date.**

This Animal Control Code shall be effective on the date adopted by the Tribe’s governing body.

##### **Section 7.105 Interpretation.**

In its interpretation and application, the provisions of this Animal Control Code shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed as a limitation or repeal of any other tribal power or authority.

##### **Section 7.106 Severability.**

If any provision under this Animal Control Code is later found to be unconstitutional under the Tribe’s Constitution it shall be considered null and void and the remainder of this Animal Control Code shall continue in full force and effect.

##### **Section 7.107 Sovereign Immunity.**

Nothing in this Animal Control Code shall be construed as a waiver of the sovereign immunity of the Tribe, its officials, its agencies, or its agents except to the extent such

immunity is explicitly waived in such code or resolution of the Tribal Council. The Tribe declares that there is no liability on the part of the Tribe, its officials, its agencies, or its agents for any damages which may occur as a result of reliance upon or conformity of this Animal Control Code.

## **CHAPTER 7.2 – DEFINITIONS**

### **Section 7.201 Definitions**

- (a) Animal means any (non-human) live, vertebrate creature, domestic or wild.
- (b) At Large means a dog off the property of its owner and not under restraint by a competent person.
- (c) Dog means any canine animal three months of age or over.
- (d) Dog Pound means a premise and shelter for the purpose of impounding and caring for all animals found running at large in violation of this code Animal Control Code.
- (e) Owner or Keeper means an individual(s) having a right to property in, or who keeps or harbors, or who has in his or her care, or acts as custodian, or who knowingly permits a dog or animal to remain on or about any premises occupied by him or her.
- (f) Restrained means a dog is under restraint within the meaning of this Animal Control Code-if it is controlled by a leash or lead or at "heel" beside a competent person and obedient to that person's voice command or within the confined property limits of the owner or keeper.
- (g) Stray or unclaimed means any dog not having a known owner.
- (h) Rabies Vaccination means the injection subcutaneously or otherwise of canine anti-rabies vaccine approved by the Michigan State Department of Agriculture or by the Department of Health, Education and Welfare, Public health Service, received from a licensed veterinarian or at a public clinic which may be established for this purpose by the Saginaw Chippewa Tribal Council and approved by the Tribal Health Director, United States Public health Service, Division of Indian Health, Mt. Pleasant, Michigan.
- (i) Tribal Health Director means the Director of the Nimkee Memorial Wellness Center.

## **CHAPTER 7.3 REGISTRATION OF DOGS**

### **Section 7.301 Registration Required.**

All dogs harbored or maintained within the boundaries of the Saginaw Chippewa Jurisdiction shall be registered by the owner with the Saginaw Chippewa Department of Business Regulations at Mt. Pleasant, Michigan, or with the Isabella County Clerk, of Mt. Pleasant City Clerk; ensuring that animals have the necessary vaccinations. When registering a dog, a current record of vaccination shall be presented.

### **Section 7.302 Rabies certificate of Vaccination Required.**

The Department of Business Regulation shall issue a Certificate of Registration and registration tag for each dog within the Saginaw Chippewa Jurisdiction provided that the owner exhibits a certificate signed by a licensed veterinarian, evidencing that the dog described in the registration application has been vaccinated against rabies within a period of one (1) year preceding the date of the application and provided further that the owner shall pay to the Department of Business Regulation a registration fee of five dollars (\$5.00) for each male and natured dog registered, and twelve dollars (\$12.00) for each female dog registered.

### **Section 7.303 Information Required on Certificate of Registration-Registration Tags Issued and Disposition of Fees.**

Each certificate of registration shall set forth the name and address of the owner; the dog's name, color, breed and sex; the date of rabies vaccination and the name and address of the licensed veterinarian; and the registration number. Each registration tag shall set forth the registration and registration tags issued and shall deposit and maintain a separate record of all fees collected thereof in a special "Rabies Control Program" Tribal account for use in the defrayment of the expenses connected with the administration of this Animal Control Code.

### **Section 7.304 Expiration of Registration Certificate and Tags.**

Registration certificates and tags issued by the Department of Business Regulations under this Animal Control Code shall expire at midnight on the last day of the registration year. For the purpose of this Animal Control Code, the registration year corresponds to the date of the rabies shot; when the rabies vaccination expires, the license expires.

### **Section 7.305 Attaching Registration Tag Without Proper Registering.**

No Indian person shall attach registration tags to a dog unless such dog has been properly registered with the Saginaw Chippewa Department of Business Regulations or Isabella County.

### **Section 7.306 Refusal or Failure to Register or Pay Impoundment fee.**

The refusal or failure of the owner of any dog to pay the registration fee or any impoundment expenses within three (3) days after written or verbal notice thereof by the Tribal Police shall be deemed an abandonment of such dog by the Court. Written notice shall be by certified mail, return receipt requested.

## **CHAPTER 7.4 – PROHIBITED ANIMALS**

### **Section 7.401 Keeping Prohibited Animals.**

It shall be unlawful to keep, harbor, own or in any way possess within the reservations of the Saginaw Chippewa Indian Tribe of Michigan:

- (a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoon, skunks, foxes and wild and exotic cats; set excluding fowl, ferrets and small rodents of varieties uses for laboratory purposes); or
- (b) Any animal having poisonous bites;

### **Section 7.402 Failure to Comply.**

It shall be unlawful for the owners, keepers or harbors of such animals as set out in Section 7.4301 above, to continue to run, keep or harbor such animals 30 days beyond effective date of this revised Animal Control Code. Anyone who shall fail to comply with this section shall be in violation of this Animal Control Code and subject to the following:

- (a) Immediate seizure and impoundment of the Prohibited Animal pursuant to Chapter 7.5 of this Animal Control Code; or
- (b) Subject to penalties pursuant to Chapter 7.7 of this Animal Control Code;
- (c) Or both.

## **CHAPTER 7.5 – IMPOUNDMENT OF DOGS AND PROHIBITED ANIMALS**

### **Section 7.501 Dogs to be Seized and Impounded.**

The police or any persons specifically appointed for such purposes are hereby authorized to seize and impound, in a tribally designated and maintained impoundment, the following:

- (a) Dogs without a current registration tag;

- (b) Dogs of a fierce, dangerous or vicious nature;
- (c) Female dogs in heat; and
- (d) At Large dogs which become a nuisance to others when trespassing upon streets, public places or premises of others.

**Section 7.502 Notification to Owner of Impoundment.**

The police or any persons specifically appointed for such purposes are hereby authorized to seize and impound, shall make reasonable efforts to identify and notify the owner(s) of an impounded dog. If the owner cannot be identified or cannot be located to provide notification or in the event the owner has been notified and fails to retrieve the dog, the dog will be considered unclaimed in accordance with the policy and regulations governing the pound or animal shelter utilized by Tribal Police.

**Section 7.503 Requirement Before Release - Disposition of Service Fees.**

Release requirements, including but not limited to any fees, shall be in accordance with the policy and regulations governing the pound or animal shelter utilized by the Tribal Police.

**CHAPTER 7.6 – CONTROL OF RABIES INFECTED DOMESTIC ANIMAL**

**Section 7.601 Care and Control of Dog or Domestic Animal Known to Have Bitten a Person.**

Any dog or other domestic animal known to have bitten a person so as to cause abrasion of the skin shall be closely confined in a cage or pen by the owner by means of a substantial metal chain for a period of ten days or as may be recommended by the Tribal Health Director. During the ten (10) days confinement period, the dog or other domestic animal shall be placed under the observation of the sanitarian, or other designated employee, of the Public Health Service.

**Section 7.602 Care and Control of Dog or Other Domestic Animal which Appears to be or Suspected to be Infected by Rabies.**

Any dog or other domestic animal which appears to be or suspected to be infected by rabies shall be closely confined by the owner by means of a substantial metal chain for a period of ten days or as may be recommended by the Tribal Health Director. During the ten (10) days confinement period, the dog or other domestic animal shall be placed under the observation of the sanitarian, or other designated employee, of the Public Health Service.

**Section 7.603 Failure of Owner to Confine Dog or Other Animal.**

If the owner fails to confine such dog or other domestic animal described in Sections

7.601 or 7.602; or if the owner is not known, the Public Health Service Sanitarian, the police, or other tribally designated person shall remove the dog or domestic animal to a veterinary hospital or other location as designated by the Tribal Health Director and placed under observation. The owner shall be required to reimburse the special Tribal "Rabies Control Program" account for necessary expenses, as determined by the Department of Tribal Business Regulations, connected with the confinement. The expenses for stray or unclaimed dogs or domestic animals shall be paid out of the same special Tribal account, or as determined by the Department of Tribal Business Regulations.

**Section 7.604 Quarantine of Animals Authority to Establish Period and Location.**

Whenever a diagnosis of rabies is confirmed in any animal that has or had the potential to infect dogs or other domestic animals on the Isabella Reservation, the Tribal Chief may declare a quarantine on all dogs and domestic animals. The Tribal Chief's declaration of an animal quarantine shall include relevant information about the rabid animal. Unless sooner rescinded by the Tribal Chief, such quarantine shall remain in effect for a minimum of sixty (60) days after the diagnosis of the last known case of animal rabies within the quarantine area.

**Section 7.605 Animals to be Confined Responsibility of Owners.**

No animal subject to the quarantine shall be removed from the quarantine area without written permission of the Tribal Chief. Owners of dogs or domestic animals within a quarantine area shall confine dogs or domestic animals to the owner's premises.

**Section 7.606 Requirement for Vaccination of Animals.**

The Tribal Chief, may, upon the recommendation of the Tribal Health Director, require the vaccination of any or all dogs or domestic animals within the Saginaw Chippewa Jurisdiction during the period of quarantine.

**CHAPTER 7.7 - PENALTIES**

**Section 7.701 Penalties for Violation of this Ordinance.**

Any person who willfully or knowingly violates any provision of this Ordinance shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to pay a fine of at least \$25, but not more than \$50, or sentenced to imprisonment for a period not to exceed 15 days, or both such fine and imprisonment with costs.

**Section 7.702 Penalties for Violation**

From and after the effective date of this revised Animal Control Code any person found in violation of any provision herein shall deemed guilty tribal offense, and fined in a sum

not less than \$50.00 nor more than \$500.00. Further, the Court may impose a fine of not less than \$25.00 nor more than \$75.00 per day for each day such violation continues to exist after the judicial determination that such person in violation of the Animal Control Code.

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### Legislative History

Enacted December 4, 1984, Res. No. L&O-06-84 (app'd by BIA December 13, 1984); amended March 12, 1985, Res. No. L&O-02-85 (app'd by BIA March 20, 1985); amended February 3, 1986, Res. No. L&O-03-86 (app'd by BIA \_\_\_\_\_); amended October 9, 1986, Res. No. L&O-10-86 (app'd by BIA September 17, 1986). Subsection 7.301(c) and Subsection 7.302(a) amended by Resolution No. 14-143 approved on July 30, 2014. Comprehensive revision made by Resolution 22-083 approved on April 20, 2022.