

TITLE VII

ANIMAL AND RABIES CONTROL

Chapter 7.1

Definitions

- 7.101 Animal. Means any animal other than dogs which may be affected by rabies.
- 7.102 At Large. Any dog shall be deemed to be at large when it is off the property of its owner and not under restraint by a competent person.
- 7.103 Dog. Any canine animal three months of age or over.
- 7.104 Dog Pound. A premise and shelter for the purpose of impounding and caring for all animals found running at large in violation of Title VII of this code.
- 7.105 Owners. Any Indian 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.
- 7.106 Pit Bull, is defined to mean:
- (a) The bull terrier breed of dog;
 - (b) Staffordshire bull terrier breed of dog;
 - (c) The American pit bull terrier breed of dog;
 - (d) The American Staffordshire terrier breed of dog;
 - (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull dogs or pit bull terriers; or
 - (f) Any dog which as the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.
- 7.107 Restrained. A dog is under restraint within the meaning of Title VII if it is controlled by at least at "heel" beside a competent person and obedient to that persons voice command or within the property limits of the owner or keeper.
- 7.108 Stray. "Stray" shall mean any dog not having a known owner.

- 7.109 Rabies Vaccination. "Rabies Vaccination" shall mean the injection subcutaneously or otherwise of canine antirabic 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 Chippewa Tribal Council and approved by the Service Unit Director, United States Public health Service, Division of Indian Health, Mt. Pleasant, Michigan.
- 7.110 Service Unit Director. "Service Unit Director" shall mean the Medical Officer in Charge of the United States Public Health Service, Division of Indian Health, Mt. Pleasant, Michigan.

Chapter 7.2

Registration of Dogs

- 7.201 Dog to be Registered. No dogs shall be kept, harbored or maintained within the boundaries of the Saginaw Chippewa Jurisdiction unless such dog has been registered by the owner with the Saginaw Chippewa Tribal Police at Mt. Pleasant, Michigan, or with the Isabella County Clerk, of Mt. Pleasant City Clerk.
- 7.202 Rabies certificate of Vaccination Required. The Tribal Police 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 Tribal Police Department 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.
- 7.203 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 Title VII of this Code.
- 7.204 Expiration of Registration Certificate and Tags. Registration certificates and tags issued under Title VII of this Code shall expire at midnight on the last day of the registration years. For the purpose of Title VII of this Code, the registration year shall begin September 1 and end on August 31. Applications for renewals may be made for the

ensuing registration year during the month of July and August and upon payment of the fee required in Section 7.202.

- 7.205 Attaching Registration Tag Without Proper Registering. No Indian person shall attach registration tags to a dog unless such dog has been properly registration tags to a dog unless such dog has been properly registered with the Saginaw Chippewa Tribal Police.
- 7.206 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 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 7.3

Animal Prohibited

- 7.301 Animals: Keeping Prohibited. 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);
 - (b) Any animal having poisonous bites; or
 - (c) Any pit bull dog as defined in Section 7.106 of this Title.
- 7.302 Failure to Comply. It shall be unlawful for the owners, keepers or harbors of such animals as set out in Section 7.301 above, to continue to run, keep or harbor such animals 30 days beyond effective date of this Revised Title. Anyone who shall fail to comply with this section shall be in violation of this Title and subject to the following:
- (a) Immediate seizure and improvement pursuant to chapter 7.4 of this Title; or
 - (b) Subject to penalties pursuant to Chapter 7.6 of this Title.

Chapter 7.4

Impoundment and Destruction of Dogs

- 7.401 Dogs to be Seized and Impounded Notification of Owner Unclaimed Dogs. No dog without a current registration tag; no dog of a fierce, dangerous or vicious nature; no female dog in heat; and no dog which becomes a nuisance to others when trespassing upon streets, public places or premises of others shall be permitted to run at large within the Saginaw Chippewa Jurisdiction. The police or any persons specifically appointed for such purposes are hereby authorized to seize and impound such dogs in a tribally designated and maintained impoundment; and the owner with three (3) days after its impoundment, it shall be considered unclaimed.
- 7.402 Requirement Before Release - Disposition of Service Fees. No dog will be released from impoundment to its owner without payment of a service fee of three dollars (\$3.00) and presentation of a registration certificate for the current registration year. Service fees shall be deposited in a special "Rabies Control Program" Tribal account and shall be used to defray the expenses connected with the administration of this Title VII of this Code.
- 7.403 Dogs to be Destroyed in Humane and Sanitary Manner. All unclaimed dogs will be destroyed in a humane and sanitary manner by the police or by a person designated for such purpose by the Tribal Council.
- 7.404 Destruction of Animals Prohibited under Chapter 7.3. Any animal impounded after it is determined to be in Contravention of Chapter 7.3 of this Title shall be destroyed, within seven (7) days of impoundment unless a court order is entered delaying such destruction.
- 7.405 Cash Bond for Maintenance of Animal. In the event that a court order is entered delaying or staying the destruction of any animal, the court shall set a bond to be posted in the amount equivalent to the daily animal shelter charge times the number of days that the animal has been or will be in impoundment.

Chapter 7.5

Control of Rabies Infected Domestic Animals

- 7.501 Care and Control of Dog or Animal Known to Have Bitten a Person. Any dog or other animal known to have bitten a person so as to cause abrasion of the skin, or which appears 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 Service Unit Director. During the ten (10) days confinement period, the dog or other animal shall be placed under the observation of the sanitarian of the Public Health Service.
- 7.502 Failure of Owner to Confine Dog or Other Animal. If the owner fails to confine such dog or other animal or if the owner is not known, the Public Health Service Sanitarian, the police, or other tribally designated person shall remove the dog to a veterinary hospital or other location as designated by the Service Unit Director and placed under observation. The owner shall in such cases be required to reimburse the special Tribal "Rabies Control

Program" account for necessary expenses connected with the confinement expenses for stray dogs shall be paid out of the same special Tribal account.

- 7.503 Quarantine of Animals Authority to Establish Period and Location. Whenever a diagnosis of rabies is confirmed in any animal from the Saginaw Chippewa Jurisdiction, the Tribal Chairman may establish a quarantine on domestic animals and shall define the are under quarantine. Unless sooner rescinded by the Tribal Chairman, 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.
- 7.504 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 Chairman. Owners of domestic animals within a quarantine area shall confine the animals to the owners premises or maintain them under leash.
- 7.505 Requirement for Vaccination of Animals. The Tribal Chairman, may on recommendations of the Service Unit Director, require the vaccination of any or all domestic animals within the Saginaw Chippewa Jurisdiction during the period of quarantine.

Chapter 7.6

Penalties

- 7.601 Penalties for Violation of Chapter 7.2. Any person who willfully or knowingly violates any provision of Title VII of this Code 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.
- 7.602 Penalties for Violation of Chapter 7.4. From and after the effective date of this revised Title any person found in violation of the Chapter 7.4 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 said Chapter.

Chapter 7.7

Severability

- 7.701 Severability. If any Chapter, Section, sentence, clause or phrase of this Revised Title is for any reason held to be invalid or unconstitutional by a decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Revised Title.

Chapter 7.8

Effective Date

7.801 Effective Date. This Revised Title shall take effect and be in full force from and after October 9, 1986.

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).