

CHAPTER 6-9 ANIMAL CONTROL AND PROTECTION

LIVESTOCK IMPOUNDMENT

(Chapter 11.1 recodified 10/1/97 as Chapter 4-11 et seq., Resolution 1997-536)

WILD HORSES, MULES AND BURROS

(Wild Horse Ordinance recodified 10/1/97 as Chapter 4-14 et seq., Resolution 1997-536)

DOG CONTROL

6-9-30 Definitions

(a) "Running at large" means a situation when a any dog is found within the boundaries of the Colville Indian Reservation on public property or on the property of persons other than the person owning or keeping the dog unless the dog is accompanied by some person exercising control thereof.

(b) "Animal control authority" means any tribal police officer or any other person or organization so designated by the Colville Tribal Business Council or by the chief of the tribal police to perform the functions of this subchapter. It shall also include any tribal range rider and fish and game officer.

(c) "Stray dogs" means a dog with no owner's identification upon it and whose owner cannot be ascertained upon reasonable inquiry.

(d) "Vicious dog" means any dog that when unprovoked:

(1) Inflicts bites on a human or a domestic animal either on public or private property; or

(2) Chases or approaches a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals; or

(3) Any dog partly or wholly of any of the "Pit Bull" or "Rottweiler" breeds.

(Amended 5/10/10, Resolution 2010-313
(Adopted 11/19/87, Resolution 1987-647)

(e) "Proper enclosure" means, while on the owners property, a vicious dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(Adopted 11/19/87, Resolution 1987-647)

(f) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(Adopted 11/19/87, Resolution 1987-647)

(g) "Pit Bull" or "Rottweiler" shall mean any dog which exhibits those distinguishing characteristics that:

(1) Substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers, Staffordshire Bull Terriers, or Rottweilers, as such standards currently exist or as they may from time-to-time may be revised; or

(2) Substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers or Rottweilers, as such standards currently exist or as they may from time-to-time may be revised.

Technical deficiencies in any particular dog's conformance to the standards referenced above shall not be construed to indicate that the subject dog is not a Pit Bull or Rottweiler breed.

(Amended 5/10/10, Resolution 2010-313)

(May 2010 Version of Chapter 6-9)

6-9-31 Running At Large

No person owning or having control or custody of any dog shall allow such dog to run at large within the boundaries of the Colville Indian Reservation.

6-9-32 Disturbances

No person shall own, keep or harbor any dog within the boundaries of the Colville Indian Reservation which by loud, continued or frequent howling, yelping, or barking shall unreasonably annoy, disturb or endanger the health, welfare, or repose of any person or neighbor. The owners or keeper of a female dog in heat kept or found within the boundaries of the Colville Indian Reservation shall cause such animal to be penned or enclosed in such a manner as to preclude other animals from attacking such female animal or being attracted to it.

6-9-33 Vicious Dogs—Attacks on Livestock—Right to Destroy

No person shall keep, own or possess within the boundaries of the Colville Indian Reservation any vicious dog unless muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person or confined in a proper enclosure as defined in section 6-9-30(e) in such a way as to prevent it from biting any human being; nor permit such dog to run at large at any time. Any person shall have the right to destroy immediately any dog engaged in the process of injuring or harassing livestock or other domestic or game animals or threatening or inflicting harm to any person, or inflicting serious harm to personal or tribal property.

(Amended 6/28/82, Resolution 1982-359)

6-9-34 Duty of Owner of Dog Found Harassing Stock

It shall be the duty of the owner or keeper of any dog or dogs found chasing, biting, or injuring any livestock or other domestic animal or game animal, upon being notified of that fact by the owner of such livestock or domestic animal or by an Animal Control Authority, to keep such dog or dogs in leash or confined upon the premises of the owner or keeper thereof. If such owner or keeper of such dog or dogs shall fail to neglect to comply with the provisions of this section, it shall be lawful for the owner of such domestic animals or an Animal Control Authority to kill such dog or dogs not so confined.

6-9-35 Duty of Owner to Kill Marauding Dog

It shall be the duty of any person owning or keeping any dog or dogs which shall be found killing any livestock or other domestic animal or game animal to kill such dog or dogs within forty-eight (48) hours after being notified of that fact by the owner of such livestock or domestic animal or by an Animal Control Authority. If such owner or keeper of a dog or dogs shall fail or neglect to comply with the provision of this section, it shall be lawful for an Animal Control Authority to kill such dog or dogs or for the owner of such livestock or domestic animal to kill such dog or dogs if found running at large.

6-9-36 Liability of Owners

Every person owning or keeping a dog shall be liable in damages for any injury committed by such dog and it shall not be necessary in any action brought therefore to allege or prove that such dog was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous. However, proof of provocation of an attack by any injured person shall be a complete defense to any action for damages.

6-9-37 Abandonment

It shall be unlawful for any person to abandon any dog within the boundaries of the Colville Indian Reservation or for any owner or keeper of a dog to neglect to furnish adequate food or care for said dog.

6-9-38 Identification and Registration

(a) Any dog found or kept within the boundaries of the Colville Indian Reservation must be registered and have an identification tag issued by the Animal Control Authority attached to the dog's collar.

(b) It is unlawful for an owner to have a vicious dog on the Reservation without a certificate of registration issued under this section.

(c) The Animal Control Authority shall issue a certificate of registration to the owner of such animal if the owner presents to the authority sufficient evidence of:

(1) A proper enclosure to confine a vicious dog and the posting of the premises with a clearly visible warning sign that there is a vicious dog on the property. In addition the owner shall conspicuously display a sign with a warning symbol that warns children of the presence of a vicious dog; and

(2) A surety bond issued by a surety insurer in a form acceptable to the Animal Control Authority in the sum of at least \$50,000.00 payable to any person injured by the vicious dog; or

(3) A policy of liability insurance such as home owners insurance in the amount of at least \$50,000.00 insuring the owner for any personal injuries inflicted by the vicious dog.

(Amended 11/19/87, Resolution 1987-647)

6-9-39 Limitation on Number of Dogs Allowed

No more than two dogs per residence is allowed in any residence located in the Tribal HUD Communities in the Omak, Nespelem, Keller and Inchelium districts. Any excess number of dogs found at any of these residences may be seized and destroyed by an Animal Control Authority.

6-9-40 Seizure of Dogs—Penalties for Running at Large

Any dog found running at large in violation of this Subchapter shall be subject to seizure by the Animal Control Authority. If ownership of the dog may be reasonably ascertained or is known upon a first violation the dog shall be returned to the owner along with a written warning citation. Upon a second violation a citation will be issued and the owner or keeper charged with an offense. The third violation shall upon conviction of the owner or keeper result in the destruction of the dog by the Animal Control Authority. Stray dogs will be destroyed by the Animal Control Authority. If any dog of fierce, dangerous or vicious propensities is found running at large and cannot be safely seized, such dog may be destroyed by the Animal Control Authority.

6-9-41 Confiscation and Right to Destroy

Any vicious dog shall be immediately confiscated and destroyed by the Animal Control Authority if:

(a) The dog is not validly registered under section 6-9-38(b); or

(b) The owner does not secure and maintain liability insurance coverage required under Sections 6-9-38(c)(2) or (3); or

(c) The dog is not maintained in the proper enclosure; or

(d) The dog is outside of the dwelling of the owner or outside of the proper enclosure and not under the physical restraint of a responsible person.

(Adopted 11/19/87, Resolution 1987-647)

OFFENSE AND PENALTY

6-9-70 Offense

It shall be unlawful and prohibited for any person to do any act the performing of which is prohibited under this Chapter or to fail to do any act the performance of which is required under this Chapter.

6-9-71 Enforcement Against Persons Subject to Tribal Criminal Jurisdiction

The procedures established for criminal offenses under this Code shall be utilized for violations of this Chapter committed by persons subject to Tribal criminal jurisdiction. In the event a defendant plead guilty or is found guilty of committing an offense the Court may impose all or any of the following penalties:

(a) A fine of not less than \$10.00 nor more than \$500.00;

(b) A jail term of not less than one (1) day nor more than six (6) months;

(May 2010 Version of Chapter 6-9)

(c) Forfeiture of any articles or animals seized by reason of illegal activities prohibited by this Chapter, under the procedures established in Chapter 2-3 of this Code.

Provided however, the owner of any dog that aggressively attacks and inflicts harm to any person whether the dog has previously been declared a vicious dog, shall be guilty of a Class A offense punishable in accordance with CTC 3-1-260. In addition, the dog shall be immediately confiscated by the Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(Amended 11/19/87, Resolution 1987-647)

6-9-72 Enforcement Against Persons Not Subject to Tribal Criminal Jurisdiction

The Colville Confederated Tribes may bring an action for a civil penalty against any person who is alleged to have engaged in an activity which is violative of this Chapter and who is not subject to Tribal criminal jurisdiction. The Colville Confederated Tribes may bring an action for forfeiture of any articles or animals seized by reasons of use in activities prohibited under this Chapter. Such penalty and forfeiture actions shall be brought under the procedures established in Chapter 2-3 of this Code. Any person violating the provisions of this Chapter shall be subject to exclusion from the Reservation under the applicable Chapter of this Code.

(Chapter 11.3 recodified as Chapter 6-9 10/1/97, Resolution 1997-536)
(Former Chapter 11.3 repealed and reenacted 6/28/82, Resolution 1982-359)