

# CHAPTER 18

## ANIMAL CONTROL AND REGULATION

### Article I: General Provisions

### Article II: Dogs

### Article III: Pit Bull Dogs, and Doberman Pinscher Dog

### Article IV: Kennel Registration

#### ARTICLE I: GENERAL PROVISIONS

#### SECTION 101:

**DEFINITIONS:** For the purpose of this Chapter, the following words and phrases mean:

- A. **Abandon** includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- B. **Animal** means any living creature, not a human being (Homo Sapien) including but not limited to mammals, reptiles (including amphibians, fowl or birds, and arachnids).
- C. **At-large** means to be off and/or away from the owner's property, outside of a fence, other enclosure or appropriate restraint which restrains the animal to a particular premise; or, not under the control of the owner or other authorized person capable of restraining and commanding the animals. Animals tethered to a stationary object within range of public thoroughfares are deemed to be "at large".
- D. **Banned** means to be physically removed and restricted from an area, Iowa Reservation by, owners or Law Enforcement until said date ordered by court.
- E. **Bite** means piercing of the skin, caused by any animal which is actually, or is suspected of being, contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.
- F. **Dangerous or Vicious Animal** Means an animal of a dangerous or vicious disposition means any dog or animal, except one assisting a law enforcement officer, including tribal police officer, in law enforcement duties which demonstrates the following type(s) of behavior: (a) An attack which requires a defensive action by any person to

prevent bodily injury or property damage when such person is conducting him or herself peacefully and lawfully; (b) An attack which results in property damage or injury to a person when such person is conducting him or herself peacefully and lawfully; (c ) An attack on another animal, livestock or poultry which occurs on property other than that of the owner of the attacking dog; (d) Where an opportunity exists, and behavior that constitutes a threat of bodily harm to a person when such person is conducting him or herself peacefully and lawfully.

- G. **Dog** means any animal of the species Canis Familiars, regardless of gender.
- H. **Harborer** means any person who shall allow any animal to habitually remain or lodge or to be fed within his or her home, store, and yard, enclosure of place of business or any other premises where she or he resides or controls.
- I. **Immediate Control** means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- J. **Kennel** means any establishments, commercial or otherwise maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than three animals.
- K. **Owner** means the person who owns and has charge of an animal, or his or her employee, agent or other competent person designated by the owner into whose charge an animal is placed.
- L. **Veterinarian** means a doctor of Veterinary Medicine appropriately licensed by competent authority.
- M. **Fines, Costs** are as set forth in Section 119 and/or enumerated in specific Sections.
- N. **Vaccination** means an injection of a vaccine, approved by the Health Center and Administered by competent authority for the purpose of immunizing an animal against rabies.
- O. **Pit Bull** means the Staffordshire Bull Terrier breed of dog; the American Pit Bull terrier breed of dog; The American Staffordshire Terrier breed of dog; and any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, or any combination of any of these breeds.

**SECTION 102:**

**ANIMAL CONTROL OFFICER: DUTY TO IMPOUND; CITATION; ALTERNATIVE**

- A. In the absence of a duly appointed Animal Control Officer, Law Enforcement Personnel, or other competent authority shall be charged with the enforcement of this chapter. Any person employed by the Tribe as an Animal Control Officer shall have the powers and authority as allowed by law in the enforcement of this chapter. All Animal Control Officers shall be subject to supervision and direction of the Tribal Council and/or Tribal Chief of Police.
- B. Except as provided in Subsection C, it shall be the duty of the Animal Control Officer to take up, impound and/or ban all dogs found upon the Iowa Reservation, which are in violation of the provisions of this Chapter.
- C. As an alternative to the provision of Subsection B of this Section, any Law Enforcement Officer or the Animal Control Officer may issue a citation to the owner, harbinger or keeper of a dog in violation of this chapter and the person receiving the citation shall appear in the Tribal Court to answer the charged violation of this chapter.

**SECTION 103: SAME:**

**CAPTURE: DESTRUCTION**

When deemed necessary by Law Enforcement Officer or the Animal Control Officer for the health, safety and welfare of the residents of the Iowa Reservation, such officers and/or their agents may:

- A. Place a humane trap on public property or a requesting resident's property for the purpose of capturing any animal as defined in this chapter as creating a nuisance.
- B. Use any tranquilizer guns, humane traps or other suitable devices to subdue and capture any dog that is deemed by the Animal Control Officer, in his or her discretion, to be a danger to itself or to the public health and safety.
- C. Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal or any animal creating a nuisance as defined, where such animal is impossible or impractical to catch and/or capture.

**SECTION 104: SAME:**  
**RIGHT OF ENTRY: UNLAWFUL INTERFERENCE**

- A. The Animal Control Officer or any Law Enforcement Officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any dog whose presence thereupon is a violation of this Chapter.
- B. It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

**SECTION 105:**  
**NOISY ANIMALS**

The keeping or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, meowing, hissing, or any other such intrusive noises shall disturb the peace of any neighborhood, is hereby prohibited. It shall be the duty of the person harboring or keeping such loud and noisy animal or animals to abate the condition, and, if he or she fails to do so, the Tribe may abate it by taking, impounding and/or banning the animal at the expense of the owner.

**SECTION 106:**  
**NUISANCE: PROHIBITED ANIMAL ACTIVITIES**

It shall be unlawful for the owner of any animal to keep or maintain such animal within the Iowa Reservation so as to constitute a nuisance. For the purposes of this section, nuisance is defined as:

- A. Any animal which molests or interferes with persons in the public right-of-way.
- B. Any animal, which attacks or injures persons or other domestic animals.
- C. Any animal, which damages public or private property other than that of its owner or harbored by its activities or with its excrement.

- D. Any animal which scatters refuse that is bagged or otherwise contained.
- E. Any animal, which causes any condition, which threatens or endangers the health or well being of persons or other animals.

If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

#### **SECTION 107:**

#### **DEATH OF ANIMALS**

All dead animals shall be disposed of by the owner or keepers thereof within 24 hours of the animal's death, by burial, in a location approved by the Tribal Council, by rendering or by other lawful means approved by the Tribal Council. No dead animal shall be dumped on any public or private property.

#### **SECTION 108:**

#### **VICIOUS ANIMALS**

- A. **Prohibited:** It shall be unlawful for any person to keep, possess, or harbor a vicious animal within the Iowa Reservation Boundaries. Impoundment and/or banning or euthanasia of animals whose owners have been cited for violation of this section shall be at the discretion of the Iowa Tribe. If the dog presents a clear and present danger to the public health or safety, it shall be the duty of the Animal Control Officer and/or Law Enforcement to impound and/or ban such dog.
- E. **Immediate Destruction:** Nothing in this Chapter shall be construed to prevent the Animal Control Officer or any Law Enforcement Office from taking whatever action is reasonably necessary to protect himself or her self or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.
- F. **Release of Animal:** If a complaint has been filed in the Tribal Court against the owner of an impounded animal for a charge under this Section, the animal shall not be released except on the order of the Tribal Court Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this Chapter. The Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal

banned or surrender of an animal by the owner thereof to the Animal Control Officer of Law Enforcement Officer does not relieve or render the owner immune from the decision of the Court nor to the fees and fines which may result from a violation of this section.

**SECTION 109:**

**RUNNING AT LARGE**

It shall be unlawful for any person to willfully allow any animal under his or her control to be or to run at large within the Iowa Reservation. Any animal found at large shall be impounded and/or banned.

**SECTION 110:**

**IMPOUNDMENT OF RABIES SUSPECTS**

- A.** Any Law Enforcement Officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched any person or other animal and impound the animal in the Tribal Pound, securely penned and separated from other animals, or in a Veterinary Hospital or Animal Care Facility for a period of not more than thirty (30) days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment cost shall be borne by the owner. If, in the opinion of the local health officer, symptoms develop justifying a microscopic examination, the animal shall be killed and examination made by the appropriate authority.
- B.** In lieu of the provisions of Subsection A, the owner of such dog may, at his or her own expense, take such dog to any duly qualified and licensed veterinarian for observation. Such veterinarian shall report his or her findings in writing to the local health officer. If, in the opinion of such veterinarian, a microscopic examination is justified, then the animal shall be turned over to the Animal Control Officer or any Law Enforcement Officer to be killed and examination made by appropriate authority.

- C. Any animal desired for observation by the local health officer under this section shall be delivered to the Animal Control Officer or any Law Enforcement Officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this Code. Upon refusal of any person to so deliver such animal, the Tribal Court Judge shall issue a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority of the apprehending and forcible taking of such dog.

#### **SECTION 111:**

#### **ANIMALS BITTEN BY RABID ANIMALS**

Whenever any animal is bitten by a rabid dog or animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health officer and/or Law Enforcement. It shall also be the duty of the owner of the bitten animal to either detain or have his or her bitten animal observed by veterinarian unless:

- A. The animal which was bitten had been vaccinated against rabies at least three (3) weeks before being bitten and has a current vaccination.
- B. If the bitten animal has a current vaccination, it shall be confined for thirty (30) days,
- C. The bitten animal shall be released from confinement only upon written order from the local health officer, who declares the animal to be free of rabies.
- D. If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

#### **ARTICLE II DOGS**

#### **SECTION 112:**

#### **REGISTRATION AND VACCINATION REQUIRED FEE**

- A. Every owner of any dog over three months of age shall annually register with the Tribal Clerk his or her name and address with the name, gender, and description of each dog owned and kept within the Iowa Reservation. It shall be unlawful for the owner of any

- newly acquired dog or any dog brought within the boundaries of the Iowa Reservation to fail to register such dog within thirty (30) days from acquisition or bringing the dog within the boundaries of the Iowa Reservation. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.
- B.** Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registrations shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six months of age to fail to maintain effective rabies immunization of such dog.
  - C.** The owner or harbinger of any dog shall, at the time of registering such dog, present to the Tribal Clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.
  - D.** The Tribal Clerk shall collect an annual registration fee of \$6.00 for each neutered male dog and for each spayed female dog, and shall collect an annual registration fee of \$12.00 for each un-neutered male dog and for each unspayed female dog.
  - E.** The registration year shall be from January 1<sup>st</sup> through December 31<sup>st</sup> of each year. The fee shall be payable before January 31<sup>st</sup> of each year without penalty.

Registration fees as enumerated above may be pro-rated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home within the boundaries of the Iowa Reservation during a calendar year. Every owner or harbinger of a dog or dogs who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee of \$2.00 per month for each month of late registration.

### **SECTION 113:**

#### **DOG TAGS**

It shall be the duty of the Tribal Clerk or designated representative, upon a showing of current rabies immunization and receipt of the registration fee herein before required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefore, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on

the dog so registered. When any tag has become lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. When so requested, the Tribal Clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag. It shall be unlawful for any person to take off or remove the Tribal Registration Tag from any dog belonging to another, or remove the strap or collar to which the same is attached.

**SECTION 114:**

**SAME: COUNTERFEIT TAG**

It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeit tag or imitation thereof

**SECTION 115:**

**EVIDENCE OF VACCINATION**

It shall be unlawful for the owner of any dog kept within the Iowa Reservation to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian or other competent authority evidencing the vaccination of such dog within two years, when requested by the Animal Control Officer or any Law Enforcement Officer.

**SECTION 116:**

**VISITING DOGS**

The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the Iowa Reservation for less than thirty (30) days. However, the owner shall keep such dogs under restraint thereof at all times.

**SECTION 117:**

**HUNTING DOGS**

Dogs actively involved in supervised seasonal or religious hunting activities will not be considered to be dogs at-large as long as they are accompanied by and under the control of the owner as defined by Article I, Section 101.

Dogs actively involved and participating in any field trials, exhibitions or similar activities as long as they are accompanied by and under the control of the owner as defined by Article I, Section 101, shall not be considered at-large.

**SECTION 118:**

**FINES FOR ENUMERATED VIOLATIONS**

**RUNNING AT LARGE (Section 104):**

- A. It shall be unlawful for the owner or harbored of any dog to permit such dog to run at large within the Iowa Reservation Boundaries at any time.
- B. Any dog running at large within the Iowa Reservation shall be impounded and/or banned. The owner of any dog impounded for running at large with, a tag shall, for the first offense, pay a fine of \$25.00 plus the boarding bill; subsequent offenses shall be subject to a fine up to \$150.00, plus costs of boarding and impoundment
- C. For the first offense of a dog running at large without a tag as required, the owner or harbored claiming such dog, shall, in addition to presenting a registration receipt, pay the cost of the boarding bill and \$50.00 fine.

For a second offense within a one-year period, the owner or harbored shall pay a fine of \$75.00 plus the board bill, For a third and all subsequent offenses within a one-year period, the owner or harbored shall pay a fine up to \$150.00 plus the cost of the board bill.

## **OTHER VIOLATIONS**

SECTION 105, Noisy Animals; SECTION 106, Nuisance Animals; SECTION 107, Dead Animals; SECTION 114, Counterfeit Tags; SECTION 117, Vaccinations; SECTION 121, Confinement of Dogs in Heat; and SECTION 122, Muzzling.

The fine shall be not less than \$30.00 and not more than \$150.00 per occurrence, plus court costs and restitution where applicable, to the victims or to the Tribe.

SECTION 108, Vicious dogs; The fine shall be not less than \$50.00 and not more than \$250.00, plus court costs and restitution where applicable, to any victim or to the Tribe.

All other Sections of this Chapter, not specifically referred to herein, shall be fined not less than \$50.00, nor more than \$300.00 plus court costs and any other costs associated therewith.

### **SECTION 119:**

#### **IMPOUNDMENT: RECORD, NOTICE, REDEMPTION, MINIMUM FEE**

- A. Any dog found in violation of the provisions of this article shall be subject to impoundment by the Iowa Tribe.
- B. A record of all dogs impounded and/or banned shall be kept by the Tribe containing the following information; color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment and/or banning.
- C. If the dog impounded has a current registration tag attached to its collar or if the impounding officer knows the identity of the dog's owner, the owner of such dog, as shown by the records of the Tribal Clerk shall be notified in writing as soon as possible or at least 24 hours before such dog is disposed of by banning or sale. If, at the end of 5 days, the Tribal Clerk has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold or banned permanently.

- D.** If the dog impounded has no current registration tag and the identity of the dog's owner is unknown to the Animal Control Officer or the impounding Law Enforcement Officer, then such impounding officer shall, upon taking any such dog into custody and impounding same, make a record thereof, with a description of the dog and the date and place taken into custody and the place of impounding, and shall thereupon immediately post public notice stating that the dog, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees dues and unpaid, are paid within three business days from the date of the notice, that the dog will be disposed of as provided in this Code. If within three full business days the owner does not appear to claim the dog, then the dog may be sold or banned permanently.
- E.** If at any time before the sale or banning of any dog impounded under the provisions of this Article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual cost of impoundment, and upon compliance with the registration provision of this Article. The Subsection shall not apply to any dog alleged as being vicious or suspected of rabies.
- F.** The minimum impoundment fee shall be \$5.00 per day.
- G.** Any dog impounded may not be released without a current rabies vaccination.
- H.** Impoundments hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this Article for violation of any of the provision thereof, nor shall impoundment be a defense in any prosecution commenced hereunder.

As a last resort, after reasonable efforts to otherwise comply with this Section have been found to have been made by the Tribal Court, the Animal Control Officer may euthanize or otherwise humanely dispose of said animal. Costs of this action shall be taxed to the owner, if the owner is or has been located.

#### **SECTION 120:**

#### **DISPOSITION OF UNCLAIMED DOGS**

If any dog is not redeemed by its owner or harbored within the time allowed for redemption as specified, the Animal Control Officer, any authorized Law Enforcement Officer, any Authorized Veterinarian or any Duly authorized Pound Personnel may ban such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year or put the dog up for adoption at no cost, or , as a last resort, euthanize or otherwise humanely dispose of said animal.

**SECTION 121:**

**CONFINEMENT OF DOGS IN HEAT**

Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or dog may gain voluntary access to the confined dog except for purposes of planned breeding. Any dog that is in the state of estrus (heat) and that is not properly confined, or any such dog that is creating a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. The owner shall pay all expenses incurred as a result of the confinement. The owner of dogs removed to the shelter shall be charged at the rate established from time to time by the shelter for routine confinement.

**SECTION 122:**

**MUZZLING**

Whenever the Tribal Chairman or Tribal Judge shall deem it necessary for the protection and welfare of the inhabitants of the Tribe, he or she shall issue an order requiring all dogs kept within the Iowa Reservation be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in a public place for such period of time as the Chairman may deem necessary.

**ARTICLE III**

**SECTION 123:**

**PIT BULL DOGS, DOBERMAN PINSCHER DOGS**

It shall be unlawful to keep, harbor, own or in any way possess within the Reservation: Any Pit Bull or Doberman Pinscher dogs: provided that such dogs are registered with the Tribe within ten (10) days of publication of this Code may be kept within the Iowa Reservation subject to the standards set forth in the provisions of this code.

**SECTION 124:**

**SIGNS**

All owners, keepers or harborers of Pit Bulls and Doberman Pinscher dogs within the Iowa Reservation shall, within 10 days of the effective date of this Code, display in a prominent place on their premise a sign easily readable by the public using the words "BEWARE OF DOG". In addition a similar sign is required to be posted on the kennel or pen of such dog.

**SECTION 125:**

**REPORTING REQUIREMENTS**

All owners, keepers, or harborers of Pit Bulls or Doberman Pinscher dogs must, within 10 days of an incident, report the following information in writing to the Tribal Clerk as required hereinafter:

- A. The removal from the Reservation, or the death, of such dog.
- B. The birth of offspring of such dog
- C. The new address of such dog's owner should the owner move within the Iowa Reservation.

**SECTION 126:**

**IRREBUTTABLE PRESUMPTIONS**

There shall be an irrefutable presumption that any dog registered on the Iowa Reservation as a Pit Bull or Doberman Pinscher dog is, in fact, a dog subject to the requirements of this code.

**SECTION 127:**

**FAILURE TO COMPLY**

It shall be unlawful for the owners, keepers or harborers of a Pit Bull or Doberman Pinscher dogs registered within the Iowa Reservation to fail to comply with the requirements and conditions set forth in this Code. Any dog found to be the subject of a violation of this Code shall be subject to immediate seizure and impoundment and/or banning or other

authorized means of humane disposition which may include euthanasia. In addition, failure to comply will result in the revocation of the license of such dog resulting in the immediate removal and/or banning of the dog from the Iowa Reservation. In addition to seizure, impoundment/banning, or humane disposal, a fine of not less than \$50.00 nor more than \$250.00 shall be imposed, plus court cost, and the costs of removal, euthanasia, impoundment, and/or banning of the Pit Bull or Doberman Pinscher.

#### **SECTION 128:**

#### **THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978**

Nothing herein shall violate the intent of PL 95-341;42 USC 1996, et seq., also known as The American Indian Religious Freedom Act of 1978.

#### **ARTICLE IV KENNEL LICENSE**

#### **SECTION 129**

#### **KENNEL LICENSE AND FEE**

Kennel license: \$50.00 yearly

Kennel definition as shown in Article I (General Provisions), Section IOI (J) (Definitions).

Kennel means any establishments, commercial or otherwise maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than three animals.

All dogs that are kept, reared, boarded or harbored in said kennel are required to be registered, vaccinated and fall under all requirements of Chapter 18. Exception: dogs covered under the Kennel License will be exempt from Section 112 (D).