

ANIMAL CONTROL ORDINANCE

The following is an excerpt from Ordinance No. CTO-98-03 (the Cocopah Indian Tribe's Animal Control Ordinance):

ARTICLE 1 – Declaration of Need

It is hereby declared:

1. That there exists within the area of jurisdiction of this Council an animal control condition that is unsanitary, unsafe and injurious to the population at large.
2. That these conditions cause an increase in and spread of disease and damage and constitute a menace to health, safety and welfare; and that these conditions necessitate the creation of a body to control the conditions.
3. That the control of animals cannot be relieved through the operation of private enterprise.
4. That the providing of decent, safe and sanitary animal control conditions are for the public use and purposes for which money may be spent and private property acquired and are governmental function of concern to this council.
5. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as matter of legislative determination.

ARTICLE 2 – Purposes

The Animal Control Ordinance shall be organized and operated by the Cocopah Indian Housing and Development for the purposes of:

1. Remedying the unsafe and unsanitary animal control conditions that are injurious to the public health, safety and welfare.
2. Alleviating the danger, disease and damage caused by uncontrolled animals to the public.

ARTICLE 3 – Definitions

The following words and phrases, for the purposes of this chapter, shall have the meanings respectively ascribed to them:

Animal: All mammals, fowl and reptiles, with the exception of man.

At Large: An animal on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner, or in a suitable enclosure.

Tribal Enforcement Agent: Persons designated by the Tribe who are responsible for the enforcement of the provisions of this chapter.

Collar: A band, chain, harness or suitable device worn around the neck of an animal.

Dog: A member of the canis familiaris family or hybrid thereof.

Owner: Any person owning, keeping, possessing, harboring or maintaining an animal.

Pound: Any establishment authorized by the tribal agent for the confinement, maintenance, safekeeping and control of animals that come into the custody of the tribal enforcement agent in the performances of his official duties.

Vaccination: An anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

Veterinarian: Any veterinarian licensed to practice on the reservation, in the state or employed by a governmental agency.

Veterinary Hospital: Any establishment operated by a veterinarian that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennel for quarantine, observation or boarding.

Wild Animals: Animals *fernae naturae*.

Premises: The lot or parcel of ground upon which the pen, stable, yard, cage or other enclosure is located.

ARTICLE 4 – Preemption

Nothing in this ordinance is to be construed as to preempt any regulations set forth in Chapter 25 of the Code of Federal Regulations.

ARTICLE 5 – Dogs at Large

No person owning, keeping, possessing, harboring or maintaining a dog shall allow said dog to be at large. A dog is not deemed to be at large:

1. If said dog is restrained by a leash, chain, rope or cord of sufficient strength to control the action of said dog, or if confined in suitable enclosure.
2. While said dog is being used for hunting purposes.
3. While said dog is actively engaged in livestock control.

ARTICLE 6 – Dangerous Animals

It shall be unlawful for the owner of any animal of dangerous, vicious or fierce propensities to allow it to run at large on the premises of the owner unless a sign is posted in a conspicuous place at the entrance to said premises advising the public of the nature of the dog maintained therein.

ARTICLE 7 – Dangerous Animals - Destruction

If any dangerous, vicious or fierce animal cannot, in the discretion of a police officer, be safely taken up and impounded, such animal may be immediately slain, and further provided, that any police officer may, at his discretion, for any humane reason, immediately kill any animal found at large within the reservation that is in violation of this ordinance. For purposes of this section only, “at large” shall mean off the premises of the owner, or not under the control of the owner or a member of his immediate family, either by leash, cord or chain.

ARTICLE 8 – Injuring Animals

It shall be the duty of any person who accidentally or otherwise strikes an animal with an automobile and injures the same to [not] leave the scene without reporting the incident to the animal control agent.

ARTICLE 9 – Rescue from Vehicles

A police officer or Humane officer who finds an animal under conditions hazardous to the animal's health in a motor vehicle in violation of this ordinance, may break and enter the motor vehicle if necessary to remove the animal.

ARTICLE 10 – Notice of Removal

The officer removing an animal from hazardous conditions in a vehicle shall take the animal to an animal shelter or other place of safekeeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof.

ARTICLE 11 – Time Limit for Claim

The animal removed from hazardous condition in a vehicle will be surrendered to the owner if the owner claims the animal within ten (10) days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued from the maintenance of the animal.

ARTICLE 12 – Attempt to Contact Owner

If the owner fails to claim the animal within five (5) days after its removal from a motor vehicle, the person or animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges.

ARTICLE 13 – Disposition of Animal

In the event the owner of an animal removed from a motor vehicle cannot be contacted, or expresses no interest in reclaiming the animal within five (5) days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.

ARTICLE 14 – Enforcement Alternatives

The enforcement agent may apprehend and impound any dog running at large contrary to the provisions of this ordinance, or he may, in lieu of impoundment, give a warning to the owner or person possessing the animal.

ARTICLE 15 – Rabies Vaccination

All owners of animals on the reservation shall have said animals vaccinated as prescribed by a veterinarian and shall keep records of such vaccinations for inspection by an officer or agent as necessary under this ordinance.

ARTICLE 16 – Disturbance and Sanitation

No person shall keep or maintain any animal on the reservation in such a manner as to disturb the peace, comfort or health of any person residing within the reservation. The maintaining or keeping of all animals within the reservation shall be allowed in a sanitary manner and only so long as they do not cause, create or contribute to or become a health nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material, or for any other like reason.

ARTICLE 17 – Reptiles or Wild Animals

No person shall keep or maintain any poisonous reptiles or dangerous, carnivorous, wild animals without first having registered such animals or reptiles with the chief of police, who may prescribe regulations to insure the safe penning or caging of such animals or reptiles.

ARTICLE 18 – Impoundment

It shall be the duty of the enforcement agent to apprehend and impound any dog found running at large within the reservation.

ARTICLE 19 – Notice

1. Upon the impounding of an animal whose owner is known, the owner shall be immediately notified in person, by mail or telephone and he may reclaim such animal upon payment of all costs and charges incurred in the impounding and maintaining of the animal.
2. If the owner of the animal is unknown or unavailable and, in the discretion of the enforcement agent said animal should not be immediately destroyed, written notice shall be posted for three (3) days in two (2) conspicuous places on the reservation, generally describing the animal and place of taking.

ARTICLE 20 – When Destruction Authorized

Any impounded animal impounded under the provisions of this ordinance which:

1. Is apparently suffering from serious injuries;
2. Is in great pain or probably would not recover; or
3. Has evidence of any infectious disease which is a danger to other animals or to humans

may be destroyed by the enforcement agent or police officer of the reservation in as humane a manner as possible after reasonable efforts to notify the owner have failed.

ARTICLE 21 – Known Owners

Any impounded animal may be reclaimed provided that a person reclaiming the animal furnishes proof of right to do so and pays all established pound fees. If the animal is not reclaimed within six (6) days, the enforcement agent shall take possession and may place the animal for adoption or may dispose of or destroy the animal in a humane manner.

ARTICLE 22 – Unknown Owners

An animal whose owner is unknown shall be kept and maintained at the pound for a minimum of three (3) days unless a person claiming ownership furnishes proof of rights to the animal and pays all pound fees.

ARTICLE 23 – Adoption

At the expiration of the impoundment period, any person may claim an impounded animal provided such person pays all established pound fees and complies with all other provisions of this ordinance.

ARTICLE 24 – Assessment of Costs

Impoundment costs for animals picked up on the reservation shall include an assessment for each time said animal is impounded and an assessment for board each day the animal is cared for and fed while impounded. Said fees for impoundment and board shall be set by the enforcement agency, approved by its council members, and posted at the office of the enforcement agency.

ARTICLE 25 – Destruction if Not Claimed

If no person claims an animal impounded under the provision of this ordinance, the enforcement agency may dispose of or destroy the animal in a humane manner.

ARTICLE 26 – Vaccination of Impounded Animals

If a dog or cat is impounded and found to be unvaccinated, the enforcement agent is authorized to cause such dog or cat to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian who shall issue a certificate of vaccination.

ARTICLE 27 – Confinement of Biting Animals

A properly vaccinated dog that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

ARTICLE 28 – Confinement of Biting Animals - Unvaccinated

An unvaccinated dog that bites any person shall be confined and quarantined in a pound, or upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days.

ARTICLE 29 – Confinement of Other Animals

Any animal other than a dog or wild animal that bites any person shall be confined and quarantined in a pound, or upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days.

ARTICLE 30 – Caged Rodents

If the biting animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

ARTICLE 31 – Destruction of Wild Animals

Any wild animal which bites any person may be killed and submitted to the enforcement agency for transmission to an appropriate diagnostic laboratory.

ARTICLE 32 – Report of Bites

Whenever an animal bites any person, the incident shall be reported to the enforcement agency immediately by any person having direct knowledge.

CRUELTY TO ANIMALS -
SECTION 130, COCOPAH LAW & ORDER CRIMINAL CODE

Section 130 of the Cocopah Law & Order Criminal Code, authorized by the Cocopah Tribal Council January 2005, includes the following definitions and penalties for cruelty to animals:

- A. A person is guilty of an offense who:
 - 1. Recklessly or maliciously inflicts injury, pain, suffering, or death upon any domesticated animal; or
 - 2. Recklessly or maliciously subjects any domesticated animal to cruel mistreatment, neglect, deprivation of food, or water, or abandons any domesticated animal.
- B. For the purposes of this Section, a domesticated animal shall be deemed the personal property of the owner;
- C. A person found guilty of this Section may be sentenced to imprisonment for a period not to exceed one (1) month or pay a fine not to exceed One Hundred Dollars (\$100.00), or both.
- D. In addition, the court may require restitution to the victim in an amount determined adequate, fair and just, not to exceed Five Hundred Dollars (\$500.00), together with all applicable costs and fees.