

**OCTOBER, 2007, CROW TRIBAL LEGISLATURE**

**BILL NO. CLB07-17**

**INTRODUCED BY CARL E. VENNE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED:**

**DOG CONTROL ORDINANCE**

**WHEREAS**, the current administration by and through the office of Homeland Security recognizes the need to control dogs within the exterior boundaries of the Crow Indian Reservation, and has requested that a law in the form of an Ordinance be drafted and presented to the Legislative Branch for due consideration and enactment;

**WHEREAS**, the current law pertaining to dogs is Resolution No. 81-22 dated April 11, 1981, and it was drafted and enacted during a time when the Apsáalooke (Crow) Tribe had a different form of government and while it was appropriate for its time, it is now outdated as it does not deal with dogs within the exterior boundaries in a comprehensive manner or fashion; and,

**WHEREAS**, there exists a need to protect the health, safety and welfare of all reservation residents, and this will be done through the licensing and regulation and control of dogs as set forth in the attached Dog Control Ordinance.

**NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL  
LEGISLATURE:**

**Section 1. ADOPTION.** That the attached "Dog Control Ordinance" which is incorporated by reference and made a part of this Bill No. CLB07-17 be and is hereby approved and adopted, and it shall be made a part of the Crow Tribal Code.

**Section 2. EFFECTIVE DATE.** This Dog Control Ordinance shall be law and be made effective one (1) year from passage, approval and adoption by the Legislative Branch or Body and approval by the Crow Tribal Chairman; and the above-referred to Resolution No. 81-22, dated April 11, 1981, shall remain in effect until from the effective date.

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**A BILL FOR AN ACT ENTITLED: "DOG CONTROL ORDINANCE"  
OCTOBER 2007 SESSION**

**Page 1**

**CERTIFICATION**

I hereby certify that the above-referred to "Dog Control Ordinance" was duly enacted by the Crow Tribal Legislature with a vote of 10 in favor, 0 opposed, And 4 abstaining in a duly called and held legislative session with a quorum being present on this 17<sup>th</sup> day of **October, 2007**.

  
Speaker of the House  
Crow Tribal Legislature  
~Servant of the Apsáalooke Nation~

ATTEST:

  
Secretary

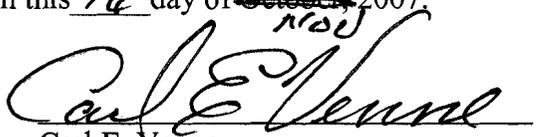


**EXECUTIVE ACTION**

I hereby:

  ✓   approve or  
       veto.

The "Dog Control Ordinance" pursuant to the authority vested in me, Chairman of the Apsáalooke (Crow) Tribe pursuant to Article V, Section 8 of the Constitution and Bylaws of the Apsáalooke (Crow) Tribe on this 16 day of ~~October~~ <sup>17<sup>th</sup></sup> 2007.

  
Carl E. Venne,  
Chairman of the Crow Tribe of Indians

# Dog Control Ordinance

Bill or Resolution Number CL07-17 Introduced by Executive Date of Vote 10/17/2007  
Branch

Representative:	Yes	No	Abstained
L. Plain Bull	✓		
O. Costa	✓		
V. Crooked Arm			
M. Not Afraid			
R. Iron			
B. House	✓		
E. Fighter	✓		
L. Costa	✓		
L. Hogan			✓
S. Fitzpatrick			✓
K. Real Bird			
M. Covers Up			✓
L. Not Afraid	✓		
B. Shane	✓		
J. Stone	✓		
D. Wilson	✓		
R. Old Crow <i>Secretary of the House</i>			✓
D. Goes Ahead <i>Speaker of the House</i>	✓		
Totals:	<u>10</u>	<u>0</u>	<u>4</u>

Result of Vote:

Passed
  Not Passed
  Tabled
  Veto Override

Signature Officer: Carlson James Carlson Date: 10-17-07

## **DOG CONTROL ORDINANCE**

### **SECTION 1. Title.**

This Ordinance shall be known as the Apsaalooke Dog Control Ordinance of 2007 and may be cited as such.

### **SECTION 2. Purpose.**

Pursuant to the authority set forth in the Constitution and Bylaws of the Crow Tribe of Indians, enacted on July 14, 2001, the Legislative Branch adopts this ordinance in order to protect the health, safety and welfare of all residents of the Crow Indian Reservation whether non-members or tribal members through a dog licensing program and through the regulation and control of dogs.

### **SECTION 3. Definitions.**

- (1) "Adoption agency" means any government, association, corporation or similar entity approved by the dog control director and capable of caring for dogs pending final adoption placement.
- (2) "Animal" means any nonhuman vertebrate.
- (3) "Bites" means that a dog's teeth or jaws cause a wound or break in the skin.
- (4) "Dangerous dog" means a dog that:
  - a. Without provocation and in an aggressive manner inflicts serious physical injury on a person or kills a person;
  - b. Acts as a potentially dangerous dog after having previously committed an act as a potentially dangerous dog that resulted in the keeper being found to have violated Section 5(8) of this Ordinance; or
  - c. Is used as a weapon in the commission of a crime.
- (5) "Dog" means any member of the canine family whether pure bred, mixed breed or hybrid owned or kept domestically within the Crow Indian Reservation.
- (6) "Dog control manager" means the "Director of Homeland Security" or his or her designee.

- (7) "Dog control fund" means that separate fund created pursuant to the Apsaalooke (Crow) Tribe budgetary process, and other fees generated pursuant to this program and placed within this fund.
- (8) "Dog control director" means the supervisor of the dog control division under the Director of Homeland Security.
- (9) "Dog control officer" means primarily the "Dog Control Director"; however, it also means Fish and Game Wardens, and Tribal and BIA Police Officers who may be carrying out the functions and duties of a dog control officer.
- (10). "Dog running at large" means a dog off or outside the premises of a keeper's property and not under the immediate control, restraint or command of a keeper.
- (11) "Keeper" means any person who owns, possesses, controls, has custody of or is responsible for the care of a dog. A dog may have multiple keepers and all keepers are jointly and severally responsible under this Ordinance.
- (12) "Menaces" or "menacing" means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.
- (13) "Domestic animal" means any animal that is owned or possessed by a person.
- (14) "Physical injury" means impairment of physical condition or substantial pain.
- (15) "Potentially dangerous dog" means a dog that:
  - a. Without provocation and while not on premises from which the keeper may lawfully exclude others, menaces a person;
  - b. Without provocation, inflicts physical injury on a person that is less severe than a serious physical injury; or
  - c. Without provocation and while not on premises from which the keeper may lawfully exclude others, inflicts physical injury on or kills a domestic animal.
- (16) "Provocation" means assaulting a dog or its keeper or trespassing upon premises belonging to the dog's keeper.

- (17) "Quarantine" means strict confinement and isolation for a period of time.
- (18) "Residential or housing area" means those areas in the towns of Wyola, Lodge Grass, Crow Agency, St. Xavier and Pryor where people live or reside including the cluster sites commonly referred to as Wyola Cluster Site, north of Wyola, Johnny Wilson Acres, a top the hill and north and west of Lodge Grass, Curley Subdivision. north of Crow Agency, and Apsaalooke Heights, west of Crow Agency and the Pryor Cluster Site. Pryor.
- (19) "Secure enclosure" means a fully fenced pen, kennel or structure; or a house, garage or similarly enclosed structure. Secure enclosures may include the following characteristics; locked entrance, height requirements, secure and covered top, secure bottoms or sides that are embedded into the ground.
- (20) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.
- (21) "Trespass" means to enter the property of another without privilege or consent.

**SECTION 4. Authority o[f] dog control officers.**

Dog control officers have the following powers and duties:

- (1) To enforce all of the provisions of this Ordinance and other ordinances relating to licensing, impoundment and control of dogs;
- (2) To enforce other provisions within tribal law relating to the licensing, impoundment and control of dogs;
- (3) To impound and safely keep any dog that is apparently abandoned, or as required by the health department of the Apsaalooke (Crow) Tribe.
- (4) To investigate reports of civil infractions, including but not limited to, dogs that have acted in a manner described in Section 5 of this Ordinance.
- (5) To issue notices of civil infraction for violations of this Ordinance and to appear as witnesses in administrative hearings and other proceedings related to civil infractions.

**SECTION 5. Failure to prevent nuisance action of dogs prohibited.**

The keeper of a dog commits a civil infraction if the keeper's dog commits any act listed below:

- (1) Runs at large.
- (2) The keeper's dog or dogs, either individually or in concert, create a disturbing dog noise. "Disturbing dog noise" means either of the following:
  - a. Barking, whining, howling or similar sounds that occur for more than fifteen minutes on at least three different days within a ten day period and that have a tendency to disturb a reasonable person off the keeper's property; or
  - b. Barking, whining, howling or similar sounds that occur for more than five minutes during at least three different night periods within ten consecutive days and that have a tendency to disturb a reasonable person off the keeper's property.
  - c. For the purposes of Section 5(2) of this Ordinance, the term night period means the time between the hours of 10 p.m. and 7 a.m. the following day.
- (3) Scatters garbage while off the keeper's property.
- (4) Damages or destroys property of a person other than the keeper while off the keeper's property.
- (5) Trespasses onto private property of persons other than the keeper of the dog.
- (6) Chases vehicles on a roadway open to the public.
- (7) Is a female in heat (estrus) and is accessible to male dogs not kept by the keeper or the female, except when breeding is intended.
- (8) Is a potentially dangerous dog, but is not a dangerous dog.
- (9) Is a dangerous dog.

**SECTION 6. Dog licensing required.**

(1) Any keeper of a dog on the Crow Indian Reservation shall obtain a license for the dog within thirty days after the dog has a set of permanent canine teeth or is six months old whichever comes first. Any keeper moving to the Crow Indian Reservation shall purchase a dog license within 30 days after becoming a resident of the Crow Indian Reservation. Any dog keeper acquiring a dog subject to licensing shall obtain a license within 30 days of acquiring the dog.

(2) Every person applying for a Crow Tribal dog license is required to provide a valid rabies certificate and a spayed/neutered certificate (if applicable) at the time of application. No dog license will be issued without a valid rabies certificate that indicates that the effective date of the vaccine given to the dog is within two months of the term of the dog license being issued.

(3) A dog license shall not be issued for more than three years.

(4) The Director of Homeland Security shall periodically establish license fees for fertile and neutered/spayed dogs, multiple-year license fees for dogs that are considered kennel inventory, replacement license fees and administrative fees. The Director of Homeland Security shall establish effective dates for dog license fees.

(5) Notwithstanding other provisions of this Ordinance, no license fee is required to be paid for any dog that is:

- a. kept by a blind person who uses the dog as a guide, or
- b. used as an assistance animal.

This fee exemption does not remove the requirement that the dogs described in this subsection be licensed and inoculated against rabies.

(7) The Director of Homeland Security shall establish an administrative fee that will be charged to those keepers who do not obtain a dog license in a timely manner. If a keeper fails to obtain a dog license in a timely manner as required in subsection (1) of this section, an administrative fee shall be charged at the time the license is obtained. The administrative fee is intended to cover the department's cost of obtaining license compliance.

(8) A person commits a civil infraction if that person fails to obtain a dog license as required within this section.

(9) Upon the issuance of a license, the dog control division shall issue the licensee a suitable identification tag with the name Crow Tribal Dog License and an identifying number. The license tag shall be worn by the dog at all times when the dog is not on the premises of the keeper. If a Crow Tribal Dog License is lost, a replacement tag must be purchased from the dog control division after payment of a replacement fee as established by the Director of Homeland Security.

(10) All funds derived from fees established pursuant to this section shall be deposited into the Dog Control Fund and shall be expended as provided by law.

**SECTION 7. Removal from Crow Indian Reservation prohibited.**

A person commits a civil infraction if that person knowingly removes or causes the removal of a dog from the Crow Indian Reservation for which the keeper has a pending citation or a notice of civil infraction for violation of Section 5 of this Ordinance.

**SECTION 8. Impoundment of Dogs.**

(1) The dog control manager, dog control officer, fish and game warden or peace officer may impound a dog upon a reasonable belief that the dog is the subject of a violation of this Ordinance by immediately delivering such dog to an appropriate kennel facility as designated by the dog control manager.

(2) A person who has apprehended a dog that has performed an act enumerated in Section 5 of this Ordinance while off the keeper's premises may hold the dog for delivery to a peace officer, dog control manager or officer or fish and game warden.

(3) Except as provided in Section 12, the dog control manager shall determine whether a dog should be impounded pending the conclusion of the administrative process in order to preserve the public health, safety or welfare, or to ensure that dog can be located at the conclusion of the hearing process. If the dog control manager determines that continued impoundment is necessary, the keeper of the dog shall be notified immediately in writing and the hearing shall be scheduled in an expedited fashion.

(4) Any impounded dog, which by reason of injury, disease or other cause, is suffering extreme pain or is dangerous to keep impounded, may be promptly and humanely euthanized. The dog control manager may request a veterinarian to certify this fact in writing before the euthanization takes place.

(5) The dog control division shall, upon request of a law enforcement agency operating within the Crow Indian Reservation, accept and take into custody and control at a kennel facility as designated by the dog control manager, any dog in the possession or under the control of any person taken into custody by the law enforcement agency. The dog control division shall retain a dog for the applicable period of time as set forth in Section 10 below and unless redeemed, the dog shall be deemed abandoned, and become the property of the Dog Control Division. Upon acceptance of a dog from a law enforce-

ment agency, the dog control division shall provide the officer a receipt for the dog and notice of timeliness and potential abandonment of the dog if not redeemed. In the event the dog is redeemed, it shall be released only upon payment of the fees required for redemption as provided in Section 11.

**SECTION 9. Impoundment and disposal.**

(1) The dog control division shall keep any dog impounded or delivered to the dog control division for the period of time hereinafter specified, and shall dispose of dogs in accordance with the provisions set forth in Section 8 through 11 of this Ordinance.

(2) Unless claimed by its keeper, a dog shall be impounded for at least three days if the dog is without a license or identifying tag or device, and for at least five days if it has a license or identifying tag or device. A reasonable effort shall be made to notify the keeper of a dog before the dog is removed from impoundment. The dog control division shall cause a notice to be sent by United States mail to the last known address of the licensee of the dog. The notice shall advise the person that the dog has been impounded, the place where the dog is kept, the procedure required for redemption and the time deadline for redemption. If the dog is unclaimed after this time, it may be released for adoption subject to Section 10 of this Ordinance, or may be subject to disposal in a manner that the dog control manager deems humane.

(3) Any dog impounded by a court hearings officer or dog control director's order shall be released to the dog's keeper upon payment of all fees and charges in Section 11 of this Ordinance and upon receipt of written order of released from the impounding authority.

**SECTION 10. Adoption of dogs.**

(1) A dog may be released for adoption or transferred to another adoption agency, approved by the dog control manager, subject to the following conditions:

a. The adoptive owner shall agree in writing to furnish proper care for the animal.

b. The adoptive owner shall pay any required adoption fee; however, animals transferred to another adoption agency are exempt from this requirement of paying the adoption fee.

(2) The dog control manager may decline to release a dog for adoption under any circumstance including but not limited to:

(a) The prospective adoptive owner has a history of violations of this Ordinance or has been convicted of an animal related crime;

(b) The prospective adoptive owner has inadequate or inappropriate facilities for confining or caring for the dog;

(c) The existence of other circumstances that would endanger the dog or that would threaten the health, safety and welfare of persons residing on the Crow Indian Reservation.

(3) The Director of Homeland Security shall establish an adoption fee that shall be charged to persons adopting a dog pursuant to this Ordinance.

**SECTION 11. Redemption of impounded dogs.**

Prior to release of a dog, the keeper shall pay the following:

- (1) Impound fee;
- (2) Daily board fee;
- (3) License fee, if unlicensed and the dog keeper is able to procure the required proof of rabies inoculation at the time of redemption;
- (4) Rabies deposit fee, if the keeper is unable to produce proof of rabies inoculation, in an amount equal to an altered dog license fee. If the dog keeper fails to provide proof of rabies inoculation within ten days, the rabies deposit fee shall be forfeited to the Apsaalooke (Crow) Tribe, and a citation will be issued for failure to license a dog.
- (5) Any unpaid civil penalty, fee or cost previously imposed against the dog keeper pursuant to this Ordinance; and,
- (6) Cost of veterinary or medical care, if any.

**SECTION 12. Quarantine required when dog bites.**

All dogs alleged to have bitten a person shall be quarantined as follows:

(1) If the keeper whose dog has been alleged or proven to have bitten a person can produce a valid dog license or veterinarian's rabies vaccination certificate that proves immunity for the time of the alleged bite and the dog does not exhibit aberrant behavior, the dog may, under the supervision and with the approval of the Director of Homeland Security and the Tribal Health Department, be quarantined at the keeper's residence for a period of ten days. Such quarantine shall guarantee that the dog shall be securely confined and kept from contact with any other animal or human, except persons authorized by the Director of Homeland Security and the Tribal Health Department as they deem necessary for the protection of the public health, safety and welfare.

(2) If the dog alleged to have bitten a person:

- a. does not have proof of current rabies vaccination or current license by the Tribe or other jurisdiction;

- b. has bitten the person above the shoulders or caused serious physical injury;
- c. has no known keeper; or
- d. exhibits aberrant behavior;

it shall be quarantined at a kennel facility designated by the dog control manager for ten days at the expense of the keeper of the dog. At the end of the quarantine period the dog shall be vaccinated for rabies and licensed at the keeper's expense prior to its release or return to said keeper. If the dog is not redeemed by the keeper at the end of the quarantine period, it may be released for adoption subject to Section 10 of this Ordinance or may be subject to disposal in a manner that the dog control manager deems humane.

- (3) If a dog is quarantined at the keeper's residence, Tribal Health Department or the Tribal Dog Control Division may make spot checks to insure proper quarantine procedures are being administered. If the dog's keeper fails to provide access to the dog, it may be seized for confinement in a kennel facility designated by the dog control manager.
- (4) If any dog alleged to have bitten a person, dies within ten days after biting such person, the dog shall be immediately delivered or made available to the tribal health department staff or other designated agents by the keeper so that the remains of the dog may be delivered to a laboratory for analysis. When an analysis is performed the owner of such dog shall be liable for the cost of such laboratory testing.
- (5) Upon properly showing of probable cause and obtaining a court order by the Tribe, any dog suspected of being a carrier of the rabies virus shall be taken from the owner for quarantine and if necessary euthanized and submitted for laboratory analysis.
- (6) Nothing in this Ordinance shall limit the authority of the Apsaalooke (Crow) Tribe to take action with regard to rabies control.

**SECTION 13. Notices required when dog bites.**

- (1) When a dog bites a human being, the keeper of the dog shall immediately notify the tribal health department of such bite and shall provide the name and address of the person bitten, if known, and shall abide by the quarantine instructions given by the tribal health department.
- (2) Any person who is bitten by a dog shall promptly notify the tribal health Department of such bite and shall provide a description of the dog and name and address of the keeper, if possible.

- (3) When a doctor, veterinarian or hospital has information that a person has been bitten by a dog, such person shall promptly notify the tribal health department of the circumstances and information.

**SECTION 14. Administrative enforcement.**

- (1) This Ordinance shall be enforced through an administrative process.
- (2) Notwithstanding subsection (1) of this section, the provisions of this Ordinance are in addition to and not in lieu of any other procedures and remedies provided by law including equitable relief and damages.
- (3) Civil Infraction. Any dog control officer, as defined in Section 3(9) foregoing, may issue a notice of civil infraction to a person for violation of any provision of this Ordinance that is designated as a civil infraction.

**SECTION 15. Notice of civil infraction.**

- (1) The notice of civil infraction shall be in a form and contain wording as designated by the Apsaalooke (Crow) Tribal Prosecutor. The notice of Civil infraction shall be a multi-part form consisting of at least three parts. Additional parts may be inserted for administrative use. The required parts are:
  - a. Notice of civil infraction;
  - b. Citing Tribe's record of civil infraction; and,
  - c. Summons.
- (2) Each of the parts shall contain the following information or blanks in which such information shall be entered:
  - a. The civil infraction number;
  - b. Name of the person alleged to have committed the civil infraction;
  - c. Ordinance section(s) allegedly violated;
  - d. Brief description of the alleged civil infraction in such a manner that can be readily understood by a person making a reasonable effort;
  - e. The date, time and place at which the civil infraction allegedly occurred;
  - f. The date on which the notice of civil infraction was issued and the name of the officer;
  - g. The date, time and place at which a hearing will be held regarding the alleged civil infraction;
  - h. A statement that the person must appear at the hearing or will waive the right to present evidence or make argument in the matter;
  - h. The amount of the maximum penalty.

j. The notice of civil infraction shall state that failure to appear at the scheduled hearing may result in a judgment that includes: a money judgment entered against the person up to the maximum amount of civil penalties, imposition of conditions and restrictions and imposition of fees and other costs allowed under this Ordinance for the civil infraction.

k. The notice of infraction must describe those circumstances when the person may waive the right to a hearing, admit the civil infraction and pay 50% of the maximum fine amount. This shall be permitted when a person violates section 5(1) through (7) of this Ordinance for the first time.

l. When a notice of civil infraction is issued for failure to obtain a dog license pursuant to Section 6(9) of this Ordinance, the notice of civil infraction shall inform persons that they are not required to appear for a hearing and will not be subject to additional penalties if they obtain a license for the dog at issue after paying the license fee and any administrative fee prior to the scheduled hearing.

(3) Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for the purposes of the administrative departments.

(4) The notice of civil infraction shall contain a statement by the officer to the effect that he or she certifies, upon penalties of law, that he or she has reasonable grounds to believe and does believe, that the person cited committed the civil infraction in violation of this Ordinance.

(5) Any error in the notice of civil infraction or in entering information into the blanks in the form may be corrected at the hearing or prior to the hearing with notice being given to the person cited. The notice of civil infraction shall be set aside by the hearings officer only upon a request by the person cited made before the close of the hearing and upon a determination that the error is prejudicial to the person's defense. Failure to request the hearings officer to set aside the notice of civil infraction before the conclusion of the hearing shall constitute a waiver, and will be an absolute bar to raising this issue at a later date. Nothing prohibits the hearings officer from amending the notice of civil infraction in his or her discretion.

(6) The notice shall contain a provision informing the person alleged to have committed the civil infraction that, if the person is going to be represented by counsel, the person must provide notice to the tribal prosecutor at least five days prior to the hearing, or an automatic continuance of at least five days will be granted.

(7) Hearings shall be conducted pursuant to the Tribal Administrative Procedures Act (TAPA), CLB02-12, 03/12/02, Title 16, Crow Law and Order Code.

**SECTION 16. Service of notice of civil infraction.**

A notice of civil infraction shall be served by personal service, substituted service, Office service or by certified mail with return receipt requested. The notice of civil infraction must be issued no later than six (6) months from the date upon which the infraction is alleged to have occurred. There shall be a rebuttable presumption that any notice sent by mail was served on the fifth business day following deposit in the mail system.

**SECTION 17. Keeper failure to comply with conditions and restrictions.**

It shall be a civil infraction for a keeper to fail to comply with conditions or restrictions imposed by the hearings officer.

**SECTION 18. Presumptions.**

(1) A rebuttable presumption exists that:

- a. Serious physical injury has occurred when a dog bite causes any broken bone or any wound that requires one or more sutures or suturing.
- b. When a dog chases, threatens, or bites a person or pet, and this act is unprovoked.
- c. A dog that bites a person or persons on two or more occasions within the previous two years is dangerous and cannot be safely kept.
- d. A dog that causes serious physical injury is dangerous and cannot be safely kept
- e. All adults in a household with a dog are keepers of that dog.
- f. In addition to any other keeper, the person that licenses a dog shall be responsible for the action or behavior of the dog as provided within this Ordinance.

**SECTION 19. Penalties**

(1) Monetary penalties.

- a. Upon a finding by the hearings officer that a person has violated a provision of this Ordinance, a civil penalty may be imposed in an amount set by order of the Director of Homeland Security.
- b. All civil penalties recovered under this section shall be deposited into the Dog Control Fund.

(2) Additional conditions and restrictions. Upon a finding by the hearings officer that a person has violated a provision of this Ordinance, in addition to and not in lieu of any fine, the hearings officer may impose reasonable conditions and restrictions as set forth below:

- (a) For violation of Section 5(9) of this Ordinance, requiring that a dog be euthanized.
- (b) For violation of any provision of this Ordinance other than Section 5(9), requiring compliance with any of the following:
  - 1. Requiring that the dog be muzzled, leashed and under the control of the keeper at all times when off the keeper's property;
  - 2. Requiring that the keeper and the dog attend and complete a dog behavior and training class authorized by the dog control director.
  - 3. Requiring a dog keeper found in violation of Section 5(2) of this Ordinance to keep the dog inside the dog keeper's residence during hours specified by the hearings officer, and/or take appropriate corrective actions;
  - 4. Requiring that the person spay or neuter any dog that was the subject of the violation.
  - 5. Requiring that the keeper construct and maintain a secure enclosure for the dog as approved by the dog control director.
  - 6. Requiring that the dog be relocated in an adoption agency, to a new location or to a new owner as approved by the dog control director.
  - 7. In the case of repeated violations by the same keeper, suspending for a period of time specified by the hearings officer, and not to exceed five years, the dog keeper's right to own or keep any dog on the Crow Indian Reservation.
  - 8. Requiring that the keeper comply with other conditions or restrictions reasonably designed to abate any future violation.

(c) In addition to the conditions and restrictions set forth in Section 19(2)(a) and (b) above, upon a finding that a person is in violation of Section 5(8) of this Ordinance, or a finding that a person is for the third time in a 12-month period in violation of any provision in Sections 5(1) through (7) of this Ordinance, the hearings officer may order the person's rights in the dog to be forfeited and given over to Dog Control for the purpose of adoption subject to Section 10 of this Ordinance, or disposal in a manner that the Director of Homeland Security deems humane.

(d) In addition to the conditions and restrictions set forth in Section 19(2)(a), 19(2)(b) and 19(2)(c) above, upon a finding that a person is in violation of Section 5(8), the hearings officer may order that the dog be euthanized. In determining whether a dog shall be subjected to euthanasia, the hearings officer shall consider the following factors:

- 1. If a bite, the circumstances and severity of the bite, including whether the dog was provoked by the person bitten;
- 2. Whether the dog owner has a history of maintaining dogs that are a public nuisance;
- 3. The impact of dog owner actions on the behavior of the dog.
- 4. The ability and inclination of the dog owner to prevent the dog from further biting, menacing or injuring pets.

5. Whether the dog has unjustifiably chased or menaced a person on a prior or subsequent occasion;
6. Whether the dog can be relocated to a secure facility;
7. The effect a transfer of ownership would have on ensuring the health and safety of the public; and
8. Any other factors that the hearings officer may deem relevant.
9. The hearings officer is not required to treat any single factor as controlling.

(3) The keeper shall pay the costs of complying with reasonable conditions and restrictions imposed under Section 19(2)(a), (b) or (c).

(4) No person shall fail to comply with reasonable conditions and restrictions imposed under Section 19(2)(a), (b) or (c). If the person fails to provide acceptable proof of compliance to Dog Control on or before the deadline established in the hearings officer's order imposing the conditions and restrictions, there is a rebuttable presumption that the person has failed to comply. If Dog Control finds the proof submitted by the person unacceptable, Dog Control shall send notice of that finding to the person no later than five days after the proof is received.

(5) If after a hearing, the hearings officer determines that a keeper is guilty of any civil infraction under this Ordinance, the keeper of the dog shall be required to pay to the Tribe an amount equal to the hearing process fee established by the Director of Homeland Security as an administrative charge for hearing costs.

1

(6) The dog control director may request a hearing to determine whether the keeper has complied with conditions and restrictions previously imposed by the hearings officer. If the hearings officer determines that a keeper has failed to comply with restrictions previously imposed, the hearings officer may take any action previously allowed under this Ordinance to address the violations. This may include the lifting of suspended fines previously imposed or the imposition of additional conditions and restrictions including euthanasia.

## **SECTION 20. Decision and Appeal**

The decision of the hearings officer is subject to appeal in accordance with the Crow Tribal Administrative Procedures Act

## **SECTION 21. Cost of impounding, Keeping and Testing Dogs**

(1) Hearings conducted by the Hearings Officer pursuant to this Ordinance shall include a determination of impoundment, keeping, testing, euthanasia and disposal costs as follows:

- (a) During the public hearing, the hearings officer shall receive evidence of the actual and reasonable costs associated with impoundment keeping, testing, euthanasia and disposal of the dog, and shall include such costs as part of the opinion or order issued pursuant to this Ordinance.

(2) If the hearings officer determines that the dog has committed an act that is a nuisance violation identified in Section 5 of this Ordinance, then the keeper shall pay the actual and reasonable costs of impoundment, keeping, testing, euthanasia and disposal of the dog.

**SECTION 22. Collections.**

At the discretion of the dog control director, any civil penalty, fine or cost not paid within 60 days from the date of the hearings officer's decision may be assigned to a collection agency for collection. If forwarded to a collection agency, an additional fee of up to 25% of the amount owing may be added to the amount of the debt in order to recover the cost of collection.

**SECTION 23. Exemptions.**

No dog shall be found to be a public nuisance if it is a dog trained for law enforcement purposes and is on duty and under the control of a law enforcement officer at the time it exhibits behavior described in Section 5.

**SECTION 24. Repeal of Resolution 81-22**

Crow Tribal Resolution No. 81-22 passed, approved and adopted on the 11 day of April 1981, shall remain in effect date, as provided in Section 27 unless sooner repealed or rescinded.

**SECTION 25. Certain breeds of dogs are banned from residential or housing areas and other areas**

The following named breeds of dogs are banned from the residential or housing areas, schools areas, towns or urban areas and the arbor and dancing area, the rodeo area, the camp ground area during Crow Fair and Rodeo and the areas used by the Apsaalooke (Crow) Tribe during Native Days of the Crow Indian Reservation ; namely

1. the pit bull which includes the American Pit Bull Terrier, the American Staffordshire Terrier and the Staffordshire Bull Terrier or any mix dog or canine of this breed.
2. the Rottweiler or any mix dog or canine of this breed.
3. On the date this bill takes official full force and effect any owner of a live Pit bull or Rottweiler dog shall be exempt from the section prohibiting the Pit Bull or Rottweiler dogs. However, when the exempt Pit Bulls or Rottweilers die, the owner shall no longer be exempt from this section.

**SECTION 26. Severability Clause.**

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, that declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid upon another ground, it shall be construed that the valid ground is the one upon which the Ordinance or portion thereof was enacted.

**SECTION 27. Effective date.**

This Ordinance shall take effect one (1) year from approval by the Legislature and by the Tribal Chairman.