

ADOPTED ANIMAL CONTROL ORDINANCE

Kashia Band of Pomo Indians Stewarts Point Rancheria

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TABLE OF CONTENTS

Cover Sheet	Page 1
Community Council Minutes regarding Ordinances	Page 2
Abstract of Ordinance	Page 3
Ordinance	Pages 4 through 16
Notice of Violation	Page 17
Application for Animal Business Permit	Page 18
Animal Business Permit	Page 19

STEWARTS POINT RANCHERIA

COMMUNITY COUNCIL MEETING Nominations Meeting

MINUTES

April 9, 2000

(A Tribal Community Directive issued at this meeting)

Excerpt from the above

OAK TREE: A 100-year old oak tree has been cut down. It was noted that the falling of oak trees is a serious offense to the environment and tribal members who continually use the oak trees to gather acorns. It was noted that any requests to fall trees on-reservation are to come through the tribal office. **An ordinance to protect the environment will be developed to address the issue.**

DOG ORDINANCE: Concerns were raised regarding unleashed dogs. This is an ongoing problem and should be addressed. **Lynn Silva will check further on an ordinance adopted by the Point Arena Reservation to address the same issue.**

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Abstract of Animal Control Ordinance

It is proposed that an Animal Control Ordinance be established at Stewarts Point Rancheria modeled on ordinances at 15 other Reservations and Rancherias.

The provisions of this ordinance are:

- 1) The Tribal Council will designate an official agent for the enforcement of this ordinance
- 2) All dogs and cats on the Rancheria shall be licensed.
- 3) Dogs and cats must be vaccinated.
- 4) Tags must be attached to a buckled heavy leather or nylon collar for dogs and cats.
- 5) Dogs will not be allowed to run free.
- 6) Dogs that have tried to bite or have bitten people will never be allowed loose, and must be kept on a strong chain. If the dog gets breaks free from the chain, then it must be kept in an enclosed fenced area.
- 7) If you feed a stray animal, you are considered the owner of that animal.
- 8) No one can have exotic animals on the Rancheria.
- 9) No one may set leg-hold or snap traps, except to control mice, rats, moles, gophers or other rodents.
- 10) Animals must be fed and watered every day, provided with shelter from the weather, and treated to prevent fleas, ticks, and worms.
- 11) Animals must be given veterinary care as needed to prevent suffering.

Please read the full ordinance for information on License Fees, procedures for dog bites, and enforcement policies.

ORDINANCE NO. 9

ANIMAL CONTROL ORDINANCE

KASHIA BAND OF POMO INDIANS STEWARTS POINT RANCHERIA

The Community Council of the Stewarts Point Rancheria does hereby ordain as follows:

SECTION 1. STATEMENT OF FINDINGS AND DECLARATION

1. The Kashia Band of Pomo Indians of Stewarts Point Rancheria (Tribe) retains inherent sovereignty over its members and its territory in addition to those powers vested in the Tribal Business Committee and Community Council under the Constitution of the Kashia Band of Pomo Indians of Stewarts Point Rancheria or delegated to it by Act of Congress.
2. The Stewarts Point Rancheria, Kashia Band of Pomo Indians is recognized as a sovereign government by the United States of America, and
3. The Tribal Business Committee of the Kashia Band of Pomo Indians is a duly authorized body, empowered to conduct government affairs on behalf of the people and to promote and foster the economic development and the health and well being of the general membership, and
4. Such Governance places the responsibility for natural resource management upon the tribal government, and
5. The natural resources of Stewarts Point Rancheria are essential to the health, welfare, and sovereignty of the Kashia Band of Pomo Indians, and
6. From time immemorial, the members of the Tribe have practiced conservation to protect the invaluable natural resources within the Tribe's aboriginal territory from waste and excessive exploitation.
7. The Tribe's environment constitutes a source of economic, cultural, and spiritual sustenance to the Tribe and its members.
8. The increasing human population and activities within and adjacent to the Rancheria present a potential threat to the Tribe's management of those resources.
9. It is therefore vital to the welfare of the Tribe that it establishes a comprehensive regulatory structure for the effective management the Rancheria.
10. In enacting this Ordinance, it is the intent of the Kashia Band of Pomo Indians of Stewarts Point Rancheria to insure reasonable control of domestic animals by their owners, and to protect children, elderly, and all residents of Stewarts Point Rancheria and their guests from injury by dogs, cats, and other animals, and to prevent the spread of disease which could harm human beings and wildlife on the Rancheria.
11. The Tribal Business Committee finds that unregulated animals pose a threat to the safety of Rancheria residents, domestic animals, and wildlife, and that this threat has a direct effect on the political integrity, economic security and health and welfare of the Tribe, its members and wildlife.
12. All Rancheria residents are encouraged to have all pets spayed or neutered prior to bringing the pet to the Rancheria.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms are defined:

1. "Adequate Food" means the provision at suitable intervals - not to exceed twenty-four (24) hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain and adequate level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.
2. "Adequate Water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed four (4) hours at any interval.
3. "Animal" means dogs and cats and every other living creature, other than a human.
4. "Animal Business" means any breeding operation to produce animals for pets, meat, show, or as hunting companions.
5. "Animal Control Officer" means any qualified person, agency, or organization designated by the Tribe to enforce this ordinance.
6. "Animal Shelter" means the Sonoma County Animal Shelter, operated by the Animal Shelter Department, Sonoma County or any such facility operated by Sonoma County.
7. "At heel" means under the voice control and within fifteen feet of the owner or person in custody of the animal.
8. "At large" means any licensed or unlicensed animal found further than 50 feet away from its owner's residence and not under the control of a person, restrained within a vehicle, housed in a kennel, or at heel beside a person and obedient to that person.
9. "Cat" means both, female and male animals of the cat family (*Felix Catus*), whether neutered or not, including kittens.
10. "Dangerous" means and includes, any animal, which is not naturally tamed or gentle; or which, is of a wild nature or disposition; or which is capable of killing or inflicting serious injury upon human beings and having immediate tendencies, individually or as a group, to do so; or which, because of its size or other characteristics, would constitute a danger to life or property, if it is not kept or maintained in a safe manner or in secure areas.
11. "Dart" means the process, whereby a drug of a sedative nature is delivered to and injected into an animal by the animal control officer by means of a projectile shot from a rifle or gun, for the purpose of subduing or rendering an animal unconscious for capture.
12. "Dog" means both, male and female animals of the canine species, whether neutered or not, including puppies.
13. "Domestic animal" means any of various animals, such as the horse, cow, sheep, goat domesticated by humans, so as to live and breed in a tame condition.
14. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which produces painless loss of consciousness, and subsequent death during such loss of consciousness.

15. "Exotic Animals" means any animal not considered domesticated including but not limited to poisonous snakes, large cats, antelope, skunks, raccoons, wolves, coyotes, foxes, hybrids of the previous canids with dogs, monkeys and other primates.
16. "Exposed to Rabies" means an animal has been exposed to rabies if it has been bitten or scratched by a known rabid animal or if it has been in contact with any animal known to be or suspected of being infected with rabies.
17. "Fighting Animal" means any breed of animal or cross-bred animal intended solely for the purpose of combat with another animal or human.
18. "Humane Manner" means euthanasia or other method authorized by a qualified licensed veterinarian.
19. "Impoundment" means the capture and enclosure of an animal by the Animal Control Officer or someone designated by him/her in a secure location authorized by the Animal Control Officer.
20. "Injured" means any animal that is hurt, wounded, lame, sick, with open sores, broken bones, or other signs of damage as determined by a qualified licensed veterinarian.
21. "Kennel" means a place or establishment, other than the Sonoma County Animal Shelter, where animals are sheltered, fed and watered in return for a fee.
22. "Neutered" means a surgical procedure that has been performed on a dog or cat that renders it incapable of siring or bearing offspring.
23. "Owner" means any person or persons, firm, association or corporation, or parent of a child owning, keeping, sheltering or harboring an animal.
24. "Rabies Vaccination" means the injection intramuscularly of anti-rabies vaccine received from a licensed veterinarian or at a public clinic, which may be established for this purpose.
25. "Stray" shall mean any dog, cat or animal, not having a known owner.
26. "Vicious" means any animal that attacks, lunges at, bites or attempts to bite one or more people, or another animals, or chases, maims or kills persons or animals shall be considered vicious.

SECTION 3. ANIMAL CONTROL AUTHORITY

1. The Animal Control Officer shall have the authority designated herein by the Community Council and shall be able to cite for violations and otherwise enforce all of the provisions of this Ordinance.
2. The Animal Control Officer shall have the authority to enter into agreements with third parties for collection of license fees, for capture, transport, impoundment and disposition of any animal found within the boundaries of Stewarts Point Rancheria and for other purposes relating to the enforcement of this ordinance.

SECTION 4. LICENSING OF DOGS AND CATS

No dogs or cats shall be kept, harbored or maintained within the boundaries of Stewarts Point Rancheria, unless, such dog or cat has been registered by the owner with the Animal Control Officer.

SECTION 5. LICENSING, RABIES CERTIFICATION AND REQUIRED VACCINATIONS

1. The Animal Control Officer shall issue a Certificate of Registration for each dog or cat within Stewarts Point Rancheria, provided that the owner exhibits proof that the dog or cat described in the registration

application, is up-to date on its rabies vaccination and provided further, that the owner shall pay to the Animal Control Officer, a Registration Fee for each dog or cat.

2. Within thirty (30) days, after the dog or cat reaches six (6) months of age, or is under six (6) months and is no longer with its mother, every owner of such dog or cat, shall obtain an animal license for each year.
3. Licenses must be renewed each year on the anniversary of the rabies immunization. Registration fees shall be due on an annual basis and must be paid at the time of license renewal. If not paid on time, late fees shall be charged to the owner by the Animal Control Officer.
4. Dogs shall be immunized for canine distemper, hepatitis, leptospirosis, parvo, corona and rabies.
5. Cats shall be immunized for feline distemper, rhinotracheitis, calici, pneumonitis and rabies.
6. Kittens and puppies shall be immunized in accordance with veterinary recommendations as per their age or conditions; but all dogs and cats shall receive the immunizations described above by four (4) months of age, unless their physical condition dictates otherwise as per specific veterinary recommendations.

SECTION 6. EXCEPTION

This Ordinance applies Rancheria-wide, with no exceptions.

SECTION 7. DISPLAY OF TAGS

The Tags received at the time the animal is vaccinated against rabies, and at the time of licensure, must be attached by the owner to a substantial buckled flat leather or nylon collar. These Tags shall be replaced with new tags at the time of subsequent rabies vaccination and license renewal.

SECTION 8. TRANSFER OR CHANGE OF OWNERSHIP

When the permanent ownership of a dog, cat or other domesticated animal is transferred, the new owner shall, within thirty (30) days of the date of ownership make an application for a new license, as provided in this ordinance, regardless of whether or not the dog, cat or domesticated animal was previously licensed under the provisions of this ordinance, and shall pay the full annual license fee. Transfer of ownership of an animal does not entitle the previous owner to a refund of license fees.

SECTION 9. DUPLICATE TAG

Upon the filing of an affidavit that a license tag has been lost or destroyed, the owner may obtain another tag upon payment of fees to the Animal Control Officer. The Animal Control Officer shall enter in the license record, the new number assigned.

SECTION 10. REMOVAL OF TAGS

It is unlawful for any person, who is not the owner, Animal Control Officer, or Police Officer to remove a license tag from a dog, or cat, prior to the expiration of the license.

SECTION 11. TICKETING OF OWNER AND IMPOUNDMENT AND DISPOSITION OF ANIMALS

1. The owner of an animal shall at all times, restrain such animal to prevent it from running at large.
2. Whenever animals are kept in a residence or on the premises without adequate food, adequate water, proper care and attention, required medical care, or are infected with disease, or kept under conditions

which could endanger public health or create a nuisance, it shall be the duty of the Animal Control Officer to enter the residence or premises and remove the abandoned and neglected animal(s). The owner of the animal(s) shall be responsible for all costs associated with forced entry. Impounded animals will not be released before the cause of impoundment has been corrected and the owner has paid all fees and penalties associated with failure to care for the animals and impoundment.

3. Owners of unwanted animals shall surrender them to the Animal Control Officer and pay all fees associated with impoundment and disposition of the animals.
4. Any animal found at large including cats that have not been neutered or spayed, shall be seized and impounded, and/or the owner shall be cited, at the discretion of the Animal Control Officer. The owner of the animal shall be responsible for paying fines resulting from the citation, and shall be required to pay the cost of impoundment, and spaying or neutering the animal prior to its release from impoundment.
5. If the owner of an impounded animal can be identified, the owner shall be notified by the Animal Control Officer within two (2) days that upon payment of impounding fees, the animal will be returned. If its owner does not recover an impounded licensed animal within ten (10) days after the notice, the animal shall be offered for adoption to the public for a period of five (5) days. An adoption fee will be collected from the owner.
6. For the purposes of this section, the Animal Control Officer may deliver written notice in person to the owner by posting a notice at the owner's residence or by mail.
7. An animal that has not been claimed by its owner or adopted within the fifteen-day period described above or after the expiration of the impoundment or quarantine, whether licensed or unlicensed, may, at the discretion of the Animal Control Officer, be disposed of by Euthanasia.
8. Only humane methods (Euthanasia) may be used to destroy an animal. Shooting, poisoning, drowning, or asphyxiation are not humane methods.
9. During the applicable impoundment or quarantine, if an animal appears to be suffering from rabies or infected with disease, or which is mortally injured, or an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the Animal Control Officer, be disposed of by Euthanasia.
10. If an animal is injured or destroyed because it is vicious or dangerous, the Animal Control Officer shall dispose of the animal. If other persons destroy an injured, dangerous or vicious animal, or an animal is found dead, the Animal Control Officer shall be contacted to properly dispose of the animal.
11. No one shall have the right to destroy an animal by poisoning, drowning, asphyxiation, or other means without permission from the Animal Control Officer.
12. In the event that an animal has bitten a person, Health Officials must be contacted and consulted before the Animal Control Officer disposes of the animal.
13. No liability shall arise where a suffering, dangerous, or vicious animal is destroyed by Euthanasia.

SECTION 12. IMPOUNDMENT FEES

1. There shall be a minimum charge for each animal taken and impounded on the first occasion an animal is impounded; there shall also be a fee per day for impoundment up to five (5) days, if now suspected rabid, or up to fifteen (15) days, if confirmed rabid. The fees shall be set by and paid to the agency impounding the animal as designated by the Animal Control Officer and the Tribal Business Committee. Penalties are addressed in Section 29 and are separate costs under this ordinance.

2. Impoundment fees resulting from impoundment of animals during natural calamities may be waived at the discretion of the Tribal Business Committee.

SECTION 13. REDEMPTION

Any animal held or impounded at the Animal Control Facility may be given back to its owner upon (A) proof of ownership; (B) payment of the board and keep fee, impoundment fee, and any other related costs incurred by the designated agency; (C) presentation of the license, which shall not be issued until proof of a current rabies vaccination is presented; and (D) showing proof in the form of a certificate, issued and signed by a licensed veterinarian or other authorized agent that the animal has been properly vaccinated for rabies.

SECTION 14. INJURED ANIMALS AT LARGE

1. All rules regarding impoundment apply as in Section 12. In the event that an injured animal, whether licensed or unlicensed, pursuant to this Ordinance, is found at large, the Animal Control Officer or Tribal Law Enforcement Officer may dart the animal, if necessary, and take it into custody. Upon taking an injured animal into custody, the Animal Control Officer shall provide written notice to the animal's owner of its location and condition. Upon being notified, the owner of the animal shall within three business days, take custody of such animal or pay the designated agency for the animal to be transported for treatment to a veterinarian by the Animal Control Officer. The owner shall also be responsible for treatment costs.
2. If an injured animal, at large, cannot be darted and it displays vicious tendencies, which make it a public threat as determined by the Animal Control Officer, the Animal Control Officer may act to destroy the animal in a humane manner.
3. If an animal found-at large, is so seriously injured, as to make recovery improbable or unlikely, as determined by the Animal Control Officer, the Animal Control Officer may, in his discretion, immediately destroy such animal in an humane manner. The Animal Control Officer shall consult as necessary with a licensed veterinarian to make this determination.
4. After an animal has been humanely destroyed under this section, the animal shall be subject to autopsy by officials designated by the Animal Control Officer in conjunction with the Tribal Business Committee, if rabies is suspected and/or if the animal bit a person.

SECTION 15. DUTY OF OWNER - ALL ANIMALS

1. All cats older than 4 months of age, which are allowed outside at any time shall be spayed or neutered.

The following apply to all animals except domestic cats.

2. All persons owning an animal, whether licensed or unlicensed, are required to keep their animals from running at large and from going into the streets, other public areas within the reservation, on school grounds when school is in session, and within 50 feet of Rancheria homes. All animals in the streets, public areas of the Rancheria, and within 50 feet of Rancheria homes, shall be on a leash no more than six feet long. The leash shall be of sufficient strength and safe to restrain the animal and keep the animal from breaking free or causing injury to the animal.
3. Areas where animals are kept shall be maintained so as to prevent disagreeable odors, or the presence of breeding flies, mosquitoes, and other pests. Owner shall be responsible for the removal and proper disposal of wastes produced by its animals.
4. Every female animal in heat shall be confined so that the animal cannot come into contact with a male animal that has not been castrated, unless an Animal Business Permit has been obtained.

5. All persons owning an animal, whether licensed or unlicensed, shall keep the animal or animals from attacking or injuring persons or other animals in the streets, in public places on the Rancheria, and within 50 feet of Rancheria homes or the owner's home.
6. The Animal Control Officer upon being satisfied that there is a vicious animal or animals at large, shall notify the owner, verbally and in writing, that the owner shall keep the animal or animals from running at large, and to control them on the premises of the owner.
7. The Animal Control Officer may, at his discretion, prosecute under applicable federal, state, county or Tribal law for the violation of this section before notice has been given to the owner.
8. The Animal Control Officer may, at his discretion, destroy a vicious animal in a humane manner if the animal poses a significant risk to the public, and cannot be safely captured and impounded. The Animal Control Officer will notify the owner verbally or in writing prior to destroying the animal unless the owner is not home and the animal poses a significant risk to the public.
9. If a vicious animal, which has bitten a person is destroyed, the animal shall be tested for rabies at the owner's expense. If not destroyed, the animal shall be quarantined at the owner's expense and observed for at least ten (10) days to determine if it has rabies.
10. Immunity of officers from costs: No officer, responding to complaints or destroying a vicious animal under the provisions of this article, shall be liable for costs that may arise as a result of responding to the complaint or destroying the animal.
11. Destruction of animals in the immediate defense of persons or livestock: Any person may kill any animal that may suddenly assault him or any person of his family or in his company; and any person may kill any animal found assaulting, wounding or killing any cattle, sheep, lamb, horse, hog, goat or fowl, not belonging to the owner of the attacking animal.

SECTION 16. VICIOUS ANIMALS

1. A vicious animal must be securely confined indoors or on a substantial chain capable of withstanding 200 pounds of force. This chain shall have carabiner-type clips at each end and be securely fastened to a stationary object. The chain must be fastened to a buckled heavy leather or nylon collar from which the animal can not escape.
2. Should the animal escape from the home or chain, it must then be housed in a securely enclosed and locked pen structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of 5'X 10' and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide the animal protection from the elements.
3. The owner or keeper shall display a sign on his/her premises, warning that there is a vicious animal on the property. The sign shall be visible and capable of being read 50 feet from the home.
4. No animals may be bred for the purpose of fighting or to make the animals vicious or more aggressive.

SECTION 17. HARBORING STRAYS.

1. Any person, who harbors any animal found astray, within the reservation shall, within twenty-four (24) hours, notify the Animal Control Officer.
2. Harboring or feeding an animal for twenty-four (24) hours or more shall constitute ownership by the person feeding the animal.

SECTION 18. GENERAL PROHIBITIONS AND DUTIES - NOT APPLICABLE TO CATS

1. No person shall allow any animal, whether owned by the person or not, to escape confinement or impoundment, whether it is within 50 feet of the owner's residence or not, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing the animal.
2. Every owner of an animal shall physically restrain it within an enclosure or upon a leash when the animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the area within 50 feet of the owner's residence.
3. It shall be unlawful for the owner of an animal to permit an animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, making any other loud noise, or attacking or molesting other persons or animals.
4. In the event an animal is disturbing the peace and quiet of the neighborhood, and the owner cannot be found or refuses to remedy the situation, the animal may be impounded. A notice of impoundment must be left with the owner or in an obvious place at the owner's residence. Written notice of impoundment must also be mailed as soon as possible to the licensed owner of the animal if known or the recorded owner of the residence. The animal may be claimed on any regular workday during regular work hours. The impoundment fee will be charged to the owner prior to release of the animal.
5. It shall be prohibited for any person, in any manner to interfere with the Animal Control Officer, Tribal Enforcement Officer, any employee or designated representative of the Tribal Business Committee or Community Council, so as to hinder, delay or prevent his executing his duties pursuant to this section.
6. No person may set leg-hold traps anywhere on the Rancheria for the purpose of capturing or destroying any animal. However, this section does not prohibit trapping mice, rats, or other household vermin in spring snap traps, nor to moles or other underground pests, so long as the traps used, may be triggered only by underground action, or were set by the Animal Control Officer or other person designated by the Tribal Business Committee.
7. No owner of an animal on the Rancheria shall abandon the animal unless to deliver the animal to another person, who will accept ownership and custody, or the owner may deliver the animal to an animal shelter.
8. It shall be unlawful for any person to fail to provide a) sufficient good and wholesome food and water at least once every 24 hours, b) proper shelter and protection from the weather, c) veterinary care when needed to prevent suffering, d) treatment for internal and external parasites, and e) give humane care and treatment to any animal.
9. If the Animal Control Officer finds any of the above situations to be true, he shall have the authority to enter the premises and residence of the owner without prior notice to inspect conditions, and at his own discretion, may remove the animal from the owner and issue a citation. Owner shall be responsible for all costs associated with any forced entry (if required) and removal, treatment, and disposition of the animal.
10. No person shall beat, poison, cruelly treat, torment, tease, taunt, mutilate, wound, overload, overwork or otherwise abuse or torture any animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.
11. No person shall place poisonous or dangerous substances in any form or mixed with food in any location where an animal might eat them. Extreme caution must be observed if using rat or mouse poisons so that domestic animals will not have access to either the poison or the dead or dying rodents
12. The owner of any animal shall not abandon any animal for a period of longer than 24 hours.

13. Should the operator of a motor vehicle strike a domestic animal, he shall stop immediately and render assistance as may be possible, and shall immediately report the injury or death to the animal's owner. In the event the owner cannot be ascertained and located, the operator shall at once report the accident to the Animal Control Officer.
14. It shall be unlawful for any person to possess, sell, offer for sale, trade, give away, acquire, import, export, release, sell for research purposes (including dogs, cats, and other domestic animals), or cause to be released a wolf, coyote, fox, or hybrid (i.e., any dog crossed with any of the above animals), any feline other than domesticated cats, a poisonous reptile, or a related species, or dangerous animals within the boundaries of Stewarts Point Rancheria.
15. No exotic animals shall reside at the Rancheria without proof of proper federal permits and inspections.
16. The owner of an animal determined by the Animal Control Officer or a licensed veterinarian to be vicious, shall be prohibited from having another animal for a period of one year when ownership of another animal would create a threat to public health and safety.
17. Exceptions: The following animal activities are permitted and excepted; provided the animal does not present a hazard to the public safety and welfare, does not trespass upon other residences at the Rancheria, cause a nuisance or violate any other provisions of this ordinance;
 1. Lawful hunting with animals
 2. Livestock herding and control
 3. Organized field trials
 4. Tracking, obedience training/or show and other recognized work activities when under the direct control of the owner or handler or assistance animals for the physically handicapped when performing their duties.

SECTION 19. COMPULSORY IMMUNIZATION OF DOGS AND CATS FOR RABIES.

1. The owners of all dogs and cats six (6) months of age or older within the reservation, are required to have their animals vaccinated against rabies and re-immunized as required. With the vaccine currently in use, an initial dose is given, followed by a repeat dose one year later. Then, booster doses are administered every three (3) years thereafter. Antibody test results from a licensed veterinarian, which demonstrate suitable levels of immunity may be accepted in lieu of a rabies immunization.
2. A current certification of immunization for rabies signed by a licensed veterinarian or other designated agent shall be required for all dogs and cats on the Rancheria, and a copy of the certificate shall be presented by the owner to the Animal Control Officer.
3. The owner shall display the current rabies immunization tag issued at the time of vaccination and current license tag issued by the veterinarian, at all times on the collar, harness or chain attached to the dog or cat within the reservation.
4. Failure of the owner to comply with this section shall be construed as evidence of a failure to secure the required immunization.

SECTION 20. REPORT BY OWNER

It shall be the duty of the owner of any dog, cat or other domesticated animal suspected of being infected with rabies or other diseases communicable to humans, and all persons having knowledge of such an animal, or any animal that has attacked, bitten or caused any skin abrasion upon any person, to report this information at once to the Animal Control Officer.

SECTION 21. RABIES REPORT BY PHYSICIAN.

It shall be the duty of any physician to immediately transmit to the Animal Control Officer, any information that may come to him in his professional capacity with reference to any patient of his having been attacked, bitten or having any skin abrasion caused by any dog, cat or other animal, whether domestic or wild.

SECTION 22. RABIES REPORT BY ANOTHER

It shall be the duty of any person attacked or bitten or who has any skin abrasion caused by being attacked or bitten by any dog, cat or other animal to immediately report the incident to the Animal Control Officer.

SECTION 23. RABIES EXAMINATION AND QUARANTINE

The Animal Control Officer or the Tribal Law Enforcement Officer shall have a dog, cat or other domesticated animal suspected of being infected with diseases communicable to humans, or who has attacked, bitten or caused any skin abrasion to any person, examined by a licensed veterinarian at the owner's expense. The Animal Control Officer is authorized and empowered to enter the premises as necessary to inspect and remove the animal. The quarantine requirements established by the veterinarian shall be followed at the owner's expense. No animal that is infected with a disease contagious to humans or other animals shall be housed at the Rancheria. If an owner houses such an animal at the Rancheria, the Animal Control Officer shall be authorized to enter the premises and remove the animal to a location where the animal can be appropriately quarantined at the owner's expense. Any costs associated with forced entry are the responsibility of the animal owner.

SECTION 24. WILD ANIMAL BITES

All wild animals captured after biting a person shall be sacrificed immediately and the brain examined for evidence of rabies by a licensed veterinarian.

SECTION 25. DEATH OF ANIMAL DURING QUARANTINE

In the event of the death of an animal, which has bitten a person or is suspected by the Animal Control Officer to be rabid or suffering from disease, the owner of the animal shall leave the carcass of the animal untouched until the Animal Control Officer has had an opportunity of viewing the carcass, and shall turn over the animal to the appropriate federal, state, county or Tribal agency for the purpose of making post mortem examinations, or other examinations, including autopsy and disposal, which in his opinion, are necessary to determine whether or not the animal has died of rabies or other diseases communicable to humans.

SECTION 26. PAYMENT OF QUARANTINE AND EXAMINATION COSTS

1. The owner of any animal quarantined may pickup the animal after the quarantine period, upon the payment of all costs of impoundment and confinement, including cost of food and the care of the animal.
2. When an animal dies during quarantine, the owner, if known, shall be billed for all costs of impoundment and confinement to date of death, and for all examinations, including post mortem or laboratory tests for rabies.
3. If the owner of an animal, or any other person or organization, specifically requests a post mortem or laboratory examination of an animal for rabies, then payment arrangements and responsibility shall be determined prior to doing any of the proposed work.

SECTION 27. LIABILITY OF OWNER FOR DAMAGES CAUSED BY THE OWNER'S ANIMAL

Every person owning or harboring a dog, cat or other domesticated animal shall be liable for all damages done by the dog, cat or other domesticated animal.

SECTION 28. SOVEREIGN IMMUNITY OF THE TRIBE

There is no waiver of Sovereign Immunity of the Kashia Band of Pomo Indians of Stewarts Point Rancheria in the implementation and enforcement of this ordinance.

SECTION 29. PENALTIES

1. The penalties for violation are as follows: The penalty, except as listed below for any person to do any forbidden act or to fail to perform any act required by any provision or section of this Animal Ordinance is Twenty- Five dollars (\$25.00) for the first violation; Fifty dollars (\$50.00) for the second violation; and Seventy-Five dollars (\$75.00) for any subsequent violations. In addition, the following minimum penalties apply to violation of the following sections:

(A) Section 15	Vicious Animal	\$200.00
(B) Section 15	Vicious Animal at Large	\$200.00
(C) Section 18	Interference with Animal Control Officer	\$100.00
(D) Section 18	Abandonment (plus costs of Animal Control Services by the Abandonment)	\$100.00

1. All penalties do not include any incidental costs such as impoundment fees, veterinary care, and Animal Control Officer expenses.
2. Penalties listed above are minimum penalties and may be adjusted, as deemed appropriate by the Tribal Business Committee and the Animal Control Officer.
3. Proceedings to enforce penalties are to be initiated by the issuance of a Citation by the Animal Control Officer, a Tribal Police Officer, or other enforcement entity authorized by the Tribal Business Committee.

Penalties and fees collected by the Animal Control Officer shall be used to pay veterinarian fees for emergency care or hospitalization of stray animals, damages to persons or property, humane education and training, and Animal Control Officer salary and expenses.

SECTION 30. TIME FRAME IN WHICH TO COMPLY WITH VIOLATIONS

The Animal Control Officer shall provide written notice of violations to the owners whose animals are in violation of this ordinance and a time by which the violation must be corrected. If the time frames are not met the animal(s) in question shall be impounded. Time frames for compliance are:

- (A) Animals at large: immediately upon notification
- (B) Lacking food or water: 4 hours
- (C) Lacking shelter: 24 hours
- (D) Veterinary care needed: At the discretion of the Animal Control Officer
- (E) Vicious dog: immediately

SECTION 31. RECOMMENDATIONS FOR CARE

At any time, the Animal Control Officer may make recommendations for care of an animal. If the recommendations of the Animal Control Officer are not followed, an animal may be impounded and fines may be levied.

SECTION 32. ANIMAL BUSINESSES

A permit from the Animal Control Officer or Tribal Business Committee is required if animals are being kept for the purpose of making money, such as breeding or as food sources. This includes dogs, cats, goats, rabbits, chickens, turkeys, sheep, geese, parrots, cats, fish, cows, horses, ponies, and all other animals that may be kept to produce pets or meat.

- (A) No animal may be tethered corralled, penned, or allowed to wander within 100 feet of any seasonal stream or other body of water.
- (B) No grazing animals may be kept in such a fashion as to expose bare mineral soil or to strip vegetation to the point where erosion is likely to occur.
- (C) Pastures shall be securely fenced to prevent grazing animals from wandering at large.

Section 33. Enforcement

1. All Tribal members have the individual responsibility to conform their conduct to Tribal law and to refrain from engaging in any activities that would constitute an unauthorized use or exploitation of the Tribe's resources. In keeping with the tradition of Tribal stewardship of the Reservation's resources, the Tribal Business Committee encourages Tribal members to report known or observed violations of this Ordinance to the appropriate Tribal authorities.
2. Violations of this Policy shall be documented in writing from the Tribal Business Committee. Any such violation shall result in the imposition of fines including as outlined; payment of costs associated with any enforcement or impoundment. In lieu of the stated fines, the Tribal Business Committee may adopt a separate schedule of civil penalties.
3. Any Tribal members who have one or more fines imposed under this Ordinance that remain unpaid for 60 days or more from the date of the issuance of the letter from the Tribal office, shall have his/her privileges under this Ordinance suspended until such time as all fines are paid in full. Suspension of the member's right to keep animals shall be in addition to any other remedy the Tribe may have based on the member's non-payment.
4. Repeated violations of this policy shall be grounds for permanent revocation of the privilege of keeping animals at Stewarts Point Rancheria
5. Payment of fines shall be withheld from any revenue a Tribal member may receive from the Tribe.

Section 34 Due Process

1. Upon issuance of written notice of a violation of this Ordinance, the Tribal Animal Control Officer shall make an initial report to the Tribal Business Committee concerning the nature and, including the severity of the alleged violation and a recommended penalty, based on the schedule set forth in this ordinance any special circumstances for the Tribal Business Committee's consideration.
2. Any person issued a letter of violation may request a hearing before the Tribal Business Committee to challenge the basis of the violation. The request for hearing must be presented to the Tribal Office within fourteen (14) days of the date of the letter and must be made on a service request form available upon request in the Tribal Office.
3. Notice of the time and place of the hearing shall be provided to the person requesting the hearing at least seven (7) days prior to the hearing date. At the hearing, the Tribal Business Committee shall review the violation, the Tribal Animal Control Officer's report on the violation, including the recommended penalty, and

shall allow the person issued the violation to make a brief statement in refutation, and /or mitigation of the alleged violation. If the Tribal Business Committee determines, based on the information presented, that it is more likely than not that the person committed the violation, it shall impose a penalty or penalties in accordance with the schedule set forth in this Ordinance, taking into account any mitigating circumstances.

4. The decision of the Tribal Business Committee shall be final for all purposes, and no further right to hearing or of appeal shall apply.

Section 35 License Fees

Annual License Fees will be determined by the Tribal Business Committee

Section 36 Contacting the Animal Control Officer

1. All violations of this ordinance shall be reported to the Animal Control officer designated by the Tribal Business Committee.

2. Contact numbers will be determined by the Animal Control Officer to ensure 24 hour coverage in the event of an animal related emergency.

**Kashia Band of Pomo Indians
At Stewarts Point Rancheria
3535 Industrial Drive
Suite B-2
Santa Rosa California 95403
(707) 591-0580**

NOTICE OF VIOLATION

NAME OF OWNER _____

CONTACT THE ANIMAL CONTROL OFFICER

Please contact the Animal Control Officer between 8:00AM-5: 00PM by calling

Failure to contact the Animal Control Officer may result in the following:

- Legal Action (criminal and/or civil)
- The impoundment of your animal

We responded to complaint(s) indicating that you may have violated the following regulations:

- Animal at large _____
- Potentially vicious _____
- Dog found harassing livestock _____
- Public nuisance, barking, other _____
- Abandonment:
- Not providing food, water and shelter _____
- Other _____

Date

Animal Control Officer

Time

Complaint Number

**APPLICATION FOR PERMIT TO CONDUCT A BUSINESS RELATED TO ANIMALS
AT STEWARTS POINT RANCHERIA**

Name _____

Address _____

City _____ State _____ Zip _____

Telephone or Contact Number _____

Enrolled member of the Kashia Band of Pomo Indians **Yes** ___ **No** ___

I wish to apply for a permit to run the following business related to animals on the Rancheria:

_____.

Number of Female animals _____.

Number of Male animals: _____

Fee: \$20.00 enclosed **Yes** _____ **No** _____

Application can not be processed without the appropriate fee enclosed.

I have received and read a copy of the Animal Control Ordinance for Stewarts Point Rancheria, and understand the provisions of the Policy.

I understand that there are strict limits regarding the type and number of animals I can keep.

This application is not a permit! I must wait to begin the business until I receive a completed permit form from the Tribal Office.

I also understand that **violations** of the conditions of the permit once it is received **may result in fines and/or permanent suspension** of the right to keep animals at Stewarts Point Rancheria.

Signed _____ Date _____

Office use only: Received by _____ Date _____

APPROVED ___/___/___

Signed _____ Date _____
Tribal Chairman

DISAPPROVED ___/___/___

Signed _____ Date _____
Tribal Chairman

PERMIT TO CONDUCT A BUSINESS RELATED TO ANIMALS AT STEWARTS POINT RANCHERIA

The Kashia Band of Pomo Indians of Stewarts Point Rancheria hereby grants permission to :

Name _____

Address _____ Telephone or Contact Number _____

City _____ State _____ Zip _____

for the purpose of running the business described below :

_____ to be housed at the following
location:

_____ with _____ (type of animal)

_____ number of females and _____ number of males.

These animals must be housed and cared for in a humane and sanitary manner. The Animal Control Officer has the right and obligation to conduct periodic unannounced inspections to ensure proper care.

I have received and read a copy of the Animal Control Ordinance for Stewarts Point Rancheria, and understand the provisions of the Ordinance.

I understand that there are strict limits regarding the type and amount of animals that I can keep.

I also understand that **violations** of the conditions of the permit **may result in fines and/or permanent suspension** of the right to keep animals at Stewarts Point Rancheria.

This permit expires 3 years from the date signed by the Tribal Chairman.

Signed _____ Date _____
Permit Holder

Signed _____ Date _____
Tribal Chairman

Office Use only: Review by Tribal Department of Environmental Planning completed ____/____/____
Clearances obtained from appropriate Federal Agency ____/____/____

Clearance Documents attached: _____ Yes _____ No