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Mashkisibi Center

BAD RIVER BAND OF LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 8-14-86-60

WHEREAS, the Bad River Band of Lake Superior Tribe of Chippewa Indians is a federally recognized Tribe of which the Tribal Council is the governing body, and

WHEREAS, the Bad River Band recognizes that the number of dogs running loose on the reservation is increasing and may pose a health and safety problem to those people living within the exterior boundaries of the reservation, and

WHEREAS, the Bad River Band believes it is necessary to take actions to control the dog situation on the reservation, and

WHEREAS, the Bad River Tribal Council has requested the attached Chapter 701 Dog Ordinance to be drafted and has reviewed such Ordinance;

NOW THEREFORE BE IT RESOLVED that the Bad River Tribal Council hereby ratifies and enacts the attached Chapter 701 Dog Ordinance, and;

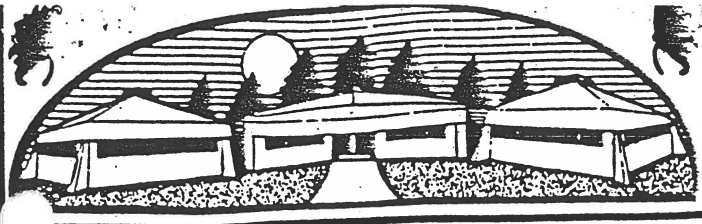
BE IT FURTHER RESOLVED that Chapter 701 take full effect 30 days after the date this ordinance passed.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 14th day of August, 1986; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

Carol Scott
Carol Scott, Secretary
Bad River Tribal Council

Moved to
360 at
same point



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MEMO

TO: Tribal Council

FROM: Candy L. Jackson *CLJ*

RE: Dog Ordinance

DATE: July 25, 1986

The idea would be to have the tagging and registering done each year. At first I was going to suggest January 1 but after talking with Dorie Wolf, I would suggest July 1. In June the Health Department has its free rabies vaccination clinic so that the dogs could be vaccinated before registering.

I would suggest this date, the amount of money to be charged for boarding fees and the payment of the Animal Control person be set up by regulations instead of by an ordinance. This would make it easier to change the numbers if so required.

The position would only have to be part time as needed and the Animal Control person would receive so much per dog. As is noted in the Ordinance he/she does not have to be the person picking up the dog. Perhaps another person could assist in this. The Tribe would then have to provide some food and water and some rope to tie the dogs up. It has been suggested that a building in back of the old school could be utilized. It would certainly help to have volunteers involved and in light of all the complaints people may be willing to volunteer.

DRAFT DOG ORDINANCE

701. Purpose:

This chapter is promulgated to control the increasing dog problem on the Reservation in order to protect the health and safety of our Tribal members and those people living within the boundaries of the reservation. In addition, it is important to ensure that those dogs which are kept on the reservation are properly licensed and protected against rabies and mistreatment.

702. Definitions:

- (a) "Animal Control Person" means that person designated as such by the Tribe who has the responsibility for carrying out the duties set forth in this ordinance.
- (b) "Animal Retrieval Center" means that area set aside by the Tribe at which the dogs found running at large will be held.
- (c) "Reservation" means all the lands within the exterior boundaries of the Bad River Reservation.
- (d) "Running at Large" means any dogs which are unleashed and off the property of their owner.

703. License and Tagging Required:

- (a) Any person residing within the exterior boundaries of the reservation must obtain a dog license and a tag from the Bad River Tribe for any dog they own or possess over 5 months of age. Before any such tag can be issued, there must be proof that the dog has received a shot to protect them against rabies.
- (b) The cost of the tags and license shall be as follows:
 - \$0.00 for female spayed dog
 - \$0.00 for male neutered dog
 - \$3.50 for female dog (not spayed)
 - \$3.50 for male dog (not neutered)

(d) The tags issued with the license shall have the words "Bad River Dog ID", and a registration no. "No. _____". This registration number shall correspond to the copy of the license kept by the Animal Control Person. The license shall contain the name, address and phone number of the owner, the name of the dog, its age, type; sex and color. In addition a record shall be kept of its current shots.

(d) The license and tags shall be renewed each year.

(e) Any person violating subsection (a) of this section shall be subject to a forfeiture of not more than \$25.00.

704. Dog At Large:

(a) No dog shall be allowed to run at large (off of the owner's property) and if so found shall be subject to pick up by the Animal Control Officer to be kept at the Animal Retrieval Center.

(b) All dogs found running at large in subsection (A) shall have an identification tag attached as required in 703(c).

(c) The Animal Control Officer upon receiving the dog at the Animal Retrieval Center shall:

(1) Check the tag on the dog and contact the owner within 24 hours of receiving the dog;

(2) If there is no tag on the dog but the Animal Control Officer can identify the owner, the owner shall be notified within 24 hours of receiving the dog;

(3) The owner shall have an additional 24 hours to pick up the dog;

(4) After the second 24 hour period has elapsed the Animal Control Officer may have the animal destroyed by himself/herself or by the Warden or Crime Prevention person unless the Animal Control Officer is aware of a good reason why the dog has not been claimed;

- (5) If the dog is not identifiable and has no tag, the Animal Control person shall post an identification of the dog at the Tribal buildings, Housing Office and the local stores;
- (6) If the dog in subsection (5) is not claimed within 48 hours of posting of notice as set forth in that subsection the dog may be destroyed as set forth in subsection 4.
- (d) Any dog owner who shall claim a dog picked up as running at large shall pay boarding fees prior to release of the dog. If the person demonstrates that they are without resources to pay the fine, the amount can be billed to the person for payment within 60 days.
- (e) Any person found violating subsection (a) or (b) is subject to a forfeiture of not less than \$25.00.

705. Abusing Dogs:

- (a) No person shall abuse, starve or otherwise mistreat a dog that they own or possess.
- (b) If such abuse is found in subsection (a) the person shall be subject to a forfeiture of not less than \$50.00.

706. Attacking Dogs:

- (a) If a dog attacks any person and cannot be restrained by any reasonable means, they can be destroyed by a person protecting his/her family if:
 - (i) other reasonable attempts to restrain the dog have failed and there is a threat of physical harm, or
 - (ii) there is reasonable belief that the dog is rabid.
- (b) If the person protecting his/her family or self is unable to restrain or destroy the dog, having met the conditions set forth in (a), a 3rd party may act in their stead.
- (c) If a dog had to be destroyed as set forth in (a), that person who destroyed the dog shall contact the Animal Control Officer who in turn shall contact the owner.

707. Disposal of Dog:

If any dog under 704 and 705 are destroyed, the remains shall be properly disposed of by burial. The Animal Control person shall include such in the file, but is not responsible for burial unless otherwise directed by the Council.

708. Tribal Court:

All prosecutions of this ordinance shall be handled in the Bad River Tribal Court.