

YUROK TRIBE DOG CONTROL ORDINANCE

AUTHORITY:

The Yurok Tribal Council is the duly elected and authorized Governing body of the Yurok Tribe; a federally recognized Indian Tribe which is eligible for all rights and privileges afforded to a federally recognized Indian Tribe and, as such, enacts this ordinance by the power and authority granted under the Yurok Tribal Constitution. Article IV, Section 5(a) states that the Tribal Council may "enact legislation, rules and regulations not inconsistent with this constitution to further the objectives of the Yurok Tribe..."

PURPOSE:

The purpose of this Ordinance is to address the problem of stray dogs and dogs at large on the Yurok Reservation. Additionally the intent is to cause owners of the offending animals to be responsible for the actions of the animals as well as to cause the owners to bear responsibility for their own actions or inactions regarding the keeping and care of dogs on the Reservation.

DEFINITIONS:

1. **RUNNING AT LARGE** – a dog running at large means any dog found within the boundaries of the Yurok Reservation on public property or on the property of persons other than the person owning or keeping the dog unless the dog is accompanied by some person exercising control thereof.
2. **ANIMAL CONTROL AUTHORITY** – this term means any Tribal Police Officer or any other person or organization so designated by the Yurok Tribal Council to perform the functions of this ordinance.
3. **STRAY DOGS** – a stray dog is a dog with no owner's identification and whose owner cannot be ascertained upon reasonable inquiry.
4. **VICIOUS DOG** – this term means any dog that when unprovoked:
 - a. Inflicts bites on a human or a domestic animal on either public or private property; or
 - b. Chases or approaches a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

5. **PROPER ENCLOSURE** – proper enclosure of a vicious dog means, while on the owners property, a vicious dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, securely fenced yard, or a secure chain, suitable to prevent entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and shall also provide protection from the elements for the dog.
6. **OWNER** – this term means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

SECTION 1. RUNNING AT LARGE

No person owning or having control or custody of any dog shall allow such dog to run at large within the boundaries of the Yurok Reservation.

SECTION 2. DISTURBANCES

No person shall own, keep or harbor any dog within the boundaries of the Yurok Reservation which by loud, continued or frequent howling, yelping, or barking shall unreasonably annoy, disturb, or endanger the health, welfare, or repose of any person or neighbor. The owners or keeper of a female dog in heat or found within the boundaries of the Yurok Reservation shall cause such animal to be penned or enclosed in such a manner as to preclude other animals from attacking such female animal or being attracted to it.

SECTION 3 VISICIOUS DOGS

No person shall keep, own or possess with the boundaries of the Yurok Reservation any vicious dogs unless registered and restrained by a substantial chain or leash and under the physical restraint of a responsible person or confined in a proper enclosure as a defined above in such a way as to prevent it from biting any human being; nor permit such dog to run at large at any time.

SECTION 4. DUTY OF OWNER OF DOG FOUND HARASSING STOCK

It shall be the duty of the owner or keeper of any dog or dogs found chasing, biting, or injuring any livestock or other domestic animal or game animal, upon being notified of that fact by the owner of such livestock or domestic animal or by an Animal Control Authority, to keep such dog or dogs on a leash or confined upon the premises of he owner or keeper thereof. If such owner or keeper of such dog or dogs fails to comply with the provisions of this section, the offending animal shall be seized and confined in the local or County Animal Control Facility.

SECTION 5. LIABILITY OF OWNERS

Every person owning or keeping a dog shall be liable in damages for any injury committed by such dog and it shall not be necessary in any action brought therefore to

allege or prove that such dog was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous. However, proof of provocation of an attack by an injured person shall be a complete defense to any action for damages.

SECTION 6. ABANDONMENT

It shall be unlawful for any person to abandon any dog within the boundaries of the Yurok Reservation or for any owner or keeper of a dog to neglect to furnish adequate food or care for said dog. IF THE OWNER OF THE DOG IS KNOWN OR CAN BE IDENTIFIED, SAID OWNER SHALL BE LIABLE FOR THE COST OF KEEPING THE DOG ALIVE OR EUTHANIZING IT.

SECTION 7. IDENTIFICATION AND REGISTRATION

- a. Any dog found or kept within the boundaries of the Yurok Reservation must be registered and have an identification tag issued by the Animal Control Authority attached to the dog's collar. Any dog found or kept within the boundaries of the Yurok Reservation must receive proper vaccinations. Having a tag issued by the Animal Control Authority attached to the dog's collar will evidence compliance with this requirement.
- b. It is unlawful for an owner to have a vicious dog on the Reservation without a certificate of registration issued under this section.
 - 1). The Animal Control authority shall issue a certificate of registration to the owner of such animal if the owner presents the authority sufficient evidence of:
 - i. A proper enclosure and/or chain to confine a vicious dog and the posting of the premises with a clearly visible warning sign that there is a vicious dog on the property. Additionally, the owner shall conspicuously display a sign with a warning symbol that warns children of the presence of a vicious dog; and
 - ii. A surety bond issued by a surety insurer in a form accepted to the Animal Control Authority in the sum of at least \$50,000 payable to any person injured by the vicious dog; or
 - iii. A policy of liability insurance, such as home owners insurance, in the amount of at least \$50,000 insuring the owner for any personal injuries inflicted by the vicious dog.
- c. The Yurok Tribal Police shall be the issuing agencies for all licenses and shall charge a fee for each dog license at a rate subject to discretion of the Yurok Tribal Council.

SECTION 8. SEIZURE OF DOGS, PENALTIES FOR RUNNING AT LARGE

Any dog found running at large in violation of this ordinance shall be subject to seizure by the Animal Control Authority. If ownership of the dog may be reasonably ascertained or is known upon a first violation the dog shall be returned to the owner along with a

written warning citation. Upon a second violation a citation will be issued and the owner or keeper charged with an offense. The third violation shall, result in the securing of the animal at the local or County animal control facility.

SECTION 9. OFFENSE

It shall be unlawful and prohibited for any person to do any act the performing of which is prohibited under this ordinance or to fail to do any act that performance of which is required under this ordinance.

SECTION 10. ENFORCEMENT

The Yurok Tribe may bring an action for a civil penalty against any person who is alleged to have engaged in an activity that is violative of this ordinance. The Yurok Tribe may bring any action for forfeiture of any articles or animals seized by reasons of use in activities prohibited under this ordinance. Such action may include the imposition of a fine not to exceed \$500.00 (five-hundred) plus assessment of any cost the Yurok Tribe may have to pay to the County for impoundment of the offending animal.

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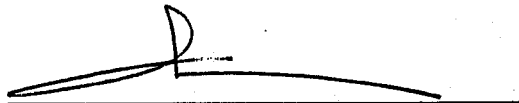
THE FOREGOING ORDINANCE, ENTITLED THE YUROK TRIBE DOG CONTROL ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUROK TRIBAL COUNCIL ON AUGUST 9th 2006, AT WHICH A QUORUM WAS PRESENT AND THAT THIS ORDINANCE WAS APPROVED BY A VOTE OF 5 FOR, 1 OPPOSED, WITH 1 ABSTENTIONS

DATED THIS 9th DAY OF AUGUST, 2006.



**Howard McConnell, Chairman
Yurok Tribal Council**

Attest:



**Cynthia McKernan
Executive Assistant**