



LEECH LAKE BAND OF OJIBWE

Carri Jones, Chairwoman

Donald Finn, Secretary-Treasurer

Robbie Howe, District I Representative

Steve White, District II Representative

LeRoy Staples-Fairbanks III, District III Representative

LEECH LAKE RESERVATION BUSINESS COMMITTEE

RESOLUTION NO. 2013-32

RESOLUTION TO AMMEND LEECH LAKE BAND OF OJIBWE TRAFFIC REGULATION CODE TITLE 12C: DOG REGISTRATION & CONTROL OF DANGEROUS DOGS

WHEREAS, The Leech Lake Band of Ojibwe ("Band") is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, Pursuant to its inherent sovereign authority and its By-Laws, the Band's Reservation Business Committee ("RBC"), made up of duly elected representatives, is the governing body of the Band, having all the legislative powers and responsibilities of the tribal government; and

WHEREAS, The RBC is charged with the responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the exterior boundaries of the Leech Lake Indian Reservation; and

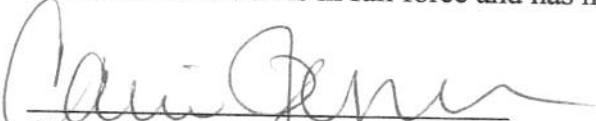
WHEREAS, The RBC intends to discourage stray or abandoned dogs while also protecting the health and safety of Leech Lake Band members by enforcing this ordinance; and

NOW THEREFORE BE IT RESOLVED, That Leech Lake RBC, at a duly called meeting with a quorum present, does hereby ratify, modify and recognize the updated Leech Lake Band of Ojibwe Traffic Regulation Code Title 12C Dog Registration and Control of Dangerous Dogs; and

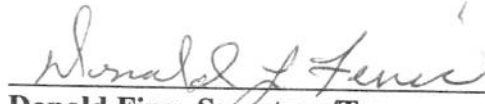
BE IT FINALLY RESOLVED, That this Resolution is effective immediately.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted on by a vote of 3 for, 0 against and 0 silent at a Special Meeting of the Leech Lake Reservation Business Committee, a quorum being present, held on 8/16, 2012 at Cass Lake, Minnesota. Accordingly, this Resolution is duly adopted by the Reservation Business Committee for the Leech Lake Band of Ojibwe, and the Reservation Business Committee further certifies that this Resolution is in full force and has not been amended or rescinded in any way.



Carri Jones, Chairwoman
Leech Lake Tribal Council



Donald Finn, Secretary/Treasurer
Leech Lake Tribal Council

LEECH LAKE BAND OF OJIBWE
DOG REGISTRATION & CONTROL OF
DANGEROUS DOGS

LEECH LAKE BAND OF OJIBWE

DOG REGISTRATION & CONTROL OF DANGEROUS DOGS

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DOG REGISTRATION AND CONTROL OF DANGEROUS DOGS

ORDINANCE NO. 13-2 12C

BE IT ENACTED BY THE LEECH LAKE TRIBAL COUNCIL

Section 1. Title

This ordinance shall be known as the Dog Registration and Control of Dangerous Dogs.

Section 2. Findings

The Leech Lake Reservation Tribal Council finds and declares that:

- (1) Dogs have become a public health and safety risk in various communities of the Leech Lake Reservation; and
- (2) In order to protect the health, safety and welfare of the Reservation it is necessary to provide for the registration of dogs and the control of stray, abandoned, and dangerous and nuisance dogs.

Section 3. Purpose

To regulate and control the dog population on the Leech Lake Reservation and to protect people, livestock, wildgame, and other domestic animals.

Section 4. Definitions

The terms used in this ordinance have the meanings given them.

Subdivision 1. "Dog" applies to any canine animal, male or female, sexed or neutered.

Subdivision 2. "At large" means any dog off the owner's premises and/or not accompanied by or under control of a person by leash, cord, chain, or otherwise in tribal housing areas and private property.

Subdivision 3. The term "dangerous dog" shall not apply to dogs used by law enforcement officials for police work. "Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) injured/killed a domestic animal without provocation while off the owner's property;
- (3) been found to be dangerous by an Enforcement Officer and the dog aggressively bites, attacks or endangers the safety of humans or domestic animals;
- (4) has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting;
- (5) has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by an Enforcement Officer. A dog shall not be classified as dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property, or, while lawfully on the property, was tormenting, abusing or assaulting the dog or its owner or a family member. No dog may be classified as dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- (6) Rottweiler, pit bull, Doberman, shepherd, and/or mixed breeds to any degree of the previously listed breeds are prohibited as legal animals to be owned, fed, and/or cared for by any persons in tribal housing areas on the Reservation. Rottweiler, pit bull, Doberman, shepherd, and/or mixed breeds to any degree of the previously listed breeds are automatically defined as "dangerous".

Subdivision 4. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog, or permitting any dog to habitually remain on or be lodged or fed within such person's house, yard or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining, on the premises, dogs owned by others for a period of less than thirty (30) days.

Subdivision 5. "Reservation" means the Leech Lake Indian Reservation as established by treaty and executive order within the boundaries described in an unpublished consent judgment in Leech Lake Band of Chippewa Indians v. Herbst. No. 3-69 Civ.64 and 3-70 Civ. 228 (U.S. Dist. Ct., Dist. of Minn., June 18, 1973), including all lands and waters inside the described boundaries regardless of the issuance of any patent.

Subdivision 6. "Enforcement Officer" means a Leech Lake Public Safety Officer, a Leech Lake Animal Control Officer, a Leech Lake Environmental Health Specialist, a Leech Lake Conservation Officer, animal control officer, or any other law enforcement officer.

Section 5. Registration of Dog

Subdivision 1. Registration; Fee Required.

No dog shall be kept, harbored or maintained within the boundaries of the Reservation unless it has been registered by the owner with the Leech Lake Public Safety Division, and the registration tag has been affixed to the dog's collar. The annual registration fee shall be \$10.

Any person who keeps a dog on the Reservation that is determined "dangerous" must provide proof of insurance with a \$50,000 liability limit per occurrence at time of registration to cover any damages that may be caused by the dog. Rottweiler, pitbull, Doberman, shepherd, and/or mixed breeds to any degree of those previously listed breeds owned, fed, and/or cared for on private property or non-tribal housing areas must have a \$50,000 liability insurance certificate.

Subdivision 2. No Improper Use of Registration Tags

All dogs residing on the Reservation shall be registered with the Leech Lake Public Safety Department, regardless of whether the dog is vaccinated or not. No person shall attach a registration tag to a dog unless the dog has been properly vaccinated and registered with the Leech Lake Public Safety Division.

Subdivision 3. Abandonment/Disposition of Unclaimed Dogs

It shall be the duty of the appropriate Leech Lake Public Safety personnel or enforcement officer to keep all dogs impounded under the provisions of this ordinance for a period of not less than ten (10) days from the date of posting of notice, unless sooner redeemed or disposed of, pursuant to this Ordinance. If, at the expiration of ten (10) days from the date of posting notice, said dog is unclaimed, said dog so impounded under this ordinance may be

given any to any party so requesting said dog, provided such party has the dog inoculated and pays the necessary license fee. If no party requests said dog, dog may be destroyed in the most humane manner possible. Any dog which appears to be suffering from rabies, mange or other infectious or dangerous disease shall not be released, but may be forthwith destroyed by humane means.

The refusal or failure of the owner of any dog to register the dog or to pay the registration fee or to pay necessary expenses incurred to control the dog within ten (10) days after written notice thereof by the Leech Lake Public Safety Division shall be deemed abandonment of such dog by the owner. Abandoned dogs are subject to destruction as provided in Section 6 of this Ordinance.

Section 6. Seizure and Destruction of Dangerous and/or Abandoned Dogs

No dangerous and/or abandoned dog shall be permitted to run at large on the Reservation. Any person finding any dog trespassing upon his/her property or public access to his/her injury or annoyance may apprehend or cause an officer of the law to apprehend, capture, or take up to same by any reasonable and humane means and may immediately turn it over to the appropriate enforcement officer, who shall take such dog and return it to its rightful owner, if known. If its rightful owner be not known, the enforcement officer may dispose of such animal by such humane procedure as is practicable under the circumstances. The police department has the final say and authority over the destruction of dangerous/abandoned dogs pursuant to this ordinance.

Where a dog is found to be running at large, captured, and turned over to the appropriate enforcement officer for the colony involved and thereupon returned to its owner, the appropriate enforcement officer involved shall issue a citation to the owner for violation of this ordinance, and such citation shall indicate that said owner shall appear before the Tribal Judge, for disposition of said citation at the date indicated on the citation or the Tribal Prosecutor shall issue a civil complaint.

Any dog that shows signs of being rabid or presenting immediate danger to the life of a person shall be immediately destroyed by any person if there exists immediate danger to the life of another person, however, if there is sufficient time to notify the owner(s), there will be an effort made before action is taken.

This section shall not apply to guide/service dogs for people with disabilities such as visual or hearing impairment. Whenever a guide/service is found to be running at large and is captured, the appropriate enforcement officer shall take such dog and return it to its owner. In such instance, no citation shall be issued and no fine nor criminal complaint shall be issued.

Section 7. Redemption of Impounded Dogs

The owner or custodian, of the dog so impounded, may reclaim said dog upon the payment of the penalties, if any, for said dog, and all costs and charges incurred by the Band for impounding and maintenance of such dog.

Section 8. Penalty of Violation of Dog Registration and/or Control of Dangerous Dog

The owner of any dog who fails to abide by any of the provisions of this ordinance shall be subject to a sliding scale civil fine depending on the severity of the attack and/or inflicted injury not exceeding more than \$10,000. The owner of any dog shall pay higher fines for any additional, following offenses. Additionally, any person who violated any provisions of this Ordinance shall pay all expenses incurred in enforcing the Ordinance.

Any dog that is seized while at large, unleashed, and/or found unregistered will pay \$25 per dog for the first offense with an increasing fine by \$25 for each subsequent offense. The fine for a first offense for an unregistered dog will be waived if owner registers the dog within one week. Subsequent offenses will result in payment of penalties.

Any dog owner or person responsible for a dog found by an enforcement officer with reasonable belief or that has been reported for unprovoked chasing/menacing approach shall be fined \$25 per dog for the first offense with an increasing fine by \$10 for each subsequent offense.

Section 9. Control of Rabies Infected Animals

Subdivision 1. Confinement and Quarantine of Animal

Any dog known to have bitten a person so as to cause an abrasion of the skin shall be closely confined by the Leech Lake Department of Public Safety for a period of ten (10) days or as may be recommended by a veterinarian in order to determine whether the dog is infected with rabies. Daily confinement rates are \$15.00 when domestic animals are confined. Daily confinement rates are subject to change without notice. Daily confinement rates are to be determined at the discretion of the tribal police department.

(1) Should the dog exhibit behaviors indicative of rabies infection, an enforcement officer shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued; or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If the owner fails to confine such dog known to have bitten a person so as to cause abrasion of the skin, or if the owner of such dog is not known, an enforcement officer shall remove the dog to a veterinary hospital or other location and placed under observation.

(2) The custodian of an isolation facility or the owner shall keep an animal which is ordered to be quarantined in strict isolation under the supervision of a veterinarian for at least ten (10) days. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the 10th day and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the animal has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of the 10-day observation period.

(3) Extended observation may be ordered for an animal not currently immunized against rabies if the animal is suspected to have been in contact with a rabid animal. An officer may order the owner to keep the animal in strict isolation for an additional 170 days, during which time the owner shall have the animal vaccinated against rabies between the 145th and 155th day after the beginning of the original observation period. If a veterinarian certifies that the animal has not exhibited any symptoms of rabies during the extended observation period, the animal may be released from quarantine at the end of that period.

(4) All expenses incurred by the isolation facility, including supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the laboratory examination fee shall be charged to the animal's owner.

Subdivision 2. Area Quarantine.

The Director of the Leech Lake Public Safety Division or enforcement officer may, by order, impose a quarantine on any portion of the Reservation if he finds such action is necessary to control the spread of rabies. No dog or any other domestic animals named in the order may be removed from the quarantine area without written permission of the Director of the Leech Lake Public Safety Division. Owners of animals covered by the order within a quarantine area shall confine them to the owner's premises or maintain them under leash. Quarantine orders shall be published at least once in a local newspaper and posted on roads leading to the quarantine area. The Director of the Leech Lake Public Safety Division or enforcement officer may, on the recommendation of a veterinarian, require the vaccination of any or all domestic animals in the community during the period of quarantine.

Subdivision 3. Destruction of Rabid Dogs: Rabies Testing.

If a veterinarian determines that an animal exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the enforcement officer who ordered the animal quarantined and the enforcement officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. Any dog that, in the opinion of an enforcement officer appears to have rabies shall immediately be destroyed in a safe, sanitary, and humane manner. If the animal is suspected to have bitten a person, the veterinarian or enforcement officer shall notify the person or the person's physician. Following such

sacrifice of the animal, the carcass shall be prepared and delivered to the State Laboratory of Hygiene.

Section 10. Penalty for Rabies Infected Dog(s)

The owner of any dog who fails to abide by any of the provisions of this ordinance shall be subject to a civil fine of \$50 for each infected dog for first offense with an increasing fine by \$50 for each subsequent offense.

Section 11. Disclaimer: Responsibility Over Deceased /Unwanted Pets

The Leech Lake Police Department, Reservation, animal control officer, or any enforcement officer holds no responsibility towards providing medical attention or requests towards disposing of unwanted dogs, cats, or other domestic animals. Owners hold financial and physical responsibility for disposing, removing and/or treating deceased, ill, injured, and/or unwanted dogs or domestic pets. The Leech Lake Police Department holds discretion in disposing of dogs upon request of owners, fees may be required.

Section 12. Enforcement: Jurisdiction

The administration of this ordinance shall be the responsibility of the Leech Lake Public Safety Division. A Leech Lake Public Safety Officer, a Leech Lake Animal Control Officer, a Leech Lake Environmental Health Specialist, a Leech Lake Conservation Officer, or any other law enforcement officer shall have authority to enforce the terms of this Ordinance. The Leech Lake Tribal Court shall have jurisdiction over actions arising under this Ordinance. The enforcement of this ordinance shall apply to all enrolled, federally recognized Minnesota Chippewa Tribe band members comprising the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth reservations.

Section 13. Sovereign Immunity

Nothing contained in this Ordinance shall be construed as a waiver of the sovereign immunity from suit of the Leech Lake Band, its officials, employees or agents.

Section 14. Effective Date

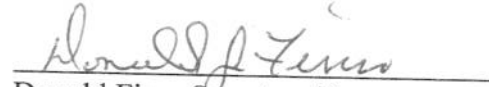
This Ordinance shall become effective upon adoption by the Leech Lake Reservation Tribal Council.

CERTIFICATION

WE DO HEREBY CERTIFY THAT the foregoing Ordinance No. 2013-2 was duly presented and adopted by a vote of 3 for 0 against and 0 silent at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on August 16, 2012 at Cass Lake, Minnesota.



Carri Jones, Chairwoman
Leech Lake Tribal Council



Donald Finn, Secretary/Treasurer
Leech Lake Tribal Council