

TRIBAL CODE
CHAPTER 51:
ANIMAL CONTROL

CONTENTS:

51.101 Purpose.....	51-3
51.102 Definitions	51-3
51.103 Designation of Animal Control Officer	51-4
51.104 Immunity from Liability	51-5
51.105 Enforcement Generally	51-5
51.106 Procedures for Animal Control.....	51-5
51.107 Penalties	51-5
51.108 Keeping When Annoyance to Neighborhood Prohibited	51-5
51.109 Disposition When Sick or Dead.....	51-6
51.110 Livestock Prohibited	51-6
51.111 Dogs Running at Large in a Public Place	51-6
51.112 Owners Permitting Dogs to Run at Large.....	51-6
51.113 License Required	51-6
51.114 Vaccinations Required.....	51-7
51.115 Sanitation	51-7
51.116 Quarantine of Biting Animals.....	51-7
51.117 Dangerous Animals are Prohibited	51-7
51.118 Destruction or Removal of Prohibited Animals	51-9

HISTORY NOTE:

Current Ordinance:

Resolution 2000-25, adopted February 23, 2000, adopts Tribal Code Chapter 51: Animal Control, effective February 23, 2000, and rescinds all earlier Animal Control Ordinances.

Prior Ordinance:

Adopted by Tribal Resolution 6-05-89, June 5, 1989, effective immediately.

Reenacted in Tribal Code format as part of the Tribal Code on July 5, 1995, Resolution No. 95-89, effective immediately.

Related Provisions:

Tribal Resolution 11-25-85B, adopted November 25, 1985, made provision for the Chippewa County Animal control officer.

Tribal Resolutions 12-04-89B, C, D, and E adopted December 4, 1989, made provision for the Mackinac, Schoolcraft, Alger, and Marquette County Animal control officers, respectively.

TRIBAL CODE

CHAPTER 51:

ANIMAL CONTROL

51.101 Purpose.

The purpose of this Chapter is to provide regulations for the protection, control and maintenance of dogs and other Animals within the jurisdiction of the Tribe.

51.102 Definitions.

For the purpose of this Chapter, certain items are defined in this section. When not inconsistent with the context, words in the present tense include the future, words in the singular number include the plural number, words in the plural include words in the singular, and words in the masculine gender include the feminine gender. The word “shall” is always mandatory and not merely directory.

(1) “Adequate Shelter” means a structure which, other than an opening for egress and ingress, is completely enclosed, creating a space within which is equal to the length of the Animal in inches as measured from the tip of the nose to the base of the tail, plus six (6) inches expressed in square feet, and creating ample height space.

(2) “Animal” means any one (1) or more of a kingdom of living beings (except humans) differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

(3) “Animal Control Officer” means any person designated by city, county, state or Tribe to enforce the provisions of this Chapter.

(4) “Dangerous Animal” means a dog or any other Animal that bites or attacks a person or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. It shall also mean any dog or Animal determined by a court to be dangerous and any Animal defined in §51.116. However, a dangerous Animal does not include any of the following:

(a) An Animal that bites or attacks a person who is knowingly trespassing on the property of the Animal’s owner.

(b) An Animal that bites or attacks a person who provokes or torments the property of the Animal's owner.

(c) An Animal that is responding in a manner that an ordinary and reasonable person would conclude was designated to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(5) "Domestic Animal" means any of the various Animals (as the horse or sheep) domesticated by humans so as to live and breed in a tame condition.

(6) "Exotic Animal" means, generally the species of Animals which are not native to Michigan or the United States and/or are introduced from another country.

(7) "Hybrid" means any Animal which is the offspring of two (2) different varieties or species.

(8) "Owner or Possessor" means any person who has right of property in any Animal, who has an Animal in his care or custody, or who knowingly permits an Animal to remain on or about any premises occupied by him.

(9) "Poisonous" means a substance which, through its chemical action, usually kills, injures or substantially impairs an organism.

(10) "Tribal Lands" shall mean:

(a) all land within the limits of the Tribe's reservation, including trust land, fee patented land and rights of way running through the reservation; and

(b) all land outside the boundaries of the Tribe's reservation held in trust by the United States for individual members of the Tribe or for the Tribe; and

(c) all other land considered "Indian Country" as defined by 18 U.S.C. §1151 that is associated with the Tribe.

51.103 Designation of Animal Control Officer.

The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby designates the Animal Control Officer of each of the counties in which Tribal Lands are located as the Sault Ste. Marie Tribal Animal Control Officer and authorizes them to enter upon Tribal Lands to enforce state, tribal and federal law relative to the control and quarantine of Animals.

51.104 Immunity From Liability.

The Animal Control Officer shall be immune from liability for acts committed on Tribal Land pursuant to the authority contained in this Chapter.

51.105 Enforcement Generally.

It shall be the duty of the Animal Control Officer to promptly seize, take up and place in the pound all dogs and other Animals, when necessary, that may be found running at large, or unlicensed, or if a cat not tagged as required under §51.110 of this Chapter or being kept or harbored any place within the Tribal Land contrary to the provisions of this Chapter, city ordinance, state or federal laws.

51.106 Procedures for Animal Control Officer.

The Animal Control Officer is authorized in his/her discretion, to issue a notice of violation to any person violating this Chapter or to file a sworn complaint at Tribal Court.

51.107 Penalties.

Any person who violates a provision of this Chapter shall be liable for penalty as follows:

- (1) For a civil remedial money penalty of not less than \$50.00 nor more than \$2,000 .00.
- (2) For any costs incurred in disposing of the Animal or retention and boarding of the Animal.
- (3) For Court costs as determined by the Judge.

51.108 Keeping When Annoyance to Neighborhood Prohibited.

No person shall harbor or keep any Animals which is a nuisance in the neighborhood, either by:

- (1) Barking, howling, braying, crowing or making other sounds common to its species; or
- (2) Failure of the owner, caretaker or possessor to maintain in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odors, all structures, pens, coops or yards wherein any Animals are kept; or
- (3) Failure of the owner, caretaker or possessor to keep such Animals confined on such owner's, caretakers or possessor's premises; or

(4) In the case of insects, stinging or molesting any person.

51.109 Disposition When Sick or Dead.

(1) No person shall place dead Animals in rubbish or garbage containers. The owner of any dead horse, cow, dog, cat or other such large Animal shall, within six (6) hours of the death of such Animal, notify the department of public works of such death and secure the removal of the carcass.

(2) No person shall deposit, place or throw any dead or fatally sick or injured Animal, or part thereof, on any public or private place, or into any reservoir or into, or on the banks of any stream, lake, pond, sewer, well or other body of water.

(3) No person shall carry or convey any dead Animal through or upon any street, alley or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate from it.

51.110 Livestock Prohibited.

No person shall keep or confine horses, donkeys, cows, sheep, goats, pigs, hogs or chickens within or upon Tribal Lands.

51.111 Dogs Running at Large in a Public Place.

No dog shall be permitted at any time to be on any road or street, in a public park, public building or any other public place, except that when held securely by a leash of suitable strength and length, by the owner or possessor of the dog or any other responsible person. It is unlawful to allow any dog to be removed from such a leash in such public places.

51.112 Owners Permitting Dogs to Run at Large.

A person shall restrain his dog at all times within a fenced area or on a leash not less than twenty (20) feet in length except as allowed in §51.111.

51.113 License Required.

Dogs and cats shall at all times wear a substantial collar of leather, or other durable material, to which shall be securely attached a license issued by the county of residence if the Animal is a dog, or a tag identifying the owner of the Animal if a cat.

51.114 Vaccinations Required.

Dogs and cats shall have updated vaccinations as required by the county of residence. The owner shall provide the Animal Control Officer with any documents required to show that the vaccinations are current upon request.

51.115 Sanitation.

(1) Yards and exercise runs shall be kept free of dog and cat feces, uneaten food, and shall be maintained in a sanitary condition so as not to be a nuisance because of odor or attraction for flies or vermin.

(2) No owner or possessor of a dog or cat shall cause, suffer or allow it to defecate upon any public or private property without the prior permission of the owner of such property unless the person, owner or possessor shall immediately remove all feces by a sanitary method. The owner or possessor shall possess a container of sufficient size to collect and remove such feces, and shall exhibit such container if requested by any Animal control officer. The collected feces shall be disposed of only upon the property of the owner or possessor of the Animal.

51.116 Quarantine of Biting Animals.

Whenever any Animal bites a person, the owner or possessor of such Animal shall immediately notify the Animal Control Officer within the first twenty-four (24) hours of the bite and make themselves and the Animal readily available to the Animal Control Officer. The officer shall order the Animal held on the owner's premises or shall have it impounded, at the discretion of the Animal Control Officer, for a period of ten (10) days. The Animal shall be examined immediately after it has bitten anyone and again at the end of such ten-day period. If a veterinarian is convinced that the Animal is free of rabies, the Animal shall be released from quarantine or from the pound as the case may be. If the dog dies in the meanwhile, its head shall be sent to the state department of health for examination and determination of rabies.

51.117 Animals are Prohibited.

It shall be unlawful and a violation of this Chapter for any person to possess or maintain within Tribal Lands the following Animals:

- (1) All Animals, including snakes, whose bite or venom is poisonous or deadly to humans.
- (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
- (3) Baboons (*Papoi, Mandrillus*).
- (4) Bears (*Ursidae*).

- (5) Cheetahs (*Acinonyx jubatus*).
- (6) Crocodilians (*Crocodylus*) and alligators.
- (7) Constrictor snakes if longer than eight (8) feet or if weighing more than forty (40) pounds, or other poisonous reptiles.
- (8) Coyotes (*Canis latrans*).
- (9) Elephants (*Elphas and Loxondonta*).
- (10) Gamecocks and other fighting birds.
- (11) Hyenas (*Hyaenidae*).
- (12) Jaguars (*Panthera onca*).
- (13) Leopards (*Panthera pardus*).
- (14) Lions (*Panthera leo*).
- (15) Lynex (*Lynx*).
- (16) Ostriches (*Sruthio*).
- (17) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
- (18) Wolves (*Canis lupus*).
- (19) Wolf hybrids.
- (20) Raccoons (*Procyon lotor*).
- (21) Skunks (*Genus Mephitis*).
- (22) Tiger (*Felis tigris*).
- (23) Pit Bulls
- (24) Any dog that is known to be dangerous as defined in 51.102(d).
- (25) Any Animal that maintenance or possession of is prohibited by state or federal law.
- (26) Any Animal that is determined to be dangerous by a court of competent jurisdiction.

51.118 Destruction or Removal of Prohibited Animals.

(1) Upon a sworn complaint that an Animal is a dangerous Animal, or one of the species of exotic or other Animal prohibited by §51.116 or is otherwise prohibited by this Chapter, and is currently being illegally possessed or maintained, Tribal Court Judge shall issue a summons to the owner or possessor ordering him to appear to show cause why the Animal should not be destroyed or removed from the Tribal Lands.

(2) Upon the filing of a sworn complaint as provided herein, the Tribal Court may order the owner or possessor to immediately turn the Animal over to the Animal Control Officer, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision made for the disposition of the Animal. The expense of the boarding and retention of the prohibited Animal is to be borne by the owner. After a hearing, the Court shall issue its findings and opinion as to whether the Animal is subject to destruction or removal under this Chapter. If so, the Court shall order the destruction of the Animal at the expense of the owner, or, in the alternative, at the Court's discretion, order the Animal removed from the Tribal Lands under terms and condition which ensure such removal. If the Tribal Court does not order the destruction or removal, the Animal shall be returned to the owner or possessor. The owner or possessor shall be responsible for the costs of boarding the Animal.

(3) Illegally possessed and/or maintained Animals who reasonably appear to have become a dangerous Animal, are subject to immediate seizure or pickup under this Chapter. The impounded Animal shall be held at a facility designated by the Animal Control Officer, at the owner's expense. The complaining witness shall promptly comply with the complaint requirements of subsections (1) and (2) of this section.