SUSANVILLE INDIAN RANCHERIA

TRIBAL ANIMAL CONTROL ORDINANCE

Ordinance No. 2001 – 001
Amendment 5

A. **Title.** This Ordinance shall be entitled "Tribal Animal Control Ordinance."

B. **Purpose.** The purpose of this Ordinance is to provide proper control of all animals within the exterior boundaries of the Susanville Indian Rancheria by establishing standards and procedures so as to preserve the health and safety of persons and animals on the Susanville Indian Rancheria and to fix the limits within which animals shall not run at large.

C. **Authority.** The Susanville Indian Rancheria Tribal Business Council, by the authority vested in them by the Susanville Indian Rancheria General Council on February 8, 1992, has contracted with the City of Susanville to provide Animal Control services for the Lower Rancheria.

D. **Jurisdiction.** The provisions of this ordinance shall apply to the entire territory of the Susanville Indian Rancheria.

E. **Definitions.**

(1) **"Animal Control Officer"** shall mean the person duly appointed by the City or County to enforce the laws relating to the ownership and control of animals, including this ordinance, by, among other things, impounding animals and issuing citations. It shall also mean the Susanville Indian Rancheria Public Works Director ("Director") or another Susanville Indian Rancheria employee duly appointed by the Director or the Tribal Business Council to enforce the provisions of this ordinance.

(2) **"Animals"** shall mean and include horses, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, llamas, sheep, goats, swine, pigeons, chickens, ducks, geese, turkeys, fowl, emus, ostriches, and all other domestic or domesticated animals other than household pets. It does not include dogs.

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(3) **"Animal Shelter"** shall mean any premises designated by the City, County, or Tribe for the purpose of impounding and caring for dogs found running at large, or otherwise a violation of this chapter.

(4) **"At Large"** shall mean an animal off the premises of its owner and not under restraint, and not otherwise immediately responsive to the command of its owner, keeper or other person capable of exercising restraint over the animal.

(5) **"Commercial Animal Establishment"** shall mean any pet shop, grooming shop, guard dog auction, riding school or stable, boarding or breeding kennel, whether for dogs, animals, or household pets.

(6) **"Destroy"** shall mean putting any animal or household pet to death by humane methods and by either a licensed veterinarian or the veterinarian's authorized designee.

(7) **"Dog"** shall mean any canine animal, male or female, spayed or neutered.

(8) **"Exposed to Rabies"** shall mean a human, animal, dog, or household pet that has been bitten, scratched, or exposed to, any animal, dog, household pet or wild animal known to have been infected with rabies, or suspected of having rabies.

(9) **"Household Pets"** shall mean dogs, canaries, parrots, and other kindred animals and birds, usually and ordinarily, kept as household pets.

(10) **"Impound"** shall mean the taking up and confinement of a dog in an animal shelter, veterinary hospital or other facility.

(11) **"Kennel"** shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

(12) **"Owner"** shall mean any person or partnership owing, keeping, or harboring one or more animals, dogs, or household pets. An animal, dog, or household pet shall be deemed to be harbored if it is fed or sheltered.

(13) **"Poultry"** shall mean pigeons, chickens, ducks, geese, turkeys, emus, ostriches, and all other domestic or domesticated fowl other than household pets.

(14) **"Restraint/Physical Restraint"** shall mean control over a dog by a leash, or at heel beside a person able to control said dog, and obedient to that person's commands, or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

(15) **"Veterinarian"** shall mean a person authorized and licensed to practice veterinary medicine in the State of California.

(16) **"Vicious Animal"** shall mean any animal that has attacked or threatened in a menacing way any person or any other animal without provocation by such person or animal. In addition, any dog that is pure blood or mixed blood of the Doberman Pinscher, Pit Bull, or Rottweiler breeds shall be considered vicious animals.

(17) **"Wild Animals"** shall mean non-domesticated birds, mammals, or reptiles that are not normally domesticated in the State of California.

F. Prohibitions.

(1) **Animals or Dogs running at large.** No owner shall permit his or her animal or dog, wild or domestic, except a domestic cat, to run at large on the Susanville Indian Rancheria. No animal or dog shall be permitted within any Susanville Indian Rancheria Park. The fine for the first violation shall be $25, the second violation shall be $50, and each subsequent violation shall be increased by $25.

(2) **Noise.** No owner shall permit his or her animal or dog to habitually make a loud noise or act in such a manner as to constitute a public nuisance.

(3) **Trespassing.** No owner shall permit his or her animal or dog, except a domestic cat, to trespass on any property on the Susanville Indian Rancheria, without the consent of the owner of the property.

(4) **Vaccinations.** No owner shall have a dog on the Susanville Indian Rancheria unless such dog has been vaccinated against rabies, at such intervals as prescribed by the State Department of Health.

(5) **Vicious Animals or Dogs.** No person shall keep, harbor or maintain an animal or dog determined to be vicious because this situation presents a serious hazard within the Susanville Indian Rancheria which is compounded by the increasing tendency to maintain animals or dogs which, by virtue of breeding and training, have a propensity to attack others. The fine for the first violation shall be $25, the second violation shall be $50, and each subsequent violation shall be increased by $25. Continued violation of this provision makes this an unlawful activity and the homeowner will be subject to the provisions identified in Section 6 of the tribe's Residential Land Assignment Ordinance.

G. Regulations.

The sections of this ordinance are numbered the same as the City of Susanville's Animal Control Ordinance so that if a person is cited for a violation, the citation number is the same for both entities.

Section 6.08.010 Dogs - Exceptions.

A. It is unlawful for any person who owns, keeps, harbors or cares for any dog to permit such dog to run at large from the premises used and occupied by said person for residential or business purposes, unless such dog is under restraint.

B. No dog shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the dog to temperatures that would affect the dog's health and welfare; to do so is unlawful.

C. Exceptions: A working dog, performing acts such as herding under the control and supervision of its owner/handler shall not be considered at large while performing its duties. A hunting, obedience, tracking or show dog shall not be considered at large while performing in those capacities.

Section 6.08.020 License and registration required and fees thereof.

A. All dogs on attaining the age of four months that are kept, harbored or maintained by their owners on the Susanville Indian Rancheria shall be licensed hereunder, and failure to do so is unlawful. Applications for licenses for dogs over the age of four months shall be made prior to July 31st of each year. A dog license shall be valid for one year in the year during which the license is obtained (unless the license is prepaid, in which case it shall be for the following year) from July 1st through the following June 30th. A license obtained from either the City of Susanville or from the Susanville Indian Rancheria shall be considered valid by both entities.

B. Written application for a dog license shall be made to the Susanville Indian Rancheria Tribal Office and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The licensee fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag showing the year of license expiration shall be issued to the owner.

C. Not applicable on the Susanville Indian Rancheria.

D. Not applicable on the Susanville Indian Rancheria.

E. No dog license shall be issued until the owner shall present a current certificate by a licensed veterinarian that the dog sought to be registered and licensed has been vaccinated with anti-rabies vaccine in accordance with state law.

F. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog at all times. No person shall use for any dog a license receipt or license tag issued for another dog.

G. The dog license for any year or portion thereof on each dog licensed at or within the time herein provided shall be fifteen dollars ($15.00) per dog, except that license fees for spayed or neutered dogs shall be five dollars ($5.00) per dog. When application is made for license after thirty (30) days following the start of the licensing period, a late fee of fifty (50) percent of the license fee shall be added to the license fee for any year or portion thereof on each dog, and shall be collected with the regular license fee.

H. Not applicable on the Susanville Indian Rancheria.

I. These licensing provisions shall not be intended to apply to dogs whose owners are non-residents, temporarily ((less than sixty (60) days)) within the Susanville Indian Rancheria property; nor to guide dogs ("seeing eye dogs") properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

J. In case a dog tag is lost or destroyed, a duplicate will be issued by the Susanville Indian Rancheria Tribal Office upon presentation of a receipt showing payment of the license fee for the current year, and the payment of two dollars fee for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds or credits shall be made on any dog license, because of the death of any dog or the owner's leaving the Susanville Indian Rancheria before the expiration of the license period.

K. If there is a change in ownership of a dog during the license year, the new owners may have the current license transferred upon the payment of a transfer fee of one dollar ($1.00).

L. Any dog owner, upon becoming a resident of the Susanville Indian Rancheria, shall have ninety (90) days to obtain a license for his or her dog, unless such dog will have to be licensed and redeemed in compliance with the provisions hereof.

M. An owner moving from non-Susanville Indian Rancheria property within Lassen County to the Susanville Indian Rancheria shall not be required to obtain a new license as long as the owner's dog has a current county license for the licensing period within the Susanville Indian Rancheria.

Section 6.08.030 License and permit issuance and revocation.

This entire section is not applicable as it is the intent of the Tribal Business Council to not have any kennels on the Susanville Indian Rancheria.

Section 6.08.040 Dogs less than four months old.

It is unlawful for any dog owner, owning a dog under the age of four months, to allow such dog to run at large with the Susanville Indian Rancheria and every such owner of a dog under

four months of age shall keep such dog confined to the premises of the owner or keep such dog under physical restrain by the owner, provided that nothing in this section shall be construed to prohibit the sale or transportation of a dog four months of age or younger.

Section 6.08.050 Power of arrest.

The Susanville Indian Rancheria grants to the City of Susanville Police Department, its officers, and the Susanville Indian Rancheria Public Works Department the power to enforce the provisions of this ordinance and to prepare and give and accept written promises to appear before the Tribal Business Council. The Susanville Indian Rancheria also grants to the City of Susanville Police Department and its officers to give citations for violations of this ordinance, citing the citee into the Superior Court of California, in and for the County of Lassen for violations of the City of Susanville's and the Susanville Indian Rancheria's animal control ordinance.

Section 6.08.060 Impounding.

A. It shall be the duty of the animal control officer to apprehend any vicious dog, and any dog or dogs running at large or in violation of this ordinance and to impound such dog or dogs in the shelter designated by the City of Susanville, to be confined in a humane manner for a period of not less than five days ((one hundred twenty (120) hours)), except as otherwise provided in Penal Code 597f. The animal control officer, upon receiving any dog, shall make a complete registry, entering breed, color, and sex of such dog, and whether licensed. If licensed, the name and address of the registered owner and the number of the license tag shall also be entered in the registry.

B. It is unlawful for dogs to run at large within the Susanville Indian Rancheria. When dogs are found running at large, and their ownership is known to the animal control officer, such dogs need not be impounded, but the animal control officer may, in his or her discretion, cite the owners of such dogs to appear before the Tribal Business Council to answer the charges of violation of this ordinance.

C. No dog shall be impounded (surrendered) by the owner unless the owner signs a release form and pays a fee of twenty-five dollars ($25.00) per dog to the City of Susanville; said fees are for the purpose of offsetting the cost of administration and providing care to the dog and destruction if adoption does not occur.

Section 6.08.070 Notice to owner and redemption.

A. Not later than twenty-four (24) hours after the impounding of any dog, the registered owner shall be notified by the United States mail, or if said owner of the dog is unknown, written notice shall be posted not later than twenty-four (24) hours after impounding, for three days at the Susanville Indian Rancheria Tribal Office, the Lassen

Indian Health Clinic and the Susanville Indian Rancheria Housing Authority Office, describing the dog and the place and time of taking. The owner of any dog so impounded, or an adoptive owner, may claim (redeem) such dog upon payment of all costs incurred by the Susanville Indian Rancheria for impounding and maintenance of said dog. The following charges shall be paid:

(1) A service charge for impoundment in the sum of twenty dollars ($20.00), plus five dollars ($5.00) per day for each day or fraction thereof such dog is kept, beginning with the day of impoundment; provided, however, that in the event that the subject dog has been impounded by the City of Susanville during the twelve (12) month period immediately preceding the present impoundment, the service charge shall be increased to forty dollars ($40.00) for the second impoundment, and sixty ($60.00) for the third or subsequent impoundment occurring during said twelve (12) month period. No dog may be redeemed by any owner unless such owner produces a certificate of a licensed veterinarian that such dog has been vaccinated with antirabies vaccine within the preceding twenty-four (24) month period; provided, that any such owner shall have the right, consistent with the other provisions of this section, prior to such redemption, and at his or her own cost and expense to have a licensed veterinarian vaccinate such impounded dog. The City of Susanville shall reimburse these fees to the Susanville Indian Rancheria.

Section 6.08.080 Disposition of unclaimed or infected dogs.

A. It shall be the duty of the pound master to keep all dogs so impounded for a period of five days ((one hundred twenty (120) hours)) after written notice is sent to the last known address of the registered owner.

B. If at the expiration of the said time period from the date of the notice to the owner or from the first posting of such notice, such dog has not have been redeemed, it may be destroyed or given to an adoptive home.

C. Any dog suffering from rabies, or infected with hydrophobia, mange or other infectious or dangerous disease, shall not be released, but may be immediately destroyed without any waiting period requirement.

Section 6.08.090 Unclaimed dogs not for scientific purposes.

No dogs or dogs remaining unclaimed and held by the poundmaster for the City of Susanville shall be sold, surrendered or given to any hospital or institution of learning for scientific purposes under any circumstance whatsoever, nor shall any official of the City of Susanville or Susanville Indian Rancheria nor any other person have any power or authority to so sell, surrender or give any dog herein mentioned to any hospital or institution of learning for scientific purposes.

Section 6.08.100 Dangerous or vicious dogs.

A. A dog impounded as a vicious dog shall be deemed as unclaimable and shall be subject to the disposition provided in Section 6.08.080.

B. The fees and charges for release of any dog impounded and held over five days as a vicious dog shall be as set out above and for all days the dog has been impounded in all cases, except that if the release from impoundment is by reason of an order from the Tribal Business Council, the fees and charges shall be as set out above, but the service charge shall be limited to five days.

C. This paragraph is not applicable as no vicious dogs are allowed on the Susanville Indian Rancheria.

D. This paragraph is not applicable as no vicious dogs are allowed on the Susanville Indian Rancheria.

Section 6.08.110 Confinement of certain dogs.

It is unlawful for any person who owns any female dog in heat, or any dog of fierce, dangerous, or vicious propensities, to allow said dog to run at large upon the premises of one other than the owner. If any such dog is found at large in violation of this section, it shall be taken up and impounded. If any dangerous, fierce, or vicious dog so found at large cannot safely be taken up and impounded, such dog may be slain by any police officer or animal control officer.

Section 6.08.120 Animal waste.

The owner of every dog shall be responsible for the removal of any excreta deposited by said dog on public walks, recreation areas, or lands not belonging to said owner. Failure to do so is unlawful and a violation of this code.

Section 6.08.130 Rabies control.

A. Every dog which bites a person shall be promptly reported to the animal control officer and shall thereupon be securely quarantined at the direction of the animal control officer for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at the shelter designated by the Susanville Indian Rancheria, or at the owner's option and expense, in a veterinary hospital of the owner's choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated by the Susanville Indian Rancheria.

B. The owner, upon demand made by the animal control officer, shall forthwith surrender any dog which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine, which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in Section 6.08.070, and upon complying with the licensing provisions asset forth in Section 6.08.020.

C. When a dog under quarantine has been diagnosed as being rabid, and dies while under such observation, the animal control officer shall immediately send the head of such animal to the State Health Department for pathological examination, and shall notify the proper public health officer of reports of human contacts, and the diagnosis made of the suspected animal.

D. No person shall kill, or cause to be killed, any rabid animal, rabid dog, or any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the Susanville Indian Rancheria without the written permission of the animal control officer.

E. The carcass of any dead dog exposed to rabies shall, upon demand, be surrendered to the animal control officer.

F. The animal control officer shall direct the disposition of any dog found to be infected with rabies.

G. No person shall fail or refuse to surrender any dog for quarantine or destruction, as required herein, when demand is made therefor by the animal control officer.

Section 6.08.140 Vaccination.

It is unlawful for the owner of any dog to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinarian with anti-rabies vaccine.

Section 6.08.150 Adoption - Sterilization.

A. Dogs subject to disposition may be sold if the sale of any such dog is not contrary to law, or to the public interest. Dogs may not be sold for purposes other than keeping as pets, and may not be sold without first having been licensed by the City of Susanville and vaccinated against rabies, and all applicable fees hereunder having been paid. No dog shall be released for adoption without being spayed or neutered, unless a deposit for spaying or neutering the dog has been paid by the adopter. The minimum deposit to be so paid shall be equal to the lesser of the lowest fee charged by veterinarians within Lassen County or the sum of thirty dollars ($30.00). The deposit shall be returned to the adopter provided that the adopter presents a written statement or receipt from the

veterinarian or clinic that the dog has been spayed or neutered within sixty (60) days from the date of adoption.

B. Use of any deposit not claimed under subsection (a) of this section shall be limited to the following:

(1) Public education program to prevent overpopulation of dogs and cats;

(2) A program to spay or neuter dogs and cats;

(3) For follow-up programs to assure spaying and neutering are being performed; and

(4) Any additional costs incurred under this section.

CERTIFICATION

We, hereby certify that the Susanville Indian Rancheria Animal Control Ordinance was amended and adopted by the Susanville Indian Rancheria Tribal Business Council at a duly called meeting held July 17, 2012 with a vote of 7 for, 0 against, 0 abstain.

ATTEST;

Mr. Aaron Dixon Sr.
Secretary/Treasurer

Mr. Stacy Dixon
Tribal Chairman