

HEALTH AND SAFETY CODE

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ARTICLE VII. RABIES CONTROL

[Note: Except as otherwise noted, the provisions of Article VII of the Health and Safety Code were enacted on May 23, 1997 by Ordinance No. 97-2, effective July 1, 1997.]

CHAPTER 1. GENERAL PROVISIONS

Section 11-7101. Purpose.

This Article VII is adopted by the Tribal Council of the Colorado River Indian Tribes pursuant to Article VI, §1(v) of the Tribal Constitution. The purpose of this Article VII is to protect the health and safety of the people of the Colorado River Indian Tribes and surrounding communities from the threat of rabies by regulating the movement, impoundment and treatment of animals.

Section 11-7102. Definitions.

- (a) “Administrative Committee” means the Administrative Committee of the Colorado River Indian Tribes.
- (b) “Animal” means any animal of a species that is susceptible to rabies, including livestock but excluding humans.
- (c) “At large” means a dog on its owner’s premises and neither confined by an enclosure nor physically restrained by a leash under the control of an able bodied person.
- (d) “Community Pound” means a site designated by the Fish and Game Department for the confinement, maintenance and safekeeping of animals.
- (e) “Enforcement Officers” means those individuals or departments who are herein authorized by the Tribal Council of the Tribes to enforce this Article VII and the regulations promulgated thereunder.
- (f) “Fish and Game Department” means the Fish and Game Department of the Colorado River Indian Tribes.
- (g) “Leash” means to restrict the activity or free movement of any animal by a rope, cord or similar device not exceeding six feet in length.
- (h) “Impound” means taking or receiving an animal into custody for the purpose of confinement in a community pound in accordance with the provisions of this Article VII.
- (i) “Nuisance” means for the purposes of this Article VII, a nuisance is any animal creating a substantial and continuous disturbance or annoyance to an individual, their property or their animals.
- (j) “Owner” means any person who owns an animal. For the purposes of this Article VII, the owner of an animal is a question of fact to be determined by the fact finder. Evidence that an individual feeds an animal creates a rebuttable presumption that the individual owns that animal. Matters to be considered in

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determining ownership include, but are not limited to, providing sustenance, shelter or veterinary care to the animal on a consistent basis.

(k) “Permitted” means possessing a valid permit issued by the Colorado River Indian Tribes to operate a business or conduct an event.

(l) “Person” means an individual, trust, firm, association, Federal, Tribal or State government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(m) “Quarantine” means the strict confinement of an animal either on the premises of the owner or in a manner directed by the Tribes’ Fish and Game Department.

(n) “Rabies” for the purposes of this Article VII, the term “rabies” includes rabies, and any other animal disease dangerous to humans or other animals designated as falling under the provisions of this Article VII pursuant to regulations promulgated by the Fish and Game Department.

(o) “Rabies Quarantine Area” means an area in which a state of emergency has been declared to exist by the Fish and Game Department due to the occurrence of rabies in or adjacent to this area.

(p) “Rabies Vaccination Certificate” means a certificate, meeting all the requirements of this Article VII, certifying that a rabies vaccine has been administered.

(q) “Reservation” means the Colorado River Indian Reservation as established and geographically defined under the laws of the United States, encompassing all territory within its exterior boundaries as now or hereafter prescribed or ascertained, including fee patented and allotted lands used or claimed by any person, without regard to such person’s membership in the Colorado River Indian Tribes.

(r) “Tribal Court” or the “Court” means the Colorado River Indian Tribes Tribal Court, as empowered and established by Article XII of the Constitution of the Colorado River Indian Tribes.

(s) “Tribes” means the Colorado River Indian Tribes.

(t) “Vaccination” means the administration of an anti-rabies vaccine to an animal by a veterinarian.

(u) “Valid dog tag” means a tag issued by the Colorado River Indian Tribes, the Town of Parker or La Paz County.

(v) “Veterinarian” means a veterinarian holding a valid or current license issued by any Tribal, State or Federal government.

(w) “Veterinary Hospital” means an establishment operated by a veterinarian, providing clinical facilities and housing animals for medical treatment. Pens, stalls, cages or kennels for quarantine, observation or boarding may be operated in conjunction with the hospital.

(x) “Vicious dog” means any dog, with the exception of dogs used in law enforcement activities, which when unprovoked has killed or inflicted serious bodily injury on a person; or on two separate occasions

within a prior 36-month period has killed or inflicted serious bodily injury on a domestic animal or engaged in behavior towards a person which required that individual to take defensive action in order to avoid serious bodily injury.

CHAPTER 2. DOGS

Section 11-7201. General.

It is a violation of this Article VII to own, harbor or maintain a dog except as provided for in this Article VII.

Section 11-7202. Dogs Not Permitted at Large.

It is a violation of this Article VII for the owner of a dog to permit the dog to roam at large, unless the dog is being exhibited or trained at a permitted kennel club event, public school or sponsored event.

Section 11-7203. Leashes.

It is a violation of this Article VII for the owner of a dog to confine the dog to the owner's property with a leash made of chewable material or a leash that is of such length that the dog is able to leave the owner's property.

Section 11-7204. Vicious Dogs.

In addition to any remedies provided herein, an enforcement officer may institute a proceeding in Tribal Court for the purpose of having a dog declared vicious. If a dog is found to be vicious after a hearing in Tribal Court, the judge may order that the dog be maintained solely under those circumstances ordered by the judge or that the dog be destroyed in a humane manner.

CHAPTER 3. LICENSING OF DOGS

Section 11-7301. General.

All dogs four months of age and older which will be maintained on the Reservation for thirty (30) consecutive days or more must be licensed within thirty (30) days of entry onto the Reservation in accordance with the terms of this Article VII.

Section 11-7302. Obtaining Licenses.

Licenses will be issued by the Fish and Game Department or at any other place designated by the Fish and Game Department.

Section 11-7303. Licensing Fees.

Licensing fees shall be established by the Fish and Game Department and approved by the Administrative Committee of the Tribes.

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Section 11-7304. Dog Tags.

A durable dog tag shall be issued for each dog licensed. The dog tag shall be valid for one calendar year. The dog tag shall contain the number of the license and the date of expiration and shall be worn by the dog at all times. A duplicate dog tag may be issued upon application to the Fish and Game Department by the owner and after payment of a fee as established by the Fish and Game Department.

Section 11-7305. Proof of Vaccination.

No license shall be issued unless the owner presents the Fish and Game Department with a valid vaccination certificate.

Section 11-7306. Transfer of License.

Upon application to the Department, a person that adopts a properly licensed dog may have the license transferred to his or her name.

Section 11-7307. Unlicensed Dog.

A dog found at large without a dog tag identifying its owner shall be presumed to be unowned.

Section 11-7308. Dog Training Permits.

The Fish and Game Department may promulgate regulations, permits and fee schedules for dog trainers preparing for dog shows. No dog training permit shall exceed a period of six months in duration.

CHAPTER 4. NUISANCE

Section 11-7401. Nuisance.

It is a violation of this Article VII for the owner of an animal to permit the animal to cause a nuisance, as that term is defined in this Article VII.

CHAPTER 5. ANIMAL BITES

Section 11-7501. General.

The owner of an animal shall be liable for the damages suffered by any person injured by the animal or for the damages done to the property of another whether the person bitten is in a public place or unlawfully upon private premises, including the property of the owner of the animal.

Section 11-7502. Lawful Presence on Private Property Defined.

A person is lawfully in or on the private property of the owner of an animal within the meaning of this Article VII when they are a licensee or invitee, or when on the property in the performance of a duty imposed upon the person by a law or regulation of the Tribes, the State of Arizona, the State of

California, the United States Government, or by an ordinance of a local government in which the property is located.

Section 11-7503. Dog Bites.

The owner of a dog which bites a person shall be liable for the damages suffered by the person regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.

Section 11-7504. Provocation as Defense.

Proof that the person attacked provoked the attack shall be a defense to an action for damages.

Section 11-7505. Reporting Animal Bites.

All animal bites shall be reported to the Fish and Game Department immediately.

Section 11-7506. Quarantine of Biting Animals.

(a) An unowned animal, whether vaccinated or not, that bites a person or another animal shall be impounded or, upon the request of a medical professional, shall be destroyed in a humane manner by the Fish and Game Department for submission to an appropriate diagnostic laboratory for rabies testing. If impounded, the animal shall be quarantined for not less than ten days. If after ten days the animal is free of rabies the animal may be adopted or disposed of in accordance of this Article VII.

(b) An owned animal, whether vaccinated or not, that bites a person or another animal shall be impounded, or upon the request of a medical professional, shall be destroyed in a humane manner by the Fish and Game Department for submission to an appropriate diagnostic laboratory for rabies testing. Upon the request of the owner the animal may be confined to a veterinary hospital or quarantined at home. No animal shall be permitted to be quarantined at home unless the owner abides by the conditions of the home quarantine as determined by the Fish and Game Department.

(c) If an animal is impounded pursuant to the provisions of Section 11-7506(a) or (b) of this Article VII, the owner shall be responsible for all impoundment fees whether or not the animal is determined to be rabid.

CHAPTER 6. RABIES

Section 11-7601. General.

It is a violation of this Article VII for the owner of a dog to fail to have the dog vaccinated for rabies on an annual basis. Proof of vaccination is a valid rabies vaccination certificate.

Section 11-7602. Rabies Vaccination Certificate.

(a) A valid rabies vaccination certificate must be signed by a licensed veterinarian and contain the following information:

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- (1) the name and address of the owner
- (2) a brief description of the dog
- (3) date of vaccination
- (5) type, manufacturer and serial number of the vaccination

Section 11-7603. Declaration of Quarantine.

The Fish and Game Department shall declare a rabies quarantine area if rabies is detected on the Reservation or in the surrounding environs. The Fish and Game Department shall notify the appropriate health officials within the Town of Parker, La Paz County and the United States Public Health Service of the rabies quarantine area in a timely manner.

Section 11-7604. Dogs Not Permitted at Large.

It is a violation of this Article VII for the owner of a dog to permit the dog to roam at large in a rabies quarantine area. The owner of a dog shall either confine the dog within an enclosure on the owner's property or securely tie the dog so that it is confined entirely to the owner's property on a leash not to exceed six feet in length.

Section 11-7605. Animals Found at Large in a Quarantine Area.

(a) Dogs found at large in a quarantine area, animals showing clinical signs of rabies, and animals which have bitten any person shall be impounded or, upon the request of the animal's owner, confined at a veterinary hospital or at home. No animal shall be permitted to be quarantined at home unless the owner agrees to abide by the conditions of the home quarantine as determined by the Fish and Game Department. Whether hospitalized or impounded, the animal shall be quarantined for not less than ten days. If after ten days the animal is free of rabies the animal may be reclaimed, adopted or disposed of in accordance with this Article VII.

(b) An animal quarantined pursuant to this Section 11-7605 may be destroyed prior to the termination of the minimum confinement period for laboratory examination for rabies if the animal shows clinical signs of rabies.

(c) If an animal is impounded or destroyed pursuant to the provisions of Section 11-7605(a) or (b) of this Article VII, the owner shall be responsible for all impoundment fees whether or not the animal is determined to be rabid.

CHAPTER 7. IMPOUNDMENT

Section 11-7701. Community Pound.

The Department of Fish and Game may establish and regulate a community pound for the purposes of providing a temporary home for animals waiting adoption, quarantining animals or as is otherwise

necessary to carry out the terms of this Article VII.

Section 11-7702. Cooperation with Neighboring Communities.

The Department of Fish and Game may enter into cooperative agreements with neighboring city or county governments or local veterinarians to operate a community pound.

Section 11-7703. Establishment and Use of Impoundment Fees.

The Department of Fish and Game shall establish reasonable fees to defray the costs of impoundment. Monies collected pursuant to this Section 11-7703 shall be remitted to the Fish and Game Department and shall be used for the operation and maintenance of the Department's animal control program, pursuant to a budget approved by Tribal Council. Any unencumbered balance remaining in the fund at the end of the fiscal year shall be carried over into the following fiscal year.

Section 11-7704. Animals Subject to Impoundment.

(a) The following animals shall be impounded whenever found:

- (1) judicially determined vicious dogs;
- (2) judicially determined nuisance dogs;
- (3) female dogs during her breeding or mating season;
- (4) any dog over four months of age not wearing a valid dog tag issued for that particular dog;
- (5) any animal in a rabies quarantine area;
- (6) any animal that bites a human being so as to cause abrasion of the skin;
- (7) any animal that appears to be infected with rabies;
- (8) any animal in the care of an individual taken into custody by the Tribal Police Department if it appears that no other person is available to care for the animal; and
- (9) any animal in the care of an individual involved in a motor vehicle accident if it appears that the individual is incapable of caring of the animal and no other person is available to care for the animal.

Section 11-7705. Voluntary Impoundment.

(a) The owner of an animal, or a friend or relative of the owner, may arrange for voluntary impoundment of the animal if the owner is unable to care for the animal due to a medical condition. The person bringing the animal to the community pound shall enter into an impoundment agreement stating the

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duration of impoundment. Impoundment fees must be paid when the animal is reclaimed. If the animal is not reclaimed within three days after the impoundment agreement terminates, the animal shall become the property of the Tribes and may be made available for adoption.

(b) The owner of an animal may voluntarily impound an unwanted animal, provided all impoundment and vaccination fees are paid.

Section 11-7706. Duration of Impoundment.

Animals impounded pursuant to Section 11-7704 of the Article VII shall be held for a minimum of three days. After the minimum three day period, the animal shall become the property of the Tribes and may be made available for adoption or disposed of in a humane manner.

Section 11-7707. Diseased Animals.

The Department may destroy sick or injured animals that are impounded if destruction is necessary to prevent the animal from suffering or to prevent the spread of disease.

Section 11-7708. Adoption.

Animals available for adoption may be adopted provided all impoundment fees are paid. No animal shall be released from impoundment for the purposes of medical or other types of research.

Section 11-7709. Claiming an Impounded Animal.

Persons reclaiming impounded animals must furnish proof that the animal belongs to that individual and pay all impound fees, regardless of the reason for impoundment.

CHAPTER 8. CRUELTY TO ANIMALS

Section 11-7801. General Provisions.

(a) It is a violation of this Article VII for any person to overwork, torture, torment, cruelly beat or unlawfully kill an animal, or to cause or procure an animal to be overworked, tortured, tormented, cruelly beaten or killed.

(b) It is a violation of this Article VII to transport or cause an animal to be transported in a cruel or inhumane manner.

Section 11-7802. Abandonment.

It is a violation of this Article VII for any person to abandon an animal on a street, road or highway, drains or canals, or in any public place or on private property.

Section 11-7803. Care of Animals.

(a) It is a violation of this Article VII for any person owning an animal to fail to provide the following for that animal:

- (1) food that is free from contamination and that is of a sufficient quantity and nutritive value to maintain the animal in good health;
- (2) potable water accessible to the animal at all times, whether free-flowing or in a clean receptacle;
- (3) convenient access to natural or artificial shelter which adequately protects the animal from extreme temperatures, provides adequate ventilation and is of a size so as to minimize the risk of the animal contracting disease, being injured, or becoming infested with parasites; and
- (4) medical treatment for injuries, parasites and disease, sufficient to maintain the animal in good health and minimize suffering.

CHAPTER 9. ENFORCEMENT

Section 11-7901. Enforcement Officers.

(a) The following persons are authorized to issue citations for violations of any provision of this Ordinance:

- (1) C.R.I.T. Fish and Game Wardens
- (2) C.R.I.T. Police Officers

(b) Enforcement officers shall issue citations based on either:

- (1) first hand knowledge that a person has violated this Article VII; or
- (2) probable cause, after an investigation has been conducted.

Section 11-7902. Impounding of Neglected and Abused Animals.

Enforcement officers may take control of neglected or abused animals by transporting the animal to the nearest available animal shelter, or to a veterinarian for medical treatment or by euthanizing the animal if necessary to alleviate suffering. All costs incurred by the enforcing authority pursuant to this Section 11-7902 shall be assessed against the owner of the animal.

Section 11-7903. Destruction of Potentially Dangerous Animals.

Enforcement officers may kill an animal at large that poses a specific and immediate danger to human health and safety if, and only if, that animal cannot be safely impounded by the enforcement officers.

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Section 11-7904. Entrance onto Private Property.

Enforcement officers may enter onto private property when necessary to do so in order to apprehend a dog that is at large. Such entrance upon private property shall be in reasonable pursuit of the dog and shall not include a right of entry into a domicile or enclosure.

Section 11-7905. Interference with an Enforcement Officer.

It is a violation of this Article VII for any person to interfere with an enforcement officer in the performance of his or her duty while the officer is carrying out the provisions of this Article VII.

CHAPTER 10. COMMENCEMENT OF ACTION

Section 11-71001. Commencement of Action.

A civil case for violation of this Article VII is commenced by issuance of a civil citation.

Section 11-71002. Service.

(a) A citation issued pursuant to this Article VII may be served by delivering a copy of the citation to the person charged with the violation or by any means authorized by the rules of civil procedure for serving a civil complaint.

(b) The original civil citation shall be filed in Tribal Court within ten court days of the time the citation was issued. An enforcement officer may issue a civil citation.

Section 11-71003. Proceedings.

(a) A person served with a civil citation shall:

- (1) Appear at the time and place designated by Tribal Court.
- (2) Admit or deny the allegations of the citation.

(b) Allegations not denied at the time of appearance are deemed admitted.

(c) If the allegations are admitted, the court shall enter judgement for the Tribes and shall impose a civil fine. The person may admit the allegations with an explanation, and then the court shall enter judgement for the Tribes and impose a civil fine. In determining the civil fine, the court may consider the explanation submitted.

(d) If the allegations are denied, the court shall set the matter for a hearing. The hearing is informal and without a jury. At the hearing, the Tribes are required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel the person shall notify the court at least ten days before the hearing date. Hearings may be recorded. If the court finds in favor of

the person, the court shall enter an order dismissing the allegation. If the court finds in favor of the Tribes, the court shall enter judgement for the Tribes and impose a civil fine.

(e) If a person served with a civil citation alleging a violation of this Article VII fails to appear at or before the time directed to appear or at the time set for a hearing by the court, the allegations in the citation are deemed admitted, and the court shall enter judgement for the Tribes and impose a civil fine.

CHAPTER 11. CIVIL PENALTIES

Section 11-71101. Penalties.

(a) In addition to, and notwithstanding any impoundment fees, any person who violates or fails to comply with a provision of this Article VII shall be subject to the following civil fines:

- (1) For a first violation, a fine not less than fifty dollars (\$50) but not to exceed five hundred dollars (\$500).
- (2) For subsequent violations committed within one year of a previous violation of a provision of this Article VII, a fine not less than one hundred dollars (\$100) but not to exceed one thousand dollars (\$1,000).
- (3) Once a person has received either a notice of violation or a citation from an enforcement officer for a violation of or a failure to comply with this Article VII, each day that person continues to violate or fails to comply with this Article VII constitutes a separate civil violation of this Article VII.

Section 11-71102. Punitive Damages.

Any person adjudged to have engaged in a pattern or practice of violating this Article VII may be liable for punitive damages in an amount not to exceed one thousand dollars (\$1,000). The Court may assess punitive damages pursuant to this Section 11-71102 for each violation of which the pattern or practice is found to consist.

Section 11-71103. Remittance of Fines.

Monies collected pursuant to this Article VII shall be remitted to the Fish and Game Department and shall be used to defray the costs of the administering of this Article VII, pursuant to a budget approved by Tribal Council.

Section 11-71104. Regulations Adopted Pursuant to this Article VII.

The Fish and Game Department is authorized to issue such rules and regulations as are deemed necessary to carry out the provisions of this Article VII, upon obtaining prior approval of the Administrative Committee.

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