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**ORDINANCE OF THE GOVERNING BODY**

**OF THE**

**SAUK-SUIATTLE INDIAN TRIBE**

**Ordinance No. 06/10/07: ANIMAL CONTROL ORDINANCE**

**THEREFORE BE IT ENACTED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE INDIAN TRIBE, AS FOLLOWS:**

WHEREAS, the Sauk-Suiattle Tribal Council is the duly constituted governing body of the Sauk-Suiattle Indian Tribe, by authority of the Constitution and Bylaws, approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat.984); and

WHEREAS, the Sauk-Suiattle Indian Tribal Council is the duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS, in accordance with the Tribal Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, it shall be the duty of Tribal Council to protect and preserve the people of the Sauk-Suiattle Indian Tribe as provided in Article II, Section 1(a) including the promulgation of laws and ordinances pursuant to Article VII, Section 1(P); and

WHEREAS, in order to maintain the peace, health and general welfare of the Sauk-Suiattle people and other members of the Sauk-Suiattle community, the Tribal Council has determined that is necessary to promulgate rules regarding the owning and keeping of animals within the Tribe's jurisdiction.

NOW THEREFORE, BE IT ENACTED THAT, the Sauk-Suiattle Tribal Council hereby asserts its right as a sovereign power to protect the health and welfare of the Sauk-Suiattle community through regulating the owning and keeping of animals within the jurisdiction of the Tribe.

BE IT FURTHER ENACTED THAT, this Ordinance sets forth uniform procedures to be followed by the Department of Law Enforcement and the Tribal Court in enforcing the rules promulgated herein.

BE IT FINALLY ENACTED THAT, the Animal Control Ordinance is hereby enacted.

LEGISLATIVE HISTORY

Enacted:

- Animal Control Ordinance, No. 6/10/07. (6/8/07).

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**I. General Provisions**

**1.01.001 Title**

This Ordinance shall be known as the Sauk-Suiattle Animal Control Ordinance.

**1.01.002 Authority and Declaration of Policy**

Article VII, Section 1(P) of the Constitution of the Sauk-Suiattle Indian Tribe empowers the Sauk-Suiattle Tribal Council to promulgate and enforce ordinances governing the conduct of all persons within the jurisdiction of the Sauk-Suiattle Indian Tribe. It is the intent of this Ordinance to maintain order and protect the safety and welfare of all persons on the Sauk-Suiattle Indian Reservation and to provide procedures for enforcement through the Sauk-Suiattle Indian Tribe Department of Law Enforcement.

**1.01.002 Jurisdiction**

The Sauk-Suiattle Tribal Court shall have jurisdiction over cases arising under this Ordinance. The jurisdiction of the Tribal Court is limited only by the Constitution of the Sauk-Suiattle Indian Tribe, the Rules of the Sauk-Suiattle Tribal Court, and federal law.

**1.01.003 Liberal Construction**

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

**1.01.004 Severability**

If any provision of this ordinance, or its application to any person, legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstance, shall not be effected.

#### 1.01.005 Repealer

This ordinance supersedes and replaces any conflicting provisions of any and all prior animal control laws, codes, ordinances, or regulations of the Sauk-Suiattle Indian Tribe.

#### 1.01.006 Definitions

If a term is not defined in this section, it shall be given its ordinary meaning, unless otherwise defined in this Ordinance. Terms used in this ordinance shall have the following meaning, except where the context indicates otherwise:

(a) **At Large**: present at a privately owned place that is not owned or occupied by the owner or keeper of the animal at issue, or at any public place, unless permission for the animal to be present has been obtained from the person who owns or controls the property.

(b) **Confinement**: keeping the animals indoors or in an enclosure which prevents the animal's escape or contact with other animals.

(c) **Cruelty**: physical injury inflicted by other than accidental means which causes or creates a substantial risk of death, disability, disfigurement or impairment of bodily functions or acts which are generally accepted by the Tribal community to be cruel or inhumane.

(d) **Dangerous Animal**: any animal which, without provocation, bites or attacks, or attempts to bite or attack, a person more than once during a two-year period.

(e) **Department**: the Sauk-Suiattle Department of Law Enforcement.

(f) **Director**: the Director of the Sauk-Suiattle Department of Law Enforcement.

(g) **Euthanasia**: the humane destruction of an animal by a method that produces instantaneous unconsciousness and immediate death or painless loss of consciousness and death during such loss of consciousness.

(h) **Guard Dog**: adult dog that has been trained to protect persons or property through the exhibition of hostility and aggressiveness to persons who might be perceived to threaten the persons or property under the dog's care.

(i) **Keeper**: any person in possession of any animal or responsible for the custody or control of any animal.

(j) **Neglected**: not receiving the food, water, shelter, medical care, exercise or supervision needed for the welfare of the animal at issue.

(k) **Premises**: a building and the area of land surrounding the building which forms an actual or constructive enclosure with the building to which the owner of the animal at issue has a legal or equitable right. Automobiles, trucks, or farm wagons owned or under the control of the owner or keeper of the animal at issue are also "premises."

(l) Public Emergency: any circumstances under which the Sauk-Suiattle Department of Law Enforcement, the Sauk-Suiattle Health Department, the Sauk-Suiattle Department of Natural Resources, or the Sauk-Suiattle Department of Fisheries find warrant the restraint or confinement of animals within the Tribe's jurisdiction.

(m) Reservation: everything located within the external boundaries of the Reservation of the Sauk-Suiattle Indian Tribe, all Indian land within the territory of the Sauk-Suiattle Indian Tribe, all tribally owned land, and all land held in trust for the Tribe by the United States.

(n) Restraint: securely leashed or confined by a secure fence or enclosure within premises or leashed under the control of a person of suitable age and ability off-premises.

(o) Tribe: the Sauk-Suiattle Indian Tribe.

## II. Administration and Enforcement

### **1.02.010 Tribal Law Enforcement**

Administration and enforcement of this ordinance shall be the responsibility of the Department, which, as necessary to carrying out its responsibilities under this ordinance, shall have the authority to:

(a) contract with (subject to Tribal Council approval), operate or cause to be operated animal shelters and/or dog pounds;

(b) contract with (subject to Tribal Council approval), select, train, hire or retain animal control officers to enforce the provisions of this ordinance;

(c) investigate complaints of animal delinquency within the Tribe's jurisdiction;

(d) issue citations for violations of this ordinance; and

(e) subject to the limits imposed by this ordinance, whether explicit or implied, take, confine or impound, and destroy animals found in violation of this ordinance.

### **1.02.020 Delegation of Authority**

As necessary to carrying out its responsibilities under this ordinance, the Department may:

(a) With the approval of the Tribal Council, which may delegate its approval authority to the General Manager, delegate all or part of its responsibilities to competent agencies and officers of federal, state, local, and other tribal governments or to private persons and organizations;

(b) With the approval of the Tribal Council, which may delegate its approval authority to the General Manager, negotiate contracts or agreements with said agencies, officers, persons, and organizations, or their facilities, whether within or outside the Tribe's Reservation;

(c) Deputize persons over the age of eighteen (18) years for the purpose of enforcing animal control regulations.

#### **1.02.030 Impoundment**

(a) Animals may be impounded in the following situations:

(1) When the animal is unleashed and off the premises of its owner or keeper and a violation of this ordinance has been committed.

(2) When the animal has been subjected to cruelty or neglect.

(b) Animals shall be impounded in a place and manner designated by the Director.

(c) Following impoundment, the Director or his authorized agent shall notify the owner or keeper of the animal of its impoundment; if the owner or keeper of the animal is unknown, reasonable efforts to ascertain and/or notify the owner or keeper of the impoundment will be made.

(d) When the Department has knowledge that an animal is not being quarantined as required by Section 1.03.030 of this Ordinance, the Department shall pick up the animal and impound it for the quarantine period.

#### **1.02.040 Authorized Animal "Roundup"**

The Department is authorized to periodically conduct a "round-up" of any and all dogs or cats that are roaming or running at large. This authority is granted in addition to the authority to take individual animals into custody under this ordinance. Prior notice to the Tribal community shall be prominently posted prior to round-ups. Instructions for re-claiming animals shall be posted immediately after roundups

#### **1.02.050 Redemption of Animals**

(a) Animals other than livestock and quarantined animals that have been impounded by the Department may be redeemed upon payment of the costs of impound.

(b) Livestock may be redeemed upon payment of the costs of impoundment and boarding, and if impounding requires special transportation, the cost of such special transportation.

(c) If an animal has been quarantined by the Department, the owner or keeper of the animal may redeem it after the quarantine period, if the animal shows no signs of rabies or other contagious disease for which quarantine is required, for the cost of quarantining the animal.

#### **1.02.060 Disposition of Animals not Redeemed**

(a) When an animal other than livestock is not redeemed sooner than five (5) days following impoundment, the Director or his authorized agent may give or sell the animal to a suitable person, euthanize or otherwise dispose of the animal. "Suitable person" means a person or agency who satisfies the Department that the animal will be provided for in a manner appropriate to its character, whether kept as a pet or companion by a person or persons with the ability to provide for its care, reintroduced into the wild in accordance with scientifically sound procedures, or where the animal is not suitable as a pet or companion and cannot be safely reintroduced into the wild, humanely maintained for display or study by an agency equipped for that purpose. Under no circumstances shall an impounded animal be given or sold for medical, scientific, product testing or other experimentation.

(b) When livestock is not redeemed sooner than seven (7) days following impoundment, the Director or his authorized agent may commence to sell the animal at public auction. Notice of the auction and a description of the livestock to be auctioned shall be published at least five (5) days prior to the sale in an official country or tribal newspaper. Such notice shall also be mailed to the owner of the livestock if known. Costs of publication and mailing, costs of sale, and costs shall be deducted from the proceeds of the sale. The balance shall be remitted to the owner, if known. Otherwise, the balance of the proceeds shall be deposited into an account to be used for the administration and enforcement of this ordinance.

(c) Sick or injured animals may be euthanized or disposed in accordance with S.S.T.C. 6.09.015(a) prior to the expiration of the redemption period if, in the informed opinion of the Director, such action is necessary for the protection of the public health or to prevent unnecessary suffering. The Director shall consult with qualified medical, public health, or veterinary personnel prior to giving his opinion that such action is necessary. When reasonably possible, the owner or keeper of the animal shall be notified and provided with an expedited opportunity to appeal the Director's decision prior to any such disposition.

#### **1.02.070 Abandonment of Animals**

Any owner or keeper entitled to regain custody of an animal pursuant to the provisions of this ordinance who fails to do so in the time provided shall have abandoned all legal rights and interests in the animal.

#### **1.02.080 Public Emergency**

The Department may require that animal owners or keepers confine their animals within the premises of their owners or keepers during a public emergency requiring such confinement. The Department shall make reasonable efforts to notify animal owners and keepers that a public emergency has been declared.

### **III. Animal Control**

#### **1.03.010 Responsibility for Animals**

Any person who is an owner or keeper of any animal shall be responsible for:

- (a) Damage to persons or property caused by the animal;
- (b) Providing proper medical care (including vaccinations), food, water, supervision and care;
- (c) Preventing the animal from unreasonably annoying or disturbing others through frequent or habitual barking, howling, yelping or crying;
- (d) Preventing the animal from interfering with pedestrians or chasing vehicles;
- (e) Preventing the animal from getting into other people's garbage or scattering garbage; and
- (f) Maintaining control of the animal when off the premises of its owner or keeper.

#### **1.03.020 Licensing**

No dogs or cats shall be kept, harbored or maintained within the boundaries of the Sauk-Suiattle Reservation, unless, such dog or cat has been registered by the owner with the Department in accordance

with this Section. The registry of ownership shall contain the following information: name, breed (if known), sex, color and location of the residence where the animal resides. The name of the owner shall also be included.

**(a) Fee and Certification of Vaccination**

1. The Department shall issue a Certificate of Registration for each dog or cat within the Reservation, provided that the owner exhibits proof that the dog or cat described in the registration application is up-to-date in its required vaccinations (as established by the Sauk-Suiattle Tribal Council), and provided further that the owner shall pay to the Department a Registration Fee of Five dollars (\$5.00) for each dog or cat.
2. Within thirty (30) days, after July 1st or within thirty (30) days, after the dog or cat reaches six (6) months of age, or is under six (6) months and is no longer with its mother, every owner of such dog or cat, shall procure a Tribal Animal License for each year, beginning July 1st from the Department.
3. Licenses must be renewed each year, regardless, of date of issue, all licenses shall expire on June 30th of the year following they year the license was issued.
4. Registration fees shall be due on a biannual basis and must be paid at the time of license renewal.

**(b) Display of Tags.**

1. The tags received at the time the animal is vaccinated against rabies, and at the time of licensure, must be attached by the owner to a substantial collar.
2. These tags shall be replaced with new tags at the time of subsequent rabies vaccination and license renewal.

**(c) Transfer or Change of Ownership.**

When the permanent ownership of a dog, cat or other domesticated animal is transferred, the new owner shall, within thirty (30) days of the date of ownership, make application for a new license, regardless of whether or not the dog, cat or domesticated animal was previously licensed and shall pay the full biannual license fee.

**(d) Duplicate Tag.**

Upon the filing of an affidavit that a license tag has been lost or destroyed, the owner may obtain another tag upon payment of two dollars (\$2.00) to the Department. The Department shall enter in the license record, the new number assigned.

**(e) Removal of Tag.**

It will be unlawful for any person, who is not the owner or agent of such owner or an employee of the Tribe or its agent, acting in an official capacity, or a police officer, to remove a license tag from a dog or cat, prior to the expiration of the license.

### **1.03.030 Quarantine**

(a) Animals will be quarantined under the following conditions:

(1) For a period of not less than ten (10) days when the animal has bitten someone severely enough to break the skin. If the animal dies or exhibits symptoms of rabies, other illness, or other unusual behavior while quarantined, the owner or keeper shall notify the Department and the Sauk-Suiattle Health Department.

(2) Until such time as a veterinarian certifies that the animal is no longer capable of transmitting the disease when the animal has been diagnosed with a contagious disease.

(c) The owner or keeper of an animal subject to quarantine shall keep the animal in confinement for the quarantine period. The animal shall be securely chained, confined on the premises of its owner or keeper, and kept separate from other animals. The animal shall be secured so as to prevent contact with persons lawfully on the premises of its owner or keeper, including all children ten (10) years of age or younger.

(d) The owner or keeper of a quarantined animal shall not sell, give away or permit the animal to be removed from the premises of the owner or keeper without written permission of the Director during the quarantine period. The owner or keeper of an animal who has bitten someone shall not kill the animal during the quarantine period. If the owner or keeper of a quarantined animal is unable to control the animal or maintain the animal in confinement, s/he shall notify the Department, which shall pick up the animal.

### **1.03.040 Dogs Running at Large**

It shall be unlawful for the owner or keeper of a dog to allow it to run at large within the boundaries of the Reservation

### **1.03.050 Mandatory Leashing**

All dogs shall be physically restrained by means of a leash not more than ten feet in length when not on the property of the owner or keeper. A dog may be unleashed on the property of its owner or keeper only if the property is enclosed by a secure fence of sufficient strength and dimensions to prevent the dog's escape, or supervised by a person ten years of age or older who is able to maintain control of the dog and who is in fact in control of the dog.

### **1.03.060 Dogs in Heat**

The keeper or owner of a female dog shall keep it in confinement when it is in heat.

### **1.03.070 Dangerous Animals**

It shall be unlawful to own or keep a dangerous animal unless the animal is securely confined on the premises of its owner or keeper or muzzled, leashed, and in the custody and control of a person sixteen years of age or older who is physically able to restrain and control the animal.

#### 1.03.080 Diseased Animals

It shall be unlawful to sell an animal that the seller knows, or reasonably should know, is diseased.

### IV. Civil Infractions

#### 1.04.010 Infraction Penalties

The penalty for any infraction specified in this chapter shall be fifty dollars (\$50.00) for the first cited violation, seventy-five dollars (\$75.00) for the second cited violation committed within one year of the first, and one hundred dollars (\$100.00) for the third and all subsequent cited violations committed within one year of the first. Every day in which a person is in violation of this ordinance shall constitute a separate and distinct infraction.

#### 1.04.020 Failure to Provide Care

Any owner or keeper of an animal who fails to provide the animal with proper medical care (including necessary vaccinations), food, water, supervision and care has committed a civil infraction.

#### 1.04.030 Failure to Prevent Damage

Any owner or keeper of an animal who fails to prevent damage to persons or property caused by the animal has committed a civil infraction. It is a defense to liability under this section if the injured party provoked the animal or was unlawfully in or on another's property, including but not limited to the property of the owner or keeper, or was committing an unlawful act which contributed to the injury; provided, however, that this defense is not available if the injured person is a child ten (10) years of age or younger.

#### 1.04.040 Failure to Prevent Nuisance

Any owner or keeper of an animal has committed a civil infraction when he or she fails to prevent the animal from:

- (a) unreasonably annoying or disturbing others through frequent or habitual barking, howling, yelping or crying;
- (b) interfering with pedestrians or chasing vehicles; or
- (c) getting into other people's garbage or scattering garbage.

#### 1.04.040 Failure to Leash

Any owner or keeper of a dog who fails to maintain the dog on a leash when off the premises of its owner or keeper as required by S.S.T.C. 6.09.033 has committed a civil infraction.

**1.04.050 Failure to Confine a Dog in Heat**

Any owner or keeper of a female dog who fails to confine the dog when in heat has committed a civil infraction.

**1.04.060 Failure to Quarantine an Animal**

Any owner or keeper of an animal who fails to quarantine the animal as required by S.S.T.C. 6.09.031 has committed a civil infraction.

**1.04.070 Failure to Confine an Animal During a Public Emergency**

Any owner or keeper of an animal who fails to confine the animal when he or she knows, or reasonably should know, that a public emergency requiring the animal's confinement has been declared has committed a civil infraction.

**1.04.080 Harboring a Dangerous Animal**

Any person who owns or keeps a dangerous animal except as provided in S.S.T.C. 6.09.035 has committed a civil infraction.

**1.04.090 Selling a Diseased Animal**

Any person who sells an animal that s/he knows, or reasonably should know, is diseased has committed a civil infraction.

**1.04.100 Removing Impounded Animals**

Any person who removes or attempts to remove an animal which has been impounded or which is in the possession of the Animal Control Officer, except in accordance with the provisions of this Ordinance, has committed a civil infraction.

**1.04.110 Removing Tag from Animal**

Any person, who is not the owner or agent of such owner or an employee of the Tribe or its agent, acting in an official capacity, or a police officer, removes a license tag from a dog or cat, prior to the expiration of the license has committed a civil infraction.

**V. Enforcement Procedures**

**1.05.010 Power of Enforcement**

Any person authorized to enforce this ordinance shall issue a notice of violation:

- (a) When a violation of this ordinance occurs in the enforcement authority's presence; or,
- (b) When the enforcement authority investigating a report of a violation of this ordinance finds probable cause to believe that a violation has been occurred.

#### 1.05.020 Notice of Violation

The Tribe, through its enforcement authorities, shall give a written notice to anyone who violates this ordinance. The notice of violation shall:

- (a) Specify the nature of the violation, the location of the violation, the date and time of the violation (or the date and time when the violation was discovered), and the section(s) of this ordinance that were violated;
- (b) Set a date for hearing before the Sauk-Suiattle Tribal Court, which shall be no sooner than ten (10) days after service of the notice;
- (c) Specify the amount of the fine which may be paid by the violator to the Court in order to avoid a Court hearing;
- (d) Notify the violator that if the violator does not pay the amount of the fine and does not appear before the Tribal Court on the date set for hearing, the court may declare the defendant to be in default and award any appropriate relief as provided by this ordinance.

#### 1.05.030 Service of Notice

The notice of violation shall be served upon the defendant in the following manner:

- (a) By delivering a copy personally to the defendant or the defendant's authorized representative, or to any member of the defendant's family residing with the defendant who is eighteen (18) years of age or older; or
- (b) By delivering a copy to the defendant's place of business and leaving it with a secretary or other person authorized to accept service.
- (c) If, after reasonable effort is made, the defendant cannot be personally served, service may be made by sending a copy of the notice to the defendant's last known address by certified mail, return receipt requested, and sending an additional copy by regular mail.

A certificate of service filed with the Sauk-Suiattle Tribal Court shall constitute proof of service of the notice of violation. If service is made in the manner described in subsection (c) of this section, the certificate must describe the efforts that were made to personally serve the defendant.

#### 1.05.040 Procedure

- (a) Rules of Sauk-Suiattle Tribal Court to Apply. Hearings on civil infractions under this ordinance shall conform to the applicable Rules of the Sauk-Suiattle Tribal Court, in particular the Rules of Civil Procedure if any, except as inconsistent with this ordinance.
- (b) No Right to Jury Trial. There is no right to a jury trial in proceedings held pursuant to this ordinance. The Court, sitting without a jury, shall hear and decide such proceedings.
- (c) Appeals. Any party may appeal any final order under this ordinance. All appeals shall be governed by the applicable Rules of the Sauk-Suiattle Tribal Court, in particular the Rules of Appellate Procedure.

(d) Power of the Court.

(1) If the Court finds by a preponderance of the evidence that a violation of this ordinance has been committed, it may require the violator to pay a civil penalty in an amount not to exceed the maximum penalty allowed for the infraction. The Court may suspend any fine or a portion thereof on the condition that the owner or keeper comply with the Court's order. The Court may also reduce any fine imposed if the animal's owner or keeper proves to the Court that the violation has been corrected (for example, that the dog's vaccinations have been brought up to date).

(2) If the Court finds by a preponderance of the evidence that a violation of this ordinance has been committed and that it is likely that the owner or keeper of the animal will not provide proper care and supervision for the animal so as to prevent further violations of this ordinance, the Court may order the Department to remove the animal from the owner or keeper and dispose of it in accordance with this ordinance.

(3) Upon a showing of financial hardship, the Court may sentence a violator to perform community service hours in lieu of payment of a fine. Each hour of community service shall reduce the fine by the amount of federal minimum wage at the time of sentencing. Adequate supervision must be available before community service hours are imposed.

(4) In addition to the civil penalties imposed under this ordinance, the Court may order the owner or keeper of an animal to pay any actual damages for injury to the person, property or resources of any person. It shall be a defense to liability under this section if the injured party provoked the animal, or was unlawfully in or on another's property, including but not limited to the property of the owner or keeper, or was committing an unlawful act which contributed to the injury; provided, however, that this defense is not available if the injured person is a child ten (10) years of age or younger. If a child 10 years of age or younger is the injured party, liability may be apportioned between the animal's owner or keeper and the child's parent or guardian if the parent or guardian knew, or should have known, of the risk that the child might be injured by the animal but failed to take reasonable steps to protect the child.

**1.05.050 Failure to Pay Fine**

Any person who fails to pay any fine assessed by the Court within thirty (30) days after the fine has been assessed and who fails to make other arrangements with the Court regarding payment of the fine, shall owe, in addition to the fine imposed, ten dollars (\$10.00) for each thirty (30) day period that the fine is overdue.

**1.05.060 Disposition of Funds**

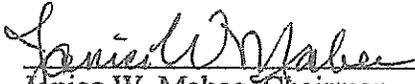
Civil penalties collected by the Court, which are in excess of court costs, shall be placed into an account to be used for the administration and enforcement of this ordinance. Use of the funds for such purposes may be made by the Sauk-Suiattle Tribal Council upon recommendation from Law Enforcement.

**1.05.070 Private Causes of Action**

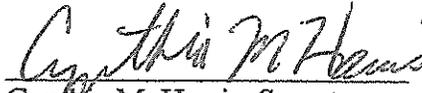
Nothing in this ordinance shall prevent a person from bringing a private cause of action for damages to his or her person or property caused by an animal.

**CERTIFICATION**

Pursuant to the authority contained in Article VII, Section 1(N) of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, ratified by the Tribe on July 19, 1975 and certified by the Secretary of Interior on September 17, 1975, pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the foregoing Ordinance was adopted this 8th, day of June, 2007 at a Reconvened Council Meeting held at the Sauk-Suiattle Indian Reservation at which a quorum was present, by a vote of 4 for, 1 against, 1 abstain, and 1 absent.

  
Janice W. Mabee, Chairman

ATTEST:

  
Cynthia M. Harris, Secretary