



KICKAPOO TRIBE IN KANSAS



Resolution KT95-48

RESOLUTION

WHEREAS, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas is organized in accordance with the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas is empowered by the Kickapoo Constitution and By-laws approved by the Secretary of Interior on February 26, 1937; and

WHEREAS, the Kickapoo Tribe has a Tribal Court; and

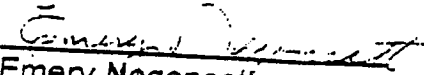
WHEREAS, the Kickapoo Reservation has a need for animal control for the health, safety, and welfare of our people; and

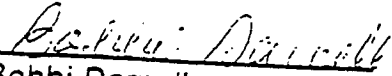
WHEREAS, the Kickapoo Tribal Council has approved of the Animal Control and Regulation; and

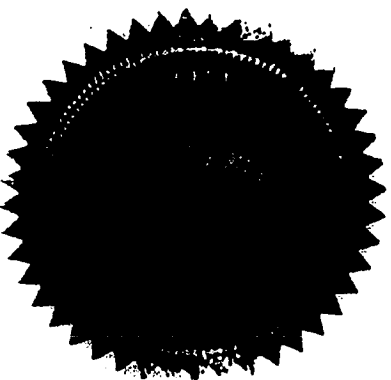
THEREFORE BE IT RESOLVED, that the Kickapoo Tribal Council has approved of the Animal Control and Regulation for the health, safety, and welfare of the reservation, and these Regulations will be codified into our Tribal Court, effective June 2, 1995.

CERTIFICATION

The foregoing Tribal Council Resolution was adopted by the Kickapoo Tribal Council in a special session called for and by the Tribal Chairman on this 2nd day of June, 1995, at which 6 members of the Tribal Council were present, constituting the required quorum, with 5 voting for, 0 against, 0 abstaining, with the Chairman not voting.


Emery Negonsott
Chairman

ATTEST: 
Bobbi Darnell
Secretary



ANIMAL CONTROL AND REGULATION

- Article 1 - General Provisions
Article 2 - Dogs
Article 3 - Pit Bull Dogs, Rottweiller and
Doberman Pincher Dogs

ARTICLE 1. GENERAL PROVISIONS

DEFINITIONS. For the purpose of this Chapter, the following words and phrases shall mean:

- (a) Abandon includes the leaving of a dog by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- (b) At-Large means to be outside of a fence, other enclosure or appropriate restraint which restrains the dog to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the dog. Dogs tethered to a stationary object within range of public thoroughfares are deemed to be at-large.
- (c) Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any dog, which is actually or suspected of being contaminated or inoculated with the saliva from the dog, directly or indirectly, regardless of the health of the dog causing such bite.
- (d) Dangerous or Vicious Dog means any dog deemed to be dangerous or vicious per this section.
- (e) Dog means any member of the species Canis Familiaris, regardless of sex.
- (f) Harbor means any person who shall allow any dog to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.
- (g) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- (h) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than 10 dogs.
- (i) Owner means the one who owns, or his or her employee, agent, or other competent person into whose charge a dog has been placed by the actual owner.
- (j) Vaccination means an injection of a vaccine, approved by the Health Center and administered by competent authority for the purpose of immunizing a dog against rabies.

(k) Veterinarian means a doctor of Veterinary Medicine appropriately license by competent authority.

ANIMAL CONTROL OFFICER: DUTY TO IMPOUND: CITATION
ALTERNATIVE;

(a) In the absence of a duly appointed Animal Control Officer, Law Enforcement Personnel or other competent authority shall be charged with the enforcement of this chapter. Any person employed by the Tribe as an Animal Control Officer shall have the powers and authority as allowed by law in the enforcement of this chapter. All Animal Control Officers shall be subject to the supervision and direction of the Tribal Council and/or Tribal Chief of Police.

(b) Except as provided in subsection (c), it shall be the duty of the Animal Control Officer to take up, impound and or destroy all dogs found upon the Kickapoo Reservation in Kansas, which are in violation of the provisions of this chapter.

(c) As an alternative to the provisions of subsection (b) of this section, any Law Enforcement Officer or the Animal Control Officer may issue a citation to the owner, harborer or keeper of a dog in violation of this chapter, and the person receiving the citation shall appear in the Tribal Court to answer the charged violation of this chapter.

SAME: CAPTURE/DESTRUCTION;

When deemed necessary by Law Enforcement Officers or the Animal Control Officer for the health, safety and welfare of the residents of the Kickapoo Reservation, such Officers and/or their Agents may:

(a) Place a humane trap on public or a requesting residents property for the purpose of capturing any dog as defined in this chapter as creating a nuisance.

(b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any dog that is deemed by the Animal Control Officer, in his or her discretion, to be a danger to itself or to the public health and safety.

(c) Use firearms or other suitable weapons to destroy any rabid dog, any vicious dog or any dog creating a nuisance as defined, where such dog is impossible or impractical to catch and or capture.

SAME: RIGHT OF ENTRY: UNLAWFUL INTERFERENCE;

(a) The Animal Control Officer or any Law Enforcement Officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any dog whose presence thereupon is a violation of this chapter.

(b) It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

NOISY ANIMALS:

The keeping, or harboring of any dog which by loud, frequent and habitually barking, howling, and yelping, shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of the person harboring or keeping such loud and noisy dog or dogs to abate the condition, and if he or she fails to do so, the Tribe may abate it by taking up, impounding and/or destroying the dog at the expense of the owner.

NUISANCE: ANIMAL ACTIVITIES PROHIBITED;

It shall be unlawful for the owner of any dog to keep or maintain such dog within the Kicakpoo Reservation so as to constitute a nuisance. For the purpose of this section, nuisance is defined as any dog which:

- (a) Molests or interferes with persons in the public right-of-way.
- (b) Attacks or injures persons, or other domestic animals.
- (c) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement.
- (d) Scatters refuse that is bagged or otherwise contained.
- (e) Causes any condition which threatens or endangers the health or well being of persons or other animals.

If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complaintant to testify to the nuisance under oath.

DEATH OF DOGS:

All dead dogs shall be disposed of by the owner or keepers within 24 hours of the dogs death, by burial, incineration in a facility approved by the Tribal Council, by rendering or by other lawful means approved by the Tribal Council. No dead dog shall be dumped on any public or private property.

VICIOUS DOGS:

(a) Prohibited: It shall be unlawful for any person to keep, possess or harbor a vicious dog with the Kickapoo Tribe. Impoundment and/or destruction of dogs whose owners have been cited for violation of this section shall be at the discretion of the Kickapoo Tribe. If the dog presents a clear and present danger to the public health or safety, it shall be the duty of the Animal Control Officer and/or Law Enforcement to impound and/or destroy such dog.

(b) Defined: For the purposes of this chapter, a vicious dog shall include:

(1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any dog which attacks a human being or domestic animal without provocation.

(3) Any dog owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(4) Any dog which is urged by its owner or harbored to attack, or whose owner or harbored threatens to provoke such animal to attack, any Law Enforcement Officer while such officer is engaged in the performance of official duty.

(c) Complaint: Whenever a sworn complaint is filed in the Tribal Court against the owner of a dog alleging that such dog is vicious and in violation of this section, the Tribal Court Judge shall hold a hearing to determine whether or not the dog is vicious within the meaning of this section and thereby in violation of this section. The owner of the dog shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the Tribal Court Judge shall consider the following:

(1) The seriousness of the attack or bite.

(2) Past history of attacks or bites.

(3) Likelihood of attacks or bites in the future.

(4) The condition and circumstances under which the dog is kept or confined.

(5) Other factors which may reasonably relate to the determination of whether or not the dog is vicious.

The Tribal Court Judge shall order the impoundment, the muzzling, and/or the confinement of the dog accused of being in violation of this section in a manner and location that will insure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior court orders to restrain such dog has gone unheeded, the judge may order the dog immediately destroyed.

(d) Vicious Dogs to be muzzled: It shall be the duty of every owner, keeper or harbored of any dog within the Kickapoo Reservation, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place within the Kickapoo Reservation, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the Kickapoo Reservation contrary to this section shall be guilty of a violation of this code.

(e) Immediate Destruction: Nothing in this chapter shall be construed to prevent the Animal Control Officer or any Law Enforcement Officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious dog without notice to the owner.

(f) Release of: If a complaint has been filed in the Tribal Court against the owner of an impounded dog for a charge under this section, the dog shall not be released except on the order of the Tribal Court Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The Judge may, upon making a finding that a dog is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the dog destroyed. Surrender of a dog by the owner thereof to the Animal Control Officer or Law Enforcement Officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section.

RUNNING AT LARGE:

It shall be unlawful for any person to willfully allow any dog under his or her control to be or to run at large within the Kickapoo Reservation. Any dog found at large shall be impounded and/or destroyed.

IMPOUNDMENT OF RABIES SUSPECTS:

(a) Any Law Enforcement Officer or Local Health Officer may take up, upon private or public property, any dog which has bitten or scratched a person or other animal and impound the dog in the Tribal Pound, securely penned and separated from other animals, or in a Veterinary Hospital or Animal Care Facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such dog is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon

payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such dog on the owners premises if the owner produces a rabies vaccination certificate showing that the dog has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local health officer symptoms develop justifying a microscopic examination, then the dog shall be killed and examination made by the appropriate authority.

(b) In lieu of the provisions of subsection (a), the owner of such dog may, at his or her own expense, take such dog to any duly qualified and licensed veterinarian for observation. Such veterinarian shall report his or her findings in writing to the local health officer. If in the opinion of such veterinarian a microscopic examination is justified, then the dog shall be turned over to the Animal Control Officer or any Law Enforcement Officer to be killed and examination made by the appropriate authority.

(c) Any dog desired for observation by the local health officer under this section shall be delivered to the Animal Control Officer or any Law Enforcement Officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such dog, the Tribal Court Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the dog and shall be lawful authority for the apprehending and forcible taking of such dog.

IMPOUNDMENT OF RABIES SUSPECTS:

Any Law Enforcement Officer or local health officer may take up, upon private or public property, any dog which has bitten or scratched a person or other animal and impound the dog in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such dog is suffering from a disease and, if not, the local health officer shall authorize the release of the dog upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such dog on the owner's premises if the owner produces a rabies vaccination certificate showing that the dog has valid rabies vaccination protection. Impoundment costs shall be borne by the owner.

ANIMALS BITTEN BY RABID ANIMALS

Whenever a dog or other animal is bitten by a rabid dog or animal later proved to have been rabid, it shall be the duty of the owner of the dog or animal that is bitten, to report that fact to the local health officer and/or Law Enforcement. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and

(b) If the bitten animal has a current vaccination, it shall be confined for 30 days; and

(c) The bitten animal shall be released from confinement only upon written order from the local health officer, who declares the animal to be free of rabies; and

(d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

ARTICLE 2. DOGS

REGISTRATION AND VACCINATION REQUIRED: FEE;

(a) Every owner of any dog over three months of age shall annually register with the Tribal Clerk his or her name and address with the name, sex and description of each dog owned and kept within the Kickapoo Reservation. It shall be unlawful for the owner of any newly acquired dog or any dog brought within the boundaries of the Kickapoo Tribe to fail to register such dog within 30 days from acquisition or bringing the dog within the boundaries of the Kickapoo Tribe. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.

(b) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six months of age to fail to maintain effective rabies immunization of such dog.

(c) The owner or harbinger of any dog shall, at the time of registering such dog, present to the Tribal Clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.

(d) The Tribal Clerk shall collect an annual registration fee of \$6.00 for each neutered male dog and for each spayed female dog, and \$12.00 for each unneutered male dog and for each unspayed female dog.

(e) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before January 31st of each year without penalty.

Registration fees as enumerated above may be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home within the boundaries of the Kickapoo Tribe during a calendar year. Every owner or harbinger of a dog or dogs who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$2.00 per month.

DOG TAGS:

It shall be the duty of the Tribal Clerk or designated representative, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog so registered. When any tag has become lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. When so requested, the Tribal Clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag. It shall be unlawful for any person to take off or remove the Tribal Registration Tag from any dog belonging to another, or remove the strap or collar on which the same is fastened.

SAME: COUNTERFEIT TAG:

It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make use any false, forged or counterfeit tag or imitation thereof.

EVIDENCE OF VACCINATION:

It shall be unlawful for the owner of any dog kept within the Kickapoo Reservation to fail to display a current certificate of immunization against rabies issue by an accredited veterinarian or other competent authority evidencing the vaccination of such dog within two years, when requested by the Animal Control Officer or any Law Enforcement Officer.

VISITING DOGS:

The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the Kickapoo Reservation for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times.

HUNTING DOGS:

Dogs actively involved in supervised seasonal or religious hunting activities will not be considered to be Dogs At Large.

RUNNING AT LARGE: FINE:

(a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large with the Kickapoo Tribe at any time;

(b) Any dog running at large with the Kickapoo Tribe shall be impounded and/or destroyed;

(c) The owner of any dog impounded for running at large without a tag shall, for the first offense, pay a fine of \$25.00 plus the boarding bill;

(d) For the first offense of a dog running at large with a tag as required, the owner or harbinger claiming such dog, shall, in addition to presenting a registration receipt, pay the cost of the boarding bill. For a second offense within a one year period, the owner or harbinger shall pay a fine of \$25.00 plus the board bill. For a third and all subsequent offenses within a one year period, the owner or harbinger shall pay a fine of \$50.00 plus the cost of the board bill.

IMPOUNDMENT: RECORD: NOTICE: REDEMPTION: MINIMUM FEE;

(a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the Kickapoo Tribe.

(b) A record of all dogs impounded and/or destroyed shall be kept by the Tribe containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment and/or destruction.

(c) If the dog impounded has a current registration tag attached to its collar or if the impounding officer knows the identity of the dog's owner, the owner of such dog, as shown by the records of the Tribal Clerk shall be notified in writing as soon as possible or at least 24 hours before such dog is disposed of by destruction or sale. If, at the end of 5 days the Tribal Clerk has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold, euthanized or otherwise disposed of.

(d) If the dog impounded has no current registration tag and the identity of the dog's owner is unknown to the Animal Control Officer or the impounding Law Enforcement Officer then such impounding officer shall, upon taking any such dog into custody and impounding same, make a record thereof, with a description of the dog and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the dog, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the dog will be disposed of as provided in this code. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.

(e) If at any time before the sale or destruction of any dog impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual cost of impoundment, and upon compliance with the registration provisions of this article. This subsection shall not apply to any dog alleged as being vicious or suspected of rabies.

(f) The minimum impoundment fee shall be \$5.00 per day.

(g) Any dog impounded may not be released without a current rabies vaccination.

(h) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

DISPOSITION OF UNCLAIMED DOGS:

If any dog is not redeemed by its owner or harborer within the time allowed for redemption as specified thereof, the Animal Control Officer, any authorized Law Enforcement Officer, any Authorized Veterinarian or and Duly Authorized Pound Personnel

may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year or put the dog up for adoption at no cost.

CONFINEMENT OF DOGS IN HEAT:

Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or dogs may gain voluntary access to the confined dog except for purposes of planned breeding. Any dog that is in the state of estrus (heat) and that is not properly confined, or any such dog that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of dogs removed to the shelter shall be charged at the rate established from time to time by the shelter for routine confinement.

MUZZLING:

Whenever the Tribal Chairman shall deem it necessary for the protection and welfare of the inhabitants of the Tribe, he or she shall issue an order requiring all dogs kept within the Kickapoo Tribe to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in a public place for such period of time as the Chairman may deem necessary.

ARTICLE 3

PIT BULL DOGS, ROTTWEILLER DOGS, DOBERMAN PINCHER DOGS;

It shall be unlawful to keep, harbor, own or in any way possess within the Kickapoo Reservation:

(a) Any Pit Bull, Rottweiler or Doberman Pincher dogs; provided, that such dogs are registered with the Tribe within 10 days of publication of this code may be kept within the Kickapoo Reservation subject to the standards set forth in the provisions of this code;

SIGNS

All owners, keepers or harborers of Pit Bulls, Rotweillers and Doberman Pincher dogs within the Kickapoo Reservation shall

within 10 days of the effective date of this code display in a prominent place on their premise a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

REPORTING REQUIREMENTS

All owners, keepers or harborers of Pit Bull, Rottweiller or Doberman Pincher dogs must within 10 days of an incident, report the following information in writing to the Tribal Clerk as required hereinafter;

- (a) The removal from the Reservation or death of such dog;
- (b) The birth of offspring of such dog;
- (c) The new address of such dogs owner should the owner move within the Kickapoo Reservation.

IRREBUTTABLE PRESUMPTIONS

There shall be an irrebuttable presumption that any dog registered with the Kickapoo Tribe as a Pit Bull, Rottweiller or Doberman Pincher dog is in fact a dog subject to the requirements of this code.

FAILURE TO COMPLY

It shall be unlawful for the owners, keepers or harborers of a Pit Bull, Rottweiller or Doberman Pincher dog registered with the Kickapoo Tribe to fail to comply with the requirements and conditions set forth in this code. Any dog found to be the subject of a violation of this code shall be subject to immediate seizure and impoundment and/or destruction. In addition, failure to comply will result in the revocation of the license of such dog resulting in the immediate removal and/or destruction of the dog from the Kickapoo Reservation.