

Chapter 9 ~~Dog and Cat Control~~ ANIMAL CONTROL ORDINANCE

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## § 1700 SCOPE AND ENFORCEMENT

- A. This Act shall be known and cited as the Animal Control Ordinance.
- B. The Director of the Department of Fish & Wildlife, Animal Control Officers, and Navajo Nation Rangers, and Navajo Police Officers, Department of Law Enforcement, Division of Public Safety, are authorized to enforce the provisions of the Animal Control Ordinance (hereinafter "Ordinance") and specifically:
  1. Are authorized and directed to investigate upon probable cause any alleged violation of this Ordinance or any law of the Navajo Nation relating to the care, treatment, control, and prevention of cruelty to animals.
  2. Are authorized to stop any person upon reasonable suspicion of a violation of this Ordinance for the purpose of performing an investigation or issuing citation(s) for violations of this Ordinance and to perform such other duties as are prescribed herein.
  3. Are authorized to search any public or private premises or property within the jurisdiction of the Navajo Nation and seize any animal, in accordance with applicable law. A warrant shall not be required where the property owner consents to such search and/or seizure, when there has been a violation of law under this Ordinance in plain view of an officer, where an officer is in pursuit of an animal at large, where such search and/or seizure is incident to a lawful arrest, where the property has been abandoned or is a public place, where there are exigent circumstances, or where there is probable cause to believe that an emergency exists requiring such search and seizure.
  4. Shall seize any dogs or cat in violation Animal Control laws, statutes, or regulations.

5. Shall have the power of law enforcement officers while enforcing Animal Control laws under this title, and may also use laws under Title 17, Title 13 when deemed necessary to address other violations involving Domesticated Animals, but not limited to Dogs and Cats.
  6. May issue citations, request for warrant and serve such warrant, request for summons and serve such summons, and apprehend or arrest any person who violates Navajo Nation Animal Control laws.
- C. Revocation of any privileges under this Title by the Animal Control Program shall be appealable to the Office of Hearing and Appeals.

## **§ 1701. DEFINITIONS.**

- A. In this Chapter, the following words and terms shall, unless the context indicates a difference in meaning, have the meaning given herein:
1. ~~F. Abandonedment of Animals: Any owner or owners who leaves an animal off the premises without provision for care or control by another person.~~ Means any animal that has not been provided with one (01) or more of the necessities of life including air, food water or protection from the sun and other elements of nature or has been left in the custody of another person without their written consent.
  2. Adequate food: Means the provision at suitable intervals or not more than twelve (12) hours, unless the dietary requirements of the species require a longer interval or a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish or container.
  3. Adequate Housing: Means the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation and appropriate space depending on the species of animal.
  4. Adequate Water: Means the provision, either continuously or at intervals suitable to the species, which intervals shall not exceed eight (8) hours or a supply of fresh potable water in a safe receptacle, dish or container.
  5. Adult: Means any individual eighteen (18) years of age or older or who is fully emancipated and who is not under the legal custody of another individual or court of law.
  6. Alter: means to permanently render an animal permanently sterile and incapable of reproduction;

7. ~~A.~~ Animal: means any animal mammal, other than human, and includes birds, reptiles, fish, wild and domesticated animals.
8. Animal Cruelty: Means to willfully or maliciously injure, kill, beat, sexually abuse, maim, poison, disfigure or scald any animal(s); except that reasonable force may be employed in order to drive off and repel vicious animals.
9. Animal Control Officer: means an employee of the Navajo Nation Animal Control Program appointed and commissioned to enforce the provisions of this chapter.
10. ~~C.~~ Animal Shelter: Means any facility operated by a human society, or governmental agency, or its authorized agents for the purpose of impounding, or caring for animals held under authority of this Ordinance, or other applicable law.
11. Animal Fighter: Means any person(s) who promote(s), stage(s), hold(s), manage(s), conduct(s), or carries on any game(s), exhibition, or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying them.
12. Animal Fight: Means an animal exhibition or contest for the purpose of injuring, killing, maiming, or destroying an animal for sport, pleasure or competition.
13. Animal Hoarder: Means a person who possesses six (6) or more animals that he or she cannot properly care for.
14. Animal Neglect: Means any animal owner or harborer who fails to care for an animal, or attend to an animal properly, including failing to provide proper shelter and adequate food, water and veterinary care, or failure to provide any animal(s) that is kept outside with a structurally sound enclosure.
15. ~~B.~~ Animal Owner or Harborer: Means an ~~person~~ adult in possession of or who harbors any animal or who ~~suffer~~ permits any animal to remain on that individual's ~~premises~~ property or premises for three (3) or more days.
16. Annual License Tag: Means an annual license issued animal owners or caretakers for their dogs and cats.
17. Assaultive Behavior: means any behavior which results in physical injury to a person or animal or which places a person or animal in reasonable apprehension of imminent physical injury.
18. Attack: Means to charge, chase, bite, injure, kill, or to place a person or animal in reasonable fear of imminent injury or death.

19. ~~Q.~~ Bite: Means a puncture, ~~or~~ tear, or laceration of the skin inflicted by the teeth of an animal.
20. Cat: All members of the Felis domesticus, either male or female;
21. Collar: means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
22. Confine or confinement: means secured indoors or within an enclosed area upon the keeper's property
23. Cost of Care: Means any expense related to the care and treatment of a seized or forfeited animal, including but not limited to housing, feeding, and veterinary service.
24. Council: The Navajo Nation Council;
25. Cruel Neglect: means to fail to provide an animal with necessary food, water and shelter;
26. Cruelty: Means to willfully or maliciously injure, kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise cruelly set upon an animal, except where reasonable force is required to protect life or property, and includes every act or failure to act which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain and suffering.
27. Dangerous Animal: means any animal that:
- A. inflicts severe injury to a human being without provocation on public or private property;
  - B. kills a domestic animal without provocation while off the owner's property;
  - C. aggressively bites, attacks, charges or threaten the life or safety of a human or domestic animal;
  - D. regardless of past behavior, wolf hybrid, wolf-dog hybrid or coyote-dog hybrid, or any other canine animal which is of feral nature.
28. Destructive Animal: Means any animal that has a propensity to destroy, damage or cause damage to the property of a person other than the animal owner.
29. Disposal: Means to seize, throw away, dump, remove, or cause to be destroyed any animal that is determined to be dead or infectious.
30. Dog means a domesticated animal that is a member of the canine family (Canis familiaris).
31. ~~Q~~ Dog Pack: Mean ~~three~~ two or more dogs running at large together.

32. Dog/Wolf Hybrid: Means any domesticated dog (canis familiaris) that is bred with a wolf (canis lupus).
33. Estray: Means any animal found running at large.
34. Euthanasia: Means the humane destruction of an animal(s) administered by a method which causes immediate unconsciousness without visible evidence of distress to the animal(s). or the Health Advisor.
35. Feral Cat: Any cat of a breed that is or becomes undomesticated, untamed, wild or is not a pet.
36. Feral Dog: Means any breed that is or becomes undomesticated, untamed, wild or is not a pet.
37. First Offense: Means the defendant has never been found guilty by any court of law for the same offense.
38. Guard dog: means any dog , other than police dog which has been trained and is used for the purpose of protecting persons or property by exhibiting hostile and aggressive behavior or which will attack on signal or command
39. ~~E.~~ Harboring: Means to keep an animal on an individual's premises or ~~premises property~~, to allow an animal to customarily return to said premises and property for daily food and care, or to allow an animal to remain on an individual's premises or property for three (3) or more days.
40. ~~R.~~ Health Advisor ~~Sanitarian~~: Means a person with specialized training in the identification and control of zoonotic diseases in dogs and cats, such as Rabies which might infect humans and other animals, which includes a representative of the United States ~~Public~~ Indian Health Service, ~~or~~ a licensed veterinarian, or a Licensing Authority as defined below ~~a designee of the Director of the Community Dog and Cat Control Program.~~
41. Hobby Breeder: means any person who owns and breeds a dog or cat and sells the offspring for pay or for other compensation.
42. Household means all those persons who regularly dwell together at the same place of residence.
43. Humane Manner: Means care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feedings habits of the animal's size, species, and breed

44. Impound: Means the placement by an ACO of an animal into the custody of the animal shelter and the period the animal is held by the animal shelter.
45. Inhumane manner: means any one or more of the following:
- a. A keeper's failure to provide an animal with basic necessities;
  - b. Infliction of unnecessary pain or suffering upon an animal;
  - c. To knowingly or intentionally injure, disable, poison or cruelly kill an animal;
  - d. To torture, torment, or mutilate an animal
46. Isolation: Means confinement of an animal exposed or potentially exposed to rabies.
47. ~~G.~~ Kennel: Means any ~~premises property~~ or premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; or any property or premises of any person harboring ~~dogs or cats~~ five (5) or more animals over three (3) months of age; provided, this definition shall not include said activities in regard to "working dogs," as defined below.
48. Leash: means any chain, leather strap, or cord sufficient to hold under control the animal attached there to, and shall be longer than six (06) feet.
49. ~~H.~~ Licensing Authority: Shall mean the division of Community Development within the Executive Branch of the Navajo Tribal Council Division of Natural Resources, Department of Fish and Wildlife, Animal Control Program. Means the Navajo Nation Animal Control Program in the Department of Fish and Wildlife, Division of Natural Resources.
50. ~~J.~~ Licensed Veterinarian: Means a person with a Doctor of Veterinary Medicine Degree licensed to practice within the United States and the Navajo Nation.
51. Livestock: Means any animal raised for agricultural purposes, including but not limited to cattle, sheep, goats, llamas, horses, swine, chickens, ducks, and waterfowl.
52. Livestock guarding dog: means a dogs kept for the primary purpose of protecting livestock from predatory attacks.
53. Microchip: Means a computer chip that is preprogrammed with a unique alphanumeric combination code which is inserted into the animal for identification purpose.
54. Molesting of Animals: Means teasing, annoying, disturbing, of harming any animal(s) which is on the property of its owner or under the control of its owner.
55. Neuter: means to render a male animal permanently sterile and incapable of reproduction;

56. Nuisance: means a dog or cat shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.
57. Off Premise: Any animal which is not restrained by means of a leash of sufficient strength and not more than six (06) feet in length to control the actions of such animal while off the owner's property or place of residence.
58. On Premise: Any animal not confined on premise of owner by substantial fence of sufficient strength and height to prevent the animal from escaping there from.
59. Owner: means any person, firm or organization or department having title to or property rights in an animal, or who harbors, possesses, control or keeps an animal, or knowingly permits an animal to remain on or about his or her property or residence;
60. I. Person: Means any individual, household, firm, partnership, corporation, cooperative or association.
61. L. Quarantine: Means to detain or isolate an animal either suspected of and/or of actually infected with rabies. Means a strict confinement by a humane secure enclosure to prevent contact with humans or other animals.
62. K. Rabies Vaccination: Means the inoculation of a dog, cat or other animal with a rabies vaccine approved by a ~~Licensing Authority~~ Licensed Veterinarian.
63. M. Restraint: Means securing an animal by a pet leash or lead, cable, or chain not exceeding ~~six (6)~~ eight (8) feet in length and under the immediate physical control of the owner or harbinger having custody thereof or under control of a responsible person and obedient to that person's commands, or within a fenced an enclosed area capable of confining the animal.
64. N. Running At Large: Means to be off the premises of the owner and not under the control of the owner or an authorized person over twelve years of age, either by leash or otherwise, but an animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises. Means not confined to a suitable enclosure or physically restrained on a pet leash, cable, or chain.
65. Second Offense: Means the defendant has one prior conviction in any jurisdiction for the same offense.



66. Secure Enclosure; means confinement indoors, or in a securely enclosed and locked pen or structure, including a dwelling or building, which prevents the entry of children and prevents the confined animal from escaping. Such pens or structure shall have secure sides and a top, and shall also provide protection from the elements;
67. Senior Citizen: Means a person who is fifty-five years of age or older.
68. Spay; means to render a female animal permanently sterile and incapable of reproduction;
69. Trespassing: means an animal which enters upon the property of another person without the authorization of the lawful occupant.
70. Unwanted Animal: Means any animal which is delivered to the animal shelter or Animal Control Officer, along with a release signed by the owner declaring that the person is the owner of such animal, that the person no longer wants the animal, and the person is releasing all rights, claims, and interest in or to the animal upon delivery to the animal shelter
71. ~~P.~~ Vicious Animal: Means an animal that inflicts provoked or unprovoked bites, or attacks human beings or other animals, either on public or private property, or a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the street, sidewalks, or public grounds, or places or otherwise exhibits menacing behavior which includes, but is not limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.
72. Working Dog: Means a dog performing such acts as herding or protecting livestock assisting a disabled person, carrying out search and rescue activities, carrying out law enforcement functions, or otherwise carrying out work responsibilities under the control and supervision of an owner/handler.
4. ~~Commercial Animal Establishment: Means any pet shop, grooming shop, auction, zoological park, performing animal exhibitions, or kennel.~~

## **§ 1702 LICENSING.**

The Licensing Requirements for an Animal are as follows:

- A. Any person living within the jurisdiction of the Navajo Nation must have their dogs and cats, three (03) months and older licensed with the Navajo Nation Animal Control Program on the Navajo Nation;

- B. All licensed shall expire three (03) year from the date it was issued, and the full amount for the license shall be paid.
- C. If an Animal License is lost or misplaced, the animal owner will request for a duplicate metal license tag and pay the fee for the new licensed.
- D. At the time of application for a license, a certificate of rabies inoculation must be presented before the animal owner is issued a license.
- E. The metal license tag must be securely fastened to the dog's choke chain, collar, or harness and worn by the dog at all times unless such dog is engaged in supervised hunting or other sport where a collar would endanger the animal's safety or adversely affects its hunting or sport purpose.
- F. The original license receipt and rabies vaccination certificate shall be retained by the owner or harbor for inspection by any person charged with the enforcement of this Ordinance.
- G. The licensing requirements of this ordinance shall apply to all animal owners of dogs and cats within the boundaries of the Navajo Nation.
- H. Owners of dogs used by Law Enforcement Agencies, or Search and Rescue dogs are not exempt to this section. They must apply for a special license that will be valid until the animal is taken out of Law Enforcement or Search and Rescue Service. The fee will be \$10.00 and must comply with the rabies vaccination requirements.
- ~~1. Licensing Required: Any person owning, keeping, harboring, or having custody of any animal three (3) months of age or older within the territorial jurisdiction of the Navajo Nation shall obtain a license as herein provided. All licenses shall expire December 31 of each year and the full amount for the required license shall be paid for any fraction of the licensing year. Upon collection of the license fee by the Licensing Authority, a dated receipt shall be issued indicating the name, and address of the owner, a description of the animal, the appropriate fee, license numbers, year and location of issuing office.~~
- ~~2. License Displayed: The license tag shall be attached to a collar, harness or other device, and shall be worn with the rabies tag by the licensed animal at all times, and shall not be removed from any animal by any unauthorized person. The original license receipt and rabies vaccination certificate shall be retained by the owner or harborer for inspection by any person charged with the enforcement of the Chapter. Any person who fails to obtain, or to display the license tags required under this section shall be required to pay a fine set by the Licensing Authority~~
- ~~3. Rabies Vaccination: No animal shall be licensed without proof of rabies vaccination as provided in the Chapter.~~

4. ~~Duplicate Tags: In the event of loss or destruction of the original license tag, the owner of the animal shall obtain a duplicate tag from the Licensing Authority.~~

5. ~~License Fees: License and duplicate tags shall require shall be issued by the Licensing Authority after payment of a fee to be set by the authority. Public Notice of fees shall be made in the Navajo Times and by public display of posters.~~

**§ 1703 FAILURE TO OBTAIN ANIMAL LICENSE**

A. Offense: A person commits the civil offense of Failure to obtain animal license if he or she fail to register their cat or dog with Navajo Nation Animal Control Program;

B. Fine: Any person who commits Failure to obtain an animal license shall be subject to a minimum fine of two hundred dollars (\$100) per violation, but not to exceed five hundred dollars (\$500) per violation.

**§ 1704 UNAUTHORIZED ANIMAL LICENSE USE**

A. Offense: A person commits the civil offense of Unauthorized Animal License Use if he or she use a license or tag issued for another animal other than one describe on the receipt without authorization from Navajo Nation Animal Control Program.

B. Fine: Any person who commits Unauthorized Animal License Use may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollars (\$100) per violation, but not to exceed five hundred dollars (\$500) per violation, or both.

**§ 17053 ANNUAL KENNEL PERMITS.** Permit Requirements are as Follows:

A. Permits Required: No person shall operate a commercial animal establishment Kennel within the territorial jurisdiction of the Navajo Nation without first obtaining a Kennel permit in compliance with this section and with all other licensing laws of the Navajo Nation. All permits shall expire December 31, of each year. and all fees shall be pro-rated for any fraction of the licensing year. Upon issuance of the permit by the Licensing Authority, a dated receipt shall be provided to the applicant indicating the name, and address, physical address, and telephone number of the owner permit holder of the commercial animal establishment, Kennel, and the appropriate fee. Any person who operates a Kennel without a Kennel permit shall be required to pay a fine set by the Licensing Authority, and may be required to make a mandatory court appearance at a Show Cause hearing.

- B. Change in Ownership: If there is a change in ownership of a ~~commercial establishment~~ Kennel, the new owner may have the current permit transferred to his or her name upon payment of a transfer fee set by the Licensing Authority. ~~Any person who fails to transfer a Kennel permit after a change in ownership of a Kennel shall be required to pay a fine set by the Licensing Authority.~~
- C. Permit Fee: ~~Animal~~ Annual Kennel permits shall be issued upon payment of the applicable fee to be set by the Licensing Authority ~~pursuant to Section 1702(5)~~.
4. ~~License Option: A person operating a kennel for the breeding of dogs or cats may elect to license animals individually.~~

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6. D. All facilities Kennels covered by this section shall be operated in a safe and sanitary manner. Humane treatment of animals covered under this section is required. Penalty for violation of this subsection shall be a fine set by the Licensing Authority, shall require a mandatory court appearance, and may result in ~~or~~ revocation of a person's permit.

#### **§ 1706 FAILURE TO OBTAIN A KENNEL PERMIT.**

- A. Offense: A person commits the civil offense of Failure to obtain a kennel permit if any person operates a Kennel within the territorial jurisdiction of the Navajo Nation without first obtaining a Kennel permit.
- B. Fine: Any person who commits Failure to obtain a kennel permit shall be subject to a minimum fine of two hundred dollars (\$200) per violation, but not to exceed five hundred dollars (\$500) per violation.

#### **§ 1707 FAILURE TO REPORT CHANGE OF OWNERSHIP.**

- A. Offense: A person commits the civil offense of Failure to report change of ownership if he or she fails to inform the Licensing Authority of such change..
- B. Fine: Any person who commits Failure to report change of ownership shall be subject to a minimum fine of one hundred dollars (\$100) per violation, but not to exceed five hundred dollars (\$500) per violation.

#### **§ 1708 FAILURE TO MAINTAIN KENNEL.**

- A. Offense: A person commits the civil offense of Failure to maintain kennel if he or she fails to operate in a safe, sanitary and humane manner.
- B. Fine: Any person who commits Failure to maintain kennels law may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of two hundred and fifty dollars (\$250) per violation, but not to exceed two thousand five hundred dollar (\$2,500) per violation, or both.

**§ 1709 DOG/WOLF HYBRID LICENSE.**

- A. Any person owning, keeping, harboring, or having custody of any dog/wolf hybrid within the territorial jurisdiction of the Navajo Nation shall:
  - 1. Obtain a special license to be issued upon payment of the applicable fee to be set by the Licensing Authority;
  - 2. Have the animal surgically sterilized (neutered or spayed);
  - 3. Have a microchip for identification surgically implanted in the animal;
  - 4. Keep the animal within a fenced yard with a ten (10) feet or higher fence to prevent the animal from escaping;
  - 5. To allow inspection of the enclosure by the Licensing Authority.
  - 6. Post signs every 50 feet on property fence stating of possible vicious dog/wolf hybrid on property.
  - 7. All dog/wolf hybrids must wear a muzzle when being walked out of the owners fenced enclosed property at all times;

**§ 1710 FAILURE TO OBTAIN DOG/WOLF HYBRIDE LICENSE.**

- A. Offense: A person commits a civil offense if he or she commit Failure to Obtain a Dog/Wolf Hybrid License if he /or she owns, keeps, harbors, or have custody of the dog/wolf hybrid within the territorial jurisdiction of the Navajo nation without a Dog/Wolf Hybrid License.
- B. Fine: Any person who commits Failure to Obtain a Dog/Wolf Hybrid License from the licensing authority shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollar (\$1,000) per violation.
- C. Forfeiture: Any dog/wolf hybrid found to be without a license will be immediately impounded by the licensing authority.

**§ 1711 FAILURE TO SURGICALLY STERILIZE A DOG/WOLF HYBRID**

- A. Offense: A person commits a civil offense if he or she commits Failure to Surgically Sterilize a Dog/Wolf Hybrid as required by ordinance within the territorial jurisdiction of the Navajo Nation.

- B. Fine: Any person who commits Failure to Surgically Sterilize a Dog/Wolf Hybrid may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollar (\$1,000) per violation, or both.

**§ 1712 FAILURE TO MICROCHIP A DOG/WOLF HYBRID**

- A. Offense: A person commits a civil offense if he/she commits Failure to Microchip a Dog/Wolf Hybrid as required by ordinance within the territorial jurisdiction of the Navajo Nation.
- B. Fine: Any person who commits Failure to Microchip a Dog/Wolf Hybrid may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollars (\$1000) per violation, or both.

**§ 1713 FAILURE TO COMPLY WITH MUZZLE REQUIREMENT FOR DOG/WOLF HYBRID.**

- A. Offense: A person commits a civil offense if he/she commits Failure to Comply with Muzzle requirement for Dog/Wolf Hybrid as required by ordinance within the territorial jurisdiction of the Navajo Nation.
- B. Fine: Any person who commits Failure to Comply with Muzzle requirement for Dog/Wolf Hybrid may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollars (\$1000) per violation, or both.

**§ 1714 FAILURE TO INSTALL REQUIRED SIGNS ON PROPERTY FOR DOG/WOLF HYBRID**

- A. Offense: A person commits a civil offense if he/she commits Failure to Install Required Signs on Property for Dog/Wolf Hybrid as required by ordinance within the territorial jurisdiction of the Navajo Nation.
- B. Fine: Any person who commits Failure to Install Required Signs on Property for Dog/Wolf Hybrid may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollars (\$1000) per violation, or both.

## **§ 1715 WOLF BREED AS PETS**

- A. No person is permitted to own, keep, harbor, or have in their custody of any type of full wolf breeds animal within the territorial jurisdiction of the Navajo Nation as a pet;
- B. No license will be issued for any type of full breed wolf animal within the jurisdiction of the Navajo Nation as a pet.
- C. Any full wolf breed animal that is found within the jurisdiction of the Navajo Nation as a pet will be immediately impounded by the licensing authority.

## **§ 1716 UNAUTHORIZED WOLF AS A PET**

- A. Offense: A person commits a civil offense if he or she own, keep, harbor, or have in their custody a full wolf breed animal within the territorial jurisdiction of the Navajo Nation as a pet.
- B. Fine: Any person who commits unauthorized wolf as pet may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollar (\$1,000) per violation or both.

## **§ 17017 RABIES CONTROL.**

### **Rabies Control Provisions are as Follows:**

~~1. Vaccinations: Every person owning or harboring a dog and cat three (3) months of age or older for five (5) days or more days shall have such animals vaccinated against rabies with an approved vaccine by a licensed veterinarian or by persons authorized by the Director. This vaccine shall be listed as an approved vaccine in the most recent Compendium of Animal Rabies Vaccine prepared by the National Association of State Public Health Veterinarian, Inc. Dogs whose vaccination expires during the calendar year will be vaccinated during the months of January, February, or March prior to their vaccination date. Cats will be vaccinated during the months of January, February, and March prior to the vaccination expiration date for the current calendar year. Provided, however, that person acquiring dogs and cats between April 01 and December 31, shall immediately following acquisition, have such animals vaccinated.~~

- A. Vaccinations: The owner of any animal over the age of three (3) months shall have the animal vaccinated yearly against Rabies. The Rabies vaccination shall be administered by or under the supervision of a licensed Veterinarian or personnel of the Indian Health

Services (IHS) within the Office of Environmental Health (OEH) under the supervision of a licensed Veterinarian a Health Advisor, except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated. Penalty for failure to comply with failure to have an animal vaccinated yearly against Rabies shall be a fine set by the Licensing Authority.

- B. ~~2. Certificate of Vaccination: Upon vaccination, the veterinarian administering the vaccine or the authorized persons authorizing rabies vaccine shall execute and furnish to the owner of the animal as evidence thereof, a certificate upon a form furnished by the Licensing Authority. The veterinarian or administrator of a rabies vaccine shall retain duplicate copy and one copy thereof shall be filed with the Licensing Authority. Such certificate shall contain the following information:~~

The veterinarian or authorized personnel Health Advisor or Animal Control Officer administering anti-rabies vaccine to any animal, shall issue a Certificate of Vaccination to the owner or keeper harborer of the animal(s). The certificate shall contain the following information:

1. A. The Owner or Harboring's contact information including the name, address, and telephone number;
2. B. The date of inoculation;
3. C. The type of vaccine used including the manufacturer and the serial (lot) number;
4. D. The date the ~~vaccinate~~ animal vaccine expires in the dog and cat;
5. E. The year and serial number of the rabies tag; and
6. F. The breed, age, color, sex of the inoculated animal; and
7. Microchip number if present.

- C. The Rabies Certificate shall be immediately released to the Navajo Nation Animal Control upon request. The penalty for failure to provide a copy of a Certificate of Vaccination upon demand by any person authorized to enforce this Ordinance shall be a fine set by the Licensing Authority.

- D. 3. Designation of Qualified Persons: All veterinarians who are duly registered and licensed to practice veterinary medicine in the United States their respective state and on the Navajo Nation are hereby authorized to vaccinate animals against ~~Rabies~~ and to execute certificates of vaccination as provided by law. ~~Also~~ Additionally, ~~h~~Health ~~a~~Advisors, who have received specialized training recognized by the Navajo Nation in vaccinating animals against Rabies, are authorized to vaccinate animals.

- E. Dog/Wolf Hybrid Rabies Vaccination Consent Form: Any dog/wolf hybrid owner must sign a Rabies Vaccination Consent form with the Licensing Authority. By signing a Rabies Vaccination Consent form the owner acknowledges:

1. The unknown efficacy of the vaccine;
2. That a dog/wolf hybrid will not be handled as a domestic dog following a human bite;



3. That a dog/wolf hybrid exposed to a known or suspected rabid animal may be euthanized even if currently vaccinated;
4. The release from liability of the veterinarian and their staff, health department, vaccine manufacturer and distributor, and other involved parties.
5. Signing a Rabies Vaccination Consent form is mandatory for all Dog/Wolf Hybrid.

#### **§ 1718 FAILURE TO COMPLY WITH RABIES VACCINATION REQUIREMENT**

- A. Offense: A person commits an offense if he or she fails to comply with Navajo Nation Rabies Vaccination requirement for dog and cats within the territorial jurisdiction of the Navajo Nation.
- B. Fine: Any person who commits Failure to comply with rabies vaccination requirements shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation.

#### **§1719 FAILURE TO COMPLY WITH DOG/WOLF RABIES VACCINATION FORM REQUIREMENT**

- A. Offense: A person commits an offense if he or she fails to comply with Dog/Wolf Rabies Vaccination Form requirement for dog/wolf hybrid within the territorial jurisdiction of the Navajo Nation.
- B. Fine: Any person who commits Failure to comply Dog/Wolf Rabies Vaccination Form requirement shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation.

#### **§ 17205 NOTICE OF LICENSING AUTHORITY AND ANIMAL BITE REPORTING AND QUARANTINE.**

Required when a person is bitten by an animal are as follows:

- A. 1. Duty to Report: When any person is bitten by an animal, it shall be the duty of such person or his parent or guardian and the owner or keeper of the animal immediately to notify the Licensing Authority of the incident and the Navajo Nation Police Department. All animal bites must be reported immediately to the Animal Control Program. The duty to make this report rests both with the owner of the animal and the person bitten if a person was bitten. It shall be the duty of every physician, veterinarian and/or hospital to report to the Animal Control Program the names and addresses of person treated for bites inflicted by animals, together with any information that will be helpful in rabies control. Bites are to be reported within twenty-four (24) hours of the incident. The owner shall surrender said animal and any Health and/or Rabies Certificate to the reporting officer

and the Animal Control Program will determine if impoundment, quarantine, observation, or euthanasia is necessary.

B. Animal Control Program, upon receiving a report of animal bite, shall take such actions, as it deems necessary, including but not limited to, the quarantine or destruction of the animal involved

C. Owner of the animal, which has bitten, must provide proof of rabies vaccination. All animals will be quarantined in a secure enclosure to prevent any contact with other animals for ten (10) days. The Animal Control Program has the right to remove the animal from the owner premises for the duration of the quarantine period.

D. The owners of any animal that has been reported as having inflicted a bite on any person shall on demand produce said animal for quarantine

E. The procedure and place of observation shall be determined by the Licensing Authority

F. It is at the discretion of the Animal Control Program to Quarantine a bite animal at the owners residence under the follow conditions:

1. Owner of such animal is able to show proof that the animal rabies vaccination is up to date.
2. The owner of the animal has an enclosure that will not permit the bite animal to be at large.
3. The owner of the animal can show proof that the bite animal will not be enclosed with any other animal.
4. The owner will be responsible in not letting any other person beside him or herself into the enclosure to feed and water their animal.

G. If the owner of the animal, which has bitten, cannot show proof of the rabies inoculation it shall be required of the owner to get rabies shot for the animal at the end of the ten (10) day quarantine period

H. The Animal Control Program and/or Health Department may require the testing of animals that have bitten a person or animal.

I. The owner of an animal, which has bitten a person, or animal shall be responsible for any expenses necessary for the quarantine, examination, treatment, or destruction of an animal pursuant to this section

J. All dogs and cats three (3) months of age or older shall be currently vaccinated against rabies. The owner shall provide a record of the vaccinations given to the dog or cat, which shall constitute the only acceptable evidence of compliant with the subsection. This tag must be worn at all times

2. Quarantine of Animals: Any animal which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation

~~shall be designated by the Licensing Authority determined by the Licensing Authority. If the animal is not confined on the owner's premises, confinement shall be in an authorized Animal Shelter or at any veterinary hospital of the owner's choice. Stray animal whose owners cannot be located shall be confined in an authorized Animal Shelter. The owners of any animal that has been reported as having inflicted a bite on any person shall on demand produce said animal for quarantine as prescribed in this Section. Refusal to produce said animal constitutes a violation of this Section and each day of such refusal shall constitute a separate and individual violation, the penalty for which shall be a fine set by the Licensing Authority.~~

- K. ~~3. Any dog or cat~~ If an animal being held in quarantine which develops signs and/or symptoms which may be indicative of rabies consistent with Rabies, it shall be humanely killed euthanized by a Health Advisor and its head/body submitted to the Navajo Nation DRIT (Direct Rabies Immunohistochemical Test) LAB or at the discretion of the Licensing Authority to another Public Health laboratory qualified to conduct Rabies analysis.
- L. Wolf Hybrid Bite: When a wolf hybrid animal has bitten a person, the animal shall be immediately euthanized and the head of the biting animal submitted for testing in accordance with the Rabies Compendium recommendations.
- M. If the animal exhibits any illness consistent with Rabies during the quarantine period, it shall be immediately euthanized and tested for Rabies. A wolf hybrid that dies in quarantine shall also be tested for Rabies.
- N. Removal of Animals of Quarantine: No person shall remove any animal from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the written consent of the Licensing Authority Animal Control Program and payment of all fees and fines. All animal released from quarantine shall be fully vaccinated prior to release.

#### **§ 1721 FAILURE TO REPORT ANIMAL BITE**

- A. Offense: A person commits an offense if he or she, Fails to Report Animal Bite immediately to the Animal Control Program.
- B. Fine: Any person who commits Failure to Report Animal Bite may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollar (\$1000) per violation or both.

#### **§ 1722 FAILURE TO SURRENDER AN ANIMAL INVOLVED IN A BITE ATTACK ON A PERSON**

- A. Offense: A person commits an offense if he or she fails to surrender an animal to the Animal Control Program involved in a bite attack on a human immediately.
- B. Fine: Any person who commits Failure to Surrender an Animal involved in a Bite Attack on a person may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of two hundred fifty dollar (\$250) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation, or both.

#### **§ 1723 UNAUTHORIZED REMOVAL OF A QUARANTINE ANIMAL**

- A. Offense: A person commits an offense if he or she removes an animal from quarantine without approval from the animal control program.
- B. Fine: Any person who commits Unauthorized Removal of a Quarantine Animal may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of two hundred fifty dollar (\$250) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation, or both.

#### **§ 1724 ~~1706~~ DOGS OR CATS BITTEN BY RABID ANIMALS**

- A. Any animal bitten by an animal known or proved to be rabid shall be ~~killed~~ euthanized immediately by its owner or by a person authorized by the Director the Licensing Authority a Health Advisor, ~~provided unless~~ the bitten ~~any dog or cat which~~ animal has been vaccinated at least thirty (30) days ~~before~~ prior to being bitten.
- B. Any such vaccinated animal shall be re-vaccinated against rabies and confined for ninety (90) days, the place of confinement ~~which~~ shall be at the discretion of the ~~Licensing Authority~~ Animal Control Program.
- C. Confinement at a veterinarian facility or Animal Shelter shall be at the animal owner's expense.
- D. At the end of the confinement period, the ~~dog or cat~~ confined animal shall be released if declared free of Rabies by a licensed veterinarian.
- E. If as the ~~dog or cat~~ animal develops Rabies during the period of confinement, it shall be ~~handled by the procedures in § 1705 (3)~~ euthanized to protect the public health, safety and welfare. The penalty for refusal to have an animal confined after being bitten by a rabid animal shall be a fine set by the Licensing Authority.

- F. If a Dog/Wolf hybrid has been bitten by a rabid animal it will be immediately surrendered to the Animal Control Program. It will then be immediately euthanized to protect the public health, safety and welfare.

**§ 1725 FAILURE TO CONFINES ANIMAL BITTEN BY RABID ANIMALS**

- A. Offense: A person commits an offense if he or fails to confine animal bitten by rabid animal as directed by the Animal Control Program to protect public health, safety and welfare.
- B. Fine: Any person who commits Failure to confine animal bitten by rabid animal may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed two thousand hundred dollar (\$2,000) per violation, or both.

**§ 1726 FAILURE TO SURRENDER A DOG/WOLF HYBRID BITTEN BY A RABID ANIMAL.**

- A. Offense: A person commit an offense if he/she fails to surrender his/her dog/wolf hybrid bitten by a rabid animal as directed by an Animal Control officer to protect public health, safety and welfare.
- B. Fine: Any person who commits failure to surrender a dog/wolf hybrid bitten by a rabid animal may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of two hundred and fifty dollar (\$250) per violation, but not to exceed two thousand hundred dollar (\$2,000) per violation, or both.

**§ 1727 ~~1707~~ INJURY TO LIVESTOCK ANIMAL KILLING OR INJURING LIVESTOCK, OTHER ANIMALS OR WILDLIFE – DAMAGES**

- A. ~~If any dog animal shall kill or injure attack, chase, injure, or kill any livestock, protected wildlife, or other domestic animal, the owner or keeper harbinger of such animals shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured; provided that the livestock is within an area or of authorized livestock use. If any person discovers a dog killing, wounding or chasing livestock, equine, pets, or wildlife, or discovers a dog under circumstances which show conclusively that it has recently killed or chased livestock, equine or wildlife, he/she may pursue and kill the dog.~~
- B. No person shall keep any dog after it is known that dog is liable to kill or injure livestock, and it shall be the duty of the owner harbinger to kill, or have killed euthanized the dog upon order of the Licensing Authority after a finding that the

~~dog has killed or injured livestock, provided however, that it shall be the right of any owner of livestock so killed or injured by the actions of any dog or any person witnessing such actions to kill such animal while it is upon property controlled by the owner of the livestock. If a dog is observed attacking, livestock and wildlife (game animals), individuals authorized by the Director can take appropriate action to prevent these actions. The owner of a dog is liable for all damages caused by the dog chasing, killing or wounding livestock, equine or wildlife. In the case of a dog killing or wounding livestock, equine, pets or wildlife, the owner of the dog who killing or wounding livestock, equine, pets or wildlife is liable for damages to the owner of the livestock, equine, pets, or in the case of wildlife to the Department of Fish and Wildlife, Division of Natural Resources, for three times (3x) the value of the livestock, equine, pets or wildlife killed or wounded including but not limited to veterinary expense and other fees associated with damages.~~

- C. No person shall keep any dog after it is known that dog is known to kill or injure livestock, equine, pets, or wildlife, and it shall be the duty of the owner to kill, or have killed, said dog upon order of the Animal Control Program after a finding that the dog has killed or injured livestock, equine or wildlife; provided, however, that it shall be the right of any owner of such animals, or a person authorized to enforce this Ordinance, to kill such animal while it is upon property controlled by the owner of the livestock or equine, or in the case of wildlife, on property within the jurisdiction of the Navajo Nation. If a dog is observed attacking livestock, equine, pets or wildlife, persons authorized to enforce this Ordinance can take appropriate action to prevent these actions.
- D. Offense: It is unlawful for a dog owner to recklessly allows his/her dog to kill, injure, livestock, equine, pets owned by another, or wildlife, or to chase livestock, equine, or pets, owned by another person, or wildlife.
- E. Fine: Any person who commits Animal killing or injuring livestock, equine, pets or wildlife may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of three hundred dollar (\$300) per violation, but not to exceed one thousand five hundred dollar (\$1500) per violation.
- F. Restitution: the court in addition to or in lieu of the sentence, may require the offender to pay the victim three time (3x) the cost of the damage as restitution and may include, but is not limited to veterinary expense and other fees associated with damages.

**§ 1728 FAILURE TO REPORT ANIMAL KILLING OR INJURING LIVESTOCK, EQUINE, PETS, OR WILDLIFE**

- A. Offense: A person commits an offense if he or she, Fails to Report Animal killing or injuring livestock, equine, pets or wildlife immediately to the Animal Control Program.
- B. Fine: Any person who commits Failure to Report Animal killing or injuring livestock, equine, pets or wildlife may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand dollar (\$1000) per violation or both.

#### **§ 1729 FAILURE TO SURRENDER AN ANIMAL INVOLVED IN AN ANIMAL KILLING OR INJURING LIVESTOCK, EQUINE, PETS, OR WILDLIFE**

- A. Offense: A person commits an offense if he or she fails to surrender an animal involved in a animal killing or injuring livestock, equine, pets, or wildlife to the Animal Control Program immediately.
- B. Fine: Any person who commits Failure to Surrender an Animal involved in a animal killing or injuring livestock, equine, pets, or wildlife may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of two hundred fifty dollar (\$250) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation, or both.

#### **§ 1730 FAILURE TO CONTROL HIS /HER DOG**

- A. Offense: It is unlawful for a dog owner to recklessly allow his/her dog to chase livestock, equine, or pets, owned by another person, or wildlife.
- B. Fine: Any person who Fails to Control his/her dog which recklessly chase livestock, equine, or pets, owned by another person, or wildlife shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation

#### **§ 1731 NUISANCE ANIMAL**

- A. Offense: ~~No animal owner or keeper shall harbor, maintain, or permit on any lot, parcel of land or premise under his control, any dog or other animal which by any sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.~~ It is unlawful for any owner or harborer to allow any animal to unreasonably bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the neighborhood; or to keep or maintain an animal in such a manner as to disturb by noxious or offensive odors, such as urination or defecation; or otherwise endanger the health and welfare

of the inhabitants of the neighborhood, such as damaging inanimate personal property or making physical contact with a person or other animal(s) in a harassing manner.

- B. Fine: Any person harboring a nuisance animal shall be subject to a fine minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation

#### **§ 1732 1709 RESTRAINT OF ANIMALS ANIMAL(S) RUNNING AT LARGE**

- A. Offense: It is unlawful for any owner or harbinger to allow or permit any animal to run at large in or on any street, sidewalk, vacant lot, public property, or any other unenclosed place in the neighborhood or on private property without the permission of the owner thereof. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and shall be impounded.
- B. Exception: A working dog performing such acts as follow:
1. While participating in field trails, obedience classes, or kennel club events where such trails, classes or events have been approved by the Navajo Nation Animal Control Program.
  2. While being used or trained for legal hunting, or for control of livestock.
  3. While assisting a peace officer engaged in law enforcement duties; or
  4. Guide dogs assisting blind, deaf or physically handicapped persons, as long as the dog are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.
- C. Fine: Any person allowing his/her animal(s) running at large shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation

#### **§ 1733 ANIMAL(S) IN HEAT**

- A. Offense: It shall be unlawful for any person owning or having charge of any animal(s) in heat to run at large in or on any street, sidewalk, vacant lot, public property, or any other unenclosed place in the neighborhood or on private property without the permission of the owner thereof. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and shall be impounded.



- B. Fine: Any person allowing his/her animal(s) in heat at large shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation

#### **§ 1734 TAMPERING OR REMOVING TRAPS**

- A. No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the Navajo Nation Animal Control Program.
- B. Fine: Any person tampering or removing traps may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed five hundred dollar (\$500) per violation or both.

#### **§ 1735 DOG FIGHTING**

- A. No person shall keep, train or breed dogs for the purpose fighting, nor enter a dog in a fight within the jurisdiction of the Navajo Nation.
- B. Fine: Any person allowing his/her dog(s) to participate in dog fighting may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of three hundred dollar (\$300) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation or both.
- C. Restitution: Any person who permits their dog to fight shall be held accountable for any cost associated with the rehabilitation of the animal. This is not limited to veterinarian cost, feed cost, shelter cost, personnel hours, etc.

#### **§ 1736 UNATTENDED, DUMPING, DISPOSING OR ABANDONING CATS AND DOGS.**

- A. It shall be unlawful for any person(s) to leave unattended, dispose, dump or abandon any live dog(s) or cat(s) on public property, streets, roads, forest lands, parks, right of ways, or any other areas.
- B. It shall be unlawful for any person(s) to leave unattended, dispose, dump, or abandon any live dog(s) or cat(s) on the property of another unless the person leaving such cat or dog has express written permission of the owner of the property.

- C. Fine: Any person(s) who leave unattended, dispose, dump or abandon his/her live dog(s) or cat(s) may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred dollar (\$200) per violation, but not to exceed one thousand five hundred dollar (\$1500) per violation or both.
- D. Restitution: Any person(s) who leave unattended, dispose, dump or abandon his/her dog(s) or cat(s) shall be held accountable for any cost associated with the rehabilitation of the animal. This is not limited to veterinarian cost, feed cost, shelter cost, personnel hours, etc.
- E. Any person(s) who leave unattended, dispose, dump, or abandon his/her live dog(s) or cat(s) will also be charged with Cruelty to Animals.

#### **§ 1737 INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED.**

- A. It shall be unlawful for any person(s) to knowingly interfere with, hinder or molest any Animal Control Officer in the execution of their duties.
- B. Fine: Any person(s) who knowingly interfere with, hinder or molest any Animal Control Officer in the execution of their duties may be sentenced to imprisonment for a term not to exceed 90 days, and shall be subject to a minimum fine of five hundred dollar (\$500) per violation, but not to exceed five thousand dollar (\$5000) per violation or both.

#### **§ 1738 REMOVAL OF ANIMALS FROM ANIMAL CONTROL OFFICERS OR SHELTER PROHIBITED.**

- A. It shall be unlawful for any person(s) to remove an animal from the custody of an Animal Control Officer, or the Animal Control Shelter by force, deceit or otherwise, when such animal has been impounded by such officer under Navajo Nation law, unless such person has first obtained written consent from such officer for removal..
- B. Fine: Any person(s) who knowingly remove an animal from the custody of an Animal Control Officer, or the Animal Control Shelter by force, deceit or otherwise may be sentenced to imprisonment for a term not to exceed 180 days, and shall be subject to a minimum fine of five hundred dollar (\$500) per violation, but not to exceed five thousand dollar (\$5000) per violation or both.

#### **§ 1739 IMPERSONATING A KEEPER**

- A. It shall be unlawful for any person(s) to falsely claim to be an animal's keeper for purposes of relinquishing the animal to the Navajo Nation Animal Control Program, or attempt to or redeem an animal in the custody of the Navajo Nation Animal Control Program.
- B. Fine: Any person(s) who falsely claim to be an animal's keeper for purposes of relinquishing the animal to the Navajo Nation Animal Control Program, or attempt to or redeem an animal in the custody of the Navajo Nation Animal Control Program may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred fifty dollar (\$250) per violation, but not to exceed one thousand five hundred dollar (\$1500) per violation or both.

#### **§ 1740 FAILURE TO MAINTAIN ANIMAL QUARANTINE ON PROPERTY**

- A. It shall be unlawful for any person(s) to knowingly fail to maintain animal quarantine on their property and away from exposure to human or other animals as instructed by the Navajo Nation Animal Control Program, or any Veterinarian Program.
- B. Fine: Any person(s) who knowingly fail to maintain animal quarantine on their property and away from exposure to human or other animals as instructed by the Navajo Nation Animal Control Program, or any Veterinarian Program, shall be subject to a minimum fine of two hundred fifty dollar (\$250) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation

#### **§ 1741 UNAUTHORIZED DISPOSAL OF DEAD ANIMAL**

- A. It shall be unlawful for any person(s) to dispose of a dead dog(s) or cat(s) in an area not designated as animal disposal site.
- B. Fine: Any person(s) who commits unauthorized disposal of dead animal, may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation or both.
- C. Restitution: If the Department disposes of a dead animal, the animal's most-recent keeper shall be required to pay the Department a reasonable fee to cover the administration and disposal costs of such animal(s).

#### **§ 1742 SALE OF ANY CATS AND DOGS KNOWN TO BE SICK OR INJURED**

- A. It shall be unlawful to sell any animal(s) known to be sick or injured, unless the buyer is given at the time of the sale written notice of the condition of the animal(s).
- B. Fine: Any person(s) who sell any animal(s) known to be sick or injured, shall be subject to a minimum fine of one hundred dollar (\$100) per violation, but not to exceed two thousand five hundred dollar (\$2500) per violation.

#### **§ 1743 SALE OF ANY DOG OR CAT KNOWN TO BE VICIOUS.**

- A. It shall be unlawful to sell any animal(s) known to be vicious, unless the buyer is given at the time of the sale written notice of the condition of the animal(s).
- B. Fine: Any person, who sells any animal known to be vicious, shall be subject to a minimum fine of one thousand dollar (\$1,000) per violation, but not to exceed five thousand dollar (\$5,000) per violation;

#### **§ 1744 CRUELTY TO ANIMAL**

- A. It is unlawful for any person to:
  - 1. Injure, kill or physically mistreat any animal except as is especially permitted by law;
  - 2. Lay out to expose or leave exposed any kind of poison or poison food or drink where accessible to an animal, or place such poisonous materials in a stream or other body of water endangering fish or shellfish, provided that nothing shall prevent the reasonable use of rodent poison, insecticides, fungicides or slug bait for their intended purposes; and provided further that nothing in this paragraph shall prohibit any government agency acting in the course of its government duties;
  - 3. Set or bait any trap without a valid permit issued by the department
  - 4. Confine without necessary ventilation any animal in any box container or vehicle;

5. Tease, tantalize or provoke any animal with the intent to cause fear, anger or injury;
6. Tether or confine any animal in such a manner or in such a place as to cause injury or pain or to endanger an animal or to keep an animal in quarters that are injurious to the animal due to inadequate protection from heat or cold or that are of insufficient size to permit the animal to move about freely;
7. Keep an animal in unsanitary condition or to provide insufficient food, water, shelter or ventilation necessary for the good health of that animal;
8. Intentionally. Knowingly or recklessly fails to provide medical attention necessary to prevent suffering to any animal under his/her custody or control;;
9. Permit any animal to fight with or injure other animals or permit any animal to be fought or injured by any other animal or to train or keep for the purpose of training any animal for the exhibition of such animal in combat with any other animal whether for amusement of himself, herself or others or for financial gain or permit such conduct on premises under his or her control to be present as a spectator at such exhibitions.
10. Recklessly subject any animal to cruel mistreatment;
11. Intentionally, knowingly or recklessly inflict unnecessary physical injury to any animal.
12. Intentionally, knowingly or recklessly kill or attempt to kill any animal under the custody or control of another person without either legal privilege or consent of the owner;
13. Intentionally, knowingly, or recklessly abandon, dump, dispose or leave unattended, any live dog(s) or cat(s) to fend for itself without the necessary, food, water, shelter or medical needs.
- B. Fine: Any person commits Cruelty to animal, may be sentenced to imprisonment for a term not to exceed 360 days, and shall be subject to a minimum fine of five hundred dollar (\$500) per violation, but not to exceed five thousand dollar (\$5,000) per violation or both;
- C. Any person found guilty under this provision will have all animals removed from his/her care and will be banned from owning any animals for a period not less than seven years.

- D. Restitution: Any person who commits Cruelty to Animal shall be held accountable for any cost associated with the rehabilitation of the animal. This is not limited to veterinarian cost, feed cost, shelter cost, personnel hours, etc.

#### **§ 1745 DOGS PROHIBITED ON SCHOOL GROUNDS; EXCEPTION**

- A. It shall be unlawful to allow any leashed or unleashed dog on any school ground were children are present to gather for school activity.
- B. Fine: Any person, who has his/her leashed or unleashed dog on school ground, may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of fifty dollar (\$50) per violation, but not to exceed five hundred dollar (\$500) per violation;
- C. Exception: This section does not apply to the following:
1. Police dogs in performance of their duties
  2. Guide dogs for the deaf, blind and handicapped under control of its owner.

#### **§ 1746 AUTHORITY TO TAKE CONTROL AND CUSTODY OF ANIMAL LEFT UNATTENDED.**

- A. When an animal is left unattended due to the arrest of its owner or person in control of the animal, or any animal running at large were owner is unknown or is not available to restrained such animal, the Animal Control Officer is authorized to take control and custody of the animal until the animal is claimed by the owner or owner's agent.
- B. Any animal taken into custody subject to this section shall be kept and released in accordance with the provisions the Navajo Nation Animal Control regulations promulgated thereunder, provided. Any animal impounded will be release after all fees are paid.
- C. An owner shall have a minimum of three (3) days to claim an animal before the impoundment period is considered to have expired.

#### **§ 1747 FAILURE TO CONTROL VICIOUS DOG**

- A. It is unlawful for any person to own, keep, possess or harbor a vicious dog that when unprovoked bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent

attitude of attack upon the streets, sidewalks or any public ground or place within the jurisdiction of the Navajo Nation.

- B. Fine: Any person commits Failure to Control Vicious Dog, may be sentenced to imprisonment for a term not to exceed 60 days, and shall be subject to a minimum fine of five hundred dollar (\$500) per violation, but not to exceed five thousand dollar (\$5,000) per violation or both;

#### **§ 1748 DAMAGING PROPERTY.**

- A. It shall be unlawful for any owner, possessor or person who keeps any dog(s), or cat(s) to permit such animal, whether or not running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or any other property whatsoever upon any public premises or upon any private premises owned or occupied by a person other than the owner, possessor or keeper of such animal.
- B. Fine: Any person who animal under his/her control damages property, may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of five hundred dollar (\$500) per violation, but not to exceed five thousand dollar (\$5,000) per violation or both;
- C. Restitution: Any owner, possessor or person who keeps any dog, cat or other animal who damages property belonging to another person may be subject to paying restitution three times (3X) the value of the damaged property to person or persons for any dog, cat or other animal under his/her control.

#### **§ 1749 VIOLATION OF HOUSING REGULATIONS**

- A. It shall be unlawful for any owner, possessor or person of pets to violate their current housing regulation which may address pets within the housing area.
- B. Fine: Any person, who violates their current housing regulation which restricts pets, may be sentenced to imprisonment for a term not to exceed 30 days, and shall be subject to a minimum fine of two hundred and fifty dollars (\$250) per violation, but not to exceed one thousand dollars (\$1,000) per violation.
- C. Restitution: Any person, who violates their current housing regulations, may be subject to restitution three times (3X) the value to their housing office for damage that their animal has caused. This will include personnel salary, vehicle mileage, feed and care for impounded animals.

**§ 1750 SEVERABILITY CLAUSE**

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

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