

NAVAJO NATION

ANIMAL CONTROL LAWS



NAVAJO NATION ANIMAL CONTROL

Fort Defiance, Arizona

(928)729-4023 - (928)729-4239

Many Farms, Arizona

(928)781-4380

Shiprock, New Mexico

(505)368-1235

Tuba City, Arizona

(928)283-3089

Crownpoint, New Mexico

(505)729-4023

**Class "C" Resolution
No BIA Action Required.**

**RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL**

**Residing Title 13, Chapter 9, Dogs,
Sections 1701 and 1702, and Adopting a New
Dog and Cat Control Ordinance**

WHEREAS:

1. By Resolution CF-11-73, the Navajo Tribal Council established a Community Dog and Cat Control Program within the Fish and Wildlife Department of the Navajo Tribe, and the Community Dog and Cat Control Program has been inoperable for many years; and

2. The communities throughout the Navajo Nation are currently experiencing an increase in the widespread problems of animal population, diseases, rabies and human injuries; and

3. Title 13, Chapter 9, Dogs § 1701 and § 1702, regulating wild and stray dogs (animal) Control is outdated and does not adequately nor comprehensively address the prevailing animal proliferation problems and a new ordinance needs to be adopted; and

4. The Advisory Committee of the Navajo Tribal Council has adopted a Plan of Operation for a Dog and Cat Control Program and has recommended adoption of a Dog and Cat Control Ordinance.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby approves and adopts the Dog and Cat Control Ordinances, attached as Exhibit "A".

2. The Navajo Tribal Council hereby rescinds Title 13 Chapter 9, Dogs § 1701 and § 1702, and any other Tribal law that is inconsistent with this ordinance.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 49 in favor, 6 opposed and 1 abstained, this 24th day of October, 1984.

Vice Chairman
Navajo Tribal Council

NAVAJO NATION ANIMAL CONTROL
FT. DEFIANCE, AZ
928-871-6451

**DIVISION OF NATURAL RESOURCES
P.O. Box 1480
Window Rock, Arizona 86515
(602) 871-8451 or 8452
THE NAVAJO NATION
ANIMAL CONTROL ORDINANCE**

NAVAJO TRIBAL CODE; TITLE 13 (13 N.T.C. 1701-1712)

1701 Definitions. In this Chapter, the following words and terms shall, unless the context indicates a difference in meaning, have the meaning given herein:

- (1) **ANIMAL:** Means any live dog or cat, domestic or wild.
- (2) **ANIMAL OWNER:** Means every person in possession of or who harbors any animal or who shall suffer any animal to remain about the premises.
- (3) **ANIMAL SHELTER:** Means any facility operated by a humane society, or governmental agency, or its authorized agents for the purpose of impounding or caring for animals held under authority of this Chapter, or Tribal law.
- (4) **COMMERCIAL ANIMAL ESTABLISHMENT:** Means any pet shop, grooming shop, auction, zoological park, performing animal exhibition or kennel.
- (5) **HARBORING:** The occupant of any premises on which an animal is kept or to which customarily returns daily food and care, is presumed to be harboring or keeping the animal within the meaning of this Chapter.
- (6) **ABANDONMENT OF ANIMALS:** Any owner or owners who leaves an animal off the premises without provision for care or control by another person.
- (7) **KENNEL:** Means any premises wherein any person engages in the businesses of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; or any premises of any person harboring dogs or cats over three months of age.
- (8) **LICENSING AUTHORITY:** Shall mean the division of Community Development within the Executive Branch of the Navajo Tribal Council.
- (9) **PERSON:** Any individual, household, firm, partnership, cooperation.
- (10) **LICENSED VETERINARIAN:** A person with a Doctor of Veterinary Medicine Degree licensed to practice within the United States and the Navajo Nation.
- (11) **RABIES VACCINATION:** Shall mean the inoculation of a dog, cat or other animal with a rabies vaccine approved by the Licensing Authority.
- (12) **QUARANTINE:** To detain or isolate an animal suspected of being infected with rabies.
- (13) **RESTRAINT:** Means securing an animal by a leash or lead, or under control of a responsible person and obedient to that person's commands, or within a fenced area capable of confining the animal.
- (14) **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.
- (15) **DOG PACK:** Three (3) or more dogs running at large together.
- (16) **VICIOUS ANIMAL:** Any animal that inflicts 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 any public grounds or places.
- (17) **BITE:** A puncture or tear of the skin inflicted by the teeth of an animal.

(18) HEALTH ADVISOR: 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. This individual may be a representative of the United States Public Health Service, a licensed veterinarian or a designee of the Director of the Community Dog and Cat Control Program.

§ 1702 Licensing

The licensing Requirements are as follows:

(1) LICENSE 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 must 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, 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 an 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 this Chapter.

(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: Fees for license and duplicate tags 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.

(6) FAILURES TO OBTAIN OR DISPLAY LICENSE: Any person who fails to obtain, or to display the license tags as provided by Sub section 1702(2) shall be required to pay a fine set by the Licensing Authority.

(7) TRANSFERABILITY: Animal licenses are not transferable. Any person attaching a license or rabies tags to any animal other than the animal for which such tag was originally issued shall be required to pay a fine set by the Licensing Authority.

§ 1703 Permits

Permit requirements are as follows:

(1) PERMITS REQUIRED: No person, partnership or corporation shall operate a commercial animal establishment or animal shelter within the territorial jurisdiction of the Navajo Nation without first obtaining a 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 collection of the permit by the Licensing Authority, a dated receipt shall be issued indicating the name and address of the owner of the commercial animal establishment, and the appropriate fee.

(2) CHANGE IN OWNERSHIP: If there is a change in ownership of a commercial establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee.

(3) PERMIT FEE: Animal 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.

(5) FAILURE TO OBTAIN PERMIT: Any person who fails to obtain a permit before opening any facility covered by this section shall pay a fine set by the Licensing Authority.

(6) All Facilities 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 and/or revocation of permit.

1704 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) 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 Associate of State Public Health Veterinarians, 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 1 and December 31, shall immediately following acquisition, have such animals vaccinated.

(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 a duplicate copy and one copy thereof shall be filed with the Licensing Authority. Such certificate shall contain the following information.

(A) The name, address and telephone number of the owner or harbinger of the inoculated animal;

(B) The date of inoculation;

(C) The type of vaccine used including the manufacturer and the serial (lot) number;

(D) The date the vaccine expires in the dog and cat;

(E) The year and serial number of the rabies tag; and

(F) The breed, age, color, sex of the inoculated animal.

(3) RABIES TAG: Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 1704(2), the owner of the animal shall attach to the collar or harness of the vaccinated animal a metal tag, serially numbered and bearing the year of issuance. The License Authority shall furnish an adequate supply of such tags to each veterinarian or authorized grantee designated to perform such vaccination, with a fee to be set by the Licensing Authority pursuant to Section 1702(5).

(4) DUPLICATE TAGS: In the event of loss or destruction of the original tag provided in Sub-section (3), the owner of the animal shall obtain a duplicate tag from the Licensing Authority for a fee set by the Licensing Authority Pursuant to Section 1702(5).

(5) DESIGNATION OF QUALIFIED PERSONS: All veterinarians who are duly registered and licensed to practice veterinary medicine in the United States are hereby designated as authorized to vaccinate animals against rabies and to execute certificates of vaccination as provided by law. Also health advisors, who have received specialized training in vaccinating animals against rabies, are authorized to vaccinate animals.

(6) PROOF: It shall be unlawful for any person who owns or harbors any dog, cat or other animal to fail or refuse to exhibit a copy of the certificates of vaccination upon demand to any person charged with the enforcement of this Chapter.

§ 1705 Notice to Licensing Authority and Animal Bite.

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

(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.

(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. 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 animals 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.

(3) Any dog or cat being held in quarantine, which develops signs and symptoms which may be indicative of rabies, shall be humanely killed by a Health Advisor and its head/body submitted to a laboratory qualified to conduct rabies analysis.

(4) REMOVAL OF ANIMALS OF QUARANTINE: No person shall remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the consent of the Licensing Authority.

§ 1706 Dogs or Cats Bitten by Rabid Animals

Any dog or cat bitten by an animal known or proved to be rabid shall be killed immediately by its owner or by a person authorized by the Director, provided that any dog or cat which has been vaccinated at least three (3) weeks before being bitten shall be re-vaccinated against rabies and confined for ninety (90) days. At the end of the confinement period, the dog or cat shall be released if declared free of rabies by a licensed veterinarian. If as determined by the veterinarian, the dog or cat develops rabies during the period of confinement, the owner or keeper shall have it killed and properly disposed of.

§ 1707 Injury to Livestock

(A) If a dog shall kill or injure any livestock, the owner or keeper 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 of authorized livestock use.

(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 to kill, or have killed, 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.

§ 1708 NUISANCE.

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.

§ 1709 Restraint of Animals.

(A) It shall be unlawful for any person owning or having charge of any animals except a domestic house cat to permit such animal to run at large, unless such animal is restrained by leash not to exceed six (6) feet length and is in charge of a person competent to restrain such animal.

(B) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such animals cannot come into contact with another dog or cat except for planned breeding. Any person permitting a female dog in heat to run at large shall be cited into Tribal Court.

§ 1710 Vicious Animals: Liability for Dog Bites

(A) No person shall keep any animal known to be vicious and liable to attack and injure human beings unless such animal is securely kept so as to prevent injury to any person. The owner of such animal must post a sign on his property warning others to beware of the animal.

(B) The owner of any dog which bites a person when the person is in or on a public place, or on the property of the owner of the dog, shall be liable for damages suffered by the person bitten regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.

(C) A person is lawfully in or on the private property of the owner of a dog within the meaning of this section when an invitee or guest, or when in the performance of a duty imposed upon him by law or by ordinance.

(D) Proof of provocation of the attack by the person injured shall be a defense action for damages.

§ 1711 Impounded Animals:

Provisions for impounded animals are as follows:

(1) **ANIMAL SHELTER:** An animal shelter shall be established for the purpose and caring for any animal impounded under the provision of this Chapter, and such shelter shall be constructed to facilitate cleaning and sanitizing and shall provide adequate heating and water supply. The animal shelter shall be operated in a safe and sanitary manner and shall meet Indian Health Services and Navajo Nation standards.

(2) REMOVAL OF ANIMALS FROM ANIMAL SHELTER: It shall be unlawful for any person to remove any impounded animal from the Animal Shelter without consent of the Licensing Authority.

(3) REMOVAL OF BITE ANIMALS FROM QUARANTINE: Animals impounded because of bites shall not be removed from the pound until after the ten (10) days observation period and a release of the Licensing Authority is secured.

(4) DISPOSITION OF IMPOUNDED LICENSED ANIMALS: As soon as practicable after impoundment, the Licensing Authority shall notify the owner, provided that a name tag including the owner's name, address and telephone number is attached to the dog or cat collar or harness. Any impounded animal which is licensed may be redeemed by the owner upon payment of the impoundment fee, care and feeding charges, veterinary charges, and such other cost as set by the Licensing Authority. If such animal is not redeemed within eight (8) days, it shall be deemed abandoned and the Licensing Authority may humanely euthanize said animal.

(5) DISPOSITION OF IMPOUNDED UNLICENSED ANIMALS: As Soon as practicable after impoundment, the Licensing Authority shall notify the owner, provided that a name tag including the owner's name, address and telephone number is attached to the dog or cat collar or harness. Any impounded animal which is not licensed may be redeemed upon payment of the payment of the license fee, impound fee, care and feeding charges, veterinary charges, and presentation of proof of rabies vaccination, and such other cost as set by the licensing authority. If such animal is not wearing its tags as required by this code is not redeemed within three (3) days, it shall be deemed abandoned and the Licensing Authority may humanely euthanize the animal as such.

(6) IMPOUNDMENT FEE: An owner reclaiming an impounded cat shall pay a fee to be set by the Licensing Authority pursuant Section 1702(5).

(7) UNWANTED ANIMALS: Unwanted and/or wild or untamed dogs and cats can be immediately destroyed or put up for adoption for a fee to be set by the Licensing Authority.

(8) NEUTERED/SPAYED: All male dogs and cats shall be neutered prior to adoption. All female dogs and cats shall be spayed prior to adoption. The cost of these services shall be the responsibility of the person/persons adopting the dog and/or cat.

§ 1712. Safety Provisions

Safety provisions are as follows:

(1) INTERFERENCE WITH THE LICENSING AUTHORITY OR ITS AUTHORIZED REPRESENTATIVES: No one shall interfere with, molest, hinder, or prevent the Licensing Authority or its authorized representatives in the discharge of their duties as herein prescribed, or to violate the provisions of this Chapter.

(2) PENALTY FOR VIOLATION; Unless otherwise provided in this Chapter, any person who violates any of the provision of this Chapter shall be fined no less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(3) SEVERANCE CLAUSE: If any section, subsection, sentence clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Chapter.

(4) SAFETY CLAUSE: The Navajo Tribal council hereby finds, determines and declares that this Chapter is necessary for the immediate preservation of the public's peace, health and safety.

NTC; T-13 § 1702

- (6) FAILURE TO OBTAIN OR DISPLAY ANIMAL LICENSE \$50.00
- SECOND OFFENSE \$75.00
- (7) TRANSFER OF ANIMAL TAGS \$50.00

T-13 § 1703

- (5) FAILURE TO OBTAIN KENNEL PERMIT \$100.00
- (6) FAILURE TO OPERATE IN SAFE/SANITARY MANNER \$200.00

T-13 § 1704

- (1) FAILURE TO VACCINATE FOR RABIES \$50.00
- (2) FAILURE TO PRODUCE CERTIFICATE OF VACCINATION \$50.00
- (6) FAILURE TO SHOW PROOF OF VACCINATION \$50.00

T-13 § 1705

- (1) FAILURE TO REPORT ANIMAL BITE \$50.00
- (2) FAILURE TO PRODUCE ANIMAL FOR QUARANTINE \$100.00
- (4) REMOVAL OF ANIMAL FROM QUARANTINE \$200.00
- MANDATORY APPEARANCE

T-13 § 1707

- (A) INJURY TO LIVESTOCK MANDATORY APPEARANCE

T-13 § 1708

- (A) NUISANCE ANIMAL \$100.00
- MANDATORY APPEARANCE

T-13 § 1709

- (A) FAILURE TO RESTRAIN OR CONFINED ANIMAL \$50.00
- (B) FAILURE TO CONFINED DOG/CAT IN HEAT \$100.00

T-13 § 1710

- (A) HARBORING OF VICIOUS ANIMAL
..... MANDATORY APPEARANCE

T-13 § 1711

- (2) REMOVAL OF ANIMAL WITHOUT CONSENT \$200.00
- (3) REMOVAL OF ANIMAL IN QUARANTINE WITHOUT CONSENT
..... MANDATORY APPEARANCE

T-13 § 1712

- (1) INTERFERENCE WITH LICENSING AUTHORITY/ANIMAL CONTROL OFFICER
..... \$200.00
..... MANDATORY APPEARANCE

PLEASE!!!
Control your pets
be a responsible pet owner!!!

ANIMAL SHELTER LOCATION

