



MENOMINEE NATION
THE MENOMINEE TRIBAL LEGISLATURE
TRIBAL ORDINANCE 24-16
AMENDMENT TO THE CODE OF MENOMINEE
INDIAN TRIBE OF WISCONSIN
CHAPTER 255 – “Animals”

FINAL APPROVAL:


BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance 24-16 is hereby enacted. Tribal Ordinance 24-16 hereby amends in its entirety Article I, “Dogs” of Chapter 255 “Animals,” of the Code of the Menominee Indian Tribe of Wisconsin, as attached hereto and incorporated herein as if fully reproduced here.


CERTIFICATION

We, the undersigned Officers of the Menominee Tribal Legislature, do hereby certify that the foregoing amendment to Menominee Indian Tribe of Wisconsin General Code amending Article I, “Dogs” of Chapter 255 “Animals,” was **duly adopted** at a regular meeting of the Tribal Legislature held May 2, 2024, at which a quorum was present, by a vote of **6** for, **0** opposed, **1** abstention, and **1** absent.

The undersigned also certify that the foregoing added and amended Articles of the Code of the Menominee Indian Tribe of Wisconsin have been posted in accordance with the Menominee Constitution and Bylaws.



GENA KAKKAK, CHAIRWOMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN



SPENCER F. GAUTHIER, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN

DATE: MAY 2, 2024



MEMORANDUM

To: Menominee Tribal Legislature

From: Assistant Tribal Attorney Forrest Gauthier and
Lyn John Paralegal II — Legislation and Policy Emphasis

Date: April 22, 2024

Re: A. Ordinance No. 24-16 — Amendment to Chapter 255 Animals (Article I Dogs)
B. Ordinance No. 24-18 — New Article XIX in Chapter 290 Criminal Code — Uncontrolled dangerous dog

A. Ordinance No. 24-16 — Amendment to Chapter 255 Animals (Article I Dogs)

The attached clean and redlined versions of an Amendment to Chapter 255 Animals (Article I Dogs) of the Code of the Menominee Indian Tribe of Wisconsin were approved without changes at first consideration at the MTL meeting of April 18, 2024. The attached clean and redlined versions are being sent for final approval.

At the October 12, 2023 regular meeting of the Law Enforcement Committee (LEC) changes to the dog ordinance were discussed, including removing breed specific language regarding dangerous dogs.

At the November 9, 2023 regular meeting of the LEC changes to the dog ordinance were discussed, including a criminal penalty if a dog, for example, maims a child or evades police.

At the December 14, 2023 regular meeting of the LEC changes to the dog ordinance were discussed, including the ability of Housing Authority Staff to issue citations for dangerous dogs.

At the January 11, 2024 regular meeting of the LEC changes to the dog ordinance were discussed including criminal penalties for owners of dangerous dogs. The criminal penalties were put in a separate document to align with the existing Criminal Code (Chapter 290) and is a proposed new Article XIX in Chapter 290 — Criminal Code — Uncontrolled dangerous dog. See Section B., below.

At the February 8, 2024 regular meeting of the LEC motioned to recommend Chapter 255 Animal Code to the MTL.

The amendments to Chapter 255 of the code were to remove the breed specific language in the definition of dangerous dog, remove the breed specific language in 255-13.1 Dangerous dogs, create Criminal Offenses and Penalties, and provide for Housing Authority Staff who have completed training on this Chapter to issue citations for Dangerous Dogs.

B. Ordinance No. 24-18 New Article XIX in Chapter 290 Criminal Code - Uncontrolled dangerous dog

The attached clean and redlined versions of a New Article XIX in Chapter 290 Criminal Code — Uncontrolled dangerous dog of the Code of the Menominee Indian Tribe of Wisconsin were approved

without changes at first consideration at the MTL meeting of April 18, 2024. The attached clean and redlined versions are being sent for final approval.

This new Article XIX was considered along with the Amendment to Chapter 255 Animals (Article I Dogs) at the LEC. It was approved by that committee; however, it was later learned that since two separate chapters are being amended, a separate ordinance should be used for each of the two chapters involved. Therefore, there is no specific recommendation from the LEC for the new Article XIX of Chapter 290 Criminal Code, but the Committee intended to create the criminal penalties.

The new Article XIX creates criminal penalties for an owner of a dangerous dog who bites or attacks any person lawfully upon public or private property, provides a penalty of imprisonment in the Tribal Jail for not more than six months, or a fine not to exceed Five Hundred Dollars or both. The Court may also impose up to 40 hours of community service. It provides for law enforcement officers to immediately confiscate dangerous dogs after which the Court shall hold a hearing to determine the appropriate course of action. It provides for a charge of Resisting or Obstructing an Officer if an owner of a dangerous dog evades or attempts to evade officers. It makes a dog owner responsible for boarding costs and other fees. Lastly, it provides for a criminal charge of homicide resulting from failure to control dangerous dog.

If you have any further questions or concerns, please do not hesitate to contact Lyn John or Forrest Gauthier at 715-799-5194.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article I Dogs

[Adopted 10-1-2009 by Ord. No. 09-12]

§ 255-1 Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the people and lands within the external boundaries of the Menominee Indian Reservation by regulating the licensing, control, and maintenance of dogs.

§ 255-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONTROLLED

Confined by leash, chain, pen, or other restraint on the owner's premises or to the owner's person.

DANGEROUS DOG

Any dog which:

- A. When unprovoked, while not in the control of its owner, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property; or
- B. When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion, and it is clear that the dog is not merely being protective in a particular set of circumstances.

DISPOSAL and DISPOSE

The surrender to an animal rescue organization or local humane society. As a last resort or by order of the court, the killing of a dog in a quick and humane manner, including euthanasia and shooting with a firearm.

[Amended 11-16-2017 by Ord. No. 17-25]

DOG

Any canine, regardless of type, age, size, or gender.

DOG POUND or IMPOUNDMENT FACILITY

The facility provided by the Menominee Tribe and maintained by the Tribal Police Department for purposes of impounding dogs. May include any facility or secure place utilized by an animal rescue organization or local humane society working with the Tribal Police Department when the facility provided by the Tribe is full.

[Amended 11-16-2017 by Ord. No. 17-25]

DOMESTIC ANIMAL

Livestock, domesticated dogs, and domesticated cats.

HUNTING DOG

Any dog controlled under the definition of "controlled" above except that the owner has trained the dog and releases the dog for the specific purpose of hunting.

KENNEL

An establishment where dogs are bred, trained, or boarded.

LAW ENFORCEMENT OFFICER or OFFICER

Any member of the Menominee Tribal Police Department, Conservation Warden, or other bonafide peace officers acting in their official capacities. Conservation Wardens shall offer secondary assistance to other law enforcement officers in the enforcement of this article.

MENACING FASHION

Demonstrating an intent to cause injury by one or more of the following actions:

- A. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
- B. Growling or barking in an unfriendly manner while approaching, chasing, or making physical contact with a person or a domestic animal.

OWNER

Any person, firm, corporation, organization, or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.

PUBLIC NUISANCE

Any dog or dogs which:

- A. Molests passersby or passing vehicles;
- B. Attacks other animals;
- C. Trespasses on school grounds;
- D. Is repeatedly at large;
- E. Damages private or public property;
- F. Barks, whines, or howls in an excessive, continuous, or untimely fashion.

RUNNING AT LARGE

Not controlled under the definition of "controlled" above.

§ 255-3 Dog control.

The owner of a dog is required to have his dog controlled at all times. Failure to control a dog will constitute a violation of this article and subject the owner to penalties as set forth herein.

§ 255-4 Number of dogs limited.

- A. No family shall own, harbor, or keep in its possession more than three dogs on any residentially zoned lot without prior approval of the Tribal Police Department except that a litter of pups or a portion thereof may be kept for not more than three months from birth. If more than one family resides on a residential lot, then only three dogs shall be allowed on the residential lot unless prior approval is obtained from the Tribal Police Department. For the purpose of this section, the term "family" shall be defined as one or more persons.
- B. Hunting dogs shall be excepted from this provision.

§ 255-5 Vaccines required.

All dogs three months old or older must be vaccinated for parvo, distemper, and rabies.

§ 255-6 Restraining action against dogs.

A. Killing a dog.

(1) Except as otherwise provided for in this article, a person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and:

(a) Other restraining actions were tried and failed; or

(b) Immediate action is necessary.

(2) A person may intentionally kill a dog if a domestic animal that is owned or in the custody of the person is threatened with a serious bodily harm by the dog and the dog is on property owned or controlled by the person and:

(a) Other restraining actions were tried and failed; or

(b) Immediate action is necessary.

B. Inapplicable to officers, veterinarians, and persons killing their own dog. This section does not apply to an officer acting in the lawful performance of his or her duties, or to a veterinarian killing a dog in a proper and humane manner or to a person killing his or her own dog in a proper and humane manner.

§ 255-7 Owners' liability for damage caused by dogs.

A. Liability for injury.

(1) Without notice. The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property. The owner of a dog shall forfeit to the Tribe not less than \$50 nor more than \$500 if the dog causes injury to a person.

(2) After notice. The owner of a dog is liable for two times the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock or property. The owner of a dog shall forfeit to the Tribe not less than \$200 nor more than \$1,000 if the dog causes injury to a person, if the owner was notified or knew that the dog previously injured or caused injury to a person.

(3) The owner of a dog that is used by a law enforcement agency shall not be liable for any damages to a crime suspect's property or injury to a crime suspect or forfeiture under this article while the dog is performing law enforcement functions.

B. Court order to kill a dog.

(1) The Tribe may commence a civil action to obtain a judgment from Tribal Court ordering an officer to kill a dog. The Court may grant the judgment if the Court finds both of the following:

(a) The dog caused serious injury to a person or livestock on two separate occasions off the owner's property, without reasonable cause.

(b) The owner of the dog was notified or knew prior to the second injury that the dog caused the first injury.

(2) Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.

(3) No court order is required to dispose of a dog pursuant to § 255-13.1 of this article.

§ 255-8 Instigating fights between animals.

- A. No person may instigate, promote, aid or abet the fighting between dogs.
- B. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.
- C. Penalties. Any person found to have violated this section shall be fined not less than \$100 nor more than \$500.

§ 255-9 Cruelty to dogs.

It is unlawful for any person to overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any dog, whether belonging to himself or another, or deprive any dog of necessary sustenance, food, drink or shelter or willfully instigate, engage in or in any way further an act of cruelty to any dog or any act to produce such cruelty.

§ 255-10 Licensing.

[Amended 11-21-2013 by Ord. No. 13-41]

- A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within the Reservation must obtain a license as herein provided.
- B. Application for licenses shall be made to the Licensing and Permit Department at the tribal offices which shall include the name and address of the applicant, description of the dog, the appropriate fee, and rabies certificate issued by a licensed veterinarian, the Department of Environmental Services, or anti-rabies clinic.
- C. Application for a license must be made within 30 days after obtaining a dog over three months, except that this requirement will not apply to a nonresident keeping a dog within the Reservation for not longer than 15 days.
- D. Upon acceptance of the license and fee, the Licensing and Permit Department shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar.
- E. Dogs must wear identification tags at all times when off the premises of the owners.
- F. The Licensing and Permit Department shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- G. License fees shall be established by the Licensing and Permit Department and approved by a motion of the Tribal Legislature. License fees shall be posted for five business days before they shall become effective.
- H. A license shall be issued after payment of the applicable fees:
 - (1) Female dog.
 - (2) Male dog.
 - (3) Neutered/spayed dog.
 - (4) Replacement tag.
 - (5) Kennel license.

- I. Licenses shall be effective for one year, from the first day of January to the 31st day of December, and renewable by the Licensing and Permit Department 10 days prior to expiration date, with no prorated fees.

§ 255-11 Seizure and impoundment of dogs running at large.

- A. Any dog which is found running at large with or without the identification tag or dog license which is required pursuant to § 255-10, or determined to be creating a public nuisance as defined by § 255-2, may be seized and impounded by the Tribal Police Department.
- B. Impounded dogs will be held for a minimum of four days before being determined unclaimed, abandoned, or stray and appropriate for disposal or adoption. If at any time the tribal impoundment facility has no room to safely and securely impound a dog, the Tribal Police Department is authorized to dispose of a dog in accordance with § 255-2. Safe impoundment includes the safety of caretakers as well as the safety of dogs. Safety of the dog includes, but is not limited to, concerns of inclement weather and other conditions that would adversely affect the health condition of the dog. Transfers due to safety do not remove the minimum hold requirement but are cumulative between the tribal and nontribal placement. Owners reclaiming their dogs will be subject to the daily fees set by the animal rescue organization or local humane society, in addition to the fees set by this article. **[Amended 11-16-2017 by Ord. No. 17-25]**
- C. Unclaimed or abandoned dogs may be adopted in lieu of disposal by paying the appropriate fees and complying with the licensing procedures in § 255-10 of this article, or transferred to the control of an animal rescue organization or local humane society. Persons adopting unclaimed or abandoned dogs will have title and ownership of the dog conferred upon them, free of all claims and interest of the previous owner.
- D. In addition to, or in lieu of, impounding a dog found at large, a law enforcement officer may issue to the known owner of such dog a citation of ordinance violation.
- E. The owner of an impounded dog may also be proceeded against for violation of this article.
- F. Owners may regain possession of their dogs by paying the appropriate fees as determined by the fee schedule, complying with the licensing procedures in § 255-10 of this article, and showing proof of licensing and rabies vaccination.
- (1) Impoundment fee: \$25.
- (2) Board fee: \$5 (each twenty-four-hour period or portion thereof that the dog is impounded).
- (3) Euthanasia fee (on request): \$10 (each dog). Owners requesting euthanasia will complete a form requesting euthanasia and pay the appropriate fee which will facilitate the disposal of unwanted dogs.
- G. Known owners of impounded dogs who do not claim or refuse to claim their dogs after the required minimum days provided in this section will be assessed the appropriate dog pound fees in accordance with the fee schedule in the event that the dog in question is not adopted by another person. **[Amended 11-16-2017 by Ord. No. 17-25]**

§ 255-12 Rabies quarantine.

- A. In cases of suspected or actual exposure to rabies by dogs and in cases of dog bites, owners will be required to confine the dog in question, by tying up the dog for a period of 10 days. Owners who refuse to comply with the requirement will have the dog in question impounded by the Tribal Police Department for a period of 10 days. The Tribal Police Department is also authorized to impound and quarantine for 10 days any unowned dog suspected or exposed to rabies or responsible for biting any person.

- (1) If after observation for such period, any such dog is adjudged free of rabies, the owner may reclaim the dog upon payment of the regular keeping fees and complying with the licensing requirement, as needed. Unowned or unclaimed dogs will be disposed of in accordance with the procedures outlined in § 255-11 of this article.
- (2) In the event that any animal under quarantine or other confinement is diagnosed as being rabid, it shall be disposed of in accordance with the procedure in § 255-2 of this article.

B. No person shall delay or obstruct the Tribal Police Department in the enforcement of this section.

§ 255-13 **Enforcement.**

The enforcement agencies shall be the Tribal Police Department, assisted by the Tribal Conservation Department and the Tribal Department of Environmental Health. A law enforcement officer is authorized as follows concerning a dog running at large or creating a nuisance:

- A. A law enforcement officer is authorized to capture and impound any dog not controlled, as defined in § 255-2, or determined to be creating a public nuisance as defined in § 255-2 of this article.
- B. After capturing and impounding a dog identifiable by tag, the law enforcement agency may contact the owner for pickup of the dog. The owner will pay any fees incurred in the process as identified in § 255-11 of this article.
- C. If a dog impounded pursuant to this article has no identification, and the owner is unknown to the Officer, and the tribal impoundment facility has no room to safely and securely impound the dog, the Officer is authorized to immediately dispose of the dog in accordance with § 255-2 of this article.
- D. If an officer reasonably believes that a dog running at large or creating a nuisance is in a wild state, the officer is authorized to capture and impound such dog for immediate disposal, or to dispose of the dog in the wild if necessary, as provided for under § 255-2 of this article.
- E. If a complaint is made to any enforcing agency, or enforcement officer, the dog control officer or his agent shall proceed as provided under Subsection A, B, C or D above.

§ 255-13.1 **Dangerous dogs.**

- A. Possession of dangerous dog prohibited. No person shall own, keep, possess, or harbor a dangerous dog within the exterior boundaries of the Menominee Indian Reservation.
- B. The officer may determine a dog to be dangerous whenever, upon investigation, an officer finds that the animal meets the definition of "dangerous dog" as defined in § 255-2.
- C. The officer, upon making the determination that a dog is dangerous, shall issue a citation to the owner for owning, harboring, and keeping a dangerous dog. The citation shall be not less than \$100 nor more than \$500.
- D. The officer, upon making the determination that a dog is dangerous, shall confiscate the dog immediately, to be held for a period of 48 hours, at which time, if no objection has been filed pursuant to Subsection E, the dog shall be disposed of as provided in this article.
- E. If the owner objects to the declaration of dangerousness, they may file a letter with the Clerk of Court within 48 hours to have the dog held until the court hearing. Upon filing an objection, the owner shall pay a deposit of \$150 for storage of the dog, to be charged at a rate of \$5/day until the court hearing.

§ 255-13.2 **Penalties for offenses.**

With the exception of § 255-8, § 255-10 and its subsections, § 255-11E and § 255-13.1C, other violations of

this article will result in the following penalties:

- A. First violation: a fine of \$100 to be paid to the Tribal Court.
- B. Second violation: a fine of \$175 to be paid to the Tribal Court.
- C. Third violation: a fine of \$250, and the enforcement agency may, in its discretion, declare the involved dog to be a public nuisance and dispose of it as defined under § **255-2** of this article.

§ 255-13.3 Criminal Offenses and Penalties

See Chapter 290 Article XIX Uncontrolled Dangerous Dog, § **290-80** Failure to control dangerous dog, and § **290-81** Homicide resulting from failure to control dangerous dog.

§ 255-13.4 Repealer.

Upon enactment of this article, Ordinance No. 81-16, "Dogs," and Ordinance No. 02-27, "Dangerous Dogs," are hereby repealed.

§ 255-14. Housing Authority Staff

Housing Authority Staff who have completed training on this Chapter are authorized to issue citations for Dangerous Dogs as defined in § **255-13.1** of this Chapter.

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Article I Dogs

[Adopted 10-1-2009 by Ord. No. 09-12]

§ 255-1 Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the people and lands within the external boundaries of the Menominee Indian Reservation by regulating the licensing, control, and maintenance of dogs.

§ 255-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONTROLLED

Confined by leash, chain, pen, or other restraint on the owner's premises or to the owner's person.

DANGEROUS DOG

Any dog which:

- A. When unprovoked, while not in the control of its owner, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property; or
- B. When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion, and it is clear that the dog is not merely being protective in a particular set of circumstances; ~~or,~~
- ~~C. Any dog of the breeds listed in Subsection C(1) through (3) below, or any mixed breed of dog which contains as a part of its breeding any of the breeds listed in Subsection C(1) through (3) below, as to be identifiable as partially of said breed:~~

~~(1) American Pit Bull Terrier.~~

~~(2) Staffordshire Pit Bull Terrier.~~

~~(3) American Staffordshire Pit Bull Terrier.~~

DISPOSAL and DISPOSE

The surrender to an animal rescue organization or local humane society. As a last resort or by order of the court, the killing of a dog in a quick and humane manner, including euthanasia and shooting with a firearm.

[Amended 11-16-2017 by Ord. No. 17-25]

DOG

Any canine, regardless of type, age, size, or gender.

DOG POUND or IMPOUNDMENT FACILITY

The facility provided by the Menominee Tribe and maintained by the Tribal Police Department for purposes of impounding dogs. May include any facility or secure place utilized by an animal rescue organization or local humane society working with the Tribal Police Department when the facility provided by the Tribe is full.

[Amended 11-16-2017 by Ord. No. 17-25]

DOMESTIC ANIMAL

Livestock, domesticated dogs, and domesticated cats.

HUNTING DOG

Any dog controlled under the definition of "controlled" above except that the owner has trained the dog and releases the dog for the specific purpose of hunting.

KENNEL

An establishment where dogs are bred, trained, or boarded.

LAW ENFORCEMENT OFFICER or OFFICER

Any member of the Menominee Tribal Police Department, Conservation Warden, or other bonafide peace officers acting in their official capacities. Conservation Wardens shall offer secondary assistance to other law enforcement officers in the enforcement of this article.

MENACING FASHION

Demonstrating an intent to cause injury by one or more of the following actions:

- A. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
- B. Growling or barking in an unfriendly manner while approaching, chasing, or making physical contact with a person or a domestic animal.

OWNER

Any person, firm, corporation, organization, or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.

PUBLIC NUISANCE

Any dog or dogs which:

- A. Molests passersby or passing vehicles;
- B. Attacks other animals;
- C. Trespasses on school grounds;
- D. Is repeatedly at large;
- E. Damages private or public property;
- F. Barks, whines, or howls in an excessive, continuous, or untimely fashion.

RUNNING AT LARGE

Not controlled under the definition of "controlled" above.

§ 255-3 Dog control.

The owner of a dog is required to have his dog controlled at all times. Failure to control a dog will constitute a violation of this article and subject the owner to penalties as set forth herein.

§ 255-4 Number of dogs limited.

- A. No family shall own, harbor, or keep in its possession more than three dogs on any residentially zoned lot without prior approval of the Tribal Police Department except that a litter of pups or a portion thereof may be kept for not more than three months from birth. If more than one family resides on a residential lot, then only three dogs shall be allowed on the residential lot unless prior approval is obtained from the Tribal Police Department. For the purpose of this section, the term "family" shall be defined as one or more persons.
- B. Hunting dogs shall be excepted from this provision.

§ 255-5 Vaccines required.

All dogs three months old or older must be vaccinated for parvo, distemper, and rabies.

§ 255-6 Restraining action against dogs.

- A. Killing a dog.
- (1) Except as otherwise provided for in this article, a person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and:
 - (a) Other restraining actions were tried and failed; or
 - (b) Immediate action is necessary.
 - (2) A person may intentionally kill a dog if a domestic animal that is owned or in the custody of the person is threatened with a serious bodily harm by the dog and the dog is on property owned or controlled by the person and:
 - (a) Other restraining actions were tried and failed; or
 - (b) Immediate action is necessary.
- B. Inapplicable to officers, veterinarians, and persons killing their own dog. This section does not apply to an officer acting in the lawful performance of his or her duties, or to a veterinarian killing a dog in a proper and humane manner or to a person killing his or her own dog in a proper and humane manner.

§ 255-7 Owners' liability for damage caused by dogs.

- A. Liability for injury.
- (1) Without notice. The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property. The owner of a dog shall forfeit to the Tribe not less than \$50 nor more than \$500 if the dog causes injury to a person.
 - (2) After notice. The owner of a dog is liable for two times the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock or property. The owner of a dog shall forfeit to the Tribe not less than \$200 nor more than \$1,000 if the dog causes injury to a person, if the owner was notified or knew that the dog previously injured or caused injury to a person.
 - (3) The owner of a dog that is used by a law enforcement agency shall not be liable for any damages to a crime suspect's property or injury to a crime suspect or forfeiture under this article while the dog is performing law enforcement functions.
- B. Court order to kill a dog.

- (1) The Tribe may commence a civil action to obtain a judgment from Tribal Court ordering an officer to kill a dog. The Court may grant the judgment if the Court finds both of the following:
 - (a) The dog caused serious injury to a person or livestock on two separate occasions off the owner's property, without reasonable cause.
 - (b) The owner of the dog was notified or knew prior to the second injury that the dog caused the first injury.
- (2) Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.
- (3) No court order is required to dispose of a dog pursuant to § 255-13.1 of this article.

§ 255-8 Instigating fights between animals.

- A. No person may instigate, promote, aid or abet the fighting between dogs.
- B. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.
- C. Penalties. Any person found to have violated this section shall be fined not less than \$100 nor more than \$500.

§ 255-9 Cruelty to dogs.

It is unlawful for any person to overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any dog, whether belonging to himself or another, or deprive any dog of necessary sustenance, food, drink or shelter or willfully instigate, engage in or in any way further an act of cruelty to any dog or any act to produce such cruelty.

§ 255-10 Licensing.

[Amended 11-21-2013 by Ord. No. 13-41]

- A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within the Reservation must obtain a license as herein provided.
- B. Application for licenses shall be made to the Licensing and Permit Department at the tribal offices which shall include the name and address of the applicant, description of the dog, the appropriate fee, and rabies certificate issued by a licensed veterinarian, the Department of Environmental Services, or anti-rabies clinic.
- C. Application for a license must be made within 30 days after obtaining a dog over three months, except that this requirement will not apply to a nonresident keeping a dog within the Reservation for not longer than 15 days.
- D. Upon acceptance of the license and fee, the Licensing and Permit Department shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar.
- E. Dogs must wear identification tags at all times when off the premises of the owners.
- F. The Licensing and Permit Department shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- G. License fees shall be established by the Licensing and Permit Department and approved by a motion of the Tribal Legislature. License fees shall be posted for five business days before they shall become effective.

H. A license shall be issued after payment of the applicable fees:

- (1) Female dog.
- (2) Male dog.
- (3) Neutered/spayed dog.
- (4) Replacement tag.
- (5) Kennel license.

I. Licenses shall be effective for one year, from the first day of January to the 31st day of December, and renewable by the Licensing and Permit Department 10 days prior to expiration date, with no prorated fees.

§ 255-11 Seizure and impoundment of dogs running at large.

- A. Any dog which is found running at large with or without the identification tag or dog license which is required pursuant to § 255-10, or determined to be creating a public nuisance as defined by § 255-2, may be seized and impounded by the Tribal Police Department.
- B. Impounded dogs will be held for a minimum of four days before being determined unclaimed, abandoned, or stray and appropriate for disposal or adoption. If at any time the tribal impoundment facility has no room to safely and securely impound a dog, the Tribal Police Department is authorized to dispose of a dog in accordance with § 255-2. Safe impoundment includes the safety of caretakers as well as the safety of dogs. Safety of the dog includes, but is not limited to, concerns of inclement weather and other conditions that would adversely affect the health condition of the dog. Transfers due to safety do not remove the minimum hold requirement but are cumulative between the tribal and nontribal placement. Owners reclaiming their dogs will be subject to the daily fees set by the animal rescue organization or local humane society, in addition to the fees set by this article. **[Amended 11-16-2017 by Ord. No. 17-25]**
- C. Unclaimed or abandoned dogs may be adopted in lieu of disposal by paying the appropriate fees and complying with the licensing procedures in § 255-10 of this article, or transferred to the control of an animal rescue organization or local humane society. Persons adopting unclaimed or abandoned dogs will have title and ownership of the dog conferred upon them, free of all claims and interest of the previous owner.
- D. In addition to, or in lieu of, impounding a dog found at large, a law enforcement officer may issue to the known owner of such dog a citation of ordinance violation.
- E. The owner of an impounded dog may also be proceeded against for violation of this article.
- F. Owners may regain possession of their dogs by paying the appropriate fees as determined by the fee schedule, complying with the licensing procedures in § 255-10 of this article, and showing proof of licensing and rabies vaccination.
- (1) Impoundment fee: \$25.
 - (2) Board fee: \$5 (each twenty-four-hour period or portion thereof that the dog is impounded).
 - (3) Euthanasia fee (on request): \$10 (each dog). Owners requesting euthanasia will complete a form requesting euthanasia and pay the appropriate fee which will facilitate the disposal of unwanted dogs.
- G. Known owners of impounded dogs who do not claim or refuse to claim their dogs after the required

minimum days provided in this section will be assessed the appropriate dog pound fees in accordance with the fee schedule in the event that the dog in question is not adopted by another person. [Amended 11-16-2017 by Ord. No. 17-25]

§ 255-12 Rabies quarantine.

- A. In cases of suspected or actual exposure to rabies by dogs and in cases of dog bites, owners will be required to confine the dog in question, by tying up the dog for a period of 10 days. Owners who refuse to comply with the requirement will have the dog in question impounded by the Tribal Police Department for a period of 10 days. The Tribal Police Department is also authorized to impound and quarantine for 10 days any unowned dog suspected or exposed to rabies or responsible for biting any person.
- (1) If after observation for such period, any such dog is adjudged free of rabies, the owner may reclaim the dog upon payment of the regular keeping fees and complying with the licensing requirement, as needed. Unowned or unclaimed dogs will be disposed of in accordance with the procedures outlined in § 255-11 of this article.
- (2) In the event that any animal under quarantine or other confinement is diagnosed as being rabid, it shall be disposed of in accordance with the procedure in § 255-2 of this article.
- B. No person shall delay or obstruct the Tribal Police Department in the enforcement of this section.

§ 255-13 Enforcement.

The enforcement agencies shall be the Tribal Police Department, assisted by the Tribal Conservation Department and the Tribal Department of Environmental Health. A law enforcement officer is authorized as follows concerning a dog running at large or creating a nuisance:

- A. A law enforcement officer is authorized to capture and impound any dog not controlled, as defined in § 255-2, or determined to be creating a public nuisance as defined in § 255-2 of this article.
- B. After capturing and impounding a dog identifiable by tag, the law enforcement agency may contact the owner for pickup of the dog. The owner will pay any fees incurred in the process as identified in § 255-11 of this article.
- C. If a dog impounded pursuant to this article has no identification, and the owner is unknown to the Officer, and the tribal impoundment facility has no room to safely and securely impound the dog, the Officer is authorized to immediately dispose of the dog in accordance with § 255-2 of this article.
- D. If an officer reasonably believes that a dog running at large or creating a nuisance is in a wild state, the officer is authorized to capture and impound such dog for immediate disposal, or to dispose of the dog in the wild if necessary, as provided for under § 255-2 of this article.
- E. If a complaint is made to any enforcing agency, or enforcement officer, the dog control officer or his agent shall proceed as provided under Subsection A, B, C or D above.

§ 255-13.1 Dangerous dogs.

- A. Possession of dangerous dog prohibited. No person shall own, keep, possess, or harbor a dangerous dog; ~~including but not limited to all pit bulls and mixed breeds of pit bulls~~, within the exterior boundaries of the Menominee Indian Reservation. ~~Any pit bull owned, kept, or possessed in a manner consistent with the provisions of Dangerous Dogs Ordinance No. 02-27 on or prior to the date of passage of this provision shall be exempt from this prohibition and shall continue to be subject to the maintenance requirements of Ordinance No. 02-27, Section 4, notwithstanding its repeal pursuant to § 255-13.3 of this article.~~

- B. The officer may determine a dog to be dangerous whenever, upon investigation, an officer finds that the animal meets the definition of "dangerous dog" as defined in § 255-2.
- C. The officer, upon making the determination that a dog is dangerous, shall issue a citation to the owner for owning, harboring, and keeping a dangerous dog. The citation shall be not less than \$100 nor more than \$500.
- D. The officer, upon making the determination that a dog is dangerous, shall confiscate the dog immediately, to be held for a period of 48 hours, at which time, if no objection has been filed pursuant to Subsection E, the dog shall be disposed of as provided in this article.
- E. If the owner objects to the declaration of dangerousness, they may file a letter with the Clerk of Court within 48 hours to have the dog held until the court hearing. Upon filing an objection, the owner shall pay a deposit of \$150 for storage of the dog, to be charged at a rate of \$5/day until the court hearing.

§ 255-13.2 Penalties for offenses.

With the exception of § 255-8, § 255-10 and its subsections, § 255-11E and § 255-13.1C, other violations of this article will result in the following penalties:

- A. First violation: a fine of \$100 to be paid to the Tribal Court.
- B. Second violation: a fine of \$175 to be paid to the Tribal Court.
- C. Third violation: a fine of \$250, and the enforcement agency may, in its discretion, declare the involved dog to be a public nuisance and dispose of it as defined under § 255-2 of this article.

§ 255-13.3 Criminal Offenses and Penalties

See Chapter 290 Article XIX Uncontrolled Dangerous Dog, § 290-80 Failure to control dangerous dog, and § 290-81 Homicide resulting from failure to control dangerous dog.

§ 255-13.4 Repealer.

Upon enactment of this article, Ordinance No. 81-16, "Dogs," and Ordinance No. 02-27, "Dangerous Dogs," are hereby repealed.

§ 255-14. Housing Authority Staff

Housing Authority Staff who have completed training on this Chapter are authorized to issue citations for Dangerous Dogs as defined in § 255-13.1 of this Chapter.