

## CHAPTER 87 - FIREWORKS CODE

### Sec. 87.1 Definitions

As used in this Fireworks Code, the following terms have the following meanings:

1. “Chaser” means a paper or cardboard tube venting out the fuse end of the tube that travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;
2. “Child” means an individual who is less than eighteen (18) years old.
3. “Cone fountain” means a cardboard or heavy paper cone that has the same effect as a cylindrical fountain.
4. “Crackling device” means a sphere or paper tube that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion.
5. “Custodian” means a person, other than a parent or guardian, who exercises physical control, care or custody of a child, including any employee of a residential facility or any person providing out-of-home care.
6. “Cylindrical Fountain” means a cylindrical tube that produces a shower of colored sparks and sometimes a whistling effect or smoke.
7. “Firecracker” means a small, paper-wrapped or cardboard tube that produces noise and a flash of light.
8. “Fireworks” means devices intended to produce a visible or audible effect by combustion, deflagration or detonation, including but not limited to: cone fountains, ground and hand-held sparkling and smoke devices, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels, aerial devices, aerial spinners, helicopters, mines, missile-type rockets, roman candles, stick-type rockets, ground audible devices, chasers, and firecrackers.
9. “Flitter Sparkler” means a narrow paper tube attached to a stick or wire that produces color or sparks upon ignition and the paper at one end of the tube is ignited to make the device function.
10. “Ground Spinner” means a small, rapidly spinning device venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color.
11. “Guardian” means a person having the duty and authority, as confirmed by court order, to have custody of or to make important decisions in matters having a permanent effect on the life and development of a child.
12. “Helicopter” or “aerial spinner” means a tube with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight.

13. "Illuminating Torch" means a cylindrical tube that produces a colored flame upon ignition and may be spoked, based, or hand held.

14. "Mine" or "Shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components produce reports.

15. "Missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability.

16. "Parent" means a biological or adoptive parent.

17. "Pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion.

18. "Roman candle" means a heavy paper or cardboard tube that individually expels pellets or pressed pyrotechnic composition that burn with bright color in a star effect;

19. "Stick-type rocket" means a cylindrical tube with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight.

20. "Toy smoke device" means a small plastic or paper item that produces white or colored smoke as the primary effect.

21. "Wheel" means a pyrotechnic device that is made to attach to a post or other surface and tat revolves, producing a shower or color and sparks and sometimes a whistling effect.

Enacted by Res. No. 00-20, June 20, 2000.

#### Sec. 87.2 Unpermitted Possession, Sale or Use of Fireworks; Unlawful

Except as expressly permitted by the Tribal Council, all fireworks are hereby prohibited on all land subject to the jurisdiction of the Pueblo. No individual, firm, partnership, corporation, association, or other person or entity shall possess for sale, sell or offer for sale, manufacture, transport, distribute, discharge, possess, or use any fireworks on any land subject to the jurisdiction of the Pueblo, unless such possession, etc., has been expressly authorized in advance by the Tribal Council.

Enacted by Res. No. 00-20, June 20, 2000.; amended by Res. No. 01-21, June 1, 2001.

#### Sec. 87.3 Civil Penalty; Parental Liability for Offense by Child

Any person who violates this Code shall be fined a civil penalty of \$250 for each offense. A parent, guardian, or custodian having custody and control of a child who violates this code shall also be deemed to have violated this code, and may be subject to such penalty, instead of or in addition to the child, in the discretion of the court.

Enacted by Res. No. 00-20, June 20, 2000.

**Sec. 87.4      Forfeiture, Seizure and Disposition of Illegal Fireworks**

Any fireworks found on lands subject to the jurisdiction of the Pueblo contrary to the provisions of this Code shall be deemed to be forfeited to the Pueblo, and any commissioned Pueblo law enforcement officer shall have the authority and the duty to seize such fireworks and to take them to a place of safekeeping. Once the need for such fireworks as evidence in any proceeding connected with their seizure, or otherwise, is ended, the Pueblo shall provide for the prompt and safe disposal of such fireworks outside of Pueblo lands.

Enacted by Res. No. 00-20, June 20, 2000.

**CHAPTER 88 - JUNKED VEHICLES**

**Sec. 88.1      Findings and Purposes**

A. The Tribal Council finds that the presence of Junked Vehicles on lands within the Pueblo constitutes a public nuisance, and a threat to the safety and welfare of the Pueblo and its members and to other persons living on Pueblo land or passing through. Junked Vehicles invite vandalism and rodents and become fire hazards and attractive nuisances that pose a threat to the health and safety of children and others. They convey an overall sense of blight on the Pueblo landscape that is detrimental to the impression the Pueblo seeks to convey to its many visitors and are thus damaging to the economic welfare of the Pueblo and its members.

B. It is therefore the purpose of this Junked Vehicle Code to promote orderly but aggressive action by the Pueblo government to rid the Pueblo's lands of Junked Vehicles, and to impose substantial penalties on persons who violate the terms of this Code by maintaining such vehicles on Pueblo lands.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

**Sec. 88.2      Definitions**

For the purposes of this Code, the following terms shall have the following meanings:

A. "Antique Vehicle" means a motor vehicle that is at least twenty-five (25) years old and that is in the process of actively being preserved or restored by a bona fide collector or restorer of such vehicles (that is, a person who owns one or more antique vehicles and who collects, purchases, acquires, trades or disposes of these vehicles or parts thereof for his or her own use in order to preserve, restore or maintain such vehicles for hobby purposes);

B. "Junked Vehicle" means

1. any vehicle or motor vehicle or motor home, other than an Antique Vehicle:

a. that has been situated in the same location within Pueblo lands for more than thirty (30) days, and is clearly visible from the nearest public roadway;

b. that is wrecked, partially or wholly dismantled, or otherwise not in such condition as to be able to be safely or legally operated on public streets and highways; and

c. that does not have a valid, unexpired license plate affixed thereto, and a current motor vehicle registration certificate and a current certificate of liability insurance located inside.

2. any mobile home not meeting the minimum standards for habitation by humans due to:

- a. infestation by insects, rodents, or other pests;
- b. a lack of a safe and adequate supply of hot and cold potable water.
- c. lack of a safe and adequate wastewater removal system;
- d. lack of a working toilet;
- e. failure to have plumbing that is properly installed and maintained in a good, sanitary, working condition, free from defects, leaks, and obstruction.
- f. inadequate light or ventilation;
- g. extensive damage;
- h. lack of a safe and unobstructed means of egress; or
- i. any other condition that poses a hazard to human occupancy.

C. “Mobile Home” means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which dwelling is capable of being drawn over public highways as a unit or in sections by special permit.

D. “Motor Home” means a motorized recreational vehicle built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab, designed as temporary living quarters when the user is recreating or on vacation, and which is powered by an internal combustion engine that runs on gasoline, diesel, batteries, or other fuel.

E. “Occupant” means a natural person or a corporation, partnership or other legal entity that is in possession of Pueblo lands where a Junked Vehicle is located.

F. “Service” means the date a notice or demand is served if it is served personally, or where the notice or demand is served by certified mail, return receipt requested, the date delivered, the date of last attempted delivery of the notice or demand to the Occupant or owner, or the date that the Occupant or owner refuses to accept delivery of the notice or demand, as evidenced by the return receipt.

Sec. 88.3      Prohibition Against Maintenance of Junked Vehicles; Penalty

A. It is unlawful to maintain or store a Junked Vehicle on Pueblo lands, for more than fifteen (15) days after service of notice by the Tribal Police Department requiring removal thereof, as described in Section 88.4 of this Code.

B. Each day on which a person commits a violation of this section shall constitute a separate offense hereunder.

C. Any person convicted of violating this section may be fined up to \$100.00 per offense or placed in confinement for up to five (5) days per offense or subjected to both such fine and confinement.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

Sec. 88.4      Notice of Violation

Upon becoming aware of the presence of a Junked Vehicle on Pueblo lands, the Tribal Police Department shall cause written notice of a violation of this Code to be delivered to the Occupant, and to the owner of such Junked Vehicle if such owner is not the Occupant and the identity of such owner can be determined by the exercise of reasonable diligence. The notice shall be delivered either in person by an officer of the Tribal Police Department or by certified mail, return receipt requested. The notice shall also be securely posted on the Junked Vehicle by an officer of the Tribal Police Department. The notice shall contain the following:

A. A statement that the Occupant, or the owner of the Junked Vehicle, or both, as appropriate, is maintaining a Junked Vehicle on property within Pueblo lands, contrary to the provisions of this Code.

B. A description of the Junked Vehicle, including its vehicle identification number, if available, and its location.

C. A demand that the Junked Vehicle be removed to a licensed motor vehicle wrecking yard or other lawful facility for the disposal of the Junked Vehicle or to another location where its presence will not violate the provisions of this Code, and that written evidence of such removal be delivered to Tribal Police Department, within fifteen (15) days after the date of service of the notice.

D. A statement that the Occupant or owner may, within the 15-day period, notify the Tribal Police Department in writing of the Occupant or owner's consent to the removal of the Junked Vehicle, at the Occupant or owner's expense.

E. A statement that it is unlawful to maintain or store a Junked Vehicle on Pueblo lands for more than fifteen (15) days after service of notice from the Tribal Police Department requiring removal and that each day on which a person commits a violation of Section 88.3 shall constitute a separate offense.

F. A statement that if the Occupant or owner does not take steps to remove the vehicle or notify the Pueblo of its consent to the removal of the vehicle within the 15-day period, the Pueblo may file criminal charges against the Occupant or owner in Tribal Court and/or file a civil action in Tribal Court seeking a declaration that the Junked Vehicle is abandoned and permission to remove the Junked Vehicle at the Occupant and/or owner's expense.

G. A statement that failure to remove the Junked Vehicle within the 15-day period may subject the Occupant and/or owner to a fine of up to \$100.00 per offense, per day, confinement for up to five (5) days per offense, per day, or both, and may subject the Occupant and /or owner to liability for all costs of removal.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

Sec. 88.5      Removal by or with Consent of Occupant or Owner of the Junked Vehicle

A. If, within fifteen (15) days after service of written notice as described in Section 88.4 of this Code, the Occupant or the owner of the Junked Vehicle has removed the Junked Vehicle to a licensed motor vehicle wrecking yard or other lawful facility for the disposal of junked vehicles or to another location where its presence will not violate the provisions of this Code, and has produced written evidence of such removal to the Tribal Police Department, no further action shall be taken.

B. If, within fifteen (15) days after service of written notice as described in Section 88.4 of this Code, the Occupant or the owner of the Junked Vehicle has given written notice to the Tribal Police Department of consent to the removal of the Junked Vehicle by the Pueblo, at the Occupant's and/or owner's expense, the Tribal Police Department shall cause such removal forthwith, and its delivery to a licensed motor vehicle wrecking yard or other lawful facility for the disposal of Junked Vehicles. The Occupant or owner shall be fully liable for any cost reasonably incurred by the Pueblo in connection with such removal, and the Pueblo may submit to the Occupant or owner of the Junked Vehicle a demand for full payment of costs, together with a copy of the invoice documenting such costs. If such amount has not been paid by the Occupant or owner within fifteen (15) days following the service of such demand, the Pueblo may commence an action in the Tribal Court to recover such amount. The Pueblo shall also be entitled to recover in any such action its costs and reasonable attorneys' fees.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

Sec. 88.6      Occupant or Owner's Failure to Remove Junked Vehicle or Consent to its Removal

In the event that neither the Occupant nor the owner removes the Junked Vehicle or consents to its removal within the time allowed:

A. The Pueblo prosecutor or the Tribal Police Department may initiate proceedings against the Occupant and/or owner of the Junked Vehicle, as applicable, in the Tribal Court, for violation of Section 88.3 of this Code. Upon conviction of the defendant, the Tribal Court shall impose sentence as herein provided and may defer or suspend such sentence on the condition

that the defendant removes the Junked Vehicle, or pays the Pueblo's costs to remove the vehicle, and pays court costs and such fines as are otherwise provided by law; and/or

B. The Governor may direct the Pueblo's general counsel to institute a civil action in the Tribal Court against the Occupant and/or the owner of the Junked Vehicle, seeking a declaration that the Junked Vehicle is abandoned and permission to remove the Junked Vehicle at the Occupant and/or owner's expense, and an award of all costs reasonably incurred by the Pueblo in connection with the removal of the Junked Vehicle. In any such action, the Pueblo shall also be entitled to recover its costs of such action and reasonable attorneys' fees.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

Sec. 88.7      Immediate Removal of Junked Vehicles that Pose an Imminent Danger or Obstruct Traffic

Notwithstanding any other provision of this Code, the Tribal Police Department shall have the right to deem as abandoned any Junked Vehicle situated on any public roadway within Pueblo lands or on any property owned by the Pueblo that constitutes an imminent danger or obstructs traffic, and shall have the right to immediately remove such Junked Vehicle without prior notice to the owner of such Junked Vehicle, and such owner shall be fully liable for all costs reasonably incurred by the Pueblo in the case of such removal. In the event of any such removal without prior notice, the Tribal Police Department shall give notice to the owner of such Junked Vehicle, if the owner's identity can be determined, promptly thereafter, of the fact of the removal and the liability of the owner for the costs thereof, with a demand, which shall include a copy of the invoice documenting such costs, for payment of such costs in full within fifteen (15) days of service of the notice. In the event the owner fails to make such payment in full within the time allowed, the actions described in Section 88.6 (A) and (B) of this Code may be pursued. For purposes of this Section 88.7, "Junked Vehicle" shall have the same meaning as in Section 88.2(B), provided the requirement that the vehicle be situated for more than thirty (30) days (Section 88.2(B)(1)(a)) shall not apply and the vehicle may immediately be deemed abandoned.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

Sec. 88.8      Authority to Enforce

The Tribal Police Department shall have full authority, when enforcing this Code, to enter onto an Occupant's premises unannounced, with or without the permission of the Occupant, to secure the vehicle identification number of a Junked Vehicle and to post notice on a Junked Vehicle as required by Section 88.4, above. No search warrant shall be required for any such entry.

Enacted by Res. No. 2018-056, July 13, 2018; approved by Sec'y, May 30, 2019.

## CHAPTER 89 - ANIMAL CONTROL CODE

### Subchapter 1. ANIMALS AND FOWL, GENERALLY

#### Sec. 89.1 Short Title; Purpose of this Code

A. This Chapter may be cited as the “Animal Control Code”.

B. It is the intent of the Tribal Council that the provisions of this chapter protect animals from cruelty, neglect and abuse; protect residents from annoyance and injury due to animals; assist in providing housing for animals in a control center; finance the functions of licensing and recovery; establish a program for the sterilization of animals; and protect the residents of the Pueblo and its lands from threats to their health and welfare posed by dangerous and uncontrolled animals.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec’y March 10, 2005.

#### Sec. 89.2 Definitions

As used in the Animal Control Ordinance:

A. “Animal” means any vertebrate member of the animal kingdom excluding human beings;

B. “Animal Control Center” means the facility maintained and operated pursuant to the provisions of this Code;

C. “Animal Control Officer” means an employee of the Pueblo specially trained in animal control functions who is designated to perform animal control duties as are set forth in this Code, and may include officers of the Tribal Police Department specially trained and assigned to enforce this Code;

D. “Bite” means an actual puncture or tear of the skin inflicted by the teeth of an animal;

E. “Commercial Property” means:

1. a portion of land, buildings or land and buildings within the Pueblo, zoned for or utilized for commercial or business uses, including temporary sites; and

2. any vehicle utilized for commercial or business purposes within the Pueblo;

F. “Director” means the division director of the animal control division or such other person as the Governor shall designate to administer this Code;

G. “Guard Dog” means any dog that is utilized to protect commercial property;

H. “Handler” means a person who trains dogs for socialization or dog shows or trials or

a security person capable of controlling guard dogs;

I. "Impound" means to take-up and confine an animal in a humane manner;

J. "Kennel" means any commercial establishment or premises where three or more dogs or cats, over three months of age, are boarded, kept or maintained for any purpose whatsoever, with the exception of state-inspected veterinary hospitals and shelters;

K. "Licensed Veterinarian" means a person with a doctorate in Veterinary Medicine degree, licensed to practice in the state;

L. "Nuisance" means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the Pueblo;

M. "Owner of Animal" means a person who owns, harbors or keeps, or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises;

N. "Person" means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof;

O. "Police Dog" means any dog owned by a public agency and used in law enforcement activities under the direction of a handler;

P. "Premises" means a parcel of land and the structures thereon;

Q. "Running at Large" means not confined within a building, shelter, walled or fenced area or secured by a leash, rope, chain or other restraining device, unless under the direct control of the owner/handler or keeper;

R. "Shelter" means any establishment owned and operated by a non-profit humane organization licensed to do business in the state;

S. "Stray Animal" means any animal found running at large beyond the boundaries of the premises of its owner, but such term shall not refer to livestock pastured by their owner on Pueblo grazing lands;

T. "Vaccination" means protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the state;

U. "Vicious Animal" means any animal which shall bite or in any other manner attack or attempt to attack any person or animal, without provocation, except an animal that bites, attacks, or attempts to attack any person or animal unlawfully upon its owner's or keeper's premises; and

Sec. 89.3      Administration of Code

The director is responsible for the administration of this Code. Reasonable rules and regulations shall be prescribed by the director and approved by the Governor to carry out the intent and purpose of this Code. The director may delegate authority to his duly appointed animal control officers as he deems expedient to carry out the provisions of this Code.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.4      Control Officers, Peace Officers, Citations

Tribal Police officers, the director and animal control officers have the authority to issue citations for violations of this Code and to perform such other duties as are prescribed by the Governor. An animal control officer shall wear a uniform, and a badge, and a name tag identifying him as an animal control officer. The badge shall be returned to the director upon the termination of his employment.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.5      Control Officers, Right of Entry

Animal control officers, in the performance of their duties, may enter upon private property, except for entry into a private residence, for the purpose of apprehending animals running at large and stray animals and otherwise enforcing the provisions of this Code

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005..

Subchapter 2.    ANIMAL CONTROL CENTER

Sec. 89.6      Animal Control Center Established

There is established an animal control center in such location as shall be designated by the Governor.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.7      Control Center Hours of Business

The animal control center shall be kept open to the public for the transaction of business during the hours set by the director.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.8      Impoundment

It is the duty of the animal control officers to take up and impound in the animal control center any stray animal or any animal kept or maintained contrary to this Code.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.9      Impoundment, Surrender of Stray Animals, Disposition of Animals, Costs, Records

A. No person shall hold or retain possession of any animal of which he is not the owner, without the knowledge or consent of the owner, for more than twenty-four hours without first reporting the possession to the director or his designee, giving his name and address, a true and complete statement of the circumstances, a description of the animal and the precise location where such animal is confined.

B. It is unlawful for any person taking control of an animal of which he is not the owner to fail to give the notice required in subsection (a) of this section, and for any person having such animal in his possession to fail to refuse to immediately surrender such animal to the director or his designee upon demand.

C. A licensed stray animal shall be confined at the animal control center for a period of at least five days during which time the owner shall be notified. If identification or notification of the owner is not possible, the animal control center may dispose of said animal, without notice, one day after the required impoundment period and may either place the animal in an adoptive home, or may destroy said animal in a humane fashion, as the director may deem proper.

D. An unlicensed stray animal shall be confined at the animal control center for a period of at least three days. One day after the required impoundment period, the director may either place the animal in an adoptive home, or may destroy said animal, in a humane fashion, as the center may deem proper.

E. No animal that has been impounded by the animal control center will be adopted-out for the purpose of breeding or sale. Every dog or cat adopted from the center shall be neutered by a licensed veterinarian and vaccinated for rabies. Fees for the operation and vaccination shall be paid to the animal control center or its designee by the person purchasing the dog or cat, prior to the release of the animal. Nothing in this section shall be construed as applicable to any dog or cat returned to its owner. No dog that has been impounded by the animal control center will be released if such release would result in a violation of Section 89.16 of this Code.

F. Any stray animal of a type ordinarily kept as livestock that cannot be adopted, or whose owner cannot be determined after reasonable inquiry, which shall include inquiry with the State Livestock Board, may be destroyed or disposed of by sale following the giving of notice. A notice setting forth the time, place and manner of the proposed disposition of the animal shall be posted for five days at the center and published once in a newspaper of general circulation, and written notice thereof shall be given to the Governor and to the State Livestock Board. Any other stray animal not redeemed by its owner or placed with a new owner may be disposed of by the animal control center, at its discretion.

G. It is the responsibility of an owner of an animal legally impounded to pay for boarding and other costs. The director shall establish appropriate fees and procedures for their collection. In addition, the owner shall pay any license fees due, cost of inoculations, fines imposed, or other costs incurred in the care and maintenance of the animal. The animal control

center shall not release any animal impounded at the center until such fees, fines and costs are paid.

H. The animal control center shall maintain records for a reasonable period of time of all animals impounded in the center. The record shall contain at least the following:

1. a complete description of the animal;
2. the manner and date of its acquisition by the center;
3. the date and manner of disposal, if applicable;
4. the date(s) on which the animal was vaccinated and/or neutered, if applicable, and the name of the person performing such operations;
5. the name and address of the purchaser of any animal; and
6. all fees received with respect to the animal.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Subchapter 3. OWNERS' DUTIES

#### Sec. 89.10 Rabies Vaccinations

A. It is the duty of all persons owning or keeping a dog or cat over the age of three months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for three years and shall be administered by a licensed veterinarian or certified Indian Health Service environmental technical assistant. A certificate from a licensed veterinarian or certified Indian Health Service environmental technical assistant shall be evidence of vaccination. The director may require other animals to receive rabies vaccinations.

B. The veterinarian or certified Indian Health Service environmental technical assistant administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of the vaccination and the expiration date of the period of immunity.

C. It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the director or by the animal control officer.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.11 Rabid Animal

An animal that has rabies or shows signs of having rabies and every animal bitten by

another afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or who has reason to know that an animal is infected with rabies or has been exposed to rabies shall, immediately upon learning of the infection, notify the animal control center as to the place where the animal is confined and shall surrender said animal to the animal control center upon demand. The animal control center shall then deal with the rabid animal pursuant to generally accepted standards and procedures.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.12 Biting Dog or Other Biting Animal

A. The owner of an animal that bites a person, and a person bitten by an animal, shall report that occurrence to the animal control center within twenty-four hours. The owner of an animal that bites a person shall surrender said animal to the animal control center if the director deems it necessary to impound said animal for a period of observation.

B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the animal control center within twenty-four hours of his first professional attendance. The physician shall report the name, sex and address of the person bitten, as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the director in ascertaining the immunization status of the animal.

C. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the director. The owner of the animal shall bear the cost of confinement. The director may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by an animal control officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the director before consent may be given for such home confinement.

D. A person who has custody of an animal that has bitten a person shall immediately notify the director if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the director or an animal control officer and relinquish any claims to said animal.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.13 Restraint of Animals, Leashes

A. It is unlawful to permit a dog in the streets or public places unless on a secure leash not exceeding eight feet in length and under the immediate physical control of the person having custody thereof. No dog, cat or other member of the canine or feline families is allowed upon a public playground or on the premises of a public swimming pool or upon a school yard, or on the premises of a Head Start facility or health clinic, but this provision shall not apply to any guide

or hearing aid dog which has been trained to assist the blind or deaf provided that such dog is in the company of the blind or deaf person whom it was trained to assist.

B. The above restrictions do not apply when such an animal is in a bona fide animal show or training program authorized by law or appropriate school authority.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.14     Dog Licenses

A. Any person owning, possessing or harboring any dog three months of age or over shall obtain a license for such animal. Licenses may be obtained from the animal control center. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee for a tag and certificate, shall be two dollars (\$2.00) for a neutered animal and ten dollars (\$10.00) for an un-neutered animal. In the event a tag is lost, replacement tags costing one dollar (\$1.00) shall be purchased. The license shall expire one year from the date of issue and shall be renewed annually. A late renewal charge (more than 1 month beyond renewal date) will be one dollar (\$1.00) per animal.

B. A current license tag shall be affixed to the licensed dog at all times in a reasonable manner, unless the licensed dog is being kept in an approved kennel, veterinary hospital, grooming parlor, is appearing in an approved show or is being trained; provided, that the person who is training a dog shall have in his personal possession the valid license tag for each dog and shall immediately display such upon request by an animal control officer, animal shelter personnel or other law enforcement officers.

C. Animals belonging to nonresidents who do not keep said animals within the Pueblo boundaries for thirty consecutive days shall be exempt from this section; provided, however, that all the other provisions of this code must be complied with.

D. The license fees shall not apply to guide or hearing aid dogs trained to assist, and, in fact, used to assist the blind or deaf, nor to any police dog.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.15     Mandatory Spaying and Neutering

A. No person shall own or harbor within the Pueblo any dog or cat over the age of six months which has not been spayed or neutered, unless that person obtains from the animal control department, at the cost of \$25.00 annually, a permit to keep an unaltered dog or cat.

B. Proof of neutering, if not apparent upon visual inspection may be made by certificate or receipt from a licensed veterinarian, or by affidavit of the animal's owner.

C. Proof of unaltered dog or cat permit must be available upon reasonable demand of an animal control officer or the owner of said animal will be cited for violation of the Code and the animal may be impounded pursuant to Section 89.8 of this Code.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.16     Limitation on Number of Dogs

A. No household within the Pueblo that is not a licensed kennel, or that is not the home of a licensed breeder of dogs, shall house more than two dogs more than 6 months of age.

B. An animal control officer having reasonable ground for suspicion that a household is harboring more than two dogs, whether licensed or not, in violation of the provisions of this section, may impound all but two dogs housed at such household, and shall as soon as possible give notice to some person residing at the household of such action. The officer shall cite the head of the household for violation of this section.

C. Any dogs impounded under the provisions of this section shall be released to the owner only upon the owner's making satisfactory proof to the director that the owner's household is in full compliance with this section.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Subchapter 4.     PROHIBITED ACTIVITIES, GENERALLY

#### Sec. 89.17     Animals Running at Large

A. It is unlawful for any person to allow or permit an animal to run at large, as defined in this Code, in or on any street, alley, sidewalk, vacant lot, public or private property, but this section shall not apply to livestock on Pueblo grazing lands, or to an animal accompanying a person on Pueblo grazing or agricultural lands.

B. A notice of impoundment will be left in each case that an animal is impounded from private property. An attempt will be made by the animal control officer to contact the owner.

C. An animal control officer has the right to impound any animal that is destroying public property or endangering the welfare of any person or animal who is lawfully on a public or private right-of-way. Any animal in violation of this section is declared to be a nuisance, or a menace to the public health and safety and shall be impounded as provided in Sections 89.8 through 89.9 of this Code. Further, the animal control officer shall destroy any dog if it is in the act of pursuing or wounding livestock or wounding or killing poultry or attacking a human.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.18     Enclosure for Breeding Animals

It is unlawful for any person to let any female animal to any male animal except within an enclosure so arranged as to obstruct the animals completely from the view of all who have no propriety interest in the breeding of the animals.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.19     Animals on Unenclosed Premises

It is unlawful for any person to chain, stake-out, graze or herd any animal on any unenclosed premises in any residential area within the Pueblo in such a manner that the animal may go beyond the property line.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.20     Vicious Animals

It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal while on public property may use reasonable force, up to and including lethal force, to repel the attack. After a judicial determination that an animal is vicious the owner or keeper of the vicious animal shall destroy it humanely or turn the animal over to the animal control center for destruction.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.21     Animal Disturbing the Peace

It is unlawful for any person to allow any animal to persistently or continuously bark, howl or make noise common to the species, or otherwise to disturb the peace and quiet of the inhabitants of the Pueblo or to keep or maintain animals in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of the inhabitants of the Pueblo.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.22     Nuisances

It is unlawful for the owner of an animal to permit, either willfully or through failure to exercise due care or control, the animal to commit any nuisance upon any property other than that of the owners of the animal, and then only so long as no other provision of this Code is violated.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.23     Unlawful Use of License Tags

It is unlawful for any person to move any license tag from one animal to another or to remove a license tag from a stray animal without lawful permission. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control, a stolen, counterfeit or forged animal license tag, rabies vaccination certificate or other form of animal or premises license.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.24     Breaking Into Center, Shelter or Vehicles

It is unlawful for any person to break open any pound, center or animal control vehicle wherein animals are impounded by the Pueblo or by an animal control officer, or in any other way to remove or assist in the removal of any animal from the pound, center or vehicle without lawful permission.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.25     Dogs Trained to Assist the Blind or Deaf in Public Places

It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any guide or hearing aid dog which has been trained to assist the blind or deaf provided that such dog is in the company of the blind or deaf person whom it was trained to assist.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.26     Confining Animals in Motor Vehicles, Responsibility of Motor Vehicle Owner

No person having control over a motor vehicle shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.27     Confining Animals in Motor Vehicle, Exceptions - Transportation of Animals

Nothing in this Code shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

Sec. 89.28     Confining Animals in Motor Vehicles, Removal of Animals from Motor Vehicles, Authority of Animal Control Officers or Peace Officer

An animal control or peace officer who finds an animal in a motor vehicle in violation of this Code may enter into the motor vehicle, if necessary, to remove the animal. The officer removing the animal shall take the animal to an animal control center or other place of safe keeping. If a vehicle is entered, left unsecured and cannot be re-secured, an animal control or peace officer shall stay with the vehicle until the owner is contacted and arrives. In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner. The animal will be surrendered to the owner if the owner claims the animal within five

days from the time the animal was impounded. The owner shall pay all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five days after its removal from the motor vehicle, animal control center will make reasonable effort to contact the owner and give notice that the animal is in custody. In the event the owner cannot be contacted or expresses no interest in claiming the animal within five days after contact or efforts of contact, the animal control center may dispose of the animal in any reasonably humane manner.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

## Subchapter 5. CRUELTY TO ANIMALS PROHIBITED

### Sec. 89.29 Cruelty, Generally

It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance any animal, except that reasonable force, up to and including lethal force, may be employed to drive off vicious animals or trespassing animals causing or threatening to cause damage to property.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Sec. 89.30 Work Cruelty

It is unlawful for any person to drive or work any animal cruelly.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Sec. 89.31 Neglect

It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally-sound, weatherproof enclosure, large enough to accommodate the animal.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Sec. 89.32 Abandonment

It is unlawful for any person having charge, custody or ownership of an animal to abandon such animal. All animals which are to be abandoned may be turned over to the animal control center or the animal shelter for adoption.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

### Sec. 89.33 Poisoning

It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance, except that nothing in this section shall be deemed to prohibit the

use of poisonous substances for the control of vermin of significance to the public health, provided that such use does not endanger any person, livestock or any other non-trespassing animal.

Enacted by Res. No. 03-10, May 2, 2003; approved by Sec'y March 10, 2005.

#### Sec. 89.34     Protective Care by Director

When the director finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of the animal, the director may take up the animal for protective care; and, in the event of sickness or injury, upon the advice of a licensed veterinarian, the director may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.35     Injury by Motorists

A. Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any domestic animal or livestock, give aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the animal control center, furnishing sufficient facts relative to the injury.

B. Every such operator shall remain at or near the scene until the appropriate authorities arrive, and upon the arrival of the appropriate authorities, the operator shall immediately identify himself to them. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal control center. The animal shall be deemed an abandoned animal within the meaning of Section 89.32 of this Code. This section does not apply to operators of emergency vehicles.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.36     Hobbling Livestock

It is unlawful to hobble livestock or other animals by any means which may cause injury or damage to the animal.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.37     Keeping of Diseased or Painfully Crippled Animals

It is unlawful to have, keep or harbor any animal which is infected with any dangerous or incurable or painfully crippling condition except as provided in this Code. The director may impound the diseased or painfully crippled animal in accordance with the provisions of this Code. All such animals impounded, following examination and approval by a veterinarian, may be destroyed humanely as soon thereafter as is conveniently possible. In the case of destruction of an animal, the director shall not be required to give any of the notices provided in this Code. This section shall not be construed to include animals in veterinary hospitals or animals under active veterinary care.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.38     Animal Fights

It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.39     Confining or Crating of Fowl

It is unlawful for any person to confine, or the director to confine or impound any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to the fowl or bird at intervals not longer than twelve hours; and unless provisions are made that the crate, box or other enclosure in which fowl or bird is confined or impounded permits the fowl or bird to stand in a naturally erect position.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.40     Birds

It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird, but this section shall not be construed to prohibit the hunting of game birds for sport or food, when such hunting is otherwise lawful within the Pueblo, nor to prohibit the taking of birds for bona fide traditional purposes, when such taking is authorized by a traditional religious leader.

Enacted by Res. No. 04-29, December 7, 2004; approved by Sec'y March 10, 2005.

#### Sec. 89.41     Permits and Housing of Guard Dogs

A. It is conducive to the promotion of the health and general welfare of the inhabitants of the Pueblo to require permits for guard dogs, used on commercial property, and to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.

##### B. Permits:

1. Guard dogs may not be used unless a guard dog permit is in effect for each commercial property where such dogs are to be used. Procedures for permit applications, inspection of guard dog facilities, and issuance of dog identification tags, will be established by the director. Permits for both permanent and temporary locations may be transferred to new locations operated by the same business firm during the license year. However, such transfers shall not be effective until the director or his designee has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded. Applicants must provide five working days' advance notice to the animal control center for permit transfers.

2. Permit applications shall include the following information: the business name, address and telephone number of the commercial property where guard dogs are to be used; the name, address and telephone number of the handler who can be reached at any time during the day

or night; the number of dogs to be used, their breeds, ages, training and general description of their use; the location where dogs are to be housed; and any other information that the director deems necessary by rule and regulation. Permit holders shall notify the animal control center if any information recorded as part of the permit application changes thereafter.

C. Whenever there is a guard dog on the premises, the following conditions, in addition to all other applicable requirements of law and regulations, shall be complied with:

1. The premises shall be completely surrounded by anti-escape fences, or the guard dogs shall be housed in an anti-escape building.

2. All gates and entrances to the area where the guard dog is housed, used or trained shall be locked when not in use.

3. Additional measures found necessary by the director shall be taken to protect the public from accidental contact with any guard dog.

4. Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, a wall or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the director.

5. In order to control noise, the director may require a sight barrier which breaks the dog's line-of-sight.

6. In buildings where guard dogs are housed, exterior glass must be adequate to prevent the dog from jumping through it, or additional protective measures must be taken by the owner, as required by the director.

7. The building and yard in which a guard dog is housed must be posted with guard dog signs, approved by the director, that shall not be more than two hundred feet apart, and shall be at all property corners and at every entrance into the area, clearly warning of the presence of a guard dog.

8. For guard dogs either transported or used in vehicles, measures must be taken to protect the public from accidental contact with a guard dog.

9. A handler is required to be physically present while guard dogs are being used at temporary sites that do not comply with this section.

D. A dog that is used as a private guard dog on the property of its owner's private residence shall be excluded from the provisions of this section unless said residence is located on premises used for commercial purposes, but the owner must assure that persons lawfully on sidewalks and streets adjacent to the residence, and visitors to the residence, are not assaulted or threatened by such guard dog. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.

## Subchapter 6. PENALTIES

### Sec 89.42 Penalties

Any person who violates any of the provisions of this Code shall be punished as provided in this Section. Each day this code is violated shall be considered a separate offence.

A. The following is a schedule of mandatory fines:

1. For redemption of impounded animals:
    - first offense, five dollars (\$5.00);
    - second offense, ten dollars (\$10.00);
    - third offense, twenty dollars (\$20.00);
    - fourth offense, confiscation of animal;
  2. Unlicensed dogs, fifteen dollars (\$15.00) plus license fee;
  3. Running at large, or animals disturbing the peace:
    - first offense, ten dollars (\$10.00);
    - second offense, twenty dollars (\$20.00);
    - third offense, thirty dollars (\$30.00);
    - fourth offense, citation for court action as pursuant to subsection (b) of this
- section;
4. No rabies vaccination, ten dollars (\$10.00) plus cost of vaccination;
  5. too many dogs in one household:
    - first offense, twenty-five dollars (\$25.00) per excess dog;
    - second offense, as determined by the court.

B. Any violation of this Code other than those listed in subsection (a) of this section shall be punished as determined by the Tribal Court. If any person is convicted of cruelty or mistreatment of an animal, that animal shall be removed from his custody and placed with the director.

C. In addition to the mandatory fines for impounded animals pursuant to subsection (a) of this section, an additional boarding fee will be charged by the animal control center.