Revised Law and Order Code of the Fort McDowell Yavapai Nation, Arizona


CHAPTER 12 - ANIMALS AND FOWL

Art. I.  In General, §§ 12-1 - 12-20

Art. II.  Rabies Control, §§ 12-21 - 12-35

ARTICLE I. IN GENERAL

Sec. 12-1. CRUELTY TO ANIMALS.

Any person who shall torture or cruelly mistreat any animal shall be deemed guilty of an offense and shall be sentenced to imprisonment for a period not to exceed thirty (30) days or to a fine not to exceed thirty dollars ($30.00), or to both such imprisonment and fine, with costs.

(Secs. 12-3 - 12-20. RESERVED.)

ARTICLE II. RABIES CONTROL

Sec. 12-21. DEFINITIONS.

In this article, unless the context otherwise requires:

Animal means any animal of a species that is susceptible to rabies.

At large means on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner. Any animal in a suitable enclosure shall not be considered to be running at large.

Cat means a little, soft-furred animal of the feline family.

Collar means a band, chain, harness or suitable device of permanent nature worn around the neck of a dog to which a license may be affixed.
Dog means a member of the genus and species Canis familiaris.

Enforcement agent means any police officer of the Nation’s police department or any person designated, such as a dogcatcher, by the Fort McDowell Yavapai Nation to enforce the rabies control law on the Fort McDowell Yavapai Indian Reservation.

Health service means U.S. Public Health Service, and/or any duly authorized county board of health.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in a pound in accordance with provision of this rabies control article.

Law enforcement agency means the Fort McDowell Yavapai Nation police department, and any agency lawfully designated to enforce this article.

Owner means any person owning, keeping, possessing, harboring or maintaining a dog or other animals who normally may transmit rabies.

Pound means any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping and control of dogs and other animals that come into custody of the enforcement agent in the performance of his official duties.

State board of health means the state board of health of the State of Arizona.

Stray dog means any dog four (4) months of age or older running at large that is not wearing a valid license and vaccination tag.

Vaccination means administration of an approved anti-rabies vaccine to animals by a veterinarian.

Vaccination tag means an official, numbered, dated metal tag attached to the dog by a collar or harness.

Veterinarian means any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

Vicious dog means any dog that has the propensity to bite human beings without provocation.

Sec. 12-22. VACCINATION AND REPORTS.

Every owner of an animal subject to this article shall, in reference to such animal:

a. Vaccinate or cause to be vaccinated for rabies every dog over the age of four (4) months and every cat over the age of six (6) months.

b. Report any evidence of rabies in such dog or cat to the law enforcement agency.
c. Report any bite by any such animal to the law enforcement agency.

**Sec. 12-23. ANTI-RABIES VACCINE; TERM OF VACCINATION.**

The type or types of anti-rabies vaccines that may be used for vaccination of dogs or cats, the period of time between vaccination and revaccination shall be in conformity with that designated by the state veterinarian of the State of Arizona.

**Sec. 12-24. DOGS TO WEAR COLLAR WITH TAG.**

Any dog over four (4) months of age running at large shall wear a collar or harness to which is attached a valid vaccination tag.

**Sec. 12-25. COUNTERFEIT OR REMOVAL OF TAG.**

Any person who counterfeits or attempts to counterfeit an official vaccination tag, or removes such vaccination tag from any dog for the purpose of willful or malicious mischief or places a vaccination tag upon a dog, unless the vaccination tag was issued for that particular dog, is in violation of this article.

**Sec. 12-26. COLLECTION, USAGE AND PURPOSE OF FEES.**

a. The Fort McDowell Yavapai Nation Treasurer or his designated representative shall be responsible for collecting all fees.

b. The Fort McDowell Yavapai Nation Treasurer or his designated representative shall place the monies collected by him, under the provision of this article in a special fund to be known as the rabies control fund; to be used for the maintenance of the rabies control provisions vaccine, pound, dog food and any other expenses necessary for the operation of the program.

c. Any unencumbered balance remaining in the rabies control fund at the end of the fiscal year shall be carried into the following fiscal year.

**Sec. 12-27. DUMPING OF ANIMALS.**

It shall be unlawful to release or dump live animals anywhere within the geographic limits of the Fort McDowell Reservation. Persons performing such acts shall be in violation of this article.

**Sec. 12-28. RABIES QUARANTINE AREAS.**

a. Any area in which a state of emergency has been declared to exist by the Maricopa County Board of Health, the Arizona Department of Health Services or the Fort McDowell Yavapai Indian Tribal Council because of the danger of rabies infection shall be a rabies quarantine area.
b. When a rabies quarantine area has been declared, the president of the Fort McDowell Yavapai Indian Tribal Council, in cooperation with the superintendent of the Yavapai Agency and after consultation with the U.S. Public Health Service shall institute a program for the control of rabies within that area.

c. No dog shall be permitted at large in a rabies quarantine area. Each dog shall be confined within an enclosure on his owner's property, or securely tied so that the dog is confined entirely to the owner's property, or on a leash not to exceed five (5) feet in length and directly under the control of an able-bodied person when not on the owner's property.

Sec. 12-29. PROCEDURE FOR DEALING WITH ANIMALS ALLEGED TO HAVE BITTEN A HUMAN.

a. **Impoundment; fees.** Any dog that bites any person shall be quarantined and impounded or, at the request of and at the expense of the owner, placed in a pound for a period of not less than ten (10) days. The owner of any dog that has bitten a person may voluntarily deliver the dog to the enforcement agent at the pound. There shall be a two dollar ($2.00) assessment against the owner if the enforcement agent must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be a one dollar ($1.00) per day charge for board and no other impoundment fees shall be charged.

b. **Confinement at home.** Notwithstanding the provisions of subsection (a) above, any properly licensed and vaccinated dog that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by the enforcement agent.

c. **Notification of public health service.** Notification of the name and address of any person bitten by an animal must be given to the public health service at the Phoenix Indian Medical Center. Physicians attending dog-bite victims will be responsible for advising the director, Fort McDowell Yavapai Nation, concerning such incidents. The director, Fort McDowell Yavapai Nation, will be responsible for following up on the patient's case. Attending physicians include field clinic physicians during clinic hours, and Fort McDowell Yavapai Nation physicians at all hours.

d. **Interference unlawful.** It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

e. **Unauthorized removal from impoundment unlawful.** No person may remove or attempt to remove any animal which has been impounded or which is in the possession of the enforcement agent.

f. **Destruction of animal prohibited.** No person shall destroy any animal which has bitten a person.

Sec. 12-30. DESTRUCTION OF CERTAIN DOGS.

Any licensed or unlicensed dog which apparently is suffering from serious injuries and is in
great pain and probably would not recover, or which has evidence of any infectious disease which is a danger to other dogs or to man, may be destroyed by the enforcement agent or the county health department in as humane a manner as possible after reasonable efforts to notify the owner have been made.

Sec. 12-31. POISONING GENERALLY PROHIBITED; POISONING PROGRAM.

The poisoning of animals by individuals on the Fort McDowell Reservation is a violation of the article. Poisoning of animals to control disease or other health hazards shall be done only when life, health or economy of the residents of the Fort McDowell Yavapai Reservation is endangered and only under the jurisdiction of a law enforcement agency. In the event a program of poisoning animals is undertaken, the law enforcement agency involved shall observe the safety precautions on the label of the product used as well as all other safety requirements of the U.S. Environmental Protection Agency and Indian Health Service Environmental Health Consultant.

Sec. 12-32. RESPONSIBILITY OF ENFORCEMENT AGENCY OR ITS DESIGNATED REPRESENTATIVES.

The law enforcement agency or its designated representative shall:

a. Supervise operation of a dog and cat pound.

b. Collect and impound dogs in conformity with this article.

c. Notify the health service immediately if any impounded animal, which has bitten a person, becomes sick.

d. Institute educational programs to acquaint the residents of the community with the rabies control provisions.

Sec. 12-33. RESPONSIBILITY OF THE HEALTH SERVICE.

The health service shall:

a. Conduct rabies vaccination clinics in designated locations in each community for the purpose of vaccinating dogs and cats at the same intervals as designated by the state veterinarian.

b. Be responsible for the declaration of any quarantine whose area is solely within the boundaries of the Fort McDowell Yavapai Nation. When a quarantine has been declared, the health service shall meet with the enforcement agent and institute an emergency program for the control of rabies.

c. Supervise the proper preparation and give technical advice as to the handling of a specimen of a suspected rabid animal being submitted to the state health department laboratory.
Sec. 12-34. CONTROL OF BEHAVIOR OF Vicious DOGS.

a. **Determination of vicious dog.** Upon formal complaint to the Fort McDowell Yavapai Nation Department of Public Safety by a person bitten by a dog, or where appropriate such person's parent or legal guardian, a hearing shall be held in the Fort McDowell Yavapai Indian Tribal Court to determine the circumstances of such biting. The court shall make a determination as to whether the dog in question is vicious.

b. **Definition of vicious dog.** "Vicious dog" is defined as:
   1. A dog that has attacked or bitten a person.
   2. A dog that has killed or mauled another dog or cat.
   3. A dog that cannot be controlled.
   4. A dog which by its breeding has a propensity to be violent and a danger to persons.

c. **Vicious dogs not permitted at large.** A vicious dog shall not be permitted at large. Vicious dogs shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.

d. **Authority to destroy vicious dogs.**
   1. The community department of public safety shall destroy a vicious dog upon an order of the Tribal Court. The Tribal Court may issue such an order only after notice to the dog's owner, if any, and a hearing.
   2. The community department of public safety, through any of its officers, may destroy a vicious dog, during or just subsequent to an attack upon a person by it if the officer believes with good cause that any attempt to capture and restrain the dog will likely place the officer or any other person at risk of harm.
   3. The community department of public safety shall adopt regulations, not inconsistent with this section, setting standards for officers in dealing with vicious dogs.

e. **Liability of owners of vicious dogs.** Injury to any person or damage to any property by a vicious dog while at large shall be the full responsibility of the dog owner and the person or persons having responsibility for controlling the dog when such injury or damage was inflicted.

f. **Liability of Fort McDowell Yavapai Nation.** Neither the Fort McDowell Yavapai Nation, its officers or employees, shall have any liability resulting from the destruction of a dog pursuant to the terms of this section and any regulation adopted pursuant to it.
Sec. 12-35. VIOLATIONS.

Any person who violates any of the provisions of this article shall be deemed guilty of an offense and shall be sentenced to imprisonment for a period not to exceed thirty (30) days or to a fine not to exceed thirty dollars ($30.00) or to both such imprisonment and fine with costs.