

SHAKOPEE MDEWAKANTON
SIOUX COMMUNITY

ANIMAL CONTROL
ORDINANCE

Enacted by the SMSC General Council
on March 13, 2018
by Resolution No. 03-13-18-009

SHAKOPEE MDEWAKANTON SIOUX COMMUNITY
ANIMAL CONTROL ORDINANCE

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CHAPTER 1 GENERAL PROVISIONS

1.1 Authority

This Animal Control Ordinance (the “Ordinance”) is enacted under the inherent sovereign authority of the Shakopee Mdewakanton Sioux Community General Council, as the governing body of the Shakopee Mdewakanton Sioux Community, and pursuant to Article III, §1(h) of the Constitution of the Shakopee Mdewakanton Sioux Community and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476.

1.2 Purpose

The purpose of this Ordinance is to protect the health and safety of the Community and to promote the general welfare of Community members and animals residing on the lands of the Shakopee Mdewakanton Sioux Community. Animal ownership is welcomed within the Community however, strong emphasis is placed on responsible ownership. Primary responsibility is placed upon animal owners to properly train and/or secure their animals to prevent them from causing injuries and/or creating nuisances.

1.3 Jurisdiction

This Ordinance shall apply to all trust and/or Reservation land of the Shakopee Mdewakanton Sioux Community. The Shakopee Mdewakanton Sioux Community Tribal Court shall have exclusive jurisdiction over the enforcement of this Ordinance.

1.4 Nonwaiver of Immunity

Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Shakopee Mdewakanton Sioux Community, or any of its officers, employees, or agents administering or enforcing this Ordinance, except as provided for by a duly authorized resolution. Nor shall this Ordinance subject the Community to liability for damages or other relief resulting from enforcement of this Ordinance, reliance upon it, or conformance to it, except as provided for by a duly authorized resolution.

1.5 Private Cause of Action

Nothing in this Ordinance shall affect the rights of an individual to bring a claim against another individual for damages to person or property caused by an animal.

1.6 Inclusion of Language from Other Laws

Inclusion of language, definitions, procedures, or other statutory or administrative provisions of other state or federal law shall not be deemed an adoption of that law by the Community. Nor shall it be deemed an action deferring to state or federal jurisdiction where such state or federal jurisdiction is concurrent or does not otherwise exist.

1.7 Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum requirements applicable to animal control on Community lands and shall be liberally construed in favor of the Community.

1.8 Severability

The provisions of this Ordinance are severable. If any Chapter, Section, Paragraph, part or provision shall be held unconstitutional, the remaining provisions shall not be affected or impaired.

CHAPTER 2 DEFINITIONS

2.1 Definitions

The terms used in this Animal Control Ordinance shall have the following meanings:

- A. “Adult Dog” means any member of the dog family six (6) months of age or older.
- B. “Animal” means any non-human member of the mammal class, reptiles, amphibians, bird, or fish.
- C. “At large” means an animal off the premises of its owner and not leashed or otherwise physically restrained to prevent direct contact with people or other animals.
- D. “Confinement” means keeping an animal indoors or in an enclosure, which prevents escape or contact with other animals.
- E. “Control” means to simultaneously monitor, direct, and restrict an animal’s movements and activities, in a humane way, so as to prevent violations of this Ordinance.
- F. “Control by command means to control an animal by visual and audible commands, or a combination thereof, to which the animal responds promptly and accurately.
- G. “Dangerous dog” means:
 - 1. any dog that when unprovoked inflicts a bite or other injury on a human, or other allowed animals; or

2. any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or other allowed animals.
- H. “Domesticated animal” means an animal in a tame condition either by training, breeding, or natural propensity or disposition which is maintained to enhance the pleasure, welfare, or aesthetic means of an owner.
- I. “Euthanize” means the humane dispatch of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during such loss of consciousness.
- J. “Exotic animal” means any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:
1. Order Artiodactyla (hippopotamuses, giraffes, camels; not including cattle, pigs, sheep or goats)
 2. Order Carnivora including:
 - a. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals; not including domestic cats);
 - b. Family Canidae (wolves, coyotes, foxes, jackals; not including domestic dogs);
 - c. Family Ursidae (all bears);
 - d. Family Hyaenidae (hyenas);
 3. Order Marsupialia (opossums, kangaroos, wallabies; not including sugar gliders);
 4. Order Perissodactyla (rhinoceroses, tapirs; not including horses, donkeys, or mules);
 5. Order Primates (lemurs, monkeys, chimpanzees, gorillas);
 6. Order Proboscidea (elephants);
 7. Order Rodentia (squirrels, beavers, porcupines, prairie dogs; not including guinea pigs, rats, mice, gerbils, or hamsters);

- 8. Order Crocodylia (all species, including crocodiles, alligators, caimans, gavials);
- 9. Order Chondrichthyes (all sharks greater than two (2) feet).

- K. “Keeper” means any person who is responsible for control, custody, or possession of an animal.
- L. “Leash” means a cord, thong, chain, or other similar device used to exert control over an animal.
- M. “Livestock” means any horse, ponies, bovine animals, pigs, sheep, rams, lambs, goats, or mules.
- N. “Owner” means any person who owns, possesses, keeps, harbors, acts as a custodian, has custody or control, or brings onto lands within the jurisdiction of the Community, any animal, exotic animal, or dangerous dog. The term owner shall include the keeper of an animal even if said keeper has no property interest in the animal.
- O. “Person” means any persons, corporation, or other legal entity owned by a Community member.
- P. “Permit” means a permit issued by the Tribal licensing agent under this Ordinance.
- Q. “Premises” means property owned, leased, or assigned to the owner.
- R. “Proper Enclosure” means securely confined indoors or in a securely enclosed and locked pen, structure, or yard suitable to prevent the animal from escaping and providing protection from the elements for the animal.
- S. “Restraint” an animal shall be deemed to be under restraint if it is confined within the premises of its owner by a suitable fence or enclosure or securely restrained within the premises by a leash affixed to a post or other securely fixed object, or securely restrained off the premises by a leash controlled by a person of suitable age and ability.

CHAPTER 3 ANIMAL CONTROL PROVISIONS

3.1 Responsibility for Animals

Any person who is the owner of any animal shall be responsible for:

- A. Damage to persons or property caused by the animal;
- B. Providing proper medical care, enclosure, vaccinations, food, water, and reasonable supervision and care;
- C. Preventing the animal from unreasonably annoying or disturbing others through frequent or habitual barking, howling, yelping, or crying;
- D. Preventing the animal from disturbing pedestrians or chasing vehicles;
- E. Preventing the animal from becoming a public nuisance; or
- F. Any other duty or responsibility outlined in this Ordinance.

3.2 Allowed Animals

Any person may own, keep, or harbor the following animals on the Reservation or trust lands of the Shakopee Mdewakanton Sioux Community provided that such person complies with the restrictions included in this Ordinance: dogs; cats; spayed and neutered ferrets; rodents, including gerbils, hamsters, guinea pigs, rats, and mice; sugar gliders; rabbits; poultry; fowl; caged birds; non-poisonous reptiles and amphibians; insects; and fish.

3.3 Dogs and Cats

- A. Ownership limits.
 - 1. No person may keep or harbor more than five (5) dogs of six (6) months of age or older.
 - 2. No person may keep or harbor more than five (5) cats of six (6) months of age or older.
 - 3. No person may keep or harbor more than a combination of five (5) dogs or cats of six (6) months of age or older.
 - 4. An owner or keeper of more than five (5) dogs of six (6) months of age or older, and/or more than five (5) cats of six (6) months of age or older, or any combination thereof who owned said animals prior to the enactment of this Ordinance shall be allowed to maintain ownership of or keep said animals as long as said animals are in compliance with this Ordinance.
 - 5. No person shall own, possess, keep, harbor, act as a custodian, have custody or control, or bring onto lands within the jurisdiction of the Community, any dangerous dog except as provided for in Section 3.4 of this Ordinance.

6. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance. Each day that a person keeps or harbors more than the acceptable number of cats or dogs shall constitute a separate violation of this Ordinance.
- B. Dogs Running at Large. It shall be a violation of this Ordinance for the owner of a dog to permit, by action or inaction, the dog to run at large or otherwise violate mandatory leashing laws within the lands of the Community. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.
- C. Mandatory Leashing.
1. All dogs shall be physically restrained in public by means of a leash not more than ten feet in length and in the control of a person competent to restrain the animal except:
 - (i) control of an animal by command is allowed if the animal is engaged in an activity that precludes it from accomplishing that activity if restrained, and the animal is in a non-residential area normally associated with that activity, and the activity is conducted in a manner that minimizes impact with the public; or
 - (ii) A dog may be unconfined in areas designated by the Community as off leash dog areas. The owner of a dog, unconfined in an off-leash dog area, must be physically capable of controlling the dog.
 2. Dogs may be unleashed on the property of the owner or keeper if the property is enclosed with a secure fence that prevents the dog from escaping and prevents children from freely entering the property.
 3. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.
- D. Dogs in Heat. Any owner of a female dog shall keep the dog in confinement during any time in which the dog is in heat. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.
- E. Rabies Vaccination Requirement All dogs, cats, or ferrets present on Community lands, over six (6) months of age, must be vaccinated against rabies each year. The owner or keeper of such animal must provide a rabies vaccination certificate signed by a licensed veterinarian upon request of the Conservation Officers or other authorized officers. All dogs on Community lands must be collared and tagged with a current rabies tag. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.

- F. Rabies Protocol. A violation of the following provisions shall be enforced pursuant to Chapter 4 of this Ordinance.
1. An animal displaying symptoms of being rabid may be seized at any place or time and will be confined in an approved impound facility at the expense of the owner or keeper, until found to be free from rabies.
 2. If an animal appears to be diseased, vicious, dangerous, or rabid, and/or has been exposed to rabies, and the animal cannot be impounded without serious risk of personal injury, the animal may be killed, if reasonably necessary for the safety of a person or persons.
 3. When an animal has bitten a person and the skin has been broken or the services of a doctor are required, the owner or keeper of the biting animal and the person bitten, or his/her parent or guardian must report the incident to the Chief Conservation Officer within twenty-four (24) hours of the bite.
 - a. The animal must be confined for a period of not less than ten (10) days in a veterinary hospital or on the owner or keeper's premises, as determined by the Chief Conservation Officer.
 - b. The Chief Conservation Officer may refuse to permit confinement on the owner or keeper's premises if the animal has previously been repeatedly at large or if the animal does not have a currently effective rabies inoculation. If confinement on the owner or keeper's premises is permitted, the animal may not be allowed off the premises or in contact with people or other animals during the confinement period, except for medical purposes.
 - c. If the owner fails to comply with these restrictions, Community Conservation Officers may enter the property, and remove the animal and bring it to a veterinary hospital. The owner is responsible for all costs of confinement incurred under this Section.
 - d. As a condition of releasing a confined animal, the Chief Conservation Officer may require the owner to take the animal for an examination by a veterinarian and may require the owner to follow any recommendations from the veterinarian regarding the animal's training or behavior.
- G. Health and Maintenance Standards for Dogs and Cats. An owner or keeper of any dog or cat kept on Community lands must comply with the following standards. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.

1. A dog or cat kept outdoors must be provided with adequate shelter and bedding to protect it from the sun, rain, and snow.
 - a. The shelter must include a moisture proof and windproof structure of suitable size to allow the animal to stand in an upright position and to lie down stretched out so that no part of its body touches the sides of the structure.
 - b. The structure must be made of durable materials sufficient to allow retention of body heat with a solid floor raised at least two inches from the ground and an entrance covered by a flexible windproof material or self-closing swinging doors.
 - c. The structure must be provided with sufficient quantity of suitable bedding material and must be heated if the animal is kept outside for extended durations of time in temperatures below thirty-two (32) degrees Fahrenheit.
 - d. The structure must be structurally sound and maintained in good repair.
 2. If a dog is confined by a chain, the chain must be so attached that it cannot become entangled with the chain of other animals or other objects. A chain must be a size adequate to restrain the animal involved and must be attached to the animal by means of a well-fitted collar. The collar must be large enough to allow free breathing but small enough to avoid being easily pulled over the animal's head. A chain must be at least three (3) times the length of the animal as measured from the tip of the nose to the base of its tail.
 3. A dog or cat must be provided with sufficient food and water to meet adequate nutritional requirements.
 4. An owner must maintain a dog or cat and the area where it is kept so that no odor that offends the senses of a reasonable person is detected, for more than one day, off the property where the animal is kept.
 5. The owner or keeper must manage the feces and other bodily wastes from a dog or cat in a timely and sanitary manner that prevents health risks and odors.
 6. Dogs and cats confined indoors must be kept in clean and humane enclosures or surroundings.
- H. Animal Nuisance. It shall be a violation of this Ordinance for the owner of any dog or cat to permit, by action or inaction, such dog or cat from becoming an animal nuisance of any kind as defined below. Each occurrence of the following acts shall be considered a separate nuisance violation.

1. For any dog or cat to habitually or frequently bark, howl, yelp, or cry;
2. For any allowed animal to frequent playgrounds, playing fields, parks, or public areas while unrestrained;
3. For any allowed animal to damage, defile, or destroy any property, public or private;
4. For any allowed animal to chase vehicles or individuals;
5. For any allowed animal to molest or annoy any person, if such person is not on the property of the owner;
6. For any owner of any dog or cat to not immediately remove any feces left by such animal on any public or private property, other than their own, and to dispose of such feces in a sanitary manner;
7. For the owner of any animal to keep the animal in such a way on their private property that causes offensive odors to be detected on neighboring properties or public rights-of-way;
8. For the owner to keep a dog with a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of human beings or other allowed animals, or which is owned or harbored primarily or in part for the purpose of dog fighting; and
9. Whenever a Conservation Officer determines that an animal nuisance is being maintained, the Conservation Officer shall notify, in writing the owner of the animal and order that such nuisance be terminated or abated. The notice shall be served in person or by certified mail. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding seven (7) days, within which the nuisance is to be abated.
10. Upon notice from the Community, the owner of any animal shall jointly and severally abate said nuisance within seven (7) days of receipt of notice.
11. Whenever the owner fails to abate such nuisance within (7) days of receipt of notice, the Community shall initiate tribal court proceedings pursuant to Chapter 4 of this Ordinance and may take immediate action to abate the nuisance. In the tribal court proceedings, costs incurred by the Community during said abatement may be recoverable from the owner or keeper of animals, jointly and severally.

- I. Habitual Nuisance. An animal that has been declared a nuisance on three (3) separate occasions within the preceding eighteen (18) months, whether by admission, by payment of a fine, by default, or by judgment after hearing, shall be considered a habitual nuisance.
 1. The Chief Conservation Officer may confiscate an animal that is considered a habitual nuisance. The owner is liable for the costs of placement and care for the animal declared a habitual nuisance from the time of confiscation until the time of return to the owner or until the time the animal has been relocated to an appropriate facility.
 2. The owner of an animal declared a habitual nuisance must post a security bond or cash with the Business Council or its designee in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited to the estimated cost of feeding, medical care, and housing the dangerous dog or exotic animal for at least thirty (30) days.
 3. An animal declared a habitual nuisance may be returned to the owner only if, to the satisfaction of the Chief Conservation Officer, the owner has corrected the condition resulting in the confiscation and has paid the cost of placement and care of the animal while under the care and control of the Business Council or its designee.
 4. The Chief Conservation Officer may dispose of an animal declared a habitual nuisance if the owner or keeper of the animal is unable or unwilling to take action sufficient to ensure a nuisance will not occur again. The Chief Conservation Officer shall dispose of the animal by delivering the animal to a no kill shelter/kennel or by allowing the animal to be adopted by a person residing outside of the Community's reservation.

3.4 Dangerous Dogs

- A. Dangerous Dogs. No person shall own, possess, keep, harbor, act as a custodian, have custody or control, or bring onto lands within the jurisdiction of the Community, any dangerous dog unless the dog is:
 1. muzzled and restrained by a substantial chain or leash and under the physical restraint of a person eighteen (18) years of age or older; or
 2. securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements.

B. Dangerous Dog Declaration.

Upon receiving a report, complaint, or based upon personal knowledge, the Chief Conservation Officer may investigate and issue a dangerous dog declaration. The owner of the animal declared dangerous shall be served personally or by certified mail of an official declaration that the animal has been determined to be dangerous pursuant to this Ordinance. Any owner aggrieved by the official declaration may petition the Tribal Court for review of the official declaration. Upon receipt of the petition, the Tribal Court shall schedule and conduct a hearing.

C. Insurance; Signs; Notification.

1. An owner of a dangerous dog shall maintain liability insurance coverage in an amount of not less than fifty thousand dollars (\$50,000.00) for each occurrence for liability, damages for destruction of or damage to property, and death or bodily injury to a person caused by the dangerous dog. The owner of a dangerous dog shall provide a copy of the policy for liability insurance to the Business Council on an annual basis.
2. An owner of a dangerous dog shall have continuously posted and displayed at each possible entrance onto the premises where a dangerous dog is kept a conspicuous sign, clearly legible, warning that a dangerous dog is on the premises.
3. If a dangerous dog escapes, the owner shall immediately contact the Business Council, Conservation Officer, or an animal control officer to report the escape. The owner is liable for all expenses associated with efforts to recapture the animal.

D. Confiscation and Disposition of Dangerous Dogs and Exotic Animals.

1. The Chief Conservation Officer may direct the immediate confiscation of any dangerous dog or exotic animal if the animal is kept in contravention of this Ordinance. An owner is liable for the costs of placement and care for the dangerous dog or exotic animal from the time of confiscation until the time of return to the owner or, in the case of an exotic animal, until the time the animal has been relocated to an appropriate facility, such as a wildlife sanctuary or an institution accredited by the American Zoo and Aquarium Association.
2. If a dangerous dog or exotic animal is confiscated due to the animal being kept in contravention of this Ordinance, the owner must post a security bond or cash with the Business Council or its designee in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited

to the estimated cost of feeding, medical care, and housing the dangerous dog or exotic animal for at least thirty (30) days.

3. If the owner of an exotic animal cannot be located or if a confiscated animal remains unclaimed, the Chief Conservation Officer or his or her designee may contact a facility such as a wildlife sanctuary or an institution accredited by the American Zoo and Aquarium Association, allow the animal to be adopted by a person residing outside of the Community's reservation and who is permitted to possess the animal in accordance with the laws of the jurisdiction in which he/she resides, or may euthanize the animal.
4. If the dangerous dog or exotic animal cannot be taken or recaptured safely by the Chief Conservation Officer or his or her designee or if proper and safe housing cannot be found, the Business Council or its designee may immediately euthanize the animal.
5. If the Chief Conservation Officer or his or her designee determines that a dog has, without provocation, inflicted a bite or other significant injury on a human, or another dog or cat, the Chief Conservation Officer or its designee may euthanize the animal.
6. A dangerous dog may be returned to the owner only if, to the satisfaction of the Chief Conservation Officer, the owner has corrected the condition resulting in the confiscation and has paid the cost of placement and care of the animal while under the care and control of the Business Council or its designee.

3.5 Exotic Animals

- A. Keeping of Exotic Animals Prohibited. No person shall own, possess, keep, harbor, act as a custodian, have custody or control, or bring onto lands within the jurisdiction of the Community, any exotic animal. This prohibition shall not apply to:
 1. any organization or business that brings an exotic animal to the Shakopee Mdewakanton Sioux Community for educational purposes or promotional purposes and with the written permission of the Business Council;
 2. Minnesota animal control or law enforcement agencies or officers acting at the request of the Business Council; or
 3. any person temporarily transporting an exotic animal through the Community's reservation if the transit time is not more than one-half hour (1/2 hour) and the animal is at all times sufficiently confined to prevent the exotic animal from escaping.

3.6 Livestock

No person may keep or harbor livestock, as defined in this Ordinance, on residential property or on a residential land assignment.

3.7 Poultry and Fowl

A. Ownership limits.

1. No person may keep or harbor more than six (6) chickens, ducks, geese, or other fowl of six (6) months or age or older on residential property or on a residential land assignment.
2. No person shall keep roosters, or adult male chickens, on residential property or on a residential land assignment.
3. Poultry or fowl over the age of four (4) weeks shall not be kept inside of a dwelling or garage.
4. No person may keep or harbor poultry or fowl without a permit from the Community.
5. A violation of this provision shall be enforced pursuant to Chapter 4 of this Ordinance.

B. Permit Required. No person may keep poultry or fowl on any residential premises or residential land assignment without first obtaining a permit as provided in this subpart.

1. Application for a permit to keep poultry or fowl on a residential property or on a residential land assignment shall be made to the Land and Natural Resources Department and accompanied by a specific permit fee. The permit application shall include:
 - a. The name and address of the proposed owner;
 - b. The address where the poultry or fowl will be kept;
 - c. The number of poultry or fowl proposed to be kept;
 - d. A site plan for review;
 - e. All required secure enclosure details; and

- f. A proposed time and date for a representative from the Land and Natural Resources Department to conduct an initial inspection, if the application is for permit the ownership of poultry or fowl for the first time.
 2. Licenses shall be issued every four (4) years.
 3. Occupants of real estate abutting the property for which the permit is sought shall be notified of the application by a mailing from a designated Community official.
 4. Permits for the keeping of poultry and fowl shall be non-transferable.
 5. The Business Council shall set application fees on a periodic basis.
- C. Permit Issuance or Contestation.
 1. The Land and Natural Resources Department shall issue a permit after conducting an initial inspection if all requirements are met;
 2. If the application is missing any required documentation, the incomplete application will be suspended until all required or missing items are supplied; and
 3. If there are written protests from surrounding property owners or staff, the application and documentation will be forwarded to the Business Council, which may grant, limit, or deny the permit.
- D. Initial Inspection. An initial inspection of the property, coop, structure, enclosure, or fenced area is required before a permit can be issued. No inspection is required for a renewal of a permit. The property, coop, structure, enclosure, or fenced area may be inspected at any reasonable time by the Community or its authorized agent.
- E. Revocation. The Community may revoke any permit or deny an application for renewal if it is deemed that the applicant:
 1. Is unwilling or unable to fulfill the provisions of this Ordinance;
 2. Fails to comply with the provisions of this Ordinance;
 3. Submits inaccurate or incomplete license information;
 4. Fails to meet the conditions of the permit;
 5. Is creating a nuisance; or
 6. Is endangering the public health or safety.

F. Shelter and Enclosure Requirements. Poultry and fowl shall be properly protected from the weather and predators in a shelter or coop and shall have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all the following requirements:

1. The shelter shall be situated closer to the owner's dwelling than to any of the neighboring dwellings;
2. Shelters and enclosures must not be in the front or side yard;
3. A shelter shall not exceed one hundred and twenty (120) square feet in size and shall not exceed six (6) feet in height;
4. An enclosure or fenced area for poultry or fowl shall not exceed twenty (20) square feet per bird and shall not exceed six (6) feet in height;
5. An enclosure or fenced area shall be constructed with wood and/or woven wire materials that allow chickens to contract the ground; and
6. Shelters and enclosures shall be constructed in a workmanship-like manner to deter rodents and predators

G. Prevention of Nuisance Conditions. Owners shall care for poultry and fowl in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:

1. The shelter or enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors;
2. Feces and discarded feed is regularly collected and stored in a leak proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly;
3. Feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin;
4. Poultry and fowl shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and predators;
5. Poultry and fowl shall remain in either the shelter or enclosure at all times and shall not run at large; and
6. The shelter shall be winterized to protect the poultry and fowl in cold weather.

H. Fighting. Chickens, poultry, or fowl must not be raised or kept for fighting.

3.8 Other Allowed Animals

Any person may own, keep, or harbor other allowed animals on the Reservation or trust lands of the Shakopee Mdewakanton Sioux Community provided that such person: maintains such animals in a healthy, clean, and sanitary condition; the animals are in appropriate cages or tanks; and the cage, tank, and surrounding area is free at all times from obnoxious odors and from the presence of rodents, vermin, or other animals.

3.9 Breeding or Boarding of Dogs, Cats, and Other Allowed Animals.

A Community member shall be allowed to breed or board dogs, cats, or allowed animals on the Reservation or trust lands of the Shakopee Mdewakanton Sioux Community provided that such person: complies with the requirements of this Ordinance; and registers with and agrees to be regulated by the Community.

3.10 Animal Cruelty

- A. It shall be a violation of this Ordinance for any person to willfully and unjustifiably kill, wound, injure, torture, torment, molest, deprive of sustenance, poison, abandon, or subject to conditions detrimental to its health or general welfare any animal.
- B. It shall be a violation of this Ordinance to knowingly own, possess, keep, or train an animal engaged in an exhibition of fighting for amusement or gain or to engage in any form of dog fighting on Community lands.
- C. No person except Tribal Conservation Officers and/or authorized officers in the pursuit of his/her duties shall shoot, destroy, or injure any dog except in situations as stated in part D of this section.
- D. Any person may lawfully shoot, kill, or injure a dog if the person is defending themselves, another person, or their domestic pets from a sudden and unprovoked attack. The force used shall be the minimum amount necessary to stop the attack.

CHAPTER 4 ENFORCEMENT AND ADMINISTRATION

4.1 Tribal Conservation/Tribal Law Enforcement Officer

The Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer shall have the authority to enforce the provisions of this Ordinance.

4.2 Civil Regulatory Authority

All matters relating to the conservation, regulation, control, or management of the resources of the Shakopee Mdewakanton Sioux Community are subject to the civil regulatory authority of the Community with the exception of applicable state or federal laws. The provisions of this Ordinance fall within the civil regulatory authority of the Community.

4.3 Classes of Animal Control Offenses

CLASS	DESCRIPTION	PENALTY
1 st Offense	An offense that results in the owner of an animal being found civilly liable pursuant to this Ordinance for the first time.	Civil fine of \$150.
2 nd Offense	An offense that results in the owner of an animal being found civilly liable pursuant to this Ordinance for a second time for the same offense.	Civil fine or \$350.
3 rd Offense	An offense that results in the owner of an animal being found civilly liable pursuant to this Ordinance for a third or greater time for the same offense or an offense that involves aggravating factors.	Civil fine of \$500.

4.4 Aggravating Factors

A violation of this Ordinance may be treated as a third offense, without regard to the absence of prior enforcement action, if the offense involved any of the following aggravating factors:

- A. The offense involves animal cruelty, neglect, or abuse that resulted in the death or disfigurement of an animal;
- B. The offense involves a dangerous dog that results in an unprovoked bite or other injury on a human or another dog, cat, or allowed animal;
- C. Any offense that results in a significant injury being inflicted by an allowed or unallowed animal on a human or another dog, cat, or allowed animal.

4.5 Institution of Tribal Proceedings; Citation

Proceedings for enforcement of this Ordinance shall be instituted by the issuance of a citation by a Tribal Conservation/Tribal Law Enforcement Officer or an authorized law enforcement officer. If an officer has reason to believe that a person subject to tribal authority has violated a provision of this Ordinance, the officer may issue a citation to that person and shall file a copy with the Tribal Court. An officer may also issue a citation seeking a dangerous dog declaration. A duly

issued citation shall be considered the complaint and shall include the summons/notice to appear. A duly issued citation may be served personally on the alleged violator or by certified mail.

4.6 Contents of Citation

When a Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer issues a citation, a duplicate copy of the citation shall be provided to the alleged violator. The following must be included in the citation:

- A. the name and address of the person cited;
- B. his or her driver's license number;
- C. the specific offense charged;
- D. the date, time, and place the infraction occurred;
- E. the date on which the citation was issued;
- F. appropriate contact information for the Tribal Court;
- G. whether the offense is subject to a mandatory court appearance or a payable fine;
- H. summons/notice to appear that include separate procedures for violations that require a mandatory court appearance and violations that are subject to a payable fine; and
- I. certification that the officer issuing the citation believes that the person cited committed the infraction.

4.7 Mandatory Court Appearances

Individuals subject to enforcement proceedings for third offenses must appear in court. The Tribal Court shall schedule an initial hearing upon receiving a citation for an offense subject to a mandatory court appearance. A Notice of Initial Hearing shall be served personally on the alleged violator or by other means established by the Court. The Notice of Initial Hearing shall include a copy of the citation/complaint and shall state that a failure to appear at the initial hearing will result in a default judgment. Copies of the Notice of Initial Hearing shall also be provided to the involved officers and the Business Council.

4.8 Payable Fines

All other violations not specifically addressed in Section 4.7 of this Chapter shall be subject to payable fines. Individuals charged with an offense subject to a payable fine must comply with one of the following options within thirty (30) days of receipt of the citation:

- A. Payment. An individual may pay the full amount of a payable fine for each violation within thirty (30) days of receipt of the citation. The payment of a payable fine shall be considered an admission of guilt but shall relieve the alleged violator of any additional requirements and the case against him/her shall be closed. Payment may be made by check payable to the Shakopee Mdewakanton Sioux Community and should include the citation number(s) on the front of the check. Checks may be mailed or hand delivered to the Tribal Court.

- B. Contest the Citation. An individual charged with an offense subject to a payable fine or an individual that is appealing a dangerous dog declaration may contest the citation by providing a written Notice of Contest to the Tribal Court within thirty (30) days of receipt of the citation or declaration. Following receipt of a written Notice of Contest, the Tribal Court shall schedule an initial hearing. A Notice of Initial Hearing shall be served personally on the alleged violator or by other means established by the Court. The Notice of Initial Hearing shall state that a failure to appear at the initial hearing will result in a default judgment against the alleged violator. Copies of the Notice of Initial Hearing shall also be provided to the involved officers and the Business Council.

4.9 Failure to Appear

Any person who fails to appear before the Tribal Court for a mandatory court appearance, or who has not paid the designated fine or filed a Notice of Contest for a payable fine within thirty (30) days of receipt of the citation, shall be subject to a default judgment. Any person with an outstanding Animal Control judgment against him or her shall not be eligible to receive licenses pursuant to this Ordinance or the Conservation, Fish and Game Ordinance until such judgment is fulfilled. He or she may also be subject to the civil contempt powers of the Court.

4.10 Subsequent Civil Proceedings

Proceedings after the issuance of a citation, including enforcement proceedings upon any judgment granted and appeals, shall be conducted in conformity with this Ordinance and with rules adopted by the Shakopee Mdewakanton Sioux Community Tribal Court.

4.11 Enforcement of State Laws

If the Tribal Conservation/Tribal Law Enforcement Officer or an authorized law enforcement officer issues a citation related to Minnesota law, she or he shall exercise authority as a state, or local law enforcement officer only. If a Community-authorized or the Tribal Conservation/Tribal Law Enforcement Officer issues a citation under Minnesota law, the officer shall notify the appropriate federal, state, or local law enforcement agency and take the steps necessary for the case to proceed in the Minnesota court system set forth in the requisite mutual aid agreement. If a Community-authorized or the Tribal Conservation/Tribal Law Enforcement Officer is aware of serious crimes related to animal cruelty, dog fighting, or animal attacks that result in serious injuries, said Tribal Conservation/Tribal Law Enforcement Officer shall report such crimes to the appropriate authorities with criminal jurisdiction on the Reservation.

4.12 Impoundment, Redemption, and Disposition of Animals

A. Impoundment.

1. Animals may be impounded in the following situations:
 - a. When the animal is unleashed and off the premises of its owners and/or running at large;
 - b. When an animal is being kept in contravention of this Ordinance; or
 - c. When the animal has been subject to cruel treatment or unsanitary conditions.
2. Animals shall be impounded in a place and manner designated by the Chief Conservation Officer of the Shakopee Mdewakanton Sioux Community;
3. Following impoundment, the Chief Conservation Officer or his authorized agent will notify the owner or keeper of the animal of its impoundment. If the owner of the animal is unknown, reasonable efforts to notify the owner of the impoundment will be made;
4. When the Conservation Department has knowledge that an animal is not being quarantined as required by Section 3.3 of this Ordinance, the Conservation Department shall pick up the animal and impound it for the quarantine period;
5. The confiscation and disposition of dangerous dogs and exotic animals shall be governed by Section 3.4(D) of this Ordinance;
6. The confiscation and disposition of animals that constitute a habitual nuisance shall be governed by Section 3.3(I) of this Ordinance.

B. Redemption of Animals. Allowed animals may be returned to the owner if, to the satisfaction of the Chief Conservation Officer, the owner has corrected the condition resulting in impoundment and full payment has been made to the Shakopee Mdewakanton Sioux Community for the costs of placement and care of the animal from the time of impoundment until the time of return to the possessor.

C. Disposition of Animals Not Redeemed.

1. When an animal is not redeemed within seven (7) calendar days of final disposition of a citation, whether by admission, by payment of a fine, by default, or by judgment after hearing, the Chief Conservation Officer or his authorized agent may give or sell the animal to a qualified person or

euthanize or otherwise dispose of the animal. When reasonably possible, the owner shall be notified prior to any such disposition.

2. Sick or injured animals may be euthanized or otherwise disposed of prior to the expiration period if it is in the furtherance of the public health or necessary to prevent unnecessary suffering. When reasonably possible, the owner shall be notified prior to any such disposition.