

St. Croix Chippewa Indians of Wisconsin

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ST. CROIX TRIBAL COUNCIL RESOLUTION NO. 2019-10-7-01

RECINDMENT OF THE REGULATION OF DOMESTIC ANIMALS ORDINANCE ADOPTED PURSUANT TO TRIBAL COUNCIL RESOLUTION NO. 86-06-02-1 AND ENACTMENT OF TITLE 10, CHAPTER 4 REGULATION OF DOMESTIC ANIMALS ORDINANCE

WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the "Tribe") is federally recognized Indian Tribe duly organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and established pursuant to the Constitution and By-Laws adopted by the Tribe on August 29th, 1942 and approved by the Secretary of the Interior on November 12, 1942; and

WHEREAS, pursuant to Article IV of the Tribal Constitution, the governing body of the Tribe shall be the St. Croix Tribal Council (the "Tribal Council"); and

WHEREAS, Article V of the Tribal Constitution grants the Tribal Council the authority to regulate, by enactment of ordinances, activities on lands and waters under the jurisdiction of the Tribe; and

WHEREAS, the Tribe had previously enacted the Regulation of Domestic Animals Ordinance pursuant to Tribal Council Resolution No. 86-06-02-1, as amended by Tribal Council Resolution No. 04-21-89-1; 05-19-99-1, and Tribal Council Resolution No. 04-28-03-1; and

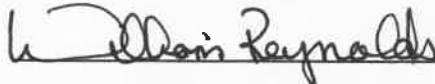
WHEREAS, the Tribal Council has recognized the need to rescind the existing Regulation of Domestic Animals Ordinance in order for the Tribe to implement a new Regulation of Domestic Animals Ordinance in order to best provide for the control of domestic animals on the reservation and to protect the health, safety, and property of residents; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby rescinds the former Regulation of Domestic Animals Ordinance adopted pursuant to Tribal Council Resolution No. 86-06-02-1, as amended.

BE IT FURTHER RESOLVED, that the Tribal Council hereby adopts the Title 10, Chapter 4, Regulation of Domestic Animals Ordinance (see attached) in its entirety, effective immediately.

CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council hereby certify that the Tribal Council is composed of five (5) members of whom 5 were present, constituting a quorum at a meeting duly called, convened and held this 7 day of Oct., 2019, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members for 0 against and 0 member abstaining from the vote, and that said resolution has not been rescinded or amended in any way.



William Reynolds, Secretary/Treasurer
St. Croix Tribal Council
St. Croix Chippewa Indians of Wisconsin

Susan Lowe
Chairwoman
Round Lake

Francis Songetay
Vice-Chairman
Sand Lake

William Reynolds
Secretary/Treasurer
Sand Lake

Thomas Fowler
Representative
Maple Plain

Beverly Benjamin
Representative
Danbury

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN
TITLE 10
CHAPTER 4
REGULATION OF DOMESTIC ANIMALS

Resolution No. 2019.10.7.01

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Legislative History:

Established on June 2, 1986 by Resolution No. 86-06-02-1

Amended on April 21, 1989 by Resolution No. 04-21-89-1

Amended on May 19, 19999 by Resolution No. 05-19-99-1

Amended on April 28, 2003 by Resolution No. 04-28-03-1

Amended on October 8, 2019 by Resolution No. 19-10-07-1

ARTICLE I – INTRODUCTION

10.04.010 Title

This ordinance shall be known as the St. Croix Chippewa Indians of Wisconsin Regulation of Domestic Animals.

10.04.020 Authority

This ordinance is enacted pursuant to Article V of the Constitution and Bylaws of the St. Croix Chippewa Indians of Wisconsin.

10.04.030 Purpose

It is the purpose of this ordinance to provide for the control of domestic animals on the reservation in order to protect the health, safety, and property of reservation residents.

10.04.040 Effective Date

This ordinance shall be effective on upon the accompanying resolution date adopted by the Tribal Council of the St. Croix Chippewa Indians of Wisconsin.

10.04.050 Interpretation

The provisions of this ordinance shall be interpreted and applied as the minimum requirements applicable to the control and care of domestic animals on the St. Croix Reservation, and shall be liberally construed in favor of the welfare of the citizens of the St. Croix Chippewa Indians of Wisconsin. The provisions shall not be deemed a limitation or repeal of any other Tribal authority. If this ordinance is inconclusive on any matter, federal law and the law of the State of Wisconsin may be used for guidance and enforced.

10.04.060 Severability and Non-Liability

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its employees and / or agents from any action or damages that may occur as a result of enforcement of this ordinance.

10.04.070 Repeal of Inconsistent Ordinances

All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that the ordinance imposes greater restrictions than those contained in any other Tribal ordinance, the provisions of this ordinance shall govern.

ARTICLE II – DEFINITIONS

10.04.080 Definitions

For purpose of the Regulation of Domestic Animals Ordinance, the following definitions shall apply:

- (1) “Abandonment” means an owner who leaves their domestic animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water, and check on the animal’s welfare.
- (2) “Adequate Shelter” means a domestic animal housed outside, must have shelter which abides by excepted standards of outdoor housing for that particular animal. The shelter must be suitable for the species and size of the animal and allow the animal space for freedom of movement. The shelter must be clean, and provide safety for the animal from injury, direct sunlight, rain, sleet, snow, hail, and any adverse effects of heat or cold which may cause impaired health or suffering.
- (3) “Custodian” means any of the following:
 - (a) Any person having custody of another person’s animal with consent of the animal’s owner, and said consent may be either expressed or implied; or
 - (b) Any person having taken custody of a stray or “ownerless” animal.
- (4) “Disturbance” means domestic animal engaging in disturbing noise or behavior, including but not limited to: barking, running loose, getting into garbage, biting, or threatening behavior.
- (5) “Dog” means any animal commonly referred to as a dog and kept as a domestic pet.
- (6) “Domestic Animal” refers to dogs, cats, weasels, rabbits, guinea pigs, turtles, tropical birds, hamsters, reptiles, and all other animals commonly owned as household pets.

- (7) “Domestic Animal Breeder” means a person who sells fifteen (15) or more domestic animals in a year or sells a litter of domestic animals in two or more consecutive years.
- (8) “Harboring” means allowing any animal to be lodged, or to remain, or to be fed within the person’s home, out-building, enclosure, or premises for a period of two (2) days or longer.
- (9) “Tribal Member” means an enrolled member of the St. Croix Chippewa Indians of Wisconsin.
- (10) “Tribe” means the St. Croix Chippewa Indians of Wisconsin.
- (11) “Nuisance Dog” means a dog that has two or more verifiable incidents of disturbing the owner’s neighbor, or the neighborhood, including running at large.
- (12) “Owner” means any and every person with a property right in an animal, and every person who keeps or harbors an animal or has an animal in his/her care, and every person who permits an animal to remain on or about premises occupied by him/her.
- (13) “Reservation” means the lands and waters of the St. Croix Chippewa Indians of Wisconsin.
- (14) “Resident” means any person(s) occupying, residing in, or boarding in homes on the reservation.
- (15) “Tribal Police” means all St. Croix Tribal law enforcement officer including, but not limited to, St. Croix Tribal Conservation Wardens and Animal Controls Officers. The conservation wardens of the Great Lakes Indian Fish and Wildlife Commission are hereby deputized by the Tribe for purposes of enforcing this ordinance.
- (16) “Tribal Police Department” means the governmental department owned and operated by the St. Croix Chippewa Indians of Wisconsin tasked with the administration of the police force, enforcing the laws of the Tribe and the state of Wisconsin, and preventing crime. The Tribal Police Department includes the St. Croix Tribal Police, the St. Croix Animal Control Department, and the Great Lakes Indian Fish and Wildlife Commission Conservation Wardens.
- (17) “Vicious Dog or Animal” means a dog or animal who commits an unprovoked attack on any person or other domestic animal.

ARTICLE III – LICENSING: RESPONSIBILITY, AUTHORITY, AND ENFORCEMENT POWERS

10.04.090 Licensing Authority

The St. Croix Tribal Police Department shall have the power to issue and collect fees for licenses, and the Tribal Police shall have the power to issue citations and collect fines against those who violate this ordinance consistent with the penalty provisions as further set out in this ordinance. The St. Croix Tribal Police shall be authorized to seize animals suspected to be rabid or otherwise dangerous. The officer may as a last resort destroy and dispose of such animal in a humane manner that avoids suffering.

10.04.100 Fees

All license fees and revenue collected by the St. Croix Tribal Police Department shall go into its general fund. All revenue collected from fines paid for violations of this ordinance shall go into the St. Croix Tribal Police Department general fund to offset the cost of enforcing this ordinance. At the discretion of the St. Croix Animal Control Department, the revenue collected from fines may be used to assist St. Croix Tribal Members with domestic animals, such as to spay or neuter the animal, vaccinate, or other use the St. Croix Animal Control Department deems proper.

10.04.110 Investigation

The St. Croix Tribal Police shall be charged with investigating complaints on Reservation land involving domestic animals, and with enforcement of this ordinance.

10.04.120 Licensing and Immunization Requirements for Dogs

- (1) License Required. All State immunizations and licenses are required for the keeping or harboring of any dog over three months.
 - (a) Upon payment of the required dog license fee and upon presentation of evidence that the dog is currently immunized against rabies, the Tribal Police Department shall complete and issue to the owner a license for the dog bearing a serial number and, in the form, prescribed by the Tribal Police Department, including the date of its expiration, the owner's name and address, the name, sex, breed, color, and status of the dog.

- (b) The Tribal Police Department shall keep a duplicate of the license on file.
 - (c) After issuing the license, the Tribal Police Department shall issue a tag of durable material bearing the same serial number as the license and the license year.
 - (d) The owner shall securely attach the tag to a collar, which shall be kept on the dog at all times unless hunting.
 - (e) Replacement tags shall be issued by the Tribal Police Department upon presentation of the original license issued. The Tribal Police Department shall then endorse the new tag number on the license and keep a record on file. The replacement tag shall be \$2.00.
 - (f) The license year commences January 1 and ends December 31.
 - (g) The license fee shall be five dollars (\$5.00) for a neutered or spayed dog, and ten dollars (\$10.00) for an unneutered or unsprayed dog.
- (2) Conforming Provisions. All dogs shall be licensed within thirty (30) days of the effective date of this ordinance.
- (3) Exemption. Dogs specially trained to lead blind or deaf persons or to provide support for mobility impaired persons are required to be licensed and tagged, but are exempt from the dog license fee.
- (4) Penalties. Anyone found in violation of § 10.04.250 shall be subject to the following penalties:
- (a) A fine of twenty-five dollars (\$25) for failing to obtain a license for each dog that requires such a license to be paid. The fine shall be paid directly to the Tribal Police Department. Three (3) or more violations shall result in a referral to Tribal Court.
 - (b) A fine of five dollars (\$5) for failing to display a current license tag on all dogs. The fine shall be paid directly to Tribal police. Three (3) or more violations shall result in a referral to Tribal Court.

ARTICLE IV – REGULATIONS

10.04.130 In General

It is the responsibility of all Tribal Members and persons on St. Croix Reservation lands to control and contain domestic animals at all times. No person shall own, harbor, or possess a domestic animal of any kind which causes injury to another person or domestic animal.

10.04.140 Number of Animals

No person shall own, harbor, or possess more than three (3) dogs per household on the Reservation, except a litter of puppies which may be kept three (3) months from birth. At no time shall the number of domestic animals, including dogs, exceed four (4) per household. Litters other than puppies can be retained for the period of time necessary to find other homes but in no event shall be kept longer than three (3) months. If more than one family resides in the household, the party exceeding the limitation imposed by this section is in violation thereof.

- (1) Conforming Provision. If a household owns more than three (3) domestic animals on the effective date of this ordinance, the household may, within thirty (30) days of notice of this ordinance, license the dogs and provide such documentation of ownership of other domestic animals as may be required by the Tribal Police, Animal Control, or Conservation Wardens. Subsequent to such licensing or documentation, the possession of such excess domestic animals shall not violate this section. However, such household may not add or replace any domestic animals until the number is less than that required by this section.

10.04.150 Domestic Animal Breeders

It shall be unlawful for any person on the Reservation to conduct business as a breeder of domestic animals.

10.04.160 Abandonment

It shall be unlawful for any owner on the Reservation to abandon any domestic animal.

10.04.170 Abuse

No person may treat any animal, whether belonging to the person or another, in a cruel manner. Reports of abuse may be referred to the State of Wisconsin for potential criminal proceedings.

- (1) No person shall tease, provoke, taunt, beat, or cruelly treat or torment any animal.
- (2) No person may intentionally violate § 10.04.170 resulting in the mutilation, disfigurement, or death of an animal.
- (3) No person shall permit or cause any fight or other combat between animals.
- (4) No owner shall fail to provide their animal with food, water, adequate shelter, or proper care when needed to prevent suffering.

10.04.180 Vaccination

All domestic animals kept on the St. Croix Reservation must be vaccinated for rabies by a licensed veterinary surgeon and be kept up-to-date at all times. Owners must maintain updated rabies vaccination records for their animals.

10.04.190 Dogs Running At Large

It shall be unlawful for any person owning, harboring, or otherwise having custody of any dog to permit the dog to run at large. For the purpose of this paragraph, “running at large” shall be defined as the presence of any unleashed, unescorted, or stray dog. A dog shall not be considered “running at large” if the owner has the dog trained to stay within an electric fence and the property is marked as such.

10.04.200 Dog Leashes

All domestic dogs on the St. Croix Reservation shall be kept on a leash or in a cage when away from the owner’s residence. This section does not require the use of leashes or other similar restraints when hunting on the St. Croix Reservation.

10.04.210 Conditions of Confinement

All domestic animals kept on the St. Croix Reservation must be maintained in a safe and humane manner. If kept outdoors, the domestic animal must be confined to a clean pen, cage, kennel, or kept on a chain in a clean area, with food and water which is changed regularly; water that has frozen must be changed immediately. If kept outdoors, domestic animals must have adequate shelter from inclement weather.

10.04.220 Impounding Dogs or Other Domestic Animals

- (1) **Abandoned Animal.** A verified abandoned animal shall be impounded until the animal's owner can be contacted. The Tribal Police Department may release the animal to the owner at their discretion. The owner remains responsible for all fees associated with impoundment of the animal.
- (2) **Nuisance Dog or Animal.** Two or more verified disturbances of a nuisance dog or animal shall result in impoundment of the animal by Tribal Police except a dog or other animal engaging in threatening behavior or running at large shall be impounded by Tribal Police immediately. Tribal Police shall attempt to notify the animal's owner via the license tag number if possible.
- (3) **Dog or Animal Attack.** A verified attack of a person or other domestic animal shall result in the immediate impoundment of the animal by Tribal Police. Tribal Police shall prohibit the return of any vicious animal to the St. Croix Reservation. St. Croix Tribal Police may dispose of vicious animals at any time when public safety is immediately threatened in a manner consistent with this ordinance.
- (4) **Location and Duration.** A nuisance or vicious dog or other domestic animal shall be impounded at a local veterinary clinic or animal shelter until the animal is either released or destroyed according to the following schedule:
 - (a) A nuisance dog or other animal shall be released to the owner upon full payment for all impoundment fees and fines incurred for violation of this ordinance. If the owner fails to pay all fees and fines upon demand and notice of the consequences, the animal may be placed for adoption or destroyed six (6) days after such demand and nonpayment, at the discretion of the custodian.
 - (b) A vicious dog or other animal shall be impounded until such time as the local health authorities deem it safe to dispose of the animal or for ten (10) days if no health threat exists. Verified attack by a wolf-hybrid shall result in the immediate euthanization of the animal for rabies testing. The owner remains responsible for all fees associated with impoundment and disposal of the animal.
 - (c) All other domestic animals may be released to the owner upon certification by veterinarian that it is safe to do so, and upon full payment of all impoundment fees and fines incurred for violation of this ordinance.

- (5) Fees. The owner is liable for all fees associated with impoundment of their animal. Fees shall accrue at a rate established by the veterinary clinic, and shall be payable directly to the St. Croix Tribal Police Department. Non-payment of fees shall result in a claim for payment, garnishment, or penalty in Tribal Court.

ARTICLE V – ENFORCEMENT

10.04.230 Enforcement Authority

The St. Croix Tribal Police Department Shall:

- (1) Be charged with investigation of complaints on Reservation land involving domestic animals.
- (2) Have the authority to inspect an animal to ascertain whether the animal is wearing its license tag.
- (3) Have the authority to conduct wellness checks on domestic animals. Tribal Police may enter any home the St. Croix Tribe owns and/or leases, including H.U.D. Housing, to execute an inspection, where the Officer believes entry is reasonable and necessary. At least one individual entering the home shall be a St. Croix Tribal Police Officer.
- (4) Have the authority to require a veterinarian examination and treatment, at the owner's expense, of an animal where the Officer reasonable believes the animal requires medical intervention or has signs of malnutrition.
- (5) Have the authority to enter any house on Reservation land in an emergency situation in which the Officer reasonably believes entry is reasonable and necessary to save an animal from imminent death or injury. When practical, one individual entering the home shall be a St. Croix Tribal Police Officer.
- (6) Have the authority to enter any house on Reservation land when ordered by the Tribal Court. When practical, one individual entering the home shall be a St. Croix Tribal Police Officer.
- (7) Have the authority to request updated vaccination records of any domestic animal.
- (8) Have the authority to issue citations to those in violation of this ordinance.

- (9) Have the authority to seize animals suspected to be rabid or otherwise dangerous.
- (10) Have the authority to seize and destroy stray animals in a humane manner and consistent with the ordinance.
- (11) Have the authority to destroy, as a last resort, a dangerous animal in a humane manner that avoids suffering.
- (12) Refer violations to Tribal Court for determination of an appropriate penalty consistent with this ordinance.

10.04.240 Penalties

Any person found to be in violation of section 10.04.130 through 10.04.220 shall be referred to Tribal Court and shall be subject to the following penalties:

- (1) For a first violation, a fine of not more than one-hundred dollars (\$100.00) for each count and restitution for the costs of impoundment, disposal, and testing for any damage done by the animal.
- (2) For the second, subsequent, or any abuse violation, a fine of not more than five-hundred dollars (\$500.00) for each count; and restitution for the costs of impoundment, disposal, and testing for any damage done by the animal.
- (3) For the fifth or any abuse offense, the person may be banned from keeping or harboring an animal or have an animal in his / her care on the St. Croix Reservation.
- (4) Failure to comply with Tribal Court orders may result in the immediate surrender of any domestic animal(s).
- (5) Other penalties the Tribal Court deems appropriate in accordance with the purpose of this Ordinance.
- (6) Collection of penalties imposed by this ordinance may be obtained by the following methods:
 - (a) Receipt of case money paid to the Clerk of Courts;
 - (b) Garnishment of funds held on behalf of the owner by the Tribe;
 - (c) Imposition of community service in lieu of money payments;
 - (d) Debt collection methods of the courts of other jurisdictions; or
 - (e) Any other method authorized by Tribal Ordinance.