



Ponca Tribe of Oklahoma

"Rich In Culture and Tradition"

"Equal Opportunity Employer"

20 White Eagle Drive ♦♦ Ponca City, Oklahoma 74601 ♦♦ Phone: (580) 762-8104 ♦♦ Fax: (580) 762-2743

RESOLUTION #30-005252023

RESOLUTION APPROVING THE ADOPTION OF AN ANIMAL HEALTH AND SAFETY CODE

WHEREAS, the Ponca Tribe of Indians of Oklahoma (herein the "Ponca Tribe") is a federally recognized Indian Tribe with the headquarters located in White Eagle, Oklahoma; and

WHEREAS, the Business Committee of the Ponca Tribe (herein the "Business Committee") is authorized to conduct and transact business of the Ponca Tribe of Indians of Oklahoma consistently with the Constitution of the Ponca Tribe of Indians of Oklahoma (herein the "Ponca Constitution") duly adopted on September 20, 1950 and amended from time to time thereafter; and

WHEREAS, the Business Committee is comprised of seven members, all Citizens of the Ponca Tribe who are eligible to serve as members of the Business Committee, and who have been duly elected to their positions and since election have been diligently performing their duties; and

WHEREAS, the Ponca Constitution vests executive, legislative, and judicial powers of the Tribe with the Business Committee; and

WHEREAS, the adoption of an Animal Health and Safety Code for the Ponca Tribal District Court is directly for protection of the interest of the Ponca Tribe; and

THEREFORE, BE IT RESOLVED THAT the Business Committee, acting on behalf of the Ponca Tribe, hereby approves the adoption of the attached Animal Health and Safety Code.

CERTIFICATION

We, the undersigned, hereby affirm that an official meeting of the Ponca Tribe Business Committee was held on the 5 day of May, 2023 at which a quorum was present, the above resolution was presented and approved by a vote of 7 For, 0 Against, 0 Abstain, and 0 Absent.


Oliver Little Cook, Chairman


Robert Collins, Vice-Chairman


Carla Carney, Secretary/Treasurer


Matilda De La Garza, Member


Earl Howe III, Member


Deborah Margerum, Member


Leota White, Member

TITLE __ ANIMAL HEALTH AND SAFETY

CHAPTER __ DOG CONTROL

ARTICLE 1	1
Section __ Purpose	1
Section __ Definitions	1
ARTICLE 2	2
Section __ Animal Control Services	2
Section __ Enforcement Authority	3
ARTICLE 3	3
Section __ Collar and Owner Identification Tags	3
Section __ Animals Not Permitted at Large	3
Section __ Proof of Vaccination Required	4
Section __ Diseased Animals	4
Section __ Rabies and Quarantine Areas	4
Section __ Dead Animal Disposal	5
ARTICLE 4	5
Section __ Control of Vicious Animals	5
Section __ Control of Destructive Animals.	5
Section __ Handling Biting Animals; Responsibility for Reporting Bites; Authority to Destroy	6
Section __ Duty of Owner of Dog Found Harassing Livestock	6
Section __ Public Nuisance	6

ARTICLE 1

Section __ Purpose

The purpose of this Chapter is to provide a means to identify and protect those Dogs, Cats, and other properly maintained Animals and to provide a means of identifying and disposing of those Dogs, Cats, and other Animals that are strays, vicious, or a nuisance. This Chapter is intended to provide a safe, cost effective, and expeditious means of providing the citizens within the Ponca Indian Country with effective Animal control.

Section __ Definitions

For the purposes of this Chapter the following terms are defined:

- (A) "Animal" means any animal of a species that is susceptible to rabies, except humans.
- (B) "Animal Control Officer" or "ACO" means a person employed by the Ponca Tribe of Oklahoma for purposes of implementing and enforcing the Animal control provisions set forth in this Chapter.
- (C) "At large" means an Animal not physically restrained by a leash and under the direct control of the Owner or the Owner's designee, within the Owner's residence, or enclosed in a humane manner temporarily within a vehicle, or in a cage or similar enclosure, or by a fence that guarantees the Animal cannot escape.
- (D) "Cat" means both female and male members of the feline or Cat family, whether neutered or not.
- (E) "Collar" means a band, chain, harness, or other suitable device worn around the neck of an Animal to which an identification tag can be attached.
- (F) "Dog" means both female and male members of the canine or Dog family, whether neutered or not.
- (G) "Harboring" means keeping an Animal at any premises or allowing an Animal to return to an occupant's premises two or more times.
- (H) "Leash" means a line made of rope, chain, or other suitable material not less than one-quarter inch in diameter for the purpose of temporarily restraining an Animal that is accompanied by a person who is physically capable of controlling such an Animal in a

humane manner. The use of a Leash for Animal confinement is prohibited outside the terms of this Chapter.

- (I) "Owner" means any person in legal possession of or Harboring an Animal other than livestock for more than three consecutive days.
- (J) "Owner identification tag" or "identification tag" means a tag attached to the Collar of an Animal with the name, address, and telephone number (if available) of the Animal's Owner engraved or embossed thereon.
- (K) "Ponca Indian Country" means that area intended and described in Art. VIII § 1 of the Constitution of the Ponca Tribe of Indians of Oklahoma.
- (L) "Stray" means any Animal which does not have an Owner identification tag.
- (M) "Tribe" means the Ponca Tribe of Indians of Oklahoma.
- (N) "Vicious Animal" means:
 - (1) Any Animal which, without provocation, approaches a human being, a domestic Animal, or livestock in a manner that causes fear of bodily harm, bites, or otherwise inflicts injury on a human being, domestic Animal, or livestock;
 - (2) Any Animal with known propensity, tendency, or disposition to attack without provocation human beings, domestic Animals, or livestock;
 - (3) Any Animal owned or harbored primarily or in part for the purpose of Animal fighting or any Animals trained for Animal fighting;
 - (4) Any Animal which has been previously found to be dangerous, the owner having received notice of such, that again aggressively bites, attacks, or endangers the safety of humans, domestic Animals or livestock;
 - (5) Notwithstanding the above definition, no Animal shall be declared vicious, dangerous, or potentially dangerous if the person attacked or bitten by said Animal was abusing the Animal, assaulting the Animal, or was committing or attempting to commit a crime on the same premises as the Animal.

ARTICLE 2

Section_ Animal Control Services

The Ponca Business Council may, by resolution, enter an agreement for the establishment, operation, or use of a pound or to provide any necessary services under this Chapter. An Animal that is impounded pursuant to this Chapter may be redeemed, purchased, or destroyed in accordance with the fee schedules and policies of the entity providing such services, provided such fees and policies do not conflict with this Chapter.

Section__ Enforcement Authority

- (A) The Animal Control Officer shall have primary enforcement authority and shall be authorized to carry out the provisions of this Chapter.
- (B) The Ponca Tribe Office of Environmental Management is authorized to ensure that the provisions of this Chapter are carried out and to advise the ACO of any public health threats posed by Dogs, Cats, or other Animals.

ARTICLE 3

Section__ Collar and Owner Identification Tags

- (A) Every Dog or Cat owned or harbored within the boundaries of the Ponca Indian Country shall always wear a Collar with an attached Owner identification tag.
- (B) Any Dog or Cat found to be at large in an area not permitted by Section __ of this Chapter and without a Collar and an Owner identification tag, shall be deemed a Stray and shall be subject to impoundment.

Section __ Animals Not Permitted at Large

- (A) No female Dog or Cat in heat or pregnant shall be permitted at large at any time.
- (B) No Owner or guardian of a Dog or Cat shall permit such an Animal to be at large in:
 - (1) In any area of Ponca Indian Country where a communal activity is taking place,
 - (2) inside or near a communal kitchen or area where food for human consumption is prepared, served, or consumed, or
 - (3) in a public park, playground, public shopping area, government building or adjoining grounds, or upon any school or business property.

Section__ Humane Confinement

- (A) The use of tie-outs such as chains, leashes, wires, cables, ropes or similar restraining devices are permitted when:
 - (1) the Animal is provided adequate food, water, and shelter;

- (2) the Animal is provided adequate exercise space;
- (3) the tie-out is located so that it cannot become entangled with other objects; and
- (4) A non-choke Collar is used to attach the dog to the tie-out.

Section__ Proof of Vaccination Required

- (A) Every person owning or harboring a Dog or Cat within Ponca Indian Country shall ensure that such an Animal is vaccinated by a veterinarian, or authorized technician acting under the direction of a veterinarian, for rabies and re-immunized as required, and shall provide written proof, or a tag providing proof, of such vaccination upon the request of the Animal Control Officer. A Dog or Cat without written proof, or a tag providing proof, of current vaccination shall be deemed unvaccinated and be subject to impoundment and vaccination at the Owner's expense.
- (B) Any person who fails to vaccinate or provide proof of vaccination of a Dog or Cat as required pursuant to this section shall be subject to a civil fine not to exceed \$100 for the first offense, and for any subsequent offense, a civil fine not to exceed \$200.

Section__ Diseased Animals

- (A) Any Animal affected with a contagious or infectious disease shall, at all times, be confined by a fence or pen and shall not be removed from such enclosures, even when held by a Leash, except for the purpose of being transported to a licensed veterinarian, or until a licensed veterinarian determines that the animal is no longer contagious or infectious. Any person abandoning a diseased Animal or otherwise violating a provision of this section shall be subject to a civil fine not to exceed \$200.
- (B) It shall be unlawful for any Owner, or other person, knowing that an Animal may have been exposed to rabies, to remove the Animal from the Owner's residence or from the Ponca Indian Country, except by order of the Animal Control Officer.
- (C) Any Animal Owner or other person who has reason to believe that an Animal may have rabies, or has been exposed to rabies or another infectious disease, shall immediately report to the Animal Control Officer for appropriate action under this Chapter.

Section__ Rabies and Quarantine Areas

- (A) The Chairman of the Tribe may declare Animal quarantine areas within Ponca Indian Country for a period not to exceed 30 days to prevent the transmission of rabies or other infectious Animal diseases. Such quarantine areas may be declared for longer periods by resolution of the Ponca Business Council.

- (B) When a quarantine area has been declared, the Chairman of the Tribe, in cooperation with appropriate county and federal health boards and agencies, shall institute an emergency program for control of rabies or other infectious Animal diseases within the area.
- (C) In a rabies quarantine area, no Dog or Cat shall be permitted at large. Each Dog or Cat shall be humanely confined within an enclosed area on the Owner's property or on a Leash not to exceed five feet in length and directly under the control of an able-bodied person, over the age of 18 years, when not on the Owner's property.

Section__ Dead Animal Disposal

- (A) The Owner or person in possession of a dead Animal other than livestock shall dispose of the carcasses by burial or burning in a manner that is consistent with policies set by the Ponca Tribe Office of Environmental Management.
- (B) When the Owner or person in possession fails to comply with this section, such disposal shall be made by the Animal Control Officer, or an appropriate health officer and the cost of such disposal be assessed to the Owner of the Animal.

ARTICLE 4

Section__ Control of Vicious Animals

- (A) It is unlawful for any person to keep or harbor any Vicious Animal.
- (B) The owner of any Animal that bites, attempts to bite, endangers, or otherwise injures or causes injury to a human being, including domestic Dogs and Cats, is guilty of the offense of Failure to Control Vicious Animal.
- (C) Anyone found guilty of Failure to Control Vicious Animal shall be subject to a civil fine not to exceed \$200.

Section__ Control of Destructive Animals.

- (A) The owner of any Animal that destroys, damages, or causes damage to private or public property, or injures or kills another Animal, is guilty of the offense of Failure to Control Destructive Animal.
- (B) Anyone found guilty of Failure to Control Destructive Animal shall be subject to a civil fine not to exceed \$200.

Section __ Handling Biting Animals; Responsibility for Reporting Bites; Authority to Destroy

- (A) A Dog, Cat, or other Animal that bites or injures any person shall be confined and quarantined in a pound for a period of not less than seven days;
- (C) Any wild Animal that bites any person may be destroyed and submitted to the Animal Control Officer or the appropriate health official for transmission to an appropriate diagnostic laboratory.
- (D) Whenever an Animal bites or injures any person, the incident shall be immediately reported to the Animal Control Officer by any person having direct knowledge; the Animal Control Officer is responsible for reporting any such instances to the Tribal District Court.
- (E) The Animal Control Officer may destroy any Animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) such Animal shows clear clinical signs of rabies; or
 - (2) the owner of such Animal consents to its destruction.
- (F) In addition to the authority to destroy an Animal pursuant to paragraph (E) of this Section, the Animal Control Officer shall destroy a Vicious Animal upon an order of a Tribal District Court judge. A judge may issue an order after notice to the owner, if any, and hearing, or such an order may issue ex parte if the judge finds good cause or time is of the essence after considering the facts of the situation.

Section __ Duty of Owner of Dog Found Harassing Livestock

It shall be the duty of the Owner or person harboring any dog(s) found biting or injuring livestock or other domestic animals, upon notification, to keep such dog(s) leashed or confined in a humane manner on the Owner or harbourer's premises. Should the Owner or person harboring said dog(s) fail to comply with the provisions of this section, it shall be lawful for an Animal Control Officer to seize and destroy said dog(s).

Section __ Public Nuisance

- (A) An Animal may be considered a public nuisance if it:
 - (1) repeatedly chases any passing vehicle;
 - (2) attacks other Animals;

- (3) barks, howls, or creates other noises so as to disturb the peace and quiet of any person;
 - (4) is repeatedly at large, especially on school grounds;
 - (5) overturns or spreads garbage about; or
 - (6) runs through or tears up gardens, landscaping or lawns.
- (B) An Owner or person Harboring an Animal that is a nuisance shall be subject to a civil fine not to exceed \$100 for the first offense, and for any subsequent offense, a civil fine not to exceed \$200.
- (C) Upon a judicial determination that an Owner or a person who is Harboring an Animal that is a nuisance, the Tribal Court may order that the person abate the nuisance. Upon the failure of the person to abate the nuisance as ordered by the Tribal District Court, the Court may order that the Animal be seized and destroyed.