

*Washoe Tribe of Nevada and California*

**Law & Order Code**

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**TITLE 15 — ANIMAL CONTROL ORDINANCE**

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**15-10**

**15-10-010 Vaccination of Dogs**

The owner of any dog over the age of four months shall within thirty days after the dog attains the age of four months, cause such dog to be vaccinated in a manner prescribed by the State Department of Public Health. The person administering an anti-rabies vaccination to any dog within the county shall deliver to the owner of such dog at the time of vaccination, his certificate stating the name of the owner of the dog, a description of the dog, the date of the vaccination and the type of vaccine used.

**15-10-020 Dog Bites**

- A. Whenever the owner of any dog has knowledge that such dog has bitten a human being, he shall immediately inform the Police Department and deliver it to the Animal Control Officer to be held for a period of ten days, and a failure to do so is unlawful and punishable as provided below. Whenever the Animal Control Officer or the Police Department is informed that a dog has bitten a human being, and the owner has failed to do either of the things required, it shall be their duty to impound said dog at the expense of the owner for the period of observation
- B. If it appears that the dog has rabies, after examination by the veterinarian or qualified person, the Animal Control Officer shall cause the dog to be destroyed. If at the end of such period of observation it appears that the dog does not have rabies, it shall be released upon the payment of the impounding fees and daily costs as determined by the Animal Control Officer.
- C. If in the determination of the Animal Control Officer, the Public Health or safety will not be impaired by confinement upon the premises of the owner of the dog, the Animal Control Officer may allow confinement for the prescribed period of time in lieu of confinement in a pound or other location.
- D. In the event any dog has on a second occasion bitten a human being, the owner shall comply with this section, but the dog must thereafter at all times

be confined. The pen must be inspected and approved by the Animal Control Officer. If the dog is in the Public Animal Control facility, it shall not be released until the Animal Control Officer has examined and approved the pen. If the owner of the dog refuses to provide the pen, the dog shall be destroyed forthwith.

## **15-20 DOG RESTRICTIONS — PENALTY**

### **15-20-010 Dogs at Large**

- A. It is unlawful for any person who owns, harbors or keeps or who has possession, charge, care, custody or control of any dog to cause, permit, suffer or allow such dog to stray, run or in any other manner to be at large in or upon any public highway, street, alley, sidewalk, park, place or school ground, or upon any unenclosed lot or land whether public or private, or other than that of the owner. Dogs must be maintained in a fenced yard, on a chain, leash, or kennel for the safety of surrounding persons.
- B. Subsection A above shall not apply to any dog performing work tasks under the direction and control of the owner of such dog or under the direction and control of the agent or employee of the owner.

### **15-20-020 Dogs at Large — Livestock**

- A. It is unlawful for any person who owns, harbors, keeps or has possession, charge, care, custody or control of any dog to cause permit, suffer or allow such dog to stray or run at large if such dog, while straying or running at large, actively pursues, chases, attacks, injures or kills any livestock within Washoe Land.
- B. Under this section, any dog straying or running at large which is pursuing, chasing, attacking, injuring or killing any livestock, or which has completed the act of injuring or killing any livestock, may be destroyed by any duly authorized agent of the Washoe Tribe.

### **15-20-030 Barking Dogs — Nuisance**

It is unlawful for every owner to permit or allow his or her dog to habitually howl, bark or in any other manner disturb the peace and quietude of the community or of any person within Washoe Tribal Lands and such conduct on the part of any dog is declared to be a public nuisance. It shall be the duty of the Animal Control Officer, and of every authorized person of the Washoe Tribe to take whatever steps they may in their discretion believe to be necessary to abate any such nuisance, and in seeking to abate any such nuisance occurring in the presence of the Officer, any such Officer may enter upon private property and take any such dog into custody

and impound the same, provided that said dog may not be taken from any dwelling, house or other building.

**15-20-040 Number of Dogs Allowed**

It is unlawful for any person to keep or maintain more than two dogs over the age of four months at any address unless such person is operating a bona fide animal clinic or hospital or ranch or a duly licensed pet shop, dog kennel, circus, carnival, menagerie or dog exhibition.

**15-20-045 Dog Registration**

- A. All dogs are required to be registered with the Tribe. Each dog must be tagged with a metal tag which will have an animal registration number.
- B. At registration, the dog owner(s) will be provided a copy of this Title with a form explaining the responsibilities and liabilities of a dog owner. A photograph of the dog will be taken and the dog owner will be required to complete an Animal Control Card (ACC). The form will provide at least the following information:
  - i. license number
  - ii. certificates of vaccinations
  - iii. owner(s) name
  - iv. owner(s) address and telephone number
  - v. signed statement of owner(s) that they have been informed of and understand the responsibilities and liabilities of a dog owner and that they submit to the jurisdiction of the Tribal Court for the purpose of enforcement of this Title.
- C. The Dog Registry will be kept by the Washoe Tribe Police and dog registrations will be performed by the Animal Control Officer. The Community Councils of each Community are also authorized to perform dog registrations that meet the requirements of the Washoe Tribe Police.
- D. Dog owners who fail to register their dog within 30 days of obtaining the dog or within four months of the dog's birth, whichever is later, shall be in violation of this Title and shall be subject to a civil violation.

**15-20-050 Fierce or Dangerous Dogs**

- A. Each dog of fierce, dangerous or vicious propensities and all female dogs in heat, whether licensed or not, shall at all times be confined in a substantial pen in such a manner that no other dog, except another dog of the same owner, may come in contact with such dog. If any such dog is found running at large, it shall be taken up and impounded and shall not be released except upon approval of the Animal Control Officer after payment of the charges.

- B. Any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infections or dangerous disease shall not be released but may be forthwith destroyed.
- C. The Animal Control Officer or any other authorized person, in dealing with any fierce or dangerous dog which cannot be safely taken up and impounded, may use any means necessary for the control of said animal, including but not, limited to tranquilization or destruction of said dangerous or fierce dog.
- D. Community Councils are authorized to pass a Community resolution banning certain breeds of dogs which are deemed dangerous and a threat to public safety. Such resolutions must provide a means for determining whether a dog is a member of a banned breed.
  - a. The Animal Control Officer shall impound any dog that is banned from a community.
  - b. Owner(s) of a banned breed of dog may be reclaimed but the owner must sign an agreement stating that the dog will not be returned to a community from which it is banned.
  - c. A banned dog that is returned to a community from which it is banned and is impounded again shall be forfeited by the owner and the owner shall be issued a civil citation.

#### **15-20-060 Citations**

- A. Proceedings against a defendant shall be initiated by issuing a civil citation to the defendant. Issuing of a citation constitutes a civil summons to appear in court. A copy of the citation shall be filed with the court clerk and a second copy shall be retained by the citing officer. When filed with the court clerk, the citation shall serve as a civil complaint.
  - a. The citation shall be issued to the defendant personally, except that if the dog owner is not present or does not reclaim the dog, then issuance may be made by affixing the citation to the door of the home of where the dog is kept.
  - b. The citation shall contain at least the following:
    - (i) the name and address of the defendant
    - (ii) the dog registration number if registered
    - (iii) the date and time of the alleged offense
    - (iv) the particular section of this title alleged to have been violated
    - (v) a notice requiring the defendant to appear in Tribal Court on a stated date, time and location
    - (vi) an agreement that upon posting cash equivalent to the maximum civil forfeiture scheduled for the violation, the police officer will release the defendant if the defendant signs the citation promising to appear in court, unless the defendant is required to be taken into custody pursuant to this title
    - (vii) a notice that if the defendant fails to appear in court his cash

- equivalent, which has been posted, shall be forfeited
- (viii) a statement of the maximum civil forfeiture for each violation alleged.
- c. The provisions of Chapter 4-30 of Title 4, Criminal Procedure, dealing with citations, are also applicable to proceedings under this title, when the defendant is an Indian charged with a criminal violation.

**15-20-070 Penalties**

- A. Misdemeanor. Any person violating Sections 15-10-020 and 15-20-050 of this title, is guilty of a misdemeanor and, notwithstanding any other penalties or fees provided herein, shall upon conviction of any violation be punished by a fine not to exceed five hundred dollars or by imprisonment in the County Jail for a term not to exceed six months or both such fine and imprisonment.

**15-30 IMPOUNDMENT**

**15-30-010 Impounding, Redemption, and Destruction of Dogs**

- A. All dogs taken up by the Animal Control Officer shall be delivered to such Animal Control facilities as the Washoe Tribe shall make available by contract with private persons or otherwise. Not later than one day after the impounding of any dog, the owner, if known, shall be notified. The owner of any dog impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Washoe Tribe, for the impounding, bonding or destruction of the dog. The charges shall be established by resolution of the Washoe Tribal Council. The charges shall be paid to the Animal Control Officer by the owner or person having custody of the dog. The payments shall be transferred immediately to the Washoe Tribe by the Animal Control Officer.
- B. Any dog not reclaimed within three days after it is impounded shall be deemed abandoned by its owner and may be destroyed, adopted out, spayed or neutered, or otherwise disposed of at the discretion of the Animal Control Officer, provided that vicious dogs are not returned to a community and dogs banned by a community are not returned to the community.
- C. If an owner is cited three times within one year for a violation of this title, the dog shall be forfeited by the owner and the Tribe shall assume ownership of the dog and the dog may be destroyed, adopted out, or otherwise disposed of at the discretion of the Animal Control Officer, provided that vicious dogs are not returned to a community and dogs banned by a community are not returned to the community.

- D If a defendant fails to appear in court or fails to pay a civil fine the owner shall lose the right to possess a dog and any and all dogs owned, controlled, harbored, or kept by the defendant shall be forfeited and impounded.

**15-40 ABANDONMENT OF ANIMALS**

**15-40-010 Definitions**

- A. "Abandon" as used in this chapter includes but is not limited to the failure to provide for proper care for any dog, cat, pet of any kind or animal of any kind during any absence of the owner thereof from the premises upon which the said dog, cat, pet of any kind or animal of any kind is usually kept for any period or more than twenty-four hours.
- B. "Owner" as used in this chapter means any person who owns, controls, harbors or keeps in his possession any dog, cat, pet of any kind or animal of any kind.

**15-40-020 Abandonment of Animals**

It is unlawful for the owner of any dog, cat, pet of any kind or animal of any kind to abandon the same within Washoe Lands.

**15-40-030 Violation — Penalty**

- A. The violation of this title by Indian defendants may be treated as civil violation or as a misdemeanor. The violation of this title by non-Indian defendants shall be treated as civil violations. Civil violations shall be subject to the following schedule of civil forfeiture:

	1st Offense	2nd Offense	3rd Offense
a. Violation of 15-10-020	\$50 - \$500	\$100 - \$500	\$200 - \$500
b. Violation of 15-20-010	\$25 - \$50	\$50 - \$100	\$100 - \$200
c. Violation of 15-20-020	\$50 - \$250	\$100 - \$250	\$100 - \$250
d. Violation of 15-20-030	\$25- \$50	\$50 - \$100	\$100 - \$200
e. Violation of 15-20-040	\$25 - \$50	\$50 - \$100	\$100 - \$200
f. Violation of 15-20-050	\$50 - \$500	\$100 - \$500	\$200 - \$500

- B. A misdemeanor shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months, or by both such fine and imprisonment.

**15-40-040 Civil Forfeiture**

Each offense under this title has a civil forfeiture set for the offense incorporated

herein. The cash equivalent to the civil forfeiture set for offense may be forfeited by written agreement or a failure to appear for trial.

**15-40-050 Trial of Offenders**

The trial of defendants in animal control cases shall be governed by the provisions of Title 2 on Civil Procedure.

**15-50-010 Duties Imposed by this Title**

A. Duties and Authority of Animal Control Officers and Police Officers

- a. The Animal Control Officer and all commissioned police officers shall have the general duty and authority to issue civil citations for violations of this title. Commissioned police officers shall also have the general authority to issue criminal citations for violations of this title, where deemed appropriate.
- b. The Animal Control Officer shall have the general duty and authority and duty to impound dogs as authorized in this title.

B. Duties of Owners

- a. Owners of dogs shall have the duty to comply with the provisions of this title and to provide any dog that they own, control, harbor, or keep in their possession with reasonable and humane care, and shall avoid injury to or interference with persons, property, and the peace and quiet of the community in which they live.
- b. If an owner fails to fulfill his or her duty under this title, a civil action may be brought against the owner in Tribal Court to recover the damages resulting from such failure. Such an action may be brought by any person suffering damages, and shall be maintained in accord with Title 2 of this Code.