

## Chapter 12

### ANIMALS AND FOWL

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## ARTICLE I. IN GENERAL

### Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* means intentionally leaving an animal without adequate food, water, shelter or medical attention required for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.

*Animal* means any such organism other than a human being, esp. a mammal or, often, any four-footed creature. Animal is from the kingdom (Animalia) of eukaryotes generally characterized by a multi-cellular body, the ability to move quickly and obtain food, specialized sense organs and sexual reproduction.

*Animal husbandry* means the branch of agriculture concerned with the care and breeding of domestic animals such as cattle, hogs, sheep and horses.

*Area of control* means a vehicle, corral, house, stables, pen, yard, kennel or trailer (transportation).

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

*Cruel mistreatment* means to inflict unnecessary serious physical injury or distress upon an animal, to torture an animal, or to kill an animal in a manner that causes protracted suffering to the animal.

*Cruel neglect* means the intentional failure to provide an animal with necessary food, water, healthcare, sanitation, stimulation (interaction) or shelter.

*Domestic* means any of the various animals domesticated as to live and breed in a tame condition.

*Endangered species* means those species listed as endangered or threatened in the Endangered Species Act (16 USC 1531 et seq.), as amended. This definition includes those species designated as endangered, threatened or sacred by the Community.

*Enforcement agent* means any individual authorized by the Community to enforce the provisions of this chapter.

*Euthanasia* means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.

*Exotic animal* means any animal not identified in the definition of the term "animal" provided in this section that is native to a foreign country or of foreign origin or character, that is not native to the United States, or was introduced from abroad. This term "exotic animal" specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

*Handler* means a law enforcement officer, or any other person who has successfully completed a course of training prescribed by the person's agency, or the service animal owner, and who uses a certified service animal under the direction of the person's agency, or the service animal owner.

*Health authority* means the U.S. Public/Community health and human services department, and/or the duly authorized state or county board of health.

*Impound* means the act of taking or receiving into custody by an enforcement agent any animal for the purpose of confinement in accordance with this chapter.

*Law enforcement agency* means the Community police department and any agency lawfully designated to enforce this chapter.

*Law enforcement animal* means a service animal such as a dog, horse, or other domesticated animal that is specially trained for use by a law enforcement agency handler or rider.

*Livestock* means a domesticated animal that has been reared in an agricultural setting to produce such things as food, fiber, pelts, or for its labor.

*Owner* means any person owning, keeping, possessing, harboring or maintaining any animal.

*Pound or shelter* means a facility that accepts and/or seizes animals for the purpose of caring for them, placing them through adoption, or carrying out law enforcement, whether or not the facility is operated for profit.

*Research facility* means any school (except an elementary or secondary school), institution, organization, or person that uses live animals in research, tests or experiments, and that:

- (1) Purchases or transports live animals in commerce; or
- (2) Receives funds under a grant award, loan or contract from a department, agency or instrumentality of the United States for the purpose of carrying out research, tests or experiments.

*Species* means live or dead warm- or cold-blooded animal including but not limited to: reptiles, dogs, cats, birds, horses, guinea pigs, hamsters, rabbits, mammals, amphibians, etc. Included in this definition are domestic, endangered species and wild animals.

*Veterinarian* means any veterinarian licensed to practice in the United States or any veterinary employed in Arizona by a governmental agency in the United States in good standing.

*Wild animal* means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the Community/ United States, its territories, or possessions. The term "wild animal" includes, but is not limited to, animals such as: deer, skunk, squirrels, coyote, horse, javelin, etc.

*Wild horse* means living in its original, natural condition; not domesticated.

(Code 1981, § 12-1; Code 2012, § 12-1; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-1, 5-30-2012)

### **Sec. 12-2. Civil nature of chapter.**

Except where expressly criminal, the provisions of this chapter are civil and regulatory in nature. This chapter does not amend or alter any other applicable provisions of this Community Code of Ordinances unless specifically stated.

(Code 1981, § 12-2; Code 2012, § 12-2; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-2, 5-30-2012)

### **Sec. 12-3. Cruelty to animals.**

(a) A person shall be in violation of this chapter if the person commits any or all of the following acts:

- (1) Intentionally, knowingly, or recklessly subjects any animal under the person's custody, care, or control to cruel mistreatment, neglect or abandonment.
- (2) Intentionally, knowingly, or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
- (3) Intentionally, knowingly, or recklessly fails to provide the necessities such as food, water, shelter, nutrition to adequately provide for the health and welfare of the animal.
- (4) Intentionally, knowingly or recklessly inflicts, or subjects the animal to unnecessary pain, or serious physical injury to any animal under the person's ownership, care or control.
- (5) Intentionally, knowingly, or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
- (6) Intentionally, knowingly, or recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

(b) A person who disturbs, distresses, hunts, traps, poisons, captures, brands, or takes possession of any wild or exotic animal dwelling within the preserve and/or wild state areas of the Community shall be considered in violation of this chapter with the exception of capturing an injured animal (good Samaritan).

(c) A person, organization, or institution who conducts research and experiments utilizing live animals or any operation of a research facility utilizing such methods is prohibited by the Community.

(d) Any person who violates this section shall be subject to a fine not to exceed \$5,000.00. Extreme and/or severe cases of cruel mistreatment and/or neglect shall be found guilty of a criminal offense and subject to a sentence of imprisonment for a period not to exceed one year, or to a fine not to exceed \$5,000.00, or both. (Code 1981, § 12-3; Code 2012, § 12-3; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-3, 5-30-2012)

#### **Sec. 12-4. Animal forfeiture/seizure.**

(a) If any animal is to be discovered without an adequate supply of food, water, and shelter it shall be lawful for any officer or enforcement agent, peace officer, licensed veterinarian to, from time to time as may be needed, enter into any and upon any area or building where such animal is confined and supply it with adequate food and water; except that such entry shall not be made into any building which is a person's residence, unless by search warrant or court order.

(b) Such officer/enforcement agent, peace officer, or veterinarian shall not be liable for such entry.

(c) Notice of the entry and care shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined.

(d) Upon seizure such animal shall be transported to a temporary foster home, pound, rescue, shelter, etc., for the further care and welfare of such animal upon completion/determination of ownership, court proceedings, or abandonment. At such time that ownership is forfeited/severed,

said animal shall be placed up for adoption or assigned a safe environment that can prove to provide food, shelter, and medical attention permanently.

(Code 1981, § 12-4; Code 2012, § 12-4; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-4, 5-30-2012)

#### **Sec. 12-5. Euthanasia of animals.**

(a) Any owner, enforcement agent or law enforcement officer described in this chapter may lawfully euthanize or cause to be euthanized, as defined in section 12-1, any animal in his or her charge when, in the judgment of said owner, enforcement agent or law enforcement officer, and/or in the opinion of a licensed veterinarian or by accepted animal husbandry practices, the animal is experiencing extreme pain or suffering or is severely injured beyond recovery, severely disabled beyond recovery, or severely diseased beyond recovery or contains a severe communicable disease harmful to humans or other animals. In the event a licensed veterinarian is unavailable, the animal may be euthanized if, written consent is obtained from the owner and/or another witness in the presence of an enforcement agent and/or law enforcement officer. If owner cannot be located or determined within a reasonable time frame based on the severity of the injury, illness, or disease of the animal, owner consent shall be waived and the determination and decision for euthanasia shall be rendered by documentation of a witness, enforcement agent, and law enforcement officer. Documentation shall describe the nature of the illness, injury, or disease, signature of the witness, enforcement agent, and law enforcement officer. Such documentation shall be kept on file with the appropriate enforcement agent of the Community. This section excludes: the euthanasia of one's own animals on his or her property, if done humanely.

(b) Any person who violates this section shall be subject to a fine not to exceed \$5,000.00. (Code 1981, § 12-5; Code 2012, § 12-5; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-5, 5-30-2012)

#### **Sec. 12-6. Abandonment of animals.**

(a) It is prohibited to abandon, release, or dump live or dead animals anywhere within the geographic region limits of the Community. Per-

sons performing such acts shall be in violation of this chapter with the exception of designated areas as determined by the environmental protection and natural resources/CDD for the natural decomposition of deceased animals.

(b) Any person who violates this section shall be subject to a fine not to exceed \$5,000.00. (Code 1981, § 12-6; Code 2012, § 12-6; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-6, 5-30-2012)

**Sec. 12-7. Animal poisoning.**

(a) The intentional poisoning of animals by individuals on the Community is a violation of this chapter. Poisoning of animals to control disease or other health hazards shall be done only when the life and/or health of the residents of the Community is endangered and only under the supervision of an enforcement agent or officer of the Community.

(b) Any person who violates this section shall be subject to a fine not to exceed \$2,500.00. (Code 1981, § 12-7; Code 2012, § 12-7; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-7, 5-30-2012)

**Sec. 12-8. Law enforcement animals.**

(a) It shall be unlawful for a person to intentionally, knowingly or recklessly interfere, harm, intend to harm, destroy, injure or obstruct a police service animal. Law enforcement animals are exempt from leash laws, the wearing/displaying of tags or licenses, and from being defined as vicious animals.

(b) It is an offense if the person intentionally, knowingly or recklessly:

- (1) Taunts, torments or strikes a police service animal;
- (2) Throws an object or substance at a police service animal;
- (3) Interferes with or obstructs a police service animal or interferes with or obstructs the handler or rider of a police service animal in a manner that inhibits or re-

stricts the handler's or rider's control of the animal or deprives the handler or rider control of the animal;

- (4) Releases a police service animal from its area of control;
- (5) Enters the area of control of a police service animal without the effective consent of the handler or rider, including placing food or any other object or substance into that area;
- (6) Injures or kills a police service animal;
- (7) Engages in conduct likely to injure or kill a police service animal, including administering or setting out poison, a trap, or any other injurious object or substance.

(c) Exemption from quarantine.

- (1) A police service animal is exempt from the quarantine requirement of this and subsequent articles if the animal bites a person while the animal is under routine veterinary care or while the animal is being used for law enforcement, corrections, jail security, court security, or investigative purposes.
- (2) If after biting the person the animal shows any abnormal or suspicious behavior, the law enforcement agency and the animal's handler or rider shall make the animal available within a reasonable time for testing by the local health authority.

(d) Any person who violates this section shall be found guilty of a criminal offense and subject to a sentence of imprisonment for a period not to exceed one year or to a fine not to exceed \$5,000.00, or both.

(Code 1981, § 12-8; Code 2012, § 12-8; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-8, 5-30-2012)

**Sec. 12-9. Restricting roaming animals.**

(a) It is prohibited for any person owning or having charge of domestic animals who permits them to run at large in any locality or within the boundaries of the Community.

(b) Any person who violates this section shall be subject to a fine not to exceed \$150.00 per violation, with costs.

(Code 1981, § 12-9; Code 2012, § 12-9; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-9, 5-30-2012)

**Sec. 12-10. Forfeiture/prohibited ownership.**

In the event an individual is found liable of a severe or extreme case of cruelty, abandonment, mistreatment, or misconduct involving animals, an individual's privileges of ownership or care taker responsibilities of an animal within the jurisdiction of the Community shall be revoked or suspended, the individual shall be subject to permanent forfeiture of such animal and further prosecution pursuant to section 12-3.

(Code 1981, § 12-10; Code 2012, § 12-10; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-10, 5-30-2012)

**Sec. 12-11. Sexual assault of an animal.**

(a) A person commits the crime of sexual assault of an animal if the person:

- (1) Touches or contacts, or causes an object or another person to touch or contact, the mouth, anus, or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or
- (2) Causes an animal or animal carcass to touch or contact, the mouth, anus, or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.

(b) Any person who violates this section shall be found guilty of a criminal offense and subject to a sentence of imprisonment for a period not to exceed one year or to a fine not to exceed \$5,000.00, or both.

(Code 1981, § 12-11; Code 2012, § 12-11; Ord. No. SRO-360-2010, 3-3-2010; Ord. No. SRO-402-2012, § 12-11, 5-30-2012)

**Secs. 12-12—12-40. Reserved.**

**ARTICLE II. RABIES CONTROL**

**Sec. 12-41. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

*Collar* means a band, chain, harness or suitable device of permanent nature worn around the neck of a dog to which a license may be affixed.

*Dog* means a member of the genus and species *Canis familiaris*.

*Enforcement agent* means any police officer of the Community police department or any person designated, such as a dogcatcher, by the Community to enforce the rabies control law on the Salt River Pima-Maricopa Indian Reservation.

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

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

*Law enforcement agency* means the Community police department, and any agency lawfully designated to enforce this article.

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

*Pound* means any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping and control of dogs and

other animals that come into custody of the enforcement agent in the performance of his or her official duties.

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

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

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

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

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

*Vicious dog* means any dog that has the propensity to bite human beings without provocation. (Code 1981, § 12-21; Code 2012, § 12-21; Ord. No. SRO-50-78, § I, 1-25-1978; Ord. No. SRO-402-2012, § 12-21, 5-30-2012)

**Sec. 12-42. Vaccination and reports.**

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

- (1) Vaccinate or cause to be vaccinated for rabies every dog over the age of four months and every cat over the age of six months.
- (2) Report any evidence of rabies in such dog or cat to the law enforcement agency.
- (3) Report any bite by any such animal to the law enforcement agency.

(Code 1981, § 12-22; Code 2012, § 12-22; Ord. No. SRO-50-78, § IIA, 1-25-1978; Ord. No. SRO-402-2012, § 12-22, 5-30-2012)

**Sec. 12-43. Anti-rabies vaccine; term of vaccination.**

The type or types of anti-rabies vaccines that may be used for vaccination of dogs or cats, the period of time between vaccination and revacci-

nation shall be in conformity with that designated by the state veterinarian of the State of Arizona. (Code 1981, § 12-23; Code 2012, § 12-23; Ord. No. SRO-50-78, § IIH, 1-25-1978; Ord. No. SRO-402-2012, § 12-23, 5-30-2012)

**Sec. 12-44. Dogs to wear collar with tag.**

Any dog over four months of age running at large shall wear a collar or harness to which is attached a valid vaccination tag. (Code 1981, § 12-24; Code 2012, § 12-24; Ord. No. SRO-50-78, § IIC2, 1-25-1978; Ord. No. SRO-402-2012, § 12-24, 5-30-2012)

**Sec. 12-45. Counterfeit or removal of tag.**

Any person who counterfeits or attempts to counterfeit an official vaccination tag, or removes such vaccination tag from any dog for the purpose of willful or malicious mischief or places a vaccination tag upon a dog, unless the vaccination tag was issued for that particular dog, is in violation of this article. (Code 1981, § 12-25; Code 2012, § 12-25; Ord. No. SRO-50-78, § IIC1, 1-25-1978; Ord. No. SRO-402-2012, § 12-25, 5-30-2012)

**Sec. 12-46. Collection, usage and purpose of fees.**

- (a) The Community treasurer or his or her designated representative shall be responsible for collecting all fees.
- (b) The Community treasurer or his or her designated representative shall place the monies collected by him or her, under the provision of this article in a special fund to be known as the rabies control fund; to be used for the maintenance of the rabies control provisions, vaccine, pound, dog food and any other expenses necessary for the operation of the program.
- (c) Any unencumbered balance remaining in the rabies control fund at the end of the fiscal year shall be carried into the following fiscal year. (Code 1981, § 12-26; Code 2012, § 12-26; Ord. No. SRO-50-78, § IIE, 1-25-1978; Ord. No. SRO-402-2012, § 12-26, 5-30-2012)

**Sec. 12-47. Dumping of animals.**

It shall be unlawful to release or dump live animals anywhere within the geographic limits of the Salt River Pima-Maricopa Indian Reservation. Persons performing such acts shall be in violation of this article.

(Code 1981, § 12-27; Code 2012, § 12-27; Ord. No. SRO-50-78, § IIC4, 1-25-1978; Ord. No. SRO-402-2012, § 12-27, 5-30-2012)

**Sec. 12-48. Rabies quarantine areas.**

(a) Any area in which a state of emergency has been declared to exist by the county board of health, the Arizona department of health services or the Community Council because of the danger of rabies infection shall be a rabies quarantine area.

(b) When a rabies quarantine area has been declared, the president of the Community Council, in cooperation with the superintendent of the Salt River Agency and after consultation with the U.S. Public Health Service shall institute a program for the control of rabies within that area.

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

(Code 1981, § 12-28; Code 2012, § 12-28; Ord. No. SRO-50-78, § IID, 1-25-1978; Ord. No. SRO-402-2012, § 12-28, 5-30-2012)

**Sec. 12-49. Procedure for dealing with animals alleged to have bitten a human or suspected of having rabies.**

(a) *Impoundment; fees.* Any dog that bites any person shall be quarantined and impounded voluntarily or involuntarily at an authorized animal control facility at the request of the Community or the owner of the dog. Any animal that is suspected of having rabies shall be quarantined

and impounded at an authorized animal control facility at the request of the owner or the Community.

- (1) There shall be a fee assessed as prescribed by the fee schedule at the animal control facility against the owner if the enforcement agent must pick up the dog; and/or
- (2) If the dog is impounded and quarantined in the animal control facility as a result of a dog bite incident or if an animal is suspected of having rabies is impounded and quarantined, there may also be fees assessed for any and all boarding and associated costs for such impoundment and quarantine services.

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

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

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

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

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

(Code 1981, § 12-29; Code 2012, § 12-29; Ord. No. SRO-50-78, § IIB, 1-25-1978; Ord. No. SRO-336-08, 6-25-2008; Ord. No. SRO-402-2012, § 12-29, 5-30-2012)

**Sec. 12-50. Destruction of certain dogs.**

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

(Code 1981, § 12-30; Code 2012, § 12-30; Ord. No. SRO-50-78, § IIC5, 1-25-1978; Ord. No. SRO-402-2012, § 12-30, 5-30-2012)

**Sec. 12-51. Poisoning generally prohibited; poisoning program.**

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

(Code 1981, § 12-31; Code 2012, § 12-31; Ord. No. SRO-50-78, § IIC3, 1-25-1978; Ord. No. SRO-402-2012, § 12-31, 5-30-2012)

**Sec. 12-52. Responsibility of enforcement agency or its designated representatives.**

The Community police department or its designated representative or enforcement agent (including an authorized animal control authority) shall:

- (1) Collect and impound dogs, cats and/or other animals in conformity with this article.

- (2) Notify the Community environmental health program of any animal that has bitten a human.

(Code 1981, § 12-32; Code 2012, § 12-32; Ord. No. SRO-50-78, § IIF, 1-25-1978; Ord. No. SRO-336-08, 6-25-2008; Ord. No. SRO-402-2012, § 12-32, 5-30-2012)

**Sec. 12-53. Responsibility of the health service.**

The health service shall:

- (1) Conduct rabies vaccination clinics in designated locations in each Community for the purpose of vaccinating dogs and cats at the same intervals as designated by the state veterinarian.
- (2) Be responsible for the declaration of any quarantine whose area is solely within the boundaries of the Community. When a quarantine has been declared, the health service shall meet with the enforcement agent and institute an emergency program for the control of rabies.
- (3) Supervise the proper preparation and give technical advice as to the handling of a specimen of a suspected rabid animal being submitted to the state health department laboratory.

(Code 1981, § 12-33; Code 2012, § 12-33; Ord. No. SRO-50-78, § IIG, 1-25-1978; Ord. No. SRO-402-2012, § 12-33, 5-30-2012)

**Sec. 12-54. Control of behavior of vicious dogs.**

(a) *Determination of vicious dog.* Upon formal complaint to the Community department of public safety by a person bitten by a dog, or where appropriate such person's parent or legal guardian, a hearing shall be held in the Community court to determine the circumstances of such biting. The court shall make a determination as to whether the dog in question is vicious.

(b) *Definition.* The term "vicious dog" means a dog that:

- (1) Has attacked or bitten a person.
- (2) Has killed or mauled another dog or cat.

- (3) Cannot be controlled.
- (4) By its breeding, has a propensity to be violent and a danger to persons.

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

(d) *Authority to destroy vicious dogs.*

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

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

(f) *Liability of Community.* Neither the Community, its officers or employees, shall have any liability resulting from the destruction of a dog pursuant to the terms of this section and any regulation adopted pursuant to it.  
(Code 1981, § 12-34; Code 2012, § 12-34; Ord. No. SRO-137-91, §§ 1—6, 12-12-1990; Ord. No. SRO-402-2012, § 12-34, 5-30-2012)

### **Sec. 12-55. Penalties for violations.**

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

(Code 1981, § 12-35; Code 2012, § 12-35; Ord. No. SRO-50-78, § II-I, 1-25-1978; Ord. No. SRO-402-2012, § 12-35, 5-30-2012)

### **Sec. 12-56. Fee schedule adjustment.**

(a) Identified animal owners shall pay the impoundment fee including any associated fee. If an owner is not identifiable, the Community shall pay the impoundment fee including any associated fee.

(b) The fees listed in this article are subject to change from time to time. Prior to their implementation, such changes in fees shall be approved by the Community manager who shall ensure that the fees are compatible with those charged for similar services in the surrounding jurisdictions.

(Code 1981, § 12-36; Code 2012, § 12-36; Ord. No. SRO-336-08, 6-25-2008; Ord. No. SRO-402-2012, § 12-36, 5-30-2012)

### **Secs. 12-57—12-85. Reserved.**

## **ARTICLE III. WILD FREE-ROAMING HORSES AND BURROS**

### **Sec. 12-86. Policy.**

The Salt River Pima-Maricopa Indian Community (Community) finds and declares that wild free-roaming horses and burros are living symbols of the historic heritage of the Community and that they contribute to the diversity of life forms within the Community and enrich the lives of the people. It is the policy of Community that these animals shall be protected from capture, harassment, starvation, or death; and to accomplish this

they are to be considered in the area where presently found, as an integral part of the natural system of the Community lands.

(Code 1981, § 12-41; Code 2012, § 12-41; Ord. No. SRO-187-95, § 1, 11-2-1994; Ord. No. SRO-402-2012, § 12-41, 5-30-2012)

#### **Sec. 12-87. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Community lands* means nonallotted land within Salt River Pima-Maricopa Indian Community.

*Wild free-roaming horses and burros* means all unbranded and unclaimed horses and burros on Community lands.

(Code 1981, § 12-42; Code 2012, § 12-42; Ord. No. SRO-187-95, § 2, 11-2-1994; Ord. No. SRO-402-2012, § 12-42, 5-30-2012)

#### **Sec. 12-88. Powers and duty of Community.**

(a) *Jurisdiction, protection and management; delegation.* All wild free-roaming horses and burros are under the jurisdiction of Community for the purpose of protection and management. The Community development department is authorized and directed to protect and manage the wild free-roaming horses and burros.

(b) *Inventory.* Community shall maintain a current inventory of wild free-roaming horses and burros on Community lands in order to determine whether the animals have access to sufficient water and food and whether there are injured animals which need to be destroyed in a humane manner. If the director of the Community development department determines that an overpopulation exists and that action is necessary to remove excess animals so as to achieve appropriate management levels, the excess animals may be adopted out for a nominal fee to qualified individuals who can assure humane treatment and care.

(c) *Adoption.* Where excess animals have been transferred to a qualified member of the Community for adoption and the director of the Community development department determines that

such an individual has provided humane conditions, treatment and care for such animal for a period of one year, the Community is authorized to grant title of the animal at the end of the one-year period.

(Code 1981, § 12-43; Code 2012, § 12-43; Ord. No. SRO-187-95, § 3, 11-2-1994; Ord. No. SRO-402-2012, § 12-43, 5-30-2012)

#### **Sec. 12-89. Cooperative agreements.**

The Community is authorized to enter into cooperative agreements with other landowners and with state and local agencies as it deems necessary for the furtherance of the purposes of this article.

(Code 1981, § 12-44; Code 2012, § 12-44; Ord. No. SRO-187-95, § 4, 11-2-1994; Ord. No. SRO-402-2012, § 12-44, 5-30-2012)

#### **Sec. 12-90. Civil penalty.**

Any person who takes into his or her custody an animal protected by this article or acts in violation of the terms of this article shall be guilty of a civil offense and upon conviction shall be subject to a fine not to exceed \$1,500.00.

(Code 1981, § 12-45; Code 2012, § 12-45; Ord. No. SRO-187-95, § 5, 11-2-1994; Ord. No. SRO-402-2012, § 12-45, 5-30-2012)

#### **Sec. 12-91. Crime.**

Any person who takes into his or her custody an animal protected by this article or acts in violation of the terms of this article shall be guilty of a crime and upon conviction shall be subject to a fine of no more than \$1,500.00 or to imprisonment of no more than 45 days or to such fine and imprisonment, with costs.

(Code 1981, § 12-46; Code 2012, § 12-46; Ord. No. SRO-187-95, § 6, 11-2-1994; Ord. No. SRO-402-2012, § 12-46, 5-30-2012)

#### **Secs. 12-92—12-110. Reserved.**

**ARTICLE IV. SONORAN DESERT  
NESTING BALD EAGLE PROTECTION  
ACT**

**Sec. 12-111. Short title.**

This article may be cited as the "Salt River Pima-Maricopa Indian Community Sonoran Desert Nesting Bald Eagle Protection Act." (Code 1981, § 12-50; Code 2012, § 12-50; Ord. No. 359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-50, 5-30-2012)

**Sec. 12-112. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Community* means the Salt River Pima-Maricopa Indian Community.

*Council* means the governing body of the Community.

*Department* means the Community development department.

*Director* means the director of the department or designee.

*Endangered species* means any aquatic species or species of wildlife whose prospects of survival or recruitment within the Community are in jeopardy due to any of the following factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat;
- (2) Overutilization for scientific, commercial or sporting purposes;
- (3) The effect of disease or predation;
- (4) Other natural or manmade factors affecting its prospects of survival or recruitment within the Community; or
- (5) Any combination of the foregoing factors.

*Law enforcement agency* means the Community police department or any department responsible for enforcement of this article.

*Management* means the collection and application of biological information for the purposes of

establishing and maintaining a congruous relationship between individuals within species and populations of wildlife and the carrying capacity of their habitat. The term includes the entire range of activities that constitutes a full scientific resource program of, including but not limited to, research, census, law enforcement, propagation, maintenance of land or aquatic habitat interests appropriate for recovery of the species, improvement and maintenance, education and related activities or protection and regulated taking.

*Person* means any individual, corporation, partnership, company, association, or other legal entity.

*Protected nesting habitat* means an area of Community-owned land that supports nesting and stands of trees for nesting for the Sonoran Desert Nesting Bald Eagle.

*Reservation* means all lands within the exterior boundary of the Community.

*Take or taking* means to harass, harm, injure, hunt, capture, remove or kill any wildlife or attempt to do so.

*Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in the Sonoran Desert. (Code 1981, § 12-51; Code 2012, § 12-51; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-51, 5-30-2012)

**Sec. 12-113. Findings and declarations.**

The Community Council finds and declares that:

- (1) The Sonoran Desert Nesting Bald Eagle and its habitat are deeply intertwined with the O'Odham and Piipaash traditional beliefs regarding cultural origins, cultural history, and the nature of the world; accordingly, the Sonoran Desert Nesting Bald Eagle and its habitat are considered sacred and vital to the continuation of the way of life of both the O'Odham and Piipaash people;
- (2) The Sonoran Desert Nesting Bald Eagle is indigenous to the Community and is

found to be a threatened or endangered species and should be managed and protected to maintain and, to the extent possible, enhance their numbers within the carrying capacity of the habitat;

- (3) It is essential to the O'Odham and Piipaash people that they retain opportunities to maintain close contact with the Sonoran Desert Nesting Bald Eagle and its habitat and to benefit from the scientific, educational, aesthetic, and cultural values they represent. It is therefore the public policy of the Community that habitat areas be preserved by the Community;
- (4) The management and recovery of threatened or endangered species are the responsibility of and a benefit to all of society; it is in the best interest of and has a direct effect on the Community's efforts to protect the health, welfare, safety, economy, environment and natural resources of the Community and the reservation for future generations;
- (5) Pursuant to its inherent sovereignty and power to exclude, the Community has power to regulate the conduct of persons who enter or remain on the reservation, which includes the power to place conditions on a person's conduct or presence on the reservation; and
- (6) Except as otherwise provided in this article, it is unlawful for any person to take the Sonoran Desert Nesting Bald Eagle; provided that any Sonoran Desert Nesting Bald Eagle, in whole or parts thereof, transported into the Community from a point outside the exterior boundary of the reservation and which is destined for a point beyond the Community, may be transported across the Community without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of a state or otherwise in accordance with federal law.

(Code 1981, § 12-52; Code 2012, § 12-52; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-52, 5-30-2012)

#### **Sec. 12-114. Management programs.**

(a) Subject to Community Council approval, the department may establish such programs for the management of the Desert Nesting Sonoran Bald Eagle.

(b) In carrying out programs authorized by this article, subject to Community Council approval, the director may enter into agreements with federal agencies, political subdivisions of the state or with private persons for administration and management of any program established under this section or utilized for management of the Desert Nesting Sonoran Bald Eagle.

(c) The department may conduct studies to determine the status and requirements for survival of the Desert Nesting Sonoran Bald Eagle.

(d) The director may authorize by permit the taking, possession, transportation, exportation or shipment of the Desert Nesting Sonoran Bald Eagle as provided in this article, so long as such use is for scientific, zoological or educational purposes, for propagation in captivity of such wildlife or to protect private property.

(e) The Desert Nesting Sonoran Bald Eagle may be removed, captured or destroyed where necessary to alleviate or prevent damage to property or to protect human health. Such removal, capture or destruction may be carried out only by prior authorization by permit from the director, unless otherwise provided by Community law or applicable federal law; provided that the Desert Nesting Sonoran Bald Eagle may be removed, captured or destroyed without permit by any person in emergency situations involving an immediate threat to human life or private property. Regulations governing the removal, capture or destruction of the Desert Nesting Bald Eagle shall be adopted by the department within one year after the effective date of the ordinance from which this article is derived.

(Code 1981, § 12-53; Code 2012, § 12-53; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-53, 5-30-2012)

#### **Sec. 12-115. Protected nesting habitats.**

On the recommendation of the director, the Community Council may establish protected nest-

ing habitats on Community trust lands for the Desert Nesting Sonoran Bald Eagle. Protected nesting habitats dedicated under this article are to be held in trust, for the uses and purposes set forth herein for the benefit of the people of the Community of present and future generations. They shall be managed and protected in the manner approved by, and subject to, the rules and regulations established by the department. Protected nesting habitats may not be used for any purpose inconsistent with the provisions of this article or disposed of, without a finding by the Community Council that the other use or disposition is in the best interest of the Community. (Code 1981, § 12-54; Code 2012, § 12-54; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-54, 5-30-2012)

(d) The director and Community law enforcement agency shall enforce this article. (Code 1981, § 12-56; Code 2012, § 12-56; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-6, 5-30-2012)

**Sec. 12-116. Department; power to regulate.**

The department is authorized and directed to establish and enforce such regulations as it may deem necessary to carry out all the provisions and purposes of this article. (Code 1981, § 12-55; Code 2012, § 12-55; Ord. No. SRO-359-2010, 2-17-2010; Ord. No. SRO-402-2012, § 12-55, 5-30-2012)

**Sec. 12-117. Enforcement.**

(a) Any person who violates the provisions of section 12-113(6) shall be guilty of a civil offense and shall be subject to a civil fine not exceeding \$5,000.00 per violation, and may be removed or excluded from the reservation by order of the Community Council.

(b) Any person who fails to procure any permit required by section 12-114(d) or who fails to abide by the terms of such permit shall be guilty of a civil offense and upon conviction shall be subject to a civil fine not exceeding \$5,000.00 per violation.

(c) The Community court shall have jurisdiction over causes of action alleging violations of this Salt River Pima-Maricopa Indian Community Desert Nesting Bald Eagle Act except where otherwise vested in the Community Council.