

**Salt River Pima-Maricopa  
Indian Community**  
10005 East Osborn Road  
Scottsdale, Arizona 85256

**ORDINANCE NUMBER: - SRO-477-2016**

**TO AMEND CHAPTER 12, ARTICLE III, SEC. 12-86 THROUGH SEC. 12-110 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING A REVISED SEC. 12-86 THROUGH SEC. 12-110 TO PROVIDE FLEXIBILITY IN THE MANAGEMENT OF FREE ROAMING HORSES IN THE COMMUNITY.**

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**BE IT ENACTED THAT:**

**Chapter 12, Article III, Sec. 12-86 through Sec. 12-110 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is hereby repealed in its entirety and a revised Chapter 12, Article III, Sec. 12-86 through Sec. 12-110 is hereby enacted as follows:**

## **Chapter 12 ANIMALS AND FOWLS**

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

**Sec. 12-86. Policy.** The Salt River Pima-Maricopa Indian Community (Community) finds and declares that wild free-roaming horses 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* means all unbranded and unclaimed horses 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 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.

(b) *Inventory.* Community shall maintain a current inventory of wild free-roaming horses on Community lands in order to determine whether the animals have access to sufficient water and food and whether there are injured and/or unhealthy 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 by qualified individuals, organizations, educational institutions or other entities that can demonstrate and assure humane treatment and care.

(c) *Adoption.* Where excess animals have been transferred to a qualified member of the Community, or other individual, organization, educational institution, or other entity for adoption and the director of the Community Development Department determines that such an individual, organization, educational institution or other entity has demonstrated 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, state and local agencies, or other entities 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 or entity 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.**

## C E R T I F I C A T I O N

Pursuant to the authority contained in Article VII, Section 1(k), of the Constitution of the Salt River Pima-Maricopa Indian Community (as amended), ratified by the Tribe on February 28, 1990, and approved by the Secretary of the Interior on March 19, 1990, the foregoing Ordinance was adopted this 21<sup>st</sup> day of October, 2015, in a duly called meeting of the Community Council at Salt River, Arizona, at which a quorum of 5 members was present, by a vote of 5 for; 0 opposed; 0 abstaining; and 4 excused.

### SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



Martin Harvier, Vice-President

ATTEST:



Erica Harvier, Secretary

Approved as to Form by the  
Office of the General Counsel  
Niccole L. King  
October 7, 2015

