

NORTHERN ARAPAHO CODE

TITLE 19. ENVIRONMENTAL AND PUBLIC HEALTH PROTECTION

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CHAPTER 1: NORTHERN ARAPAHO ENVIRONMENTAL OFFICE

Section 101 - Findings. The Northern Arapaho Tribe of the Wind River Reservation, after careful review of the quality of the natural environment and the federal laws and policies relating to environmental regulation, finds that:

(a) The federal government, through its various agencies and departments, has failed to provide adequate protection for the land, air, and water resources of the Wind River Reservation;

(b) Current and past uses of the natural resources of the Wind River Reservation have created a threat to the environment and to the health and welfare of the residents of the Wind River Reservation; and

(c) The Northern Arapaho Tribe of the Wind River Reservation, through the exercise of its inherent sovereignty and pursuant to federal law, possesses the authority to provide for the comprehensive regulation of environmental quality within the exterior boundaries of the Wind River Reservation.

Section 102 - Establishment of Northern Arapaho Environmental Office. There is hereby established the Northern Arapaho Environmental Office (NAEO). NAEO is authorized and empowered to:

(a) Develop environmental laws and accompanying regulations and procedures to promote and protect the environment and the quality of the land, air, and water resources of the Wind River Reservation, which code and regulations are subject to approval and adoption by the Northern Arapaho Business Council.

(b) Issue, modify, and revoke permits and establish terms and conditions for any discharge into or upon the land, air or waters of the Wind River Reservation;

(c) Conduct hearings and receive testimony and documentary evidence of any nature relating to the quality of the environment on the Wind River Reservation;

(d) Establish rules and procedures for the conduct of its

business, to ensure maximum public participation in the decisions of the NAEO, consistent with applicable Tribal and federal laws, and to protect the confidentiality of information which is proprietary in nature;

(e) Participate on an equal footing with other governments in consortia, joint powers boards, or other cooperative arrangements;

(f) With the consent of the Northern Arapaho Business Council, apply for and receive financial assistance from the federal or Tribal governments for purpose of promoting and protecting the quality of the environment;

(g) Appoint one or more hearing officers to assist the NAEO in the resolution of disputes and the acquisition of information;

(h) With the concurrence of the Northern Arapaho Business Council, establish and assess fees and conditions for the issuance, modification, or revocation of any permit;

(i) With the concurrence of the Northern Arapaho Business Council, establish a schedule of civil fines and penalties for violation of its regulations; provided, that no fine or penalty shall be imposed without notice and the opportunity for a hearing.

CHAPTER 2: DOG CONTROL

Section 201 - Authority and Citation. This Ordinance is enacted pursuant to the inherent authority of the Northern Arapaho Tribe to govern and to provide for the health, safety, welfare and economic security of its people and others within the jurisdiction of the Tribe. The Ordinance shall be known as the Northern Arapaho Dog Control Code and may be cited as 19 N.A.C. Section 201, *et seq.*

Section 202 - Purpose. The Northern Arapaho Tribe establishes this Dog Control Code to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing on the Wind River Reservation. In adopting

this Code, the Tribe emphasizes the importance of dog owners to respect the rights of their fellow citizens and to properly care for their animals.

Section 203 - Definitions. As used in this Code:

(a) "Owner" means any person or legal entity possessing, having control of, keeping or harboring a dog;

(b) "Vicious Dog" means any dog which:

(1) Unprovoked and in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or private property not owned or controlled by the Owner;

(2) Has a known propensity, tendency or disposition to attack unprovoked, to cause serious injury, or to otherwise endanger the safety of human beings or domestic animals;

(3) Bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation; or

(4) Notwithstanding paragraphs (b)(1) through (3) above, a dog is not vicious if the injury or damage it causes is sustained by a person who, at the time such injury or damage was sustained, was committing a wilful trespass or other tort or crime upon the premises occupied by the Owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or if the dog was protecting or defending a human being within the immediate vicinity of the animal from an attack or assault.

Section 204 - Dogs Running at Large Prohibited.

(a) **Duty of Care and Control.** Any Owner of a dog within the Wind River Reservation is responsible for the proper care and control of the animal and must at all times provide such care and control as is reasonable and necessary.

(b) Dogs at Large. It is unlawful for an Owner to allow a dog to be in any public place or in any private place not owned or controlled by the Owner without the dog being under direct physical control of the owner or another responsible person.

(c) Penalty. A person who violates this section shall, upon conviction, be assessed a fine of not more than Five Hundred Dollars (\$500).

Section 205 - Keeping of Vicious Dog Prohibited.

(a) Vicious Dog. It is unlawful for any person to knowingly own, keep or possess, within any area of the Wind River Reservation subject to the jurisdiction of the Tribe, a vicious dog.

(b) Fighting Dog. It is unlawful for any person to own, keep or possess, within any area of the Wind River Reservation subject to the jurisdiction of the Tribe, a dog to be used for the purpose of fighting or for use in training dogs or other animals to fight.

(c) Penalties. A person who violates any provision of this section shall, upon conviction, be assessed a fine of not less than One Thousand Dollars (\$1,000) nor more than Five Thousand Dollars (\$5,000) and sentenced to a term in jail of not less than ninety (90) days.

(d) Removal of Vicious Dog. In addition to any penalty imposed, the Owner of a vicious dog may be ordered by the Northern Arapaho Courts or other Tribal Court duly authorized by the Northern Arapaho Tribe ("Court") to remove the dog from the Wind River Reservation. If the Owner fails or refuses to remove the dog as ordered, the Court may make such orders as are necessary to protect public safety, including that the dog be impounded and/or euthanized by law enforcement or other personnel designated by the Court.

(e) Removal of Fighting Dog. Any dog found by the Court to be kept or used for fighting or for use in training dogs for fighting shall be impounded by law enforcement or other personnel

designated by the Court and euthanized, or if the Court so orders, placed with an appropriate facility or organization.

Section 206 - Additional Liability.

(a) **Other Civil Remedies not Precluded.** Nothing in this Code shall be construed to preclude the imposition of civil liability on the Owner of a dog that injures or causes harm to any person, animal or property.

(b) **Additional Criminal Remedies Not Precluded.** Nothing in this Code shall be construed to preclude issuance of other or additional criminal citations founded upon facts or circumstances giving rise to a citation under this Code.

Section 207 - Relation to NABC Resolution No. 2009-017. Nothing in this Ordinance shall be construed to rescind, amend or supercede the provisions of the Ordinance adopted by NABC Resolution No. 2009-017, March 16, 2009, which applies to areas controlled by the Northern Arapaho Housing Authority. Instead, the provisions of this Title may be applied in the alternative or in addition to the provisions of the Ordinance adopted by Resolution No. 2009-017.

COMMENT - NABC Resolution No. 2009-017, March 16, 2009, adopted a dog ordinance applicable to areas within the control of the Northern Arapaho Housing Authority, which authorizes the Authority to take certain actions in dealing with vicious dogs, including eviction of owners of such dogs. The Ordinance is codified in Title 4 of the Northern Arapaho Code.

Section 208 - Severability. If any provision of this Code is held invalid by a court of competent jurisdiction, all other provisions of this Code not found to be invalid shall continue in full force and effect.

Section 209 - Effective Date. The provisions of this Code shall

be effective from and after the date of enactment by Resolution of the Northern Arapaho Business Council.

History: Title 19. Chapter 1, Northern Arapaho Environmental Office, was enacted by the Northern Arapaho Tribe by resolution of the Northern Arapaho Business Council dated December 15, 2014, Resolution No. NABC-2014-462. Chapter 2, Dog Control, was enacted by the Northern Arapaho Tribe by resolution of the Northern Arapaho Business Council dated February 16, 2012, Resolution No. NABC-2012-200. The ordinance was re-codified with internal citations corrected and Title 19 was re-named "Environmental and Public Health Protection" on August 17, 2016, Resolution No. NABC-2016-707, and additional technical amendments were enacted on August 31, 2016, by Resolution No. NABC-2016-713.