

**BOIS FORTE RESERVATION ORDINANCE**  
**REGULATION OF DOMESTIC ANIMALS**

The Bois Forte Reservation Tribal Council on behalf of the Bois Forte Band of Chippewa enacts the following:

Section I – Definitions – For the purpose of this Ordinance,

- a. **“owner”** means a person who owns, harbors, feeds, boards or keeps an animal hereby regulated;
- b. **“animal”** refers to a domestic animal;
- c. **“officer”** means any law enforcement officer authorized to enforce the laws of the Bois Forte Band, including any police or conservation officer employed by the Bois Forte Band;
- d. **“dangerous dog”** means any dog that:
  - (1) without provocation, has inflicted bodily injury upon any person;
  - (2) without provocation, has killed or seriously injured another domestic animal while outside the dog owner’s property;
  - (3) if, after the dog has bitten, attacked or threatened the safety of humans or other domestic animals, the dog’s owner has been given written notice from any law enforcement officer that the dog is “potentially dangerous,” or
  - (4) has a contagious or infectious disease that humans or other domestic animals may contract if exposed to the dog;

A dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who (i) at the time was committing a trespass or other unlawful conduct on the dog owner’s property; or (ii) was intentionally provoking, tormenting, abusing or assaulting the dog;

- e. **“potentially dangerous dog”** means any dog that:
  - (1) does not have a current rabies identification tag affixed to its collar; or
  - (2) when unprovoked, chases or approaches a person on any property in an aggressive manner; or
  - (3) has a known propensity or disposition, as indicated by sworn statements from at least two adults, to attack or threaten the safety of humans or domestic animals; or
  - (4) is running loose anywhere on lands owned or controlled by the Bois Forte Band.

**Section II – Running at Large Prohibited**

It is unlawful for any person who is the owner or who is in possession of an animal to permit such animal to run at large; provided, that such animal shall not be deemed running at large if it is on a

leash or under the immediate, actual physical control of an accompanying person such that the animal presents no threat to persons or property.

### Section III – Permissible Return of Animals Running at Large

If an animal is found running at large and its owner can be identified and located, such animal need not be impounded, but may, at the discretion of the officer, be taken to the owner. IN such case, however, action may be taken against the owner for violation of this ordinance.

### Section IV – Nuisance Animals

The owner or custodian of any animal shall prevent the animal from committing on the reservation any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry at night, to frequent school grounds, parks, or other public areas, to chase vehicles, to molest or annoy any person away from the property of his owner or custodian or to damage, defile or destroy public or private property. Failure of the owner or custodian of the animal to prevent the animal from committing such nuisance is a violation of the ordinance.

### Section V – Animal Identification

An owner or custodian of an animal shall have the animal identified by a current rabies registration tag or by owner's name and address tag affixed to the collar.

### Section VI – Injured and Abandoned Animals

Unidentified injured and abandoned animals impounded by an officer may be euthanized and disposed of pursuant to the timeliness provided for in this ordinance.

### Section VII – Prohibited Animals/Dangerous Animals

- a. It shall be prohibited for any person to possess within the Reservation boundaries any dog species that are considered dangerous to the Reservation community; such as Pit Bull, Doberman Pinscher, Rottweiler as well as, any missed breed of Pit Bull, Doberman Pinscher, Rottweiler, that pose a health and safety risk to the Reservation community.
- b. When a dog is deemed a “dangerous dog” under Section I(d) or this Section VII of the Ordinance, that dog will be removed from the Bois Forte Reservation immediately. Noncompliance with this provision shall be punishable by a fine of \$200.00.
- c. A person may possess a “working dog” as those breeds are classified by the American Kennel Club (AKC), provided that the person demonstrates to the Bois Forte Conservation or Police Department that:
  - (1) The dog is registered with the AKC; and
  - (2) The owner has a kennel of appropriate size which is completely enclosed and has chain link sidewalls at least four (4) feet high.

### Section VIII – Notice of Impounding

Upon impounding of any animal, the owner shall be notified or if the owner is unknown, written notice shall be posted for five (5) days at the Impound Facility and/or other places to be designated, describing the animal and the place and time of impounding.

#### Section IX – Release from Animal Impound

Animals shall be released to their owners upon payment of all fees, impounding or otherwise, incurred for the period for which the animal was impounded, to include mandatory current rabies vaccination.

#### Section X – Animal Impound

- a. Any animal found running at large within the reservation either with or without identification shall be placed in the Animal Impound, an an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Impound shall be held for redemption by the owner for a period of not less than (5) regular business days.

A “regular business day” is one during which the Pound is open for business to the public for at least (2) hours between 8:00 A.M. and 7 P.M. Impoundment records shall be preserved for a minimum of (6) months and show [1] description of the animal by species, breed, sex, approximate age, and other distinguishing traits; [2] the location at which the animal was seized; [3] date of seizure; [4] the name and address of the person from whom any animal was received; [5] the name and address of the person to whom the animal was transferred. If unclaimed, such animal may be humanely destroyed and the carcass disposed of, unless it is adopted by an adult, reservation resident, at the discretion of the officer. Provided, however, that if the tag is affixed to the animal or statement by the animal's owner after seizure specifies that the animal shall not be adopted but may be destroyed after the expiration of the (5) day period.

- b. Destruction of an animal shall not eliminate the liability of the owner for impounding fee incurred by the reservation and such fees are recoverable by the reservation in the civil cause of action.

#### Section XI – Destruction of Animals

The Officer(s) are hereby authorized and empowered to destroy any animal taken up and impounded or when a written and signed request is made by the owner or by order of the tribal court. The destruction and disposal of such animals shall be according to safe, appropriate and humane procedures. No impounding or destruction of any animal shall exempt the owner or keeper of such animal from the penalties provided in this ordinance.

Upon the recommendation of a Conservation Officer or Law Enforcement Officer, the Boise Fort Tribal Court may order the euthanasia of any animal which has been involved in more than two violations of this Ordinance. The Court may order the owner to provide proof of euthanasia by a licensed veterinarian.

#### Section XII – Rabies & Confinement

In all cases where an animal has bitten a person, the reservation may confine such animal for the rabies incubation period and thereafter test for the disease. The animal shall be destroyed by the reservation if it is found, from such test, to be rabid, but returned to the owner if such tests are negative. Cost of confinement, rabies testing and maintenance shall be the responsibility of the owner.

### Section XIII – Fees and Penalties

Fees for impoundment, daily care and other costs incurred in the administration of the ordinance may be established by resolution of the Reservation Tribal Council and shall be collected by the respective offices designated and deposited as directed.

Except as otherwise provided herein, violations of this ordinance shall be punishable as follows:

- a. First offense—imposition of fine of not less than \$100.00;
- b. Second offense—imposition of a fine of not less than \$150.00;
- c. Third offense—automatic removal of the animal from the Bois Forte Reservation.

The Court may impose additional fines for recurrent violations within one year by any person, provided that such additional fines shall not exceed \$200.00. Imposition of a fine may be in addition to any other sanction or order of the court with respect to any violation.