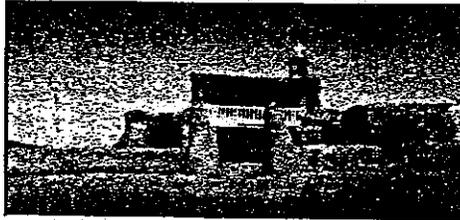


SANTA ANA PUEBLO

2 Dove Road
BERNALILLO, NEW MEXICO 87004

Office of the:
Governor
Lt. Governor
Secretary



Phone: (505) 867-3301
(505) 867-3302
Fax: (505) 867-3395

ORDINANCE NO. 98-O-01

Re: Animal Control Ordinance

WHEREAS, the Tribal Council of the Pueblo of Santa Ana is the duly authorized decision making body for Santa Ana Pueblo; and

WHEREAS, the Pueblo of Santa Ana desires to enact an animal control ordinance; and

WHEREAS, the Tribal Council finds and declares that the health, safety and welfare of the tribal members are impaired by the running at large of animals within the Pueblo; and

WHEREAS, the purpose of the Animal Control Ordinance is to protect the health, safety and welfare of the tribal members of the Pueblo of Santa Ana by regulating the running at large of animals within the Pueblo; and

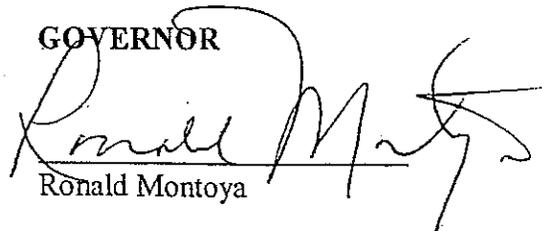
WHEREAS, the Tribal Council has determined it to be in the public interest, and in the interest of public health, safety and welfare of the Pueblo of Santa Ana to enact the Animal Control Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the Pueblo of Santa Ana hereby approves the attached Animal Control Ordinance.

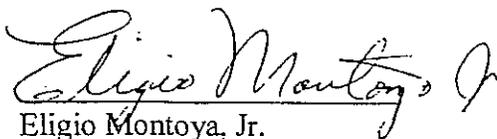
CERTIFICATION

The foregoing Ordinance was duly considered at a regularly scheduled meeting of the Pueblo of Santa Ana Tribal Council held on April 30, 1998, at which a quorum was present and was passed by a unanimous vote.

GOVERNOR


Ronald Montoya

SECRETARY


Eligio Montoya, Jr.

PUEBLO OF SANTA ANA ANIMAL CONTROL ORDINANCE

SECTION ONE

Title

This ordinance may be cited as the "Animal Control Ordinance"

SECTION TWO

Definitions

- A. "Animal" means any vertebrate member of the animal kingdom excluding man
- B. "Astray" means any animal found running at large beyond the boundaries of the premises of the owner
- C. "Bite" means an actual puncture or tear of the skin inflicted by the teeth of an animal
- D. "Direct Control" means connected by a leash or some other means of direct control
- E. "Enclosed Lot" means parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected
- F. "Household" means all persons residing in a single dwelling regardless of the number of family units occupying the premises
- G. "Nuisance" means, but is not limited to defecation, urination, disturbing the peace, damaging property or otherwise endangering or offending the well being of the people of Santa Ana Pueblo
- H. "Off the Premises" means beyond the boundaries of the premises of the owner
- I. "Owner" of an animal is a person who owns, harbors, or keeps or knowingly permits an animal to be kept or permits an animal to remain on or about his premises
- J. "Person" means any individual within a household
- K. "Premises" means a parcel of land owned, leased, rented or controlled by a person. Such parcel may include a house
- L. "Quarantine" is to detain or isolate an animal
- M. "Run or Running at Large" means any animal of the premises of the owner and not with the

direct control of a competent person, is considered to be running at large

- N. "Stray" means any animal that is off and away from its home, unattended without tags or other identification of ownership and running at large within the Pueblo of Santa Ana
- O. "Vaccination" means protection provided against rabies by inoculation by anti-rabies serum
- P. "Vicious Attack" shall mean any animal which shall bite or in any manner attack or attempt to attack any person within the Pueblo of Santa Ana, except any animal that bites, attacks or attempts to attack any person unlawfully upon its owner's premises shall not be deemed a vicious animal

SECTION THREE:

Administration of the Ordinance

- A. The tribal officials and the police officers are responsible for the enforcement of the ordinance. Reasonable rules and regulations shall be prescribed by the Governor and/or Tribal Council to carry out the intent and purpose of this ordinance, pursuant to the standards created by this ordinance.
- B. Authority of tribal officials and police officers
 - 1. Shall have the authority to issue citations for violations of this ordinance and to perform such other duties as prescribed herein.
 - 2. May impound any animal found running at large unaccompanied by or not under the control of the owner, furthermore they shall destroy the animal if it is in the act of pursuing or wounding livestock, wounding or killing poultry or attacking humans. There shall be no liability of the tribal officials or police office for damages or otherwise for such killing.

SECTION FOUR:

Ownership

Families within the Pueblo area shall be restricted to ownership of two dogs per household.

Families living at Tamaya shall be restricted to ownership of two dogs per household.

Any family, in a rural area of the tribal lands, who feels they need more than two dogs, must justify and petition to the tribal officials for approval to exceed the allowable dog ownership ordinance.

Prohibited Breed of Dogs

The ownership of the following breed of dogs is prohibited:

- a. Cocker Spaniel
- b. Dalmatian
- c. Doberman pinscher
- d. German Shepherd
- e. Hybrid Wolf
- f. Pit Bull
- g. Rottweiler

The limitations and prohibitive breed of dogs for ownership shall become effective upon the adoption of the ordinance by the Santa Ana Pueblo Tribal Council.

SECTION FIVE

Owners Duties

A. Rabies Vaccination

It is the duty of persons owning or keeping a dog or cat over the age of three months to have such animal vaccinated against rabies.

B. Rabid Animal

An animal that has rabies or shows signs of having rabies and every animal bitten by the suspected animal shall be confined at once in a secure place by the owner. The person who has knowledge of rabies infection or exposure shall immediately notify the Governor and the police department of the place the animal is confined and turn such animal over to him upon request.

- C. Dog or other animal biting a person when any person is bitten by an animal. It is the duty of such person or his parents and of the owner of the animal to immediately notify the Health Service. The owner of the animal will immediately and at HIS EXPENSE shall confine securely for ten (10) days at a place designated by the Governor or Health Service. The Health Service physician within 24 hours after the first treatment upon a person by any animal having or suspected of having rabies, report to the Indian Health Service office with the name, age, sex and address of the person bitten.

1. Any dog or cat bitten by an animal known or proven to be rabid shall be killed immediately by its owner, by tribal officers, or police officers, if the dog or cat has been vaccinated at least three (3) weeks prior shall be confined for 90 days. At the end of the confinement period the dog or cat may be released back to the owner if free of rabies as determined by a veterinarian. If during the 90 days the dog or cat develops rabies then the owner shall have it killed and properly disposed of.

2. It shall be deemed unlawful for any person to keep any animal known to be vicious and liable to attack and/or injure people. If the animal has been known to bite persons in the past and another biting incident has occurred, the animal shall immediately be destroyed.

3. No dogs or cats shall be allowed upon public playgrounds, or public swimming pools unless secured by a leash.

4. All female dogs and cats are to be spayed. If any person in control of a female dog or cat in mating season, it shall be the responsibility of the owner to confine said dog or cat so as to preclude other dogs or cats from either attracting or being attracted to such female dogs or cats.

SECTION SIX

Prohibited Activities

A. Animals Running at Large

Any person owning or having custody, care or control of any animal shall keep such animal on his premises. No animal shall be at large in or on any street, alley ways, vacant lots, public property or other unenclosed space in the Pueblo of Santa Ana. Any animal found running at large is in violation of this section and is declared to be nuisance, a menace to public health and safety and if observed by tribal official or police officer may be taken and impounded as provided by this ordinance.

B. Vicious Animals

It is unlawful for any person to keep a vicious animal in the Pueblo of Santa Ana. Any person attacked by a vicious animal while on public property may use reasonable force to repel said attack. After the courts determine that an animal is vicious, the owner shall destroy the animal.

C. Animal Disturbing the Peace

It is unlawful to allow any animal in his possession to persistently or continuously bark, howl, or make noise common to their species or otherwise disturb the peace and quiet of people of Santa Ana.

D. Destruction of Property by an Animal

It is unlawful for any animal to cause damage to any property owned by another person. If the animal can be identified and the owner is notified, the cost of damages shall be assessed by the Courts.

SECTION SEVEN

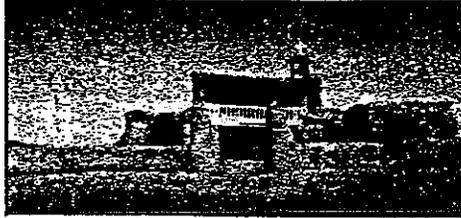
Penalty Clause

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to but not exceeding \$500.00 (Five-Hundred Dollars) and/or imprisonment for a period of up to 90 days.

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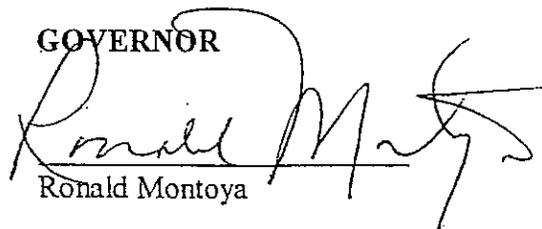
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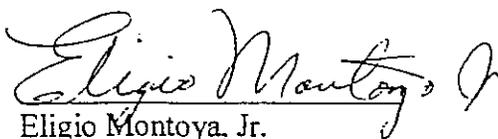
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