

Title 10 – Public Health and Welfare
Chapter 3 – Dog Control

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Legislative History

Enacted:

Public Health and Welfare, Ord. 169 (6/30/03), BIA (7/3/03).

Repealed or Superseded:

Defining “Swinomish Village” and Prohibiting Dangerous Dogs, Ord. 144 (11/8/00), BIA (11/27/00).

Health and Sanitation Code, Ord. 90 (2/6/92), BIA (2/18/92) (repealing and superseding Res. 81-2-801, Res. 81-1-794, and Res. 76-7-399).

Promulgating a New Chapter on Dog Control, Res. 89-8-75, (8/1/89) (amending the Health and Sanitation Code).

Interim Health and Sanitation Code, Res. 81-2-801 (2/26/81) (adopting the Interim Health and Sanitation Code).

Requiring the Registration and Taxation of Dogs, Ord. 2 (no date), BIA (8/28/36).

Rescinded:

Health and Sanitation Code, Res. 81-1-794 (1/5/81), BIA (disapproved) (Senate subsequently repealed by Ord. 90).

[Ed. Note. The Interim Health and Sanitation Code enacted by Res. 81-2-801 reenacted Sections I, VII, and XIII of the Health and Sanitation Code enacted by Res. 81-1-794, which the BIA disapproved. Res. 76-7-399, repealed by Ord. 90, is cited in Title 12 – Building and Construction.]

10-03.010 License.

All dogs kept, harbored or maintained within the exterior boundaries of the Swinomish Reservation shall be licensed by the Police Department. Every dog owner must obtain a new license every year from the Police Department.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.020 Registration.

To obtain a license, each owner shall register his or her dog. Each registration shall consist of the owner's name and address, and the dog's name, color, breed, sex and rabies vaccination certificate number. The Board of Health shall maintain a current record of all licenses.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.030 Identification Tag.

(A) The Police Department shall issue an identification tag for each registered dog. All dogs not so registered and tagged each year shall be considered unlicensed.

(B) The identification tag shall contain the following information:

- (1) Owner's name;
- (2) Owner's address;
- (3) Owner's phone number; and
- (4) Evidence of rabies vaccination.

(C) Any lost identification tag shall be immediately replaced by a new tag upon payment of a replacement fee of one dollar.

(D) The fees for licensing shall be as follows:

- (1) Unspayed females \$ 10.00
- (2) Unneutered males 10.00
- (3) Spayed females (requires written proof of surgery from a licensed veterinarian or other positive proof). 2.00
- (4) Neutered males (requires written 2.00

proof of surgery from a licensed veterinarian or other positive proof).

- (5) Dogs owned by senior citizens (persons over the age of 55 years) 1.00

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.040 Rabies Vaccination Certificate.

Before any dog may be licensed, the owner shall have the animal vaccinated against rabies. Evidence of such rabies vaccination shall consist of a certificate signed by a licensed veterinarian issued within one (1) year of the date the owner registers the dog.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.050 Collar and Tag.

Every owner shall provide each dog under his or her control with a substantial collar or harness to which the identification tag shall be permanently attached and shall see that the collar or harness is worn at all times.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.060 Unlawful Acts.

- (A) It is unlawful for the owner or keeper of any dog(s) to:
- (1) Cause or permit the dog(s) to run at large within the Village. For purposes of this Chapter, "running at large" is defined as the presence of any dog at any place except upon the premises of the owner or keeper, unless such dog is on a leash and under the control of a person physically able to control it;
 - (2) Cause or permit the dog(s) to trespass on private or public property so as to damage or destroy any property or thing of value;
 - (3) Cause or permit the dog(s) to chase, or jump at vehicles lawfully using the public streets, avenues, alleys and ways;
 - (4) Keep or harbor a dog that frequently or habitually disturbs the peace and quiet by barking or that makes other loud or unusual noises;
 - (5) Keep or harbor a dog that frequently or habitually barks at, snaps, bites, jumps upon, or threatens persons on the public sidewalks, streets, alleys or public places;

- (6) Knowingly make any false statement or representation when making application for license as required by Section 10-03.010; and
 - (7) Have a certificate stating a dog has been vaccinated and licensed when in fact it is not.
- (B) Any dog kept in violation of the provisions of this Section is declared a public nuisance and may be immediately seized and impounded.
- (C) The owner of said dog shall be subject to a civil fine of seventy-five dollars (\$75) for the first offense within any twelve-month (12) period, and one hundred-fifty dollars (\$150) for the second and each subsequent offense within any twelve-month (12) period. All such civil fines shall be in addition to the costs of seizure and impoundment.
- (D) Upon a third offense caused by the same dog within any twelve (12) month period, the dog shall be destroyed and disposed of in a humane and sanitary manner unless the owner permanently removes the dog from the Reservation.

[History] Ord. 169 (6/30/03); Ord. 144 (11/8/00); Ord. 90 (2/6/92).

10-03.070 Quarantine of Biting Dogs.

- (A) Any dog known to have bitten a person so as to cause abrasion of the skin, or that appears to be infected with rabies shall be closely confined in a suitable enclosure or restrained by a substantial metal chain by its owner for a period of ten (10) days or as may be required by the Health Administrator.
- (B) If the owner fails to confine said dog, the Health Administrator shall be empowered to have such dog removed from the owner's premises to a veterinary hospital or other impoundment facility as required. The owner shall in such cases be required to reimburse the Board of Health for the necessary confinement expenses. Payment for impoundment of stray dogs for the necessary confinement period will be made from the service fee fund.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.080 Notice of Potential Destruction of Biting Dog.

- (A) Whenever any dog is known to have bitten a person so as to cause abrasion of the skin, a tribal law enforcement officer or other person appointed for the purpose shall serve on the owner of the dog, if known, a notice that the dog will be subject to destruction after the period of impoundment under Section 10-03.070.

- (B) Such notice shall be served in the same manner provided for service of a civil summons and complaint and shall be filed with the Clerk of the Swinomish Tribal Court. The notice shall plainly state that the dog will be destroyed unless the owner files a civil action in Swinomish Tribal Court challenging such destruction within five (5) days after the notice is served on the owner. Such civil action shall name the Tribe as defendant and shall be given priority on the Tribal Court's calendar.

[History] Ord. 169 (6/30/03); Ord. 144 (11/8/00).

10-03.090 Unchallenged Destruction of Biting Dogs.

If no action is filed pursuant to Section 10-05.080 challenging the destruction of the dog within the five (5) day period, or if the dog owner is unknown, the dog shall be destroyed and disposed of in a humane and sanitary manner following the quarantine period provided for in Section 10-05.070.

[History] Ord. 169 (6/30/03); Ord. 144 (11/8/00).

10-03.100 Hearing Challenging Destruction of Biting Dog.

- (A) The Tribe's Rules of Civil Procedure, to the extent consistent with this Chapter, shall apply with regard to any action filed by an owner whose dog is subject to potential destruction pursuant to this Chapter because it has bitten a person.
- (B) A hearing shall be held before the Tribal Court on the first available hearing date. At such hearing, it shall be the Tribe's burden to establish by a preponderance of the evidence that the dog has bitten a person. To establish a defense, it shall be the owner's burden to establish by a preponderance of the evidence that the dog was provoked or that the bite was otherwise justified or excusable.
- (C) If the Tribe meets its burden and the owner does not establish a defense, the Court shall order that the dog be destroyed and disposed of in a humane and sanitary manner, unless the owner agrees to permanently remove the dog from the Reservation and the Tribal Court finds that such removal would not pose a substantial threat outside the Reservation.

[History] Ord. 169 (6/30/03); Ord. 144 (11/8/00).

10-03.110 Impoundment Procedures.

- (A) Any dog kept in violation of the provisions of this Chapter or any additional provisions as may be prescribed by the Board of Health shall be seized and impounded by the Swinomish Tribal Law Enforcement Officer or other person specifically appointed for said purpose.

(B) All such dogs shall be kept in a tribally designated impoundment facility, such as the County Animal Shelter, for the following periods:

- (1) Licensed dogs: not to exceed five (5) days after the owner has been notified of impoundment but in no case more than nineteen (19) days.
- (2) Unlicensed dogs: not to exceed five (5) days after impoundment.
- (3) Except as otherwise provided in Subsection (B)(4) of this Section, no dog shall be released without payment of all impoundment fees and written proof of registration and vaccination of said dog in accordance with the provisions of this ordinance.
- (4) All unclaimed dogs shall be destroyed in a humane and sanitary manner by the appropriate personnel at the designated impoundment facility. Payment of impoundment fees for unclaimed dogs shall be made from the service fee fund. Any unclaimed or unlicensed dog may be claimed by any individual paying impoundment, registration and licensing fees.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.120 Failure to Pay License or Impoundment Fees.

The refusal or failure of the owner of any dog to pay the license fee or any impoundment charges within five (5) days after notification by the Health Administrator shall constitute the abandonment of the dog by the owner.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.130 Ownership Limitations.

All households inside the Village shall be prohibited from owning or harboring more than two (2) dogs over the age of six (6) months at any given time.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-03.140 Dog Sterilization.

All dog owners shall be encouraged through licensing fees, education and other appropriate incentives to spay or neuter their animals at their own expense.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).