

Ordinance .02-95

An ordinance of the government of the Non-Removable Mille Lacs Band of Chippewa Indians for the purpose of providing public safety to individuals within the jurisdiction of the Mille Lacs Band.

The District I Representative introduced the following bill on the 4th day of October, 1994.

Preamble

Be it enacted by the Band Assembly of the Non-Removable Mille Lacs Band of Chippewa Indians for the purpose of providing public safety to individuals and their property within the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians by creating a regulatory framework dealing with dogs that are roving, dangerous or that endanger human beings or their property.

Title I - DEFINITIONS

Section 1. For the purpose of this Chapter the terms in this section have the following meanings.

Section 1.01 Dangerous Dog means any animal within the canine family, either wild or domesticated that:

- (1) has without provocation, inflicted substantial bodily injury on any person: or
- (2) has without provocation, killed or seriously injured a domestic animal while off the dog owner's property: or
- (3) has been determined to be "potentially dangerous" as defined in this chapter, and after the owner is given notice that the dog is "potentially dangerous", the dog bites, attacks or endangers the safety of humans or other domestic animals: or
- (4) has a contagious or infectious disease that humans or other domestic animals may contract by a bite or exposure to that animal: or

Section 1.02. Potentially Dangerous Dog means any canine animal, either wild or domesticated that:

- (1) when unprovoked, bites a human or domestic animal on any property within the jurisdiction of the Mille Lacs Band: or
- (2) when unprovoked, chases or approaches a person on any property, other than the owners, in an apparent attitude of attack: 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.

Section 1.03. Owner means any person, firm, corporation, or organization or department possessing, harboring, keeping, having an interest in, or having custody or control of a dog.

Section 1.04. Proper Enclosure means any securely confined house or residence, or a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the dog to humans and other animals.

Section 1.05. Substantial Bodily Harm means bodily injury which involves a temporary but substantial disfigurement of a person, or bodily injury which causes a permanent, or temporary and substantial, loss or impairment of the function of any body part or organ, or bodily injury which causes the fracture of any bone or other hard tissue.

Title II - REGISTRATION; DANGEROUS DOGS

Section 2. Requirement. No person under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians may own a dangerous dog unless the dog is registered as provided in this section.

Section 2.01. Registration. The Chief Law Enforcement Officer of the Mille Lacs Band shall issue a certificate of registration to the owner of a dangerous dog and maintain a copy of the certificate of registration if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(2) a surety bond is issued by a surety company authorized to conduct business within the jurisdiction of the Mille Lacs band in a form acceptable to the Band in the sum of at least \$50,000 payable to any person injured by the dangerous dog, or a policy for liability insurance issued by an insurance company authorized to conduct business within the jurisdiction of the Band in the amount of at least \$50,000, insuring the owner of any personal injuries inflicted by the dangerous dog.

Section 2.02. Fee. The Chief law Enforcement Officer of the Mille Lacs Band shall charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Section 2.03. Law Enforcement Exemption. The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Section 2.04. Exemption. Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person:

(1) who at the time was committing a willful trespass or other harmful conduct upon the premises occupied by the owner of the dog; or

(2) who was provoking, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

Section 3. Dangerous Dogs; Safety Requirements. An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dangerous dog is outside the proper enclosure, the dog must be muzzled and restrained with a substantial chain or leash and under the physical restraint of a responsible and able person. The muzzle must be made in a manner that will prevent the dangerous dog from biting any person or animal but will not cause injury to the dog or interfere with the vision or respiration of the dangerous dog.

Section 4. Confiscation of Dangerous Dogs. The Chief Law Enforcement Officer or his designee shall immediately confiscate any dangerous dog if:

- (1) the dog is not validly registered under Section 2.01 of this Chapter; or
- (2) the owner does not secure the proper liability insurance or surety bond as required under Section 2.01; or
- (3) the dog is not maintained in a proper enclosure; or
- (4) the dog is outside the proper enclosure and is not under the physical restraint of a responsible and able person as required by Section 2.01.

Section 5. Cultural Control. Under cultural law any Oshkaabewis may dispose of a dog instead of Mille Lacs Band Law Enforcement upon the request of the dog's owner.

Section 5.01. If the owner of a dog requests an Oshkaabewis to dispose of the dog, instead of Law Enforcement, the owner shall immediately inform the Chief Law Enforcement Officer or his designee who shall immediately give the Oshkaabewis access to the dog.

Section 5.02. Any dog running at large on a Mi da Win ceremonial site shall be disposed of by Oshkaabewis.

Section 6. Abandoned Dogs. Any dog that is abandoned shall be destroyed and disposed of by Mille Lacs Band Law Enforcement, except as provided by law.

Section 6.01. Any dog that is not wearing a collar and wandering the roads, parking areas or any other public areas unattended or on private property, other than the property of its owner(s), shall be presumed to be abandoned.

Section 7. Penalty. Any person who violates any provision of this Chapter shall be deemed guilty of a civil misdemeanor and subject to a fine not to exceed \$100 or 25 hours of community service or both.

Section 8. Civil Causes of Action. Nothing in this Chapter shall prevent an individual from pursuing a civil cause of action for injuries sustained from a dog.

Section 9. Sovereign Immunity. Nothing in this Chapter shall be construed as a waiver of sovereign immunity of the Non-Removable Mille Lacs Band of Chippewa Indians.

Ordinance 02-95

Introduced to the Band Assembly on this fourth day of October in the year one thousand nine hundred ninety four.

Passed by the Band Assembly on this fourth day of October in the year one thousand nine hundred ninety four.



David Matrious, Speaker of Assembly

APPROVED
DATE: 10/5/94



Marge Anderson, Chief Executive

FILED
DATE: 10/5/94



James Genia, Solicitor General

OFFICIAL SEAL OF THE BAND