



## PUEBLO OF ISLETA

P.O. BOX 1270  
ISLETA, NM 87022

### **PUEBLO OF ISLETA Resolution No. 2015 – 017**

#### **Re-Adopting the Amended and Restated Animal Control Ordinance and Adding an Effective Date**

The following resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta:

**WHEREAS**, the Pueblo of Isleta is a federally recognized Indian tribe with a written Constitution adopted pursuant to the Indian Reorganization Act and with inherent powers of self-government;

**WHEREAS**, Article V, Section 2(e), authorizes the Pueblo of Isleta to “enact ordinances to protect the peace, safety, property, health and general welfare of the members of the Pueblo of Isleta;”

**WHEREAS**, the Pueblo of Isleta Amended and Restated Animal Ordinance approved by Tribal Council on July 31, 2014 did not include the effective date of the Ordinance;

**WHEREAS**, the Pueblo of Isleta Animal Control Office has requested that the Ordinance become effective April 1, 2015;

**WHEREAS**, re-adopting the Amended and Restated Animal Control Ordinance will not require the approval of the Secretary of the Interior; and

**WHEREAS**, the Tribal Council finds it is in the best interest of the Pueblo of Isleta to re-adopt the Animal Ordinance with an effective date.

**NOW THEREFORE BE IT RESOLVED**, that the Amended and Restated Animal Ordinance is hereby re-adopted and made effective April 1, 2015.

### CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 25<sup>th</sup> day of February 2015, with a quorum present, with -6- voting for, -1- opposing, and -0- abstaining.

  
Tribal Council President

  
Pueblo of Isleta Governor

ATTEST:

  
Tribal Council Secretary



## **PUEBLO OF ISLETA AMENDED AND RESTATED ANIMAL ORDINANCE**

### **Section 1. Title, Purpose and Jurisdiction.**

**A.** The Ordinance enacted by the Pueblo of Isleta Tribal Council on April 1, 1973 entitled “An Ordinance Regulating the Number of dogs to be owned by Isleta Pueblo Residents,” also commonly referred to as the “Pueblo of Isleta Animal Ordinance,” is hereby amended and superseded. The title to this amended Ordinance shall be the “Pueblo of Isleta Amended and Restated Animal Ordinance.” This amended Ordinance also supersedes Section 1-1-46, Cruelty to Animals, of the Pueblo’s Law and Order Code.

**B.** The purpose of the Amended Pueblo of Isleta Animal Ordinance is to protect animals from neglect and abuse, protect Isleta Pueblo residents and visitors from injury and annoyance by animals, promote health, safety and welfare of the Isleta Pueblo residents and animals, assist in providing control of animals, establish fees for matters under this Ordinance and set penalties for violation of this Ordinance.

**C.** The Pueblo of Isleta shall have jurisdiction over all animals as defined by this Ordinance which are located within the lands of the Pueblo of Isleta.

### **Section 2. Definitions. For purposes of this Ordinance:**

**A.** “Animal” means a dog, cat, or any other mammal, but does not include man, or animals that are wild by nature and regulated by the New Mexico Department of Game and Fish or the United States Fish and Wildlife Service, livestock regulated by the New Mexico Livestock Board or United States Department of Agriculture, or any type of poultry.

**B.** “Animal Control Officer” means a Pueblo of Isleta Animal Control Officer or any other duly authorized officer or employee responsible for enforcement of this Ordinance.

**C.** “Animal Shelter” means a facility that provides security, care and quarantine to animals subjected to impoundment by Animal Control Officers.

**D.** “Owner” means a person who owns, keeps or knowingly allows an animal to remain in, on or about his or her household, residence or premises.

**E.** “Backyard Breeders/Hobby Breeders” means any person(s) involved in animal activities such as, but not limited to showing or controlled breeding of dogs/cats.

**F.** “Dogfighting/Bloodsport” means any person(s) who arrange or engage in any activity, where an organized fight is arranged between dogs for entertainment and betting.

**G.** “Livestock” means all animals of the genera: equine (“Horses”), bovine (“Cattle”), ovine (“sheep”), caprine (“goats”) and porcine (“pigs”).

**H.** “Dangerous Animal” means animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question. Also, means an animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery.

**I.** “Poultry” means domesticated fowl collectively, especially those valued for their meat and eggs, as chickens, turkeys, ducks, geese, and guinea fowl.

**J.** “Vicious Animal” means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises or an animal that has been provoked by a person in a manner that entices the animal's behavior and actions.

**K.** “Public Menace” an animal who threatens to cause or causes harm or injury to people in general.

### **Section 3. Animal Owner's Duties and Responsibilities.**

**A. Limit on Number of Animals.** Up to 4 animals are allowed per household except within the village proper. Within the village proper, only 2 animals per household are allowed to keep and ensure the tranquility of the village proper area. Exhibit A. All such animals are required to wear an identifying tag to prove ownership.

**B. Proper Identification.** All animals must have proper identification tags attached to their collars or embedded in a microchip at all times. The tag shall include the owners name, physical address, phone number and the animal's name. If an untagged animal is picked up by Animal Control, it will be considered a stray and transported to the Animal Shelter. Failure to comply with this subsection will result in a \$25.00 fine made payable to the Resource Division

**C. Exceeding Limit.** An owner who exceeds the limit for animals will be issued a warning for the first violation. A second violation will result in a fine of \$5.00 per day for each animal over the limit until the owner complies with the Ordinance limit. Continued failure to comply with the animal limits may also result in the excess animals being removed from the custody of the owner and taken to the Shelter. Inspections will be conducted to verify compliance.

**D. Vaccines Required.** It is the duty of the owner to have all animals vaccinated against rabies. All animals must have their current rabies tag attached to their collar at all times. In the event that it slips, the owner is solely responsible for ensuring that all vaccinations are current and shall provide proof, upon demand, of such vaccinations. Failure to keep the required vaccinations current or failure to provide proof of vaccinations will result in a \$25.00 fine. Failure to comply in a timely manner will result in additional criminal charges under section 8D of this Animal Ordinance.

**E. Proper Care and Maintenance.** It is the responsibility of the owner to provide adequate shelter, fresh food and water for their animals at all times and a clean living environment. Clean water must be available and accessible at all times. Owners are also responsible to provide adequate veterinary care for an injured or sick animal. Depending on severity or condition of an animal, could lead to criminal charges being filed for Animal Neglect and or Cruelty under this Animal Ordinance.

**F. Running at Large.** No animal is allowed to run at large, roam or create a nuisance on another person's property or public areas of the Pueblo. All animals must be within the control of their owner, confined or physically restrained in a manner that it cannot escape. First offense for an animal running at large will result in a \$25.00 fine. Second offense will result in a \$50.00 fine. The third offense will result in a \$100.00 fine. Four or more violations will result in being cited for "*Nuisance Animals*" as well as a petition will be filed in court to have the animal removed from its owner.

**G. Animals Must be on Leash.** All animals accompanying/following their owner off their property must remain on a leash at all times. The leash must be affixed to the animal by a properly fitted collar or body harness. It must be in control of their owner at all times. The first violation will result in a warning. A fine of \$50.00 will be assessed for the second violation. A



\$100.00 fine will be assessed for third violation. Subsequent violations will result in criminal charges under section 7B of this Animal Ordinance. [Fines with Resource Division]

**H. Proper Restraint.** It is unlawful for an owner to tie up an animal in a cruel or inhumane manner. Any restraint line (chain, rope, or cable) must be a minimum of eight (8) feet in length and affixed to the animal by use of a comfortable fitted collar or harness. The first violation will result in a warning or a fine depending on the circumstances. A second violation will result in a fine along with the animal being removed from the owner and taken to the Animal Shelter with a seventy-two (72) hour hold placed on the animal before it can be returned to the owner. A third violation will result in loss of the animal along with a fine, and possible incarceration for up to six (6) months for any owner within the criminal jurisdiction of the Tribal Court. Additional fines and/or criminal charges will be determined by the severity of the violation.

**I. Nuisance Animals.** Any owner shall not allow an animal to bark, howl or make noise continuously or for an extended period of time in a manner that annoys the neighbors and/or disturbs the peace and tranquility of the neighborhood. The first violation will result in a warning. A fine of \$50.00 will be assessed for the second violation. A \$100.00 fine will be assessed for third violation. Four or more violations will result in a petition being filed in court to have the animal removed from its owner.

**J. Animal Neglect or Cruelty.** No owner shall willfully or through negligence injure or mistreat an animal or livestock by: physical abuse; failure to provide food, water or veterinary care; failure to provide adequate shelter; or by other acts of cruel and inhumane treatment. Except as provided for in Section 5(c) no person shall willfully or maliciously kill or injure any animal by shooting, striking, poisoning or any other means. A violation of this subsection will result in a fine up to \$1000.00, loss of the animal and possible incarceration for up to six (6) months for any owner or person within the criminal jurisdiction of the Tribal Court. Fines and/or criminal penalties will be determined by the severity of the violation.

**K. Responsible for Restitution of Damages.** In the event that any animal damages public or private property, or causes injury to any person or animal and such injury or damage is the result or element of a violation of this Ordinance, the owner of such animal may be required by the Tribal Court to make restitution to the victim of such damage or injury. In the event that an individual cause injury to an animal, the owner of the animal can seek restitution for such injuries.

**L. No Retaliation.** An owner who has been reported for a violation of the Ordinance is prohibited from taking retaliatory action against the individual who reports a violation of this Ordinance.

#### **Section 4. Stray Animals; Animals Taken to the Animal Shelter.**

**A.** All Stray animals picked up by Animal Control Officers will be taken for proper disposition for the requisite 72 hour period to the Animal Shelter. Disposition of the animal, once taken to an Animal Shelter that is located outside Isleta Indian Reservation, shall be done according to said shelter's policies and procedures.

**B.** Owners seeking return of any animal that is picked up and taken to the Animal Shelter must first obtain a release form from a Pueblo of Isleta Animal Control Officer. All fines and/or charges must be paid to the Resource Protection Department, through the Pueblo's Treasure's Office, before a release form is issued. In addition to any fines and /or charges paid to the Pueblo of Isleta, the owner is also responsible for additional fees, charges or other expenses incurred by the Animal Shelter as a result of impoundment.

**C.** Any animal picked up and taken to the Animal Shelter will be checked for spay or neuter. If the animal is still intact, an additional fine of \$15.00 per animal will be assessed at the time of obtaining a release form. The owner must sign an agreement to spay or neuter the animal within six (6) months of the date of release from the Animal Shelter and provide proof of spaying or neutering. Failure to comply to have the animal spayed or neutered within the time period is a violation of this Ordinance and subject to a fine of \$100.00 per month until the procedure is completed and proof is provided by the owner. In the event that an animal becomes pregnant during the six (6) month period, the litter will be forfeited.

#### **Section 5. Dangerous Animals; Animal Bites and Killing of Livestock**

**A. Dangerous/Vicious Animals.** A dangerous animal is an animal that constitutes a public menace and may be removed from the custody of the owner and impounded. An Animal Control Officer can deem an animal dangerous and or/vicious depending on the circumstances. If an animal is deemed vicious, it will be impounded and euthanized. In addition, the owner may be fined up to \$500.00. If an animal has been deemed dangerous in another jurisdiction, it will not be allowed for any period of time to enter the Pueblo of Isleta.

**B. Animal Bites.** When a person/animal is bitten by an animal, without notice or warning and outside the residence of the owner, it is the responsibility of the owner of the animal to provide proof of rabies vaccination. If an owner fails to show that the animal is current on the rabies vaccination, the animal will be impounded for ten (10) days for a mandatory quarantine period. Any expenses incurred by the confinement of the animal for the quarantine is the responsibility of the owner. If after ten (10) days no rabies is found, the animal may be released

to the owner after obtaining a release form from the Pueblo of Isleta Animal Control and payment of any fines or fees. In addition, the owner may be fined up to \$500.00.

**C. Killing of Livestock.** An owner of livestock shall have the right to kill and destroy any dog(s) that have killed or attacked their livestock while the dogs are still upon the property of the livestock owner, regardless if the dog is properly tagged showing ownership. Also, any owner of a dog(s) that has killed or attacked livestock will be responsible for any damages to the livestock owner. A violation of this subsection will result in a fine up to \$1000.00, loss of the animal and possible incarceration for up to six (6) months for any owner or person within the criminal jurisdiction of the Tribal Court. Fines and/or criminal penalties will be determined by the severity of the violation.

#### **Section 6. Backyard Breeding/Hobby Breeders**

**A.** Any person who, for pay or other compensation, breeds registered or unregistered dogs, regardless if it is a purebred animal must obtain a business permit from the Pueblo of Isleta Governor's Office. The permit fee is \$250.00. After a business permit is obtained, a Breeders Permit must also be obtained from Animal Control. There is no cost for the breeders permit. Only 1 breeders permit will be issued in a twelve (12) month period. Any person who is in violation of this section will be given 10 days to obtain both permits allowing owner to breed their dog. Failure to comply with the permit requirements and with Section 3 will result up a fine of up to \$250.00 and forfeiture of the female dog and unborn litter.

#### **Section 7. Dogfighting/Bloodsports and Dogfighting Paraphernalia/Equipment**

**A.** No owner shall engage their dogs in or train their dog in a manner that is associated with dog fighting. No person shall participate in any event where bets are placed and money is traded in any such event that is organized in a manner that is promoting dogfighting/bloodsports. Dogfighting training methods are often cruel and inhumane. Any person(s) or group(s) found engaging their dogs in fighting for this sport will be cited under section 3H of this ordinance. In addition to being cited for Animal Cruelty, all animals will be seized.

**B.** Any person(s) caught with any dogfighting paraphernalia will be fined up to \$500.00. Some equipment commonly used for this purpose are break sticks, tethers, treadmills, rape boxes, steroids and other hormonal supplements. In addition to be fined, all paraphernalia and equipment will be confiscated by Isleta Animal Control and destroyed.



C. Any person that has been cited and convicted under this section will have a petition filed in tribal court by Animal Control, prohibiting them from owning any more animals as long as they reside within the exterior boundaries of the Pueblo.

#### **Section 8. Enforcement; Fines; Payment of Fines and Charges**

A. Animal Control Officers Authority. The Animal Control Officers and any other duly authorized officers or employees are responsible for the enforcement of this Ordinance. The Animal Control Officers are authorized to initiate investigations under this Ordinance, issue citations for violations of this Ordinance, impound animals as necessary, and take all actions necessary to implement and enforce the intent of this Ordinance.

B. Complying with Animal Control Officers. It is unlawful for any person to hinder, resist, or oppose an Animal Control Officer or other duly authorized officer or employee in the lawful performance of their duties. A violation of this subsection is subject to a fine of up to \$500.00 and possible incarceration for up to six (6) months for any owner within the criminal jurisdiction of the Tribal Court.

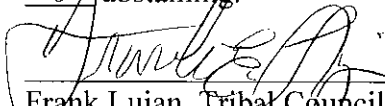
C. Fines and Costs; Release Form. All fines and/or costs stated in this Ordinance are payable to the Pueblo of Isleta Department of Natural Resources through the Pueblo of Isleta Treasurer's Office. Once fines and/or costs owing to the Pueblo of Isleta are paid, a Pueblo of Isleta Animal Control Officer will issue an Animal Release Form. This Animal Release Form can then be taken to the Animal Shelter which may impose additional fees or charges prior to release of the impounded animal.

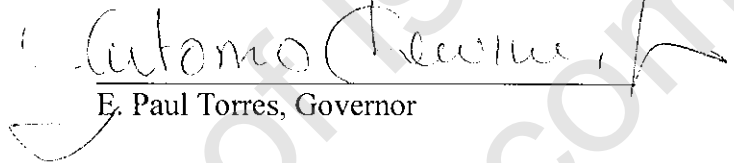
D. General and Specific Fines and Penalties. Generally, any person who violates any of the sections of this Ordinance shall be subject to a fine of up to \$500.00 for any one offense, and/or subject to possible incarceration for up to six (6) months for any owner within the criminal jurisdiction of the Tribal Court, or both except where sections carry a separate specific fine or penalty for the stated offense.

E. Additional Conditions. In its discretion, the Tribal Court may impose additional conditions or requirements in addition to, or in lieu of, the fines and penalties described in subsection D. above, for any violation of any section of this Ordinance.

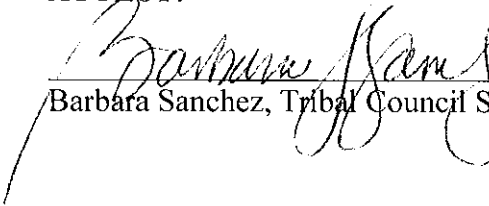
**CERTIFICATION**

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Ordinance was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 25<sup>th</sup> day of February, 2014, with a quorum present, with -6- voting for, -1- opposing, and -0- abstaining.

  
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Frank Lujan, Tribal Council President

  
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E. Paul Torres, Governor

**ATTEST:**

  
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Barbara Sanchez, Tribal Council Secretary

