

LEGISLATIVE SUMMARY SHEET

Tracking No. 0095-18

DATE: March 14, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL: AMENDING TITLE 13 OF THE NAVAJO NATION CODE RELATING TO DOG AND CAT CONTROL AND TITLE 3 OF THE NAVAJO NATION CODE RELATING TO AGRICULTURE AND LIVESTOCK

PURPOSE: This legislation amends the Navajo Nation Code relative to dog and cat control on the Navajo Nation and amends the livestock section of the Navajo Nation Code relative to injury and killing of livestock.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

DAY BILL HOLD PERIOD: None
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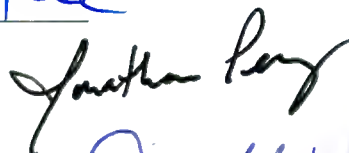
Resources & Development Committee
THENCE
Law & Order Committee
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Naa'bik'íyáti' Committee
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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0095-18



AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL:
AMENDING TITLE 13 OF THE NAVAJO NATION CODE RELATING TO
DOG AND CAT CONTROL AND TITLE 3 OF THE NAVAJO NATION
CODE RELATING TO AGRICULTURE AND LIVESTOCK

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council and is empowered to review and make recommendations to the Navajo Nation Council for final approval resolutions requiring Navajo Nation Council approval to accomplish or impact the Committee purposes. 2 N.N.C. §§ 164(A)(1), 500(A) and 501(B)(4)(f) (2012); CO-45-12.
- B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164(A)(1), 600(A), and 601(B)(14) (2012); CO-45-12
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council. CO-45-12.

1 D. The Navajo Nation Council must review and approve enactments or amendments of
2 positive law. 2 N.N.C. § 164(A) (2012); CO-45-12.

3
4 **SECTION TWO. FINDINGS**

5 A. "The purpose of the Animal Control Program is to enforce the animal control laws
6 established by the Navajo Nation Council; to protect the health, safety and property of
7 people and animals[;] address responsible pet ownership[;] over population[;] disease
8 and neglect of animals through education[;] and in the spirit of cooperation, promote
9 and foster spay and neuter clinics and animal adoption programs through the public,
10 other agencies and organizations for the benefit of present and future generations."
11 *See Exhibit A.*

12 B. The number of dog bites and livestock damage cases consumes 85% of [the] field
13 officer's time. While [the] officers are addressing [the] investigations, the number of
14 general traffic and service calls accumulate. The sheer volume of dogs running-at-
15 large[;] the increase of vicious animals on school campuses[;] and unwanted animal
16 pick up requests is alarming within all Navajo Nation communities.

17 C. There are six (6) Animal Control Officers. Two (2) Senior Animal Control Officers
18 and Four (4) Animal Control Officers patrolling the Fort Defiance Agency, Chinle
19 Agency, Kayenta/Western Agency and Eastern Agency.

20 D. There are three (3) animal shelters in the Fort Defiance, Shiprock and Many Farms.

21 E. Within the last five (5) years, the Animal Control Program on average euthanizes
22 10,000-11,000 animals each year, specifically dogs, with an average save rate of 9%
23 (900-990).

24 F. From 2013-2015, the Indian Health Service on the Navajo Nation has seen a total of
25 1,474 dog bite patients, with 291 cases being investigated by Animal Control
26 Officers. A total of 95% of the dog bite cases were dogs who were not confined and
27 allowed to roam freely.

28 G. The purpose of the amendments to Title 13 Dog and Cat Control are as follows:
29
30

1. re-enforce animal ownership through a collar with a visible animal license, microchip identification and vaccination against rabies and other diseases common to dogs and cats.
2. specify the requirements of dog bite reporting and the mandatory requirement to quarantine dogs that inflict bites.
3. reinstate the livestock damage section of the code back into the Animal Control Ordinance since there are many dog-livestock conflict on the reservation.
4. educate Navajo residents in determining what is a nuisance animal and what remedies are available to decrease nuisance animals within communities.
5. define what an animal running at large means and specify the violation and fines.
6. help keep communities safe by not allowing vicious dogs on any premises. No vicious dogs are to be in our communities. Vicious dogs bite children, youth, adults and elderly people.
7. due to the limited amount of spaces in the Animal Shelters, there is a seventy-two (72) time limit to redeem pets (must be collared and microchipped). After seventy-two (72) hours and animals who are not collared or microchipped will be immediately euthanized.
8. increase safety provisions for the Animal Control Program.
9. include a section on dog-hybrid animal certification and confinement.
10. include a section on animal cruelty and penalties.
11. define enforcement and penalties.

H. The Navajo Nation Department of Justice has reviewed this amendment and finds it “legally sufficient.” Document Review Request Form attached as Exhibit B.

I. It is within the best interest of the Navajo Nation to amend Title 13 of the Navajo Nation Code in regards to Dog and Cat Control.

SECTION THREE. AMENDMENT TO TITLE 13

The Navajo Nation amends the Title 13 as follows:

1
2 **NAVAJO NATION CODE**

3 **Title 13. Health and Welfare**

4 ***

5 **Chapter 9. ~~Dog and Cat Control~~ Animal Control Ordinance**

6 **§ 1700. Title**

7 A. This Act shall be known and cited as the Animal Control Ordinance

8 B. Animal Control Program.

9 1. The Animal Control Program is a program of the Navajo Nation Department of
10 Fish and Wildlife, under the Navajo Division of Natural Resources.

11 2. The Animal Control Program Manager supervises the Animal Control Officers
12 who are commissioned to enforce this Chapter.

13
14 **§ 1701. Definitions**

15 In this Chapter, the following words and terms shall, unless the context indicates a
16 difference in meaning, have the meaning given herein:

17 A. "Abandonment of Animals". Any owner or owners who leaves an animal off the
18 premises without provision for care or control by another person.

19 B. "Adequate Care" means care sufficient to preserve the health and well-being of an
20 Animal, except for emergencies or circumstances beyond the reasonable control of
21 the Animal Owner, which includes but is not limited to the following:

22 1. Adequate food of sufficient quantity and quality to allow for normal growth or
23 maintenance of body weight;

24 2. Open or adequate access to potable water of a drinkable temperature in
25 sufficient quantity to satisfy the Animal's needs;

26 3. Access to an enclosed structure sufficient to protect the Animal from wind,
27 rain, snow, sun, heat, cold, or dampness;

28 4. Veterinary care deemed necessary by a reasonably prudent person to relieve
29 from distress from injury, pain, neglect or disease;

1 5. Continuous access to an area with adequate space for exercise necessary for
2 the health of the Animal, with adequate ventilation, and kept reasonably clean and
3 free from excess waste or other contaminates that could affect the Animal's health.

4 C A. "Animal" means any ~~live dog or cat, domestic or wild~~ domesticated or feral dog,
5 dog hybrid, or cat.

6 D B. "Animal owner" means ~~every~~ a person who has control, custody, possession, title
7 or other legal interest in the animal ~~in possession of or who harbors any animal or who~~
8 ~~shall suffer any animal to remain about the premises.~~

9 E C. "Animal Shelter" means ~~any~~ a facility operated by a humane society, or
10 governmental agency, or its authorized agents for the purpose of impounding or caring
11 for animals held under authority of this Chapter or Navajo Nation law.

12 F. "Bite" means a puncture or tear of the skin inflicted by the teeth of an animal.

13 G. "Cat" means all members of Felis Domesticus.

14 H D. "Commercial Animal Establishment" means any pet shop, grooming shop, ~~auction,~~
15 ~~zoological park,~~ performing animal exhibition or kennel.

16 I. "Confine" means to secure indoors or within an enclosed area upon the animal owner's
17 property.

18 J. "Cost of Care". Any expense related to the care and treatment of a seized or forfeited
19 Animal including: boarding, feeding and veterinary services.

20 K. "Dangerous" means any animal that poses a threat to the public health and safety.

21 L. "Dispose" means to remove in a proper and sanitary manner any animal that is
22 determined to be dead.

23 M. "Dog" means all members of Canis Familiaris.

24 N. "Dog Pack" means three or more dogs running at large together.

25 O. "Euthanasia" means the humane destruction of an animal administered by a method
26 that causes immediate unconsciousness without visible evidence of distress to the animal.

27 P. "Feral" means any cat or dog that is or becomes undomesticated, untamed, wild or is
28 not a pet and not under the control of an animal owner.

29 Q E. "Harboring" means ~~The occupant of any premises on which an animal is kept or~~
30 ~~which an animal customarily returns~~ to allow an animal to customarily return to an

1 individual's property or premises for daily food and care, or to allow an animal to remain
2 on an individual's property or premises for three (3) or more days is presumed to be
3 harboring or keeping the animal within the meaning of this Chapter.

4 ~~F. "Abandonment of Animals". Any owner or owners who leaves an animal off the~~
5 ~~premises without provision for care or control by another person.~~

6 R. "Health Advisor" means A a person with specialized training in the identification and
7 control of zoonotic diseases in dogs and cats such as rabies which might infect humans
8 and other animals. This individual may be a representative of the United States Public
9 Health Service, a ~~licensed~~ veterinarian or ~~a designee of the Director of the Community~~
10 ~~Dog and Cat~~ Navajo Nation Animal Control Program.

11 S G. "Kennel" means any premises wherein any a person engages in the business of
12 boardings, breedings, buyings, lettings for hire, trainings for fee, or sellings dogs or cats;
13 or any property or premises of any person harboring ~~dogs or cats~~ five (5) or more animals
14 over three (3) months of age. This definition does not apply to working dogs that herd or
15 protect livestock, assist a disable person, carry out search and rescue activities, carryout
16 law enforcement functions.

17 T H. "Licensing Authority" shall mean the Division of Community Development within
18 the Executive Branch Navajo Nation Animal Control Program within the Department of
19 Fish & Wildlife, Division of Natural Resources of the Navajo Nation.

20 U. "Livestock" means any Animal raised for agricultural purposes, including but not
21 limited to cattle, sheep, goats, llamas, horses, swine, chickens, and ducks.

22 V. "Microchip" means a computer chip that is preprogrammed with a unique
23 alphanumeric combination code which is placed under the skin of an animal for
24 identification purposes.

25 W I. "Person" means any individual, household, firm, partnership, corporation, or any
26 other legal entity.

27 X. "Program Manager" means the Program Manager of the Animal Control Program.

28 ~~J. "Licensed Veterinarian". A person with a Doctor of Veterinary Medicine Degree~~
29 ~~licensed to practice within the United States and the Navajo Nation.~~

1 Y K. "Rabies Vaccination" shall mean the inoculation of a dog, or cat or other animal
2 with rabies vaccine approved by the Licensing Authority.

3 ~~L. "Quarantine". To detain or isolate an animal suspected of being infected with rabies.~~

4 Z M. "Restraint" means securing an animal by leash or lead, or under control of a
5 responsible person and obedient to that person's commands, or within a fenced area
6 capable of confining the animal or leashed on a run line.

7 AA N. "Running at Large" means to be off the premises of the animal's owner and not
8 under the control of the animal's owner or any authorized person over 12 years of age,
9 either by leash or otherwise, but an animal within the automobile or other vehicle of its
10 owner shall be deemed to be upon the owner's premises.

11 BB. ~~"Licensed Veterinarian"~~ means a person with a Doctor of Veterinary Medicine
12 Degree licensed to practice within the United States and the Navajo Nation.

13 ~~O. "Dog Pack". Three or more dogs running at large together.~~

14 CC P. "Vicious Animal" means any animal that inflicts unprovoked bites or attacks
15 human beings or other animals either on public or private property, or in a vicious or
16 terrorizing manner, approaches any person in apparent attitude of attack upon the streets,
17 sidewalks or any public grounds or places.

18 ~~Q. "Bite". A puncture or tear of the skin inflicted by the teeth of an animal.~~

19 ~~R. "Health Advisor". A person with specialized training in the identification and control~~
20 ~~of zoonotic diseases in dogs and cats such as rabies which might infect humans and other~~
21 ~~animals. This individual may be a representative of the United States Public Health~~
22 ~~Service, a licensed veterinarian or a designee of the Director of the Community Dog and~~
23 ~~Cat Control Program.~~

24 25 **§ 1702. Licensing**

26 ~~The licensing requirements are as follows:~~

27 A. License Required. Any person owning, keeping, harboring, or having custody of ~~any~~
28 ~~animal~~ a dog or cat three (3) months of age or older within the territorial jurisdiction of
29 the Navajo Nation ~~must~~ shall obtain a license as herein provided. All licenses shall
30 expire December 31 of each year and the full amount for a required license shall be paid

1 for any fraction of the licensing year. Upon collection of the license fee by the Licensing
2 Authority, a dated receipt shall be issued indicating the name and address of the owner,
3 description of the animal, the appropriate fee, license numbers, year and location of
4 issuing office.

5 B. Licensed Displayed. The license tag shall be attached to collar, harness or other
6 device and shall be worn with the rabies tag by the licensed animal at all times, and shall
7 not be removed from any animal by an unauthorized person. The original license receipt
8 and rabies vaccination certificate shall be retained by the animal owner or harborer for
9 inspection by any person charged with the enforcement of this Chapter.

10 C. Microchip. Licensed animals are to be microchipped. This permanent identification
11 can be implanted and purchased at any Navajo Nation Animal Shelter. Upon collection
12 of the microchip fee by the Licensing Authority, a dated receipt shall be issued indicating
13 the name and address of the animal's owner, description of the animal, the appropriate
14 fee, microchip numbers, and location of issuing office.

15 D. Rabies Vaccination. No animal shall be licensed without proof of rabies
16 vaccination as provided in this Chapter.

17 E. Duplicate Tags. In the event of loss or destruction of the original license tag, ~~the~~
18 ~~owner of the animal's owner~~ shall obtain a duplicate tag from the Licensing Authority.

19 F. License Fees. License and duplicate tags shall be issued by the Licensing Authority
20 after payment of a fee; fees shall be set by the Licensing Authority. ~~Public notice of fees~~
21 ~~shall be made in the Navajo Times and by public display of posters.~~

22 G. Failure to Obtain or Display License. Any person who fails to obtain, or to display
23 the license tags ~~as provided by Subsection (B)~~ shall be required to pay a fine set by the
24 Licensing Authority.

25 H. Transferability. Animal licenses are not transferrable. Any person attaching a
26 license or rabies tags to any animal other than the animal for which such tag was
27 originally issued shall be ~~required to pay a fine set by the Licensing Authority~~ subject to a
28 penalty.

29
30 **§ 1703. Commercial animal establishment permits**

1 ~~Permit requirements are as follows:~~

2 A. Permits Required. No person, ~~partnership or corporation~~ shall operate a commercial
3 animal establishment, kennel or animal shelter within the territorial jurisdiction of the
4 Navajo Nation, without first obtaining a permit in compliance with this Section and with
5 all other licensing laws of the Navajo Nation. All permits shall expire December 31 of
6 each year and all fees shall be prorated for any fraction of the licensing year. Upon
7 collection of the permit by the Licensing Authority, a dated receipt shall be issued
8 indicating the name and address of the owner of the commercial animal establishment,
9 and the appropriate fee.

10 B. Change in Ownership. If there is a change in ownership of a commercial
11 establishment, the new owner may have the current permit transferred to his name upon
12 payment of a transfer fee.

13 C. Permit Fees. Animal permits shall be issued upon payment of the applicable fee to be
14 set by the Licensing Authority pursuant to § 1702(A)(5).

15 D. License Option. A person operating a kennel for the breeding of dogs or cats may
16 elect to license animals individually.

17 E. Failure to Obtain Permit. Any person who fails to obtain a permit before opening any
18 facility covered by this Section shall pay a fine set by the Licensing Authority.

19 F. All facilities covered by this Section shall be operated in a safe and sanitary manner.
20 Humane treatment of animals, including the adequate care of each animal, covered under
21 this Section is required. ~~Penalty for violation of this Subsection shall be a fine set by the~~
22 ~~Licensing Authority and/or revocation of permit. Persons in violation of this Section shall~~
23 be charged a penalty, have their permit revoked, or both.

24
25 **§ 1704. Rabies control**

26 ~~Rabies control provisions are as follows:~~

27 A. Vaccinations.

- 28 1. Every person owning or harboring a dog and cat three (3) months of age or
29 older for five (5) or more days shall have such animals vaccinated ~~against~~
30 ~~rabies with an approved vaccine~~ rabies vaccination by a ~~licensed~~ veterinarian

1 or by a person authorized by the ~~Director~~ Program Manager. ~~This vaccine~~
2 ~~shall be listed as an approved vaccine in the most recent Compendium of~~
3 ~~Animal Rabies Vaccine prepared by the National Association of State Public~~
4 ~~Health Veterinarians, Inc.~~

- 5 2. ~~Dogs~~ Animals whose vaccination expires during the calendar year will be
6 vaccinated, licensed and microchipped, unless previously microchipped.
7 ~~during the months of January, February or March prior to their vaccination~~
8 ~~expiration date. Cats will be vaccinated during the months of January,~~
9 ~~February and March prior to their vaccination expiration date for the current~~
10 ~~calendar year; provided, however, that persons acquiring dogs and cats~~
11 ~~between April 1 and December 31 shall immediately following acquisition~~
12 ~~have such animals vaccinated.~~

13 B. Certificate of Vaccination. Upon vaccination, the veterinarian or person authorized
14 by the Program Manager administering the vaccine, ~~or the authorized persons~~
15 ~~authorizing rabies vaccine,~~ shall execute, retain a copy and furnish to the owner of the
16 animal as evidence thereof a certificate upon a form furnished by the Licensing
17 Authority. Such certificate shall contain the following information:

- 18 1. The name, address and telephone number of the animal's owner or harbinger of
19 the ~~inoculated~~ vaccinated animal;
20 2. The date of ~~inoculation~~ vaccination;
21 3. The type of vaccine used including the manufacturer and the serial (lot)
22 number;
23 4. The date the vaccination expires in the ~~dog and cat~~ animal;
24 5. The year and serial number of the rabies tag; and,
25 6. The breed, age, color and sex of the ~~inoculated~~ animal.

26 C. Rabies Tag. Concurrent with the issuance and delivery of the certificate of
27 vaccination ~~referred to in § 1704(B),~~ the animal's owner ~~of the animal~~ shall attach to the
28 collar or harness of the vaccinated animal a metal tag, serially numbered and bearing the
29 year of issuance, ~~the~~ Licensing Authority shall furnish an adequate supply of such tags to
30

1 each veterinarian or authorized ~~grantee person~~ designated to perform such vaccination,
2 with a fee to be set by the Licensing Authority ~~pursuant to § 1702(E)~~.

3 D. Duplicate Tags. In the event of loss or destruction of the original tag provided in
4 Subsection (C), the animal's owner ~~of the animal~~ shall obtain a duplicate tag from the
5 Licensing Authority for a fee set by the Licensing Authority ~~pursuant to § 1702(E)~~.

6 E. Designation of Qualified Persons. All veterinarians ~~who are duly registered and~~
7 ~~licensed to practice veterinary medicine in the United States~~ are hereby designated as
8 authorized to vaccinate animals against rabies and to execute certificates of vaccination
9 as provided by law. Also, health advisors, who have received specialized training in
10 vaccinating animals against rabies, are authorized to vaccinate animals, as well as other
11 persons authorized by the Program Manager.

12 F. Proof. It shall be unlawful for any person who owns or harbors any dog, or cat ~~or~~
13 ~~other animal~~ to fail or refuse to exhibit a copy of the certificates of vaccination upon
14 demand to any person charged with the enforcement of this Chapter.

15
16 **§ 1705. Notice to Licensing Authority of a Animal bite reporting and quarantine**
17 **Requirements when a person is bitten by an animal are as follows:**

18 A. Duty to Report. ~~When any person is bitten by an animal, it shall be the duty of such~~
19 ~~person or his parent or guardian and the owner or keeper of the animal to immediately~~
20 ~~notify the Licensing Authority of the incident and the Navajo Nation Police Department.~~
21 All animal bites must be reported within twenty-four (24) hours to the Animal Control
22 Program by the animal's owner, victim, or parent/guardian of the victim. It shall be the
23 duty of every physician, veterinarian, and/or hospital to report to the Animal Control
24 Program the names and addresses of persons treated for bites inflicted by animals, in
25 addition to report the description of the animal and physical location of where the
26 incident occurred.

27 B. Quarantine of Animals. ~~Any animal which has bitten a person shall be observed for a~~
28 ~~period of 10 days from the date of the bite. The procedure and place of observation shall~~
29 ~~be designated by the Licensing Authority. If the animal is not confined on the owner's~~
30 ~~premises, confinement shall be in an authorized Animal Shelter or any veterinary hospital~~

1 of the owner's choice. Stray animals whose owners cannot be located shall be confined
2 in an authorized Animal Shelter. The owner of any animal that has been reported as
3 having inflicted a bite on any person shall on demand produce said animal for quarantine
4 as prescribed in this Section. Refusal to produce said animal constitutes a violation of
5 this Section and each day of such refusal shall constitute a separate and individual
6 violation. The Animal Control Officer, upon receiving a report of an animal bite, shall
7 quarantine the animal for observation for a period of ten (10) days in a secure enclosure
8 to prevent any contact with people or other animals. The Animal Control Program may
9 remove the animal from the animal owner's premises for the duration of the quarantine
10 period. The animal's owner must:

11 1. Provide proof of current rabies vaccination to the Animal Control Officer, failure
12 to do so will result in requiring the animal to be vaccinated at the end of the ten (10)
13 day quarantine period.

14 2. The animal owner will be liable for any the necessary expenses for the ten (10) day
15 quarantine period resulting in boarding and if required, the rabies vaccination cost.

16 3. If an animal is quarantined due to biting a person and exhibits aggressive behavior
17 during the quarantine period will not be returned to the animal owner and will be
18 humanely euthanized. The animal owner will be responsible for the euthanasia fees.

19 4. The animal that inflicted a bite on a person may be quarantined at the owner's
20 residence if the animal's owner meets the following conditions:

21 a. show proof the animal's rabies vaccination is up to date,

22 b. has an enclosure that will not permit the animal to be running at large,

23 c. can show proof the animal will not be in contact with any animals,

24 d. will ensure that no other person besides the animal's owner will enter the
25 enclosure to feed and water the animal, and,

26 e. the Animal Control Officer is allowed to inspect the animal and the
27 enclosure anytime within the ten (10) day quarantine period.

28 5. After the ten (10) day quarantine period the Animal Control Officer shall release
29 the animal from quarantine.

1 6. Failure to maintain the animal in quarantine on the property, exposing the
2 quarantined animal to other people and animals shall result in the animal being
3 impounded and removed off the animal owner's property for the remainder of the
4 quarantine period.

5 C. Any ~~dog or cat~~ animal being held in quarantine which develops signs and symptoms
6 which may be indicative of rabies shall be humanely killed euthanized by a Health
7 Advisor or veterinarian and its head/~~body~~ submitted to a laboratory qualified to conduct
8 rabies analysis.

9 D. Any feral dog or cat that inflicts a bite shall be humanely euthanized by a health
10 advisor or veterinarian and its head submitted to a laboratory qualified to conduct rabies
11 analysis.

12 E ~~D.~~ Removal of Animals of Quarantine. No person shall remove any animal from any
13 place of isolation or quarantine ~~any animal which has been isolated or quarantined as~~
14 ~~authorized~~ without the written consent of the Licensing Authority.

15
16 **§ 1706. Dogs or cats bitten by rabid animals**

17 A. Any dog or cat bitten by an animal known or proved to be rabid shall be killed
18 humanely euthanized immediately, unless the bitten animal has received a rabies
19 vaccination thirty (30) days prior to being bitten. ~~by its owner or by a person authorized~~
20 ~~by the Director, provided that any dog or cat which has been vaccinated at least three~~
21 ~~weeks before being bitten shall be revaccinated against rabies and confined for 90 days.~~
22 ~~At the end of the confinement period, the dog or cat shall be released if declared free of~~
23 ~~rabies by a licensed veterinarian. If, as determined by the veterinarian, the dog or cat~~
24 ~~develops rabies during the period of confinement, the owner or keeper shall have it killed~~
25 ~~and properly disposed of.~~

26 B. Any such vaccinated animal shall be revaccinated against rabies and quarantined for
27 ninety (90) days:

28 1. The place of quarantine shall be at the sole discretion of the Animal Control
29 Officer. If the animal is quarantined at a veterinary facility or animal shelter the
30 animal's owner shall be liable for any expenses incurred.

1 2. At the end of the ninety (90) day quarantine period the animal shall be released
2 when declared free of rabies by a veterinarian.

3 3. If the veterinarian declares that the animal developed rabies during the quarantine
4 period the animal shall be humanely euthanized and properly disposed of to protect
5 the public health, safety and welfare.

6 C. Failure to quarantine an animal bitten by a rabid animal. A person who intentionally,
7 knowingly, or recklessly fails to quarantine an animal known to have been bitten by a
8 rabid animal will be subject to penalty.

9
10 **§ 1707. ~~{Reserved}~~ Dogs killing, injuring or chasing livestock or pets; liability of dog**
11 **owner**

12 A. The owner of a dog is liable for all damages caused by the dog chasing, killing or
13 wounding livestock or pets; provided that the livestock is within an area of authorized use
14 or the pet is on the animal owner's property or under his or her control.

15 1. The court shall award damages to the owner of the livestock or pet including
16 but not limited to veterinary expense and other fees associated with damages.

17 2. When livestock is killed or wounded, the court may award damages for up to
18 three times (3x) the value of that livestock.

19 B. A dog owner shall be subject to a penalty if they intentionally, knowingly, or
20 recklessly allow their dog to kill, injure or chase livestock or pets; provided that the
21 livestock is within an area of authorized use or the pet is on the owner's property or under
22 their control.

23 C. No person shall keep any dog after it is known that the dog has killed or injured
24 livestock or pet, and it shall be the duty of the animal's owner to humanely euthanize the
25 dog or have the dog humanely euthanized by an Animal Control Officer.

26 D. If the owner of livestock discovers a dog killing or wounding his or her livestock
27 he/she may drive off and/or kill the dog.

28 E. If a dog is observed attacking livestock, pet or wildlife, an Animal Control Officer
29 shall take appropriate action to humanely euthanize the dog.
30

1 **§ 1708. Nuisance**

2 ~~No animal owner or keeper shall harbor, maintain or permit on any lot, parcel of land or~~
3 ~~premise under his control, any dog or other animal which by any sound or cry shall~~
4 ~~disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any~~
5 ~~person in the reasonable and comfortable enjoyment of life or property.~~

6 A. "Nuisance". An animal shall be considered a nuisance if it is allowed by the owner:

- 7 a. To damage, soil, defile, or defecate on private property other than on the
8 owner's property, or on public walks and recreation areas, unless such waste
9 is immediately removed and properly disposed of by the animal's owner;
10 b. To cause unsanitary, dangerous or offensive conditions;
11 c. To cause a disturbance by excessive barking or other noise-making;
12 d. To chase vehicles or pedestrians;
13 e. That an unaltered female animal in heat be running at large;
14 f. To disturb the peace and quiet of the inhabitants of the neighborhood; or
15 g. To endanger the health and welfare of the inhabitants of the neighborhood.

16 B. Animal owners allowing their animals to cause a nuisance shall be subject to a fine
17 set by the Licensing Authority.

18
19 **§ 1709. Restraint of ~~a~~Animals running at large**

20 A. ~~It shall be is~~ unlawful for any person owning or having charge of any animal, except
21 a domestic house cat, to permit ~~such~~ the animal to run at large, ~~unless such animal is~~
22 ~~restrained by a leash not to exceed six feet in length and is in charge of a person~~
23 ~~competent to restrain such animal~~ in or on any street, sidewalk, vacant lot or any
24 other unenclosed place or private property without the permission of the owner.

25 B. Any animal owner who allows their animal to be running at large is in violation of
26 this Section and shall be declared to be allowing their animal to cause a nuisance, be a
27 menace to the public health and safety, and shall have their animal impounded.

- 28 1. Animals with a collar or Microchip will be held for seventy-two (72) hours. If
29 the animal's owner does not reclaim their animal after the seventy-two (72)
30 hour impoundment period, the animal will be considered abandoned and

1 humanely euthanized, be put up for adoption for a fee, or placed with an
2 animal welfare agency, at the sole discretion of Animal Control.

3 2. Animals without a collar or microchip will be determined feral, considered
4 abandoned, and shall be humanely euthanized, put up for adoption for a fee, or
5 placed with an animal welfare agency, at the sole discretion of Animal Control.

6 ~~C B. Every female dog or cat in heat shall be confined in a building or secure enclosure~~
7 ~~in such a manner that such animal cannot come into contact with another dog or cat~~
8 ~~except for planned breeding. Any person permitting a female dog in heat to run at large~~
9 ~~shall be cited into Navajo Nation Court. It shall be unlawful for any animal owner to fail~~
10 ~~to confine female animals and allow their female animal(s) in heat to be running at large~~
11 ~~in or on any street, sidewalk, vacant lot or any other unenclosed place or private property~~
12 ~~without the permission of the owner. Any female animal running at large in violation of~~
13 ~~this Section is declared to be a nuisance, a menace to the public health and safety, and~~
14 ~~shall be impounded.~~

15 D. This Section does not apply to working dogs that herd or protect livestock, assist a
16 disabled person, carry out search and rescue activities, or those dogs that carryout law
17 enforcement functions.

18
19 **§ 1710. Vicious animals confined to premises; liability for dog bites**

20 A. “Vicious animal” means any animal that:

- 21 a. Inflicts unprovoked bites or attacks human beings or other animals either on
22 public or private property;
23 b. In a vicious or terrorizing manner, approaches any person in apparent attitude
24 of attack upon the streets, sidewalks or any public grounds or places; or,
25 c. Which kills or seriously injures a person or domesticated animal, chases or
26 attacks a person or domesticated animal; resulting in muscle tears or
27 disfiguring lacerations; requiring a hospital visit and treatment with sutures or
28 extensive corrective or cosmetic surgery; or resulting in the treatment of an
29 injured animal at a veterinary clinic.
30

1 d. Vicious animal does not include an animal which bites, attacks or injures a
2 person or animal that is unlawfully upon its owner's premises. The
3 provocation of an animal by a person is an affirmative defense to a charge of
4 keeping or harboring a vicious animal.

5 B A. It is unlawful for a ~~No~~ person to ~~shall~~ keep any animal known to be vicious and
6 liable to attack and injure human beings unless such animal is securely kept so as to
7 prevent injury to any person. The animal's owner ~~of such an animal~~ must post a sign on
8 his property warning others to be aware of the animal.

9 C. Vicious animals will not be allowed out of the animal owner's property. A vicious
10 animal in the public is a threat to the public health and safety, and such an animal will be
11 immediately impounded and humanely euthanized.

12 D B. The owner of any dog which bites a person when the person is ~~in or on a public~~
13 ~~place, or~~ lawfully on the property of the owner of the dog, shall be liable for damages
14 suffered by the person bitten, regardless of the former viciousness of the dog or the
15 owner's knowledge of its viciousness.

16 E E. A person is lawfully in or on the private property of the owner of a dog within the
17 meaning of this Section when an invitee or guest, or when in the performance of a duty
18 imposed upon him by law or by ordinance.

19 F D. Proof of provocation of the attack by the person injured shall be an affirmative
20 defense in an action for damages against the animal's owner.

21
22 **§ 1711. Impounded animals**

23 ~~Provisions for impounded animals are as follows:~~

24 A. Animal Shelter. An Animal Shelter shall be established for the purpose of caring for
25 any animal impounded under the provisions of this Chapter, and such shelter shall be
26 constructed in a manner which ~~to~~ facilitates cleaning and sanitizing, and shall provide
27 adequate heating and water supply. The Animal Shelter shall be operated in a safe and
28 sanitary manner and shall meet Indian Health Services and Navajo Nation standards.

1 B. Removal of Animals from Animal Shelter. It shall be unlawful for any person to
2 remove any impounded animal from the Animal Shelter without the consent of the
3 Licensing Authority.

4 C. Removal of Bite Animals from Quarantine. Animals impounded because of bites
5 shall not be removed from the pound until after the 10 days observation period and a
6 release of the Licensing Authority is secured.

7 D. Disposition of Impounded Licensed Animals.

8 1. As soon as practicable after impoundment, the Licensing Authority shall notify
9 the animal's owner, provided that an ~~name~~ identification tag including the owner's
10 name, and address ~~and~~ or telephone number is attached to the dog or cat collar or
11 harness.

12 2. Any impounded animal which is licensed may be redeemed by the owner upon
13 payment of the impoundment fee, care and feeding charges, veterinary charges and
14 presentation of proof of rabies vaccination, and such other costs as set by the
15 Licensing Authority.

16 3. If such animal is not redeemed within ~~eight days~~ seventy-two (72) hours, it shall
17 be deemed abandoned and the Licensing Authority may humanely euthanize said
18 animal, put the animal up for adoption for a fee, or place it with an animal welfare
19 agency, at the sole discretion of Animal Control.

20 E. Disposition of Impounded Unlicensed Animals.

21 1. As soon as practicable after impoundment, the Licensing Authority shall notify
22 the animal's owner, provided that an ~~name~~ identification tag including the owner's
23 name, and address ~~and~~ or telephone number is attached to the dog or cat collar or
24 harness.

25 2. Any impounded animal which is not licensed may be redeemed upon payment ~~of~~
26 ~~the payment~~ of the license fee, impound fee, care and feeding charges, veterinary
27 charges, and presentation of proof of rabies vaccination, and such other costs as set
28 by the Licensing Authority.

29 3. If such animal, ~~which is~~ not wearing its tags as required by this Code, is not
30 redeemed within ~~three days~~ seventy-two (72) hours, it shall be deemed abandoned

1 and the Licensing Authority may humanely euthanize the animal ~~as such, put it up~~
2 for adoption for a fee, or place it with an animal welfare agency, at the sole
3 discretion of Animal Control.

4 F. Impoundment Fee. An owner reclaiming an impounded ~~eat~~ animal shall pay a fee to
5 be set by the Licensing Authority, ~~pursuant to § 1702(A)(5).~~

6 G. Unwanted Animals. Unwanted and/or ~~wild or untamed~~ feral dogs and cats can be
7 ~~immediately destroyed euthanized, or~~ put up for adoption for a fee, or be placed with an
8 animal welfare agency, at the sole discretion of Animal Control ~~to be set by the Licensing~~
9 ~~Authority.~~

10 H. Neutered/Spayed. All male dogs and cats shall be neutered prior to adoption. All
11 female dogs and cats shall be spayed prior to adoption. The cost of these services shall
12 be the responsibility of the person/persons adopting the dog and/or cat.

14 § 1712. Safety provisions

15 ~~Safety provisions are as follows:~~

16 A. Interference with the Licensing Authority or Its Authorized Representatives. No one
17 shall interfere with, molest, hinder, or prevent the Licensing Authority or its
18 authorized representatives in the discharge of their duties as herein prescribed, or to
19 violate the provisions of this Chapter:

20 1. It shall be unlawful for any person(s) to knowingly interfere with any Animal
21 Control Officer in the execution of their duties.

22 2. It shall be unlawful for any person(s) to remove an animal from the custody of an
23 Animal Control Officer, or the Animal Control Shelter by force, deceit or otherwise,
24 when such animal has been impounded by an Animal Control Officer under Navajo
25 Nation law, unless such person has first obtained written consent from the
26 impounding Animal Control Officer for removal.

27 3. No person shall remove, alter, damage or otherwise tamper with a trap and/or
28 equipment set out by the Navajo Nation Animal Control Program including the
29 Animal Control vehicle.

1 4. It shall be unlawful for any person(s) to falsely claim to be an Animal Control
2 Officer.

3 B. Penalty for Violation. ~~Unless otherwise provided in this Chapter, a~~Any person who
4 violates any of the provisions of this Chapter Section shall be fined no less than fifty
5 dollars (\$50.00) nor more than two ~~hundred thousand~~ dollars (\$2,000.00).

6 C. Severance Clause. ~~If any Section, Subsection, Sentence, Clause or Phrase of this~~
7 ~~Chapter is for any reason held to be invalid, such decision shall not affect the validity of~~
8 ~~the remaining portions of this Chapter.~~ Should any provision of this Act or its
9 applicability be found to be invalid by the Courts of the Navajo Nation the remaining
10 provisions, which can be implemented without the invalid provisions, will be given full
11 force and effect. To this extent the provisions of this Act are severable.

12 D. Safety Clause. The Navajo Nation Council hereby finds, determines and declares that
13 this Chapter is necessary for the immediate preservation of the public's peace, health and
14 safety.

15
16 § 1713. Dog hybrids

17 A. "Dog hybrid" means any domesticated dog (Canis Familiaris) that is bred with a wolf
18 (Canis Lupus) or coyote (Canis Latrans).

19 B. Any person acting as guardian over a dog hybrid shall:

- 20 1. Sterilize, micro-chip, and obtain a dog hybrid permit from the Licensing
21 Authority.
22 2. Keep the dog hybrid within a fenced yard with a ten (10) feet or higher fence
23 sufficient to prevent the dog hybrid from escaping.
24 3. Post signs every 50 feet on property fence stating a dog hybrid is on the
25 property.
26 4. Allow inspection of the enclosure by the Licensing Authority when requested.

27 C. Any person found to be in violation of this Section will be subject to a penalty, or be
28 required to forfeit the dog hybrid, or both.

1 § 1714. Cruelty; molesting; neglect; abandonment; animal fights; hoarding; exception;
2 penalties; forfeiture.

3 A. The following is prohibited:

- 4 1. Cruelty: It is unlawful for any person to willfully or maliciously deprive or
5 refuse a dog or cat proper and adequate care, kill, beat, sexually abuse, torture,
6 maim, poison, inflict physical injury, disfigure or scald any dog or cat, except
7 that reasonable force may be employed only to drive off and repel vicious or
8 trespassing dogs or cats. Cruelty also includes every act or omission, which
9 causes or unreasonably permits the continuation of unnecessary or
10 unjustifiable pain and suffering.
- 11 2. Molesting dogs or cats: It is unlawful for any person to tease, annoy, disturb
12 or molest any dog or cat which is on the property of the animal's owner or
13 under the control of the animal's owner.
- 14 3. Neglect:
 - 15 a. It is unlawful for any owner of a dog or cat to fail or neglect to
16 provide said dog or cat with adequate care. Any dog habitually kept
17 outside shall be provided, by its owner, with a structurally sound
18 enclosure large enough to accommodate the dog in a suitable manner.
 - 19 b. An animal owner must keep the premise, where a dog is kept, free of
20 animal waste, garbage, hazardous materials, insect infestation, and
21 other debris that may endanger the dog's or cat's health and safety.
 - 22 c. An animal owner must provide an injured or sick dog or cat with
23 adequate veterinary care so as to prevent or stop suffering.
- 24 4. Abandonment: It is unlawful for any person to abandon any dog or cat for
25 more than twenty-four (24) hours off the animal owner's premises within the
26 Navajo Nation without provision for adequate care or control by another
27 person.
- 28 5. Animal fights: It is unlawful for any person to promote, stage, hold, manage,
29 conduct, participate in by any manner, or carry on any game, exhibition or
30

1 contest in which one or more dog or cat is engaged for the purpose of injuring,
2 killing, maiming or destroying themselves, or any other animal.

- 3 6. Animal hoarding: It is unlawful for any person to own or harbor six (6) or
4 more animals, and to not provide them adequate care.

5 B. This Section does not apply to the practice of veterinary medicine as provided in any
6 applicable Navajo Nation veterinary law.

7 C. Penalties:

- 8 1. Any person in violation of Subsection 1714(A)(1), Cruelty, will be fined a
9 minimum of five hundred dollars (\$500.00) not to exceed five thousand
10 dollars (\$5,000.00) or sentenced to one year in jail or both.
- 11 2. Any person in violation of Subsection 1714(A)(2), Molesting dogs or cats,
12 will be fined a minimum of five hundred dollars (\$500.00) not to exceed two
13 thousand five hundred dollars (\$2,500.00) or sentenced to six months in jail or
14 both.
- 15 3. Any person in violation of Subsection 1714(A)(3), Neglect, will be fined a
16 minimum of two hundred fifty dollars (\$250.00) not to exceed five thousand
17 (\$5,000.00) or sentenced to six months in jail or both.
- 18 4. Any person in violation of Subsection 1714(A)(4), Abandonment, will be
19 fined a minimum of five hundred dollars (\$500.00) not to exceed two
20 thousand five hundred dollars (\$2,500.00) or sentenced to six months in jail or
21 both.
- 22 5. Any person in violation of Subsection 1714(A)(5), Animal fighting, will be
23 fined a minimum of five hundred dollars (\$500.00) not to exceed two
24 thousand five hundred dollars (\$2,500.00) or sentenced to six months in jail or
25 both.
- 26 6. Any person in violation of Subsection 1714(A)(6), Animal hoarding, will be
27 fined a minimum of two hundred fifty dollars (\$250.00) not to exceed two
28 thousand five hundred dollars (\$2,000.00) or sentenced to six months in jail,
29 or both.
- 30

1 7. In addition or in lieu of any other sentence the Court may impose, the Court
2 may:

3 a. Order the defendant to participate in community service. If the court
4 does order community service participation, no such participation shall
5 occur at any humane society, animal shelter or other facility where an
6 animal is present.

7 b. Order the defendant to participate in an educational class taught by the
8 Animal Control Division regarding the humane treatment of animals.
9 All costs of the educational class shall be borne by the defendant.

10 c. Order the defendant to undergo a psychiatric, psychological or mental
11 health evaluation, and if warranted by the condition of the defendant,
12 shall order the defendant to undergo appropriate care or treatment.

13 d. Require a defendant to forfeit all legal interest of the defendant in the
14 animal subjected to the violation. The court shall award all such legal
15 interest to the animal to a humane society, Animal Shelter or other
16 organization that has as its principal purpose the humane treatment of
17 animals.

18 e. Prohibit the defendant from owning, fostering, or acting as a caretaker
19 to animals.

20 D. Courts may forfeit animals under this Section to the Navajo Nation.

21
22 1715. ENFORCEMENT AND PENALTIES

23 A. Animal Control Officers.

24 1. Animal Control Officers are limited-authority peace officers commissioned by
25 the President of the Navajo Nation or in accordance with Navajo Nation Peace
26 Officer Standards to enforce the provisions of this Chapter and other currently
27 and subsequently enacted animal control laws of the Navajo Nation relating to
28 dogs and cats.

29 2. Animal Control Officers have the authority to:
30

- a. Impound animals that are feral, at large, or considered dangerous by the Animal Control Officer.
- b. Issue citations for and conduct investigations of violations under this Chapter and other currently and subsequently enacted animal control laws of the Navajo Nation relating to dogs and cats.
- c. Humanely euthanize animals in accordance with the provisions of this Chapter.
- d. Secure warrants to investigate animal cruelty, including the authority to conduct searches and seizures of property.
- e. Secure evidence to support the animal cruelty allegation with appropriate chain of custody transfer of the evidence.
- f. File citations with the appropriate district court.

B. Representation of an animal control officer by Navajo Nation prosecutor.

The Navajo Nation prosecutor of the district wherein the dog or cat is seized shall represent the animal control officer and the interests of the Navajo Nation in proceedings under this Act.

C. Penalties.

1. Except for the penalties otherwise authorized in Sections 1712 and 1714, any person convicted of an infraction for violation of this Chapter shall be fined a minimum of \$50.00 not to exceed \$200.00.
2. Except for penalties otherwise authorized in Sections 1712 and 1714, any person convicted of a second infraction for violation of this Chapter occurring within one year of a prior infraction, shall be fined a minimum of \$100.00 not to exceed \$400.00.
3. Except for penalties otherwise authorized in Sections 1712 and 1714, any person convicted of a third infraction occurring within one year of two or more prior infractions, shall be fined a minimum of \$200.00 not to exceed \$800.00.

D. The District Courts of the Navajo Nation shall have original exclusive jurisdiction over Animal Control violations detailed in this Chapter.

1 *****

2
3 **SECTION FOUR. AMENDMENT TO TITLE 3**

4 The Navajo Nation amends the Title 3 as follows:

5
6 Title 3. Agriculture and Livestock
7 Chapter 7. Control and Inspection of Livestock
8 Subchapter 3. Inspection of Livestock

9 *****

10 § 1273. Cruelty of animal-extreme cruelty of animal~~;~~; molestation; neglect; abandonment;
11 animal fights; penalties, exception; forfeiture and restitution

12
13 A. Cruelty to livestock and equine animals prohibited:

- 14 1. Cruelty: It is unlawful for any person to willfully or maliciously kill, beat,
15 deprive or refuse adequate food and water to sustain normal body weight and
16 function, sexually abuse, torture, inflict physical injury, maim, poison,
17 disfigure or scald any livestock or equine animal, except that reasonable force
18 may be employed only to drive off and repel vicious or trespassing animals.
19 Cruelty also includes every act or omission, which causes or unreasonably
20 permits the continuation of unnecessary or unjustifiable pain and suffering.
- 21 2. Molesting Livestock or Equine Animals: It is unlawful for any person to tease,
22 annoy, disturb or molest any livestock or equine animal, which is on the
23 property of its owner, or under the control of its owner.
- 24 3. Neglect:
- 25 a. It is unlawful for any owner of livestock or equine ~~an~~ animal to fail
26 refuse, or neglect to provide said livestock or equine animal with
27 proper and adequate food and water to sustain normal body weight and
28 function. Any livestock or equine animal habitually kept outside shall
29 be provided, by its owner, with a structurally sound, enclosure large
30

1 enough to accommodate the livestock or equine animal in a manner
2 suitable for that species, or other shelter suitable to the species.

3 b. An owner must keep the premise where livestock or equine ~~an~~ animal
4 is kept free of garbage, hazardous materials, insect infestation, and
5 other debris that may endanger the livestock or equine animal's health
6 & safety.

7 c. An owner must provide an injured livestock or equine ~~an~~ animal or
8 sick livestock or equine animal with adequate veterinary care so as to
9 reduce, prevent or stop suffering.

10 4. Abandonment: It is unlawful for any person to abandon any livestock, or
11 equine, or animal within the Navajo Nation for more than twenty-four (24)
12 hours off the livestock owner's premises without provision for adequate food
13 and water to sustain normal body weight of function or control by another
14 person.

15 5. Animal Fights: It is unlawful for any person to promote stage, hold, manage,
16 conduct, participate in by any manner, or carry on any game, exhibition or
17 contest in which one or more livestock or equine animals are is engaged for
18 the purpose of injuring, killing, maiming or destroying themselves, or any
19 other animal.

20 B. This Section does not apply to:

- 21 1. The practice of veterinary medicine as provided in any applicable Navajo
22 Nation veterinary laws;
23 2. The treatment of livestock and other animals used on farms and ranches for
24 the production of food, fiber or other agricultural products, when the
25 treatment is in accordance with commonly accepted agricultural animal
26 husbandry practices; and
27 3. Use of commonly accepted rodeo practices, unless otherwise prohibited by
28 law.

29 C. Penalties:
30

1. Any person in violation of Subsection 1273(A)(1) Cruelty will be fined a minimum of five hundred dollars (\$500.00) not to exceed five thousand dollars (\$5,000.00) or sentenced to one year in jail or both.
2. Any person in violation of Subsection 1273(A)(2) Molesting Livestock and Equine Animals will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred dollars (\$2,500.00) or sentenced to six months in jail or both.
3. Any person in violation of Subsection 1273(A)(3) Neglect will be fined a minimum of two hundred and fifty dollars (\$250.00) not to exceed five thousand (\$5,000.00) or sentenced to six months in jail or both.
4. Any person in violation of Subsection 1273(A)(4) Abandonment will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred dollars (\$2,500.00) or sentenced to six months in jail or both.
5. Any person in violation of Subsection 1273(A)(5) Animal Fighting will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred (\$2,500.00) or sentenced to six months in jail or both.

D. Courts may also forfeit livestock or equine animals under this Section to the Navajo Nation. Section 1306 shall be applied for restitution purposes. Restitution shall be included but not limited to the following: transportation costs, salary, veterinary medical fees and general feed and care requirements of the forfeited livestock or equine animals.

§ 1361. [Reserved] ~~Dogs killing, injuring or chasing livestock or equine; liability of Owner; classification~~

~~A. If any person discovers a dog killing, wounding or chasing livestock or equine, or discovers a dog under circumstances which show conclusively that it has recently killed or chased livestock or equine, he/she may pursue and kill the dog.~~

1 ~~B. The owner of a dog is liable for all damages caused by the dog chasing, killing or~~
2 ~~wounding livestock or equine; provided that the livestock or equine is within an area of~~
3 ~~authorized use. In the case of a dog killing or wounding livestock or equine, the owner of~~
4 ~~the dog is liable for damages to the owner of the livestock or equine to three times (3x)~~
5 ~~the value of the livestock or equine killed or wounded including but not limited to~~
6 ~~veterinary expense and other fees associated with damages.~~

7 ~~C. No person shall keep any dog after it is known that dog is liable to kill or injure~~
8 ~~livestock, and it shall be the duty of the owner to kill, or have killed, the dog upon order~~
9 ~~of the Navajo Nation Animal Control Program after a finding that the dog has killed or~~
10 ~~injured livestock; provided, however, that it shall be the right of any owner of livestock~~
11 ~~so killed or injured by the actions of any dog or any person witnessing, such actions to~~
12 ~~kill such animal while it is upon property controlled by the owner of the livestock. If a~~
13 ~~dog is observed attacking livestock and wildlife (game animals), individuals authorized~~
14 ~~by the Director can take appropriate action to prevent these actions.~~

15 ~~D. An owner of a dog who recklessly allows or causes the dog to:~~

16 ~~1. Wound or kill livestock or equine owned by another person is guilty of an offense.~~

17 ~~2. Chase livestock or equine owned by another person, causing injury to the livestock or~~
18 ~~equine, is guilty of an offense.~~

19 ****

20
21 **SECTION FIVE. CODIFICATION**

22 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
23 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel
24 shall incorporate such amended provisions in the next codification of the Navajo Nation
25 Code.

26
27 **SECTION SIX. SAVINGS CLAUSE**

28 Should any provision of this Act be determined invalid by the Navajo Nation Supreme
29 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
30 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

1
2 **SECTION SEVEN. EFFECTIVE DATE**

3 Amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).
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White Paper Analysis of Law Enforcement Activities & Functions

Navajo Nation Animal Control Program

Glenda Davis, Program Manager

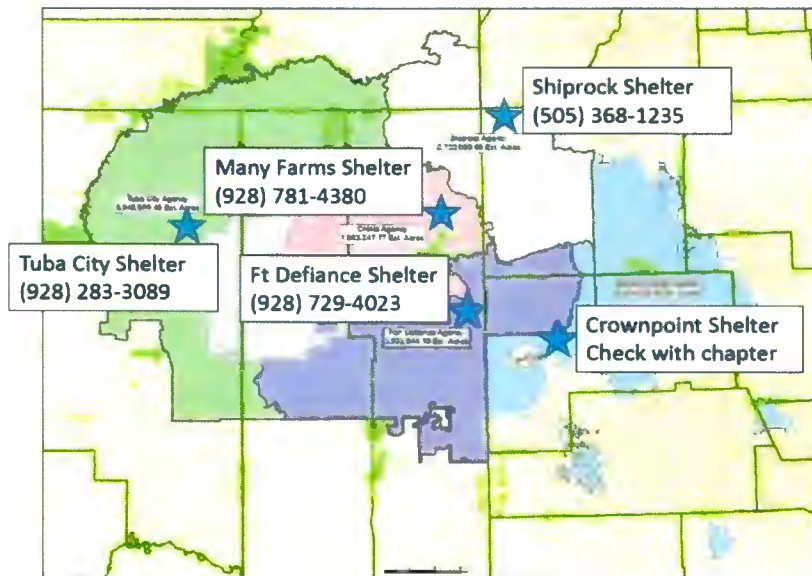
January 17, 2017



Navajo Nation Animal Control Program

PO Box 1480
Window Rock, AZ 86515

www.nndfw.org
Animal Control Program

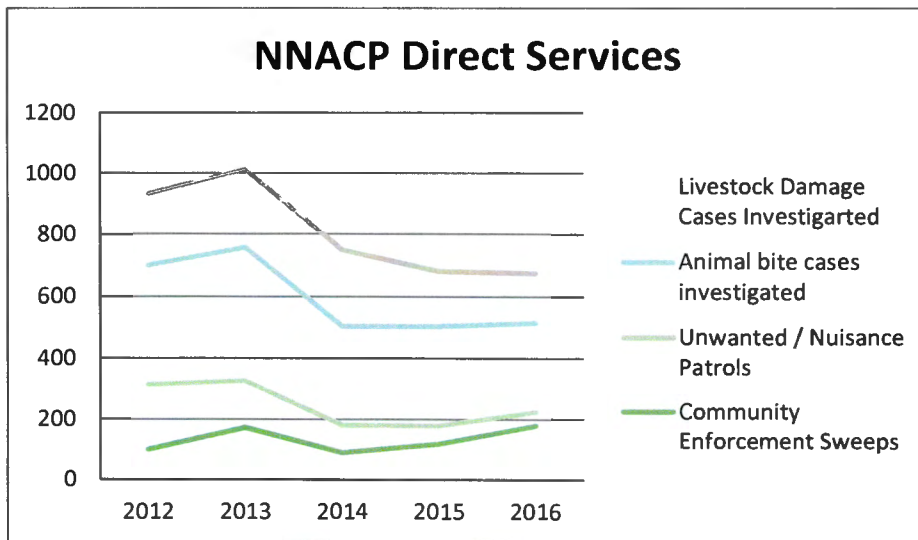


Introduction

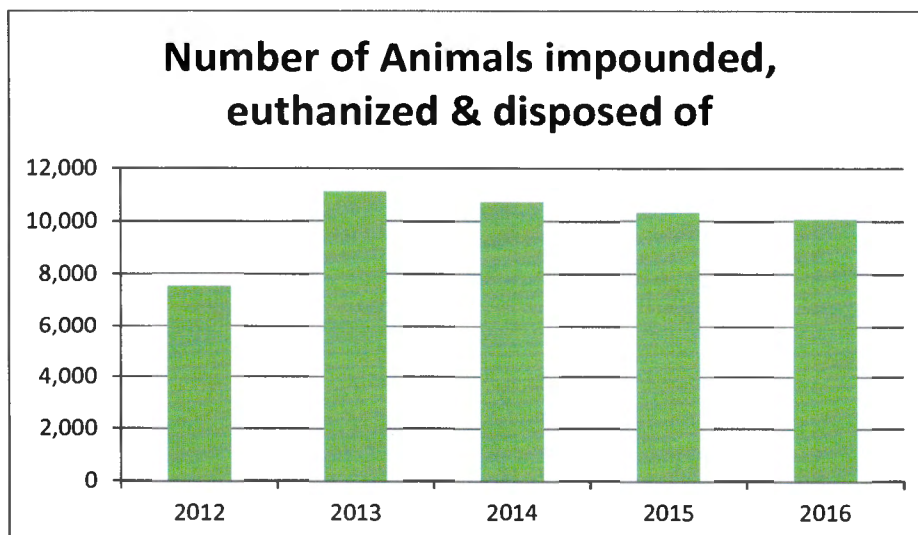
The purpose of the Animal Control Program is to enforce the animal control laws established by the Navajo Nation Council, to protect the health, safety and property of people and animals, address responsible pet ownership, over population, disease and neglect of animals through education, and in the spirit of cooperation, promote and foster spay and neuter clinics and animal adoption programs through the public, other agencies and organizations for the benefit of present and future generations. (Resolution: GSCD-87-02 NNACP Plan of Operation)

Problem Definition

The number of dog bites and livestock damage cases consumes 85% of our field officers' time. While our officers are addressing these investigations, the number of general traffic and service calls accumulate. The sheer volume of dogs running-at-large, the increase of vicious animals on school campuses and unwanted animal pick up requests is alarming within all Navajo Nation communities.

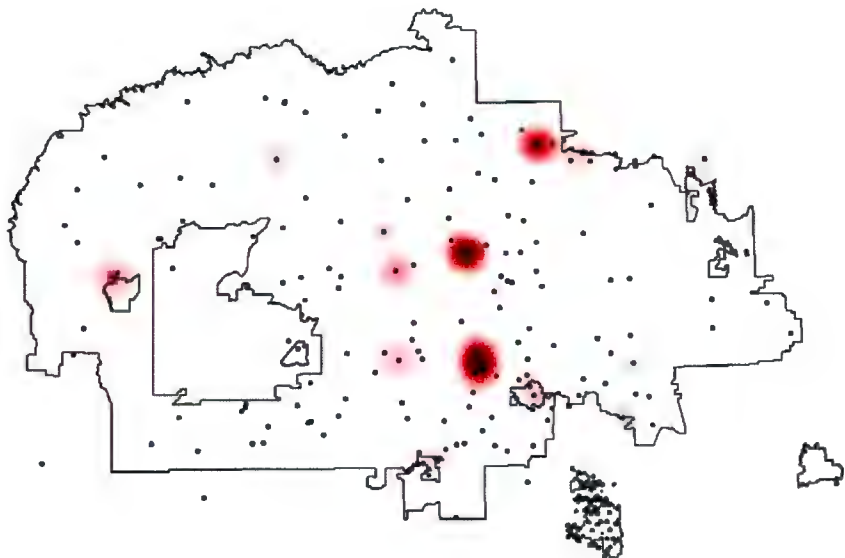


A Navajo Nation wide effort for Rocky Mountain Spotted Fever Prevention and the coordination of Navajo Nation Programs demonstrated an increase in direct services across all direct service avenues in 2013. The additional funding in 2013, made a remarkable difference in direct services and cases investigated. Whether this decreasing trend is due to a decrease in funding as a direct correlation or if the animal numbers are actually decreasing is difficult to measure after 2013.

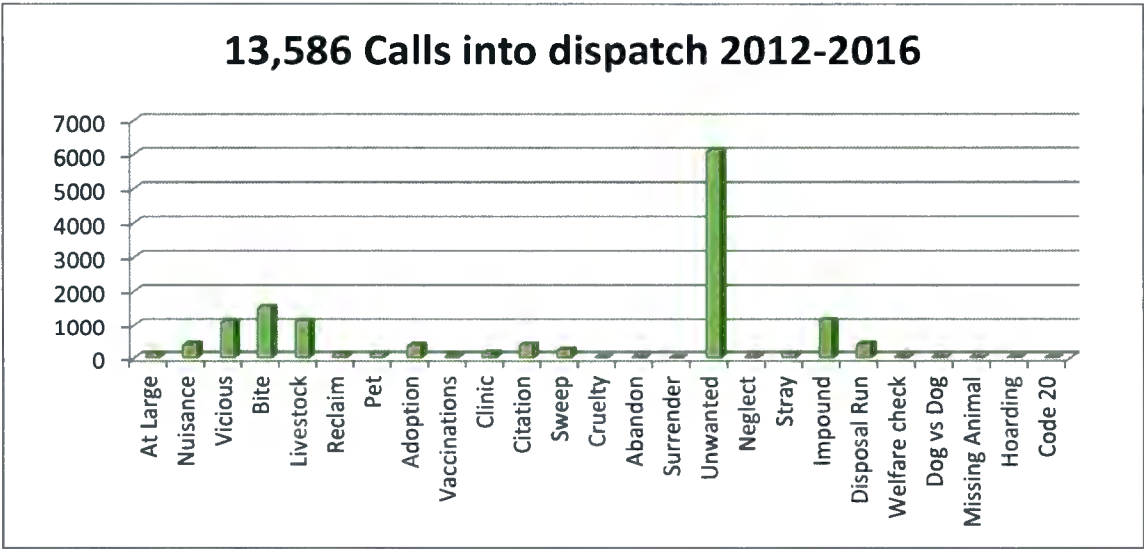


Given that on an annual basis, over 10,000 animals are impounded, euthanized and disposed of brings to question if we truly have any control of our animal population.

The Department of Fish & Wildlife has a single dedicated dispatch personnel for all law enforcement within the department. Communication directly to field officers is critical for the safety of the officers and the investigation of the violation in progress. The following is a summary of the data on the calls received between 2012-2016.



*Concentration of calls over Navajo Nation communities between 2012-2016 from dispatch data; Over 17,056 calls for all of Department of Fish & Wildlife – 65% related to Animal Control at 13,586



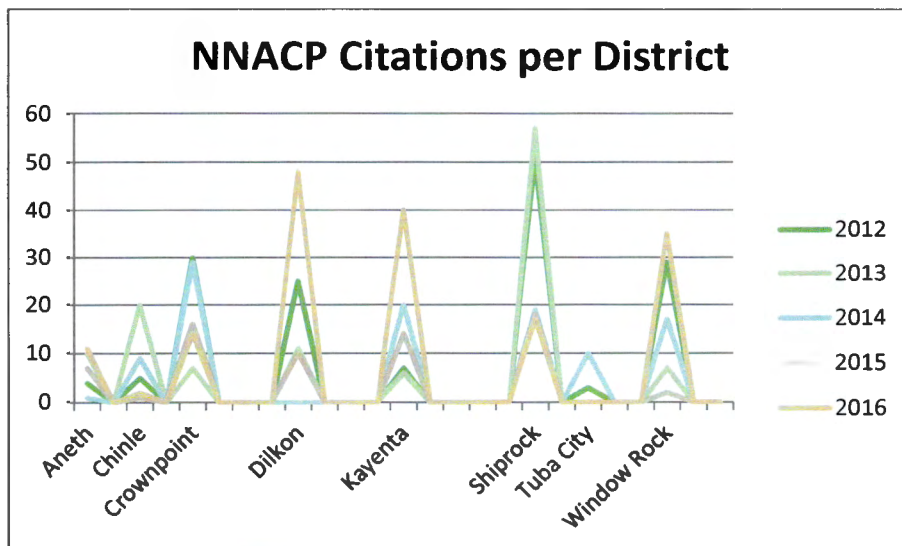
*Breakdown of calls – TOP FIVE: 6,078 Unwanted animals, 1,529 Bite cases, 1,135 Impounded animals, 1,118 Livestock Damage and 1,087 Vicious dogs.

Statistics per law enforcement district (Window Rock, Chinle, Dilkon, Tuba City, Kayenta, Shiprock, & Crownpoint)

The Navajo Animal Control Program reported that 1,024 citations were filed in Navajo Nation courts from 2014 – 2016. The Program began monitoring citations in 2014 therefore any previous data was not available for this report.

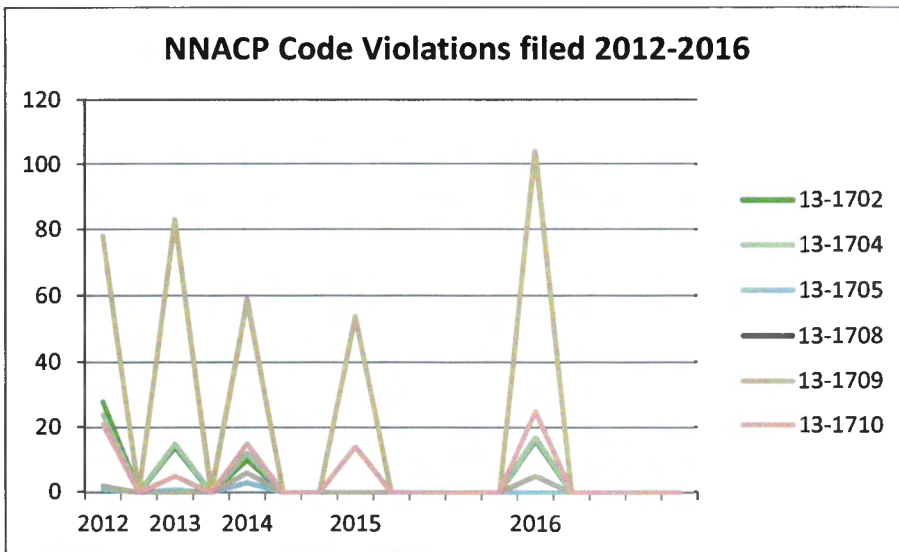
An official review of our citations was requested and compiled by Melanie A. Price. The report was received January 19, 2017. The following information is a summary of the data.

Over a five-year period between 2012 – 2016, six hundred twelve (612) citations were reported to be filed into the Navajo Courts. Comparing the Animal Control Program data between 2014-2016, the report from the Courts defines that 340 citations were filed whereas the Animal Control Program has reported that 1,024 citations were filed with the courts for the same timeframe.



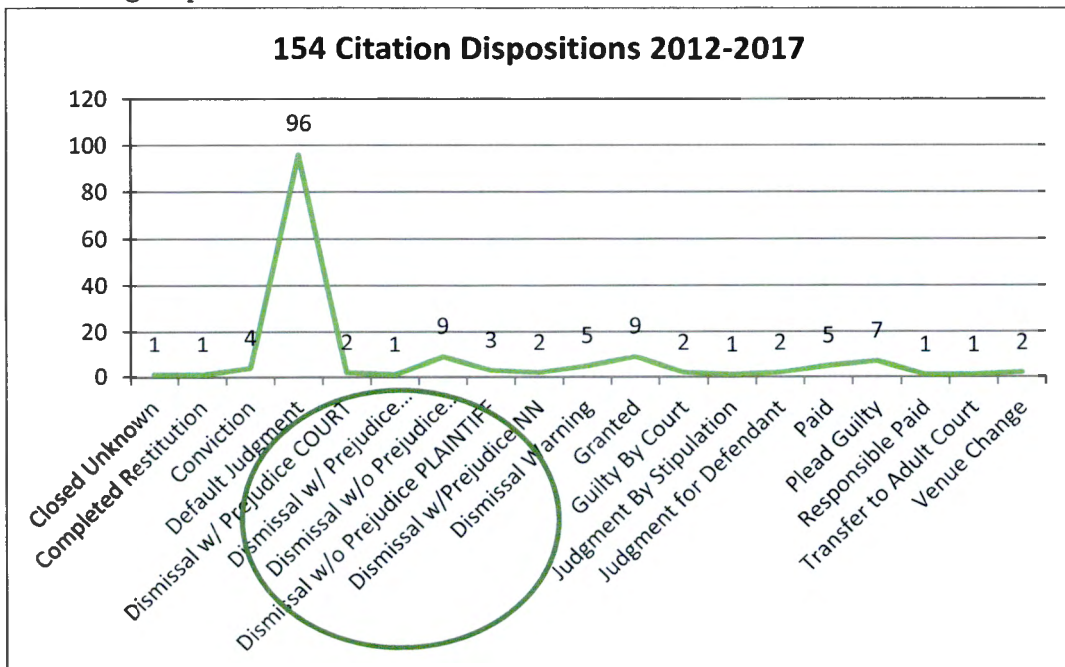
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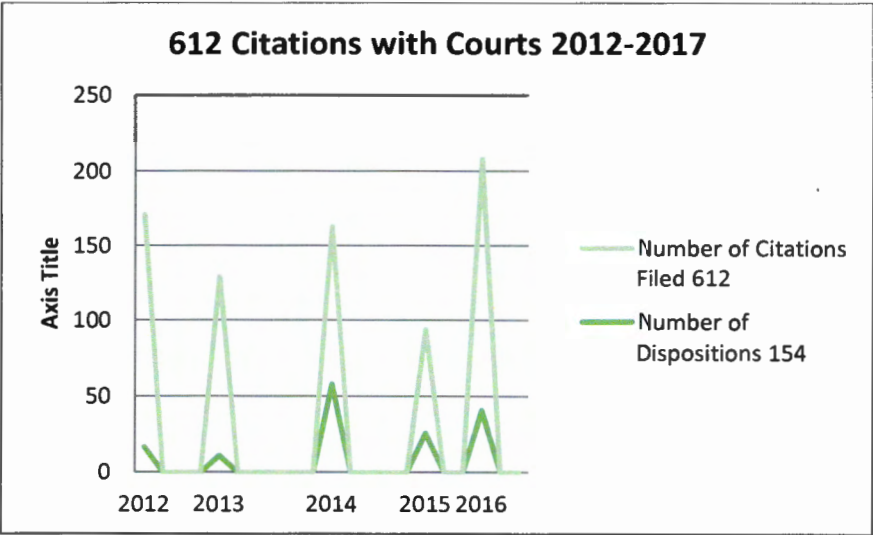


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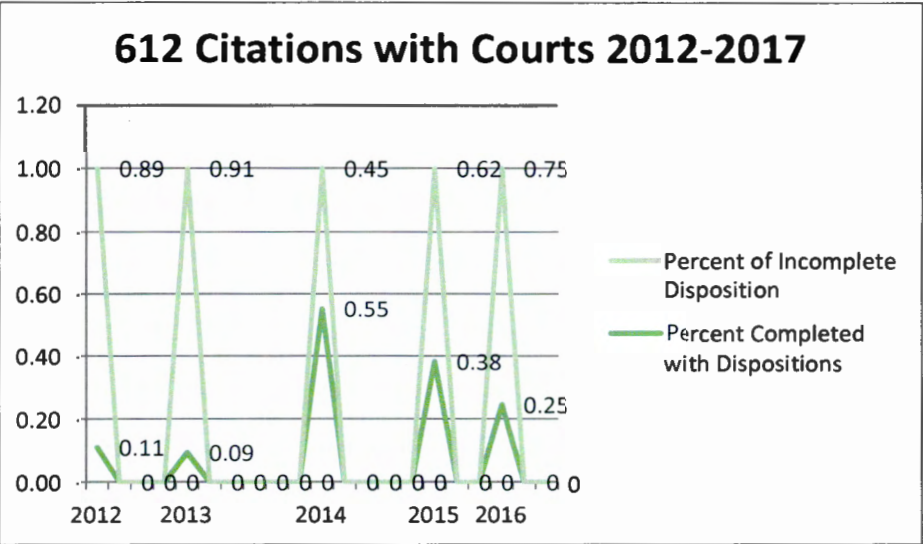
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Below are the percent of dispositions completed and percentage of pending citations presently with the courts between 2012-2016. The overall average of completed citations with disposition was 25% with 75% incomplete citations that still require dispositions. It was not revealed which districts have the specific disposition results as reported.



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After review of the data, a few specific areas need to be reaffirmed. The data submitted from the district courts, document that 612 citations were received but only 154 dispositions were completed, an estimate of only 25% of citations have dispositions. Of the 154 dispositions, 96 had default judgement with an additional 22 citations that were dismissed. The Animal Control Program is concerned that our citations are not taken serious within the courts, since only 25% have been processed with 460 filed citations pending within the courts since 2012.

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The personnel of the Animal Control Program expend over \$800,000 in financial resources to keep the Navajo public safe and control our animal numbers. We are seeking your support to recognize the issues and assist the program to prosecute cases in a timely manner.

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Call to Action – “Safety for the People & Animals”

Document No. 008274Date Issued: 06/28/2017**SECTION 164 REVIEW FORM**Title of Document: Amending T13 Chapter 9 Dog Cat Control Contact Name: DAVIS, GLENDAProgram/Division: DIVISION OF NATURAL RESOURCESEmail: gdavis@nndfw.org *Handwritten signature* Phone Number: 928.871.7066Division Director Approval for 164A: *Handwritten signature*

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input checked="" type="checkbox"/>	Statement of Policy or Positive Law:		Date:	Sufficient	Insufficient
	1. OAG: <i>VBlausthat</i>		<u>7/12/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)				
	1. OMB:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG:		Date:	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:				
	1. Division:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:				
	1. Division:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:				
	1. Division:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:				
	1. Division:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC:		Date:	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG:		Date:	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
07/11/17 @ 447p	
DATE / TIME	
<input checked="" type="checkbox"/> 7 Day Deadline	
DOC #:	008274
SAS #:	
UNIT:	Nm

☐ RESUBMITTAL

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: 7/11/2017		ENTITY/DIVISION: NAEP/PW/DNR	
CONTACT NAME: Glenda Davis		DEPARTMENT: Fish & Wildlife	
PHONE NUMBER: (928) 814-5248		E-MAIL: gdavis@wndfw.org	
TITLE OF DOCUMENT: Amending T13 Chapter 9 Dog & Cat Control			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 7.12.17 8am		REVIEWING ATTORNEY/ADVOCATE: Julia 7.21.17	
DATE/TIME OUT OF UNIT: 7.12.17 @ 12 PM TJ			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Glenda, Christine Schwamberger, and I drafted this together. JG			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Julia Guarino	7/12/17 9:30AM	V Blackbet	7/12/17 10:00AM
DOJ Secretary Called: Glenda Davis (voice message) for Document Pick Up on 7.18.17 at 1145 By: B			
PICKED UP BY: (PRINT)		DATE / TIME:	

COMPLETED



M E M O R A N D U M

TO : Office of the Attorney General

FROM : 
Glenda Davis, Program Manager
Navajo Animal Control Program

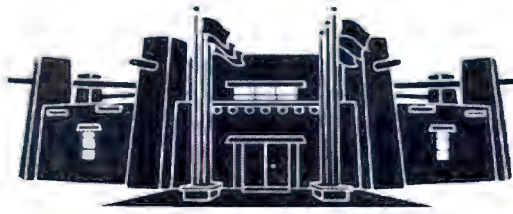
DATE : July 11, 2017

SUBJECT : Section 164 Review Form – Document No. 008274

The following document was reviewed by our Division Director, Ms. Bidtah Becker. Ms. Becker recommended some changes on pages 9 & 10. The older version is attached as Exhibit A. The clean version has been amended and is included.

Should you have any additional questions, I can be reached at (928) 871-7066. Thank you.

XC: Chrono
Fish and Wildlife Department



MEMORANDUM

TO: Hon. Jonathan Hale
23rd Navajo Nation Council

FROM: 
Levon Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 14, 2018

SUBJECT: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL: AMENDING TITLE 13 OF THE NAVAJO NATION CODE RELATING TO DOG AND CAT CONTROL AND TITLE 3 OF THE NAVAJO NATION CODE RELATING TO AGRICULTURE AND LIVESTOCK

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel confirms the appropriate standing committees' review based on the standing committees' powers outlined in 2 N.N.C. §§ 500, 600, 700 and 164. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

17-451-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0095-18_

SPONSOR: Jonathan L. Hale

TITLE: An Action Relating To Resources And Development, Law And Order, NAABIK'IYATI' Committees And The Navajo Nation Council; Amending Title 13 Of The Navajo Nation Code Relating To Dog And Cat Control And Title 3 The Navajo Nation Code Relating To Agriculture And Livestock

Date posted: March 14, 2018 at 6:01 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0095-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Resources And Development, Law And Order, NAABIK'IYATI' Committees And The Navajo Nation Council; Amending Title 13 Of The Navajo Nation Code Relating To Dog And Cat Control And Title 3 The Navajo Nation Code Relating To Agriculture And Livestock

Posted: March 14, 2018 at 6:01 PM

5 DAY Comment Period Ended: March 19, 2018

Digital Comments received:

Comments Supporting	<i>1. Glenda Davis, Program Manager, Navajo Nation Animal Control Program 2. Stacy Daw, Sr. Animal Control Officer, Navajo Nation Animal Control Program</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**

03-20-18 @ 6:10 AM

Date/Time

Legislation 0095-18

Glenda Davis <gdavis@nndfw.org>

Mon 3/19/2018 10:17 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Glenda Davis <gdavis@nndfw.org>;

1 attachment

White Paper Analysis of Law Enforcement Activities NNACP 011717 Final.pdf;

Ya'ta'eeh.

We are requesting your support to update our Navajo Nation codes regarding our dog and cat issues within our Nation. Our dog and cat control ordinance has not been amended over the last thirty-three years.

In 1984, the Navajo Nation Council established the Animal Control Program in response to three children that were hauled by dogs walking home from school. Despite the sincere efforts of the council leadership, the Navajo Nation Animal Control Program investigated two human fatalities due to dog hauling's. Four days after I was hired, a three year old boy lost his life when seven dogs owned by his relatives, attacked him. Six months later an adult male lost his life to a dog attack when visiting friends. Our dogs are killing our people. We have dogs roaming in every community on the Navajo Nation. Dogs are abandoned at businesses, highway junctions and food establishments. Children are being bitten at school by vicious dogs. We are in an URGENT state of the Navajo Nation.

Presently, we have six Animal Control Officers that patrol Ft Defiance Agency, Chinle Agency, Kayenta/Western Agency & Eastern Agency. Our officers work out of three functioning agency animal shelters in Ft. Defiance, Shiprock & Many Farms. The Tuba City and Crownpoint shelters were shut down due to safety and structural issues. Between the six officers, each covers over 45,000 miles of patrol a piece.

A recent review of the last five years, the Animal Control Program on an average euthanizes between 10,000 to 11,000 animal animals each year with an average save rate of **9%**. Since we have a limited number of Animal Control Officers, we have to prioritize our cases to bite cases, vicious animal issues, livestock damage then to address all other services requests including humane education to our people. Our animal control officers work long hours to address, the investigation of bites to people, vicious animals in communities, livestock damage due to packing dogs, excessive roaming dogs within communities, disease issues, and extreme parasitism in pets. Attached: White paper on the Animal Control Program provided at the 2017 NN Law Enforcement Summit.

Therefore the code amendments we seek to amend will strengthen our animal control enforcement to:

1. Re-enforce animal ownership through a collar with a visible animal license, microchip identification and vaccination against rabies and other diseases common to dogs and cats.
2. Specify the requirements of dog bite reporting and the mandatory requirement to quarantine dogs that inflict bites.
3. To reinstate the livestock damage section of the code back into the Animal Control Ordinance since we have so many dog-livestock conflicts throughout the reservation.
4. Assist Navajo residents to know what is a nuisance animal and the remedies available to decrease nuisance animals in communities.
5. To specify what is an animal running at large, the violation and what happens to the animal as well as the fines to the dog owner.
6. To help our communities be more safe, our code will not allow vicious dogs out of a premise. No vicious dogs are to be running-at-large in our communities to bite children, youth, adults or elderly.
7. Since we only have three shelters and they are small, we have defined the number of days to redeem pets to 72 hours for dogs that are collared or microchipped. Those animals without identification will be immediately euthanized or transferred to outside animal organizations for adoption off the reservation.
8. The Ordinance increases our safety provision for our officers, equipment and vehicles as the AC Program officers work.
9. It provides for a detailed section on dog-hybrid animals certification and confinement.
10. We added an animal cruelty section and other abuses that have greatly increased on the Navajo Nation. It includes penalties for each violation. We hope to decrease our human violence issues, since abusers usually start with abusing animals first. As well as the abandonment of boxes of puppies within our communities.
11. Define our enforcement and penalties of the Animal Control Ordinance.

Over a three year period 2013-2015, **933** dog bite out patient cases and **541** emergency room bite cases were treated within our Indian Health Service hospitals. These are the cases that sought out medical attention and does not include the near miss cases of people being chasing, scratched or frightened by a vicious dog(s). Our children will not play outside, ride their bikes or exercise in fear of roaming dogs within tribal communities. Children speak of carrying sticks when they play outside so that they can defend themselves against dogs. Our extreme diabetes numbers can only be compounded by individuals not wanting to walk, run or exercise because of dogs running at large.

Our six Animal Control Officers are running from one end of the Navajo Nation to the other to address priority cases (Bites, Livestock damage & Vicious dogs) This reactive process of work needs to change – We are seeking your support to strengthen our codes and assist the Program to bring the “pet control” responsibilities back to the animal owner. The Program needs to be able to be proactive....to address animal issues and the needs of the people to protect the health and safety in all communities. The Navajo Nation has, for too long, had roaming dog issues, extreme numbers of pets euthanized annually and a reactive response to address priority animal cases (Bites, Livestock Damage & Vicious Animals), we would like to strength our codes to support our animal control officers enforcement of the Navajo Nation Animal Control Ordinance.

We need to come together to address our extreme roaming dog and overpopulation issues within all communities of the Navajo Nation. **“It’s not an animal issue, It is a human issue.”** Should you have any additional questions, I can be reached at 928.871.7066. Thank you very much.

Glenda Davis, RVT, MBA

Program Manager

Navajo Nation Animal Control Program

PO Box 1480

Window Rock, AZ 86515

(928) 871-7066 FAX: (928) 871-7069

gdavis@nndfw.org

glendadavis@navajo-nsn.gov



White Paper Analysis of Law Enforcement Activities & Functions

Navajo Nation Animal Control Program

Glenda Davis, Program Manager

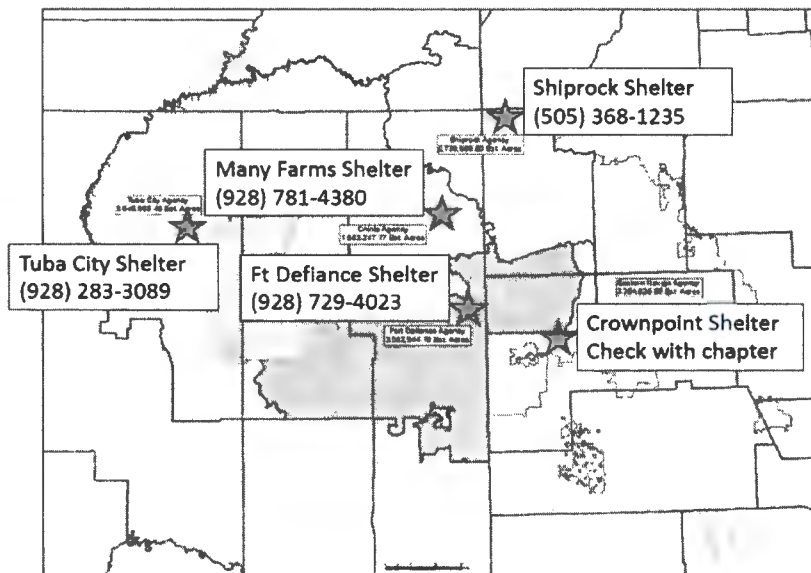
January 17, 2017



Navajo Nation Animal Control Program

PO Box 1480
Window Rock, AZ 86515

www.nndfw.org
Animal Control Program

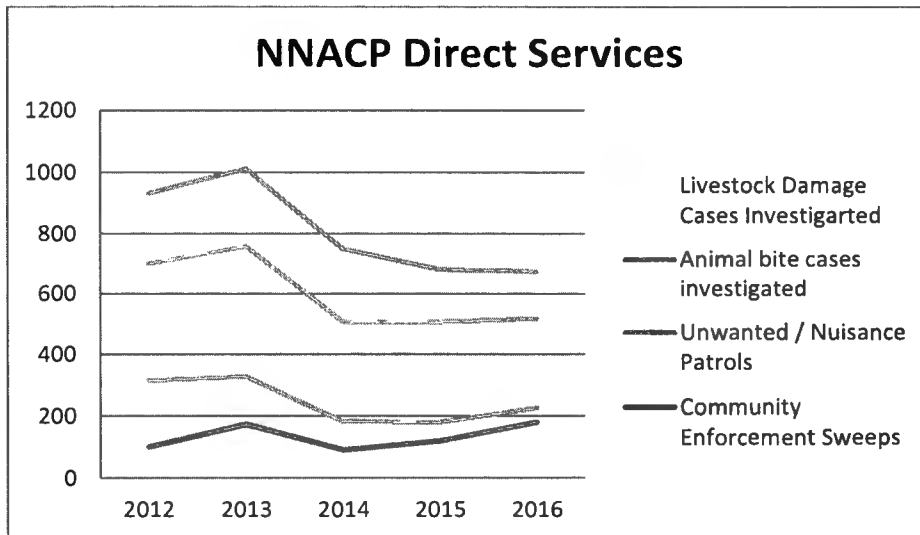


Introduction

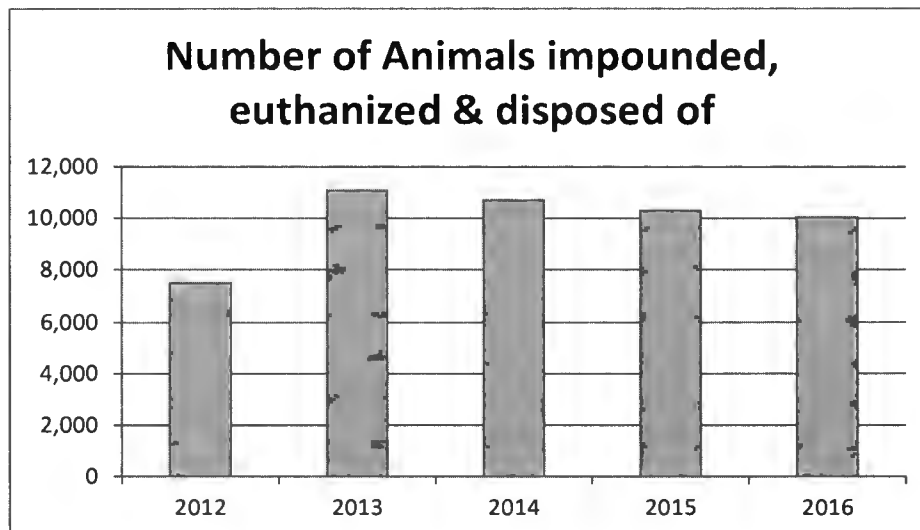
The purpose of the Animal Control Program is to enforce the animal control laws established by the Navajo Nation Council, to protect the health, safety and property of people and animals, address responsible pet ownership, over population, disease and neglect of animals through education, and in the spirit of cooperation, promote and foster spay and neuter clinics and animal adoption programs through the public, other agencies and organizations for the benefit of present and future generations. (Resolution: GSCD-87-02 NNACP Plan of Operation)

Problem Definition

The number of dog bites and livestock damage cases consumes 85% of our field officers' time. While our officers are addressing these investigations, the number of general traffic and service calls accumulate. The sheer volume of dogs running-at-large, the increase of vicious animals on school campuses and unwanted animal pick up requests is alarming within all Navajo Nation communities.

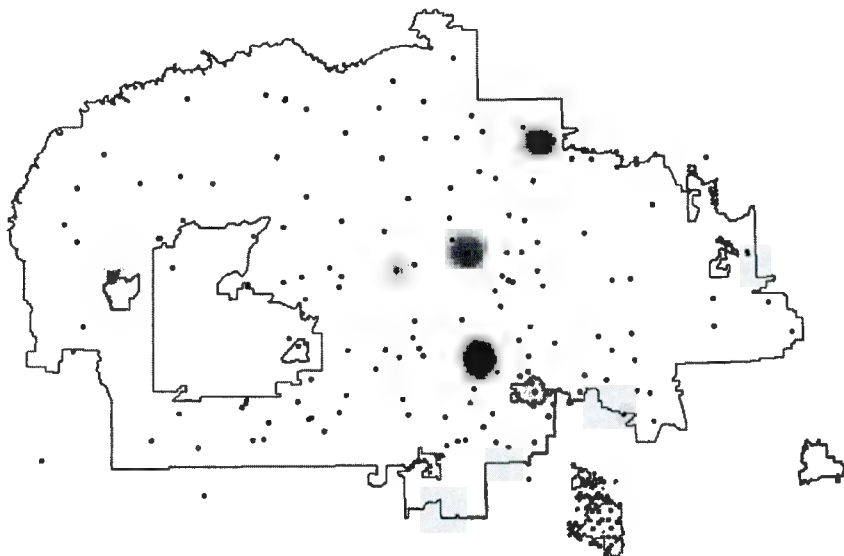


A Navajo Nation wide effort for Rocky Mountain Spotted Fever Prevention and the coordination of Navajo Nation Programs demonstrated an increase in direct services across all direct service avenues in 2013. The additional funding in 2013, made a remarkable difference in direct services and cases investigated. Whether this decreasing trend is due to a decrease in funding as a direct correlation or if the animal numbers are actually decreasing is difficult to measure after 2013.

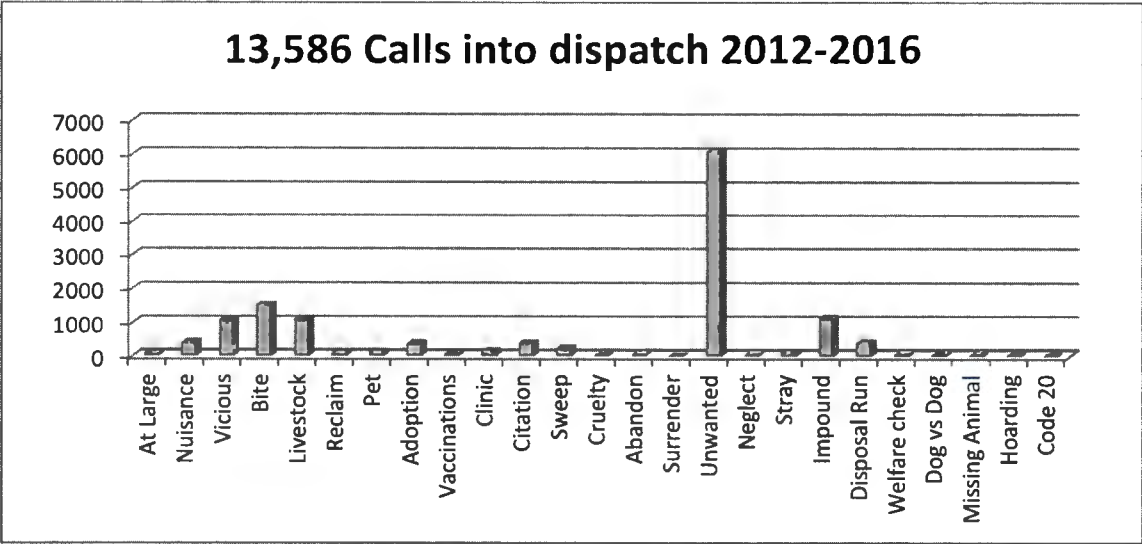


Given that on an annual basis, over 10,000 animals are impounded, euthanized and disposed of brings to question if we truly have any control of our animal population.

The Department of Fish & Wildlife has a single dedicated dispatch personnel for all law enforcement within the department. Communication directly to field officers is critical for the safety of the officers and the investigation of the violation in progress. The following is a summary of the data on the calls received between 2012-2016.



*Concentration of calls over Navajo Nation communities between 2012-2016 from dispatch data; Over 17,056 calls for all of Department of Fish & Wildlife – 65% related to Animal Control at 13,586



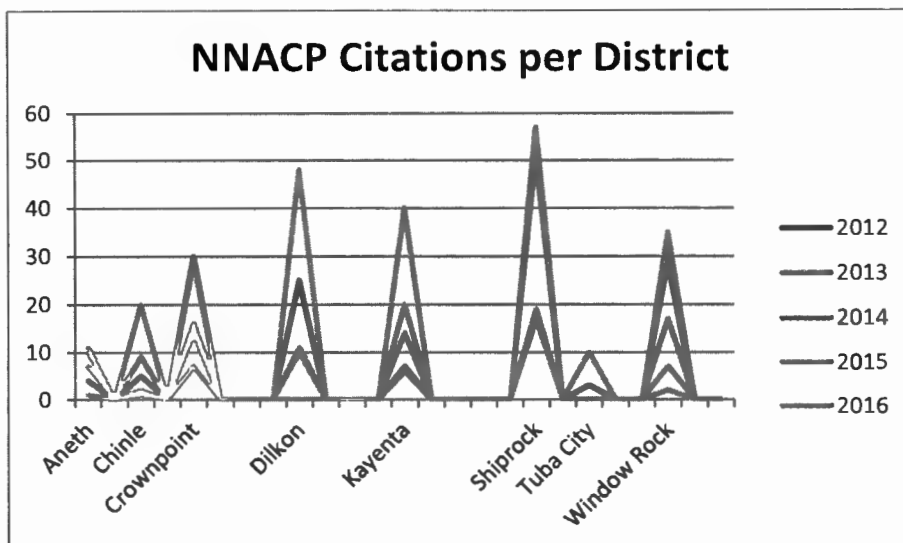
*Breakdown of calls – TOP FIVE: 6,078 Unwanted animals, 1,529 Bite cases, 1,135 Impounded animals, 1,118 Livestock Damage and 1,087 Vicious dogs.

Statistics per law enforcement district (Window Rock, Chinle, Dilkon, Tuba City, Kayenta, Shiprock, & Crownpoint)

The Navajo Animal Control Program reported that 1,024 citations were filed in Navajo Nation courts from 2014 – 2016. The Program began monitoring citations in 2014 therefore any previous data was not available for this report.

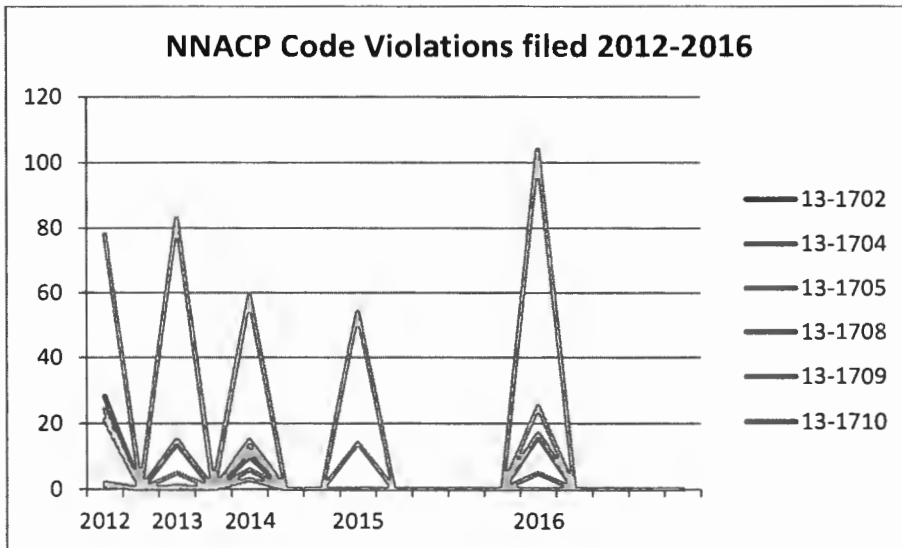
An official review of our citations was requested and compiled by Melanie A. Price. The report was received January 19, 2017. The following information is a summary of the data.

Over a five-year period between 2012 – 2016, six hundred twelve (612) citations were reported to be filed into the Navajo Courts. Comparing the Animal Control Program data between 2014-2016, the report from the Courts defines that 340 citations were filed whereas the Animal Control Program has reported that 1,024 citations were filed with the courts for the same timeframe.



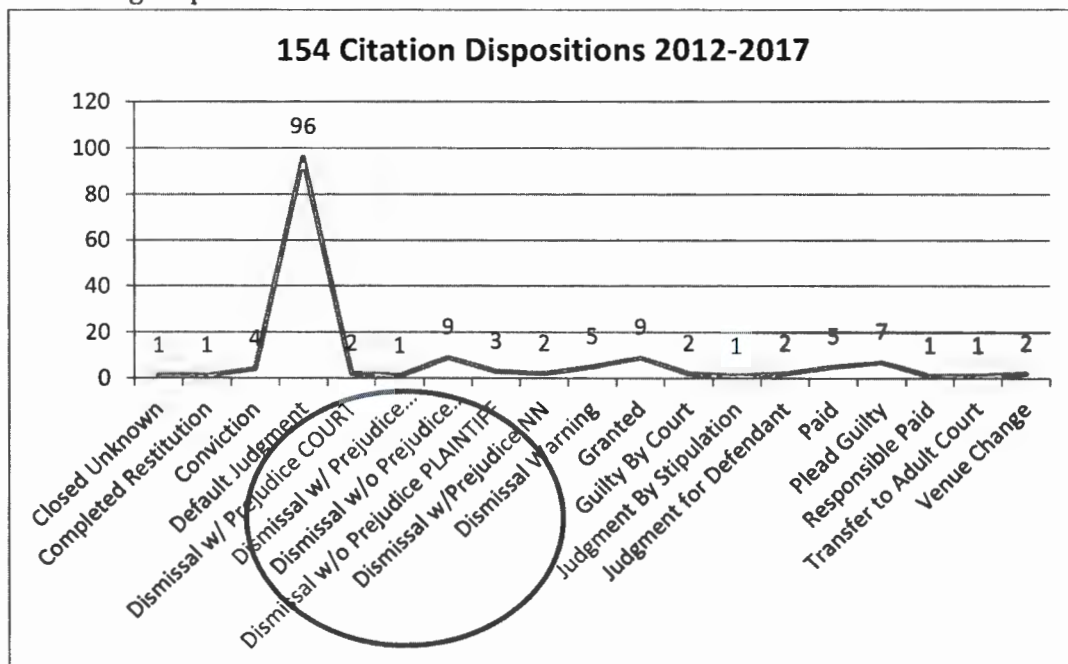
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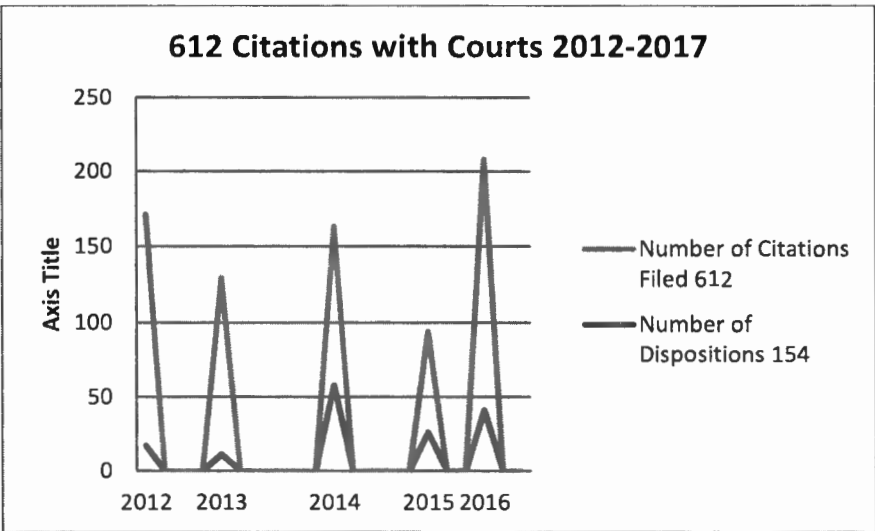


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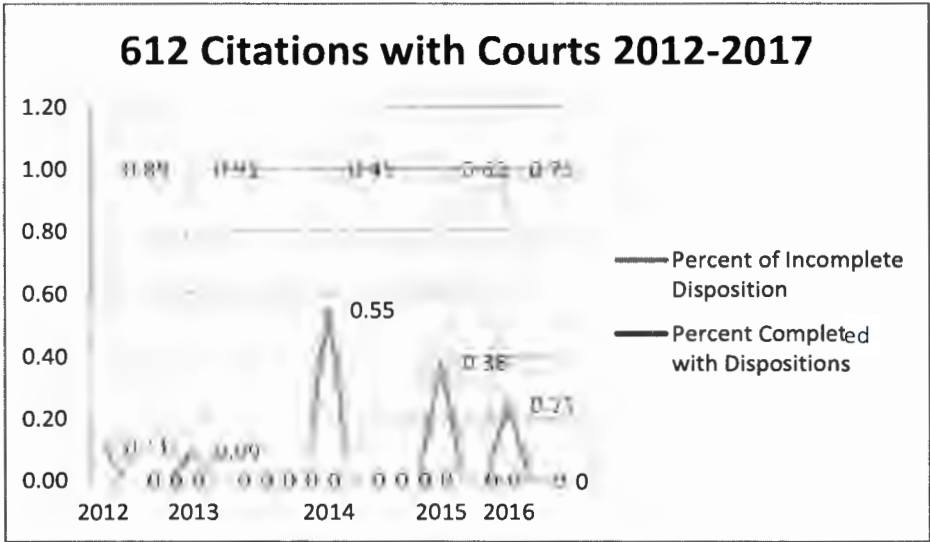
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Call to Action – “Safety for the People & Animals”

comment 2018

ACO NNAC <nnac_sd@yahoo.com>

Mon 3/19/2018 5:07 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

comment on Ordinance.docx;

THANK YOU!!

Stacey Daw
Senior Animal Control Officer
Navajo Nation Animal Control Program
Shiprock, New Mexico
(505) 368-1235 Shelter phone
(928) 871-6451 Dispatcher
nnac_sd@yahoo.com
Navajo Nation Department of Fish/Wildlife
P.O. Box 1480
Window Rock, Arizona 86515



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

TO : LEGISLATION NO: 0095-18
Window Rock, Arizona

FROM : STACEY DAW
Stacey Daw, Senior Animal Control Officer
Northern Agency
Navajo Nation Animal Control Program
Navajo Nation Department of Fish and Wildlife
Shiprock, New Mexico

DATE : March 19, 2018

SUBJECT : LEGISLATION NO: 0095-18 SPONSOR: Jonathan L. Hale TITLE: An Action Relating To Resources And Development, Law And Order, NAABIK'IYATI' Committees And The Navajo Nation Council; Amending Title 13 Of The Navajo Nation Code Relating To Dog And Cat Control And Title 3 The Navajo Nation Code Relating To Agriculture And Livestock

This is my comment:

I would like to First thank all the people involved in making History. This particular Ordinance was in the making for years. I, Stacey Daw, have been an Animal Control Officer for over 20 years and have seen the changes of our Navajo Nation Program as it evolved over the years from new staff to regulations to policies. A lot of history within the Animal Control Program which I'm happy to say that we, as a Navajo Nation, should be proud of our Program. Very unique for a tribe to continue in bringing NEW LAWS and Order to improve responsibility for Pet owners throughout the Navajo Nation.

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0095-18

SPONSOR: Honorable Jonathan L. Hale


TITLE: An Action Relating To Resources And Development, Law And Order, NAABIK'IYATI' Committees And The Navajo Nation Council; Amending Title 13 Of The Navajo Nation Code Relating To Dog And Cat Control And Title 3 The Navajo Nation Code Relating To Agriculture And Livestock

Posted: March 14, 2018 at 6:01 PM

5 DAY Comment Period Ended: March 19, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	1. Jennifer Henry, Attorney and Gertrude Lee, Chief Prosecutor, Office of the Prosecutor. Comments raise concerns regarding legislation.



**Legislative Secretary II
Office of Legislative Services**

4/11/2018 7:30am

Date/Time

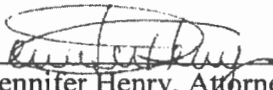


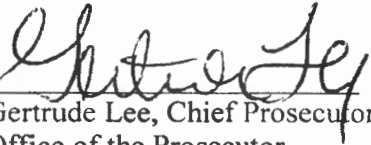
THE NAVAJO NATION

RUSSELL BEGAYE, President
JONATHAN NEZ, Vice President

To: Navajo Nation 23rd Council Delegates

From:


Jennifer Henry, Attorney


Gertrude Lee, Chief Prosecutor
Office of the Prosecutor

Date: April 3, 2018

Re: Proposed Navajo Nation Council Resolution, Tracking No. 0095-18
Animal Control Ordinance

The Office of the Prosecutor has reviewed the above-identified proposed resolution, which raises the following possible issues.

The proposed legislation amends two different parts of the Navajo Nation Code: 1) Title 13, Chapter 9 (currently Dog and Cat Control), and 2) Title 3, Chapter 7, Subchapter 3 (Inspection of Livestock).

1. Several provisions within the proposed legislation either create new criminal offenses or maintain current offenses as criminal. This has been a problem for a long time from a prosecution standpoint, as ideally all criminal offenses should be codified within the Navajo Nation Criminal Code in Title 17, rather than distributed throughout other Titles. Locating criminal offenses in Title 17 clarifies the Code for Prosecutors and all individuals subject to the criminal laws of the Navajo Nation. Likewise, locating all criminal offenses within Title 17 eliminates confusion about the Office of the Prosecutor's authority to file complaints and represent the Navajo Nation.

Specifically, see proposed 13 N.N.C. §§1712, 1714 and 3 N.N.C. §1273

2. Related to the above concern, several sections in the proposed legislation either create or maintain existing infractions (such as failure to obtain/display license; failure to obtain permit to open facility), and it's unclear whether these are intended to be civil infractions or criminal infractions. They lack any "sentence" or the possibility for incarceration, but do use the term "fine," which generally is reserved for criminal offenses. See, for example, 13 N.N.C.

§1703(E) (page 9) – failure to obtain a permit requires paying “a fine set by the Licensing Authority.” Similar examples are replete throughout the proposed legislation. It should be clarified whether these are civil infractions (like much of the traffic code, for example), or if they are intended to be criminal offenses to be prosecuted through the Office of the Prosecutor. Leaving the language as-is will cause much of the same problems that the traffic code has caused since its inception.

3. The proposed 13 N.N.C. §1712 (page 19) creates a set of criminal offenses for “interference with the Licensing Authority or Its Authorized Representatives.” These offenses seem to be a new category of offenses against persons, rather than offenses regarding or against animals, and these should be reviewed for inclusion in Title 17, either as-is or incorporated into existing sections of Title 17.
4. Title 13 N.N.C. §1715 (Enforcement and Penalties) Page 23. This raises several red flags for the Office of the Prosecutor, which may require more research and comment from the Division of Public Safety:
 - §1715(A) states that Animal Control Officers are “limited-authority peace officers commissioned by the President of the Navajo Nation or in accordance with Navajo Nation Peace Officer Standards” This provision may have consequences to other law enforcement divisions and several purported ramifications within the proposed legislation:
 - §1715(A)(2) Animal Control Officers have the authority to:
 -
 - d. “Secure warrants to investigate animal cruelty, including the authority to conduct searches and seizures of property.
 - e. Secure evidence to support the animal cruelty allegation with appropriate chain of custody transfer of the evidence
 - f. File citations with the appropriate district court.”

As worded, these provisions are going to cause problems for the Office of the Prosecutor. Animal Control Officers can’t seek search warrants directly, and I presume it means that Prosecutors will file the appropriate pleadings to get them, but this may need some re-working of the Rules of Criminal Procedure and Title 17 provisions. The same concerns are present with regard to Animal Control Officers securing evidence and filing the citations with the Court (see more details below).

- §1715(B): “The Navajo Nation prosecutor of the district wherein the dog or cat is seized shall represent the animal control officer and the interests of the Navajo Nation in proceedings under this Act.”
 - The Prosecutor does *not* represent the animal control officer. The Office of the Prosecutor has one client, the Navajo Nation. The Office of the Prosecutor does not provide legal representation to individuals, whether those individuals be police officers, rangers, criminal investigators, or any other person. When the Prosecutor files a criminal charge in court, it does so on behalf of its client, the Navajo Nation, with the officer being a witness to a crime. Requiring the Prosecutor to “represent” the animal control officer significantly alters the role of the Prosecutor.

- This poses all the same problems as the traffic code in terms of whether Courts will require the Office of the Prosecutor to appear in all civil animal citations (assuming that the offenses are clarified pursuant to ¶¶1 and 2 above).
- §1715(D) “The District Courts of the Navajo Nation shall have original exclusive jurisdiction over Animal Control violations detailed in this Chapter.” This is either totally unnecessary (7 N.N.C. §253(A)(2)) or, if for some reason it needs to expand 7 N.N.C. §253, it should be added there rather than here.

All in all, Office of the Prosecutor could summarize its concerns about the proposed legislation as two ideas:

1. The creation or maintenance of criminal offenses should really be within Title 17 to eliminate/prevent confusion to the public and reduce issues about prosecutorial discretion and the application of Navajo Nation criminal law and process to those sections; and
2. There are some real concerns about the authority of animal control officers and representation of their and/or the Navajo Nation’s interests by the Office of the Prosecutor.

I recommend that our office either make public comment regarding this proposed legislation or take other action through DOJ in response to the proposed legislation.

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

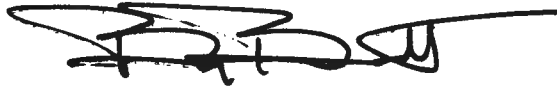
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0095-18: An Action Relating to Resources and Development, Law and Order, Naabik'Iyati Committees and the Navajo Nation Council; Amending Title 13, of the Navajo Nation Code Relating to Dog and Cat Control and Title 3 of the Navajo Nation Code Relating to Agriculture and Livestock. *Sponsor: Honorable Jonathan Hale; Co-Sponsor: Honorable Jonathan Perry*

Has had it under consideration and reports a DO PASS with no amendments

And thereafter referred the matter to Law and Order Committee.

Respectfully submitted,



Benjamin Bennett, Vice-Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: April 9, 2018 (Special Meeting)
Meeting Location: NDOT, Tse Bonito, NM

MAIN MOTION: Leonard H. Pete S: Walter Phelps V: 2-1-1 (VCNV)

ROLL CALL VOTE TALLY:

YEAS: Leonard H. Pete and Jonathan Perry

NAYS: Walter Phelps

NOT VOTING/EXCUSED: Alton Joe Shepherd and Davis Filfred

RESOURCES AND DEVELOPMENT COMIMTTEE
Special Meeting
April 9, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0095-18: An Action Relating to Resources and Development, Law and Order, Naabik'Iyati Committees and the Navajo Nation Council; Amending Title 13, of the Navajo Nation Code Relating to Dog and Cat Control and Title 3 of the Navajo Nation Code Relating to Agriculture and Livestock. *Sponsor: Honorable Jonathan Hale; Co-Sponsor: Honorable Jonathan Perry*

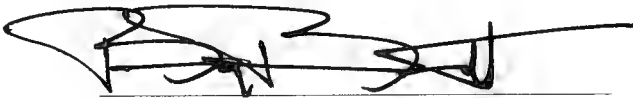
MAIN MOTION: Leonard H. Pete **S:** Walter Phelps **V:** 2-1-1 (VCNV)

ROLL CALL VOTE TALLY:

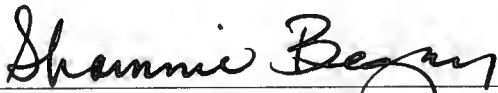
YEAS: Leonard H. Pete and Jonathan Perry

NAYS: Walter Phelps

NOT VOTING/EXCUSED: Alton Joe Shepherd and Davis Filfred



Benjamin Bennett, Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

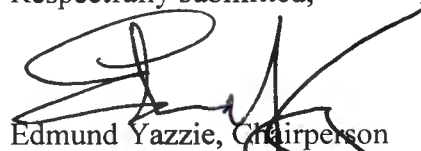
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0095-18: An Act Relating to Resources and Development, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council: Amending Title 13 of the Navajo Nation Code Relating to Dog and Cat Control and Title 3 of the Navajo Nation Code Relating to Agriculture and Livestock – Sponsors: Honorable Jonathan L. Hale/Honorable Jonathan Perry/Honorable Dwight Witherspoon

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendment

And thereafter referred the matter to Naabik'iyati' Committee

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: April 30, 2018

Main Motion: Herman M. Daniels
Second : Raymond Smith, Jr.
Vote : 2-0-1 (Chairperson not voting)

LAW AND ORDER COMMITTEE

Regular Meeting

April 9, 2018

ROLL CALL

VOTE TALLY SHEET:

Legislation No. 0095-18: An Act Relating to Resources and Development, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council: Amending Title 13 of the Navajo Nation Code Relating to Dog and Cat Control and Title 3 of the Navajo Nation Code Relating to Agriculture and Livestock – Sponsors: Honorable Jonathan L. Hale/Honorable Jonathan Perry/Honorable Dwight Witherspoon

ROLL CALL VOTE TALLY

Main Motion:

Motion: Herman M. Daniels

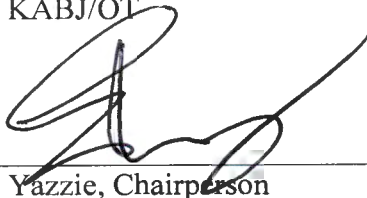
Second: Raymond Smith, Jr.

Vote: 2-0-1 (Chairperson not voting)

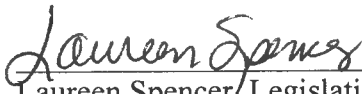
Yeas: RSJ/HMD

Nays:

Excuse: KABJ/OT



Edmund Yazzie, Chairperson
Law and Order Committee



Lauren Spencer, Legislative Advisor
Law and Order Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0095-18

An Act Relating to Resources and Development, Law and Order, Naabik'íyáti' Committees and the Navajo Nation Council; Amending Title 13 of the Navajo Nation Code Relating to Dog and Cat Control and Title 3 of the Navajo Nation Code Relating to Agriculture and Livestock

*Sponsored by: Honorable Jonathan L. Hale
Co-Sponsored by: Honorable Jonathan Perry
Co-Sponsored by: Honorable Dwight Witherspoon*

Has had it under consideration and reports the same **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

10 MAY 2018

MAIN MOTION:

*Motioned by: Honorable Jonathan L. Hale
Seconded by: Honorable Otto Tso*

Vote: 10 in Favor, 00 Opposed (Chairman Bates Not Voting)

Per N.N.C. § 700 (D), "A quorum of the committee shall be satisfied by the presence of two (2) members of each standing committee..."

NAVAJO NATION

RCS# 893

Naa'bik'iyati Committee

5/10/2018

06:25:41 PM

Amd# to Amd#

Legislation 0095-18

PASSED

MOT Hale

Amending Title 13 of the Navajo

SEC Tso

Nation Code Relating to Dog and

Cat Control and Title 3....

Yea : 10

Nay : 0

Excused : 2

Not Voting : 12

Yea : 10

Begay, K
Begay, NM
BeGaye, N

Bennett
Filfred
Hale

Jack
Tso

Tsosie
Witherspoon

Nay : 0

Excused : 2

Brown

Yazzie

Not Voting : 12

Bates
Begay, S
Chee

Crotty
Damon
Daniels

Perry
Pete
Phelps

Shepherd
Slim
Smith