

TITLE XXI
ENVIRONMENTAL CODE

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CHAPTER 1. SOLID WASTE

§21-1-1 Purpose

The purpose of this Chapter is to protect the health, safety and well-being of the members of the Tribe; to protect and preserve the resources and environment of the Mississippi Choctaw Indian Reservation; and to maintain the aesthetic appearance of the Mississippi Choctaw Indian Reservation.

§21-1-2 Applicability

This Chapter shall be liberally construed and applied to ensure its purpose as expressed above. Upon the effective date of this Chapter, it shall be unlawful for any person within the boundaries of the Mississippi Choctaw Indian Reservation to collect, store or dispose of solid waste unless it is in conformity with the provisions of this Chapter

§21-1-3 General Policy

The owner, agent, occupant, permittee or lessee of any residential site, agricultural site, commercial establishment or industrial entity shall be responsible for the sanitary condition of such site. No person shall place, deposit or allow to be placed or deposited on Tribal land any solid waste, except in the manner prescribed in this Chapter.

§21-1-4 Recycling Policy

It is the policy of the Tribe not only to ensure the proper disposal of solid waste, but to reduce the amount of solid waste generated by implementing source reduction and recycling initiatives.

§21-1-5 Conflict with Other Ordinances

This Chapter shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Chapter imposes a greater restriction upon the management of solid waste, the stricter standard shall apply.

§21-1-6 Other Wastes

The generation, storage, collection, transportation or disposal of wastes not defined as solid waste herein shall be governed by any applicable Tribal, federal or state laws and regulations.

§21-1-7 Definitions

- (1) "Agricultural Land" means land reserved for cultivation, pasture and related agricultural activities;
- (2) "Bulky Waste" means stoves, refrigerators, water heaters, washing machines, dryers, automobile parts, furniture, mattresses, carpets, scrap metal, fencing, yard or leaf waste and similar items;

- (3) “Commercial Establishment” means any structure, either public or private, fixed or mobile, that is adapted for the transaction of business; for rendering of services for amusement, recreation or for display; for the sale or storage of goods, wares or merchandise; for the performance of work or labor; commercial lodging or eating facilities; or all structures and premises used for business purposes;
- (4) “Construction Debris” means waste building materials resulting from construction, remodeling, repair or demolition operations;
- (5) “Disposal Facility” means landfill, transfer station or incineration plant which accepts municipal solid waste;
- (6) “Garbage” means all solid and semi-solid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, which shall include all substances from all public and private entities and from all residences;
- (7) “Hazardous Waste.” Any chemical compound, mixture, substance or article which is designated by the United States Environmental Protection Agency as requiring special handling to avoid illness or injury to persons or damage to property.
- (8) “Industrial Entity” means any structure, either public or private, that is adapted for the manufacturing, servicing, long-term storage, processing or shipping of products or materials;
- (9) “Inert Fill” means clean soil material, rocks, bricks and cured concrete which are not mixed with other solid wastes or liquor waste;
- (10) “Land Clearing Debris” means solid waste resulting from the clearing of land consisting solely of brush, stumps, soil material and rocks;
- (11) “Municipal Solid Waste” means solid waste emanating from normal domestic and commercial sources;
- (12) “Occupant” means the individual(s), firm, corporation or Tribal entity that has the use of or occupies any public or private building that may be residential, commercial or industrial;
- (13) “Open Dump” means unauthorized site where waste has been deposited;
- (14) “Premises” means a specified piece or tract of land including any structures that may be on it;
- (15) “Refuse” means nonputrescible solid wastes, such as paper, cardboard, tin cans, wood, glass, crockery, metal and similar materials;
- (16) “Residence” means any structure which is used for housing and living quarters; and
- (17) “Solid Waste” means useless, unwanted or discarded solid material including by way of example, and not be limited to, garbage, scrap materials, junk, refuse, inert fill material,

land clearing debris and yard waste, but which shall not include septic tank sludge or agricultural wastes.

§21-1-8 Temporary Storage

The owner or occupant of any residence, commercial establishment, industrial entity or other premises shall be responsible for the sanitary storage of all solid wastes accumulated on such premises.

Dumpsters may be supplied by the Tribal government for use at Tribal offices and by Tribal entities. No unauthorized use of any dumpster supplied by the Tribal government shall be permitted. Dumpsters provided by the owner or occupant of any residence, commercial establishment or industrial entity shall be the sole responsibility of the provider and user. The Choctaw Housing Authority shall publish regulations regarding the use of dumpsters for commercial establishments and industrial entities.

§21-1-9 Collection and Disposal

The owners and occupants of all residences, commercial enterprises, industrial entities and other premises are responsible for the pick up and disposal of solid waste from said premises.

The Tribe may elect to provide service for a fee to the owners and occupants of commercial enterprises and industrial entities. If not so provided or if not accepted, such commercial enterprises or industrial entities shall provide their own service which meets the requirements of this Chapter.

The Tribe shall provide collection and disposal services for residences. In order to provide this service in the most effective manner for each community, the Tribe may:

- (1) enter into agreements with solid waste collection contractors;
- (2) enter into agreements with county governments or other units of government for the collection, transportation and disposal of solid waste generated on the Mississippi Choctaw Indian Reservation; or
- (3) authorize the Choctaw Housing Authority to do any or all of the following:
 - (a) provide collection, transportation and disposal service directly;
 - (b) collect established fees for collection and disposal services rendered;
 - (c) issue regulations governing the storage, collection and disposal of solid waste generated by commercial establishments and industrial entities; and /or
 - (d) issue such other regulations as may be necessary for the proper and orderly collection, transportation and disposal of solid waste.

Solid waste shall be collected at sufficiently frequent intervals to prevent nuisances as determined by the Choctaw Housing Authority, but in no event shall collection occur less often than once a week.

The Choctaw Housing Authority shall publish regulations for the disposal of bulky waste, construction debris and land clearing debris.

§21-1-9 Preparation for Collection

Solid waste from residences shall be placed on the roadside on the designated collection day in enclosed plastic bags or in plastic bags in containers.

The Choctaw Housing Authority shall publish regulations regarding acceptable and unacceptable waste for roadside pick up.

The Choctaw Housing Authority shall publish regulations for the disposal of hazardous wastes which shall be approved by the Tribal Council.

All solid waste acceptable for pick-up shall be separated from hazardous waste and other unacceptable waste prior to roadside pick-up.

§21-1-10 Rates for Service

Rates for the collection, transportation and disposal of garbage and refuse from residences, commercial establishments, industrial entities, Tribal entities and other premises may be established by the Tribe.

§21-1-11 Accumulation of Garbage/Refuse

It shall be unlawful for any person, commercial establishment, industrial entity or Tribal entity to cause or permit the accumulation of any garbage, refuse or other solid waste upon its premises or on any other land on the Mississippi Choctaw Indian Reservation.

It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited any solid waste on any street, road or public lands, nor shall any person throw or deposit any solid waste in any stream or other body of water within the borders of the Mississippi Choctaw Indian Reservation.

§21-1-12 Method of Disposal

There shall be no disposal of solid waste on the Mississippi Choctaw Indian Reservation except at such places designated and approved by the Tribal Council.

It shall be a violation of this Chapter to burn garbage or other refuse, except that clean wood, yard waste and brush may be burned in a solid container such as a fifty-five (55) gallon drum.

§21-1-13 Illegal Dumping

Any unauthorized use of a dumpster shall be considered illegal dumping and a violation of this Chapter.

It shall be a violation of this Chapter for an individual to deposit any waste in any open dump site.

§21-1-14 Enforcement

The Choctaw Environmental Program shall be authorized to investigate and verify any reported violations of this Chapter.

§21-1-15 Sanctions

The Choctaw Housing Authority is hereby authorized by the Tribal Council to impose sanctions and penalties for non-payment of established fees, subject to approval by the Tribal Council. Such sanctions and penalties may include:

- (1) assessment of late charges and penalties based on a schedule adopted by regulation of the Choctaw Housing Authority; and
- (2) termination of water service.

§21-1-16 Criminal Penalties

Any violation of a provision of this Chapter shall be a Class C offense and violation of more than one provision may result in multiple charges.

§21-1-17 Civil Penalties

- (1) Any person found by the Choctaw Tribal Court to be violating any provisions of this Chapter or any rule or regulation or written order of the Choctaw Housing Authority shall be subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day upon which such violation occurs shall be deemed a separate and additional violation.
- (2) In lieu of or in addition to the penalty provided in subsection (1) of this section, the Choctaw Environmental Program shall have the power to institute and maintain in the name of the Mississippi Band of Choctaw Indians any and all proceedings necessary and appropriate to enforce the provisions of this Chapter and any rules and regulations in force pursuant thereto in the Choctaw Tribal Court. The Choctaw Environmental Program may obtain mandatory or prohibitory injunctive relief, either temporary or permanent.
- (3) Any person creating or responsible for creating an immediate necessity for remedial or clean-up action involving solid waste shall be liable for the cost of such remedial or clean-up action and the Choctaw Environmental Program may recover cost of same by civil action brought in Tribal Court. This penalty may be recovered in lieu of or in addition to the penalties provided in subsections (1) and (2) of this section.

CHAPTER 2. MISSISSIPPI CHOCTAW ANIMAL CONTROL CODE

§21-1-2 Purpose

The purpose of this Animal Control Code is to provide for the control of dogs; to protect the health, safety and welfare of the inhabitants of the Choctaw Indian Reservation; to protect the property and livestock of the inhabitants of the Choctaw Indian Reservation from damage or disease originating with animals.

§21-1-2 Definitions

- (1) “Animal” means any animal including dogs which may be affected by rabies.
- (2) “Animal Control Officer” means any individual employed, contracted with or appointed by the Tribe for the purpose of aiding in the enforcement of this Chapter.
- (3) “Animal Shelter” means any facility operated by the Tribe, other governmental agency or private entity for the purpose of housing and caring for animals held under the authority of this Chapter.
- (4) “Dangerous Dog” means any dog that constitutes a physical threat to human beings or other animals as determined by the Animal Control Officer.
- (5) “Dog” means any canine animal three (3) months of age or over.
- (6) “Dog Under Restraint” means any canine secured by a leash, chain, rope, tether or cable or trolley; securely and humanely confined within a vehicle, parked or in motion; caged or tethered in the open bed of a pickup truck; confined within a house, building, fence, crate, pen or other enclosure; or controlled by the voice command of a responsible person who is with the dog at all times.
- (7) “Licensed Veterinarians” means all veterinarians actively engaged in the practice of that profession in the state, who are duly registered and licensed as such by the state or Tribe, and who are authorized to vaccinate dogs and other animals against rabies and to execute certificates of vaccination.
- (8) “Owner” means any person possessing, harboring, keeping or having control or custody of any animal within the boundaries of the Choctaw Indian Reservation or if the animal is owned by a person under the age of eighteen (18), that person’s parent or guardian.
- (9) “Public Nuisance Dog” means any animal to which any of the following conditions apply:
 - (a) dogs that are off the premises of the owner and not under command of the owner;
 - (b) dogs that damage the property of anyone other than its owner;

- (c) dogs that are classified as dangerous dogs under §21-2-10;
 - (d) dogs that cause unsanitary conditions of enclosures or surroundings as determined by the Tribal Health Director;
 - (e) dogs that are diseased animals dangerous to human health;
 - (f) dogs that make prolonged and disturbing noises interfering with the peace of quietude of the neighboring property; or
 - (g) dogs that have been determined to be strays.
- (10) “Stray” means any unregistered and unattended dog off the premises of its owner.
- (11) “Tribe” means the Mississippi Band of Choctaw Indians.
- (12) “Tribal Health Director” means the Director of the Tribal Health Department or his designee.
- (13) “Unprovoked” means a victim has been conducting himself peacefully and lawfully, and is been bitten or chased in a menacing fashion or attacked by a dog.

§21-2-3 Animal Control Officers

- (1) Each Animal Control Officer shall have complete police and law enforcement power to enforce this chapter and the provisions of Tribal law, rules and regulations relating to animal control within the boundaries of the Choctaw Indian Reservation.
- (2) Each Animal Control Officer shall meet all training requirements established by the Tribal Chief.
- (3) By virtue of this chapter, each Animal Control Officer shall have authority to issue civil citations to persons engaged in activities that are violations of the provisions herein.

§21-2-4 Vaccination of Dogs

- (1) Required annually, every owner of any dog within the boundaries of the Choctaw Indian Reservation shall have such dog vaccinated against rabies by a licensed veterinarian of his choice. However, no dog need be vaccinated where:
 - (a) a licensed veterinarian has examined the dog and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration; and
 - (b) such exception certificate is presented to the Animal Control Officer within five (5) days of such examination. However, the dog shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated dogs must be confined to the owner’s property or a veterinary facility.

- (2) Upon vaccination, the veterinarian shall furnish the owner with a metal tag with the serial number of vaccination and the year in which the animal was inoculated stamped thereon. The veterinarian shall also issue a certificate of vaccination.
- (3) The owner of any dog shall see that the dog wears a collar and tag with the serial number of the vaccination and the year in which the dog was inoculated stamped thereon and shall see that the collar and tag are worn by the dog at all times.
- (4) Any owner found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-5 Registration of Dogs

- (1) Except for those exempted in this Chapter, every dog three (3) months of age or older shall be registered annually.
- (2) The Animal Control Officer shall issue a certificate of registration to the owner of each dog for which a valid certificate of vaccination has been presented.
- (3) Hunting dogs while engaged in a hunt; show dogs or dogs engaged in obedience or K-9 training, while under the command or presence of the owner, trainer or other responsible custodian directly related to the hunting, show or training activities, respectively, are exempt from wearing the vaccination tag, if tattooed. A dog having an identifying tattoo registered with the Animal Control Officer is also exempt from the requirement of wearing a vaccination tag.
- (4) The registration provisions of this article shall not apply to dogs used as part of entertainment acts when properly controlled; to dogs remaining on the Choctaw Indian Reservation for a period of less than thirty (30) days; or to purebreds kept, maintained or brought onto the Choctaw Indian Reservation for the purposes of training, provided however, that nothing in this section shall prohibit the demand for proof of vaccination done in another jurisdiction. Failure to provide said proof upon demand shall require said dog to be vaccinated under the provisions of this section.
- (5) Any owner who violates any provision of this subsection is subject to the penalties prescribed in §21-2-18.

§21-2-6 Rabies Control

- (1) It shall be the duty of the owner or of any person knowing of an animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within twelve (12) hours to the Animal Control Officer who shall then inform the Tribal Health Director forthwith.
- (2) Duties of Tribal Health Director and Animal Control Officer:
 - (a) the Tribal Health Director or Animal Control Officer shall enforce the applicable Tribal, federal, state statutes and the applicable rules of the Tribal Health Department;

- (b) whenever the Tribal Health Director or Animal Control Officer is informed that an animal has bitten or scratched a person or is suspected of having or showing suspicious symptoms of rabies or other infectious or contagious disease, the Animal Control Officer may capture such animal, alive, if possible, and quarantine it under observation for a period of at least ten (10) days from the date of bite or scratch;
- (c) the quarantine shall be in an animal shelter designated by the Tribe or at the owner's request and with approval of the Tribal Health Director or Animal Control Officer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the Tribal Health Director or Animal Control Officer. The owner shall bear the cost of the care, feeding and maintenance of a quarantined animal;
- (d) if a quarantined animal dies, the Tribal Health Director, the Animal Control Officer, the bite victim and the owner of the animal shall be notified by the operators of the quarantine facility and the head of the animal shall be forwarded to one of the state board of health laboratories for pathological examination;
- (e) in the event rabies exists in any given area to the extent that circumstances indicate necessity of quarantine and if such quarantine is ordered by the Tribal Chief, the following requirements shall be enforced by the Animal Control Officer in the area of quarantine:
 - (i) all dogs, vaccinated as well as unvaccinated, must be confined to their owner's premises and will be permitted to be away from the premises only when under proper restraint as defined in §21-2-2. Confinement to owner's premises may be by fence, cage or chain attached to a stake or animal run; or
 - (ii) all dogs found not under proper restraint are to be impounded. Dogs may be released to their owners or agents upon payment of impounding fees. No dogs will be released from the animal shelter except to owners or agents. Unvaccinated dogs which have been impounded will not be released to the owners or agents until said dogs have been vaccinated or until arrangements have been made with the animal control officer to vaccinate the dogs. Dogs will not be adopted during a quarantine period.
- (f) The owner of any dog vaccinated with an approved anti-rabies vaccine within the preceding twelve (12) months, except such dog exempted from the vaccination in §21-2-4(1)(a) after receiving approval of the Tribal Health Director or Animal Control Officer, may have such dog quarantined and confined in a place other than the places specified in subsection (2)(c) of this section. However, if at any time during the quarantine it is determined by the Tribal Health Director or Animal Control Officer that the quarantine is not properly maintained in order to ensure isolation of the dog, this exemption shall be void, and the dog shall be impounded at the owner's expense;
- (g) Quarantined animals may, with the Tribal Health Director's or Animal Control Officer's permission, be quarantined at or on the owner's property; and

- (h) any animal subject to quarantine shall not be vaccinated before the quarantine period has expired.
- (3) Any person found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-7 Restraint of Dogs While On Property of Owner

- (1) It shall be the duty of every owner of any dog to ensure that:
 - (a) the dog is kept under restraint;
 - (b) reasonable care and precautions are taken to prevent the dog from leaving, while unattended, the real property limits of its owner, possessor or custodian; and
 - (c) the dog is:
 - (i) securely and humanely confined within a house, building, fence, crate, pen or other enclosure;
 - (ii) humanely secured by chain, cable and trolley, rope or tether of sufficient strength to prevent escape; and
 - (iii) leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the dog at any time it is not secured as provided in subsection (1)(c)(i) or (ii) of this section. The voice command must be demonstrated as an effective restraint if requested.
- (2) In addition to the requirements in subsection (1) of this section, an owner who maintains any dangerous dog must ensure that such dangerous dog is humanely confined inside a pen or kennel of adequate size. The kennel or pen must have secure sides and a secure top attached to all sides and the sides must be either buried two (2) feet into the ground, sunk into a concrete pad or securely attached to a wire bottom. The gate to the kennel must be locked:
 - (a) the persons having the enforcement duty under this chapter may enter the premises where the vicious dog is kept for the purpose of inspection of the premises to ascertain whether such complies with the provisions of this chapter. Such inspection shall be made only after twenty-four (24) hours notice to the occupant of the premises.
- (3) Any owner in violation of this section is subject to the penalties prescribed in §21-2-18

§21-2-8 Restraint of Dogs While Off Property of Owner

- (1) It shall be the duty of the owner of any dog or anyone having a dog in his possession to keep the dog under restraint and control at all times while the dog is off the real property

limits of the owner, possessor or custodian. For the purpose of this section, a dog is deemed under control when it is:

- (a) securely confined within a vehicle, whether parked or in motion;
 - (b) caged or tethered in the open bed of a pickup truck; or
 - (c) the dog is:
 - (i) securely and humanely confined within a house, fence, crate, pen or other enclosure with the property owner's consent;
 - (ii) humanely secured by a chain, cable and trolley, rope or tether of sufficient strength to prevent escape with the permission of the owner of the property where the restraint is being used; or
 - (iii) leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time it is not secured as provided for subsection (1)(a), (b) or (c) of this section. The voice command must be demonstrated as an effective restraint if requested.
- (2) No person owning or harboring or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a dangerous dog shall not be required to be muzzled upon prior approval of the Animal Control Officer. Such dogs may not be leashed to inanimate objects, e.g. trees, buildings, etc., and the muzzle must be sufficient to prevent such dog from biting persons or other animals.
- (3) Any person found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-9 Impoundment

- (1) Dogs subject to impoundment:
- (a) any dog unrestrained in violation of §§21-2-7 or 21-2-8 or unregistered in violation of §21-2-5 may be impounded by the Animal Control Officer;
 - (b) any dog creating a public nuisance as defined in this article may be impounded by the Animal Control Officer, except that hunting dogs shall be exempt from the terms of subsections (a)-(f) of the definition of the term "Public Nuisance Dog" in §21-2-2(9) when engaged in a hunt or not under restraint as a result of a hunt during legally declared hunting seasons, as designated from year to year by the Tribal Council; or
 - (c) any dog or other animal, whether vaccinated or not, reasonably believed to have bitten any person, may be seized and impounded by the Animal Control Officer for such period of time as the Tribal Health Director may direct. The Tribal Health Director, having reasonable grounds to believe that a dog or other animal

has rabies or some other dangerous disease, may order the immediate extermination of such animal and such shall be immediately carried out by the Animal Control Officer or some other person in a humane manner.

- (2) Redemption of impounded:
 - (a) where a dog bears an indicium of ownership, the Animal Control Officer shall notify the owner or keeper of said dog by the most expedient means, i.e., telephone message, posted written notice or certified mail, return receipt requested, of the dog's impoundment. Said dog shall only be required to be confined for five (5) days from the date said certified mail return receipt is received by the Animal Control Officer. At the expiration of said five (5) days, if no owner has appeared to claim said dog, said dog shall be deemed unowned and may be disposed of as provided in subsection (3) of this section; or
 - (b) each day of the five (5) day period shall only occur on a day in which the impounding facility is open for normal operating activities.
- (3) Any unclaimed dog shall become the property of the Tribe and may be humanely destroyed, transferred to a humane society or placed in the custody of the same person deemed to be a responsible and suitable owner who will agree to comply with all the provisions of this chapter.
- (4) The five (5) day waiting period is waived for a dangerous dog, for any dog suffering from an infectious disease or for a severely ill dog.
- (5) Animal shelters shall charge impoundment fees plus fees for the animal's care, feeding and maintenance. These fees shall be established by recommendation by the Tribal Chief in cooperation with the animal shelters and approved by resolution of the Tribal Council.
- (6) The Tribe may construct and operate animal shelters or contract with organizations with such facilities to provide adequate impounding for the Choctaw Indian Reservation.

§21-2-10 Dangerous Dog Classification

- (1) Any dog that is the subject of a dangerous dog investigation, that is not impounded, shall be confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification.
- (2) No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings related to the determination of a dangerous dog classification.
- (3) After the investigation, the Animal Control Officer involved shall make an initial determination as to whether there is sufficient cause to classify a dog as dangerous. If the Animal Control Officer makes an initial determination that a dog should be classified as a dangerous dog, then the Animal Control Officer shall provide written notification of such to the owner of the dog, by registered mail, certified hand delivery or service in conformance with the statutory provisions relating to the service of process.

- (4) Once a dog is classified as a dangerous dog and the owner has been properly notified, the owner may file a written request for a hearing in Tribal Court to appeal the classification within ten (10) business days after receipt of the written determination of dangerous dog classification. The dog must remain confined in a securely fenced or enclosed area pending a resolution of the appeal.

§21-2-11 Warning Signs

- (1) All owners of any dog trained to attack or dangerous dog shall display in a prominent place on their premises and at each entrance or exit to the area where such dog is confined, a sign easily readable by the public using the words “Beware of Dog”.
- (2) Any owner found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-12 Female Dogs and Female Cats in Heat

- (1) The owner of female dogs or cats shall confine said animals when they are in heat in such a manner as to make said animals inaccessible to any male dog or cat, except for intentional breeding purposes.
- (2) Any owner who violates this provision, either willfully or through failure to exercise due care and control, is subject to the penalties prescribed in §21-2-18.

§21-2-13 Duty of Dog Owners to be Responsible Owners

- (1) It shall be the duty of every owner of any dog or anyone having any dog in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from his dog’s behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.
- (2) Dog owners may be subject to criminal penalties under the Cruelty to Animals Statute (§3-4-9).
- (3) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this chapter are complied with.
- (4) Any owner found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-14 Nuisance Dog

Any owner whose dog is determined to be a public nuisance is subject to the penalties prescribed in §21-2-18.

§21-2-15 Disposal of Live Animals

- (1) Live animals may not be disposed of to any school, college, university, person, firm, association, laboratory or corporation for experimentation or vivisection purposes, or to any person providing, selling or supplying dogs and other animals to any school, college, university, person, firm, association or corporation for experimentation or vivisection purposes.
- (2) Any person that disposes of the carcass of any dead dog shall do so in a manner consistent with applicable Tribal Health regulations.
- (3) Any person who violates any provision of this section is subject to the penalties prescribed in §21-2-18.

§21-2-16 Interference With Animal Control Officer or Animal Shelter Personnel

- (1) No person shall interfere with, hinder, resist or obstruct the Animal Control Officer or Animal Shelter Personnel in the lawful performance of their duties as set forth in this chapter.
- (2) No person shall, without proper authority, release, remove or attempt to release or remove any animal from the custody of the Animal Control Officer or Animal Shelter Personnel.
- (3) No person shall tear down, burn, deface, destroy or otherwise injure an animal shelter or enclosure.
- (4) Any person found in violation of this section is subject to the penalties prescribed in §21-2-18.

§21-2-17 Methods of Enforcement: Investigations

- (1) Procedures:
 - (a) an Animal Control Officer who has probable cause to believe that a person has committed an act in violation of this article shall do one or more of the following:
 - (i) issue a notice of violation to the person who is in violation of this Chapter. Such notice of violation shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within a specified period of time after the issuance of the notice. If the person shall fail to abate the offense, then the Animal Control Officer may issue a citation to the person; and/or
 - (ii) impound the animal involved. Such animal may be redeemed as provided in §21-2-9; and/or
 - (iii) issue a citation to the person who is in violation of this chapter.

- (2) Investigations:
 - (a) the Animal Control Officer may request the owners of an animal to exhibit the animal and, if applicable, the registration certificate of such animal; and
 - (b) it shall be the duty of the Animal Control Officer to keep the following records:
 - (i) accurate and detailed records of the registration, impoundment and disposition of all animals coming into his custody;
 - (ii) accurate and detailed records of all reported bite cases and investigations for a period of three (3) years;
 - (iii) accurate and detailed records on all money collected and expended in the operation of the functions of his office; and
 - (iv) accurate records of all rabies certificates.

§21-2-18 Penalty

- (1) Civil Penalties:
 - (a) a civil penalty may be imposed for any violation of this Chapter. A schedule of fines shall be approved by the Tribal Council;
 - (b) issuance of Civil Citation:
 - (i) an Animal Control Officer may issue civil citations to person engaged in activities prohibited under this Chapter.
 - (c) filing of Civil Action:
 - (i) within ten (10) days of the issuance of any citation under this Chapter, the Animal Control Officer shall cause to be filed in the Choctaw Court a civil complaint for damages against the violator in questions and seeking as damages payment of a civil fine.
 - (d) payment of Civil Fines:
 - (i) at any point prior to entry of judgment in a civil proceeding initiated under this Chapter, a violator may pay the civil fine sought by the Animal Control Officer. All fines collected under this Chapter shall be remitted to the Animal Control Program.